

MINUTES
Tindall Hammock Irrigation and
Soil Conservation District
Board of Supervisors Meeting
Wednesday, April 16th, 2014 at 4:30 p.m.
3941 SW 47th Avenue, Davie, FL

Call to Order:

The Chair H. Collins Forman, Jr. called the Meeting of the Board of Supervisors of Tindall Hammock Irrigation and Soil Conservation District to order at 4:37 p.m. The meeting notice had been duly posted.

Roll Call:

The Chair H. Collins Forman, Jr. called the roll. A quorum was present.

Supervisors:

Present:

Chair H. Collins Forman, Jr., Eric Forman; Dr. Walter Forman was absent.

Also Present:

Douglas R. Bell, Esquire, Patricia Mahaney (Everhart Management Group), Pat Gibney, P.E. (Craven Thompson & Associates), Jay Ameno, P.E. (GAI), Bob Salerno (Fern Crest) and Austin Forman (landowner).

Approval of minutes for Board of Supervisors Meetings:

The minutes for the February 19, 2014 – 4:30 p.m. [Regular Board Meeting] were presented by Ms. Mahaney for approval.

Motion #1:

Eric Forman made a motion to approve the minutes of the February 19, 2014 meeting. Chair H. Collins Forman, Jr. seconded the motion. The motion carried.

The minutes for the March 19, 2014 - 4:30 p.m. [Regular Board Meeting] were presented by Ms. Mahaney and deferred until the next meeting.

Discussion on Broward County Health Department (BCHD) issues associated with the Utility Plant

Mr. Ameno reported on the status of compliance with the consent order with the Broward County Health Department. Included in his report was an update on the work on the sanitary seals for wells #1 and #2. Mr. Ameno commented that the work on well #2 is complete and back in service and that renovations are currently ongoing for well #1. Mr. Ameno reported that work on the Water Atlas is also ongoing and approximately 60% completed. A meeting was held with the BCHD on March 28th, 2014 during which the O&M manual was presented to BCHD and accepted. Further BCHD is content with the progress on the atlas given the status of the ongoing development projects and will ask for another update in six to seven months.

Mr. Salerno reported that in January there were several bacteriological test samples that failed in Everglades Mobile Home Park and the East side of the turnpike which will require notices to be sent out. While Ferncrest Utility does not produce the water for the East side of the turnpike, it is responsible for it. Mr. Salerno anticipates that Fern Crest will be fined for these failures. Mr. Salerno received the failure notice on March 28th and follow up testing has been completed and cleared.

Discussion on status of Utility Plant Capital Improvement Plan

Mr. Ameno reported that the contractor is on-site and actively working. Mr. Ameno provided updates on the reject pond, excavation for the thickener pump station and the master pump station, the temporary installation of hypochlorite feed system, slab preparation and piping. The work is on schedule and is expected to be completed on March 2, 2015. Mr. Ameno provided an overview of the change orders requested.

The Chair entertained a motion to approve a change order in the amount of \$14,750 per the proposal dated March 7, 2014 for Piping modifications at the Equalization Basin.

Motion #2:

Eric Forman made a motion to approve a change order to the R.J. Sullivan Contract in the amount of \$14,750 per the proposal dated March 7, 2014 for Piping Modifications at the Equalization Basin. Chair H. Collins Forman, Jr. seconded the motion. The motion carried.

Status of FDEP permit renewal for Wastewater Treatment Plant

Mr. Ameno reported that the application is due on May 23, 2014. Mr. Ameno and Mr. Salerno attended a pre-application meeting with FDEP on April 14th, 2014. The renewal should proceed normally with the renewal as-is with no further conditions. The FDEP would like the District to use the effluent as re-use water for developments. Mr. Ameno asked if the pit could be the source for re-use to which the FDEP responded that the pit would need to be monitored more closely. Mr. Ameno discussed several options to accommodate this.

Discussion on status of TOSCANA II Development

Mr. Ameno reported that there is one issue at the site involving a pipe separation of approximately 3 inches. Chair H. Collins Forman, Jr. requested that the pipe be removed and replaced.

Discussion on status of the IDI [Davie Business Center] Development

Mr. Bell reported that the Developers Agreement has been recorded and that the easements are still pending IDI review of the revised legal descriptions.

Discussion on status of IDI [Davie Business Center] Phase II Development

No report.

Discussion on status of Elan 33 Development

Mr. Bell and Mr. Ameno reported that there are still problems per the video survey of the sewer system, however, it may be an issue of Mr. Ameno being given an earlier survey in error. Mr. Ameno is waiting for a new disc from the contractor.

Status of update to District's Water Control Plan and Facilities Report

Mr. Gibney reported that the map had been distributed to the group and he was waiting on additional comments. Several corrections have been made to date. The Chair commented on a deed from Hamilton Forman Sr. to Tindall Hammock for a roadway and advised Mr. Gibney that he would provide a copy to him.

Discussion of Utility and Fire Hydrant Easement on College Crossings Two for Fire Hydrant on South side of Reese Road. (This item was approved at the March meeting but required property owner approval.)

Mr. Bell reported that the District Engineer has combined the Utility and Fire Hydrant Easements into one so items #12 and #13 (below) are being handled as one item. Mr. Gibney will follow up with Mr. Davie as to the dedicated Reese Road Right-of-way discrepancy between the property appraiser information and the plat information. The Chair commented that while the easements could be discussed and approved by the District, the easements could not be recorded until the contract buyers of the affected property also provided written approval the easement(s). Mr. Austin Forman also commented that the easements would not be signed by the landowner until said written approvals were obtained. The Chair entertained a motion to approve the Utility and Fire Hydrant Easement on College Crossings Two.

Motion #3:

Eric Forman made a motion to approve the Utility and Fire Hydrant Easement on College Crossings Two. Chair H. Collins Forman, Jr. seconded the motion.

The Chair disclosed a voting conflict as he owns an interest in Forman Industrial Land L.L.C. and also disclosed that his children and his brother each have an interest in Forman Industrial Land L.L.C. Eric Forman disclosed a voting conflict as he owns an interest in Silver Oaks Landowner, LLC and also disclosed that his sister and father each have an interest in Silver Oaks Landowner, LLC.

The motion carried subject to approval by the landowner.

NOTE: MEMORANDUM OF VOTING CONFLICT FORMS (FORM 8B) ARE INCORPORATED HEREIN AND ARE ON FILE WITH THE DISTRICT RECORDS CUSTODIAN

Discussion and approval of Utility Easement on College Crossings Two for the water line adjacent to and parallel to Reese Road. (This item was deferred from the March meeting pending property owner approval.)

Refer to comments on previous item.

Discussion and approval of Drainage and Flowage Easement over the East and West Rockpit and the culvert connecting the 2 rockpits. (This item was deferred from the March meeting pending discussion with the property owner.)

This item was deferred.

Discussion on proposed revisions to the District's Water and Wastewater Rates, Fees, Tariffs and Charges [Exhibit "A"] which were approved by District Resolution 2012-06.

- a) 5 year review of Water and Wastewater ERC Impact Fees
- b) Review of miscellaneous charges
- c) Revisions required to be compatible with the revised Section 2
- d) Additional review as may be proposed by Board

NOTE: Proposed Schedule of Rates, Fees, Charges and Tariffs must be advertised in the Sun Sentinel at least 30 days prior to the date scheduled for approval by the Board of Supervisors. Approval date proposed to be the May 21st, 2014 Board of Supervisors meeting. New rates will be effective to be compatible with the next billing cycle after approval. No change in the current monthly water and wastewater rates are proposed.

Mr. Ameno presented a review of the utility miscellaneous charges and impact fees. The review compares the District proposed rates and fees with the current rates and fees and also compares the proposed and current rates and fees with rates and fees of other utility providers. Mr. Salerno requested that a fixed amount be used for the 2" meter fees or that he be provided with guidance on determining the rate if the amount is left on a case-by-case basis. The charge for automatic bank draft(s) was deleted after some discussion and finding that the utility did not provide this service. Mr. Ameno also presented the impact fee rates options and recommended scenario 1 which does not factor in contributed asset costs.

The Chair entertained a motion to accept the recommendation of GAI on the miscellaneous charges (with a fixed amount to be added for the 2" meter fee) and impact fees.

Motion #4:

Eric Forman made a motion to accept the recommendation of GAI on the miscellaneous charges (with the 2" meter fee) and impact fees. The Chair seconded the motion. The motion carried.

Discussion on request for water and wastewater Impact Fees for Bridge Point, Davie

a. Discussion on annexation of Bridge Point land area into District

The Chair directed Mr. Salerno to provide water and for the District to charge the Water Impact fee. Mr. Salerno was also directed to advise them that no sewer is provided by the District at their location and no drainage will be allowed into the adjacent lake. Mr. Ameno reported that he had previously sent Bridge Point a letter on the water impact fees.

Reports:

Update on DOT Condemnation proceedings for additional Turnpike Right-of-Way.

Mr. Bell reported that there is no change to the status of this issue.

Update on proposed access to Pump House facility adjacent to Turnpike and access to box culvert under Turnpike.

Mr. Gibney reported that the access is not constructed yet although based on physical inspection it appears that they have begun to grade it.

Progress report on providing Water and Sewer service to property east of Turnpike.

The Chair reported that there is no action on this item yet but confirmed this item is addressed in the 5-year capital improvement plan.

Update on I-595 construction and condition of culverts under I-595.

Mr. Gibney reported that Dragados has not provided the District with a report yet. The Chair directed Mr. Gibney to contact them again and inquire as to the status.

Progress report on new modular office building for water and wastewater treatment facility.

Mr. Salerno reported that the work is almost complete. Mr. Salerno received a proposal in the amount of \$7,500 for accordion shutters that the Town of Davie is requiring for the window(s).

Update on Special District Legislation proposed for 2014.

Mr. Bell provided an update on the various proposals affecting Special Districts.

Status of 5 year recertification program.

Mr. Gibney reported previously that the notices to the property owners had been issued the prior month. The program is ongoing.

Financial Reports

Review and approve financial statement for February 2014

Ms. Mahaney distributed the financial statement for the period of February 2014. Ms. Mahaney commented that on a year-to date basis, the District's actual financial performance was tracking positively against budgeted performance. Ms. Mahaney also commented that the cash flow is tracking on target with budget given the lag in the payments on the capital improvement project. Mr. Ameno commented that the payments will be increasing in the near future as the large equipment items start to be delivered on site. The Chair entertained a motion to approve the February 2014 financial statement as provided.

Motion #5:

Mr. Eric Forman made a motion to approve the financial statement for February 2014. Chair H. Collins Forman, Jr. seconded the motion. The motion carried.

Update on status of audited financial statement for FY 2013

Ms. Mahaney also reported on the status of the audited financial statement for FY 2013. The report will be on the agenda for the June meeting.

Next meeting

The next regular meeting of the Board of Supervisors is scheduled for Wednesday, May 21st, 2014 at 4:30 PM at 3941 SW 47th Avenue, Davie, Florida. It was confirmed that Board Members will be available either in person or by phone at this time and a quorum will be met.

Old Business

Mr. Bell inquired about the documents for the FDOT I-595 right-of-way drainage through the District's Drainage Easement between I-595 and the rock-pit. The Chair commented that he was sending FDOT the Forman Industrial Land documents [This includes the Modification of Perpetual Drainage Easement which vacated a portion of a Drainage Easement dedicated to the FDOT]. Mr. Bell noted that he had the Limited Assignment of Drainage Rights from the District to FDOT for signature. Ms. Mahaney commented that this item had been approved at the March 19, 2014 meeting pending receipt of the final documents.

New Business

There was no new business brought before the Board.

Public Comments and Concerns

There were no public comments or concerns.

Adjournment

There being no further business, the Chair adjourned the meeting at 6:22 p.m.