

**MINUTES OF THE REGULAR MEETING
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON NOVEMBER 30, 2017**

The regular meeting of the South Indian River Water Control District was held on November 30, 2017, 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; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately nine landowners were also present.

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

Mr. Powell was sworn in as supervisor by attorney Capko.

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

Ms. DeNinno presented the public relations report. The annual newsletter has been started. The Policies & Procedures Manual is being reviewed by staff and will include the procurement policy.

Mr. Haas presented the treasurer's report and presented amendments to the Premium Only Plan.

Mr. Dillon presented the manager of operations report. He requested that the Ford F-250 be declared surplus. Mr. Powell made a motion to declare it as surplus. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Dillon requested approval on a bid of \$31,465 for the purchase of a Ford F-150. Mr. Jones made a motion approving this request. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Dillon reported that bids have been received to remove vegetation in the drainage outfalls in PBCE. The lowest bid of \$39,000 was submitted by Community Trees. This will clear nine outfalls with work commencing after the first of the year.

Mr. Dillon also discussed purchasing property for retention purposes. There is property in Jupiter Farms with a cell tower and warehouse on it north of Indiantown Road by Canal 11. He requested direction from the Board. Mr. Meyer was concerned about the existing structures on the property. Mr. Howard was concerned about the limited storage and the cost of the property. Mr. Jones felt this project should be handled incrementally. Mr. Dillon stated he would work with Ms. Eason to determine the minimum acreage to consider. Mr. Powell noted the District's authority to assess is in the Plan of Reclamation and purchasing property is not part of that Plan. He was concerned about the legal authority to pursue this project. Mr. Capko agreed to look at this issue and report back to the Board at the next meeting.

Mr. Haas stated there are also legal questions if financing is required. Mr. Hinkle stated there are other properties selling for less but this one is in a good location. He was also concerned about the cell tower on the property. Ms. Eason agreed to do a further analysis to determine how much storage the District needs to look for.

Ms. Eason presented the engineer's report. She discussed the 19th Plan which consists of 2.3 miles of asphalt at an estimated cost of \$470,000/mile. Design should start in January or February.

Ms. Eason reported on the RAP (Reasonable Assurance Plan). The LRMCC meeting was held on October 30th. The Committee is currently determining boundary lines and suggested a Webex meeting in December. She noted there was discussion at the meeting regarding the type of plan because there is a lot of uncertainty regarding the model. She asked if the Board is interested in contributing toward having a consultant look at the model, noting the District has a large piece of land involved.

There will be discussions about who will be the lead agency, how costs are allocated, and who will develop the interlocal agreements. Mr. Howard was concerned about legally participating financially. He was unclear how the District is to be involved. Mr. Capko stated he wants to look at the specifics of this program and what authority the District will have. Mr. Powell was also concerned with other requirements for SIRWCD to deal with water quality. It was his opinion that the District does not have legal authority to assess for this project. He believes these problems can be fixed but the Board needs to have authority before pursuing. Mr. Meyer believes it is a regulatory issue and the DEP has the authority to assess SIRWCD. He is in favor of a voluntary plan but that requires an expenditure of funds. He also believed it is too soon to commit to funding for a consultant; with the current PLSM model, no cost is required. Mr. Jones was in favor of having our own model but was also concerned with the authority to spend money. Mr. Powell stated the District should stay in front of this issue so there is not a problem in the future with having to fix the water quality, and suggested changing the Plan of Reclamation if it does not provide sufficient authority. Ms. Eason noted there is ample time to make a decision as to the District's contribution. Mr. Hinkle stated he does not want to use the DEP model and would prefer our own model. He noted the entire area encompasses other water control districts that are not involved and believed they need to also contribute. Ms. Eason noted RAP has voluntary participation although they are attempting to get all entities involved. Mr. Meyer also noted a concern with the area boundaries established.

Ms. Eason discussed the issue of filling residential lots in the District. Mr. Meyer stated he has researched the County Codes and met with the County Building Department to develop a "fill permit." The County does not have a good way to implement policies that are already in place and they agreed that several departments need to be involved. It was concluded that the County wants to work with SIRWCD on implementation and develop a "fill permit" with the assistance of other entities having the same problem. Mr. Meyer will continue to work on this and report on his progress. A permit would apply to new construction and everything involving fill. It would also need to address storage issues and flow direction. The County would like to meet again after the beginning of the year. Mr. Meyer noted his concern with the enforcement aspect and neighbors fighting. Ms. Eason clarified that the burden of proof is on the landowner causing the flooding. That landowner must prove that he did not violate any Code. Several other concerns were noted and these issues will all be discussed with the County. Mr. Hinkle stated the Board will continue to move forward with this matter, and table any formal resolution for now.

Mr. Hinkle reported that a landowner in PBCE wants off the paving project in the 19th Plan of Improvements. The landowner has changed his mind now that he sees how expensive the project will be. The Board agreed that the referendum passed, the project has started, and it will move forward as planned.

Mr. Capko presented the attorney's report. He stated the recent election ballots were reviewed by Mr. Berman as requested. Mr. Berman is now waiving his previous objection and congratulated Mr. Jones on his election to the Board.

Mr. Matt Gitkin, landowner, stated he was not in favor of relying on neighbors for enforcement of a fill permit. He felt a permit is a good idea but questioned how many truckloads would be covered and the practicality of enforcement if photos are not acceptable for Code Enforcement. He suggested giving residents an incentive for making a pond. He also suggested and landowner initiated project for purchasing land if the District is not able to do this.

Mr. Bob Berman, landowner, discussed his letter to the Board dated September 29th regarding compensation to the supervisors, and requested that it be attached to the minutes. He stated compensation, under Chapter 298, should be for actual work conducted for the District. Compensation is set by the landowners at their annual meeting. Mr. Berman stated he had no problem with the motion passed at this year's annual meeting, but members of the Board should apply for their compensation. He noted the statute reads "up to 15 days" and he believes the customary interpretation is a full day not just part of a day. He questioned how many other Boards are paid more than \$50/day and could find none. Mr. Berman thought it is fair to ask each supervisor what work they have done, what hours were involved, and what the benefit is to the landowners. He noted that the total compensation to the Board is now more than 1% of the District's total budget. He asked the Board to consider this when filling out their

monthly compensation form and believed this issue needs to be addressed. Mr. Hinkle noted the Board is following the same procedure that was in place when Mr. Berman was a supervisor, except the number of days has been increased from 11 to 15.

Mr. George Mitchell, landowner, discussed his flooding issues. He stated it has cost him \$18,000 to fix his yard after water came through the yard to get into the canal. He stated the swales and culverts are inoperable and that is the District's responsibility. He explained that when his yard flooded, Mr. Dillon got a backhoe to help fill in the yard but the problem persists. He stated Mr. Meyer and Mr. Dillon have spent days trying to fix the situation and he is satisfied with their progress. Mr. Mitchell is now concerned about debris removal. Mr. Hinkle stated the District does not have authority to pick up debris. This has been addressed numerous times in the newsletter and there is information on the website. Mr. Mitchell noted the swales are the responsibility of the District and the landowners need to be advised if they are in violation.

Mr. Hinkle noted the District is in the process of cleaning out the culverts but this project may take several years to complete. Mr. Dillon stated most work on the culverts is as a result of landowners calling about a neighbor.

Mr. Matt Gitkin, landowner, clarified that he asked for a raise in compensation for the supervisors at the annual meeting and there were no objections. He did not believe that the objections made now are justified.

It was announced there will be no meeting in December; the next Board meeting will be in January.

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

ADJOURNED.