

BOARD OF COUNTY COMMISSIONERS

JULY 16, 2007

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Loftus, Commissioner Duffy, Commissioner Cummings, Commissioner D'Aprile, and Commissioner Moore. Also in attendance were County Administrator Loucks, Deputy County Attorney Gallagher, and Deputy Clerk Mitchell. The following members were absent: None. The meeting was called to order at 5:01 PM.

I. Public Hearings to set MSBU Rates (Proofs of Publication were in Order.)

Ray Sandrock explained the purpose of tonight's public hearing.

Chairman Loftus read into the record a summary of the letters received in response to the MSBU assessments.

Mr. Sandrock explained the rates set tonight can be lowered at the hearings in September but they can never be raised.

A. Charlotte Harbor CRA Wastewater A-1

Charlotte County Utilities

Advertised Rate FY 07/08 - all properties	\$325.52 per ERU
Proposed Maximum Rate	\$358.07 per ERU
Fund the expansion of the sanitary sewer system to serve properties in the area	

Mr. Sandrock read the advertised and proposed maximum rates into the record.

Debra Smith reviewed the proposed work program.

1. Public Comment

The following people spoke in opposition to the proposed rate increase: Virginia Muth, Nancy Panoch, Michelle Pinel, Toby Pinel, and Carlton Pierce.

COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

2. Board Action

Commissioner D'Aprile said the issue regarding the Pinel's commercial property needs to be looked into more carefully, the County is continuing to work on how to fairly distribute the cost for the sewerage of this new MSBU, and he wants to personally speak to the Pinels. Commissioner Cummings suggested Jeff Pearson get with the Development Review Committee and Community Development to determine the real development potential for this commercial site. Mr. Pearson agreed to do so.

Commissioner Duffy said she needs to know if the people are opposed to the rate or to sewers in general because they're only hearing from a small number of people. Chairman Loftus agreed they'd only heard from a few of the over 600 residents but they have to make a decision on this one way or the other.

Bruce Loucks stated if the Board lowers the rate it could jeopardize the Community Development Block Grant (CDBG) funding.

Chairman Loftus noted they'd worked on this project for three years to alleviate some of the costs through grant funding.

Commissioner Moore agreed the Board can pass the resolution tonight and consider reducing it by the September hearings but noted they risk the available grant funding.

Commissioner Cummings said whether or not they sewer this area is not optional, there are areas the State will require to be sewerage, and this is the least expensive option due to the grant funds reducing the cost by one-third.

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2007-093, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

B. Northwest Port Charlotte Street and Drainage Unit B-1
Charlotte County Public Works

Advertised Rate for FY07/08 - Vacant \$125.00 per ERU
Advertised Rate for FY07/08 - Occupied \$118.00 per ERU
Proposed Maximum Rate \$125.00 per ERU
Fund current and future paving needs within the MSBU

Mr. Sandrock read the advertised and proposed rates into the record.

Dawn Harrison reviewed the proposed work program.

1. Public Comment

The following people spoke in opposition to the proposed rate increases: Thomas Mulkey, Heidi Dyer, Ryan Blumberg, James Payne, Mary Jo Rayfield, Mary Baer, Blair McVety, Joan Pilikian, Tom Skiera, Kathy Carter, Rachael Lowe, Park Pilikian, and Cathy Hrstka.

The following people spoke in support of the proposed rate increases: Dave Rubin, and Nancy Razvoza.

**COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

2. Board Action

Commissioner D'Aprile stated the committee approves the proposed program before it comes to this Board, it's obvious the majority of the people here don't want this, asked for an explanation of the reserves in addition to the increase, and said if it isn't necessary he won't vote for it but if this isn't approved the people need to realize the work won't get done.

Tom O'Kane explained the reason for the increase is the committee wanted three collector roadways paved so if there is no increase then that paving won't be done but all the other work planned as part of their work program will be done.

Commissioner Moore asked why the rate is different for occupied versus vacant.

Mrs. Harrison said the issue is mowing of the right-of-ways (ROWS).

COMMISSIONER D'APRILE MOVED TO DENY THE PROPOSED RESOLUTION ADOPTING THE FINAL MAINTENANCE ASSESSMENT FOR THE NORTHWEST PORT CHARLOTTE STREET AND DRAINAGE UNIT, SECONDED BY COMMISSIONER MOORE.

Commissioner Moore stated he really truly felt the people were making a mistake because the area needs maintenance.

Commissioner Duffy said they really haven't heard from a majority of the area residents, and she will support the motion but asked if there could compromise on say a lower, mid-way point increase.

Commissioner D'Aprile said the people are upset by the fact that everything continues to increase, the Board understands the people want lower rates, these MSBUs are for specific communities so understand it's going to be hard when things don't get done but that's their decision, and until such time as the State and this County start lowering things to a manageable level the people will remain frustrated.

(Discussion ensued on the results of postponing the increase and delaying the needed maintenance.)

Chairman Loftus voiced concerns with staying at the current rate if this is denied because it will end up costing the people more in the end.

Motion Carried 4:1. Chairman Loftus opposing.

COMMISSIONER DUFFY MOVED TO APPROVE AN INCREASE OF UP TO A MAXIMUM OF \$75.00, SECONDED BY CHAIRMAN LOFTUS.

Commissioner Cummings said he felt the Chair made a legitimate point, he feels it's a mistake not to do any maintenance, and he doesn't support the compromise because they need to either do the work or not.

Motion Failed 2:3. Commissioner Cummings, Commissioner D'Aprile, and Commissioner Moore opposing.

RECESS: 6:45 PM - 7:04 PM

C. Greater Port Charlotte Street & Drainage Unit C-1
Charlotte County Public Works

<i>Advertised Rate for FY 07/08 - Vacant</i>	<i>\$163.73 per ERU</i>
<i>Advertised Rate for FY 07/08 - Occupied</i>	<i>\$149.00 per ERU</i>
<i>Proposed Maximum Rate</i>	<i>\$170.00 per ERU</i>
<i>Fund maintenance service and road maintenance within the MSBU</i>	

Mr. Sandrock read the advertised and proposed rates into the record.

Tara Musselman reviewed the proposed work program.

1. Public Comment

The following people spoke in opposition to the proposed rate increases: Raymond Miller, Margaret Riggs, Mark Vigilante, John Witz, Ted Koford, Donald Cavanagh, John Hitzel, Kathleen Smith, Leonard Coats, Kelly McCloskey, Clyde Prier, Bruce Cumberledge, Scott Nielsen, Dave Eastwood, Bernadette and John Shewchuk, Joseph Johnson, Leonard Leary, Lucia Sandoz, Ken Moore, John Nomeyko, Sylvia Walker, George Walker, Clyde Wagoner, Grover Mudd, Kathy Carter, Cheryl Skeelee, Charles Myers, Viola Sowell, Mark Draper, Don Monroe, Richard Anderson, Laura Manson, and Shawn Taylor.

The following people spoke in support of the proposed rate increases: Bob Logan, Cathy Miller, Linda Free, and Dave Brake.

RECESS: 9:02 PM - 9:17 PM

Public input continued and the following people spoke in opposition to the proposed rate increases: Daniel O'Keefe, Joe Dixon, Yuri DeVilbiss, Scott Malseed, Joan Pilikian, Mirriana Payne, Kim Service, Steven Brock, Mary Chinelli, Fran Brazill, Tim Roguska, Donna Roguska, Doug Currie, Stephanie Wallner, and Joy Butler.

Public input continued and the following person spoke in support of the proposed rate increases: Dawn Harrison

COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

Mr. O'Kane responded to public input addressing the issues of gas tax revenues, ROW/safety mowing, delays due sod delivery problems, Edgewater Drive paving, MSBU planned work programs that went unfunded, and the amount of money that goes to the Tax Collector per Florida Statutes.

2. Board Action

Commissioner D'Aprile asked for clarification on Administrative Costs. Marty Simone explained the components that make up the charge under that category, and if the actual charges are less than the budgeted amount the monies are returned to the Reserves for that MSBU.

Commissioner Cummings said MSBUs have been around since before ad valorem taxes, Charlotte County has one of the lowest millage rates in the State, it appears people know there's work that needs to be done, agreed on the need to diversify their tax base, there should have been smaller increases over time but the people said no, and said the longer they wait the more it's going to cost because the maintenance is really behind in this area.

Commissioner Duffy said she's lived in the Greater Port Charlotte area for a long time, she felt the rate of \$54 over the last seven years wasn't enough to do very much, she was glad when the new committee was formed but she thought the recommended increase was a little high, and she would support a moderate rate increase.

Commissioner Moore said he doesn't feel a moderate increase will work, he hears the distress of the residents but he will support the proposed resolution because the rate can be reduced later, and this will give him time to more thoroughly review some of the figures he's not really sure about.

Chairman Loftus said he personally feels if the works needs to be done it should be done now to be the most cost effective, and he supports moving forward with the work program as presented.

Commissioner D'Aprile agreed the road work is very necessary but said he felt it's just the wrong time to tax the people, recalled in New York everyone paid road taxes but they were equally distributed throughout the county, and said he can't support more taxes, not now.

COMMISSIONER MOORE MOVED TO APPROVE RESOLUTION 2007-094, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 3:2. Commissioner Duffy, and Commissioner D'Aprile opposing.

D. Fire Assessments D-1 Charlotte County Fire Department

Charlotte County Fire Department

Advertised Rate FY 07/08	Proposed Rate / Proposed Maximum
Residential per ERU	\$172.54 / \$203.77
Commercial/Industrial	
(\$273.00 Min) per Sq Ft	\$ 0.21 / \$ 0.25
RV Spaces per ERU	\$ 73.37 / \$ 86.64
Vacant Mobile Home Lots per ERU	\$ 44.02 / \$ 51.99
Vacant Lots per ERU	\$ 73.59 / \$ 86.79
Acreage in Developed Areas	
(\$750.00 cap) per acre	\$ 36.74 / \$ 43.39
Acreage in Undeveloped Areas	
(\$750.00 cap) per acre	\$ 1.49 / \$ 1.76

Mr. Sandrock read the advertised and proposed rates into the record.

1. Public Comment

The following people spoke in opposition to the proposed rate increases: John Barry, Leonard Coats, Donald Cavanagh, John Skinner, James Heskett, Christie Carlomany, Jean Donahue, Alan LeBeau, Attorney Mark Draper, Laura Manson, Miriam Miner, Alma Land, Raymond Miller, Kathleen Smith, and Joy Butler.

**COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.**

2. Board Action

Chief DiDio responded to public input addressing the issues of using fire equipment for trips to the grocery store, distribution of personnel, annual inspections, personnel benefits, fire house repairs due to the hurricane, and equipment upgrades.

Commissioner Cummings said the issue of equal benefit has come up several times tonight, and asked for clarification.

Attorney Gallagher explained regarding MSBUs the State requires a two-part test - whether the property that's assessed gets a special benefit from the assessment and whether the assessment is fairly and reasonably apportioned among the properties assessed. Attorney Gallagher said the methodology has changed in that it's not an equal benefit it's a special benefit, and the courts have specifically held that when an assessment is levied counties or cities aren't required to do a lot-by-lot assessment to determine if the benefit for every single lot is equal.

Commissioner Moore asked if there are specific MSBUs for this.

Hector Flores explained there is the City of Punta Gorda Fire District, the Englewood Area Fire Control District, and the rest is all Charlotte County.

Commissioner Moore voiced concern with a 16% increase.

Commissioner Cummings said regarding the City of Punta Gorda they pay an additional ad valorem assessment to cover these fees so they still pay the bill they just pay it a different way.

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2007-095, SECONDED BY CHAIRMAN LOFTUS.

Commissioner Moore said this seems to be a five year program. *Mr. Flores* said that's correct. *Commissioner Moore* said he appreciates everything these people do but no way will he vote for 16% next year.

Commissioner D'Aprile said the need for the Fire Department is very obvious but he's not seeing they made any cuts so he can't support a 16% increase.

Commissioner Duffy asked if they could do a lower increase.

Commissioner Cummings reiterated they have until the final budget hearing to make reductions, said this is part of a five-year plan, the additional fire stations were approved through a voter referendum and more staff is needed to run those new stations, and he hesitates to make a reduction tonight.

Chairman Loftus agreed they have the opportunity to lower it before the final hearing in September.

Commissioner D'Aprile said he still isn't okay with a 16% increase but he'll go along with it with the option of reducing it later on.

Commissioner Duffy said she could support the motion as long as she knows the Chief will do everything possible to lower the increase so the next time the Board sees this it's lower.

Motion Carried 5:0.

ADJOURNED: 12:05 AM

Signature of file in Commission Minutes
Chairman

ATTEST:

**BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS**

**By: Signature on file in Commission Minutes
Deputy Clerk**

/ksm