

COW SLOUGH WATER CONTROL DISTRICT
BOARD OF SUPERVISORS
MEETING MINUTES FOR
APRIL 27, 2017, AT 3:00 P.M.
In the County Extension Office in LaBelle, Florida
Website: districtsapecial.org/cswcd

BOARD OF SUPERVISORS

SECRETARY-TREASURER, ADMINISTRATOR

Mr. Phillip Sherrod, President
Mr. Dallas Townsend, Supervisor
Mr. John Giddens, Supervisor

Dana Clement

OTHERS PRESENT

Ms. Sommer Foster, CSWCD, Engineer, Johnson Prewitt & Assoc.
Ms. Amy Petrick, LLW, Attorney for District, via phone conference
Mr. Robert Diffenderfer, Attorney for District, via phone conference
Mr. John Hoffman, Barron Collier Representative

1) **PRESIDENT CALL MEETING TO ORDER**

Mr. Sherrod called the April 27, 2017, monthly meeting to order at 3:00 p.m. and announced those in attendance.

Meetings are held in the County Extension Offices located in LaBelle, Florida and are open to the public.

2) **ATTORNEY'S REPORT**

a) **UPDATE ON THE STATUS OF THE CONDEMNATION PROCESS**

Mr. Diffenderfer said that he has sent the required offered letter, certified return receipt to the Lewis', and said that the letter was returned, unsigned and undated. Mr. Diffenderfer said that apparently, the Lewis' have not accepted the letter. Mr. Diffenderfer said that the Lewis' attorney, Mr. Kelly, was also sent a copy of the letter.

Mr. Diffenderfer said that Mr. Kelly has not accepted the seven days, pursuant to which a clock would run, and instead has pointed back to a statute which basically states that in the event that you cannot get service by registered letter, then you can start the clock when that fact becomes pliant.

Mr. Diffenderfer said that the clock to which he is referring to, is one which when you start this process, you cannot begin any action until 30 days after you have perfected service on them. So as it stands today, we have not perfected service on the Lewis'. Mr. Diffenderfer said that there are other methods in the statute to which we may have to go through to perfect service on them. At this point in time, we are not on the clock. Mr. Diffenderfer said that the offer is out there and the Lewis' are aware of it.

Mr. Diffenderfer said the Lewis' attorney has asked if CSWCD is willing to pay for an appraiser and an engineer to go and access what is going on out on the property in question, in advance of commencing this action. Mr. Diffenderfer said, at this juncture, we are not advising CSWCD to do that.

Mr. Diffenderfer said that we are waiting to see what Mr. Kelly has to say about the District's offer. Mr. Diffenderfer said that Mr. Kelly might want to wait until CSWCD can actually perfect service on the Lewis'.

Mr. Giddens asked if a Deputy can serve the letter. Mr. Diffenderfer said, yes, we can get a process server to deliver the letter.

Mr. Diffenderfer said that once the District is engaged with the Lewis', there are issues which can possibly be negotiated. Mr. Giddens asked if CSWCD can get the letter served so the clock can begin. Mr. Diffenderfer said, we can do that. Ms. Petrick said, that now that the first step was unsuccessful, the second step will be to have a process server deliver the letter. Mr. Diffenderfer said that we will make that happen.

Mr. Townsend said, that at this time, all that can be done is to serve the letter and then wait to see how to respond. All agreed.

3) OLD BUSINESS

a) **APPROVE THE DRAFT MINUTES OF THE MONTHLY MEETING HELD ON MARCH 23, 2017**

Ms. Clement submitted the draft minutes of the monthly meeting held on March 23, 2017, for the Supervisors' approval.

Mr. Townsend made a motion to accept the minutes as presented and Mr. Giddens seconded the motion and the motion passed unanimously.

b) **STATUS ON THE KOZACK CULVERT**

Ms. Foster said that she has emailed Ms. Kozack regarding the status of the culvert and has not received a response. Ms. Foster said that an aerial she reviewed, reflects that Mr. and Mrs. Kozack have not installed a culvert. Mr. Townsend said that he will try and speak with them before the next meeting.

c) **FYE POND**

Mr. Townsend said that he had contacted Mr. Mark White, South Florida Water Management District, (SFWMD), and that they both have visited the site, after which, he sent a letter to Mr. White, verifying the steps that the District can take to alleviate the flooding to the south, experienced by CSWCD last spring and summer. Mr. Townsend said that Mr. White responded with an email stating that he concurred with my steps, and said that Mr. White had consulted with Mr. Brian Rose (Section leader of Permitting, and they both felt that the work, as outlined, will not require permit authorization from SFWMD.

After discussion, it was agreed for the district to move forward with killing the vegetation going back to the Lateral 3 east, and to keep that clean of vegetation. Next, while it is dry, hire a contractor to clean the road right-of-way, probably only 100 yards or so and to also hire someone to mow the

vegetation out of the bottom of the ditch. Mr. Townsend said that the District can dig down through the vegetation root zone.

Ms. Foster said that no heavy equipment is allowed in the wetlands area.

4) **ADMINISTRATOR'S REPORT**

a) **APPROVE THE FINANCIAL REPORTS FOR MARCH 24, 2017 THROUGH APRIL 27, 2017**

Ms. Clement submitted the financial reports for approval.

Mr. Townsend made a motion to approve the financial reports as submitted and Mr. Giddens seconded the motion. The motion passed unanimously.

b) **APPROVAL TO DESTROY ALL CASSETTE TAPES**

Ms. Clement asked the supervisors' approval to destroy the cassette tapes of the district's meetings. Ms. Clement said that the State Library of Florida states that agencies shall not use floppy disks, audio cassettes, or VHS-format video cassettes for the storage of record copies of permanent records. Ms. Clement said that the meetings are taped and that anyone who wants to listen to the meeting can simply request to do so and it can be emailed to them.

Mr. Townsend made a motion authorizing the destruction of the cassette tapes of the meetings. Mr. Giddens seconded the motion and the motion passed unanimously.

c) **UPDATE ON THE WEBSITE**

Ms. Clement said that she has chosen a less expensive way to improve the website other than spending thousands of dollars. Ms. Clement said that the website has been updated to be able to hold the necessary requirements mandated by the statutes. Ms. Clement said that the cost for CSWCD's is \$300.00 and asked the supervisors to approve the expenditure.

Mr. Townsend approved the pro-rata share to update CSWCD's website in the amount of \$300.00. Mr. Giddens seconded the motion and the motion passed unanimously.

d) **NEXT MEETINGS TO BE HELD ARE THE ANNUAL AND MONTHLY**

Ms. Clement said that the annual landowners' and monthly meetings are to be held on May 25, 2017, beginning at 3:00 p.m.

Ms. Clement said that Mr. Townsend's term will expire this year.

e) **OTHER**

Ms. Clement said that there is a special meeting to draft a budget for the 2017-2018 fiscal year, immediately following this meeting.

5) **ENGINEER'S REPORT**

a) **PROJECT AT CONSOLIDATED CITRUS**

Ms. Foster said that the project at Consolidated, the installation of two 60" culverts, went extremely smooth and that it was one of the fastest culverts delivery and installation she has seen, being completed within 7 days.

Ms. Foster said that sod was necessary as the soil was sandy. Mr. Sherrod said that he had inspected the project today, and it was a job well done.

6) **NEW BUSINESS**

a) Mr. Sherrod said that he had spoken to Mr. Crivellaro, and that Mr. Crivellaro is going to revisit applying herbicides to the laterals.

b) Mr. Sherrod said that May is just around the corner and he wants to get the water sampler set up by June so that the District can get a sample of the first rains.

Ms. Foster said that Short Environmental is no longer pulling water analyses, however; there is another laboratory performing the service and she will look into it and put CSWCD on their radar.

7) **SUPERVISORS' COMMENTS**

a) Mr. Sherrod thanked Mr. Harmon for his continued participation and attendance at the meetings. Mr. Giddens and Mr. Townsend concurred.

8) **PUBLIC COMMENTS**

Mr. Sherrod called for any comments from the public. There was none.

9) **PUBLIC NOTIFICATION**

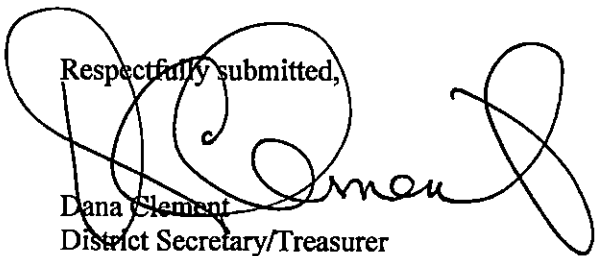
"Pursuant to section 286.0105, Florida Statutes, if any person decides to appeal any decision if made by the District with respect to any matter considered at this meeting or hearing, he or she will need a recording of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based."

10) **ADJOURNMENT**

Mr. Townsend made a motion to adjourn the meeting at 3:34 p.m. and Mr. Giddens seconded the motion. The motion passed unanimously.

Cow Slough Water Control District
Minutes of the Monthly Meeting
April 27, 2017

Respectfully submitted,



Dana Clement
District Secretary/Treasurer
Cow Slough Water Control District