

PLANTATION ACRES IMPROVEMENT DISTRICT

REGULAR MEETING

November 21st, 2019

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

Also, Present: David Fradley, District Engineer
District Attorney – Paul Gougman
Joseph 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. Commissioner McAlpin gave a minute of prayer. Roll call indicated the above members were present.

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PUBLIC COMMENTS: On the agenda.

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MINUTES –

Motion made by Commissioner McAlpin (with the exception of the item in the budget) to approve the Regular meeting minutes and second by Commissioner Nieset to approve the minutes of the minutes of October 24th , 2019 as presented. Motion carried unanimously by voice vote.

Vice Chairman Szerlip: During seven year while we pay taxes explanation and the \$25,000.

District Attorney Gougeman : Your not legally the owner.

Commissioner McAlpin: We spoke about this before and without us moving forward on this we will not have a clean title to this property and we can't use it. Legal counsel is telling us we can use it.

Commissioner Varnell: Does it have to be chain link fencing or can we use 4X4 with wire fencing?

District Attorney Gougeman : There in the memo it lets you know the speciifiics such as height and all is covered in the memo and according to Statues.

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DISTRICT ADMINISTRATOR'S REPORT:

District Administrator Telles: Provided an overview on the Consent Agenda for October 31st, 2019 that has no changed and Cash Flow (for one month). Overview presented and attachment provided to the Board.

Commissioner McAlpin: Mr. Telles the District's workers compensation insurance is a one time charge...

District Administrator Telles: Gave itemized insurance overview.

Motion made by Commissioner McAlpin to approve the Consent Agenda and Cash Flow for October 31st, 2019 and second by Commissioner Varnell of as presented. Motion carried unanimously by voice vote

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LEGAL REPORT: None to report

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ENGINEER'S REPORT

A. CONSENT ITEMS

A1. Plantation Baptist Church (C1606.01)Paving and Drainage (Re-approval)

Commissioner made by Commissioner Varnell as depicted on the attachments to approve second by Commissioner McAlpin.

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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. Persaud Acres (P1909.01)Plat

District Engineer Fradley: Recommendation to approve with District Attorney Goulgeman's final approval. (Gave additional overview/explantation.)

Commissioner McAlpin requested an overview on the map.

Commissioner Varnell: Requested explanation on the railroad track.

Commissioner McAlpin made a motion to approve the plat for Peersaud Acres with the final acceptance/approval by District Attorney Goulgeman second by Vice Chairman Doc Szerlip. Motion carried unanimously by voice vote.

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C. BOARD ACTION ITEMS-

C1. Pump Stations Improvement (D1707.01).....Approval

District Engineer Fradley: Recommendation to approve with District Attorney Goulgeman's final approval. (Gave additional overview/explantation.)

Kaleb (Fradley Pump Engineer): Gave overview on each culvert and the lining specs driven plan on the general notes sheet.

Commissioner McAlpin: Explain the discharge into the C-42.

District Engineer Fradley: Explanation overview.

Commissioner McAlpin: Let's investigate other metals.

Commssioner Varnell: Are we able to get new ones once they rust out.

District Engineeer Fradley: Yes.

Commissioner Nieset: The lining on the 36" pipes what's the longevity?

District Engineeer Fradley: Technology has been around for the past 50 years. But there have been common problems. Deep sewer lines is our problem...water gets in.

Commissioner McAlpin made a motion to approve the permitting only and not for construction for the pum stations second by Commissioner Varnel. Motion carried unanimously by voice vote.

Commissioner McAlpin: Mr. Chair if we can stay on this topic for a moment please. So on the bids when we get our permits and we have all six stations we are only contracting for one correct? We want to make sure we have all the bugs worked out;

Commissioner McAlpin Can we talk about the bid David?

District Engineeer Fradley: I will get a bid from everyone and try to have the commit this price for all stations and when we want it built. Trying to gear to those most qualified. Has to have twenty years of experience. We buty the pumps save on taxes. Not a good idea to buy before its in the ground.

Commisssioneer Varnell: For one put we need for it to run a while. It gets tested and we have to pay the company. What happens if we have to change the design.

District Engineeer Fradley: The reason we are only doing one is to make sure it works. It's a proptotype for your system. Before we get our pump they test them in their yard. They test the pump not the system. Permit will take up to 90 days from the time we submit for it. Spes and billing will be done.

Chairman Flanigan: We've already decided...

Commissioner McAlpin You must make the decision on the strategy and then figure out the bid. This is a big ticket item for us. Need to interview the contractors here at the office and ask those questions.

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D. DISCUSSION ITEMS:

D1. Permit Activity (D9408.02 & D9408.03).....Summary

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DISTRICT MANAGER'S REPORT

Last Month: No trespassing sign purchased and placed for newly acquired lot by office; get estimates to clear trees from newly qcquired lot by office.

District Manager Alvarez: Four bids on tree removal.

Pump Stations: Routine operations at all stations.

District Administrator Telles: This property was never taxed and then two years ago it started. You made it taxalble for ad-valorem; basically useless for anybody and let her know about the Redlands Holdings Company; All heirs passed away; they've exempted the property for taxes. Taxes were about \$4,000 per year.

District Attorney Goulgeman: The Statute requires you pay taxes seven years once you file notice; taxes can be \$1. What doesn't make sense is why are there no taxes.

Chairman Flanigan: Would the minutes from Old Dixie help you at all?

Commissioner McAlpin: Why, do you have them in your garage?

Chairman Flanigan: No. Josephine Skinner gave them to my wife and she gave them to the historical society.

District Attorney Goulgeman: The bottom line is there is a statutory process and it's very clear what that process is you want to follow that process because at the end of the process what you will do is you will go to a circuit court judge and you will file a quiet title action asking the judge to declare that because you filed the adverse possession law that the property is now yours and you have clear title. I'm just telling you that if you don't pay taxes because we're getting the property appraised and say the property is worth less maybe not put a fence up so we can save money because we're a public entity and the judge will sit there with a check list and ask did you do this, this and this. It's more defensible to put \$1 on it. Get them to put a low value on the property. The property is still in the name of Redlands Holdings. The title search that you all have goes back to the the SFWMD gave an easement and not ownership of the property.

Commissioner McAlpin: Joe you said the property has a value of \$68,000 would that prevent the property appraisals office from reducing the taxes. Can we find out if that can be done? If the price of the property creates a higher tax bill of \$4,000 then that's another issue. Even at that over 10 years I would say it's worth it. It would be great to have additional square footage. That's my opinion.

Commissioner Varnell: We can do 4x4 and wire fencing and start the clock

District Manager Alvarez: Staff can work on the trees but at a very small pace. They can put a fence up.

District Attorney Goulgeman: For adverse possession you only need two things. 1) fencing 2) cultivation

Commissioner McAlpin: You can do it a section at a time. We don't have to do it all at once.

Commissioner Varnell: Take down the trees that are in the fence line.

Commissioner McAlpin: Any conversations with the next door property owner?

District Attorney Goulgeman: The less conversation about this the better because you're going to get somebody come in there and say we're going to adversely possess it.

Commissioner McAlpin: We have a clean reservation and no one else has title other than the Redlands Holdings. Doc we shouldn't have to drop it.

Chairman Flanigan: David who was the original owner of Plantation Acres?

District Engineer Fradley: Redlands has some but also West Plantation Development Corp. Florida Fruit Lands.

Commissioner McAlpin: We have a responsibility to advise the next door homeowner that we will be exercising our property rights and fencing taking trees down so they don't fall etc.

District Attorney Goulgeman: Legal description David. Once the property is fenced in we're required by statute to file with the proper appraisal a Statutory Notice which was attached to the memo and that has to have the legal description we're claiming. As you proceed to do whatever you're going to do and other than meeting the four corners of the statute be real careful about not doing a lot of extra stuff that might cause somebody to start asking questions.

Commissioner McAlpin made a motion to move forward with discussions with the property appraisers and see if we can get the property tax of some minor monetary value that we would move forward with our property rights with the first thing to do is installing a low cost fence on the property and stop there second by Commissioner Varnel. Let the minutes reflect that Doc Szerlip is opposed to the motion.

Commissioner Varnell: David the white lines you have does that mean we don't have an easement?

District Engineer Fradley: The white lines are partial lines. (Overview)

Commissioner McAlpin: We'll fix the problem but we need to get an easement.

District Manager Alvarez: Mr. Barino does not a culver under driveway. Staff completed request.

District Engineer Fradley: If he sells we can't automatically get the easement.

District Attorney Goulgeman: Tell Mr. Barino that we're prohibited from doing work that benefits the owner but if you give us an easement we can go in there. It gives what is called and understand this if you look at that drawing there immediately to the left where the red box is land the City of Plantation took title to as part of the approval for the construction of that house. If you go to the house that we're concern about we can only have a prescriptive right to the road. In other words, we wouldn't be able to take title to that full area. And the prescriptive rights by the way, the Statue that gives you the prescriptive rights but if you really want to have thee paperwork on it you must file an active at the court.95.361 Statue.

Canals: This Month = 4.36' Previous Month = 4.12' Year to Date = 4.16'

Rainfall: This Month = 1" Previous Month Total = 7" Year to Date = 50.62"

Projects: Canal bank maintenance; recover/reset fallen catch basin in inlet cover at 845 NW Terrace (fallen into structure).

Fleet: 2010 F-150- Current Mileage -133,913 Previous Mileage – 132,897

2016 F-250 – Current Mileage -39,504 Previous Mileage – 38,857

2018 F-150- Current Mileage -27,346 Previous Mileage – 26,128

Safety: None to report

Dump trailer tires purchased; trailer hook connection replaced; new lawnmower battery.

New Business: Two damaged catch basin inlet covers replaced at 11461 NW 24th St., and canal #1 (trash rack overflow inlet); fence screen replaced at office maintenance area.

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OLD BUSINESS –

Commissioner Varneell: They were supposed to come down with the machine for a demo they came yesterday they have to come from St. Petersburg the gentlemen came down and said he doesn't feel there is a big enough space to unload the machine but I don't know where he was looking but he would like to set up an arrangement to show us where we would unload the machine to do the demonstration. I gave Angel his number to set up the appointment.

Commissioner McAlpin: So it's the end of the year what are we going to do with staff and pay increases.

District Administrator Telles: No pay increases.

District Manager Alvarez: Staff is fine and happy with the new uniform you approved. We're not going to lose anybody sir.

