

**BOARD OF COUNTY COMMISSIONERS**

**July 22, 2009**

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

Members present were: Chairman Duffy, Commissioner Loftus, Commissioner Starr, Commissioner Cummings, County Administrator Baltz, County Attorney Knowlton, and Deputy Clerk Manley. The following members were absent: Commissioner Skidmore

The meeting was called to order at **5:01 PM** followed by the Pledge of Allegiance.

Mr. Sandrock explained the purpose of the meeting, announced the Public Hearing process in detail, mentioned the importance of Community Support, and paralleled visual slides. **Chairman Duffy** read into the record, responses received regarding Municipal Service Benefit Unit (MSBU) assessments as related to proposed increases.

**I. Public Hearings to set MSBU Rates**  
**(All Proofs of Publications were in Order)**

- A. Charlotte County Sanitation Unit - Page A-1 Barb Kula, Solid Waste Manager, Environmental and Extension Services**

**Resolution 2009-220**

Mr. Sandrock remarked these are first time assessments that the Board previously approved to be included, read the proposed rates into the record, and mentioned this is not a rate change, but an action to add these agricultural rates.

Advertised Rate for FY 09/10 - Agricultural - Main Area with dwelling units - \$148.04 per ERU

Advertised Rate for FY 09/10 - Residential - Main Area - \$148.04 - per ERU

Proposed Maximum Rate - \$172.00 per ERU

Advertised Rate for FY 09/10 - Agricultural - Don Pedro/Knight Island with dwelling units \$338.24 per ERU

Proposed Maximum Rate - \$358.84 per ERU - First time assessed properties

**Commissioner Starr** asked if this is the same rate as the new Equal Residential Units (ERUs) pay. Mr. Sandrock answered affirmatively.

**PUBLIC COMMENT:**

David Nellis explained Charlotte Sanitation refuses to pick up trash on his road and opined he should not be charged the same amount as the others receiving trash pickup services.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

Barbara Kula responded to Board inquiries associated with related citizen comments. **Commissioner Starr** said this issue is fairly common in some areas and opined there is a way to work it out. Ms. Kula commented that the safe road practice is applied to all areas of the county.

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE THE CHARLOTTE COUNTY SANITATION UNIT RATES AS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**B. Rotonda Meadows Wastewater Capital Unit - Page B-1 Terri Kesner, Interim Director Charlotte County Utilities**

**Resolution 2009-221**

Mr. Sandrock read the proposed rates into the record and remarked this was recommended by the Committee. Ms. Kesner

reminded the Board that the proposed increase was at the request of the Homeowners Association (HOA) and includes connection fees for the occupied properties.

Advertised Rate for FY 09/10 - Vacant - \$103.57 per ERU

Proposed Maximum Rate - Vacant - \$113.93 per ERU

Advertised Rate for FY 09/10 - Occupied - \$527.45 per ERU

Proposed Maximum Rate - Occupied - \$537.81 per ERU

**PUBLIC COMMENT:**

Don Klagues commented he is one of the 5 property owners involved, noted there are not 6 properties, claimed he never received notice from HOA, questioned the billing, and noted he prefers sewer over septic.

Pete Traverso mentioned working with CCU to bring the sewer system in and help accommodate homeowners that are experiencing financial difficulty.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

Ms. Kesner clarified the connection fee is \$7,200, stated the assessments will be posted on the property tax bills annually, advised a reduction in construction cost reduced the assessment by \$120.00 annually, and mentioned the TRIM Notice will reflect the reduction. Attorney Dan Gallagher read the revised rates into the record.

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE THE ROTONDA MEADOWS WASTEWATER CAPITAL UNIT RATES INCLUDING THE REVISIONS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

C. **Rotonda Sands Wastewater Capital Unit** - Page C-1 Terri Kesner, Interim Director Charlotte County Utilities

**Resolution 2009-222**

Mr. Sandrock announced the same concept applied to Rotonda Sands Wastewater Capital Unit. Attorney Gallagher read the rates into the record.

Advertised Rate for FY 09/10 - Vacant - \$105.94 per ERU

Proposed Maximum Rate - Vacant - \$116.53 per ERU

Advertised Rate for FY 09/10 - Occupied - \$529.82 per ERU

Proposed Maximum Rate - Occupied - \$540.41 per ERU

**PUBLIC COMMENT:**

Pete Traverso pointed out that the Sands and Meadows HOAs meet at the same time and stated although there are two separate MSBUs, there is only one project that links the two subdivisions together.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE THE ROTONDA SANDS WASTEWATER CAPITAL UNIT RATES AS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

D. **Boca Grande Street and Drainage Unit** - Page D-1 Tara Musselman, Municipal Services District Rep. Charlotte County Public Works

**Resolution 2009-223**

Mr. Sandrock read the rates into the record; indicated the reason for the increase, and noted Committee approval had been received.

Advertised Rate for FY09/10 - Vacant - \$400.00 per ERU

Advertised Rate for FY09/10 - Occupied - \$400.00 per ERU

Proposed Maximum Rate - \$400.00 per ERU

**PUBLIC COMMENT:**

John Kirkpatrick and William Kunkler spoke in favor of the increases.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE THE BOCA GRANDE STREET AND DRAINAGE UNIT RATES AS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**E. Alligator Creek Waterway Unit - Sea Edge Canal Sub-Unit - Tara Musselman, Municipal Services District Representative Charlotte County Public Works**

**Resolution 2009-224**

Mr. Sandrock said the Sea Edge Canal Sub-Unit is being created to add dredging to gain access to Alligator Creek Waterway, advised 29 of 37 property owners were in support of the project, and read the proposed rates into the record. **Chairman Duffy** asked for the dredging area to be clarified and Ms. Musselman responded.

Advertised Rate for FY 09/10 - Vacant - \$150.00 per ERU

Advertised Rate for FY 09/10 - Occupied - \$150.00 per ERU

Proposed Maximum Rate - \$150.00 per ERU

**PUBLIC COMMENT:**

Howard Martinez thanked Ms. Musselman for her efforts and expressed his support of the project.

**COMMISSIONER LOFTUS MOVED TO APPROVE CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE THE ALLIGATOR CREEK WATERWAY UNIT RATES AS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**F. Greater Port Charlotte Street and Drainage Unit - F-1**  
Tara Musselman, Municipal Services District Rep.  
Charlotte County Public Works

**Resolution 2009-225**

Mr. Sandrock explained this item is a first time assessment, noted it is an annual clean item to add ERUs, indicated no rate change or increase, and read the rates into the record.

Advertised Rate for FY 09/10 - Vacant - \$163.73 per ERU

Advertised Rate for FY 09/10 - Occupied - \$149.00 per ERU

Proposed Maximum Rate - \$170.00 per ERU

**PUBLIC COMMENT:**

Don Monroe spoke in opposition to the use of MSBUs to conduct regular maintenance.

**COMMISSIONER STARR MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 4:0.**

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE THE GREATER PORT CHARLOTTE STREET AND DRAINAGE UNIT RATES AS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**G. Deep Creek Street and Drainage Unit - G-1 Dawn Harrison, Municipal Services District Rep. Charlotte County Public Works**

**Resolution 2009-226**

Mr. Sandrock explained the proposed rate is a \$25.00 increase, indicated the purpose is to begin retaining reserves for future paving, noted the proposal is committee supported, and read the rates into the record.

Advertised Rate for FY 09/10 - Vacant - \$98.64 per ERU

Advertised Rate for FY 09/10 - Occupied - \$88.94 per ERU

Proposed Maximum Rate - \$98.64 per ERU

**PUBLIC COMMENT:**

Michael Brown provided the history behind the proposal and spoke in support of approval.

John T. Pritchard spoke in opposition to the increase based on the economy.

Alvan H. Johnson referenced a letter Ms. Harrison has already responded to and spoke in opposition to the proposed \$25 increase since times are economically depressed.

Roman Slipatchuk spoke in opposition to the proposal based on the present economy.

John Billack spoke in favor of the item and explained why.

**COMMISSIONER LOFTUS MOVED TO APPROVE CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE THE DEEP CREEK STREET AND DRAINAGE UNIT RATES AS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR**

*Commissioner Duffy* responded to citizen comments and remarked that the Commission voted not to increase the millage rate.

**MOTION CARRIED 4:0.**

**H. Northwest Port Charlotte Street and Drainage Unit - H-1 - Dawn Harrison, Municipal Services District Representative Charlotte County Public Works**

**Resolution 2009-227**

Advertised Rate for FY 09/10 - Vacant - \$125.00 per ERU

Advertised Rate for FY 09/10 - Occupied - \$118.00 per ERU

Proposed Maximum Rate - \$125.00 per ERU

**PUBLIC COMMENT:**

Hubert Daniely commented on a rate error made last year and asked the Board not to roll back the \$52.00.

Jack Fawsett expressed strong opposition to the way the process was advertised and spoke against the rollback.

Deborah Manna spoke against the rollback.

Joan Pilikian spoke against the MSBU system and requested the Board look into double taxation.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE NORTHWEST PORT CHARLOTTE STREET AND DRAINAGE UNIT RATES AS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR (THIS MOTION WAS LATER WITHDRAWN)**

The Board discussed issues related to the MSBU and the proposed rate correction. Mr. Sandrock, Attorney Gallagher, and County Attorney Knowlton responded to Board inquiries.

**Commissioner Starr** clarified the intent of the advertisement and suggested the Board now has the opportunity to gather additional information. **Commissioner Loftus** said he would withdraw the motion if we outreach to the entire community, clearly advertise the program, review the tape, and receive citizen feedback before the final September meeting. **Chairman Duffy** was in agreement and requested detail related to the meeting so everyone could review its content. Staff advised the subject was discussed at the July 28th 2008 meeting and noted it was Item C on the Agenda. **Commissioner Loftus** withdrew his earlier motion to approve the proposed rates.

**COMMISSIONER LOFTUS MOVED TO APPROVE NORTHWEST PORT CHARLOTTE STREET AND DRAINAGE UNIT RATES AS ADVERTISED, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**RECESS: 7:00 PM - 7:10 PM**

**I. Punta Gorda Non-Urban Street and Drainage Unit - I-1 - Dawn Harrison, Municipal Services District Representative Charlotte County Public Works**

**Resolution 2009-228**

Advertised Rate for FY 09/10 - Vacant - \$98.25 per ERU

Advertised Rate for FY 09/10 - Occupied - \$92.78 per ERU

Proposed Maximum Rate - \$98.25 per ERU

**PUBLIC COMMENT:**

Roger Witherall spoke on behalf of several people on South side of LaVilla Road and asked why LaVilla Road is included.

Ms. Harrison responded to Mr. Witheralls inquiries. **Commissioner Cummings** commented further.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

There was Board discussion related to gas tax roads.

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE PUNTA GORDA NON-URBAN STREET AND DRAINAGE UNIT RATES AS READ INTO THE RECORD, SECONDED BY COMMISSIONER CUMMINGS**

Related Board discussion continued.

**MOTION CARRIED 3:1. COMMISSIONER STARR OPPOSING.**

**J. South Bridge Waterway Unit - J-1 - Dawn Harrison, Municipal Services District Representative Charlotte County Public Works**

**Resolution 2009-229**

Mr. Sandrock said this is a first time assessed, noted it included 13 boat slips, and read the rates into the record.

Advertised Rate for FY 09/10 - Vacant - \$150.00 per ERU

Advertised Rate for FY 09/10 - Occupied - \$150.00 per ERU

Proposed Maximum Rate - \$150.00 per ERU

**PUBLIC COMMENT:**

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS**

**MOTION CARRIED 4:0.**

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE SOUTH BRIDGE WATERWAY UNIT RATES AS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**K. South Burnt Store Street and Drainage Unit - K-1 - Dawn Harrison, Municipal Services District Representative Charlotte County Public Works**

**Resolution 2009-230**

Mr. Sandrock said this is a first time assessed property, noted no rate change, and read the rates into the record. **Chairman Duffy** questioned the maximum rate. Ms. Harrison responded.

Advertised Rate for FY 09/10 - Vacant - \$52.51 per ERU

Advertised Rate for FY 09/10 - Occupied - \$50.00 per ERU

Proposed Maximum Rate - \$279.75 per ERU

**PUBLIC COMMENT:**

**COMMISSIONER STARR MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS**

**MOTION CARRIED 4:0.**

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE SOUTH BURNT STORE STREET AND DRAINAGE UNIT RATES AS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**L. Neal Road Street and Drainage Unit - L-1 - Dawn Harrison, Municipal Services District Representative Charlotte County Public Works**

**Resolution 2009-231**

Mr. Sandrock said this is the first year of an assessment even though the MSBU has been established since 1993, provided related history, and read the rates into the record.

Advertised Rate for FY 09/10 - Vacant - \$3.50 per Acre

Advertised Rate for FY 09/10 - Occupied - \$3.50 per Acre

Proposed Maximum Rate - \$5.00 per Acre

**PUBLIC COMMENT:**

James Williamson opined Neal Road should be maintained by gas tax, not a MSBU.

Jerry Newlin provided relative history and timeline related to Neal Road maintenance and suggested the County be responsible for its future maintenance.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR**

**MOTION CARRIED 4:0.**

**BOARD ACTION:**

**COMMISSIONER LOFTUS MOVED TO APPROVE NEAL ROAD STREET AND DRAINAGE UNIT RATES AS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR**

Attorney Gallagher clarified the rates.

MOTION CARRIED 4:0.

ADJOURNED: 7:40 PM

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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