

Board of Supervisor Meeting Minutes from July 12, 2012

A public meeting of the Fellsmere Water Control District was called to order at 10:00 a.m. on July 12, 2012 held at the office of the District 109 N. Willow Street, Fellsmere, Florida; Mike Monroe called the meeting to order.

Supervisor's present: Mike Monroe, Clifford Tyson and Richard Carnell.

Guests were Mr. Terry Lewis of Lewis Longman and Walker West Palm Beach law firm.

Others present were Michael O'Haire, Marvin Carter, George Simons, Rodney Tillman and Joyce Hertel.

A motion duly made by Clifford and seconded by Richard the minutes of the May 2012 meeting were approved as mailed

Attorney Report:

TENATIVE FELLSMERE WATER CONTROL LEGISLATIVE OUTLINE

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| 1. Draft Legislation | June 1-July 30 |
| 2. Fellsmere Board Approval | June 1-July 30 |
| 3. Seek City of Fellsmere (consent is discretionary but recommended) | June 1, July 30 |
| 4. Initiate contact and lobbying with Indian River County legislative delegation (we are not likely to know who will represent Indian River County until early September at the earliest) | September 30 |
| 5. Present proposed legislation to the Indian River County legislative delegation with a request for approvals and sponsorship | Oct, 1-Dec 31 2013 |
| 6. Seek cooperation from the Speaker of the House's Office and attempt to limit committee references for the local bill to no more than three (3) Legislative committees. | Jan 1-Jan 31 2013 |
| 7. Coordination with House Committee staff and seek committee hearings on legislation. | Jan 1-Feb 28, 2013 |
| 8. Complete committee meetings and place local bill on the house calendar for house hearings | Mar 1-Mar 31 2013 |
| 9. The full house must vote the bill out of the House | Late March to mid April2013 |
| 10. Senate will vote on the local bill calendar (generally no committee meetings on local bills of the Senate) | the last week of the Legislative session |

**11. Coordination and meetings regarding legislation with the
Governor's Legislative staff**

April 1 –May 31, 2013

Mr. Terry Lewis explained items 1-11 in the legislative outline he provided. He also said that it could cost \$20,000 to \$30,000 dollars if everything went alright. If the City of Fellsmere and the County object it could double.

Item #3 it was determined that since the powers to do the conversion have been granted in the minutes of (March 2012) it is not necessary to hold a special meeting in August for that purpose.

Excerpt from March 2012 meeting minutes:

Rodney explained that the ring binder District Conversion (D.C.) that was prepared for the Board's use during the conversion process. Rodney explained that the information in the book, while appearing to be in chronological order, is simply a very basic guide to get the process started and get the information the Board members need to review. The Board discussed the information in the book asking the Engineer and Attorney for information as they proceeded. After reviewing the entire book the Board decided to proceed with the Conversion of the District from F.S. 298 to F.S. 190 resulting in the following motion:

Upon motion duly made by Richard Carnell and seconded by Clifford Tyson that Michael O'Haire, Attorney for Fellsmere Water Control District, is hereby granted the power by this Resolution to retain Tallahassee Counsel for the purpose of converting Fellsmere Water Control District to Fellsmere Improvement District and that he may work with staff and others as needed. Motion passed unanimously.

Terry also talked about the local legislative delegation with whom he and the District would be working with during the conversion with Tallahassee and locally.

The new west boundary line was discussed and Mr. Carter and Mr. Carnell will get together and provide a legal description to be used for the new west boundary line.

Also, the Life of the District, as Chapter 298 provides, presently from 1919 to 2019 was discussed and that the life of the District should be perpetual instead of 100 years if possible.

Also the special acts of the District were discussed and Mr. O'Haire will provide those to Mr. Lewis.

Michael also talked about the I-95 law suit and problems with DOT in regards to the bridge construction. If he does not get a response from the DOT Attorney in Deland for the 5th District it will become necessary to file a lawsuit. George and Marvin explained the problem with not armoring the area under the I-95 Bridge where the service road will be since the Bridge has been shortened and the loose fill moved forward. Presently, it is armored under the Bridge.

A motion was made by Clifford and seconded by Richard empowering Mr. O'Haire to proceed with the legal actions necessary; if DOT does not respond in the time required to include filing a lawsuit regarding this matter.

Engineers Report:

Marvin and George again discussed the engineering aspects of the I-95 Bridge and the armoring. They also discussed the BMAP and that 298 Districts will be a part of the BMAP process receiving allocations and District Boards will be expected to sign on to the BMAP process.

Currently the area in the Central Indian River Lagoon, where FWCD discharges too, has good sea grass growth and it will be five (5) years before the next aerial survey of the sea grass beds in the central lagoon is done that could have an effect on FWCD in the BMAP process. The EPA nutrient numbers were also discussed.

George discussed the future street paving projects in the City of Fellsmere in the area east of Broadway for Wyoming and Hickory Streets. During the engineering aspect of the paving project George is going to try to send more water north from New York Street in Sub-Lateral 14 to the Rail Road Canal, because of the head in S.L. 14 it looks like this is a possibility. There are some Oak trees along Hickory Street that could cause problems for this concept.

The City of Fellsmere is seeking grants for S.L. 18 and the Foster Fellsmere proposed stormwater area.

Treasurer's Report:

Rodney presented the Treasurers Report stating that the District is operating within the guidelines of the present Budget.

He reported on the Sand Lakes project showing pictures of the tree removal from the east base of the Old Fellsmere Water Control District levee from S.L. 24 south to the Sand Lakes Project.

Rodney further reported that the South side of the Main canal from the FPL transmission lines to the I-95 Bridge has been opened by the removal of the trees along the right of way and the canal slope. At this time it's not possible to continue to the Bailey bridge as requested by the Supervisors because of I-95 bridge construction, (i.e. fill and equipment). This is under budget line 4003 Contract/Mechanical Maintenance.

The next meeting will be September 13, 2012 at 10:00 A.M. at the District office.

The Meeting Adjourned at 11:55 a.m.

Joyce Hertel

Michael Monroe, President

Joyce Hertel, Secretary