

MSBU PUBLIC HEARINGS

BOARD OF COUNTY COMMISSIONERS

JULY 15, 2004

Public Hearings were held this day at Lemon Bay Senior High School Auditorium, in Englewood, Florida. The following members were present: Chairman Matthew D. DeBoer and Commissioners Sara Devos, Tom D'Aprile, and Mac Horton. Also in attendance were County Administrator Bruce D. Loucks, Deputy County Attorney Brendan Bradley, Executive Assistants Jenine Thornley and Bonnie Stone, and Deputy Clerk Diane J. Nice. The public hearings were called to order at 5:01 P.M. followed by the Pledge of Allegiance. **(Commissioner Cummings was not present for this portion of the public hearings.)** (Proofs of Publication were in order.)

Chairman DeBoer announced MSBU rates for West County would be introduced individually followed by public input and Board discussion.

I. PUBLIC HEARINGS TO SET MSBU RATES

- A. Lemon Bay Street and Drainage Maintenance Unit
Advertised Rates for FY 04/05:
- | | |
|------------------------|------------------|
| Vacant: | \$ 25.00 per ERU |
| Occupied: | \$ 20.00 per ERU |
| Proposed Maximum Rate: | \$ 25.00 per ERU |

Ann Navan, County Budget Officer, announced no rate changes and the rates are applicable to first time assessments for additional benefiting properties. **Chairman DeBoer** advised the additional properties were not previously assessed for road maintenance and the Board has established a policy to add benefiting properties for assessments. **COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). COMMISSIONER DEVOS MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-143 SETTING THE FY 04/05 FINAL ASSESSMENT RATE FOR VACANT PROPERTIES AND THE PROPOSED MAXIMUM RATE AT \$25.000 PER ERU AND OCCUPIED PROPERTIES AT \$20.00 PER ERU FOR THE LEMON BAY STREET AND DRAINAGE MAINTENANCE UNIT, SECONDED BY CHAIRMAN DeBOER AND DECLARED UNANIMOUS (4:0).**

(Commissioner Cummings was present for the remainder of the public hearings.)

B. Gardens of Gulf Cove Street and Drainage Maintenance Unit

Advertised Rates for FY 04/05:

All properties:	\$261.61 per ERU
Proposed Maximum Rate:	\$261.61 per ERU

Mrs. Navan announced the assessments are being increased by \$161.61 per ERU. Judy Hunter, Municipal Services District Representative, explained the increase is specific to the road improvement program to pave all roads within the Unit, scheduled to begin October 2005 and completed within one year, as well as asphalt, drainage, and traffic signs. James Murphy questioned the increase in the budget for sidewalks from \$4,000 in FY 2002/03, \$10,000 in FY 2003/04, and \$15,000 in FY 2004/05; requested an explanation regarding the Tax Collector fee for increases in current charges and obligations from \$1,347 to \$5,224, sign materials from \$554 to \$3,891, and special/service assessments from \$67,270 to \$261,191, and the lack of subsidization through Federal, State, and County grants; and suggested assessments be extended over a longer period of time. **COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.** Mrs. Hunter explained the \$5,000 increase for sidewalks is projected for sidewalk repairs since the sidewalks have been brought up to standard; the Tax Collector fee is based on revenues collected; the sign materials increase was attributed to replacement of signs with larger letters as has been done in other parts of the County; suggested Mrs. Navan might answer the inquiry regarding grants; and the special/service assessments represent the annual maintenance assessment. Mrs. Navan explained large amounts are borrowed from the Commercial Paper Loan Program with paybacks over 5 to 10 years. **Chairman DeBoer** suggested working with residents prior to the September budget hearings. **COMMISSIONER HORTON MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-144 SETTING THE FY 04/05 FINAL ASSESSMENT RATE FOR ALL PROPERTIES AND THE PROPOSED MAXIMUM RATE AT \$261.61 PER ERU FOR THE GARDENS OF GULF COVE STREET AND DRAINAGE MAINTENANCE UNIT, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

C. Grove City Street and Drainage Maintenance Unit
Advertised Rates for FY 04/05:

Vacant:	\$222.52 per ERU
Occupied:	\$213.72 per ERU
Proposed Maximum Rate:	\$222.52 per ERU

Mrs. Navan announced no change in rates and additional benefiting properties are being first time assessed. Christine Perry stated she appeared last year on the increase from \$65 to \$277 and now the assessment has been increased to \$640, requested the difference between MSBU and ERU, and expressed concern regarding the adverse impacts sewer construction has imposed on businesses and the liens placed against properties whose owners could not pay. **Chairman DeBoer** requested GIS/MSBU Manager Dennis B. Murphy, Sr. consult with Ms. Perry during the hearings. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.** **Commissioner Devos** requested an explanation on the increase over last year. Mrs. Hunter stated she would need to review Ms. Perry's bill, it may include a correction since there was no change in the assessment rate. **COMMISSIONER HORTON MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-145 SETTING THE FY 04/05 FINAL ASSESSMENT RATES FOR VACANT PROPERTIES AND THE PROPOSED MAXIMUM RATE AT \$222.52 PER ERU AND OCCUPIED PROPERTIES AT \$213.72 PER ERU FOR THE GROVE CITY STREET AND DRAINAGE MAINTENANCE UNIT, SECONDED BY COMMISSIONER D'APRILE.** **Chairman DeBoer** reminded everyone that the rates being set are preliminary to the public hearings in September 2004. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

D. Placida Area Street and Drainage Maintenance Unit
Advertised Rates for FY 04/05:

Vacant:	\$235.33 per ERU
Occupied:	\$229.80 per ERU
Proposed Maximum Rate:	\$235.33 per ERU

Mrs. Navan announced increased rates are for completion of the road improvement program. Mrs. Hunter explained the program is scheduled to start October 2005 and one year to complete and this is the first year of a 10-year payback of the loan. Bob Renfranz stated most of the area residents were commercial fishermen or smugglers who have cleaned up their acts; six of his neighbors oppose the road paving; stated if the neighbor to the north wants to develop the property, he can pay for paving; he has lived in

his house since 1979; the road is 8" above his living room floor so there is no drainage; and prior to any road paving, drainage work should be done. Roy S. Villela appeared on behalf of the 114 residents of Placida Harbor who paid \$70.13 last year and now the rate is \$229.80 and questioned when Placida Harbor residents became a part of the MSBU and the increased rate. Paula Johnson stated she is not a former smuggler, inquired if drainage or road paving would be done first, advised a drainage ditch would have to be installed over her well due to the location of the septic, she wants the neighborhood to remain quiet, she owns a lot that is not buildable due to scrub jays, and there are other scrub jay areas in the vicinity. Peggy Delbridge, a seven year resident on a dirt road, advised she has two lots that were combined for pool construction purposes but she still gets two assessments, she has been paying \$70.13 for work that has not been done, advised an increase in the road elevation due to paving will create more drainage problems since she does not have a culvert, stated development at the end of the road for 188 units will increase traffic, and pointed out a lot of the area is environmentally sensitive. Michelle Hue reported her family are commercial fishermen, her and her family reside on two acres on Williamsburg Way, stated the developer at the north end of the street should pay for the paving, an asphalt road should be wider than the existing road, opposed drainage and paving work, requested the length of time for the \$229.80 assessment levy, and suggested a dead-end road sign be installed. Phillip Hue stated he does not have a drainage problem; if drainage work is done, he does not want the flow from C.R. 775 to go through his property; standing water creates problems with mosquitoes; requested an explanation of why the shell roads have not been maintained; expressed concern with the increase in traffic as a result of proposed development at the north end of the road; and suggested leaving the area as it is without drainage and road improvements. Larry Lowe commented in support of drainage improvements, suggested drainage work be performed first and give it a trial before spending more money for paving, and requested the length of time the proposed assessment will be levied. Kerry Mack stated has been a Grove City Subdivision resident since 1982 and an owner of two commercial lots on Placida Road since 1986; she was a commercial victim of the C.R. 775 paving improvements for three years who still had to pay taxes and insurance with \$0 business income because there was no access; her driveway has never been paved; the proposed improvements need to go back to the drawing board; everyone in the

area uses Placida Road, it has not been maintained as it should be; she has been an attorney for 25 years, she has written letters, made numerous telephone calls, and been totally ignored by County staff; and requested the Board consider this more seriously because paving will create adverse impacts to the area. Jim Cooper, a Cape Haze Windward two-year resident, stated the 228% increase is unfair and increases should be gradual, perhaps 10% per year and suggested the Board reconsider a more equitable amount payable over a longer period of time utilizing sales tax revenues, a percentage of realtor sales, and development instead of assessing only residents and property owners. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.** **Chairman DeBoer** requested Public Works Director Thomas O'Kane and Mr. Murphy meet with residents especially Ms. Delbridge. **Chairman DeBoer** questioned if these residents are on marl roads. Mrs. Hunter advised the roads in the Williamsburg Way area are the last marl roads in West County scheduled for improvements; and the property owners have always been a part of the MSBU but not a part of the paving program. **Commissioner Horton** requested staff review the assessments on an individual basis. **Commissioner D'Aprile** stated residents have expressed concerned with drainage problems that would be caused as a result of paving and questioned if drainage work has been a part of the MSBU work program. Mrs. Hunter reported the Williamsburg Way area has been designated several times, one of the criteria considered prior to implementing a road improvement program is the adequacy of pipes, stated one of the goals is to change out corrugated pipes to concrete pipes, the outfall for the C.R. 775 drainage flows along Williamsburg Way will be at the rear of the Hues' home based on historical flow, and it is necessary to keep drainage ditches and pipes clear to allow the most flows to environmental areas. **Commissioner D'Aprile** expressed concern with the low elevation of older homes and suggested homeowner problems be considered on an individual basis. **Commissioner Horton** recalled instances with problems associated with drainage on C.R. 775 and agreed that staff should address problems of these residents on an individual basis. **Chairman DeBoer** requested **Commissioner Horton** oversee and update the Board for the September public hearings and for Messrs. O'Kane and Murphy to meet with citizens regarding specific questions and concerns. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-146 SETTING THE FY 04/05 FINAL ASSESSMENT RATES FOR VACANT PROPERTIES AND THE PROPOSED MAXIMUM RATE AT \$235.33 PER ERU AND OCCUPIED PROPERTIES**

AT \$229.80 PER ERU FOR THE PLACIDA AREA STREET AND DRAINAGE MAINTENANCE UNIT, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.

E. Rotonda Long Meadow Street and Drainage Maintenance Unit
Advertised Rates for FY 04/05:

All properties: \$162.05 per ERU
Proposed Maximum Rate: \$162.05 per ERU

Mrs. Navan explained this is a 10-year payback at \$162.05 per year and a \$112.05 increase over the prior \$50.00 per ERU assessment. Mrs. Hunter stated the road improvement program to pave all roads within the MSBU is scheduled to start October 2005 and be completed within one year with a 10-year payback of the loan and reported the program was requested and approved by the Committee. Earle Simpson, Chairman of the MSBU since the inception six or seven years ago, recalled the monetary settlement for each Rotonda section; commented in support of the road improvements; and stated the goal, after all Rotonda roads have been paved, is to meld all Rotonda MSBUs into one MSBU. **COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY CHAIRMAN DeBOER AND DECLARED UNANIMOUS. COMMISSIONER HORTON MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-147 SETTING THE FY 04/05 FINAL ASSESSMENT RATE FOR ALL PROPERTIES AND THE PROPOSED MAXIMUM RATE AT \$162.05 PER ERU FOR THE ROTONDA LONG MEADOW STREET AND DRAINAGE MAINTENANCE UNIT, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

F. Rotonda Pine Valley Street and Drainage Maintenance Unit
Advertised Rates for FY 04/05:

All properties: \$142.59 per ERU
Proposed Maximum Rate: \$142.59 per ERU

Mrs. Navan reported the proposed assessment of \$142.59 is \$92.59 over the prior \$50.00 per ERU assessment and a 10-year payback. Mrs. Hunter explained the increase is attributable to the road improvement program scheduled to start October 2005 and be completed within one year and the Committee requested and approved the work program. **COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. COMMISSIONER HORTON MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-148 SETTING THE FY 04/05 FINAL ASSESSMENT RATE FOR ALL PROPERTIES AND THE PROPOSED MAXIMUM RATE AT \$142.59 PER ERU FOR THE ROTONDA**

PINE VALLEY STREET AND DRAINAGE MAINTENANCE UNIT, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.

G. Rotonda West Street and Drainage Maintenance Unit
Advertised Rates for FY 04/05:

All properties: \$191.54 per ERU
Proposed Maximum Rate: \$191.54 per ERU

Mrs. Navan reported the proposed assessment is the same as the prior year and benefiting properties have been added that were not previously assessed for road improvements. Larry Lowe stated more citizen cooperation might be achieved if drainage problems are fixed and steps are taken to make sure the system works prior to performing road improvements. **COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. COMMISSIONER DEVOS MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-149 SETTING THE FY 04/05 FINAL ASSESSMENT RATES FOR ALL PROPERTIES AND THE PROPOSED MAXIMUM RATE AT \$191.54 PER ERU FOR THE ROTONDA WEST STREET AND DRAINAGE MAINTENANCE UNIT, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.**

H. Rotonda White Marsh Street and Drainage Maintenance Unit
Advertised Rates for FY 04/05:

All properties: \$169.49 per ERU
Proposed Maximum Rate: \$169.49 per ERU

Mrs. Navan reported the proposed assessment of \$169.49 is an increase of \$119.49 over the prior year \$50.00 assessment. Mrs. Hunter explained the rate increase is specific to the road improvement program that will complete the last section of Rotonda Circle paving, the program is scheduled to start October 2005 and be completed within one year with a 10-year payback, and advised all drainage and swale issues will be resolved prior to implementation of the road improvement program. **COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. COMMISSIONER HORTON MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-150 SETTING THE FY 04/05 FINAL ASSESSMENT RATES FOR ALL PROPERTIES AND THE PROPOSED MAXIMUM RATE AT \$169.49 PER ERU FOR THE ROTONDA WHITE MARSH STREET AND DRAINAGE MAINTENANCE UNIT, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

I. South Gulf Cove Street and Drainage Capital Unit
Advertised Rates for FY 04/05:

All properties Phase 3:	\$124.01 per ERU
Proposed Maximum Rate:	\$124.01 per ERU
All properties Phase 4:	\$121.87 per ERU
Proposed Maximum Rate:	\$121.87 per ERU

Mrs. Navan reported explained assessments for Phases 3 and 4 are for 10-year loan payback. Mrs. Hunter advised assessments are the first year of a 10-year payback to complete the road improvement program where water and sewer installations have been completed, the program is scheduled to start October 2005 and be completed within one year, and there are no drainage issues. **COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. COMMISSIONER DEVOS MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-151 SETTING THE FY 04/05 FINAL ASSESSMENT RATES FOR ALL PROPERTIES IN PHASE 3 AND THE PROPOSED MAXIMUM RATE AT \$124.01 PER ERU AND ALL PROPERTIES IN PHASE 4 AND THE PROPOSED MAXIMUM RATE AT \$121.87 PER ERU FOR THE SOUTH GULF COVE STREET AND DRAINAGE CAPITAL UNIT, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.**

J. South Gulf Cove Street and Drainage Maintenance Unit
Advertised Rates for FY 04/05:

Vacant:	\$52.24 per ERU
Occupied:	\$49.60 per ERU
Proposed Maximum Rate:	\$52.24 per ERU

Mrs. Navan explained the vacant and maximum rates are a \$20.54 increase over last year and the occupied rate is a \$20.00 increase over last year. Mrs. Hunter reported the increases are specific to replacement of drainage pipes within the Phase 5 area that is the last phase in preparation for water and sewer installation and implementation of a road improvement program. Gloria Lee, MSBU Chairman, advised even though the Committee approved the budget in January 2004, the notice of increase was issued too late for the Committee to advise homeowners, and requested postponement until after the homeowners meeting on July 20, 2004 in order to give the Committee an opportunity to explain the rate increase. **Chairman DeBoer** advised two public hearings are scheduled in September for adoption of final assessments and the budget. Mike Post concurred with Mrs. Lee's remarks and commented on the need to explain the increase to the homeowners. **COMMISSIONER DEVOS MOVED TO CLOSE THE**

PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Chairman DeBoer suggested Public Works staff attend the homeowners' association meeting. Mrs. Hunter stated she has offered to attend homeowners' association meetings. **Chairman DeBoer** expressed the assumption that Mrs. Hunter would be attending the meeting. **COMMISSIONER HORTON MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-152 SETTING THE FY 04/054 FINAL ASSESSMENT RATE FOR VACANT PROPERTIES AND THE PROPOSED MAXIMUM RATE AT \$52.24 PER ERU AND OCCUPIED PROPERTIES AT \$49.60 PER ERU FOR THE SOUTH GULF COVE STREET AND DRAINAGE MAINTENANCE UNIT, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

K. South Gulf Cove Waterway Maintenance Unit

Advertised Rates for FY 04/05:

All properties:	\$50.00 per ERU
Proposed Maximum Rate:	\$50.00 per ERU

Mrs. Navan announced there is no rate change, benefiting properties have been added to the assessment roll, and mentioned the change on the agenda from \$50.00 per acre to \$50.00 per ERU. Dennis Curtis requested the status of the lock automation and pointed out the work program includes recurring maintenance of asphalt, drainage, and traffic signs in the waterway. **Chairman DeBoer** requested Mr. Murphy consult with Mr. Curtis. Ted DeVirgilis stated he bought land seven years ago and last year he received notice of a 125% tax increase, expressed concern about the continued high tax increases, and requested reduction of the assessment and millage rate. **Chairman DeBoer** suggested Public Works staff clearly explain work programs to property owners. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.** **COMMISSIONER HORTON MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-153 SETTING THE FY 04/05 FINAL ASSESSMENT RATE FOR ALL PROPERTIES AND THE PROPOSED MAXIMUM RATE AT \$50.00 PER ERU FOR THE SOUTH GULF COVE WATERWAY MAINTENANCE UNIT, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS**

MEETING ADJOURNED: 6:30 P.M.

Signature of file in Commission Minutes
Matthew D. DeBoer
Chairman

Book 62, Page 606
July 15, 2004

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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