

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on July 13, 2022 at 6:30 p.m., at the La Quinta Inn Coral Springs, 3701 N. University Drive, Coral Springs, Florida 33065.

Present were:

Joe Morera	President
Ivan Ortiz	Vice President

Also present were:

Cindy Cerbone	District Manager
Jaimie Sanchez	Wrathell, Hunt and Associates, LLC
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC
Al Malefatto	District Counsel
Orlando Rubio	District Engineer
Cory Selchan	Field Superintendent
Alain Bellevue	Resident

FIRST ORDER OF BUSINESS

Call to Order

Ms. Sanchez called the meeting to order at 6:30 p.m.

SECOND ORDER OF BUSINESS

Roll Call

Supervisors Morera and Ortiz were present. Supervisor Khouri was not present.

THIRD ORDER OF BUSINESS

Pledge of Allegiance

All present recited the Pledge of Allegiance.

FOURTH ORDER OF BUSINESS

Public Comments [3-Minute Time Limit]

Ms. Sanchez stated Staff received a request for a Letter of No Objection (LONO) from resident Alain Bellevue, who would like to have a fence encroachment and, in doing the due diligence of researching the Broward County Property Appraiser's website and conferring with

Mr. Selchan, it was discovered that there are other obstructions in the District's right-of-way (ROW). Mr. Selchan and his Staff inspected the property and obtained photographs that he can elaborate further on. This way Mr. Bellevue can take advantage of his three minutes and not have to recap the whole situation, if the Board is amenable.

Mr. Selchan explained that, when a resident asks for a LONO for a fence, Staff inspects the property to make sure the ROW is clean and free of obstructions. Upon inspecting Mr. Bellevue's property, Staff noticed a dock, deck and some trees encroaching in the District's ROW and informed him of the findings. Mr. Bellevue had no objection to removal of the trees but he would like to keep the deck, which is 75% to 80% on the District's ROW. After informing Mr. Bellevue of the District's policy, he asked to come before the Board to ask for an exception.

Ms. Sanchez stated Mr. Bellevue mentioned that a worker photographed his home last week and, before he spoke, he wanted the details of how many feet are encroaching into the District's ROW and what was on his property.

Mr. Selchan replied that the deck encroaches 13' to 14' onto District property.

Ms. Cerbone stated, in talking with Mr. Bellevue about how this occurred, she informed him that it does not matter how it occurred, it is what is currently in existence. Many of the residents that Staff has dealt with inherited the obstructions. She stated that Mr. Bellevue talked about a permit application and a permit from 1997. A permit application was located by the City but no permit could be located and, even if a permit was located, it was issued in error.

Ms. Cerbone discussed obstructions in the ROW, LONO application policies, the City issuing code violations and offering residents the Option 2 Agreement. She concluded that all the resident is asking for is for the District to take everything away and for the deck to remain. She reminded the Board that an exception has never been granted.

Mr. Morera stated, unfortunately, the Board has come across this scenario several times and, in order to be able to maintain an application of the existing policy, the Board must apply it equally for every scenario. He stated that he empathized with Mr. Bellevue and would allow him to speak for three minutes.

Mr. Bellevue thanked Ms. Sanchez and Ms. Cerbone for their assistance and patience. He stated that he has no issues with having the fence project completed in the correct manner. He shared that he purchased the property in April 2022 primarily because of the deck and voiced his desire to keep it. He stated, if it is possible to salvage the deck in any way, that would

be a great outcome for him and his family, which is why he is making this plea. He noted that he fully intends to comply with whatever decision is made in order for the fence project to proceed.

The Board and Staff discussed moving the deck elsewhere, salvaging the tree, trimming the tree, potential blockage in a nearby canal due to the tree, dock safety concerns, District policy and offering Mr. Bellevue an Option 2 Agreement entailing removing everything that is in the ROW. Mr. Selchan stated, if Mr. Bellevue is amenable, he would contact the City's Arborist to inspect and assess the entire area to determine if the tree can be salvaged.

Mr. Malefatto stated, since the homeowner made a formal request, it would be appropriate to have a formal motion to deny the request, with the option that Staff will try to salvage a tree, if feasible.

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, the Letter of No Objection request from Mr. Bellevue, was not approved.

Mr. Bellevue asked where he can have the fence installed. Ms. Cerbone replied, on or within his property line; any fence survey company will be able to provide documents showing where the fence will be and Staff could read them and confirm if the fence would be on or inside his property. Asked about an existing survey of the property, Ms. Cerbone stated a new survey might have to be conducted. She advised Mr. Bellevue of the survey process and what his next steps should be.

Mr. Bellevue thanked the Board and Staff for their time and consideration.

FIFTH ORDER OF BUSINESS

**Presentation of Audited Financial Report
for the Fiscal Year Ended September 30,
2020**

Ms. Cerbone stated, for the record that, last year, the audit was filed with the State by June 30th but Staff did not have it on the Board's agenda, which is why both audits are on the agenda. She stated, in reviewing the audits, she has the exact same comments for both 2020 and 2021; there were no findings, no issues, no recommendations for improvement, nothing that needed to be reported to any agency whatsoever. They were both clean audits.

Ms. Cerbone stated there is a slight change in the audit approach for 2021 that did not exist in 2020; as part of the audited financial report, a listing of the number of employees, independent contractors and a few other informational details that did not appear in 2020 were been added.

Asked for a clarification of Item #5, on Page 34, regarding financial emergency conditions, Ms. Cerbone stated the District is not in any financial distress, it has sufficient cash, it has no past due loans and it has no claims or liens filed against it. If any of those situations existed, then that could trigger a financial emergency situation in which a separate notice would need to be filed.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2022-08, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020

Mr. Morera presented Resolution 2022-08.

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, Resolution 2022-08, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020, was adopted.

SEVENTH ORDER OF BUSINESS

Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2021

Mr. Morera presented the Audited Financial Report for the Fiscal Year Ended September 30, 2021 and asked if there were any questions for Ms. Cerbone regarding the list of contractor names. There were no questions from the Board.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2022-09, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021

Mr. Morera presented Resolution 2022-09.

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, Resolution 2022-09, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021, was adopted.

NINTH ORDER OF BUSINESS

Update: Legislative Matters

There were no updates.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of May 31, 2022

Ms. Sanchez presented the Unaudited Financial Statements as of May 31, 2022.

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, the Unaudited Financial Statements as of May 31, 2022, were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of June 8, 2022 Regular Meeting Minutes

Mr. Morera presented the June 8, 2022 Regular Meeting Minutes.

Ms. Sanchez stated edits were received from District Counsel and the District Engineer and the minutes would be amended to reflect those changes.

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, the June 8, 2022 Regular Meeting Minutes, as amended to incorporate changes submitted to Management by District Counsel and the District Engineer, were approved.

TWELFTH ORDER OF BUSINESS

Supervisors' Communications

Mr. Ortiz stated he just returned from vacation and had a great time.

Mr. Morera stated that he recently saw an alligator in a District canal. He asked if deferred or unaddressed items on the agendas are being tracked and requested a brief recap of open items. Ms. Cerbone replied affirmatively and stated with Mr. Rubio and Mr. Malefatto's level of detail and professionalism, there is no need to keep track of open items. In several of Management's other Districts, at the conclusion of each meeting, an "Action Item Recap" is

done, identifying who has to do what and the ETA. Ms. Cerbone and Ms. Sanchez then send email reminders to fellow Staff members regarding pending items but that is not usually necessary in Sunshine's case due to the responsiveness of its Staff.

Mr. Morera shared that he attended a City workshop and the City Manager was discussing a recent rainstorm and pointed out Sunshine's great performance as a Special District and how there has been no flooding. He appreciated the City Manager recognizing the District and stated that the credit should go to the District's Staff. He thanked everyone for their dedication and diligence.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Lewis, Longman & Walker, P.A.*

- **Letter to Arthur Neiwirth, Esq., Regarding Blue Stream Communications, LLC's Failure to Obtain Permits**

Mr. Malefatto stated he recently conferred with Mr. Morera about erecting a memorial for Mr. Prudhomme on District property.

The Board and Staff discussed memorial options and Mr. Morera urged Staff to choose between planting a tree or installing a plaque and report back to the Board.

Mr. Malefatto presented the letter he sent to Arthur Neiwirth, Esq., regarding Blue Stream Communications, LLC's failure to obtain permits, advising them that they are on notice and need to have permits for facilities and cables within the District's ROW. He received an email from Blue Stream's General Counsel stating that the construction division ensured that permits were obtained and identified three permits that they obtained from the District but there were many others that were not permitted, particularly the cable that was severed. He responded back in that manner after conferring with Mr. Selchan.

Mr. Malefatto stated, in April, the Board passed a Resolution authorizing the District to reimburse Board Members for health, dental and vision insurance for themselves and their spouses, pursuant to Section 112.08 Florida Statutes. He had discussions with Mr. Morera as to whether reimbursements could be included in Medicare or Supplemental premiums. Staff examined this closely and concluded that it would be reimbursable, consistent with the prior

resolution. Ms. Rustin is preparing a substitute resolution for Resolution 2022-04, which would cover the Medicare reimbursement, which will be presented at the next meeting.

B. District Engineer: Craig A. Smith & Associates

• **Presentation: Monthly Engineer’s Report**

Mr. Rubio presented the July Monthly Engineer’s Report included in the agenda.

Discussion ensued regarding work being done on the Coral Springs Drive bridge.

C. District Engineering Consultant: John McKune

There was no report.

Mr. Morera asked if anyone has heard from Mr. McKune. Staff would continue to contact him.

D. District Field Supervisor: Cory Selchan

Mr. Selchan reported the following:

- There has been over 7” of rainfall in the past month but no need to pump.
- The canals are being kept artificially low to prevent issues at the pump stations.
- Normal operations are going smoothly.
- There was a minor accident involving one of the District’s trucks; the truck was taken out of service.

E. District Manager: Wrathell, Hunt & Associates, LLC

• **NEXT MEETING DATE: August 10, 2022 at 6:30 P.M.**

○ **QUORUM CHECK**

The next meeting would be held on August 10, 2022.

FOURTEENTH ORDER OF BUSINESS

Public Comments

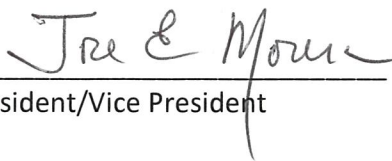
No members of the public spoke.

FIFTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Morera and seconded by Mr. Ortiz, with all in favor, the meeting was adjourned at 7:39 p.m.


Secretary/Assistant Secretary


President/Vice President