

Minutes of the August 28, 2019 Board of Supervisors

Regular Workshop Meeting

Central County Water Control District

1. **Call to Order.** Meeting called to order at 7:00 p.m.
 - a. **Pledge of Allegiance.** Chair Alvarez lead the Pledge of Allegiance
 - b. **Roll Call.** Chair Alvarez ask Mrs. Hernandez, to do the roll call. District Manager Herminio Bussott, District Treasurer, District Engineer, District Attorney, Supervisor Napoles, Supervisor Miller, Chair Alvarez, were present seat 3 & 5 are absent.

Approval of Meeting Agenda.

- c. **Additions, Deletion, and Substitutions.** None
- d. **Adoption of Agenda.** Approval of the meeting minutes July 24, 2019 motion by Supervisor Miller and Supervisor Mata second all I's.
- e. **Approved without objections.**
 - a. **Public Comment:** Chair Alvarez spoke and explained that they are people from the county to speak and after they speak, they will be able to speak if they fill out a sheet requesting to. There was an interpreter to translate the meeting from English to Spanish for the Spanish community
 - b. Margaret Emblidge is the Director of Planning from Hendry County is here doesn't have a presentation but is here in a request of the resolution and to pursue a moratorium on the fish farms that was requested by the Board of Supervisor. County look at the fish farms are a commercial and over the limits. Commercial agriculture you have to get a bonified agriculture designation from the property appraisal for the purpose of selling animals and not personal use. Currently they have an idea to amend the rural residential farming, we would not be changing it and rezoning it, but look at illiminating that from that and not touch anything else. Staff took recommendation to the BOCC meeting on August 13, 2019 and received input for the community and that they didn't have to rezone only to change that. Advertise for the amendment, Public hearing for local planning agency Sept 11, 2019, September 24, 2019 with BOCC, final Public hearing will be on October 8, 2019. At the hearing they will be open to the public with other solution and changes. Resident ask where will the meetings take place, the first one will be in Labelle and the second one also in Labelle and the final one in Clewiston. They will have something drafted about two weeks before. There will be a slight delay so it maybe a week before due to hurricane that is coming. As far as the meeting for tonight for any recommendation to work into this. She will leave her cards and

doesn't have anything else, does any one have any questions for her. Carlos, where does the state stand in all of this. Margaret spoke first of all the existing fish farm will be grandfather in. Hendry county has the right to create land use regulation and put in zoning regulation also the right to limit uses in a zoning district. If they limit or eliminate the uses in rural residential farm will override the state permitting for those types of commercial agriculture because that use wouldn't be permitted. Chair Alvarez ask if this is the only way to do this. Margaret stated that she has spoken to the attorney and this is the only way they could come up with, they haven't found any other options. Chair Alvarez, say again that we are not rezoning. Margaret we are not rezoning it will stay as rural residential farming. Supervisor Miller spoke the reason why the board requested this from the County because we have received complaints about the fish farms ruining or water system and the value of our land going down. If we lose the aquifer then we can forget about Montura. The fish farms are only visited by the state once a year and I don't feel this right and we should check the once a month to make sure it isn't contaminated. Supervisor Napoles ask if the owner of the fish farm decided to sell does the permit also good for the new owner. Margaret stated that she is not sure but she thinks they would have to request one from the state. Margaret ask Mr. Fumero if he could help answer this. Mr. Fumero stated if the fish farms is sold does the zoning is still applied. Margaret thank him for clarifying that the zoning will continue because it was grandfather in unless the land is not being used for over one year.

Chris Self; 266 Avenida Del Club, his question about the Weekly Brother, if we have looked into them making payment to CCWCD its been seven year. Chair Alvarez stated that the last time he remembers that it was in place and that they would look into that. The other question is with the zoning we have now, is there a limit on animals that they can have; Margaret stated that there is no change with that activity.

Mariela Self; 266 Avenida Del Club; the reason she wanted to address some issue there are a lot of people that don not know regarding the meeting and what they were going to talk about. Many people are not computer savvy and didn't know. Supervisor Miller stated that this was posted not only on the website but also on the board. Mariel stated the reason many people showed up was because they started a petition and the agenda is very veg and doesn't state exactly what is going to be talked about. Supervisor Miller suggests that it be posted on the last page of the website, CCOM usually posts it and maybe text, and leave your face book page to post it. Chair Alvarez ask if she has any suggestions, something that is so important maybe sending a letter to the older community, bulletin board or on the computer. Supervisor Miller that she is aware as a supervisor and co-chair to CCOM and she applauds them and keep the community informed and put the information on there website. Mariel spoke that maybe putting information at Marilous and also that the meetings on Wednesday maybe we can change it to Saturdays for other

that work. They went back and forth about. Supervisor Mata is now present, he stated that the last meeting at BOCC that nothing would change and that the animals would stay the same. Mariela continued to speak that the reason was to make the community aware of what was going on in regards to the rezoning. Supervisor Miller spoke about what happened at the meeting and Mariela ask than why are we doing this now. Supervisor Miller stated isn't this why you wanted the community to know. They wanted clarification on what was stated and they ask Margaret if she could explain exactly what was stated at the BOCC. Margaret stated that it would stay as RRF and not change any zoning.

Mr. Herman spoke and stated that they were going to rezone, but that is not the case but want to eliminate the use of agriculture commercial use. He then stated that there are other uses under that and will penalize any new business. Margaret spoke that according to Property appraisal Montura only has fifteen legally bonifide commercial use and most of them are fish farms which nine are fish farms. Mr. Herman in the future you would penalize because of nine fish farms. Margaret we are not eliminating the existing ones are also grandfathered in, this will only apply to any new ones. What is the purpose for this and Margaret deferred it to the board. Chair Alvarez stated that they received a lot of complaints about the fish farms. They went back and forth about this issue. Mr. Fumero spoke about public health and safety and that is the only reason.

Juan Melendez: 400 Avenida Del Sur, who is the committee for the reservoir and when were they voted on. So, who are they and what authority do they have? Chair Alvarez spoke this board appointed a committee to advise us and help they are volunteers look on what is going on out there and they have been a great help and they have the authority the board gives them, zero to conduct any business on their own. Juan, so legally they don't got no say on who can go or who stay on that property because I received a trespass warning for just walking in and then I was surround by three truck and the next Saturday I had a police office came to my house and served me a warning that I could not go to the reservoir. Chair Alvarez stated let me get back with you. Juan, as an owner don't I have the right to walk back there. Chair Alvarez again let me look into this and before you leave give me your number.

Emilio Leava: I wanted to speak about the animals but it has been clarified.

David: They same thing

Carlos Lavato; My proposal is they spoke about crescent farming, not sure if this is the same thing many years ago. Chair Alvarez spoke that they talked about it and it was in place but they never went through with it. Margaret spoke and stated that they can look at this for curtain areas in the land study to designate certain areas, if the District wants to go through with this with the County. Carlos ask if for future studies will there be one for it, Margaret, ask if they were ready to speak on behalf

of the land use study. The grant from the state was denied and the County would like to know if CCWCD would like to do the land study that would cost \$40,000.00 and split the cost. The County did one in Wheeler and it went very well, and the community would have an input on the study. Supervisor Juan ask if the study will be clearly comprehensive that every can see where everything will be like new home, parks, etc. Margaret stated yes, the reason for this study is to avoid incompatible use. We don't want to go through with commercial and interrupt your living area. Supervisor Juan ask this could actually happen right now. Margaret stated yes, they would go through the proper hearing. Margaret stated that they would have meeting on Saturday so the community can be involved. Supervisor Juan how long will this take, Margaret it can take as little as nine months, that is why the community needs to be involved. Supervisor Miller stated that she has used the word community so in the future you don't come back and say something different. Margaret stated that they would like for CCWCD to help with the cost but after hearing the budget the cost can go down if CCWCD can provide the location provide staff to help for the Saturday meetings. She will say and commissioner Swindle please forgive her, that the county can pay the consultant, and CCWCD will help with staff, location and getting the word out to the community. She is making the executive decision to go ahead and pay for the study so CCWCD doesn't have to pay for anything. Supervisor Napoles motion to except the offer. Chair Alvarez ask Mr. Fumero if they need to vote on it. Mr. Fumero not if it inclined. Margaret stated that she will meet with the consultants and she will then send out the minutes and looks forward to working with us. Chair Alvarez spoke and stated that we were here before come here with solution don't come with negative comments, if we would of don't before we would not be here now. I don't know about you but you don't want an industry next to you if not you can just pack up and leave. Supervisor Miller is there any grants that in results to this land study will there be grants available for new parks. Margaret stated yes.

Rafael Dominguez;440 N Olivo, I don't know how I got here but the residents in Montura are poor and retired. How is that they are asking for \$200.00 from every resident for the key. Chair Alvarez intervind and ask for Officer McNeil to sit the resident down. Carlos ask where is the fish farm in all of this.

Anibal Leava; he left

Carmen Diaz; 418 Hunting Club Ave, she is concerned about the weather and she lives in a corner and she has been going through this for years and it floods. They did the swell and they never kept up with it. Chair Alvarez stated that there is a 30 year plan that has not been kept up with and we have new equipment and ask Herminio to go by and check it. Carmen then stated that she doesn't want CCWCD to mow around here property because they have ruined it. She is tired it this was a long time ago, not recently. Chair Alvarez ask her for her number. Supervisor Mata stated that she has a valid point and agrees with her.

James Sears; 680 S. Arboleda Street, has complained about the ditches and he culverts that has collapse and he just put his dog down because he caught an infection due to the water. He maintains his road and doesn't want CCWCD to touch his road, all he wants is the ditches to be kept up so the water can go down. Chair Alvarez ask for his number. Herminio spoke and stated that he went to the property and it is on private property and we can go through, and there is a culvert but it is half on a property. Chair Alvarez stated that they will visit it in the morning.

Alina Rodriguez; 525 S Nogal, property has been more than five years and the ditch is almost in the road and the water is not running, Chair Alvarez ask for her information to visit the property.

Miguel Rodriguez, 142 Bald Cypress, came up to clean the ditches because they have run over the culverts and I have killed over 13 water moccasins. Herminio spoke and stated that he never stated about the culvert been missed up but he was going to go by, Chair Alvarez also ask for his information.

Supervisor Miller stated that she was just told that on our website the last page is community voice and you can ask question and the District Manager or the Assistant District Manager can answer.

2. Staff Reports.

A. **District Manager's Report** – mowing as much as we can. Grading the road when now water on it, can't add material, aware that there are many roads that are really bad. Also, people have been coming by stating that the grader had been going by every 2 months but previous management did this but now there is a bigger problem cause now we have to rebuild the roads. The first road was where Supervisor Napoles lives on he was not the one that complained. His road is still in good shape and that how we are going through making sure that we are rebuilding them and we have spent over \$200,000.00. In the past back in 2014 till now they haven't spent the amount of money that we have. Four-wheeler are back again and a lot of streets sign are being ruined and doughnuts in road. Picking up trash in Montura and since we are sending letters out, they are dumping in their neighbor's property. We are pumping water into the reservoir and resident in the audience complained about water in her ditch. Resident ask about why are the pumps not running all night. Chair Alvarez spoke and stated that the pumps have been running and the drainage is poor and we can't run them all night. Resident spoke and gave suggestions on how to run the pumps. Herminio spoke and ask the resident if he has been by the pumps to see if they are running. Chair Alvarez stated that he stands by CCWCD and he know that they are running the pumps accordingly. County raised taxes and resident provided a sheet on the property. Supervisor Mata spoke and stated that to the Engineer to explain the water drainage. Mr. Bennett then went ahead and explained and stated that it works just fine if we keep running it the way it's been. Supervisor Miller stated that Herminio explained that the roads have not be rebuilt in over 30 year.

B. Club house is in good condition the painted the rest of the deck, they have been patching up hole to touch up paint. Clyde Johnson is working with Mr. Bennett on the quote to replace the glass on the roof and Taylor electric is to get us the quote on the AC. Working on number to purchase material on the guard rails, depending on the storm. Back to school bash went great. Thank Jennifer from the Hill Foundation for her donation.

C. District Engineer's Report – Mr. Bennet went over his report club house with roof contract about the issues on the leak in the top to replace that glass. Hacienda and Avenida del club is almost done, they were waiting on the sod but it was pretty bad. Did core samples and they would be working on that. SFWMD on the 139 Basin to keep in compliance and the discharge from last year and that was good. Supervisor Mata ask if we can get the ball rolling on the next roads to target. Mr. Fumero stated that we need to make sure that we have the funds for it. Herminio stated that we allocated that we did add this to the budget to continue to work on the roads. Supervisor Mata just wants to make sure that we have a plan. Josh ask if we were going to finish of Hacienda. Chair Alvarez stated that we are going to target the worst road first where the road bed may be at risk.

D. District Treasurer Report. Mr. Boy went over the monthly budget. FEMA money to be received will help us because we are \$111,000.00 over budget. Herminio stated that we have received the last check that is \$115,000.00. Supervisor Miller ask if we raised taxes \$25.00 for the year just give a rough estimate about \$215,000.00, which is not a lot. Supervisor Napoles stated that we need to raise our taxes because we can't do for our community with our currently budget. We need to raise our taxes once and for all. Chair Alvarez stated that if any more growth we are going to be in trouble. Chris stated if the area doesn't grow and it's stays the same, we need to back to what we did before. Supervisor Napoles stated that we need to raise taxes to help our community resident spoke about using what we have in our reserve. Chair Alvarez stated if we keep up the way we are going we will be dipping into our reserve. Supervisor Miller ask about the 7.5 million that would be available for Montura, Mr. Fumero did check into it and we can't double dip. Someone asks about impact fees and we don't receive it. Chair Alvarez said we need to support the commissioners that are running that can help us get this money. Supervisor Mata stated that as a community we are going to go broke if we don't do something. **Mr. Fumero** stated that Central County is not ad valorem tax we have a maintenance fee. We don't have anything to do with value of the property. They ask what would happen if we go broke, then the county will take over. They continued to go back and forth about the taxes.

District Attorney's Report – Mr. Fumero first two item for request and fish farm. He spoke about the letter he wrote to the attorney general and they are going to have to change the

statues to except absentee ballots. Letter to residents that had trash in front of their property to make sure we send them it in Spanish as well. They went back and forth about voting on if we move forward to have John draw up the papers to send to the legislator. Resident ask why are we count votes to people that don't live here and that is because CCWCD has a statute that they voted on one vote per acre. Another question by Mariela Self when was the last time an urban map done in our area. This is in chapter 189 and is this something that's been done in Montura. They stated that it's never been done in Montura. Mr. Fumero stated that in the charter stated that they can only be present to vote. They went back and forth about the urban mapping and getting people out to vote.

Chair Alvarez vote on the reservoir key, Supervisor Napoles motion and Supervisor Mata second all I's to open the reselling of the key and the recommendation of the new price of the key \$150.00 and three passes. Juan Melendez ask if he can go buy the key but they need it to resolve the issue at hand about his trespassing. Supervisor Napoles ask about that a permit needs to be pulled for the berries being picked. Mr. Fumero stated when we adopt the rules then we can kill two bird at the same time. They went back and forth about the reservoir. The key will be sold at \$50.00 till the end of October. They continued to go back and forth about the vehicles if there are three vehicles then you can put as many people can fit on them. They went back and forth about. They also spoke about Alexander Padron trespassing. Mrs. Hernandez will write a letter to Officer McNeil to release the violation of trespassing on both Alexander Padron and Juan Melendez and can start selling the reservoir key again. Supervisor Miller motion to adjourn and Supervisor Mata second all I's.

Adjournment. Chair Alvarez meeting adjourn.