

MINUTES

WATER ADVSORY BOARD AND TECHNICAL ADVISORY COMMITTEE

JOINT MEETING

MARCH 29, 2019

WAB MEMBERS PRESENT
Commissioner Steve Geller, Broward County Board of County Commissioners, Chair
Commissioner Kevin Biederman, City of Hollywood
Commissioner Tim Lonergan, City of Oakland Park
Councilmember Susan Starkey, Town of Davie
Mayor Ken Thurston, City of Lauderhill
Vice Mayor Thomas Good, City of Pembroke Pines
Mayor Sandy Welch, City of Coconut Creek
Albert Carbon, TAC Chair
Commissioner Doug Bell, CBWCD Board of Commissioners
Mayor Greg Ross, South Florida Regional Planning Council
Mark Peterson, Greater Fort Lauderdale Alliance
Jack McCluskey, Alternate, SBDD Board of Commissioners

WAB MEMBERS ABSENT
Commissioner Tim Ryan, Broward County Board of County Commissioners
Michele R. Clawson
Richard Blattner
Commissioner Neil Kerch, Alternate, City of Sunrise
Mayor Frank Ortis, Alternate, City of Pembroke Pines
Commissioner Dan Daley, Alternate, City of Coral Springs
Mayor Dean Trantalis, Alternate, City of Fort Lauderdale
Mayor Michelle J. Gomez, Alternate, City of Tamarac
Commissioner Barry Moss, Alternate, City of Pompano Beach
Pete Kwiatkowski, Alternate, South Florida Water Management District

TAC MEMBERS PRESENT
Albert Carbon, Chair
Kevin Hart, Co-Chair
Talal Abi-Karan
Harold Aiken
Doug Bell
Randy Brown
Mark Collins
Sara Forelle
Rafael Frias
Kevin Carter for Alan Garcia
Barry Heimlich
Steve Holmes
Dr. Jennifer Jurado

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Jose Lopez
Lisa Milenkovich
Pat O'Quinn
Tim Welch
Kenneth Wenning

TAC
MEMBERS
ABSENT

Mike Bailey
Mike Crowley
Patrick Davis
Ron Eyma
Pete Kwiatkowski
Renuka Mohammed
Stephanie Pearson

ALSO
PRESENT

Dr. Carolina Maran, P.E., Water Resources Manager, Broward County EPCRD
Robert Rudolph, Water Planning Program Manager, Broward County EPCRD
Michael Owens, Broward County Attorney's Office
Lenny Vialpando, Deputy Director, Broward County EPGMD
Samantha Baker, Broward County EPCRD
Shana Coombs, City of Pompano Beach
Glenn Humphrey, Consultant
Socretta Wilson, City of Sunrise
Carrie Kashar, City of Sunrise
Sangeeta Dhulashia, Stantec Corp.
Susan Juncosa, Broward County WWS
Dunia Delahorrafernandez, Broward County WWS
Lorraine Mayers, SFWMD
Jeff Thompson, CES Consultants
Maria Reczko, City of Dania Beach
Larry Teich, City of Fort Lauderdale
Miguel Medina, Duke University
Nancy Cavender, The Laws Group

A joint meeting of the Broward County Water Advisory Board and Technical Advisory Committee was held at Broward County Governmental Center, 115 South Andrews Avenue, Room 422, Fort Lauderdale, Florida on Friday, March 29, 2019 at 10:00 am.

(The WAB/TAC meeting Minutes were summarized by Norma Ellison, Administrative Specialist EPCRD)

(Copies of the presentations, as well as the Sign-In Sheet, are filed with supplemental papers of the meeting.)

Roll Call – Water Advisory Board (WAB)

Roll call was taken by the Real Time Reporter. A quorum was present.

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Roll Call – Technical Advisory Committee (TAC)

Roll call was taken by the Real Time Reporter.

The Chair congratulated Albert Carbon for being selected as the new Chair of the Technical Advisory Committee.

The Chair announced that these meetings going forward will be held back in Room 430, upon confirmation of availability.

The Chair then requested discussion first on a subject off the agenda. Acknowledging Commissioner Biederman's presence, he wished to address the concerns of water quality impacts caused by septic tanks in the City of Hollywood. He remarked that Dr. Jurado is working with the County Attorney on changing the County ordinance pertaining to septic tank connections, and requested she give an update.

Dr. Jurado referred to a presentation done by Lenny Vialpando, Deputy Director Broward County EPGMD, for this Board on September 14, 2018, relating to the Countywide status of sanitary sewer service and connections. In his presentation, he emphasized that while sanitary sewer lines might be installed, evidence shows that the permits required for those connections reveal that communities are not actually coming online. Due to residents' concerns with sewer rate fees and connection costs, many areas wound up with uninstalled lines and incomplete connections. The second issue relates to exemptions for rural ranches and estates. The Board requested staff coordinate with the County Attorney's Office to explore amendments to Chapter 35, County Code of Articles 2 and 2 ½, the regulatory process of sanitary line installations and connections.

Dr. Jurado requested the Chair consider a Motion to Direct the County Attorney to address these two issues for a process to ensure that connections actually occur once lines are installed, and to propose elimination of the rural ranches and estates exemptions.

The Chair suggested a 15-minute discussion today to reach consensus on providing guidance to the County Attorney. Dr. Jurado clarified that the internal draft language would propose that when lines are installed, code enforcement officers are required to ensure those connections are made, whether in rural ranch areas or in urban areas.

In response to Councilwoman Starkey, Dr. Jurado explained that the current requirement is the connection line must abut the property, either residential or commercial. As for new subdivisions, connections are to be part of the development process.

In response to Mayor Ross, Dr. Jurado informed that currently the required connection timeframe is 180 days. Mayor Ross recommended that incentives for meeting those timeframes be put in place.

Mayor Welch raised her concern with a prospective project in her city to convert septic to sewers in horse farms adjacent to Tradewinds Park. The Chair clarified that the proposal is not about mandating that sewer lines be placed by local governments. The proposal is about enforcing the requirement for

residents to hook up to existing sewer lines within 6 months. Mayor Welch agreed she would support that, adding that incentives are a good idea.

Commissioner Biederman raised his concern that his constituents are already upset with the 100% septic-to-sewer conversion mandate over the next 10 years, and mandating the connections will create hardships for a lot of residents. The main hardships would occur if these residents experience septic tank failures resulting in new drain fields or costly repairs, and then having the added expense of having to hook up to sewer a year or so later forcing them to abandon their septic tank improvements. He emphasized that exemptions need to be placed, mentioning that a septic-to-sewer workshop is scheduled in the near future. He referred to the City of Port St. Lucie's ordinance that when a resident sells his house, then they are required to convert. He urged that needs to be placed in this proposal. Dr. Jurado responded that there already is a provision in the ordinance that allows for statements of financial hardships to be considered for exemption. Commissioner Biederman reminded that the money reserved for financially-challenged residents does not cover the \$50 per month sewer connection fee and would still cause hardships.

Mayor Thurston stated that in order to protect our water supply for the County's 2,000,000 residents, sanitary sewers are necessary throughout the entire County. The Chair agreed that although we are all sympathetic to financially-challenged homeowners, our water quality here is degrading.

Vice Mayor Good agreed he would support a component for hardship. He suggested that consideration be given to language in the ordinance regarding residents' homes in unincorporated areas, trailer parks, and RV parks. He brought up another element about trailers and RV parks requires an entirely new infrastructure installation aside from the infrastructure that was built to serve them.

Commissioner Lonergan agreed with an incentive program, cautioning that the way forward will be difficult, and that this board and the County Attorney need to seek solutions.

The Chair requested that any comments from the public be limited to 3-4 minutes. In response to TAC Member Barry Heimlich, the Chair requested the County to investigate the feasibility of a revolving loan program so that installation costs together with connection costs can be paid over a period of time, encouraging economy of scale. Commissioner Biederman informed that the City of Hollywood is amortizing their connection fees over 5 years, and is working on a low interest rate on infrastructure for the lateral connection portion. The Chair commended what the City of Hollywood has accomplished.

In response to TAC Member Randy Brown's suggestion, the Chair requested a report from the committee by the next board meeting on current best practices and solutions from other utilities and governments around the country since this is a national issue.

Mr. Vialpando clarified to the board members that Broward County WWS does waive connection fees along with providing zero interest financing on a monthly basis for the installation of lateral lines. He explained that the current ordinance states that local municipalities' utilities can consider homeowners' hardship cases. There is no unilateral ordinance requiring everyone in the County to connect.

The ordinance provides the municipalities individual enforcement authority to determine fines, citations, and alternative code enforcement procedures for hearings. He explained that the Health Department has authority also, that there is no clear jurisdiction. Chair Geller commended Broward County WWS practices.

The Chair instructed the County Attorney listen to today's meeting recording voicing all remarks and concerns on this issue, and draft an ordinance for presentation at the next board meeting in May. He added that will leave the summer for members to discuss with their respective municipalities. He anticipated that a vote on the proposed ordinance to recommend to the County Commission would happen at the September board meeting.

Michael Owens, Senior Assistant Broward County Attorney, introduced himself as the staff attorney for the board. He confirmed he heard all comments brought up today and ensured the Chair he would be able to review the recording and minutes to assist in preparing the draft. He explained that the normal process for an ordinance that also affects the development of land would include land planning agency reviews. Both the Planning Council and a County agency meeting would occur for publicly heard additional input. He assured that once he's directed by the County Commission to draft the ordinance, the board will have the opportunity to continue to express any concerns or requests for changes. He offered that the current code water and sewer provisions are in Chapter 35 is available on municode.com for members to review.

Chair Geller thanked Mr. Owens and Dr. Jurado.

2019 IWRP Plan Update and Recommendations

Robert Rudolph, Water Planning Program Manager, Broward County EPCRD

Dr. Carolina Maran, Water Resources Manager, Broward County EPCRD

Robert Rudolph provided some background information on Broward County's Integrated Water Resources Plan. The process began in the mid-1990's when the SFWMD and the County recognized that the original Lower East Coast Water Supply Plan (LECWSP) would not address all the components and complexities of the County's unique water management challenges, so the opportunity to develop a local approach arose. It was finally initiated in 2009, finished in September of that year, and approved in January 2010 serving as a document for information purposes and guidance for policy makers and water managers. The current plan is a result of 10 years of water management development process strategies between Broward County, SFWMD, municipalities, local water control districts, drainage districts, etc. supporting canal, utility, natural systems and policy integrations.

Mr. Rudolph remarked on what has changed in the plan since 2009; highlighting the robust County investment in hydraulic modeling work and a focus on climate change. He also presented new web design tools to make the plan content more accessible to its stakeholders, and explained responsive web design, which is the ability to view things on many different devices. Using the new Microsoft software product (SWAY), he demonstrated the plan in its new format with its navigational benefits, visual appeal, user friendliness, and flexibility in manipulating slides, graphics, etc. He provided the link of the draft to the members for their review.

The final name, once adopted, will be 2019 Integrated Water Resource Plan Update: Building Resiliency in Water Management.

Mr. Rudolph invited Dr. Maran to present the status of the 32 recommendations that were produced in the new report. These recommendations address 4 main objectives to meet local water resources needs, as follows:

- Understanding Our Water Resources Management Challenges
- Managing Water Resources Challenges
- Funding Water Resources Projects
- Implementing Water Resources Projects

The Chair pointed out the 2019 IWRP Update Final Recommendations distributed to the members, directing to peruse them as they will be voting to approve them. In response to Chair Geller, Dr Maran summarized the important changes to these recommendations, in comparison to the last approved recommendations.

The Chair asked if there were any questions or any debate. He commented he has already reviewed them and had no issues. As there were no questions or debate, he requested a Motion to approve.

**On Motion by Mayor Ross, seconded by Councilwoman Starkey, and unanimously carried, the Board adopted the Final Recommendations for the Water Advisory Board of the 2019 IWRP Update.

Chair Geller noted the success at reducing water demands. Councilwoman complimented staff's efforts.

Mr. Rudolph outlined the next steps, as follows:

- Preparing a hard copy document for the County Commission agenda
- Presenting the document and recommendations for adoption by the County Commission
- Provide the link for public to access IWRP Update
- Update SWAY on semi-annual basis as new studies and results become available

Chair thanked Mr. Rudolph for his presentation.

Water Matters Day and Conservation Pays Outreach

Robert Rudolph, Water Planning Manager, Broward County EPCRD

Referring to photographs in his hand-out, Robert Rudolph provided a brief report on the 17th Annual Water Matters Day Event who theme was "Conservation – A Winning Strategy". The event took place on Saturday, March 9th, at Tree Tops Park in Davie.

A review of the event was provided, including:

- Opening remarks by Mayor Paul, Commissioner Geller, and Commissioner Furr
- Water Matters Day Literary Contest Winners
- Presentation of Emerald Awards
- Environmental education booths, exhibits, workshops

- Entertainment with face painters, clowns, Ranger Rick, food trucks
- Native plants and tree giveaways
- New award, Water Partner of the Year, awarded to the City of Hollywood
- Well Being Event, County health plan employees could accrue points

Mr. Rudolph acknowledged the various partners, sponsors, the County, the School Board of Broward County, etc. He mentioned a new layout approach was used to reduce congestion, whereby attendees still registered at the registration booth but were directed to pick-up their trees at the last pavilion. He reported there were 3,686 attendees. He also acknowledged the hard work of the volunteers. He provided some statistics on survey results.

Chair Geller observed that the attendance figure was probably wrong, should be higher as that's the only number of people that actually registered. He congratulated Dr. Jurado. In turn, Dr. Jurado acknowledged the phenomenal team effort not only with this event but with the IWRP Report as well.

The Chair thanked Mr. Rudolph for his report. Samantha Baker then provided a brief report on the new Conservation Pays and Win Game.

She explained that Conservation Pays is part of the County's indoor water conservation program, and each year we do some sort of large campaign to engage the public in water conservation. Referring to her hand-out, she outlined its operation, as follows:

- It is an online game
- Game runs from February 1st thru April 30th
- Users complete tasks, quests, and quizzes
- Earn drops to redeem for points and a collection
- During redemption, hundreds of instant win prizes area available
- The more your play, the more chances to win
- Earn drops with code words

She shared the preliminary results, as follows:

- Over 2,000 players
- Very high engagement rate
- Over 100 additional Facebook "likes"
- Increased social media engagement
- Over 60 instant wins claimed
- 18 videos created to use for future outreach

Chair Geller thanked Ms. Baker for her report.

WAB Approval of Meeting Minutes from January 11, 2019

On Motion of Councilwoman Starkey, seconded by Mayor Welch and unanimously carried, the Board approved the Joint WAB/TAC meeting minutes from January 11, 2019.

Sea Wall Ordinance Update

Dr. Jennifer Jurado, Director and Chief Resilience Officer, Broward County EPCRD

The Chair reminded the members of the lengthy discussion at the November 13th Board meeting resulting in approving a Motion to initiate amendment of the Broward County Land Use Plan to establish a consistent seawall requirement for waterways in Broward County in accordance with sea level rise predictions through 2070. The Chair informed that he attended several meetings with the County Attorney's and the City Attorney's Offices resulting in agreement that a nuisance argument approach was best.

At the Chair's request, Dr. Jurado began her update by providing a quick review of the standard and its general approach and application employing the County Land Use Plan as well as the County Ordinance.

Referring to her hand-out, she explained that what is proposed is a uniform standard for seawalls and flood barriers of 5 ft. NAVD. The proposed standard is 5 ft. with an option to build to 4 ft. until 2035 ensuring that design construction can accommodate 5 ft. by 2050 for new construction and seawall improvements. The 4 ft. standard anticipates high tide flooding impacts, but does not address storm surge impacts. Model results indicate that building for 5 ft. NAVD grants protections against high-tide flooding and high-frequency storm surge under conditions of sea level rise, and avoids economic losses. She added that more than 70% of the seawalls will ultimately have to be raised.

Dr. Jurado explained the general approach is that once the amendment to the Land Use Plan is adopted, the cities will have 2 years to implement the recommendations.

The other effort is to modify the Broward County Code of Ordinances as it relates to shoreline protection, seawalls, etc. in the unincorporated areas of the County. The intent is to provide a model that the cities could utilize reflective of the City of Fort Lauderdale's approach. She explained the application applies to new construction, redevelopment, substantial repair and rehabilitation of seawalls, and permitting of fixed infrastructure; i.e., docks, mooring equipment, etc.

Referring to her hand-out, Dr. Jurado shared the draft text to be included in the Land Use Policy and the County Code of Ordinances. She informed that this draft language will be formally posted by April 1st. She discussed the draft notable provisions.

Referring to her hand-out, Dr. Jurado outlined the various dates of outreach activities, from September 2018 thru March 2019. She remarked that no formal objectives have been raised, noting an online polling tool indicating the public supported the 5' NAVD. Questions have been raised regarding finance strategies, standard design specifications, and outreach materials for the real estate community.

In conclusion, Dr. Jurado reiterated that the draft language will be formally posted by April 1st, kept available for public comment through May. Any adjustments will be added with recommendations to the Planning Council in August, forwarding on for state review, brought back for Planning Council approval in October, and ultimately to the Board by end of year. She advised that those who will be personally impacted or obligated to improve their seawalls have 3 ½ years to insure completion.

The Chair requested Michael Owens elaborate on the constitutional issues with regards to enforcing non-compliance situations. Michael Owens explained that a basis for water trespass needs to be included in the draft ordinance; i.e., avoiding impacts to flooding neighbors or public infrastructure, abating public nuisances.

Homeowners cannot be required to elevate if their homes were legally permitted when built, unless failure to elevate causes water trespass on surrounding properties.

Councilwoman Starkey agreed that nuisance authority is a good step, but emphasized that health and safety issues are involved, also. Mr. Owens explained that trespass from a legal sense is significant, and nuisance makes the correction of a condition.

The Chair inquired about notification warnings required in real estate transfers. Mr. Owens answered that while disclosures by real estate agents are generally in state statute, sellers' requirements for disclosure can be established by local governments as well.

Albert Carbon, TAC Chair, suggested an important consideration is to define compliance because a one-year timeframe may need to be extended in certain situations. For example, the local building official can determine the homeowner is in compliance as his plans have been reviewed, they are in the process, have made a good faith effort, they just need more time.

Mr. Owens brought up that the current PACE Program does not include a seawall provision, so an amendment to state law would be needed to potentially include projects as PACE financing. He suggested that we could request our lobbyists to help get that amendment as a financing option for people who don't have other options.

As there were no other comments, the Chair thanked Dr. Jurado for her update.

Future Conditions Community Flood Map Update

Dr. Carolina Maran, P.E., Water Resources Manager, EPCRD, Broward County

Dr. Maran provided an update on the Broward County 100-year/community flood elevation map along with its associated modeling efforts and reinstated the project's goal of mapping future floodplains throughout Broward County. She summarized the major task results achieved so far:

- Data collection and review
- Stakeholder outreach began during summer 2018 with follow-ups thru January 2019
- Stakeholder coordination for the model involves GIS and mapping data into a project map atlas that provides a reference and assists future level of service efforts by SFWMD and the County
- Stakeholder information identified 200+ features needing additional survey information. These were divided into Priority 1 and Priority 2 levels.
- Updating the model grid resolution (Referred to schematics comparing previous and new computational grids) for refining storage and conveyance characteristics
- Updated current land use with changes since 2000
- Model calibration occurs when all data has been input. June 5-7, 2017 (rain event) was selected for calibration of the model

Dr. Maran also summarized the FEMA National Flood Insurance Program Community Rating System (CRS) Initial Evaluation report presented by the consultants to evaluate potential discounts on flood insurance premiums for property owners in floodplain areas within the subject jurisdiction and to identify potential CRS credits associated with the Future conditions 100-Year Flood Elevation Map. According to the initial evaluation presented by the consultants, there is a total of 2,365 points available for Broward County to increase its current rating from a CRS Class 7 to a CRS Class 6 or 5. Dr. Maran clarified that a Draft Verification Report was released in December, 2018 and Broward's 2059 credit points are currently under final acceptance by FEMA. The final report will reflect the total credits points and current rating for the County, and potential additional points to be credited. The final report will be leveraged by all partner municipalities.

Dr. Maran finalized her presentation presenting the schedule of events for the project. The target date for mapping completion and initial presentation to stakeholders is September 20th.

The Chair thanked Dr. Maran for her update.

New Business and Open Discussion

The Chair requested a Motion to extend the meeting by 5 minutes. The Motion passed unanimously.

Dr. Jurado informed that the US Army Corps of Engineers (USACE) is currently reviewing and soliciting input with regards to an update to the Lake Okeechobee water management schedule. As this is a highly controversial issue that should be monitored, the County and communities will be providing input into that process.

She also informed that the Army Corps of Engineers were authorized to undertake a South Atlantic Coastal Study, funding was made available last year, and it was launched about a month ago.

The Chair requested the meeting extend to 12:10 pm. The Motion passed unanimously.

Dr. Jurado explained that Florida accounts for more than 1/3 of the total South Atlantic Coastal Study area, so this analysis provides the opportunity to identify focal areas vulnerable to extreme exposure. A compact discussion took place with USACE, SFWMD, representatives from Miami-Dade, Monroe, Palm Beach, and Broward Counties regarding project approach, available tools, and priorities.

She announced that the House version of the C-51 Bill passed with unanimous support about 2 weeks ago. The next step is to pass the Appropriations Committee on the Senate side.

She remarked on the effort to reach out to the new SFWMD Governing Board members to provide the history and emphasize the need for consistent planning and regulatory support for the C-51 project. The Chair clarified that the new governor has requested and received the resignations of virtually all the Scott-appointed members of the District. The new Executive Director was placed only last week.

Lake Okeechobee Water Levels: 02/28/2019: 12.77'; 1 month ago: 12.65'; 1 year ago 14.86 ft-NGVD

Next Scheduled Joint WAB/TAC – May 10, 2019
Next Scheduled TAC Meeting – April 19, 2019

ADJOURNMENT

There being no further business to discuss, without objection, the meeting adjourned at 12:07 pm.

A copy of the audio recording of this meeting is available upon request at Document Control, Room 336U, Phone: (954) 357-7297.