

Seminole Improvement District

July 6, 2020

Agenda Package



Seminole Improvement District

Board of Supervisors

Scott Massey, President
Michael Shuping, Vice President
Dennis Church, Secretary

Ken Cassel, District Manager
Terry E. Lewis, District Counsel

June 29, 2020

Board of Supervisors
Seminole Improvement District

Dear Board Members:

The regular meeting for the Seminole Improvement District Board of Supervisors will be held Monday, July 6, 2020 at 4:00 p.m. at the Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida and **members of the public can attend via teleconference at 800-747-5150, access code 4129245**. Following is the agenda for the meeting:

1. Roll Call
2. Organizational Matters
 - A. Resolution 2020-38, Certifying the Results of the Landowners' Election
 - B. Oath of Office for Newly Elected Supervisor
 - C. Resolution 2020-39, Election of Officers
3. Public Comment
4. Approval of the June 1 and June 12, 2020 Board of Supervisors Meeting Minutes and Acceptance of the June 22, 2020 Landowners' Meeting Minutes
5. Approval of the Financials for May 2020
6. Resolution 2020-40, Approving Public Facilities Agreement with Palm Beach County for Conveyance of Right-of-Way for 60th Street North
7. Resolution 2020-41, Acceptance of Relocatable Easement Over Water Management Tract 9A and Green Lane Stormwater Drainage Connections
8. District Manager's Report
 - A. Number of Registered Voters as of April 15, 2020 - 517
9. Engineer's Report
10. Attorney's Report
11. Supervisors' Request
12. Adjournment

Any additional support materials for the items listed above, not included in the agenda package, will be distributed at the meeting or under separate cover. I look forward to seeing you there; however, if you have any questions before that time, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth Cassel".

Ken Cassel/sd
District Manager

cc: Terry Lewis
Robert Ter Doest
Brian Cale
John Carter
Robert Diffenderfer
Ryan Wheeler

Second Order of Business

2A.

RESOLUTION 2020-38

A RESOLUTION CANVASSING AND CERTIFYING THE RESULTS OF THE SEMINOLE IMPROVEMENT DISTRICT LANDOWNERS ELECTION OF SUPERVISORS HELD PURSUANT TO CHAPTER 2000-431

WHEREAS, pursuant to Chapter 2000-431, Laws of Florida, a landowners meeting is required to be held for the purpose of electing one Supervisor to the Board of Supervisors of the District; and

WHEREAS, following proper publication of notice thereof, such landowners meeting was held June 22, 2020, at which the below recited person was duly elected by virtue of the votes cast in his/her favor; and

WHEREAS, this resolution canvasses the votes, and declares and certifies the results of said election;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE SEMINOLE IMPROVEMENT DISTRICT;

1. The following person is found, certified, and declared to have been duly elected as a Supervisor of and for the District, having been elected by the votes cast in his/her favor as shown, to wit:

Dennis Church 2,536 Votes

2. In accordance with said statute, and by virtue of the number of votes cast for each Supervisor, and is declared to have been elected for the following terms of office:

Dennis Church Seat #1 – Three (3) year term

3. Said term of office shall commence immediately upon the adoption of this Resolution.

PASSED AND ADOPTED THIS 6TH DAY OF JULY, 2020

Chairman

Secretary

2C.

RESOLUTION 2020-39

A RESOLUTION DESIGNATING OFFICERS OF THE SEMINOLE IMPROVEMENT DISTRICT

WHEREAS, the Board of Supervisors of Seminole Improvement District at a regular business meeting following the landowners meeting held on Monday, June 22, 2020 desires to appoint the below recited persons to the offices specified.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE SEMINOLE IMPROVEMENT DISTRICT:

1. The following persons were appointed to the offices shown, to wit:

_____	President
_____	Vice President
_____	Secretary
_____	Treasurer
Stephen Bloom	Assistant Treasurer
Alan Baldwin	Assistant Treasurer
Kenneth Cassel	Assistant Secretary

PASSED AND ADOPTED THIS, 6TH DAY OF JUNE, 2019.

President

Secretary

Fourth Order of Business

**MINUTES OF MEETING
SEMINOLE IMPROVEMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Seminole Improvement District was held Monday, June 1, 2020 at 4:00 p.m. at the Westlake Community Center, located at 4005 Seminole Pratt Whitney Road, Westlake, Florida and via telephonic communication.

Present and constituting a quorum were:

Scott Massey	President
Michael Shuping	Vice President

Also present were:

Ken Cassel	District Manager
Terry Lewis	District Counsel (Via Telephone)
Robert Diffenderfer	District Counsel (Via Telephone)
Seth Behn	District Counsel
Ryan Wheeler	District Engineer
John Carter	Minto PBLH, LLC

The following is a summary of the discussions and actions taken at the June 1, 2020 Seminole Improvement District's Board of Supervisors Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Cassel called the meeting to order at 4:02 p.m. and called the roll. A quorum was established.

SECOND ORDER OF BUSINESS

Public Comment

Hearing no comments from the public, the next order of business followed.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the May 4 and May 14, 2020 Meetings

Mr. Cassel stated each Board member received a copy of the Minutes of the May 4 and May 14, 2020 meetings, and requested any additions, corrections or deletions.

There being none,

On MOTION by Mr. Massey seconded by Mr. Shuping with all in favor the minutes of the May 4 and May 14, 2020 meetings were approved.

FOURTH ORDER OF BUSINESS

Approval of the Financials for April 2020

There being no questions or comments,

On MOTION by Mr. Massey seconded by Mr. Shuping with all in favor the financials for April 2020 were approved.

FIFTH ORDER OF BUSINESS

Tabled Item: Design Services for Additional Gallon Re-Use Tank and Associated Pumps, Piping and Controls

Mr. Lewis reported after researching he and Mr. Diffenderfer concluded this does not need to be competitively bid and the contract can come under the current continuing contract with the Caulfield & Wheeler, Inc.

On MOTION by Mr. Massey seconded by Mr. Shuping, with all in favor, design services for additional gallon re-use tank utilizing BESH through Caulfield & Wheeler, Inc. was approved.

SIXTH ORDER OF BUSINESS

Consideration of Change Order #5 with JDW Cheatham for Seminole Pratt Whitney Road Culvert Replacement at an Increase of \$1,827,576.90

Mr. Cassel stated this change order is for the installation of the two six-by-six box culverts across Seminole Pratt Whitney Road on the south end.

Mr. Wheeler does not have any objections.

On MOTION by Mr. Shuping seconded by Mr. Massey with all in favor Change Order #5 with JDW Cheatham, for an increase of \$1,827,576.90, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Minol Billing and Customer Service Agreement

Mr. Lewis reviewed the proposal and provided comments on the contract.

- It is a three-year contract with annual CPI increases.
- There are liability limits set forth in a couple sections of the contract, which limit the liability of the company to breach the contract. They are exempting themselves from negligence, intentional acts and criminal behavior.
- There is a provision on confidentiality. Something needs to be put in the contract that confidentiality will be governed by Florida Law on Public Records.

- The termination provisions would penalize the District for early termination by charging the equivalent of three months payment.
- It also states the contract will be governed under Pennsylvania Law. That needs to be changed to Florida Law.
- The provisions in the contract require binding arbitration, which he has no issue with, but he would like the Board’s opinion. The Board has no issue with the arbitration provision.
- The company has a good reputation and their services will be cost effective to the District.

On MOTION by Mr. Shuping seconded by Mr. Massey with all in favor the Board approved entering into a contract with Minol for billing and customer services, subject to District Counsel’s review and revisions.

EIGHTH ORDER OF BUSINESS

Resolution 2020-30, Approving Revised Plat of Groves of Westlake – Phase I (Pod O)

Mr. Behn stated the Board approved the plat at the last meeting; however, the City had revisions to the plat.

- Minto will retain ownership of the open space tracts along the rights-of-ways. The drainage easements had to be put back in the plat.
- The City requested the plat be labeled to indicate there will be a lift station anticipated there.

On MOTION by Massey seconded by Mr. Shuping with all in favor Resolution 2020-30, approving revised plat of Groves of Westlake Phase I (Pod O), was adopted.

NINTH ORDER OF BUSINESS

Resolution 2020-31, Review of the Declaration of Sky Cove

Mr. Behn reviewed the Declaration of Sky Cove.

On MOTION by Massey seconded by Mr. Shuping with all in favor Resolution 2020-31, authorizing the District to join the Declaration for Sky Cove, was adopted.

TENTH ORDER OF BUSINESS

Resolution 2020-32, Acceptance of a Utility Easement in the Cresswind Palm Beach Phase I Plat, Open Space Tract #1

Mr. Behn reviewed the utility easement in the Cresswind Palm Beach Phase I Plat, Open Space Tract #1 to install the reclaimed meter in that location.

On MOTION by Mr. Massey seconded by Mr. Shuping with all in favor Resolution 2020-32, accepting the utility easement in the Cresswind Palm Beach Phase I Plat, Open Space Tract #1, was adopted.

ELEVENTH ORDER OF BUSINESS

Resolution 2020-33, Partial Release of Easement Rights within the Seminole Pratt Whitney Road Right-of-Way

Mr. Behn reviewed Resolutions 2020-33, which has to do with the expansion of Seminole Pratt Whitney Road right-of-way on the south half of the City.

On MOTION by Mr. Massey seconded by Mr. Shuping with all in favor Resolution 2020-33, approving partial release of easement rights within the Seminole Pratt Whitney Road right-of-way, was adopted.

TWELFTH ORDER OF BUSINESS

Resolution 2020-34, Partial Release of the Rural Parkway Easement Rights within the Seminole Pratt Whitney Road Right-of-Way Expansion Area

Mr. Behn reviewed Resolutions 2020-34, which also has to do with the expansion of Seminole Pratt Whitney Road right-of-way on the south half of the City.

On MOTION by Mr. Massey seconded by Mr. Shuping with all in favor Resolution 2020-34, approving partial release of the rural parkway easement rights within the Seminole Pratt Whitney Road right-of-way expansion area, was adopted.

THIRTEENTH ORDER OF BUSINESS

Resolution 2020-35, Acceptance of a Relocatable Easement in Westlake – Pod H for a Stormwater Drainage Connection to Lot 1

Mr. Behn reviewed Resolution 2020-35, accepting relocatable easement in Westlake Pod H for a stormwater drainage connection to Lot 1.

Mr. Diffenderfer stated they received late comments from Minto PBLH, LLC’s counsel. They had some minor edits. One is to denominate it as non-exclusive and the other is to indicate it is temporary in nature and when it will terminate. He has no objections to those changes.

On MOTION by Mr. Massey seconded by Mr. Shuping with all in favor Resolution 2020-35, accepting relocatable easement in Westlake Pod H for a stormwater drainage connection to Lot 1 with modifications, was adopted.

FOURTEENTH ORDER OF BUSINESS Manager’s Report

A. Consideration of Resolution 2020-36, Approving the Fiscal Year 2021 Budget and Setting the Public Hearing

The Board reviewed the proposed budget and discussion ensued regarding the increases in assessments.

On MOTION by Mr. Massey seconded by Mr. Shuping with all in favor Resolution 2020-36, approving the proposed budget for Fiscal Year 2021 and setting the public hearing for August 3, 2020 at 4:00 p.m., was adopted.

B. Memorandum of Understanding #4 between the District and Inframark

Mr. Cassel reviewed the memorandum of understanding #4, which increases compensation levels for the three field personnel. The total annual increase is \$38,650.

On MOTION by Mr. Massey seconded by Mr. Shuping with all in favor MOU #4 between the District and Inframark was approved.

Mr. Cassel stated the Board needs to hold a landowners’ election for Seat #1. There was consensus to advertise the landowners’ meeting for June 22, 2020.

FIFTEENTH ORDER OF BUSINESS Engineer’s Report

There being no report, the next item followed.

SIXTEENTH ORDER OF BUSINESS Attorney’s Report

- Mr. Lewis reported the following:
 - It has been five years since the District’s Water Control Plan was adopted. It needs to be updated by the District Engineer.

- He received correspondence from the US Department of Agriculture regarding the District’s irrigation activities.
- Mr. Massey spoke with the representative and answered the questions on the form, which do not apply to the District.
- Mr. Diffenderfer reported the City of Westlake had a workshop. They wanted to have discussions regarding jurisdiction. The City hired outside counsel to undertake a review that would help them arrive to a conclusion that the District does not have police power and platting power, which the District never stated it did. The City Attorney stated the City is willing to take SID engineer certification of construction sufficiency and completion and use it for release of bonds.

SEVENTEENTH ORDER OF BUSINESS

Supervisors’ Requests

There being none, the next item followed.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Massey seconded by Mr. Shuping with all in favor the meeting was adjourned.

Kenneth Cassel
Secretary

Scott Massey
President

**MINUTES OF MEETING
SEMINOLE IMPROVEMENT DISTRICT**

A special meeting of the Board of Supervisors of the Seminole Improvement District was held Friday, June 12, 2020 at 8:30 a.m. at the Westlake Council Chambers, located at 4005 Seminole Pratt Whitney Road, Westlake, Florida and via telephonic communication.

Present and constituting a quorum were:

Scott Massey	President
Michael Shuping	Vice President
Dennis Church	Secretary (Via Telephone)

Also present were:

Ken Cassel	District Manager
Terry Lewis	District Counsel (Via Telephone)
Ryan Wheeler	District Engineer

The following is a summary of the discussions and actions taken at the June 12, 2020 Seminole Improvement District's Board of Supervisors Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Cassel called the meeting to order at 8:33 a.m. and called the roll. A quorum was established.

SECOND ORDER OF BUSINESS

Public Comment

Hearing no comments from the public, the next order of business followed.

THIRD ORDER OF BUSINESS

District Manager's Report

A. Consideration of Resolution 2020-37, Reapproving the Fiscal Year 2021 Budget and Setting the Public Hearing

Mr. Cassel reviewed the revised proposed budget.

- \$800,000 is being taken out of the fund balance to minimize increases in assessments.
- This will still cover all anticipated costs as well as adding expenses for landscape maintenance.

On MOTION by Mr. Massey seconded by Mr. Church with all in favor Resolution 2020-37, reapproving the Fiscal Year 2021 budget and setting the public hearing for August 3, 2020 at 4:00 p.m., was adopted.

FOURTH ORDER OF BUSINESS **Engineer’s Report**

There being no report, the next item followed.

FIFTH ORDER OF BUSINESS **Attorney’s Report**

There being no report, the next item followed.

SIXTH ORDER OF BUSINESS **Supervisors’ Request**

Mr. Church asked if the District is still operating under executive orders.

Mr. Lewis responded virtual meetings can be held through June 30, 2020. The Florida League of Cities and FASD are requesting that the Governor extend the executive order for virtual meetings through the current Fiscal Year and are awaiting a response.

SEVENTH ORDER OF BUSINESS **Adjournment**

There being no further business,

On MOTION by Mr. Massey seconded by Mr. Shuping with all in favor the meeting was adjourned.

Kenneth Cassel
Secretary

Scott Massey
President

**MINUTES OF LANDOWNERS' MEETING
SEMINOLE IMPROVEMENT DISTRICT**

The Landowners' Meeting of the Board of Supervisors of the Seminole Improvement District was held on Monday, June 22, 2020 at 3:30 p.m. at the City of Westlake Council Chambers, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

Scott Massey
Kenneth Cassel
Terry Lewis
John Carter
Steve Yohe

The following is a summary of the minutes and actions taken during the June 22, 2020 SID Landowner' Meeting.

FIRST ORDER OF BUSINESS

Mr. Cassel called the meeting to order.

Call to Order

SECOND ORDER OF BUSINESS

A total of 2,536 acres/voting units were represented.

Determination of Number of Voting Units Represented

THIRD ORDER OF BUSINESS

Election of Chairman for the Purpose of Conducting the Landowners Meeting

On MOTION by Mr. Carter seconded by Mr. Yohe with all in favor Mr. Cassel was elected Chairman for the purpose of conducting the landowners' meeting.

FOURTH ORDER OF BUSINESS

Mr. Carter nominated Mr. Dennis Church to serve on Seat #1.

Nomination to Serve on Seat #1 of the Board of Supervisors

FIFTH ORDER OF BUSINESS

The ballots were casted.

Casting of Ballots

SIXTH ORDER OF BUSINESS

The ballots were tabulated, and it was determined all 2,536 units voted in favor of Mr. Dennis Church.

Ballot Tabulation

SEVENTH ORDER OF BUSINESS

Landowners Questions or Comments

There being none, the next item followed

EIGHTH ORDER OF BUSINESS

Adjournment

There was a brief recess and the meeting was reconvened for the purpose of appointing Mr. Michael Shuping to Seat #3, which was left vacant after Mr. Bennett's resignation.

On MOTION by Mr. Carter seconded by Mr. Yohe with all in favor Mr. Michael Shuping was reappointed to Seat #3.
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There being no further business, the landowners' meeting was adjourned.

Fifth Order of Business

Placeholder for May 2020 Financial Statements

Sixth Order of Business

Placeholder for Resolution 2020-40

Seventh Order of Business

Placeholder for Resolution 2020-41

EIGHTH ORDER OF BUSINESS

8A



Wendy Sartory Link

Palm Beach County Supervisor of Elections

April 16, 2020

Terry Lewis
515 North Flagler Drive
Suite 1500
West Palm Beach FL 33401

RE: Seminole Improvement District

Mr. Lewis:

In accordance with the requirements of Chapter 190(3)(a)(2)(d), we certify that, as of April 15th, 2020, the number of registered voters within the Seminole Improvement District boundaries is 517.

Should you have any questions or require additional information, please do not hesitate to contact us.

A handwritten signature in black ink that reads "Bradley".

Jodi Bradley
IT/GIS Department