

Minutes of the Regular Meeting of the South Indian River Water Control District Held on April 17, 2025

The regular meeting of the South Indian River Water Control District was held on April 17, 2025, 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 Michael Howard, Tom Powell, John Meyer, Susan Kennedy and Beth McElroy. Also present were Karen Brandon, engineer; Sean O'Brien for Charles Haas, treasurer; Seth Behn, attorney; Chad Kennedy, Executive Director; Dustin Fazio, Supervisor of Operations; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately ten landowners were present in person. Attorney William Capko and one landowner were present via Zoom video conferencing.

Mr. Howard called the meeting to order and the Pledge of Allegiance to the flag was given. Mr. Powell made a motion to approve the consent agenda. Ms. Kennedy seconded the motion and it carried unanimously.

Mr. Howard opened the floor to landowner comments. Mr. Berman reported that his written submissions from prior meetings were not attached to the minutes on the website, even though they were noted in the minutes as being attached.

Ms. DeNinno presented the public information report. She continues to update the website for Americans with Disabilities Act accessibility and Web Content Accessibility Guidelines. She has requested updated estimated prices from website hosting providers. Updates to the Public Comment Form are being discussed which would include Solid Waste Authority reporting and illegal dumping. Mr. Berman, landowner, inquired about how many are utilizing this and suggested a cost analysis due to the time and effort going into it.

Mr. O'Brien presented the treasurer's report. Tax distributions are in line with prior years. He noted that the funds from the sale of the cell tower lease are separate from other investments and are in a separate CD. Interest earned goes straight to that fund. Mr. O'Brien reported that work has begun on next year's budget. The treasurer will be discussing the level of detail to include in the budget with the Board and staff. Work is continuing in preparation for the audit. Mr. O'Brien has been discussing with the executive director the preparation of quarterly reports rather than semi-annual reports. Ms. McElroy inquired about the unexpected cost of debris removal since the District is not receiving a grant for this.

Mr. Kennedy presented the Executive Director's report. When establishing a cell tower fund, Mr. Berman, landowner, suggested the use of the funds from the sale of the lease should take into consideration the loss of the monthly lease income and the investment income generated. Mr. Matt Gitkin, landowner, was concerned about the cost of opening stormwater flow from Palm Beach Country Estates through the Turnpike and I-95. On behalf of the other landowners in Trailwood, Mr. Kennedy's assistance in replacing the gravity discharge pipe in Trailwood was acknowledged by Mr. Barney Pierce.

Mr. Kennedy discussed the employee retirement plan. He requested approval to move the existing assets from the Florida League of Cities to the State of Florida's Deferred Compensation Plan 457b. This rollover of funds to the State of Florida's plan will provide more options for the employees, less administrative costs and fewer miscellaneous fees. He requested Board approval to start the transfer process, noting the attorney has approved this in form. After a brief discussion by the Board, **Mr. Meyer made a motion to enter into an agreement to utilize the State of Florida's Deferred Compensation Plan 457b, and to authorize Mr. Kennedy to take all action necessary to move forward with this transfer. Ms. McElroy seconded the motion and it carried unanimously.**

Mr. Kennedy discussed the establishment of a cell tower fund that would be used exclusively to obtain grants. The money in that fund would only come from the sale of the cell tower lease, not from any assessments. The Treasurer and Executive Director would manage the fund according to its established guidelines, and distribute funds as needed to obtain grants and for sanctioned activities, not to purchase equipment. There would be a minimum of a 25% return on every dollar used. **Ms. Susan Kennedy made a motion to approve the establishment of a cell tower fund, managed by the Treasurer and Executive Director, to be used to support sanctioned activities and obtain grants. The Board discussed using the fund to obtain grants that act as a financial force multiplier to conduct activities that are aligned with the District's purpose. The fund would be a designated line item so it would not be in the general revenue. Mr. O'Brien noted that the District receives 50% from future revenue if the cell tower is used by another entity or it is expanded. After further discussion by the Board, Mr. Powell seconded the motion and it carried unanimously.**

Mr. Kennedy discussed the Palm Beach Country Estates outfall. The plan is to open flow through the Turnpike swales, culverts and canals. He has reviewed documents with the Department of Transportation regarding boundaries. The District will begin work to clear the vegetation on the west side of the Turnpike. This will be funded by the east side vegetation management budget. The only restraint is constructing additional maintenance facilities on each side of the Turnpike. The engineer will submit a design to the Department of Transportation for this. The vegetation contractor will estimate how to maintain debris control. Mr. Powell briefly discussed the history of the 7th Plan of Reclamation. At that time the east side had no outfall or drainage. The 7th Plan made the canals wider and the east side started draining for the first time. The ditch along the Turnpike was used. It is now overgrown and requires maintenance.

On April 14, work began in the Trailwood community to replace the gravity discharge pipe from Trailwood into Canal 2. The Trailwood Homeowners Association provided the District with a temporary construction easement to do the work. Mr. Kennedy stated the pipe was in bad shape and threatened the levy. He reported the project went smoothly. The grading will be finished and sod placed for stabilization.

Regarding the Solid Waste Authority issue of clam shell damage at over 1,200 locations along roadsides within the District, Ms. Susan Kennedy has spoken with a representative from the County. A settlement is still being negotiated.

Mr. Kennedy reported that insurance has paid for \$13,000 of the lightning damage at the Work Center. Everything is back in operation now.

Mr. Fazio presented the Supervisor of Operations' report. A landowner discussed the canal widening along 159th. He noted the large amount of dirt being stockpiled at several locations and inquired if the District will be selling it. Mr. Fazio stated some of the canals are too low so that dirt is allocated.

Mr. Fazio reported his crew received three awards from the Safety Council of Palm Beach County for vehicle and worker safety. Mr. Fazio was also recognized with an award for his approach to workplace safety. Ms. McElroy noted that safety is a savings to the District in terms of Workers Comp. She thanked Mr. Fazio for paying attention to that and the Board concurred.

Mr. Fazio reported that a Triple Crown equipment trailer from 2017 or 2018 has been damaged. It has been red-tagged and needs to be sold. He requested that it be declared as surplus. **Ms. Kennedy made a motion declaring the equipment trailer as surplus. Mr. Powell seconded the motion and it carried unanimously.**

Ms. Brandon presented the engineer's report. Ms. Greta Foriere noted that paving of her road has started. She inquired about sidewalks. Ms. Brandon noted that the contractor will be working on excavation for the next couple of weeks. She reported she had a good pre-construction meeting on April 8th.

Rio-Bak, the contractor on the Canal C project, has submitted a pay request for \$339,163. They are 55% complete on the project. She requested Board approval. **Mr. Powell made a motion to approve the pay request submitted by Rio-Bak. Ms. McElroy seconded the motion and it carried unanimously.** There was also a Change Order submitted for additional culverts that had to be extended. Rio-Bak honored the initial price and it fell within the contingency.

The engineer for Busch Wildlife Sanctuary contacted Ms. Brandon today. Another site visit to re-verify the wetlands was completed and calculations have been updated.

Water quality samples were taken in mid-March. Ms. Brandon also showed the February results for reference. SW-4, SW-5, and SW-9 were noted last month. This month SW-3 is the highest. SW-9 is still elevated but not as much. She believes this is due to dry conditions at this time.

Mr. Behn presented the attorney's report. He reported on this year's legislative session and noted that some of the items being considered for special districts will not be happening. Self-reporting did not gain any traction. An agricultural redevelopment bill was found to be potentially bad for rural communities. All hearings will be completed by next Wednesday. There are still budget negotiations so available money could be impacted.

Under new business, Mr. Behn discussed the history of easements in the District. Efforts to try to adjust easements have typically occurred when there is an issue presented. A builder with a permit to redevelop 169th Place North has noticed an easement incorrectly located. It has been requested that the District terminate that easement. Mr. Behn discussed the complex history of the easement in question and presented a Resolution approving the partial termination of the easement recorded in Official Record Book 1886, Page 1416, Public Records of Palm Beach County, subject to the express grant of a perpetual exclusive easement for a right-of-way, drainage and utility purposes. **After a brief discussion, Ms. Kennedy made a motion to approve the Resolution regarding the partial termination of easement. Mr. Powell seconded the motion and it carried unanimously.**

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