

**MINUTES OF THE REGULAR MEETING
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON DECEMBER 12, 2019**

The regular meeting of the South Indian River Water Control District was held on December 12, 2019, at 7:00 p.m. at the Jupiter Farms Park Pavilion, 16655 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Four landowners were also present.

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

Mr. Hinkle opened the floor to discussion of landowner items. Ms. Stephanie Duncan, landowner in PBCE, discussed the proposal she submitted at the last meeting for a committee to review the election process. Since then she has reviewed the legislation and can find nothing to prevent residents from moving forward and making a proposal to the Board. She noted she is not speaking on behalf of any association.

Mr. Hinkle opened the floor to discussion of landowner items. Ms. Stephanie Duncan, landowner in Palm Beach Country Estates, requested the appointment of a residents' committee to study the election process and make recommendations as needed. She expressed a need to provide insight into landowner expectations. She suggested the committee be comprised of five landowners, two of them from Jupiter Farms and two from Palm Beach Country Estates, serving with no compensation and selected by the District's legal counsel and operations manager. The goal would be to make voting more transparent and eliminate controversy.

Mr. Matt Gitkin, landowner, speaking for the Jupiter Farms Environmental Council, discussed a proposal for a private commercial recreational soccer facility. He stated the zoning regulations do not provide for commercial recreation in Jupiter Farms. The application mentions SIRWCD to provide drainage but there has been no request for permission to cross the District's right-of-way. Mr. Gitkin requested that the Board consider the Jupiter Farms Landowners Plan. The Board agreed to discuss this issue later in the meeting.

Mr. Powell made a motion to accept the consent agenda. Mr. Meyer seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. She is preparing the winter newsletter which will include the annual engineer's report and information regarding the District's new building. Ms. DeNinno noted she has additional information regarding updating the website, which will be discussed in detail later in the meeting. Ms. Stephanie Duncan, landowner, inquired about the process of updating the District's policies and procedures, specifically when the landowners will be able to review these in draft form. Mr. Meyer stated they are still being reviewed by the staff and will be available to the public after review by the Board. He confirmed the landowners will have an opportunity to review them and make comments before finalization.

Mr. Haas presented the treasurer's report, noting there is no list of disbursements at this meeting. He stated that historically he has created a monthly report as a Word document, but in keeping with the new ADA guidelines he believes it will be better to change to more detailed quarterly statements to the Board. It is his intent to send this to the Board separately rather than with his monthly report which will have a Word section but no financial information.

Mr. Dillon presented the manager of operations report. He has hired two new replacement operators. An electrical inspection of the new shop is scheduled for tomorrow. The shop consists of three bays for a total of 3600 sq. feet. He had two contractors for the conference room, but one backed out. He expects to have another contractor lined up and will have bids to present in January. There will be a slide gate at the entrance with a camera for security. He stated \$85,000 should be sufficient for the conference room, and expects the renovations to take six weeks. Mr. Powell made a motion to proceed with the conference room project, at a cost not to exceed \$85,000. Mr. Jones seconded the motion and it carried unanimously.

Mr. Dillon reported there is a fence that has been allowed to encroach along Canal 13 for years. The District now needs the room and per the agreement, the landowner needs to remove the fence. The landowner has been contacted.

Ms. Eason presented the engineer's report. She continues to work on the Jupiter Farms Re-Engineering program. The Section 18 survey has been received and the analysis has been started. She is looking at drainage easements and outfalls in order to prepare a model.

Ms. Eason reported that the Loxahatchee RAP is now referred to as the Pollutant Reduction Plan. The FDEP says there is no rule about septic tanks. Ms. Eason attended the DEP review of the rules and noted the turbidity rules will change and could be more stringent. Regulations of streams vs. canals in Jupiter Farms was discussed.

Ms. Eason presented a draft policy for direct pumping into the District's secondary drainage system. She addressed the requirements for discharge into canals vs. ditches, and also suggested adding language distinguishing developers from individual landowners. Ms. Eason would like the permits for pumping to be temporary because of the need to prove hardship, i.e. protection for livestock, etc. Mr. Powell noted it is not clear what the policy's objective is because it appears to be very restrictive. He suggested a plan that helps with standing water rather than restricting the landowner. Ms. Eason explained this policy gives relief when a hardship exists and is not for continuous discharge. There was discussion regarding what the system is designed to do as far as drainage. Mr. Howard noted there are lots smaller than what is noted in this policy, some even less than one acre. Mr. Meyer stated this policy could open the door to those landowners without a hardship and preferred that it be more restrictive. He believes the work being done to the existing policy is going in the right direction. Ms. Eason will incorporate the Board's comments and prepare a revised copy.

Ms. Eason briefly discussed a letter from the Town of Jupiter regarding reducing the use of phosphate in herbicides which is common in "Roundup".

Mr. Hinkle stated the past policies have been against allowing sewer lines to cross District property and to abide by the Jupiter Farms Neighborhood Plan, keeping it a rural area. He proposed providing the residents with a letter that states the Board will not allow the Rocky Pines project to cross the District's right-of-way. Mr. Jones agreed with the need to support their neighborhood plan. Mr. Powell noted there has not been a presentation to the Board or a request yet. Mr. Howard stated he was supportive of a letter that states similar projects have not been approved in the past. Mr. Meyer stated a letter is needed so that all parties know this is an issue. Mr. Gitkin, landowner, provided a list of the Rocky Pines planners to Ms. Eason. Mr. Meyer made a motion to send a letter to the County stating that crossing a District right-of-way has historically never been approved. Mr. Jones seconded the motion and it carried unanimously.

Mr. Capko presented the attorney's report. He noted that Mr. Dillon is working with him regarding easement agreements and defining areas where there may or may not be an easement. He also reported that the legislature kicks off in January and he will report on this at the January meeting.

Mr. Hinkle brought up for discussion the proposed landowner committee to look at election procedures. Ms. Stephanie Duncan, landowner, stated she reviewed legislation looking for a reference to forming such a committee and could not find any restrictions. She noted that none of the Board members would be on the committee. Mr. Capko stated that attorney Terry Lewis previously commented that unless there is explicit authorization to act, you do not have that authority. However, the Board could appoint a committee to advise them. Mr. Hinkle stated that in the past, there was no problem with the election process. He noted the difference now is that there is a supervisor who owns land but is not a resident. He believed it is taking time away from the purpose of the Board to fix something that is not broken. Mr. Jones also stated he did not see a problem with the election process. Mr. Howard stated that any time a landowner wants to be proactive it is a good thing. However, anything that changes the election process would have to go to the legislation. He did not see the need to do that at this time. Mr. Powell stated there are differences between the east and west sides of the District and it is now impossible for the east side to do improvement projects. It is his opinion that this is what initiated this request for a committee. Mr. Meyer stated the Board should focus on drainage. Mr. Capko stated it would be difficult to get any local bills passed without unanimous landowner support.

Mr. Capko reported on the status of the Berman lawsuit. He spoke with the opposing attorney who will contact his client to determine if they will proceed. Mr. Capko will be filing a Notice of Appearance but is not spending any more time on this issue now.

Regarding the policy on County road assessments, Mr. Haas presented an update on what was presented at the workshop. He discussed the initial debt service on road maintenance from 1983. He discussed the benefits received. If the Board decides to exempt parcels along paved roads, the District will have to go through a benefit analysis with public hearings in order to change the methodology for road maintenance. Mr. Capko stated it would require the Chapter 197 process for assessment with public hearings. The engineer would be required to prepare a special benefit analysis to justify a change, and hold public hearings. It would be approximately a six-month process, and the cost should be considered. Mr. Jones stated, as a community, paying road maintenance assessments is not just for the road in front of your own house, but paying into a pool designed to maintain all District roads.

He referred to a questionnaire distributed in the 1980s which stated future maintenance costs would go down for those roads affected by the paving project. It did not say anything about roads abutting subject roads. Mr. Howard noted that currently if one lives in the District, they benefit from road maintenance even if they are on a County road. There is inconsistency in Jupiter Farms where landowners live in the District but are not being assessed because they live on a County road. Mr. Powell stated that based on an area-wide definition, landowners benefit from the overall project. But it was not done that way. There was a road-by-road breakdown. To go back now with a new assessment of benefits does not make sense. Mr. Meyer stated there are two issues. Benefits should match the assessments. If one is paying for maintenance to an agency that does not perform the maintenance, then the benefits do not match the assessments. Also, landowners are being assessed twice, paying taxes to the County as well as SIRWCD for road maintenance. Mr. Hinkle believed the benefitted area should be based on the community and how it was originally established when the project originated. The culvert program would need to be reevaluated on County roads and he does not think there is a need to spend money to do this. Mr. Meyer made a motion directing the staff to initiate the process to re-evaluate maintenance assessments for lots in question on standard roads. Mr. Howard seconded the motion and it carried 3:2 with Messrs. Powell and Hinkle voting against.

Ms. DeNinno discussed updating the website. She met with supervisors Howard and Meyer, and Ms. Holly Rigsby, office administrator, to discuss what needs to be changed and/or updated. She will also be discussing with the attorney what items must be included on the website. Including only those PDF files that must be there will keep the costs down. She noted that agendas and minutes have been archived back to 2004. Ms. DeNinno presented all this information to the Board and requested their comments, which will be incorporated in a revised presentation. She noted that in looking at statistics, the number of visitors to the website was higher than expected at an average of 84/day and 1,000/month. Ms. DeNinno also noted that Municode will likely be recommended for website redesign and hosting.

There being no further business to come before the Board at this time, a motion was made to adjourn. The motion was seconded and carried unanimously.

ADJOURNED.