

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON JANUARY 21, 2021

The regular meeting of the South Indian River Water Control District was held on January 21, 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 Steve Hinkle, John Jones, John Meyer, and Michael Howard. Supervisor Tom Powell was present via Zoom. 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. Two landowners were also present via Zoom conferencing.

Mr. Hinkle called the meeting to order and opened the floor to landowner comments.

Ms. Stephanie Duncan, landowner, stated the Board had previously agreed that landowners would be able to review policies prior to finalization. She requested that a date be set to review these policies. Mr. Capko stated he has been working on drafts of the policies and will circulate them to the rest of the staff for their input. He suggested there should be one more staff meeting to review any comments, after which he will prepare another draft to be provided to interested landowners before being presented to the Board. Ms. DeNinno noted that the Policies & Procedures Committee should also review the drafts prior to presenting them to the Board.

Mr. Matt Gitkin, landowner, discussed illegal landfilling in Jupiter Farms and the possibility of the District acting as intermediary with County Code Enforcement. He discussed the possibility of using SFWMD's drainage permit, noting that those infringing on their neighbors are interrupting the works of the District. He requested comments from the Board. Mr. Lewis stated if neighbors are filling land and obstructing the works of the District, there is recourse under Chapter 298 for repairs. Ms. Eason noted that when lots are filled, this is not affecting works of the District. She also noted that if adjacent lots are being damaged, that should be the County's jurisdiction. Mr. Lewis stated he needed more facts about the situation in question, but for now there is nothing for the District to do. Mr. Hinkle stated he would like to discuss this matter at a staff meeting and update the Board at the next meeting. The Board was in agreement.

There were no other landowner comments at this time. A motion was made and seconded to approve the consent agenda, and it carried unanimously. Ms. DeNinno presented the public information report. She discussed postponing or cancelling Family Day due to ongoing issues with Covid. Mr. Hinkle did not think Family Day is justified at this time in the interest of protecting the health of everyone in the District. The Board unanimously agreed, and it was decided to postpone Family Day until 2022. Ms. DeNinno reported that the winter newsletter has been sent out and it contains information on the annual reports, the budget, election results, and driveway culvert installation. She also noted a modification to Section 4 of the Policies & Procedures Manual regarding drainage and irrigation connections to the works of the District is available for review on the website.

Mr. Haas presented the treasurer's report. Collection of assessments is tracking at historical levels, so the District is in good shape. February 1st is the date for debt service amounts to be paid and this information will be available later this month. Mr. Haas confirmed that the annual audit is proceeding.

Mr. Dillon presented the manager of operations' report. The landscaping company, Schoen Property Specialists, has agreed to continue their contract at the same price. There have been no complaints regarding the park maintenance. Mr. Dillon recommended renewing the contract. Mr. Jones made a motion to renew the contract with Schoen. Mr. Howard seconded the motion and it carried unanimously.

Mr. Dillon reported that a landowner on 169th planted palm trees in the District's road easement. They are now growing into the power lines which has caused outages recently. He asked if Mr. Capko could write a letter requesting that the landowner remove the trees. Mr. Powell stated this is a problem for FP&L unless the trees are a drainage problem for the District. Mr. Dillon noted there is a maintenance issue. He cannot recontour the swale because of the trees in the easement. Mr. Capko confirmed the District has authority to request removal, or the District can remove the trees and charge the landowner. Ms. Eason noted there have been other trees in easements that the District clears without charging the landowner. Mr. Dillon noted he has spent considerable time discussing this matter with unhappy neighbors. Mr. Powell stated he was agreeable to sending a letter to the landowner, but he was concerned why FP&L was not taking action. After further discussion, the Board unanimously agreed to have Mr. Capko send a letter to the landowner.

Ms. Eason presented the engineer's report. Regarding the Jupiter Farms Re-engineering Plan, she is now looking at the tailwater between G92 and Lainhart, as well as canal profiles. She is investigating control structures upstream of existing structures. Ms. Eason showed a graph of G92 and Lainhart and discussed it in detail. She proposed a more conservative elevation and noted there would probably be no difference in the model. On the modeled canal profile, Canal 5, she showed a 10-year one-day storm where the water is constant. Canal systems are designed for a 25-year storm, so this is behaving appropriately. All culverts are 72" in the model. She explored larger culverts, but it did not make a difference. If there is an attempt to get more storage, this may impact people trying to drain, so it is not advisable. Ms. Eason stated that even with an increase in pipe size, the difference is only 1/10th and not significant. Her next step is to tweak the model, add storage to every section, and see what the impact is. Mr. Meyer noted that modifying the swales in certain locations would be a major project but would enhance distribution of water and could provide better storage. He suggested a plan that incorporates surveying section by section, giving a framework for going forward. Ms. Eason stated that a Plan of Improvements would concentrate on pipes and provide guidance for swales. Mr. Haas stated that a past culvert replacement program funding was based on an evaluation of what was required and then added to the maintenance budget; it was not a funded program. He noted that the Board could do a major replacement program which would probably require a Plan of Improvements. Mr. Haas pointed out that the Board needs the authority to make assessments before going to a bank for funding. Mr. Powell stated it is the landowners who will be paying so there must be a benefit to the landowners such as improvements in storm protection and flood protection, and improvement in drainage. Mr. Hinkle stated there has been a loss of storage because people are buying lots and filling them in. Mr. Jones was interested in amending the water control plan and wants to be sure the Board is going in the right direction. Mr. Lewis stated this would probably be a capital improvement project and doubted it could be treated as maintenance; Mr. Capko agreed. Mr. Lewis stated that the District would basically be replacing the entire system. Mr. Powell stated more emphasis needs to be placed on landowner benefits. He noted there is a requirement in the law that the cost of improvements in a Plan of Reclamation has to have a benefit. The newsletter needs to focus on these landowner benefits and Mr. Haas needs to show that the benefits exceed the cost.

Ms. Eason will continue to look at storage and adjusting the pipes, section by section. Mr. Hinkle suggested a workshop and Ms. Eason stated that would be good in approximately three months. She will give an update to the Board in two months.

Ms. Eason then discussed Section 7 improvements and the \$80,000 approved for this year. She has looked at the analysis and met with Mr. Dillon. The map overview of the northeast corner of Section 7 shows a 25' easement that hasn't been utilized to drain. It could be cleared, and risers installed with 36" culverts and rip rap. The existing driveway culverts should be upsized. Typically, the landowner is responsible, but this is increasing the pipe size to make drainage work better. Ms. Eason displayed a sketch of the swale issues. Mr. Dillon will look into costs. Mr. Hinkle suggested the landowner pay the replacement cost for an 18" driveway culvert and the District pay the remainder of the cost for requiring a larger size.

Ms. Eason discussed Canal C1. Estimates for the survey work cross sections are \$6,000 and staking are \$5,000. Estimates for culvert replacement for Canal 4 at 108th Terrace North are \$77,000 from Eakins Construction. She requested Board approval. A motion was made to fund this project, seconded by Mr. Powell. Mr. Haas noted the funds would basically come out of the maintenance budget. The motion carried unanimously.

Mr. Capko presented the attorney's report. Pursuant to legislation in effect during 2020, the law requires public employees to register with the E-Verify System to confirm work. There is a requirement to check and give a statement confirming that each contractor is in compliance with the registration, and to not employ anyone who is an unauthorized worker. He provided a sample notice to send out to the contractors.

The Board discussed the quote of \$8,850 for rewiring the security camera, computers, internet and phones for the Work Center. Mr. Meyer made a motion to go forward with the rewiring. Mr. Powell seconded the motion and it carried unanimously.

Mr. Hinkle discussed converting the new building to a pole barn. Mr. Dillon explained that quotes for a well and sprinkler system were outrageous, also noting that residential properties larger than ours are not required to have these systems. Mr. Dillon has had numerous phone conferences to discuss various options with the County Fire Marshal. Mr. Hinkle pointed out that \$170,000 of taxpayer money is not justified for these requirements, in addition to a continuous monthly expense. Mr. Dillon pointed out that it is an all-steel building, with no offices or occupancy, only equipment. It is a storage unit. Commissioner Marino is willing to meet to discuss if a plan is submitted but not approved. Mr. Lewis noted that enforcement of the Florida Fire Code is at the discretion of the Fire Marshal in each county. He believes the issue is a fire marshal who is being overly rigorous in enforcing the Code. Mr. Capko stated he would be available to be involved in discussions with Commissioner Marino as he has known her personally for many years.

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

ADJOURNED.