

**MINUTES
NORTH PALM BEACH HEIGHTS
WATER CONTROL DISTRICT**

March 14, 2013 at 7:00 p.m.

**Jupiter Library
705 Military Trail
Jupiter, FL 33458**

The Monthly Business Meeting of the North Palm Beach Heights Water Control District (“District”), having been duly advertised and posted, was held on March 14, 2013 at the Jupiter Library, 705 Military Trail, Jupiter, FL 33458. The meeting was called to order at 7:01 p.m., the Pledge of Allegiance was read, and roll call was taken:

Present

Jeff Iravani
Wally Baldwin
Lee Hintemeyer
Lynn McCullough
Brett Carpenter

Report by Mr. Baldwin, District Attorney:

1. We followed up with BB&T Bank with the remainder of the documents they requested regarding the line of credit.
2. The District received drainage fees from Chasewood North Condominium Association, Regency Center and PepBoys. Mr. Baldwin believes everybody is current with their drainage fees for the year.

Report by Jeff Iravani, District Engineer:

1. The first canal cleaning is underway. They have done NC-1 and they are working on NC-3.
2. The Indian Creek outfall replacement construction is complete. They have to do some more grass restoration. In a couple of weeks, they are going to take the irrigation pipes out and then they should be done.
3. Mr. Iravani had a meeting with the Indian Creek homeowners who attended the last meeting. He went through their concerns about the restoration, the back of

their lots. The contractor has restored the road and they understood what was going on and they were satisfied with the explanation.

4. Mr. Iravani also had a meeting with the Stonebriar homeowners who had encroachments in the District's easements. Mr. Iravani discussed the encroachments, showed them the plans and explained to them what it was behind the house and what was going on. We also gave them permit applications for the encroachment. This is vegetation right on the fence side, which they have planted. If it is not going to block our access, we give them a permit so they can keep it in the meantime. We also preserve the District's right to remove them if we need to. They were satisfied. Mr. Iravani received two permits back and asked the Supervisors to forward him any permits received in the District's post office box. He is waiting for a few more. There were some trees down on the southern area of Stonebriar that are in the District's access. They may need to be removed to allow access to Indian Creek Parkway.
5. Mr. Iravani sent bid packages for NC-5, east and west of Marion Street. The portion east of Marion Street is about 1000 feet to Heights Blvd., which is where there was a major collapse after the 12/11/12 storm. There have been issues in that area. The bid package for the east portion is contained in his report under NC-5 east. They are going to regrade NC-5 to the proper slope. They are going to put turf enforcement mats on both sides and then riprap on the portion below the water. The bottom is also going to be widened to about 6 feet, which would maximize the cross section. Two bids were received. Low bid is about \$165,000 for east side of restoration. Mr. Iravani also had meetings with Egret's Landing, homeowners and South Indian River Water Control District because they have landscaping which encroaches into their easement, which is for the canal benefit. Everyone is in agreement that the vegetation would have to be removed. Mr. Iravani has received an estimate of \$5000 to remove that landscaping. There are also fences that have to be relocated, which is about \$1000 - \$1500. Mike believes they can share the cost.

Mr. Iravani sent out a bid package for the remainder of NC-5, west of Marion, which is 500 feet. There hasn't been any issue with that section but it is also needs to be brought up. The low bid from the same contractor is about \$88,000. That portion is 530 feet. The other portion is about 1000 feet.

Mr. Iravani stated he will wait to get other bids too but because the next meeting is going to be too close to the rainy season, so should the Board decide to proceed, he would like to start so it can be completed before June.

Mr. Iravani stated this particular contractor is specialized in this. He has not done any work for the District. He has done work for the Town of Jupiter, including restoring the control structure after I-95 in the damaged area.

Mr. Iravani also sent a bid package for the widening of NC-6 along Indian Creek, the western portion of NC-6. The access road is about 5 or 6 feet too wide in that area, along the entire Indian Creek. This is mainly because the back of the lots from Indian Creek Phase 9 come into the District's easement for five feet. This would basically widen the canal about 5 feet, 2400 feet remaining. Mr. Iravani estimates the cost of excavation and sod around \$7000.

6. Mr. Iravani had a discussion with FEMA about their grant. Apparently FEMA and the State are discussing whether FEMA needs to pay. NRCS is responsible for the application and the grant is held up.
7. This has to do with Egret's Landing Homeowner's Association, which was already discussed.
8. A copy of the Water Control Plan is attached. It is the same plan as the draft that was presented to the Board at the last meeting.
9. Mr. Iravani recommends that the District adopt Palm Beach County Local Mitigation Strategy. He provided documentation on that. This would give them a chance to apply for grants for storm water improvement, canal restoration, etc., which are available through LMS.
10. Vegetation was removed on Heights, which consisted of small trees and bushes, as well as NC-6, along Indian Creek.

Mr. Baldwin stated that they can reaffirm the old Water Control Plan and incorporate the new plan, which doesn't have any substantive changes, just additions. If the District can locate the old plan, there is no need to adopt a new one if there have been no changes to it. Mr. McCullough stated he had all the Court documents from when the District was created November 5, 1958. Mr. Baldwin will look through the documents again.

Items by the Board Members:

Mr. Carpenter asked Mr. Iravani about the bids for NC-5 east modification (1000 feet) (\$165,000). The proposal for the west portion is \$88,000 for 500 feet. NC-6 was \$70,000 (2400 feet), which is the entire Indian Creek. Mr. Iravani stated that the \$165,000, they have a stockpile of riprap. Mr. Iravani stated they are going to excavate the bottom to the design station because of the sediment. It is going to be five feet wider in this section and it is going to be the same south of Indian Creek Blvd. and north of Indian Creek, which is Jupiter Village, couple of hundred feet north of the control structure. It is the entire length of Indian Creek community. Mr. Iravani pointed out where the location of the project. [One resident advised when they were bringing some of the equipment down to the big cement pipes, one rolled into her yard and dug into the grass.] Mr. Iravani said he would notify the Town of Jupiter.

Miscellaneous Items by the Chairman:

None.

Items by the Public:

The public was advised “At this time, we listen to items from members of the public. You state your name and address and we give three minutes per person so everyone gets a chance to talk. The Board will respond to your questions the best that we can.”

Karen Kemf
175 Wandering Trail
Indian Creek

Mr. McCullough advised that Mr. Iravani is the District Engineer for the Water Control District for North Palm Beach Heights, not Palm Beach County. The project that was done in Ms. Kemf’s neighborhood was between her HOA, Master, and the Town of Jupiter. It was their contractor, their engineering. Mr. McCullough advised the only involvement the District had at that time was they had come forth to request a permit to do the work, which was granted. It is the District’s canal. Mr. McCullough explained that Ms. Kemf’s HOA had a little bit of money to do this work. The Town of Jupiter obtained grant money for the project. The grant administrator partnered with the development. Mr. McCullough explained that the HOAs do not communicate everything with the residents and that is why Ms. Kemf never heard about it at her HOA meeting. One of the contractors turned their backhoe into the canal. Needless to say, the District was not happy about that either as it created a lot of damage to the District’s canal, as well as tearing up the roadway. They had to go back and reshape the canal bank, sod it and restore it. Ms. Kemf asked if that is going to be narrowed now. Mr. McCullough advised that they are going to narrow the road. The problem is the water flow gets restricted there when it comes out of Indian Creek to about that halfway point. So the intent is to widen that canal by five feet so it looks the same way at both ends. It is basically a bottle neck. Mr. McCullough advised her to be careful when walking as it is still soft. Mr. McCullough explained that washouts come down the canal. You get piling on piling on the bottom of the canal and that restricts the water flow coming out. So the District is going to give it the correct shape and width and the bottom would be flat, so it will be a straight shot out. Mr. Iravani explained traverse point stakes.

Mr. McCullough explained that the day he and Mr. Iravani did a walk-through of the canal behind her house with the Town of Jupiter (Andy Lacassick and David Brown), was December 11, ironically the night that the Heights flooded. Some of the canals went over the bank. Jupiter had flooding in front of the Town Hall, so they activated the EOC. Maplewood Drive was a mess, the water was a couple of feet depth and when they got out on Indiantown Road by the Home Depot, water was almost at the concrete median, all the way down to Military. This is why the main outfall canal is so critical.

Mr. McCullough received a call about 7:45 p.m. from a resident crying on the phone, stating the water is over the banks, coming up to my door. She happened to be on the north-south canal. Mr. McCullough only lives 5 streets north of her and didn't have any water. He drove down there and it was out of the canal, it was up on the banks, it was going in the yard and coming in her house. Mr. McCullough went ahead and drove the east-west canal at Leslie Street on the north end of the heights, and that water was just ripping out of there, making the bend, and heading north. The District sustained about 350 feet of damage to the canal on the Leslie Street because the water was moving so fast, which is what they are talking about doing with the other two projects, which is the District's (and its residents') expense. They are going to widen it, reinforce it so we don't get any more washouts but if the District would have had a major washout and collapse of the bank, it doesn't matter where, all that water would have backed up into their neighborhood and there would have been major flooding such as in October 1995. It was the same type of scenario on December 11, 2012 that it was in October 1995. Thunderstorms set up over the area and they never moved, just kept coming in, southwest to northeast and raining.

Melissa

Melissa said the water levels are raising around her pool. Mr. Iravani confirmed that the pool was surveyed and there are no encroachments. Mr. Iravani hadn't looked at her house and she took responsibility for that. She left the last meeting because she was too emotional. Mr. McCullough told Melissa to give Mr. Iravani her contact information so they could set up a meeting and he will look at her house. Mr. McCullough pointed out that everybody had different issues at the last meeting. Mr. McCullough is concerned that Melissa's lot may have a grading problem from when the house is built, which would not be the District's responsibility. If it is a problem with the canal and the bank, the District will fix it. Mr. McCullough asked the supervisors to meet with the homeowner and Melissa at her lot as he will be out of town. Mr. Iravani opined that it may be a combination of both. Mr. McCullough advised that after the meeting if an additional survey is needed, the District will pay for it. Mr. Iravani explained what the recharge pipe does, taking water out of the District canal to recharge the draining system.

Melissa explained her frustration with the situation. Mr. McCullough spoke to the Town of Jupiter, who conceded it was their responsibility to notify everyone and they did not. Mr. McCullough further explained that the District future work had nothing to do with her neighborhood and how issues arise when projects are crossing jurisdictional boundaries. The Town didn't want to pay for the restoration of the road. The District wanted 300 feet on each side. They only wanted to do 150 feet. They told the District the trucks weren't going to do any damage to the District's canal. One ended up in it. Two or three people from the Town who attended the meeting witnessed this event, which they were warned about from Mr. Iravani. Mr. McCullough advised that when the District is getting ready to do any work behind Stonebriar, Mr. Baldwin will send out a notice advising the community of the work.

Mr. Cullough further advised that once Melissa's issue has been resolved, the three or four trees in the canal bank will be removed. Then the tree contractor will go in and trim the dead pines, sables, and clean out as much as possible. After that, then the area will be reviewed for what additional trees will be removed and the community will be notified. All trees are not coming out. The District has to preserve and protect the canal. It's the Board's duty to protect the interest of the landowners of North Palm Beach Heights. At the same time, the District is trying to strike a balance to be good neighbors.

This wasn't on the Agenda as the plan is not fully developed, but Mr. McCullough is advising of the plan because Melissa returned and Mr. Carpenter hasn't heard it yet. It is going to be done in a phase approach. Mr. McCullough wants to knock down all the dead wood and look at the roots on them and how close they are to the homes. Mr. McCullough is getting conflicting legal opinions. If one of those trees fall on a house, whose responsibility is it. Mr. McCullough stated that the District cannot be sued. Melissa stated that she has homeowners' insurance but Mr. McCullough advised her insurance company tries to recuperate the money from the District.

Mr. Iravani advised that the District does not remove stumps when they do the canal banks. You can't pull out the entire stump as half the canal bank comes out, but they should be cut closer. Mr. McCullough stated that it is not about improving the looks, but about access. Melissa stated it looks terrible and continued to air her grievances.

Mr. McCullough advised that the District holds meetings every two months, except the June meeting is held for budget adoption, and then meetings commence again in September and November. The Jupiter Library is going to be closing for repairs so future meetings will be held somewhere else.

Melissa asked about the outfall canal. She stated on the east side of that canal, the trees are in the same tree line as her trees. Mr. Iravani stated if there are any trees behind Sand Peters which is blocking the access, since Church Walk is set back there is still quite a bit of space. There is no space behind Stonebriar. Mr. Carpenter tried to explain to Melissa that they needed access on both sides of the canals if something happened. Melissa and another resident started arguing that the Heights area should be widened instead. Melissa stated that the Town of Jupiter advised her that the District is in charge of all the canals since 2006. Mr. Baldwin stated that the District is a legal entity and did not merge with the Town of Jupiter. Mr. Carpenter advised that the community became part of the Town of Jupiter. The canals are still part of the North Palm Beach Heights Water Control District and will always be. Mr. McCullough advised that they were actually unincorporated Palm Beach County; the mail address was Palm Beach Gardens. Then they were annexed into the Town of Jupiter and became residents but the canal and the District itself is a separate entity and has been maintained all along by the residents of the Heights at their expense.

Mr. McCullough stated that this would have been the Town's responsibility to do that since they are managing taxpayer's money. There could have been a lot better oversight with that whole project. Mr. McCullough further advised that most of the canals are at

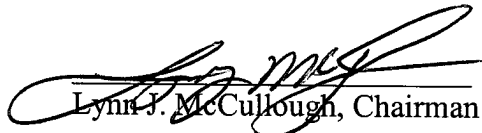
design station. The District did most of that work over the years because they could afford it and because that is where most of the work needed to be done. The District's biggest problem is people throwing debris into the canal. Mr. McCullough demonstrated how critical slope is by explaining the canal system in the Heights. Mr. McCullough also explained the effects of the December storm; the next morning the roads were clear. Everything functioned like it should have, especially since they received 8 inches in 3 hours, the remainder in 10 hours.

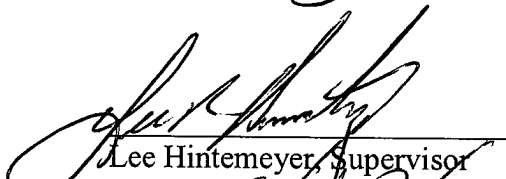
Melissa expressed her concern. Mr. McCullough stated that they will do the minimal removal they can do to make things safe.

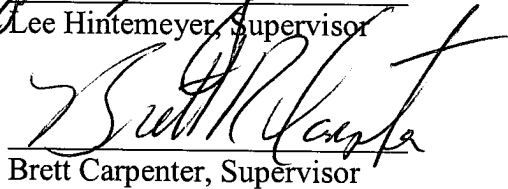
Mr. Iravani asked for a decision on the bid. Mr. McCullough advised that they need to talk about it, perhaps doing one of the projects. Mr. Iravani would recommend the NC-5 east project, NC-6 and then NC-5 west. Mr. McCullough advised he doesn't want to make a decision at that meeting since it was just presented to the Board. The next meeting will be held May 23, and June begins the rainy season.

A motion was made to adjourn the meeting at 8:23 p.m. and it carried unanimously.

Approved:


Lynn J. McCullough, Chairman


Lee Hintemeyer, Supervisor


Brett Carpenter, Supervisor