

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The regular meeting of the Board of Supervisors of the Sunshine Water Control District was held on Wednesday, January 10, 2007 at 6:30 p.m. in the Commission Chambers at Coral Springs City Hall, 9551 West Sample Road, Coral Springs, Florida.

Present and constituting a quorum were:

Russell Parks	President
Mary Macomber	Vice President

Also present were:

John Petty	Manager
Bruce Cranmer	Attorney
Cedo DaSilva	CH2M-Hill
Janice Moen Larned	Severn Trent Services
Several Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Petty called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the November 8, 2006 Meeting

Mr. Petty stated each Board member received a copy of the November 8, 2006 minutes and requested any additions, corrections or deletions.

There not being any,

On MOTION by Ms. Macomber seconded by Mr. Parks with all in favor the minutes of the November 8, 2006 meeting were approved.
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FOURTH ORDER OF BUSINESS

Staff Reports

C. Superintendent

2. Consideration of Draft Tree Policy

Mr. Petty stated since we have some residents here who are interested in the tree policy, at this time, I request moving this item up on the agenda. Staff prepared a preliminary notice of hearing for the Board's consideration. If the Board feels this is in line with what we have been discussing, staff is suggesting the hearing be scheduled for the next meeting and door hangers be

placed on every home abutting a canal so the residents can be informed about the hearing. They will receive a separate notice on when the meeting will be held. They can talk to us about any of their concerns. This is what we told the residents we were going to do at previous meetings.

The first side of the nuisance tree removal program information sheet talks about how nuisance trees will be removed. Nuisance trees are defined by the current City of Coral Springs nuisance tree list, which mirrors the Broward County nuisance tree list. The information sheet identifies a proposed date of when a contractor will be in the area. Of course we do not have a contract and is part of the proposed draft. It gives our name and address and who to contact. The drawing shows we will be working within our rights-of-way removing nuisance trees and ornamental trees will stay.

The back side of the information sheet is a letter to the resident telling them what we have been doing after Hurricane Wilma. On the right hand side of the information sheet, we have questions and answers. This is similar to what we have done in the past but updated to reflect Phase 2. Our phone number, website and email addresses are listed. We put out our contact information in as many ways as we could to get them to communicate with us.

Ms. Macomber asked is this what we have been talking about all along?

Mr. Petty responded yes. The concept is for us to go after nuisance trees. We are not looking to remove any ornamental trees, no matter what their location is at this time. We are just going after the nuisance trees.

Ms. Macomber stated good.

Mr. Petty stated the contractor will be required to survey and mark all trees with yellow tape so the residents can see what is going to be removed from their vista. If they have any concerns, they can call the District Office and we will happy to discuss any issues with them. Time will be somewhat limited since we have a contractor in the field but certainly they have the right to call and express their concerns. When it comes to nuisance trees, there is not much we can do but we will be happy to work with them to the best of our ability.

Ms. Macomber asked is the next step for the information to be provided to the residents on door hangers?

Mr. Petty responded yes. We will distribute the door hangers in the next couple of weeks and give the residents time to prepare. At the February meeting, we will iron out any concerns and come up with a final document and bid. We spoke with our engineer and it is possible to

amend the old contracts we stopped removing everything in the rights-of-way. It depends on what the Board decides on as the final draft.

Mr. Parks stated it looks like a nice proposal so far.

Mr. Petty stated we will be happy to take any comments from the Board between now and the time we go out. We will follow any path the Board wishes to take.

Ms. Macomber asked when do you want our comments?

Mr. Petty responded within the next seven to ten days.

Mr. Ron Kulhanek stated when FEMA came through and removed trees, they put sod down. Six years ago, the Water Control District put grass in. What is staff's position after the trees are pulled out to restore the area?

Mr. Petty responded in this tree removal program we are not going to disturb the bank. We will cut level with the ground.

Mr. Kulhanek asked are you going to remove the stumps?

Mr. Petty responded no. If we disturb the bank, we have to bring in heavy equipment, which causes more trees to be moved. In trying to keep the tree removal to a minimum and not affect the ornamental trees, we flush cut. It was not FEMA who removed the trees but NRCS.

Mr. David Hume stated during previous discussions on this issue, one concern from the residents had to do with fences and sheds in the rights-of-way. In the diagram, from the top of the canal bank what was the official distance?

Mr. Petty responded there is no official distance from top of bank out. In some places it is a couple of feet and in others it is 25'. The canal was built in the middle of a right-of-way and was not a dead line.

Mr. Hume asked do you rely on the survey line?

Mr. Petty responded on your particular home, I recommend going to the Property Appraiser. A homeowner should go to the Property Appraiser website as they have an overlay of where your property ends. There will be a red line where the canal bank or water begins. This is the best way to do this before you spend money for a survey. We are going to do it under the contract with our engineer in the field going from centerline of road, which has not moved back to set the right-of-way line.

Mr. Hume stated the idea is to remove the trees as long as the contractor has good access to the rights-of-way to get the nuisance trees. If someone's structure is 6" or 1' but yet the contractor has reasonable access, we should have leeway for those types of situations.

Mr. Petty stated there are many fences up without permits in the District, which is an ongoing issue. They do not pose a threat to me at this time. If I need to remove them after a storm event, then I can do so at that time. It is not intended during this contract to try to remove any fences unless they pose a hindrance to the construction work. I do not think we are going to have an issue as there may only be one or two fences to cut.

Mr. Hume stated the larger issue is to get the nuisance trees removed as much as possible.

Ms. Macomber stated we covered the issue of personal belongings in the ROW.

Mr. Petty stated we tried to let them know if they have benches to remove them just in case. Sprinkler systems are always at risk because as soon as the tree comes down, it is going to hit the ground and we are going to pop sprinklers for sure.

Mr. Hume stated good job. You have come a long way in this process and we appreciate your efforts.

Mr. Edward Root stated you mentioned you were going to modify your previous contract. Was this contract to remove everything?

Mr. Petty responded everything from right-of-way to right-of-way. It will have to meet these new criteria. The scope changed so drastically we do not know if we can use the existing contract. We may have to re-bid.

Mr. Root asked do you intend to remove docks?

Mr. Petty responded only if they are in the way of this removal program. We have a lot of side issues.

Mr. Cranmer stated prior to your arrival, several years ago we adopted a dock permit program. We had a great response as 70 docks were inventoried. We sent out notices to all dock owners. All but one removed their docks. One individual said he spent a fortune on his dock and had many permits for it, but not a permit from the city. He recorded a document in the record placing notice on future owners that we have the right to inspect the dock and if it affects our drainage, we can remove it. Only one person applied for the permit. We have a process for getting docks approved.

Mr. Root stated I was told the dock approval process was cancelled.

Mr. Parks stated we only approved one.

Mr. Root stated I strongly suggest you pull your minutes. Your concern at the time was liability. It did not have anything to do with hurricanes.

Mr. Petty stated it has to do with the stewardship of government lands. A representative of the Country Club of Coral Springs requested a couple of acres of ground for a setback. They said "This was a dead end drainage system only affecting our golf course and we are asking you to give this to the Country Club so we can build the setback, which we think is good for the neighborhood". We told them we are in favor of making the neighborhood better but we cannot set a precedent where we are giving up land for personal gain because this is a public trust. As counsel opined, we can grant easements and right of use, but we never, ever give up the right-of-way.

Mr. Root stated a female attorney wrote us a letter giving the property back to the landowner because liability was an issue.

Mr. Petty stated it never was the landowners to begin with.

Mr. Cranmer stated I drafted the document. We were concerned about liability and structural integrity. We did not want a poorly built dock blocking the flowage of the canal. Those were our two issues. We only issued one permit. Everyone else removed their dock.

Mr. Petty asked was there a third issue if it ever became a hindrance to the drainage facility, we had the right to remove the dock at the owners cost?

Mr. Cranmer responded yes.

Mr. Petty stated this is a right of use but not a release.

Mr. Root stated we backed off three years ago and I rebuilt my dock based on your statement. Now three years later, you are doing it again. I am not criticizing what you are attempting to do but I would like some delineation about the use of the dock.

Mr. Petty stated I suggest you contact my office at (954) 753-0380. I will take a look at the documents you have to see if we can figure this out.

Mr. Cranmer stated you can go online and do a Broward public records search. Mr. Joseph Spoto was the applicant for the permit we approved within the last five years. You can find a recorded document.

Mr. Petty stated during this contract, our sole focus is to remove the nuisance trees for hurricane preparedness. Other side issues such as fences and docks are not the highlight of this

discussion. If they have to be moved so we can do this work, that is exactly what was intended. We are not trying to police any other issue at this time. I will be happy to work with the resident on this specific issue. If the Board wants to give us this direction, we will be happy to proceed with this proposal. We will place this item on the next agenda.

Mr. Kulhanek stated I live at 1633 NW 81st Avenue; off of the east outfall canal south of Royal Palm Boulevard. A survey was taken recently. What was the result of the survey and the plans for the canal?

Mr. Petty responded that was not our District. Our sister District, CSID performed the survey. CSID surrounds the east outfall. There had been a berm during the original construction to block the water levels from getting to a certain height. During construction and the residents moving in, many of these berms were moved.

Mr. Kulhanek stated there is no record of it anywhere.

Mr. Petty stated we have records of the berms on the original permit with SFWMD. CSID wanted to see if there were any concerns for the drainage system. The Board was made aware of this and we talked about doing our own work as well. The survey work showed a few spots for consideration. The berms were put there until the fill for the lot came in. When this occurred, the berm took the shape of the yard. You still have the elevation control. Most of the concerns were at the ends where it hit the street. There were a couple areas where we might have to put something at the edge but it did not seem to be much of an issue. They are currently discussing it in relation to the C-14 Canal and its elevation so it may be immaterial. I do not think anyone is going to build big dirt walls in anyone's backyard.

Mr. Kulhanek stated this was our concern. We want it to be leveled off rather than built up because we have rights of use and maintain the grass to the control on our side. Margate's side is so steep they cannot do much.

Mr. Petty stated there are many issues on the Margate side I need to speak to someone about.

Mr. Kulhanek asked are there any plans at this time?

Mr. Petty responded at this time, our sister District has not petitioned this body. Since the land is in their District outside of our right-of-way, they have not proposed anything nor do I envision anything being proposed. They are sensitive to the residents and if any berming has to be done, I am sure there will be a program to work with residents on because it is a nice slope

versus a wall. According to our permit, the most we can do is a four to one slope, which is a gradual, walkable slope.

Mr. Kulhanek stated right now we do not have anything. It slops down beautifully from our houses.

Mr. Petty stated it is probably a six to one slope, which is fairly gradual.

Mr. Kulhanek stated on the other side of Royal Palm Boulevard where the apartments are, there is no berm at all. We want something like this rather than a berm.

Mr. Petty stated point taken.

Mr. Kulhanek asked when is the next meeting?

Mr. Petty responded we are going to discuss possibly having one in February. The CSID meeting is on January 22nd at 10300 NW 11th Manor. I will be happy to give you directions after the meeting.

Mr. Parks stated it should be considered in February to get it out of the way.

THIRD ORDER OF BUSINESS

Consideration of Award of Contract for the Purchase of Aquatic Weed Control Chemicals

Mr. Petty stated we do this annually. Our recommendation to the Board is to award the contract to the low bidder under each chemical, which we highlighted in our summary sheet. We do not take the most economical contractor for all the chemicals. We take the most economical contractor for each chemical.

On MOTION by Ms. Macomber seconded by Mr. Parks with all in favor the chemical contracts were awarded to the lowest bidder as listed on the bid tabulation.

FOURTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Cranmer stated two inventories are going to be done on our property; one by the Broward County Property Appraiser's office, which they call an annual review of government owned properties. They have a list of 70 identification numbers to match up with our properties. I will make a copy of the list and provide to Mr. Petty. This needs to be returned to them by March 1st. Coincidentally I received the same request from the Florida Department of Environmental Protection for the Public Lands Research Program in Tallahassee. DEP

contracted with Florida Resources Environmental Analysis Coalition or FREAC. They want to have an inventory of what we own. We will send the same information to both entities.

Ms. Macomber asked is this a big job?

Mr. Petty responded it is going to start costing us money.

Mr. Cranmer stated they provided us the parcel numbers, which should make it easier to identify.

Mr. Petty stated this District has been around for a long time and the property we have now is the same property we had 20 years ago. I do not mind working with the Property Appraiser on any changes to folio numbers. We have been doing this in the past. They wanted to know if any of the land is leased. There is an issue because if you lease property to a for profit corporation, you are no longer tax exempt on the land. The best case of this was the ports in recent years. Property Appraisers are sending me paperwork to fill out, which causes staff work. If I do not have a staff member, of course I do not comply. Evidently this is an issue where we will have staff work on a regular basis. The Board just needs to be aware of this. It is a normal growth issue. I received a fax from the Department of Revenue saying, "You did not put out an Ad Valorem Tax and you need to fill out this form under the Revenue Sharing Statute". I called them back saying, "I have been waiting for 30 years to get money from the state. I am thrilled and cannot wait to fill out the forms.

Ms. Macomber stated I assume you have not heard anything back.

Mr. Petty stated correct. We will comply and if this gets to be a larger deal, we will bring it to your attention.

Mr. Parks stated for each leased parcel, they marked "Cell tower lease, not applicable".

Mr. Petty stated if there were activity, we would have a small engineering department handling all the plat information. In our particular case, it is the same as before.

Mr. Parks stated I have been doing this for 12 years. Ms. Lori Parrish says this is an annual review. This is the first time I have seen this.

Mr. Petty stated me too. We just have some forms people are expecting to be filled out. As they get to be costly, we will bring it to your attention.

B. Engineer

Mr. Petty stated in line with the discussion on the berm, our sister district performed a hydrologic profiling. This gives you the "what if" capabilities such as the flooding potential for

7" of rain. CSID found this to be a useful tool. Operationally, it may end up being useful for our guys to use in the field. The work is not expensive. Mr. DaSilva prepared this profile for CSID and can discuss it further with you.

Mr. DaSilva stated we use software called ICPR, which connects the entire District to its water bodies. We analyze under the 10 year event, which controls our road elevation and 100 year event, which controls the finished floor elevations. It presents a live model of what happens within the District when you have a 10 year rain event or 100 year event. It shows your expectations in certain parts of the District and any concerns. You have pump stations in the south part of the District and by the time you have rain and water travels from this point, it creates a hydrologic redline. The water rises and it might affect some of the District areas. In order to do this, we need to clean pipes or install additional culverts to create more capacity.

Mr. Petty stated it takes the original design criteria, which is based on good engineering data and puts an as-built condition to it. You can compare actual flows and rain events to see how accurate the model is and tweak it as you need to. It is an as-built versus a proposed plan. Mr. Cory Selchen has known for a long time from his field perspective what areas were the most difficult to drain. The ballpark figure for doing such a hydrologic is \$1,000, which is well worth it. If the Board thinks this is a good idea, I suggest the engineer bring a proposal to the next meeting for this work.

Ms. Macomber stated we discussed this before.

Mr. Petty stated the manager's office highly recommends this.

Ms. Macomber stated sounds good.

Mr. Petty stated Mr. Selchen, your Field Supervisor wanted to be here today but his wife was having surgery.

C. Superintendent

1. Discussion of Meeting Calendar to Change to Monthly Meetings

Mr. Petty asked does the Board want to meet in February only or for the entire year. The manager's office is asking you to consider a change in policy to meet every month versus every other month. You may recall, we talked about not only removing trees for hurricane preparedness but issues on the east outfall on the Margate side, which is supposed to have a berm holding water back from Margate. It is gone in many locations. We have issues with permitted facilities you may want to change. We were talking about controlling the area or considering a

fence, cleaning up some silted canals, working on banks and using engineering alternatives to handling the nasty box cut canals. Mr. McKune has done a theoretical deal in Eagle Trace that worked very well. He was able to drill into and cut out rebar at an angle, filled with large folders and put riff raff concrete on top. He stabilized a very nasty area. It looks very nice. We want to use engineered solutions to do some tests. We talked about using some of our capital improvement funds to do this and put it into the budget. If we are going to start doing more, we are going to need to talk to you more as well.

Mr. Parks stated I do not see any problems with meeting monthly.

Mr. Petty stated we meet on the second Wednesday of every month and I request we continue this practice on a monthly basis versus every other month.

On MOTION by Ms. Macomber seconded by Mr. Parks with all in favor the meeting schedule was changed from the second Wednesday of every other month to the second Wednesday of every month.

2. Consideration of Draft Tree Policy

This item was discussed earlier in the meeting.

FIFTH ORDER OF BUSINESS

Supervisor Requests and Audience Comments

A resident stated in the meeting where you approved the budget, in addition to budgeting \$60,000 for lobbying, you also budgeted \$65,000 for general communication expenses. One of the items was for a website. Is the website up and running or are you still working on it?

Mr. Petty responded we purchased a domain but there is no content. The address is: DistrictOffices.com. Sunshine has always been a part of an informative but not attractive website called FloridaDistricts.com. We obtained the domain for DistrictOffices.com because this is how we have answered the phone for 20 years. We have not built the website yet as we did not want to put any information regarding the tree policy until it was settled. However, this item is budgeted. We have a public relations firm working with us and you are feeling some of the effects of this. You are coming along very nicely due to the good help we are receiving.

The resident asked if someone wanted to review the background material on the contract with the management company, where is this material available?

Mr. Petty responded we call this a public records request. You can make this request at my office and we will get you any record. If we provide it to you electronically, there is no charge. If you ask for copies, we charge you for the number of copies. Typically we can provide any document to you by PDF because we scan it into our system.

The resident stated I would like to see your procedures for Board elections.

Mr. Petty stated the Board members are elected at the landowners election held in June, which is somewhat unique. Most people understand our election process by the registered voter process. Owning the land to vote seems to go back to colonial times. It is applicable because the assessment is on the land, not on what you put above it. The Florida Legislature has made it a per acre or division thereof landowners election. The new Special Taxing District must conform to an elector election once they reach a certain stage of residency. It is six years plus "x" number of people. Then you convert from a landowner's election to an elector election. When our districts were created, we were mandated to stay with the landowners election throughout. It takes a special act from the legislature to get approval. Currently the landowners election represents everyone who owns property in our District. Call me and let me know what your are looking for and I will send it to you.

The resident asked when is the next election?

Mr. Parks responded in June.

Mr. Petty stated Mr. Parks position expires in March of 2007. Our landowners election used to be held in June but we converted to March meetings in 2003.

SIXTH ORDER OF BUSINESS

Approval of Financials and Warrants

On MOTION by Ms. Macomber seconded by Mr. Parks with all in favor the financials and warrants 8917-8938 dated January 10, 2007 in the amount of \$102,223.20 were approved.

FOURTH ORDER OF BUSINESS

Staff Reports

C. Superintendent

Mr. Petty stated the City of Margate filed a bill against our District. On the east outfall, they have a special bill requesting the side of the bank abutting Margate be de-annexed from Coral Springs and made a part of Margate so the city can control what happens to the bank through their Ordinances. They said I as the District Administrator said we were not going to spend District money for the City of Margate's concern. I made this point quite clear. I told

them they were welcome to come to our meetings and bring us their concerns but we could not spend District money canvassing the residents of Margate for what they wanted. We contacted Mr. Brooks who handles such issues for us and the bill has been tabled. The City of Coral Springs is not fond of this bill either.

Mr. Parks stated good.

Ms. Macomber stated thank you.

A resident stated my house faces this canal. Is the controversy over who maintains it?

Mr. Petty responded no. They want to be able to control it for their residents benefit. The residents across the canal think of it as a nature preserve as Australian Pines have grown close to the bank until Hurricane Wilma took most of them down. The city accused us of not managing it properly because we did not get the trees out of there. This was the issue last year.

Ms. Macomber stated we tried to remove them and they did not allow us to.

The resident stated you did our side of the canal and the Water Control District did our side. Supposedly the plan was to do the other side of the canal a year or two later but this did not happen.

Mr. Petty stated we were going to remove the Australian Pines but some Margate residents staged a sit-in. A newspaper article was written and we walked away from it.

Mr. Parks stated this occurred in 1992. We wanted to clean it up to prevent a future disaster but the homeowners did not want us to touch it.

Ms. Macomber stated of course when Hurricane Wilma happened they changed their tune.

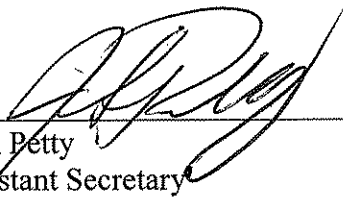
Mr. Petty stated the issue is whether the City of Margate has residents who want them to do something for their benefit on our property, which is in the City of Coral Springs. I told them the District cannot expend money for their wishes but they are welcome to speak at a public meeting. They want more options than this.

SEVENTH ORDER OF BUSINESS

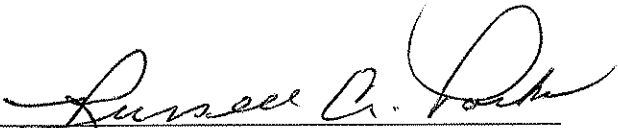
Adjournment

There being no further business,

On MOTION by Ms. Macomber seconded by Mr. Parks with all in favor the meeting was adjourned.



John Petty
Assistant Secretary



Russell Parks
President