

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON APRIL 20, 2017

The regular meeting of the South Indian River Water Control District was held on April 20, 2017, at 7:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, Michael Ryan, John Meyer and Michael Howard. 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. Fifteen landowners were also present.

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

Mr. Ryan made a motion to accept the consent agenda which included the March minutes and warrant list. Mr. Powell seconded the motion and it carried unanimously.

Mr. Hinkle presented a draft of the enhanced stabilization policy as discussed at the recent workshop meeting. He noted it is similar to the County's policy and also includes a no-paving policy. Mr. Howard stated this a good compromise and thanked the other Board members for their assistance. Mr. Meyer also thanked the engineer for working on the no-paving portion which allows for a procedure whereby landowners can circulate a petition if a road segment does not want paving. With 50% or more desiring no paving, the petition is then reviewed by Mr. Dillon and Ms. Eason and brought to the Board for approval. This would stand for three years. If a segment overlaps any paving petition by 50% or more, then the paving petition cannot go forward. Mr. Ryan stated this policy still falls short of offering fairness to those who don't want paving. He felt the no-paving petitions should stand for a minimum of five years. Mr. Ryan also noted that landowners move away after voting in favor of paving, leaving others to pay the bill. He was disappointed there was no follow-through with the original policy that was addressed in a public hearing. Mr. Hinkle stated he still does not want the District to provide financing for paving, but the Board needs to compromise in order to move forward with a policy. He would also like a minimum of five years for the no-paving policy. Messrs. Meyer and Howard agreed with five years; Mr. Powell had no comment. Mr. Hinkle then opened the floor to landowner comments.

Mr. John Jones stated he would prefer Mr. Hinkle's proposal but this one is better than the current policy. Ms. Kristen Atwood supported this policy. Mr. Matt Gitkin would like to see everyone come together and move forward.

Mr. Howard made a motion to change the time limit on the no-paving provision from three years to five years. Mr. Meyer seconded the motion and it carried unanimously. Mr. Ryan asked that existing petitions be grandfathered in. Mr. Meyer agreed that was the intent and this will be clarified. Mr. Hinkle pointed out this policy takes away the previous 50% provision for corner lots; there are no discounts. Ms. Eason noted the petition review fee will be based on the length of road and suggested \$300 for a road one-half mile or less, and \$600 for longer roads. Mr. Meyer stated the time frame for accepting petitions this year should be modified because of the change in policy. After a brief discussion, the Board agreed that people can start petitions anytime but not submit them until February. Mr. Capko suggested not including a specific review fee in the policy so the Board can change it in the future as necessary. Since the Board had already established a moratorium, there was no need to set fees at this time. Ms. Eason was instructed to prepare a new petition form for the landowners. Mr. Meyer made a motion to adopt the policy as discussed and modified. Mr. Howard seconded the motion and it carried 4:1 with Mr. Ryan opposed.

Ms. DeNinno presented the public information report. She acknowledged Mr. Dillon and staff for their participation in Family Day. The new paving policy and information regarding water hook-ups will be included in the next newsletter. Work is continuing on the Policies & Procedures manual.

Mr. Haas presented the treasurer's report. The final payment on the two original paving notes is due April 1st. Final payment on Egret Landing is due August 1st. The budget process is beginning and Mr. Haas requested information if there will be changes in the level of service.

Mr. Dillon presented the manager of operations report. He requested approval of the MS4 NPDES 4th Cycle Permit Interlocal Agreement. Mr. Powell made a motion to approve the agreement between SIRWCD and Northern Palm Beach County Improvement District. Mr. Ryan seconded the motion and it carried unanimously. Mr. Dillon reported the culvert replacement program will take a break during the summer and pick up again in September, except for emergencies. He plans to rent a water truck because the last two months have been so dry.

Ms. Eason presented the engineer's report and discussed the 18th Plan. A substantial walk-through was conducted with the contractor and a punch list prepared. Ms. Eason discussed the 19th Plan which includes 2.4 miles of asphalt and 95 assessable lots. The estimated cost is \$1.1 million. The first public hearing should now be scheduled to approve the proposed plan and she suggested it be scheduled at the next Board meeting. Mr. Meyer made a motion to amend the Plan to include 76th Trail North. Mr. Powell seconded the motion and it carried 4:1 with Mr. Howard opposed.

Ms. Eason reported that the County is proposing construction of portage on the C14 canal. Traffic would allow for extended two- to three-day trips. Traffic is anticipated to be light but there would be a connection to the Loxahatchee River. A permit would be required and all conditions would be spelled out in that permit. Liability issues have been discussed with the attorney. SIRWCD does not have recreational rights for the canal. Mr. Capko stated he thought this request was for a one-time event. Any activities not related to drainage could result in additional liability. Mr. Hinkle noted that canoes and kayaks are currently used daily; there is also frequent fishing and swimming. According to Ms. Eason, portage would cross the District's right-of-way and go into property with an underlying ownership by SFWMD. The County has a lease over the property. Mr. Hinkle stated he would like to go forward with this. Under Chapter 298, SIRWCD is allowed to have trails and this is considered a blue trail. Mr. Powell noted the canal bank on some of the canals have a hydraulic barrier. He did not want to see a breach in that barrier. Ms. Eason noted the canal bank would be gently sloped and only require about 65'; there should not be any breaching of the area. Portage would be maintained by Riverbend Park. Mr. Meyer stated he was in favor of the plan. Further discussion of the proposal involved heavy stabilization of the bank. Portage would cross SFWMD canal bank. A wooden structure could cross over the canal bank on the District's side with stabilization on the opposite side. The County is open to any design considerations that are appropriate. Mr. Howard was in favor as long as there is no expense to the District, it does not impede the work of the District and there is no liability. Mr. Ryan agreed that portage at this location is long overdue. Mr. Ryan made a motion to give the County a permit as discussed. Mr. Howard seconded the motion and it carried unanimously.

Mr. Capko's associate, attorney Seth Behn, presented an update on legislative activities affecting the District. He is tracking a bill that supports a public records request form, as well as a bill regarding ethics reform. It was noted that the District held an ethics workshop a few months ago. There is also legislation regarding pollution reporting. One bill would require mandatory posting of minutes online for one year. Also, a bill addresses voting on something that benefits the public, with an official voting even if there may be a personal benefit or conflict. Mr. Meyer asked about state assistance for septic systems. Mr. Behn stated the focus has been on land acquisition and he was not sure about the status of such assistance.

Mr. Hinkle opened the floor to landowner comments. Mr. Todd Aichele stated he represented four landowners regarding 128th Trail North and Windsong Way. On their behalf, he was requesting partial paving from Indiantown Road to the end of the 5th property. Mr. Hinkle stated 128th is one continuous road and it is not the Board's policy to pave a portion of a road without an intersection. Mr. Ryan stated paving needs to be workable from a maintenance standpoint. Mr. Hinkle stated the new policy adopted tonight requires the use of a new petition which will be prepared and available at a future meeting or on the website. All new petitions must wait until February, 2018.

Mr. John Jones requested removing 159th Court in Palm Beach Country Estates from the 19th Plan. Landowners to the west do not want paving and he believed paving will cause a maintenance problem. He felt it will become a dangerous stretch of pavement. Mr. Matt Gitkin stated this same argument would apply to Windsong if there is partial paving. Mr. Gitkin also had questions regarding water quality in the C14 canal and how it will be affected by the proposed portage. He asked the Board to work with Loxahatchee River District to get the water quality improved.

Ms. Eason stated the Loxahatchee Coordinating Council does not include SIRWCD at this point. Maintenance of the secondary drainage system will help. She agreed to look at water quality information and bring suggestions to the Board. She suggested not moving forward until she can discuss this with the Board at a workshop. Mr. Ryan noted there is no link between the proposed portage and water quality. Mr. Powell stated the District has been monitoring its water quality for many years. Mr. Meyer suggested scheduling a water quality workshop for June or sooner.

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

ADJOURNED.