

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON MARCH 25, 2021

The regular meeting of the South Indian River Water Control District was held on March 25, 2021, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida, and via Zoom video conferencing. Present in person were Supervisors Tom Powell, John Jones, John Meyer and Michael Howard. Also present in person were Amy Eason, engineer; Mike Dillon, manager of operations; and Holly Rigsby, office administrator. Charles Haas, treasurer; William Capko, attorney; Terry Lewis, attorney; Donna DeNinno, public information; and Jane Woodard, secretary, were present via Zoom conferencing. Four landowners were also present via Zoom conferencing.

Mr. Powell called the meeting to order. He announced the sudden and sad passing of the Board's President, Steve Hinkle, on February 18th. A memorial service is scheduled for March 27th, and a GoFundMe account has been established. Mr. Powell asked that the District support the Hinkle family during this time.

A motion was to accept the minutes of the last meeting. It was duly seconded and passed unanimously.

Mr. Powell stated a supervisor needs to be appointed to fill the vacancy. Three candidates submitted their resumes for consideration: Robert Kalb, Susan Kennedy, and Aaron McDaniel. Ms. Kennedy and Mr. McDaniel briefly addressed the Board via Zoom. Mr. Kalb, a prior Board supervisor for four years, was unavailable and Mr. Powell spoke on his behalf. All three candidates were nominated to serve out Mr. Hinkle's term as supervisor. A vote was called for and Messrs. Jones, Meyer and Howard voted for Susan Kennedy. That was a majority vote and Mr. Capko confirmed it was an official formal vote. Ms. Kennedy was then sworn into office by Ms. Holly Rigsby.

Mr. Powell opened the floor to discussion by the landowners. Mr. Matt Gitkin commented on the problem of landowners having to request a link from the District for Zoom conferencing. He noted that other government entities publicize a link for the public to use in order to attend. There were no other landowner comments at this time.

Ms. DeNinno presented the public information report. In addition to items mentioned in her report, she noted the April newsletter will include a remembrance of Mr. Hinkle, information on Mr. Dillon's anniversary, and information from the workshop to be held on April 1st. She has provided photos of Mr. Hinkle to the *Jupiter Farmer* to be included in a remembrance. Regarding a Zoom link on the website, Ms. DeNinno noted that there were problems with public meetings "crashing", and this is the reason for the need to request a link. She also has discussed with Mr. Meyer the updating of one of the District's videos. In order to update it, there will have to be new footage shot and a new voiceover. Mr. Meyer stated if the Board goes forward with the Jupiter Farms re-engineering, they need to bring and keep the landowners up to date on the project. Ms. Kennedy agreed the video should be updated and suggested the expense be included in next year's budget. Mr. Howard stated it will be helpful to get the information out to the community as soon as possible and noted there are ways to handle the technical updating of the video.

Mr. Haas presented the treasurer's report. There has been little activity except for normal functions. Assessments are coming in normally. He had nothing unusual to report and no Board action was required at this time.

Mr. Dillon presented the manager of operations' report. All low voltage wiring for the shop has been completed. The electrical system has passed inspection. Mr. Dillon noted there have been numerous issues with Zoom conferencing and he requested Comcast assistance. Apparently, the old copper wiring is outdated and needs to be replaced and upgraded. He requested Board approval on this matter. Mr. Haas confirmed the recommendation. A motion was made to approve the request. It was duly seconded and carried unanimously.

Mr. Dillon discussed the culvert replacement at Canal 4 and 108th. The pipe was rusted and it has been replaced by D.S. Eakins Construction.

Ms. Kennedy asked about the staging area on Randolph Siding. Mr. Dillon stated it will be re-sodded and roped off.

Ms. Eason presented the engineer's report. Some improvements have been started in Section 7. There is a location at 90th where a swale is planned. A contractor was hired to clear that area. She noted that Mr. Dillon has been repairing the driveway culverts which were crushed in that area. She needs to provide swale grades to Mr. Dillon so he can continue this work in Section 7. Photos were presented. Mr. Dillon noted he has talked to a lot of the landowners in Section 7 and has explained what is going on.

Ms. Eason confirmed there will be a workshop April 1st to discuss the Jupiter Farms re-engineering project. She will go over the model results in more detail, review the results of planning and improvements, and discuss the next steps in the process.

Ms. Eason noted that this year only \$80,000 is being budgeted for Section 7. The drainage easement clearing was done, and risers were placed with 36" culverts and riprap. The remaining budget is \$61,084. Ms. Eason displayed a table that shows the maximum stage at the Canal is 16.4 NGVD. The minimum is supposed to be 16.5. This is why there is some flooding on those roads. Ms. Eason displayed the locations of the risers. Part of the plan is to increase driveway culverts to 24" and some others to 36".

The survey has started on Canal C and cross sections from the surveyor are expected in the next week or so. The next step will be to take this information and talk to the permitting agencies.

Ms. Eason reported she is preparing for the installation of control structures for Canal E. Her staff has been reconciling South Florida Water Management District's permit file to determine the requirements for the structures.

Ms. Eason met with the County to discuss the allowable discharge vs. storage for lots in the District. Apparently in our Plan of Reclamation, 2.5" of volumetric discharge is allowed in the secondary system, as well as from any landowner making a connection into a canal. However, storage is the issue, not drainage. A representative from Indian Trails was also at the meeting and they agreed that this is a storage issue. If the County abides by their Code, landowners are allowed to fill their lot and are then required to put in a swale and berm. Ms. Eason suggested going through the County's Code and then send them a letter with citations, recommending the District's position on the filling of lots. Our

regulatory standpoint is to issue a permit to a developer if they are making a connection into a ditch or canal system. It has not been required to permit individual single-family homes. The County wants a discharge rate and restrictions on storage for each single-family home. She proposed reviewing the County Codes and giving the County our position on the matter. Ms. Kennedy noted we need to be sure the District's interests are protected, and stated it is imperative to get ahead of the issue before it gets worse. Ms. Eason noted that SIRWCD and Indian Trails are impacted the most.

Mr. Capko presented the attorney's report. Mr. Terry Lewis provided a legislative update. The current Speaker of the House, Chris Sprowls, has pushed HB 1103/SB 1624 regarding special district accountability. It calls for performance audits, which would require the hiring of an auditor to perform that audit. Mr. Lewis stated there is no need for this as the districts already get financial audits every year. There is an additional requirement in the Bill that the annual financial report include the number of employees, their salaries and benefits, a disclosure of the tax rates or revenue, and disclosure of capital improvement projects. Another legislation is HB 195/SB 506 that requires the website to include votes on tax increases and who voted for them. It also requires a 2/3 vote to appoint an executive officer, general counsel, outside counsel or an auditor. A committee studied special districts to determine if further oversight is needed. The committee's final report said there is no need for further oversight of special districts.

Attorney Seth Behn presented an update on the Mellinger litigation involving 131st Trail North, a private road north of Indiantown Road. When first developed, the easement failed to list the benefitted parties and eventually a lawsuit was filed to establish a common law easement. The road crosses Canals 15 and 16 so the District is actually a property owner along those two sections. There was a Motion for Summary Judgment filed in March and the judge granted a common law easement over 131st Trail North so the District is now a benefitted party. The judge also ordered all parties to mediation in order to discuss the cost and long-term maintenance sharing. Mr. Capko noted that one of the parties wanted to be sure the canal right-of-ways were also road right-of-ways. The District's position is they should be only canal right-of-ways.

Mr. Powell called for discussion of new business. He suggested that a donation be made to Steve Hinkle's family on behalf of the District. A motion was made to donate \$2500. The motion was duly seconded and carried unanimously.

Ms. Eason discussed the drainage outfall at 8353 159th Court North. There are two parcels in question that have an access issue. Mr. Dillon noted that at 83rd Way there is a 60' drainage easement. The owner planned to clear the easement on the east side. There were concerns from the other side regarding removing cypress trees and native plants from the easement. Mr. Dillon noted he is usually able to work things out with landowners but after numerous meetings, he has not been able to resolve this issue. His last attempt was to mark trees that would give access from the road to the back of the canal, recontour the ditch and improve drainage. The parties were in attendance via Zoom conferencing. Mr. Rich Angelo introduced himself, stating he has lived at 8235 159th Court North, Palm Beach Country Estates, for the last several years. He has a drainage issue on the west side of his property. The ditch has not been properly maintained. The easement is overgrown, and the ditch is shallow, causing the water to pool. As a result, failure to properly maintain the easement has caused water to back up on his property and bring mosquitoes. He wants to work with the District, and commended Holly Rigsby and Mike Dillon for

acting in a professional and knowledgeable way. Mr. Dillon noted that Mr. Angelo is concerned that the easement is overgrown, and drainage is being affected. Since he is in a flood zone, Mr. Angelo is concerned that if the ditch is not recontoured he will have issues on that side of the easement. Ms. Kathleen Baxter introduced herself, stating she lives at 1577 85th Drive North for over 40 years and is speaking on behalf of the Carlo family. She stated that the water from Mr. Angelo's property is never going to flow uphill to the elevation of this easement. She has seen wetlands filled in because of the lack of understanding of the positive flow drainage system. Mr. Angelo wants to destroy some of the 40- to 50-year-old trees that actually absorb some of the water. The water goes to a wetland which is lower on the western portion. It does not reach his below-sea-level property. His property is so low it doesn't drain. Access is the logical reason to remove some of the trees along the property line. Removal for access to this easement in the case of emergency is understandable, but to remove all the trees and fill in the wetland is not understandable. In the interest of compromise, on behalf of the Carlo family and herself, Ms. Baxter asked that only those trees that are in the logical way of access be removed. Other facets of the drainage system need to be protected. The wetlands, and native trees and the habitat they provide, need to be protected.

Mr. Powell stated that the District has the authority and obligation to clear properties when necessary. However, is it not the Board's responsibility to micromanage Mr. Dillon. He noted it would be improper to tell the manager of operations what trees to take down. The Board agreed they have faith in Mr. Dillon's handling of this issue. The Carlo family was in agreement with the present plan of clearing the flagged trees. Mr. Angelo stated he will work with Mr. Dillon to see if this resolves his problem. Mr. Powell stated that Mr. Dillon has done a remarkably good job in working with the landowners.

Ms. Kennedy discussed the internet options at the office, especially pertaining to Zoom access. She is concerned that the setup is not public friendly. She proposed that Mr. Dillon or Ms. DeNinno assist with recommendations for a separate camera, proper microphones, and the ability of the public to see the Board members during the meeting. Ms. Eason stated that by the time of the next meeting the center should be equipped with the proper equipment. Mr. Powell stated no special board action is necessary. because these items are already in the plan for the new work center. Mr. Howard agreed and stated there is a plan to accomplish these things. Microphones and speakers may solve the problem. Ms. Eason stated the PA System was set up tonight, but she was not able to connect it. She also noted that all government meetings she has attended require pre-registration in order to participate. Ms. DeNinno stated she can put a link on the website, but residents will have to register if they want to participate.

The Board unanimously elected Mr. Powell as the new Board President for the remaining term, and Mr. Howard was elected Vice-President. All other officers remained the same.

There was no further business to come before the Board at this time, and the meeting was adjourned.

ADJOURNED.