

## MEETING MINUTES MARCH 13, 2014

A public meeting of the Fellsmere Water Control District was called to order at 10:00 a.m. on March 13, 2014 held at the office of the District, 109 N. Willow Street, Fellsmere, Florida. Mike Monroe called the meeting to order.

Guests were; Jason Nunemaker and Mark Mathis

**Supervisors present** were Mike Monroe, Richard Carnell and Jeff Bolling.

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

### Approval of Minutes:

A motion duly made by Richard and seconded by Jeff the Minutes of January 9, 2014 were approved as mailed.

### City of Fellsmere:

#### Florida Rails To Trails Greenway:

Representing the City of Fellsmere at the meeting was City Manager Jason Nunemaker and Mark Mathis Community Development Director. Mark gave the Board a presentation of the Florida Rails to Trails greenway through the City to the west side of the Park Lateral Canal. He advised that the City needed more than a permit for the land grant agency and would need a lease or easement for (50) fifty years. This was discussed by the District's Board of Supervisors, Engineers and Attorney. It was decided after much discussion that the City's Attorney Warren Dill would prepare the easement and present it to Michael O'Haire FWCD attorney for review. Michael advised Jason and Mark that the bridge must not impede the District's paramount right to perform its duties of maintaining the canal and that should be in the easement.

Michael added that a permit will be issued at the time of construction of the bridge.

#### Motion:

A motion was made by Richard and seconded by Jeff that the President, Attorney and Engineer are empowered to complete the easement and sign, since there will not be another meeting prior to the end of March deadline for the City to present the lease to the land grant agency.

### Attorney's Report:

Michael reported on FDOT law suit and stated that the Judge told FDOT that they have to respond to the District's engineer regarding actions to correct the problems with the new bridge. Michael stated that FDOT responded by sending Carter Associates the very first information that was sent in the beginning. He would be filing a motion with the Judge that FDOT is not complying with instructions. He is waiting for information from Bill Benson appraiser in Melbourne. The Board members asked various questions regarding the law suit.

### Engineer's Report:

#### Florida Organic Aquaculture site (FOA):

George discussed the FOA with Mark Mathis and Jason Nunemaker regarding permitting and the review by the City. The FOA construction has been moving forward without a FWCD approval to the site plan modification permit application. On February 10, 2014 CAI issued a request for additional information letter in response to the third site plan and drainage calculations submittal for the permit modification. Based on site inspections it appears that the contractor is not following the approved site plan and not following the phasing plan proposed on the modified site plan submittals. The concern was brought to the attention of Mark Mathis and Jason Nunemaker. At this point Jason and Mark left the meeting.

After much discussion, it was determined that the Board decided that if George is not satisfied with the information provided by FOA regarding the compliance with FWCD permit policies; that a letter prepared by George and Michael would be sent to the FOA. George noted that the City does not review and development projects for drainage design compliance with FWCD permit policies and expects the FWCD to review and enforce. The Board also decided to have Michael submit a letter to the City to request that the City withhold project start-up approval for all future development projects that impact drainage within the FWCD boundaries until a FWCD permit is issued for the project.

Richard advised that he had been contacted by Robert Christenson of SJRWMD that there would be funding available for shovel ready grants from the FL legislature this year.

George and Marvin discussed the Stormwater treatment area for the historic Fellsmere area and advised how they would work.

George then discussed the model update and that it would need to be approved and published to the County, City, and SJRWMD. Richard asked would the board be able to see them before they approve them. This item was tabled until the May meeting.

Marvin and George presented a report for pipe sizes for maximum build out in the areas for Sub-laterals U- 22, 23. This was discussed and the possibility of a person seeking a variance was raised. After much discussion regarding the pipe sizes the area that the pipes would be resized is limited at this time to sub-laterals U-22, 23.

### **Motion**

Motion made by Mike and seconded by Jeff to adopt the pipe size charge as presented for sub-laterals U, 22, 23.

George discussed the status of the Community Development Block Grant (CDBG) for paving and drainage improvements to roads Hickory, Pine and Wyoming. A grant has been submitted and permitted.

### **Superintendent/Treasurer Report:**

Rodney presented a written Treasurer's Report and the Budget for Board review and approval in May. Staff recommends a \$.50 per acre assessment increase.

Rodney discussed the segregation of duties in the Audit report 2013 and reported that even that the District is being written up with this every year the State is not requiring a response this year. He presented the paper to the board showing the FLAC report that the District will not be required to send a letter this year. He also presented a letter that he had written to Kathryn Dubose in Tallahassee for last year's audit.

Rodney updated the Board and provided pictures on the clearing of the Main canal right of way from I-95 east to the weir and that is complete. He invited the Board members to take them on a tour individually at their convenience.

### **Supervisor's Comments:**

Richard discussed the local bill HB 1403 and that he had been advised by the firm of Lewis, Longman and Walker, Esquire that Governor Scott would not accept this legislation even if passed by both houses and that he would veto it again.

Richard then talked about the life and boundaries of the District and Michael felt that chapter 298 covers that issue but he will look into it. Richard presented three alternatives:

One (1) being the district would withdraw HB-1403 and not proceed any further. The second (2) alternative was to proceed with the bill as is HB 1403, Third (3) to piggy back on a bill being presented by Caldwell that would let the district remain as is, but would allow it by referendum vote to have a CDD placed over the District. Richard stated that Terry Lewis said it would cost somewhere from \$25,000 to 35,000 for his firm to support the Caldwell bill.

**MOTION:**

A motion was made by Mike and seconded by Jeff that the District would withdraw from HB 1403 and that Michael O'Haire and Richard are empowered to review and vet all the alternatives and options and make a decision as to what would be best for the District since time is of the essence.

**Public Comments:** No public comments

Meeting was adjourned at 12:10 p.m. by Mike Monroe.

The general meetings for 2014 will be every other month on the second Thursday at January 9, March 13, May 8 Landowners Meeting, July 10, September 11, November 13, 2014 @ 10:00 A.M. at the District's Office.

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Mike Monroe President  
Board of Supervisors

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Joyce Hertel  
Secretary