

**St. Lucie West Services District  
Board of Supervisors' Meeting Minutes  
May 4, 2010, at 9:00 a.m.  
Sunlight Community Church  
477 S.W. Cashmere Boulevard  
Port St. Lucie, Florida 34986**

(Please note: This is not verbatim. A CD recording of the Board Meeting is available on file.)

**Board Members Present**

Harvey Cutler, Chairman  
Everett Child, Vice Chairman  
Sal Mancuso, Secretary  
Charles B. Altwein, Supervisor  
David Kessner, Supervisor

**Staff Present**

Dennis Pickle, District Manager, St. Lucie West Services District ("SLWSD")  
Bill Hayden, Public Works Director/Assistant District Manager, SLWSD  
Maddie Maldonado, Administrative Assistant, SLWSD  
Dan Harrell, District Counsel  
Bob Lawson, District Engineer  
Jason Pierman, Assistant District Treasurer, Special District Services, Inc. ("SDS")  
Laura Archer, Recording Secretary, SDS

**Guests Present (Sign-In Sheet Attached)**

**A. Call to Order**

Chairman Cutler called the meeting to order at 9:00 a.m.

**B. Pledge of Allegiance**

**C. Invocation**

**D. Roll Call**

Ms. Archer took roll and it was noted that all 5 Supervisors were present.

**E. Approval of Minutes -**

**1. April 20, 2010, Board of Supervisors' Regular Board Meeting**

A **motion** was made by Vice Chairman Child, seconded by Supervisor Altwein to approve the minutes of the April 20, 2010, Board of Supervisors' Regular Board Meeting, as presented. The **motion** carried 5 to 0.

## F. Public Comment

Sue Snyder, a resident of the District, advised the Board that she had contacted Michelle Berger, Councilwoman of the City of Port St. Lucie, regarding the "spinners"/live signs seen throughout the community and requested that Councilwoman Berger initiate discussion regarding the issue. Ms. Snyder noted that in a review of the meeting, the topic was discussed and it was decided that the Council would take another look at the ordinance. She also noted that the City of Stuart was also looking into this matter and that the City of Port St. Lucie would watch closely how they handle the matter. A discussion ensued regarding this issue and Diane Goldberg, a resident of the District, suggested maybe asking the City to making a requirement of the "spinners"/live signs to have a permit. It was noted that this suggestion would brought to the City's attention.

Mr. Kennah, also a resident of the District, wished to thank the Board for doing a good job with regard to the inspections of the storm sewer lines.

## G. District Attorney

### DA 1 - Status Report

Mr. Harrell noted that the attorney with whom he had consulted regarding Supervisor compensation had changed his practice to that of estate planning and was not able to render a decision regarding the matter. Mr. Harrell distributed information regarding Forms W-2 and 1099-MISC and suggested that if the Board so desired, he could consult a Certified Public Accountant for their opinion. A lengthy discussion ensued regarding the differences between issuing a Form W-2 versus a Form 1099-MISC, the different requirements for receiving one or the other and the Internal Revenue Code's designation of "director's fees". Mr. Pierman was asked if there would be any cost difference between issuing a W-2 versus a 1099-MISC. Mr. Pierman responded by stating that there would be no change in SDS' fee, but there would be a nominal fee to go on the payroll, and that funds would be direct deposited into each individual's account rather than an actual check being issued. Chairman Cutler asked why each individual couldn't decide on what is best for them. Mr. Harrell replied that if each Board Member chose differently that it runs the risk of the District being audited.

A **motion** was made by Secretary Mancuso, seconded by Vice Chairman Child to continue "as is" with Supervisor fees being paid as a gross amount and the issuance of a Form1099-MISC for the corresponding tax year. The **motion** carried 4 to 1 with Supervisor Kessner dissenting.

Discussion then ensued regarding the need to increase Supervisor fees as it is the consensus of the Board that they are under paid. Chairman Cutler noted that Supervisor compensation has been the same since 1989. Further discussion ensued regarding putting the matter on the ballot and the requirement of a vote of the Board to put it on the ballot.

A **motion** was made by Supervisor Altwein, seconded by Vice Chairman Child directing Mr. Harrell to formulate the proper verbiage for Supervisor compensation to be placed on the ballot.

Discussion ensued regarding the amount of Supervisor compensation to be considered for the ballot.

Secretary Mancuso recommended an additional \$500 annually for each Supervisor.

Chairman Cutler believes that the figure should be "floating" to take into account not only the current Board, but also future Supervisors and recommended a maximum of ½ of 1% of the budget, which translates into \$60,000 for the entire current Board or \$12,000, based on the current budget.

Chairman Cutler clarified his proposal by stating that if the Board approves a flat amount that future Board Members will have this issue come before them in the not so distant future.

Secretary Mancuso noted that he was not disagreeing with the fact that the Board should receive an increase, but wanted a firm number rather than a percentage. He also noted that the fees should be paid out of the stormwater account, not from the water plant account. Chairman Cutler noted that the Board makes decisions based on all facets of the District and that this should not be a factor.

Supervisor Altwein agreed with Chairman Cutler's "floating" number, noting that 5 to 10 years down the road, it will, once again, be an issue for the Board if an absolute number is set and that a floating number seems to be a starting point.

Although Ms. Snyder agreed that Supervisor compensation should be increased, she noted that she believed that the Board was setting up the referendum to fail with the economy as it is; the City Council freezing salaries; and the likelihood is that rates will go up again and felt that it would be best for a set amount for the compensation.

Chairman Cutler agreed that the timing was bad, but the District has not had any increases over the years and noted that was why the discussion was brought up in order to decide on a percentage or an absolute figure.

Supervisor Altwein noted that, unlike the District, the City has had increased over the years.

Ms. Snyder agreed with Supervisor Altwein, but noted that the general public is not aware of how much work goes into being a Member of the Board.

Supervisor Altwein responded that if it was made known that Supervisor compensation had not been increased since 1989 that most people would understand why the increase was being considered.

Discussion ensued regarding the amount of Supervisor compensation and Mr. Pickle suggested, if the percentage method is approved by the Board, that they base the percentage on the operating budget, not the total budget.

After a lengthy discussion regarding the method in which to arrive at Supervisor compensation, Mr. Pickle suggested using the U.S. Bureau of Labor & Statistics for the cost of living adjustment (COLA).

Supervisor Altwein's **motion** was clarified, seconded by Vice Chairman Child, directing Mr. Harrell and staff to formulate the proper verbiage for Supervisor compensation to be placed on the ballot changing the formula for Supervisor compensation to \$6,000 annually, plus a cost of living adjustment (COLA) based on the U.S. Bureau of Labor & Statistics API (Consumer Price Index). Upon being put to a vote, the **motion** passed 4 to 1 with Supervisor Kessner dissenting.

#### H. District Engineer

- DE 1 - Consideration of Work Authorization No. 4C-16-1004-SU on a property that previously received a Work Authorization under Work Authorization No. 4C-16-0606-SU. The project engineer has changed as well as the site plan and general configuration of the utility and drainage facilities so it was considered best if a totally new Work Authorization be issued.**

Mr. Lawson presented the Work Authorization and explained the changes. He further noted that it was contingent upon the receipt of the application fee from the applicant and recommended approval.

A **motion** was made by Vice Chairman Child, seconded by Supervisor Altwein approving Work Authorization 4C-16-1004-SU, subject to the applicant granting a 20 foot utility easement in favor of the St. Lucie West Services District for maintenance of the gravity sewer line.

A brief discussion ensued regarding the budget impact to which Mr. Lawson responded that there was no impact.

Vice Chairman Child's **motion** was reiterated, seconded by Supervisor Altwein approving Work Authorization 4C-16-1004-SU, subject to the applicant granting a 20

foot utility easement in favor of the St. Lucie West Services District for maintenance of the gravity sewer line. Upon being put to a vote, the **motion** carried 5 to 0.

Mr. Lawson then advised the Board that he had one more item which required Board action. He reminded the Board of the automated gate bids he had received and the delay in receiving the FEMA grant money for the project to commence. Mr. Lawson also reminded the Board that one of the stipulations to receiving the grant money is not starting the project until the money is actually received by the District. Mr. Lawson indicated that he had requested of the lowest bidder to keep the bid open for 90 days, hoping that funds would be appropriated within that time frame. Mr. Lawson requested that the Board approve the release of Bidders' 2 and 3 bid bonds.

A **motion** was made by Supervisor Kessner, seconded by Supervisor Altwein approving the release of the bid bonds to Bidders 2 and 3 for the automated gate project, as recommended by Mr. Lawson.

Discussion ensued regarding the grant money and the fact that we are now awaiting Congress to appropriate additional funds to FEMA for this project, due to FEMA exhausting all their funds. Supervisor Altwein asked if the District had received any response to the letter sent to Congressman Tom Rooney regarding the FEMA grant. The Board was advised that Congressman Rooney's secretary had contacted the District office to advise them that the letter had been received and the matter would be looked into.

Mr. Pickle noted that with the oil spill in the Gulf and the flooding in Tennessee, that funding for the project might be the last thing on their minds.

Supervisor Kessner asked at what point do we go ahead with the project without the funding. Mr. Pickle replied that after the 90 day extension with the contractor a determination will need to be made.

Supervisor Kessner's **motion** was reiterated, seconded by Supervisor Altwein approving the release of the bid bonds to Bidders 2 and 3 for the automated gate project, as recommended by Mr. Lawson. The **motion** carried unanimously.

## I. District Manager Action Items

### DM 1 - Receive 2009 Annual Drinking Water Quality Report

Mr. Pickle advised the Board of the 2009 Annual Drinking Water Quality Report and noted, if no objections from the Board, that it would be included in the May billing cycle in order to notify the residents of the District. There were no objections from the Board.

## **DM 2 - Authorization to Purchase 4,200 Square Foot Modular Administrative Building**

Mr. Pickle presented the matter and explained that staff was recommending to award the contract for the 4,200 square foot modular Administrative Building to Acton Mobile of Tampa, Florida.

A **motion** was made by Supervisor Altwein, seconded by Vice Chairman Child approving the award of the contract for the Administration Building to Acton Mobile for the base bid of \$163,885.

Discussion ensued regarding why a modular building was chosen and it was determined that not only was it more cost effective than building, but it was also structurally sound and efficient.

Supervisor Altwein's **motion** was reiterated, seconded by Vice Chairman Child authorizing the purchase of a 4,200 square foot modular Administration Building and awarding the contract to Acton Mobile for the base bid of \$163,885. The **motion** carried unanimously.

## **DM 3 - Other Items**

Mr. Pickle then advised the Board that the street to lake inspections were running approximately 1 to 2 weeks behind schedule due to equipment issues and employee training. He further indicated that an updated schedule would be provided shortly. Chairman Cutler asked how many contracts the District was still awaiting. Ms. Maldonado noted that she would have to research the matter and get back with the Board.

Mr. Hayden then introduced a walk-on item for the Board's consideration – Award Contract for the Perimeter Berm (Armadillo Dirt Works). Mr. Hayden explained that one of the conditions to the perimeter gate project permit from the South Florida Water Management District was the requirement that the District install a perimeter berm along with Turnpike Ditch and long the C-108 Canal at the North end of the project. Mr. Hayden noted that 3 bids were received from 3 local contractors and the lowest bidder was Armadillo Dirt Works in the amount of \$110,594.70, which includes loading, hauling, dumping, finished grade, compacting and sod. Mr. Hayden also noted that the District would be purchasing dirt from the City of Port St. Lucie at the cost of \$1.00 per yard, for a total cost of \$5,000 for the dirt.

A **motion** was made by Supervisor Altwein, seconded by Vice Chairman Child approving the Perimeter Berm project and awarding the project to Armadillo Dirt Works in the amount of \$110,594.70. The **motion** passed unanimously.

Mr. Pickle then advised the Board that at the next Board Meeting (May 18, 2010) there would be a Budget Workshop scheduled. It was determined that advertisement of the Budget Workshop was not necessary as long as it was noted on the agenda.

Mr. Pierman then reminded the Board of their approval at the last Board Meeting of changing the District's banking services to SunTrust and stated that Mr. Harrell was reviewing the agreements that required signatures. Upon his review and approval of said documents, they would be presented for signature. Chairman Cutler noted that he had read an article regarding government investments and asked Mr. Pierman why the District was not as diversified as other governmental entities. Mr. Pierman noted with interest rates as low as they are, there is not much opportunity for better investments, but that Special District Services continually looks for the best options.

#### **J. Supervisors' Requests**

Secretary Mancuso had no requests.

Supervisor Altwein had no requests.

Vice Chairman Child asked if any action had been taken on the amended motion at the previous meeting regarding the retendering of the \$1,854.84 check made payable to Mr. Imperato. Chairman Cutler noted that both that check, and the one for \$9,645.16, had been given to Mr. Imperato and that the transaction was officially complete.

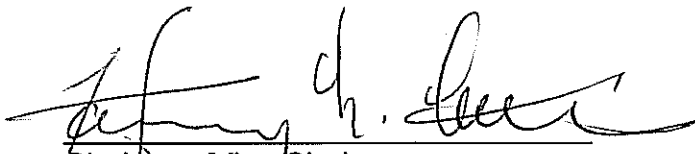
Chairman Cutler had no requests.

Supervisor Kessner had no requests.

#### **K. Adjournment**

There being no further business to come before the Board, a **motion** was made by Supervisor Altwein, seconded by Secretary Mancuso and unanimously passed to adjourn the Regular Board Meeting at 11:00 a.m.

Meeting Minutes Signature Page

  
Chairman/Vice Chairman

  
Secretary/Assistant Secretary

Date Approved 5-18-10