

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, November 14, 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:

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| David Hulett | President |
| Joe Morera | Vice President |
| Emily Heafy | Secretary |

Also present were:

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| Craig Wrathell | District Manager |
| Doug Paton | Wrathell, Hunt and Associates, LLC |
| Matt Adika | Wrathell, Hunt and Associates, LLC |
| Terry Lewis | District Counsel |
| Cory Selchan | Field Superintendent |
| Rhon Ernest-Jones | District Engineer |
| Tom Donahue | District Engineer |
| John McKune | McKune & Associates |
| Dean Hitsos | Corporate Benefit Advisors |
| Jackie Martell | Corporate Benefit Advisors |
| Robert M. Rose | CSID Resident |
| Joseph and Melba Closs | Residents |
| Jim Gerdeman | CSID Resident |
| Joe Croce | CSID Resident |
| Nicholas Olano | CSID Resident |
| Mike Saltzman | CSID Resident |
| William Herman | CSID Resident |
| Michael Goldberg | CSID Resident |
| Geri Newman | CSID Resident |
| Sonia Pomalaza | CSID Resident |
| Steve Justin | CSID Resident |
| Gary Rung | CSID Resident |
| Stephanie Clark | Resident |
| Daniel Clark | Resident |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Hulett called the meeting to order at 6:30 p.m. For the benefit of those not familiar with the District, Mr. Hulett explained that the Sunshine Water Control District (SWCD) is an independent special district operating under the direction of the Florida Legislature, under Chapter 298. He further noted that, while the meeting was taking place in the City of Coral Springs City Commission Chambers, the Board is not appointed by the City of Coral Springs and does not report to, nor is it supervised by the Coral Springs City Commission.

Mr. Hulett stated that the Sunshine Water Control District was founded in 1963, on the same day as the City of Coral Springs. The District will be celebrating its 50th anniversary in conjunction with the City, next year.

Mr. Wrathell indicated, for the record, that Supervisors Hulett, Morera and Heafy were present, in person.

SECOND ORDER OF BUSINESS

Discussion: Canal Z

- **Status of Joint Workshop with City of Coral Springs**

Mr. Wrathell indicated that letters were mailed to property owners along Canal Z inviting them to attend today's meeting. He and Mr. Morera attended the City Commission meeting, several weeks ago, representing the District and, after much discussion, Mr. Wrathell feels that the Commission has a greater understanding of what the District is trying to accomplish and recognizes that much of the drainage system is in excess of 40 years old.

In an effort to gain appreciation of how the District plans to move forward, Mr. Wrathell presented a proposal to the Commission, which he indicated to them was not reviewed or approved by the full SWCD Board. Mr. Wrathell explained that, along Canal Z, in the areas where a 45-foot right-of-way exists, access is needed for the capital improvement program and on-going maintenance. The strategy is to relocate some of the vegetation to the top five (5) to ten (10) feet of the bank, to create a buffer. This will provide at least 25 feet for the District to implement the capital improvement program. The bottom ten (10) feet of the right-of-way will be used for canal excavation and widening. It was suggested that this concept be discussed at a joint workshop between the District and the City Commission, as the District Board desires to communicate and work with the Commission.

Mr. Wrathell pointed out that several Commissioners were pleased that he and Mr. Morera attended the meeting and that they looked forward to working with the District. A

courtesy copy of the follow-up letter that was mailed to Canal Z residents was also provided to the Commission, the City Manager and the City Attorney.

Mr. Morera noted that the Mayor was in favor of the joint workshop and, once the date is set, all affected residents will be invited to attend. Mr. Hulett inquired about follow-up from the City Manager's office regarding the workshop. Mr. Wrathell advised that his office contacted the City Manager's office and was advised that the workshop should be held after the election and upcoming holidays, in the beginning of 2013.

THIRD ORDER OF BUSINESS**Citizens' Requests**

Mr. Joseph Croce, 10771 NW 21st Place, stated that when he built his home in 2004, he cleared it completely, at his own expense. He has since planted palm trees and vegetation, which provide a buffer; he uses the District's property because he maintains it. Mr. Croce asked permission to install a fence on his property line, down to the canal. He indicated that, if necessary, he will go to the City Commission to fight to have the code changed. He expressed his understanding that the needs of the many far outweigh the needs of one and that he does not want his canal to be the cause of flooding elsewhere. Mr. Croce stated that none of the options provided are acceptable to him; he will not sign off on any of them.

Mr. William Herman, 2099 Classic Drive, stated that he, and most of his neighbors, planted ficus bushes, when the homes were built over 20 years ago. Mr. Herman asked if this is an area that the District plans to widen and if the bushes must be moved. He advised that relocation may not be possible and asked if the District plans to help with mitigation for new planting.

Mr. Wrathell explained that relocation will be for vegetation that the City Forester deems to be non-nuisance; the ficus hedge does not fit that category. Mr. Wrathell indicated that Option 2 was for the District to pay for removal of the ficus hedges. Mr. Herman asked if the District will pay to replace vegetation or if it is the homeowner's responsibility. Mr. Wrathell stated that the City's tree ordinance deems ficus to be a nuisance and does not require tree mitigation. Replacement was not mitigated, in the past; however, it can be considered. Under the existing policy, the ficus hedge can be removed at no cost to the property owner.

Mr. Herman asked if the canal will definitely be widened on the south side and how many feet back the new vegetation must be. Mr. Hulett stated that the canal widening will take

place on the east side of Coral Ridge Drive. The canal to the west is sufficient; it may be dredged but it will not be widened.

Mr. Herman commented about the security fence located on the south side of Coral Ridge Drive. He indicated that those desiring a short cut into Eagle Trace go around it and he requested that the fence be extended several feet, to increase security.

Mr. Selchan explained that the fence was there by permit of the Eagle Trace Association. He will contact the Eagle Trace Association Board President to express Mr. Herman's concerns and ask if the Association will extend the fence.

Mr. Robert Rose, 2112 Cherry Hills Way, indicated that he has lived on Canal Z since 1986 and the canal has been a sewer since he moved there. He installed a hedge to obstruct the view. Mr. Rose expressed concern regarding the District finishing the canal because it is an eyesore.

Mr. Selchan explained that the canal bank has a steep drop off. When the contractor finished, he planted Bermuda grass, which did not take well and quickly became overgrown. Many of the residents did not want to maintain the steep bank and the overgrown vegetation so they planted a hedge along the canal. Mr. Selchan acknowledged that it would be difficult for a homeowner to maintain the bank.

Mr. Mike Saltzman, 10763 NW 21st Place, recalled addressing the Board, in the past, with regard to certain discrepancies between what the City requires and what the SWCD requires of property owners adjacent to the District's canal system. Mr. Saltzman stated that City Code does not require him to maintain the District right-of-way to be free of obstructions; it requires that he maintain the property, which he and the other residents have done. He feels further clarification is needed regarding what maintenance entails.

Mr. Saltzman expressed his understanding that the District is allowing the property owners to retain a ten (10)-foot buffer. The City Code requires homeowners to landscape up to 30 feet beyond their property line. Mr. Saltzman stated that he does not understand why residents cannot keep that 30 feet and maintain it, as they have been. He indicated that the benefit to the homeowners for maintaining the District's property is that they have beneficial use of the property; however, if there is no beneficial use, there is no advantage to residents to maintain it. Mr. Saltzman felt that, if a dump truck or other equipment fits in the District's right-of-way, adjacent to the canal, there is no reason why Staff cannot maintain the property, once the

canal work is completed. Mr. Saltzman feels that, if the District is taking full control over its property and advising the homeowners what they can and cannot do, the District should assume all maintenance responsibilities, in the future.

Mr. Saltzman advised that he discussed making changes to the land development code and/or the comprehensive plan, with the City, to clarify some of the discrepancies regarding what property owners are required to do. He noted that the landowner does not necessarily have the same understanding as the Board and feels that the District should first ask the landowners what they understand and discuss the rules, codes and beneficial use agreements. Mr. Saltzman commented that the District issued leases or permits to residents to plant trees and install fences and gazebos; he feels if a permit is granted to one property owner, it should be granted to all.

Mr. Jim Gerdeman, 11337 NW 21st Court, recalled that, at the last meeting, the District Engineer indicated that the canal will be widened to 35 feet and asked if that was still the case. Mr. Ernest-Jones advised that it will be 35 feet wide at the water's surface. Mr. Gerdeman stated that the canal behind his property is 40 feet wide and he does not feel widening is as necessary there.

Mr. Gerdeman stated that he replanted vegetation after Hurricane Wilma and there is plenty of room for a dump truck to remove the excavated material, without destroying his vegetation, which attracted the illusive bunting bird. Based on correspondence received from the District, Mr. Gerdeman voiced his assumption that someone will come out to discuss the properties with the individual property owners, as they proceed through the process. Mr. Hulett replied affirmatively.

Mr. Gerdeman stated that his wife wanted to remind everyone that winter is approaching they need water and the canal is where water comes from. She also wanted to know if they will get their white goose back. Mr. Hulett replied affirmatively.

Mr. Wrathell clarified that the intent is for Staff to meet with the individual property owners, before any work begins, to discuss their options and the unique situation on each property. Tonight was intended to further discuss the District's plans.

Mr. Michael Goldberg, 11911 Classic Drive, stated that the canal is 25 feet wide and he was not sure how the project would work with the adjustments. He expressed his understanding that the ficus have been there since the homes were built 25 years ago and asked why they were not taken care of back then. He pointed out that, seven (7) years ago, when a hurricane occurred

and large trees went into the canal, the code was not enforced. He contended that the District has never enforced the code. Mr. Goldberg stated that a federal prosecutor advised him that the implied law is that homeowners are able to keep the ficus trees there.

Mr. Goldberg indicated that when they purchased the property, they were told, from an emergency disaster point of view, that if District staff needs to access the property, they may. Nothing was said about maintaining the canals, that the District may need to cut down the ficus or that they may not be allowed to put anything back there. Mr. Goldberg discussed his reasons for purchasing the property and indicated that, if there were no hedges, he would have walked away from the home. He has a young family and would never let his child go in the backyard without a hedge. Mr. Goldberg pointed out that there are townhomes and a community pool behind his home and it would be very loud without those trees.

Mr. Goldberg discussed the use of the term “minor impact” in the letter that was sent to homeowners. Recalling Mr. Hulett’s previous statement that the canal is already wide enough, Mr. Goldberg asked why it was necessary to remove the ficus trees. Mr. Hulett explained that access to the canals is required for routine maintenance, as well as future infrastructure improvements.

Mr. Hulett expressed that it is oftentimes misunderstood where the property line ends and the District’s property begins. Mr. Goldberg noted the implication that this is his property because the ficus were never removed. Mr. Wrathell pointed out that a survey is completed for real estate closings, which clearly spells out that the property does not extend into the right-of-way. Mr. Lewis explained that, under the Marketable Record Title Act in Florida, a government does not lose its rights; there is no implied ownership that a court would recognize.

Mr. Goldberg noted that a Commissioner indicated his disagreement with the study that was completed and does not feel it was conducted in the correct format. Several others have expressed concerns, as well. Mr. Goldberg remarked that homeowners were told different reasons why the District needs to access the canal. Mr. Hulett stated that, on the west side of Coral Ridge Drive, the reason is possible vegetation removal to provide access and ensure that no vegetation remains, which could likely be blown into the canal. Mr. Hulett verified that the canal may be dredged but is not slated for widening. Mr. Hulett asked Mr. Goldberg what study he was referring to. Mr. Goldberg indicated that it was the engineering study regarding water flow through the canals.

Mr. Wrathell explained that questions were asked at the Commission Meeting and one (1) Commissioner requested copies of the drainage plan and the hydrologic analysis, which were provided. During Tropical Storm Isaac, approximately 15 inches of rain occurred over several days, which resulted in extreme flooding. Some areas of the District fared well, while some areas, such as Westchester, did not. Mr. Wrathell stated that, when Westchester was originally developed, its elevation was about one (1) foot lower than many of the surrounding areas, creating a bowl effect. He explained that the canal widens and then comes to a constricting point, as it leads to one of the pump stations. During the storm, when the new pumps ran at full power, water moved so quickly that the water levels were very low in front of the pump stations, meaning the pump stations had greater capacity than the canals had the ability to move the water to them.

Ms. Geri Newman, 12705 NW 21st Place, asked what will happen to the 25-year-old Coco Plum trees in her yard and, if they must be removed, what will replace them. Ms. Newman also indicated that there is a park on the north side of the canal, across from her home. If widening needs to be done, she felt it should be done on the north side, where the park is, because no one lives there.

Ms. Newman asked if the posts in her yard indicate the end of her property line and the beginning of the easement. Mr. Hulett clarified that the posts are survey stakes and confirmed that they are the beginning of the right-of-way. Ms. Newman stated that the trees appear to be on the property line. Mr. Hulett indicated that this is a classic example of why Option 3 was necessary.

Ms. Newman inquired about her shrubbery on the easement side. Mr. Hulett advised that nothing will be removed until District Staff meets with her. With regard to the wildlife habitat, Ms. Newman indicated that many egrets and cranes live and feed there and, if the canal is excavated, there is tall grass along the edges where the wildlife lives.

Ms. Heafy stated that she has a wildlife habitat and was charged, by the City, to cut down everything on her canal bank, which she did. After she later realized that her canal bank has nothing to do with the City, Ms. Heafy replanted the vegetation and the wildlife returned.

Mr. Nicholas Olano, 2179 NW 115th Lane, stated that the three (3) options are unacceptable and are not enforceable. He felt that the Board and Staff should review the proposed options.

Mr. Olano stated that he measured the canal with a laser and found that it is not as wide on the west side as the east. Mr. Hulett advised that the canal, east of Coral Ridge Drive, is narrower than the canal to the west. Mr. Olano indicated that it is not narrower where he lives; the canal is 37 feet wide but it is 28 feet wide on the other side.

Mr. Olano voiced his opinion that this project will greatly impact property values. He discussed the unpleasant view and things that occur on the property behind his home. He indicated that if there are no barriers in his yard, he will not allow his grandchildren to go back there. Not only is it dangerous, it is unacceptable. Mr. Olano asked staff to review the area and see what is necessary, for the benefit of the community.

Mr. Wrathell conveyed appreciation for the concerns that were expressed with regard to the buffer. Upon completion of the previous canal project, it was felt that altering the current strategy to allow the property owners to use the top of the right-of-way as a buffer would address the issue.

Mr. Dan Clark, 10772 La Placida Drive, recalled previously addressing the Board regarding his concerns about the new development in La Placida and changes to that new development, which are funneling additional water back and potentially flooding the area. The Board assured Mr. Clark that everything would be okay and that the District engineering staff was looking at it. After Tropical Storm Isaac, Mr. Clark realized that only a few homes were built in the new area and the retention areas being installed were not large enough to handle what is occurring; thus, the extra water will flow to his neighborhood and he feared they would be flooded.

Mr. Clark noted his concern when Mr. Wrathell stated, at the City Commission meeting, that the canals had not been properly maintained for 45 years. He indicated that there are serious bottlenecks in the canal and that he raised his concerns at the District meeting when the new development was approved; he was assured that it would be okay. Mr. Clark advised that, at the Commission meeting, Mr. Wrathell stated that perhaps the canals were not designed to handle the amount of development they currently have in Coral Springs, which was an issue that Mr. Clark had raised previously. Mr. Clark asked Mr. Selchan and Mr. Morera what percentage of capacity the canal currently has, in both retention and conveyance, because the big problem seems to be conveying the water to the pump stations. Mr. Selchan indicated that they do not know because the records were lost in a flood in the 1970s. Mr. Clark surmised that decisions

are being made without knowing the original conveyance and capacity of the canal or the original depth contours.

Mr. Clark felt that the trees were important but he wanted to know when the drainage problem will be addressed.

Ms. Sonia Pomalaza, 2166 NW 114th Terrace, stated that she has lived in her house for 12 years. She inherited about 40 ficus trees, which provided the privacy needed for her children. When the roots began to intrude on her sewer system, she was told that the only way to correct the problem was to remove the trees. Ms. Pomalaza was told by the City that the responsibility was hers. After the trees were removed, she was advised that it is not her property; it is the District's right-of-way. Ms. Pomalaza now has hedges for privacy and, if they are removed, her privacy and security will be eliminated.

Ms. Pomalaza indicated that she understands technical requirements and the need to make the City safer and to avoid floods but she wants to be sure that the technical studies are correct. She suggested that the engineers clean the canal before deciding to widen it, to ensure that it is clear of debris, because the planned changes are affecting their quality of life. She stressed that it should be carefully discussed and planned, with honesty. Mr. Hulett stated that is exactly what the District is trying to do.

Mrs. Stephanie Clark, 10772 La Placida Drive, noted that public comment is just that, public comment. She indicated that she has been to Washington and has given public comment everywhere. She feels that this group is one of the worst groups to accept public comment. Mrs. Clark stated that she and her husband have been coming to the meetings for years to discuss their condominium. She recalled a previous statement that the neighboring property was built higher than the other property, creating a bowl effect, and those property owners in the bowl are going to flood. Mrs. Clark indicated that they are the bowl. She stated that the Board approved building the neighboring community higher than theirs. It can be seen on a hill when driving past Coral Springs Drive.

Mrs. Clark stated that when they attend meetings, they hear that the Board is granting a variance, that buildings are being constructed closer than they were meant to be and that they are taking away permeable ground and retention areas. Then they hear that certain residents are in a bowl and, as stated previously, they are the bowl. Mrs. Clark indicated that the Board expects them not to get upset when Tropical Storm Isaac comes and she and her husband explain that

they were there in the 1970s when Coral Springs was a lake after receiving 15 inches of rain. Mrs. Clark stressed that, during Tropical Storm Isaac, the rain was not that bad but the water was coming up the storm drains.

Mrs. Clark voiced her opinion that millions of dollars were spent for engineering, only to find out, after the pumps were installed, that they do not have the capacity to suck the water out. She stated that, no matter how large the pumps are, when the C-14 canal is filled, there is no place for the water to go. Mrs. Clark feels that there must be on site water retention. She recalled inviting the Board and staff to attend a state-run watershed management workshop and no one from SWCD came. She recalled asking the Board about issuing a permit and they were told that the Board does not review the project; they only sign the permits. Mrs. Clark advised that taking the water off the property is not the only responsibility of a watershed manager; they protect the entire watershed and how it flows to the ocean. Mrs. Clark stated that they are all together in this.

Mr. Hulett asked for comments from the Board. Ms. Heafy stated that she understood the speakers' concerns; however, the Board Members must do their jobs, as well.

Mr. Morera thanked the homeowners for attending the meeting. As a resident of SWCD and Coral Springs, Mr. Morera indicated that he is 100% on their side, from the standpoint of what they are feeling; if he lived in their neighborhood, he would probably be in the audience yelling at the Board and asking what is going on. Mr. Morera acknowledged that some communications were sent that conveyed the wrong message.

Mr. Morera explained that, when he first became a Board Member, he had the option to do nothing and ignore what he found to be wrong or deficient with the District; however, the fiduciary responsibility of elected officials is to address the concerns brought to their attention by their staff and try to address them in the best possible manner. If the Board Members take action, disruptions occur in people's lives. The question is whether they can find middle ground to make the District operate the way it is meant to, with minimal disruption to the lives of the residents.

Mr. Morera explained that the City Code and SWCD have different views, resulting in contradiction, to some degree, and the homeowners do not know which way to go. He expressed his hope that the upcoming workshop will bring some clarity to this issue and will result in a clear direction regarding what is expected of a homeowner.

Mr. Morera reported that, at the invitation of a resident, he visited Canal Z and the process was a surprise to him; there are many things he was not aware were in the plan. Mr. Morera stated that he wants to ensure that the homeowners fully understand what is being done. He indicated that he has many unanswered questions and, until he has a complete understanding of the end result, he is in favor of pausing the process, to ensure clarity.

Mr. Hulett explained that the purpose of the District is to drain water and prevent flooding in the central core of the City of Coral Springs. The capital improvement program was designed to replace the antiquated pump stations, to dredge the main drain canals that had silted up or were not properly dug out and to provide access to the canal banks. Mr. Hulett stated that there are main drain canals where the bottom of the canal acts as a dam. He advised that there are canal banks within the District which are completely overgrown. In the event of a hurricane, the vegetation will fall into the canal and block the flow of the water. From a maintenance standpoint, in order to allow routine maintenance, access is necessary. Access is also needed in the areas where the dredging and/or widening will take place.

Mr. Hulett voiced his opinion that part of the misunderstanding regarding this issue is that many people have never heard of a special district; they were not aware that it existed and did not know that the land behind their property was not their property and that it belongs to the SWCD. Over the years, homeowners planted vegetation and installed fences on property they do not own. The Board and Staff have tried to create a program that reaches a middle ground and allows them to do what they deem necessary to have adequate flood protection. Mr. Hulett stressed that the major City municipal infrastructure lies within the District so it is doubly important that they are able to deal with a hurricane or large rain storm.

Mr. Hulett read a letter from the Lake Worth Drainage District to its residents regarding that district's right-of-way reclamation program, which stated that any items remaining in the district right-of-way, when work begins, will be removed and disposed of by the district at the expense of the homeowner. Mr. Hulett noted that SWCD's Board chose not to take that approach. If Option 2 is chosen, the District will perform a one (1)-time clearing, at its own expense. From that point forward, the landowner is agreeing to do what they are supposed to do.

Mr. Lewis explained that the water control district is a single purpose government whose purpose is flood control and drainage. Under previous Boards, once the infrastructure was built, it was not maintained. Mr. Lewis indicated that every water control district and City that he ever

worked for took the exact approach that the Lake Worth Drainage District took, when it came to right-of-way clearing. He stressed that this is the only Board, in 32 years of experience, that debated this issue and came to the decision that the only way to do this was to devote Staff's time and to meet with every individual landowner that backs up to a canal and try to find an acceptable solution for them.

Mr. Morera explained that when the Canal AA and BB residents were first contacted, those residents came to the meeting, expressed their concerns and asked the Board to give them options, indicating what they would like to see. Based on resident input, the Board arrived at the three (3) options being presented.

Mr. Wrathell explained that if a hurricane occurred, with a wind event like Hurricane Wilma and a rain event like Tropical Storm Isaac, and vegetation blew into the main drain canals, the flooding would be greatly exacerbated, compared to what was experienced during Tropical Storm Isaac. Mr. Hulett pointed out that, during Hurricane Wilma, the SWCD had to borrow \$5 million for cleanup. Mr. Hulett discussed why more water is drained from the West Basin, where Canal Z is located, than the East Basin.

Ms. Newman, a resident, expressed her appreciation to the Board for extending a friendly hand and voiced her opinion that there is a breakdown in communication between the City of Coral Springs, SWCD and realtors, as many of the residents never knew about this issue. She indicated that there should be better education between the three (3) entities.

Mr. Hulett agreed that communication has been poor and that it is an educational process. He stressed that this Board has tried to maintain a good working relationship with the City of Coral Springs because they are serving the same residents. Ms. Newman asked that the Board reach out to the lawmakers regarding what is disclosed at closings so that homeowners are made aware.

Mr. Gerdeman voiced his opinion that the District should contact whoever was responsible for building homes below the water line and creating the bowl, which is Westchester, because residents should not have to succumb to their incompetence. Ms. Heafy advised that the builder was Coral Ridge Properties, years ago.

Ms. Ramona Harris, 11273 NW 21st Place, asked if there is any guarantee that the District will maintain the banks, once the project is completed, since no maintenance was performed in the past. Mr. Hulett clarified that Mr. Selchan and his crews are out every day spraying, weeding

and cleaning up trash in the District. With regard to maintenance, Mr. Hulett clarified that they were referring to major infrastructure improvement. He confirmed that maintenance will take place once the project is completed.

Mr. Croce felt that the Board was comparing Canal Z to the other canals; however, Canal Z homeowners do not have the same view out of their back door. He stressed that the issue is not the trees; it is their privacy, security of their home and their safety. Mr. Croce explained that the back of his house is glass and he likes having the buffer there. They look out at what has become Section 8 housing and are asking the Board to keep that in mind. Mr. Hulett stated that, in this unique situation, the District will do everything it can to make the process as painless as possible. Mr. Hulett also noted that the Staff members who will be calling on residents are very nice people.

Mr. Morera agreed that the view from Mr. Croce's yard is not aesthetically pleasing and indicated that he will support allowing him to maintain some level of privacy, as he fully understands his position. Mr. Hulett suggested that Mr. Croce attend City Commission meetings to pursue code issues.

Mr. Wrathell acknowledged that the buffer concerns expressed by the residents were heard loud and clear and reiterated that the District is willing to give up the top portion of the right-of-way to enable residents to create a buffer. Mr. Wrathell welcomed ideas and noted that the Board and Staff are open to working with the homeowners so that they will not be negatively impacted. Mr. Croce suggested relocating the trees to the other side of the canal.

Mr. Saltzman noted that the Lake Worth Drainage District is very large and maintains its own right-of-ways. He felt that a better comparison to SWCD is the Coral Springs Improvement District (CSID) and pointed out that the property owners in CSID have beneficial use. Mr. Saltzman pointed out that some property owners were given permits for gazebos, docks, fences and hedges within the right-of-way and he feels that all property owners should have the same usage rights.

Mr. Saltzman asked if the Board notified every resident along Canal Z, to the discharge point at C-14. Mr. Hulett replied along Canal Z, yes. Mr. Paton pointed out that Canal Z does not go to C-14. Mr. Saltzman asked about the residents along the continuation of the canal, as it goes south. Mr. Hulett indicated they have not. Mr. Wrathell clarified that City staff

recommended focusing on specific canal areas, as opposed to a mass mailing, to avoid a deluge of telephone calls.

Mr. Morera explained that his approach was to use Canal AA-BB as a pilot program. Once the workshop is held and the City and District arrive at a workable agreement, his goal is to send documentation to every resident impacted by this project. Mr. Morera stressed that they are embarking on this project because they believe that the District needs it and the residents will benefit from it; he wants to communicate with all of the residents to let them know what they are trying to achieve.

Mr. Saltzman thanked Mr. Morera and Mr. Wrathell for attending the Commission Meeting. He felt that the information they brought was useful. Mr. Saltzman stressed the importance of open communication and suggested placing the workshop date on the District's website. Mr. Wrathell confirmed that the workshop will be advertised, as all Board Members will attend.

Ms. Heafy explained that the District has 22 miles of canal and 16% of the residents live on the canals. She indicated that they will get the job done, to best of their ability, and conveyed her faith in Mr. Ernest-Jones.

Mr. Steve Justin, 2177 NW 114th Terrace, asked for clarification regarding his property survey. He also asked why residents go to the City of Coral Springs to obtain a permit to install a fence on District property. Mr. Hulett explained that the City does not issue permits for fences to be placed on special district property.

Mr. Justin expressed his desire to maintain his privacy. Mr. Hulett conveyed the Board's concern regarding the situation and stated that it is an issue that falls on the shoulders of the City Commission. Mr. Justin supported the idea of cleaning the canals, testing the water flow and digging them deeper, if necessary, before proceeding to widen them. Mr. Hulett explained that the canal from Coral Ridge, east, will be both deepened and widened.

Mr. Gary Rung, 11864 NW 31st Street, commented that he understood the reasons for the flooding in Westchester. He commented that the City and the District should address what is occurring along 122nd Street. Mr. Rung expressed his appreciation for Mr. Morera's comments and stressed that the residents need to know how the project will proceed as soon as possible.

Mr. Rung indicated that hydrological discussions took place at Board meetings but there were no ecological discussions and he was unsure whether the District was basing the project on

any sound ecological information. The Broward County website states that they do not want grass down to the water because of runoff and he asked if the Board took that into account. Mr. Rung asked the Board to consult with someone to confirm that the project is the correct thing to do, ecologically, for the entire District.

Mr. Wrathell conveyed the Board and Staff's appreciation to the residents for attending tonight's meeting.

FOURTH ORDER OF BUSINESS

Pre-renewal Presentation: Corporate Benefit Advisors

Mr. Wrathell stated that this item is related to the renewal of the District's health insurance and benefit programs for the District staff. He distributed a spreadsheet showing the premium adjustments based upon what was budgeted.

Mr. Dean Hitsos, Director of Account Management with Corporate Benefit Advisors (CBA), introduced himself and Ms. Jackie Martel, Account Manager for the District.

Ms. Martel explained that CBA contacted all of the insurance carriers to obtain the most competitive rates. Referring to the Medical tab, located in the CBA handout, Ms. Martel noted that AvMed decided to retire the District's current plan; the Mandatory Plan Change is their other option.

Ms. Martel advised that she and Mr. Hitsos met with Mr. Wrathell to discuss viable options, which were listed on the Medical Plan Analysis – Narrowed Alternates. She stated that this is where the Board should focus in order to decide what they wish to do with the current benefits. The Mandated Plan change will result in a 32.9% increase over the current rates. Ms. Martel explained that the rates are not based on the health of the group; they are based on a community rating. AvMed looks at their book of business for a particular area to determine the rates.

Ms. Martel reviewed the plan benefit changes. She noted that the Alternate 1 AvMed Plan is \$1,788.52 over budget. The Mandated Plan is \$4,000 over budget. Ms. Martel pointed out that, under the Alternate 2 Humana plan, all members will be subject to medical underwriting and this will impact the rate renewal with Humana, which may be as much as 15% above the quoted rate, based upon the medical questionnaires.

In response to a question from Mr. Hulett, Mr. Wrathell advised that the Mapped Renewal Plan, with AvMed, is 5% over budget. The only other plan Mr. Wrathell felt the Board should consider is the Humana Alternate 2, based on a 5.1% premium increase over the current plan; however, there is a significant benefit reduction with this plan. Mr. Wrathell pointed out that, if the employees or their dependents were to have significant health issues, it may have a serious financial impact. He indicated that he was in favor of the District absorbing the premium increase this year and seeing what transpires over the next ten (10) months.

Ms. Martel stated that some of the benefits may be subject to a calendar year deductible, depending upon the plan, and it will impact the employee's out-of-pocket costs, versus what they currently have. She recommended remaining with AvMed and choosing one of the two (2) plans. Ms. Martel advised the Board that if they decide to have the employees subsidize part of the premiums, there is a 50% minimum requirement, based on group size.

Mr. Hulett recalled the promise made to the employees when the District broke away from CSID, to provide benefits comparable to what they received under the CSID plan. Mr. Hulett advised that he was in favor of the Mapped Renewal Plan with a 5% overall increase, for this year. If the same rate increases are quoted for next year, they will look at changing the plan design or ask the employees for a premium contribution. Ms. Heafy agreed.

Mr. Morera asked Mr. Hitsos how many districts offer their employees what is offered to SWCD's employees. Mr. Hitsos indicated that hardly any of their clients offer a zero deductible, 100% paid plan. Mr. Morera stressed that the market is dictating what municipalities and businesses must do. He explained that the increase is \$4,034 over budget, which equates to \$448 more per year, per employee, or \$38 per month and asked if it is feasible to have the employees to pay \$38 per month, out-of-pocket, to maintain their current benefits.

Mr. Hulett asked about the monthly allowance provided by CSID, per employee. Mr. Selchan indicated that, several years ago, it was \$1,100 per employee; he felt the current amount was close to that. Mr. Hulett stated, from that perspective, the District's budget equates to \$738 per month, per employee, which is well under the allowance given by CSID. While agreeing with Mr. Morera's concerns, Mr. Hulett was in favor of renewing the plan with the understanding that, next year, a contribution may be required from the employees, particularly for dependents. Mr. Wrathell clarified that the actual overage for the 2013 budget is \$3,362, as opposed to \$4,034, as the premium increases do not go into effect until December 1.

Ms. Martell stressed the importance of early planning for next year to afford CBA the opportunity to educate the employees on how to become consumers of their health plan. Mr. Hitsos indicated that high deductibles are inevitable and, eventually, they must begin the process.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, renewal of the AvMed Mapped Renewal Plan, HMO OA Plan 5768, with the understanding that the contribution piece will be reviewed next year, was approved.

FIFTH ORDER OF BUSINESS

Discussion/Consideration: CSID Scope of Services Provided to SWCD

Mr. Wrathell stated that he was contacted by Mr. Dan Daly regarding revising the scope of services to match the scope currently being provided to SWCD. Mr. Wrathell recalled that the Human Resource function transitioned from CSID to Wrathell, Hunt and Associates, LLC and the revised scope reflected that transition.

Mr. Wrathell stated that CSID was proposing a 3% increase over last year, which was consistent with the agreement. Mr. Hulett stated that services required by the District are being provided and the agreement is working out well for both parties.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the CSID Scope of Services Provided to the Sunshine Water Control District for Fiscal Year 2012 through 2013 was approved.

*****Mr. Wrathell left the meeting.*****

SIXTH ORDER OF BUSINESS

Discussion/Consideration: Location for Remainder of Fiscal Year 2013 Meetings

Mr. Hulett stated that SWCD is the only special district in Coral Springs that meets on City premises. He voiced his understanding that, seeing the SWCD Board Members sitting at the City Commission desk, could easily be interpreted that they are appointed and supervised by the Coral Springs City Commission. Mr. Hulett also noted that, over the past few months, the services previously provided by City staff have disappeared. The District offered to pay a rental

fee for the Commission Chambers and other services; however, the request was not acknowledged. Mr. Hulett feels that the City is unhappy about the District meeting here; therefore, his is in favor of securing another location for the Board meetings.

Mr. Hulett advised that LaQuinta has a meeting room that will adequately meet their needs and is located within the District. Mr. Lewis noted that, under Chapter 189, the District is supposed to meet in a public building, if one is available. He asked if there were other public facilities available within the District. Ms. Heafy suggested the Museum. Mr. Hulett stated they will contact the Center for the Arts tomorrow to inquire about room rental and availability. Mr. Lewis stated that, under Chapter 189, as a special district, they can only advertise their regular meetings once. If the meeting place is moved, the cost to re-notice the monthly meetings will be incurred. Mr. Ernest-Jones noted that if other options fail, the North Broward Hospital District has meeting rooms.

Mr. Morera stated, from a location standpoint, City Hall is the preferential choice. Prior to making a firm commitment to move the meeting location, Mr. Morera felt they should obtain a letter from the City outlining the conditions required for their use of City Hall. If the conditions are agreeable to the Board, they will maintain this location. The other option is to obtain a letter from the City stating that the District will not be allowed to hold their meetings at City Hall. Mr. Hulett indicated that they attempted to obtain such a letter for tonight's meeting; however, it was not forthcoming. Ms. Heafy voiced her opinion that they should not be perceived as part of the City; they should have their own identity. Mr. Hulett asked Staff to inquire about the Broward Health location and the Center for the Arts and also attempt to obtain a definitive answer from the City Manager's office confirming their position. Mr. Morera suggested that they finish up the calendar year at City Hall. Mr. Hulett agreed and stressed that they need to get an answer from the City by next week regarding whether they can use the facility in December.

Mr. Lewis confirmed that their options are to meet at City Hall, to check the availability and cost of the two (2) locations that were suggested or hold the December meeting at LaQuinta. He indicated that if they do not meet at City Hall, the meeting must be re-noticed.

SEVENTH ORDER OF BUSINESS**Discussion/Consideration: Fee for 'Letter of No Objection' Requests**

Mr. Ernest-Jones recommended a fee of \$100 for a Letter of No Objection. He explained that Mr. Donahue meets with Mr. Selchan for about an hour-and-a-half for field inspections.

Mr. Donahue stated that it is usually clear that there are no objections; however, if they notice that a fence is being installed in a right-of-way or an easement, they must go through the process of the GIS plan, review the plat and, oftentimes, a field inspection is required. If a Letter of No Objection cannot be issued, a letter sent to the applicant directing them to apply for a permit, which is the same letter used when they apply for the permit; at that point, a \$350 permit fee is charged. Mr. Donahue indicated that, out of 15 rejections for a Letter of No Objection, only one (1) did not apply for a permit.

In response to a question from Ms. Heafy, Mr. Donahue stated that all of the work that is performed for the Letter of No Objection is carried forward to the permit letter. Mr. Morera confirmed that there will be one (1) fee; \$100 will be credited toward the \$350 permit fee. Mr. Lewis stated that the \$100 fee should be adopted as policy, by way of resolution. Mr. Hulett requested that Staff investigate the fees of neighboring districts and bring this back in the form of a resolution next month, along with a proposal. Mr. Lewis asked the engineers to report their findings to him or Mr. Capko and they will prepare a resolution for the Board's consideration.

EIGHTH ORDER OF BUSINESS**Discussion: Candidate Qualifying for Landowners' Election [March 13, 2013]**

- **Sample Solicitation of Candidates**
- **Sample Notice of Landowners' Meeting**

Mr. Paton stated that Chapter 298 specifies what a candidate needs to do in order to run for the position of Supervisor. He referred the proposed Solicitation of Candidates and sample Notice of Landowners' Meeting, located behind Tab 8. In response to a question from Mr. Hulett, Mr. Lewis clarified that Chapter 298 does not require the Solicitation of Candidates; it specifies the required Notice of Landowners' Meeting that must be advertised and lays out the procedure for nominations at the meeting. The information was sent to Mr. Wrathell, at his request. Mr. Hulett felt the Solicitation was not necessary if it is not legally required.

Mr. Morera clarified that the Solicitation was his request. He explained that several individuals have expressed an interest in the Supervisor position and have received proxy ballots, only to find that, on the day of the election, they did not qualify for a reason they were not aware

of. He felt that this information provides a guideline for candidates to follow. Mr. Hulett and Ms. Heafy did not feel that submitting a resume in advance serves a purpose. Mr. Lewis recommended preparing an informational package and publishing a notice 30 days in advance of the election stating that interested parties may pick up the informational package at the District Office. Mr. Paton pointed out that the proxy and ballot are located on the District website.

NINTH ORDER OF BUSINESS

Update: Newsletter

Mr. Paton recalled that, at the last meeting, the Board requested that Staff add additional nonresidents to the distribution list. As a result of programming issues, some of the articles had to be updated. Ms. Gillyard is in the process of having the newsletter distributed. Mr. Paton stated that Staff would like to change the newsletter dates to Spring and Fall for flexibility. He apologized for the delay.

TENTH ORDER OF BUSINESS

Approval of October 10, 2012 Regular Meeting Minutes

Mr. Hulett presented the October 10, 2012 Regular Meeting Minutes and asked for any additions, deletions or corrections.

The following changes were made:

Line 63 & 64: Change “45” to “50”

Line 64: Change “attention” to dredging and silt removal”

Line 70: Change “a sample” to “the AA/BB”

Line 106: Add “and other neighborhoods are prone to street flooding” after “area”

Lines 476 & 477: Delete “without undue influence of individuals for their own interests”

Line 208: Change “curves” to “curtains”

Line 587: Delete “that sticks out from the side”; Change “because” to “due to”

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the October 10, 2012 Regular Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS**Supervisors' Communications**

Ms. Heafy commented on the lack of backup in the agenda package. She also indicated that she did not want the District to incur the signage costs on the pump station and does not wish to have it named after her. Mr. Hulett advised that he will respect her wishes.

On October 20, a resident invited Mr. Morera to visit Canal Z. Mr. Saltzman and Mr. Croce were also in attendance. Mr. Morera indicated that it gave him a different perspective of what was being discussed. He reported that there are unique conditions on that stretch of the canal; it is a main drainage canal, residents are impacted who are not residents of SWCD and the location of the housing, relative to the neighborhood, adds a degree of complexity. He felt if it were not for the proximity of the housing to the neighborhood, the situation may have been more manageable. Mr. Morera sympathized with the plight of the residents.

With regard to the status of the Royal Palm Boulevard milling, Mr. Ernest-Jones indicated that the eastbound lane was finished and two (2) of the three (3) westbound lanes were completed. Work continued today, on the third lane, and should be completed by now. Coral Ridge Drive will be completed tomorrow.

Mr. Morera inquired about the ability to access the aerial photographs of the properties on the District's website. Mr. Donahue pointed out that letters will be sent to each property owner with a property specific inventory, listing the nuisance vegetation issues, the permit required vegetation and the hardscape encroachment. It was felt that there was too much information to place on the website.

Mr. Morera noted the amount of trash that is removed from the canals each year and asked if the information can be placed on the website. Mr. Ernest-Jones replied affirmatively. Mr. Morera stated that it is a reflection of the amount of work required by District staff to maintain the canals.

Mr. Hulett expressed his views regarding the City Commission meeting. He commended Mr. Morera and Mr. Wrathell for their patience and maturity. Mr. Hulett stressed that if a workshop is held and the discussion heads in that direction, the workshop will end because the purpose is to discuss mutual benefits.

Mr. Morera respectfully disagreed with Mr. Hulett's position. He noted that the communications sent out by District staff caused a firestorm of extremely upset residents and resulted in what occurred at the October 10 meeting. It was stated, during the October Board

Meeting, that the preference was for the Board not to attend; Mr. Morera strongly disagreed with that position. He voiced his opinion that it is extremely beneficial to have a workable relationship with the City in which they manage the district and he and Mr. Wrathell dealt with the issues raised by each of the Commissioners, to the best of their ability. Mr. Morera stated he felt strongly that SWCD represents, to the Commission and residents, that it is willing to confront whatever errors were made and is willing to move forward in the right direction.

TWELFTH ORDER OF BUSINESS**Staff Reports****A. Attorney: *Lewis, Longman & Walker, P.A.***

Mr. Lewis noted that the legislative season has officially begun and the first set of committee meetings will take place the first week of December. Mr. Lewis' attendance at the January and February Board meetings will depend upon how the committee meetings break.

Mr. Lewis noted that the FASD meeting was cancelled due to Hurricane Sandy and the next meeting will be held in January.

Mr. Heafy asked if there was any word from FEMA concerning the return of the denied funding. Mr. Paton replied that no invoice had been received as yet. He stated that the City of Coral Springs sent a team to Washington to dispute their grant denial.

Mr. Hulett requested that Mr. Selchan be enrolled in the January FASD meeting.

B. Engineer: *IBI Group***i. Permit Application Log**

Mr. Ernest-Jones indicated that there were no permit applications this month.

ii. Monthly Engineer's Report: 10/03/12 to 11/06/12

Mr. Ernest-Jones reported on the hearing of the Planning and Zoning Board, which they were asked to attend in case any questions arose regarding whether the overall development of Broken Woods would be positive for the District. He indicated that, from a water management standpoint, it is good for the District.

• Pump Stations 1 & 2 Update

Mr. Ernest-Jones stated that a punch list was created for Pump Stations 1 & 2, at the request of Mr. Morera. A study was conducted regarding the vibration of the pumps, which MWI will absorb. Mr. Ernest-Jones indicated that vibration within large pumps is a specialized function, which is why the study was undertaken. A recommendation was made to strengthen

the brackets on Pump Station 2, which MWI will handle. MWI is also working on obtaining an extended warranty for the pumps themselves.

Mr. Ernest-Jones reported on a meeting that was held that morning, which was attended by the owners of MWI, Mr. McKune, Mr. Selchan and Weitz representatives. At the meeting, Mr. Ernest-Jones discussed the fact that the District accepted a higher price because of the anticipated higher quality of the MWI solution and their complete faith, because of their long history and huge volume, that MWI will stand behind their product. He stated that it seems highly probable, based on the report and the reaction of the MWI owners, that this solution will cure the vibrations and the overall feeling that the support brackets for the motors on Pump Station 2 were not strong enough.

Mr. Ernest-Jones indicated that the generators passed inspection. Discussions have begun regarding the substantial completion of the pump stations. In response to a question from Mr. Morera, Mr. Ernest-Jones reported that the KVA for the transformers has not been finalized. The electrical engineer is in direct communication with the FPL engineers who are performing the calculations for the transformer. Mr. Ernest-Jones stated that the generator wall correction for Pump Station 2 was completed. The vibration study was also completed; however, a follow-up study may be necessary when the new brackets are installed.

Mr. Donahue stated that the plaques were ordered; the signs were not. He requested direction from the Board regarding the building signs. Three (3) bids were received.

- **Canal Z ROW Vegetation Clearing Update**

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

Mr. Ernest-Jones reported that he and Mr. Hulett walked Canals Z and AA-BB with an experienced contractor, who shared his knowledge and experience with regard to how the canals would be dredged. The possibilities are for Canal AA-BB to be drawn down and conduct a dry dredge operation or use a barge with spud legs. It was estimated that it would cost three (3) times as much to excavate from a barge than from the side, with a backhoe. It was noted that the entire right-of-way would be required to perform the work efficiently. Mr. Ernest-Jones stated that Canal Z is the important next step. Hydrologic calculations verified what the improvement in head loss and the stage of the canals will be. During Tropical Storm Isaac, daily and hourly inspections were conducted regarding the water elevations at particular points.

Mr. Ernest-Jones reported that a mandatory pre-bid meeting will be held tomorrow at LaQuinta for Canals AA-BB and Z, which will be bid together. He voiced his opinion that the restoration of Canal Z should be the prime contract; any additional funds will be used for AA-BB. For Canal Z, the contractors will be asked about the difference in cost between performing the work from the canal bank and from a barge-mounted operation. A recommendation for award will be presented at the next meeting.

Mr. Ernest-Jones commented that the new pumps are working at the permitted capacity, whereas the old ones were not. He noted that Weitz did an excellent job on Culverts W-55 and W-56; Centerline was an excellent subcontractor and they were the low bidder. Murray Logan was an excellent overall contractor for the pump stations and they, too, were the low bidder.

Mr. Ernest-Jones stressed that, during Tropical Storm Isaac, they witnessed the functioning of all of the elements of the District. He indicated that a one (1)-foot drop in the elevation of the canal is predicted when Canal Z and the accompanying culvert work under Coral Ridge Drive are in place. Mr. Ernest-Jones explained that the one (1)-foot drop will make all the difference in that area, as this is what is causing the streets to remain wet and, during the intense part of the storm, causing the water to rise up into the driveways. Some of this may be attributed to the storm drainage; however, it is mostly attributable to a high elevation of the canal in that vicinity.

Mr. Hulett pointed out that the City's job is to get the water to them and to ensure that the swales and the street drains are not blocked and that they are functioning properly. The District's job is to make sure that, when the water gets to the canals, it can be expeditiously removed.

Mr. Ernest-Jones explained that the engineers have focused on the elevation of the canal and how fast it will recover after an event. He noted that Canal Z is highly silted and was imperfectly dredged.

Mr. Ernest-Jones stressed that he would provide clarification regarding any of the allegations that were made at the Commission meeting. For the record, he stated that he feels it was unjust and unfair to the integrity of this fine Board, this fine District and this fine staff. Mr. Morera requested clarification of the entire process so that he may convey a reasonable answer, if questions arise. Ms. Heafy expressed her confidence in the engineering staff and felt that much of what was said at the Commission meeting was strictly political.

Mr. Donahue gave a PowerPoint presentation. Referring to recent aerial photos, he provided an update regarding the improvements that were made to Pump Stations 1 & 2.

Ms. Heafy inquired about resident complaints regarding the high berm of sand and suggested sending letters to the concerned residents, thanking them for their patience and apologizing for the inconvenience. The Board and staff agreed.

Mr. Donahue distributed the pump station and bond fund summary and provided an explanation of each of the change orders, which totaled \$62,405.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, Change Orders 20, 21, 22, 23, 24 and 25, totaling \$62,405, were approved, as presented.

Mr. Donahue distributed the three (3) bids received for the pump station signs. He stated that the low bidder was American Signs, for approximately \$3,100 for both signs, plus \$850 for engineering and \$150 for painting. Mr. Donahue referred to the three (3) renderings located in the handout and requested the Board's direction regarding which signs to put up and which vendor to award the project to. Mr. Selchan echoed Ms. Heafy's request not to have a sign on the building, as he felt the plaque was sufficient. He expressed that it was a great honor to have his name on the building and the recognition of his dedication to the District. Mr. Hulett recommended tabling the decision until other alternatives are reviewed.

Discussion ensued regarding the date for the dedication of the pump stations. Mr. Donahue asked the Board whether they preferred a December or January dedication. In light of the upcoming holidays, Mr. Hulett suggested waiting until January.

Ms. Heafy asked if the District has control over the maintenance for Broken Woods. Mr. Ernest-Jones noted that part of the work being completed is the widening of a District canal and that part should remain with the District. Mr. Selchan indicated that the spraying and cleanup activities should be the responsibility of the association.

- **Canal AA-BB & East Outfall ROW Vegetation Clearing Update**

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

Referring to before and after photos, from Sample Road to Royal Palm Boulevard, Mr. Donahue reviewed the improvements made with regard to the Canal AA-BB clearing.

Mr. Donahue referred to the aerial view from Royal Palm Boulevard, from the W-56 culvert. On the east side, he noted that a number of trees were cleared from the District right-of-way and the condominium property.

Mr. Donahue pointed out a shed that is located in the right-of-way, where four (4) large stumps remain, along with trash bags and debris. Mr. Paton notified Code Enforcement to request assistance. Mr. Paton explained that it is an illegal shed, installed partially on District property and partially on the resident's property and it is a nonresident owner. The stumps cannot be removed with a stump grinder because the shed is in the way. Mr. Paton also reported that four (4) fences remain in AA-BB. Mr. Capko sent letters to those residents indicating that the fences must be removed; if they are not taken out by a certain date, the District will assess for the cost of removal.

Mr. Donahue presented a Change Order on All County's AA-BB contract, in the amount of \$17,350, for grinding 119 stumps, sod and two (2) miscellaneous trees. He explained that the original contract was for \$37,000 for flush cutting; however, they have now taken the approach that everything must be stump ground. Mr. Westfall was notified that all trees on the tree permit were addressed and a final inspection was requested. Mr. Westfall will calculate his mitigation costs. Mr. Morera expressed his displeasure with the change orders and felt that the additional work should have been anticipated. Mr. Paton noted resident complaints regarding flush cutting and that stump grinding is more beneficial for the residents and for the right-of-way. Mr. Hulett indicated that the residents were promised that the stumps would be gone and the area re-sodded; however, he agreed that the cost should have been included in the original bid.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, the change order for All County to complete stump grinding for Canal AA-BB, in the amount of \$17,350, was approved.

- **Culverts W-55 & W-56 Update**
- **Canal AA, BB, Z Restoration & Culvert W-50 & W-57 Replacement Project Update**

These items were discussed previously.

C. Field Supervisor: *Cory Selchan*

There being no report, the next item followed.

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

i. Unaudited Financial Statements as of September 30, 2012

Mr. Paton presented the Unaudited Financial Statements as of September 30, 2012.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the Unaudited Financial Statements as of September 30, 2012, were approved.

ii. NEXT MEETING DATE: December 12, 2012 at 6:30 P.M.

Mr. Hulett indicated that the next meeting will be held on December 12, 2012 at a location to be determined.

iii. Pump Station Dedication

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

This item was discussed previously.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 11:54 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair