

## July 22, 2020 minutes from New High School/Veterans Memorial expansion committee

There have been on a couple of calls with school board representatives, our attorney and the county. The county did not participate in one of the two calls.

Summary of the calls. The school board maintains we Imperial agreed around the time of development to a flowage easement (we would not do anything to detract from the historical flows). There is nothing in the plat to suggest same, but the engineer did refer to some letters (provided same) and Eastman (school board's attorney) thinks if we pulled the title report (no more than \$500 per our attorney) it would be there. He even argued that should these agreements not be there, we were obligated to include it. Eastman also by analogy argues this easement is no different than a public utility easement and anyone in the public impacted has the right to use it. The County agreed that analogy applies, but of course to what extent is really the issue.

Under the existing school board plan, they intend to add several holding ponds which under a 25 year 3 day storm would actually result in 6 cfs outflow versus today which is 36 cfs.

The school board has emphasized at all times they want to be a good neighbor and will pay as a percent of how much they add to the easement a one time fee for upgrading it.

The county is starting the process of locating an engineer to complete a comprehensive study of the water easements around Imperial. The process should take with procurement 90 to 180 days. The county also indicated they will take over maintenance of all easements when the Veterans road extension is complete.

The school board's present focus is on removing from the plan a road on the west end of the parcel. They will not amend their request to SFWMD until that is complete, so we have plenty of time here.

### Committee road minutes

- The committee agrees unanimously a wall is needed. Without same, our community will be impacted by noise, will be subject to safety and privacy concerns and the impact on home values will be very real. We would be the only community in Collier County without a wall.

-The committee has located an acoustics engineer (Siebein Acoustic) to retain to challenge the noise study which found a wall is needed, but not economically feasible. The engineer's initial comments regarding the county's noise study: the traffic count is too low, 1% usage of trucks is too low and the study using 35 mph is too low. Vegetation will not reduce noise, but certainly can provide some privacy. There is no irrigation in place in this area right now, so if vegetation is used in any way, irrigation will

be necessary. The cost of the engineer's report is \$3500.00. The committee unanimously recommends retention of the acoustics engineer.

-We will follow up with commissioner Solis' office for an additional meeting. The county recently met with the commissioner, so the timing could not be better.

-The committee will determine if any funding through state or federal grants are available for completion of a wall.

-The committee will look to create a consortium of similarly situated communities to interact with the commission and county.

-The county (through commissioner Solis) is looking for us to contribute to a wall. The committee unanimously recommends the board approve the maximum permissible amount (\$200 per lot) for completion of a wall and advise the commissioner of our offer. These funds will likely not be spent till 2023. The hope is this offer will compel the county to assist in all respects in completing a wall.

#### School Notes

-The committee unanimously recommends we authorize our attorney to pull a title report so we can determine if anything is contained therein regarding the flowage easement. The cost will not exceed \$500.00. As it stands, our position is the school cannot use the drainage easement without our consent given the plat language.

-The committee also unanimously recommends we look to retain an engineer to review the findings of the school board's engineer regarding its plan and findings. Will the school board plan actually reduce water flows and if so, at all times or only in certain situations? The committee also recommends hiring an engineer to review the west drainage swale to determine what, if any, maintenance and modifications are necessary to provide for unimpeded stormwater flow along that north-south drainage swale. The CCSP Staff has indicated that they would help fund work on the swale. Hole Montes has provided those services to the Board in the past and Tom Harruff will contact them to discuss a scope of work. This is the due diligence that the Board should undertake to protect our homeowners along that drainage easement.

-The county taking over maintenance of the drainage easements is not necessarily in our best interests. They have admitted to us they do not have the time and resources to maintain the easements for unrestricted flow.