

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Public Hearing and Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, September 15, 2010 at 6:30 p.m.**, in the **Commission Chambers, Coral Springs City Hall, 9551 West Sample Road, Coral Springs, Florida 33065.**

Present at the meeting were:

David Hulett	President
Emily Heafy	Vice President
Joe Morera	Secretary

Also present were:

Doug Paton	Wrathell, Hunt & Associates
Terry Lewis	District Counsel
Cory Selchan	Field Superintendent
John McKune	McKune & Associates
Rhon Ernest-Jones	District Engineer
Tom Donahue	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Hulett called the meeting to order at 6:35 p.m. Mr. Paton called the roll, noting, for the record, that Supervisors Hulett, Morera and Heafy were present, in person.

SECOND ORDER OF BUSINESS

Affidavit of Publication for September 15, 2010 Public Hearing and Regular Meeting

Mr. Hulett noted the affidavit of publication was included in the agenda package for today's public hearing and regular meeting.

THIRD ORDER OF BUSINESS

Citizens' Requests

There were no members of the public present.

FOURTH ORDER OF BUSINESS

Public Hearing to Consider Resolution 2010-15, Adopting the Final Budget for the Fiscal Year Beginning October 1, 2010 and Ending September 30, 2011, Pursuant to Florida Law

*****Mr. Hulett opened the Public Hearing.*****

There were no public comments or questions.

*****Mr. Hulett closed the Public Hearing.*****

Mr. Hulett asked for any questions from Supervisors regarding the budget. Ms. Heafy did not have any questions. Mr. Hulett requested that, under expenditures, the word "shared" be removed from the human resource services item on Pages 1 and 3. Mr. Hulett asked if the dues for the Florida Association of Special Districts (FASD) are included in the dues and subscription line item. Mr. Lewis anticipated the fees to be around \$500.

Discussion ensued on the projected cost of propane. Mr. Selchan noted that, since the last Board meeting, the pumps ran for over 60 hours. Mr. Hulett and Mr. Morera questioned why the budget did not reflect actual expenditures through, at least, July. Mr. Paton replied that when the budget preparation begins, the actual expenditures through March 31st are used. He noted the District spent \$9,000 on propane this year, so far, and he has another \$12,000 in propane invoices. Mr. Morera noted there is a difference of 19 units between 2010 and 2011 and the difference between 2009 and 2011 is 33 units. The Board discussed reasons for the discrepancy and Mr. Paton confirmed that the roll is received from the property appraiser's office.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, Resolution 2010-15, Adopting the Final Budget for the Fiscal Year Beginning October 1, 2010 and Ending September 30, 2011, Pursuant to Florida Law, was adopted.

Mr. Rhon Ernest-Jones stated, of the \$414,000 budgeted for engineering, \$150,000 is the culvert replacement and repair project and he requested to move \$150,000 under repairs and maintenance.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the reconsideration of the Fiscal Year 2011 Budget, as amended, was approved.

Mr. Hulett clarified that \$150,000 should be moved from engineering to the line item repair and maintenance, with its own line item titled culvert repair. Mr. Donahue noted that there is a single culvert that has been pushed back into the next fiscal year. Mr. Paton stated that the engineering expenses are broken down on the general fund engineering estimates on Page 9. The Board agreed to move \$150,000 from the engineering line item to a new capital outlay line item titled culvert replacement/repair.

Mr. Rhon Ernest-Jones noted that the insurance replacement cost is lower than the \$3.2 million it is costing to replace the pump stations. Discussion ensued on the insurance coverage level. Mr. Hulett requested to know if the policy covers the cash value or the replacement cost. Mr. Morera noted the insurance is for the existing pumps, not the new pump stations. The Board discussed obtaining insurance for the cost to rebuild the stations.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, Resolution 2010-15, Adopting the Final Budget for the Fiscal Year Beginning October 1, 2010 and Ending September 30, 2011, Pursuant to Florida Law, as amended, was adopted.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2010-16,
Levying a Non Ad Valorem Maintenance
Assessment for the General Fund for the
Sunshine Water Control District for
Fiscal Year 2011**

Mr. Hulett presented Resolution 2010-16 for the Board's review and consideration.

Mr. Morera discussed the different unit numbers reflected between the resolution and the budget. Mr. Paton stated the correct number of units is obtained from the property appraiser. Mr. Hulett stated the units noted in the resolution should be the same number of units reflected in the budget.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, Resolution 2010-16, Levying a Non Ad Valorem Maintenance Assessment for the General Fund for the Sunshine Water Control District for Fiscal Year 2011, as amended to reflect 16,858 assessable units, was adopted.

SIXTH ORDER OF BUSINESS

Discussion: Florida Association of Special Districts General Membership Meeting – October 29, 2010 (deferred from August 11, 2010 Regular Meeting)

The Board and Staff discussed attending the Florida Association of Special Districts (FASD) meeting. Mr. Lewis stated that Board Members in attendance, at the meeting, cannot discuss SWCD business. Mr. Hulett questioned if the District can pay the hotel costs. Mr. Lewis stated that the Board is entitled to per diem; otherwise, the reimbursement is equivalent to the state rates.

SEVENTH ORDER OF BUSINESS

Update: Water Control Plan Amendment and Bond Issuance Tentative Calendar

Mr. Lewis stated that the District is on schedule and the weekly notices have been advertised. He reported that the individual assessment notices were mailed, with a date of service of September 15th. Mr. Lewis stated that the preliminary hearing is scheduled for October 27, 2010. Discussion was held on the procedure for the public hearing. Mr. Hulett suggested using the process that the City of Coral Springs uses and discussed the use of a clock in the room. Mr. Lewis suggested cards for the audience members. Mr. Lewis suggested a three (3)-minute time limit and noted the importance of maintaining order. Mr. Hulett requested a sign-up sheet and instructions for turning on the clock.

EIGHTH ORDER OF BUSINESS

Consideration/Discussion of Permits/Applications/Letters of No Objection

- **Permit Application Review: FPL/FiberNet, LLC – Installation of Fiber Optic Cable Under Culvert W-70, Canal “L”, East Side of University Drive, South of Royal Palm Boulevard**
- **PERMIT/APPLICATION LOG**

Mr. Ernest-Jones noted there is an application for boring underneath the culvert for installation of a fiber optic cable and proposed issuing a letter of no objection. Mr. Donahue provided pictures and noted the bore will run underneath the sidewalk. Mr. Ernest-Jones noted that the boring indicates the ground will not be dug and it is an occupation of the right-of-way. Mr. Donahue stated this fiber optic is related to Coral Springs Surgical Center.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the FPL/FiberNet, LLC – Installation of Fiber Optic Cable Under Culvert W-70, Canal “L”, East Side of University Drive, South of Royal Palm Boulevard, was approved.

NINTH ORDER OF BUSINESS

**Approval of Minutes of August 11, 2010
Regular Meeting**

The August 11, 2010 Regular Meeting Minutes were presented for the Board’s approval.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the August 11, 2010 Regular Meeting Minutes, as presented, were approved.

TENTH ORDER OF BUSINESS

Supervisors’ Requests

Ms. Heafy stated the canal at the entrance to the police department has a huge tree trunk that was thrown into the canal. Mr. Selchan stated he will take care of it. Ms. Heafy reported the entrance to Broken Woods Drive has signs on the canal bank. Mr. Selchan replied that the District does not own the property; however, the District does have maintenance access.

Mr. Morera questioned the status of the hedge removal. Mr. Selchan stated he has a report.

Mr. Morera reported that on September 25, 2010 there is going to be a shred-a-thon outside of city hall and questioned if his personal copies of the agendas can be shredded. Mr. Paton stated that the District Manager maintains all of the Sunshine public record documents if needed. Mr. Morera announced that the Coral Springs Multi-Cultural Committee International Day Event will be held at the Herron Bay Marriott on September 25, 2010.

Mr. Hulett discussed the Florida holly growing on the canal bank and the need to begin trimming. Discussion was held on previous conversations about the approach to trimming. Mr. Hulett requested having a plan by January 2011. Ms. Heafy questioned the District’s ability to issue fines. Mr. Lewis stated Chapter 298 does require people to remove obstructions from the right-of-way. Ms. Heafy inquired as to what the District can do if the residents do not move the objects. Mr. Hulett requested that these details be worked out by Staff. Mr. Morera discussed the cost of the cleanup. Mr. Ernest-Jones discussed the process of notifying residents.

ELEVENTH ORDER OF BUSINESS

Staff Reports

a. Attorney

Mr. Lewis stated work related to the bond issue can be recouped through the bond proceeds. He reported that he worked on the issue with cooperative enforcement of the right-of-ways. He stated the debris agreement is pending with the City of Coral Springs. Discussion ensued on the current status of the agreement.

b. Engineer

i. Monthly Engineer's Report – 08/02/10 to 09/07/10

Mr. Ernest-Jones stated the invoices for bond work and regular District work will be split. He stated work is continuing on the Burger King application. He stated a letter of no objection was sent for the property located at 4117-4178 NW 114th Avenue. He discussed a small, commercial parcel on Coral Springs Drive and Sample Road in which the adjacent property owner may have the opportunity to purchase the right-of-way and install two (2) 70" inch culverts. Mr. Selchan recalled previous culverts that were allowed for parking lots but voiced his concern with selling the right-of-way. Mr. Ernest-Jones noted potential, long-term concerns. Mr. Lewis did not recommend selling or leasing the land. Mr. Selchan recalled a previous attempt to construct a Dunkin Donuts on the same lot. Discussion was held on existing culverts.

Mr. Ernest-Jones stated the engineers for the fire department provided a report outlining water filtration issues at Fire Station 71 on NW 41st Street and discussed possible use of the canals in the drainage issue. He stated the percolation is poor, which leads to the need for a large exfiltration trench. He requested the Board's authorization to work with the City of Coral Springs to solve the problem, such as the possibility of building a trench on the canal bank. Mr. Ernest-Jones stated C3TS is the engineer. He referred to the project as off-site retention and the billing will be tracked separate.

Mr. Donahue reported that FishTec completed the project and recommended approval of the final invoice, plus Change Order #002. He stated culvert E5 was cleaned and does not cross Woodside; rather, it picks up street drainage and flows to the west. As such, it should be removed from SWCD as a culvert and included in the city's drainage system. Mr. Donahue continued that culvert E6 could not be found and recommended, in the future, completing excavation to ensure the culvert does not exist. He stated E1A is a series of culverts running from lake, to manhole, to manhole, to manhole, to manhole, to manhole, to lake. The middle section was cleaned up and he stated this is really a part of the city drainage system. Mr. Selchan

stated that the city still views E1A as their drainage and the lake that it connects to is a private lake. Mr. Donahue provided pictures of the cleaning. Mr. Selchan stated he has not noticed a difference in the water flow; however, he was hoping to see a reduction in head loss and see the water come down evenly, with better flow. Mr. Selchan stated that even though the benefit that was hoped for did not happen, if the flow of water is blocked in one direction, the water will still be able to flow another direction. Mr. Selchan and Mr. Ernest-Jones noted their appreciation for the work that FishTec completed. Mr. Donahue stated a presentation will be completed for the website and the October public hearing.

Discussion was held on the idea of having a hard GMP from Weitz for the upcoming project.

Mr. Ernest-Jones stated he has been in touch with Mr. Ralph Merritt regarding the Coral Springs Corporate Park and is obtaining bids.

Discussion was held on the EPA's change to the nutrient standards and the responsibility of the District. Mr. Ernest-Jones recommended tracking the quality of water that is being discharged into the canals.

Discussion was held on the hedge blocking the right of way on NW 36th Place. Mr. Donahue reported that Mr. Selchan and himself met with the homeowners and discovered that what was thought to be District property, is really the homeowner's property. He noted that it is not reflected on the deed or the property appraiser's website. Mr. Donahue stated the property was purchased five (5) years ago and the survey indicates that the homeowner owns the property. Mr. Ernest-Jones suggested finding out under what circumstances the land was deeded to the adjacent property owner and what rights the District preserved. Mr. Lewis stated, at minimum, a title search will have to be completed. Mr. Lewis discussed various rules that may apply, stating he will have to do some research. Discussion ensued on how the land was obtained by the property owners and possible options.

Mr. Ernest-Jones inquired as to any information referring to the name change of the District. Mr. Lewis stated he found the special act, or charter, creating the District. He discussed the history of water control districts and drainage districts. He explained that legislation stipulated that entities handling water management and flood control will be known as water management districts and drainage districts will be known as water control districts. Mr. Lewis recommended completing the name change next year and the bond lawyer can make the decision as to how it will be worded, with regard to the bond documents.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, authorization to pay the FishTec Final Invoice and Change Order #002 was approved.

c. Field Supervisor

Mr. Selchan stated, since the last Board meeting, there has been over 14 inches of rain, with 60-hours of pumping. He stated the culvert cleaning process was successful and FishTec did an outstanding job.

d. Manager

i. Unaudited Financial Statements as of July 31, 2010

Mr. Paton presented the Unaudited Financial Statements as of July 31, 2010. He noted that on Page 2, the collected assessments were at 99% and provided financials as of September 15, 2010. Mr. Morera questioned why completed payments on the SunTrust loan are still being reflected. Mr. Paton stated the payments can be removed and there are four (4) payments remaining.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the Unaudited Financial Statements as of July 31, 2010, were approved.

ii. Check Register, July 2010

iii. Invoices July 2010

Mr. Morera questioned the amount on the Waste Management bill. Mr. Selchan stated that SWCD pays half of the bill and two (2) other Districts use the facility. He stated SWCD disposes of a lot of material and is getting a very fair deal.

iv. Fiscal Year 2011 Proposed Meeting Schedule

• November 10, 2010 Conflict for Mr. Morera

Mr. Paton presented the Fiscal Year 2011 proposed meeting schedule. Mr. Morera discussed a meeting conflict for the November meeting and requested the meeting be moved to November 17th. The Board agreed to move the meeting to November 17, 2010.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the Fiscal Year 2011 Proposed Meeting Schedule, as amended, was approved.

v. Update: FEMA Hurricane Restoration Closeout

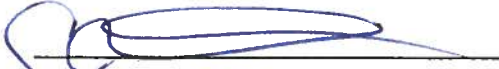
Mr. Paton reported that the District received FEMA emergency funds as reimbursement for the already paid debris removal caused from hurricane Francis. He stated the Department of Emergency Management called and requested the District close out the project and provide documentation that the work was completed. The information was pulled from storage and all the work orders, payments and cancelled checks were compiled. FEMA then requested the information as to where the debris was dumped; however, the dumping was handled through a sub contractor. FEMA stated that the District has to prove that the debris was dumped at an authorized EPA dump site. Mr. Paton reported that Mr. Selchan and himself visited the subcontractor and obtained a number of dump tickets. FEMA rejected this documentation and the entire project funding as not meeting the entire "Cradle to Grave" documentation that FEMA required. Mr. Paton stated that the District is going to appeal FEMA's decision.

Mr. Lewis discussed his prior involvement in the appeals process with the Department of Emergency Management. He requested to see the material compiled by the District. Mr. Lewis recommended checking with the EPA dump site operators for dump tickets. Mr. Paton discussed that some of the subcontractors that disposed of storm debris are out of business. Discussion ensued on the current process. Ms. Heafy stated prior Board Members may remember. Mr. Selchan recalled the funding was made under an emergency appeal, after sustaining Hurricane Frances' damage, because Hurricane Jean was on the way.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no additional business, the meeting adjourned at 9:50 p.m.



Secretary/Assistant Secretary



President/Vice President