

MEETING MINUTES NOVEMBER 10, 2016

Opening: A public meeting of the Fellsmere Water Control District was called to order at 10:00 a.m. on November 10, 2016 held at the office of the District 109 N. Willow Street, Fellsmere, Florida.

Richard Carnell called the meeting to order.

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

Richard welcomed guests Susan Adams and Jason Nunemaker.

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

Approval of Minutes: Mike made motion to approve the minutes, Jeff seconded.

Attorney's Report: Michael had a meeting with Dylan Reingold County Attorney regarding Road maintenance and grading in Fellsmere. The County wants to force the District into road maintenance. Michael said that no FS 298 Water Control District is designed to do the road maintenance unless they have a special act. FWCD was created in 1919 by a Circuit county decree under the General Drainage laws of the State of Florida and was changed to a F.S. Chapter 298 but with no special acts that gave it the power to maintain roads.

Michael stated that the County cannot ask the Board to do the maintenance because of the expense and that the county will not supplement the District. The county is not backing off of the position that it is taking. The county has not started maintenance on any additional roads to be maintained at this time. He reported that President of the Board Richard Carnell and Indian River County Commission Chairman Mr. Solari have met regarding this. Richard asked Michael that in the past the County had supported FWCD. Richard asked Michael if the county collects tax money for the 33,000 +/- acres located in the City and County. Michael stated yes. Richard stated that the Board had already made the decision to go before the legislature to extend the life of the District.

Commissioner Elect Susan Adams advised that she had talked with the county staff and that they had spelled out four (4) points in question:

- 1) Shall Language came from request from Fellsmere North County Property owners meeting.
- 2) Term of Agreement was to be 3 or 4 years with a renewal clause.
- 3) Permitting issue:

The county does not want to be forced to get permits from SJRWMD, DEP or FWCD permits that trip the criteria. George explained that he did not feel the Criteria would be tripped by SJRWMD if the roads were not widened only graded, and not paved.

4} Indemnification: Jason Nunemaker City Manager stated that the City, County and FWCD have sovereign immunity and therefore Indemnification should not be a problem.

Susan stated that the time frame after the Fellsmere Meeting gave the landowners the impression that the work would begin in October 1, 2016 after the budget year.

Susan discussed the time frame for the roads to be included, and that there are a lot of roads out there that are in bad need of repairing. As you are aware from all the complaints you and Rodney have received as well as me. I have a computer generated list of the landowners that allows me to keep them updated regarding the agreement. I do not want this to stretch out another 12 years. So I am here to help us get to a point to move forward so the project can get started.

Jason stated that the County is responsible for the road for first responders such as police, sheriff, fire, ambulances

Jason asked if the District has the powers to do roads would FWCD be assessing the City residences. Richard answered No that the grading would be done by units under F.S. Chapter 298.353.

Jason stated that the Green book is a Canard for the Counties benefit.

Jason stated that everyone pays into the EMS District. The Landowners all deserve this; therefore they have to have a path to get to each house. This is the responsibility of the County. Jason stated that because of EMS it's the County responsibility to provide an access to each and every home.

Since there will not be another Board meeting until January 12, 2017 and Susan Adams feels time is of the essence to get the road grading project started that is now beyond the starting date. The Board discussed that the President and the Attorney be empowered to negotiate with Susan Adams and the County to move the agreement forward and sign the agreement.

A motion was made by Jeff and seconded by Mike that the President of the Board Richard Carnell, Michael O'Haire Attorney for FWCD, County Attorney Ryan Reingold, and Susan Adams after November 22 to get the agreement completed and signed. The President and Attorney are hereby empowered to sign the Agreement.

Michael had an agreement for the City of Fellsmere that was ready for signature by Richard Carnell. Richard stated that Joyce had already forwarded him a copy for his signature and that it had been signed and returned to the FWCD. Joyce stated that she had sent the signed copy

to the City Hall. Richard asked Joyce if she could get a copy of that agreement so that he could compare it to the one that Michael had just given him for his signature.

After comparing the documents, Richard asked George if the copy he was about to sign was the latest copy or had he already signed the right copy. George reviewed and explained that the new Agreement is the correct agreement and the old agreement is not correct due to changes. Joyce and Rodney witnessed the new agreement and Joyce Notarized it. Richard advised Joyce to write on the old agreement; this agreement was replaced by the Agreement signed at the FWCD Board Meeting on November 10, 2016. Joyce gave the Original signed notarized agreement to Michael O'Haire for recording and return to the City of Fellsmere.

A motion was made by Mike Monroe, seconded by Jeff Bolling that since the agreement had been conceptually approved at a previous meeting that the new agreement is the final agreement. Motion Passed.

Engineer's Report:

George and Marvin gave a report on the updated Water Control Plan that is to be put into the Districts website, It is nearing completion and Rodney will need to come down to Carter Associates to look at the new additions and maps.

George updated the Board on CBDG- Phase 6 for the area of Wyoming Street and Hickory and has been placed out for bids. Construction is intended to start in January.

George reported on the South Regional Lake. It is presently under review by Mark Mathis and will provide more information at the January meeting.

George talked about the proposed water farm and that model flows are being designed for the Main Canal for a low level weir that would not impact the upstream landowner. The peak stages would be based on a 100 year storm event. Some ideas being discussed are for putting a weir just east of Park Lateral Canal in the Main Canal and possibly re-digging Main Canal west to the water Farm to change the water flow toward the pumps. Rodney asked who would be responsible for the cost of re-digging Main Canal and installing the weir. George stated that it was a SJRWMD project and should be funded by them.

Treasurer's Report:

Rodney read the Treasurer Report to the Board. Jeff Bolling asked about the interest rates and how the money could be invested to gain more interest. Rodney explained that the District is limited by statute in how the money can be invested and what banks can be used.

Rodney advised that he had been in contact with Doug Voltolina SJRWMD regarding gopher tortoise issues and any potential Special Use Authorization (SUA) that may be required for spoil on C-54 bank. The meeting has been set for sometime after the Thanksgiving holiday.

Rodney will report back at the next meeting.

Supervisors Comments:

Public Comments: Susan thanked the Board for allowing her to address the agreement between the FWCD and the County.

Meeting was adjourned at 11:00 a.m. by Richard Carnell.

The next general meeting will be at January 12, 2017, March 9, 2017 May 11, 2017 Landowners Meeting July 13, 2017, September 14, 2017 and November 9, 2017 @ 10:00 a.m. at the District office.

Richard Carnell President
Board of Supervisors

Joyce Hertel
Secretary