

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF THE
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
APRIL 11, 2007 AT 8:30 A.M.**

There were present:

James M. Alderman	Maria Biggane	Dave Cash
C. David Goodlett	Rosemary Rayman	Ken Tuma
Murray R. Kalish	Danna Ackerman-White	Eduardo Colon
John I. Whitworth, III	Joseph G. Walsh	Geoff Sluggett
Joyce D. Haley	Michael Brady	Tim Levinson
Ronald L. Crone	Nicole Smith	Brian Shields
Carol Connolly	Andre Rayman	Ben Williamson
Michael D. Baker	Mike Hanseter	Ross Herin
Mark A. Perry	Kyle Grandusky	Rob Levy
Patrick A. Martin	Marc Meran	Pam Kane
James Fandrey	Garrett Bender	Henry Dirksen
Joann Aylor	Meghan Meyer	

The President of the Board, James M. Alderman, who presided, called the meeting to order at 8:30 A.M.

President Alderman asked everyone to please stand and the Pledge of Allegiance was recited.

Manager Ronald Crone said he would like to announce for the record the District's two new assistant managers, one is Carol Connolly and the other is Michael Baker. Manager Crone welcomed the two new assistant managers.

There were no additions or corrections to the minutes of the March 2007 and the April 2007 meeting and they were approved as presented.

The Board reviewed and approved all bills more than \$500.00 paid since the last Board meeting.

The financial statement for March 2007 was approved as presented.

The Board reviewed and approved a list of documents that were issued or received for recording from March 1, 2007 through March 31, 2007.

Manager Ronald Crone said the 8:36 Item is the Consent Agenda. Florida Public Utilities the E-1 Canal LWDD Project No. 07-7984U.05. This is an item that fits within the policies of the District and staff recommends approval for permitting. Supervisor Whitworth made a motion to approve the above consent agenda item. Senior Vice President Goodlett seconded and it passed unanimously.

Manager Ronald Crone said Item A is Preliminary Budget to the Supervisors for their review and comment. This item is to request that the Board authorize staff to publish the preliminary budget. The final approval is scheduled for the May Board meeting. There is a public workshop scheduled on Friday, April 13, 2007 at 9:00 AM. Supervisor Whitworth made a motion to authorize staff to publish the preliminary budget. Vice President Kalish seconded and it passed unanimously.

Manager Ronald Crone said Item B is reports from Board members on attendance at other meetings, if any. Vice President Kalish said he met with a group of residents from Boynton Beach. There being no other meetings reported Manager Crone moved on to the next item.

Manager Ronald Crone said Item C. is Budget Proposal 2006/2007 from Lewis, Longman & Walker, P.A. This item has been postponed from the February 14, 2007 and the March 11, 2007 Board meetings. The contract was received by the District last night and reviewed by Attorney Mark Perry. Manager Crone said staff recommends approval; this contract carries until the end of the fiscal year 2007. Supervisor Whitworth asked Attorney Perry if this contract is the same as was discussed. Attorney Perry said yes and his advice to the Board is to have the Board sign the letter of representation agreement. Supervisor Whitworth made a motion to approve. Senior Vice President Goodlett seconded and it passed unanimously.

Manager Ronald Crone said Item D is Water Conservation Proclamation for Local Governments, Utilities & Other Organizations. April is Water Conservation Month. Per the direction of Manager Crone Attorney Mark Perry said the District approved a very similar resolution last year. Attorney Perry proceeded to read Resolution No. 07-03 into the minutes. Senior Vice President Goodlett made a motion to approve Resolution No. 07-03. Supervisor Whitworth seconded and it passed unanimously. Resolution No. 07-03 was signed at this time.

Ken Tuma from Urban Design Studio and Marc Meran, Ascot Development appeared before the Board on behalf of Midtown Delray to request approval for a Piping, Paving and Parking License Agreement. This is on the L-36 Canal LWDD Project No. 06-4992P.02 at the southwest corner of Linton Blvd. and Old Germantown Road. Manager Ronald Crone said the petitioner would like to enter into a Piping, Paving and Parking License Agreement with Lake Worth Drainage District to pipe the area between the existing 120 ft. concrete pipe and the 220 ft. of the existing corrugated metal pipe. Staff recommends approval with the caveat that there is an inspection done on the existing corrugated metal pipe to the east. This pipe has been there for a long time and we are not sure of the condition so we would like a signed and sealed engineering report on the condition of this corrugated metal pipe. If the metal pipe is in bad shape the petitioner will have to replace it with a concrete pipe, we don't allow metal pipes under public roads. Mr. Tuma said they look forward to talking to the Board on this project today and their direction and Mr. Crone has done a great job discussing the background on this item. Mr. Tuma further said he will answer any questions the Board may have. Supervisor Whitworth asked Mr. Tuma if that pipe is bad will he replace it. Mr. Tuma said they will definitely reconstruct if necessary and do what they need to do. Supervisor Whitworth made a motion to approve if they are going to put new pipe in. Vice President Kalish seconded and it passed unanimously.

Manager Ronald Crone said Item F is Resolution No. 07-04 – Honorarium to C. Stanley Weaver. Attorney Mark Perry read the resolution into the record and it became a part of the minutes thereof. Senior Vice President Goodlett made a motion to approve. Supervisor Whitworth seconded and it passed unanimously.

Manager Ronald Crone said Item H is Agreement for Services between Lake Worth Drainage District and Jenkins Hill Consulting, LLC. This is the lobbyist the District uses out of Washington, DC. After several discussions concerning the Washington lobbyist and the current need to have one Manager Crone recommended to the Board that this particular contract under its conditions be terminated under the 30 days notice. Supervisor Whitworth made a motion to the recommendation. Vice President Kalish seconded and it passed unanimously.

Attorney Mark Perry has done a draft letter regarding the termination of the contract and will now submit it.

Manager Ronald Crone said this item is not on the agenda but he would like to make the Board aware that the District is trying to maintain a workable water level in the area between State Road 7 and the Turnpike and between the L-40 Canal and L-18 Canal. We went through the process of applying to the Corps of Engineers for a permit to install 11 – 13 dikes in the canals that would allow us to maintain an envelope of higher water in the previously described area. Patrick Martin, Director of Engineering worked diligently with respect to the permit along with Joe Walsh, Permit Reviewer to put the paperwork together. Michelle Diffenderfer with Lewis Longman & Walker worked the telephones and Danna Ackerman-White worked the halls of South Florida Water Management and the permit was submitted Monday. We received word yesterday that the permit would be issued. Mr. Baker then commenced to dike the canals and as soon as he did it rained.

Eleanor B. Halperin, Levy Kneen, PL appeared before the Board on behalf of Martingale Meadows, PUD on the S-4 & S-4W Canals, LWDD Project No. 07-7803U.02. Manager Ronald Crone said the petitioner is requesting permission to run a utility line parallel and within the S-4W Canal right-of-way and the S-4 Canal right-of-way. Senior Vice President Goodlett 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. Manager Crone explained there is a proposed water main that goes to the north along the S-4W and then turns to the left going westerly to the Martingale Meadows project. Staff had requested per policy that the petitioner get denials from the adjacent property owners along this corridor and they did. Staff met with the petitioner and realized there is a water main running up the Acme C-8 Canal area and we asked them why in their northern portion they didn't connect to that water main. Their answer was that Wellington was requiring them to create a loop. They can get water from the west but they are required to do a loop. Staff then asked them to get a letter from the Village of Wellington that says if they don't create a loop they won't give you service. They did get a letter from Wellington that says if this District does not allow them to complete the loop they will not get water service. Manager Crone said this project meets all requirements of the policy. The line will be in the outside 5 ft. of the right-of-way. Staff recommended approval however staff has reservations with the fact that this municipality as well as others are currently planning all of their master planning within the District's right-of-way. President Alderman said because of this we are going to change our policy. They are going by farm land and vacant land, they could use that property. Ms. Halperin stated she is the attorney for the landowner Hughes Land Development. Vice President Kalish made a motion to approve. Supervisor Whitworth seconded with discussion and further stated that this really bothers him because he doesn't see why the adjacent landowners wouldn't let the petitioners on their property because it would be a gain, there would be water available to their property. We are going to change policy because of this and it will be much harder to get on our right-of-way. President Alderman called for a vote and it passed unanimously.

Senior Vice President Goodlett has returned to the dais.

Manager Ronald Crone said Item G is critical path. Michael Baker, Director of Operations created a program by which we could clear the rights-of-ways from the Francis and Wilma era. Time has passed and the District has accomplished a lot of its projects. He is now bringing a continuation on an amended critical path to the Board today. Mr. Baker has the L-43 Woodfield, L-47 Powerline Road to St. Andrews Blvd., E-3 La Chalet Blvd., L-47 NW 12th Ave. to E-4, L-14 from E-3 to Military Trail and the E-3 Indian Springs area on the critical path. These projects

meet the requirements of length to be put on the critical path. On the critical path list there is a process to be done, survey, a pre-letter announcing we are going to do the job and when the Board meeting is scheduled. Senior Vice President Goodlett made a motion to receive and file. Supervisor Whitworth seconded and it passed unanimously.

Brian A. Shields, P.E. of Palm Beach County Water Utilities Department Engineering appeared before the Board to request permission for Foster-Marine Contractors to be allowed to use the LWDD right-of-way to perform construction on the Riverbridge drainage structures. This is the Water Treatment Plat No. 2 wellfield recharge, Pine State Park Canal, LWDD Project No. 03-316D.51. The petitioner is requesting to be allowed to use the area in yellow as an access for their contractor to do the work. Staff recommended to the Board approval of this item. Supervisor Whitworth made a motion to approve. Senior Vice President Goodlett seconded and it passed unanimously.

Manager Ronald Crone said Item I is water shortage up-date; Phase II. Danna Ackerman-White has been attending the meetings at the South Florida Water Management District. Manager Crone asked Ms. Ackerman-White to give the Board an up-date. Ms. Ackerman-White said it is her understanding that SFWMD's governing Board is going to make a recommendation to increase the water restrictions to Phase II at their governing Board meeting tomorrow. It will require a 30% cut back of all water uses within the District. The Army Corps of Engineers is projecting to lower lake levels for the protection of the Hoover Dike. They are projecting a multi year drought so we will be under water restrictions for quite sometime. Supervisor Whitworth and President Alderman said if we know when a water restriction is going into effect, we need to get that literature out to the growers, nurseryman, farmers and to the homeowners not just one time in the paperwork but several times before it goes into effect. Supervisor Whitworth suggested giving the information to Lewanna Caruso at the Farm Bureau for her to get circulated through the list she has. Ms. Ackerman-White asked the Board members if they would like this District to publish the information. The newspapers have been covering this heavily. Supervisor Whitworth asked Ms. Ackerman-White to look into doing this.

Manager Ronald Crone said Item E is permission from the Board to address the District's Operating Policy on the location of utilities in the District. Manager Crone said James Fandrey, Assistant Director of Engineering put together a Memorandum on this item and Manager Crone read it into the minutes (copy made a part of). Supervisor Whitworth said he believes this proposal is still short on what needs to be done. It needs to state all other avenues need to be exhausted. Mr. Fandrey said they will still need to provide denial letters and that statement is still in the policy. President Alderman suggested doubling the fee to hopefully deter them from going into the District's right-of-way. Supervisor Whitworth suggested charging them the fair market value plus the installation. President Alderman said this is not a money issue; we don't want them in the right-of-way so we have to deter them. Manager Crone said we also need to realize that the 5 ft. they put the main in is not adequate to maintain a 12" or 8" water main, so not only do they get the 5 ft. to place the pipe into, under our utility agreements they also get the use of our right-of-way to maintain their facilities. A minimum utility width is 10 ft. so not only are they getting the 5 ft. they are generally on the maintenance side getting another 20 ft. – 25ft. of area in order to maintain their system or we could just give them the 5 ft. and tell them they can't use our right-of-way to maintain their system. Manager Crone said staff would be very comfortable with recommending to the Board to approve this change to the policy. Supervisor Whitworth asked to see something that shows the new policy as it would be. Senior Vice President Goodlett asked for the existing policy with the strike through with new language in the right place and the other Board members might have some suggestions then staff can bring it back

next month for discussion and final adoption. Manager Crone said yes we will do that. Senior Vice President Goodlett made a motion to receive and file for discussion and action at the May Board meeting. Supervisor Whitworth seconded and it passed unanimously.

Ben Williamson, Palm Beach County Property & Real Estate Management Division appeared on behalf of Palm Beach County to request a Parcel Encroachment Agreement for an underground BellSouth fiber optic cable encroachment within the E-2E Canal right-of-way by approximately 1 ft. to 2 ft. and 32 inches underground.

This is the E2E Canal, LWDD Project No. 07-8300U.01. Manager Ronald Crone said these two Palm Beach Farms tracts are located south of Forest Hill Blvd. on the east side of the E-2E Canal and they are the same areas that Palm Beach County Utilities new facility is in. North of these two tracts Capital Improvements had a tower put in and the contractor ran the fiber optic cable down the west side of the utility company's property. The intent was that the contractor was to stay east of the District's right-of-way and apparently because of existing landscaping and a large tree the contractor got 2 ft. into us then for a distance of 346 ft. got 6 ft. into us. Palm Beach County caught this and brought it to the District's attention. The underlying ownership in these two areas is Palm Beach County. Manager Crone said staff is recommending allowing the fiber optic cable to remain where it is and for Palm Beach County do a utility permit and because it is installed after the fact the fee is doubled. Mr. Williamson said Water Utility has their administration facility there and that this cable feeds them. The cable also ties into the communication tower. They felt it was necessary to put in the fiber optic cable so they could have a looped system so in the event of a storm or hurricane they would be able to keep their communications open. Supervisor Whitworth made a motion to allow them to keep the encroachment. Senior Vice President Goodlett seconded and it passed unanimously. Manager Crone said this will be double the fee.

Ben Williamson and Ross Herin of Palm Beach County Property & Real Estate Management Division appeared before the Board on behalf of South County Regional Park to request annexation of County property, a portion of Tract 16, Florida Fruit Lands Company Section 15/47/41 into the District. Manager Ronald Crone said the County purchased this piece of property and they would like to improve it. The improvement would require them to bring drainage from that tract into the South County Regional Park. The District told them that in order to bring water from that site into the District they must annex into the District and that is what the County is requesting today. Attorney Mark Perry has drafted a Service Agreement which will, if the Board approves it, allow the County to progress with their project while the annexation itself is going forward. At the workshop it was pointed out that staff was having numerous problems with getting things completed with the County's work at South County Regional Park. We have been looking for an easement for over 2 years and haven't gotten it. We now understand it is about to be approved, recorded and submitted to the District. Also work that was supposed to be done on some of the canals has not been done. Staff is now recommending not approving this particular parcel for annexation at this time. Senior Vice President Goodlett said there are two issues and asked Manager Crone to explain them both. Manager Crone said conditions contained in previous permits issued for this particular area have not been met, part of it is the clearing and part of it is the conveyance of the right-of-way, which is now being addressed. Mr. Herin and Mr. Crone spoke earlier and Mr. Herin indicated that the County would immediately address the conditions not having previously been met as far as clearing and dressing up the canal. Senior Vice President Goodlett made a motion to approve the acceptance of the right-of-way conveyance which will be here no later than Friday of next week, probably by Wednesday it will be hand walked through and to also approve today contingent upon the County's verbal commitment that they will complete the work as described by Joe Walsh and by Mr. Crone as the E-

IWS. Senior Vice President Goodlett stated he does not want to do anything that leaves the District in any position other than absolutely whole. Supervisor Whitworth seconded with discussion. It bothers him that they got a permit without doing something. President Alderman asked if Mr. Goodlett's motion covers what staff recommends. Manager Crone said he believes staff will be very comfortable with what Mr. Goodlett is recommending, all parties can move ahead and accomplish what we need to get accomplished. Senior Vice President Goodlett asked what recourse the District has if for some reason the County does not perform as they verbally commit. Manager Crone said we are not agreeing to issue any more permits at this point we are just agreeing that we will process the annexation. If the work isn't done under the previous agreements then we won't issue any more permits until such a time they are brought up to compliance. Mr. Herin said he is in agreement with all of this, it is what he would recommend to his Board in a similar situation and he apologized to the Board. He has already apologized to the staff for putting the District through this. President Alderman called for a vote and it passed unanimously. Attorney Perry said for clarification, we have received the petition for annexation, we now require the petitioner to have legislation passed approving the annexation of this property into the Lake Worth Drainage District boundaries and in the meantime so we can issue permits if they come into compliance we can enter into a service agreement until the actual adoption of the legislation. We will need a motion to approve a service agreement that will be effective during the interim until the legislation is passed for annexation and the annexation will be at their expense. Mr. Herin said they are fine with working with the District to process that at their expense. Supervisor Kalish made a motion to approve the service agreement. Supervisor Whitworth seconded and it passed unanimously. Attorney Perry further stated that the petitioner will also have the obligation to have special legislation passed annexing this area into the Lake Worth Drainage District at their expense. Senior Vice President Goodlett made a motion to approve the petitioner having the obligation of having special legislation passed annexing this area into the Lake Worth Drainage District at their expense. Supervisor Whitworth seconded and it passed unanimously.

Rigobert Velasco did not show to the meeting but the Board members heard the item anyway. Manager Ronald Crone informed the Board that the petitioner wanted to request the purchase of Lake Worth Drainage District property being the North 30.28 ft. of Tract 1, southwest corner of Dillman Road and Jog Road due east of the Castro Parcel. This is the L-6 Canal, LWDD Project No. 04-7543P.01. Manager Crone said staff recommends declaring the North 30.28 ft. of Chancery Case 407 surplus along the limits of this property and selling it to Mr. Velasco at fair market value with him agreeing to give the District an exclusive easement back on the same North 30.28 ft. Mr. Velasco has not obtained a fair market value he wanted to wait to see if the Board was going to approve this or not then he would go to the additional expense of the appraisal. Manager Crone said Mr. Velasco needs this property to have the proper set back in order to construct a multi family dwelling. Staff recommends to conceptually approve this and Mr. Velasco will need to return to the Board with an appraisal. Senior Vice President Goodlett made a motion to staff recommendation. Supervisor Whitworth seconded and it passed unanimously.

Senior Vice President Goodlett suggested the times on the agenda be shortened to 10 minute intervals in order to move along without too many stops. Attorney Mark Perry said the Board needs to wait until the time scheduled to hear an item, they cannot move on ahead of schedule.

President Alderman said the Board would like to recognize Michael Baker and Carol Connolly for their new positions of Assistant Managers. President Alderman further stated that the Board is behind both of them 100% and they think the both of them will do a great job.

Pamela M. Kane, Esq. of Sachs & Sax appeared before the Board on behalf of Yamato Court MUPD to request the purchase of right-of-way. This is on the L-42 Canal and E-1 Canal LWDD Project No. 05-7838P.01. Manager Ronald Crone informed the Board that this right-of-way is at the southeast quadrant of Yamato Road and S.R. 7. This has previously been declared surplus to be sold at fair market value. The District will not be taking an easement back because the District does not need this section of the L-42 Canal. The petitioner would like to purchase 753.42 ft. and will convey a 10 ft. exclusive easement along the E-1 Canal. Manager Crone said they are present today to discuss the fair market value. Their title search revealed that the District quit claimed its interest in portion of Tracts 14, 15 and 16 which covers the south 50 ft. of that 100 ft. The District does not have a document to cover this but we do have a document to cover the North 50 ft. in ORB 1585 Page 505 with no records showing that we gave up any portion of that interest. Attorney Mark Perry said this was approved by the Board a year ago and at that time the title work was reflecting the fact that the Lake Worth Drainage District owned the entire 100 ft. and our records reflected the same thing. In the meantime Ms. Kane provided him with information that the District did not have marketable title to the South 50 ft. of the 100 ft. Attorney Perry said he would not have a problem presenting to the Board a settlement for fair market value for the Southerly 50 ft. The Board approved \$5.49/sq. ft. and he is suggesting the Board consider an offer of half that \$2.75/sq. ft. In the chain of title it reflects at several locations, conveyances of surrounding property less the L-42 right-of-way without dimensions. Prior to 1973 the District did have good title to the North 50 ft. but there was an exchange of document between Lake Worth Drainage District and Boca Cen Club. Attorney Perry said he believes there were mistakes made, the canal always existed there and we always maintained the canal at this location but there are a lot of title issues that are being resolved by the petitioner now. Attorney Perry said he would hope they would consider paying the District half of the fair market value for the Southerly 50 ft. and he further recommended to the Board to do this because we cannot convey marketable title to them. Ms. Kane said that portion is going to remain a canal except for they will be putting a right hand turn lane into the new shopping area. They need this to gain access from Yamato Road and the County is requiring them to put in a right hand turn lane if they are gaining access from Yamato Road. Ms. Kane said they agree with staff's recommendation. Supervisor Whitworth asked if we can justify this with the auditors. Attorney Perry said yes. President Alderman clarified that they are paying full price for 50 ft. and half price for the other 50 ft. Attorney Perry said yes because of the issues of the marketable title defects. James Fandrey, Assistant Director of Engineering said he hopes some consideration is being looked at for the drainage from Yamato Road and S.R. 7. Ms. Kane said they are conveying an easement to Florida Department of Transportation for that drainage and they are giving the District an additional 10 ft. on the E-1 on the east side. Senior Vice President Goodlett made a motion to approve staff recommendation. Supervisor Whitworth seconded and it passed four to one with Vice President Kalish dissenting.

There being no further business, the meeting adjourned at 10:35 A.M.

President – James M. Alderman

Supervisor – John I. Whitworth, III

Senior Vice President – C. David Goodlett

Supervisor – Joyce D. Haley

