

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON JUNE 29, 2017

The regular meeting of the South Indian River Water Control District was held on June 29, 2017, at 7:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, 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. Approximately 24 landowners were also present.

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

Mr. Hinkle announced that Mr. Ryan had resigned as supervisor, effective today.

Mr. Hinkle opened the second public hearing for the proposed 19th Plan of Improvements. Ms. Eason presented the engineer's report and a brief overview of the 19th Plan. Mr. Hinkle opened the floor to landowner input.

Mr. Charles Bratten stated the landowners have done everything required since 2015 and asked the Board to continue with this Plan. Ms. Dawn Scovill believed the majority of owners on 159th oppose paving and want to preserve the rural neighborhood. Ms. Jennifer Gusikoff stated all the rules were followed by the landowners and asked the Board to honor its commitment. Ms. Bonnie Alvarez reiterated previous landowner comments and asked the Board to honor its commitment for 154th Court. Mr. Vincent Cuomo stated 76th Trail has a majority of owners in favor of paving and requested that this be done. Mr. Kirt Danielson expressed his appreciation to the Board member who answered his emails. He was puzzled by any action that would not approve this Plan since the majority of landowners want to go forward. Mr. Matt Gitkin asked the Board to approve what is worthy and to look at what is behind the votes on a road by road basis, considering anything that does not make sense.

The Board then discussed the 19th Plan. Mr. Howard stated he still has issues with 159th and 160th. Mr. Meyer felt strongly that if the landowners were told to proceed with this process in a certain way and they complied, the Board must honor that in order to have the trust of the public. He also felt that any changes to the Plan should have been made years ago, not now. He stated he would have been willing to remove the western block from the Plan, but this could have made issues worse. Mr. Powell agreed with Mr. Meyer about making changes at this late date since all procedures were followed by the landowners. Engineering issues should have been dealt with earlier. Mr. Hinkle stated he would like to remove the western block on 159th but had no problem with any other segment. Mr. Powell agreed this is not the time to make such a change.

Mr. Capko stated the Board has the authority to approve or deny the 19th Plan in part or in whole. He felt comfortable defending the District if there were challenges, but with no guarantees. Mr. Hinkle noted he has had emails threatening to sue the District. Mr. Howard noted that the Board's task is to look at each petition and referendum to determine if it fits in. He was firm in his belief that two road segments do not match the intent of the Board's direction.

As there was no further discussion on the matter, Mr. Powell made a motion to adjourn the public hearing. Mr. Meyer seconded the motion and it carried unanimously.

The regular Board meeting then commenced. Mr. Howard made a motion to accept the consent agenda consisting of approval of minutes from May and the warrant list. Mr. Meyer seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. The website has been updated. Chapters 1-6 of the Policies & Procedures Manual have been reviewed and will now go to the staff for their comments. The next newsletter has been started and will include the status of the 19th Plan and an update regarding the potable water hookup. Mr. Hinkle suggested including a flyer regarding the potable water hookup. Mr. Haas suggested a separate letter would have more impact and it could be sent only to those landowners who have not yet hooked up (approximately 80). Ms. DeNinno was asked to prepare a letter and present it to the Board for approval.

Mr. Haas presented the treasurer's report. He acknowledged receipt of the 2016 audit report and stated that a copy had been sent to the Board and staff. The Board members all acknowledged receipt of same. Mr. Haas presented the preliminary budget for next year. He explained how the District functions and how it is assessed. In Palm Beach Country Estates, assessments are expected to increase an average of \$40. In Jupiter Farms, assessments are expected to increase an average of \$9. The Board commented that increased attention to the drainage system and maximizing storage in the District are reflected in this preliminary budget. Mr. Haas noted that there are discretionary funds (approximately \$1 million) available if the Board later decides on additional programs. The Board noted that PBCE previously had empty lots for water storage but now the District has to reclaim outfalls and easements. They agreed that the increased budget will fix issues, not simply patch them, saving money in the long run. Ms. Eason commented that these issues as well as concerns about water quality will be discussed in an upcoming workshop. Mr. Haas requested that any further input regarding the budget be conveyed to him prior to mid-July in order to be included in the TRIM bill. Mr. Howard made a motion authorizing the treasurer to proceed with the budget process. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations report. He discussed the matter of fishing on the Reese bridge. The bridge is owned by SFWMD and SIRWCD has a permit to use it to get equipment back and forth between Jupiter Farms and Palm Beach Country Estates. SFWD has stated it is up to SIRWCD to allow fishing. Mr. Hinkle stated he would like to see fishing allowed from dawn to dusk. The Board agreed and the signage will be changed accordingly.

Regarding the Berman Park, Mr. Dillon had sample permits that others have used, and requested Board direction. Mr. Capko recommended an insurance requirement for commercial or fund raising events. After a brief discussion, the Board agreed that a hold harmless agreement should also be required for all organized events. Mr. Capko will prepare an agreement for Board approval.

Mr. Dillon discussed problems with Winterhawk Trail, a dirt road that requires repairs after rainfalls. He would like to add asphalt to ease the slope and solve the erosion issues. A cost estimate is \$9,700 plus a boring test to determine if the base rock needs to be replaced. There are no driveways involved. Mr. Haas confirmed this would come from the regular maintenance budget. The Board agreed this needs to be fixed and since it is a maintenance issue it does not require Board approval.

Ms. Eason presented the monthly engineer's report. She requested Board approval of the 19th Plan of Improvements and engineering report.

Mr. Powell made a motion to approve the engineer's report and 19th Plan of Improvements. Mr. Meyer seconded the motion. Mr. Howard stated he could not go forward with the Plan because of issues with 159th and 160th. He did not see a way to fix the problem with 159th because it does not fit what the Board has said it wants the roads to look like. The Board discussed paving roads that do not connect to other paved roads and starting pavement in the middle of a long road. Mr. Meyer noted that it was originally decided the petition would include that segment, and it would not be right now to say it is not compliant with Board policy. Mr. Hinkle stated when the decision was originally made, he did not realize the road did not connect to the east. He still agrees that 159th, less one block, should be paved. Mr. Powell stated the Board can't rethink decisions made by a previous Board now that the makeup of the current Board is different. The Board had further discussion regarding the petition process for 160th. The vote on the motion was then called for and it did not pass with Messrs. Hinkle and Howard voting against it. Mr. Hinkle suggested removing the west block of 159th as a way to save the Plan. Mr. Meyer made a motion to go forward with the 19th Plan after removing the west block of 159th. Mr. Powell seconded the motion and it carried 3:1 with Mr. Howard voting against it.

Ms. Eason briefly discussed water quality models and will go into more detail at the Board's water quality workshop.

Mr. Capko discussed the vacancy on the Board and how this is addressed in the statute. The Board has 30 days to fill the vacancy after which time the governor has the opportunity to fill it. He suggested a Board meeting to appoint a new supervisor who will only serve until the annual landowners' meeting. At that time, the landowners

will elect a new supervisor to fill the remaining two years of Mr. Ryan's term. This will have to be an east side resident. Any information should be sent to the District office to be circulated to the other Board members. A formal nomination would then be made at the next meeting. Mr. Hinkle suggested scheduling the water quality workshop on July 20th at 6:00 at the District office, and including a Board meeting to appoint a new supervisor and vice president. No staff reports will be required. The Board agreed.

Mr. Dillon discussed private roads in Cypress Trails. They contract annually for road maintenance and mowing, but now want to be on the tax roll. Mr. Capko stated they would have voluntary assessments and this would require 100% consent. If one landowner is a holdout but all others agree, it would be an extremely low risk for the District to place them all on the tax roll. Mr. Geoffrey Parker, on behalf of those residents, stated he has been unable to reach two of the residents. Both have paid the contracted amount for the past two years so he did not believe there would be a problem. Mr. Haas noted if all documentation is received by July 15th, they can get on the next tax roll. The Board was in agreement. Mr. Parker will work to provide all necessary documentation and signatures.

Mr. Hinkle commented on problems with Code Enforcement picking up signs for community events. Signs are allowed to be posted on District rights-of-way but must be removed within 24 hours after the event. Apparently signs were being placed on FP&L poles and County rights-of-way, causing a problem.

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

ADJOURNED.