

TRANSFER OF DEVELOPMENT UNITS/BUDGET MSBU WORKSHOP

BOARD OF COUNTY COMMISSIONERS

MAY 6, 2004

A Workshop of the Board of County Commissioners was held at the Murdock Administration Complex in Port Charlotte, Florida. The following members were present: Chairman Matthew D. DeBoer and Commissioners Thomas C. D'Aprile, Adam Cummings, Sara Devos and Mac V. Horton. Also in attendance were County Administrator Bruce D. Loucks, County Attorney Reneé Francis Lee and Supervisor of Minutes Caroline W. Lounsbury. The meeting was called to order at **1:35 P.M.**

Chairman DeBoer stated there is one issue from our past Board meeting that needed to be brought back today regarding the faith of the Edgewater Condominiums. **Chairman DeBoer** requested a motion to allow the County Attorney to place this issue on the Board's next agenda. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO ALLOW THE COUNTY ATTORNEY TO PLACE THE EDGEWATER CONDOMINIUMS ISSUE ON THE NEXT BOARD'S AGENDA, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.**

I. Transfer of Development Units

A. Background and Update

Inga Williams, Planner II, stated this is the second workshop with regard to the revisions to the Transfer of Development Rights ordinances - renamed as the Transfer of Development Units. Ms. Williams stated the first workshop was held on December 8, 2003 and staff presented a number of modifications that could be made to the ordinance and requested direction from the Board with regard to major policy issues. Ms. Williams stated some of the changes requested were not included and staff has addressed those in the report to the Board. Ms. Williams stated staff will not be going through the entire ordinance, but will briefly summarize some of the changes between the existing ordinance and the draft ordinance being presented today. Ms. Williams stated the first major change is the name of the ordinance. Ms. Williams stated the ordinance will now be called "Transfer of Development Units" instead of "Transfer of

Development Rights." Ms. Williams stated this ordinance also includes density reduction/allocation of platted lots. Ms. Williams stated this revised ordinance allows property owners to petition to have their property approved as an Sending Zone. Ms. Williams stated this can occur as part of the TDU process, or separately, without a Receiving Zone. Ms. Williams stated upon this approval, they receive a Certificate of Density Credits which is a determination of the number of density credits available to transfer to an approved Receiving Zone. Ms. Williams stated the management plan still remains in the revised ordinance, also added an ownership and encumbrance report for the Sending Zone. Ms. Williams stated in the context of a conservation easement or restrictive covenant, the ownership and encumbrance report serves several purposes. Ms. Williams stated a section was added to detail when a TDU would become effective. Ms. Williams stated that in order to become effect, the covenant must be recorded with the Clerk of the Circuit Court. Ms. Williams commented on the Land Acquisition Trust Funds and stated that a flexible time has been added when a petitioner is buying density units from the County, the Board can approve flexible time to that in order to help the petitioners who are doing phased developments, or cannot pay up-front costs for a greater amount of density being transferred. Ms. Williams also included in the Sending Zone agricultural uses outside of the urban service area. Ms. Williams commented on the transfer of density within the coastal high hazard area and stated the debate continued to look at the goal of the ordinance meeting density and protecting our citizens. Ms. Williams stated staff has placed in the ordinance that you can transfer density between coastal high hazard areas within the same coastal hazard zones. Ms. Williams stated you cannot send density into a higher flood zone. Ms. Williams stated since the density is now being considered a credit, the developers who cannot utilize all the density that they have requested when they obtain a proposal approved, they can then take that extra density and move it to another property or sell it.

B. Discussion and Major Policy Direction

Tom Cookingham, Planning Services Manager stated the following seven major policies outlined in the agenda will have a significant impact on this proposed ordinance. Mr. Cookingham stated the decisions will be determined by the Board and the

possibility exists there might be no revisions or major revisions to the ordinance. Mr. Cookingham stated staff needs to get direction from the Board on these seven policies.

Reduction of Platted Lots and/or Reduction in Density

Mr. Cookingham stated a better solution might be capping the density. Mr. Cookingham stated the goals and objectives of the TDR is to reduce platted lands and if you're looking at reducing platted lands you're really looking at getting rid of the numbers. Mr. Cookingham stated he isn't very sure if this is a realistic goal. Mr. Cookingham stated the question is whether or not we're interested in reducing platted lands, but that maybe with the TDR ordinance or are we interested in capping the density that we have based upon the platted lands we have in the County today. **Chairman DeBoer** stated density can be moved throughout the County and thinks we're talking about the total amount of allowable units in Charlotte County. **Chairman DeBoer** stated that when this process was started years ago, it was our goal to cap the amount of platted lots. **Chairman DeBoer** stated he doesn't believe the TDR policy was really meant to reduce the platted lots or reduce density as it was just a tool for us to be able to control the allocation of those units throughout the County. **Chairman DeBoer** stated the County could go out and purchase platted lots to reduce the inventory. **Commissioner Cummings** stated he has similar feelings as the **Chair**, but if we can use this policy to help reduce the total build out then this is a good thing. **Commissioner Cummings** stated he would suspect in the process for making this work, there would be some type of incentives given. **Commissioner Cummings** stated if we were to do this, then we would need to keep a track on the numbers. **Commissioner Horton** stated the County needs to reduce the total build out in Charlotte County and if the TDU's can accomplish this, then we need to proceed. **Commissioner Devos** concurred with **Commissioner Horton's** comments. **Commissioner D'Aprile** questioned if there is any other way to accomplish reducing the build out in Charlotte County. Mr. Cookingham stated the County has a Conservation Plan in place to purchase environmental lands. Reneé Francis Lee, County Attorney requested Mr. Cookingham address the Future Land Use Map (FLUM), as this is the vision where growth in Charlotte County should go, in the (FLUM) properties are identified differently and the TDU is the second layer. Ms. Williams informed the Board that the County

isn't in alignment with some of the zoning issues. **Chairman DeBoer** stated this policy is fine with him. **Commissioner Horton** stated we need to look at how this will effect the entire build out for Charlotte County. **Commissioner Cummings** stated he wants to achieve the same thing, but doesn't want it to be as strict and there should be some potential for bonuses. **Commissioner Devos** stated she would like to see some flexibility and stated there are some areas that need to be increased. **Chairman DeBoer** stated the Board sees this policy as one of the mechanisms that could be used for reducing platted lots, reducing density and reallocation of density.

Allowing Excess Density to be Banked

Mr. Cookingham stated we're talking about those properties that would have 300 units of density that is currently allowed, end up developing only 150 units, the question remains as to what would be done with the 150 units remaining that could've been developed but wasn't. Mr. Cookingham stated staff needs direction from Board on this policy. Mr. Cookingham stated that generally speaking, our stance has been if you didn't have the TDR's, came in with a project, that density would be gone. Mr. Cookingham stated the question is as to whether or not the Board wishes to continue with this policy, or do you want to let those projects that develop at a density lower than what they came in for to be able to transfer those units off. Mr. Cookingham stated if this was to be the Board's decision then his recommendation would be that would be fine if we were looking to transfer density out of those areas that were qualified as Sending Zones. **Commissioner Cummings** stated he personally likes the recommendation given by Mr. Cookingham. **Commissioner Cummings** questioned as to how we would deal with the existing development and fairness should be made available to all. **Commissioner Horton** stated banking has a certain amount of logic providing there is some method whereby we keep that from escalating to the point where we wind up with a greater build out than we had. **Commissioner Horton** questioned as to who will be maintaining this inventory. **Commissioner Horton** stated there are too many technical questions to be answered with this policy before he can support it. **Chairman DeBoer** stated that banking excess density is a good idea and tool. **Commissioner Devos** questioned what was **Chairman DeBoer's** suggestion. **Chairman DeBoer** stated the County should allow excess density to be

banked and that we allow the market then to determine the transfer. **Commissioner Devos** stated she likes the idea of banking, but doesn't want it to be too stringent when it's started. **Chairman DeBoer** stated that one of our goals was to create greens space and doesn't like restricting it too much. **Commissioner Devos** stated she likes the idea of banking, but doesn't want to establish sending zones. **Commissioner Devos** stated she likes the consistency of acting on a case by case basis and using common sense. **Commissioner D'Aprile** questioned if the County could place a percentage for density on certain build out areas to reduce density. Attorney Lee stated the County needs standards in order to transfer units. **Commissioner Cummings** stated he isn't as concerned with the issue of banking or the build out scenarios, but expressed concern as to whether or not our bonus policy will keep up with the market place. **Commissioner Devos** questioned if this policy could be brought back for discussion and would like to further address where the sending areas are. Mr. Cookingham stated the Sending Zones are explained on page 12 of the proposed ordinance. **Commissioner Cummings** explained the sending zones. **Chairman DeBoer** stated that the majority of the Board doesn't have a problem with this policy, but it appears that we have some qualifications that need to be addressed in terms of Sending and Receiving Zones, and whether or not we're going to use density bonuses. **Chairman DeBoer** inquired if the Board wishes to skip discussion on Policy 3. **Commissioner Horton** stated he would like to address Policy this policy.

Use of Density Bonuses and Multiple Bonuses (Stacking)

Commissioner Horton briefly gave the following example: "Own a piece of property on Palm Island that has 100 development units on it, being that I'm a developer who really has a conscientious, I don't want to build out there where I'm going to put more people into jeopardy, so I'm going to transfer them out to the Burnt Store Corridor where you're going to give me 3 for 1 to get me to do that..." **Commissioner Horton** stated if this is done, haven't we in fact added additional units of build out scenario which is his concern regarding the units. **Commissioner Cummings** stated we need to find a way that this doesn't get out of hand. **Commissioner Cummings** questioned if we need to establish some type of bank showing what is available for bonuses. **Commissioner Horton** stated his number one concern

is he doesn't want to increase the number of units. **Chairman DeBoer** stated we need to look at the amount of unplatted lots the County now has. **Chairman DeBoer** suggested staff look at the amount of platted lots the County has purchased and taken off the inventory which would set the cap that we could allow in bonuses.

Use of Land Use and/or Zoning to trigger TDU Ordinance

Mr. Cookingham stated staff has suggested we utilize FLUM as determining the density property as opposed to zoning. Mr. Cookingham stated FLUM actually addresses land use types that are allowed. Mr. Cookingham stated that under the FLUM amendment you have a range of potential development from one to five units if you're addressing site-built homes. Mr. Cookingham stated if we utilized FLUM as opposed to zoning, you would see a significant increase in the amount of potential build out that you have in this County today. Mr. Cookingham stated he doesn't think it's appropriate to use FLUM. **Commissioner Cummings** stated that almost all of our Comp Plan is based on the staff interpretation that you use the lower of the Future Land Use Map and zoning. Mr. Cookingham responded affirmatively. **Commissioner Cummings** stated he would like to keep them the same. (Board concurred with Commissioner Cummings.)

Use of TDU's in Coastal High Hazard or Community Redevelopment Areas

Commissioner Cummings stated he doesn't want to transfer them into the Coastal High Hazard, but would be willing to transfer within the Coastal High Hazard to less hazardous parts of the Coastal High Hazard as the need arises. (Board concurred with Commissioner Cummings.)

Providing for an exception or variance process to the TDU Ordinance

Chairman DeBoer recommended the Board don't go too far in describing what we want in or out of this ordinance now. **Chairman DeBoer** stated we could say this may need to be a part of it. Mr. Cookingham stated staff's recommendation was not to have a variance at all, but we were looking at having an

exception, i.e. affordable housing. **Commissioner Horton** stated he would like to talk further with staff and legal to address this issue. (**Board concurred with Commissioner Horton.**)

Flexibility for purchase of lots from Sending Zones until after approvals

Mr. Cookingham briefly commented on the administrative relief section in the proposed ordinance. Mr. Cookingham stated this section will allow the County Administrator and/or his designee the ability to grant certain relief from process procedure. Mr. Cookingham stated you cannot write an ordinance that will fit every project that comes down. Mr. Cookingham stated the administrative relief would apply to flexibility. Mr. Cookingham stated staff has tried to look at what are the problems in using the TDR's or the TDU's, how do they fit in the process and when should they be solidified. Mr. Cookingham commented on large scale amendments whereby you would be purchasing a substantial number of TDU's either from the County in cash or from private partners or the Sending Zone Banks that would be established. Mr. Cookingham stated staff would like to have approvals backed off until the Board's final approval of the FLUM going through the process to the Department of Community Affairs. Mr. Cookingham stated this gives the applicant some assurances that when this is transmitted to DCA for approval, yes in fact the Board is serious about approving this, so the fear wouldn't exist that the applicant would be purchasing 300 units. Mr. Cookingham commented on the purchase of units, if in fact it's a phased program, phasing those purchases out as the phase of the development happens, i.e. impact fees, so we don't have to have everything upfront before the phase is ready to developed, and along with the administrative relief would provide the flexibility as to when and how the developer would comply with the ordinance. **Commissioner Cummings** questioned if the comments made by Mr. Cookingham are his recommendations. Mr. Cookingham stated he would like the nod of heads if this is the right way staff is approaching the issue. **Commissioner Cummings** responded "yes," **Chairman DeBoer** responded "tentative yes," **Commissioner Horton** responded "tentative yes" and **Commissioners Devos** and **D'Aprile** responded "yes." **Chairman DeBoer** announced three **Commissioners** responded "yes" and two responded "tentative yes." **Commissioner Devos** stated it is the desire of the Board to move ahead and

questioned how soon can we expect to have a discussion on variances and Sending Zones. **Chairman DeBoer** stated he would also like to discuss the flexibility of variances, exceptions and administrative relief. Mr. Cookingham stated he could have this ordinance back to the Board in two weeks, but would like to shoot for one month. **Chairman DeBoer** stated one month would be fine. **Commissioner Devos** questioned if Burnt Store Corridor is in the Receiving Zone. Mr. Cookingham stated part of it is in the Urban Service area.

RECESS: 3:05 P.M. - 3:20 P.M.

BUDGET WORKSHOP 2004-2005

MSBU'S WITH RATE CHANGES REQUIRING A PUBLIC HEARING

Ann Navan, Budget Officer stated this is a workshop for the purpose of informing and reviewing with the Board, the MSBU's whose rates are increasing above a previously established maximum. Mrs. Navan stated at the second Board of Charlotte County Commissioners to be held in May, staff will be asking the Board to approve the mailing of the first class notices for the public hearing which will take place in July.

Thomas E. O'Kane, Public Works Director stated there are a number of MSBU's that normally don't appear on this list. Mr. O'Kane stated that Mrs. Hunter and Ms. Harrison have done an excellent job.

1. Increases above the maximum rate

A. Increase Due to Overall Work Program

Burnt Store Village Street & Drainage Unit (Maintenance)

Judy Hunter, Municipal Services District Representative stated the amended FY 2003/04 rate is \$25.00, the proposed FY 2004/05 is \$50.00, representing an increase of \$25.00. Mrs. Hunter reported she has a letter from the Committee approving this increase.

Charlotte Ranchettes Street & Drainage Unit (Maintenance)

Dawn Harrison, Municipal Services District Representative stated the amended FY 2003/04 rate is \$50.00, the proposed FY 2004/05 is \$100.00, representing an increase of \$50.00. Ms. Harrison reported she has a letter from the Committee approving this increase.

Harbour Heights Street & Drainage Unit (Maintenance)

Ms. Harrison stated the amended FY 2003/04 rate is \$1.15, the proposed FY 2004/05 is \$1.70, representing an increase of \$0.55. Ms. Harrison reported she has a letter from the Committee approving this increase.

South Gulf Cove Non-Urban Street & Drainage Unit (Maintenance)

Mrs. Hunter stated the amended FY 2003/04 rate is \$29.60, the proposed FY 2004/05 is \$49.60, representing an increase of \$20.00. Mrs. Hunter reported she has a letter from the Committee approving this increase.

Town Estates Street & Drainage Unit (Maintenance)

Ms. Harrison stated the amended FY 2003/04 rate is \$40.11, the proposed FY 2004/05 is \$165.16, representing an increase of \$125.05. Ms. Harrison stated the proposed increase to all properties (vacant and developed) of \$125.00 is to reflect current maintenance needs of the area. Ms. Harrison stated additional work identified includes replacement of drainage pipes in the area and line and grade drainage activity. Ms. Harrison stated the vacant property rate has been adjusted by \$3.42 to reflect the additional cost of right of way moving. Ms. Harrison reported she has a letter from the Committee approving this increase.

B. Increases Due Mainly to New Paving Programs

Gardens of Gulf Cove Street & Drainage Unit (Maintenance)

Mrs. Hunter stated the amended FY 2003/04 rate is \$100.00, the proposed FY 2004/05 is \$261.61, representing an increase of \$161.61. Mrs. Hunter stated the proposed increase to all properties (vacant and developed) of \$161.61 per ERU is for the

road improvement program, which will pave all roads within the MSBU. Mrs. Hunter stated an external loan will be obtained, to be repaid over a ten year period. Mrs. Hunter reported she has a letter from the Committee approving this increase.

Placida Area Street & Drainage Unit (Maintenance)

Mrs. Hunter stated the amended FY 2003/04 rate is \$70.13, the proposed FY 2004/05 is \$229.80, representing an increase of \$159.67. Mrs. Hunter stated the proposed increase to all properties (vacant and developed) of \$159.67 per ERU is to complete the road improvement program, which will pave all roads within the MSBU. Mrs. Hunter stated funds are to be provided via an external loan, to be repaid over a ten year period. Mrs. Hunter reported she has a letter from the Committee approving this increase.

Rotonda Long Meadow Street & Drainage Unit (Maintenance)

Mrs. Hunter stated the amended FY 2003/04 rate is \$50.00, the proposed FY 2004/05 is \$162.05, representing an increase of \$112.05. Mrs. Hunter stated the proposed increase to all properties (vacant and developed) of \$112.05 is for the road improvement program, which will pave all roads within the MSBU. Mrs. Hunter stated an external loan will be obtained, to be repaid over a ten year period. Mrs. Hunter reported she has a letter from the Committee approving this increase.

Rotonda Pine Valley Street & Drainage Unit (Maintenance)

Mrs. Hunter stated the amended FY 2003/04 rate is \$50.00, the proposed FY 2004/05 is \$142.59, representing an increase of \$92.59. Mrs. Hunter stated the proposed increase to all properties (vacant and developed) of \$92.59 per ERU is for the road improvement program, which will pave all roads within the MSBU. Mrs. Hunter stated an external loan will be obtained, to be repaid over a ten year period. Mrs. Hunter reported she has a letter from the Committee approving this increase.

Rotonda White Marsh Street & Drainage Unit (Maintenance)

Mrs. Hunter stated the amended FY 2003/04 rate is \$50.00, the proposed FY 2004/05 is \$169.49, representing an increase of

\$119.49. Mrs. Hunter stated the proposed increase to all properties (vacant and developed) of \$119.49 per ERU is for the road improvement program, which will pave all roads within the MSBU. Mrs. Hunter stated an external loan will be obtained, to be repaid over a ten year period. Mrs. Hunter reported she has a letter from the Committee approving this increase.

South Burnt Store Street & Drainage Unit (Maintenance)

Mrs. Hunter stated the amended FY 2003/04 rate is \$133.67, the proposed FY 2004/05 is \$276.51, representing an increase of \$142.84. Mrs. Hunter stated the amended FY 2003/04 rate for Burnt Store Lakes is \$133.67, the proposed rate is \$420.20, representing an increase of \$286.53. Mrs. Hunter stated the proposed increase to all properties (vacant and developed) of \$92.84 per ERU is to complete the road improvement program, which will pave all roads within the MSBU. Mrs. Hunter stated funds are to be provided via an external loan, to be repaid over a ten year period. Mrs. Hunter stated the Property Owners Association has requested several improvements to the Burnt Store Lakes Community that are being assessed only to those properties. Mrs. Hunter stated the funds will be provided via an external loan, to be repaid over five years. Mrs. Hunter reported she has a letter from the Burnt Store Lakes Committee approving this increase and still waiting letters of approval from Pirate Harbor and Woodland Subdivisions.

South Punta Gorda Heights Street & Drainage Unit (Maintenance)

Ms. Harrison stated the amended FY 2003/04 rate is \$92.13, the proposed FY 2004/05 is \$207.11, representing an increase of \$114.98. Mrs. Harrison stated the proposed increase to all properties (vacant and developed) of \$114.98 per ERU is for the road improvement program, which will pave all roads within the MSBU. Ms. Harrison stated an external loan will be obtained, to be repaid over a ten year period. Ms. Harrison stated the vacant property rate has been adjusted by an additional \$2.42 to reflect the increased cost of right of way mowing. Ms. Harrison stated the Committee has reviewed this increase, but no letter of approval has been received. Mr. O'Kane stated at this time there is no agreement for drainage work and the Committee only wants the paving work done. **Commissioner Cummings** stated there is no one that will ever convince the President of this

Committee to do anything he doesn't want done. **Commissioner Devos** questioned as to what did the \$114.98 increase represent. Ms. Harrison stated for replacement of pipes. **Commissioner D'Aprile** stated that Public Works is going through with this increase when the Committee doesn't want it. Ms. Harrison responded affirmatively. Mr. O'Kane stated over four to five years the roads have deteriorated. Ms. Harrison stated she is having another meeting with the Committee to discuss the situation again. **Commissioner Horton** again reiterated his problems with MSBU's/MSTU's. Mrs. Hunter stated we cannot allow this to be delayed as this neighborhood needs extensive work. **Commissioner Devos** stated she would like to have an update as to what actually what type of work needs to be done, brought back to the Board and she'll support it.

Tropical Gulf Acres Street & Drainage Unit (Maintenance)

Ms. Harrison stated the amended FY 2003/04 is \$38.02, the proposed FY 2004/05 is \$238.02, representing an increase of \$200.00. Ms. Harrison stated the proposed increase to all properties (vacant and developed) of \$200.00 per ERU is for the road improvement program, which will pave all roads within the MSBU over an eleven year period. Ms. Harrison stated the vacant property rate has been adjusted by an additional \$0.38 to reflect the increased cost of right of way mowing. Ms. Harrison stated the Committee has reviewed this proposal, but she hasn't received a letter of approval. Mr. O'Kane stated there are many roads that need paving, the property owners will probably agree to some type of increase and recommended to see what the outcome will be during the public hearing process. Mr. O'Kane stated that Tuckers Grade is getting ready to be reconstructed. **Commissioner Devos** requested Mr. O'Kane send a letter to the City of Punta Gorda as to the amount of progress he has made with the crossings.

2. New or First Time Assessed

A. Increase Due to Overall Work Program

Farabee Road Street & Drainage Unit (Maintenance)

Ms. Harrison stated this is a new MSBU. Ms. Harrison stated the proposed FY 2004/05 is \$20.00. Ms. Harrison stated the proposed

rate of \$20.00 per acre (vacant and developed) is to fund a new work program to maintain the 4.5 miles of Farabee Road until it is paved using the open graded mix. Ms. Harrison stated once the road has been paved, the new MSBU will provide for maintenance of the street, drainage and signs. Ms. Harrison stated that at this time there no Committee has been established for this MSBU. Mr. O'Kane stated that Farabee Road is currently in the South Charlotte Marl MSBU. Mr. O'Kane stated this road will get paved. **Commissioner Devos** questioned as to why do we need to create a new MSBU. Mr. O'Kane stated Farabee Road is approximately 20 miles from the closest road and traffic on this road is strictly agricultural. **Commissioner Devos** stated the Board is looking at few MSBU's/MSTU's and not creating more. Linda Free, Fiscal Supervisor stated Farabee Road gets a significant amount of truck traffic, it would be prudent to have a separate unit for Farabee Road and approximately 50% of the monies wind up going to Farabee Road. **Commissioner Devos** questioned if setting up a new MSBU is a cleaner and easier way of doing it. Mrs. Free responded affirmatively. **Commissioner D'Aprile** questioned as to what trucking firms are using this road. Mrs. Free stated sod and agricultural trucks that are coming out of DeSoto County. **Commissioner D'Aprile** questioned as to why the property owners of Farabee Road have to pay for this work. **Chairman DeBoer** stated the residents are willing to pay for the work and there is no agreement between the various firms. Mr. O'Kane stated the former Public Works Director had spoken to the trucking firm that transports sod, but nothing was ever accomplished. Mr. O'Kane stated he hasn't approached anyone about this issue, but will do some more exploring.

Mrs. Navan informed the Board that C. Fire Assessment Increases was skipped over.

1. Increases Above the Maximum Rate (Continued from Section A)

C. Fire Assessment Increases

Mrs. Navan stated in April 2002 the Board authorizing borrowing \$3.4 million for the vehicle/maintenance building and the fire station renovations. Mrs. Navan stated staff brought back an option showing that the assessment for 2004/05 would be \$122.37, but there has been a change in the amount to \$122.93. Mrs. Navan stated staff has also gone out for a five year maximum to

FY 08/09 at \$159.34. Mrs. Navan stated next year's rate would be \$122.93 with a maximum set at \$159.34 which would take us through FY 08/09.

3. Rate Changes Below Maximum Rate

A. Increase Due to Overall Work Program

Rotonda Meadows & Villas Street & Drainage Unit Maintenance

Mrs. Hunter stated the proposed FY 2004/05 rate is \$830.60. Mrs. Hunter stated the Committee has approved this increase and she has a letter of support. Mrs. Hunter stated that currently Rotonda Meadows & Villas are two separate MSBU's. Mrs. Hunter stated that in Rotonda Villas the rate is \$25.00 for all properties. Mrs. Hunter stated that approximately 11 years ago, the developer combined these two subdivisions and their property owner associations. Mrs. Hunter stated that now the developer is leaving the area and he has turned over the property owner associations to the people, they are asking to have the two units combined into one MSBU.

Rotonda Meadows Street & Drainage Unit Maintenance

Mrs. Hunter stated the amended FY 2003/04 is \$22.58, the proposed FY 04/05 is \$47.00, representing an increase of \$24.42. Mrs. Hunter stated the proposed rate of \$50.00 per ERU for vacant properties, and \$47.00 per ERU for occupied properties is to build a reserve for future road improvements and to fund additional maintenance activities in a consolidated work program. Mrs. Hunter stated the work program of the Rotonda Meadows MSBU and the Rotonda Villas MSBU has been consolidated into a single unit at the request of the Board of Directors of the Property Owners' Association.

South Charlotte Stormwater Utility

Marty Simone, Finance Manager stated this is a new assessment which will consist of \$26.75 for occupied and \$24.32 for vacant properties for required work for permitting and required maximum daily load program. **Commissioner Cummings** questioned if this would be leading into connecting into various drainage basins. Mr. O'Kane stated this is the annual work program and there are

major ditches that will be worked on throughout South County. Mr. Simone stated there will also be ditch cleaning.

B. Increases Due Mainly to New Paving Program

Charlotte Ranchettes Street & Drainage Unit (Capital)

Ms. Harrison stated the proposed FY 2004/05 rate is \$132.08. Ms. Harrison Mrs. Harrison reported she has a letter from the Committee approving this rate. Ms. Harrison stated the proposed rate of \$0 per acre for certain acreage on Leah, Clark & Alfred, and \$132.08 per acre for all other acreage in the subdivision is to pay for road improvements on Alfred Boulevard. Ms. Harrison stated the Advisory Committee for the area has requested that properties included in the previous paving assessment for Leah, Clark & Alfred (FY 2000-FY 2004) not be assessed during the first five years of the ten year assessment. Ms. Harrison stated that commencing in FY 2010 the assessment will be approximately \$125.89 per acre for all acreage within the subdivision. Mr. O'Kane stated the level of maintenance to the residents of the Charlotte Ranchettes Street & Drainage Unit is grossly inadequate to provide for safe and convenient roadways and storm drainage. Mr. O'Kane stated that during the wet season, the roads are impassable in places in addition to frequent washouts and collapse of roadway pipes. Mr. O'Kane stated while almost the entire subdivision needs to have the drainage and roadways constructed and/or maintained, it is suggested that one roadway be done at a time to proceed in an orderly manner to correct these conditions. Ms. Harrison stated there are residents in the area that are doing their own grading and also have illegal vehicles. **Commissioner Devos** questioned if some type of plan could be developed in this area and have a discussion at a later date. **Commissioner Cummings** stated he always gets nervous about even thinking about subsidizing an MSBU, but due to hopeless circumstances in this neighborhood, maybe some funding can be brought into it.

Farabee Road Street & Drainage Unit (Capital)

Ms. Harrison stated the proposed FY 2004/05 is \$12.09. Ms. Harrison stated the proposed rate of \$12.09 per acre (vacant and developed) is to fund paving of Farabee Road. Ms. Harrison stated funds will be provided via an external loan, to be repaid

over a ten year period. Ms. Harrison stated the Board has indicated that as a policy, they want to eliminate all the marl roads that are currently County Maintenance responsibility. Ms. Harrison stated there are approximately 15 miles of unpaved roads within the South Charlotte Marl Road Unit of which Farabee Road is 4.5 miles. Ms. Harrison stated the South Charlotte Marl Road MSTU is an expensive area to maintain the road and surface and the associated drainage swales and ditches. Ms. Harrison stated the assessments for the Unit are not sufficient to provide adequate grading or stormwater maintenance. Ms. Harrison stated the primary problem is the unpaved surface. Ms. Harrison stated the roads are duty during the dry season and muddy in rainy period. Ms. Harrison stated paving will provide a stable and permanent roadway to serve the adjacent property owners.

Harbour Heights Street & Drainage Unit (Capital)

Ms. Harrison stated the proposed FY 2004/05 assessment rate is \$774.02. Ms. Harrison stated the proposed rate of \$774.02 for all properties (vacant and developed) is to pave a 3.731 linear feet of Solomon Drive, currently a private road in the Harbour Heights area. Ms. Harrison stated drainage in the area will be established prior to paving. Ms. Harrison stated the cost of the project will be advanced via an external loan, to be repaid from assessments over a five year period. Ms. Harrison stated after paving, the roadway will be maintained via the Harbour Heights Street & Drainage MSBU. Ms. Harrison stated the property owners along this public right-of-way will be assessed for the design, permitting, construction, and other activities associated with the construction of a standard County roadway. Ms. Harrison stated this assessment has been requested by a majority of occupied property owners. Mr. O'Kane stated the property owners in this area want paved roads. **Commissioner D'Aprile** questioned if this property is in a scrub jay habitat. Mr. O'Kane responded negatively. **Commissioner D'Aprile** stated this is quite a bit of money for an assessment. Mr. O'Kane stated it's a five year pay back plan. **Commissioner D'Aprile** stated he still has a problem with the assessment, knows that there are people in the area that aren't going to be happy with this amount and will personally discuss this matter with the property owners. Ms. Harrison stated the property owners don't like the wooded area.

Punta Gorda Non-Urban (Capital)

Colony Court

Mrs. Hunter stated the proposed FY 2004/05 assessment rate is \$633.86 for all properties (vacant and developed); the first year of a five year assessment for paving.

Magnolia Way

Mrs. Hunter stated the proposed FY 2004/05 assessment rate is \$673.44 for all properties (vacant and developed); the first year of a five year assessment for paving.

Misty Avenue & Paradise Isles (Bayridge, Fireball & Klispie)

Mrs. Hunter stated that FY 2004 was the last year of an assessment for paving. Mrs. Hunter stated these projects were constructed for less than estimated, thereby reducing the amount property owners had to repay.

Marl Roads

Mrs. Hunter stated the proposed rate of \$271.38 for all properties (vacant and developed); the first year of a ten year assessment for paving. Mrs. Hunter stated funds provided via an external loan.

South Gulf Cove (Capital)

Mrs. Hunter stated (Phase 2 only) the amended FY 2003/04 assessment rate is \$102.14, the proposed FY 2004/05 is \$102.14; (Phase 3 Only) the proposed FY 2004/05 is \$124.01 and (Phase 4 Only) the proposed FY 2004/05 is \$121.87. Mrs. Hunter stated the work program is to fund paving within areas of the MSBU where water and sewer installations have been completed. Mrs. Hunter stated the budget for FY04 includes paving for Phase 2 only. Mrs. Hunter stated the budget for FY05 includes a carryover for Phase 2, and paving for Phases 3 and 4. Mrs. Hunter stated a rate increase of \$124.01 for properties within the Phase 3 area and funds are to be provided via an external loan, to be repaid over a ten year period.

C. Consolidations

Sabal Palm Drive Non-Urban Street & Drainage Unit (Maintenance)

Ms. Harrison stated this area is being incorporated into the Punta Gorda Non-Urban (PGNU) Street and Drainage Unit. Ms. Harrison stated the amended FY 2003/04 assessment rate is \$75.41 and the proposed FY2004/05 PGNU is \$92.78, representing an increase of \$17.37. Ms. Harrison stated there is no Committee.

Three Rivers Street & Drainage Unit (Maintenance)

Ms. Harrison stated this area is being incorporated into the Punta Gorda Non-Urban (PGNU) Street and Drainage Unit. Ms. Harrison stated the amended FY 2003/04 assessment rate is \$15.00 and the proposed FY2004/05 PGNU is \$92.78, representing an increase of \$77.78. Ms. Harrison stated there is no Committee.

Mrs. Navan stated there are two additional (late comers) MSBU's which need to be addressed.

South Gulf Cove Water/Wastewater System MSBU - Phase V

Mrs. Navan stated the total estimated Phase V project cost is \$1,136,000.00 for the water and \$700,000.00 for the wastewater. Mrs. Navan stated when allocated among 879 ERU's the initial Annual Assessment is \$98.90 for water and \$61.00 for wastewater. Mrs. Navan stated the Utilities expects to have the system fully in place by the end of FY2004/2005. Mrs. Navan stated the application for SRF funding has been submitted to the Florida Department of Environmental Protection, enabling the County to finance this phase over 20 years at a pass-through interest rate of less than 3%. **Chairman DeBoer** questioned if these assessments are still setup where the property owners can pay it all up front if they desire. Mrs. Navan stated she will find out if this still exists. Mrs. Navan stated that Mr. Murphy just informed her that this assessment is not being setup for pre-payment. **Commissioner Devos** stated she would like a running log of how many assessments property owners have in a certain area. Mrs. Navan stated she will provide this information at a later date.

Maple Leaf Estates MSBU

Mrs. Navan stated that Administration, Charlotte County Utilities staff have spoken with John Bradley, General Manager of the Maple Leaf Estates Homeowners' Corp. and Bill Charlton, President of the Maple Leaf Estates Homeowners' Association and during their conversations, three points of discussion were brought up:

- ❖ Due to some internal communication problems, the Homeowners' Association was given some estimated construction/demolition costs for filling in the settlement pond area that turned out to be understated by \$387,452.00.
- ❖ Another part of the unreimbursed costs that Charlotte County was trying to recover was \$96,212 in sewer plant site lease payments made to the Association.
- ❖ In order to capture the unreimbursed costs in the MSBU Assessment, the maximum annual rate would have to be increased or the assessment period would have to be lengthened.

Mrs. Navan stated staff helped Messrs. Bradley and Charlton understand that the construction costs were real and had to be reimbursed to the County, in order to make the County whole. Mrs. Navan stated the \$387,452 was a true liability to Charlotte County for work that was performed on their behalf, at their request and must be repaid. Mrs. Navan stated the County staff did, however, agree to delete the \$96,212.00 in sewer plant site lease payments made to the Association from the assessed costs, as conciliation between the parties. Mrs. Navan stated that after the meeting, all parties concurred that the simplest way for the Homeowners' to reimburse the County for the \$387,452 shortfall in construction cost expenses was to simply modify the MSBU Resolution by adding two more years at the end of the assessment period, amending it from 20 years to 22 years. Mrs. Navan stated this amendment would impact only the tax parcels located in the Maple Leaf Estates area of the Maple Leaf Estates/Victoria Estates/Kings Gate Water and Sewer MSBU. Mrs. Navan stated staff is scheduling this public hearing to be included with the summer hearings.

MSBUs with Rate Increases Not Requiring a Public Hearing

3. Rate Changes Below Maximum Rate

A. Increase Due to Overall Work Program

Rotonda Heights Street & Drainage Unit (Maintenance)

Mrs. Hunter stated the amended FY 2003/04 assessment rate is \$10.00 and the proposed FY 2004/05 is \$50.00, representing an increase of \$40.00. Mrs. Hunter stated the proposed increase to all properties (vacant and developed) of \$40.00 per ERU is to continue to build a reserve for future road improvements and to fund additional maintenance needs. Mrs. Hunter reported she has a letter from the Committee approving this increase.

Rotonda Lakes Street & Drainage Unit (Maintenance)

Mrs. Hunter stated the amended FY 2003/04 assessment rate is \$15.00 and the proposed FY 2004/05 is \$50.00, representing an increase of \$35.00. Mrs. Hunter stated the proposed increase to all properties (vacant and developed) of \$35.00 per ERU is to continue to build a reserve for future road improvements and to fund additional maintenance needs. Mrs. Hunter reported she has a letter from the Committee approving this increase.

Rotonda Sands Street & Drainage Unit (Maintenance)

Mrs. Hunter stated the amended FY 2003/04 assessment rate is \$25.00 and the proposed FY 2004/05 is \$50.00, representing an increase of \$25.00. Mrs. Hunter stated the proposed increase to all properties (vacant and developed) of \$25.00 per ERU is to continue to build a reserve for future road improvements and to fund additional maintenance needs. Mrs. Hunter reported she has a letter from the Committee approving this increase.

South Punta Gorda Heights Street & Drainage Unit (Maintenance)

Mrs. Hunter stated the amended FY 2003/04 assessment rate is \$26.66 and the proposed FY 2004/05 is \$50.00, representing an increase of \$23.34. Mrs. Hunter stated the proposed increase to all properties (vacant and developed) of approximately \$23.34 per ERU is to reflect current maintenance needs of the area,

including survey work and line and grade work to be performed based on several complaints on file. Mrs. Hunter stated the vacant property rate has been adjusted by an additional \$.96 to reflect the increased cost of right of way mowing. Mrs. Hunter reported she has a letter from the Committee approving this increase.

4. Other Discussion Items

County Wide Dredging

Marty Simone, Fiscal Manager commented on the seven year County Wide Dredging Unit Work Program from FY 2005 through FY 2011. Mr. Simone stated staff is proposing that the County borrow money for the first year. Mr. Simone stated a house with the value of \$150,000 with homestead would pay \$12.50 and the property owners actually living on the canals would pay \$215.00. **Commissioner Devos** questioned if the Board approved a plan for the County Wide Dredging. **Commissioner Devos** thought the plan was to come back to the Board for review and to discuss some of the inequities existing. Mr. Simone stated monies would be borrowed for the first year which would give staff time to figure out the units that already in existence, how much monies are actually banked and then give them credit for it. Mr. O'Kane stated the idea is to borrow the monies first and start the dredge work sometime after October 1st this year the two areas that we're looking at are Palm Shores and Harbor Heights (1st Phase). Mr. O'Kane stated included in these units are Alligator Creek and South Gulf Cove and both of those have requested some credit for what they have already put into the pie. **Commissioner Devos** stated we haven't really established all the units that were going to be in the program. **Commissioner Devos** stated there would be no impact on property owners this year, and questioned what the impact would be for next year. Mr. Simone stated the payment on the loan is worked into the \$215.00. **Commissioner Devos** stated there were a number of property owners that didn't want to be a part of the County Wide Dredging Program and they were assured that a plan would be presented to them. Mr. O'Kane stated he is of the opinion that the Board wishes staff to come back with a few additional calculations. **Chairman DeBoer** stated this material was just dropped in front of us, doesn't know where anyone is reading from and needs to review the public hearing minutes.

Commissioner Devos reiterated once again that she thought the County Wide Dredging Program would come back to the Board for additional discussion. **Commissioner Devos** stated this Dredging Program definitely needs to be revisited before we start discussing dollar amounts. Mr. O'Kane stated staff will come back with other options for the County Wide Dredging Program. **Commissioner D'Aprile** stated he needs more information and clarification regarding the County Wide Dredging Program. **Commissioner D'Aprile** stated that the major of property owners having waterfront property are in favor of a County Wide Dredging Program, but there are other property owners that don't want to be included. **Commissioner Devos** stated she has complete confidence in staff to make the assessments equal for waterfront properties and other properties. Mrs. Hunter stated that South Gulf Cove waterfront property owners don't want to be included in the County Wide Dredging Program because of tidal influence, but Alligator Creek definitely wants it. Mrs. Hunter commented that the Marine Advisory Committee doesn't believe that the County should receive any grant funding for a County Wide Dredging Program if there is an MSBU. **Commissioner Cummings** stated he doesn't have a problem with a County Wide Dredging Program, but does have some questions regarding costs, assessment charges, equity issues and would like to have a workshop scheduled to go over all these issues. **Chairman DeBoer** stated we need to have staff bring back their options before the trim notices are sent out.

West County Street & Drainage Unit

Mr. O'Kane stated he was instructed to fold in all the individual MSBU's into some type of Street & Drainage Unit. Mr. O'Kane stated you have in your possession a list of all the various units excluding the Barrier Islands. Mr. O'Kane stated calculations have been made for the total cost would be for ERU's, if you took into account all of the activities we have, i.e. mowing, vegetation control and drainage which comes out to approximately \$72.00 per ERU. Mr. O'Kane stated if you only do the road/maintenance side, i.e. signs, mowing, vegetation control and cut out the drainage the cost would be approximately \$15.00 per ERU. Mr. O'Kane stated that you could also institute a pavement maintenance program the cost would be an additional \$20.00 in addition to the proposed rates. Mr. O'Kane stated this was placed on the agenda for only a discussion item.

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Commissioner Horton requested this issue be discussed along with the County Wide Dredging Program.

MEETING ADJOURNED: 5:15 P.M.

Signature on file in Commission Minutes
Matthew D. DeBoer
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

/cwl