

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

**June 24, 2010 at 7:00 p.m.**

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

The June 2010 Annual Budget Meeting of the North Palm Beach Heights Water Control District (“District”), having been duly advertised and posted, was held on June 24, 2010 at the Jupiter Library, 705 Military Trail, Jupiter, FL 33458. The meeting was called to order at 7:01 p.m. and roll call was taken:

**Present**

Jeff Iravani  
Brett Carpenter  
Wally Baldwin  
Lee Hintemeyer  
Lynn McCullough

**Approval of May 2010 Business Meeting Minutes:**

This item has been tabled until the next meeting as the Chairman is still awaiting comments from the other Supervisors.

**New Budget for 2010/2011 Fiscal Year**

Lots North of Dimond Street are assessed at \$664.18 per lot: \$545.72 is to repay debt and \$118.46 is for canal maintenance. This is a decrease of \$1.09 from the 2009-2010 assessment of \$665.27.

Lots South of Dimond Street are assessed at \$610.64 per lot: \$492.18 is to repay debt and \$118.46 is for canal maintenance. This is a decrease of \$1.87 from the 2009-2010 assessment of \$612.51.

**Total Budget for Fiscal Year October 1, 2010 – September 30, 2011 is as follows:**

**Revenues:**

Taxes	\$ 943,625.00
Interest	\$ 10,000.00
Miscellaneous	<u>\$ 50,000.00</u>

**Total** **\$1,003,625.00**

Expenses:

Maintenance of the Interior	
Canals, Cleanings:	\$ 65,000.00
Engineering Supervision Fees	<u>\$ 10,000.00</u>
<b>Total</b>	<b>\$ 75,000.00</b>

Administration Expenses:	
Office Rent & Expenses	\$ 21,000.00
Insurance	\$ 5,500.00
Telephone & Electric	\$ 8,200.00
Supervisor Fees	\$ 10,275.00
Engineering	\$ 25,000.00
Secretary Fees	\$ 4,500.00
Payroll Taxes	\$ 1,250.00
Attorney's Fees & Legal	
Advertising Fees	\$ 19,000.00
Fiscal Audit Fees	\$ 12,575.00
NPDES is funded with	\$ 0.00
Tax Roll Preparation	\$ 55,000.00
(contingency is zero)	

Previous Administration Costs: \$ 102,300.00

<u>Debt Service</u>	
Bond Principal	\$ 680,000.00
Bond Interest	<u>\$ 91,325.00</u>
<b>Total</b>	<b>\$ 771,325.00</b>

**Total Budget:** **\$1,003,625.00**

This is the proposed budget for the 2010/2011 fiscal year.

**Comments by the Public:**

There were no members of the public present except for Mrs. McCullough attending as an honorary guest.

**A motion was entertained to accept the budget as presented for 2010/2011 for the North Palm Beach Heights Water Control District and the motion carries.**

The District's bonds will be paid off in October 12, 2012. There is an approximate debt balance on the outstanding of \$2.1 million. This will pay off all of the bonds for the District. It does not matter whether it is a south end of the Heights resident or a north end of the Heights resident. All three bonds will be paid off and after that the District will be down to just a yearly maintenance fee for the canal maintenance.

**Report by Mr. Baldwin, District Attorney:**

1. Financial disclosure forms for all District Board members were filed with the Palm Beach County Supervisor of Elections via certified mail with confirmed receipt. The District is in compliance with Florida law in that regard.
2. Letters were issued to District Residents Jason Brown and Pamela Osobick of 6230 Barbara Street regarding unauthorized discharge of pool water into District canals.
3. Regarding the District vs. Regency Center suit, all past due drainage fees have been received from each Defendant. Executed agreements have been received from Regency Centers and Chasewood North. The only thing we are waiting from Chasewood South is an executed agreement but they have given the District the drainage fees. Their counsel met with them today. After some discussions, it was requested that the District provide a letter to Chasewood South regarding a valve that they want to install on their property. What the issue here is under the proposed agreement that has been submitted, each party is responsible for the maintenance and repair of any of their drainage system that is on their property that feeds ultimately into the District canal. It is not the District's responsibility; it is each property owner's responsibility. So the agreement refers to that as it is repair and maintenance. The association felt that because they are installing this new valve, that it may not be covered under that agreement so to protect them; they wanted us to revise the agreement. Mr. Baldwin's suggestion to counsel was rather than re-circulating agreements and incurring additional costs to the District to do this, they send the District something in writing as to what they propose to do, and Mr. Baldwin suggested that we just submit a letter and just reaffirm what is in the agreement which is that they are responsible for the maintenance and repair on their property. If the valve malfunctions or anything along those lines, it is the property owners' responsibility, not the District. They seem to want something to make sure that they are not in violation of the agreement. That was Mr. Baldwin's suggestion to their counsel who believes they would be agreeable so if the District Engineer approves it, and the Board approves it, Mr. Baldwin will issue a letter and he anticipates that the District will have the agreement. They were scheduled to sign it today and their counsel apologized but they brought it up for the first time when their counsel met with them today.
4. A letter was issued to St. Peters Catholic Church and Stonebriar Homeowner's Association regarding vandalism and hooliganism (disruptive and unruly

**Report by Jeff Iravani, District Engineer:**

1. The third quarter canal cleaning is underway.
2. NC-2 canal restoration on Leslie Street and Barbara Streets' residences has been completed.
3. NC-3 restoration and canal repairs on Garrett and Barbara Streets are complete.
4. The residents at 6230 Barbara Street had a pool discharge coming out of their lot and caused the erosion on NC-3. It was fixed about a month ago and upon follow up inspection a couple of weeks later, we realized that the cloth was removed and as a result, additional damage was done to the canal at the same spot. They had the fabric in there so it wasn't that bad but because the pool discharge and falls 4-5 feet it still undermined the fabric so we went ahead and fixed it again for another \$300 or \$350 and we provided the District Attorney upon the Chairman's direction the facts of the matter to send a letter so this will stop. At this time, we foamed it and put rubber glue on it so they won't be able to cut it again. Mr. Iravani would be glad to send to the invoice to the District Attorney if the Board wishes he does so. Mr. Iravani confirmed that was the second time this happened. Mr. Iravani advised that he spoke to the gentleman himself because the District sent him a letter and he just wanted to explain the situation to him, and he told Mr. Iravani that he just moved in and didn't realize what was out there and so forth. At the beginning, when they went to repair, they couldn't see the pipe. They thought that it was just a washout but when the contractor got in there and moved things around, they could see the pipe above the fence, five feet above the canal so we plugged it, fixed it and of course explained to him he can't do that. It is actually against the EPA and Clean Water Act to put chlorinated water in the canal, besides the unauthorized discharge into the District canal. Since we were working on Garrett Street and were out there often to those residences we were fixing, we saw there was a washout so we went ahead and fixed it, and plugged it and we will check on it again.
5. NC-4 canal restoration on Dania Street is completed.
6. The District received a bid from a contractor to dredge the floor line of NC-5. We had a couple of pavement washouts about a month or so ago and also on Leslie Street canal floor line, as the Board knows, we have to dredge it every couple of years because it acts up and comes up so that will be started in a couple of weeks. The contractor has to get a long-range track hoe to excavate the canal. Once he has that, we are going to ask for a price for a small hump on Adam Street on NC-4. We looked at it before, it is not that bad. We can get equipment in there. We will get an estimate and if it is reasonable, we can take care of that one at the same time.
7. The fence on Robinson Street has been repaired.

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7. The fence on Robinson Street has been repaired.
8. The District inspected the culverts. There were five culverts that needed to be cleaned. Mr. Iravani received a bid from a contractor and that work should be commenced within a week or so.

The District also sent a notice to the FDOT that they need to clean the pipe now on Barbara Street as there is erosion. Mr. Iravani received an estimate on the cost and sent a follow-up e-mail to FDOT to help their contractor. Mr. Iravani received an e-mail today that the FDOT is going to have a subcontractor address Barbara Street issue. Mr. Iravani verified that they need to address cleaning the culvert. This is the 7-inch culvert that came from I-95. It is actually the Project Manager for the I-95 widening who is Mr. Iravani's contact person. Mr. Iravani is concerned about Barbara Street because when there was a storm a few months ago, there was sod on this side of the wall, it caused a lot of erosion coming into the District and sediments were built up on Barbara Street.

9. As discussed at last meeting, the repairs that were done a 1 ½ months ago to the NC-6 outfall canal, there was some vandalism. Some sod was thrown around and so forth and since then, it has gotten worse. It seems that there is additional damage, more of the tip has been pushed in the canal. Now there is some excavation in there and since there is no coverage, with the heavy storm, some more has gone down there. Also, there was a rope swinging off a pine tree, which some people were swinging into the water, which is actually a liability. That should have been removed today. It was actually in the canal so the District couldn't reach it but a contractor is removing it. Mr. Iravani contacted the Town of Jupiter Police again and also called Lt. Barry Beach, who worked with the District on the trespassing issue with Egret's Landing. Mr. Iravani also spoke with a Sergeant who specializes in vandalism, who advised that they are going to try to patrol more, etc. The problem is Mr. Iravani had a bid from a contractor and now the damage is up to \$4800. It will be fixed but they don't want it to happen again. Mr. Iravani told the contractor that he wants additional pins to make it difficult for the stuff to come off. Mr. Iravani sent a fax to the secretary's office so they can send a letter to the subdivision and also the Church. Mr. Iravani did see 3 of the children and one attempted to throw a rock at the inspector across the canal. He got up and yelled at them and they stopped and went into the Stonebriars. Fences aren't going to help because they are coming from the subdivision. Mr. Iravani has photos of the damages.

A Board member inquired about pursuing the investigation of the damage and a letter should go to StoneBriar that if they find out it is some of their residents, that

the homeowner association will be charged for the repairs. Mr. Iravani believes that was in the letter with the case number and information. Mr. Baldwin advised that they could make a demand that the association that if they refuse to pay, we could file suit seeking damages but it will be very difficult to prove. There was a discussion about the property managers. Mr. Iravani advised that code enforcement and police officers both advised that they have to see or catch them. Mr. Iravani does have a few photos. Mr. Iravani asked his inspectors for the next couple of weeks to drive that area once a day at different times and if he sees anybody on the banks to take a photo. Mr. Iravani doesn't believe the photos he has shows the individuals going into the StoneBriar development.

**Items by the Board Members:**

None.

**Miscellaneous Items by the Chairman:**

1. Mr. McCullough asked the Board members to review the May minutes and send him any comments/revisions. He sent two e-mails, first one contained original unedited minutes. The second one had some corrections on them.
2. Since May and June were back-to-back due to the timing of the budget, the next meeting will be in September. Mr. McCullough asked Mr. Hintemeyer to get the September meeting set up. Once that is set up, it will need to be posted on the website.
3. Mr. McCullough will report on his attendance at the Florida Association of Special District Conference in St. Petersburg. It was very good and extremely well attended. The membership is growing 10% annually, which is impressive.
4. The Annual Meeting will be held in November and there will be election. He asked Mr. Baldwin to review the file to see who is up for re-election so the documents can be prepared timely. Mr. McCullough asked Mr. Hintemeyer to schedule the November meeting as well.
5. Mr. McCullough advised Mr. Iravani that if he had any projects he needed the Board to consider funding that would be the time to bring it up.
6. Mr. McCullough asked Mr. Baldwin to stay on top of the additional letter needed to resolve the issue with Chasewood so they could report on it at the September meeting. He would like to have it all wrapped up at the November Annual meeting.

7. With regard to the budget, Mr. McCullough has the preliminary printouts from County TRIM. He will review the addresses and make sure the assessments agree with what he provided and assuming that they are, he will notify Andrea Lemer at Information Services for the County that the TRIM numbers are good and they can go forward with setting up a computer to issue those on the tax bill in the Fall. Mr. McCullough asked Mr. Baldwin to send the Budget and Tax Certificate to the County via certified mail.

Mr. McCullough read the resolution into the record:

Resolution 1-2010:

Resolution of the Board of Supervisors of North Palm Beach Heights Water Control District adopting the Budget for the fiscal year October 1, 2010 – September 30, 2011, both inclusive for North Palm Beach Heights Water Control District providing that the annual assessment known as the maintenance tax shall be certified in writing by the Board of Supervisors to the Palm Beach County Property Appraiser and Palm Beach County Tax Collector and providing for an effective date.

Be it resolved by the Board of Supervisors that the North Palm Beach Heights Water Control District:

Section I – That the for the fiscal year ending September 30, 2011, the revenues, expenses and debt service are anticipated as set forth on Exhibit “A” attached hereto and made a part hereof;

Section II – Upon passage of this Resolution, the Board of Supervisors shall certify in writing to the Palm Beach County Property Appraiser and the Palm Beach County Tax Collector the annual assessment known as the maintenance tax as set forth for each lot within North Palm Beach Heights Water Control District;

Section III – This Resolution shall take effect immediately upon its adoption.

Passed and adopted this 24<sup>th</sup> day of June, 2010.

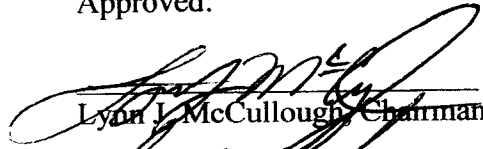
Mr. McCullough entertained a motion to accept Resolution 1-2010 as read, and the motion carries.

**New Business:**

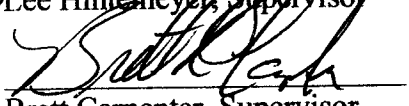
None.

A motion was made to adjourn the meeting at 7:27 p.m. and it carried unanimously.

Approved:

  
Lynn J. McCullough, Chairman

  
Lee Hintemeyer, Supervisor

  
Brett Carpenter, Supervisor