

Board of County Commissioners

Public Hearing
Municipal Service Benefit Units
Thursday, July 20, 2005 – 5:01 P.M.
Charlotte County Memorial Auditorium (aka Tentatorium)
75 Taylor Street
Punta Gorda, FL 33950

(This meeting is a continuance
of the meeting held July 12, 2006 at the Murdock Administration Center.)

The following members were present: Chairman Moore and Commissioners D'Aprile, DeBoer, Cummings, and Devos. Also in attendance were County Administrator Loucks, Deputy County Attorney Gallagher, Minutes Supervisor Nice, and Deputy Clerk Manley. **The public hearings were called to order at 5:01 PM, followed by the Pledge of Allegiance. (Proofs of publication were in order.)**

The Board issued a Proclamation that the Charlotte County BROD Amendments and exemption from the TDU ordinance do not establish any precedent regarding Babcock Ranch. **COMMISSIONER DEBOER MOVED TO ADD THE PROCLAMATION TO THE AGENDA, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. Commissioner DeBoer read the Proclamation. COMMISSIONER CUMMINGS MOVED TO APPROVE THE PROCLAMATION, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

A member of the Executive Committee of the Greater Charlotte Harbor Group of Sierra Club accepted the Proclamation.

As a point of personal privilege, **Commissioner DeBoer** stated he voted against the MSBU notices and had difficulty with these taxes in each of the workshops; that many increases are out of line; and **MOVED FOR REDUCTION OF MSBU RATES AS FOLLOWS:**

Greater Port Charlotte Street & Drainage Unit

Vacant	\$59.73 per ERU
Occupied	\$54.00 per ERU
Maximum Rate	\$59.73 per ERU

Deep Creek Street & Drainage Unit

Vacant	\$73.64 per ERU
Occupied	\$63.94 per ERU
Maximum Rate	\$73.64 per ERU

Tropical Gulf Acres Street & Drainage Unit

Vacant	\$41.38 per ERU
Occupied	\$38.02 per ERU
Maximum Rate	\$41.38 per ERU

Tropical Gulf Acres Street & Drainage Unit Capital

All properties	Zero dollars per ERU
Maximum Rate	Zero dollars per ERU

Charlotte Ranchettes Street & Drainage Unit

All properties	\$100.00 per ACRE
Maximum Rate	\$100.00 per ACRE

Charlotte Ranchettes Street & Drainage Unit Capital

All properties	Zero dollars per ACRE
Maximum Rate	Zero dollars per ACRE

Punta Gorda Non-Urban Street & Drainage Unit

Vacant	\$98.25 per ERU
Occupied	\$92.78 per ERU
Maximum Rate	\$150.00 per ERU

SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

Budget Director Raymond Sandrock explained he would provide a brief overview of the rates for each MSBU Unit and Dawn Harrison and Tara Musselman from Public Works would describe the work program, and that the purpose of the meeting is to review the MSBUs above the current maximum, add new MSBUs, or add new properties.

I. Public Hearings to set MSBU Rates

A. Greater Port Charlotte Street & Drainage Unit

Tara Musselman, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - Vacant \$225.00 per ERU
Advertised Rate for FY 06/07 - Occupied \$214.00 per ERU
Proposed Maximum Rate \$225.00 per ERU
Fund maintenance service and road maintenance within the MSBU

Mr. Sandrock advised the current rates are \$59.73 per ERU vacant, \$54.00 per ERU occupied, and a maximum rate for all properties of \$59.73, and reported that the Board voted tonight to approve a maximum rate for all properties of \$59.73 per ERU, \$ 59.73 per ERU vacant, and \$54.00 per ERU occupied.

Public Comment

The following individuals commented in opposition to the assessment rates, in favor of elimination of MSBUs and implementing a countywide program: David Goodrich, Suzy Hackett, Virginia Muth, William Marsh, Patrick Allen, Lillian Mensinger, Keith Wallace, Sandy Vaillancourt, Don Kelner, James Bishop, Joan Fischer, Gordon Smith, Stephen Brock, Clyde Prier, John Chalifoux, Noretta Chronister, Donna Whittington, Mariam Ewing, Joan Pilikian, Carl Stottlemeyer, Lester Link, Laura Manson, Janine Cahoo, Terry Cahoo, Lisa Trejo, Phillip (Joe) Trejo, Charles L. Meyers, Colleen Shannon, Richard Lincoln, Robert Zabler, Dennis Cayot, Dave Eastwood, Victor Cavaleri, and Gary Hodi. Ms. Musselman explained that only about two miles of road paving would be done instead of sixty miles. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARINGS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Board Action

Commissioner DeBoer pointed out that the needs will not go away and a long-range plan to implement improvements is needed at standards that can be afforded; he is in favor of less government and taxes; and with reference to Charlotte Ranchettes, pointed out that Florida Statutes would allow the Board of County Commissioners (BOCC) to vacate certain right-of-ways to Property Owner Associations for maintenance. **COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-115 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$59.73 PER ERU VACANT, \$54.00 PER ERU OCCUPIED, AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$59.73 PER ERU, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

B. Deep Creek Street & Drainage Unit

Tara Musselman, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - Vacant \$472.91 per ERU

Advertised Rate for FY 06/07 - Occupied	\$447.91 per ERU
Proposed Maximum Rate	\$472.91 per ERU
Fund drainage, paving and sidewalks within the MSBU	

Mr. Sandrock advised the current rates are \$73.64 per ERU vacant, \$63.94 per ERU occupied, and a maximum rate for all properties of \$73.64, and that the Board voted tonight to approve a maximum rate for all properties of \$73.64 per ERU, \$73.64 per ERU vacant, and \$63.94 per ERU occupied.

Public Comment

The following individuals commented in opposition to the assessment rates, indicated Rio de Janeiro, Rampart, and Sandhill are all collector roads and should not be paid for by the MSBU, that Heritage Lakes should not be included in the MSBU, and sidewalks are not needed: Ron Woods, Robert Bracken, Joe Kuzmik, Rusell Garrod, Alvin Johnson, John Lackie, Phillip Palmer, Lucinda Persinger, Charles Kalbfeld, Clarence Martin, Neil Zimmerman, Thomas Persinger, Ted Delzeith, Maria Rinaldo, Charles Butterfield, (unidentified man), Walter Flaherty, Cathy Hudson, Thomas Boehm, Lee Dunn, Wayne Kowalski, John Pelk, Ashton Jones, Marsha Cretney, Lawrence Bialla, and John Cousley. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARINGS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Board Action

Commissioner DeBoer indicated Mary Ellen Stregga sent in a letter but did not wish to speak, and her comments were much the same as the citizens who spoke. Attorney Gallagher advised in response to a citizen's inquiry that MSBUs must follow the Sunshine Law and give notice of meetings. **Commissioner Cummings** stated there is a legitimate call to make Rampart, Rio de Janeiro and Sandhill Boulevard collector roads and pay for repairs out of gas taxes, and explained the manner in which the State changed the allocation of gas taxes so that counties receive a smaller share, and requested citizens help in getting Legislators return a larger share to the counties. **Commissioner D'Aprile** expressed concern that people are being forced to move due to increases in taxes, insurance, and general living expenses, and income remaining the same. **Commissioner D'Aprile** stated he is opposed to MSBUs and in favor of countywide assessment; that it is a complex issue to find a remedy that would offset those who have paid and those who have not in order to eliminate MSBUs; and indicated this needs to be handled more economically until the funds are needed. **COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-116 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$73.64 PER ERU VACANT, \$63.94 PER ERU OCCUPIED, AND**

THE MAXIMUM RATE FOR ALL PROPERTIES AT \$73.64 PER ERU, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

RECESS 7:45 PM - 8:05 PM

C. Tropical Gulf Acres Street & Drainage Unit

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - Vacant	\$81.38 per ERU
Advertised Rate for FY 06/07 - Occupied	\$78.02 per ERU
Proposed Maximum Rate	\$100.00 per ERU
Fund the minimum level of maintenance services and railroad crossing rehabilitation within the MSBU	

Mr. Sandrock advised the current rates are \$41.38 per ERU vacant, \$38.02 per ERU occupied, and a maximum rate for all properties of \$41.38, and that the Board voted tonight to approve a maximum rate for all properties of \$41.38 per ERU, \$41.38 per ERU vacant, and \$38.02 per ERU occupied.

Public Comment

The following individuals commented in opposition to the assessment rates and paving of the roads: John Quinn, Peter MacDonald, Tom Strawson, Keith Woerner, Joanne Fladd, Glenn Gourley, Ed Ream, and Nancy Parker.

Board Action

COMMISSIONER CUMMINGS MOVED TO CLOSE THE PUBLIC HEARINGS, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS. COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-117 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$41.38 PER ERU VACANT, \$38.02 PER ERU OCCUPIED, AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$41.38 PER ERU, SECONDED BY COMMISSIONER D'APRILE. Commissioner Devos requested clarification of the maximum rate. Commissioner DeBoer advised his motion was that the current maximum rate would remain the same for FY2006/2007. CALL ON THE MOTION: DECLARED UNANIMOUS.

D. Tropical Gulf Acres Street & Drainage Unit Maintenance Capital

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties	\$449.27 per ERU
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Proposed Maximum Rate \$449.27 per ERU
Fund drainage and paving program within the MSBU

Mr. Sandrock said the current rate is zero for all properties, and based upon Board's decision tonight, the rate would remain at zero for all properties.

Public Comment

The following individuals commented in opposition to MSBUs, indicated it should be handled countywide, and are opposed to road paving: Cheryl Myers, George Skinner, Joan Wright, Ed Ream, and Barbara Ream. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARINGS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-118 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT ZERO DOLLARS PER ERU FOR ALL PROPERTIES, AND THE MAXIMUM RATE FOR ALL PROPERTIES AT ZERO DOLLARS PER ERU, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

E. Charlotte Ranchettes Street & Drainage Unit

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties \$220.00 per ACRE
Proposed Maximum Rate \$220.00 per ACRE
Fund the minimum level of maintenance within the MSBU

Mr. Sandrock said the current rate is \$100.00 per ACRE for all properties, and based upon Board's decision tonight, the rate would remain at \$100.00 per ACRE for all properties.

Public Comment

The following individuals commented in opposition to the assessment rates and MSBUs, and are opposed to road paving: Betty Richardson, Bill Faris, Kelly Crigler, Thomas Dandino, and Jacki Slicker. The following individual commented in favor of the assessment rates and road paving: Nildo (Neil) Ruiz. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARINGS, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-119 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$100.00 PER ACRE FOR ALL PROPERTIES, AND THE MAXIMUM RATE AT \$100.00 PER ACRE FOR ALL PROPERTIES, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

F. Charlotte Ranchettes Street & Drainage Unit Capital

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties \$1,123.73 per ACRE
Proposed Maximum Rate \$1,123.73 per ACRE
Fund drainage and paving programs within the MSBU

Mr. Sandrock said the current rate is zero per acre for all properties, and based upon Board's decision tonight, the rate would remain at zero per acre for all properties.

Public Comment

The following individual commented in favor of the assessment rates and road paving: Nildo (Neil) Ruiz. **Commissioner Devos** requested the audience extend the same respect to Mr. Ruiz as they wished to be given, even if they don't agree with him. Nigel Morris indicated 97% of the Ranchettes owners are not in favor of paving because they cannot afford it; that many issues must be addressed before a budget can be proposed, and presented a petition to appoint a MSBU. The following individuals commented in opposition to the assessment rates and road paving: Mike Szuba, William Faris, James Kalenowski, Robert Schaffer, Mary Landis, Patricia Dees, Robin Smith, Dena Hall, and Michelle Dietz. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS.**

Board Action

COMMISSIONER D'APRILE MOVED APPROVAL TO ADOPT RESOLUTION 2006-120 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT ZERO DOLLARS PER ACRE FOR ALL PROPERTIES, AND THE MAXIMUM RATE FOR ALL PROPERTIES AT ZERO DOLLARS PER ACRE, SECONDED BY COMMISSIONER DEVOS. Commissioner DeBoer pointed out this is for the Capital MSBU; indicated that it is not easy to get rid of all the MSBUs, and that some are well organized; that when an attempt was made to consolidate some MSBUs citizens were upset about that. **Commissioner DeBoer** stated Charlotte County must adopt standards, that all construction and maintenance must be certified by the Department of Environmental Protection (DEP), and the adopted standards followed. **Commissioner DeBoer** explained he previously suggested that Charlotte Ranchettes form a Property Owner Association and adopt their

own standards, but until that time the problem belongs to the County and roads must be built to County standards. **Commissioner Devos** explained that last year residents in several areas got very angry with those who tried to form MSBUs, and that the Board of County Commissioners (BOCC) gave a year in which to do something. **Commissioner Devos** advised that staff works under the BOCC direction in proposing work needed, but residents cannot continue putting the issue off, because it will sooner or later come back to the Board. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

G. Cook & Brown Street & Drainage Unit

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties	\$20.00 per ACRE
Proposed Maximum Rate	\$20.00 per ACRE
Fund maintenance within the MSBU	

Mr. Sandrock advised the current rates are \$14.50 per Acre all properties, and \$14.50 per Acre maximum all properties; the proposed and advertised rates are \$20.00 per Acre all properties and \$20.00 per Acre maximum all properties. Ms. Harrison said the proposed increase would fund the work program, which contains a significant amount of drainage work and vegetation control to address flooding in the area.

Public Comment - None

COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-121 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$20.00 PER ACRE FOR ALL PROPERTIES, AND THE MAXIMUM RATE AT \$20.00 PER ACRE FOR ALL PROPERTIES, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.

H. Harbour Heights Waterway Unit Unit

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties	\$5.00 per Canal Front Feet
Proposed Maximum Rate	\$5.00 per Canal

Front Feet

Fund dredging the waterways within the MSBU

Mr. Sandrock advised this MSBU unit is measured by front foot; there is only a current maximum rate of 0.07 per canal front feet; and the proposed and advertised rates are \$5.00 per Canal Front Feet all properties and the maximum rate is \$5.00 per Canal Front Feet all properties. Ms. Harrison advised at the meeting 97 were in favor and 3 were against, and explained the dredging plan that would begin in 2008.

Public Comment

Joseph Plummer, President of the Harbour Heights Civic Association, explained the officials of the maintenance division of the Harbour Heights MSBU are elected; that countywide dredging did not occur and it was determined Harbour Heights must take care of its own dredging, which will be ongoing, with a dredging cycle every eight years. The following individuals commented in opposition to the assessment rates: Susan Kovacs, Charles Kovacs, and Peter Wall. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARINGS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.** Ms. Harrison advised survey work must be done to obtain a cost, and that the association agreed with the estimate and ongoing \$5.00 per Canal Front Feet assessment. **Commissioner DeBoer** explained that Harbour Heights was the first MSBU in Charlotte County, and has been very successful and well organized.

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-122 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$5.00 PER CANAL FRONT FEET FOR ALL PROPERTIES, AND THE MAXIMUM RATE AT \$5.00 PER CANAL FRONT FEET FOR ALL PROPERTIES, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS. **Commissioner D'Aprile** stated Public Works should come up with some sort of time period. Ms. Harrison said this would be converted to ERU for the Waterway and Street and Drainage Unit.

I. Punta Gorda Non-Urban Street & Drainage Unit

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - Vacant	\$150.00 per ERU
Advertised Rate for FY 06/07 - Occupied	\$144.53 per ERU
Proposed Maximum Rate	\$150.00 per ERU
Fund resurfacing, rejuvenating and micro paving with the MSBU.	

Mr. Sandrock advised the current rates are \$98.25 per ERU vacant, \$92.78 per ERU occupied, and a maximum rate for all properties of \$98.25, and that the Board voted tonight to approve the maximum rate for all properties of \$150.00 per ERU, \$98.25 per ERU vacant, and \$92.78 per ERU occupied.

Public Comment

The following individuals commented in opposition to the assessment rates: Mary Rahz, Warren Rahz, and Patricia Dietz. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-123 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$98.25 PER ERU VACANT, \$92.78 PER ERU OCCUPIED, AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$150.00 PER ERU. Commissioner Devos indicated she would vote against it. CALL ON THE MOTION: MOTION CARRIED 4:1 WITH COMMISSIONER DEVOS OPPOSED.

J. South Punta Gorda Heights West Street & Drainage Unit

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - Vacant	\$53.41 per ERU
Advertised Rate for FY 06/07 - Occupied	\$50.00 per ERU
Proposed Maximum Rate	\$53.41 per ERU
Fund minimum level of maintenance service within the MSBU	

Mr. Sandrock advised the current rates are zero dollars per ERU occupied, \$3.23 per ERU vacant, and \$47.28 per ERU maximum all properties; the proposed and advertised rates are \$50.00 per ERU occupied, \$53.41 per ERU vacant, and \$53.41 per ERU maximum all properties.

Public Comment - None

COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS.

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-124 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$50.00 PER ERU OCCUPIED,

\$53.41 PER ERU VACANT, AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$53.41 PER ERU, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.

K. Town Estates Street & Drainage Unit

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - Vacant	\$293.47 per ACRE
Advertised Rate for FY 06/07 - Occupied	\$280.47 per ACRE
Proposed Maximum Rate	\$293.47 per ACRE

Fund resurfacing of MSBU roadways and provide minimum level of maintenance within the MSBU

Mr. Sandrock advised the current rates are \$165.16 per ACRE occupied, \$175.00 per ACRE vacant, and \$175.00 per ACRE maximum all properties; the proposed and advertised rates are \$280.47 per ACRE occupied, \$293.47 per ACRE vacant, and \$293.47 per ACRE maximum all properties. Ms. Harrison explained the work program, and indicated that the community supports it.

Public Comment

The following individuals commented in opposition to the assessment rates: George Walker, Nancy Parker, Frank Lewis, Sylvia Rocker, James Melo, and Steve Root. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS.**

Board Action

COMMISSIONER D'APRILE MOVED APPROVAL TO ADOPT RESOLUTION 2006-125 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$165.16 PER ACRE OCCUPIED, \$175.00 PER ACRE VACANT, AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$175.00 PER ACRE, SECONDED BY COMMISSIONER DEBOER. CALL ON THE MOTION: MOTION CARRIED 4:1 WITH COMMISSIONER DEVOS OPPOSED.

L. Farabee Road Street & Drainage Unit Capital

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties	\$11.19 per ACRE
Proposed Maximum Rate	\$11.19 per ACRE

Fund paving within the MSBU

Mr. Sandrock advised there currently are no assessments; the proposed and advertised rates are \$11.19 per ACRE for all properties, and \$11.19 per ACRE maximum all properties. Ms. Harrison advised the increase would pay for paving; the project would commence in 2007, and completion expected in a year.

Public Comment

Attorney Michael Haymans representing American Citrus indicated Farabee Road needs paving and drainage, but needs the involvement of DeSoto County also because it has an interest; that he has a map dated 1955 that shows Farabee Road as a public road and part of the highway system; and this should be a general obligation, not an MSBU and left to a few property owners. Greg Betterton agreed this should be a general obligation, not an MSBU, and pointed out his company owns 34% of the property, has other access and does not need the road. Raphord Farrington, of Ben Hill Griffin, indicated he has seen Mr. Betterton's trucks using the road, that Ben Hill Griffin's company provides shell, watering, and grading to maintain the road, that the road is in better shape than ever, and he supports the MSBU. John Strickland spoke in opposition of the MSBU on behalf of the Hollingsworth family, who was included in this MSBU to strengthen it, and indicated this should be a county expense, paid for by those who benefit from it. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS.**

Board Action

Chairman Moore indicated the matter needs to be resolved, but he would not support a motion tonight. **Commissioner D'Aprile** stated the issue has been brought up before about trucks damaging roads and the possibility of charging trucks per load, which has been used successfully by others. **Commissioner DeBoer** advised he has had the same conversation about a surcharge; he would like to go ahead with this, but perhaps part can be subsidized in September with a surcharge. **COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-126 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$11.19 PER ACRE ALL PROPERTIES, AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$11.19 PER ACRE, SECONDED BY COMMISSIONER DEVOS. CALL ON THE MOTION: MOTION CARRIED 4:1 WITH COMMISSIONER MOORE OPPOSED.**

RECESS 10:45 PM - 10:57 PM

M. Farabee Road Street & Drainage Unit

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties \$3.00 per ACRE
Proposed Maximum Rate \$20.00 per ACRE
Fund drainage maintenance within the MSBU

Mr. Sandrock advised there currently are no assessments; the proposed and advertised rates are \$3.00 per ACRE for all properties, and \$20.00 per ACRE maximum all properties.

Public Comment

Emery Smith, of Ben Hill Griffin, indicated if improvements are done, \$3.00 per acre would be okay for upkeep, but would not do much on its own. Greg Betterton said the shell pit operators are causing damage to the road and should be responsible for maintenance; that his company has no need for the road and is basically subsidizing the trucks that use it; and costs should be to general obligation. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS.**

Board Action

Commissioner DeBoer advised his comments were the same as the prior one, and that he hopes to have an idea of the surcharge before setting final assessments in September; explained these rates are only tentative, and that those who believe they should not be in this MSBU should file a petition. **COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-127 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$3.00 PER ACRE ALL PROPERTIES, AND THE MAXIMUM RATE FOR ALL PROPERTIES AT \$20.00 PER ACRE, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

N. Punta Gorda Non-Urban Street & Drainage Unit Capital

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - Marl Road Area \$161.09 per LOT
Proposed Maximum Rate \$271.38 per LOT
Fund paving within the MSBU

Mr. Sandrock explained these are first-time assessed properties only in the marl road area that are located on roads in the neighborhood that benefit from the work program of the area MSBU; that the advertised and proposed rates for the marl road area are \$161.09 per ERU for all properties, and the advertised and proposed maximum rate for the marl road area is \$271.38 per ERU for all properties. Ms. Harrison explained that this MSBU has three separate rates; the current rates for the marl

road area are \$271.38 per ERU for all properties and \$271.38 per ERU maximum for all properties; the proposed and advertised rates for the marl road area are \$161.09 per ERU for all properties, and \$271.38 per ERU maximum for all properties; the current rates for Colony Court are \$348.66 per ERU for all properties, and \$348.66 per ERU maximum for all properties; the proposed rates for Colony Court are \$52.60 per ERU for all properties, and \$348.66 per ERU maximum for all properties; the current rates for Magnolia Way are \$370.44 per ERU for all properties, and \$370.44 per ERU maximum for all properties; the proposed rates for Magnolia Way are \$86.50 per ERU for all properties, and \$370.44 per ERU maximum for all properties.

Public Comment - None

COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-128 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE FOR THE MARL ROAD AREA AT \$161.09 PER ERU FOR ALL PROPERTIES, AND THE MAXIMUM RATE FOR THE MARL ROAD AREA AT \$271.38 PER ERU FOR ALL PROPERTIES, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

O. South Bridge Waterway Unit

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties	\$150.00 per ERU
Proposed Maximum Rate	\$150.00 per ERU
Fund engineering design phase of a future maintenance-dredging project within the MSBU	

Mr. Sandrock advised the South Bridge Waterway Unit is a new MSBU, that the advertised and proposed rates are \$150.00 per ERU for all properties, and the advertised and proposed maximum rate is \$150.00 per ERU for all properties. Ms. Harrison reported the property owners in the area seeking waterway dredging requested this by petition.

Public Comment - None

COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.

Board Action

COMMISSIONER D'APRILE MOVED APPROVAL TO ADOPT RESOLUTION 2006-129 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$150.00 PER ERU FOR ALL PROPERTIES, AND THE MAXIMUM RATE AT \$150.00 PER ERU FOR ALL PROPERTIES, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS.

P. Suncoast Waterway Unit

Dawn Harrison, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties \$133.07 per ERU
Proposed Maximum Rate \$1,723.37 per ERU
Fund design phase of a future maintenance-dredging project within
the MSBU

Mr. Sandrock advised the Suncoast Waterway Unit is a new MSBU, that the advertised and proposed rates are \$133.07 per ERU for all properties, and the advertised and proposed maximum rate is \$1,723.37 per ERU for all properties. Ms. Harrison explained the work program and advised the citizens are working on a signed petition.

Public Comment

John Grubbs spoke in support of the MSBU and the \$133.07 per ERU rate, but indicated the \$1,723.37 per ERU maximum rate is not what was wanted because only a small section of the canal needs to be dredged. Vincent Vurro spoke in support of the MSBU and the dredging. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

Board Action

Commissioner D'Aprile inquired about the high maximum rate. **Chairman Moore** agreed the maximum rate was high, and asked what the estimated period of time was. Ms. Harrison explained the rate can be reduced, but it would depend on the engineering and survey, and was a five-year assessment. Thomas O'Kane suggested that the maximum rate be set at \$133.07 per ERU for all properties. **COMMISSIONER D'APRILE MOVED APPROVAL TO ADOPT RESOLUTION 2006-130 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$133.07 PER ERU FOR ALL PROPERTIES, AND THE MAXIMUM RATE AT \$133.07 PER ERU FOR ALL PROPERTIES, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

Q. Hayward Canal Area Waterway Unit

Tara Musselman, Municipal Services District Representative

Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties \$54.92 per ERU
Proposed Maximum Rate \$529.97 per ERU
Fund engineering for future dredging within the MSBU

Mr. Sandrock advised there currently are no assessments; the proposed and advertised rates are \$54.92 per ERU for all properties, and \$529.97 per ERU maximum for all properties. Ms. Musselman said the dredging is planned for 2008 and costs are estimated, and when dredging quantities are known the maximum rate will be re-evaluated and should be less.

Public Comments

John Monroe spoke in opposition of MSBUs and the proposed assessments. Skip Negley indicated only the main canal needs to be dredged, and it would drop the cost considerably not to dredge all the canals in the area. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

Board Action

Commissioner DeBoer indicated much of the use comes from outside the area by use of the park and indicated staff could perhaps determine how much should come from the residents versus the park. **COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-131 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$54.92 PER ERU FOR ALL PROPERTIES, AND THE MAXIMUM RATE AT \$150.00 PER ERU FOR ALL PROPERTIES, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

R. Manchester Waterway

Tara Musselman, Municipal Services District Representative
Charlotte County Public Works

Advertised rate for FY 06/07 - all properties \$205.13 per ERU
Proposed Maximum Rate \$205.13 per ERU
Fund design and construction of a maintenance dredging within the MSBU

Mr. Sandrock advised the current rates are \$100.00 per ERU for all properties, and \$100.00 per ERU maximum for all properties; the proposed and advertised rates are \$205.13 per ERU for all properties, and \$205.13 per ERU maximum for all properties. Ms. Musselman advised the dredging is for the entire area, including Como and Flamingo, and is for a five-year period.

Public Comment

Frank Wondolkowski stated he has been unable to obtain sufficient information on exactly what would be dredged and the cost; the entire waterway system should not be dredged; Flamingo and Como are of no benefit to him and most boating communities are below those areas; and requested the BOCC vote against this until more data is furnished. Jim Goulette advised this is also for removal of the lock, not just dredging; that residents have waited a long time for the lock to be removed; presented a handout, and requested the assessment be approved with a five-year sunset, but that the current \$100.00 be paid until such time as the project has actually begun. Al Lange questioned why sales tax could not be used for the lock removal because the lock is county property and everyone should pay for it. Dennis Peck indicated the estimate is very high but the project needs to be done, and would like to know the cost before it is done. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

Board Action

Chairman Moore clarified the prior fees and questioned if surveys had been done. Ms. Musselman indicated surveys had not been done, and estimates were based upon the bathometric survey of a couple years ago. **Commissioner DeBoer** stated that when the lock is removed and the property sold, the funds should go back into the MSBU. **COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-132 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$100.00 PER ERU FOR ALL PROPERTIES, AND THE MAXIMUM RATE AT \$205.13 PER ERU FOR ALL PROPERTIES, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

S. Alligator Creek Waterway Unit

Tara Musselman, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties	\$100.00 per ERU
Proposed Maximum Rate	\$100.00 per ERU
Changed from MSTU to MSBU, will fund dredging projects within the MSBU	

Mr. Sandrock advised this unit was formerly a MSTU and has requested it be a MSBU; that there are no current rates; and the proposed and advertised rates are \$100.00 per ERU for all properties, and \$100.00 per ERU maximum for all properties. Ms. Musselman explained the change in assessment method was done at the request of the Alligator Creek

Advisory Committee, and the proposed assessment is to support the dredging projects in the waterway unit.

Public Comment

W.A. Sumner and George Rossett spoke in opposition of the proposed fee, requesting that the rate be decreased. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARINGS, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-133 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$100.00 PER ERU FOR ALL PROPERTIES, AND THE MAXIMUM RATE AT \$100.00 PER ERU FOR ALL PROPERTIES, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

T. Edgewater North Area Waterway Unit

Tara Musselman, Municipal Services District Representative
Charlotte County Public Works

Advertised Rate for FY 06/07 - all properties	\$20.12 per ERU
Proposed Maximum Rate	\$20.12 per ERU
Fund maintenance dredging of the main access channels within the MSBU	

Mr. Sandrock advised the Edgewater North Area Waterway Unit is a new MSBU and there are no current rates, the advertised and proposed rates are \$20.12 per ERU for all properties, and the advertised and proposed maximum rate is \$20.12 per ERU for all properties. Ms. Musselman explained the work program, and advised there are no appointments to the committee, but positions have been advertised.

Public Comment - None

COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

Board Action

COMMISSIONER D'APRILE MOVED APPROVAL TO ADOPT RESOLUTION 2006-134 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$20.12 PER ERU FOR ALL PROPERTIES, AND THE MAXIMUM RATE AT \$20.12 PER ERU FOR ALL PROPERTIES, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS.

U. Pirate Harbor Wastewater

Charlotte County Utilities

Advertised Rate for FY 06/07 - all properties \$403.24 per ERU
Proposed Maximum Rate \$443.56 per ERU
Establish and fund expansion of sanitary sewer system within the MSBU

Mr. Sandrock advised the Pirate Harbor Wastewater is a new MSBU and there are no current rates, that the advertised and proposed rates are \$403.24 per ERU for all properties, and the advertised and proposed maximum rate is \$443.56 per ERU for all properties. Debrah Smith explained the proposed assessment would allow Charlotte County Utilities (CCU) to expand its sanitary sewer system to serve the properties located in the Pirate Harbor MSBU area, and that the services were requested by the Property Owners Association.

Public Comment

Dennis McCulloch, President of the Pirate Harbor Property Owner Association (POA), spoke in support, and advised 70% of the property owners in the area are in favor. Johanna Lubernacki advised she was never contacted by the POA, and spoke in opposition. David Lee Pears indicated he is in favor of the low pressure sewer system, but the amount is extremely inflated and does not include the connection fee, that when first discussed it was for a lesser amount, and he stated residents cannot continue with increases as they have been. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARINGS, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

Board Action

Chairman Moore inquired if there is a prepayment plan up front. Ms. Smith stated there would be after the second year and contract is done and actual cost is known, and advised this is wastewater only. **Chairman Moore** asked how much of the \$8,000 is interest. Ms. Smith advised about \$6,000 of the \$8,000 cost. **COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-135 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$403.24 PER ERU FOR ALL PROPERTIES, AND THE MAXIMUM RATE AT \$443.56 PER ERU FOR ALL PROPERTIES, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

V. West Tarpon to Orange Drive Wastewater

Charlotte County Utilities

Advertised Rate for FY 06/07 - all properties \$448.03 per ERU
Proposed Maximum Rate \$492.83 per ERU
Establish and fund expansion of sanitary sewer system within the
MSBU

Mr. Sandrock advised the West Tarpon to Orange Drive Wastewater is a new MSBU and there are no current rates, the advertised and proposed rates are \$448.03 per ERU for all properties, and the advertised and proposed maximum rate is \$492.83 per ERU for all properties. Debrah Smith explained the proposed assessment would allow Charlotte County Utilities (CCU) to expand its sanitary sewer system to serve the properties located in the US 41 area from West Tarpon to Orange Drive, and that the services are part of the US 41 Beautification Project being done by the Public Works Department.

Public Comment - None

COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.

Board Action

COMMISSIONER DEBOER MOVED APPROVAL TO ADOPT RESOLUTION 2006-136 SETTING THE FY 2006/2007 FINAL ASSESSMENT RATE AT \$448.03 PER ERU FOR ALL PROPERTIES, AND THE MAXIMUM RATE AT \$492.83 PER ERU FOR ALL PROPERTIES, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

Commissioner Devos suggested that in the future when there are so many MSBU Public Hearings that they be separated into two evening sessions.

MEETING ADJOURNED 12:05 PM

Signature on 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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