

**MINUTES OF MEETING  
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, October 10, 2012, at 6:30 p.m.**, in the **Commission Chambers, Coral Springs City Hall, 9551 West Sample Road, Coral Springs, Florida 33065.**

**Present at the meeting were:**

David Hulett	President
Emily Heafy	Secretary

**Also present were:**

Doug Paton	Wrathell, Hunt and Associates, LLC
Matt Adika	Wrathell, Hunt and Associates, LLC
Bill Capko	District Counsel
Cory Selchan	Field Superintendent
Rhon Ernest-Jones	District Engineer
Tom Donahue	District Engineer
Jim Gerdeman	CSID Resident
Stephanie Clark	Resident
Dan Clark	Resident
Todd and Yvonne Hallett	CSID Residents
Debra Walker	CSID Resident
Denise and Rodney Hailey	CSID Residents
William Stone	Resident
Kay and John Raper	CSID Residents
Mark Petrosky	CSID Resident
Roy and Doris McGain	CSID Residents
Rick Schwartz	CSID Resident
Mike Saltzman	CSID Resident
Ramona Harris	CSID Resident
Gary Runge	Resident
Nick Olano	CSID Resident
Regina Lendianara	CSID Resident
Eric Wolf	Resident
Larry Vignola	Coral Springs City Commissioner

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Hulett called the meeting to order at 6:27 p.m.

Mr. Paton indicated, for the record, that Supervisors Hulett and Heafy were present, in person. Supervisor Morera was not present.

**SECOND ORDER OF BUSINESS****Presentation: Canal Z**

Mr. Ernest-Jones presented overviews of the capital improvement program and Canal Z project. He referred to a map of the District and its canal system. Mr. Ernest-Jones indicated that water from the entire District flows to the C-14 Canal by way of two (2) long canals, which pass through the Coral Springs Improvement District (CSID). He identified the locations of the District's pump stations, canals and Canal Z.

Mr. Hulett reminded the audience that public comments and questions would be taken during the Citizens' Request portion of the meeting. He stated that the District's boundaries are Wiles Road, on the north, approximately ½ block south of Royal Palm Boulevard on the south, the Sawgrass Expressway on the west and, approximately, 75<sup>th</sup> Avenue on the east.

Mr. Ernest-Jones described the East and West Basins and noted that discharge from the East Basin is not problematic; it stays dry, mainly due to pumping. Contrarily, there is a lot of flooding in the West Basin area, including the Westchester area. He recalled the recent tropical storm and flooding issues. Mr. Ernest-Jones showed the canal flow patterns and indicated that Canal Z collects the water and it is pumped southerly. He stated that the District's work, for the past few years, has been to replace the 50-year old pump stations that were obsolete and improve the District's canals, which lacked dredging and silt removal for the past 50 years, to allow for better water flow.

Mr. Ernest-Jones acknowledged that residents have lost track of the fact that there are canal right-of-ways, which are owned by the District. He noted that the District has the right and carries the obligation to maintain the canals. Over time, "improvements" made by residents in the areas along the canals have progressively crept into the right-of-ways; in many cases the encroachment is substantial, including fences and other items.

Mr. Ernest-Jones presented engineering sketches of the AA/BB area within the District and explained the canals, setbacks, vegetation planted in the right-of-way, encroachments and silt buildup within the canal. He detailed the canal cleaning process, including excavation and pointed out areas with access issues. He noted the importance of performing this work in order

to improve the canal. Mr. Ernest-Jones further detailed the distinction between the property owner's property line and the District's right-of-ways.

Mr. Ernest-Jones reviewed various properties in the sample area, which contain palm trees in the right-of-way, which will prevent access to the canal. Another property contains a fence, plants and a trampoline in the right-of-way; the property owner is using the District's property instead of placing their items on their own property. Mr. Ernest Jones identified a property with a 15-foot-high ficus hedge, which is encroaching on the District's property and is in violation of the City of Coral Springs' codes. Another property on Oakmont Terrace contains palm trees, hedges and various other items, all of which could have been placed on the homeowner's property but were placed in the right-of-way, instead. Mr. Ernest-Jones presented another home with a 20-foot-high hedge. Mr. Ernest-Jones advised that he has aerial photographs, which are available to those who wish to view the properties with issues.

Mr. Ernest-Jones noted that he is not aware of any issue with planting a substantial hedge, to code, within one's own private property; however, when planted on the District's right-of-ways, it makes it impossible for the District to gain access to maintain the canals. He discussed a particular tree that is very close to the property line and noted that the District would work with the homeowner; the District is not unreasonable in these situations.

Mr. Ernest-Jones advised that the Board spent several years developing a very accommodating program for property owners adjacent to the canals. He discussed the recently completed Canal AA-BB Pilot Project and noted the support and cooperation of the residents and the permit process with the City. He noted that about half of the homes were code compliant, with regard to the right-of-ways and no action was required; those with issues willingly participated in the clearing project.

Mr. Hulett pointed out that the initial letter sent to Canal Z residents did not contain the list of options available. He explained that Option 1 is for the property owner to clear the encroachments at their own expense, Option 2 is for the District to clear the property at its expense and Option 3 involves allowing certain negotiated items to remain, if the property owner is willing to take responsibility for damage caused by those items that are not removed. Mr. Hulett acknowledged that the Canal Z matter is somewhat unique in that the property owners along the south side reside within the CSID. That being said, Mr. Hulett reminded everyone that this is a main drain canal and it is critical to the system. From Tropical Storm Issac, the District

found that its pump stations can pump more water than can go through the canal. The West Basin is a low area and other neighborhoods are prone to street flooding; there was street flooding in the Westchester area. He explained that if the main drain canals can be properly cleared, maintained and excavated, the District will be able to pull water more quickly and eliminate flooding. He emphasized that the main function of the District is flood prevention; it is the reason the District exists. Mr. Hulett stated that the Board is obligated to address these issues.

Mr. Ernest-Jones mentioned comments in an email implying that a road was to be built along the right-of-way and stressed that the writer's information was not correct or fact-based.

**THIRD ORDER OF BUSINESS****Citizens' Requests**

Mr. Jim Gerdeman, 11337 NW 21<sup>st</sup> Court, indicated that the presentation alleviated some of his concerns and the rumors. He stated that he is a 30-year resident. He discussed the ficus trees that were lost in Hurricane Wilma and how, afterwards, he tried to create a beautiful area for wildlife, etc. Mr. Gerdeman voiced his sadness but understanding that his plantings must be removed. His observation was that the District is not only planning to dredge the canal but also widen it to nearly twice its current width. He stated that he understands the District's desire to utilize its property, noted that he does not want to do anything that prevents the District from getting water out and questioned if the canal depths will be increased, in addition to the widening.

Mr. Ernest-Jones replied affirmatively, stating that the canals will go from approximately 37 to 47 feet wide, a 25% increase. The depth will be increased three (3) to four (4) feet.

Mr. Hulett assured Mr. Gerdeman that Staff will contact him and work with him prior to taking any action; Mr. Gerdeman will have options, just as property owners in the pilot project had. Mr. Gerdeman voiced his appreciation.

Mr. Gerdeman recalled utilization of a barge after Hurricane Wilma and questioned the type of equipment currently being used and its wide turning radius.

Ms. Regina Lendianara, 11031 NW 21<sup>st</sup> Place, voiced her understanding of the District's needs and their desire to provide the best for the residents of Coral Springs. She stated that she feels she is being placed in a political arena where she reads one thing but is being told another. She attended a Coral Springs Commission Meeting where this matter was discussed, yet, today,

she is hearing that the District's improvements are not going to be at the resident's expense. Ms. Lendianara contended that she holds a letter which states that the project will be at the resident's expense. Ms. Lendianara read from the letter in her possession:

*"If the property owner fails to remove noticed items within 30 day period, the Sunshine Water Control District will remove the noticed items while reserving the right to do so at the property owner's expense."*

Ms. Lendianara stated that these are property owners and they have the right to safety for their families, they have the right to privacy and the right to security. She indicated that there are condos and apartments on the other side of the canal and those residents have thrown stones at children in her neighborhood and they throw random things across the canal. Ms. Lendianara argued that she has the right to protect her family and, in doing so, she has a fence.

Ms. Lendianara noted that there are stakes in the ground along the canal and asked what they mean. She questioned if it means she will lose the property on the other side of the stake, noting that she has maintained it for the past five (5) years. Ms. Lendianara advised that she does not have bushes, only a fence and asked who will pay to remove her fence. She informed the Board of her current financial condition and the economic hardships that she, and the residents of Coral Springs, have endured. She voiced her hope that the voters will change that in November and that the District will also change its position.

Mr. William Stone, 3506 Brokenwoods Drive, indicated that he does not reside anywhere near Canals AA-BB or Z; he is totally unaffected by this current issue. He asked if this is the District's plan of action, which will be rolled out canal by canal. Mr. Stone mentioned that he watches the Coral Springs Commission Meetings and noted the disparity of opinions on how much communication there is between the District and the City of Coral Springs. He voiced his opinion that both the District and the City believe that they are communicating well; however, the level of conflict makes it quite evident that there is a huge communication problem.

Mr. Hulett acknowledged that the Canal Z letter was an obsolete version that did not clearly explain the program and the options. He assured Ms. Lendianara that removal is at the District's expense and that staff will meet with her, prior to taking any action. Mr. Hulett advised that the District has worked closely with the Mr. Westfall, the City Forester, in conjunction with the Canal AA-BB project and was of the belief that Mr. Westfall was informing his superiors of what was happening. Mr. Hulett confirmed that the District pulled all necessary

tree permits and paid tree mitigation to the City, as calculated by City staff. He reaffirmed the District's belief that communications with the City ran smoothly and speculated that the problem may be related to residents attending a Commission meeting where Commissioners were not as fully informed about the project as they could have been. Mr. Hulett thanked Mr. Stone for his suggestion and assured him that the District will be certain to have better communication with City staff.

Regarding the scope of the project, Mr. Hulett confirmed that this will be a District-wide program but will be completed in parts, as the area is too large to address at once. The most critical canals are being addressed first. Due to the right-of-way issue being ignored for so many years, Mr. Hulett acknowledged that the Board anticipated resistance from the community; however, the project is absolutely necessary.

Mr. Nick Olano, 2179 NW 115<sup>th</sup> Lane, recalled comments about the canals being neglected for 46 years and asked what happened to the tax money that was collected to pay for the maintenance. He contended that this project will cause the property values of all properties along the canal to "go down the drain". Mr. Olano assured the Board that he will go to the City of Coral Springs, or whoever is paying the District's bills, to find out who is paying the bills and with whose money and how the money was used. He found it a tremendous lack of creativity, understanding and knowledge that, in this time when technology is available, that machinery that would have been used in 1950 is being used now, rather than something more adequate for the times.

Mr. Dan Clark, 10772 La Placida Drive, recalled previously addressing the Board regarding his concerns about flooding in his neighborhood. He stated that the District indicated there was no concern; however, it now states that the canals have not been cleaned in 40 years. Mr. Clark stated that his canal is completely silted in and is not nearly as deep as it used to be. He voiced his feeling that this project is needed, as the District's infrastructure cannot move the water to the pump stations. Mr. Clark discussed the conditions during Tropical Storm Issac and suggested that what will impact property values is when the community is "butt-deep" in flood waters. He asked when his canal will be cleaned and stressed the need for the District to take action now.

Mrs. Stephanie Clark, 10772 La Placida Drive, noted Mr. Ernest-Jones' comment that the canal banks would be sodded after work was completed; however, the Coral Springs Drive area

was not sodded all summer. She contended that dirt and sand was allowed to run into the canals during the rainy season. Ms. Clark voiced her opinion that the District is receiving federal money to complete the dredging project but is not using best management practices (BMPs). She recalled inviting the District and the City to attend a Watershed Coalition meeting years ago, as she feels that the District should understand what a watershed manager should be doing.

Ms. Clark scoffed at Mr. Wrathell's comment, at the previous meeting, when he likened the \$198 assessment to the equivalent of flood insurance but, rather than paying for flood insurance, the resident is paying for a drainage system that provides the function of avoiding flooding.

Ms. Clark advised the District that she is watching them and questioned why she had to contact the state because the District is not using turbidity curtains.

Mr. Hulett noted that there was a brief turbidity issue at Culvert W-55 but it was addressed within 30 minutes; additional turbidity screens were installed and the state was satisfied with the District's action. Mr. Ernest-Jones explained that the situation was exacerbated by a three (3)-inch rainfall during construction; the contractor resolved the matter immediately.

Mr. Rick Schwartz, 2153 NW 115 Lane, stated that, in the 26 years he has lived in Coral Springs, the District never once sent him information about what and where he could plant. He indicated that his trees are 27 feet from the canal edge and the District's stakes are approximately 50 feet from the edge. Mr. Schwartz questioned if 50 feet is normal.

Mr. Ernest-Jones presented pictures of Mr. Schwartz's property and explained the work to be performed in that area. In response to Mr. Schwartz's question regarding whether the trees must be removed, Mr. Ernest-Jones suggested that they meet on site to evaluate it.

Acknowledging that he draws irrigation water from the canal, Mr. Schwartz noted that, periodically, he must contact his sprinkler contractor, when the pipes are broken by the boat that cleans the canal. He asked if the District will replace irrigation pipes and sprinklers as part of the right-of-way project and tree removal.

Mr. Hulett pointed out that, as a courtesy, the District allows residents to draw irrigation water from the canal; however, it is not mandated. Referring to Mr. Schwartz's comments about lack of communication, Mr. Hulett indicated that the District is embarking on improving communication by way of semiannual newsletters and through the website. He explained the various districts operating within the City and their respective responsibilities.

Mr. Schwartz reminded the Board that Coral Springs is a special city and anything that can be done to make things easier on the residents would be helpful and communication is the key. Mr. Hulett reaffirmed the District's intention to communicate better and voiced his opinion that, once the Canal Z residents have come through this experience, just as with the Canal AA-BB residents, they will find that it was not as bad as they anticipated.

Regarding the District's newsletter, Mr. Paton pointed out that residents of CSID will not receive it, as they live in a different district; however, they can view it on the website.

Mr. Mike Saltzman, 10763 NW 21<sup>st</sup> Place, recalled attending the last meeting and questioning if there would be more communication between the City and the District. Mr. Saltzman presented a copy of a letter addressed to Mr. Wrathell, from the City of Coral Springs, regarding the upcoming project and requesting a District representative's attendance. Mr. Saltzman asked if someone from the District would attend the meeting. Mr. Paton replied no. Mr. Saltzman asked why. Mr. Paton indicated that the District chose not to attend this meeting.

Mr. Hulett explained that the District responded to the City Manager's letter and advised him that the District would consider whether it is appropriate for a District representative to attend a future Commission meeting or if communication would be better served in another way, such as a workshop. Mr. Hulett noted recent harsh comments made by certain Commissioners who were speaking without a full understanding of the project. He confirmed that the District has communicated with the City, noting that the City Forester was assigned to work with the District and he has had full knowledge and understanding of everything the District has done, along the way; the District was of the assumption that the information was passed up to the Forester's superiors.

Mr. Saltzman provided copies of various statutes and the City's comprehensive plan and its land development code. He stated that the City has oversight authority over the District because its boundaries fall within the City and that the law requires the District to cooperate with the City. Mr. Saltzman contended that the District's receipt of an official letter from the City, requesting attendance at the Commission meeting, mandates that someone attend. Mr. Saltzman stated that, according to statute, the District's water control plan must comply with the City's comprehensive plan and that the finalized plan must be submitted to the City for its review. He asserted that, to date, there is no evidence that the District's plan was submitted to the City. Mr. Saltzman advised that he requested the plan and the document contains no mention of widening



Canal Z. He declared that the City has no knowledge of plans to widen Canal Z and suggested that the District has not obtained permits.

Mr. Ernest-Jones advised that the permits were obtained for Canal AA-BB and Canal Z will be submitted shortly.

Mr. Runge, 11764 NW 31<sup>st</sup> Street, noted that he is a resident of the Westchester area, which recently experienced flooding issues due to the tropical storm. He apologized to the Canal Z residents who might be affected by the work that is needed but asked them not to forget about him. Mr. Runge stated that he is not against the project. He questioned why the District cannot dredge the canal using a barge.

Mr. Runge challenged comments that Canal AA-BB residents are happy with the work completed. He stated that the majority are not happy and accused the District of misrepresenting the residents' feelings. Mr. Runge insisted that the District brought Mr. Rodney Fitzpatrick, a resident, to the last meeting to speak positively of the District.

Mr. Runge disputed the comment that the City Forester, Mr. Westfall, was aware of the Canal Z project and stated, for the record, that Mr. Westfall was blindsided by the District. He voiced his dissatisfaction regarding the number of trees removed along Canal AA-BB and proclaimed that the District is destroying the environment and habitat. Mr. Runge alleged that, after ruining the environment, now the District will be dredging from a barge.

Mr. Ernest-Jones reminded Mr. Runge of the importance of not putting words in the District's mouth. He corrected Mr. Runge, indicating that some work will be by barge and some will be by bank access.

Mr. Runge acknowledged that his property is not yet part of one of the District's projects but he is speaking now because he is upset about removal of trees. Mr. Runge urged the District to consider other options; he feels that the District is not being original in its approach.

Mr. John Raper, 10837 NW 21<sup>st</sup> Place, reminded the Board that Canal Z residents are working or retired people who have put a lot of money and effort into their property backing up to the canal. He claimed that unspeakable things happen at the condos and apartments on the other side of the canal that one would not want children to see, such as people urinating and smoking marijuana. Mr. Raper recalled that, during Hurricane Wilma, ficus and Australian pine trees blew over. He noted that the District had the trees removed but left stumps. Mr. Raper stated that he planted palm trees to block things such as SWAT Team actions on the other side of

the canal. He questioned if the Board would like their daughters to see these things, hear the language and be subjected to the guns that are being fired across the canals. Mr. Raper advised that the Canal Z residents are upset about the conditions across the canal.

Ms. Ramona Harris, 11273 NW 21<sup>st</sup> Place, asked why nothing is being done west of Coral Ridge Drive, only east of it. Mr. Donahue displayed a map of Canal Z and explained that the canal, west of Coral Ridge Drive, is already approximately 50 feet wide. Ms. Harris and several in the audience argued that the width looks the same. Mr. Hulett called the audience back to order. Mr. Donahue finished his comment, stating that Canal Z is narrower on the east.

Ms. Harris pointed out an area where trees are hanging over the canal and asked if the District is okay with that because that area is Eagle Trace. Mr. Hulett responded that the right-of-way process will apply to everyone living along the canal, regardless of neighborhood. Mr. Hulett explained that Canal Z is not being widened west of Coral Ridge Drive because it is already wide enough; the canal to the east is half to three (3)-quarters the size and is impeding water flow.

- ***Permit Application Review: 8859 NW 44<sup>th</sup> Court, Wolf – Fence***  
***\*\*\*This item, previously Item 10Bi., was presented out of order.\*\*\****

Mr. Donahue recalled Mr. Eric Wolf's attendance at the last meeting and his fence request. Mr. Donahue noted that Mr. Wolf's property is unique in that it extends into the canal; however, there is a 40-foot lake maintenance easement around the lake.

Mr. Donahue explained that Mr. Wolf wishes to extend a fence on both sides of his property, extending all the way to the water line. Last month, Mr. Wolf was directed to submit a permit application and to include gates on both sides of the fence, for access. Mr. Donahue reviewed the permit application, the suggested special conditions and recommended approval and waiver of the usual trash bond.

Noting that it is higher than the City, Mr. Wolf questioned the District's \$350 permit application fee and why he must pull a permit when his request was originally for a letter of no objection, which costs nothing. Mr. Wolf voiced his displeasure with being required to complete the permit application forms and pay the District's fee, in addition to the City's fee. He stated that, when he contacted the City, they were not aware of any permit requirements relating to the District; the City simply wants a letter of no objection before it will issue its permit.

Mr. Wolf asked the District if the \$350 permit application fee could be waived.

Mr. Donahue explained that the City and the District are two (2) separate jurisdictions and the District maintains a permit application manual listing the associated fee. Mr. Hulett pointed out potential problems with future requests if the District waives the fee now.

Mr. Wolf questioned what the fee pays for. Mr. Donahue explained the permit application process and the District Engineer's time and work related to reviewing and researching the request and preparation of the recommendation document. Mr. Donahue noted that, even though it is only a fence installation, the District Engineer inspects the completed project.

Mr. Wolf argued that the District Engineer's permit approval is no different than a letter of no objection, except he attended two (2) meetings and has to pay the fee.

Mr. Ernest-Jones explained that the process and duration for a letter of no objection is much shorter and, in this particular request, the District Engineer has expended a large amount of staff time attempting to accommodate Mr. Wolf's request. Regarding whether the permit application fee can be waived, Mr. Ernest-Jones pointed out that this request skews above the average regular permit request, as an enormous amount of time has been spent on it, far exceeding a normal permit request paying the \$350 application fee.

**On MOTION by Ms. Heafy and seconded by Mr. Hulett, with all in favor, the permit application for 8859 NW 44<sup>th</sup> Court, Wolf – Fence, subject to the special conditions contained in IBI Group's recommendation letter, was approved.**

Mr. Ernest-Jones recommended to the Board that the District may wish to consider charging for letter of no objection requests.

**FOURTH ORDER OF BUSINESS**

**Ratification of Agreement for Engineering Services with IBI Group (to be provided under separate cover)**

Mr. Paton presented the Agreement for Engineering Services with IBI Group for ratification. He explained that the new agreement facilitates the transition from Rhon Ernest-Jones/IBI to IBI Group, as District Engineer.

Mr. Capko indicated that this clarifies and updates the agreement with the correct name of the District Engineer and the relationship of Mr. Ernest-Jones and IBI Group. It further restates that IBI Group will honor all items in the 2008 contract.

**On MOTION by Ms. Heafy and seconded by Mr. Hulett, with all in favor, the Agreement for Engineering Services with IBI Group, was ratified.**

**FIFTH ORDER OF BUSINESS**

**Continued Discussion: ICMA-RC Retirement Plan Amendment**

• **Notification Letter**

Mr. Paton indicated that, per the Board’s direction at the last meeting, the District’s Retirement Plan was amended to change the normal retirement age to 59½ and allowing for an in-service distribution option at 59½.

**On MOTION by Ms. Heafy and seconded by Mr. Hulett, with all in favor, the ICMA-RC Retirement Plan Amendment, changing the normal retirement age to 59½ and allowing for an in-service distribution option at 59½, was approved.**

**SIXTH ORDER OF BUSINESS**

**Update: Newsletter**

Mr. Hulett presented the newsletter. He noted that the Culvert Replacements item, on Page 2, should be changed to the past tense, as the project was completed.

• **Nonresident Recipient List**

Mr. Hulett asked that field employees be added to the list, as well as Mr. Engle, with the City of Coral Springs Parks and Recreation Department and the City’s Communications & Marketing Manager. It was suggested that all North Springs Improvement District (NSID) Supervisors receive the newsletter. The Board asked that the non-district residents, along Canals Z and A, be added to the list.

**SEVENTH ORDER OF BUSINESS**

**Letters to Gas Station Owners Affected by District Project**

Mr. Hulett presented the letters to gas station owners affected by the partial closure of Coral Ridge Drive. Mr. Paton explained that the letters were sent in response to letters from the Shell Station at Lakeview and Coral Ridge Drive and the Mobil Station at Royal Palm Boulevard and Coral Ridge Drive. Both claimed that their business was interrupted by the road closure and requested compensation for their loss of business. Mr. Paton indicated that the District will not provide compensation and noted that access to both stations remained open during construction.

**EIGHTH ORDER OF BUSINESS**

**Approval of September 12, 2012 Public Hearing and Regular Meeting Minutes**

Mr. Hulett presented the September 12, 2012 Public Hearing and Regular Meeting Minutes and asked for any additions, corrections or deletions. The following changes were made:

Line 54: Add “construction” after “under”

Line 507: Insert “for the generator enclosure” after “wall”

Line 620: Delete “never”

Line 622: Insert “also due to the permanent generator being offline and a substitute generator being used” after “stations”

Line 644 through 645: Beginning with “District” change to “District’s number of assessable units decreases, what is the impact on bond assessments.”

**On MOTION by Ms. Heafy and seconded by Mr. Hulett, with all in favor, the September 12, 2012 Public Hearing and Regular Meeting Minutes, as amended, were approved.**

**NINTH ORDER OF BUSINESS**

**Supervisors’ Communications**

Ms. Heafy stated that she is perplexed by the City’s interpretation of the right-of-way project.

Discussion ensued regarding the City’s recent mailing regarding proposed changes to the land development code related to fence installations on District right-of-way property. Mr. Capko indicated that this issue and the likely change relates to CSID. He explained that a landowner asked to install a fence partially in CSID’s right-of-way. CSID previously did not

allow it but later agreed, with execution of an indemnification agreement. The landowner then attempted to obtain a permit from the City, which was denied, as she was not the fee owner of the property where the fence was being installed. Mr. Capko indicated that he and a CSID Board Member had a meeting with the City to seek an amendment to the fence ordinance, to allow for a fence, if CSID agreed. He confirmed that the intent of the ordinance change was not to preclude the resident installing a fence on District property, if approved by District.

Mr. Hulett discussed his concern with the proposed change, in that the decisions are with the various districts, when it is their right-of-way; furthermore, the City may later change the ordinance, creating issues with neighboring property owners when one is not allowed to do what another was able to do. In response to Mr. Hulett's concerns, Mr. Capko explained that, without the change, the districts do not have decision-making power; right now, a district could approve it but the City ultimately could not allow it, even if they wanted to, as the request would violate the current ordinances. Mr. Capko advised that the change enables the City to issue a permit, when a district allows something to be done. Mr. Hulett questioned if the change would allow the City to issue a permit without the resident first obtaining the District's approval. Mr. Capko replied no, the City would require written permission from the District.

Mr. Paton questioned the potential fallout if CSID allows fences in the right-of-way but the Sunshine District does not. Discussion ensued regarding the options available to residents during the project. Mr. Capko pointed out that, without the ordinance change, the District's ability to ever allow a fence in the right-of-way is taken away. Currently, anyone who has a fence in a right-of-way is in violation of City code, regardless of whether the District is okay with it.

Discussion ensued regarding the 25 feet from the water line distance identified in the ordinance. Mr. Ernest-Jones suggested that the ordinance wording should be changed to state 25 feet from the top of the bank.

Mr. Hulett questioned how all of the illegal fences were allowed to be built, if they violate the City's ordinance and asked where the City's code enforcement has been for all of these years. Mr. Paton pointed out that, during the Canal AA-BB Project, there were several fences for which the resident applied for a permit but it was never inspected and the permit was never completed; hence, the fence permit was never approved. Mr. Paton noted that, per code, a person cannot put a fence on other people's property, but somehow they did. Mr. Ernest-Jones

indicated that, over the past few years, the City has been more diligent in forwarding fence requests requiring the District's input.

Mr. Hulett voiced his opinion that the District should inform the City of its opposition to the ordinance change. He feels that no fences should be allowed in the right-of-way. Mr. Hulett reiterated his position that the District should state its opposition to permitting fences on a District right-of-way.

Mr. Paton asked Mr. Capko if our position puts District Counsel in a difficult situation with his representation of CSID. Mr. Capko stated that he is not troubled but recommended that, in this instance, the response should come from the District Manager's office. Mr. Capko noted the possible confusion if the City received two (2) letters from him; one (1) on behalf of CSID, in support of the ordinance change, and the other from the Sunshine District, opposing the change. Mr. Hulett directed District Management to prepare a response to the proposed City Ordinance change by October 15.

Regarding the City's request for a District representative to attend the October 16, 2012 Commission meeting, Mr. Hulett voiced his opinion that the District should not attend, as he did not feel that the environment would be the proper venue to present our position. Mr. Hulett pointed out that Commissioner Bocard called the District's project senseless, without having any basis of fact or information. Mr. Hulett was agreeable to participate in a workshop between the District, the City Commission and staff, at a neutral location. He wants the Commission to understand the reasons underlying the projects.

Regarding the City and Commission's allegations of the District not communicating with them, Mr. Hulett pointed out that the City already approved a permit for the East Outfall clearing. Mr. Hulett stressed the amount of time the District spent prior to implementing the clearing project and the Board's consideration of the residents and their concerns. To that end, he does not appreciate the Commission's actions, when they do not know the details to which they are speaking.

Mr. Paton recalled initial resident resistance to the Canal AA-BB Project but, contrary to Mr. Runge's statements, after meeting individually with the property owners, there was consensus and support for the project. Mr. Paton noted that, after the field visits were made, no Canal AA-BB residents have attended meetings or sent letters complaining of the project. Mr. Paton suggested inviting City Commissioners to join staff during their individual field meetings

with the Canal Z property owners to better understand the communication and informational process that the District follows.

Mr. Selchan speculated that the main difference between the Canal AA-BB and the Canal Z projects is the Canal Z residents' discontent with being exposed to the rental and subsidized housing on the other side of the canal. Mr. Hulett noted that he walked the canal bank and was pleasantly surprised by the good condition of the buildings; there is not a lot of trash, no abandoned vehicles, it is well kept and looked good. Mr. Hulett pointed out that code enforcement or the other issues mentioned by Canal Z residents regarding the happenings at these particular buildings are problems for the City of Coral Springs to address.

Mr. Hulett stressed that the District must have reasonable access to its right-of-way for routine maintenance and for these projects; the District will do its best to accommodate residents, up to the point that does not impede the District's ability to do its job and ensure that the canals flow properly.

Mr. Hulett recalled that fence encroachment reminder letters were to be mailed to Canal AA-BB residents and asked for an update. Mr. Paton advised that the letter to those who have failed to respond to removal of illegal fences is being drafted.

Mr. Hulett asked that Management discuss the invitation to attend the City Commission meeting with Mr. Morera to determine his position on the matter.

## TENTH ORDER OF BUSINESS

### Staff Reports

#### A. **Attorney: *Lewis, Longman & Walker, P.A.***

Discussion ensued regarding the October 9, 2012 email correspondence received from Mr. Rick Thomas, [rickthomas402@yahoo.com](mailto:rickthomas402@yahoo.com). The Board noted that the email was not factual and contained false information. Mr. Paton indicated that he was told that the letter referenced in the email was placed on front doors along NW 21<sup>st</sup> Place.

#### B. **Engineer: *IBI Group***

##### i. ***Permit Application Review: 8859 NW 44<sup>th</sup> Court, Wolf – Fence***

This item was discussed earlier in the meeting.

##### ii. ***Permit Application Review: 2291 Coral Ridge Drive, Coral Springs, FL Arcadis - Installation of Monitoring Well in Canal Z ROW***



Mr. Donahue presented a permit application request for the Mobil Station at the above referenced address. He explained that the Broward County Pollution Prevention, Remediation and Air Quality Division is requesting the installation of one monitoring well south of Canal Z to confirm groundwater impacts do not extend past the site boundaries. In anticipation of the Canal Z widening project, the District Engineer recommended to the consultant that the monitoring well be placed in the southerly 20 feet of the Canal Z right-of-way.

Mr. Donahue recommended issuance of the requested right-of-way permit to the applicant with special conditions, including that the monitoring well be constructed in the south 20 feet of the Canal Z right-of-way, the applicant acknowledges that the District is scheduled to widen the south side of Canal Z and this area will be subject to heavy construction equipment and the District will not be held responsible for any damage to the well and that the applicant provide the District with copies of all monitoring results and reports submitted to the county.

Mr. Hulett questioned why the monitoring well is being installed on the south side, rather than on the north side, next to the gas station. Mr. Donahue explained that the location is a requirement of the county to determine if there is a plume of pollution moving across the canal. Mr. Paton asked if the canal would absorb any of the pollution. Mr. Ernest-Jones replied no, it enters the groundwater underneath the canal. Mr. Hulett asked if the gas and oil would float on top of the canal water. Mr. Hulett voiced his opinion that, if they are trying to see if pollution is running into the canal, it would be better to place the monitoring well on the station side of the canal. Mr. Ernest-Jones explained that the monitoring well is to monitor groundwater, not the canal water. Mr. Donahue stated that the purpose of the location is to determine if, and how far, the plume extends.

Mr. Paton questioned if the District can seek compensation from the Mobil Station for allowing the well to be constructed in the District's right-of-way, since the station is seeking compensation for loss of business during the recent road closure. Mr. Donahue stated that the county is requiring the Mobil Station property owner to install the well.

**On MOTION by Ms. Heafy and seconded by Mr. Hulett, with all in favor, the permit application for 2291 Coral Ridge Drive, Coral Springs, FL Arcadis - Installation of Monitoring Well in Canal Z ROW, subject to the special conditions contained in IBI Group's recommendation letter, was approved.**

**iii. Permit Application Log**

This item was included for informational purposes.

**iv. Monthly Engineer's Report: 09/04/12 to 10/03/12**

Mr. Ernest-Jones indicated that discussions continue regarding the Cumber Professional Plaza permit application and the possibility that they could purchase additional retention from the District at a cost of \$80,000, in lieu of having on-site retention.

- **Pump Station Update**

Mr. Ernest-Jones detailed the work related to the vibration problem. He stated that MWI was advised that their intended solution was not acceptable to the District. The causes of the vibration are still being determined and an estimate is being obtained from a specialized consultant, as Mr. Ernest-Jones is not comfortable relying on MWI's specialist.

The punch list of items for the pump station projects is being finalized. Mr. Ernest-Jones advised that a large sum of money is being held from MWI and will not be released until all issues are resolved; furthermore, he will not certify the pump stations until all matters are satisfactorily resolved.

Mr. Donahue stated that Pump Station #1, THE HEAFY, is nearly finished.

In response to a question, Mr. Ernest-Jones confirmed that the old pumps are no longer on site.

Mr. Donahue advised that the dedication plaques are being finalized. He indicated that 16" x 20" is the standard size. He reviewed pricing for various sized signs from different vendors. Bronze is recommended. The estimates do not include installation or transportation. The low bidder was Century Bridge and Engraving.

**On MOTION by Ms. Heafy and seconded by Mr. Hulett, with all in favor, the purchase of two (2) 16" x 20" pump station dedication plaques, from Century Bridge and Engraving, in the amount of \$843 each, was approved.**

Mr. Donahue discussed estimates for placing the names on the pump station buildings. He recommended 12" lettering and discussed the location on the buildings. Estimates are being obtained. Mr. Donahue explained that the building lettering will require a permit from the City but the dedication plaques will not.

Mr. Hulett asked Mr. Selchan if he had a chance to run the generator at Pump Station #2, THE SELCHAN. Mr. Selchan replied no, stating that the intake manifold is not in place due to work was being completed on the exterior wall; the generator cannot be used yet. Once the wall work is completed, the generator can be tested. Mr. Hulett questioned what they will do if the power goes out. Mr. Selchan stated that he would access the generator and start it; the contractor indicated that the generator is operational but he has not started it.

Recalling that both FPL transformers may be undersized for the District's needs, FPL was contacted, to install additional monitoring on the transformer and will determine what is causing the problem.

- **Culvert W-55 and W-56 Update**

Mr. Ernest-Jones discussed issues with the Culvert W-55 road closure, primarily related to residents not believing that the road was closed and causing traffic backups. Road closure on Coral Ridge Drive was completed on September 26 and partial road closures have been in effect on an as-needed basis for completion of canal work and roadway restoration. He noted that a lot of cleanup work remains. He reiterated that the aforementioned turbidity issue was quickly addressed and remedied almost immediately.

The Canal AA-BB restoration plans and bid documents will be advertised, with the bid opening in early November. Discussion ensued regarding the restoration project, including the type of equipment that might be used. Mr. Selchan stated that the contractors he spoke to indicated that they would drain the canal in order to perform the work; none felt they could dig the hard rock from the bank or a barge. Additional discussion took place. Mr. Hulett directed Mr. Ernest-Jones to prepare a recommendation of how he feels the job should be completed, regardless of the methods that might be proposed by the contractors.

Mr. Donahue advised the West Outfall Canal was identified as a high priority for restoration dredging and deepening. As a result, a detailed survey from THE SELCHAN to Canal Z is needed. A proposal of \$25,000 for the survey and \$6,000 to prepare a record of survey for three (3) bridge crossings was obtained from David & Gerchar, Inc. Mr. Donahue stated that the price is consistent with their pricing dating back to 2008.

Mr. Hulett felt that it is premature to complete the survey now and advised waiting to a future date.

- **Coral Ridge Drive Over West Outfall Canal Update**

***\*\*\*This item was presented out of order.\*\*\****

Mr. Donahue discussed the Coral Springs Drive bridge over the west outfall canal. There is obvious erosion, underneath the bridge that has restricted the canal. The Broward County Highway & Bridge Maintenance Division (BCH&BMD) has been cooperative. Mr. Donahue, Mr. McKune and Mr. Selchan met with Mr. Andre Slintak, of BCH&BMD, who noted the erosion on both sides of the canal and the resulting buildup of material. Mr. Slintak agreed that dredging would be required, as well as stabilizing the embankments. Mr. Slintak located the original design plans and will meet with the District Engineer. Mr. Slintak will coordinate the repair project with a county contractor, with work taking place during the dry season, December through May.

- **Canal AA-BB Vegetation Removal Update**

***\*\*\*This item was presented out of order.\*\*\****

Mr. Hulett asked the status of the Canal AA-BB right-of-way program. Mr. Donahue stated that all tree clearing was completed and stump grinding is nearly finished. The areas will be sodded shortly and a site walk will be done. Mr. Hulett verified his desire that Mr. Westfall be included on the walk through.

- **East Outfall Vegetation Removal Update with Proposal**

***\*\*\*This item was presented out of order.\*\*\****

Mr. Donahue presented a proposal from All County Tree & Landscape Co., Inc., of \$19,200, for the East Outfall clearing work by the Coral Springs Christian Academy. Mr. Donahue advised that Mr. Westfall approved the tree permit. Mr. Westfall informed Mr. Donahue that, due to the density of the area, not much will be salvageable; therefore, he estimated that the tree mitigation costs will likely be less than \$1,500. Mr. Donahue confirmed that Mr. Westfall cannot actually issue the permit until the contractor is assigned.

Mr. Hulett asked if the price is similar to that of the other area. Mr. Donahue stated that the level of work is not comparable. The Canal AA-BB work involved removal of scattered trees, in the open; however, this is an extremely densely vegetated area with a narrow work area of about 12 feet, which makes it much more difficult. In response to Mr. Hulett's question, Mr. Donahue stated that the price is fair and suggested proceeding with this proposal. Mr. Donahue recommended obtaining bids for future work.

Mr. Paton noted that the school agreed to maintain the right-of-way area, once it is cleared.

**On MOTION by Ms. Heafy and seconded by Mr. Hulett, with all in favor, the All County Tree & Landscape Co., Inc., proposal for tree clearing along the East Outfall Canal west bank, in a not-to-exceed amount of \$19,200, was approved.**

Mr. Ernest-Jones reported that, at its September 20, 2012 meeting, the Broward County Water Advisory Board recognized FASD's recent selection of the District as their District of the Year and asked him to extend their congratulations.

Mr. Ernest-Jones announced that the District's pump station replacement project was awarded the Project of the Year by the Broward County Branch of the American Society of Civil Engineers.

- **West Outfall Canal Survey Proposal**

This item was discussed as part of the update on the Coral Ridge Drive over West Outfall Canal.

Brief discussion ensued regarding the lack of air conditioning, water and coffee at tonight's meeting facility, all of which are normally available.

**C. Field Supervisor: *Cory Selchan***

Mr. Selchan presented the chemical bid tabulation sheet, indicating that the low bids are highlighted in yellow and recommended accepting the low bid for each chemical, while reserving the right to use the products that work best for the District. Mr. Selchan noted that the list contains a few new chemicals that the District has never used.

Mr. Selchan reported that 18.72 inches of rain was received in August and 9.72 was received in September. For the year, rainfall is already at 68.19 inches; the yearly average is approximately 67 inches.

Mr. Selchan will attend the upcoming FASD meeting.

**D. Manager: *Wrathell, Hunt & Associates, LLC***

- i. **Unaudited Financial Statements as of August 31, 2012**

Mr. Paton presented the Unaudited Financial Statements as of August 31, 2012 and the unreconciled cash balances. He pointed out that assessment collections are at 102%, which means that some did not take advantage of the 4% early pay discount.

**On MOTION by Ms. Heafy and seconded by Mr. Hulett, with all in favor, the Unaudited Financial Statements as of August 31, 2012 were approved.**

**ii. NEXT MEETING DATE: November 14, 2012 at 6:30 P.M.**

Mr. Paton indicated that the next meeting will be held November 14, 2012.

**iii. Pump Station Dedication**

- **Prospective Dates**
- **Potential Invitees**

This item was deferred to the next meeting.

Mr. Hulett asked Management to contact the City of Coral Springs to verify the reason for the change in the meeting room amenities, mainly, the absence of air conditioning, water and coffee, all of which were standard until this meeting.

Mr. Hulett asked if the North Springs Improvement District (NSID) meets at CSID's facilities. Mr. Selchan replied affirmatively; however, they will relocate to their new facility. Mr. Hulett voiced his understanding that Commissioner Larry Vignola proposed implementation of a fee for the District to use the current meeting facilities. Mr. Selchan noted that Commissioner Vignola's motion did not receive a second. The Board noted his presence, as an audience member, at tonight's meeting.

Mr. Hulett voiced his support for a workshop with the City Commission and City staff to detail the District's plans and remind them that the District could have approached this differently but did not, as the Board is considerate of the residents. He stated that he does not appreciate the criticism of our Board from Commissioners who seem uninformed about the project.

Mr. Hulett directed Management to notify the City that, based on negative comments being made by City Commissioners, the District does not intend to send a representative to the upcoming Commission meeting.


Ms. Heafy pointed out that a member of the press was in attendance tonight.

Regarding the overall project, Mr. Ernest-Jones felt that, when a presentation is made, including aerial photographs, much of the tension is diffused. For the record, Mr. Ernest-Jones voiced his opinion that Mr. Runge has other motives and that he related statements not based on facts. He feels the same about whoever wrote the October 9, 2012 email received from Mr. Rick Thomas.


**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned at 9:42 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair