



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
April 17, 2024 AT 8:30 A.M.**

Board Members Present:

John I. Whitworth, III
Jeffrey Phipps, Sr.

James M. Alderman
Carrie P. Hill

Stephen Bedner

1. Call to Order

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

2. Pledge of Allegiance

Mr. Alderman led the Pledge of Allegiance.

3. Agenda Revisions – Tommy Strowd, Executive Director

Mr. Strowd announced that Agenda Item #7 has been deleted.

4. Abstentions by Board Members from Items on the Agenda

There were no abstentions.

5. General Public Comment (limited to 5 minutes)

There was no general public comment.

6. 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

7. **Denial of Palm Beach County Traffic Division's permit modification application to request nine (9) signal pull boxes to remain within the L-13 Canal right-of-way. Location: North side of 6th Avenue, east of Congress Avenue at the entrance to Palm Beach State College (Project #RW-24-0027) – Nicole Smith, Permit Supervisor - **ITEM DELETED****
8. **Approval to issue a right-of-way permit to Toll Brothers, Inc. for the installation of two (2) temporary monitoring wells within the L-40 Canal right-of-way as required by Florida Department of Environmental Protection. Location: Northwest quad of SR-7 and Clint Moore Road (Project #RW-24-0034) – Nicole Smith, Permit Supervisor**

Ms. Smith stated that Toll Brothers, Inc. is acquiring property situated at 9845-9905 Clint Moore Road, positioned on the east side of the E-1 Canal and the north side of the L-40 Canal. The Florida Department of Environmental Protection (FDEP) requested the company to install and sample shallow groundwater monitoring wells within the L-40 Canal right-of-way. Ms. Smith stated that samples will be collected as per FDEP regulations and when monitoring is concluded, the wells will be removed/abandoned, and the right-of-way will be restored. Additionally, the monitoring wells will not obstruct the LWDD access or maintenance operations. Ms. Smith shared an exhibit of the monitoring wells being installed.

Staff recommended approval to issue a Right-of-Way Permit to Toll Brothers, Inc. for the installation of two (2) Temporary Monitoring Wells within the L-40 Canal Right-of-way. Subject to the submission of a Certificate of Liability Insurance with the LWDD listed as "Additional Insured," LWDD Operating Policies and Permit Conditions, and permit fees totaling \$2,900.00 (Application fee of \$580.00 per well, and Use Fee of \$870.00 per well).

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

9. **Approval of Addendum to the Interlocal Agreement between LWDD and the City of Greenacres agreeing to convey additional right-of-way west of Chickasaw Circle for the extension of Chickasaw Road and piping of the L-11 Canal. Location: L-11 Canal; Chickasaw Circle westward for ~430' (Project #RW-21-0288) – Nicole Smith, Permit Supervisor**

Ms. Smith stated that LWDD owns and operates the L-11 Canal, which includes fee simple ownership of the north 30' of the L-11 Canal. She noted that the North 30' of the L-11 Canal right-of-way within Phase I of the Chickasaw Road project has been quit-claimed from LWDD to the City, as recorded in the Official Records Book 3492, Page 1930. Ms. Smith explained that Chickasaw Road, a substandard existing paved road, extends west from Jog Road along the north portion of the L-11 Canal, covering a distance of approximately one-quarter (1/4) mile. This road was initially

constructed in 1978 to facilitate access to the Chickasaw Manor Subdivision, which is situated within the municipal boundaries of the City of Greenacres.

Ms. Smith provided background regarding Chickasaw Road stating that in 2006, the parcel at the west end of Chickasaw Road was under development, and the County conditioned the developer to provide required roadway improvements for both the road and the canal. In September 2006, the LWDD Board approved deeding the roadway area to Palm Beach County at no fee, with the developer required to reconstruct the roadway, subject to District approval of plans. It was acknowledged by LWDD that road improvements might necessitate changes to the canal cross-section. However, the site was never developed, and consequently, the roadway improvements were not completed. As a result, the County no longer provides courtesy maintenance of the roadway since it is not the underlying owner. To address the issues between Chickasaw Road and the L-11 Canal, on September 16, 2020, the LWDD Board of Supervisors approved LWDD entering into an Interlocal Agreement with the City of Greenacres. Subsequently, on February 1, 2021, LWDD and the City executed the Interlocal Agreement. On March 15, 2024, LWDD issued the Right-of-Way Permit and conveyed a portion of the L-11 Canal Right-of-Way to the City as outlined in the agreement.

Ms. Smith further stated that the City of Greenacres has annexed the subject area and now assumes responsibility for the roadway. LWDD has consequently issued the right-of-way permit to the City of Greenacres for the design of road improvements and to undertake the construction of the roadway enhancements, aiming to ensure the safe and efficient flow of traffic. Throughout the development of the City's design for the road improvements to Chickasaw Road, LWDD has coordinated closely with the City. This collaborative effort includes plans to pipe the L-11 Canal to maintain functional drainage. Maintenance of the roadway will now fall under the jurisdiction of the City of Greenacres. Additionally, the City of Greenacres is requesting an Addendum to the existing Interlocal Agreement to extend the limits of their project westward by approximately 305 feet.

Staff recommended approval of the Addendum to the existing Interlocal Agreement between LWDD and the City of Greenacres, authorizing staff to issue a Quit-Claim Deed for the north 30' of the L-11 Canal Right-of-Way west of Chickasaw Circle, while retaining an Access and Maintenance Easement to LWDD over said 30'. This recommendation is subject to several conditions, including the City of Greenacres being responsible for the maintenance of the pipe and the maintenance of the L-11 Canal Right-of-Way between the west right-of-way of Jog Road, as indicated on the Plat of JOG and CHICKASAW, PB 126, PG 6, extending westward to the southerly extension of the east line of the Plat of POINCIANA PLACE PHASE II-A, PB 35, PG 54.

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

- 10. Approval of updated fair market appraised value for the sale of E-3½-2 Canal right-of-way adjacent to the SFRTA Tri-Rail station at Yamato Road and I-95 (Project #RI-18-0108) – Reagan Walker, Assistant Executive Director**

Ms. Walker provided background information on the developments concerning the Boca Raton site at Yamato Road, which is part of the South Florida Regional Transportation Authority's (SFRTA) Tri-Rail project. In December 2020, SFRTA solicited a Request for Proposals for the development of several Tri-Rail sites, including the Boca Raton location. Subsequently, in early 2022, the SFRTA Board selected 13th Floor as the preferred proposal, pending negotiations. The proposed lease terms include a 90-year lease agreement with an annual rent of approximately \$500,000, subject to annual escalations and market rent resets based on average market value. In furtherance of their development plans, 13th Floor contacted LWDD to request the purchase of 90,582 square feet (approximately 2.0 acres) of LWDD right-of-way adjacent to the site. They proposed incorporating this right-of-way into the overall site footprint and utilizing associated development units on the property. In May 2022, the LWDD Board agreed to sell its fee simple right-of-way, subject to an exclusive easement, for the appraised value of \$40 per square foot, totaling \$1.7 million per acre.

Ms. Walker shared that a previous SFRTA appraisal, accepted by the Board in April 2022, valued the property at \$40 per square foot, amounting to \$1.74 million per acre. An updated appraisal, required by LWDD policy, was conducted by Anderson Carr in March 2024. The market value for the 2-acre site was appraised at \$4,186,000 million, based on 87,120 square feet priced at \$48.05 per square foot, equivalent to \$2,093,000 per acre.

Ms. Walker highlighted that SFRTA will not be purchasing the entire 2-acre site; instead, they will be acquiring an estimated 0.65 acres with an option to purchase additional land, up to the full 2 acres, if needed for development.

Staff recommended approval to sell up to 2 acres of E-3½-2 Canal Right-of-Way adjacent to the Yamato Road Tri-Rail Station to SFRTA, the adjacent property owner, for the fair market appraised value of \$48.05 per square foot or \$2,093,000 per acre. Approval is subject to: an exclusive easement to LWD over the property; permitting policies for the existing piping agreement issued to SFRTA in October 2004, covering approximately 750 feet.

Ms. Hill raised a question regarding the timeframe allocated for exercising the option to purchase the remaining land. Ms. Walker indicated they can exercise the option until the November 1, 2024 closing date.

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

11. Approval of the revised Employee Handbook and Parental Leave Policy – Melissa Skora, Human Resources Administrator

Ms. Skora presented proposed revisions to the LWDD Employee Handbook including the addition of a Maternity & Parental Leave Policy and an additional paid personal holiday, consistent with current state and county benefits. A copy of the revisions made to the Employee Handbook is attached hereto as part of the meeting record.

Staff recommended approval of the revised Employee Handbook and Parental Leave Policy.

Vice President Alderman stated he was not in support of the additional benefits and commented about the disparity between private business and government benefits.

A motion was made by Vice President Hill to approve staff recommendation, seconded by Supervisor Phipps. The motion passed with a vote of 4-1 with a dissenting vote from Sr. Vice President Alderman

STAFF REPORTS

12. Canal Rehabilitation 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 172.2 miles of vegetation on its canal rights-of-way: LWDD – 85.4 miles; contractor – 80.8 miles; developer – 6.0 miles. There are 0.95 miles remaining of 173.1 miles; 10.5 miles have been completed within the past 12 months. The project is 99% complete.

13. Executive Director’s Report

Mr. Strowd provided an update on the Lake Worth Beach Utility sewer main break at the L-10 Canal caused by an AT&T directional bore. Earthen berms have been installed to help contain the contamination. A bypass has been installed and fresh water is being pumped into the area and then pumped into the sewer bypass. Mr. Strowd mentioned that the weather has been cooperating. The District continues to work with other agencies to assist with spill cleanup and will seek reimbursement for District expenses.

Supervisor Phipps inquired about lessons learned from the event. Mr. LasCasas stated that the District should inquire regarding the utilities’ contingency plans for these types of failures.

Vice President Hill inquired about the estimated timeframe to fix the pipe. Mr. LasCasas stated they are still trying to locate the origin and extent of the break.

14. District Counsel’s Report

No additional items to report.

15. Board Reports & Comment


No additional reports or comments.

16. Adjourn

There being no further business, the meeting adjourned at 9:18 A.M.



President – Stephen Bedner



Recording Secretary – Sandra Acosta