

**PLANTATION ACRES IMPROVEMENT DISTRICT  
REGULAR MEETING**

**September 13<sup>th</sup>, 2017**

**Member Present:** J. Gary McAlpin, Chairman  
Edward N. Szerlip, Vice Chair  
Jesse Varnell, Commissioner  
Louis Flannigan, Commissioner  
James Davis, Commissioner (arrived at 8:10pm)

**Present:** David Fradley, District Engineer  
Joe Telles, District Administrator  
Jeffrey Siniawsky, District Attorney  
Angel Alvarez, District Manager

**Absent:**

**MINUTES** - Regular Meeting Minutes of September 13<sup>th</sup>, 2017. Motion to approve the minutes of August 24<sup>th</sup>, 2017. Motion carried unanimously by voice vote.

**Chairman McAlpin:** Called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag followed by the roll call indicated the above members were present. There was a quorum.

**Chairman McAlpin:** Doc would you lead us in prayer please?

**Vice Chair Szerlip:** Thank God that we all survived this latest hurricane and our hearts go out to those folks especially in the nursing home and the Keys may all of Houston and we give our prayers they recover. Amen.

**Chairman McAlpin:** The way I want to run the meeting today I want Dave Fradley to give a short summary presentation of what happened during the hurricane and how the District performed and then what we'll do is open it to public comment(s). There is a sign-in sheet to sign up and we'll go from there. David would like to give us an overview/summary of where we stand please. Thank you.

**District Engineer Fradley:** There are two stations near our district. One is the S-124 and at the end of this canal where C-13 is and the other at Markham Park where the canal hits the north end river.

**Chairman McAlpin:** Two rain stations correct?

**District Engineer Fradley:** The rain station over there recorded a little over 11" and this one 8". My modeling of the storm based on how high the water got is an 8" range is a 10 year and to give you an idea it is about a 24-hour period. So, Saturday night and past Sunday night moving into Monday morning. Water elevation got up to 6-8". Most of the District roads were passable in fact they were dry and 5<sup>th</sup> Street and South Acres were 1' lower.

**Chairman McAlpin:** Prior to that we were pumping prior to the storm.

**District Engineer Fradley:** We received the pre-pump orders and I had changed the settings on our pumps dropping the off elevation down to 2.75' normally they shut off at 3.5' and running at about 3' during the rainy season. They were cycling on/off before the storm to Saturday evening. If you look at the printout we had the water elevation at 2.0 to 2.8" in all the canals before the storm hit. My instructions to the District was we could turn the pumps on remotely if we have electricity and once the conditions get to where we can't have a man in the field the pumps must go off. We can't have the pumps run during a hurricane and risk damage. The crew had to go home on Saturday evening and leave the pumps off.

**Chairman McAlpin:** That's an important point so we pumped all the way on Saturday night until we had the hurricane force winds and the reason for that David?

**District Engineer Fradley:** Most important is due to life saving. To send someone out there to shut off the pump when there is no electricity is no safe.

**Chairman McAlpin:** Trash racks are in front of the pumps and continuing to pump will clog them and no water going thru and then you really can destroy your pumps.

**District Engineer Fradley:** We do a mandatory shutdown. On Sunday morning at about 6:00am I accessed the computer and that had a little effect on Angels curve. We tried to do it while it was still strong and then we shut down. The elevation got to about 6" and the others a little higher at about 8" and the crew came in on Monday morning and turned the pumps on. This is a graph of what happened this is elevation of two (2) to three (3) and normally we're here at four (4) and Friday morning we were down at two/three because there was no water and then Saturday it starts to rain.

**Chairman McAlpin:** Each of those lines are pumps. There at six (6) so there you see six lines.

**District Engineer Fradley:** The ones in the North area when the City came and did all the roads they put them at seven and now the road gets flooded every time it rains.

**Chairman McAlpin:** So, the issue with that is the City of Plantation are going to re-pave the roads in the next two years and we will petition the City on the areas in the South Acres and 5<sup>th</sup> Street to raise the elevation. Whether that happens or not is another issue and one of the other things we must work on. Joe from an operational point of view do you have any comments to add? Angel any comments?

**District Administrator Telles:** I don't.

**District Manager Alvarez:** No, sir.

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#### **PUBLIC COMMENTS –**

**Chairman McAlpin:** Let's do public comments from the audience. Please state your name and property address.

**Lizete Hampton: 11460 NW 8<sup>th</sup> Street –** If you know that a storm is coming in can the District lower the level of water in the canal in advance.

**District Engineer Fradley:** That is a misconception unique to the Acres. We are regulated on how much we can pump and must wait for the SFWMD to give us instructions on when they want us to start pre-pumping and the reason it to reserve water and most of the developments in S. Florida you have 25% lake(s) and if dropped 1' they lose a lot of water so they regulate. The Acres we don't have lakes we have ponds our water surface is about 4% of the entire area. Meaning that if I drop it 1' in anticipation of a storm it means that the first ½" of rain puts it back. I don't have substantial storage. We can go down to 2'. I dropped it lower than what the District says I can do not because I'm trying to break the rules but that our pumps don't have a lot of volume and it shuts out our cycle too much. In my opinion to get to the elevation I need to go deeper and it fills back in. We do pump it and even if they didn't pump it at all we pump 3 ¼" a day to get rid of the rain. Its more comforting for the folks to see the canal(s) drop but they go out there and see the pumps off and they get upset and don't realize they are cycling.

**Chairman McAlpin:** We did drop it prior to the storm.

**Lizete Hampton:** You did.

**Chairman McAlpin:** We drop it as far as we could and if we drop it much further than that you start to pump ground water and air and your pumping for the entire area and our lime stone is so course the water seeps in and you're pumping and not accomplishing what you want to do. You are only running and spending a lot of money on the propane. So, you can pump it down to a certain level and then it doesn't pay to pump it out anymore.

**District Engineer Fradley:** The other issue is these pumps are old and we didn't design them. They don't have a big well in front of them normally you have a pump that's going to lift and the water will cascade. Our pumps are across the streets on Old Hiatus and there's a pipe that runs on Hiatus to a headwall 4' pipe so the top of it is under or about ½' of control and when the water starts to drop in this well it will then only start sucking air. When pumps start pumping air bubbles

what they call cavitate they start falling apart. So, it's not a safe thing to do when a hurricane is coming on what we need to do is make sure the pumps are functional after the storm. We can't do anything that's risky.

**Chairman McAlpin:** When we have all six pumps rated at pumping 20,000 gallons per minute there's 120,000 gallons theoretically we can drop the level by 3 ½" a day. That's what we try to do and in fact did over that 1 ½ day. Did you have a problem with flooding related to the Acres?

**Lizete Hampton: 11460 NW 8<sup>th</sup> Street** - Different kind of flooding and absolutely related to the Acres. East of where I live there is a house being built. It's an eye soar and 15' above ground elevation and the grading on that lot is not correct. Ever since the construction on that house started it floods my lot every time it rains above the padding. It floods the neighbor's house and it's a problem and has killed all my avocado trees since they are submerged in water when you walk out to my yard you step out and you hear the squishing of the sitting water. I called you today and asked if you would please come by and look at it because people are going to think I'm crazy and their lot is dry except for the side swale and our lot is almost flooded up to the house.

**Chairman McAlpin:** Dave we'll look and Angel...

**District Engineer Fradley:** They are under construction and over filled. We talked to the architect who's the same as Les Jardins and the contractors. I called them both. We had surveyors go out there. We don't have a regular program and we don't have the authority to do that and they overfilled at some point.

**Chairman McAlpin:** They overfilled sometime during construction and it's still sitting there and when built it will be correct but now in the interim they have a problem.

**District Engineer Fradley:** Construction is going to make it difficult for them to correct it. For instance, they have a stem wall construction I don't know if your familiar this allows the elevation in the house to be lower and allows their house to be 50% so now the retaining wall which we did on the 24<sup>th</sup> Street project we just finished. What I'm seeing the past 2-3 years is contractors that just don't...

**Chairman McAlpin:** We need this contractor to give this lady some relief so that over the next 6-9 months when they're building this house.

**District Attorney Siniawsky:** The first step is to hit them with a "**Notice of Violation**" that they have over filled and get their attention to start the conversation.

**Chairman McAlpin:** David said this is not a permitted issue.

**District Attorney Siniawsky:** I would still recommend the NOV.

**Chairman McAlpin:** Let's go there and first talk to the contractor and tell him if he doesn't fix it temporarily we will hit him with a NOV.

**District Engineer Fradley:** My thought is a roof under construction that doesn't meet code is in violation.

**District Attorney Siniawsky:** Yes, but this will get their attention and start the conversation and let them contest the NOV.

**Lizete Hampton:** This has been ongoing for months and you and I have talked David.

**Chairman McAlpin:** No side conversation so we can get it on record. David will get involved and we'll hit them with a NOV and then get an update on where we stand on that at the next meeting.

**Lizete Hampton:** It's heartbreaking I have lost my trees.

**Chairman McAlpin:** He must make restoration. He has a bond with us. Who's next?

**Jennifer Nieset - 11501 SW 2<sup>nd</sup> Street.** Good evening everybody it's been a long time since I've seen you. Good evening everybody. My major concern is canal A and the property behind us. I don't know if your familiar with the old Rearward Equestrian Center that housed two stalls of 40 horses and a main house. It was sold over 12 years ago before Wilma and became a residential community one house vacant for 10 years. You about 4/5 years ago took it upon yourselves to eliminate for whatever the reason was and put a swale between the back of that property and the people on SW 2<sup>nd</sup>

Street, our back yard and the back of that Rearward is a swale that starts at 118<sup>th</sup> and goes all the way back to the C-A canal. I've met this gentleman (Dave) at my house 5-6-8 times. I've had major problem with the drainage it's not funny and on the verge of going into a lawsuit. You are all very aware of the fact that Donna Berm, excuse me Dr. Sezrlip, that place was a cow farm and then it became a horse farm it took the entire berm down so there was no berm at all but prior to our nine \$3M homes constructed and zero land left e never had much of a problem with over running of water on the properties. I spoke with the engineer here a few times and let him know that the berm was so inadequate that although you have a barrel coming up and 3' of empty spaces it has always been a major problem. About 3 ½ years ago we had a bad tropical storm the water came up that berm to my property like a tsunami. I brought it to your attention and you said okay. We've seen three major floods in the last 24 years Tropical Storm Gilbert 1995, two months ago with that major rain and the one now. That major rain two months ago we all knew it was coming because it was all over the news. I hope you know that when it rains if you are not familiar with it my property and the gentleman on 1<sup>st</sup> Street our property is about 4' higher than that \$3M house in between us. Especially the one behind me he has his nice big house which is probably 15,000sq, swimming pool, basketball court. The house next to him because it's at the cul-de-sac they put their pool in but because their land is so low they have a retaining wall that's about 3' tall by the side of their pool. So, when the water comes up that canal area it comes up like a tsunami and then into mine. I have the understanding that you all oversee water control with pumps from the 1960's which is incredible with some many houses built. Can't we afford to buy a new water pump? If that's what it takes from the technology of 1960 to 2017 is a big difference. It doesn't concern any of you folks here but it concerns her because she lives at the end of our street. We have reached the point that each time it rains and we've always had flooding problems but I can't control a property between me and the next property that's 4' lower than us. So, when that water comes there's no way to stop it. And it doesn't come over the canal you know. It comes up the back of the canal. We were told you didn't start pumping until Tuesday morning. That's what we were told okay.

**Chairman McAlpin:** For what, this last storm?

**Jennifer Nieset:** Yes sir.

**Chairman McAlpin:** That's incorrect.

**Jennifer Nieset:** I'll tell you it was way over the canal and our street.

**Chairman McAlpin:** I will tell you that is incorrect.

**Jennifer Nieset:** So, you were pumping Monday? Whatever it takes I've brought this concern to you at least 3-4 times and I can't and ask the gentleman behind me with the \$3M home to dig it out because he's not concerned. But I'm concerned. I have been a resident for 24 years and in the last 3 years since you put in the swale and these big houses come up our property has been jeopardized. The integrity of our property has been thrown to the side and so my question to you is this. I still have pictures of when it was a horse farm and of course you put in the first swale, pictures of when it floods like a tsunami, and all I'm being told is we are in the lower acres. I flood first and I drain first. I don't want to flood first anymore and I don't want to drain first anymore. I want that swale on the \$3M house behind me to be reconfigured. It may not be your problem but you all located it with the contractors that built those houses.

**Chairman McAlpin:** Thank you Jennifer. David what can we do and why do we still have this problem? Two fair questions.

**District Engineer Fradley:** What I can gather from what Jennifer was telling us is that she has a perception that the water is coming in like a tsunami is that correct?

**Jennifer Nieset:** Yes, sir.

**District Engineer Fradley:** You're aware that the canal doesn't generate any water. It only takes water.

**Jennifer Nieset:** Where the canal gets so high it comes up the back way.

**District Engineer Fradley:** As she mentioned her house is high and she's creating an impact since she's been there a long time. Between her yard and the new development their required to have a positive drainage system so they don't impact the other lots so they placed catch basins on the other lots and a direct connection to our canal so its low obviously low because it's a swale. In order for them to get water to it must be lower than the property but I believe what Jennifer

sees is water arising and a lot of people see water rising they say it's coming but it's not that way. It's the low point that gives you a perception that its' building up. People say their pool overflows...it doesn't the rain fills it up. She has an excellent system between her and the new development since it's all drainage and we don't have to rely on swales making their way through...

**Chairman McAlpin:** So, its underground piping and catch basins she has there.

**District Engineer Fradley:** It can't get better than that.

**Jennifer Nieset:** May I interrupt for a minute your engineers and architects and all and so when you have two properties on either side and my property is not the only one you have the guy on the other side and he's got that too and you have two with the normal level and the guy in the middle has 4' lower than us and you have a canal going down the whole thing and everyone's at the same level but one house is 4' lower and now here's another problem sir, and I have brought it to Angel, Luis and Tony a few times. That berm in the back of the \$3M house for the last year holds two sets of water the water in the canal and the one in the berm. It's like two canals. It never drains. Its continuously there. I've been told that when you find the time or that when things come about it will be fixed. You can't have a canal a tiny berm and an interior canal.

**Chairman McAlpin:** I was asking David what can we do to solve the problem. Let's give him an opportunity to finish.

**District Engineer Fradley:** The sub-vision is designed perfectly. You can't get any better. When she says berm, she means a canal bank and then to preserve the canal bank from the storm you must have a slop here and have a swale running parallel to the canal because the water coming from the dry land can't cascade over because it will erode the bank and we'll have a failure. What we do is put it into that swale to catch it at both ends.

**Chairman McAlpin:** The direction to the catch basins.

**District Engineer Fradley:** We have three of those. All the swales in the Acres are flat and must have water in them to work. Jennifer is really causing the impact their because they're 4' higher. The new development can't overflow just because she's overfilled. By todays standard its overfilled. So, for me to have a new development overflow...

**Jennifer Nieset:** But sir, if you have a berm and every house on that canal has a same height berm but one house is 4' lower wouldn't common sense say well obviously somethings up? It's like having a funnel.

**Chairman McAlpin:** David is there any way we could raise the height of the berms?

**District Engineer Fradley:** Keep in mind that we have pipes going out here and it won't keep the water out. There's an infinite number of inches it must go down so water doesn't come over the bank. It only rises. When the water goes up its slowly even if it goes up 10' on both sides of that berm it's going to be equal. I've talked to her many times and shell never get this but the berm isn't the issue there's no big wash there. If the berm is as high as this roof it on both sides it will still be the same. You understand, that right?

**Jennifer Nieset:** How can it be the same if there's a center property that's so much lower? So, when the canal fills slowly and not a tsunami anymore it just where the water breaches.

**District Engineer Fradley:** The water doesn't come from the canal ever.

**Jennifer Nieset:** Oh, oh it comes just from the rain.

**District Engineer Fradley:** Yes, from the sky.

**Jennifer Nieset:** What do you suggest we do?

**District Engineer Fradley:** We have a perfect system there.

**Jennifer Nieset:** So, I can just go on the fact that when we have a major rain I'm going to have a massive water coming up my property and expect to be flooded all the time.

**District Engineer Fradley:** You're not flooded.

**Jennifer Nieset:** Have you seen my property sir? Ask Angel.

**District Manager Alvarez:** She had water on the driveway yesterday do you have water there today?

**Jennifer Nieset:** You know what folks I've brought it to your attention many times and you're not going to change it and I understand that but if you walk down the canal and you see all the berm is the same level but on my side, there's a berm here and it drops like this comes up like this and comes up again like this.

**District Engineer Fradley:** If you were on the Mississippi River your point would be well taken. You have mountains and high lands and the water comes down Mississippi it will go over the berm and flood out the land. Everywhere in South Florida is so flat and that's what we just saw. There's no highland that's going to come down the canal and make it go over.

**Chairman McAlpin:** Jennifer everyone else wants to hear what David has say.

**District Engineer Fradley:** The canals will always be the lowest point in our district because we pump and they drop so water will never come out and flood out anyone but water rises. If you had to grade like in your bath tub its directly connected on the other side the water would bubble up.

**Jennifer Nieset:** I understand. One last comment we've been in this home for 24 years and never had this problem prior to you putting in the swale and prior to those homes being built and that berm was always gone but in the last three years we've been flooded three times.

**Chairman McAlpin:** You say you've been flooded, your property has standing water but you haven't been flooded inside the house and I'm trying to clarify. I'm not familiar with it as you and David.

**Jennifer Nieset:** My garage had 3" of water in it.

**Chairman McAlpin:** And your 4' higher than your neighbors?

**Jennifer Nieset:** Yes, sir. You don't understand that if you have two properties like this and there's one in between and I'm not asking to have their houses taken out but prior to that I didn't have that problem. Prior to that we flooded once with TS Gilbert.

**Commissioner Davis:** What do you propose to do? I've heard David.

**Jennifer Nieset:** Well my husband is a GC and builder and familiar with the flooding. He says you guys are the experts and according to David nothing can be done because that's the way it is so as far as your concerned I must live with this no matter what.

**District Engineer Fradley:** Because there's no problem.

**Jennifer Nieset:** Oh okay.

**District Engineer Fradley:** If you fill the swale behind you then your problem would go away?

**Jennifer Nieset:** A lot, yes.

**District Engineer Fradley:** You must understand that if we do that the water will be displaced since it will now be filled with dirt so your water goes up.

**Jennifer Nieset:** That swale is what I call not a competent swale because you have a little berm and even when it goes down the water on the inside is not even draining because it's the same level as the canal but it's okay

**Chairman McAlpin:** Jennifer is there a solution that your and/or your husband would like to see us try?

**Jennifer Nieset:** Well, there is but we can't take down the houses we don't have any green grass anymore so that's in there and maybe that's why we never flooded before but being that I'm not an architect, engineer, or an attorney I'm just Mrs. Steven Nieset, and that's very, very important, I assume that maybe, because everything is sinking have you been out there lately? The way my thing is built up that its sinking. Not at that level you initially put it. So, the actual drain basin next to the canal is sinking. You can tell because Angel has laid out all kinds of cement and now where you use to be

even you are 1' lower than the last cement and obviously the area is not secure. Maybe you need to reconfigure that last drainage to make it a touch bigger. I don't know how you're going to do it but you are very smart and I have all the confidence in you all. Come out anytime you want.

**Chairman McAlpin:** Let us put our heads together and we'll get back to you I promise and if that's what it takes to get it solved we don't have a problem with it. I'm willing to do that to get it resolved.

**Jennifer Nieset:** May I ask if anyone else had water in their garage from the last two floods and brought it to your attention?

**Chairman McAlpin:** There was one property in South Acres that had water in his garage and now you.

**Jennifer Nieset:** I've been hesitant to come in since I have been vocal in the past.

**Chairman McAlpin:** That's okay. I don't have a problem with you being vocal if we have a problem we want to be made aware.

**Jennifer Nieset:** Sure. Just remember there is a 1964 GTO in that garage and its worth more than me and it's not a tiny garage it's a three-car garage.

**Commissioner Davis:** What do you suppose we can do to build up your swale that's my point.

**Chairman McAlpin:** Well come up with a plan and talk with you prior to doing it.

**Jennifer Nieset:** Please be aware that it has sunk. The actual square has gone down.

**Commissioner Flannigan:** The last time you addressed the Board your property was being washed in to the canal and was that ever corrected for you?

**Jennifer Nieset:** That was about 4 years ago. Angel came by many times and not only was it being washed in the swale outside of our fence had deteriorated.

**Commissioner Flannigan:** Is there any way that when we cured that problem we can cure that existing problem.

**Jennifer Nieset:** No. What you did in the past was to maintain my property level only. It was a great thing but you can't have two high properties and I'm not the only one high and then the other is 4' lower it just doesn't make sense.

**Chairman McAlpin, Commissioner Davis:** Thank you, Jennifer.

**Jennifer Nieset:** Thank you, sir.

**Barry Lethbridge:11252 NW 9<sup>th</sup> Street-** The last couple of storms on our street has been different. I was asking Angel and it's a relatively new sub-division there are two drains in the back of my property I'm the second house in on the left. More water collected and longer to get rid of and I don't know whether it's the drains that we have because during the hurricane the canal the swales all the way up and across the streets all became one. I think the water is coming down to get pumped out. It seems I'm being the collection now with the last two storms for water that's being staged while its getting pumped out.

**District Engineer Fradley:** If you were up North that would be true. If this area here was higher you'd be correct.

**Barry Lethbridge:** The water must come down to get to those canals.

**District Engineer Fradley:** But only because we create a hole here and it runs through.

**Barry Lethbridge:** If it's not getting out fast enough for some reason.

**District Engineer Fradley:** It's like your tub with the drain here the water above the drain is never higher than the water at the other end.

**Barry Lethbridge:** I'm just wondering why the difference.

**District Engineer Fradley:** I'll tell you why. A couple of months ago we had 15" and that's the most rain we've had since I've been here 30 years. The Acres is also very low. More submerged and what you experience on so much rain.

**Barry Lethbridge:** I the last staging since I'm closer to the pump. I'm the first to drain. The drains with the catch basins do those get cleaned out? I know there was all kinds of stuff in them and I clean the stuff that's on top of it so it will drain. Whose responsibility is it to clean them catch basins?

**Chairman McAlpin:** We are responsible for the cleaning. Have we cleaned any of them out?

**Barry Lethbridge:** I'm in Commercial Property Management and clean my catch basins in my commercial properties at least every 2-3 years.

**District Engineer Fradley:** Broward County requires every 5 years but special districts like ours that's not a requirement.

**Barry Lethbridge:** Although it's not a requirement it may have something to do with the problem.

**Chairman McAlpin:** Your point is well taken and this is what we try to do with this last and this storm. We prioritize all the problems from the last storm and we now are hearing some other priorities now. We know two things in addition to the area where two people that have hot spots with us and your area is a hot spot believe me. We must budget the money to do it is 1) the swales and make sure they stay open and for the people that plant trees and crap we will get the things out of there and 2) cleaning the catch basins and the underground pipes and we what to go with underground pipes because its more positive than the swales and that's what we are going to focus on. We want to fix the budget and we haven't had significant budget increase in over 10 years and this next period we will have budget increases and hopefully prioritize the areas the need to be fixed and put in place the management of the swales and the catch basins.

**Barry Lethbridge:** I think if you explain that to everybody they will appreciate it and the thing you have on the internet (NextDoor) is a good way to broadcast things and at getting messages out. I also think these incidents will get to be increasingly more. I have one property that was built in the 1980's and because it wasn't cleaned regularly its rusting out and now costlier to dig it out and not it just wouldn't sit there during the dry dock season.

**Chairman McAlpin:** I will have to tell you that the event we had two months ago and had to pump out on a continuous basis and scour out too.

**Barry Lethbridge:** Thank you very much.

**Chairman McAlpin:** I appreciate your comment and let's get that on the list Angel.

**Commissioner Davis:** Sir have you been to the meetings before?

**Barry Lethbridge:** Maybe once. Thank you for listening.

**Commissioner Davis:** Thanks for coming.

**Anita Manning: 11551 SW 3<sup>rd</sup> Street** – I see my trees on your pictures since we're talking about flooding and I brought it to Angels attention that I didn't recognize until the last heavy rain that as the water drains from the neighbors across the street that now that you put in those wonderful pipes it now floods onto my yard. The water is coming over the canal onto the back of my yard. Heritage was doing some digging and I got a lot of dirt from the other side and I tried to fill it in and now I have trees falling over. All of this is flooded to the barn and now I must get flood insurance for the barn. This has never happened and now it comes all the way up. I apologize however I agree with him that everything that comes from the canal sits on my yard now. The last two rains (June and Irma) and I have never seen it flood like this. It would overflow but nothing like before.

**Chairman McAlpin:** David show me where her house is on the map.

**Vice Chair Szerlip:** Well Anita isn't that normal?

**Chairman McAlpin:** It's not normal she is indicating she never had that problem before.

**Anita Manning:** Don't try to make me feel like I don't know what I'm talking about. That is not my biggest concern however; the trees are going to continue to fall onto your canals/easement and they're not baby trees.

**Chairman McAlpin:** Anita can we come out and over the next two weeks and look at both Jennifer's and your place at the same time. I would like to go with you if you give me enough lead time so that I can prearrange my schedule. We will do that and don't know what we'll come up with but we'll respond to you with what we can and can't do. The District will make that promise. We will address the problem.

**Anita Manning:** I have four dogs that I must tie up because the fence is down.

**Commissioner Varnell:** Anita how long have you been there?

**Anita Manning:** 1996.

**Commissioner Varnell:** This is a historic question in the big rains we had did you get flooded as well?

**Anita Manning:** More in the front than the back. I measured at 12-14" of water sitting in the back yard.

**Commissioner Varnell:** So, in the previous big rain you didn't have the water in the back but...

**Anita Manning:** It is sitting there and at times I can smell fish. My biggest concern in all honesty is the falling trees and they are huge and I usually go out there to see if they are dead and I try to get them cut. We now have catch basins across the street and the water comes down the canal. Again, it didn't flow over to my yard then as it does now. I have a septic tank on that side and it stays full more than it has been and I had a guy come out and look at it. I'm keeping water more so than I normal did.

**Barry Lethbridge:** Maybe you can have a plumber come out and do a pot check with a camera. It doesn't cost much. That's what I do.

**Chairman McAlpin:** You're talking about running an underground camera to the pipe. If we need to do that we will.

**Commissioner Davis:** When the roots get saturated like they are the wind blows them over.

**Chairman McAlpin:** Any other further comments? Dave, we have some more homework to do.

**District Attorney Siniawsky:** Gentlemen approval minutes. You haven't approved them.

**Chairman McAlpin:** Regular minutes meeting of August 24<sup>th</sup>, 2017 and does anyone have any comments or modifications.

**District Attorney Siniawsky:** I have a correction on the legal report third paragraph, fourth line, page four where it reads they go to Dave and get charged to it should be "**cost recovery**" not "**cost recover**". Any other comments or questions? Motion to approve the minutes. Do I have a second? Second motion. Motion carried unanimously.

### **DISTRICT ADMINISTRATOR'S REPORT**

**District Administrator Telles:** Consent agenda you have in front of you has not changed from the one sent to you. You have in front of you the cash flow for the month of August 31<sup>st</sup>, 2017.

**Total Operation and Maintenance:** \$34,587.46

**Total Administration:** \$18,853.53

**Assessors Collected and Discounted:** \$4.20

**Equipment Replacement Reserve:**

**CNS Canal Project:**

**Bank Account Interest:** \$

**Receipts:** \$440.21

**Ad Valorem:** \$

**Non-Ad Valorem:** \$

**Total Expenditures:** \$53,445.19

**Total Expenditures to Date:** \$952,873.42

**Total Collected:** \$

**Surplus:** \$

**Total:** \$218,804.89 (Checking, money market, fiscal, equipment reserve and canal improvement reserve as of 2017)

**Total w/Bond and Permit:** \$

**Commissioner Flannigan:** Motion to approve the cash flow. Motion and a second. Carried unanimously.

**District Administrator Telles:** Eleven months, under budget because of the flooding expenses and we are a month behind engineering, legal and in September we have three payrolls and so an increase. As of eleven months under budget by \$13,613.42. Taking into consideration the 10 months of engineering.

**Chairman McAlpin:** Two questions. When you were at the 12-month budget, I must apologize I wasn't here for the last meeting and we talked about how much money we're going to borrow and take care of the budget have we resolved that issue and have you set that package in place?

**District Administrator Telles:** We have \$50,000 on a 6-month loan at a cost of administrative fees at BB&T to keep the cost down. Loan fee of \$250.00 for the \$50,000. I inquired and this is a bank card with no additional fees. We have the \$50,000 loan in place and we can exercise it. We have an additional \$50,000 bank card for an available total of \$100,000.

**Chairman McAlpin:** What is the interest on these loans?

**District Administrator Telles:** He will be getting that today for me...prime plus maybe one (1). As soon as I get it. No interest unless you use it.

**Chairman McAlpin:** \$250.00 to set up and if you don't use, draw on it there's no interest attached to it. What I'd like to see is you to give the Board an approximate and put it on the record what you expect the interest to be on that.

**District Administrator Telles:** Prime plus one (1) ...5%...if we exercise maybe for about 2 ½ months and draw \$50,000 on December 1<sup>st</sup> and we will be able to pay it off by the end of this year.

**Chairman McAlpin:** By the end of this year correct?

**District Administrator Telles:** Yes.

**Chairman McAlpin:** Let's just for the record say that the bank balance and bond account just so you know and sounds like a big number is \$900,000 but that's *not* our money and I want the public to know that's money we're holding from developers and other people that we'd use if they don't perform. That's the way we'll look at it and, what do you expect the additional operating expenses for overtime to be during this and the storm of two months ago?

**District Administrator Telles:** I did payroll today and there was 15.5 hours of overtime for the four employees.

**Chairman McAlpin:** Where's Angel? Congratulations that's great with all you had to do. Angel that's superb. Again, superb.

**District Manager Alvarez:** Thank you sir.

**District Administrator Telles:** Budgeted fuel at \$12,000 and its at \$22,230 and he had the tanks topped off so we'll be at about \$25,000 -\$27000 and trying not have anything else at the end of the month

**District Manager Alvarez:** I just called for a refuel and they're at 50%.

**Vice Chair Szerlip:** All the work needed to be done to clean up the canals is under regular hours correct? We're not talking extra from this point, forward are we?

**Chairman McAlpin:** Regular time for cleaning up the canals.

**District Administrator Telles:** The fuel may very well be at \$30,000.

**Chairman McAlpin:** We need a motion if there aren't any more questions. Jim, you usually have questions on the consent agenda.

**Vice Chair Szerlip:** I might not great at this so. The assessment we have here at almost \$1M.

**Chairman McAlpin:** If it's an assessment for next year's budget let's put that later and just approve the operating budget we have right now.

**Commissioner Davis:** How much are we over budget for this year? Right now, we're below but once we get the all new bills we'll be at least \$50,000.

**Chairman McAlpin:** Where does that come from?

**District Administrator Telles:** It comes from mostly overtime when we had this and the big storm two months ago and the canal project change order CNS over \$4,679.00 when we did the mud pocket and the trash racks we had to address. We had many instances and the tracks on the piece of equipment that we had to replace this year. The trailer bed and a lot of extra ordinary things we had to deal with and the fuel.

**Chairman McAlpin:** Any other questions on the consent agenda? Motion to approve the cash flow. Motion and a second. Carried unanimously. Joe do you want to talk about the waste cleanup?

**District Attorney Siniawsky:** Now is probably not the time. You have a certain time set for your budget adoption hearing at 8:15pm. The resolution sets a time.

**Chairman McAlpin:** It doesn't really matter.

**District Attorney Siniawsky:** It does matter legally that when you have a time certain that you must adjourn or recess this meeting begin the next meeting.

**Chairman McAlpin:** That's fine.

**Commissioner Davis:** What's the deadline?

**District Administrator Telles:** Now.

**Chairman McAlpin:** Joe do you have anything else you want to talk about under the accounting? Well, its 8:15pm right now let's close this meeting and move to the budget meeting.

**District Attorney Siniawsky:** So, you need a motion to recess?

**Chairman McAlpin:** I need a motion to recess to the budget meeting. Motion and second. Motion carried unanimously. Meeting adjourned at 8:15pm and will recess after Budget Meeting.

**Chairman McAlpin:** I think we must look at those properties in the South Acres. I don't understand what Jennifer was saying because I'm not as familiar as you and I know we can solve her problem and we need to get familiar with it and if it's a lagging issue we screwed up for not fixing it that's my point tonight. Unless we want to have a special meeting then it's the next meeting we must prioritize. David how long do you need to look at those projects and then mark on your list your recommendations. I don't know if you made recommendations the last time however next meeting lets go through that and identify what we are going to work on in terms of projects. I think that the \$150,000 for pump station six (6) is a given. We want to make everyone happy but we only have so much money.

**District Engineer Fradley:** I did.

**Commissioner Davis:** David give me a professional guesstimate on the cost of an additional in the South Acres.

**District Engineer Fradley:** First thing we must do is buy a lot to put it in and need to buy at least 3-4 more houses.

**Commissioner Davis:** Wouldn't you put it where the other pump stations area along the canal?

**District Engineer Fradley:** No. You don't have a conveyor system. We pump 20,000 gallons a minute and one of these ponds is a ¼ acre or 10,000sq.ft. averaging 5' of depth at tops 100,000 gallons a cubic foot and in five minutes you drain this thing. These are not big enough and if you put a pump station here you can't feed it any water because you don't have a conveyor system. You have the same pipe system you have here.

**Commissioner Davis:** You had a pipe system installed.

**District Engineer Fradley:** And it's working perfectly. I modeled this system in 2005 and when its working and the water goes over the roads and the difference between the elevation there where the pump is and the worse catch basin is this one is one-tenth of a foot. The conveyor system is fine and moving the pump here you pick up a tenth. Let's say you have a pump station and put it here next to this house then we must dig a canal for drainage because they think this is not adequate. All they're going to do is drop an elevation here but they will still have the same problems. You can probably put a smaller station such as a five-gallon pump station and maybe they'll feel better but we don't have property to dig anything. Maybe we can get the City to donate it.

**Chairman McAlpin:** Stay with that thought because I was thinking you take the North end and pump into the New River and the South end into the C-42. It may be a stupid idea because of all the infrastructure you'll have to modify to get it done but that would be the only way I would see it to add a second pump station to the South Acres. However, that will be a huge issue with SFWMD.

**District Engineer Fradley:** We'd have to take one of these out of service. We don't have the land. We don't own anything.

**Chairman McAlpin:** You have that park up there.

**District Engineer Fradley:** It's too close.

**Chairman McAlpin:** What if you took the West side into here and here and have this drain here. That would be the only way I think it would work. It's easier to say it.

**District Engineer Fradley:** Although all things are drainage related, and the storm we had that's driving this conversation none are a factor because the drains in your sub-division as soon as submerged they're not involved almost like they're not there. When I do an analysis for one I do many I'm the one people call I don't look at your pump rate. If we have not pumps the difference in elevation is ½'. The problem is one of the residents is a mechanical engineer and had some ideas and when you work with hydrology it's a volume component that most people don't understand. They have a perception that the pumping will equal the rain but water comes down 6000 cubic feet per second and we're pumping 200 for the entire district so you have a huge amount of water that backs up so it doesn't make any difference what going on with the pumps.

**Vice Chair Szerlip:** So, if we had no pumps we would be well off.

**District Engineer Fradley:** We would be at about the same. In other words, it wouldn't leave. Our pumps drain only when the storm is done.

**Commissioner Varnell:** Logically tying those other pumps together so you can move the water that's there more efficiently. The water is not getting to the current pump station.

**Chairman McAlpin:** We're reaching closure so when we come back to the next meeting we prioritize. We have the budget done Joe. Do we have anything else.

**District Attorney Siniawsky:** I'm next and I don't have to report.

**Chairman McAlpin:** David do we have anything else we need to talk with you.

**District Engineer Fradley:** No, I have nothing on the agenda for tonight. District Managers report.

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**LEGAL REPORT –**

District Attorney Siniawsky: Nothing to report.

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**ENGINEER'S REPORT -**

A. CONSENT ITEMS - None

\* \* \* \* \*

B. QUASI-JUDICIAL ITEMS

The items in this section are quasi-judicial in nature. If you wish to object or comment upon any of these items, you must be sworn before addressing the Board of Commissioners, and if you wish to address the Board, you may be subject to cross-examination. If you refuse to submit to cross-examination, the Board of Commissioners will not consider what you have said in its final deliberations.

\* \* \* \* \*

C. BOARD ACTION ITEMS - None

D. Discussion Items

D1. Permit Activity (D9408.02 & D9408.03) ..... Discussion

**ENGINEER'S STAFF REPORT  
September 13<sup>th</sup>, 2017 MEETING**

**AGENDA ITEM No.: D1**

Action Required: Discussion

Item Description: Permit Activity Summary P.A.I.D. Number: D9408.02 & D9408.03

Attachments: None

**Summary: Approved Building Permits**

<u>No.</u>	<u>Name</u>	<u>Address</u>	<u>PAID No.</u>
1.	Rice/Korn (Awning & Pavers)	1594 NW114th Terr.	B8609.01
2.	Watson (Fence)	11700 NW 25 <sup>th</sup> St.	B1706.01
3.	Gracey (House)	11850 NW 6 <sup>th</sup> St	B1208.01
4.	Organ (Addition)	11800 Tara Dr.	B0407.05
5.	Asurion Financial, Inc. (House)	11991 NW 2 <sup>nd</sup> St.	B1707.01
6.	Bodor (Clearing)	11951 NW 5 <sup>th</sup> Ct.	B1706.02
7.	Plantation Baptist Church (Fence)	11700 NW 28 <sup>th</sup> Ct.	B0608.03
8.	Overmeyer/Larson (Clearing)	11461 Shady Ln.	B1708.01
9.	Mousavi (Underground Tank)	2051 NW 118 <sup>TH</sup> Ave.	B9601.04
10.	Encin (Concrete Slab)	12201 NW 27 <sup>th</sup> St.	B8404.03
11.	Vera/Mizrahi (Garage/Driveway Add.	11881 Hermitage Dr.	B9507.04

**Summary: Approved Certificates of Occupancy**

<u>No.</u>	<u>Name</u>	<u>Address</u>	<u>PAID No.</u>
1.	Perlo (House)	12151 NW 4 <sup>th</sup> St.	B1509.03
2.	Antoniou (House)	11501 NW 6 <sup>th</sup> Pl.	B1504.02
3.	Ragoonathsinge (Addition)	12001 NW 2 <sup>nd</sup> St.	B9408.22
4.	Konstantopoulos (House)	12332 NW 2 <sup>nd</sup> St.	B1303.01
5.	DSL Construction & Inv. LLC (House)	11760 SW 1 <sup>st</sup> Ct.	B1405.01

\* \* \* \* \*

**DISTRICT MANAGER'S REPORT:**

**District Manager Alvarez:** Last month follow up you should have received all three of the special meeting minutes for your review and two have been approved.

**Chairman McAlpin:** You will try to find someone that can update the website for the entire year for \$500.

**Commissioner Varnell:** There were several requests and Jeff if you can ring in on this and make sure that what I'm saying is correct. Many residents want to see the meeting minutes on the website and its public record and I don't see a problem with doing that and we should do it.

**District Attorney Siniawsky:** As I advised Joe after the last meeting and I don't know why it wasn't done your budget is required to be posted on the website for two years but there's no reason not to post the agenda there's nothing technically or legally that prohibits you from doing that.

**Commissioner Varnell:** All our documents should be on the website for any of our residents that want to look at it.

**Chairman McAlpin:** No one is going to disagree on that. We'll do that in the future and I know \$500 won't cover it but I not going to deal with that just yet. We'll have to find someone to continuously update and post those items and it would be good if you could learn how to do that and it would be a great thing for us. Let's not go there now.

**District Manager Alvarez:** All pump stations are currently operating as expected. Pumps 2 and 5 have radiator leaks to be addressed when 2017/18 budget is in effect.

**Commissioner Davis:** Who do you have repairing the radiator leaks Omar or is one of your guys going to do that?

**District Manager Alvarez:** Luis will make every attempt to take care of any issues we have mechanically and usually radiators are taken to a shop. We do what is cost effective.

**Chairman McAlpin:** Are those plastic

**District Manager Alvarez:** No sir. Rain fall since last month was zero and now 8" Irma plus 2" today. Yearly total to date is 61.67.

**Commissioner Davis:** What kind of trees do you have down in the canals?

**District Manager Alvarez:** Tall and bushy ones such as Melaleuca's, Australian Pines and Ficus.

**Chairman McAlpin:** When David comes in next month and talks about priorities I want you to come back and talk about a maintenance program on the swales and catch basins. This is what I have in mind. Come in and say each month I'm taking a section of our swales and do an inspection on them and work with the homeowners in that area to clean them out. I want you to come in and say we verified certain number of lineage feet of swales and the maintenance of the underground pipes. Most of the stuff you get out with a vacuum truck. If we don't have one start looking for it and what it

will cost and what would the program look like. Probably what we'll have to do with the other money for the canal maintenance we will split for swale and catch basin maintenance. Every month I want a goal on the report. Work with Joe on a program to share with the Board next month. Let's not go crazy however start out with something that makes sense. I know we won't get the entire District done in a month or a year. Break it up with the worst such as the South Acres. I want someone to walk the swales and if there is crap in the way we need to say it and the best time to do it is after it rains. I want all swales and those that are problematic. The ones in the South Acres do front/back and the back are probably not worth the effort. Identifying is not a problem, it's the maintenance.

**District Manager Alvarez:** When I first started here that was one of my intentions/goals was to go along and work by way East to West and I was told it would be difficult because we don't have easements on each property. Joe may I have a PDF copy of the District map containing the roads and canals so I can pattern my swales etc.?

**District Engineer Fradley:** South Acres we're replacing them with pipes and I don't think he should waste his time there.

**Chairman McAlpin:** Work with him on what in the South Acres is doable. The reason we want to put pipes is because we said swales in the rear yards we can never get to them and that's crazy. Reason for the transition.

**District Engineer Fradley:** I told Angel since we have all this new construction and we were going to radiate the swales out from inland and that would be a good place to start. You must start where you have a drain and go out from there. Prioritize on what we have and can make use of that will work. Such as the tree on your end that would be very effective.

**Chairman McAlpin:** The other thing we can think about is to place a small camera down the pipes to see what you have because Angel is too fat to crawl in.

**District Engineer Fradley:** I will show my inspectors how to do and that can be a good indication all the way through. Keep in mind I have been resizing these pipes not because of the flow but because I figured we would not have any maintenance and the pipes are double the size.

**Commissioner Davis:** How do you clean them?

**District Engineer Fradley:** I figured we would never clean them.

**Chairman McAlpin:** Pipes are drainage pipes and are all connected together. We don't put catch basins in and dead end them to a catch basin.

**District Engineer Fradley:** A positive drainage system means you're connected to a canal. On 118<sup>th</sup> you will see a couple of catch basins that we call inverted syphon. This was a drain field.

**Commissioner Davis:** The hole on 118<sup>th</sup> Avenue is just a catch basin and doesn't go anywhere.

**District Manager Alvarez:** For catch basins we have used a contractor in the past piggyback with the City and I've hired a vacuum truck to clean out culverts on projects we've done. Instead of restoring the swales we make sure the culverts are clear and that's another way we can do it.

**Commissioner Davis:** Where do you buy your tires?

**District Manager Alvarez:** Tires plus. We recently changed to another vendor.

**Commissioner Davis:** I buy all my tires new/used from Boulevard Tires West of 595. If I have them call you would you be interested in talking to them?

**District Manager Alvarez:** Absolutely, sir. On behalf of the District I'm always looking to save them money.

**Commissioner Davis:** I will have them call you.

**District Manager Alvarez:** We prepared for Hurricane Maria as well as we could. We did receive minor office area damage in the form of a couple of roof tiles and we will get someone to check for any possible leaks, rear fence off a section need a welder to fix, and the rear gate was blown away.

**Chairman McAlpin:** Are these hurricane impact windows and does everything appear impacted?

**District Manager Alvarez:** Yes, sir. The last is my hurricane assessment damage to the District canal system and we have numerous trees than our staff can handle on their own within a reasonable time.

**Chairman McAlpin:** Define reasonable.

**District Manager Alvarez:** Thirty to sixty days. I would like to tour the District with a Board member to see if you agree.

**Chairman McAlpin:** Any other business? Any old business.

**Commissioner Davis:** Jenna the India couple that live across the street from me on the South side of the canal he had to move his fence. He came over to my house and asked why he had to move his fence. When you look down the canal the next house down his fence is here the other people's fence is here and the other one is next to the canal. I must answer him tomorrow.

**District Engineer Fradley:** Our code states that our fences must be on the canal easement line. He had a 25' easement and a canal easement of 15' on top of that and their fence can move but when they first came in someone earlier on gave too much of an easement to him. His is far South but I think we already made that correction. Lining up your fence with the one next to you is not a good method and some people have old fences in old locations and don't have easements dedicated etc. He must follow the code unless they come to the Board and get a waiver.

**Commissioner Davis:** So how did the guy get his?

**District Attorney Siniawsky:** Modify the easement or get a new encroachment agreement.

**District Engineer Fradley:** In our code we state that they modify it.

**Commissioner Davis:** Why is he other closer to the canal? How about the gentleman to the West of him?

**District Engineer Fradley:** He didn't get a permit from me. He's been there a long time and that happened a lot then.

**District Manager Alvarez:** Over time the development criteria changes so two neighboring properties can be within code specifications. The gentleman to the West I don't know. I would have to go back and look.

**Chairman McAlpin:** Any old business? New business?

**Pump Station:** All pump stations are currently operating as expected. Pumps 2 and 5 have radiator leaks to be addressed when 2017/18 budget is in effect.

**Canals:** This Month – 3.89'      Previous Month Total – 3.76'      Yearly Total – 4.09'

**Rainfall:** This Month - 0.0      Previous Month's Total – 7.58"      Yearly Total – 61.67"

**Projects:** Catch basin area re-graded along CB 3H/6 to assure proper drainage into drain. Routine canal bank maintenance.

**Fleet:** F250 - nothing to report, F150 - tires needed, Trailblazer - Whistling sound (source unknown), needs tires.

**Safety:** No incidents to report now.

**Last month's follow up:** Website update - awaiting budget approval.

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**Old Business –** None

**New Business –**

**Chairman McAlpin:** Any old business? New business?

**Vice Chair Szerlip:** About the cleanup Angel spoke about.

**Chairman McAlpin:** It's called trash cleanup. The reason I stopped it is because it gets expensive and the money is not in the budget.

**District Attorney Siniawsky:** It may be FEMA reimbursed.

**Chairman McAlpin:** It may be but a contract in the Acres could easily be \$200,000 and I'm not comfortable with FEMA because they are an organization that don't have a heart and flip-flop on decisions all the time. Unless we have an approved Project Worksheet (PW) because if you spend the money up front to pay the contractor and they come back and maybe not reimburse. I'm very concerned in spending we don't have in the budget are we going to be able to recover that and do we have the money to pay for it. Me personally if it takes our crew four to six months to get the debris cleaned up I'd rather do it ourselves.

**Vice Chair Szerlip:** If it takes "X" number of hours over our budget does FEMA come into that?

**District Attorney Siniawsky:** It's a possibility and I can consider that.

**Chairman McAlpin:** FEMA typically doesn't pay for your staff. They will pay beyond your staff. Outside consultants or contractors to fix it. They figure your staff is your responsibility and aren't going to pay for you to operate your business. For us to think we'll get reimbursed for our staff is crazy. We had an item at Collier County where FEMA payed the bill and then two years later told us we made a mistake and we are going to deallocate those funds. It was \$11.2M. It cost you money to go back and fight it. Everyone thinks FEMA is great. They are but we must be 100% and we must pay that money up front to do the work. Debris contracts are nasty and very expensive.

**District Attorney Siniawsky:** They've been doing that.

**Commissioner Varnell:** Lack of experience question. Ed and I live on the canal at 26<sup>th</sup> Street and there's a house on the South side that had Australian Pines. Homeowners got them on this property all the way across the canal to the edge yard. Why isn't it the homeowner's responsibility to get those out?

**Chairman McAlpin:** That's his tree.

**District Attorney Siniawsky:** Jesse, it constitutes a trespass unless someone voluntarily reimburses the District for that you're left with taking them to court to try and enforce your rights which may be more expensive than the cost is.

**Commissioner Varnell:** I think that there should be some way to go back against the homeowner.

**Chairman McAlpin:** You put a lien on the property and whoever owns the property the lien must be satisfied

**District Attorney Siniawsky:** You bring up putting liens on properties. We don't have that power. Legislation didn't give us that power however; there are other methods so it's just not a matter of putting a lien on someone's property. It's not that easy. It does constitute a trespass from their tree onto public property that give certain rights for Notice of Action for damages. So, the cost of removing that tree from your property can be charged against them however; unless they voluntary write the check or hand over the cash to pay for those damages you're left asserting your legal rights in court and it may only be County court depending on the amount but there is a cost associated with that.

**Vice Chair Szerlip:** How is it different from all the others in all the towns?

**District Attorney Siniawsky:** It's all over the City I have a neighbor whose tree fell on the neighbor's house.

**Vice Chair Szerlip:** Don't we have to remove it?

**District Manager Alvarez:** I was going to bring that up sir. It's on the canal easement and I was instructed to take care of all those trees.

**Chairman McAlpin:** We have not decided that what we said is it should be the homeowner's responsibility to deal with it and what Jeff is saying is that sometimes pursuing it in court it's going to cost more.

**Vice Chair Szerlip:** Forget whose property it is for the moment. P.A.I.D. is going to remove all around these trees.

**Chairman McAlpin:** I don't think we've decided yet.

**Commissioner Varnell:** I already cut my tree that fell across into the canal.

**Chairman McAlpin:** This is what I suggest we do. I think we need to approach the debris removal contractor(s) even if we must hire two more people and put them on the payroll to strengthen our crew and deal with this ourselves. If the tree is on someone's property and is in the canal it should be where the street started the responsibility. But you know it's going to be such a pain and we should cut it and get it out of there ourselves. Try and work with the homeowners but ultimately, we're responsible for the easements and the canal banks.

**District Attorney Siniawsky:** If I may because there's a solution that drives the duck tails with that. If somebody on our professional/technical side determines that these trees constitute an obstruction to the Districts canals number one correspondence should be sent to the property owners anyway and as quickly as possible advising that the tree has fallen into the canal and they need to remove it. If its determine to be an obstruction once you send the letter and they fail to do it its willful on their part. That allows the District to remove it and charge back at twice the cost of the removal of the tree(s) to the property owner in which case that can become a lien on their property.

**Chairman McAlpin:** There's a legal way to do it but we'll make ourselves popular.

**District Attorney Siniawsky:** I'm not giving you a popular option, I'm giving you an option. You determine whether you want to accept that option and available to you.

**District Engineer Fradley:** We had this happen when we had the other District Manager and was reimbursed. I think what Angel needs to do is go out and identify trees and the types on the map but we must first quantify before we begin to send letters. Some inland trees we won't be able to remove without equipment. We will need a contractor somewhere and we can probably activate the contract.

**Chairman McAlpin:** We need to have a better handle on it or decide to do the work ourselves. Maybe rent the equipment. I don't know but I don't want to willingly jump into a debris removal contract with all the work ahead. We have miscellaneous things and then do the monthly assessment on where we stand.

**Commissioner Varnell:** I like the idea of sending the letter to the homeowners.

**District Engineer Fradley:** Somewhere we need to know about how many trees we are talking about.

**Chairman McAlpin:** Jim do you have any comments?

**Commissioner Davis:** I think your idea on getting a tree removal company to let them do it and then let Angel send out the letter (NOV) to the homeowner(s). Isn't that what your thought was?

**Chairman McAlpin:** I don't want to go with a tree removal contract now. I want to get a better handle on it and know exactly what we're doing. Whatever work we can do ourselves.

**Commissioner Davis:** I don't have a problem with that.

**District Attorney Siniawsky:** Last year I provided Angel with a standard form identifying exactly these types of things so he has a form letter to work with.

**District Manager Alvarez:** I will start working on it and write down property addresses and the number of trees per property.

**Commissioner Davis:** Are you sending the letter or are we waiting another month?

**District Manager Alvarez:** Once I put the list together I will send it to Dave for the NOV notice which are sent from his office anyway.

**Commissioner Varnell:** I concur with what we've said here tonight in that respect but we're also one month off until our next meeting so we need to figure out how we're doing this before we meet next because we don't want to put this off for an entire month.

**Chairman McAlpin:** Jeff can we get the information and send it out to the Board and have an informal vote to proceed with this?

**District Attorney Siniawsky:** No, but what we can do is have Angel gather the information and get the letters out to the property owners which only puts them on notice of the situation and advises them on their responsibility to remove it that lets you with the October meeting on who or whom has not done it and then decide they didn't do it now we'll go in and do it and charge them for the cost of the removal. In the meantime, Angel can get the list together with the name of the property owners and get the letter out to them. Not wait a month. You'll be able to identify whose acted ad whom has not.

**Chairman McAlpin:** Any other new business? If there is no other business, meeting is adjourned. Meeting (A) was adjourned at 8:15pm and resumed at 9:17pm. Meeting (B) was adjourned at 9:56pm.

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J. Gary McAlpin, Chairman      Date

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District Secretary      Date