

# MINUTES

## *Tindall Hammock Irrigation and Soil Conservation District*

Board of Supervisors Meeting  
Wednesday, October 19, 2016 at 4:30 p.m.  
3941 SW 47<sup>th</sup> Avenue, Davie, FL

# DRAFT

### **Call to order:**

H. Collins Forman, Jr. called the Meeting of the Board of 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:**

H. Collins Forman, Jr. 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*), Austin Forman (*landowner*)

### **Report from the District Manager**

Mrs. Mahaney reported that the BB&T update would be taken up with agenda item #7. Mrs. Mahaney deferred discussion on the Utility website.

### **Discussion on the status of Generator acquisition and installation**

Mr. Ameno reported that CR Dunn was under contract for the generator electrical installation and had wired up the temporary emergency generator. The new generator is presently in Jacksonville with a tentative delivery in approximately 2 weeks.

### **Discussion on the Utility Plant Capital Improvement Plan**

Mr. Ameno reported that the Wastewater Treatment Plant renewal permit is still in process with FDEP. Mr. Ameno reported that legal counsel had been involved with the backflow resolution issue which was subsequently submitted to Broward County Health Department (BCHD). Mr. Ameno reported that he had received comments back from BCHD and will be addressing them prior to submittal to FDEP. Mr. Ameno reported that the fuel tank transfer permit is currently in process with Broward County. The Chair asked if there was any reason to keep the existing tank. Mr. Salerno responded that it would only be necessary if the existing smaller generator was kept in service otherwise there would be no reason to keep the tank. Mr. Salerno reported that the new fuel storage tank would be 5,000 gallons versus the existing 500-gallon tank. Mr. Ameno reported that the temporary generator had been supplied free of charge and the utility only paid for the connection by CR Dunn. The Chair and Mr. Austin Forman discussed the issue that the utility should not pay for the connection but Pantropic should as the only delays were related to their performance. Mr. Ameno concurred and agreed to send Pantropic the bill from CR Dunn for the connection costs. Mr. Bell indicated that Pantropic had indicated in their email that the utility would have to pay the connection cost. Mr. Ameno stated that the utility should still request a credit for that cost when the final bill from Pantropic is received.

Mr. Ameno reported that with respect to Phase II of the Capital Improvements Plan, the contract front end documents have had legal review and a preliminary design report (PDR) is in process. He also reported that BCHD has been contacted regarding permits.

**Consideration/Approval of District Resolution 2016-09**

The Chair presented to the Board Resolution 2016-09 which authorizes the District to issue a promissory note in the principal amount not to exceed \$2,000,000 to provide a non-revolving line of credit for the District and pledging the revenues and account receivables of the Districts Water and Wastewater system to repay the note. The Chair asked for comments or questions regarding the resolution. There being no discussion, the chair entertained a motion to approve Resolution 2016-09.

**Motion #1:**

Eric Forman made a motion to approve Resolution 2016-09. Chair Collin Forman seconded the motion. The motion carried.

Mr. Bell reported that he had been in discussions with Skip Miller (represented BB&T) and the loan commitment is being extended until the end of November 2016. The extension is necessary due to BB&T requesting an additional legal opinion regarding the District's ability to proceed with the loan pledging the revenues from the water and sewer plant operations. Mr. Bell reported that he has spoken with two different attorneys, one from Sam Goren's office and one from Terry Lewis' office, and both attorneys have indicated that the District is able to do so. Despite the legal opinion provided by Mr. Bell, BB&T is requesting an additional opinion from Terry Lewis confirming the District's ability to enter into the loan as designed. The Chair directed Ms. Mahaney to discuss the need for an additional opinion with the loan officer. If the loan officer concurs that a second opinion is still required, then Mr. Bell is authorized to seek the second opinion from Terry Lewis.

Mr. Bell reported that there were two other options other than a second opinion. The first option would involve a seeking a charter revision and the second would involve seeking an Attorney General Opinion (AGO). The board declined to pursue either of those options.

**Discussion on status of development projects:**

**IDI [Davie Business Center] Development – Building B**

Mr. Bell reported that the attorney representing IDI is on maternity leave. He has spoken with another attorney in her office who is supposed to provide Mr. Bell with an update on the status with the IDI projects.

**HWW Davie LLC (Waterwalk)**

Mr. Bell has not received any additional information from the developer in terms of units and how they are to be allocated.

**Elan Maison (GS Davie II (Grevstar))**

Mr. Bell reported that he has not received the agreement back and is waiting for a call back from them on the status. Mr. Bell reported that he had previously communicated to them that the developer agreement is non-negotiable. Mr. Salerno reported that the pressure tests on the water main had been conducted earlier in the day. Mr. Ameno reported that there were no amounts owed from Elan Maison however payment in the amount of \$1,223.75 from Waterwalk is still pending from the previous February.

**Reports:**

**Update on DOT Condemnation**

Mr. Bell provided an update on DOT Condemnation proceedings for additional Turnpike Right-of-Way and reported that DOT has settled with the sign company however the inverse condemnation proceeding is still going forward. Mr. Bell reported that the new attorney for DOT is seeking some discovery items from the District and Mr. Bell needs to get the requested materials to her. Mr. Bell reported that there is no trial date at present.

#### **Update on Additions and Amendments to District's Permit Criteria Manual**

Mr. Bell reported no change from the prior meeting.

#### **Status of 5-year recertification program**

Mr. Gibney reported that there were zero 5-year re-certifications completed since the last meeting.

#### **Update on District's Utility Water and Wastewater Facilities Report**

Mr. Bell reported that he is waiting on some additional easement information from Mr. Ameno.

#### **Update on Legislative Activities**

Mr. Bell reported that there are currently no activities for this item.

#### **Old Business**

There was no old business brought before the Board.

#### **New Business**

Mr. Gibney reported on the status of the 42-inch pipe on 49<sup>th</sup> Way (cleaning by Shenandoah Construction had been previously approved). Mr. Gibney reported that they had gotten 39 feet from the catch basin before it ended. Mr. Gibney reported that per all the records that he has, the pipe should be 200-300 feet long. Mr. Gibney reported that the current property owner indicated that the prior owner had ripped the pipe out years ago. Mr. Gibney said that he would like to confirm where the pipe ends and based on the report from Shenandoah he believes the pipe may be crushed. Mr. Gibney reported that Shenandoah was attempting to visualize the end, but he does not have a report yet. Mr. Gibney reported that in any event the pipe would need to be dug up, it would have to be continued through their site to the fill site next to the pit. Mr. Gibney is going to obtain some proposals to replace the pipe and bring them back to the board.

#### **Next meeting**

The Chair reported that the next regular monthly meeting of the Board of Supervisors is tentatively scheduled for 4:30 p.m. on Wednesday, November 16, 2016 at 3941 SW 47 Avenue, Davie, FL 33314.

#### **Adjournment**

There being no further business, the Chair adjourned the meeting at 5:07 p.m.