

**MINUTES OF THE WORKSHOP MEETING  
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
HELD ON MARCH 9, 2017**

The workshop meeting of the South Indian River Water Control District was held on March 9, 2017, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, Michael Ryan, John Meyer and Michael Howard. Also present were Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Three landowners were also present.

Mr. Hinkle called the meeting to order and the Pledge of Allegiance to the flag was given. The purpose of the workshop was to discuss the proposed enhanced stabilization policies.

Mr. Hinkle stated there were three separate policies to consider. Landowners could go to the County for funding, bypassing SIRWCD. Landowners could finance and pay for the improvements themselves without going through a referendum if there is a petition from 51% of the landowners. The landowners could continue with SIRWCD providing financing. Mr. Hinkle stated he initiated his proposal because financing was becoming a problem for the District, and there was too much time spent in meetings talking about paving. If the landowners handled the financing and paving themselves, the District could concentrate on only water control. Mr. Powell stated financing has always been an issue but the treasurer manages to work it out. He pointed out that the majority of the time spent at meetings discussing paving has been about changing policies and procedures. Paving in the District has been accomplished since 1982 with little or no discussion because the landowners handled their petitions, a referendum was conducted, and then the Board made a final decision. He noted that the bar has now been set so high, there probably will not be more paving requested in the District. Mr. Meyer stated there have been complaints from landowners on both sides of the issue. There needs to be a process that gets the District out of the paving business so it can concentrate on water control.

Mr. Howard stated the policy originally proposed virtually does away with paving because landowners will not be able to afford to pay for it up front. The provision for a simple majority decision does not meet the standard, as the policy currently in place requires 50% plus one of the affected landowners. The proposal appears to come directly from Indian Trails and does not deal with specific issues in SIRWCD. He noted that the original proposed policy did not get a second when presented at the previous Board meeting.

Mr. Ryan stated the original proposal would not allow a minority of landowners to make decisions affecting the others. Any paving policy would not be fair unless equal rights and solutions are given to those landowners who want to keep dirt roads. He noted Mr. Howard's proposal does not stop the threat of landowners coming back multiple times to vote for paving. If the District does not provide financing, landowners are then responsible for paying for paving themselves. He would like to find a way to keep dirt roads and not force residents out of their homes because of a hardship caused by assessments on their property.

Mr. Meyer believed most landowners would vote against a petition so they do not have to pay, forcing those who really want the paving to pay for the entire road.

Mr. Powell stated the original proposal is an extreme position. A referendum would be very difficult to pass. Mr. Howard's proposal listens to all the landowners and appears to be a good compromise. The Board should not let a small percentage of hardship cases drive the solution.

Mr. Hinkle noted that every monthly engineering report has had paving issues that require discussion. Mr. Meyer suggested an application process requiring a fee when a petition is initiated. The Board could also establish a paving committee consisting of a supervisor and staff member who would meet outside of the regular Board meetings. Mr. Capko confirmed it would be legal to have an application fee. Mr. Powell noted that once a policy is established, the Board should quit micromanaging the project.

Mr. Howard noted if the Board believes the voting has been bullied, it can decide not to include that road in the paving plan. He stated his proposal creates a timeline for the Board and staff, and requires a super-majority. If the landowners are forced to go to the County for paving, it will construct a street with swales and SIRWCD will have no control over that. Turning over drainage swales to another agency inhibits the job SIRWCD can do for the landowners. Mr. Dillon noted there have been maintenance issues with County culverts in the past. County standards always leave issues with swale contouring, etc.

Mr. Hinkle stated he did not like the “per foot” provision in Mr. Howard’s proposal. Mr. Howard explained this gives the Board flexibility. Mr. Powell stated the District is required to assess on a per parcel basis. Mr. Meyer suggested assessments could be based on frontage and not by parcel. Mr. Hinkle noted that some landowners have three roads on their property. Mr. Howard noted under #6(a) the landowner would be assessed for his own portion. This provision can be clarified. For corner lots, a landowner would have two votes and receive two assessments. A referendum only covers one road so the landowner will be voting for each individual road and assessed 100% for each.

Mr. Meyer agreed there should be a procedure to honor no-paving petitions. Mr. Powell noted this would be an “action to not do something.” Mr. Hinkle noted if there is 100% agreement, a conservation easement could be established on a road. Mr. Howard noted if the bar is high enough and a fee is required to start a project, this should take care of that issue. There would be enough guidance for the Board to make a decision against paving. Ms. Eason suggested bringing petitions to the Board meetings for review prior to proceeding.

Mr. Hinkle asked for staff input as to OGEM vs. asphalt. Ms. Eason stated that OGEM is usually more efficient on short roads. In the past, if there is a change from OGEM to asphalt, a petition is resubmitted. Mr. Dillon noted that usually three miles of roadway is needed for OGEM to be efficient.

Mr. Hinkle was not in favor of providing financing, but would vote for financing with a 90% requirement, similar to the County’s policy. Mr. Powell believed a lower requirement would be better. Mr. Ryan was concerned with hardship cases. Mr. Howard noted it is the Board’s responsibility to look at each project and make a decision. Mr. Capko suggested a provision whereby senior citizens can get a delay in paying their taxes. He will look into this possibility and report back to the Board. Mr. Howard believed the matter of assessment should be a separate policy.

Mr. Hinkle suggested having both proposals discussed at a public hearing, as well as a no-paving policy. Mr. Capko did not think a public hearing was necessary but public comments during a regular Board meeting would be sufficient. Further discussion followed regarding the need for another public hearing.

Mr. Powell excused himself from the meeting at this time due to an urgent family matter.

It was decided to present both proposals and a no-paving policy at the next Board meeting for landowner comments, and then take action at the May Board meeting. It was agreed to use the County’s policy as a model. All were in agreement to add an application fee. Staff was asked to estimate the time required of them during the petition process. Mr. Meyer agreed to prepare a no-paving policy.

Ms. Eason noted the next step in the 19th Plan is a public hearing and asked for Board direction. Three consecutive weeks of advertising are required prior to a public hearing. Ms. Eason and Mr. Capko were both concerned about the 19th Plan public hearings overlapping with the policy changes being presented, creating confusion for the landowners.

Mr. Capko asked that any letters with threats of a lawsuit or bodily harm be forwarded to his office.

Mr. Hinkle asked the Board to consider a workshop meeting on water control, to be scheduled during the summer.

There being no further discussion by the Board, the meeting was adjourned.