

DRAFT

Dewberry Lane Special Improvement Operation
& Maintenance Municipal Service Benefit Unit

Advisory Committee

Meeting Date: April 11, 2011

Meeting called to order at 4:09 PM

Present: Alfredo Perez, Georgiana Stevenson, Armand Mathieu, Albert W. Lappin, James McCulla and Donna DeBerry The Minutes of the April 14, 2010 meeting were read, and Mr. Lappin made a motion which was seconded by Mr. McCulla to approve the minutes as read.

James McCulla, newest member of the Unit was introduced.

Chairman Perez questioned the validity of Dewberry being a private road.

Ms. DeBerry said that the according to legal opinion, Dewberry Lane is not a private road based on the fact it is dedicated to public use.

Chairman Perez asked about obtaining bids for the drainage repairs.

Ms. DeBerry said we would be discussing that during the later part of this meeting.

Mr. McCulla mentioned that he is aware of a Florida Statute that says that if the street is open for public use, maintained by the municipality, and deeded to the municipality, said municipality would be responsible for the paving.

Ms. DeBerry explained this road is not maintained by the County, it was through popular vote that the Dewberry Lane Special Improvement Operation & Maintenance Municipal Service Benefit Unit was established. She further mentioned that this issue had been reviewed by the County Legal Department who confirmed that the County is not responsible for maintenance of Dewberry Lane.

Discussion followed.

Mr. McCulla suggested the Unit obtain an outside legal opinion on this issue since the County Attorney was vague in their interpretation of the statute.

Ms. DeBerry stated she would get a legal opinion in writing from the County attorney.

Chairman Perez agreed to review the statute brought forth by Mr. McCulla but he did not believe it warranted having an outside attorney's opinion which would result in added expenditures.

Co Chairman Mathieu asked about the progress in getting the remaining residents who have not relinquished their portion of the street to sign the documents needed to do the paving.

Ms. DeBerry mentioned there are only four residents who have not signed the necessary documents to allow us to pave the entire road. She confirmed that they have been sent the forms many times to no avail.

Co Chairman Mathieu questioned whether paving could be done with the exception of the cul de sac.

Ms. DeBerry discussed that issue with the DOT who felt there was a safety issue involved that would preclude the partial paving of the street.

Mr. Lappin suggested wedging the paving at the cul de sac, which he felt would eliminate any safety issues.

Discussion followed.

Mr. Lappin requested a letter be sent to the residents of Dewberry Lane stating we are approaching the needed funding to have Dewberry Lane paved. However, paving will be omitted in the areas of those residents who have not signed off.

Ms. DeBerry will get DOT's opinion on whether partial paving of the street would be permissible.

Discussion followed.

Chairman Perez readdressed the drainage issue.

Co Chairman Mathieu explained there is a sink hole 6' from the seawall in a 2' concrete pipe which extends from the center of the street to the canal which carries the storm water run off.

Ms. DeBerry mentioned that we have designated \$12,000 for the repair of the storm water drains, but she will need permission from the adjacent home owners to allow entry onto private property for inspection and the work to be done. She recommended getting a temporary construction easement to do the work.

Co Chairman Mathieu suggested both drains be inspected to uncover any problems before proceeding with paving the street. And he will contact the effected property owners to obtain their consent.

Ms. DeBerry confirmed she will contact Honc Construction to look at the storm drains and estimate the cost of repairs.

The budget sheet was distributed for the units review.

The Committee agreed to maintain the \$12,000 apportionment for other contracted services. No action required.

Ms. DeBerry also mentioned she would locate someone to scope the storm water drains if the Unit requested this action.

Mr. McCulla moved and Co Chairman Mathieu seconded a motion to have the storm water drains scoped and to allot \$1000.00 for that procedure. Unanimously adopted.

Ms. DeBerry wanted to know if Unit would like to move Future Capital Outlay to other contracted services providing funding for paving should it become possible.

Discussion concerning the cost of repaving Dewberry Lane.

Ms. DeBerry will question the county for a rough estimate and suggested that members also obtain estimates from paving contractors.

No action was taken to move Future Capital Outlay funds at this time.

Chairman Perez asked who is responsible for the sewer lines running down Dewberry Lane.

Ms. DeBerry explained that Mr. Cherry is responsible for sewer repairs and would be obligated to repair the street to its original condition.

Discussion followed concerning the District Assessment for 2011.

Co Chairman Mathieu made a motion which was seconded by Mr. Lappin to set the District Assessment at \$223.01, five ayes, no nays, assessment adopted.

Mr. McCulla moved and Ms. Stevenson seconded a motion to adjourn the meeting at 5:55 PM. Meeting adjourned.

Respectfully submitted,

Georgiana Stevenson, Secretary