

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, March 10, 2010 immediately following the Landowners' Meeting 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:

Craig Wrathell	District Manager
Doug Paton	Client Services Manager
Cory Selchan	Field Superintendent
Darren Leisner	District Counsel
Rhon Ernest-Jones	District Engineer
Tom Donahue	District Engineer
John McKune	McKune & Associates

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Hulett called the meeting to order at approximately 6:42 p.m. Mr. Wrathell called the roll, noting, for the record, that Supervisors Hulett, Heafy and Morera were present.

SECOND ORDER OF BUSINESS

**Confirmation of Advertisement for
Landowners' Meeting and Regular
Meeting Advertisement**

Mr. Wrathell presented the advertisement for the Landowners' Meeting and Regular Meeting.

THIRD ORDER OF BUSINESS

**Oath of Office for Newly Elected
Supervisor**

******This item, previously the Fourth Order of Business, was presented out of order.******

- Guide to the Sunshine Amendment and Code of Ethics
- Form 1 – Statement of Financial Interests
- Form 1X – Amendment to Form 1 – Statement of Financial Interests
- Form 1F – Final Statement of Financial Interests

Mr. Wrathell advised that he is a Notary of the State of Florida and duly authorized to administer the Oath of Office. Led by Mr. Wrathell, Mr. Hulett recited and signed the Oath of Office. Mr. Wrathell briefly explained the documents provided in the Supervisors packet.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2010-9,
Electing the Officers of the District**

******This item, previously the Fifth Order of Business, was presented out of order.******

Mr. Wrathell asked for nominations for President, Vice President and Secretary. Ms. Heafy nominated the current slate of officers.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, Resolution 2010-9, Electing the Officers of the District was approved as follows: Mr. Hulett as President, Ms. Heafy as Vice President, Mr. Morera as Secretary and Mr. Wrathell as Assistant Secretary and Treasurer,

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2010-8,
Canvassing and Certifying the Results of
the Landowners' Election**

******This item, previously the Third Order of Business, was presented out of order.******

Mr. Wrathell presented Resolution 2010-8, Canvassing and Certifying the Results of the Landowners' Election, for the Board's approval.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, Resolution 2010-8, Canvassing and Certifying the Results of the Landowners' Election, was approved.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2010-10,
Amending the General Fund Portion of
the Fiscal Year 2010 Budget**

Mr. Wrathell presented Resolution 2010-10, Amending the General Fund Portion of the Fiscal Year 2010 Budget, for the Board's consideration. He referred to the increase in Engineering Expenses on Page 2 and the reclassification of the programs. He noted the District's reserves will be reduced by \$44,841.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, Resolution 2010-10, Amending the General Fund Portion of the Fiscal Year 2010 Budget, was approved.

Mr. Wrathell stated that a public hearing was not needed for the Budget Amendment, as assessment amounts were not changed.

SEVENTH ORDER OF BUSINESS

Continued Discussion: Canal A

Mr. Wrathell summarized District Staff's tours of Canal A. Discussion ensued on the approach to the clearing of the District's right-of-ways. Mr. Wrathell proposed an approach that would avoid any potential issues with the city or homeowners. He stressed the importance of obtaining the Board's approval, working with the City of Coral Springs and maintaining a relationship with the city manager.

Mr. Ernest-Jones discussed the importance of a relationship with the city to help maintain the District's right-of-ways. He explained that the right-of-way is, sometimes, only 30 feet and the District is, usually, forgiving on about five (5) feet. The District needs about 25 feet to operate large machinery and ensure room for a truck to pass. He anticipated the activity of clearing is going to be the responsibility of the District and speculated that some grant money may be available to the District. He discussed the possibility of moving homeowners' material that currently exists in the right-of-way.

Mr. Selchan stated that other areas, such as Canal A, are not included in the Capital Improvement Program (CIP) work, but need to be cleared to facilitate District work. Mr. Ernest-Jones recommended clearing all the right-of-ways, throughout the District. Mr. Selchan questioned how the District plans to maintain a District policy of keeping the right-of-ways clear.

Mr. Ernest-Jones discussed the possibility of using City of Coral Springs' Code Enforcement Department to assist the District in maintenance. Mr. Wrathell proposed that the

responsibility of maintenance be placed on the District, with the use of the Code Enforcement Department, as an additional resource, to ensure a clear canal right-of-way for years to come.

Ms. Heafy expressed that she is not in favor of the District footing the bill for removal, as the property owners illegally placed the items in the right-of-way. Discussion ensued on the responsibility of removal. Mr. Morera questioned the size of the easement and the starting point. Mr. Ernest-Jones stated the easement starts at the top of the bank. Mr. Morera recommended a direct point of contact for homeowners to call upon regarding specifics for the right-of-ways and provide paperwork to the homeowner outlining compliance for the District. Mr. Morera recommended enforcing the clearing in all right-of-ways to avoid a homeowner claiming the District was selective in their enforcement. Mr. Morera proposed that if the City of Coral Springs requires a permit, the landowner should be responsible for the associated fees. Mr. Ernest-Jones stated that the District will try to remove the requirement for obtaining a tree removal permit for the canal right-of-way. Mr. Morera discussed issues with the District paying for the initial removal of obstructions in the right-of-way and then, a few years later, telling the homeowners that they are responsible for fees associated with removal. Mr. Morera noted the existing strain on the city's Code Enforcement. Mr. Wrathell proposed an interlocal agreement with the City of Coral Springs where the District funds the City for a dedicated code enforcement that serves the District.

Mr. Ernest-Jones discussed the city's policy that states the property owner must maintain to the back of curb, on the front, and to the edge of water, on the back; it is not a SWCD requirement. Mr. Selchan noted that, in the past, work completed in the right-of-way was charged to the District and the District lacked policy. He discussed setting up a comprehensive program addressing all the issues discussed and establishing a process so that, in the future, the District does not readdress the same issues. Discussion ensued on the approach to ensure that the right-of-ways stay clear.

Ms. Heafy questioned if the District cleared 11 miles of canals. Mr. Donahue stated Phase 1 included approximately five (5) miles; Phase 2, coming up, includes about six (6) miles. Ms. Heafy stated there are about 11 more miles to clear. Mr. Ernest-Jones explained that the easier canals were completed the first time around and Mr. Selchan had to exercise his skills to get the equipment to the canal. Mr. Selchan explained that the previously removed trees were invasive trees and no other foliage was removed, unless it was in the construction area. He

clarified that the previously cleared canals were not cleared of all plant materials, only invasive trees that the City of Coral Springs would allow to be removed without a permit. Mr. Hulett stated the perspective changes, if Code Enforcement is requiring maintenance of the canal bank. Mr. Hulett discussed three (3) different issues including, the CIP access issues. Mr. Hulett questioned if the District has identified the areas for the CIP work. Mr. Ernest-Jones stated an inventory has not been completed, but can be done. Mr. Hulett recommended finding the areas where access is denied to the required locations, prior to the bond issue, which will help address issues related to the CIP program. Secondly, Mr. Hulett addressed the ongoing access maintenance issues and how to get the property owners involved in the process of clearing. Mr. Hulett discussed the clearing in The Dells where nuisance species, such as holly, were removed, at the District's expense; however, no follow-up was completed in which homeowners were notified of their responsibility to keep the easement cleared. Mr. Hulett noted the holly is rapidly growing back and the landowner is unaware of their responsibility; he recommended notifying the homeowners of their maintenance responsibility. Mr. Hulett expressed that the City of Coral Springs should be as interested, as the District, in getting the work completed. Mr. Hulett discussed the role of the City of Coral Springs' Code Enforcement Department and a lack of confidence in the city's ability to have the homeowner maintain the right-of-ways appropriately. Mr. Hulett questioned the District's legal capacity of enforcement when a homeowner is noticed about their violation. Mr. Hulett suggested changing the wording to a general wording that reflects the need for space to move equipment, rather than a specific measurement.

Mr. Ernest-Jones noted the defined lengths of the canal; however, access is still needed to reach those areas and the District wants to avoid accessing the canals through residents' side yards.

Mr. Hulett requested, with the concurrence of other Supervisors, that Staff identify and review the hot spots that have access issues for the CIP. He recommended notifying property owners, located on Canal A, of their responsibility to trim the nuisance species within a certain numbers of days. Mr. Ernest-Jones noted that homes along the east side of Canal A are not included in the District; however, the west side is in the District and the property owners are assessed. Mr. Hulett noted his concern for the clearing of the areas pertaining to the CIP and questioned the City of Coral Springs' ability to enforce keeping the right-of-ways cleared.

Mr. Wrathell recommended using the east side of Canal A as a test case. Mr. Ernest-Jones recommended addressing the problem openly with the city through the Director of Public Works and City Attorney. Discussion ensued on how to approach the City of Coral Springs.

Ms. Heafy stated the city wants the nuisance trees removed. Mr. Ernest-Jones noted that the nuisance species grow back quickly. Mr. Hulett expressed the need for the District to take the initiative on the process and make sure that the results are immediate and ensure the maintenance of the right-of-way. Mr. Hulett questioned the status of the project's bids. Mr. Donahue stated the Culvert Cleaning Bids will be ready for the April meeting. Mr. Hulett requested specifics to present to Mr. Levinson and the city and specifics in using Canal A as a test trial.

Mr. Wrathell outlined a perspective approach in dealing with Canal A, having Mr. Lewis "flesh out" any of the legal issues and present the final plan to the Board for approval. Mr. Hulett requested pictures of the areas that are going to bid. Mr. Ernest-Jones recommended including 25 feet as necessary room for homes located on the wide side of the canal and provide the information to Mr. Michaud. Mr. Ernest-Jones stated the number came from the area needed for the excavator to have appropriate access to complete work. Ms. Heafy questioned if the city's Emergency Management Department would work with the District, because they like the canals clean. Mr. Hulett discussed the need to maintain the relationship with the city, while noting the need to solve this lingering problem.

Mr. Hulett stated that the majority of the property owners in the District do not live on a canal and those living on the canals have never been properly noticed that they are in violation.

Discussion was held on the appropriate assessment for homeowners. Mr. Wrathell discussed creating an assessment methodology subject to the property owner residing on a canal or not living on a canal. He explained that an alternative to an assessment for canal clearing is to assess the homeowner a bill and place a lien on the property. Mr. Wrathell questioned the power of the SWCD, under Chapter 298 and the problems associated with foreclosing. Mr. Hulett asked Mr. Wrathell to summarize the actions, for the next Board Meeting.

Mr. Wrathell explained that Staff will look at existing obstructions relating to the CIP and the associated clearing costs. Staff will review existing issues relating to Canal A and generate an approach that yields the city's support, including the notion that the right-of-way is to be cleared and stay clear. Mr. Ernest-Jones recommended an interlocal agreement to ensure the

right-of-way stays clear. He explained that removal agreements with FP&L are possible to remove an obstruction, with impunity; the District can remove without replacing it.

Mr. Ernest-Jones noted that a portion of the canal maintenance falls under city code and suggested having District Counsel review the level of coverage and culpability of the city, versus the District. Discussion ensued on the appropriate person to address at the city. Mr. Morera requested a copy of the city code and interpretation of the code. Mr. Ernest-Jones noted that such could flow through the District Manager. Ms. Heafy questioned if the provision fell under city code or deed restrictions. Mr. Ernest-Jones stated that it falls under city code and it is the same basic provision that obligates an owner to maintain to the back of curb; it is a matter of access.

EIGHTH ORDER OF BUSINESS **Consideration/Discussion** **of**
Permits/Applications

• **PERMIT/APPLICATION LOG**

Mr. Donahue stated there were no new permits for consideration by the Board. He indicated a Letter of No Objection was issued. He discussed requests for Letters of No Objection where residents' were constructing fences; however, the properties were not in the District's jurisdiction.

Ms. Heafy questioned if the City of Coral Springs returns to a property to check if the fence is in the correct location. Mr. Ernest-Jones stated the city should review the survey to make sure it does not encroach; however, many times, homeowners do not get a final inspection or a permit.

Mr. Wrathell suggested if District Counsel finds the city to have culpability for the enforcement of maintaining the District's right-of-ways, the District can address the city, noting the liability and exposure to the District and the city.

NINTH ORDER OF BUSINESS **Approval of February 17, 2010 Regular**
Meeting Minutes

Mr. Wrathell presented the February 17, 2010 Regular Meeting Minutes for the Board's review.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the February 17, 2010 Regular Meeting Minutes, as presented, were approved.

TENTH ORDER OF BUSINESS

Citizens' Requests

There were no Citizens' Requests and the next order of business followed.

ELEVENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Morera thanked individuals for attending the Taste of Coral Springs. He discussed the upcoming Festival of Arts on March 20th and commended the District Board and Staff for their work.

Mr. Hulett requested the timeframe of the bond procedures.

Mr. Wrathell stated if the District decides to clear the right-of-way and charges back the property owner, the District has to budget the money for the CIP, even though a reimbursement will be received. The reimbursed money could go back to paying down the bonds. The costs for clearing need to be defined and would be part of the amended CIP. Once the costs are defined, the methodology can be modified. He anticipated that a bondholder may question any problems associated with the clearing of the right-of-way and recommended completing the clearing of the right-of-ways to allow for construction to proceed. Mr. Wrathell anticipated, once the Board decides to issue bonds, about six (6) months or less for the issuance of bonds. Mr. Hulett questioned the timeframe until the Board is in a position to make a decision on issuing bonds. Mr. Wrathell stated the process of clearing the right-of-ways needs to be finalized, the CIP numbers needs to finalized and the methodology adjusted accordingly. Mr. Wrathell explained the need for a bond validation, which can be scheduled within 30 to 60 days, and anticipated the District's assessments to be placed on the November 2011 tax bill.

TWELFTH ORDER OF BUSINESS

Staff Reports

a. Attorney

Mr. Hulett requested District Counsel review the Corporate Park of Coral Springs easement issue and the City of Coral Springs' attorney's opinion.

b. Engineer

i. Monthly Engineer's Report – 02/10/10 to 03/01/10

Mr. Ernest-Jones noted that the Weitz Company analyzed the District's design and presented propositions with the final numbers being in the vicinity of \$5.2 million. He stated trash removal has to be reviewed and final numbers must be considered.

Mr. Ernest-Jones explained that, after review, Culvert W-8 would be better served if it was cleaned, not replaced; however, W-6, has two (2) crushed pipes and should be replaced. He noted W-6 is located near Coral Springs Middle School and the benefit will be doubled.

Mr. Donahue explained that the Culvert Cleaning Bid was advertised last week and five (5) companies picked up the bid package. He explained the W-8 replacement will be one (1) month behind the others.

Mr. Morera questioned if the canals will include the canal liner. Mr. Ernest-Jones stated that if it makes economic sense to reline the culvert, it will be recommended. Mr. Donahue explained that the culvert cleaning process is to remove the silt and debris, not relining. Mr. Hulett questioned if W-8 is included in a hot spot in the northeast side of the west basin. Mr. Donahue confirmed and explained W-6 replacement, along with the cleaning of W-8, will address the high water issue in the west basin.

Mr. Ernest-Jones noted the Water Use Permit is scheduled to be issued on March 22nd. He summarized the remainder of the Monthly Engineer's Report.

Ms. Heafy questioned the approval date reflected on the Estimated Capital Projects sheet. Mr. Ernest-Jones confirmed the dates were incorrect.

c. Field Supervisor

Mr. Selchan stated the rainfall last month was six (6) inches and the canals look good. He stated that the District participated in the canal cleanup with the Vice Mayor at C-14.

Mr. Hulett questioned if any issues remained with the health insurance. Mr. Selchan stated he was not aware of any issues. Mr. Wrathell noted that many issues are handled in a reasonable time.

d. Manager

i. Unaudited Financial Statements as of January 31, 2010

Mr. Wrathell presented the Unaudited Financials as of January 31, 2010. He noted the Wachovia Bank account is still listed due to outstanding checks. He noted that an updated SunTrust Amortization Schedule will be provided at the next Board meeting.

Mr. Morera questioned why \$50,000 was budgeted for legal advertisement and communication. Mr. Wrathell explained that he anticipated a mailed notice for Chapter 197; however, Mr. Lewis waived the mailing. Secondly, the Budget includes the possibility of a mailing for a newsletter describing the CIP.

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

ii. Correspondence from Broward County Property Appraiser’s Office Regarding Uniform Method of Collecting Non Ad Valorem Assessment

Mr. Wrathell noted the correspondence from the Broward County Property Appraiser.

iii. NEXT MEETING DATE: April 14, 2010 at 6:30 P.M.

Mr. Wrathell noted the next meeting date is April 14, 2010.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being no additional business, the meeting adjourned at 9:37 p.m.



Secretary/Assistant Secretary



President/Vice President