

**BOARD OF COUNTY COMMISSIONERS**

May 4, 2010

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

Members present were: Chairman Starr, Commissioner Loftus, Commissioner Skidmore, Commissioner Cummings, Commissioner Duffy, County Administrator Baltz, County Attorney Knowlton, Minutes Supervisor Manley. The following members were absent: None

The meeting was called to order at **10:00 AM** followed by the Pledge of Allegiance.

**(Commissioner Cummings was absent for this portion of the meeting.)**

**Opening Comments - Roger Baltz**

Mr. Baltz advised several staff members were present to comment on the oil spill and there was a quick briefing as to what Charlotte County is doing for the issue.

**Special Presentation: Presentation by Wayne Sallade, Emergency Management, related to Gulf Oil Spill**

**(Commissioner Cummings was present for the remainder of the meeting.)**

Wayne Sallade gave a brief update on the oil spill which paralleled a slide presentation by Gerry Mallet.

**Commissioner Duffy** asked for clarification in regard to the emergency declaration extending to Charlotte County by today (May 4th). Mr. Sallade advised that there would be a conference call with the State at 4:30 PM on that date and that the declaration could possibly be extended.

Mr. Mallet of Emergency Management gave a PowerPoint presentation which outlined the Response Plan, State Actions, and County Actions.

**Commissioner Duffy** asked about emergency response capabilities for local companies in the event that resources are needed. Mr. Sallade responded every company will do what is needed, commented all of the larger companies have oil spill contingency and response capabilities, and added that there should never, under the St. Petersburg Coast Guard Contingency Plan, be a point where contractors are needed to be asked to do clean up.

**Chairman Starr** requested an email be sent to each Commissioner keeping them up to date and advising of the Contingency Plan. Mr. Sallade replied affirmatively and stated that Emergency Management is an all hazard department and has contingency plans for all hazards.

**Commissioner Skidmore** asked about the ability to pick emergency management contractors. Mr. Mallet responded that we are able to pick anyone on the list. **Commissioner Skidmore** asked if the top four on the list had contracts. Mr. Mallet responded affirmatively.

**Commissioner Loftus** inquired whether the County had entered into a contract with the emergency management companies on the list. Mr. Sallade responded in detail mentioning Hurricane Charley.

**Commissioner Loftus** asked that Mr. Baltz check to be certain the County has a contract with all four companies. Mr. Baltz acknowledged he would check into it immediately for certainty.

**Commissioner Skidmore** commented that he had sent an email to the Governor asking that the state of emergency be expanded to Charlotte County and gave reasons why. Mr. Sallade advised **Commissioner Skidmore** of the consequences of extending the Declaration in the way of cancellations.

**Commissioner Cummings** pointed out that the best thing to know is that plans are in place in the event something happens in Charlotte County, expressed concerns in the event of an emergency, and commented on public outreach and long-term implications.

**Commissioner Duffy** requested a follow-up on points of preparedness, mentioned emails from congressmen, senators, and British Petroleum (BP), requested assurance the County is prepared in the event action is required, and clarified whether the four companies have the necessary capabilities needed. Mr. Sallade advised the Commissioners to contact his office if there are any questions or concerns.

**Commissioner Cummings** inquired about citizens calling 211 and if those calls get routed to the Emergency Management office.

#### **MSBUs with Rate Changes Requiring a Public Hearing**

Bob Halfhill explained the purpose of the workshop, the Process of setting MSBU Assessments, and outlined Gaining Community Support. **Commissioner Duffy** commented on the email system and expressed concern with acquiring email addresses for all parties. Mr. Halfhill explained in more detail. **Commissioner Duffy** opined that the Tax Collector or Property Appraiser could assist in some manner.

#### **1. New or First Time Assessed**

##### **A. New MSBUs**

#### **1. Little Gasparilla Island Fire Services Unit**

Tara Musselman reviewed the first time assessment for vacant (\$125) and occupied (\$350), and the purpose of the assessment.

**Commissioner Skidmore** asked if the dollar figures were used in the mailings. Ms. Musselman responded affirmatively.

**COMMISSIONER SKIDMORE MOVED TO SET THE RATES FOR LITTLE GASPARILLA ISLAND FIRE SERVICES UNIT NOT TO EXCEED \$125 FOR VACANT AND \$350 OCCUPIED, SECONDED BY COMMISSIONER LOFTUS.**

**MOTION CARRIED 5:0.**

**Commissioner Skidmore** asked about an attached federal grant. Ms. Musselman responded that Little Gasparilla had received a

\$105,000 grant to start the program. **Commissioner Skidmore** encouraged the search of funds outside the taxing unit.

## **2. Pirate Harbor Street & Drainage Unit**

Mr. Halfhill advised the first time assessment is \$114 for vacant and \$90 for occupied and explained the purpose of the increase.

**Commissioner Skidmore** clarified the number of affected homes in the unit, the number of people in attendance at the public meeting, and the types of responses. Mr. Halfhill and Dawn Harrison gave clarification.

**Commissioner Loftus** asked for further clarification on the attendance at the public meeting.

**COMMISSIONER CUMMINGS MOVED TO APPROVE PIRATE HARBOR STREET & DRAINAGE UNIT AS RECOMMENDED, SECONDED BY COMMISSIONER DUFFY.**

**Commissioner Skidmore** stated he had not heard from anyone in regard to the issue. **Commissioner Cummings** commented he had not had many phone calls and emails, but pointed out that 30 residents in attendance showing support is significant. **Commissioner Skidmore** inquired if newly created MSBU's could show up on a ballot in order to reach people who are not present. **Chairman Starr** mentioned Amendment Four and commented that the Board is just reviewing at the present time. Mr. Halfhill stated that the MSBU is newly established because an increase is being requested and that some action needs to be taken. **Commissioner Skidmore** stated he would support the motion but would gather more information before the public hearing. **Commissioner Duffy** commented that input is not usually received until TRIM notices go out, that the message needs to get out to the citizens involved, and encouraged input from the citizens. **Commissioner Cummings** clarified his motion is assuming the higher end. **Commissioner Loftus** expressed concerns with conducting better outreach.

**MOTION CARRIED 5:0.**

**3. South Gulf Cove Beautification Unit**

Mr. Halfhill explained the purpose of the assessment and advised the first time assessment would be \$25.00 for vacant and occupied.

**COMMISSIONER DUFFY MOVED TO APPROVE SOUTH GULF COVE BEAUTIFICATION UNIT AS RECOMMENDED, SECONDED BY COMMISSIONER SKIDMORE.**

**MOTION CARRIED 5:0.**

Ms. Musselman read the following assessments into the record as follows: Pirate Harbor Street & Drainage Unit, South Gulf Cove Beautification Unit, and Punta Gorda Non-Urban Street & Drainage Unit.

**B. Property Review Changes**

**4. Punta Gorda Non-Urban Street & Drainage Unit**

Mr. Halfhill explained the purpose and outlined the assessment.

**COMMISSIONER CUMMINGS MOVED TO APPROVE PUNTA GORDA NON-URBAN STREET & DRAINAGE UNIT AS READ INTO THE RECORD, SECONDED BY COMMISSIONER LOFTUS.**

**Chairman Starr** expressed concern that the MSBU's are street and drainage units, commented that no streets are being done, suggested bidding out for an all-mowing contract, expressed concern with re-evaluating expenses and putting an emphasis on infrastructure, and requested clarification on costs. Ms. Harrison responded to **Chairman Starr's** concerns.

Alan Holbach of Public Works provided additional detail related to the work program for services performed, costs involved, and budgeted amounts available, and commented on a possible transition to take care of other repairs, versus the maintenance that is being done. **Chairman Starr** commented on a means of paving the roads.

**Commissioner Skidmore** asked about what was done in-house versus contract services. Mr. Holbach and Mr. Halfhill responded. Marty

Simone responded to **Commissioner Skidmore's** inquiries about administration fees.

Board Discussion ensued as to expenditures. Ms. Musselman reviewed additional data reflected on the work program. **Chairman Starr** commented on the need to look at a means to get paving done. **Commissioner Cummings** explained that the swale and sod are part of the road and mowing is part of line-of-site and commented that it must be done to preserve infrastructure. (Discussion ensued.)

**MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.**

**2. Increases Above The Maximum Rate**

**A. Increase Due to Resurfacing Programs**

**5. Tropical Gulf Acres Street & Drainage Unit**

Ms. Musselman read the rates into the record. Mr. Halfhill commented on the poor condition of the roads, indicated the proposal is to re-pave the existing roads, commented that it is an issue of safety, that the community is in favor of the improvements, and stated that a plan will be created to determine what roads will be paved in the future.

Discussion ensued related to budget items, road paving, and the need for inspectors. **Chairman Starr** commented on the need for a performance-based budget on the MSBU/MSTUs.

Mr. Holbach explained staff does performance-based budgeting with an oversight committee and commented on input gained when preparing items.

Mr. Halfhill addressed Board inquiries regarding increasing density on the aggregate and administrative costs and stated he would put together a budget model and bring it to the Board.

**Commissioner Cummings** commented on the need for administration, the need to show where expenses come from, and expressed concern with the approach.

**Commissioner Duffy** commented on applying some of the General Fund toward the MSBUs. **Commissioner Skidmore** commented on finding a better way to glean efficiencies. Board Discussion ensued.

**COMMISSIONER LOFTUS MOVED TO APPROVE TROPICAL GULF ACRES STREET & DRAINAGE UNIT, SECONDED BY COMMISSIONER SKIDMORE.**

**Commissioner Skidmore** indicated he supports the item now but that could change by July.

**MOTION CARRIED 5:0.**

**B. Increase Due to Overall Work Programs/New Work Programs**

**6. Northwest Port Charlotte Street & Drainage Unit**

Ms. Musselman read the rates into the record.

Mr. Halfhill provided additional detail, commented on meetings with the committees, and commented on a pilot, long-term work program being reviewed.

**COMMISSIONER DUFFY MOVED TO APPROVE NORTHWEST PORT CHARLOTTE STREET & DRAINAGE UNIT, SECONDED BY COMMISSIONER SKIDMORE.**

**MOTION CARRIED 5:0.**

**7. South Bridge Waterway Unit**

Ms. Musselman read the rates into the record. Mr. Halfhill explained that an outreach program is in place, stated there are 99 Equivalent Residential Units (ERUs), commented on the purpose of the program, and indicated that staff recommends approval.

**COMMISSIONER SKIDMORE MOVED TO APPROVE SOUTH BRIDGE WATERWAY UNIT, SECONDED BY COMMISSIONER CUMMINGS.**

**Commissioner Duffy** asked about the length of the program to which Mr. Halfhill responded ten years. **Chairman Starr** asked about problems for multiple lot owners. Ms. Harrison responded one of the largest owners supports the action.

**MOTION CARRIED 5:0.**

**3. Rate Changes Below the Maximum**

**A. Increase Due to Overall Work Program**

**8. Suncoast Boulevard Street & Drainage Unit**

Ms. Musselman read the rates into the record. Mr. Halfhill explained the purpose, stating the program is being driven by an accident. Ms. Musselman stated there had been no outreach and explained why.

**Commissioner Skidmore** asked about recouping costs from the responsible party, to which Mr. Halfhill responded.

**COMMISSIONER DUFFY MOVED TO APPROVE SUNCOAST BOULEVARD STREET & DRAINAGE UNIT, SECONDED BY COMMISSIONER LOFTUS.**

**Commissioner Skidmore** stated he could not support the program because no outreach had been done. **Chairman Starr** agreed with **Commissioner Skidmore's** comment.

**Commissioner Duffy** commented on the cost of outreach. Ms. Musselman explained the unit does not have a committee. **Commissioner Duffy** said she would rather approve the program now. Ms. Musselman stated no other limited funding would be done for work if there is no increase. **Chairman Starr** does not advocate a mailing but would like some input from the affected parties.

**Commissioner Loftus** agreed there was insufficient due diligence and commented the homeowner associations should be contacted. Mr. Halfhill explained that if no action is taken now, it cannot be taken later. **Commissioner Duffy** asked if the item could be brought back at an upcoming budget hearing if no action is taken now. Attorney Gallagher replied affirmatively. **COMMISSIONER DUFFY WITHDREW HER MOTION** and suggested means of contact. **COMMISSIONER LOFTUS WITHDREW HIS SECOND. (CONSENSUS TO DO NOTHING AND BRING BACK AT AN UPCOMING BUDGET MEETING.)**

**4. Transferred Units - No Rate Change**

- A. Units Transferred from South Burnt Store Street & Drainage Unit to Burnt Store Village Street & Drainage Unit**

**9. Burnt Store Village Street & Drainage Unit - Harborside Woods Subunit**

Ms. Musselman read the rates into the record and stated the item is a transfer and will not go to public hearing. **Commissioner Cummings** clarified that the Board is only being informed and no action is required.

**COMMISSIONER DUFFY MOVED TO LEAVE BURNT STORE VILLAGE STREET & DRAINAGE UNIT - HARBORSIDE WOODS SUBUNIT THE SAME, SECONDED BY COMMISSIONER CUMMINGS.**

**MOTION CARRIED 5:0.**

**5. Decreases in Assessments**

Dawn Harrison read the rates into the record for Boca Grande, Grove City, Punta Gorda, and South Gulf Cove.

Mr. Halfhill explained that no action is required and indicated the next steps to be taken.

**Commissioner Comments:**

**Commissioner Skidmore** commented on a letter received from Nigel Morris of the Charlotte Ranchettes MSBU Advisory Committee requesting the assessment be increased, questioned why the item was not put on the agenda, and stated action needed to be taken today. Mr. Halfhill explained there was no outreach done and staff suggested they contact the Board to have it put on the agenda.

**Commissioner Skidmore** read the contents of the letter and asked for Board direction. **Commissioner Loftus** expressed concern with there being no outreach. **Commissioner Cummings** asked about the deadline. Ms. Musselman responded that staff can put it into the budget and have the community outreach, advised there would be

an agenda item on June 8th approving the notices to be mailed out, added she would have a survey with results, and indicated it can be pulled on June 8th if not approved by the public. **Commissioner Cummings** clarified the manner in which the item would be brought back. **Commissioner Skidmore** asked why the matter was not brought to the Board before this. Mr. Halfhill explained the criteria of the meeting to get on the list and that the three MSBU's did not meet the criteria. Attorney Knowlton explained further. Ms. Musselman advised that the item can be put on today and that the last day to pull it is June 8th. Mr. Baltz commented on the process of staff's direction that before bringing an item to the Board, all reasonable efforts are made for the BCC to make a yes or no response.

**COMMISSIONER SKIDMORE MOVED TO ADD THE CHARLOTTE RANCHETTES STREETS AND DRAINAGE UNIT WITH THE CURRENT ASSESSMENT NOT TO EXCEED \$150 PER ACRE, ALLOWING THEM SUFFICIENT TIME TO HAVE A PUBLIC OUTREACH MEETING ON MAY 27TH AT WHICH POINT THE BOARD WILL MAKE A DECISION DURING TODAY'S MEETING, SECONDED BY COMMISSIONER CUMMINGS.**

**Commissioner Cummings** commented that his second is to tentatively add it so that the Board can do its review.

**MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.**

**Commissioner Skidmore** commented that Gulf Cove is a split community and mentioned their intention to do a ballot mailing.

**COMMISSIONER SKIDMORE MOVED TO ALLOW SOUTH GULF COVE TO MOVE FORWARD WITH THE ADVISORY BOARD AND RE-ASSESS IT AT A LATER DATE, SECONDED BY COMMISSIONER CUMMINGS.**

**Commissioner Cummings** clarified the intent of the motion to tentatively add in Gulf Cove and allow staff to do outreach as deemed appropriate. Ms. Musselman explained that at their last meeting they had moved to send a survey to all members and gave the proposed highest rates.

**MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.**

**Commissioner Skidmore** commented on the Boca Grande MSBU, explained in more detail about the project, and asked for the

amount of savings gleaned. Ms. Musselman explained their intention to pay off the project quickly and indicated she would get the most current paving costs to **Commissioner Skidmore**. **Commissioner Skidmore** commented on the overall complaint in regard to paving and inquired about finding a way to not pave vacant streets. Mr. Halfhill responded.

**Commissioner Duffy** asked about MSBU's that were not addressed at today's meeting. Ms. Musselman explained that the MSBU's not addressed are not proposing increases and have good work programs.

**Commissioner Cummings** commented on the grading of roads, shifting to an MSTU system, a baseline level of service, identifying specific issues, and MSBU funding.

**ADJOURNED: 12:35 PM**

Signature on 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**

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