

**MINUTES OF THE REGULAR MEETING
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON OCTOBER 19, 2017**

The regular meeting of the South Indian River Water Control District was held on October 19, 2017, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, John Meyer, Michael Howard and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; Seth Behn, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately 17 landowners were also present.

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

The election results from the Supervisor of Elections Office were presented. Tom Powell and John Jones were declared the two winners. Mr. Howard made a motion to ratify the election results. Mr. Meyer seconded the motion and it carried unanimously. Mr. Jones was sworn in as supervisor by attorney Behn. Mr. Powell was absent and will be sworn in at the next meeting. Mr. Howard made a motion that Mr. Hinkle continue as president/chairman. Mr. Jones seconded the motion and it carried unanimously. Mr. Meyer made a motion that Mr. Powell continue as vicepresident. Mr. Jones seconded the motion and it carried unanimously. Mr. Meyer made a motion that Ms. Woodard continue as secretary. Mr. Howard seconded the motion and it carried unanimously. Mr. Meyer made a motion to appoint the following committee chairmen: Mr. Powell, Budget Committee; Mr. Meyer, Communications Committee; Mr. Jones, Parks Committee; and Messrs. Howard and Meyer, Policy and Procedures Committee. Mr. Howard seconded the motion and it carried unanimously.

Mr. Howard made a motion to approve the consent agenda which included approval of the August and September minutes, and the warrant list. Mr. Meyer seconded the motion and it carried unanimously.

Ms. DeNinno presented the public relations report. The letter regarding the potable water connection in Palm Beach Country Estates has been sent out to the landowners who have not yet connected. This information will also be included in the next newsletter. The updated website will archive the previous year's information. All meeting dates are now on the website.

Mr. Haas presented the treasurer's report. He received the bank's proposal to finance the 19th Plan of Improvements which requires a closing by November 15th. The interest rate will be set at the time of closing. Mr. Haas explained the bank will negotiate a higher loan amount if the bids are higher than anticipated and the actual cost exceeds the amount of the loan. He also clarified that the Board will have the option of not going forward with the project if the bids are higher than expected. Mr. Haas requested Board authority for the staff to do whatever is necessary to complete this transaction. Mr. Meyer was concerned about being locked in to a letter of commitment and then deciding not to go forward with the project. Mr. Hinkle recommended Mr. Haas be given the authority to deal with the bank, work out a proposal that is better for the district, and extend the closing date if possible. Mr. Meyer made a motion authorizing Mr. Haas to negotiate this loan as discussed. Mr. Howard seconded the motion and it carried unanimously.

Mr. Hinkle announced that Mr. Dillon is now a certified district manager, allowing him to work with other districts to help our operations. He noted that our operations personnel are now better educated.

Mr. Dillon presented the manager of operations report. The rainfall total is 24". The District is still saturated with water on the roads but there will soon be a return to a normal maintenance schedule. He is working with SWA regarding hurricane debris pick-up which will probably take another six weeks to complete. Mr. Dillon thanked landowner Matt Gitkin for inviting him to the Jupiter Farms Residents meeting to talk about the rain event. Digging swales and checking culverts for the 19th Plan should be completed in a few weeks. Mr. Hinkle asked if the culvert program is helping with water control. Mr. Dillon reported work has been done in Section 18 and there were no problems after the recent rainfall. Areas that are low and tend to flood revealed some things to work on, but the culvert program is making a difference. He noted that one road routinely goes under water during a rainfall but

there have been no maintenance problems as a result. There has been no deterioration of any other roads that have been under water. The Board thanked Mr. Dillon for his leadership during the rain event.

Mr. Dillon reported that the meeting room will not be available for the next scheduled meeting on the 16th and suggested changing the meeting to November 30th. The Board agreed.

Ms. Eason presented the engineer's report. She discussed the 19th Plan which consists of 2.3 miles of asphalt. Ditch work and pipe relocations are being completed, and then surveying can begin. Design work is expected to start in January or February.

Ms. Eason reported on the RAP (Reasonable Assurance Plan) meeting held on September 25th. There will be stakeholder discussion at the next meeting on October 25th. The next LRMCC meeting will be October 30th to discuss options. The DEP is already doing a model but stakeholders are not confident about it. Another option is to have stakeholders pay for a new model. Two other plans are up for discussion. Ms. Eason will give the Board an update at the next meeting.

Ms. Eason reported that representatives Sally Channon and Benjamin Studt from the Department of Environmental Resources Management are present to discuss their application for a proposed portage between the C-18 and Canal #14. They were introduced and presented their proposal for a canoe and kayak launch which will be accessible, cost effective, durable and environmentally friendly. There were photos of the Loxahatchee River wooden portage site, and the site of the proposed C18/Canal #14 portage. This proposed location has an expansive grassy area with exotic trees in the background which they want to highlight. The major consideration is cost and maintenance. They propose a stabilized slope on the east side of the portage and a sloped stabilized area where boats come out of the water. Stabilization materials were discussed. The design allows for canal bank maintenance. No grant funding is available for the project that is expected to cost \$5,000 to install. Maintenance will be required every few years but it will be more cost effective than maintenance on a wooden structure. After the presentation, Ms. Eason stated the information will be reviewed and they will be advised.

Mr. Hinkle discussed a salary increase for the Board/Recording Secretary, noting that in the past she has made the same amount as the Board members. He recommended that her salary be brought up to that amount, noting that the minutes have been more complex in recent years. After a brief discussion, Mr. Howard made a motion to increase the salary to \$750/month. Mr. Meyer seconded the motion and it carried unanimously.

The Board requested that a draft of the minutes be provided to the staff prior to their monthly staff meeting.

Mr. Hinkle discussed the policies for records requests and ballot canvassing. Attorney Behn stated a charge is allowed to be established for administrative time and copying, although copying of ballots is not allowed. A reasonable fee can be established for the time spent during a review, such as the cost of the salary of the person who oversees the review process. The attorney's office may submit the cost for its personnel who is involved, but the fee would be charged and collected by the District. The Board discussed appropriate methods of establishing a fee. Mr. Howard noted that in the past the cost to the District has been around \$1,000 because an attorney has been present. He felt a threshold and rules should be established. Mr. Behn cautioned that rules should not be established that would discourage an inspection. He stated the ballots should be subject to inspection in the condition they are received; they are not to be sorted in any manner. He also stated that the purpose of the inspection would not be open for discussion. The public record laws do not permit a limitation of time or an explanation of purpose. Mr. Meyer was concerned with an invasion of privacy. Mr. Behn noted the ballots cannot be copied or photographed, but it is not an anonymous ballot because of the identifying information and signature required. After further discussion, the attorney was asked to establish an hourly rate to oversee a review. The Board will establish a specific rate for a review, and this amount will be paid at the time of the review so no billing will be necessary. The attorney will act as an escrowagent. Mr. Matt Gitkin, landowner, was concerned there is no protection for the landowner to have anonymity. Anyone inspecting the ballots is allowed to take notes and can see

the name of the voter. Mr. Behn stated the ballots require a signature and that it be visible. He agreed to look into this issue to see if there is a remedy under the statutes.

Mr. Hinkle discussed requesting the County require building permits for filling in properties within the District. Mr. Meyer noted that currently, SFWMD issues the District a permit to establish the building pad with a culvert and drainage system. When the landowner fills his property, it takes away storage and water is sometimes diverted onto a neighbor's property. The District is now losing a lot of ponds and thus a lot of storage. Also, the DEP only requires part of the wetlands to be retained and they are also being filled resulting in more loss of storage. Mr. Meyer suggested the County needs to re-evaluate its permitting program and codes, and establish a threshold where a permit is required to control how a property is graded and how the flow is directed. Currently the burden of proof is on the person complaining or being flooded, rather than on the applicant getting the building permit. Mr. Meyer requested that the Board send a resolution to the County to let them know about these concerns. Mr. Hinkle noted that prior to filling in a lot, the owner should have a topographical survey to show elevations; after the lot is filled, a survey should show that the water is going to be flowing to the swales, not to a neighbor's property. Mr. Howard noted water storage is an issue. He felt an official statement for the County is a good idea but he was not sure of what direction to take. Mr. Meyer stated the resolution should ask the County to regulate their permits and require a permit if a specific amount of fill is being brought onto the property. Ms. Eason suggested that the staff look into this issue as the District permits do not say how much fill is permitted. She suggested a review of the County and State codes before determining the best course of action. She noted there is a master permit for the Park of Commerce so they have to come to SIRWCD for permits. After further discussion, Mr. Meyer agreed to hold up on preparing a resolution until the staff can review the issue and the Board can discuss it further.

Ms. Lois Taylor, landowner, stated new construction is causing drainage problems. She suggested during mowing, excess fill could be used for pockets that have developed over the years. She also noted that the County does not like to approve ponds because they can be dangerous.

Mr. Matt Gitkin, landowner, thanked Mr. Dillon for attending the Jupiter Farms Residents meeting. He noted that supervisor Jones has an accounting background and he would be an asset to the Budget Committee.

Mr. Gitkin also noted that he is experiencing flooding from his neighbors. He felt this is something the County should address, especially with new construction. Mr. Hinkle pointed out that Mr. Powell has extensive knowledge of the District's budget history, but agreed Messrs. Powell and Jones could both be on the Budget Committee. He noted that all the supervisors provide input to the treasurer regarding the budget.

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

ADJOURNED.