

**MINUTES OF MEETING  
SUNSHINE WATER CONTROL DISTRICT**

The meeting of the Board of Supervisors of the Sunshine Water Control District was held on October 11, 2006 at 6:30 p.m. at the Commission Chambers, Coral Springs City Hall, 9551 West Sample Road, Coral Springs, Florida.

Present and constituting a quorum were:

|               |                |
|---------------|----------------|
| Mary Macomber | Vice President |
| Philip Sobers | Secretary      |

Also present were:

|                    |                      |
|--------------------|----------------------|
| John Petty         | Manager              |
| Bruce Cranmer      | Attorney             |
| John McKune        | Engineer             |
| Cory Selchan       | Field Superintendent |
| Janice Larned      | Severn Trent         |
| Mona Slaughter     | Severn Trent         |
| Numerous 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 July 12, 2006 Meeting**

Mr. Petty stated the Board members received a copy of the minutes of the July 12, 2006 meeting and requested any addition, corrections or deletions.

Ms. Macomber stated I have some changes and I will give them to you.

All corrections received will be incorporated into the record.

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| On MOTION by Mr. Sobers seconded by Ms. Macomber with all in favor the minutes of the July 12, 2006 meeting were approved as amended. |
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Mr. Petty stated we have a lot of people in the audience tonight.

Ms. Macomber stated welcome again, everybody and I see at least one commissioner I recognize.

Mr. Petty stated we have polled most of the people in the crowd and their topic seems to be trees which is to be discussed under the manager's report and if it is alright with the Board we would like to move it to the next item.

Ms. Macomber stated by all means.

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

**C. Superintendent**

Mr. Petty stated at the last meeting we took comments from the public on the issue of trees within the District's drainage right-of-way, the concerns the District had in addressing the drainage and flood control issues, what we have seen since Hurricane Wilma and residents concerns and suggestions. The Board has awarded a contract but has said we will not issue a notice to proceed until this Board has evaluated options staff was to bring to you. These included options our sister districts were also working out within the city with residents and with the City of Coral Springs.

Tonight we would like to share with you a short powerpoint and forgive me for using powerpoint but there are a couple of items which are useful. Our sister district, Coral Springs Improvement District, hired an independent arborist to give the issue of what do trees need since we are not experts in trees. He had some good observations we would like to bring to your attention as well.

Before we start let me say when this states discussion of proper plantings for canal banks and waterways this is coming from the arborist and not the District. We would like you to consider these but certainly some are arborist concerns and may not be applicable to drainage.

Powerpoint Presentation – Prepared by John Sutton of Sutton Consulting Arborist, Inc.

Tree and Canals

Slide 1: Root Structure

- Rootball Structure
- Radial Roots – Water table

Slide 2: Roots

Slide 3: Shallow roots make trees unstable in storms

Slide 4: Preventative pruning reduces damage in storms

Slide 5: Common mistakes in planting

- Planting too close to waters edge

- Over planting restricts access to canal banks for maintenance

Slide 6: Hazards

- Roots do not grow into water

Slide 7: Buffer or Maintenance Problem?

Slide 8: Maintenance is Essential

Slide 9: Limited Support – no roots on waterside

Slide 10: Residences along canal

- At risk for damage from trees in a major wind event
- The loss of property and possibly life could be avoid by removing trees prior to a major wind event

Slide 11: Example –

- Root system failure
- Time does not remedy these situations

Slide 12: Example –

- Stand of trees damaged
- If not corrected could pose a threat to residences
- New plantings should allow for 360° root space

Slide 13: Potential for Castrophe

- Large number of residences along canals in Florida
- Trees increase the odds for property damage
- Does not necessarily take a hurricane

Slide 14: Example – Pines growing too close to the water and too close together

Slide 15: No Ficus

- Not a nusiance tree, now an ornamental
- Expansive surface roots
- Prone to breakage

Slide 16: Example - Vegatative buffer – planted without respect to property line

Slide 17: Example - Safe way to prune trees – no way to make hurricane proof

Slide 18: Root Barrier – to close to the edge

Slide 19: Example – water supposed to rise

Slide 20: Excessive rain makes trees unstable

Slide 21: Skipped

Slide 22: Skipped

Slide 23: Skipped

Slide 24: Canal Maintenance – Summary – Enforcements

Mr. Petty stated what we would like to talk to you about tonight is we know we have an issue concerning safety, we know we have an issue concerning flood control and we also know from the residents who were at the last meeting in July that the residents would like to keep as many trees as possible as long as it does not hurt them. I certainly do not think there was anybody who was for flooding but they certainly wanted to save as many trees as they could. The Board listened and asked staff to look for options. We are going to mirror what Coral Springs Improvement District (“CSID”) did after their Town Hall meeting where they took similar comments from residents in their district.

In this view basically we are going to have a very defined top of bank. Your yard maybe more sloped and we may have to put a stake there to show you. For reasons of understanding what we are proposing we would like for safety and flood control we would like to remove all trees between the waters edge and top of bank beginning with nuisance species only. This mirrors what CSID did and we will be asking our Board to consider tonight. We are working with the city with the CSID board and we would like to collaborate with them as the Sunshine Board, if the Board allows, to work with the city on the issue of maintaining canopy above top of bank. We have looked at the cost of maintaining our canal areas and right-of-way. Typically in the past on top of bank is where we drove our equipment, it is where we are expected to take our draglines to clean the canals. What we found after Hurricane Wilma was several contractors who are available who have barges who can come here and remove very large material including such things as dredging canals in the future from the water body. For this reason wherever we can put a barge in we would recommend to the Board we only remove trees below top of bank. If there are nuisance species issues where removal is considered a different priority, we may consider it, but basically focus on this area beginning with nuisance trees and then working with the city on the ornamentals. For the nuisance trees there is a long list the city has and we will go by their list. The Australian Pines, Florida Holly and Melaleuca are the biggest names there; but there are several others on it though. This is what we will focus on but there are ornamentals. Say you have a Hong Kong Orchid, it is considered an ornamental and we would not take it down; not in

this phase. We would still talk to the city to say we still think this tree in the water containment area is a threat but we will work with them in their canopy restructuring program which they started after Hurricane Wilma to see if we could do a plant someplace else nearby to try to offset the cost and the impact of removing the tree.

Mr. Candy asked what about small shrubs and gardens? I do not have any but there are people who have them. A guy put a lot of very nice ornamental garden stuff and bricks all around it built up from the bank so that it is terraced. It is 3' to 4' from the water. I cannot see where any storm damage and if little shrubs fell in there, in all honesty, what damage is it going to do? We were told at the last meeting you were taking out everything.

Mr. Petty stated I am about done with this; do you want to take comments from the public at this time and we can address this gentleman?

Ms. Macomber asked are you through?

Mr. Petty stated this is pretty much the recommendation at this time. I will summarize and then we can talk about the comments.

Basically, CSID has completed their program and it has resulted in their concerns being alleviated by about 85% which in our case is a much better position than where we were after Hurricane Wilma. For the residents during Hurricane Wilma we had about 50% of the trees in our drainage area taken down. We are doing this by volume not by counting. We are estimating about 50% of the trees are still there and we do know by count how many we have moved out; it is over 5,000 trees.

Ms. Macomber asked are you talking about trees which were down?

Mr. Petty responded trees downed by the hurricane. This leaves in the 5,000 to 6,000 range left. We were hoping to get this done before peak hurricane months, which is now, and we were not able to do it.

We have a couple of issues. One is we have a contract and we will not give a start date. It has gone through so much time we would ask you to allow staff to re-bid it under whatever is approved by this body. We do not have to make a decision tonight; we are just asking you to consider these options. We think they have validity and we think our sister district has done pioneer work here. We think we can start with it and be effective with going after the trees below top of bank and designed high water level, nuisance trees first and then working with the city on ornamental trees. I believe the city calls it a mitigation bank or something similar. They



there. It is something we have to talk about but right now we are not going after bushes with the exception of some ficus trees there will probably be future discussion but we are not even asking the Board to consider it today.

Mr. Candy asked what about chainlink fences and stuff like that? Where people have chainlink fences going all the way down say if they have dogs preventing their dogs from going in someone elses yard?

Mr. Petty responded the District currently has a policy of no structures including fences allowed in the District's right-of-way or easements. If there are such structures they are not by permit or if they were issued a very special permit from the old days it is subject to the District taking it out at anytime it seems desirable for the maintenance of the canal. In effect what I have told people over the phone is I do not have a fence policeman who is going to come out and harrass you what is going to happen one day though when I do have to do maintenance you will have to understand when I come through you will end up shy 50' of fence because I had to do something.

Mr. Candy stated this is if you have to come down the bank and not from the canal.

Mr. Petty stated the city will not allow you to build down to waters edge, they understand the right-of-way is there but again they cannot be there all the time and some things are done without permits as well.

Mr. Candy stated when you go on a lot of the canals a lot of people have chainlink fences that go right down to the water. I have only lived here seven years but I have not seen those cause trouble. A wooden fence I could understand maybe if you had a tremendous storm but the hurricanes have not taken down any chainlink fence.

Mr. Petty stated we are not worried about the fence failing. We are worried about the fence impacting a repair project. As you saw with Hurricane Wilma these fences may pose a hazard and in most instances where the fence was still there we were able to address it from the barge. As I tell most residents who ask me on the phone we will not take it down unless we have to so if I need to get in there we will exercise our right, it is our property we will go in to maintain it for flood control and maintenance but until that time I am not going to go after a guy who has had a fence there for 15 years.

Mr. Dave Burke, 29<sup>th</sup> Street, stated I believe my palms trees have a different kind of root. Are you after my palm trees?

Mr. Petty responded even the arborist said certain palm trees have a phenomenal staying strength in storms. You are correct that the issue with the palm trees is not going to be that big of an issue. There are palm trees which do not have that holding capability; the queen palm is one.

Mr. Burke stated mine is a Royal Palm.

Mr. Petty stated I do not know about Royal Palms. I did ask about Sabal Palms and they said their root structure is rock solid. Most palm trees planted at top of bank and back should not be a concern. If you are planted close to the water it is something the Board may want to consider because it will be part of the ornamentals we will ask the city to work with us on to try and either move them or try to mitigate them into some other type of canopy.

Mr. Burke stated my entire point was all trees do not have the same kind of root structure and the palm tree is one which does not fit your mold.

Mr. Petty stated you are absolutely right.

Mr. Burke stated my next question has to do with the top of the bank. We are going to make a whole lot of decisions, personally. I look at my house and everything you talk about tonight talks about this top of bank. Who is going to show me where that is?

Mr. Petty responded I can tell you how to find it. If we adopted a program of such control we would do similar to what we did in other districts and the suggestion there by staff was to stake the locations so the homeowner can see what they have to move. There we put out doorhangers to give the residents notice that if you have any personal belongings in this area move it back, if you have trees in this area which you can move and you feel like doing so please do.

Ms. Macomber asked is top of bank determined by the engineer?

Mr. Petty responded a better definition for top of bank is designed high water level. These canals are designed to hold water.

Mr. Burke asked are you telling me that could occur on my property?

Mr. Petty responded the design high water level, yes.

Mr. Burke stated then I can affect where your canal ends if the water will not flow into my yard because I built something there.

Mr. Petty stated I wish it was that simple.

Mr. Burke stated it seems to be that simple. If the water will not flow in my yard you have nothing to remove.

Mr. Petty stated there have been recordings of plats which define these right-of-ways.

Mr. Burke asked why would I have a problem with the right-of-way?

Mr. Petty stated the design high water level is based on elevation. You are right if you have a raised elevation because you are on a hilly part of Coral Springs but again if you put improvements in the District's property that is a problem.

Mr. Burke stated I am talking about my property; I do not care about your property.

Mr. Petty stated your property is fine.

Mr. Burke stated therefore I can affect your top of bank.

Mr. Petty stated I have not heard that yet but it is a strong point. If a homeowner on his property put up a seawall for example would it keep us at that elevation. If it is outside of the right-of-way, of course it will because it is your property. If it is inside the right-of-way the District still reserves the right to maintain it and you cannot build anything in there so you would not be allowed that option. On your personal property you would set the design high water level. Design high water is not supposed to be on your property; it is supposed to be in my right-of-way. If it comes on your property I am worried because my job is to keep your place from flooding.

Mr. Burke stated I have lived on my property for about 10 years and over that 10 year period my property seems to be getting smaller and I think maybe your water is getting bigger.

Mr. Petty stated that is a good point.

Mr. Burke stated part of the problem is not me because I do not shovel my bank into your canal but I do notice your guys coming around occasionally and killing whatever is growing on my bank. Those things die, the rains comes and then I have to step back another foot. What will prevent you from doing that?

Mr. Petty responded the aquatic plant maintenance program is based on the residents request over 30 years to remove unsightly aquatics on the banks and is why we go out to spray. If the aquatic plants come out and you see the spatterdock, they look like lilies but they get the little yellow flowers which really never open up. It can cover a canal system and catch all kinds of debris. Our maintenance guy goes out and sprays the heck out of it to clear the canal space. Other plant materials grow below the surface which we are concerned about for flowway. At the edge it is strictly the aesthetics of the neighborhood after hearing 30 years of residents ask for it. We know of your issue on the erosion control and in particular in the Sunshine Water Control

District we have a lot of hard cut canals which you have heard referred to as box-cuts. We have box-cut canals which were basically scooped out and wherever the dirt landed after you pulled the dirt out is the way they left them. It was not until the late 1970's early 1980's that they started coming up with a four-to-one slope requirement around canals and this was basically due to the drowning incidents. They made it so all future drainage systems had a walk out capability but existing drainage systems were not required because if you did not have the land you could not stabilize. In our case we have had the problem for a long time and this year for the first time our staff has been looking at what they call a geosock, which is mirrafie fabric, it comes in various sizes up to 2' to 3' in diameter. Typically you put two to three out at a time. They are long pipes you fill with sand, you pump out, you push it along the bank, you have one supporting below the waterline and one on top of the waterline, you take the sod and put it down right on top. No aquatic plants can grow there because there is mirrafie there to keep the weeds out. The sod can grow in the little bit of soil underneath it but this is all that is going to grow there. It will take the wave action and stabilize the bank. For the time we have put money in the budget to run test sites within Sunshine this year to see how the sock works because we see the same thing you see. We see lake banks moving backwards and while we are still within our right-of-way we have those same concerns and we want to maintain and stabilize it to the best of our abilities.

Mr. Burke asked if this so called top of bank is on my property?

Mr. Petty responded it cannot be.

Mr. Burke asked it is not going to be on my property it is going to be within your easement?

Mr. Petty responded by design it is within the easement unless the elevations have been changed by the homeowner or landowner.

Mr. Burke stated then what I need to consider is looking at my little piece of land and the little curved line which runs around my canal.

Mr. Petty stated from your survey which you can get from the property appraisers office you can measure from a corner of your house backward to our right-of-way line. It is shown on the property appraisers website.

Mr. Burke stated anything on my side of the line.

Mr. Petty stated it is yours I cannot touch it.

Mr. Gary Rung, 31<sup>st</sup> Street, asked is the right-of-way your right-of-way on our property? It is not our property, we do not get taxed on it?

Mr. Petty responded no. It is owned by you as all government lands are.

Mr. Rung stated but that little section is not mine.

Mr. Petty stated it is not private property and you do not pay taxes on it.

Mr. Rung stated you have a serious consideration and I think you are taking it seriously. I know I appreciate what happened the last meeting and how you tabled things to look forward. You are the oldest water district, this is the heart of Coral Springs. We have been here for a long time and there is a history here obviously. The nuisance trees did not grow overnight, they grew, somebody did not maintain them and whether it is the water district or the landowner we would both share that fall I am sure because as a landowner I think we have a responsibility for maintaining the right-of-way. I take a little issue of whether you can be sued or we can be sued on some of this because we have maintenance responsibilities for the right-of-way. As time has gone on Coral Springs has built up beautifully and it looks beautiful. I appreciate that these people are very professional civil engineers but the fact remains there are people sitting in the audience who have lived in the same house for 30 plus years. They have seen the same canals for 30 plus years, they have been through hurricanes. The devastation has you guys running too because we are doing 10 to 20 years of terrible stuff, Allstate has raised our prices 80% with 80% more on the board; State Farm, et cetera and this includes the water district now. You are professional civil engineers and I understand that but I think we are running from something we could sit back and not run quite so fast from to see if we really do have a problem in the first place. First off a lot of the trees we just saw on the graphics are typical Florida trees. We do not have tap trees in Florida; they are all flat rooted trees. The wind direction Mr. Sutton put together is so convenient for the fall over of the trees because it came where there was no roots to support that side of the tree.  $\frac{3}{4}$ 's of the trees the wind could have come from any direction but he put his arrow there. It still happened and we know that. None of us want anything to happen and I think everybody in Coral Springs is for the nuisance trees going. I personally have Coconut Palms and am not affected by this now. I have a National Certified Wildlife habitat, my neighbors also. It is bamboo, bougenvilla, orchids, coconut palms, and it is a paver path on the right-of-way. It is a beautiful piece of property. I sit there looking out the window at Baltimore Orioles, iguanas and all kinds of things you would not think would live in our little desolate area where there is not much around but they are here and they are here big time. I really think the Board needs to consider very closely what it is you authorize to get done because you are not

going to be the Paul Bunyons; it is going to be somebody contracted. I am sure Mr. Petty is not doing this either. If these guys come in and take specifically what they want and I know again the city is watching and permitted things but still nonetheless this is an issue which is a lot more than just nuisance trees. You call them bushes I call them shrubs. I call bamboo beautiful and I have three big stands of bamboo that if you cut it to 6' it is going to grow back anyway. Bamboo stops the winds and goes really nice in the wind but the one thing it did not do in the storm was to go over. I am concerned with that; I like what I have obviously. I have spent a lot of money doing this because in the past your canal bank was done so good it was hard to get things in even 15' from the bank because the developers have a lot of rock there. We spent a lot of money on this and I think it needs to be taken into consideration in your vote as far as what you authorize to be done to keep the peace and the harmony of the whole thing.

I did not bring any graphics or anything but there have been a lot of things thrown out like the 5,000 trees. What percent of the trees were the nuisance trees because we have to strip those out because they should go.

My apologies for being somewhat rude in the last meeting. We got off to a bad start we should not have got off to because it was known by some here what the permitting rules are for the county and the City of Coral Springs. Even though it is your right-of-way you need a permit even for a nuisance tree. If you go for anything more than a nuisance tree then you have to work on mitigation. This is the way it is; it does not mean you cannot ask to do all of this. Obviously on the nuisance trees everybody is behind it and the city supports you fully. I do not think you want a situation where you have the residents going irate even though it is only a few like at the Pine Tree Water Control District where all of a sudden they came home from work and their things were gone. I think you saw it in the paper last week.

I appreciate what Mr. Petty does for a living and I think he is very good at it but it is you the Board members which I want to appeal to relative to keeping the spirit of Coral Springs; bamboos and things like that. We are talking about oxygen, we are talking about all kinds of stuff, some of this does not have to go and we do not need to do this on a rush. In fact at one stage last July when we had our last meeting Sunshine Water Control District was going to be the guinea pig. That is from the minutes of the CSID May meeting and this is also how I know people knew about the permitting procedures because their attorney who is different than yours

gave them an attorney's report and he stated quite clearly you cannot do any of this stuff without permits.

The bottom line is I ask for some consideration on this. I know my neighbor is here and would extend the same in we would be happy to have you come for a walk through to see what we have. It is a beautiful backyard with great wildlife and you should see the other side. If you have been down the canal in a boat you are only seeing the one side and that is the back side to my property. You should see the front and then ask yourself is this really, really a problem.

Ms. Macomber stated thank you very much, Mr. Rung, we appreciate your comments. As I said the last meeting we are you. In fact, I know my colleague and I have lived in Coral Springs a long time. I love my trees, too and I love Coral Springs for what it is. I remember when we used to have a lot more trees everywhere when we used to be called the city in the country. Things change and I guess some people call it progress. We do not serve because of the glory and you can obviously see that having been at the last meeting. We serve because we want to make a contribution to the community. I appreciate your comments; we are co-residents like you. Each of us has a property which is important to us and each of us loves the nature we can get in the city because of the way the city has been built up. I want you to know we take our responsibilities very seriously and sometimes we find ourselves between a rock and a hard place as a result because we have the responsibility of listening to your interest, honoring them and at the same time protecting your interest in the water which flows through Coral Springs.

Mr. John Rochester, Deer Run, stated we have what this gentleman called a box-cut canal. If you squared off the top of the bank it is probably about 4' in and he is correct if you fall in you are not getting out. I am assuming what you are saying is everything from flat portion at the top of the bank is not going but you are using the phrase "this phase". What do you mean by that? It sounds like a beginning not an overall plan.

Mr. Petty responded it is. The recommendation will be anything below the design high water level is considered to be a problem and we will go after the nuisance trees first and then go after the ornamentals after talking with the city to try to figure out a better way of protecting the canopy may be coming up with a tree for a tree program or something like that but not going above designed high water. We will suggest to the Board we have a policy of maintaining from the water wherever possible, only going on the bank when it was not possible or as the District

needed and remove any trees or hinderances at that time. It would be a storm event if I came on the right-of-way at the top.

Mr. Rochester stated we have South America Palms, probably the only the only ones outside of the botanical gardens in this part of the state. It has taken 25 years and they are right at the top of the bank. I would like to save them. I cannot move them they are way to heavy and they were well over 40' before the tops got broken but they are growing back.

Mr. Petty stated one of the items our sister district, CSID, and the gentleman said about them calling us a guenia pig, we use them for the same thing because they started their tree removal and is why we held off our contract to see what happened to them first. In this case CSID granted the manager authority to make exceptions on a case by case basis and if it is an issue of is it at the top of the bank of 6" around it we would do an inspection to evaluate whether there is a material problem and make an exception if possible. In this case it is what are people have talked about as the reasonableness factor of applying this. Not going out and saying a rule is a rule and that is all there is to it. They are trying to be reasonable in the application with the exception that everything below the design high water level is a risk.

Mr. Rochester stated I understand and it makes total sense. Would you bring up basically a appeals process? Will we be notified before they came through to destroy something? When FEMA came through they would not even talk to a homeowner, they would walk away while you were trying to talk to them come back with a chainsaw and take the tree down.

Mr. Petty responded the process we did in CSID is one where it was done in the field where residents upon notice we were coming to the area were given the opportunity to call the District and ask for an exemption. We would talk to the resident on the phone call, explained the designed high water level as being not exemptable but everything above being exemptable.

Mr. Rochester asked will it be a letter? The newspaper which not everybody reads, a door hanger? How will this be done?

Mr. Petty responded door hangers is how we did it in the sister district although this body may elect any type of notification they see fit.

Mr. Rochester stated a lot of times someone tells me the read it in the newspaper. I do not read it and I missed it.

Mr. Petty stated we find door hangers are probably the best way.

Mr. Rochester stated with the top of bank in our yard it is probably about 4' from the water. My aunt has the new sloped bank and it is about 15'. She has four Queen Palms almost to the top of the bank, is she going to lose those?

Mr. Petty responded let me suggest to you this. One of the ways we can define top of bank, nature giving us the opportunity, we can temporarily block water in an area, pump water in and raise the water table for a short period of time to the elevation. Other than that we will bring out survey crews. One of the two methods will be used. If we had a lot of high water at the time which would not be a threat we may be able to block the outlets and raise the water for a short period of time to mark the design high water line.

Mr. Rochester stated sounds expensive.

Mr. Petty stated surveyors cost a bit on money, too.

Mr. Rochester stated there is that but you will also have everybody saying you are drowning my grass and I would not blame them but I also see your side of it.

Mr. Petty stated one of the two methods would be used to try to give the residents the opportunity from the design top of bank.

Mr. Rochester stated she is concerned about her palms.

Mr. Petty stated the other way to do it is to give out to anybody who asked the control water elevations at the time. Our people know where the water level is in your area. We have markers through out the District. We can say the water in your backyard is at elevation 8, go 4' up from that, draw a straight line over to your lot and this is where the line is. This gives you a good eyeball reference without incurring cost.

Mr. Rochester stated you were talking about a mitigation program for planting other trees.

Mr. Petty stated this is what the city currently calls their program. If you cut down a tree in Coral Springs they have what they call a mitigation program where they look at the size of the tree by girth, the type of tree and then they have a formula.

Mr. Rochester stated this is street trees they are talking about.

Mr. Petty stated you are right and the city's program is not perfect by any stretch.

Ms. Macomber stated but they are working with us on it and this is something we have to be happy about.

Mr. Petty stated this is why we are saying we are working with the city. We are asking the city to help us out on this matter for ornamentals.

Mr. Rochester stated I have a large bamboo which starts at the top of the bank and goes all the way to the water. Are they going to take the whole plant or just half of it?

Mr. Petty responded bamboo is a plant we have not discussed. I am familiar with bamboo, my father grows it. I am familiar with the root structure and I cannot imagine it causing a problem to the bank. I cannot imagine the root structure being uprooted by anything. The only thing I can see it as if I have to drive there during a storm event I am going to have mow it down and I think everybody understands that during a storm event. It may be a plant we want to talk about specifically and say it is not a tree it is a bush.

Mr. Rochester stated a 30' bush but yes.

Mr. Petty stated I do not know how it is botanically classified.

Mr. Rochester stated it is a grass. I am a tree surgeon by trade and I am a fanatical plant collector.

Mr. Petty stated I can tell you the reasonableness factor says if the tree a threat to blocking flow or destroying bank if it should come down in a rain event and that is anything below that bank. Bamboo because of its special characteristics may not be considered a threat. I will have to check on it but personally from my own knowledge I cannot see where it is but I would want to ask somebody about it to see if there is something I do not know.

Mr. Rochester stated sounds reasonable, thank you.

Ms. Macomber asked does anyone else have a comment? Also, I must say we are very grateful you have come out and shown this interest. We sometimes think we are the lone rangers up here trying to figure out what we should be doing or what you want us to do. It is really nice to have your input.

Mr. Greg Michael, 73<sup>rd</sup> Way, stated I have 305' on the ditch. Mr. Petty I would like to say I appreciate your demeanor, which has done a 180°. You seem to have considered some other options from the last time and I respect that. Madame Chair I hear generalities here. I would like to ask some questions to eliminate some of the generalities. Can you give me a specific on non-issue plants? Will the contractor know this is a non-issue plant and to leave it there? Will it be marked in any manner?

Mr. Petty responded before this last contract of Pine Tree Water Control District I would have said no we do not want to incur the cost of marking the trees but then I had a very well

meaning contractor go through and take out about 300' of right-of-way. I am more inclined to think about marking the trees now than I had been in past now that I have seen a contractor err.

Mr. Michael asked will you mark the trees or not?

Mr. Petty responded it would not be my decision per say but I am leaning toward recommending it to the Board. Understand staff is not asking the Board to make a decision tonight on this. We would want to make a written policy so everybody has a chance to see it including the residents.

Mr. Michael stated I would like you to define clearly reasonable distant? Is it the distance a tree may fall? Is it the distance from the water? Is there such a distance you are thinking about?

Mr. Petty responded at tonight's meeting I do not have a distance per say but I can tell you generally what I had intended to talk to the Board about tonight and at the next meeting where we would write this up; my first draft will be below design high water level is a threat and I cannot see any way other than to call it a threat.

Mr. Michael stated the threat will be removed.

Mr. Petty stated unless we talked about a couple of things. One was bamboo; can I apply a reasonableness factor to it and come up with a reasonable reliance that it is not a threat. I will be very honest with you I would write it up so this body made that determination whether it was reasonable.

Mr. Michael stated it is the term reasonable that I am scared of having some friends in Parkland and I saw what happened there. They were told one thing and the crews did another, history is a predictor of future.

Ms. Macomber stated if it is any consolation I think we heard what you are saying and I think we have taken into account what Mr. Petty said about the occurrence.

Mr. Michael stated I have a question and I do not mean to insult you in any manner but would you be doing this if you were not making a profit on it?

Mr. Petty asked would I work for the District without being paid?

Mr. Michael responded Severn Trent.

Mr. Petty stated no.

Mr. Michael stated Severn Trent is the profit center, the business is for profit.

Mr. Petty stated the management firm for these drainage districts has always been a for profit management company since the beginning. I have worked for them under the name Gary Moyer, under Moyer and Associates, and under Severn Trent. I have been here 25 plus years.

Mr. Michael stated this is motivated by profit.

Mr. Petty stated I am. Not tree removal but working for the District.

Mr. Michael asked next year in 2007 is there a budget to continue with the trimming and maintenance of the canals? After this money, the \$576,000, what is the 2007 plan? Will it continue, will you mow it and maintain it? Does it revert back to us to maintain this stretch of land?

Mr. Petty responded there is a budget for tree removal because we expect to still be working on it in this fiscal year which started October 1<sup>st</sup>. I do not have a budget for fiscal year 2008 yet it will be prepared in the late spring of 2007. There is money in it this year for the removal of trees because we are still looking at it from design high water level.

Mr. Michael stated we are going to be sure and spend all the money to remove all of the trees.

Mr. Petty stated every year this District typically has a carry forward which is applied to keep the assessments low. If you have lived in Sunshine for a long period of time, which I believe you have, you probably know our assessments have been lowest in the county or one of the lowest in the county. We have been around \$75 to \$85 or below forever and that is per year per home.

You had another question in there not just about tree removal or maintenance.

Ms. Macomber stated I would like to respond. If your question is are we interested in spending your money, the answer is no.

Mr. Michael stated there is FEMA money you were awarded. You told us last time you were first in line lobbying FEMA and you were proud of that and your win was my loss. I do not mean to be a thorn but I am looking for some clarity on what will happen. I would like a forewarning because I have some stuff on the easement. I do not want to see happen to us what happened in Parkland.

An interesting point is I had FEMA come out and your last water elevation survey was done in 1966. My survey was done in 2006 and I am 19'6" on my lot line. I am aware of the flood

zone, I have to pay flood insurance. The Army Corp of Engineers last survey is what you are using and it is from 1966. Are you basing this on that?

Mr. Petty responded no. Keep in mind government is not always perfect and as we strive to answer your questions tonight I may not be able to answer the questions of a FEMA program or a Federal Flood Plan Program or even SFWMD with whom I must get a permit to operate this District and they are the ones who tell me what elevations are possible based on the discharge areas. As you may know all the excess water which hits the Sunshine Water Control District must be pumped out. It is done by elevations and the elevations are controlled by design criteria by the engineer who determines how much water can be back up before your house is at risk. Our pumps are designed for this and our permit with SFWMD limits the amount of water we can pump. Let me tell you this concerns our guys and our guys like Mr. Selchan have been year for at least a year longer than I have. This is what concerns them, they have a limit on how much they can pump. So far they have been able to keep all the water from flooding the homes. They are concerned because they have seen the limit reached during rain events. We cannot pump anymore water than that by permit. It is not that the elevations are designed by a flood insurance plan or by FEMA; it is by SFWMD allowing us to pump "x" number of gallons out of this drainage basin called Sunshine Water Control District. The elevations are by design and not by the map you are talking about.

Mr. Michael stated Coral Springs wants its canals back from you.

Mr. Petty stated you say they want their canals back, they never had them.

Mr. Michael stated they want to take control of the canals in Coral Springs. The question is do you operate under F.S. Chapter 298?

Mr. Cranmer responded yes.

Mr. Michael asked does Mr. Sobers reside within the boundaries of the water district?

Mr. Cranmer responded there is a Attorney General's opinion which we researched several years ago and it is very clear even if somebody moves outside the District they are allowed to finish their term. This is clearly specified in Florida law.

Mr. Michael asked was there a referendum for that?

Mr. Cranmer responded there did not have to be.

Mr. Petty stated let me say the discussion right now is about trees. If we wish to speak about the Districts other matters we will do it during the other parts of the meeting.

Mr. Michael stated the discussion here is about profit.

Mr. Petty stated no, it is about trees.

Mr. Michael stated you would not do this if you did not have \$1 million from FEMA because you have not done anything for 30 years.

Ms. Macomber stated I think I take issue with your continuance now. I think you are getting off of the subject, thank for questions. I believe your comments are totally inappropriate.

Ms. Karen Hewlett, Dells, stated I was very upset when I saw the article October 10<sup>th</sup> in the *Sun-Sentinel* about Parkland. Did you have a chance to read the article?

Ms. Macomber responded I did not see the article.

Ms. Hewlett stated I brought it with me and if you will allow me a few minutes. It is titled "*Residents Seek Reparitions for Trees Cut Along Canals*". *Angry about the way trees were felled along once lush canal banks residents Thursday accused the Pine Tree Water Control District of shoddy work.* I believe you are also working with that District.

Mr. Petty stated for the record I am the manager of the Pine Tree Water Control District.

Ms. Hewlett continued, "*about a dozen residents many from the Winners Circle apartments in the Country Place community near Holmberg Road and SR 7 attended the meeting at Parklan City Hall to ask about reparitions. Stiles Landscape Corporation of Fort Lauderdale had won a \$475,250 contract to clean up the area and were only supposed to remove hurricane damaged trees. Workers from contractor Budget Tree Services in early September instead scaped the banks with a backhoe. District officials said Stiles had offered to plant shrubs and 20 Bald Cypress trees to repair some of the damage. Other solutions are being discussed.*" I want to know what assurances we have that something like this will not happen?

Ms. Macomber responded over my dead body.

Ms. Hewlett stated this was recent.

Ms. Macomber stated that is why it is good for you to come here to let us know because now we are forewarned and forearmed. I think the suggestions made before about marking the trees and when we consider this later on in our meeting we will give serious consideration to that. I have to tell you I have a great deal of respect for you and your husband. I worked with you back with Pride Promoters a long time ago.

We are going to do everything we can not to let it happen.

Ms. Hewlett stated it appears to me we almost need to be there when they are coming and most of us are working and will not have the opportunity to say do not cut that. Obviously, the city has a list of trees which are nuisance trees. There are really not all that many. Those certainly can be cut down but people have bamboo and ornamentals.

Ms. Macomber stated I think the other thing is we are going to ask staff to be heavily involved in the process.

Mr. Petty stated it has become very real to me besides just a newspaper article. The issue with the tree cutting people going after a Australian Pine or a Florida Holly this is what they do. In clearing these areas to get to root stumps and going through what they have been paid to remove all over the place and I do not want to make excuses for them they were not supposed to be there. The contract will hold them responsible for their actions and the district of Pine Tree will insure it happens under their name. For this District's consideration we have talked about in house and there is a fine line; we want to hold the contractor responsible for their actions. We are not hiring day crews and sending out our own people to supervise how they get cut down. These people have to be accountable for how they take down a tree. Cutting down a tree is not the easiest thing in the world so they have to know what they are doing as well. You look for qualifications and we have qualifications in our requirements and we have that they are held accountable, they must have an arborist who determines which trees get cut down not the guy from Honduras but someone who is a licensed arborist in the state. We then hold them accountable and do contract administration. Since the Pine Tree incident we have talked about various additional means of control which includes having people there constantly instead of just having inspectors who come out to the site from time to time to inspect the work progress. We will make sure they cannot cut down a tree without having an engineer on site to handle the specifications of the contract and make them stop if he had a question.

Ms. Hewlett stated that is going to be a lot of people.

Mr. Petty stated it is an issue. There is cost involved in staffing the oversight but there is a fine line where you have to be able to hold the contractor accountable for his actions.

Art, East Ridge Isles, stated I missed the first meeting. I am here because I am concerned from what I have been hearing that the time is going to come when the water district is going to come in and clear everything to the property line. I have hedges in the back. There is plenty of

space in the back. They came in after Hurricane Wilma and cleaned it all up. Is there a plan to come around to cut and remove everything to the property line.

Mr. Petty responded when you ask is there a plan to do this, the answer is yes. That is the original plan we had put out a contractor for. We were discussing approval in July but after hearing comments from the public and hearing them say they would like for us to apply this reasonableness factor to our concern for safety we held back on the contract until now and this is still staffs recommendation to hold off until we get this finalized. The plan was out there after Hurricane Wilma scared the heck out of us. That plan is the first thing which popped up and as somebody mentioned earlier about this being to strong of a reaction and maybe if we slowed down we may be able to do what we need without causing so much removal of plant material. I think it is a strong point and where we are at.

Ms. Jamie McCladdon stated I am a resident and have owned my home for over 18 years. For 18 years I have seen very little happen on the canal behind my house and that is fine I do not have any complaints about it; we have maintained it. When you hear the horror stories of what happened in Parkland you can imagine our concern. When we sit hear and listen to what you are telling us we hope it is honest. I also hope if the plan changes it is communicated and we have another chance to voice our concerns.

Ms. Macomber stated I am glad you came up. I have known you for a lot of years and I am not telling you something I am not going to stand behind. Our hearts our with all of you and we are not looking for a disaster. We were very concerned after Hurricane Wilma and I have to tell you as the Superintendent said it scared the living daylights out of us. I remember going down the east outfall canal and saying how can this happen. We have taken a step back and we are trying to be reasonable to look and see what is happening and to see how best we can work with the city.

Mr. Petty stated you asked on the decision making process if there would be additional notification and I would like to say now for the record the suggestion from staff is we let this sit with us tonight, let staff draw up the general perimeters as I have discussed and at the next Board meeting discuss them again. Invite the public again to provide the public notice and input so as we decide this policy the public is very much a part of the process.

Ms. Macomber stated I invite you to all come back for that.

Ms. McCladdon stated that answers my next question where you made reference to the modified document and you plans moving forward and you had said before we would have a chance to see those as well before it was implemented and my question was going to be how.

Do you operate independantly or as a sub-division of SFWMD?

Mr. Petty responded we operate the drainage facilities as a permittee of SFWMD.

Ms. Clingan stated I found some interesting information on the website. Does this District have its own website?

Mr. Petty responded we share a website with our sister districts.

Ms. Clingan stated there is information of the SFWMD site. There are some interesting information they offer on Florida friendly yards. They talk about establishing a 10' to 30' zone along the shoreline. They do not necesairly state it should be void of any vegetation. They recommend a buffer zone of low maintenance plants between the lawn and the shoreline to absorb nutrients and provide wildlife habitats.

Mr. Petty stated the information on the website may not be the policy of the District.

Ms. Clingan responded I understand that.

Mr. Petty stated you can look at canal C-14 to see how well that is cleared and it is a SFWMD canal as well as all the C-level canals going toward the ocean. They talk about what you should do between the shoreline and the bank but they are not able to practice it in principal.

Ms. Clingan stated I live on a canal. I am on the Crossing side and the other side is the Dells. My understanding is there is no easement on the other side of the canal. Is this true?

Mr. Petty responded I cannot answer that issue. Let me suggest you go to the Property Appraiser's website for that.

Ms. Clingan stated I know that is what it is but my question is if there is not an easement on the other side of the canal?

Mr. Petty responded again I cannot tell you that because I do not have the information here nor do we provide it upon request; we direct you to the Property Appraisers website before we send out a surveyor to determine these things.

Ms. Clingan stated I know what is on my side; I am talking about the other side.

Mr. Petty stated again at the Property Appraiser's website if you put the address in you can get where the line is.

Ms. Clingan stated I want to bring this up as public knowledge, as I know a lot of people here live on the same canal, is most of the problems we have are the growth from the other side. It is growing over, it is falling over the canal and they have pieces of plywood on the banks to try to stop the erosion.

Mr. Petty stated on the box-cut canals where the banks are steep is something the District has had a devil of a time dealing with trying to do structural repairs. The cost are massive and trying to pipe it is unbelievably expensive, we could not possibly assess you that much. As I said earlier there is the idea of the geosock and a few other new found engineering principals, not that they are state of the art coming from NASA or anything they have been around for awhile but we are considering them for the first time. I cannot tell you they are going to work in the box-cut area. There are just some areas there we are not going to be able to address without incurring huge cost.

Ms. Clingan stated my real question if there is no easement on that side of the canal does that mean from the water level you have no jurisdiction in cleaning it up?

Mr. Petty responded there are areas in the District where our right-of-way line ends in the water and we cannot go on private property to do maintenance without permission of the homeowner or an agreement with the homeowner to do such and those are rare.

Ms. Clingan stated once last thing which I think falls within what we have been talkinga bout tonight with the pride in our homes, the trees and trying to keep the tree canopy of Coral Springs. For those of you who do not know in Money Magazine this year we were list number 27 as the top places to live in the nation and Coral Springs was also rated the best city in the Florida.

Mr. Mayu, NW 29<sup>th</sup> Street, stated you were talking about the Royal Palms earlier. After Hurricane Andrew Royal Palms were just about the only tree standing. Areca Palms have a very intense root system. What do you say about the Areca Palms?

Mr. Petty responded I cannot give you an instant judgment but again if it is below the design high water level.

Mr. Mayu stated it has a very intense root system.

Mr. Petty stated I do not have a grade all there is no engineering handbook which tells me good, bad or indifferent. It is something we will have to look at with the Areca Palms. I lost a good bit of my Areca Palms when they broke off. The root ball was good but half the fronds fell

down in my front yard. I cannot see any reason why we would not remove them. Even if they have a strong root system if you are in that zone on the slope you can have the strongest root in the world but if I flood it.

Mr. Mayu stated I am talking about on the top of bank.

Mr. Petty stated it is considered an ornamental and will be left if possible.

Mr. Mayu stated I know we discussed spraying the banks earlier but I just wanted to mention it again. I have been driving this area and they have just recently sprayed and everything is dead. For the life of I cannot understand why when you have yards with St. Augustine grass which are perfectly manicured to the waters edge why we have to spray 3' up the bank the entire canal length to kill the grass which causes erosion. Do the guys spraying have common sense?

Mr. Petty stated you have a good point but when they are in a boat spraying, the boat moves, their hand slips, the chemical goes up a foot and half from the bank. They have common sense but once the chemical hits the grass they cannot take it back. What you are talking about is something which has been in the industry of drainage for a very long time and it has been addressed. Our District Supervisor is implementing in test patterns this year where we are looking at maintaining it with two different things. One is the geosock I talked about because it maintains the plants at the edge and stops all the issues of trying to spray it at all times. Two he is looking at different spray techniques and one of them is coming up with a mule which is a four-wheel drive device in areas which are tree free where you can get on the bank. You can get a much higher percision application if you are on the bank spraying towards the water then you are from a boat where the lines are much different. It is almost straight down rather than at an angle. He is looking at different application techniques but this has been a problem with trying to control aquatic plants since I have been in the business.

Mr. Mayu stated I am just saying I have driven around the entire area even the District which is south of Royal Palm and it is like they put a tape measure up and sprayed 3' up on the bank and the yards are as manicured as this carpet. What is the point of it? I do not understand the point of spraying up on the lawn.

Mr. Petty stated the intent of spraying the plants at waters edge is one thing. I cannot talk to about 3' up on what any special circimstances are.

Mr. Mayu stated drive around yourself and look at it.

Mr. Petty stated I drive around quite a bit and most of the time the burns I see I can see they are mistakes because I am watching the line. When you talk about 200' of a line going down that is 3' above I would have to see and I am with you I do not want to be destroying your grass. If there is a plant such as a bullrush, johnson grass or torpedo grass which goes up that high it is the only way I can get rid of it. The guys who apply the aquatic prevention devices here are licensed by the state. They do have knowledge, they do understand what they are doing. There are mistakes which happen but when you see 300' and you have an issue please give me a call I will walk it with you.

Mr. Mayu stated right now below Atlantic Boulevard off of Coral Ridge Drive the first canal below Atlantic Boulevard look to east.

Mr. Petty stated I will take a look at it with Mr. Selchan. I am with you I do not want to be burning the sod because you are right erosion control is an issue.

Mr. Mayu stated there is another canal which looks like a major canal which runs north and south east of Coral Springs Drive on Atlantic Boulevard.

Mr. Petty stated I believe it is one of our outfall canals.

Mr. Mayu stated there are weeds along it and it is not sprayed at all.

Mr. Petty stated the plants and brush material he is referring to are land based on this bank and we are talking about aquatics. The intent is to spray the aquatics and some of the plants would be both. In this particular case it is another problem we are hoping to address. It is an area which has been walled off.

Ms. Macomber stated I noticed we have almost the entire commission here tonight and I am delighted to see you taking an interest in these issues. Welcome.

Mr. Petty stated in the past we have allowed homeowners like yourself to maintain down to the water's edge and in most places the homeowners have done a great job. There are ordinances within the city and most people do it because it is their back yard and they want it to look nice. In this particular area they are not maintaining down to the water's edge as required by the ordinance. It is difficult to evict multi-family homeowners from their homes because they didn't mow. We have been trying to address the problem and the city has worked very well with us. The enforcement of the ordinance is difficult and is an issue we have addressed in this year's budget by putting money aside for the mowing of these areas on a quarterly basis. If no one else will do this, there is no one left but us. After Hurricane Wilma we are no longer willing to wait

as a staff. The intent is this area will be mowed this year quarterly at the most depending on growth.

Mr. Mayu stated I read in the newspaper were the Coral Springs Improvement District said there were going to each house before they started cutting stuff down. We kind of discussed it here tonight. How is it going to work out with you coming out and doing the job? If you have to go into some people's yards, people have dogs. How is that going to work out?

Ms. Macomber responded on a case by case basis.

Mr. Petty stated at CSID, they did not talk about going to each homeowner. They discussed this issue with the public at a Town Hall style meeting, basically because they wanted to immitate what we were doing here. Will we go in your yard? We will not. The contract has strong language that they will not go into people's yard. If they need access to private property, you must get the owners permission. There is a form they must fill out. We will not go into your backyard, disturb your dog, or any of those issues. We will do it from within our right-of-way from the best of our ability.

Mr. Mayu asked how are going to go about

Ms. Macomber responded we are going to come up with a policy that we will discuss at the next meeting. We would like for the homeowners to give us an construction suggestions you may have. Staff will put together a policy, bring it back for you to be here at the next to look at, and the Board members will make a determination. We can't tell you tonight what we are going to do. We are listening and encourage you to come back at the next meeting and share with us the results of staff's policy.

Mr. Mayu asked regarding the contract that you hire, I have quite a bit of erosion on my bank. My canal is the one they use to go back and forth to clean out the big lake.

Ms. Macomber stated thank you for your comments.

Ms. Juanita Lowe stated my husband and I retired to Florida, and our back yard is heaven to us. I would like to know how I can save the bottlebrush trees.

Ms. Macomber stated it will be on a case-by-case basis depending on where they are on the property.

Ms. Lowe stated I only have a 10' bank. The bottlebrush trees have been there for 25 years. We have always maintained the bank. Someone came by and sprayed the bank.

Ms. Macomber stated for any one who has these types of problems you need to call us when it happens. Has this happened between the last meeting and this one?

Ms. Lowe responded since the last meeting.

Mr. Petty stated it is not the policy or the intent of this body that this should occur. If that happens I need to hold the person accountable and it why I would like you to call me. I apologize. If I have an employee that is doing such act, I need to look into this matter. Please call the Coral Springs Office if anyone has these types of issue. We do not want our applicators during this types of things.

Ms. Macomber stated I appreciate you sending the letter to me and I appreciate your value in the bottlebrush trees.

Mr. Mayu stated my neighbor across the canal from me had the same situation.

Mr. Morales stated I am new to the area. On 73<sup>rd</sup> way between 40<sup>th</sup> and 42<sup>nd</sup> Street there is a lot of standing water and vegetation at the bottom of the canal. When will that be taken care of?

Mr. Petty responded the Sunshine Water Control District is a drainage basis where the water in our District needs to be pumped out, nothing flows by gravity. There are a lot of areas where water will not move, and there are areas that collect wind blown materials more than others. We do not have a weekly policy where we put our personnel to clean up the debris that is falling in. The debris is picked up regularly. The turn out in July was one of the strongest turnouts we have had. In an effort to address a lot of the issues that came up, staff has come up with suggestions to try out this year and they have allocated the money to do so. One is aeration devices which will keep the water in motion and keep the plant growth to a minimal. We will be trying those out this year to see how economically we can run them.

Mr. Jung stated eight years ago we had the highest water with a storm.

Mr. Petty stated it was a tropical depression that dumped 14" of rain. Everything hit top level.

Mr. Jung stated half way up the front and back yards. Was this a result that you didn't have a chance to pump these canals down? Was that a factor of these storms?

Mr. Petty responded yes. If we know a hurricane is coming, the field superintendent and his staff lock themselves in the pump houses and stay during the entire storm, and in most cases

drain down the canals to the expected level of rainfall to compensate in advance. We pumped at full capacity during that storm because we had no notice and they did a heck of a job.

Mr. Jung stated we have an okay turnout tonight. We had more people outside the fence at the District Office for the meeting that was cancelled. A lot of people are growing tired of this and feel like you can't beat city hall. The last meeting was supposed to be here and then it was at the District Office. I have been proactive in trying to get people to turn out.

Ms. Macomber stated you have done a nice job and congratulation.

Mr. Jung stated for this meeting there was not much notice. There was one week in the newspaper. This meeting was not on line. Can the Board authorize Mr. Petty to put the notice in the Sun-Sentinel and in the local paper? That would give more people opportunity to know of the upcoming meetings and help out.

Mr. Petty stated there are a couple of ways we can give notice as suggested. If we have people interested in the drainage system, I suggest we try to keep them interested. If staff is delegated to put together a draft proposal for consideration at the next meeting, we can put a door hanger on every home that fronts the water that may be affected. We can arrange for a bigger room, and we can give them a number to call if they want a copy of the proposed policy.

Mr. Hewlett stated that sounds like a good idea.

Mr. Petty stated such notice would be given when the draft proposed policy is ready and we are assuming that will be ready by the next meeting. November 8, 2006 at this location. If we go for a larger venue, we will have to readvertise. We will try to work with the City of Coral Springs to get this on their website.

Mr. Hewlett asked how quickly will the District act on these issues?

Mr. Petty responded since we will be outside the hurricane season at the next meeting, I don't any problem with the District getting as much public information as possible as long as the policy is completed and implemented before the next hurricane season. Staff will bring the proposed policy back for discussion with no intent to implement it immediately.

Mr. Hewlett stated at the next meeting you will be getting staff recommendation.

Mr. Petty stated and getting public input.

Mr. Hewlett stated then bringing it back to the next meeting for final decision.

Mr. Petty stated when Hurricane Wilma hit and 50% of the trees came down, this was a non-rain event and we didn't have to turn on the pumps. We dropped the water levels in anticipation of rain, but did not get a lot of rain. It was a lot of wind. This was unusual for a hurricane. We have had more rain during summer storms. The concern is if the trees come down during a rain event, we are concerned about flooding which is our primary reason for being here—flood control. We are looking at removing trees within the District's right-of-way.

Ms. Eileen Grant asked are you more concerned about rain?

Mr. Petty responded flooding. If the wind knocks down the trees, then I am concerned about flooding by the collection of debris stopping flow. I am not concerned about the entire District flooding, I am worried about your street flooding because one tree fell in front of the outfall pipe and blocked it off. Our primary function is to keep the water from flooding your homes. The trees were not considered a primary function until Hurricane Wilma when she showed us what happened when the trees hit the water and covered the entire bank. When we saw the damage to the banks when the root balls came out, if there had been 5" of rain the amount of siltation in the canal would have caused flooding. There is no doubt in my mind. We have sister districts that have gone through the extent of running a hydraulic model and showed clearly that flooding will occur. This District will be doing its hydraulic modeling this year. This is why we want to go after the remainder of the trees that cause a threat.

Ms. Grant stated in 1979 there was a storm where it was 10' from my garage door. Shouldn't you have done this back then?

Ms. Macomber responded we tried to cut them down.

Mr. Petty stated if you apply a reason to the rule, we have come way in from our initial thought process. If we keep water at a certain elevation, a tree should not be in close proximity. I can't find an arborist that says that is a good place to plant a tree. We are directing your issue and I don't think we are overreacting at this time and applied a reasonableist to the rule.

Mr. Rochester stated if a tree falls into the canal, the roots are usually attached to the bank. It is not going to float down the canal and get into the pipe no matter how hard to rains.

Mr. Petty stated I thought the same thing. We ran hydraulic models at CSID. He calculated the flow when we turn all the pumps on to push the water and it is 4' per second. That will move some trees. If I am getting 8" of rain and the water goes up the bank, that tree will

float off. That is the concern. The engineer has done the studies to determine how fast the water will flow. Should anything get in front of that pipe, we are flooding.

Mr. Rochester asked what about at the very top of the bank?

Mr. Petty responded you have a point regarding the very top of bank.

Mr. Hutchinson stated I am an arborist there may be plant material that can be placed on the banks to prevent erosion.

Mr. Petty stated the president at CSID has spoken to an arborist on this issue, and his concern was the height of the material and how much wind it will catch. He also talked about natural species. There are trees that have better root structures than others. It is being discussed and I don't know of anything that is being adopted by the city. We are following their leads on pre-recommendations in areas above the water level control.

Ms. Macomber stated I want to thank you for coming and we look forward to seeing you at the next meeting. We will work together to resolve this issue to everyone's satisfaction. Have a great Halloween.

The record will reflect the Board took a short recess.

**THIRD ORDER OF BUSINESS**

**Acceptance of the Audit for Fiscal Year 2005**

Mr. Petty stated page 21 of the auditor is above and beyond what they normally do. This goes into Hurricane Wilima, which we are getting used to.

On MOTION by Mr. Sobers seconded by Ms. Macomber with all in favor the Audit for Fiscal Year 2005 was accepted.

**FOURTH ORDER OF BUSINESS**

**Consideration of Permit Requests**

- A. Permit 2006-9 for the Roadway Median Widening (with guardrail) and Installation of Noise Barrier Walls for Sawgrass Expressway (SR 869) from Atlantic Boulevard to Coral Ridge Drive**
- B. Chen and Associates, for the Coral Springs Sportsplex to Expand Existing Dog Park**
- C. DeGirolmo and Associates for RBC Centura Bank to Tie into Existing Drainage System Equipped with Downstream Control Structure and Outfall in SWCD Canal U**
- D. Rhon Ernest-Jones for Orbe Developers – Coral Springs Corporate Park for Onsite Surface Water Management System Discharging to Onsite Drainage Ditch**

On MOTION by Mr. Sobers seconded by Ms. Macomber with all in favor the permit applications as submitted were approved, subject to the recommendations stated in the engineer's letters.

**FIFTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Cramner stated research has been done by the counsel in Tallahassee on the tree issue. I am in the process of reviewing it.

Mr. Petty stated the issue was tree removal permit from a city ordinance. I was going to bring this up under the manager's report. We discussed with the city mitigation for trees in the water line for safety reasons. In the middle of a storm event and I have flooding issues, and I need to get to a certain area of the canal. In front of me are three trees, do I need a permit to remove those trees. The answer came back yes. I was asking for outside counsel of a statutory nature to research this issue. We have a proposal for a legal opinion. The fee is not to exceed \$15,000. We have the opinion and the dollar value does include representing that legal opinion to whoever contests it. We talked about how to do this in a working relationship with the city. This type of conflict is no where near what we anticipated when we first proached of the question of. We seem to have a much better working relationship with the city. The agreement with outside counsel will be reduced significantly for the research without the need to defend such opinion. I will work towards something under the \$5,000 range.

Mr. Cramner stated I reviewed the preliminary. It was very impressive and extremely definitive.

Mr. Petty stated we will provide the opinion for use at a later date, but I don't see it being utilized at this time.

Ms. Macomber stated I compliment you tonight on your expertise and defending the position to the constituents here tonight. Very well done.

Mr. Cramner stated it was well on point.

**B. Engineer**

Mr. Petty stated we have asked Mr. McKune to step over from CH2MHill which he has done and we will be recommending a contract with him as a Capital Improvement Coordinator. He works as your agent with the engineer and he works to hold them to industry standards of 6.5% to 7% and 14% for design, built and administer the contract. He fee is 2% of the total

dollar amount. We will be utilizing him in the sister districts, and we ask this Board to work with him in that manner for those fees.

On MOTION by Mr. Sobers seconded by Ms. Macomber with all in favor

**C. Superintendent**

Mr. Petty stated we had a contract for the removal of trees, which I request we cancel. There may be cost associated because we did award the contract, but it should be minimal. It is best because we have a couple more months of talking to do and the bid has been contested. We will rebid at a more appropriate time.

On MOTION by Mr. Sobers seconded by Ms. Macomber with all in favor staff was authorized to cancel the contract for the removal of trees.

**i. Ratification of Letter of Agreement with Ron Sachs Communications, Inc.**

Mr. Petty stated this is our public relations person we talked about in the past. I signed the commitment and has been working with us. One of our ideas is that we are ready to do a public service announcement. They have several samples which are very good.

On MOTION by Mr. Sobers seconded by Ms. Macomber with all in favor the Letter of Agreement with Ron Sachs Communications, Inc., was ratified.

**ii. Ratification of Assessment Methodology Proposal with Fishkind & Associates**

Mr. Petty stated this is for the \$6.7 Million bank note. We have to do an assessment methodology if you go long term. It costs about \$10,000 and we did some heavy negotiations for this prices. It is a financial expert independent of the District. It defines the benefit to each homeowner so when we do the assessments we have the back up.

On MOTION by Mr. Sobers seconded by Ms. Macomber with all in favor the Assessment Methodology Proposal with Fishkind & Associates was ratified.

**iii. Consideration of Resolutions**

- a. Resolution 2007-1 Designating John Petty as Assistant Treasurer**
- b. Resolution 2007-2 Designating Signatories**

Mr. Petty stated we ask for you to remove item b. from the agenda. We found through our research it is a duplication of the efforts.

On MOTION by Mr. Sobers seconded by Ms. Macomber with all in favor Resolution 2007-1 Designating John Petty as Assistant Treasurer was adopted.

**iv. Consideration of Engagement Letter with Goldstein, Zugman, Weinstein & Poole, LLC. to Perform the Audit for Fiscal Year 2006**

Mr. Petty stated they have raised their fees substantially and have not received a reason why. We will table this until other time.

**v. Award of Bids**

- a. Spray Pump Bids**

Ms. Macomber asked was their only one bid on this?

Mr. Selchan responded yes. They were the only one who responded.

On MOTION by Mr. Sobers seconded by Ms. Macomber with all in favor the Spray Pump Bid from Sprayer Part Depot was approved.

- b. Chemical Bids for Aquatic Control**

Mr. Petty stated we had a late bid that we did not open, and we have enough chemicals to last us the next 30 days and we are going to rebid.

**vi. Discussion of Outside Attorney's Opinion**

This item was previously discussed under the attorney's report.

**SIXTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

There not being any, the next item followed.

**SEVENTH ORDER OF BUSINESS**

**Approval of Financials and Warrants 8857-8890**

There being no questions or comments,

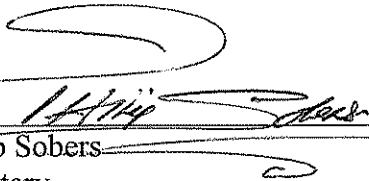
On MOTION by Mr. Sobers seconded by Ms. Macomber with all in favor the financials and warrants 8857-8890 were approved.

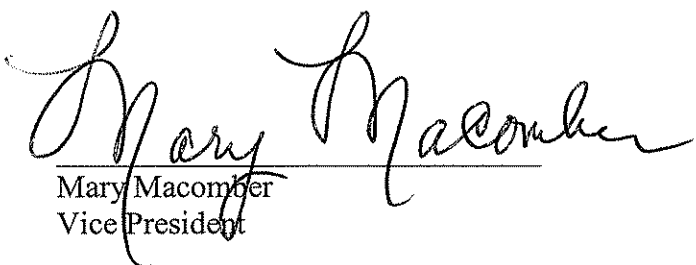
**EIGHTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

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

  
Philip Sobers  
Secretary

  
Mary Macomber  
Vice President