

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Joint Workshop of the Sunshine Water Control District's Board of Supervisors and the Coral Springs City Commission was held on **February 6, 2013, at 6:00 p.m.**, in the **West Wing Conference Room, Coral Springs City Hall, 9551 West Sample Road, Coral Springs, Florida 33065.**

Present for the Sunshine Water Control District were:

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| David Hulett | President |
| Joe Morera | Vice President |
| Emily Heafy | Secretary |
| Craig Wrathell | District Manager |
| Doug Paton | Wrathell, Hunt and Associates, LLC |
| Terry Lewis | District Counsel |
| Rhon Ernest-Jones | District Engineer |
| Tom Donahue | District Engineer |
| Cory Selchan | Field Superintendent |

Present for the City of Coral Springs were:

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|-------------------|---------------------------------|
| Vincent Boccard | Coral Springs Mayor |
| Tom Powers | Coral Springs Vice Mayor |
| Claudette Bruck | Coral Springs City Commissioner |
| Dan Daley | Coral Springs City Commissioner |
| Larry Vignola | Coral Springs City Commissioner |
| John Hearn | City Attorney |
| Erdal Dönmez | City Manager |
| Josephine Chavez | City Clerk |
| Susan Grant | Deputy City Manager |
| Roberto Hernandez | Deputy City Manager |

Also present were:

| | |
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| Mike Saltzman | CSID Resident |
| Joe Croce | CSID Resident |
| Gary Runge | CSID Resident |

FIRST ORDER OF BUSINESS

Call to Order

President Hulett called the workshop to order at approximately 6:00 p.m.

SECOND ORDER OF BUSINESS

Roll Call

President Hulett asked Ms. _____ to call the roll.

A. Sunshine Water Control District

****This item, previously Item 2B, was presented out of order.****

For the Sunshine Water Control District (District), Mr. Wrathell, Supervisor Morera, President Hulett, Supervisor Heafy, Mr. Lewis and Mr. Capko were present, at roll call.

B. City of Coral Springs

****This item, previously Item 2A, was presented out of order.****

For the City of Coral Springs (City), Commissioners Daley and Vignola, Mayor Boccard, Commissioner Bruck, Vice Mayor Powers, Mr. Hearn and Mr. Dönmez were present, at roll call.

President Hulett noted, for the record, that Mr. Ernest-Jones, Mr. Donahue, Mr. Paton and Mr. Selchan were also present, for the District.

THIRD ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was not recited.

FOURTH ORDER OF BUSINESS

Open Discussion

Mayor Boccard thanked everyone for coming and stated that he hopes to conduct an open, round table discussion, with few formalities.

On behalf of the District, President Hulett thanked those present, representing the City, and indicated that the District is pleased that the City accepted its invitation to hold a workshop. He noted that the invitation was offered at an October City Commission meeting, for the purpose of giving the Commission a complete understanding of all aspects of the District’s award winning Capital Improvement Program (CIP) and to continue building a good working relationship between the City and the District. President Hulett stated that he, Supervisor Heafy and Supervisor Morera believe that a good understanding of the District’s CIP will enable the City Commission and Staff to accurately and fairly discuss the matter with those residents that may have questions about it.

President Hulett indicated that the District prepared PowerPoint slides giving an overview of all components of the CIP, along with general information about Chapter 298 drainage districts and history of the District. He suggested that the presentation would be the

best way to initiate the discussion and answer questions; however, the District is willing to proceed in any fashion that the City feels is best.

Mayor Boccard reiterated his desire to keep it informal, with all parties open to speak and ask questions.

Commissioner Bruck commented that there is enough prominence in the room that they should be able to solve the problems; all represent the same people and care about them and their safety. She hoped that they can leave today's workshop with a resolution that accomplishes both.

Supervisor Heafy agreed.

Mayor Boccard agreed and voiced his opinion that most of the questions and concerns from residents come to the Commission, before they get to the District, as many residents do not understand how the water districts work. He stated that everything is funneled through the Commission.

President Hulett asked Mr. Lewis to explain Chapter 298 drainage districts to the Commission.

Mr. Lewis stated that Chapter 298 is a Florida Statute dating back to 1913. He noted that the south Florida area was "made" habitable by a series of drainage districts, subsequently called flood and water control districts. Mr. Lewis indicated that water districts are single purpose local governments, which are independent; Chapter 298 Districts have independent Boards, which means that no other local government can appoint or remove Board members, have oversight of the district or approve the water district's budgets.

Mr. Lewis advised that Chapter 298 districts are statutorily obligated to develop and approve a water control plan. This District has a water control plan involving initial construction and the operation and maintenance of the canals, including the related infrastructure. He summarized that the Sunshine Water Control District is a flood control agency, nothing else. Residents within the District are dependent upon its operation and maintenance to ensure that their property and human life are protected. Mr. Lewis stated that, by obligation, the District has a surface water management permit issued by South Florida Water Management District (SFWMD). Mr. Lewis added that the District is authorized by the state and is operating within Florida law.

President Hulett reviewed the District's structure, how the Board is elected, Board responsibilities, support staff, boundaries and size.

President Hulett explained that, during periods of high canal and groundwater levels, the system is designed to discharge into the C-14 Canal; conversely, during periods of low water levels, the District attempts to recharge the canals. President Hulett stated that the District has two (2) basins, with University Drive as the dividing line. The West Basin is much larger and more critical. The East Basin is slightly smaller.

President Hulett stated that the District is quite proud of its accomplishments, particularly in 2012, which was an outstanding year, including the culmination of many projects. Two (2) new, state-of-the art pump stations were completed, on time and on budget; greatly increasing the District's pumping capacity. Critically needed main drain culverts were installed because the original culverts were three (3) feet above the canal bottom and were actually acting as dams. The District successfully completed the initial phase of the right-of-way (ROW) clearing program, receiving excellent cooperation from the landowners along Canal AA-BB. A \$5 million loan, acquired by a previous Board for Hurricane Wilma cleanup, was retired. President Hulett stated that the Board has now established a \$2 million reserve for future hurricane cleanup or other emergency needs. An additional crew was hired, the website was updated and the first newsletter was published. He noted that Supervisor Morera participates actively in the Florida Association of Special Districts (FASD) and completed coursework to become a Certified District Official.

Along with all of those accomplishments, President Hulett advised that the District balanced its budget, realizing a slight decrease in its Fiscal Year 2013 assessment. The District received another clean audit. He noted that the Broward County Branch of Civil Engineers named the District's pump stations Project of the Year. The District was named FASD's District of the Year, out of 1,600 districts throughout the state. President Hulett stated that the Board believes that the District represents a very good example of a local government that meets its responsibilities, including flood control in the critically important central core of Coral Springs. He noted that all components of the City's major infrastructure, including police, fire and hospital facilities, are located within the District's boundaries, which is why the Board recognizes the importance of providing the very best flood control that it can; this is the current Board's mission.

Mr. Wrathell discussed the District's CIP. He recalled that the Board transitioned, after Hurricane Wilma, with a new Board Member, District Manager, District Engineer and District Counsel. Mr. Wrathell indicated that the CIP came about as a result of a statutory requirement

that districts develop an updated drainage plan every five (5) years. The intention is to ensure that the system still operates at the necessary levels. The District discovered that the system had some deficiencies and Mr. Selchan made the Board and Staff aware of his concerns and issues that were not previously addressed. The pump stations could not function properly or to the necessary level. Silt buildup in many canals was so high that it left little water depth. The Board and Staff learned that many culverts were very old and had serious issues. The District Engineer conducted a hydraulic modeling study to determine whether the original system was built to the design specifications and it was discovered that some canals were not dug to the designed depths or widths. He noted that the pump stations were nearly 50 years old.

Mr. Wrathell explained that these factors led the District to identify its capital needs. The CIP is \$19.1 million. The District set out to finance the CIP in a way that was not cost prohibitive to residents; for an expense of a little less than \$50 per year per property, the District issued bonds to pay for the two (2) new pump stations, a portion of the culvert work and other CIP projects to bring the system operations to the optimal level. Mr. Wrathell noted that, even in the currently difficult financing market, the District was able to obtain an A- rating and issue bonds, which is a very good rating for special assessment debt. He explained that property owners that pay their assessments are protected from additional assessments to cover those that do not pay.

Mr. Wrathell pointed out that, as the CIP involved major projects, the District went through a competitive selection process to select a construction manager at risk (CMAR), to acquire an expert construction firm. A maximum not-to-exceed amount was established with the CMAR, which served to protect the District against additional cost exposure.

Mr. Wrathell stated that, as part of the issues with the main drain canals, the matter of the District needing to regain its ROWs came up. He stated that access is necessary in order for Staff to maintain the canals. The concern regarding obstructions placed in the ROWs by property owners is that those items could end up in the canals, as a result of a storm, and cause blockage in the canals, exacerbating drainage. The District needs the ability and the room to complete the necessary canal work.

Mayor Bocard appreciated Mr. Wrathell's conversations, over the past few months, regarding Canal Z, which is the primary issue. He feels that the District has done a fantastic job on all but public relations, as it relates to residents, which is why residents were up in arms. Mayor Bocard stated that what is important to residents is how the District communicated with

them and the continued communication regarding what to expect. He asked the District to explain what will be done and how, in order to make the project as painless for residents, as possible.

Mayor Boccard acknowledged that, over the District's 50-year history, there was uncontrolled growth of landscaping and trees; however, some of those items are precious to many residents. He summarized that unwinding 50 years of neglect is a delicate matter and, while the District has its responsibilities, the City has a responsibility, as well.

President Hulett noted that Mr. Paton and Mr. Selchan have begun meeting with residents regarding their options and the District is using the same approach as with the Canal AA-BB project. He stated that every landowner with an issue will be personally contacted and provided the three (3) options. President Hulett advised that this approach was very successful during the Canal AA-BB project. He recalled that 86 properties were affected, of which, only 46 required clearing; all but a few residents selected Option 2, which was to have the District perform a one (1)-time clearing, at the District's expense. A few selected Option 3, where a few items were allowed to remain on the ROW, under the stipulation that the property owner must remove it if it becomes necessary, in the future. President Hulett reiterated that the same process will be used with property owners along Canal Z.

Mr. Ernest-Jones explained how the District's drainage system functions and to where water is pumped and drains. Regarding Canal Z, Mr. Ernest-Jones stated that Sunshine residents are on the north side and Coral Springs Improvement District (CSID) residents on the south side. He indicated that the south side canal ROW is far wider than the north, meaning that the south side is the side from which maintenance was intended to take place.

Mr. Ernest-Jones reiterated that new pump stations were built to replace the 50-year old pump stations. What emerged is that many canals needed attention. The District also repaired and replaced culverts. Beyond the pump stations and major culvert projects, excavation of Canal Z is necessary, as it is much shallower than it should be. He explained that the shallowness, coupled with silt buildup, make excavation of this waterway section critical, in order for the drainage system to function, as intended, to drain areas, including the Corporate Park, Westchester and the Sportsplex. Mr. Ernest-Jones identified areas considered problematic, historically, by residents and Mr. Selchan.

Mr. Lewis voiced his feeling that Mayor Boccard is most concerned about the intended method for Canal Z. He explained that the District met with contractors qualified to perform the

work on Canal Z and were informed by the contractors of how best to accomplish the work with the least disruption to residents.

Mr. Ernest-Jones advised that access is the most difficult aspect of performing work on the canals, followed by the hardness of the underlying rock. He explained that, where possible, the Board agreed to allow property owners a ten (10)-foot buffer, into the ROW to contain vegetation.

Mr. Ernest-Jones stated that the contractors' opinion was to use a large backhoe, which can operate in several feet of water, to excavate the canal. Dewatering may be necessary in a few areas but, overall, with the backhoe placed in the middle of the canal, they would excavate and the material would be trucked off site. Mr. Ernest-Jones reviewed aerial photographs demonstrating that there are few access points to the canal through the ROW. He further described the overall project and limitations for equipment to move about the area. Mr. Ernest-Jones identified Eagle Ridge Park, which is partially improved, noting that the District would appreciate the City allowing a portion of the park to be used as a staging area, to facilitate construction with less impact to residents. He confirmed that the District would restore the park area to its original state, upon completion of the project. He noted that this would be helpful and lessen the overall cost of the project. Mr. Ernest-Jones asked the City Manager to discuss this with his staff. He discussed the length of the Canal Z project. He noted that use of a portion of the Sportsplex Park, where hurricane launching takes place, would also be helpful.

Mr. Ernest-Jones summarized that the District has limited space in which to operate. He noted that, over the years, many residents lost track of their rear property line and extended their personal improvements, such as swing sets, trees, fences and vegetation, beyond their property line and into the District's ROW. He pointed out photographs where residents respected the District's ROW, leaving it clear of obstructions. In photographs, he identified other properties with much obstruction. The goal of the clearing program is to widen the areas of extreme congestion to the proper cross section, which decreases the risk of flooding and increases the rate of water removal, in the event of a flood.

Mayor Bocard questioned the impact and asked if the District negotiated with homeowners regarding what will be lost, what the District will reinstall and what can be done, in the future. Regarding canal excavation, he noted that the District requested use of City property for a staging area. Mayor Bocard asked how much lake bank will be removed.

Mr. Ernest-Jones stated that, typically, there is 45 to 48 feet from the homeowners' backyard fences to the water's edge. He explained that this is a sloping area but the District must have a flat area within the lake bank, in order to maintain. The District will allow a ten (10)-foot buffer area and the access area will be the next ten (10) feet, followed by the remaining area down to the water's edge, part of which is sloped.

Mayor Bocard asked if the real concern is getting water to flow through. Mr. Ernest-Jones replied affirmatively. Mayor Bocard referred to the 4:1 slope and asked about the other side of the canal; why is there no consideration of taking the necessary lake bank from the townhome side of the canal, which has no vegetation. Mayor Bocard wondered if, instead of moving the 4:1 ratio further back, the District could simply deepen the canal, without taking residents' backyards. Mr. Ernest-Jones stated that deepening the canal can be considered but pointed out that digging down is more expensive and problematic, driving up the cost to residents. Mr. Ernest-Jones stated that the north side has a steeply sloped 15-foot wide bank; on the contrary, the south bank is 45 feet wide. Mayor Bocard voiced his understanding of the bank conditions on both sides.

Mr. Wrathell pointed out that, in a high water event, much of the slope would be covered. Discussion ensued regarding the flow direction. Mr. Ernest-Jones confirmed that water flows towards Taravella.

President Hulett felt that it is important for the Commission to understand the great amount of work the Board has put into determining the location. He noted that the Canal Z property owners are concerned about the multi-family units on the north side of the canal, which is why the District agreed to allow homeowners the ten (10)-foot buffer area. President Hulett stated that the Commission must be cognizant that, on the canal side of the buffer, the intention is to clear all items, except for those items that Staff deems allowable. He advised that, once cleared, the property owner will be required to keep the area free of obstructions. President Hulett stated that, practicality requires space for the trucks to move along the canal banks during the project and, in the future, for routine maintenance.

President Hulett indicated that the District identified approximately six (6), of its 22 miles of canals, that are considered to be main drains which will need to go through this process. He voiced empathy with the homeowners regarding their concerns about the multi-family units. President Hulett noted that the process used here will be a template, going forward, with changes as necessary, depending on the situations. He feels that today's discussion is important so that

the Commission understands that the District's purpose is to ensure water can be moved to the pump stations and to the C-14 Canal, if faced with a major storm event; the District is trying to prepare the neglected infrastructure for the next 50 years.

Discussion ensued regarding why the City handles water and sewer but not drainage.

Mr. Ernest-Jones pointed out that many property owners and residents planted areca palm hedges in an effort to shield themselves from the multi-family units. The possibility of moving the hedge into the buffer area will be considered.

Mr. Wrathell discussed the original plan and noted that the new approach of excavating from within the canal allows the ten (10)-foot buffer and relocating allowable vegetation into the buffer, prior to commencing construction work.

Mayor Boccard questioned relocating the eureka hedges to the buffer. Mr. Wrathell stated that it would be a one (1)-time relocation. Mayor Boccard asked what happens if the hedges start to encroach on the District's ROW. Mr. Wrathell stated that the District can work with code enforcement on those types of issues.

Vice Mayor Powers asked when the clearing and dredging would need to be done again, once this project is completed. Mr. Wrathell stated that, once the work is completed on Canal Z, it should not be necessary for another 20 years.

Vice Mayor Powers wondered how things got to this point and why residents do not understand the process. He voiced his understanding that this work is a precautionary move, in the event of a flood.

Supervisor Heafy stated that the work is necessary and must be done to move water to the new pump stations; Canal Z is currently not effective in moving water, regardless of storm intensity or regular rain.

Mr. Wrathell indicated that the system does not function to its originally designed level because issues were not dealt with during the past 20 years, and more, along with original construction not being completed to the design specifications. He discussed the possible outcome, had Tropical Storm Isaac continued over the area for another day, or if there was a storm event similar to Hurricane Wilma, coupled with Tropical Storm Isaac's rain levels. Mr. Wrathell pointed out that the discussion would be very different, if that were to occur. He explained that the District is now aware of what could happen and wants to fix the problems now, rather than be faced with the aftermath.

Mr. Ernest-Jones noted that the District was not too far from facing the problem, as Palm Beach County received significantly more rain during Tropical Storm Isaac; a slight shift could have put that rain over the City. Mr. Wrathell spoke of a ten (10)-year old drainage system in Palm Beach County that had issues, at that time. Commissioner Bruck noted that she lives in the Westchester neighborhood and water reached the garages.

Mayor Boccard agreed that the District and City have a responsibility to residents to ensure that these things do not happen; however, he wants to be able to communicate why, noting that residents do not understand the difference between the District and the Commission. He stated that the tree clearing issue is what caused residents to contact him. Mayor Boccard stated his interpretation that the District first replaced the pump stations, fixed the culverts and is now looking to remove trees 45 feet back, which caused him to question if the entire 45 feet must be cleared. He stated that questions were raised regarding whether the work needs to be done and why money should be spent doing something for which no one has shown to be necessary. Mayor Boccard indicated that his responsibility is to the citizens, not what needs to be done but how it can be done with the interests of the citizens in mind. He feels that the Commission's responsibility is to ensure that the home values are raised to the best values, while those citizens are kept safe. Mayor Boccard recalled a Commission issue where something was said to be what is best for the City, to which he stated that he is not interested in what is best for the City, he is interested in what is best for the citizens and how the City can accomplish that.

Mr. Wrathell pointed out that the District has agreed to the ten (10)-foot buffer, and reconsidered the approach, as a result of resident and the Commission's input and questions, in an effort to accommodate everyone. He acknowledged that the process did not begin as smoothly as the District would have liked but it now seems to be on track; the District is focused on completing the project, with consideration to the Commission and residents. Mr. Wrathell noted that this situation is unique, in that growth in the ROWs was allowed to occur for decades and now the District and City are faced with residents who are used to a certain way. He pointed out that he is not aware of any other districts willing to give a ten (10)-foot buffer and also agreeing to pay for the clearing. Mr. Wrathell feels that the current approach is a good solution to the problem.

Mr. Ernest-Jones suggested that the District explain the project to the City Engineer, so that they can render an opinion to the Commission; if the City Engineer can find a better or more accommodating design, the District would be happy to listen.

In response to Vice Mayor Powers' comments, President Hulett pointed out that in public service, one comes against difficult problems that are not easy to solve but, in order to do the right thing, one must take positions that may not be popular. He stated that he is absolutely convinced that the steps being taken are necessary and important and that the District needs to move forward. President Hulett acknowledged that the Board was aware that the clearing aspect would be controversial, as residents have become accustomed to the way things currently look. He is comfortable with the project and that it is needed, in order to protect the citizens of Coral Springs. President Hulett compared the necessity of this project to the City's investment of millions on its fire department, equipment, training, etc., to ensure that firefighters can get there, if a resident's home catches fire; even though there is rarely a house fire. He stressed that this Board takes very seriously its responsibility to ensure that the drainage system works to the best of its ability to protect residents. President Hulett recalled Mr. Ernest-Jones' comments that the system was not constructed as originally designed. He acknowledged that the probability and timing of a 100-year storm event is unknown; however, the District must be prepared because, if flooding occurred, resident complaints would be greater.

President Hulett stated that the District's plan is responsible and as customer-friendly as possible, while still allowing the District to accomplish what is necessary. He noted that other districts, throughout the state, express surprise that the District is even involving the City, as the District has the right to clear its own ROWs without the City's input; however, the District has taken steps to work together and provide options to residents.

Vice Mayor Powers voiced his concern that President Hulett refers to this project being what is best for "the District"; however, he feels that "the District" is really the taxpayers and, regardless of what is best for the District, queried whether the needs of the homeowners, the taxpayers, have been satisfied. Regarding President Hulett's comment about who told the District they could just clear the areas, Vice Mayor Powers questioned who those districts are accountable to, as he feels they should be accountable to the taxpayers.

President Hulett clarified that he was referring to the clearing aspect of the project. He feels that the District has been accountable to the taxpayers; the reason the District is spending money and launched the CIP is to ensure that the drainage system works properly, which is to the ultimate benefit of all landowners within the District. In response to Vice Mayor Powers' questions, President Hulett voiced his feeling that the project is highly responsible, is exactly what needs to be done and is to the ultimate benefit of the District's citizens.

Supervisor Morera stated that the District is at this point due to a series of things that should have taken place but did not, over the past years. He noted that, once these things were brought to the Board's attention, it became their job to correct the problems, which would provide the District's landowners, along with everyone in the City, the proper benefit of the functionality of the District. Supervisor Morera explained that concerns arose from residents who have enjoyed certain accommodations, over the years, which they felt were a right to owning their homes, but are now finding out that the land was not theirs to do with what they want. He stressed the importance of putting a plan in place that achieves functionality, as intended, while minimizing the impact to homeowners; creating such a balance is difficult. Supervisor Morera questioned what the Board can present to residents and the Commission that will be acceptable to both parties.

Commissioner Bruck stated that she thinks the workshop is part of the solution. She noted that it is unfortunate that the process did not start with all stakeholders at the table. Commissioner Bruck commented that discussion is planned later in the workshop regarding why certain things were not done in the past; however, she will not lead that discussion, as she is concerned about what happens going forward. Commissioner Bruck stated that, although the District has a legal right to clear the ROWs, it created a lot of hardship and fears with property owners, which was felt by the Commissioners. She voiced her belief in the District's desire to create a safe environment for its residents. Commissioner Bruck feels that the parties have come together and noted the residents in attendance.

Supervisor Morera agreed with the need to find balance between benefit and functionality without creating disruption. The Board will implement to the best of its abilities.

Mr. Hearn contended that the District has no legal right to clear the ROW, stating that it would be a violation of Section 212 of the City's ordinances. He indicated that the District was formed as a special act and, as a special act, under Chapter 298, it has very limited authority. He stated that the City, as a municipality, formed under Article 8, of the Florida Constitution and Chapter 166, gives the City all authority to perform its municipal services unlimited, with the exception of things expressly not allowed. Mr. Hearn advised that the City has a tree ordinance in effect and, while plenty of people, including Lennar, cleared areas, the City would have tried to avail themselves to other remedies, prior to the clearing being done, such as filing an injunction. He acknowledged that a permit is required but is being waived for the District, due to the type of entity that it is, and because the City recognizes the District's purpose. Mr. Hearn

conceded that the District can physically remove trees but the City would cite them for doing so and, if the City knows about it before, it would file an injunction. He noted that the District has been cooperative but clarified that, while the District has legal authority to maintain and move obstructions that will prevent flow but cannot do so without coming to the City first.

Mr. Lewis respectfully disagreed with Mr. Hearn's interpretation of the District's legal rights. He explained that the District has tried from the beginning to meet with the City and figure things out. Mr. Lewis stated that he is not big on arguing jurisdiction, if they can get the job done.

Mr. _____ stated that the City of Coral Springs is not trying to tell the Board how it should run the District; the District is within the confines of the City and they all represent the same people. He acknowledged that the District identified potential for a catastrophe and has taken the bold steps necessary to get the projects completed; however, the most important aspect, from the beginning, was the lack of communication, although he feels that the parties are now beyond that matter.

Mr. _____ stated that concerns may arise, as he feels this is just a phase of multiple projects planned throughout the entire community. He stated that the community's job is to work with residents, providing them with as much information as possible, and let the City do its job, while moving on together as one.

Commissioner Daley asked for the average number of feet, along Canal Z, that will be impacted on each side.

Mr. Ernest-Jones discussed the ROW and stated that there is approximately 45 feet of ROW from the property line and the water's edge, on the south side. He noted that the north side only has 15 feet of ROW. Mr. Ernest-Jones discussed the steep north side slope going to the water's edge.

Commissioner Daley stated that his concern relates back to the beginning and voiced his opinion, for the record, that the project was a public relations blunder. He thanked the Board and Management for attending the workshop and the previous meeting regarding this matter. Commissioner Daley felt that this is a trust issue for residents who were told that the District was taking 45 feet, whether the residents like it or not and were told "tough".

President Hulett and Supervisor Heafy strenuously affirmed that that the District never said such a thing to residents.

Commissioner Daley contended that, whether said or not, that is how the District's position came across to residents. He assured the Board that his comments are not personal against the Board; they are simply comments conveyed to him. Commissioner Daley acknowledged that residents should have understood that it was not their property but they did not. Referring back to the trust issues, he noted that it was first clearing of 45 feet but now the revised plan offers a ten (10)-foot buffer, leading him to question why the District cannot do its work with only a 25-foot cleared area, and so on. Commissioner Daley acknowledged that the District is presenting three (3) options but questioned if the work could be completed in a different way, such as utilizing both sides, digging deeper, etc. He recognized that property owners were not entitled to the ROW area but they are accustomed to it and questioned what can be done so as not to "shock and awe" them.

President Hulett pointed out that the 45-foot ROW is a misnomer because the ROW is really the distance from the ten (10)-foot buffer to the beginning of the slope. Mr. Ernest-Jones stated that the District is widening the canal by about ten (10) feet in the direction that it can be widened. He discussed the hazards associated with the north side. Mr. Ernest-Jones confirmed that the access area is only about ten (10) feet from the buffer to where it starts to slope too much.

Commissioner Daley asked if that means there is really 20 feet of usable space, ten (10) of which the District is offering as the buffer. Mr. Ernest-Jones replied affirmatively.

Referring to President Hulett's "friend", meaning Mr. Lewis, Commissioner Vignola voiced his opinion that Mr. Hearn knows the City's laws and ordinances better than President Hulett's friend.

President Hulett clarified that Mr. Lewis is District Counsel for the District.

Commissioner Vignola corrected, stating that he was referring to the friends on other Boards that President Hulett referenced.

Commissioner Vignola felt that the origin of the problems needs to be looked at; the fact that people on the south side of Canal Z have no representation on the Board is frustrating to them. He stated that residents feel that the ROW is their property; they are accustomed to it and if they had representation on the Board, they might feel differently. Commissioner Vignola stated that the Commission wanted to initiate discussions with the water districts a year ago to see what the Commission and districts could do to help the mutual residents. He relayed his understanding that President Hulett contacted other Boards instructing them not to attend the

meeting and had no one from the District attend, which he feels slowed the entire process by a year. Commissioner Vignola stated that the Commission became involved when the District Engineer sent letters without approval, which residents misunderstood to say that all of their land would be cleared.

Commissioner Vignola agreed with Commissioner Daley's contention that the District has a trust issue with residents. He acknowledged that the District is prepared to work with residents; however, residents question whether they will work with them.

Commissioner Vignola noted complaints about the culvert work on Coral Ridge Drive taking place at the beginning of the school year, as opposed to the summer, when there is less traffic. He stated that residents told him that the District is willing to give the ten (10)-foot buffer but that the District will require a lien on the property.

Mr. Wrathell and Mr. Lewis confirmed that Commissioner Vignola's statement is not correct. Mr. Lewis explained that the District has the easement on the property and is essentially giving the homeowner permission to trespass on the District's property.

Commissioner Vignola reiterated that this is a trust issue; residents relate back to the first letter they received and the District's first impression to them. He stated that Mr. Mike Saltzman, a Canal Z resident, has kept him informed of what is happening, when he cannot attend a meeting regarding Canal Z. Commissioner Vignola asked that the District continue working with the residents and the City. He thanked the Board and Staff for attending today's workshop.

Mayor Bocard turned the meeting over for resident comments.

Mr. Saltzman thanked the parties for coming together at the workshop. He voiced his previous feelings that the entities were working together and communicating. He acknowledged that the District Engineer evaluated additional options, including the buffer, which is appreciated. Mr. Saltzman stated that the District is moving in the right direction but is not quite there, yet.

Mr. Saltzman clarified Commissioner Vignola's reference to a lien on property, stating that the letter does not mention a lien; rather, it states that obstructions would be removed and the property owners would be assessed for the cost of removal, plus any legal or administrative fees. Mr. Saltzman advised that he is not the property owner; he is an adjacent property owner. He confirmed that he does not challenge the District's right to clear its own property. Mr. Saltzman discussed the City's land use ordinance regarding a requirement for property owners to maintain

canal banks to the water's edge, up to a maximum of 30 feet. He stated that no one wants homes to flood. Mr. Saltzman contended that residents maintained the canal banks for 50 years on the understanding that they have beneficial user rights for use and enjoyment of the ROW, including landscaping, fences, gazebos, docks, etc. He feels that the ten (10)-foot buffer should be part of a permit, not one of the options given to residents. Mr. Saltzman stated that the options offered to residents are not negotiable.

Mr. Saltzman is willing to have obstructions removed and maintain landscaping on his property but questioned how he can be made to maintain the District's property to the water line. He questioned the legality of the City code that requires him to maintain property of a governmental entity that has no jurisdiction over him. Mr. Saltzman feels that the City and District must discuss how this is managed in the future and who is responsible for maintenance. Mr. Saltzman contended that all other governmental agencies maintain their own ROWs, with no responsibility falling on the adjacent property owners. He voiced his understanding that it is not right for him to plant a tree on a neighbor's property; therefore, it is not reasonable that he be required to cut his neighbor's grass. Mr. Saltzman believes that the District should consider changing its policy requiring adjacent property owners to maintain the ROW. He found it ironic that the District spoke of using the City's Code Enforcement Department, should a resident allow growth into the ROW; however, the District chooses to disregard the City's tree removal ordinance.

Supervisor Heafy asked Mr. Saltzman if he means he would not cut the grass in the easement in front of his home. Mr. Saltzman confirmed that he does maintain the area in front of his home. Supervisor Heafy explained that is the point, he is maintaining someone else's easement. Mr. Saltzman conceded the point but stated that he is allowed to landscape that easement. Whether Mr. Saltzman can landscape that easement was questioned. Commissioner Vignola felt that Mr. Saltzman's comments relate to him having representation for that area. Discussion continued regarding Mr. Saltzman's easements and what he maintains.

Mr. Saltzman feels that consideration should be given to what beneficial use and enjoyment adjacent property owners can have from the ROW; if the property owners will have no beneficial use and enjoyment rights to the District's ROW, they should not be required to maintain it. He voiced his feeling that the arrangement cannot be split in the middle for only the District's benefit. Mr. Saltzman concluded that residents simply want consideration for their backyards, even though they do not legally own them.

Mr. Lewis clarified that the maintenance of the ROW requirement referenced by Mr. Saltzman is in the City's code; the District has no policy on the matter and never has. Mr. Lewis stated that he reviewed the City's ordinances but was not able to locate a definition of what constitutes maintenance. He assumed that the maintenance requirement referred to maintenance of the homeowner's property, not to someone else's property. Mr. Lewis reiterated that the District has never obligated a citizen to maintain the District's ROWs. He noted that the issue in Chapter 298 states that waterworks cannot be obstructed, not waterways specifically; however, waterworks includes waterways and ROWs. Mr. Lewis stressed that all of Mr. Saltzman's references to maintenance requirements relate to the City code and the District has no authority to change City code. Regarding maintaining the ROWs, Mr. Lewis pointed out that the code contains provisions that say "as between the City and water control districts". He added that whoever's regulation is more stringent is the one that applies.

Mr. Wrathell stated that if the City code changed to require the District to mow the area, the District would do so; however, it would likely not be as frequent as homeowners would like. Also, such a change would result in an increase in homeowner assessments, to cover the cost of maintenance. Mr. Wrathell suggested that homeowners must weigh which option costs more, their own lawn service company, who charges a little more to mow the entire area, or increased assessments for the District to mow the area.

Mayor Bocard referred to Option 2, in the District's letter to residents, which states that the District will clear the area but the resident will be required to maintain and mow the grassy areas that remain adjacent to his or her property and to keep it clear of obstructions, etc. He stated that if this statement is not true, then clarification is needed.

Mr. _____ acknowledged that the City has the code requiring homeowners to maintain.

Mr. Joe Croce, a Canal Z resident, stated that he called upon the City for help because he has no representation with the District. He reminded the Board that the District does not assess him because that side of the canal is in a different district. Mr. Croce discussed the work done by residents when homes were built. He acknowledged that the District is offering to allow him a ten (10)-foot buffer; however, he asked what if future Boards want that ten (10) feet back. Mr. Croce suggested that he would maintain the ten (10) feet and all the way to the canal, if the District deeds it to him. He stressed that there is no assurance. Mr. Croce stated that the situation is different for homeowners on that side of the canal, as they have no representation on

the District's Board, do not pay taxes to the District and are not serviced by the District; therefore, the residents feel they should be treated differently. He reiterated his feeling that, if the District is willing to give the ten (10)-foot buffer, they should give them ownership of it, so that a future Board cannot take it away.

Mr. Lewis felt that the District might be able to offer a recordable license to the property owners that could only be revoked by mutual consent of both parties. Mr. Wrathell stated that it is not possible for a governmental entity to give away its property; however, Mr. Lewis' suggestion seems to be a good solution.

Mr. Gary Runge, a resident, noted that he does not live along Canal Z but wants his right to speak. He acknowledged that the code to which Mr. Saltzman referred is a City code. He discussed the City's sustainable design guidelines related to trees, vegetation, wildlife habitats, etc. Mr. Runge stated that he spent a lot of money on improving his property, followed the City's code and contended that he has done nothing wrong. He feels that he is entitled to compensation if the District clears his backyard. Mr. Runge believes that other alternatives should be considered so that the District can work with the City. He admitted that he does not want to be flooded and, if the Canal Z work is necessary, it should be completed; however, he feels that an independent civil engineer or firm, independent of both parties, should confirm whether the work is really needed. Mr. Runge alluded that Mr. Ernest-Jones says it needs to be done; therefore, the District wants it done. He asked if an environmental assessment was performed to determine what can be done to retain the existing habitats. Mr. Runge feels that there needs to be more give and take because there is a problem. He stated that the City has a problem with its code. He suggested that the District is using the downed trees during Hurricane Wilma as an excuse and noted that those were nuisance trees. Mr. Runge pleaded with the District to have this reviewed from the environmental aspect, not just the hard engineering side.

Vice Mayor Powers voiced his feeling that everyone's responsibility is to the taxpayers and that everyone wants to ensure that the home values stay where they need to be. He noted that taxpayer money is being spent on this project and suggested that more time is needed, before moving any further. Vice Mayor Powers believes that there are questions to be answered to ensure that this is the best use of taxpayer funds. Vice Mayor Powers stated that, at the end of the day, this is not about the canal; it is about the needs of the homeowners and taxpayers and are their needs being fairly addressed. He feels that the District has not addressed the needs of the taxpayers.

Mayor Boccard voiced the Commission's appreciation to everyone for meeting today. He was hopeful that the District can have as much engagement as possible with residents regarding its intention. Mayor Boccard feels this workshop was a great beginning for a relationship between the City and the District, as they face the same challenges, and working through it together is vitally important.

Mayor Boccard recalled touring the Corporate Park with Mr. Wrathell and asked the District's intentions for that area. He noted that the grand scheme of the Commission is to reinvest and remarket the City, including the commercial properties in the Corporate Park.

President Hulett noted that the Corporate Park has been a political football for many years and much work is needed. He stated that the District addressed the issues a few years ago. President Hulett explained that someone needs to coordinate the property owners to maintain the swales for which they are responsible. He discussed the issues with the swales and variations in elevations. He applauded the City for its efforts to move the Corporate Park forward and suggested that the City begin an initiative to get property owners to clear their swales so that water can flow into the canals.

Mayor Boccard recommended holding another workshop at which residents can engage, the District can finalize its intentions and what compensations it is willing to make.

Supervisor Morera referred to comments during the workshop of "we are not there yet" and asked for specifics of what residents envision as acceptable, in conjunction with how the City interprets it to be. He requested that the specifics be put in writing so that the District can analyze it to determine the feasibility of implementing those recommendations, if they make sense. Supervisor Morera stressed that the District has been flexible.

Mayor Boccard felt that the request was reasonable and recommended that the District speak to the residents, as the City cannot answer the questions. He offered to participate in another joint meeting.

Supervisor Heafy invited the Commission to attend the District's meetings.

President Hulett agreed that this has been a useful session and his hope that it clarified some of the Commission's questions. He provided the Commission with a handout of information. He stated that the Board feels strongly that what the District is doing is for the greater benefit of the community.

Vice Mayor Powers asked if the District will move ahead now or take a step back to receive more input.

President Hulett stated that the District needs to begin moving forward; if residents have concerns, they can attend the upcoming District meeting to ask specific questions and provide suggestions so that District Staff can determine if those suggestions are practical. President Hulett explained that, because of the extra time and care already spent, the project is behind schedule; it should have been completed by now.

Mr. Lewis explained to Vice Mayor Powers that the District is meeting face-to-face with every property owner along Canal Z to evaluate their property and determine what can be done.

Vice Mayor Powers contended that it is one thing to have dialogue but another to act on it.

Mr. Lewis stated that the District has acted on it, which is why things are where they are now.

Mayor Boccard noted his concern about the approach with the rest of the District.

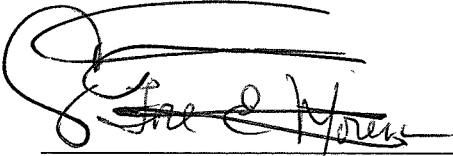
Regarding Vice Mayor Powers' question, President Hulett stressed that the District must move forward as expeditiously as possible, with due consideration to the property owners.

Mr. _____ advised that there is a permit that comes to the City and the communication with District Staff will not be a surprise.

FIFTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the workshop adjourned at approximately 8:22 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair