

MEETING MINUTES NOVEMBER 8, 2012

Opening: A public meeting of the Fellsmere Water Control District was called to order at 10:00 a.m. on November 8, 2012 held at the office of the District 109 N. Willow Street, Fellsmere, Florida. Mike Monroe called the meeting to order.

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

Mike welcomed Jason Nunemaker City of Fellsmere Manager to the meeting.

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

Approval of Minutes:

A motion duly made by Clifford Tyson and seconded by Richard Carnell the Minutes of September 13, 2012 were approved as mailed.

Jason Nunemaker City of Fellsmere Manager:

Jason explained the Cities Stormwater Ordinance Project and that the City wants to partner with Fellsmere Water Control District in various projects that will be done in the future. He explained the Cities position is not to be antagonistic but would like to work with the district in the future and that the City will be taking a more aggressive stance in regards to aesthetic look of the Districts canals. One question he asked the Board was Indian River County offering any funding for the areas of the County surrounding the City of Fellsmere. The Board responded that the County had not been involved with the Stormwater and the BMAP project.

Jason discussed the FWCD's permitting policies regarding onsite retention and felt that a more feasible solution would be regional stormwater areas that developers could buy into if they could not meet the requirements of the present permitting policies. City and District permitting policies were discussed at length and it was decided that the two entities would try to work together in the future. Some project areas the City is working on are South Pine Street to build a stormwater treatment area there as well as the 89th street site. He also explained the associated stormwater fees.

Jason said that in regards to City streets the City position is that the streets belong to them and that they are having no problems in getting grants. He stated that Rodney had advised the CITY that FWCD would no longer be issuing QCD's for individual City streets and Alley way projects. Marvin brought up the deed that had been done by the District in the past giving the City all of the Streets, alley ways and Parks. Rodney advised that this had been turned over to the COF many years ago when Mr. Little was City Manager and that the QCD had never been filed. Jason said that in the spirit of corporation with the District he would look for the deed and try and get it recorded with the Clerk of Court.

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Jason stated that the COF is working hard to meet the requirements of the BMAP and nutrient numbers that flow through the DISTRICTS canal conveyances to the IRLagoon. Jason expressed his thanks to the Board for working with the City on the greenway projects in the Fellsmere Area. The Board thanked City manager Nunemaker for attending the meeting and updating the board on the activities the City is undertaking.

Jason advised the Board that the COF is in the process of trying to do something with the area of 100 Lane and 101 Place east of Willow Street because of the Problems with that area. The COF is trying to get that area to voluntarily annex into the COF but if not even though the COF does not want to force the issue of annexation the City will.

Richard advised Jason that because of the water levels that would be held against the West New Levee that the COF should join with the District in sending letters to SJRWMD regarding the certification of the new levee by FEMA. Jason asked when should the COF send this letter and Richard advised that he would work with the City regarding the timing of the City's letter.

George explained to Jason that the Dollar General Store could have met the requirements of the 25 year storm event, but because of the rush to closing did not. Since the 25 year storm event floor elevation was not met and the Dollar General Engineer had to storm proof the store in case of flooding. This was discussed by all present and Jason felt that neither City of Fellsmere nor Fellsmere Water Control District could be held liable in the future if the store flooded.

Attorney's Report:

Michael updated the Board on the litigation with FDOT regarding canal crossings in both FWCD and IRFWCD. He advised the Board that he had recently attended a court hearing for the IRFWCD lawsuit and that the judge was recommending mediation and that he has found that FDOT does not own the right-of-way where the I-95 Bridge over the Fellsmere Main Canal was built after researching deeds recorded in Brevard County by Mr. Seiwert historically. He explained that he has a good feeling about the lawsuits and that FDOT should be responsible for the legal fees.

Michael explained that Paul Amos a partner in the law firm had been in contact with FDOT about the selling of fill to the contractor and what effect it would have with the ongoing lawsuit with FDOT. Michael explained that Paul Amos had dealt with four attorneys and still had not got answers. Michael feels it is not wise to proceed with the sale of the fill to the contractor until the attorney's respond and an agreement is reached.

Engineer's Report:

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Marvin presented an aerial photograph with the overlay of information that was provided at the last meeting regarding the districts west boundary.

Marvin discussed the raw water main line from the Fellsmere Farms trailer park to the City water plant. He advised that he had responded to a phone call from Mastellor and Molar regarding the depths achieved during the directional bore process of sub laterals 12, 13 and that the bore under sub lateral 12 was found to be only 3 feet below the existing culvert and that he felt that in the future this might be a problem for the Landowner when replacing that culvert. At the time of the meeting Mastellor and Moler had not responded to FWCD or CAI as to what action or request is to be taken by them. Marvin explained that he had offered the opportunity to attend the meeting to discuss the problem.

George recommended a new across the Board fee that covers all permitting fees requiring professional review, (i.e. Attorney and Engineer) policy if the cost is greater than \$1,000.00 then additional fees will apply.

A Motion duly made by Richard Carnell and seconded by Clifford Tyson that all permits requiring review will be subject to the \$1,000.00 minimum fee and if the review triggers additional fees the Permittee will be billed the additional fees. This is to include both Indian River County and the City of Fellsmere Permits. On projects requiring further professional review an/or approval by the Board of Supervisors of the Fellsmere Water Control District (FWCD) a \$1,000.00 deposit is required on submission whether or not an application is made for construction. Any Amount of the project review deposit not expended for professional services on the District's behalf in the review process will be refunded, following review to the party submitting any excess expended for professional

Services in review over \$1,000.00 will be payable by the Permittee making a submission requiring professional review. Motion seconded by Clifford and motion carried.

George advised that he had attended a meeting in Vero regarding the BMAP and even though DEP was stating that the IR Lagoon in this area is in good shape in regards to sea grass beds and no action would be needed to be taken for the next five years. But the City of Vero Beach interjected that they felt that there was problems with the IR Lagoon and that further studies should be taken.

George feels that the City of Fellsmere needs to work with the District regarding the basin in the East Master Drainage Plan when permits are reviewed. The City needs to work with the District in the review process of the City permits. Richard suggested Rodney write a letter to the City Manager thanking him for attending the meeting and requesting that he have the City Community Development Director Mark Mathis include FWCD in future permit reviews.

George advised that he had sent a letter about 6 months ago to SJRWMD regarding FEMA certification of the western levee and District boundary, and that he had recently sent another letter regarding this subject.

Superintendent/Treasurer Report:

Rodney explained that the District had recently gone through an Annual Audit with KNEG, CPA and it appears that all financial issues as well as compliances had been satisfactorily met. He also said that an investment CD matured with Wells Fargo Bank and that the auditing staff suggested that since the District was only making 0.03 % it was suggested to put the funds into the Checking account.

Rodney talked about a problem at the end of 77th street west and Park Lateral Canal with people dumping trash dead animals, partying and shooting guns on the weekend. Rodney said that he had received a call from Caleb Turnbaugh owner of tract 2363 and Mr. Turnbaugh's neighbor requesting a gate be installed to prevent these activities by the public. Rodney added that previously when gates had been installed no permits had been issued. It made it extremely hard to remove it when it became time for removal. Rodney said that he was simply asking for the Boards approval for the permit that would exempt the District from any cost in installation and or removal of the gate and that there would additional provisos to the permit to protect the District and its paramount right to perform its duties as a water control district. The Board approved the permitting of the gate and reiterated that there be no expense involved or incurred by the District for the gate or its removal.

Supervisor's Comments: Public Comments: No public comments.

Meeting was adjourned at 11:55 a.m. by Mike Monroe.

The next general meeting will be at January 10, 2013 @ 10:00 A.M. at the District's Office.

Mike Monroe President
Board of Supervisors

Joyce Hertel
Secretary