

**Minutes of the Regular Meeting  
of the South Indian River Water Control District  
Held on May 16, 2024**

The regular meeting of the South Indian River Water Control District was held on May 16, 2024, 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 Jones, and John Meyer. Also present in person were Dustin Fazio, interim manager of operations; Sean O'Brien for Charles Haas, treasurer; Karen Brandon, engineer; Seth Behn and William Capko, attorneys; Donna DeNinno, public information; and Jane Woodard, secretary. Several landowners were present in person. Susan Kennedy and two landowners 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. Mr. Jones seconded the motion and it carried unanimously.

Mr. Howard opened the floor to landowner discussion. The landowners had no issues to discuss at this time.

Ms. DeNinno presented the public information report. The updated Policies and Procedures Manual has been uploaded to the website. The next newsletter will introduce Mr. Kennedy as the new executive director, provide information on Jennifer Hammond and Dustin Fazio, and include pictures from the 30th Annual Landowner Family Day.

Mr. O'Brien presented the treasurer's report. The current assessments received represent 97%. The auditors will soon be completing their work on the 2023 audit. Mr. Haas met with Mr. Kennedy to discuss his compensation package. The interim budget report will be completed soon. Mr. O'Brien requested Board approval of the compensation package for the new Executive Director. **Mr. Meyer made a motion to approve the compensation package for the Executive Director. Mr. Jones seconded the motion and it carried unanimously.**

Mr. Fazio presented the manager of operations' report. North Florida Emulsions was scheduled to micro-overlay Rocky Pines and this has been pushed back to mid-June. That road is in need of repair, so if there is another delay, the District may look for another contractor. Last month the structures actuator/gear boxes were rebuilt at Canals 3, 4 and 5, as well as Canal 2 and Canal 14. Mr. Fazio acknowledged Philip Walton, equipment operator, who received a Certificate of Achievement for his five years of dedicated service to the District.

Ms. Brandon presented the engineer's report. Eight paving petitions have been received for locations in Palm Beach Country Estates. The petition for 141st Lane North between 69th Drive North and 67th Avenue North did not meet the criteria because it did not connect to a paved road. Ms. Brandon noted that the petition should extend to 64th Drive North, requiring an additional 12 signatures. The deadline for submitting petitions was April 30th. This petition was originally submitted April 29th and the appropriate fee was paid. She requested Board direction as to how to proceed, noting there was staff time involved. The Board discussed whether or not to refund the petition fee. Mr. Jones felt the fee could be

refunded, even though the landowners should have known about the criteria. Mr. Powell stated it was obvious that this section of road did not connect to another paved road. It was noted that the normal process is for the petitioner to first contact the office. The information then goes to the engineer to determine if the section connects to a paved road. However, this petitioner did not do that prior to submitting the petition. Mr. Capko stated the Board does have the authority to waive the fee. **After further discussion, Mr. Powell made a motion to refund the petition fee for the 141st Lane North paving petition. Mr. Meyer seconded the motion and it carried unanimously.**

Ms. Brandon reported that there were also two no-pave petitions received for locations in Palm Beach Country Estates: 84th Avenue North between 150th Court North and 154th Court North, and 154th Court North between 81st Terrace North and 87th Trail North. She recommended that the 154th Court North petition be extended west two more parcels to connect to 89th Avenue North. Mr. Powell noted this is an action to not do something, questioning the purpose of the petition. Mr. Capko stated the Board's action would be its intent to not pave for five years. However, it does not preclude another landowner from petitioning for paving during that time. Mr. Behn also noted that if the Board members change, the intent may also change. This no-pave petition cannot strip future landowners or future Board members of their power. Mr. Howard inquired if adding the additional section required for the no-paving petition for 154th Court North changes the required percentage. Ms. Brandon stated that the Policies and Procedures Manual states a no-pave petition must meet the same requirements as a paving petition. The Board then discussed providing an extension for the petitioner to correct the petition and resubmit it. It was Mr. Meyer's opinion that the petitioner should be given the opportunity to revise and resubmit the petition at this time. Mr. Capko stated there is currently no paving petition for this road, so there is no harm if the petitioner waits to submit a new petition for next year. **After further discussion, Mr. Jones made a motion to refund the no-pave petition fee for 154th Court North, noting the petitioner has the opportunity to submit a new petition for next year. Mr. Powell seconded the motion and it carried with Mr. Meyer voting opposed.**

Ms. Brandon reported on the Canal C project. Rio-Bak has agreed to perform one-third of the work and will revise the bid for the section from 85th Avenue North to 79th Terrace North.

Regarding the 20th Plan of Improvements, the project was rebid, and two bids were received. They are higher than the original bid. Ms. Brandon has had discussions with the original contractor, and they agreed to lower their bid by \$1,100, putting the project at approximately \$139,000. Ms. Brandon recommended to the landowner that she wait to see how many other paving petitions actually go through and consider attaching to one of them.

Modeling has started for the Palm Beach Country Estates drainage study. Mr. Meyer inquired about the benefits of the study. Ms. Brandon stated it will provide for a plan regarding what areas to target, as well as be valuable in moving forward with any grants.

The final documents are being executed for the asphalt overlay of Haynie Lane and the "pink roads" in Palm Beach Country Estates.

Ms. Brandon discussed the storm debris removal contract. Four bids were received. She recommended awarding contracts to the three lowest bidders: Arbor Tree & Land, Crowder Gulf, and CERES Environmental. Ms. Brandon explained that Federal Emergency Management Agency has a rate schedule

based on our canal system, and that is how they come up with a price. The contracts are set up on an as-needed basis. She noted the District has not used removal services in the last five years. **Mr. Meyer made a motion to award the debris removal contracts to the three lowest bidders as recommended. Mr. Jones seconded the motion and it carried unanimously.**

Mr. Capko presented the attorney's report. He noted he has an associate who is working on water quality for another client and he will be using him to assist in preparing a memo for the Board as discussed at the last meeting. Mr. Behn reported he will be working on the annual report required for the District's goals and objectives.

Mr. Jones noted that social media has been discussing the Board's paving policies, referring to them as being illegal. For the record, he asked the attorneys for a clarification of the statutes pertaining to these policies. Mr. Capko confirmed that the Board has the authority to pave District roads. It also does not have an obligation to pave any District road, noting this is the part of the equation that often is missed. Any landowner can petition for paving, but if the Board has a reason to not pave that road, the Board is not required to go forward. Mr. Capko also stated that the Board's reason for not going forward with paving can simply be that it has other duties; South Indian River Water Control District is not a road paving district, but a water control district.

Mr. Behn presented and recommended approval of a Resolution for the Board regarding securing the financial services of Synovus Bank. **Ms. Kennedy made a motion to adopt the Resolution to secure financial services from Synovus Bank, as recommended by the attorney. Mr. Powell seconded the motion and it carried unanimously.**

Mr. Howard congratulated Mr. Kennedy on his position as Executive Director for the District. Mr. Kennedy thanked the Board for this opportunity.

There being no further business to come before the Board at this time, the meeting was adjourned.

ADJOURNED.