

**PLANTATION ACRES IMPROVEMENT DISTRICT**  
**REGULAR MEETING**

February 28<sup>th</sup>, 2019

Member Present:       Louis Flanigan, Chairman  
                              Dr. Edward N. Szerlip, V. Chair  
                              Jesse Varnell, Commissioner  
                              Stephen Nieset, Commissioner:

Members Absent:       J. Gary McAlpin, Commissioner

Also, Present:         David Fradley, District Engineer  
                              Paul Gogleman, District Attorney  
                              Joe Telles, District Administrator  
                              Angel Alvarez, District Manager

Chairman Flanigan called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag followed. Chairman Flanigan give a minute of prayer. Roll call indicated the above members were present.

\* \* \* \* \*

**PUBLIC COMMENTS:** Christopher and Tatyana Cariffe/11401 NW 27<sup>th</sup> Ct.,

**Dan Wasseerman11421 NW 27<sup>th</sup> Ct.**, - concerned recently on the displacement of water, septic tank now overflowing to the rear of the home and staying in the soil; no where for water in the septic tank to go, mosquitoes, water connected all around the area and the homeowners walking pets are dragging back to the inside of their homes; usually water leaves in about 24 hrs. but now it takes days to absorb. Septic tank now draining properly however; maybe there is a line clogged or someone closed it such as the church since we didn't have the problem last year prior to the construction. Culverts are filled in throughout the area homes; notifications to homeowners should be considered;

Renee Feller/11200 NW 27<sup>th</sup> Ct; - similar issue on the opposite side;

Mark Cameron/12260 NW 21<sup>st</sup> Ct. – Question concerning addition to the current home if the Board in favor? Also, the widening of the driveway.

District Engineer Fradley gave an overview to Mr. Wasserman concerning the occurrence and that it was incorrect; gave explanation on why. Advised Mr. Cameron on the addition to the home will send architect information on the build. We want to make it simple. When widening the driveway, it must meet certain criteria.

Chairman Flanigan asked that Angel go to Mr. Wassermann's home next day.

\* \* \* \* \*

**MINUTES – Regular meeting of February 28<sup>th</sup>, 2019**

Motion made by Vice Chair Szerlip and second by Commissioner Nieset to approve the minutes of the Regular Meeting minutes of January 24<sup>th</sup>, 2019 as presented. Motion carried unanimously by voice vote.

\* \* \* \* \*

**DISTRICT ADMINISTRATOR’S REPORT**

District Administrator Telles provided an overview on the Consent Agenda for January 31<sup>st</sup>, 2019, Cash Flow report for four months ending January 31st, 2019.

Motion by Vice Chair Szerlip to approve the month of January consent agenda, second by Commissioner Nieset, to approve the reports as presented. Motion carried by voice vote.

\* \* \* \* \*

**LEGAL REPORT**

District Attorney Gogleman stated he had no report.

\* \* \* \* \*

**ENGINEER’S REPORT**

A. CONSENT ITEMS – NONE

\* \* \* \* \*

B. QUASI-JUDICIAL ITEMS – NONE

\* \* \* \* \*

C. BOARD ACTION ITEMS-

\* \* \* \* \*

D. DISCUSSION ITEMS Attachment(s) provided

D1. Neighborhood Drainage Improvements (D1412.01)

.....Status

D2. Engineers; Annual Report for 2018

(D1901.02).....Report

D3. Permit Activity (D9408.02 & D9408.03)

.....Summary

**District Engineer Fradley:** Provided overview on Neighborhood Drainage improvements; Annual Report and the Permit Activity. Plats submitted; no liability issue concerning overflow of septic tank; they’ve enjoyed low lots for years; overview on discussion items; City Permit received in January; district staff did most of the clearing work; survey for district offices (screen view); pump activities; rainfall data provided; meet with MWI concerning pumps and was advised that all we did was exactly what would have been recommended; keep motor and drive system.

**District Attorney Gogleman:** Liability under Florida Law based on court opinions on the Florida Supreme is for whatever planning you’ve done for a system you’re not liable however once you implement a drainage system you have a duty to maintain it and that’s where if you’re not maintain the system someone can sue you; this evening you got noticed of the condition and advised that Angel will go out and check it and locate whether or not the system is operating as it’s plan and if so that’s the end of your liability other than make sure it operates as planned. Residents that are filling in their swales and hindering the proper operation of the draining system is conceivable that they also can have some liability. If

residents fill in their swales that's one of the problems, you really don't know who did it and if you ask, they'll tell you they don't know anything.

**District Engineer Fradley:** Once you start cutting 85 miles of swales than you become liable to maintain them our; problem is pumps and canals only. We have no rights to fine residents.

**Commissioner Varnell;** Lets discuss with a full Board at the next meeting.

D.3 Permit Activity (D9408.02 & D9408.03)  
Attachment provided.

\* \* \* \* \*

### ***DISTRICT MANAGER'S REPORT***

#### Last Month's Follow up

P.A.S. project (phase 1) started on NW 5<sup>th</sup> Street as scheduled; restoration phase in process.

P.A.S. project (phase 2) continues at South Acres at westside (121 Ave), restoration pending.

P.A.S. project (phase 3) started on February 18<sup>th</sup> with clearing of area

#### **Pump Stations:**

Noise complaints continue at station #4 from eastside of Hiatus Rd. Pump reported running on Tuesday morning (020519) at 0400/0500 hours. Our pump activity history log does not reflect pump operations at that time (see printout); Pat Owens has been contacted for recommendations to address noise concerns, battery charger replacements and belt/pulley alignments.; Station #6 "cylinder head rebuild" is completed (\$1,066.33); All stations operating as designed.; New batteries for Station #6

#### **Canals:**

The canals are at an average of 4.49, previous month was 4.29, year to date is 4.36. Rainfall this month is 3.5", last month was .3.5" and year to date is 7".

#### **Projects:**

P.A.S project clearing (fences, branches, limbs) and restorations (fences and sod); routine maintenance; staff ready to clear trees from property by P.A.I.D. office upon commencement order by Board members.

#### **Fleet:**

Routine canal bank maintenance; Battery terminal for T-190 skid loader

**Safety:** New back support belts for two staff members; no incidents to report

**District Engineer Fradley:** Gave information on the fungus situation on the resident's property; once its out they might be able to recondition; keep same housing. Gave overview on the new close system for the canal.

**District Manager Alvarez:** Farmers Pumps Industries(FPI) installed original pump; Station #6 has an oil leak the pump not the engine estimate of \$11,000 need crane to lift top and remove hauled back to station replace seals, balance,

clean/paint recommend against it since we're going to be working on the same pump; office generator needs to be replaced at about \$7,000 and same amount to repair; Luis has been maintain but it's now rusted.

Mr. Telles will further investigate on the generator situation.

\* \* \* \* \*

**OLD BUSINESS –**

**District Engineering Fradley-** Overview on last meetings information concerning the property next door.

**District Administrator Telles:** Overview on request concerning the closed-circuit cameras installation for main building and surrounding areas; will explore additional information with company; information on vehicle GPS (\$39.99); try one or think about it (plug in or direct wiring; will table until next meeting with Gary.

**Commissioner Varnell:** How to make the homeowner responsible for something they did such as the filling in of a swale. Are there any options we must make it legal to make them responsible? Tag them to pay for the cost of fixing/repairing which is against the protocol? Discuss ensued on swales.

**District Attorney Gogleman:** I'm not sure that we can. When you start placing liens on properties you inherit potential liability. Anytime a lien is placed on your property which you don't consent to theirs the potential of liability for basically messing up your title. I've never researched that issue with the Board however; I know that there's the ability to put some type of lien and I don't know how far those rights go and for what exactly. I remember talking with Jeff when he was representing you and he said if you research it you find that about the only authority, we have is to place a lien on a resident's property if their obstructing drainage and that's about it. The City has rights that we don't, and you must go back to Tallahassee. Contractors have a statutory right to place liens and for example your talking about the City, they have the right to code enforcement, pass an ordinance, you violate the ordinance, they can hold a code enforcement proceeding; fine you and lien your property. They have the right to do that. That issue has been that over the years with local government has been controversial in Tallahassee. A decade or so ago there was talk about revisiting the issue on code enforcement, maybe handcuffing local government a little bit so they didn't have quite the right that they had been enjoying. Code enforcement is considered a kangaroo court.

**Commissioner Varnell:** Think there should be a way to make the homeowners responsible.

\* \* \* \* \*

**NEW BUSINESS –**

Homeowner at 310 SW 120<sup>th</sup> Terrace (James Dent) not happy with the ground conditions surrounding the pond at his property on 02-06-19 (like Mr. Hannah concerns); offered district engineer's contact information for a proper explanation, was not interest in contacting; offered next Board meeting information, not interested.

\* \* \* \* \*

There being no further comments, the meeting was adjourned at 8:44 p.m.

---

Louis Flanigan, Chairman                      Date

---

Vilma Aponte, Secretary

Date