

BOARD OF COUNTY COMMISSIONERS

MAY 16, 2008

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman D'Aprile, Commissioner Duffy, Commissioner Cummings, Commissioner Moore, and Commissioner Loftus. Also in attendance were County Attorney Knowlton and Minutes Supervisor Nice. The meeting was called to order at 10:00 AM and followed by the Pledge of Allegiance

I. MSBU PROCESS OVERVIEW

Mr. Sandrock explained the purpose of the workshop and the MSBU process including formalization of MSBU Advisory Committees, their involvement in developing work plans, gaining community support through personal contacts, notices published in newspapers, and mailings. Commissioner Duffy questioned the use of emails for notification purposes. Mr. Sandrock commented on communication methods to secure the majority voice of property owners. Mr. Sandrock advised an internal review was conducted prior to the workshop and advised changes in assessments may still be made. Chairman D'Aprile expressed understanding that Advisory Committees have concurred with the recommended work programs. Mr. Sandrock stated affirmatively in most cases except the Don Pedro/Knight Island MSBU. Mr. Sandrock pointed out the Summaries in the front of the packet information for the order of discussion. Commissioner Loftus questioned if residents have agreed. Mr. Sandrock indicated this would be discussed during the workshop. Chairman D'Aprile concluded the recommended work programs are as a result of requests from the public and not the Board. Mr. Sandrock expressed the belief that staff has gone out and garnered community support and pointed out new first time assessments. Commissioner Cummings questioned the efforts to maintain base line infrastructure at appropriate levels. Mr. Sandrock indicated step one is to formalize, step two is to address maintenance issues, and staff members are aware of the need for maintenance.

II. REVIEW OF MSBU ACTIONS REQUIRING NOTICES AND PUBLIC HEARINGS

- A. Gulf Cove Street and Drainage Maintenance - Increase of \$25.00 per ERCU to resurface 12.5 miles of roads. New rates will be \$125.00 for occupied and \$136.00 for vacant.

Assistant County Administrator Shoemaker summarized the purpose of the \$25.00 per ERU increase, reported the Committee will be meeting on Monday, and additional information will be provided to the Board.

- B. Northwest Port Charlotte Street and Drainage Unit Maintenance - Increase of \$75.00 per ERU. New rates will be \$118.00 for occupied and \$125.00 for vacant. \$52.00 of the increase is to resurface 5.2 miles of roads annually and \$23.00 of the increase is to sustain current levels of maintenance.

Mr. Sandrock explained the purpose of the \$75.00 per ERU increase and the public support secured for the work program. **Commissioner Loftus** recalled a 1992 settlement agreement with General Development Corporation (GDC) involving \$6 million and only 40% of that amount has been paid back to the MSBUs and stated the Board has a fiduciary responsibility to pay the monies back. **Chairman D'Aprile** requested clarification. Mr. Sandrock stated substantial payments have been made to the MSBUs, the Budget staff has been working closely with the County Attorney's Office in order to perform a complete review, and Board Members will be notified.

- C. Harbour Heights Waterway Unit Maintenance - Change method of assessment from canal front foot to ERU. Proposed rate is \$400.00 per ERU to be used for dredging design.

Ms. Shoemaker explained the current rate methodology is being changed to ERUs at a proposed rate of \$400.00 per ERU. **Commissioner Cummings** stated that corner lots would be impacted more than a standard lot. **Commissioner Loftus** stated the platted lots were 40' lots and it takes two lots to build a residential home so the assessment on the 40' lots would be \$200.00. **Commissioner Cummings** recalled the prior methodology involved a common scale. Mr. Sandrock stated he has received verification that two 40' lots would equal one ERU. **Chairman D'Aprile**

concluded two 40' lots equal one ERU and the assessment on one 40' that is not buildable would be \$200.00. **Commissioner Duffy** questioned if this is applicable to waterfront and non-waterfront lots. Mr. Sandrock stated this is applicable to the Street and Drainage Unit. Ms. Shoemaker stated the Waterway assessment is \$400.00 per ERU.

D. Harbour Heights Street and Drainage Unit Maintenance - Change method of assessment from front foot to ERU. Proposed rates are \$145.00 for occupied and \$169.00 for vacant.

Ms. Shoemaker explained the current Vacant and Maximum rate is \$152.80 and Occupied is \$136.00 with a proposed Vacant and Maximum rate of \$169.00 for a \$16.20 increase and \$145.00 on Occupied lots for a \$9.00 increase based on the new ERU methodology adopted by the Board last Fall. **Commissioner Loftus** concluded that 40' lots would be assessed at one-half of the rates.

E. Northwest Port Charlotte Waterway Unit Maintenance - First time assessment of \$100.00 per ERU to dredge the main channels. Prior dredging program was funded through General Development Corporation (GDC) funds.

Ms. Sandrock advised this is a new MSBU for FY 07/08, the GDC settlement monies have been depleted, the property owners have requested the dredge of silt materials from main channels, the \$100.00 assessment is needed, advised a letter of support has been received from the Advisory Committee that the majority of property owners support the program.

F. Punta Gorda Non-Urban Street and Drainage Unit Capital - First time assessment for one property inadvertently omitted from the tax rolls. No change in rate.

Ms. Shoemaker reported the Committee has reviewed and expressed support for the proposed work program, the maximum rate of \$271.38 per ERU and \$161.09 for Vacant and Occupied will remain the same, and pointed out that one property that will benefit from the work is being added as a first-time assessment. Mr. Sandrock indicated the addition was determined as a result of the annual review and it is a housekeeping clean up item.

G. Punta Gorda Non-Urban Street and Drainage Unit Maintenance - First time assessment for one property inadvertently omitted from the tax rolls. No change in rate.

Ms. Shoemaker stated the same issue exists to add one first time assessed property based on benefit and there is no change in the current Maximum rate of \$98.25 and Occupied and Vacant rates of \$92.78.

H. South Bridge Waterway Unit Maintenance - first time assessed properties are within the area that will benefit from the proposed dredge. Proposed rate is \$150.00 per ERU.

Ms. Shoemaker recalled last Tuesday, the Board approved the ordinance establishing this MSBU Advisory Committee; the current and proposed rates for the Maximum, Vacant, and Occupied are \$150.00; pointed out the location of the properties to be first time assessed properties being added to the MSBU. Mr. Sandroock verified the addition of the waterfront lots based on benefits from the proposed dredge. **Commissioner Cummings** questioned the dredge in the middle of the main channel. Mr. Sandroock stated he would need to refer the question to the dredge experts but pointed out on the map the location of the dredge area. **Commissioner Cummings** stated it does not look like where a normal dredge would be conducted. Mr. Sandroock offered to provide more detailed information. **Commissioner Duffy** questioned if any of the properties are commercial. Mr. Sandroock stated a commercial property may be within the MSBU but the properties being added are all residential. MSBU District Representative Dawn Harrison provided a map for review. **Commissioner Duffy** viewed the MSBU location and concluded it is between US 41 and I-75 in the area of the hospital. Ms. Harrison explained dredging of the existing channel and it would take about a year to obtain the necessary permits.

I. Suncoast Waterway Benefit Unit Maintenance - First time assessed properties are within the area that will benefit from the proposed dredge. Proposed rate is \$133.07 per ERU.

Ms. Shoemaker stated last Tuesday the Board also approved formation of this Advisory Committee; the current and proposed

Maximum, Vacant, and Occupied rates would remain at \$133.07; and this will add property to the MSBU territory.

J. Charlotte County Sanitation Collection Unit - New service for Don Pedro/Knight Island. Proposed rate is \$338.24 and the proposed maximum rate is \$358.84.

Mr. Sandrock reported this is another new MSBU Advisory Committee approved by the Board; the residents requested the new services; as part of outreach efforts, a mailing was done to 366 property owners as notification of the Town Hall meeting scheduled for May 21, 2008; and explained the establishment of the proposed \$338.24 rate for Vacant and Occupied properties and a Maximum proposed rate of \$358.84 for Waste Management pick-up services. **Commissioner Moore** commented on the current garbage pick-up. Environmental and Environmental Services Director Thomson indicated some residents had contracted with Waste Management at a cost of over \$200.00 and out of 366 letters mailed only 31 responses were received with the majority in support of the assessment. **Commissioner Moore** reiterated this is a good thing for Island residents.

III. REVIEW OF MSBU ACTIONS NOT REQUIRING PUBLIC HEARINGS

A. Assessment Decreases for

- *Pirate Harbor Wastewater Capital - \$56.71
- *Placida Street and Drainage Unit Maintenance - \$129.80
for occupied and \$124.73 for vacant
- *Rotonda Broadmoor Maintenance Unit - \$147.81
- *Rotonda Pinehurst Maintenance Unit - \$131.78
- *Rotonda West Maintenance Unit - \$56.54
- *South Gulf Cove Street and Drainage Unit Capital - \$53.78

Mr. Sandrock outlined the range of decreases from \$53.78 to \$147.81.

B. Fire Assessment Increases - The increases are not in excess of the previously established maximum assessment and are in accordance with the five-year plan for fire rates through FY 2011/2012.

Ms. Shoemaker stated the highest increase is \$5.73 for residential and the proposed work program is in line with the five-year strategic plan.

Ms. Shoemaker clarified for **Commissioner Duffy** that Advisory Committees for both Harbour Heights MSBUs were involved and support the change in methodology.

Mr. Sandrock requested direction from the Board for changes to any of the work programs or methodology, explained the notice mailing the first part of July and public hearing to be held on July 28, 2008 in Room 119. **Commissioner Cummings** concluded road infrastructure issues have been resolved for Charlotte Ranchettes, Tropical Gulf Acres, and Mid-Port Charlotte since they have not been included in this presentation. **Commissioner Cummings** expressed concern about ignoring infrastructure that needs to be done now since bids are coming in low and they will probably go up by the time the work is ready to be done. **Commissioner Duffy** recalled many people expressed dissatisfaction during last year's MSBU hearings, expressed concern about the low citizen turnout at this time, and encouraged residents not to wait until the July MSBU/TU public hearings. **Commissioner Loftus** indicated concern about community outreach efforts. **Commissioner Moore** recalled residents expressed the belief that the County needs to find additional revenues to perform road work in Northwest Port Charlotte, opined the consultant's report on MSBU/TUs did not answer questions or resolve issues, and he does not have any answers. **Commissioner Loftus** requested the mileage of roads to be paved next year in Greater Port Charlotte MSBU. MSBU District Representative Musselman explained 44 miles are proposed to be done this year based on the bid received with about 30 to 40 miles next year and pointed out the Advisory Committee did not submit a request for an assessment increase. Ms. Musselman recalled 20 miles were anticipated last year whereas 44 miles is proposed. **Commissioner Cummings** questioned the inclusion of drainage work in the cost. Ms. Musselman responded affirmatively based on estimates to do the 20 miles and 44 miles without additional monies. **Commissioner Cummings** concluded 40 miles over each of 15 years would amount to 600 miles that is close to the life cycle and pointed out Charlotte Ranchettes and Tropical Gulf Acres have a way to go. Ms. Musselman stated the decrease in the miles to be done is a result of increased gas/fuel costs

in response to **Commissioner Duffy's** inquiry and added stormwater funding for some bridge over canal maintenance structures. **Chairman D'Aprile** commented on why MSBU/TUs were created; frustrations of property owners, Advisory Committees, staff, and Board Members regarding the process; the importance of communicating with property owners to the fullest extent possible; and encouraged everyone to get involved in the process.

Commissioner Duffy requested verification of why the Planned Development (PD) ordinance is being eliminated from the May 20, 2008 Land Use Public Hearing agenda. Interim County Administrator Baltz stated it was not continued to a time certain, the changes were not approved at the last meeting, it will need to go before the Planning & Zoning Board (P&Z) and brought back to this Board. Deputy County Attorney Gallagher agreed. **Chairman D'Aprile** expressed understanding of the legal process to go back to P&Z. **Commissioner Loftus** expressed opposition to the PD ordinance going back to P&Z since there was no substantive change and it was to be brought back in 45 days. Attorney Knowlton indicated staff has been working on changes to the ordinance, recalled the ordinance died at the last meeting, it is necessary to go back through P&Z on June 9, 2008 and subsequently to this Board. **Commissioner Duffy** recalled discussion about establishing a committee and this process was not explained at the last meeting. **Commissioner Loftus** reiterated opposition and requested legal ramifications of moving forward with the PD ordinance next Tuesday. **Commissioner Cummings** commented in support of holding the hearing on Tuesday, May 20, 2008. Attorney Knowlton stated going back to P&Z would avoid potential lawsuits. **Commissioner Duffy** stated she does not have a problem with getting recommendations from the Committee/Focus Group and expressed concern about the insufficient legal advice from the attorney during the last meeting. **Commissioner Loftus** concurred and suggested a change in the County Attorney's Office if Board Members are not provided legal advice. **Chairman D'Aprile** concluded the PD ordinance was to be brought back in 45 days, to pre-examine the ordinance at this time would be premature, suggested comments from the Focus Group be provided on Tuesday. **Commissioner Cummings** recalled requirements for advertising were discussed during the last meeting.

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Chairman D'Aprile requested selection of a Board Member to serve on the Canvassing Board and suggested Commissioner Loftus. Commissioner Loftus recalled his agreement to serve in January or February.

ADJOURNED: 11:15 AM

Signature on file in Commission Minutes
Chairman

ATTEST:

BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS

By: Signature on file in Commission Minutes
Deputy Clerk

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