



February 19, 2025

**POLK REGIONAL WATER COOPERATIVE
Special Meeting of the Southeast Wellfield Project Board
Lake Myrtle Sports Complex
201 Lake Myrtle Park Road
Auburndale, FL 33823**

Member Governments in Attendance:

Member Government

City of Auburndale
City of Bartow
City of Davenport
City of Dundee
City of Eagle Lake
City of Fort Meade
City of Haines City
City of Lake Alfred
Town of Lake Hamilton
City of Lake Wales
City of Lakeland
City of Mulberry
City of Polk City
City of Winter Haven
Polk County

Representative

Commissioner Keith Cowie, Primary
Mayor Trish Pfieffer, Primary
Mayor Brynn Summerlin, Primary
Absent
Absent
Absent
Vice-Mayor Morris West, Primary
Mac Fuller, Primary (Secretary/Treasurer)
Absent
Absent
Mayor Bill Mutz, Primary (Chairman)
Absent
Absent
Mayor Nathaniel Birdsong, Primary (Vice Chairman)
Commissioner Becky Troutman

A. Call To Order

Chairman Birdsong called the meeting to order at 2:00PM. He thanked all the members for attending and asked if there was a quorum present. **Mr. DeHaven** indicated that there was.

Recognition of new primary/alternate appointees of members.

Chairman Birdsong asked the Board members to introduce themselves.

C. Agenda Revisions

Chairman Birdsong asked if there are any revisions or deletions to the agenda. **Mr. DeHaven** indicated there were no revisions to the agenda and mentioned to the Board that there was a need to sign a Certificate of No Conflict for the Truist Line of Credit coming to the Board in March. He proceeded to ask members for their signature on this document before leaving today.

D. Public Comments (Limited to 3 minutes)

Chairman Birdsong asked if any members of the public wished to address the Board.

Mr. Matthew Machata addressed the board as the property owner of Rolling Meadows regarding Resolution 2025-02, which replaces Resolution 2023-12. He stated he was against the use of the Rolling Meadows property for the PRWC pipeline and recommend it be moved to the Boy Scout Camp property. He argued that the board's decision-making process lacked proper analysis and factual support. He raised concerns about five required factors—route selection, cost, environmental impact, safety, and long-term planning—stating that the resolution failed to properly assess the five factors and look at alternatives.

Mr. Machata criticized the environmental impact claims, arguing that studies had not been conducted and disputing findings related to conservation areas. He also challenged cost estimates, arguing that the selected route would require removing high-value citrus trees, making it more expensive than alternative routes. Additionally, he highlighted safety risks, including potential contamination from agricultural chemicals and the danger of equipment hitting the pipeline.

Mr. Machata questioned the permitting process, suggesting that modifying conservation land permits would be quicker than securing approvals for private agricultural land. He concluded by warning the board that their approach lacked evidence, could lead to legal challenges, and urged them to reconsider their decision.

Mr. Machata concluded by talking about additional permit concerns and loss of citrus land. He indicated the US Fish and Wildlife Service was agreeable to permit and Rolling Meadows and he would continue to challenge the PRWC pipeline routing.

E. Consent Items

F. Commence Southeast Wellfield BOD

F.1. Adopt Resolution 2025-02 Superseding and Replacing Resolution 2023-12 Parcel Resolution of Necessity to Acquire Certain Specified Parcels to Implement the Southeast Lower Floridan Aquifer Water Production Facility and Southeast Transmission Line Projects (Action).

Mr. Ed de la Parte spoke to the board reviewing the selection of a pipeline route between Roy Keane Road and Lake Park Road. Initially, the Boy Scout alignment was recommended in a 2020 technical report, but it was later discovered that it contained an active endangered species conservation bank, making the Rolling Meadows alignment a more feasible alternative. In March 2023, the board approved the Rolling Meadows alignment, and eminent domain proceedings began in May 2023.

However, in January 2025, a court ruling denied the order of taking on procedural grounds, stating that the cooperative's authority to exercise eminent domain only began when the interlocal agreement was approved in September 2023 by the Department of Environmental Protection. Given the legal setback, the board is now considering a new resolution (2025-02) that would supersede the previous one and authorize the acquisition of the Rolling Meadows parcels.

Mr. de la Parte provided a map of the property to explain the location of the easement under discussion. He pointed out features of both possible easements such as scrub oaks, fire breaks and grove property.

An addendum to the 2020 technical report was prepared by Team One and was made available to the Board members at the meeting. The Addendum reaffirmed the Rolling Meadows alignment remains the best option based on factors such as construction feasibility, public impact, long range planning, safety, and environmental considerations. While the Boy Scouts have expressed interest in selling easement rights, uncertainties regarding cost and legal complications make that option less predictable and practical. There are three separate parties involved in the Boy Scout property, the land owner, the mitigation bank manager, and the permitting agency, the United States Fish and Wildlife Service, each of which have varying interests and the approval of all three would be required for the acquisition of an easement on the Boy Scouts property.

Mayor Pfeiffer asked if **Mr. de la Parte** could expand on the Boy Scout Camp demands for use of their property. **Mr. de la Parte** indicated the letter is included as Appendix B to the Addendum. The letter indicates the mitigation bank manager wanted an upfront non-refundable payment of \$6,000 and compensation for six other items such as project coordination, development of mitigation strategies, increased management costs and additional compensation to demonstrate a net positive benefit from the project.

The staff recommendation is to adopt the new resolution provided to the Board.

Chairman Birdsong asked the Board if there were any other questions. **Commissioner Troutman** asked that since we have a property owner that is fighting for their property if anyone has reached out to Scott Franklin's office. **Mr. DeHaven** indicated no and discussed why we had not gone that route.

Mayor Summerlin asked if this was running down the side of a road. **Mr. DeHaven** indicated it was not – the two properties were next to each other. There is a fire line on the Boy Scout Camp property and this is an area between two roads. One side has a fire line and the other has a grove with turn lanes, etc. **Mayor Summerlin** indicated there might be a path forward to split the two properties.

Mayor Mutz asked about future development and if the PRWC pipeline would have a negative impact. **Mr. de la Parte** indicated no, not in his opinion. **Commissioner Troutman** indicated since citrus could not be placed over our permanent easement, could houses be built – and if not, are we not impacting

them? **Mr. de la Parte** indicated there would need to be a buffer between the property lines. **Mr. DeHaven** further suggested that there would likely be a road in this area if development occurred. He reiterated that we were on the edge of the grove – not cutting through the middle of it. **Vice-Mayor West** asked if there could be a road through here and **Mr. DeHaven** indicated yes, it was logical that the two roads would join. **Vice-Mayor West** asked to confirm if a quorum was present. **Mr. DeHaven** indicated there was – 8 of the 11 members were present.

Commissioner Troutman asked about the legal process. **Mr. de la Parte** reviewed the order of taking process that occurs through the court. He mentioned concerns with the Boy Scout's being in bankruptcy. **Chairman Birdsong** wanted to confirm that the reason our original order of taking was refused was that the PRWC did not have the proper authority. **Mr. de la Parte** confirmed that was the case from the judge's perspective but PRWC could have challenged that ruling and likely would have won but we elected to proceed with a new order of taking to save time and money. Today we are eliminating a procedural issue by adopting this resolution.

Mayor Summerlin indicated we were chasing this one way or another. The pipeline has to go through someone's property. **Commissioner Troutman** suggested that since that was the case, we should explore the Boy Scout property as we worked on the Rolling Meadow's property. **Mr. DeHaven** indicated that the PRWC could do that and looked to **Commissioner Troutman** to assist with Scott Franklin's office. **Mayor Summerlin** stated it might be worthwhile to run it partially on each property. **Mr. DeHaven** indicated we have been speaking with both property owners and it has brought us to this point today. **Commissioner Troutman** asked about how it would look if we were slightly on both properties and **Mr. DeHaven** pulled up the map to show how that might work.

Commissioner Troutman brought up several factors, such as the grove's family-based business and the importance of agriculture that need to factor into our decision.

Mayor Fuller asked about the Boy Scout bankruptcy issue. **Mr. de la Parte** indicated it was due to past lawsuits due to perceived improprieties. **Mr. DeHaven** indicated the Boy Scout property was making money from the sale of mitigation credits.

Mark Addison mentioned that there is an existing utility easement on the Rolling Meadows property that the PRWC is working in. Splitting the construction on both properties would raise issues with that easement. That easement does not limit citrus trees

It was agreed upon that **Eric DeHaven** with help from **Commissioner Troutman** will reach out to Scott Franklin's office and the US Fish and Wildlife office for guidance.

Motion to approve Adopt Resolution 2025-02 Superseding and Replacing Resolution 2023-12 Parcel Resolution of Necessity to Acquire Certain Specified Parcels to Implement the Southeast Lower Floridan Aquifer Water Production Facility and Southeast Transmission Line Projects was made by **Mayor Mutz**, seconded by **Commissioner Cowie**. Motion was approved 7 to 1 with **Commissioner Troutman** in opposition.

F.2. Approve the Facility Encroachment Agreement with CSX Transportation, Inc. for the Southeast Transmission Line Project (Action)

Mark Addison presented to the board the facility encroachment agreement with CSX Transportation for a pipeline crossing on Lake Wales Rd., east of Logistics Parkway and north of State Road 60. The agreement allows for the construction and maintenance of a 24-inch water main within a 36-inch steel casing beneath the CSX tracks. This project is part of Construction Package 4B, set to go out for bid next month. The agreement remains in effect as long as the pipeline is in use and includes compliance with CSX standards, insurance requirements, and a one-time \$3,500 review fee. Additional CSX crossing agreements will be presented in the future.

Motion to approve the Facility Encroachment Agreement with CSX Transportation, Inc. for the Southeast Transmission Line Project was made by **Mayor Pfieffer**, seconded by **Vice-Mayor West**. Motion was unanimously approved.

F.3 Approve Three Encroachment Agreements with Florida Gas Transmission Company, LLC for the Southeast Transmission Line Project

Mark Addison presented three separate encroachment agreements with Florida Gas Transmission for water main crossings in the Bartow and Eagle Lake areas. The crossings include:

A 12-inch water main crossing a 12-inch gas line on Ernest Smith Blvd.

An 8-inch water main crossing a 12-inch gas line on Bradford Rd. in the Gordonville area.

A 20-inch water main crossing an 8-inch gas line near Bartow Airport.

These agreements grant consent for maintaining, operating, and using the encroachments, remaining in effect unless terminated or the facilities are removed. Compliance with Florida Gas Transmission's engineering and construction requirements is required, but no application fees or costs are associated with these agreements. The Board members emphasized the importance of timely action to control costs and keep projects moving forward efficiently.

Motion to approve Three Encroachment Agreements with Florida Gas Transmission Company, LLC for the Southeast Transmission Line Project adopt resolution 2024-34 to modify resolution 2023-06 Project resolution of Necessity Approving the Southeast Wellfield Water Production Facility and Transmission Main Project was made by **Mayor Summerlin**, seconded **Mayor Pfieffer**. Motion was unanimously approved.

Chairman Mutz recessed the Regular Board.

G. Open Discussion

Mayor Birdsong thanked the Southeast Board for arranging their schedules to attend the special meeting.

H. Chair / Executive Director Report

Mayor Birdsong indicated the Mr. DeHaven had a few items to bring up.

Mr. DeHaven reminded everyone about the PRWC Southeast Groundbreaking event on February 26, 2025 at 10a.m.

Mr. DeHaven introduced the potential new Financial Manager, **Laura Guy Rice**. **Laura** came to the podium and gave a summary of her background.

Mr. DeHaven indicated that each Board member had a copy of the Heartland Funding one page summary at their desk for their use.

I. Adjournment by Mayor Nathaniel Birdsong at 3:00 PM.

In accordance with the American with Disabilities Act, persons with disabilities needing special accommodations to participate in this proceeding should contact the Polk County Communications Office not later than forty-eight hours prior to the proceeding. Their offices are located in the Neil Combee Administration Building, 330 West Church Street in Bartow. Telephone (863) 534-6090, TDD (863) 534-7777 or 1-800-955-8771, Voice Impaired 1-800-955-8770 via Florida Relay Service.

If a person decides to appeal any decision made by the board with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.