



**QUANTUM PARK OVERLAY
DEPENDENT DISTRICT**

**PALM BEACH COUNTY
REGULAR BOARD MEETING
JANUARY 24, 2017
2:00 P.M.**

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

www.quantumparkoverlaydd.org

561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
QUANTUM PARK OVERLAY DEPENDENT DISTRICT
2500 Quantum Lakes Drive, Suite 101
Boynton Beach, Florida 33426
REGULAR BOARD MEETING
January 24, 2017
2:00 p.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Attorney Client Session
- E. Additions or Deletions to Agenda
- F. Comments from the Public for Items Not on the Agenda
- G. Approval of Minutes
 - 1. December 15, 2016 Regular Board Meeting Minutes.....Page 2
- H. Old Business
- I. New Business
- J. Administrative Matters
 - 1. Status Report from District Engineer.....Page 7
- K. Board Members Comments
- L. Adjourn

The Palm Beach Post

Palm Beach Daily News



QUANTUM PARK OVERLAY DEPENDENT DISTRICT NOTICE OF CHANGE OF REGULAR MEETING DATE AND ATTORNEY-CLIENT SESSION

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Quantum Park Overlay Dependent District (the "District") will hold a Regular Board Meeting at 2500 Quantum Lakes Drive, Suite 101, Boynton Beach, Florida 33426 on Tuesday, January 24, 2017, at 2:00 p.m. instead of on Thursday, January 19, 2017, as previously published in the Palm Beach Post on October 3, 2016.

NOTICE IS FURTHER GIVEN that the Board of Supervisors of the Quantum Park Overlay Dependent District will hold a closed attorney-client session on Tuesday, January 24, 2017, at 2500 Quantum Lakes Drive, Suite 101, Boynton Beach, Florida 33426. The closed attorney-client session will convene at 2:00 p.m., or as soon thereafter as possible following the Regular Board Meeting convening, as noted above. The purpose of the Attorney-Client Session is to discuss the legal proceedings and strategy for the defense of the District in the following pending litigation:

Olen Properties Corp, et. al. v. Quantum Property Owners' Association, Inc.; et. al.
Palm Beach County Circuit Court Case Number: 50-2013-007694;

Olen Properties Corp. and Secured Holdings Inc. v. Quantum Park Overlay Dependent District, et al. Case Number: 2015-CA-001721;

Secured Holdings Inc. v. Quantum Park Overlay Dependent District - Case Number: 2015-CA-0011695;

Secured Holdings Inc. v. Quantum Park Overlay Dependent District; Eugene Gerlica; and the City of Boynton Beach - Case Number: 2016-CA-5668; and

In The South Florida Water Management District of Florida

IN RE:
SFWMD Permit No. 50-01503-S-41
SFWMD Application No. 130522-14
Quantum Park Overlay Dependent District Petition for Hearing

The purpose of holding the closed attorney-client session is to discuss strategy related to litigation expenditures against the Quantum Park Overlay Dependent District action in the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. The session will be attended by Board Members: Cyndi Benson, Charles Kanter, Colin Groff, Jeffrey Livergood and Andrew Mack, the District Manager Richard Ellington and the District's Attorneys Bernard A. Conko, Esq., and Sherry Sutphen, Esq.

Quantum Park
Overlay Dependent District
www.quantumparkoverlayddd.org

PUB: The Palm Beach Post
1-9/2017 #693582

QUANTUM OVERLAY CDD PROOF OF PUBLICATION STATE OF FLORIDA COUNTY OF PALM BEACH Before the undersigned authority personally appeared Tiffani Everett, who on oath says that she is Call Center Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a Notice was published in said newspaper on First date of Publication 01/09/2017 and last date of Publication 01/09/2017 Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties. MEETING NOTICE Ad ID: 1359579 Ad Cost: 285.52

Signed



NADIA VAGADES, Notary Public
In and for the State of Florida
My Commission Expires Sept. 2, 2019

Sworn to and subscribed before 01/09/2017.
Who is personally known to me.

QUANTUM PARK OVERLAY DEPENDENT DISTRICT
REGULAR BOARD MEETING
DECEMBER 15, 2016

A. CALL TO ORDER

District Manager Richard Ellington called to order the December 15, 2016, Regular Board Meeting of the Quantum Park Overlay Dependent District at 2:00 p.m. in a Conference Room located at 2500 Quantum Boulevard, Suite 101, Boynton Beach, Florida 33426.

B. PROOF OF PUBLICATION

Proof of publication was presented that notice of the December 15, 2016, Special Board Meeting had been published in *The Palm Beach Post* on October 3, 2016, as part of the District's Fiscal Year 2016/2017 Regular Meeting Schedule, as legally required.

C. ESTABLISH A QUORUM

Present and constituting a quorum were Chairperson Cyndi Benson, Vice Chairman Charles Kanter and Supervisors Jeffrey Livergood, Andrew Mack and Colin Groff.

Staff in attendance were: District Manager Richard Ellington and Peter L. Pimentel of Special District Services, Inc.; District Counsel Bernard Conko, Of Counsel to Cohen, Norris, Wolmer, Ray, Telepman, Cohen; and District Engineer Eugene A. Gerlica, P.E. of Gerlica, Inc.

Also present were: Andre Parks, Esq.; Commissioner Justin Katz; Desha Pencheff; and Mayor Grant.

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

F. APPROVAL OF MINUTES

1. October 20, 2016, Regular Board Meeting

Mr. Ellington presented the minutes of the October 20, 2016, Regular Board Meeting. Without comment, Mr. Kanter moved **approval**, seconded by Mr. Mack and upon being put to a vote, the **motion** carried 5 to 0 approving the October 20, 2016, Regular Board Meeting minutes, as presented.

2. November 1, 2016, Regular Board Meeting

Mr. Ellington presented the minutes of the November 1, 2016, Regular Board Meeting. Mr. Groff **moved** approval, seconded by Mr. Livergood and without discussion, the **motion** carried 5 to 0 approving the November 1, 2016, Regular Board Meeting minutes, as presented.

QUANTUM PARK OVERLAY DEPENDENT DISTRICT
REGULAR BOARD MEETING
DECEMBER 15, 2016

3. December 1, 2016, Special Board Meeting

Mr. Ellington presented the minutes of the December 1, 2016, Special Board Meeting. Mr. Kanter **moved** approval, Mr. Mack seconded and without discussion, the **motion** carried 5 to 0 approving the minutes of the December 1, 2016, Special Board Meeting minutes, as presented.

G. OLD BUSINESS

1. Update Regarding Litigation

Mr. Conko reported that on Monday prior to the meeting that the Judge had entered a Summary Judgment on Count VI of the complaint in favor of the POA in the suit known as Olen #2. He also reported that the Judge, earlier in the day of the meeting, had signed an Order denying the right for the Plaintiff to amend their complaint as it related to Count VI. He reported that Count VIII was still awaiting the Judge's decision on a Summary Judgment motion.

H. NEW BUSINESS

1. Discussion Regarding Holding an Executive Session on Pending Litigation Against the District

Mr. Conko reported that both he and Ms. Sutphen, the litigation attorney for the District, thought that it would be advisable for the Board to have an Executive Session to bring the Board up to date on the strategy being used in the various litigations to which the District was a defendant. Mr. Conko went through the process and procedures for holding an Executive Session. Mr. Ellington indicated that Ms. Sutphen was not available on Thursdays or Fridays and therefore, suggested that the meeting for January be changed from January 19, 2017, to January 24, 2017, and that the Executive Session be held immediately after the opening of the Regular Board Meeting. Mr. Mack **moved** that the change of date be approved and that the meeting agenda include the holding of an Executive Session and the proper publication thereof. Mr. Livergood seconded and without further discussion, the **motion** carried 5 to 0.

2. Discussion Regarding Future Direction of the District

Mr. Groff indicated that he was interested in seeing the Board discuss several of the current functions that the Board performs and whether or not there were some of these functions that could be better handled by the City of Boynton Beach. Mr. Groff indicated that he thought that the District should be sustained for the purposes of developing the park property known as the Thomas A. McGillicuddy Eco-Park and to pay off the debt that exists against the District for certain loans that had been previously taken out. Mr. Groff indicated that he thought the City should be asked whether or not they would be interested in taking the District out of the permitting process as it related to the management and maintenance of the stormwater functions that the District has overseen since its inception.

Mr. Livergood indicated that he felt the District needed to decide what functions needed to be performed by government or the District. He indicated that if the City took over that the City may need to have title to the lands surrounding the stormwater management ponds or at least an Interlocal Agreement between the City and the District for the City to perform those functions.

QUANTUM PARK OVERLAY DEPENDENT DISTRICT
REGULAR BOARD MEETING
DECEMBER 15, 2016

The District Engineer requested that any action on this item be postponed until the discussion of the permit policy and the active permit status report, including permit defaults, were completed before acting. There was an extensive discussion between the Board Members and the District Engineer about the feasibility of the City performing the functions related to stormwater management, maintenance and permitting, primarily focusing on the fact that these permits now have a three layer process and under the proposal would have a two layer process. Following the discussion, Mr. Groff indicated that he felt the whole issue came down to the permitting process and thought the transfer could be handled similar to what had happened earlier with the roads. Mr. Ellington explained that at the time of the road transfer the Interlocal Agreement related to that matter was a result of potential litigation between the City and the District because the City had cut off funding for maintenance and there was language in the agreement where the City could not do that and the District felt that they had improperly acted. Mr. Ellington went on to explain that there were several negotiations between the parties before the street lights and roads were transferred in lieu of the litigation being filed. Finally, Mr. Groff **moved** and Mr. Mack seconded that the District Manager be directed to write a letter to the City Manager indicating that the District Board would like to know whether or not the City was interested in transferring the management and maintenance of the stormwater system within the District and any permits related thereto to the City for them to be responsible therefore. The motion also indicated that the District would continue to function for the purposes of the developing of the park and to pay off the two existing debts of the District. Following the **motion** being made and seconded, Mr. Gerlica indicated that he would like to speak against the motion and indicated that in his comments that he felt that the District had performed a valid function in the past and should continue to perform the function of reviewing the permits related to the stormwater management so that the District's interest could be sustained.

Following all of the discussion, the motion was put to a vote and the **motion** carried 5 to 0.

3. What Should the District Recommend to the City of Boynton Beach?

The Board felt that they had covered this item in the prior discussion and therefore there was no reason to discuss this matter.

4. Discussion Regarding Permit Policy

Mr. Ellington indicated that the resolutions related to the permit policy were in the booklet, beginning on Page 17. Mr. Gerlica gave a history of the policy, including the ARC approval prior to the issuing of any stormwater management permit. There was discussion also about the fact that Mr. Groff believed that the adoption of Resolution 2014-03, which indicated that the District's permit for stormwater management use would not be issued until the applicant had received ARC approval was in violation of State law. Nonetheless, Mr. Groff indicated he thought the permit policy was well written and could be understood, but other than the issue on the State law matter, he had no further comments or questions. Mr. Mack indicated that he would provide the appropriate sections of the law on this matter to Mr. Conko so that he could render an opinion as to whether or not this was applicable to the District at the next meeting.

QUANTUM PARK OVERLAY DEPENDENT DISTRICT
REGULAR BOARD MEETING
DECEMBER 15, 2016

5. Update Regarding Permit Status

Mr. Gerlica gave an update on the permit status of all pending permits. He indicated that the only pending permit was for Lot 52 and that he had given a comment letter in 2013 and he has yet to hear from the applicant on matters outlined in that letter that needed to be submitted for further review.

6. Update Regarding Park Status

Mr. Gerlica went through the history of the development of the park, including the hiring of a consultant to do a bubble plan for the park and then the hiring of a landscape architect to deal with more specifics in the park. Mr. Gerlica referenced several documents related to the park and the status of where it was with its development. The documents are available electronically and could be made available upon request. There was discussion as to the status of the landscape architect and it was determined that the architect's contract was on a task basis and therefore, if the Board decided to move further on the development of the park and required the services of the landscape architect, that it was permissible under the terms of the existing agreement. No action was taken on this matter.

I. ADMINISTRATIVE MATTERS

1. Status Report from District Engineer

Mr. Gerlica went through the items in the book, beginning on Page 35 as to the summary of the activities with the **Quantum Town Center Permit**, as well as the activities related to the permit for **Lot 17 for the Olen Apartments**. Mr. Gerlica did make one request for Board authorization, which was to have **Ecological Consultants, Inc.** to perform bush hog, mowing or other methods to clear the established fire breaks in the north and south sand pine preserves and the areas around Lake 8, which work included trash pickup, removal and disposal. The amount indicated of not to exceed **\$2,000** was for 2 different events, one within 30 days of this meeting and the second event, six months thereafter. Mr. Livergood asked that a copy of Ecological Consultants' contract be distributed to the 3 new Board Members, which Mr. Ellington indicated that he would. Following that discussion, Mr. Groff **moved** and Mr. Mack seconded that the request to approve Ecological Consultants to do the work indicated above and that **motion** carried 5 to 0.

Under Update on Other Engineering Related Activities, Mr. Gerlica reported that the bidding on the **FDOT – Gateway Boulevard/I-95 Intersection Improvements** would take place in 2017. This is a milling and overlay project entirely within the limits of I-95 without impact to the District or the District's water management system.

As to the **High Ridge Road/Gateway Boulevard Intersection Improvements**, Mr. Gerlica reported that there was a third and final utility coordination meeting with the County on December 7, 2016. This project will be advertised and bid in late 2017.

As for the **Public Participation for the FDOT Gateway Boulevard and I-95 Intersection Project, Development and Environmental Study**, Mr. Gerlica indicated that the next meeting was scheduled for September 2017.

QUANTUM PARK OVERLAY DEPENDENT DISTRICT
REGULAR BOARD MEETING
DECEMBER 15, 2016

J. BOARD MEMBER COMMENTS

There were no comments from the Members of the Board.

K. ADJOURNMENT

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 3:55 p.m. on a **motion** made by Mr. Mack, seconded by Mr. Groff and **motion** carried 5 to 0.

Secretary/Assistant Secretary

Chair/Vice-Chair

ENGINEERS REPORT

QUANTUM PARK OVERLAY DEPENDENT DISTRICT

January 13, 2107

Below is a list of ongoing Engineering and Maintenance Items and a brief update for the January 24, 2017 Board Meeting. Any of the items listed may be placed on the agenda for the Board to address.

Permit Activities of Interest

1. Quantum Town Center, "QTC", Permit 2012-01Defaults; No Update.

2. QPODD Permit 2013-01; Lot 17 Olen Apartments:

Listed below are observations of permit activities.

- a. Work on Buildings 1 and 2 is continuing. The existing pathway has been closed and detour signs are in place since the last report on December 6, 2016.
- b. Landscape and irrigation installation is continuing.
- c. Silt fencing and filter fabric installations appear to be in good repair.
- d. Additional observations will be reported at the meeting.

3. QPODD Permit 2013-02; Lot 52 Olen Apartments: **No Update.**

4. QPODD Permit 2016-01; Lot 51-B – FPL Substation:

Listed below are observations of permit activities.

- a. Materials have been delivered and stored on site.
- b. Clearing operations have commenced, without notice to the QPODD. Permittee has been notified.
- c. Silt fencing and filter fabric installations are missing.
- d. Additional observations will be reported at the meeting.

5. Lot 48D Maintenance Responsibly: **No Update.**

Board Authorizations Requested;

1. Board Maintenance Authorizations Requested: **NONE**

Update on Other Engineering Related Activities;

1. FDOT – Gateway Boulevard/I-95 Intersection Improvements: **No Update.**
2. PB County Intersection Improvements; High Ridge Road/Gateway Boulevard: **No Update.**

On December 7, 2016, there is a third and final utility coordination meeting with Palm Beach County. An update on the utility coordination meeting will be provided at the District meeting. To date a QPODD permit application for this project has not been submitted.

3. FDOT Public Participation for Gateway Boulevard and I-95 Intersection Improvements:

No Update. On July 28, 2016 a planning meeting conducted for this project. Three (3) design alternatives were presented for consideration. All three (3) alternatives addressed the future traffic demands on the interchange up to the year 2040. I communicated the Districts drainage concerns to the FDOT representatives and the design consultants. A public hearing is scheduled for September 2017 to present the selected alternative and receive public comment before the Planning Development & Environment Study is completed.

More information is available at; www.95gatewayboynton.com