

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

April 9, 2014 at 7:00 p.m.

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

The regular Business Meeting of the North Palm Beach Heights Water Control District ("District"), having been duly advertised and posted, was held on April 9, 2014 at the Jupiter Library, 705 Military Trail, Jupiter, FL 33458. The meeting was called to order at 7:00 p.m., the Pledge of Allegiance was read and roll call was taken:

Present

Lee Hintemeyer
Brett Carpenter
Jeff Iravani
Wally Baldwin
Lynn McCullough

Reading and Approval of the Minutes

Mr. McCullough entertained a motion to accept the minutes as written for November 2013 and January 2014. Mr. Hintemeyer made the motion and Mr. McCullough seconded and the motion carried and the November 2013 minutes were approved. Mr. McCullough made another motion out to accept meeting minutes for the January 2014 meeting and the motion carried and the minutes for January 2014 were approved.

Agenda:

Items by the Members of the Public:

Members of the public were in attendance.

Mr. McCullough explained how their meeting operates. (Operate differently than a HOA meetings. We are a government agency and this is an open meeting. We try to model everything as close to county commission and town)

Items of the public

Jean _____ (inaudible)

199 (inaudible)

Lives in Indian Creek community in Jupiter and has a concern regarding new flood zone

Jeff Iravani

We are flood zone B. Mr. McCullough has lived in the Heights for 23 years. We haven't had insurance either but we've flooded twice since we've lived there. Discussion regarding flood insurance, the flood in 1995 and also the event on December of 2012. Discussion regarding the topography of the neighborhood. Not sure what they'll experience in the future as runoff of roofs is a concern. Not that many houses have that kind of guttering to get it out to an impervious area. He can't speak concerning the engineering and the grading in their neighborhood. Understanding that the canal and the bank are now to the designed specifications.

Jeff Iravani

Talking about the Flood Zone map. That's something you can go online for. The land elevation has nothing to do with the flood insurance requirement. Governmental agency responsible is FEMA. Discussion regarding flood zone, B or C is not flood zone. Canal cuts are done five times a year. They just finished the first one. They are originally scheduled for four cuts a year, quarterly. If it gets into a wet rainy season, the Board decided to put in the budget a fifth cut. The way the Board operates, these are guidelines. If we get into a super wet period, we'll cut them every two months to month and a half, whatever it takes. It's done five times a year minimum.

Gentleman stands up (inaudible name)

Lives in Wandering Trails since 1988

He's upset with Jeff regarding non-communication from Jeff. The canal bank has been raised. It was 13". The canal bank shows 13". Built a wall in the back that was 13" its 27" now. Wants to know what the plan is for the next time. Concerned what's going to happen next time? "You guys came in and filled my back yard in without any notice whatsoever. All these years we've had nice banks and now you raise them 13"? Another 27"? "Upset that bank gets continuously raised. Are they going to keep raising the berm? The prints he saw are 13", its 27". Wants better communication. What are the procedures, because you can't just fill in yards. Jeff will dig out his backyard. What's the plan?

Mr. McCullough responds regarding bad communication. In November/December the District moved their office into the Jupiter Business Center. The transition did not go smoothly. Explained some of the reasons why transition didn't go smoothly. Discussion regarding new email address, specifically for the district. Communication – when doing this work the board was under the guidance of a district attorney and the district engineer. We followed all laws. District has the authority to do the canal work. We didn't make anything up. We didn't do anything wrong. Deferred to Jeff regarding engineering aspect. Communication part extremely difficult, (inaudible,?? Melissa Marccone) in the back, had no communication with their HOA at all. Was told they don't even have an HOA. They have to have an HOA. Went to Indian Creek when the second phase was started with the intent try to catch the residences on the canal. When that work was done,

Jeff spoke to yours, with the police officer that runs your HOA, the president, I think? Letter was sent to Phase 9 HOA. Phase 3 contacted Jeff and said don't contact their neighbors. We're getting mixed signals from each community. Town off guard – we are doing what we are charged to do and this is what makes things a little difficult to wrestle with. Too many people come in here and think this is an HOA. It is not. Discussion regarding being bound by Florida statutes.

The three of us are elected public officials. We're not any different from a town counselor or from a county commissioner. We all fall under the same law. Our charge is to protect the neighborhood of North Palm Beach Heights drainage. At the same time, that doesn't give us the right, at least in our board's opinion, to disturb neighboring communities. What we're trying to do is to maintain and improve the drainage for our neighborhood. If anything goes wrong with that main outfall canal, which runs from our northern street of Leslie all the way up to and under Indiantown Road, up by PeP Boys, and by Taco Bell, our neighborhood is in trouble. That was one of the issues and that's why you constantly hear October 1995. It was a blow out at the amil gate which is right there in the Walgreen's parking lot. It got clogged. The water backed up past Indian Creek, right into Tony Penna and back into our neighborhood. Discussion regarding problem out in Loxahatchee, the same type of thing, with the drainage not working. Discussion regarding canals can only hold so much water. Discusses what happened on 12/12/12 in his neighborhood. Has to do with topography as much as anything else. Trying to do a better job of communication.

We're continuing to copy directly in emails to Andy Lukasik, Dave Brown and try to keep Dave Rotar in the loop so the town knows what's going on. Gone back to SFWMD to check if what we were doing was right and they assured us we have. When volunteering we try to execute the charge you've been given and try to make everybody happy. As under Statute 298, the board is trying to protect the neighborhood and keep the drainage. We were going according to engineering specs and the law as their attorney had told them. Need to balance and do what is required to keep the drainage going. If flooding is bad enough the canal has the potential to overflow.

We now have the money in the budget to do this work. We've got good contractors that like our work because they're regular and on time. Tried to give those that were affected the option to use their own landscaper and turn in the bill when work is completed. If not tell us what you need and we'll make it happen. Another thing that Melissa made a comment about before, she always asked why we do it every December. It's the dry season, we don't do the work during the rainy season. We were in a rush to get this done by June 1st, to get our budget set up and get the contractors in line, we're dancing around the weather. The same goes for the canal cleanings. These are done by workers with weed whackers; they can't use a batwing mower or anything like that. There's no machinery to do it. Again doing it within the purveyance that we are charged with under the law. If we don't protect the way we were charged to under Statute 298, that's a liability on the board.

John Laughlin

179 Wandering Trails

(Inaudible) Down from Indian Creek. We bought the house with the fence. The fence company called City of Jupiter.

Lynn

District will pay for it. Stay in touch with Jeff. The Board doesn't take permits from the City. We would like to get your fence where it needs to be and the district will cover the expense. Make arrangements with Jeff. That way you can see what's happening and if you have questions you can ask the surveyor. (Jeff and Mr. Laughlin discussed exchanging information) Trying to get our website squared away so you can stay abreast to what's going on. A letter was sent out from (inaudible) prior to when it was raised an extra 13". Now that it was raised an extra 13" they know it and changed their response. There's an acknowledgement in print and it doesn't exist. There's a range in there that we're allowed to go.

Resuming the meeting at 8:23 p.m.

Report by Mr. Baldwin, District Attorney

1st item – office coordinated with the District Engineer in reviewing the permits to be issued to property owners for minor encroachments onto the district. Very careful to be certain to protect easement rights and not abandoning it. Have the right to remove any offending encroachments with proper notice.

2nd item - Conducting a full review of various lands within the district primarily the NC6 canal. Reviewed the title, which is ownership of the actual land for the NC6 canal. Also looking at the easement rights and has spoken to each board member various times regarding some issues with the 1958 easement and a determination for the jurisdictional boundaries of the water control district. Gathering this information and is close to being completed and issue a report to the board so there is clarity on what's going on with NC6, who owns it, where is the district boundaries and what are the easement rights that are in there because there are questions about who holds the easement and who can do what. Ordered a title search on the 1958 easement. Will have a report together for the board and anticipates it will be prepared before the next meeting.

Questions for Mr. Baldwin.

None at this time.

Report by Jeff Irvani, District Engineer:

NC-3 - The first canal cleaning is complete. NC3 (inaudible) some residents on Garrett Street close to I-95. NC4, the canal dredging on Francis Street is not complete. That portion was left out because had to relocate some fence and restore a canal bank around the same residence. Prepared certification of the document, submitted to NRC for reimbursement for NC5 and hopefully they did provide the district with a direct

reimbursement to the district account (around \$155K+/-, and was deposited within a month ago)

NC-6 - Widening of the canal section 5 behind Indian Creek PEB is complete. Restoration and mitigation are also substantially complete. Overall went to uplift 8 residents on Indian Creek with mitigation and all but a few are complete. Residents are satisfied with the mitigation.

NC-4 - Spoke with the chairman briefly. NC4 from Drake Street to Leslie Street has a 60' right of way. Unfortunately the canal is not as wide as the right of way. It can be widened close to 4-5'. Has gone through it and spoke to residents up to Garrett Street and they are in understanding because we have to take some of widen the canal along some hedges and some of them we are going to mitigate. Those residents are understanding and are in agreement that we can widen the canal. I am going to speak to the residents from Garrett to Leslie especially around Robinson. The reason we are widening the canal at NC4 is the canal path from culvert to culvert is crooked. Some of those culverts are covered up with a portion of the canal. Advantages are 1) widening the canal gives you more storage, 2) Same as NC6, widening the canal the water profile goes down slightly and that helps with flooding with Drake at Linton Street, where there have been issues. He's spoken to a contractor and just got a budget from him. Contractor gave him \$8,000 per section. Generally it's about 40% cheaper if it is done individually. If done individually usually the cost is about \$7,000/per lot and there are 2 lots. But, because the intent was to do ten of them, he's given me a budget of \$8,000. What's going to be done for that money is to excavate and widen the canal from the west side. Excavating will be done from the east side of the canal from the west side because that's where their access is. The bottom is going to be 4-5'. The top could be 2-3'. It's going to be widened with fabric on it, turf reinforcement and sod. That does not include mitigation cost. There are hedges in some areas that have to be replaced. Approximately another \$15,000 will be needed for mitigation. If the board is in agreement, he will speak with the residents. If there is any issue with any of them, he'll speak with Chairman and see what can be done. If the board agrees would like to get this work done by the next board meeting around June (before the rainy season starts). The guys on site are ready to move. Need to start when everything squared away with the residents. This is for the Board consideration.

Last item: Recommended approval of Chasewood Plaza permit modification subject to standard condition and \$1,000 permit fee. Chasewood Plaza wanted to modify the (inaudible) with infiltration, etc. They submitted permit for modification, they reviewed and approved it and are satisfied with their submittal and I would like to recommend that the permit to be approved.

Items by the Board Members:

Mr. Carpenter – Only item: Received emails to resolve that issue. A recommendation for each of the board members to individually call Robert and work through the details.

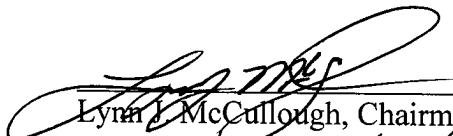
New Business

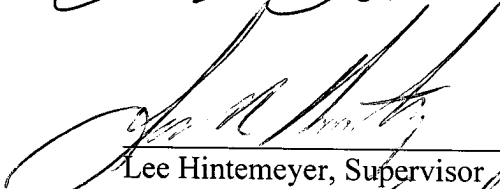
1st motion - Would like to entertain a motion to approve the Chasewood Plaza permit as previously described by the district engineer. The motion was seconded and the motion carries.

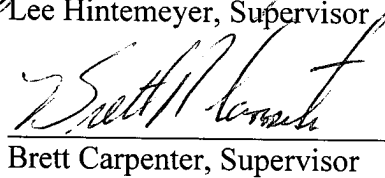
2nd motion – to approve a budget of \$100,000 to the district engineer to go forward with the widening of NC4 from Drake to Leslie Street. The motion was seconded and the motion carries.

A motion was made to adjourn the meeting at 8:32 p.m. and it carried unanimously.

Approved:


Lynn J. McCullough, Chairman


Lee Hintemeyer, Supervisor


Brett Carpenter, Supervisor