

MINUTES OF THE SPECIAL MEETING  
OF THE PALM VILLAGE RANCH HOMEOWNERS ASSOCIATION  
BOARD OF DIRECTORS  
November 12, 2014

President Landis called the meeting to order at 3:00 p.m.

Roll Call: The following Board members were present: Sandy Landis, Bobbi Wilkins, Carl Fritz, and Fred Sterling.

President Landis then introduced Gary Priest and Natalie Cole from the South Florida Water Management District. They were invited to explain our storm water management system.

Gary Priest stated he was a Registered Professional Engineer in the State of Florida with a Bachelor's Degree from the University of Florida in Environmental Engineering, specializing in water, waste water, and storm water. He has worked with South Florida Water Management District for 13 years. He stated he had been called out by Don and Sandy who conveyed to him there were questions about PVR's storm water system as it's permitted on the site. He hoped he can answer any questions.

Gary stated, if there are any changes to the system as it is right now, that will more than likely require a permit modification. The modification would entail hiring a Florida professional engineer to prepare calculations, designs, and computer model simulations to be submitted to SFWMD to assure that the water quantity, water attenuation, storm water treatment, and flood protection is met.

Ford Cook asked the following questions:

- Have you reviewed our system? Gary answered, "yes".
- Is there a problem with our system? Gary answered, "not that he found".
- Do you foresee a problem with our system? Gary answered, "no".

Don and Gary were out when the area was experiencing significant rainfalls and did an inspection. Gary stated that our system is reacting very well as it's designed to do.

Someone in the audience asked if that is the case, why are we here? Sandy responded by stating that there were some individuals in the park who believe there is an issue with the lowering of a pipe that went into the pond. Sandy spoke with the contractor who did the project and was assured it was not lowered; only moved to the east into the easement.

Don Landis told Gary that individuals have stated that Board members don't understand the system, that was one of the reasons you are here.

Gary said the system goes from the pond to the ditch by a submerged pipe. The ditch stays full of water and discharges through a control structure and into the adjacent canal. It is a simple system. As the water stages up in the pond, the pipes, and the ditch, then the control structure allows it to discharge out. That control structure is there for a specific reason. There is a very well defined "V" notch at a specific elevation and that "V" notch was required by SFWMD so that a number of things are being accomplished: 1) we are withholding the rainwater for attenuation, we don't want it to discharge all at once, and we want to retain some of that water; and 2) we are also allowing some of that to settle. We

are allowing the vegetation time to soak up some of the nutrients, as you don't want the water to discharge on its own. It is a very defined notch at the end of this ditch which is required by the permit.

Ford Cook asked the following questions:

- Is it true that all street drains also flow into the ditch? Gary answered, "yes".
- What is the total street drains? Don stated we have 14.
- So when we get a rain, that ditch is very important? Gary answered, "that ditch is extremely important. It is your means to drain the property."
- Was the south ditch designed as a dry ditch, to be dry all the time? Gary answered, "definitely not all the time, it was not designated as a dry ditch."

Ford felt that we also get some runoff from the property to the south. Gary stated that the berm on the south ditch was our responsibility to make sure we are not getting runoff from the other property. Going back to the ditch. It may become dry incidental to the ground water table. Ground water table is going to dictate the level of the lake and the level of the ditch. As we head into the dry season, it may become dry, it may not.

Chuck Baxter asked who wants to raise the level of the lake. Sandy explained it was not SFWMD nor was it the Board. A few residents in the park feel the lake level should be raised.

Chuck Baxter asked what would be the reason for raising the lake level. Sandy stated, I don't know of any.

Ford Cook asked if there was anyone in attendance who felt the lake level should be raised.

Sandy asked Carl if he wanted to say anything.

Carl stated he was very concerned about the water in the south ditch. He has been a resident here since 2004. He has lived on the ditch since 2005 or 2006 and for the first 4 years that ditch was dry. The residents could water every day. The pump was on 12 hours, 7 days a week. That was a big selling point. Carl said he and Martin Schy was told in 2006 by SFWMD, possibly Gary, that the south ditch was designed as a dry ditch.

Gary stated he was sure it was not him.

Carl said it was not so much the level of the lake but by the conditions that were created by the fact that the pipe had been lowered, and there is no question about that.

Sandy stated again that she had spoken with the gentlemen who had worked on the project and he did not lower it.

Carl said, what would you say if we could prove that the discharge pipe was no longer in compliance; it does not match the drawings. Carl said the pipe had been lowered by 1 foot, inadvertently or by accident. What it has done is removed the effect the standpipe had that they had in place. The standpipe raised the lake to 13.5 feet. At that level the water would begin to flow into the ditch. And by definition by SFWMD this is a "dry" ditch. I would like you to explain to these people what exactly is a dry ditch, not just a ditch without any water in it. It is a constructed ditch. The water level as it stands right now is what it is supposed to be. All we're asking and all we've been asking is that we bring the

standpipe back to what it was originally. We have proof that the pipe has been lowered. We know where the pipe is and we know where it's supposed to be.

Don asked Carl if he measured the pipe on the ditch side. Carl responded that he didn't measure anything. Don asked if Carl had the measurement on the ditch side. Do you have the measurement of the "V" notch.

We have a certified copy from a surveyor telling us exactly where everything is.

Don asked if he measured . . . . Carl said he did not measure anything. He had a surveyor come in and do it.

Don asked if he measured the two drains also.

Carl said, "yes, he did."

Don asked if they were in the right place.

Carl responded, "no."

Don then said, "then the whole system wasn't in the right place."

Carl said everything is in the right place except the discharge pipe that's in the lake.

Gary asked, "and it's lower?"

Carl said it was lower by 1 foot. We have proof of this. We're not here to cause any problems. This ditch is a real nuisance. Many on the ditch call it "mosquito creek". It has mosquitoes, snakes, alligators, and it stinks. The ditch is supposed to be maintained at a certain elevation and it's not because it can't be because there's water in it. In the beginning we had someone come in and weed eat the whole ditch right to the ground. Some people even went in there with lawnmowers and mowed it themselves. We haven't been able to do it for the last 4 years. The water that is in the pond is going into the ditch. All we need to do is maintain the pond at 13.5 feet which is about what it is now. We're not talking about raising the level, just maintaining the original elevation of the water in that pond. It is no longer a retention pond; it's a hole in the ground that collects water and discharges into this ditch.

Sandy asked if Carl had taken into consideration that during the time he said the ditch was dry was while Florida was experiencing their worst droughts.

Florida did not have one of their worst droughts when we moved down here. We had one of the worst hurricanes; and when Faye went through here and drove 12" of rain in 2 days, everything was flooded, and within 2 weeks the south ditch was dry and stayed dry. We're not here to cause trouble. I moved here, I retired here, and I want to enjoy myself. He feels that the ditch has reduced the value of his property, and there are a lot of people mad about it.

Gary Priest responded to Carl's concerns by stating the following:

As to the lowered pipe is not in compliance, if the pipe is lower than the design it is even further inundated under water, it is providing an even better connection between the lake and the ditch, and it is in compliance with the permit.

Carl asked, "with the original permit?"

Gary responded, "yes".

Carl asked how that could be.

Gary stated, if it is at the elevation or lower, it is in compliance. If it were higher where it would be causing a hydraulic restriction, it would not be in compliance. You have to maintain hydraulic continuance from the lake, through the culvert, into the ditch, to the control structure. There should be a level of water all the way across. If there's not, then there's going to be a hydraulic restriction.

Carl stated that for 25 years that pipe was at a certain elevation. Now you're saying you need a hydraulic connection. If you had something in there to limit the water at 13.5 feet, you would have that.

The control structure is at 14.5 feet. The control structure is what is in charge, what controls. . .

Carl said it limits the water level in the park. That structure is at 14.5 feet. The lake was designed to be at 13.5 feet.

Gary, "no".

Carl said that by all the drawings he had seen, the lake was designed to be at 13.5 feet.

Gary said, "no, that is not correct." That water level is 14.5 all the way through.

Carl said that you are going to tell me that it is okay to have lowered that pipe without a permit and it's not okay. . .

Gary stated it was okay during routine maintenance, yes.

Carl said it wasn't routine maintenance. Sandy stated it was moved to get out from underneath a house footing. It had to be done.

Carl stated that if, by the way, you talk to the right people it didn't have to be done because the owner of the house was willing to redesign the footing.

Gary stated again that the control structure is what dictates the water level; that's what's in control.

Carl indicated he understood that, but he also understands from SFWMD from looking at these drawings that this pond is supposed to retain water at 13.5 feet.

Gary again said "no it was 14.5 feet".

Carl said that is the flood control. Ousley had a similar situation. Their lake was low, and then they installed a “V” notch. Gary said the “V” notch was just like Palm Village’s, and it was required by their permit.

Carl stated Ousley did not have a “V” notch. They put a “V” notch in and the lake level has come up to 14.5 feet.

Gary stated that the pipe had actually rusted out and that is when they replaced the “V” notch.

Gary stated again that the south ditch is not a dry ditch. There are facilities that we call dry detention or dry retention facilities. Those are like the ones at Walgreens. You may see a small dry area that all the water gets inundated during a storm. They are allowed to percolate. Those are called dry retention areas. This ditch is not that.

Carl asked why it was described and explained to him that it was a dry ditch. When asked who had explained it to him, Carl could not remember. He saw a drawing stating it was a dry ditch. Gary said he had spent a considerable amount of time researching all their files on our system and found no reference to a designated dry ditch. It is impossible for this to be dry and to drain the pond. Lake level is determined by ground water, irrigation, and by the rim canal, and rainfall.

Carl said the rim canal is at 14.5 feet and the lake is at almost 16 feet. Why is the level in our pond . . .

The rim canal is at 13.5 feet. Carl said 14.5. Gary said, “no, sir, it is at 13.5 feet”.

They have powerful pumps which keep the rim canal at 13.5. Gary said Carl was right that the lake level did not dictate what the level of our pond was here. The rim canal dictates ground water, and it is closely maintained.

Ford Cook reminded everyone that when Allison Murphy came she brought a demonstration showing how the water table works. He stated that when we get 8 or 9 inches of rain, he gets water in his back yard. The canal along highway 78 was also high.

Ford then addressed the Board stating the residents are not willing or want to absorb any costs for engineering, or surveyors; and I will not pay for it. If you take a vote, they will agree it is an unnecessary expense. We are compliant and the expense of thousands of dollars to re-engineer the system, and then have SFWMD say we don’t need it and they aren’t going to approve it, is unnecessary. Ford asked Gary if SFWMD had the ability to deny our request for modification.

Gary stated that whatever changes are proposed have to meet their criteria. There are state laws that have to be met.

Ford Cook to Gary: Are we compliant? Gary, “yes”. Is it working? Gary, “yes”.

Ford to the Board, Board members this should be the end of the process.

Sandy mentioned we would have engineering costs, \$1,500 for the permit, computer models, to ask for modification which could run somewhere in the neighborhood of \$20-40,000 as mentioned in a previous meeting when Allison came out.

Gary mentioned that the pond level is going to be dictated this time of year by the ground water table. That is south Florida. Everyone has the same issue. You come into April, this pond is going to be low provided we have a typical dry season.

Walter asked Gary if we plugged up the pipe from the pond to the ditch, would the south ditch dry up?

Gary answered by saying that it would depend on the water table.

Walter did not feel that Gary had answered his question and asked it again. If you stopped up the pipe out of the pond and don't let any more water come out of the pond, are you saying that the ditch won't dry up until the lake drops another foot?

Gary again stated that the level of the ditch would be determined by the ground water table and would pull both the pond and ditch down at the same time.

Walter felt Gary evaded his question. He guaranteed Gary that if you stopped up the pipe, the ditch will dry up long before that lake gets to what this ditch is.

Gary made a point to state that if we made any modification to our system as it sits today, it would require a modification to our permit.

Walter asked, "when the pipe was moved the first time, did you have a permit?"

Gary responded. When the pipe was relocated into the easement in 2005, that was considered maintenance and did not require a permit. It's still in compliance with the permit.

Walter said, "I rest my case."

However, if we modify our system, it would require a permit modification.

Carl stated there is one thing that has changed and that was the level of the pipe. Why can't we move the pipe back up without any of this discussion and maintain the water level at what it is right now (not raising the level) which brings it back into design?

Gary asked, "so you want to reconstruct the pipe connection back to the design elevation, is that correct?"

Carl said, "no, we would like to put the elbow (which you have seen) in place and rotate it so we maintain the elevation as it's supposed to be with no restriction. It would bring the level to what it is now at 13.5 feet, and it's going to prevent the water from going into that ditch. It is our contention that that will dry the ditch up. What is the issue with doing that? Other than we are changing something and we need a permit.

Gary said we would need to submit an application for permit modification.

Carl said through maintenance we are bringing it back into design features.

Gary stated that that would not be considered maintenance and would require a permit modification. That would be a modification of the storm water management system.

Carl wanted to know why over the years people were so upset about SFWMD finding out that maybe that pipe had been lowered when it's really not an issue where you're concerned? Rhonda wanted to know who was upset? Everybody for the last .. He then told Jerry Bolling to sit down.

Walter left the meeting.

Chuck Baxter asked who was the entity that wants to change the system? He was told only a few of the residents. Mr. Baxter asked if it would be feasible to have a business meeting and vote on it to see what the people want to do.

Sandy mentioned that had been tried 3 ½ years ago. It was all explained and thought everyone agreed. We were in compliance and didn't need to spend the money for the modification. In the last month, it has all started back up again.

Carl stated it was when the water filled up the ditch.

Mr. Baxter said, "so, a few residents want us to pay for everything."

Gary mentioned that if the ditch is the issue, we could look into the costs of installing an underground culvert. That also would require a permit modification, however.

Jerry Bolling stated that when we have a 6" rain, the lake is up to 1 foot of being at the top of his seawall. It takes 2 weeks for the lake to drop down. If you cause me to flood, someone will be paying me for the damage. For 3 years we have heard this, and I'm sick of it.

Carl said the water did not come up over anyone's seawall, it went down.

Ford Cook mentioned when the ditch was dry, he was going to use a backhoe to smooth out the area after he had pulled out some trees that had grown in the ditch. He got stuck (April 2006). You dig down 2 feet and you'll hit water. Board members it is time to put this to rest.

Fred Sterling thanked Gary for coming out to our meeting and explaining our system. He made a motion that the Board accept SFWMD opinion, and go by their opinion, that we are in complete compliance with them on our system and that we leave it alone. Bobbi Wilkins seconded the motion. Fred Sterling, Bobbi Wilkins, and Sandy Landis voted yea with Carl Fritz opposed. Motion passes.

Sandy stated that this issue is dead.

Before the Board leaves, there is some additional business that needs to be addressed. The Board has had 2 resignations in the last few days. The Board members were asked to contribute any possible nominations to fill the two positions that will come up for election in January 2015. Two names were submitted, Rhonda Smits and B. J. Bolling. I am putting those names out and asking the Board what it wants to do.

A motion was made by Fred Sterling and seconded by Bobbi Wilkins to accept the two nominees.

Carl said we actually had three. Bobbi's term is up. Sandy stated it was not, that she had one more year. He had looked at the minutes of the meeting of 2012 and said that Sheryl had been nominated for president, do the math Bobbi took over in 2014. Sandy again stated that Sheryl was placed on the Board the same time as Fred and Dave, and they each had one more year. Carl brought up that Bobbi's position was also up in January. Sandy reminded him that Sheryl had only served one year of her second three year term and that Bobbi was appointed to fill out Sheryl's remaining two years. Carl was not convinced. However, Bobbi's term will not end until January 2016.

Sandy stated there was a motion on the floor. A vote was taken and Fred Sterling, Bobbi Wilkins, and Sandy Landis voted yea with Carl Fritz opposed. Motion passes

Carl continued to argue.

Carl announced that he quit. Sandy asked for a written resignation. Carl stated the witnesses would confirm he quit, and that the Board had not received written resignations from the other 2 who had resigned. Sandy stated that, in fact, she had and again asked for a written resignation.

Sandy apologized to those in attendance for the conduct of some of the Board members and hoped that in the future we can deal with issues a little more civilly.

Meeting was adjourned at 4:38 p.m.

Minutes submitted by Bobbi Wilkins, Secretary

Approved: \_\_\_\_\_