

## **MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON FEBRUARY 20, 2020**

The regular meeting of the South Indian River Water Control District was held on February 20, 2020, at 7:00 pm 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; Laura Bender, public information; and Jane Woodard, secretary. Eight 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. Mr. Matt Gitkin, landowner in Jupiter Farms, asked when the landowners would hear from the Board regarding the issue of assessments on County roads. Ms. Eason stated she will be reporting on this issue tonight.

Mr. Powell made a motion to accept the consent agenda. The motion was seconded and carried unanimously.

Ms. Bender presented the public information report. The annual newsletter has been mailed to the landowners. Work has begun on the next newsletter, which will contain the invitation to the 29th Annual Landowners' Day scheduled for March 14th.

Mr. Haas presented the treasurer's report. Under his new procedures adopted in December, the first quarterly report has been sent to the Budget Committee for review. He will send copies to the other Board members after he has received input from the Committee.

Mr. Dillon presented the manager of operations report. FEMA has sent a payment of \$170,444.25 for reimbursement of the canal restoration project. The balance of approximately \$46,000 is still under review and more information is expected by the end of February. Mr. Dillon also reported that the project for Canals 6 and 13 is completed. He will have photos ready to present at the next meeting. Mr. Dillon then presented an update on the new shop. There has been an ongoing issue with the Fire Marshall regarding an alarm system. The Fire Marshall is now requesting heat sensors in the ceiling. The installer will provide a price for six sensors that would be set to go off at 190 degrees. In addition, the County is requiring that two trees be planted around the new shop. Mr. Matt Gitkin asked if a landowner could donate a tree.

Ms. Eason presented the engineer's report. She is making progress on the Jupiter Farms Re-Engineering Project. She is also developing cost estimates and the scope for the Canal E control structure which was previously approved for the next budget year. Also, the contract documents for the conference room expansion have just been completed.

Ms. Eason discussed the Loxahatchee River Watershed Restoration Project. The purpose of this project is to restore the minimum flow to the estuary and provide environmental restoration. The Plan states the operational protocol has to be worked out in order to provide those minimum flows to the River. In order to accomplish the minimum flow, more flow has to be directed through the G92. Additional flow

being directed by the G92 into our system could impact our flood protection, but the Chief Engineer has stated they are required to provide the same level of service and are not allowed to impact our flood protection. The final Project Implementation Report and Environmental Impact Statement were released on February 5th and public comments are due March 9th. The Report states that developed areas are not adversely impacted by the RSP, and the TSP will undergo additional analysis using new modeling tools developed to assess potential flooding. Also, the WRDA 200 recognized that the CERP was conceptual in nature and refinements will be required during further studies. Ms. Eason suggested that the Board provide a letter stating it is generally supportive of the restoration project. After a brief discussion, Mr. Howard made a motion directing Ms. Eason to write a letter of general support to Dr. Hodgson with the Army Corps of Engineers. In further discussing this project, Ms. Eason stated more flow would be delivered during the dry season so it should not impact the District. She discussed the river level at the Lainhart Dam, and stated there is an operational protocol that she will be reviewing. Part of the goal is also to look at water supply. Ms. Eason also noted there is a section in the report regarding climate change and sea level rise. After comments have been received, the next step will be to go to Congress for funding.

Ms. Eason discussed the County roadway benefit analysis. Her proposed analysis includes several areas, including the effect of shifting assessments, how property values will be impacted, and the value of property for this type of community that wants to keep dirt roads. Another benefit to be considered is access to parcels within the neighborhood and access to emergency vehicles. Ms. Eason suggested the following should be analyzed: vacant residential lots on District-maintained paved roads vs. District unpaved roads, vacant residential lots on District-maintained paved roads vs. County-maintained paved roads, improved residential properties on District-maintained paved roads vs. District unpaved roads, improved residential properties on District-maintained paved roads vs. County maintained paved roads, and vacant residential lots in the District vs. vacant residential lots in Indian Trails and Loxahatchee Groves. She estimated the cost of this analysis will be about \$30,000. This estimate does not take into account if she is not able to use her own staff and has to go to an outside firm. Mr. Haas commented he would not require a lot of time or expense for his part in this analysis. Mr. Capko stated the District would have to go through a public hearing process to make a change, which would require the cost of notifications and staff preparation. Mr. Haas stated there is some flexibility in the budget but he will have to look at it further, noting the majority of the expense will probably come out of the Jupiter Farms road maintenance fund and a smaller portion from the Palm Beach Country Estates budget. Mr. Howard stated the Board needs to get to the bottom of what is the right thing to do as it appears landowners are being charged for something the District is not providing. It was his opinion that if this analysis is the next step to determine that, the Board should proceed. Mr. Powell asked how long these assessments have been in place, and Mr. Haas stated since 1985. If assessments are changed, Mr. Haas stated that about 870 parcels would have reduced assessments and about 5300 would receive additional assessments. Mr. Jones noted it is important to stay within the budget established for this fiscal year. Mr. Meyers noted the bonds were based on benefit analysis, but now the County has taken over the maintenance. He questioned how it is appropriate to assess for a service the District does not provide. He noted that even though Jupiter Farms landowners receive a benefit, they should not have to pay a District assessment because the County performs the maintenance. Mr. Meyers was not in favor of

spending \$30,000 for an analysis. Mr. Hinkle questioned if anything has been handled illegally. Mr. Capko stated no actions are challengeable, and there was nothing done in the past that was not supported by law. He also stated that the Board can make changes. Mr. Gitkin, landowner, agreed with Mr. Meyers regarding the need for a course correction. He commented that in the past, landowners were told this assessment would go away. He asked the Board to do what is right. Mr. Hinkle stated the landowners pay for a lot of benefits on the tax bill that they do not benefit from. It was his opinion that this is a community issue and all should pay equally. He did not see the need for an analysis. Mr. Powell stated the Board has been making area-wide assessments and now it is being asked to look at assessments road by road. Mr. Meyer insisted the District should not be collecting money for maintenance. It was his opinion that in order to avoid conflict in the future, it is the Board's responsibility to take care of this now. Mr. Powell stated that a correction in the assessment implies something was improper and that is not the case. If the Board takes action now, it is like saying what was done previously was wrong. Mr. Howard stated the Board should be looking at things differently now, reviewing all the landowner-initiated paving on individual roads. Mr. Hinkle noted the culvert program on County roads is assessed in a similar way. He questioned if that needs to be reassessed also. Mr. Gitkin, landowner, stated the landowners are only asking for their assessments to be fair. Mr. Capko stated the benefits study is recommended in order to review the Plan. Mr. Howard questioned if it is necessary to amend the Plan if the Board is only changing the way to equalize assessments. Mr. Capko responded that if the Board is changing the entire method of assessment, he recommends a benefits analysis as there is more risk involved. Mr. Meyers made a motion to proceed without a benefit analysis, and have a public hearing to modify the Plan in as simple a method as possible, changing the way assessments are done in order to stop maintenance assessments for County roads. There was no second to this motion. Mr. Howard stated it is difficult to say what the benefits are, and if a parcel is benefitted by a road or not. Mr. Howard commented that when speed bumps were installed on 130th and 134th, traffic shifted to 134th but people living beyond that road did not get assessed even though they benefitted. Mr. Powell noted that the benefitted area is always defined by the engineer. Paving individual streets benefits others but those landowners want their street paved so they are willing to pay. Ms. Eason noted that the original Plan contemplated the County taking over the road maintenance. Mr. Hinkle stated that road maintenance is done by parcel regardless of the size of the parcel; the District is a community and everyone pays. Mr. Hinkle directed Mr. Capko to review what needs to be done to include all landowners paying the same for road maintenance.

Ms. Eason discussed the preliminary results of the canal aquatic life study. Numeric Nutrient Criteria (NNC) was finalized in 2012. A study was conducted over four years through October 2016. The results indicate the canals often do not meet the Class III WQ criteria. The biological community is not affected by canal vegetation maintenance. The habitat is not a primary factor influencing the macroinvertebrate community. Ms. Eason will continue to monitor this matter but no policy changes are anticipated.

Mr. Capko presented the attorney's report. He reviewed the Berman lawsuit with the Board. A Notice of Voluntary Dismissal, Without Prejudice, has been filed. No further action by the Board is necessary at this time, although Mr. Capko noted that Mr. Berman could always revise and refile his Complaint. Mr. Gitkin, landowner, asked if anything can be done to recuperate costs and fees. Mr. Capko stated the best thing to do is spend as little time as possible on this matter.

The Board discussed the policy for pumping into swales. Ms. Eason presented a proposed policy which would modify Section 12 of the Policies and Procedures Manual. It divides the requirements for discharge into canals vs. ditches, discusses developer vs. individual landowner, addresses temporary permits for pumping, provides hardship analysis, and provides clear direction on the application process. There will also be pond control elevations for the property. Ms. Eason requested Board approval of the proposed policy. After a brief discussion, all Board members were in favor of the policy. Mr. Howard commented there should be a policy on adopting policies, and suggested there should be a process to go through. Mr. Hinkle agreed. He stated the landowners should know about this proposed policy before the Board finalizes it. The Board agreed to put the information on the website and requested that the Facebook groups and landowner associations direct their members to the website. Mr. Howard asked if there will be a permit fee. He did not want an excessive amount charged for a temporary situation. A motion was made to table final Board approval until landowners have been notified. The motion was seconded and carried unanimously.

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

ADJOURNED.