

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Workshop of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, August 1, 2011, at 6:00 p.m.**, in the **Commission Chambers, Coral Springs City Hall, 9551 West Sample Road, Coral Springs, Florida 33065.**

Present at the meeting were:

David Hulett	President
Joe Morera	Vice President
Emily Heafy	Secretary

Also present were:

Craig Wrathell	District Manager
Doug Paton	Wrathell, Hunt & Associates, LLC
Matthew Kozak	Wrathell, Hunt & Associates, LLC
Terry Lewis	District Counsel
Cory Selchan	Field Superintendent
Tom Donahue	District Engineer
Rhon Ernest-Jones	District Engineer
Debbie Hernandez	Rhon Ernest-Jones/IBI
Mayor Roy Gold	City of Coral Springs

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell indicated, for the record, that at 4:38 p.m., as advertised and noticed, the field version of the Workshop commenced. Mr. Hulett, Mr. Morera and Ms. Heafy were in attendance.

Mr. Wrathell called the formal Workshop to order at 6:15 p.m., and noted, for the record, that Mr. Hulett, Mr. Morera and Ms. Heafy were present, in person.

SECOND ORDER OF BUSINESS

Citizens' Requests

Mr. Hulett asked if there were any citizens present that wished to address the Board. There being none, the next item followed.

THIRD ORDER OF BUSINESS

**Discussion: Board Comments Regarding
On-Site Tour of Selected Area**

Discussion followed on the observations and impressions of the Board Members regarding the on-site tour.

Ms. Heafy expressed that they are taking on a project that should have been done over the past 40 years. She felt that the nuisance trees and shrubs should be removed first.

Mr. Morera stated no previous Board was willing to address the existing concerns. He felt that, based upon the areas viewed today, which were only a small sample, there will be many areas that are more problematic and more challenging. Mr. Morera agreed with Ms. Heafy regarding removal of the nuisance trees and shrubs.

Mr. Hulett agreed with the comments from Ms. Heafy and Mr. Morera and stated, at this point, a plan of action must be formalized for moving forward. He referred to the letter sent to the residents on April 25, 2011, which indicated that on August 1, the District would begin formally issuing notices of correction to those property owners who have not removed the identified items. Discussion ensued regarding the form of notification to be used.

Mr. Hulett advised that Ms. Debbie Hernandez, from Rhon-Ernest Jones/IBI, suggested that, as a starting point, they begin with removal of the exotics, underbrush and fences. Mr. Hulett requested input from the Board and Staff as to whether the notices for fence removal should be handled by Code Enforcement or by the District and the process to be used. Ms. Heafy felt the notices should be sent by the District. Mr. Ernest-Jones emphasized that, while this is a code violation, it is also an encroachment and the District, as the owner of the right-of-ways, can take whatever reasonable steps it deems necessary. Mr. Hulett inquired about the mechanics of issuing notices of correction to the residents. Mr. Selchan stated, for this particular project, all of the issues have been identified. The areas have been staked off and clearly marked for Staff and the homeowners to see.

With regard to the notices of correction, Mr. Wrathell suggested that they be sent to the physical address, as well as to the mailing address used by the property appraiser, for the tax bills. He suggested creating a door hanger that the letter will slide into and hang on the door. The resident will receive a certified copy of the notice, as well as a copy in the door hanger.

Mr. Lewis advised that the first notification should be sent to the property owner by Certified Mail. He suggested including an individualized, aerial photograph of the lot in

question so that the encroachment is obvious. He emphasized that some of these situations may result in legal proceedings and, to that end, there must be detailed record keeping, from the very beginning, in order to be able to create an individual file on every resident that is sent a notice.

Ms. Heafy suggested sending the notices by Certified Mail but not requesting a receipt, in an effort to save postage.

It was suggested that the notice letter utilize check boxes to identify the particular violation(s), such as fences, vegetation, the type of vegetation, etc. Mr. Hulett requested that the notice of correction be brought before the Board, for approval, at the next meeting.

Mr. Lewis suggested sending out ten (10) or 12 notices at a time, in order to control the number of residents appearing at the next Board Meeting.

Mr. Hulett inquired as to the number of property owners, in the test area, having foliage issues. Mr. Selchan indicated that there are very few because his Staff went through the area, a few years ago, and cut out all the foliage. He stated the aim would be to clear up the small amount that has re-grown, since the initial cleanup, and do the clearing and grubbing now, which is the majority of the work.

Mr. Hulett pointed out that the draft letter advises the property owners that they have 60 days to remove the noticed items from their property. Mr. Wrathell recommended tagging the specific trees. Discussion ensued regarding palm tree removal. Mr. Ernest-Jones recommended indicating, in the notices, that palm trees will be tagged, alerting the residents to the fact that moving the trees may require a permit. Mr. Morera felt the residents would be more inclined to relocate the palms, rather than remove them. Mr. Ernest-Jones clarified that they are tasking the homeowner with moving everything out of the right-of-ways.

Mr. Ernest-Jones volunteered to draft the notice of correction. Mr. Hulett requested that the draft be distributed to the Board and Staff, once it is completed.

Mr. Wrathell introduced Mayor Roy Gold. He thanked the Board for their work, on behalf of the city. Mayor Gold suggested emphasizing the life safety factor of the community in the notice. Mr. Hulett stressed the importance of being able to access the canals and the right-of-ways, in the event of a major storm event. Mayor Gold also thanked the Board for their assistance with the waterway cleanup.

FOURTH ORDER OF BUSINESS

Discussion: Review Report from Coral Springs City Attorney Regarding Tree Mitigation

Mr. Lewis stated the letter from Mr. Hearn is very helpful and outlines several things that can be done, with minimal oversight and in coordination with the city. He indicated the issue arises when there is overlapping jurisdiction of governmental bodies. Mr. Lewis noted that Sunshine Water Control District (SWCD) is a special district with special purpose powers, dealing primarily with flood protection and water management. He indicated that the obligations that SWCD has, to maintain and operate its flood control system, for the benefit of those who are paying assessments, is coequal, in his firm's opinion, with any authority the city might have to regulate that.

Mr. Lewis advised there is no definitive answer as to who would win, on this topic. He stated it is almost always better for two (2) governments to work out their differences amicably, if possible. On the other hand, the District has a paramount duty to operate the right-of-ways for the life safety of the citizens. Mr. Lewis stated his interest is in trying to get the project done efficiently, at a reasonable cost, and still cooperate with the city, without ending up in court.

Mr. Hulett referred to the letter from the city attorney and stated, the question is what constitutes a public safety issue. Mr. Lewis' opinion was that the SWCD Board is the obvious board to make that determination.

Mr. Morera stated, ultimately, the consequences of any action or inaction fall upon the District. He questioned who will take ownership of the unresolved problem if the District is identifying potential problems and is being told by the city that they should not act to resolve them. Mr. Lewis could not provide a definitive answer.

The discussion returned to the topic of relocating palm trees. Mr. Wrathell suggested including language in the notice stating, if it is determined that a permit is required to relocate a tree, the District is giving its consent to relocate the tree and to request a permit from the city, in order to do so. Mr. Hulett noted that the trees are a public safety issue and the District's position is that the trees must be removed, by the homeowner. Mr. Wrathell suggested providing a copy of the notice of correction to the city attorney, prior to mailing. Mr. Hulett requested that Staff provide some examples of door hangers at the August 10 meeting.

FIFTH ORDER OF BUSINESS

**Discussion: Develop Board Policy
Regarding Right-of-Way Access**

- a. Review Timeline of Material Sent to Landowners**
- b. Trees and Foliage**
- c. Structures**

This item was discussed during the Fourth Order of Business.

SIXTH ORDER OF BUSINESS

**Discussion: Review Communication
Materials/Tools**

- a. Door Hanger: Violators**
- b. Door Hanger: Non-Violators**
- c. Tree Tag**
- d. Quotes for Printing Services**
 - (1) Executive Printing and Mailing**
 - (2) Safeguard Business Printing and Promotional Products**
 - (3) Printing Connection**

This item was not discussed.

Mr. Wrathell indicated that it was advantageous to have the Mayor present, at this meeting, to hear these discussions. Mr. Hulett agreed and stressed that what the Board is trying to do is very difficult and they are trying to take a different approach, than the previous Board, by attempting to be fair to everyone concerned and easing the way into the process by beginning with a test area, as a prototype.

Mr. Morera stated the idea is to have a balanced and fair approach and the policy must be applied as equally as possible.

EIGHTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 7:32 p.m.



Secretary/Assistant Secretary



President/Vice President