

**MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
HELD MARCH 15, 2018**

The regular meeting of the South Indian River Water Control District was held on March 15, 2018, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. 21 landowners were also present.

Mr. Hinkle called the meeting to order and the Pledge of Allegiance to the flag was given.

A motion was made by Mr. Powell to approve the consent agenda. Mr. Howard seconded the motion and it carried unanimously.

Ms. Bender presented the public information report. The newsletter has been mailed out. Family Day is Saturday, March 17th; Ms. Bender thanked Mr. Dillon and his staff for getting everything ready.

Mr. Haas presented the treasurer's report. He requested approval of a reimbursement to landowners Mr. and Mrs. Crate for an assessment paid in error for the years 2013-2017 for the annual debt service on the hookup financing note. Mr. Haas verified that they were over-assessed \$1,934.40 because of an error on the part of the District. Mr. Powell made a motion approving this reimbursement. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations' report. The District has received two Palm Beach County annual safety awards for the 21st year in a row.

Mr. Dillon requested Board direction for continuing the contract to provide detailed mowing and landscaping around culverts, telephone poles, hydrants, etc. requested by landowners in Palm Beach Country Estates. He explained this service has been provided by an outside party since 2006. The work is labor intensive if handled in-house and would necessitate hiring extra workers. He noted the current contract is up for renewal and he will be required to obtain bids as the cost will increase to over \$20,000 annually. Mr. Meyer questioned why the District is paying for this service instead of the individual landowners as he considers this to be a beautification issue. Mr. Jones reported he has received letters from landowners who believe the District is going to stop maintaining the swales, and he confirmed this is not the case. Mr. Dillon noted this enhanced maintenance service was originally started in 2006 and incorporated into the budget because residents wanted a more "finished" look, although there was never a referendum for this issue. Mr. Haas stated this cost is assessed on a per parcel basis and is a component of the road maintenance budget for 1525 parcels.

Mr. Hinkle asked for landowner input on this subject. Mr. Manuel Bueno noted that a precedent has been set over the past 12 years and this service is already in the budget. Since everyone is not able to take care of their yards, this service maintains the integrity of the neighborhood. Ms. Susan Deckert also supported continuing with the enhanced maintenance. She noted there are "snowbirds" in the neighborhood who are not always there to maintain the area. She was in favor of continuing with the status that has been established. Mr. Martin Spiro stated this extra maintenance should be scrapped and the District should do more drainage work. He noted there are no vacant lots on 69th and no reason why landowners cannot assume responsibility for their own property. He also noted that the landowners' committee should be involved in beautification, not the District. Mr. Bob Berman stated he was in favor of continuing the maintenance. He noted these are County roads and the landowners do not have ownership to the center of the roads and are not responsible for maintenance of the swales. These swales are deeper than any of the regular drainage swales in the rest of the District. He noted the residents want an enhanced level of maintenance, particularly at the entrance to PBCE. He also noted the landowners' association has supplemented and paid for additional work such as edging sidewalks and additional landscaping. Noemi Reeves stated the contract should be scrapped and landowners should take responsibility for the care of their own

property. Ms. Sandy Fournies stated this sounds like a beautification project. Mr. Matt Gitkin stated there was no referendum regarding this issue and no due process for assessing all of PBCE. He believed less than 7% are benefitting but everyone is being taxed. He commented that the landowners' association should handle this project, not the District. Mr. Hinkle stated that four roads were originally included in this program but it was determined that two of them did not need to be included and they were removed. He suggested that the 111 parcels that benefit from the enhanced maintenance could be assessed separately for this service. Mr. Dillon confirmed the District could continue to just do the mowing and it would still fulfill the requirements of the contract with the County. Mr. Howard believed this enhanced maintenance should be considered as beautification and not continued. Mr. Powell questioned how much the County pays SIRWCD for mowing the swales. Mr. Haas stated approximately \$32,000, which is not enough to cover the cost. Mr. Powell suggested obtaining more bids because of the increase in cost being proposed. Mr. Meyer questioned why the District took this project on when they are County roads. He noted the County occasionally maintains the entrance to Jupiter Farms. Mr. Jones reported he heard from 65 landowners regarding this issue, and concluded that the landowners on 69<sup>th</sup> like the program but there is not much interest about 75<sup>th</sup>. He pointed out that this maintenance benefits a small group of people who should be doing the work themselves. Mr. Jones requested the opportunity to discuss this with the concerned landowners. He also suggested removing 75<sup>th</sup> from the program and then asking the County to perform the maintenance. Mr. Jones also questioned the possibility of including this issue on the annual ballot. Mr. Capko stated the Supervisor of Elections would have to allow it, and at best it would only be a straw poll. Mr. Dillon noted the current contract for the maintenance runs out on April 30<sup>th</sup>. Mr. Howard again stated this is outside the purview of the District and a straw poll is not necessary. Mr. Powell noted an improvement district could handle this but type of maintenance but SIRWCD is a water control district.

Mr. Hinkle noted that a letter sent out to the landowners stated Mr. Jones was the supervisor for PBCE. He pointed out that all five Board members represent PBCE. Mr. Hinkle was not in favor of the contract being renewed as it only benefits 111 parcels and is not justified. Mr. Jones questioned if only the 111 parcels could be assessed and Mr. Haas stated he would have to review this suggestion. After further discussion, Mr. Jones made a motion to include a straw poll on the next election ballot, if permissible. Mr. Powell seconded the motion and it carried 3:2 with Messrs. Meyer and Howard opposed. Mr. Meyer then made a motion to discontinue the contract and ask the County to take over the enhanced maintenance. There was no second to the motion. Mr. Meyer then amended his motion to state the Board will not renew the existing contract and the County will be asked to take over the enhanced maintenance. Mr. Howard seconded the motion and it carried 3:2 with Messrs. Jones and Powell opposed.

Ms. Eason presented the engineer's report. She reported the 19<sup>th</sup> Plan has not gone out for bids yet. A new petition has been received for .4 miles of asphalt paving on 74<sup>th</sup> Avenue North. Petitions will be accepted through April 30<sup>th</sup>.

Ms. Eason reported on the FEMA debris removal project. Edens Construction submitted the lowest bid and began construction in February. The work was substantially completed March 9<sup>th</sup> and the final paperwork is being processed. The final cost is \$176,000 for the removal of 289 trees.

There was a meeting regarding the Reasonable Assurance Plan (RAP) last month to go over PLSM model assumptions. The FDEP is looking at the projects and evaluating them. Regarding the possible purchase of a 20-acre parcel as previously discussed by the Board, Ms. Eason discussed the need to continue analysis of the amount of land needed to reduce flooding and pollutants. She noted there is no evidence at this time that SIRWCD has a problem with pollutants/water quality. Mr. Powell commented there would need to be a new Plan of Reclamation which provides the authority to purchase property if this option is pursued. Ms. Eason stated the price for purchasing property would also have to be contained in that Plan. Mr. Meyer asked about the FDEP position regarding the Reasonable Assurance Plan (RAP). He questioned if SIRWCD could be in a position where it does not have to do anything. Ms. Eason noted there are options for the District that do not include purchasing land, such as widening swales for more storage, putting in control structures to retain water, and looking at outfalls. Mr. Meyer

noted the property being discussed is in the middle of Jupiter Farms and questioned if there are other locations downstream or upstream. Ms. Eason stated the need to be close to a canal for flood protection.

Mr. Charles Bratten, landowner, stated the paving project in PBCE was expected to be completed by April. He questioned if financing is in place and if the project will be completed before hurricane season. Mr. Haas stated there is no actual financing in place yet but there have been initial conversations with the bank.

Mr. Jones questioned if it is now time for the Board to present a resolution to support the County requiring a fill permit. Mr. Powell stated there has been no engineering report as to surface water runoff, etc. Mr. Meyer was concerned about the progress of this issue and the need to have actual data. Ms. Eason suggested giving the County another month, and recommended a letter of support from the Board at that time.

Mr. Capko presented the attorney's report. The legislative session has ended. There were a number of bills filed under the guise of transparency that would be expensive for the District to follow. He noted the legislature spent a lot of time on school security issues.

Mr. Hinkle suggested starting the monthly Board meetings earlier because of increased security restrictions, or moving them from the high school to the District Work Center or Jupiter Farms Pavilion. It was agreed that future meetings will start at 6:30.

Mr. Haas added to his report that the field work has been completed for the annual audit with no adjustments called for. He will have the full audit report shortly.

There being no further business to come before the Board at this time, Mr. Powell made a motion to adjourn. Mr. Meyer seconded the motion and it carried unanimously.

ADJOURNED.