

**St. Lucie West Services District**  
**Regular Board Meeting Minutes**  
**March 5, 2013, at 9:00 a.m.**  
**450 SW Utility Drive**  
**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  
Charles Altwein, Secretary  
Vincent D'Amico, Supervisor  
Sal Mancuso, Supervisor

**Staff Present**

Dennis Pickle, District Manager, St. Lucie West Services District ("SLWSD")  
Bill Hayden, Public Works Director/Assistant District Manager, SLWSD  
Maddie Maldonado, Office Manager, SLWSD  
Dan Harrell, District Counsel, Gonano & Harrell  
Bob Lawson, District Engineer, ARCADIS-US, Inc.  
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 Regular Board Meeting to order at 9:00 a.m.

**B. Pledge of Allegiance**

**C. Roll Call**

Ms. Archer took roll, noting that all 5 Supervisors were present.

**D. Approval of Minutes**

- 1. February 4, 2013, Workshop**
- 2. February 5, 2013, Regular Board Meeting**

A **motion** was made by Vice Chairman Child, seconded by Secretary Altwein to approve the minutes of the February 4, 2013, Workshop and the February 5, 2013, Regular Board Meeting, as presented. Upon being put to a vote, the **motion** carried 5 to 0.

**E. Public Hearing 1**

**1. Call to Order**

Chairman Cutler called the Public Hearing to order at 9:02 a.m.

**2. Roll Call**

Ms. Archer took roll, noting that all 5 Supervisors were present.

**3. Receive Public Comments on Amending Chapter A-11 of the Rules of Board of Supervisors of the St. Lucie West Services District**

There was no public comment on Amending Chapter A-11 of the Rules of Board of Supervisors of the St. Lucie West Services District.

Mr. Pickle indicated that the Public Comment sign-in sheet for Regular Board Meetings would add a "Topic" line. He also noted that doing so does not require a policy change.

- **PH 1 – Consider Resolution No. 2013-02 – Amending Chapter A-II of the Rules of Board of Supervisors of the St. Lucie West Services District**

Resolution No. 2013-02 was presented, entitled:

**RESOLUTION NO. 2013-02**

**A RESOLUTION AMENDING CHAPTER A-II OF THE RULES OF BOARD OF SUPERVISORS OF THE ST. LUCIE WEST SERVICES DISTRICT; PROVIDING AN EFFECTIVE DATE.**

A **motion** was made by Secretary Altwein, seconded by Supervisor D'Amico to approve Resolution No. 2013-02, Amending Chapter A-II of the Rules of Board of Supervisors of the St. Lucie West Services District.

Under discussion, Supervisor Mancuso noted that Section 4A of the Rules provides that minutes will be promptly recorded and transcribed. It is his belief that the minutes are not acted upon promptly. Mr. Harrell stated that all cases he found have the same process...the minutes are distributed prior to the next meeting with the meeting material. He also stated that the Board could make a policy change in how the minutes are provided, but he does not believe there is a need, especially since the recorded minutes are available immediately following the meeting.

A **motion** was made by Supervisor Mancuso to make the minutes available to the public and the Board within 7 days after the conclusion of the Regular Board Meeting.

A discussion ensued regarding the process by which the minutes are currently provided and the fact that a legal opinion supports said process. Mr. Harrell noted that it would be appropriate that prior to making a motion, there was a motion on the floor that needed to be voted upon. Chairman Cutler indicated that Supervisor Mancuso could pick up this matter during Supervisor Requests if he so desired, but that it was necessary to go back to the motion on the floor.

Secretary Altwein's **motion** was reiterated, seconded by Supervisor D'Amico to approve Resolution No. 2013-02, Amending Chapter A-II of the Rules of Board of Supervisors of the St. Lucie West Services District. Upon being put to a vote, the **motion** carried 4 to 1 with Supervisor Mancuso dissenting.

Chairman Cutler then closed the Public Hearing portion of the meeting at approximately 9:14 a.m.

#### **F. Public Comment**

Chairman Cutler indicated that District resident, Tony Stachewicz, had signed up for Public Comment. Mr. Stachewicz brought up the copper pipe article that had run in the local newspaper several weeks ago. He indicated that Miranda had an epoxy coating that they are trying to sell to residents. He asked if anyone had experience to determine whether this epoxy works. Mr. Pickle indicated that it was not the District's place to evaluate a company's performance. Mr. Harrell noted that the District has no authority to promote a private product and that the District takes no position.

Mr. Stachewicz then asked Mr. Harrell asked about the liability of the District asking for people to bring in their copper pipes to have sent out for evaluation. He asked if there was a liability there. Chairman Cutler advised that that was not a proper question for Mr. Harrell, but should, instead be directed to Mr. Pickle who indicated that he was awaiting the results on the copper pipes that had been sent for evaluation. Mr. Pickle also indicated that he had spoken to the Copper Institute and was advised that a gentleman would give a free seminar for Staff in order for them to determine by looking at the pipe where the corrosion came from. A discussion ensued regarding possibly educating plumbers in the area, HOAs, etc. once the Staff has been advised what to look for. However, it was noted that further investigation would be needed in order to determine if that would be possible.

Chairman Cutler then addressed his comments to Mr. Stachewicz indicating that he believes the District more than fulfilled its obligation on this matter and noted that if we were to get any further information on it, we can pass that information on.

#### **G. District Attorney DA 1 - Status Report**

Mr. Harrell had no items to report.

#### **H. District Engineer**

##### **DE 1 – Approval of Work Authorization No. 1D-03-1301-R between SLWSD and Tony & Elise Hjelm, Owners of Lot 125 in Tortoise Cay Phase II**

Mr. Lawson presented item DE 1, noting that Mr. Hayden had thoroughly explained the item at yesterday's Workshop. Mr. Lawson, did, however, clarify the Work Authorization No. as 1D-04-1301-R.

The approval of the Work Authorization is subject to the following four conditions:

- 1.) Landscaping materials shall be placed in such a manner as to allow a minimum clear part not less than 10 feet in width as measured landward of the normal water control elevation of the lake within the subject Tract;
- 2.) All landscape material shall be the maintenance responsibility of the homeowners association;
- 3.) The District reserves the right to require removal of landscape materials should the District, in its sole discretion, determine that the materials are impeding its ability to maintain the lake system; and
- 4.) No additional landscape materials shall be placed within the District's water management tract without prior written modification of this Work Authorization.

A **motion** was made by Supervisor D'Amico, seconded by Secretary Altwein approving Work Authorization No. 1D-03-1301-R between SLWSD and Tony & Elise Hjelm, Owners of Lot 125 in Tortoise Cay Phase II, as presented.

Under discussion, Supervisor D'Amico pondered if the responsibility is on the HOA, why are they not a party to the document. Mr. Lawson noted that it is simply identified as the District since we do not maintain the lake banks.

Supervisor D'Amico's **motion** was reiterated, seconded by Secretary Altwein approving Work Authorization No. 1D-03-1301-R between SLWSD and Tony & Elise Hjelm, Owners of Lot 125 in Tortoise Cay Phase II. Upon being put to a vote, the **motion** carried 5 to 0.

##### **DE 2 - Approval of Work Authorization No. 1-D-04-1301-R between SLWSD and Ellen Hale, Owner of Lot 128 in Tortoise Cay Phase II**

Mr. Lawson presented item DE 2, again noting that Mr. Hayden had thoroughly explained the item at yesterday's Workshop.

The approval of the Work Authorization is subject to the following four conditions:

- 1.) Landscaping materials shall be placed in such a manner as to allow a minimum clear part not less than 10 feet in width as measured landward of the normal water control elevation of the lake within the subject Tract;
- 2.) All landscape material shall be the maintenance responsibility of the homeowners association;
- 3.) The District reserves the right to require removal of landscape materials should the District, in its sole discretion, determine that the materials are impeding its ability to maintain the lake system; and
- 4.) No additional landscape materials shall be placed within the District's water management tract without prior written modification of this Work Authorization.

A **motion** was made by Secretary Altwein, seconded by Vice Chairman Child approving Work Authorization No. 1D-04-1301-R between SLWSD and Ellen Hale, Owner of Lot 128 in Tortoise Cay Phase II, as presented Upon being put to a vote, the **motion** carried 5 to 0.

### **DE 3 - Approval of Work Authorization No. 4A-69-1210-SU between SLWSD and Montville Center Associates, LP**

Mr. Lawson presented item DE 3, again noting that Mr. Hayden had thoroughly explained the item at yesterday's Workshop.

Chairman Cutler questioned in view of the fact that the District recently took over the street to lake stormwater pipes from the HOAs and from the SLW Commerce Associates, could they say we are not giving them equal treatment. Mr. Lawson indicated that as it relates to stormwater, both the residential and the commercial sections are all equal. He further stated that the District was not taking over individual lot drainage from properties that have multiple uses.

A **motion** was made by Secretary Altwein, seconded by Vice Chairman Child approving Work Authorization No. 4A-69-1210-SU between SLWSD and Montville Center Associates, LP and execution of the Non-Exclusive Utility Access Easement, as presented. Upon being put to a vote, the **motion** carried 5 to 0.

Mr. Lawson noted that he had received information identifying the process necessary for the lowering of a wetland within 2C and additional storage and indicated that there are several hurdles or obstacles. He indicated that the current mitigation needs to be addressed regarding Upland Preserves noting that there was quite a set of guideline and procedures. He stated that Staff was to discuss how to proceed and that the approval process will be cumbersome and could require a significant cost, which will be discussed with the City. Chairman Cutler asked if there was a timeline on this project to which Mr. Lawson indicated there had been one, but not now. He further stated that if there were no limits of a budget, it could be determined; however, it will not be completed by this coming hurricane season.

## **I. Consent Agenda**

**CA 1 - Monthly Report on Public Works Operations**

**CA 2 - Monthly Report on Utilities Operations**

**CA 3 - Monthly Report on Capital Improvement Projects**

**CA 4 - Monthly Report on Billing and Customer Service**

**CA 5 - Financial Statements for January, 2013**

**CA 6 - Consider Approval to Transfer Funds for the R&R Account, the WCF Account, the WWCF Account and the WMB Fund Bond Account Requisitions**

A **motion** was made by Supervisor D'Amico, seconded by Secretary Altwein approving Consent Agenda items CA – 1 through CA - 6, as presented. Upon being put to a vote, the **motion** carried 5 to 0.

**J. District Manager  
Action Items**

**DM 1 - 2012 Annual Drinking Water Quality Report**

Mr. Pickle explained the report and noted that it was received early this year. He requested acceptance of the report.

A **motion** was made by Vice Chairman Child, seconded by Secretary Altwein to accept the 2012 Annual Drinking Water Quality Report, as presented. Upon being put to a vote, the **motion** carried 5 to 0.

Vice Chairman Child asked if there were any plans to circulate this report to the public on the back of a bill. Mr. Pickle noted that the District was required to submit the report in a water bill at least annually. He indicated that he would try to include in this month's bill and the District's website.

**DM 2 - Consider Assignment and Assumption Agreement between Integration Concepts, Inc. and Integration Services, Inc.**

Mr. Pickle noted that this was simply a name change and that the contract would stay in place.

A **motion** was made by Secretary Altwein, seconded by Vice Chairman Child approving the Assignment and Assumption Agreement between Integration Concepts, Inc. and Integration Services, Inc., as presented. Upon being put to a vote, the **motion** carried 5 to 0.

**DM 3 - Consider Request to Advertise for a Public Hearing to Consider Adoption of Proposed Amendments to (1) Chapter III Operating Policies and Procedures St. Lucie West Services District Water, Sewer and Irrigation Utility System; (2) Drug-Free Workplace Policy; and (3) Employee Conduct and Work Rules**

Mr. Pickle presented the item, indicating that more detail would be given on the proposed amendments at the next Regular Meeting. He noted that today's approval was strictly for advertising the Public Hearing.

A **motion** was made by Vice Chairman Child, seconded by Secretary Altwein approving the Request to Advertise for a Public Hearing on May 7, 2013, to Consider Adoption of Proposed Amendments to (1) Chapter III Operating Policies and Procedures St. Lucie West Services District Water, Sewer and Irrigation Utility System; (2) Drug-Free Workplace Policy; and (3) Employee Conduct and Work Rules.

Steven Dewey, representing Presidential Cove HOA, indicated that there are policies in place across the country and asked how much time is spent re-writing them. Mr. Pickle stated that a Public Hearing is required because they are rules and if they are updated, the District is required to hold a Public Hearing. He further noted that not much discussion or time is required in order to amend portions of the policies, procedures and/or rules.

Vice Chairman Child's **motion** was reiterated, seconded by Secretary Altwein approving the Request to Advertise for a Public Hearing on May 7, 2013, to Consider Adoption of Proposed Amendments to (1) Chapter III Operating Policies and Procedures St. Lucie West Services District Water, Sewer and Irrigation Utility System; (2) Drug-Free Workplace Policy; and (3) Employee Conduct and Work Rules. Upon being put to a vote, the **motion** carried 5 to 0.

**DM 4 – Consider Annual Renewal for Auditor Engagement Letter**

Mr. Pierman pointed out that this renewal had already been approved by the Board at a prior meeting and that this was the actual engagement letter from Grau & Associates that required approval.

A **motion** was made by Secretary Altwein, seconded by Supervisor D'Amico approving the Annual Renewal for Auditor Engagement Letter from Grau & Associates, as presented. Upon being put to a vote, the **motion** carried 5 to 0.

**DM 5 - Other Items/Updates**

Mr. Pickle had a couple of quick updates.

He stated that Fountainview Plaza Phase I, Golden Corral had broken ground. He further stated that the old K-Mart building was being torn down and that Sunlight Community Church was looking at expanding.

Mr. Pickle noted regarding the irrigation study that Lake Forest had been completed and that they were moving into Lake Charles. He indicated that leaves the Cascades and Magnolia Lakes.

Mr. Pickle briefed the Board on the funeral services for slain St. Lucie County Deputy Sgt. Gary Morales indicating that the City had asked the District to participate. He noted that the procession was quite moving that the Officers were very appreciative of their participation and thanked them.

Secretary Altwein noted increased activity just east of Lowes and asked about Golden Corral. Mr. Pickle confirmed that ground had been broken for the Golden Corral.

Chairman Cutler indicated that there was a rumor that Sonic was coming to the area. Mr. Pickle confirmed that it was a rumor and that a possible location would be in front of Tires Choice.

Secretary Altwein indicated that there had been talk about tearing down the old Sears/K-Mart building. Mr. Pickle indicated that there had been discussions, but that it has been very tight-lipped.

Chairman Cutler also brought up the rumor that LA Fitness would be going into that spot and that there was a meeting scheduled for later this afternoon to grant a variance on the size of the proposed sign. Mr. Stachewicz indicated that the variance was for the height of the sign, not the size. Chairman Cutler indicated he would attend the Planning & Zoning meeting today since he was opposed to the variance.

Mr. Pickle had no further updates.

#### **K. Supervisor Requests**

Supervisor D'Amico had no requests.

Supervisor Mancuso referred to Chapter 286, which states, "The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection." He asked where "promptly" was defined and indicated that the dictionary defines "promptly" as "quick" and the Thesaurus defines it as "immediate."

**A motion was made by Supervisor Mancuso that the minutes of any Regular Board Meeting be made available to the public within 7 days.**



Supervisor Mancuso indicated that if he receives no second vote, he requested that someone educate him on where the timeframe is noted.

Chairman Cutler stated that we have been through this enough and that Mr. Harrell's opinion was that the availability of the tape recorded minutes qualifies as the minutes being available promptly.

Chairman Cutler reminded the Board of Supervisor Mancuso's **motion** that the minutes of any Regular Board Meeting be made available to the public within 7 days.

Supervisor Mancuso requested to be advised what is the timeframe of minutes being available to the public. Mr. Pickle clarified that the recorded minutes are available immediately following the meeting and that the transcription of the minutes is available when the agenda for the next meeting is prepared. Mr. Harrell's opinion is that "prompt" does not mean immediate and that sending the minutes with the next agenda is standard practice.

Supervisor Mancuso's **motion** was reiterated that the minutes of any Regular Board Meeting be made available to the public within 7 days. The **motion** died for lack of a second.

Vice Chairman Child had no requests.

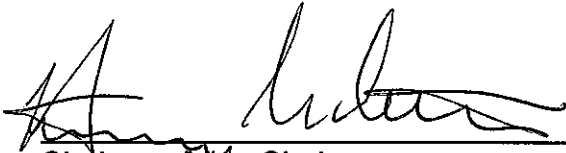
Secretary Altwein had no requests.

Chairman Cutler had no requests.

#### **L. Adjournment**

There being no further items to come before the Board, the Regular Board Meeting was adjourned at 10:21 a.m. on a **motion** made by Secretary Altwein, seconded by Supervisor D'Amico. There were no objections.

Regular Board Meeting Minutes Signature Page

  
Chairman/Vice Chairman

  
Secretary/Assistant Secretary

Date Approved 04/02/13