

# MINUTES

## *Tindall Hammock Irrigation and Soil Conservation District*

### **Joint Landowners and Supervisors Meeting**

Thursday, September 25<sup>th</sup>, 2014 at 4:30 p.m.

3941 SW 47<sup>th</sup> Avenue, Davie, FL

#### **Call to Order:**

The Chair H. Collins Forman, Jr. called the Joint Meeting of the Landowners and Supervisors of the Tindall Hammock Irrigation and Soil Conservation District to order at 4:30 p.m. The meeting notice had been duly posted.

#### **Roll Call:**

The District Clerk called the roll. A quorum was present.

#### **Supervisors:**

##### **Present:**

Chair H. Collins Forman, Jr., Dr. Walter Forman and Eric Forman

##### **Also Present:**

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

The Chair declared a Joint Meeting of Landowners and Supervisors was in session.

#### **Chair's report on state of the District**

The Chair reported that the state of the District is strong. During the past year, the District has resolved several issues with positive outcomes. The Chair commented that he had met with the original lending officer from RBC. While RBC sold its banking operations to PNC, the bank has retained its municipal lending operations and was inquiring as to any current or anticipated lending needs the District may have. The Chair discussed the increase in income to the enterprise fund, continuing regulatory compliance, improved financial operations, a strong cash position, on-schedule completion of the Utility Capital Improvement Plan facilities and a proposed reduction in the ad valorem tax rate.

#### **Treasurer's report**

The Chair requested that Ms. Mahaney provide the Treasurer's report. Ms. Mahaney reported that the District is in compliance with its audit requirements for timely reporting of financial statements. Further, Ms. Mahaney reiterated the strength of the District's current financial and cash position. Based on the proposed 2014-2015 budget, the District is well-positioned to reduce the millage rate and fund continuing capital improvements into the next fiscal year. Ms. Mahaney noted that the District's fiscal year would be coming to a close within the next week and that audit fieldwork was anticipated in the month of November.

*The Chair acknowledged that Mr. Austin Forman, landowner, was now in attendance.*

#### **Attorney's report**

Mr. Bell reported that activities have gone well for the past year from the legal counsel's perspective. He noted that one item was on the agenda for further discussion involving the proposed Corrective, Supplemental and Restated Memorandum of Lease or Amendment to the Lease. This is associated with request to confirm the description of the rockpit property which is subject to the Rockpit Lease for discharge and treatment of wastewater which was assigned to the District in 2008. This will also delete property from the leased property description which is no longer part of the rockpit. [Carryover from September 18, 2014 meeting] The Chair commented that no action has been taken to obtain outside counsel for this issue and therefore the matter will be carried forward to the next meeting.

Mr. Bell also reported that he has checked for any proposed Special District Legislation for 2015 and there does not

appear to be anything in line at this time.

#### Engineer's report [Craven, Thompson and Associates]

Mr. Gibney provided a report on the status of ongoing and proposed District projects which included five (5) permit application / certifications processed through the District as follows:

- 1) *McDonald's Davie Road* – Building and parking lot improvements were approved
- 2) *Davie Business Center Phase II* – Building and parking lot improvements are under review
- 3) *PDQ Davie Road* – Building and parking lot improvements were approved
- 4) *Zachry* – Port Everglades FPL lay down site is pending approval
- 5) *FDOT Mobility Hub* was certified in September 2014.

Mr. Gibney also reported the following:

- 1) *Toscana Phase II* is under construction
- 2) *Davie Collegiate Housing* is pending construction
- 3) The access road to the Mule Pasture Pump Station has been completed by FDOT/Dragados
- 4) The I-595 Storm Drain work is 95% complete within the District boundaries with completion expected by the end of October
- 5) The northern filled in portion of the western part of the Dimar Pit consisting of 39.2 acres was certified to SFWMD and BCEPGMD. All SFWMD and BCEPGMD permit requirements have been accepted as complete by SFWMD.
- 6) The North Canal improvements North of the District's pump station along the East side of College Crossings Two property and South of Reese Road were completed
- 7) The drainage ditch (canal) located at the Forest Lawn NW corner has been cleaned and reshaped. The culvert has also been cleaned. In that same area, Mr. Gibney has requested a proposal to dredge the canal upstream and downstream of the electric pump station as the canal has been silting in.
- 8) Mr. Gibney stated that a proposal has been requested to repair the flap gates on the 2-36" culverts extending from the east rock pit in a southerly direction past the plant.
- 9) Mr. Gibney commented on his recommendations for changes to the District Permit application / manual which include a) the addition of a section for the 5 Year Recertification of Surface Water Management Permit, b) an Exhibit III relating to same, c) revision of Table 1 to include the NAVD elevation and d) the revision to Figure I, Typical Canal Section, changing the 4:1 max ratio to a 1.5:1 max ratio allowing for engineer discretion depending on materials used, etc. Mr. Bell noted that any changes will require approval by resolution at a future meeting. Mr. Bell and Mr. Gibney will work jointly on this item.

#### Engineer's report [GAI Consultants, Inc.]

Mr. Ameno provided a status of ongoing and proposed District projects, permits, orders, reports, reviews & inspections as follows:

- 1) The Water and Wastewater Plant Improvements are progressing on schedule with R J Sullivan. A request was made of Mr. Ameno to confirm that the District has adequate insurance coverage and that the Contractor has adequate insurance coverage on the new equipment prior to turn-over to the utility
- 2) The FDEP 5-Year Operational Permit has been renewed for the next five (5) years. The major change in the permit is the granting of the use of the west pit as a reclaimed water storage basin (which will require additional monitoring)
- 3) The annual Broward County Wastewater Permit was renewed without issue. The as-builts will be submitted to Broward County upon completion of the plant improvements
- 4) The District is in compliance with the Broward County Health Department Consent Orders which included the repair of wells 1 & 2, removal of the hydro-pneumatic tank, development of the water treatment plant operation and maintenance manual (October 2013) and the drafting of a water atlas of the distribution system. Mr. Ameno reported that during the year the following items were also completed:
  - a. Section 2 Revisions of Utility Standards to conform to the Tariff schedule used by the District

- b. Impact Fee Study and miscellaneous charges updates (July 2014)
  - c. Operation & Maintenance Performance Report (May 2014)
  - d. Updated Capacity Analysis Report (May 2014)
  - e. Updated Utility Capital Improvement Plan - FY 2014-2019 (September 2014)
- 5) During the year, development reviews and inspections were performed for Elan, Signature II, IDI, Value Place and Bridge Point
  - 6) Mr. Ameno concluded with an update on the upcoming renewal of the SFWMD Water Use Permit and their request for a Water Supply Facilities Work Plan Update

**Fern Crest Utility Enterprise Fund Report**

Mr. Salerno reported on the status of utility plant operations with specific comments on the following:

- 1) The new chlorine systems and the resulting improvement in the utility’s ability to maintain consistent disinfection
- 2) The wastewater and water plants are both operating very well
- 3) The new modular office building is in place and operational. The only area pending completion is the conference room.
- 4) The Chair inquired on Mr. Salerno’s progress in advertising for or the hiring of new employees. Mr. Salerno commented that he has not begun the process formally. Mr. Salerno further commented on the need to review and adjust the pay scale for the utility employees at some point due to competitive factors and to be in line with other utilities.

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**NOTE: THIS MEETING WAS RECESSED AT 5:01 P.M. FOR THE PUBLIC HEARING ON THE DISTRICT’S PROPOSED BUDGET FOR FISCAL YEAR 2014/2015 AND WAS RECONVENED AT 5:12 P.M.**  
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**Management Company Report**

Ms. Mahaney reiterated her comments as made in the Treasurer’s report. Ms. Mahaney requested that Mr. Perera overview the draft of the new District website which provides for improved ease of access to the public information (meeting schedules, agendas, minutes, financial reports) as posted on the website. Discussion ensued regarding additional opportunities to use the website for public purpose including hosting permit applications & information, etc. Ms. Mahaney reported that work will continue to migrate the website away from the current host. Once this process is complete, work will begin on a separate website for the utility.

**Old Business**

There was no old business brought before the Board.

**New Business**

The Chair presented a proposed schedule of Board Meetings for Fiscal Year 2014/2015 (October 2014 - September 2015). [All meetings on Wednesday at 4:30 p.m. at 3941 SW 47<sup>th</sup> Avenue, Davie, Florida]. The Chair entertained a motion to approve the schedule of meetings as was stated on the agenda with the exception of the April meeting date changed to April 22<sup>nd</sup>, 2015.

**Motion #1:**

**Eric Forman made a motion to approve the schedule of meetings as proposed and modified (*listed below and next page*). Dr. Walter Forman seconded the motion. The motion carried.**

**Annual Schedule of Meetings as Approved**

- October 15, 2014
- November 19, 2014

December 17, 2014  
January 21, 2015  
February 18, 2015  
March 18, 2015  
April 22, 2015 [NOTE-4<sup>th</sup> Wednesday]  
May 20, 2015  
June 17, 2015  
July 15, 2015  
August 19, 2015  
September 16, 2015 (Subject to required Budget Hearings)

### Other Business

The Chair asked for any Landowner items requiring Board attention. There were none.

The Chair entertained a motion for Ratification of actions of Chair and Supervisors for the fiscal year 2012/2013.

#### **Motion #2:**

**Eric Forman made a motion to Ratify the actions of the Chair and Supervisors for the fiscal year 2012/2013. Dr. Walter Forman seconded the motion. The motion carried.**

The Chair entertained a motion for Ratification of actions of Chair and Supervisors for the fiscal year 2013/2014.

#### **Motion #3:**

**Eric Forman made a motion to Ratify the actions of the Chair and Supervisors for the fiscal year 2013/2014. Dr. Walter Forman seconded the motion. The motion carried.**

### Landowners nomination and election of Three (3) Supervisors for 2 year period beginning September 25, 2014 and ending on the day of the annual meeting of landowners in September, 2016

The Chair entertained nominations from the floor. Mr. Austin Forman, landowner, nominated H. Collins Forman, Jr, Dr. Walter Forman and Eric D. Forman as supervisors. Mr. Bell commented that ballots had been prepared for all of the landowners. The Chair closed the nominations. Mr. Bell distributed the ballots. Mr. Bell reviewed the ballots and reported the results as 195.52 votes each for H. Collins Forman, Jr., Dr. Walter Forman and Eric D. Forman resulting in their election to a two (2) year term ending upon the installation of elected Supervisors at the annual meeting in September, 2016.

### Administration of Oath of Office to the newly elected Supervisors

Mr. Bell administered the Oath of Office to the newly elected Supervisors.

### Election/Appointment of Officers of the District Board of Supervisors to serve until September, 2016 Annual Meeting of Landowners and Supervisors.

The Chair opened the meeting for election of officers. The Chair entertained nominations for Chair from the floor. Eric Forman nominated H. Collins Forman, Jr. for the position of Chair. There being no further nominations, the Chair closed the nominations. All were in favor.

H. Collins Forman, Jr. nominated Eric D. Forman for the position of Vice-Chair. There being no further nominations, the Chair closed the nominations. All were in favor.

H. Collins Forman, Jr. nominated Eric D. Forman for the position of Secretary / Treasurer. There being no further nominations, the Chair closed the nominations. All were in favor. .

Following discussion that the Vice-Chair and the Secretary should not be the same person, the Chair entertained a motion to appoint Patricia Mahaney as Secretary for the District. [The result of the

Motion will leave Eric Forman as the District Treasurer and the District Vice-Chair and Patricia Mahaney as the District Secretary.]

**Motion #4:**

**Eric Forman made a motion to appoint Patricia Mahaney as Secretary for the District. Dr. Walter Forman seconded the motion. The motion carried.**

**Motion to authorize the Secretary, Manager and Attorney to file all necessary reports in compliance with the Uniform Special District Accountability Act and all other applicable statutes, laws and regulations.**

The Chair entertained a motion to authorize the Secretary, Manager and Attorney to file all necessary reports in compliance with the Uniform Special District Accountability Act and all other applicable statutes, laws and regulations.

**Motion #5:**

**Dr. Walter Forman made a motion to authorize the Secretary, Manager and Attorney to file all necessary reports in compliance with the Uniform Special District Accountability Act and all other applicable statutes, laws and regulations. Eric Forman seconded the motion. The motion carried.**

**Public Comments and Concerns**

There were no public comments or concerns.

**Other**

There was no other business brought before the Board.

The Chair announced that the next meeting of the Board of Supervisors is scheduled for 4:30 p.m. on Wednesday, October 15, 2014 at 3941 SW 47<sup>th</sup> Avenue, Davie, Florida.

There being no further business the meeting was adjourned at 5:41 p.m.