

**Minutes of the Regular Meeting
of the South Indian River Water Control District
Held on March 20, 2025**

The regular meeting of the South Indian River Water Control District was held on March 20, 2025, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida, and via Zoom video conferencing. Present in person were Supervisors Michael Howard, Tom Powell, John Meyer, Susan Kennedy, and Beth McElroy. Also present were Karen Brandon, engineer; Robert Eustice, engineer; Charles Haas, treasurer; Seth Behn, attorney; Chad Kennedy, Executive Director; Dustin Fazio, Supervisor of Operations; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately eight landowners were present in person. Three landowners were present via Zoom video conferencing.

Mr. Howard called the meeting to order and the Pledge of Allegiance to the flag was given. Mr. Powell made a motion to approve the consent agenda. Mr. Powell seconded the motion and it carried unanimously.

Mr. Howard opened the floor to landowner comments. Mr. Berman noted that special districts only possess the power and authority for water management. Road paving authority is requested by the landowners, and that authority must follow the statute. Mr. Berman would like documentation in writing that states the District can deviate from the statute. It was his opinion that the Board presented a false statement regarding the County's paving policies. He noted dozens of times, documented in the District's minutes, that express anti-paving positions. Mr. Howard stated that at the time of the policy discussion by the Board, the County had a program for paving that required 90% approval by the landowners, along with some other requirements. That program was closed not long after our Board passed that same requirement. The County no longer has a path to road paving. Mr. Howard went on to say that when the Board was looking into the policy, it was difficult to find a district that wasn't a development district but still offered paving, so there was not a lot to base a policy on. Attorney Behn stated there is nothing in the District's Charter or F.S. 298 that compels the Board to pave. It is a policy decision, determined after an engineering study and petition from the landowners. The District's Charter gives authority to the Board to set a policy, based on the referendum, that they feel is sufficient as long as they follow the Charter. However, there is nothing that compels the Board to initiate a paving project. The decision to pave is made by the Board and a Plan of Improvements is prepared. The Board has the authority to set a higher threshold than what is established.

Ms. April Lundgren, a resident on 80th Trail North in Palm Beach Country Estates, stated a majority of 57% of the residents on that street have submitted a petition for paving and she requested Board consideration of the project.

Mr. Matt Gitkin stated that prior to the establishment of the 90% referendum threshold, a disproportionate amount of the meeting time was spent on paving issues rather than the District's primary responsibility of water control and drainage. The Board eventually took steps to return the focus to water management, but it is now back to discussing paving. He asked the Board to focus on maintaining and improving the water control systems and suggested removing paving from the District's authority,

placing an indefinite moratorium on paving, eliminating financing for paving projects, and/or suggesting landowners form a Community Development District that would be better suited for paving projects. It was his opinion that the Board has the responsibility to spend the District's resources on water management, not paving.

Ms. DeNinno presented the public information report. The latest updated edition of the Policies & Procedures Manual was forwarded to the Board and uploaded to the website. She reported on the annual Landowners' Family Day and acknowledged the work done by the staff. The current website has been reviewed and updated where applicable and an overview of the entire content has been sent to the Committee members, Mr. Howard and Mr. Meyer, as well as to the staff, for discussion purposes in preparation for creation of the new website. ADA accessibility is being reviewed. Ms. DeNinno is in discussions with potential service providers and believes pricing will be less than previous estimates.

Mr. Howard thanked the staff for their assistance with Landowners' Family Day and noted the attendance was very good.

Mr. Haas presented the treasurer's report. He noted that activity related to the budget and financial report will increase in April. There will be a six-month review of financials at the end of March. Toward the end of April, he will be putting together ideas of what will be needed in the budget for next year and will present a report to the Board at the May meeting. If any Board member has a program to evaluate, Mr. Haas asked that they contact Mr. Kennedy to discuss it, especially if it relates to the level of service.

Mr. Kennedy presented the Executive Director's report. He discussed the creation of a cell tower fund and recommended that it be used for supporting District-sanctioned activities. The funds would be managed according to established guidelines to obtain grants for cost sharing, reimbursable funds, etc. Any activities that are supported by the cell tower funds would be documented. Mr. Haas stated he has discussed this with Mr. Kennedy and concurs with the recommendation. He also noted that these funds are in an investment account so he would not be opening a separate account. The funds are earning interest every day. He suggested putting off the vote on this matter until next month because it is not on tonight's agenda. This would also allow him time to prepare the proper language for using the funds, and the Board agreed.

Mr. Fazio presented the Supervisor of Operations report. He requested that the International 4300 dump truck be declared surplus. The floor is rusted and it is considered a liability. **Mr. Meyer made a motion declaring the 2006 International 4300 dump truck as surplus. Mr. Powell seconded the motion and it carried unanimously.**

Mr. Kennedy then discussed increasing the driveway culvert replacement fee to cover the actual costs. District staff time is not being charged. He suggested \$1,000 for a 20' culvert, and \$2,000 for a 40' culvert. He noted installation by a contractor costs approximately \$4,500 for a 20' culvert. He noted this program is only to replace pipes in order to maintain the system. He also noted the District is still using plastic as well as steel, and the elevation dictates what kind is used. He also reported the District is obtaining the culverts at a government contract rate of approximately \$600 for the 20' and \$1,200 for the 40'. **After a brief discussion by the Board, Mr. Meyer made a motion to raise the price of the culvert replacement program as recommended to \$1,000 for the 20' culvert and \$2,000 for the 40' culvert, Ms. McElroy seconded the motion and it carried unanimously.**

Mr. Kennedy discussed the Solid Waste Authority vegetation removal issue. The damage was documented and presented to Solid Waste Authority. Our engineer has estimated the cost to be \$300,000 to repair the damage. Solid Waste Authority has offered to provide a load of fill to the District as a goodwill gesture, but their contractor is denying responsibility for the damage. Mr. Kennedy noted the options are to accept delivery of the fill and handle the damage repairs, present the issue to the Solid Waste Authority Board and County Commissioners, or pursue legal action. He requested guidance from the Board. The Board discussed the option of contacting the County Commissioners. It was also discussed that there is currently no mechanism for reporting damage caused by the Solid Waste Authority contractor, and this should be established in case of future problems. It was suggested that a letter outlining the damages would provide written documentation if legal action is considered. Mr. Behn noted that a mediator is often utilized prior to litigation in matters like this. After a lengthy discussion, the Board directed the attorney to work with Mr. Kennedy to outline the damages and demands. They will then meet with the Solid Waste Authority Board and County Commissioners in an effort to resolve the problem. Ms. Susan Kennedy asked to join that meeting and the Board agreed.

Mr. Kennedy reported that the Trailwood agreement will be signed as soon as the materials are here in three to four weeks. At that time Mr. Kennedy will know how much the Homeowners Association will need to compensate the District for the work.

There has been no change in the status of the Natural Resources Conservation Service storm grant funds for Hurricane Milton damage. Mr. Kennedy will begin having our own crews pull out trees.

Mr. Kennedy reported on the Section 7 drainage project which includes clearing four acres of vegetation from the drainage easements, expanding the existing ditches for additional storage, and replacing existing outfall structures. There was landowner concern regarding the work having been executed to the specifications of the grant. The site has been inspected and all components are there. The financials and grant specifics have been reviewed and no irregularities were found. Further inspection found one document missing. It has since been provided, and the matter is closed with the Department of Environmental Protection with no evidence of any wrongdoing. The driveway culverts still need to be replaced and trees cleared.

Mr. Fazio presented the Supervisor of Operations' report. A camper with a discharge line was found along the Canal 4 bank and this was reported. He noted there is an excessive amount of surplus material at the end of Canal C. Barriers and a gate will be placed to protect this material. He noted it is a good area for staging equipment.

Mr. Fazio discussed the telemetry studies conducted last year along Canal 4 just east of Jupiter Farms Road. The gate is operated remotely. The installer recently inspected it and reported it was struck by lightning. Repairs will be performed and it should be operational before storm season.

Ms. Brandon presented the engineer's report. Ms. Greta Foriere, landowner, asked about the final contract for the 20th Plan of Improvement. Ms. Brandon reported that April 14 is the Notice to Proceed date. There will be a pre-construction meeting with the contractor the week before.

Work is proceeding for the calibration of the Palm Beach Country Estates basin. A final draft of the report will be prepared.

Ms. Brandon reported on the Busch Wildlife Sanctuary. There was a minor modification request from their engineer to South Florida Water Management District on February 19th. Comments from South Florida Water Management District were emailed to them this week. They indicate they may want to do another inspection. Ms. Brandon's staff has also submitted additional questions to the Busch engineer.

Ms. Brandon presented the latest water quality update. The rainfall for February was added to the graph. The January numbers show SW-5 E.coli and fecal coliform elevated. The February numbers, with one-half inch of rain, were elevated in Canals 4 and 5. SW-9 (Egret Landing) was high for E.coli. There was one sucralose sample during that period at Commerce Park but there was no flow. Ms. Brandon stated she met with Pace Analytical to discuss taking samples when there is no flow. She will compare the E.coli report in Egret Landing to last year and check on any increases during the wet season.

Mr. Meyer inquired about the structures at Canals C and E and requested information on the overflow structure. Mr. Eustice explained that a 25-year analysis was performed at the west end. He discussed the use of a bypass pump or pipes to allow more water to move through that location. This would be within the District's right-of-way so a permit from South Florida Water Management District would not be required. Mr. Kennedy noted that during storm events his office communicates and coordinates everything that is discharged into the C-18. These structures are within our authority to control in-house. Mr. Meyer stated he will meet with Mr. Eustice and Mr. Kennedy to discuss this in more detail.

Mr. Eustice discussed modernizing and incorporating Geographic Information System (GIS) to the District's operations. Landowners could ask questions during off-hours, making District operations more accessible and accountable. He explained in detail how this would work. The landowner would identify the subject matter and could incorporate photos or upload other types of documents. It would also allow staff to determine the location of a problem. There would be access via the website by adding an HML strip to the website. All data will go into the GIS system for analysis. It could provide more data to the public with District boundaries, County or District roads, paving materials, etc. An internal component allows one to see what is going on at a particular address. Mr. Eustice stated Section 11 has already been added to the database. Data can be viewed on the engineer's phone. It can collect elevation data and automatically update Mr. Kennedy in the District office. Mr. Eustice described several other features that can be made available. He stated the plan is to make as much data public as possible.

Mr. Behn presented the attorney's report. The legislative session is in progress. There is an omnibus Special District bill that addresses placing public notices on websites, which is currently in committee. He noted there are a few other bills he is watching and will have a better report next month. Mr. Howard asked about a bill that would allow multi-unit development in agriculture. Mr. Behn will look into that.

Under old business, Mr. Matt Gitkin, landowner, complimented Mr. Fazio and Mr. Kennedy for the way they deal with the landowners and answer questions. Mr. Gitkin also expressed his disappointment with the handling of the Busch Wildlife issue. Over a year ago, the Board and staff agreed to facilitate this project. Delays have been costing a non-profit organization more money. Mr. Howard asked that these details be discussed after the meeting.

There being no further business to come before the Board, Mr. Powell made a motion to adjourn. Mr. Meyer seconded the motion and it carried unanimously.

ADJOURNED.

Matthew Gitkin

SOUTH INDIAN RIVER WATER CONTROL DISTRICT MEETING 3.20.2025

Good evening, Board Members and fellow landowners,

I'd like to take a moment to address the ongoing discussion regarding road paving within SIRWCD. Historically, before the 90% referendum threshold was implemented, a disproportionate amount of meeting time was consumed by paving discussions, taking critical focus away from the District's primary responsibility: **water control and drainage**. In fact, based on the historic meeting minutes, it was noted that **paving was mentioned 10 times more than water** in discussions. The Board wisely recognized that paving had become a distraction and took steps to ensure that water management remained the priority.

Unfortunately, we now find ourselves back in the same cycle. A minority of landowners are again pushing for paving, forcing the Board to revisit an issue that was effectively settled. This is **not** what SIRWCD was designed to manage, and we cannot afford to let it overshadow the essential work of maintaining and improving our water control systems.

I urge the Board to take decisive action and regain control of this narrative. I propose that the Board explore options such as:

1. **Completely removing paving from SIRWCD's authority**, aligning us with other water control districts that do not handle roads.
2. **Placing an indefinite moratorium on paving**, so this issue no longer consumes Board meetings.
3. **Eliminating any financing mechanisms that facilitate paving projects** within the District's structure.
4. **Guiding those interested in paving toward forming a Community Development District**, which is better suited for handling road improvements.

The Board has the ability—and, I would argue, the responsibility—to ensure that SIRWCD's resources and time are spent on water management, not road paving debates. Let's refocus on what matters most: **protecting our community from flooding, maintaining our canals, and ensuring the integrity of our drainage systems**.

Thank you.

Additions to be included in the minutes:

1. Establish a Hard Cap on Meeting Time for Paving Discussions

- Limit paving discussions to a **maximum of 10-15 minutes per meeting** unless the Board passes an extraordinary motion to extend the discussion.
- This prevents paving from overshadowing critical water control and drainage matters.

2. Increase the Referendum Threshold

- Raising the required approval threshold from **90% to 100%** would effectively eliminate paving debates unless there is **unanimous** agreement among affected landowners.

3. Impose a Higher Application Fee for Paving Petitions

- Require a **non-refundable fee** from landowners submitting paving petitions to cover administrative and legal costs associated with processing the request.
- This would deter casual or repetitive petitioning and ensure only serious, well-supported proposals move forward.

4. Require a Professional Engineering Impact Study Before Any Paving Proposal Can Be Considered

- Mandate that an independent engineer evaluates the **hydrological and financial impact** of any proposed paving project **before** a referendum is even issued.
- If the study finds that paving would **negatively impact drainage** or **increase maintenance costs**, the proposal is automatically denied.

5. Implement a Waiting Period Between Paving Referendums

- Establish a **minimum 5- or 10-year moratorium** on reconsidering a failed paving proposal for the same road segment.
- This prevents the same small group of landowners from repeatedly pushing for paving and consuming Board resources.

6. Require Unanimous Board Approval to Move Forward with Any Paving Proposal

- Instead of allowing paving discussions to be initiated solely by petitions, require **unanimous Board approval** before a referendum can even be considered.
- This gives the Board direct control over whether paving is worth discussing at all.

7. Mandate a Landowner-Funded Paving Escrow Account

- Before any paving referendum is issued, landowners in favor are required to **pre-fund an escrow account** covering the full cost of paving and legal fees.
- If they fail to meet the financial obligation upfront, the referendum is automatically canceled.

Other Considerations:

It should be noted that numerous studies have documented the negative impacts of road paving on drainage and water management. Here are a few key findings:

1. Increased Runoff and Flooding

- **U.S. Environmental Protection Agency (EPA)** – The EPA has found that paved surfaces significantly increase stormwater runoff by preventing natural infiltration into the soil. This leads to **higher peak flows, increased erosion, and downstream flooding** ([Stormwater Management Guide](#)).
- **Center for Watershed Protection** – A study by the Center for Watershed Protection showed that as impervious surface coverage increases, **the ability of land to absorb rainwater decreases, leading to higher volumes of runoff** and greater flood risks ([Center for Watershed Technical Report](#)).

2. Reduced Groundwater Recharge

- **National Research Council** – Their research found that paved roads reduce groundwater recharge by diverting rainwater into storm drains rather than allowing it to naturally percolate into aquifers (National Resource Council Report on Urban Stormwater).
- **Florida Department of Environmental Protection** – In Florida, studies have shown that **urbanization and paving reduce aquifer recharge**, impacting water supply and increasing reliance on engineered drainage solutions.

3. Increased Pollutant Load in Water Bodies

- **Journal of Hydrology** – A study found that paved roads **increase pollutant loads** in stormwater runoff, including oil, heavy metals, and debris, leading to **deterioration of water quality** in receiving water bodies ([Journal of Hydrology](#)).
- **U.S. Geological Survey Water Science School** – The U.S. Geological Survey has documented that paved roads contribute to **higher concentrations of nitrogen, phosphorus, and hydrocarbons** in stormwater runoff, affecting local ecosystems (U.S. Geological Survey Urban Hydrology Report).

4. Increased Maintenance Costs and Infrastructure Strain

- **Federal Highway Administration** – Paved roads often require **expensive drainage infrastructure** to manage runoff, which can become overwhelmed in heavy rain events, leading to costly maintenance and repairs (Federal Highway Administration Stormwater Best Practices).

Local Considerations for Florida & SIRWCD

- Florida's flat terrain and high water table make drainage **especially critical**. Paved roads can exacerbate **standing water issues** and lead to **localized flooding** without a properly engineered stormwater system.
- The **South Florida Water Management District** has specific concerns regarding paved surfaces contributing to **drainage backflow issues** in rural and semi-rural communities ([South Florida Water Management District Hydrology Reports](#)).