

MEETING MINUTES
MANCHESTER WATERWAY ADVISORY COMMITTEE
November 15, 2006
9:00 a.m.

Meeting was called to order at 9:00 a.m.

Attendance: Present: Grace Amodeo, Patrick Randall, Dennis Peck, Ted Iddings,
Cliff McMahon
County: Dan Gallagher (County Attorney)
Absent: Donald Fredrick

Minutes: Mr. Iddings made a motion to approve the minutes from August 16, 2006. Ms. Amodeo seconded the motion. Motion carried.

New Business:

- Mr. Dan Gallagher informed the Committee that a tentative settlement has been reached with Mr. Mudge. An executive session with the Board of County Commissioners was held November 14, 2006. The settlement needs to be approved by the BOCC before it becomes official. This is scheduled for December 12, 2006. The Committee inquired about the meeting being moved up, but Mr. Gallagher stated that the Department of Environmental Protection is involved in the litigation, and it cannot be any sooner. Mr. McMahon stated that they are worried about the delay factor. He said this has happened before, lasting two years. Mr. Gallagher stated that, while Mr. Mudge seems happy with the settlement, there is nothing in writing of his agreement to accept the settlement, and it would not hold up in court. The settlement will not be paid out of the MSBU fund, but out of the County's general fund.
- Ms. Amodeo stated that, once the lock is removed, the hard part is over and only maintenance will remain. Once the settlement is finalized, the County will need to get the permit from DEP, start the bid process, then the project should start a month after the bid has been accepted.
- Mr. Gallagher discussed that the County is trying to standardize all MSBU Advisory Committees. He passed out a draft blueprinting the MSBU's and which will be presented to the BOCC for approval. Committee members will be appointed by the Board of County Commissioners and will be required to follow The Sunshine Law. Ms. Musselman stated that, during the first formal meeting, members' terms will be determined. Members could serve a maximum of nine years.

- Mr. Randall made a motion that this MSBU endorse the settlement agreement with Mr. Mudge. Ms. Musselman stated that the members will have more power by addressing the BOCC individually, rather than submitting one letter. Mr. Iddings seconded the motion. The vote was (4) yes and (1) no. Motion carried. The response from the public present at the meeting was in support.
- The Committee discussed the Lewis Creek bid. The addendum is done and will be opened in about two weeks. Ms. Musselman suggested possibly adding an inclusion for dredging around the mouth. She also stated that there is a hump on the south side of the lock, and this will be added to the dredging project.
- The Committee discussed the Stormwater charges on the Activity Report.
- Mr. Randall distributed an outline budget for 2006/07.
- Ms. Musselman informed the Committee that the County is hiring a consultant to review the MSBU system.
- There was discussion about increasing the assessment to \$205. Ms. Musselman stated this would not have to be brought up to the BOCC.
- Ms. Musselman suggested having a bathometric survey done for the entire waterway to help with totals when establishing the budget. Mr. Peck stated that an entire survey does not need to be done. He stated that Flamingo and Como Waterway have not been dredged, however, and would need a survey. The mouths of the canals would also need to be done.
- Mr. Randall made a motion to have an annual bathometric survey on the lateral roots prior to budgeting discussion. No second was presented. Mr. Randall made a motion to do a bathometric survey on Como and Flamingo Waterways and the main Manchester arterial roots. Ms. Amodeo seconded the motion. Mr. McMahon suggested waiting on the survey until the lock is removed, because this is causing a lot of siltation in the waterway. Mr. Peck stated that a survey is needed before the dredging begins, and it needs to be put into the budget. Mr. McMahon made an amended motion to do a bathometric survey on Como and Flamingo Waterways only. Ms. Amodeo seconded the motion. Mr. Randall stated that, in order to do those waterways, the contractor would have to go through the arterial roots to get to them. The cost would not be greatly affected. Ms. Musselman stated that the dredging cost is based on time. Mr. McMahon stated that the permit from DEP states that the depth needs to be five feet, and questioned why we need to do anything before the lock is removed. Ms. Musselman informed the Committee that, if they conduct the bathometric survey

in April before hurricane season, they can prove to FEMA that any subsequent siltation was caused by the hurricane, and FEMA would pay for the dredging. A vote was taken on the amended motion with (2) yes and (3) no. Motion denied. A vote was taken on the main motion prior to the amendment with (3) yes and (1) no (Chairman did not vote). Motion carried.

Meeting adjourned at 10:50 a.m.

Respectfully submitted,

Tara L. Musselman
Municipal Service District Representative

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