

## HARBOUR WATERWAY SPECIAL DISTRICT

TUESDAY, MARCH 13, 2012

### MEETING MINUTES

#### Introduction

Harbour Waterway Special District (HWSD) meeting of the Board of Supervisors was held at the Regency Public Library, at 7:00 PM on March 13, 2012. The meeting was called to order at 7:03 by Chairman, William Hibbard. In attendance were William Hibbard, Robert Birtalan, Paul Stroup, and Stanley Pipes, as well as HWSD attorney Wayne Flowers. Kathryn Boucher was present as acting recording secretary.

#### Administrative

Robert Birtalan made a motion to approve the minutes from the February 14, 2012 meeting; the motion carried. The minutes were approved as written.

Appointment of Robert D. Schleef to Board of Supervisor Seat (4) – Stanley Pipes made motion to appoint Robert D. Schleef to Board of Supervisor Seat (4). The motion carried unanimously. Wayne Flowers administered the oath of office.

The meeting was turned over to Stanley Pipes.

#### District Business

Tax collector and property appraiser agreement update – Stanley contacted Laurie French, who said that she will follow up with someone in her office to propose the legislation to the City Council. Laurie should get back to Stanley by the end of the week. There is no issue with the 2012 assessment, as all the requirements have been fulfilled.

Dredging permit amendment to use Bartram Island as the spoil site – Paul Stroup is working to request the modification to the permit. He will draft the letter to the Corp for the president of association to sign and then will send it in.

Easement reassignment from HWA to HWSD – Robert Birtalan is handling.

Discussion of alternative spoil sites – Discussion regarding the property on Fort Caroline Road and whether or not to pursue it. The property is 6.18 acres, for sale for \$85,000. This could be used for up to 68,000 cubic yards if both this and the adjacent property are obtained. Robert Birtalan questioned the land use, as the property is currently zoned as low density residential. Property is viewed as a long term investment, not short term. Maintenance dredging can suffice for the next 5 to 7 years following Bartram site use, meaning that no immediate work would be done on the new site. The first step would be to talk to land use attorney. This may be cheapest dredging site available. However there is still the question of obtaining the adjacent property, which seems less likely. There is no specific authorization for the HWSD to own property, but Wayne Flowers believes that the purpose of the district would allow for this. A special meeting will be noticed if an offer is reached. A motion was made by Stanley Pipes to

prepare a purchase offer for up to \$85,000, with conditions that the land be rezoned for spoil site, a site plan of the property from owners, and a copy of the easement. Motion carried.

Dredging contractor update – Daytona firm with David Driver has expressed interest in doing the job, using Bull Dredging as consultant. Mike Brande has asked David Driver to provide a rough non-binding estimate for 30,000 to 55,000 cubic yards. No other firms have been contacted yet. A request for bidders will be submitted; a package will be put together by Mike Brande and Stanley Pipes.

#### Financial

Review and approval of the 2012 / 2013 budget for the district – Each year the HWSD is required to submit a budget to the city council for approval. The proposed budget is based on the maximum allowed 60,000 cubic yards pumped into the spoil site and includes \$350,000 being borrowed, amounting to a total budget of 1.141 million for entire dredging project. Stanley Pipes presented a budget / cash flow analysis for HWSD, which includes loan payments and mortgage for the purchase of a spoil site. The HWA also needs to maintain funding to continue its duties related to the covenants and restrictions. Stanley presented Resolution 2012-05. Mike Brande suggested to note on the budget that the dredging per cubic yard fee is all inclusive of mobilization and demobilization costs. Charles Imm from Harbour Island asked how the budget relates to the assessment fees and it was explained that the adoption of assessment will be done at the June 27 meeting. The motion to approve Resolution 2012-05 was made by William Hibbard and carried unanimously.

It was noted that the HWA has spent \$12,521.45 to date, leaving a remaining balance of \$24,946.

Discuss invoice from JPA for spoil site tipping fee – Should not be an issue. Mike Brande spoke to engineering today and they had not scrutinized the contract. The final invoice should come between June and September. The contract for JPA is currently set at 45,000 cubic yards, which can be adjusted if necessary.

Approval to disburse funds for administrative services to Kathryn Boucher – The proposed fee was based on the Lake Asbury Association agreement, with payment for an estimated 5 hours of work. Motion made by Robert Birtalan to pay \$100 per meeting and elect Kathryn Boucher as Recording Secretary, ongoing for the remaining fiscal year and 2012-2013. Motion carried.

Approval to disburse funds for Legal Services – Invoice was received from Wayne Flowers' firm for services rendered February 1 – 29 for a total of \$2,432.25, which includes contracts, attending meetings, the JPA contract, drafting notices for hearing, and drafting of resolutions. Motion made by William Hibbard to pay the requested amount; motion carried.

#### District Schedule

Stanley Pipes provided a handout of the upcoming schedule, with proposed changes highlighted yellow. The public hearing for assessment was previously scheduled too early, as it is necessary to wait for the

property appraiser to provide the official tax roll. Bill Hibbard made a motion to move the public hearing for the 2012 Non-Ad Valorem Assessment to June 27<sup>th</sup>; motion carried.

July 17 Board of Supervisor meeting is cancelled, due to only a small room being available, and will be rescheduled for July 24<sup>th</sup> instead.

The August 14 meeting will be rescheduled for August 20<sup>th</sup>

All meetings could be moved to the Resurrection Episcopal Church instead of the Regency Library after June dates. Wayne advised that the church would be an acceptable site.

Board members received a packet from the commissioner of elections with the statement of financial interest, which must be completed within 30 days of being appointed and filed with the commissioner of elections.

#### Other business

Legal and compliance issues – Nothing to report this month.

#### Comments and questions from audience

Charles Imm lives on the marsh side of Harbour Island. He has an easement to an 8 ft wide slip several lots away, which has no power or water. Charles believes that the proposed assessment of \$1000 to his lot is excessive and offers a counter proposal of \$ 250 for easement properties, which he believes would equate the easement properties more closely to the marina assessment. The board explained that only 3 levels of assessment are allowed in the ordinance: one for waterfront residential parcels, one for the marina, and one for the easement properties, with the maximum for a residential / easement parcels being \$2000. Unlike waterfront residential parcels, easement owners have the option to give up access to water and therefore avoid the assessment. The board cannot address the inequities between different parcels within each group. For instance, the waterfront residential parcels are assessed the same fee regardless of the size or market value of the property. The current assessment is meant to get through the dredging, and future years the assessments may be lower.

#### Adjournment

Meeting adjourned at 8:55 PM. The next meeting is scheduled for April 16<sup>th</sup>.

Respectfully submitted,



Kathryn Boucher  
Recording Secretary



Stanley H Pipes, Jr.  
Secretary / Treasurer