

MEETING MINUTES SEPTEMBER 13, 2012

Opening: A public meeting of the Fellsmere Water Control District was called to order at 10:00 a.m. on September 13, 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.

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 July 12, 2012 were approved as mailed.

District Conversion:

Attorney's Report: Michael O'Haire updated the Board on the FDOT situation. He stated that he has filed a suit for both districts. FWCD is in the Fifth District in Volusia County. The emergency evidentiary meeting is set for November 8. Michael explained that as compared to Indian River Farms WCD (IRFWCD) Fellsmere WCD (FWCD) is in a much better position since corrections to the problem can be done after the bridge has been built as opposed to IRFWCD which would never be able to correct there problems after the Bridge has been built. Marvin discussed the rip rap that would extend out from the FWCD, FDOT I-95 Bridge and could that rip rap be used to support the problem area of the new fill extension where the service road is to be built.

~~Michael explained that the District is on schedule regarding the conversion of the District and until the elections are over in November it's going to be hard to lobby the County and Legislature. A discussion followed regarding changes in the District under the new statutes.~~

Engineer's Report: George explained the FWCD permit review process recently completed for the Dollar General store on CR 512. The Engineers (LBYD, Inc., St Petersburg) for the Dollar General initially submitted a FWCD permit application package including a site plan drainage design and drainage calculations that did not meet the FWCD permitting Policy regarding the 2"/day volume limitation criteria or the maintenance of the flood plain storage criteria. LBYD was advised of the permitting requirements prior to submittal and for some inexplicable reason choose not to address. The FWCD permit requirements were re-iterated to LBYD through the permit review comments.

LBYD re-submitted a new design that met the 2"/day and the maintenance of the flood plain storage criteria; however the new design included lowering the finish floor below the 100 yr

9-13-12 Board of Supervisors Minutes

flood elevation. We strongly recommended raising the finish floor above the 100 yr flood plain in the second permit review comments; however LBYD decided to "flood proof" the lower part of the building up to the flood elevation in lieu of raising the finish floor. LBYD submitted an unsigned flood proof certification form, and explained that it would be signed and certified upon completion of the construction.

Dollar General permitting documents are attached and made part of the minutes:

1. LBYD, Inc transmittal with final permitting documents listed
2. LBYD, Inc. Response to FWCD comments 8-14-2012
3. LBYD, Inc. Cut and Fill Calculations
4. LBYD, Inc. Sheet C-8, with building flood proof requirement note
5. Draft FEMA Floodproofing Certificate

The FWCD Engineers and Supervisors discussed the FWCD permitting policies of 2"/day volume limitation, the maintenance of the flood plain storage, and other criteria that should be applied to all projects within the District (previously platted single family lots are exempted). These policies were adopted by resolution of the Board of Supervisors on March 11, 2004 for the gravity drainage portion of the FWCD. On March 10, 2011 the Board of Supervisors approved an interim resolution to expand the 2"/day policies to the pumped areas within FWCD. The SJRWMD and FJV are currently negotiating the pump rates for the re-configuration of the FJV pump stations due to the SJRWMD purchase of the FWMA lands from the FJV. The 2"/day volume limitation will be reevaluated and may be adjusted by pump station service areas to match volume discharge limitation rates to the pump rate of the pump station(s) serving each land area.

The City of Fellsmere, Indian River County, and SJRWMD were copied on the August 19, 2004 Memo that established the above policies. Development projects within the FWCD that discharge into secondary drainage systems have not been required to obtain a FWCD permit. Instead FWCD has relied on the Indian River County and Fellsmere land development review processes to check for compliance with the FWCD policies. Indian River County has recently confirmed that they do review development projects for compliance with the FWCD permit policies. However, the City of Fellsmere has determined that they will not review development applications within the City for compliance with the FWCD permit policies. The City of Fellsmere does not have the staff to perform the reviews and also do not want to burden the developers with meeting FWCD policies, particularly on smaller commercial parcels.

At present FWCD permits are required only for those projects which include; a direct drainage connection to the Districts sub-lateral system, a driveway pipe crossing in the FWCD system, or utilities installed in the FWCD r-o-w. In these instances the FWCD permit policies are

9-13-12 Board of Supervisors Minutes

reviewed by the FWCD engineers. After much discussion it was decided that the FWCD permit application process needs to be further clarified to apply to all areas of the District.

At this point the following resolution was made by Richard and seconded by Clifford;

Whereas the Growth within Fellsmere Water Control District has now reached a point where permitting and review of all projects are necessary and the present FWCD permit application form does not cover all permitting and the City of Fellsmere is not providing the necessary review for compliance that has now become required the following resolution was made:

RESOLUTION:

The Fellsmere Water Control District permit process and the application forms shall be amended to provide FWCD review for compliance with FWCD policies for new or future developments connecting to the Fellsmere Water Control District's system directly or indirectly within the FWCD. The permit application form Part B should be amended to include a category for "projects within the district". This will provide a permit category for all development projects within the District and to assure the review and compliance of FWCD permit policies.

Richard asked that George write this amendment into the existing permitting policy.

George discussed the new "LIDAR" mapping that has been recently flown over FWCD saying the more accurate topography would greatly enhance the drainage model that was done by CAI. This would improve the ability for resolving the unknown flood elevations noted on the FEMA maps, improve the accuracy of the design storm water levels for use by engineers and developers in preparing site plan designs within the Districts canal system, and improve the ability of the FWCD to check the benefits of infrastructure improvements. The FEMA map modifications may also result in lower flood insurance rates for Landowners. George explained that the cost of the LIDAR information is not cheap but would be more accurate than the information used to prepare the current drainage model. The Cost would be approximately \$40,000 for the information to be processed and incorporated in the model. This was discussed at length. Richard asked Rodney about the District's budget and the funding of the project. Rodney explained that within this Fiscal year and next there is no funding available for the project unless the \$40,000 matching funding to SJRWMD for improvements to the East Boundary levee from SL 24 south to SL 28 is not used and becomes available that would be the only way the project could be funded. At this time, Michael O'Haire explained that the fees expended during the FDOT suit, that FDOT will be refunding all legal fees of the suit.

It was decided at this time not to pursue the project.

George discussed the BMAP and the upcoming meetings.

Marvin discussed the new legal description for the western boundary of the District and that the description is based on tract lines rather than the survey line. Marvin presented a drawing showing the line of the new west boundary description with the inclusion of the SJRWMD levee. After discussion of the drawing the Board determined that there needs to be some type of agreement between FWCD and SJRWMD regarding future ingress/egress and emergency repairs should the levee fail. There was some concern as how IRC could affect the levee agreement since it will be including the levee in its Land Use Conservation Element.

Marvin stated that the as built for the pipe line to the COF Well field from the well in the FJV property failed to meet District requirements for directional boring under the District Sub laterals where it is required that a 5' feet clearance as measured from the top of the utility conduit to the design bottom elevations of each sub lateral canal. Marvin pointed out that under S.L. 12 a depth of two and a half (2 ½) feet was shown and under S.L. 13 ½ (RR Canal) was at four (4) feet depth.

This was discussed and it was determined that Rodney and CAI would do a site inspection to determine whether an exemption could be extended or a redo of the directional bore must be done to follow the FWCD permitting policies.

Superintendent/Treasurer Report: Rodney said that he has no report at this time. It had been covered in the meeting.

Supervisor's Comments: Richard asked Rodney if a culvert would be necessary west of Pump Station #2 in the Fellsmere Main Canal if it were plugged for a crossing. Rodney said that from a Superintendents prospective a culvert would be good if the gravity drainage area was to ever be pumped to the west and not included in the FWMA, other than that one it's not necessary.

Public Comments: No public comments.

Meeting was adjourned at 12:00 p.m. by Mike Monroe.

The next general meeting will be at November 8, 2012 @ 10:00 A.M. at the District's Office.

Mike Monroe President
Board of Supervisors

Joyce Hertel
Secretary