

July 14, 2016 Board of Supervisors Meeting

A public meeting of the Fellsmere Water Control District was called to order at 10:04 a.m. on July 14, 2016 held at the office of the District 109 N. Willow Street, Fellsmere, Florida.

Richard Carnell called the meeting to order.

Supervisor's present were Richard Carnell, Mike Monroe and Jeff Bolling.

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

Approval of Minutes:

A motion duly made by Mike and seconded by Jeff the Minutes of May 12, 2016 were approved as emailed.

Attorney's Report: Michael gave an update on the Indian River County Workshop Meeting that was held at Fellsmere City Hall Council Chambers June 27, 2016. Michael explained Fellsmere Water Control District and how it was created and how it works under F.S. 298 to the Commissioners. He stated that the District had never in its' 96 year history ever maintained any roads and did not have any ability to do so under its' enabling legislation. The Commissioners questioned Michael regarding adding new roads to the existing Inter-Governmental Agreement dated 1974 and 1979. The County asked Michael about the possibility of the District again attempting to go to the Legislature for Conversion of the District to an Improvement District. The County offered the County's lobbyist to assist the District and its' lobbyist with its conversion legislation. Michael answered other questions regarding road maintenance and additional roads to be graded by the Commissioners. Michael feels that the County would prefer the powers be switched to the Water Control District for the roads left in the District that would have to be maintained by the County.

Michael added he had been in contact with the Attorney for the County Dylan Reingold regarding the additional roads and the Inter-Governmental Agreement. Mr. Reingold again offered the services of the County's lobbyist to work with the District's lobbyist on the Conversion Legislation. Mr. Reingold asked Michael could this be done in three to five years. Michael replied that it would take much longer than that. Michael will be working with Dylan Reingold regarding the addition of the new roads to the Inter-Governmental Agreement as well as the agreement itself.

At this time Rodney showed the Board the Inter-Governmental Agreement and pointed out Paragraph #3 where a previous Board had agreed to supply marl to the County for road maintenance. Rodney explained that the material had long ago been used up by the County and

the District has no more spoil it can offer the County; nor does it have the funds to buy spoil for the roads.

Rodney added that he had spoken with Woody Boyton and Hector Herrera both with SJRWMD about spoil from C-54 that is located on the District's north Main Canal right of way. This was discussed by the Board and Rodney was instructed to continue negotiations with SJRWMD regarding being able to use this spoil for item #3 to provide marl for the County. Michael Monroe advised that he feels Michael O'Haire should work with the County Attorney to do away with item #3 and at a minimum that the 136,000 cubic yards from SJRWMD would be the end of the spoil to be provided by the District.

Motion Made by Mike and seconded by Jeff to accept the amendment to the Inter-governmental Agreement by adding the eight (8) roads to the regular grading route:

- 81st, 85th and 87th Streets, west of 130th Avenue.
- 93rd and 95th Streets, west of 141st Avenue.
- 109th Street, west of CR 507
- 146th Avenue, south of 109th Street
- 107th Street, west of 146th Street

Engineer's Report: George updated the Board on the I-95 Bridge Law Suit. He stated that the Engineer firm for the project had its contract extended 6 months. This was discussed.

George then stated that he had attended the workshop with Michael and Rodney on June 27 and that the County wants to drain the water from the roads directly into the District's system. He explained to the Commissioners that since the Indian River Lagoon is an Estuary of National Importance that he was not sure this could be done in that manner. He said that all Fellsmere Water Control District can do is issue \$100.00 permits to the landowners to pipe the water under the road. George feels there needs to be some type of additional treatment like is done in new road projects. Michael stated that the Attorney for the County, Dylan Reingold and he had discussed the legal ramifications of doing it in this manner and what they felt was legal regarding putting the water on private property. Michael stated that he will still be talking to Dylan Reingold regarding the Inter-Governmental Agreement.

Florida Organic Aquaculture (FOA): George then discussed the Florida Organic Aquaculture (FOA) and the ongoing permitting process regarding cut and fill. The Packing house and spray field were discussed by George and the Board. It was determined that the spray field, packing house and the remainder of the lease property have a Unity of Title before the permit could be issued. Rodney, at this time, advised that the FOA was in arrears \$7,397.00 and that he could not issue a permit until that amount is paid or he is instructed to do so by the Board. George said that he would stop working on the process until something is settled. George added that Mark Crosby from SJRWMD was getting ready to give the SJRWMD permit to FOA but that he and Melissa, engineer for FOA, had not completed their work. Michael O'Haire was

advised by the Board to send a letter to FOA advising to withhold further activities until funds are paid and requirements of the permits special conditions are met.

NuTerra: George advised that NuTerra needs to provide more back up regarding the utilities and canal crossing. This was discussed by George and the Board. Michael Monroe will contact NuTerra. Rodney advised that NuTerra is current on its charge backs.

Parabel: George advised that Parabel is back working on their site and that he has been contacted by Mr. Mock, from the Natural Gas Company, regarding running a line from C.R. 512 to the Parabel site. Richard told George that he should work with Jeff Murray regarding the location of the pipeline and other utilities.

North Lake: George advised that the North Lake Project is a standalone project for the City of Fellsmere and is not a part of the Fountains of Fellsmere. George and the Board discussed this and the Board accepted the changes to the permit that George and the City had made.

Motion duly made by Jeff and seconded by Richard the Board accepted the Permit and design.

Rodney at this time advised the Board and George that the City of Fellsmere is in arrears on charge backs \$9,117.50. The Board instructed Rodney to not issue the permit until all permitting funds had been paid by the City.

George advised that he and Marvin will be working on converting the Public Facilities Report and the Permit Manual into draft form to be placed on the District's Website.

Superintendent/Treasurer Report: Rodney presented the Board with the written Treasurers Report. He asked the Board for a updated Resolution establishing a reserve account contingency fund regarding use of the funds to offset the assessment.
A motion was made by Jeff and seconded by Michael that Resolution follows;

RESOLUTION

At the regularly scheduled Board meeting of the Board of Supervisors of the Fellsmere Water Control District (hereinafter "District") held on July 14, 2016, the following resolution was unanimously adopted by the Board:

Whereas the District has previously sold District rights of ways to St. Johns River Water Management District, and

Whereas the District established a reserve account/contingency fund to hold the proceeds from said sales;

Resolved that the funds held by the District derived from sale of District rights of way in years past to the St. Johns River Water Management District as being surplus to the needs of the District may be used by action of District's Board of Supervisors to offset or reduce assessments for the District benefits and services that would otherwise be levied annually on landowners within the District.

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

I, Joyce Hertel, as Secretary of the FELLSMERE WATER CONTROL DISTRICT, certify the foregoing to be a true copy of Resolution duly adopted by said District at a meeting thereof held on the 14th day of July 2016.

SEAL

Joyce Hertel, Secretary

Rodney advised that the upcoming Legislation, Codification of the District and Extension of the Life of the District needs to be discussed. The Board discussed this matter and Rodney advised the Board he felt that it's time to precede with the Codification and Extension of the District's Life, at this time with the possibility of adding the District Conversion Legislation as another bill.

Motion was made and seconded to contact the Lobbyist Terry Lewis with, Lewis, Longman and Walker (LLW) and have them proceed with the codification and extension of life of the District, with the possibility of the conversion being filed now or at a later date.

The Board advised that Michael, Richard and Rodney are to continue to explore all avenues for the District to file the conversion during this legislative session and report back to the Board at the September 8, 2016 meeting.

Supervisor's Comments: No comments at this time.

Public Comments: No public comments.

Meeting was adjourned at 11:40 a.m. by Richard Carnell.

The next general meetings will be at September 8, 2016, and November 10, 2016 @ 10:00 A.M. at the District's Office.

Richard Carnell President
Board of Supervisors

Joyce Hertel
Secretary