

BOARD OF COUNTY COMMISSIONERS

May 5, 2009

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

Members present were: Chairman Duffy, Commissioner Cummings, Commissioner Loftus, Commissioner Starr, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, and Deputy Clerk Lansing. The following members were absent: None

The MSBU Workshop was called to order at **10:00 AM** followed by the Pledge of Allegiance.

Mr. Sandrock said the Tampa Bay Rays had a very good weekend. **Chairman Duffy** mentioned Matt LaPorta of Port Charlotte and his baseball accomplishments. Mr. Sandrock pointed out the purpose for today's workshops and paralleled visual slides throughout the meeting. Mr. Sandrock explained approval will allow notices to be mailed to property owners for a Public Hearing in July and discussed the MSBU process further. **Commissioner Skidmore clarified** rates cannot be increased again until May, 2010. Mr. Sandrock agreed, explained MSBU committees, discussed the importance of gaining community support, and noted maximum public outreach attempts and advertising. Mr. Sandrock announced they will go through each request and will stop for a motion when a decision is required.

MSBUs with Rate Changes Requiring a Public Hearing

1. Increases above the Maximum Rate

A. Increase Due to Paving/Drainage Programs/Wastewater

1. Boca Grande Street & Drainage Unit

Mr. Sandrock stated they are asking for \$355 increase for vacant and occupied properties, pointed out 3.1 miles of road and bridges on the map to be paved with the assessment, mentioned Property Owners Association (POA) meetings, and estimated costs. **Commissioner Skidmore** asked for clarification of the maximum

cost, expressed concern with throwing a number out there, and said if they expect more expenses, they need to say it now. Dan Quick said they do not expect that problem and indicated he will be keeping an eye on the issue. **Commissioner Skidmore** asked for the number of residents that have been notified, wondered how many were in agreement, and expressed concern that opposition would be received later. Mr. Sandrock said the majority of outreach is yet to come. Ms. Shoemaker explained the issue has been in discussion for three (3) years. **Commissioner Starr** asked about bonding. Mr. Sandrock advised they would use an internal loan. Tara Musselman said the Boca Grande Club emailed 240 notices, mailed 57, and as of yesterday had not received any replies. **Commissioner Starr** asked if they can lower the 20% administrative costs. Mr. Sandrock replied there are no overhead costs involved here. **Commissioner Loftus** opined in the future public response should be received prior to Board decision. **Chairman Duffy** agreed and talked about emails and the cost of postage. **Commissioner Skidmore** expressed concern that the population on the island is reduced out of season.

COMMISSIONER LOFTUS MOVED TO APPROVE THE RECOMMENDED INCREASE FOR BOCA GRANDE STREET & DRAINAGE UNIT, SECONDED BY COMMISSIONER CUMMINGS

Chairman Duffy clarified this is the maximum amount and noted it can go down, but not be increased. **Commissioner Skidmore** announced he would not be in favor if major opposition is received later.

MOTION CARRIED 5:0.

2. Deep Creek Street & Drainage Unit

Ms. Shoemaker advised the increase is \$25, explained the purpose is for future pavement funding, and noted 19 of 20 citizens who attended the last MSBU meeting were in favor.

COMMISSIONER LOFTUS MOVED TO APPROVE THE RECOMMENDED INCREASE FOR DEEP CREEK STREET & DRAINAGE UNIT, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 5:0.

3. Rotonda Meadows Wastewater Capital Unit

Mr. Sandrock said the increase request is for \$423.88, announced the developed property owners are requesting they pay the connection fee over seventeen (17) years, and mentioned this would be considered goodwill. **Commissioner Skidmore** was advised that the assessment stays with the property. Mr. Baltz noted CCU related MSBUs were never allowed to pay off their assessments in the past and questioned the impact. Ms. Kesner explained this is a first time effort and noted no negative affect to revenue stream. **Commissioner Loftus** asked if they received consensus. Ms. Kesner and **Commissioner Skidmore** advised full consensus was received.

COMMISSIONER LOFTUS MOVED TO APPROVE THE RECOMMENDED INCREASE FOR ROTONDA MEADOWS WASTEWATER CAPITAL UNIT, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 5:0.

4. Rotonda Sands Wastewater Capital Unit

Ms. Shoemaker said this is similar to the last MSBU request, noted the requested increase amount is \$423.88, mentioned the additional request to pay the connection fee over 17 years, and indicated the availability of backup information.

COMMISSIONER LOFTUS MOVED TO APPROVE THE RECOMMENDED INCREASE FOR ROTONDA SANDS WASTEWATER CAPITAL UNIT, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 5:0.

Chairman Duffy commented that these two areas are affected by the vote taken last week to purchase equipment for CCU, said the Board received citizen input and support related to this, and clarified the purchase.

2. *New or First Time Assessed*

A. *Properties Added to Existing MSBU - First Time Assessed*

5. *Alligator Creek Waterway Unit - Sea Edge Sub Unit*

Mr. Sandrock pointed out the area to be dredged on the visual map, noted 37 properties are requesting this so they will have future access to the Alligator Creek Waterway, and announced 29 of 37 owners were in favor of the project. **Commissioner Skidmore** mentioned cost reductions related to piggybacking and asked if estimates given to residents were accurate. Ms. Musselman discussed their plans, bid detail, and said she expects the cost to go down. **Commissioner Loftus** commented that they should always try to piggyback dredging projects.

CHAIRMAN DUFFY MOVED TO APPROVE ASSESSMENT INCREASE OF \$150 FOR ALLIGATOR CREEK WATERWAY UNIT - SEA EDGE SUB UNIT, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 5:0.

Mr. Sandrock announced the next group of items #6 through #11 are primarily housekeeping items where properties need to be added to existing MSBUs.

6. *Greater Port Charlotte Street & Drainage Unit*

Mr. Sandrock said there are 5 properties that need to be added to the Greater Port Charlotte Street & Drainage Unit and confirmed they will benefit from the work that will be done.

COMMISSIONER LOFTUS MOVED TO APPROVE RECOMMENDED ASSESSMENT OF \$149 FOR OCCUPIED, \$163.73 FOR VACANT LOTS, AND ADD 5 ADDITIONAL PROPERTIES TO THE GREATER PORT CHARLOTTE STREET & DRAINAGE UNIT, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 5:0.

7. Northwest Port Charlotte Street & Drainage Unit

Ms. Shoemaker explained this is adding 7 properties to the Northwest Port Charlotte Street & Drainage Unit and noted there is no change in the rate.

COMMISSIONER LOFTUS MOVED TO APPROVE ASSESSMENTS OF \$118 FOR OCCUPIED, \$125 FOR VACANT, AND ADD 7 ADDITIONAL PROPERTIES TO NORTHWEST PORT CHARLOTTE STREET & DRAINAGE UNIT, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 5:0.

8. Punta Gorda Non Urban Street & Drainage Unit

Ms. Shoemaker explained they were adding 104 properties not previously assessed, indicated no rate change, noted new roads accepted for maintenance at the April 14, 2009 BOCC meeting, and announced a change in methodology. Commissioner Starr asked about the change in methodology. Mr. Sandroock explained these roads were previously road and bridge roads that were paid through gas taxes, said they did not meet the Public Works criteria, and advised they are now being added to the MSBU roads. Commissioner Starr suggested staff evaluate those properties that are not paying into the MSBUs because they do not front an MSBU road, commented some are in the Washington Loop area as well as other locations within the County, and opined they should contribute something to road maintenance. Mr. Sandroock indicated he would research the issue. Commissioner Cummings commented that some MSBU housekeeping is driven because of fronting and private roads. Mr. Sandroock agreed and noted they have focused a great deal of clean-up in South County.

COMMISSIONER LOFTUS MOVED TO APPROVE ASSESSMENTS OF \$92.78 OCCUPIED, \$98.25 VACANT LOTS, AND ADD 104 PROPERTIES TO THE PUNTA GORDA NON URBAN STREET & DRAINAGE UNIT, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.

9. Southbridge Waterway Unit

Mr. Sandrock advised this item will add 13 boat slips that are pending approval by the Punta Gorda City Council, explained the agenda item to amend the territory is scheduled to be presented to the Board on June 9th, pointed out the property on the visual map, and advised six (6) of the eleven (11) owners were in support of the amendment. **Commissioner Skidmore** asked if the people who owned more than one slip were entitled to an extra vote and questioned whether funds other than MSBU could be used. Mr. Sandrock remarked the reason for the assessment is to take advantage of dredging and improvements and advised they could use other funds, but stated the Marine Advisory Committee has been trying to do more general work. **Commissioner Starr** asked why private boat slips would be in an MSBU. Dawn Harrison explained they would benefit from dredging, noted two (2) of the favorable votes received came from owners who own two slips each, and advised the Condo Association believes it is less expensive to have the County do the work. **Commissioner Skidmore** asked if staff confirmed it is cheaper. **Commissioner Cummings** pointed out the property on the map and asked about the use of slips versus parcels. Ms. Harrison explained further. Mr. Sandrock concurred. **Chairman Duffy** clarified the assessment is on the Condo since you cannot have a slip without a Condo Unit.

COMMISSIONER LOFTUS MOVED TO APPROVE ASSESSMENT OF \$150 AND THE ADDITION 13 BOAT SLIPS TO SOUTHBRIDGE WATERWAY UNIT, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

10. South Burnt Store Street & Drainage Unit

Mr. Sandrock advised this adds 4 additional properties, explained there is no change in rate, and said it is part of the annual MSBU territory review.

COMMISSIONER LOFTUS MOVED TO APPROVE ASSESSMENT OF \$50 OCCUPIED, \$52.51 VACANT, \$52.83 BURNT STORE LAKES (BSL), AND THE ADDITION

OF 4 PROPERTIES ALONG BURNT STORE ROAD, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 5:0.

11. Charlotte County Sanitation Unit
Charlotte County Sanitation Unit - Don Pedro/Knight Island

Ms. Shoemaker said they are adding 295 Agricultural properties with dwelling units in the main area, one (1) agriculture property with a dwelling unit on Don Pedro/Knight Island, ten (10) single and one (1) octaplex not previously assessed, and noted no rate change. **Chairman Duffy** asked if the 295 Agricultural properties are off of U.S. 17. Mr. Sandrock said they are all over the County and noted Agricultural properties were not paying any assessments in the past.

COMMISSIONER LOFTUS MOVED TO APPROVE THE ADDITION OF 295 AGRICULTURAL PROPERTIES WITH DWELLING UNITS IN THE MAIN AREA, ONE (1) AGRICULTURE PROPERTY WITH A DWELLING UNIT ON DON PEDRO/KNIGHT ISLAND, 10 SINGLE AND 1 OCTAPLEX NOT PREVIOUSLY ASSESSED TO CHARLOTTE COUNTY SANITATION UNIT AND CHARLOTTE COUNTY SANITATION UNIT - DON PEDRO/KNIGHT ISLAND, SECONDED BY COMMISSIONER CUMMINGS

Commissioner Starr asked about the code, wondered about agricultural zoning, said he was unaware of agricultural zoning on any of the islands, and questioned if Washington Loop properties were included. Jim Thompson stated there is 1 Agricultural property on the island and advised Washington Loop properties were included.

MOTION CARRIED 5:0.

B. New MSBUs

12. Neal Road Street & Drainage Unit

Ms. Shoemaker explained #12 is a new MSBU, said the purposed rate is \$3.50 per acre with a proposed maximum rate of \$5.00 per acre, explained the purpose, and mentioned the June 9th Agenda will include an item to amend the territory.

Commissioner Starr asked who requested this area create an MSBU. Mr. Sandrock explained they always had an MSBU, but this is the first assessment. Marty Simone explained further. Ms. Shoemaker advised the MSBU was originally established in November of 1993 and provided related history. **Commissioner Skidmore** asked for the impact of the affected property owners on Neal Road. Ms. Harrison explained affected properties were generally zoned agricultural.

COMMISSIONER LOFTUS MOVED TO APPROVE \$3.50 PER ACRE ASSESSMENT THIS YEAR WITH A MAXIMUM ASSESSMENT OF \$5.00 PER ACRE FOR NEAL ROAD STREET & DRAINAGE UNIT, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.

Commissioner Loftus remarked he had not stated the maximum rates during his motion of Item 11 for Charlotte County Sanitation Units. **Commissioner Loftus** read the maximum rates into the record. County Attorney Knowlton confirmed the rates for the record.

COMMISSIONER LOFTUS MOVED TO APPROVE THE ADDITION OF 295 AGRICULTURAL PROPERTIES WITH DWELLING UNITS IN THE MAIN AREA WITH A MAXIMUM RATE OF \$172 PER ERU, ONE (1) AGRICULTURE PROPERTY WITH A DWELLING UNIT ON DON PEDRO/KNIGHT ISLAND WITH A MAXIMUM RATE OF \$358.84, 10 SINGLE AND 1 OCTAPLEX NOT PREVIOUSLY ASSESSED TO CHARLOTTE COUNTY SANITATION UNIT AND CHARLOTTE COUNTY SANITATION UNIT - DON PEDRO/KNIGHT ISLAND, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

MSBUs with Rate Changes NOT Requiring a Public Hearing

3. Rate Changes Below the Maximum

A. Increase (Decrease) Due to Overall Work Program

Mr. Sandrock announced the next section (Items #13 through #24) is included to show that there are times when MSBU rate assessments go down and advised no Board action is required. **Commissioner Cummings** commented on the process and opined it

would make more sense to try and stabilize these rates. **Commissioner Skidmore** agreed, said costs need to be reduced, and stated residents need an idea of costs so they can figure it into their budgets. **Commissioner Loftus** also agreed and said we need to establish levels of service. **Chairman Duffy** said that is an interesting concept. Mr. Sandrock commented on one-time and long-term projects. **Commissioner Starr** said we need to be more efficient, suggested the qualifications should be updated to allow all MSBU roads to become gas tax roads, commented it is not fair for certain MSBUs to cover roads that everyone uses, and commended the MSBUs that have been reduced. **Commissioner Cummings** expressed the importance of base-lined levels of service, said we do not have sufficient gas taxes coming in to cover the work and noted it is less expensive to maintain roads than to wait until the roads are so bad they need to be replaced.

13. Charlotte Harbor CRA
14. Gardens of Gulf Cove Street & Drainage Unit
15. Northwest Port Charlotte Waterway Unit
16. Pirate Harbor Waterway Unit
17. Placida Area Street & Drainage Unit
18. Punta Gorda Non Urban Street & Drainage Unit - Capital
19. Rotonda Long Meadow Street & Drainage Unit
20. Rotonda Pine Valley Street & Drainage Unit
21. Rotonda White Marsh Street & Drainage Unit
22. South Burnt Store Street & Drainage Unit
South Burnt Store Street & Drainage Unit-Burnt Store
Lakes
23. South Gulf Cove Street & Drainage Unit-Phase 2 Capital
South Gulf Cove Street & Drainage Unit-Phase 4 Capital
24. South Punta Gorda Heights East Street & Drainage Unit

Mr. Sandrock talked about the next steps, said notices will be mailed on June 30, noted the Public Hearings will be held on July 22, and said the final budget adoption would be heard on September 10th and 24th. **Commissioner Cummings** discussed Public Works cuts; project delays; revenues; mentioned gas taxes, road work and expenses; and explained the importance of repaving prior to road bed damage. **Commissioner Loftus** agreed roads need to be repaved on a schedule to save money in the long run. **Commissioner Starr** provided suggestions related to an annual paving program, pointed out many undeveloped roads off Edgewater were repaved, and commented on the need for a plan. **Commissioner Loftus** explained why those roads were repaved and provided related history. **Commissioner Starr** recalled a quote of \$31 Million to repave all County roads annually, said he is encouraged by the progress so far, and opined they will get it right soon. **Commissioner Cummings** opined the \$31 Million sounded low and commented there was a plan. **Chairman Duffy** clarified the cost to pave all roads in the County is \$300 Million. Mr. Sandrock said that conversation was related to a multi-year millage rate option estimate. **Commissioner Cummings** expressed concern that they have delayed Public Works projects that will cost more in the future and suggested they need to move forward with the Capital Improvements plan.

ADJOURNED: 11:28 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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