

MEETING MINUTES
ALLIGATOR CREEK WATERWAY ADVISORY COMMITTEE
February 29, 2012
10:00 a.m.

Attendees: Ken Fahrback, Ed Minzer, Claire Phelen, and Bill Schmitz

County: Bob Halfhill, Dawn Harrison, Sandy Wright

Absent: George McNeill

Meeting was called to order at 10:02 a.m.

Minutes: There were no minutes submitted for approval.

- Mr. Halfhill explained that there has been a reorganization of the MSBU Representatives. Going forward there will be regular meetings each quarter. There was discussion regarding why the County has to be present at Committee meetings and does the Committee have to meet that frequently if they don't have active projects. Mr. Halfhill explained that his staff is present to take notes and answer questions. If a Committee meets without the County staff present, the meeting must be advertised and minutes must be taken. He stated that the MSBU is responsible for overseeing the funds collected from assessments, and they have the say over how it is spent. All work must go through the MSBU Representative. Mr. Halfhill asked for an invitation to one of the Homeowner Association Meetings stating that he would like to speak to the citizens.
- Mr. Halfhill gave an overview of the rules and regulations of the Sunshine Law. The Committee requested a copy of the Sunshine Law. Ms. Harrison will forward a copy of the presentation that was given out during the MSBU Orientation last October.

Old Business:

- Financial reports were distributed to the Committee. Ms. Harrison explained the reports and answered questions regarding a line item for \$50,000 for dredging in the fiscal year 2012. The Committee stated that the dredging project was completed over a year ago and didn't understand why the money is still on the report. Ms. Harrison stated that if there was no money needed for dredging, the money rolls over to the beginning balance of the following year's budget.
- The reports show that the residents at the Sea Edge are not being assessed. They were given access to the creek and were assessed one time to help cover the cost; the Committee thinks they should be assessed every year because they are benefiting from the access. Ms. Harrison explained that there are private roads within the County that the County doesn't maintain, therefore, the residents are not assessed. The Committee stated that these residents are accessing canals that are maintained by the MSBU and should have to pay the assessments the same as Alligator Creek residents. Ms. Phelen stated that the MSBU was an MSTU at one time. Ms. Harrison explained that there are big differences in how the funds are calculated in a MSBU and MSTU. The Attorney's office and the Finance Department got together to change from MSTU's to MSBU's because they find it to be more fair to collect funds per Equivalent Residential Unit (ERU) instead of basing the amount collected on the property value. Ms. Harrison will research the ordinance and report back to the Committee with her findings.
- There was discussion regarding the amount that is in their account. Currently they have no projects coming up so a reduction in rates could be possible. Ms. Harrison explained that she has handed in the budget and if the Committee wants a rate decrease, she would need to know as soon as possible.

ALLIGATOR CREEK WATERWAY ADVISORY COMMITTEE

February 29, 2012

Page 2

- There is a survey that should be completed within a couple of months. Mr. Minzer suggested leaving the rate the same until the survey comes back. There may be a need for another dredging project based on the findings. The Committee agreed that it may be beneficial for them to dredge more frequently due to the high spots.
- Mr. Fahrback would like to look at dredging the new cut. Mr. Minzer stated that the area between markers 10–14 is very shallow. The Committee agreed to review the survey upon its return and determine then whether they need to start another project. They stated that they would be interested in finding out if they could dredge to a 6 foot depth instead of 5 foot. The Committee stated that during the last dredge they were held to the 5 foot maximum and were not required to do mitigation. Ms. Harrison explained that the Department of Environmental Protection (DEP) has changed and some of the philosophies have changed so the MSBU may be able to get approval to go to 6 feet. She will ask the Engineering Department to see if this is feasible and will report her findings back to the Committee.
- The Committee reviewed an aerial map of the area that was dredged last time and pointed out areas of concern.
- There was discussion regarding the replacement of missing markers. Mr. Minzer stated that he was out recently and the markers looked good. He complimented the Sign & Marking Department for their fast response to fixing items that he has reported.
- Mr. Minzer inquired about the dredging project for the Pirate Harbor Waterway Unit. Ms. Harrison stated that the permit was just approved and it took years to get through the process.
- Ms. Harrison stated that the presence of small tooth sawfish may present a problem, however, only mitigation is normally required.
- There was discussion about the definition of mean low waterline (MLW). Ms. Harrison said she would invite Mr. Logan and Coastal Engineering to the next Committee meeting after the survey is complete to answer all of their questions.
- There was discussion regarding PGI coming into the Alligator Creek Waterway MSBU. There was talk of that happening some time back. Mr. Schmitz stated that it would be in the best interest of the Committee to stay on top of it if the subject arises again. Ms. Harrison stated that an interlocal agreement would be required for that to happen.
- There was discussion regarding the damage to Vasco Street. Large trucks used for the last dredge project and other work in that area caused damage to the street. Ms. Harrison advised the Committee to report issues that pertain to an active project to the Engineering Department. Normally the contractor is required to fix anything that they damage. There was a question about the MSBU being held liable for the damage but Ms. Harrison said it would not be.
- There was a request to elect new officers.
- Ms. Phelen nominated Mr. Minzer for the position of Chairperson; the nomination was seconded by Mr. Schmitz and the motion was approved with Mr. Minzer accepting the position.
- Mr. Schmitz nominated Mr. Fahrback for the position of Vice Chairperson; the nomination was seconded by Mr. Minzer, the motion was approved with Mr. Fahrback accepting the position.

The next meeting is scheduled for Tuesday May 22, 2012 at 10:00 a.m.

The meeting was adjourned at 11:49 a.m.