

Board of County Commissioners

**Public Hearings
Municipal Service Benefit Units
Thursday, July 13, 2006 - 5:01 P.M.
Lemon Bay High School
2201 Placida Road
Englewood, Florida**

The following members were present: Chairman Moore and Commissioners D'Aprile, Cummings, and DeBoer. Also in attendance were County Administrator Loucks, Deputy County Attorney Gallagher, Executive Assistants Stoner and Blair, Minutes Supervisor Nice, and Deputy Clerk Manley. **(Commissioner Devos was not present for the public hearings.) The meeting was called to order at 5:03 PM. (Proofs of publication were in order.)**

Budget Director Raymond Sandrock explained he would provide a brief overview of the rates for each MSBU Unit, that Dawn Harrison and Tara Musselman from Public Works, and Teresa Kesner from Utilities, would describe the work program, followed by public input and Board discussion, and advised that the purpose of the meeting is to set tentative millage rates for TRIM mailings.

I. Public Hearings to set MSBU Rates

A. Rotonda Meadows Wastewater

Charlotte County Utilities

Advertised Rate for FY 05/06 - all properties	\$ 560.86 per ERU
Proposed Maximum Rate	\$ 616.95 per ERU
Fund expansion of sanitary sewer and reclaimed water systems within the MSBU	

Mr. Sandrock reported this is a first time assessment, the proposed rate and increase are \$560.86 per ERU for all properties, and the maximum proposed rate is \$616.95 per ERU. Debrah Smith announced the assessment is to fund expansion of

the sewer and reclaimed water systems and the total number of ERUs is 2,697.1.

Public Comment

The following individuals commented in opposition to the assessment rates: Susan Fritz, George Fritz, Chris Batnick, Kendall Leach, John Brandenberger, and John Keen. Ms. Kesner explained a chronological time line was done regarding Mr. Leach and Mr. Brandenberger's meetings, as well as meetings with Dr. Bill Coy starting in 2004; a scope of services was issued for engineering and costs were received in January 2006, and subsequent meetings with Rotonda Meadows and Sands representatives to explain doubled cost estimates, and several additional meetings have been held. Brian Houstone from Boyle Engineering explained increases in prices and lack of manpower in the construction industry; costs per foot are fairly low for this type of work, e.g. about 40 miles of infrastructure for \$30 million. Ms. Kesner reiterated that meetings were held and various options discussed. **Commissioner D'Aprile** questioned the \$10 million in interest. Ms. Smith explained the State Revolving Fund (SRF) loan program based upon an as-needed use basis with a 20-year payback.

Board Action

Commissioner D'Aprile requested an explanation of the \$30 million figure. Mr. Houstone stated the design contract is still being negotiated and the engineering fee will be 10% of the overall construction costs. Ms. Smith advised \$30 million is an estimate for both; approximately \$14.6 million for construction costs. **Commissioner DeBoer** expressed concern about the 10% construction costs and interest. Ms. Smith summarized the engineering, construction costs and interest estimates. Mr. Loucks explained there is no prepayment on the interest costs. Ms. Smith stated contracts should be awarded by the second year and firm costs known at that time. **Commissioner DeBoer** stated the proposed rates are based on the interest instead of when the money will be borrowed. Ms. Smith stated the maximum has been used for the proposed rates. **Commissioner D'Aprile** requested reduction of the rates. Ms. Kesner explained cost increases based on gas prices and contractor cost increases. David

Schlobohm stated these are the engineer's estimated costs based upon the market, and the bids will confirm the prices and dictate the project costs. **Commissioner D'Aprile** stated gas prices and numerous taxes are going up and requested a reduction. Mr. Schlobohm offered to look at the engineering estimates; reclaimed and reuse water lines are included, but if the community does not want them, the costs can be reduced significantly, although he would not recommend it. **Chairman Moore** stated reuse is important, and suggested looking at grants and other funding sources; expressed disappointment that prepayment would not be allowed; and requested comments from Board Members. **Commissioner DeBoer** pointed out if rates are cut tonight there is no way to change it until next year; that he would move approval, but he wants to see a community consensus by the budget public hearings in September. **COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-104 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE FOR ALL PROPERTIES AT \$560.86 PER ERU AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$616.95 PER ERU, SECONDED BY COMMISSIONER D'APRILE.** **Chairman Moore** explained the rates could still be lowered. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

B. Rotonda Sands Wastewater

Charlotte County Utilities

Advertised Rate for FY 06/07 - all properties	\$ 625.51 per ERU
Proposed Maximum Rate	\$ 688.06 per ERU
Fund expansion of sanitary sewer and reclaimed water systems within the MSBU	

Ms. Smith announced the first time assessment, proposed rate, and increase are \$625.51 per ERU for all properties, the maximum rate is \$688.06 per ERU, and the total number of ERUs is \$2,532.0.

Public Comment

The following individuals commented in opposition to the assessment rates: Kendall Leach, Leonard Roque, Diana Collins, Joyce Schnell, and John Brandenburger.

Board Action

Commissioner DeBoer stated his comments are the same as on Rotonda Meadows; the assessment rates are based on estimates; and hopefully the costs will be more definitive before the September public hearings. **COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-105 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE FOR ALL PROPERTIES AT \$625.51 PER ERU AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$688.06 PER ERU, SECONDED BY COMMISSIONER D'APRILE.** **Commissioner D'Aprile** questioned the requirement of a 50% build out. Ms. Kesner explained that is not a Charlotte County requirement and it must be a standard of the Association. **Chairman Moore** requested Mr. Roque to repeat his calculations and questions. Ms. Smith explained the estimated per ERU rates and costs. **Commissioner DeBoer** requested Attorney Gallagher research the 50% build out requirement. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

C. West Charlotte Stormwater

Tara Musselman, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - Vacant \$ 45.46 per ACRE
Advertised Rate for FY 06/07 - Occupied \$ 50.00 per ACRE
Proposed Maximum Rate \$ 50.00 per ACRE
Fund annual clearing of primary drainage outfalls, plus
projects and programs within the MSBU

Ms. Musselman explained the current rates are \$22.73 per Acre vacant, \$25.00 per Acre occupied, and a maximum of \$25.00 per Acre for all properties; the proposed and advertised rates are \$45.46 per Acre vacant, \$50.00 per Acre occupied, and a maximum of \$50.00 per Acre for all properties, and the average size is .25 of an acre. Ms. Musselman outlined the work program, including annual clearing of primary drainage outfalls and other projects and programs within the MSBU.

Public Comment

The following individuals commented in opposition to the assessment rates: Jack Mosley, Marvin Dunlevy, Christine Perry,

Holly Giblin, Rick Duffy, Bente Morch, Earl Warren, James M.S. Johnson, Diane Ruelle, Joe Ruelle, Annette Wise, Thomas Knight, Melissa C. Knight, Lynda LaPlante, and Kathy Kirsch. Ms. Musselman indicated every property in Charlotte County is in one of the Stormwater Districts. Thomas O'Kane explained the stormwater utilities focus on major outfalls, water quality, and aquatic weed services, and Street and Drainage MSBUs deal with localized drainage. Ms. Musselman stated stormwater is major outfall drainage. Mr. O'Kane advised that Dan Quick is present to answer questions on stormwater drainage issues, and suggested citizens that have drainage concerns contact Mr. Quick. Mr. Quick identified himself. Mr. O'Kane offered to talk with Parks and Recreation about the drainage issue from the Tringalli Center. Ms. Musselman stated Mr. Warren contacted her about the change in property classification and she will get with the Geographical Information System (GIS). Mr. O'Kane commented on the Southwest Florida Water Management District (SWFWMD) requirements on water quality. Ms. Musselman stated the last increase was in 2003 and the committee brought the work program forward to address resident complaints.

Board Action

Commissioner DeBoer stated the Stormwater Utility Units overlay the Street and Drainage Units and create confusion, and he cannot abide by the requested increase by double. **COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-106 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$25.00 PER ERU OCCUPIED, \$22.73 PER ERU VACANT, AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$25.00 PER ERU, SECONDED BY COMMISSIONER D'APRILE.** **Commissioner D'Aprile** pointed out that this Board has worked very hard with Economic Development to bring in larger businesses such as the Publix Warehouse that is opening a 1 million square foot facility, which will help subsidize what citizens pay. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

D. Little Gasparilla Island Waterway Unit

Tara Musselman, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all
properties \$ 31.00 per ERU
Proposed Maximum Rate \$ 31.00 per ERU
Fund installation and maintenance of marine markers and
signage within the MSBU

Mr. Sandrock explained these are first time assessments to fund installation and maintenance of marine navigation markers; proposed at \$31.00 per ERU for all properties within the MSBU; but found subsequent to mailing of notices that the costs are to be covered by the Boater's Improvement Fund, and recommended the assessment be reduced to zero.

Board Action

COMMISSIONER DEBOER MOVED APPROVAL OF STAFF'S RECOMMENDATION TO REDUCE THE ASSESSMENT TO ZERO FOR ALL PROPERTIES, AND TO ADOPT RESOLUTION 2006-107, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

Public Comment

Chairman Moore recognized Robert Hill, who thanked the Board for reducing the assessment to zero.

Board Action

CALL ON THE MOTION: DECLARED UNANIMOUS.

RECESS: 7:00 PM - 7:10 PM

E. Rotonda West Street & Drainage Unit

Tara Musselman, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all
properties \$ 156.54 per ERU
Proposed Maximum Rate \$ 191.54 per ERU

No rate change - first time assessed funding maintenance within the MSBU

Mr. Sandrock stated first time assessed properties are being added. Ms. Musselman explained these properties were transferred from the Rotonda West MSBU and outlined the work program.

Public Comment

The following individual commented: Larry Lowe stated he previously appeared before the Board about fixing the drainage prior to paving roads where he lives in Rotonda Shores; advised this work has not been done, and produced photographs to Ms. Musselman of drainage overflows on Gulf Lane. Ms. Musselman stated she would work on the issue addressed.

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-108 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE FOR ALL PROPERTIES AT \$156.54 PER ERU AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$191.54 PER ERU, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

F. South Gulf Cove Waterway

Tara Musselman, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties \$ 25.00 per ERU
Proposed Maximum Rate \$ 50.00 per ERU
No rate change - first time assessed non-waterfront - fund waterway and lock maintenance within the MSBU

Mr. Sandrock explained this is a first time assessment for non-waterfront properties at \$25.00 per ERU with a proposed maximum of \$50.00 per ERU, and that the revenues would be used to fund waterway and lock maintenance within the MSBU. Ms. Musselman stated the advisory committee endorsed the work program.

Public Comment

The following individual commented in opposition to the assessment rates: Marvin Dunlevy.

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-109 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE FOR ALL PROPERTIES AT \$25.00 PER ERU AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$50.00 PER ERU, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. Commissioner D'Aprile stated the advisory committee should have notified the non-waterfront property owners. CALL ON THE MOTION: DECLARED UNANIMOUS.

G. South Gulf Cove Street & Drainage Unit Capital

Tara Musselman, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties	\$ 199.59 per ERU
Proposed Maximum Rate	\$ 199.59 per ERU
Fund road improvement program within the MSBU	

Mr. Sandrock explained the proposed increase to all properties in the Phase 5 area of the South Gulf Cove Street & Drainage Capital Unit of \$199.59 is to complete the road improvement program where water and sewer has been installed. Ms. Musselman outlined the work program to be completed within one year, and stated the external loan would be repaid over a ten-year period.

Public Comment

None

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-110 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE FOR ALL PROPERTIES AT \$199.59 PER ERU AND THE MAXIMUM RATE FOR ALL

**PROPERTIES AT \$199.59 PER ERU, SECONDED BY COMMISSIONER D'APRILE
AND DECLARED UNANIMOUS.**

Public Comment

Marvin Dunlevy stated he was not notified. **Chairman Moore** advised a motion had been made and a vote taken to approve the assessment.

H. Gulf Cove Street & Drainage Unit

Tara Musselman, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - Vacant \$ 103.70 per ERU
Advertised Rate for FY 06/07 - Occupied \$ 100.00 per ERU
Proposed Maximum Rate \$ 103.70 per ERU
Fund minimum level of maintenance services and drainage
pipe replacement within the MSBU

Mr. Sandrock stated the current rates are \$52.63 per ERU vacant, \$50.00 per ERU occupied, and \$57.34 per ERU maximum for all properties; the proposed and advertised rates are \$103.70 per ERU vacant, \$100.00 per ERU occupied, and \$103.70 per ERU maximum for all properties. Ms. Musselman advised the proposed increase is to provide for the minimum level of maintenance service, the drainage pipe replacement plan, and to provide for an adequate reserve for current and future maintenance needs. Ms. Musselman stated the drainage pipe replacement program is needed prior to paving, which is scheduled for 2009, and that the rate for vacant properties has been adjusted for the increased cost of mowing.

Public Comment

The following individuals commented in opposition to the assessment rates: Richard Van Acken, Christine Perry, Ed Stuhmer, and Joel Trefry. Ms. Musselman stated she attended two of the last three Property Owners Association meetings and MSBU meetings, and the most significant complaint dealt with drainage issues. Mr. O'Kane explained metal pipes are being replaced with concrete pipes. Ms. Musselman stated pipes have been replaced in

some of the phases and this assessment is strictly for the pipes and drainage.

Board Action

Commissioner D'Aprile questioned the sufficiency of \$50 for the pipe replacements. Ms. Musselman stated it would take much longer to replace the pipes and existing funds are insufficient to cover the maintenance and pipe replacements, but another \$50 would cover those costs; that the Property Owners Association and a number of property owners agreed with the work program and assessment. Several members of the audience indicated the Property Owners Association had not notified them. Ms. Musselman expressed assumption that the Property Owners Association notified owners, and advised the last two MSBU meetings were advertised in the newspaper. **COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-111 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE FOR VACANT PROPERTIES AT \$76.07 PER ERU, OCCUPIED PROPERTIES AT \$75.00 PER ERU, AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$76.07 PER ERU, SECONDED BY CHAIRMAN MOORE. MOTION CARRIED: 3:1, WITH COMMISSIONER DEBOER OPPOSING.**

I. Gardens of Gulf Cove

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties	\$ 546.61 per ERU
Proposed Maximum Rate	\$ 546.61 per ERU
Fund flood control plan to address drainage and provide minimum maintenance within the MSBU	

Mr. Sandrock advised that the current rates are \$261.61 per ERU for all properties, and \$261.61 per ERU maximum for all properties, and that a change has been made since the notices were mailed. Ms. Harrison explained the work program had been revised and the proposed rates are \$261.61 per ERU for all properties, and a maximum of \$391.61 per ERU for all properties.

Public Comment

The following individuals commented in opposition to the assessment rates: Mel Rathbun, William Kase, Christine (Winkle) Perry, for Joyce Winkle Perry, Thomas Colbert, and Evelyn Duigman. Mr. O'Kane reported stormwater and engineering staffs are not really happy with the drainage study, but the MSBU committee requested it; he is not convinced the expansion of the stormwater ponds will solve the drainage problems; that no one from the committee is present, and he does not recommend that the Board approve the rate increase.

Board Action

Commissioner DeBoer suggested the current rates remain. COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-112 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE FOR ALL PROPERTIES AT \$261.61 PER ERU AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$261.61 PER ERU, SECONDED BY COMMISSIONER D'APRILE. Chairman Moore requested comments from Mr. Loucks on the surplus funds. Mr. Loucks explained the need for surplus funds. CALL ON THE MOTION: DECLARED UNANIMOUS.

MEETING ADJOURNED: 8:10 PM

Signature of file in Commission Minutes

Thomas G. Moore
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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