

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

July 25<sup>th</sup>, 2019

Member Present: Louis Flanigan, Chairman  
Dr. Edward N. Szerlip, Vice Chair  
J. Gary McAlpin, Commissioner  
Jesse Varnell, Commissioner  
Stephen Nieset, Commissioner:

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

Absent:

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

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**PUBLIC COMMENTS:** None

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**MINUTES – Regular meeting of July 25<sup>th</sup>, 2019.** Motion made by Commissioner McAlpin and second by Commissioner Varnell to hold the Regular Meeting minutes of June 25<sup>th</sup>, 2019 as presented until next Board meeting to correct. Motion carried unanimously by voice vote.

**Chairman Flanigan:** Page (4) we don't expect Fradley to say what was in his mind, but it doesn't make sense.

**Commissioner McAlpin:** If you don't object Mr. Chair what I would like to suggest is that we not approve the minutes hold them until next meeting and when Mr. Fradley returns, we can address the comments.

**Chairman Flanigan:** Do you think the comment was important enough.

**Commissioner McAlpin:** If you bring it up it is. I suggest we hold and approve when it gets corrected.

**Commissioner Varnell:** I think it should be corrected.

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**DISTRICT ADMINISTRATOR'S REPORT**

District Administrator Telles provided an overview on the Consent Agenda for June 30<sup>th</sup>, 2019 has not changed since the one I sent to you. Overview presented and attachment provided to the Board.

Motion to approve the accounting for the Cash Flow and Consent Agenda, June 30th, 2019, Motion made by Commissioner Nieset to approve, second by Vice Chair Szerlip to approve the reports as presented. Motion carried unanimously by voice vote.

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**LEGAL REPORT**

District Attorney Gogleman stated he had no report.

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**ENGINEER'S REPORT**

A. CONSENT ITEMS – NONE

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B. **QUASI-JUDICIAL ITEMS** – The items in this section are quasi-judicial in nature. If you wish to object or comment upon any of these items, you must be sworn before addressing the Board of Commissioners, and if you wish to address the Board, you may be subject to cross-examination. If you refuse to submit to cross-examination, the Board of Commissioners will not consider what you have said in its final deliberations.

B1.

**District Engineer Fradley:**

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C. BOARD ACTION ITEMS-

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D. DISCUSSION ITEMS Attachment(s) provided

DISCUSSION ITEMS

D1. Swale Improvements Discussion (D1901.01) ..... Summary

Action Required: Discussion Item Description: Swale Improvements  
Attachments: None

Summary: This item is on the agenda to provide an opportunity for discussion.

**Engineer Representative:** Last month one of the Board members brought up the need to discuss it.

**Commissioner Varnell:** Most probably because the full Board members were not present.

**Commissioner McAlpin:** Overview provide on the sections below. Looking at this item that Commissioner brought up last month there are three sections to it.

1. Need comprehensive inventory list of what our assets are. Categorize it into different groups;
2. Maintenance here is very reactive. If something breaks, we fix it. Need to be a comprehensive schedule; long term program be proactive and not reactive; won't happen overnight but needs to be don't. I would suggest as to the canal swales. We don't need to change our charter. To say no to the program we can't let the program die. Jesse was very diligent.

**Vice Chair Szerlip:** Did you get a copy of my response?

**Commissioner McAlpin:** I respectfully disagree with you.

**Vice Chair Szerlip:** My concern is on the cost.

**Commissioner McAlpin:** It may cost money to do the program initially however; in the long run it pays for itself.

**Commissioner Varnell:** I concur with Gary and understand there are points on each side. For the swale its controversial. Angel probably has in his head at least 60% in his work. As engineers I don't see why you wouldn't be able to put a list together of the assets and a maintenance schedule on an Excel sheet. It doesn't cost a lot since he is salary.

**Commissioner McAlpin:** I want to add that Fradley also has a list of assets since we've been here.

**Fradley Office:** We have it in our files including what was currently done.

**Chairman Flanigan:** Are the statements your concerns or do you to have a motion?

**Commissioner McAlpin:** We can go over this with Fradley when he returns. Want to know price before we start; base on the cost we will decide where to go with this. Don't want a \$40,000 bill.

**Chairman Flanigan:** You want to a study on what is and not feasible.

**Commissioner McAlpin:** I suggest moving forward with a long-term maintenance program; first develop a list of current assets; and then see how we advance moving forward with this thing; get pricing from Fradley; and what finances we have available; that would be my motion as well; need a comprehensive capital list.

**Fradley Office:** We can do it in phases; and look at the asbuilt to keep the cost down.

**District Attorney Gougman:** You might want to consider our easements rights throughout the district and real property; suggest that any part of the list you put together have a drawing of where those easements are and what the legal authority is for that easement.

**Chairman Flanigan:** We have a motion of the floor. Does everyone understand? Commissioner McAlpin made a motion, second by Vice Chair Szerlip. Motion carried unanimously by voice vote.

**Commissioner Varnell:** I will put a list together; if I miss something you can let me know Angel and work with Luis. By the nest meeting we should have a good list.

**Commissioner McAlpin:** I want to add that the Board can't respond only the staff if not we're in violation. Joe can send it to each one of the staff; Joe can work on it; we're going to plagiarize a little; on the "subject" section of the email write **"DO NOT RESPOND TO ME"**.

**District Attorney Gougman:** From the Sunshine Law point you don't want to be talking about the document through Dave or Joe or Angel because that could also be in violation.

**Commissioner Varnell:** I will put together the list distribute to everyone and request if you have other assets forward to you guys for inclusion for a master list for a future meeting. Angel I have no expertise, but you will break it done. It's a good first step on an asset list.

D2. Permit Activity (D9408.02 & D9408.03) ..... Summary

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**DISTRICT MANAGER'S REPORT**

Last Month's Follow up – P.A.S. project finalization

**Pump Stations:** All except #1 are operating trouble free. Station #1 remained off due to constant belt damage. It's in stand-by mode should the need to activate operation arise

**Canals:** This month – 4.05' Previous Month – 2.94' Year to Date – 4.25'

**Rainfall:** This month - .75" Previous Month Total – 9.07" Year to Date – 24.9"

**Projects:** All fences are in place for P.A.S Project and sod work completed. All staff efforts now concentrated on district maintenance, storm preparations and response. Expect to commence clearing trees from lot by office after storm season (winter).

**Fleet: 2010 F-150 –** 128, 421 miles; Last month – 127,522 Total - 899

**2016 F-250 -** 36,361 miles; Last month – 35,807 – Total - 554

2018 F-150- 22,791 miles Last month- 24,631 Total – 1,160

Vehicle having issues with the front hub assembly (covered under warranty). Will be delivered to Plantation Ford on Monday morning, July 22<sup>nd</sup> for service.

**Safety:** None to report

**Commissioner McAlpin:** Do we have a sod reconciliation or still working?

**District Administrator Telles:** It's all completed; talked it over with Miguel Lopez. I send out an invoice in the amount of \$6,930 today; we will exchange checks; Angel will give him the check tomorrow for \$90,000 last draw less \$45,000(10%) he will reimburse us the \$6,930 sod he used outside of the easement.

**Commissioner Nieset:** Did that slab sink level? How will they determine which part to start the inch out?

**District Manager Alvarez:** I don't know.

**Commissioner McAlpin:** Do we know how much its shifted. After all is done I want you to get Pat here to do an inspection is my suggestion

**District Manager Alvarez:** According to Pat Owens 1".

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**OLD BUSINESS –.**

**Chairman Flanigan:** Last month Jesse wanted to do \$2,000 to enforce the swale. Do you want to wait on that?

**Commissioner Varnell:** I think we should wait.

**Chairman Flanigan:** Motion to withdraw. Dies for lack of a second.

**District Administrator Telles:** I've been in contact with Holly concerning taxable acres; the lot next door has been exempted/taken off the tax role for our assessment; no deed simple; Broward County keeping on tax role; worthless piece of property; we need to get a fee simple; can' do it; let someone buy the tax certificate; I would like to find one of the representative; corporation has been dissolved.

**District Attorney Gogleman:** If taxes aren't paid the property will be put up for auction and I think you'd be wise to pay the taxes on it. Maybe related to future claims for adverse possession is on point that there is absolutely a State Statue on corporation's that have been dissolved which Redlands has been and taking action to wind up the affair(s) of those corporations. There are cases where companies have been dissolved and then discover they still have some property. I must go back and look at this because what you're looking for is adverse possession. You file an action in court and get a judge to issue an order saying that you have obtained the fee simple rights for that property for adverse possession. Its been a long time since I've looked at the Statue and depending on the law and what the circumstance are there can be a seven (7) year (20) year period. I think possibly if you're paying taxes, I think you're in the seven (7) year period.

**Commissioner McAlpin:** Can we hold off until we get more details; I don't want to poke the hornets' nest until we have more information. They might want \$100,000 for it because they know we want it.

**District Administrator Telles:** On for \$68,000 for assessed. With the new satellites in the County they've reassessed the mapping. SWFMD say they aren't liable for that we're not paying for it. We lost 34 acres. Lost \$61,000 for the past three years in our budget; they said we can have it with the pumps and the Greenway. I told Holly to exempt it since we weren't getting paid for it. It's a paper loose

**Chairman Flanigan:** Meeting was adjourned.

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***NEW BUSINESS –***

**District Manager Alvarez:** Commissioner Varnell's proposed "Swale" maintenance and "Asset" tracking initiative" presentation response.

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There being no further comments, the meeting was adjourned at 7:50p.m.

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Louis Flanigan, Chairman                          Date

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Vilma Aponte, District Secretary                          Date