

BOARD OF COUNTY COMMISSIONERS

JULY 20, 2016

A MSBU Hearing was held at the Charlotte Harbor Event and Conference Center, 75 Taylor Street, Punta Gorda, Florida.

The following members were present: Chair Truex, Commissioner Constance, Commissioner Deutsch, Commissioner Doherty, and Commissioner Duffy. Also in attendance were: County Administrator Sandrock, County Attorney Knowlton, Minutes Supervisor DiBerardino, Minutes Secretary Russo and Minutes Clerk Cash. The following members were absent: None

The MSBU Hearing was called to order at 5:01 pm, followed by the Pledge of Allegiance.

1. Public Hearings to Create MSBUs and set MSBU Rates

Gordon Burger, Fiscal Services Budget and Administrative Services Director gave a brief overview of the Agenda, Stages of the Budget Process, Water Resources, Budget Calendar, and Budget Milestones.

a. San Sebastian Sewer MSBU

Mr. Burger gave a brief overview of the Project Description, San Sebastian Sewer Boundary, and Proposed Assessment.

David Drury, City of Punta Gorda Finance Director spoke to initial contact from the Homeowners' Association, polls submitted, and roadway conditions. Steve Adams, City of Punta Gorda Utility Engineering Manager explained the progression of the project.

Chair Truex inquired about the initiation of the project and community polls. **Commissioner Constance** discussed the initial inquiry about sewers, age of septic systems, and roadway conditions. **Commissioner Doherty** spoke to the City construction estimate. **Commissioner Duffy** asked about the number of homes, age of homes, Health Department inspection data, and roadway conditions.

County Attorney Knowlton referenced the Interlocal Agreement with the City of Punta Gorda to undertake the project. Marilyn Miller, Assistant County Attorney detailed terms of the Interlocal Agreement, discussed home ages, and septic tank data.

Public Hearing

The following Citizens Spoke In Favor of the MSBU Assessment: Gary Marty, David Johnston, and Bill Schafer.

The following Citizens Spoke Against the MSBU Assessment: Charles E. Jones, Paul Fuerst, Jim Desimone, Alma Pate-Jones, Steve Steen, Geeta Singh, Roseann Messenger, Margaret M. Sheehan, Vera DiBenedetto, Mike Toph, Susan Hutt, David Myers, Stanley E. Hutt, David Arens, and William Holland.

COMMISSIONER DOHERTY MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Chair Truex spoke to roadway maintenance responsibility, different funding options, and sewers vs. septic systems. **Commissioner Constance** discussed cost concerns, coordinating projects, and outside financial support. **Commissioner Deutsch** commented on sewer scientific information and financial impacts. **Commissioner Doherty** spoke to different sewer options, roadway maintenance responsibilities, hardship program, and cost management concerns. **Commissioner Duffy** discussed financing costs, multiple lot assessments, alternative sewer options, resident polls, and other financial assistance.

County Attorney Knowlton commented on roadway maintenance responsibilities. Ms. Miller spoke to multiple lots Equivalent Residential Unit (ERU) assessments.

Mr. Drury discussed hardship program and costs per ERU. Mr. Adams commented on street maintenance responsibility, multiple lot assessments, and alternative sewer options.

COMMISSIONER DOHERTY MOVED TO DENY THE SAN SEBASTIAN SEWER MSBU WITH DIRECTION TO STAFF TO GAIN MORE COOPERATIVE EFFORT, WORK WITH OPTIONS, ADDRESS ALL AREAS TO SEE IF THERE ARE DRAINAGE ISSUES, AND ENGAGE CITY AND CITY ENGINEERS AS PART OF COST CONTAINMENT, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

RECESS: 6:48 pm – 7:04 pm

b. US 41 Reclaimed Water Expansion MSBU

Gary Hubbard, Utilities Director explained presentation will cover US 41 Reclaimed Water Expansion MSBU, US 41 Sewer Expansion MSBU, and US 41 Potable Water Expansion MSBU, however each will have its own Public Hearing, and gave a brief overview of the US 41 Utility Expansion, Project Description, Staff recommendation not to proceed with US 41 Reclaimed Water Expansion MSBU, Phase 2 US 41 Sewer Expansion MSBU Assessed Sewer Parcels, Phase 2 US 41 Water Expansion MSBU Assessed Water Parcels, FDOT US 41 Widening Utility Improvements Schedule, Proposed Project Timetable, Proposed Sewer Assessments, and Proposed Potable Water Expansion Costs.

Chair Truex explained that the US 41 Reclaimed Water Expansion MSBU has been withdrawn and there will not be a Public Hearing. **Commissioner Constance** inquired about the plan for reclaimed water, sewer and potable water assessment fees, and utility service availability for commercial businesses. **Commissioner Duffy** spoke to the reclaimed water accessibility for businesses.

Public Hearing

The following Citizens Spoke In Favor of the MSBU Assessment: None.

The following Citizens Spoke Against the MSBU Assessment: Marie Lebrosse.

COMMISSIONER DOHERTY MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(Consensus: To withdraw US 41 Reclaimed Water Expansion MSBU)

c. US 41 Sewer Expansion MSBU

Mr. Hubbard clarified that on the presentation slide for the Proposed Sewer Assessment the estimated initial assessment should be \$0.69 and on the slide for Proposed Potable Water Expansion Costs the estimated initial assessment should be \$0.45.

Public Hearing

The following Citizens Spoke In Favor of the MSBU Assessment: None.

The following Citizens Spoke Against the MSBU Assessment: Joseph Tiseo, Joel Ament, Michael Zarzano, Joe Martin, Marie Lebrosse, Eduardo Vellez, Jeff Roughton, L.A. Daniels, Rodney McGee, and Steve Zylstra.

COMMISSIONER DUFFY MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED: 5:0.

Chair Truex spoke to property assessments and sewer and water assessment methodology. **Commissioner Constance** commented on lot assessments, design costs, construction costs, sewer and water assessment methodology, and first year design costs. **Commissioner Doherty** discussed assessment methodology, design methodology, affordability, and funds for design. **Commissioner Duffy** commented on commercial property frontage, previous Board discussions, Legislative Agenda, Governor's septic conversion initiative, and project funding.

Mr. Hubbard spoke to property assessments, cost of infrastructure, maximum assessment rates, project funding, and design costs. County Attorney Knowlton discussed design assessments. Mr. Burger commented on design stage funding.

Heather Encinosa, Law Firm of Nabors Giblin and Nickerson, P.A. commented on changing methodology, statutory deadlines, and delaying implementation of assessments.

COMMISSIONER DOHERTY MOVED TO DENY THE US 41 SEWER EXPANSION MSBU AND US 41 POTABLE WATER EXPANSION MSBU, STAFF TO LOOK FOR FUNDING OPTIONS TO CONTINUE WITH DESIGN PROCESS AND WORK ON METHODOLOGY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1., COMMISSIONER DUFFY OPPOSED

d. US 41 Potable Water Expansion MSBU

(Addressed with US 41 Sewer Expansion MSBU)

e. Ackerman Countryman Sewer MSBU

Mr. Hubbard explained that the presentation will cover Ackerman Countryman Sewer MSBU and Ackerman Countryman Potable Water MSBU, gave a brief overview of Project Description, Phase 2 Countryman-Ackerman Sewer Expansion MSBU Assessed Sewer Parcels, Phase 2 Countryman-Ackerman Water Expansion MSBU Assessed Water Parcels, Status of Project, Proposed Project Timetable, and Initial Assessment – Phase 2.

Public Hearing

The following Citizens Spoke In Favor of the MSBU Assessment: None.

The following Citizens Spoke Against the MSBU Assessment: Dave Allen, Mary Jo Knarzer, Alfred DeBono, Lauren Schweer, Natala Orobello, Rick Sorenson, Dave Kesselring, Barbara Jaklitsch, David Myers, Stanley E. Hutt, Susan Hutt, Dean Carson, Kim Bulinski, Brian Brunderman, Robert Mudge, Gerry Stafford, Nancy E. Lane, Bob Chanley, Scott Andrichak, Sheila Denis, David Crockwell, Paul Huckestein, Tom Malley, and Paul Rizzo.

COMMISSIONER DUFFY MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED: 5:0.

Chair Truex discussed finding right mechanism of funding, alternate funding options, and commitment to water quality. **Commissioner Constance** commented on different lot types, eligibility for funding, and deferral program. **Commissioner Deutsch** spoke to the assessment methodology, funding options, sewer types, hardship component, funding for design only, and septic system credits. **Commissioner Doherty** spoke to multiple properties unit assessments, finding appropriate methodology, hardship program, and rebate program. **Commissioner Duffy** discussed multiple property unit assessments and hardship program.

Ms. Miller commented on multiple property unit assessments. Mr. Hubbard spoke to large tract assessments and impacts if delayed. Mr. Burger discussed the number of accounts and lot types. Emily Lewis, Legislative Manager summarized State funding requirements.

COMMISSIONER DOHERTY MOVED TO DENY ACKERMAN COUNTRYMAN SEWER MSBU AND ACKERMAN COUNTRYMAN POTABLE WATER MSBU, STAFF TO MOVE FORWARD WITH DESIGN EFFORTS, AND TO COME BACK WITH BETTER METHODOLOGY IN 2017/2018, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1., COMMISSIONER DUFFY OPPOSED

f. Ackerman Countryman Potable Water MSBU

(Addressed with Ackerman Countryman Sewer MSBU)

RECESS: 10:31 pm – 10:42 pm

g. El Jobean Sewer Expansion MSBU

Mr. Hubbard gave a brief overview of West side and East side differences, Adopted Initial MSBU Resolution, Why Now, Assessed Parcels, MSBU and Service Availability Schedule Subject to Approval by BCC, Proposed Sewer Costs, Options for Consideration, El Jobean MSBU-Developer Lots-West of SR 776, Parcels Adjacent to Unimproved Streets, and Options for Consideration.

Commissioner Duffy reviewed options for consideration.

Public Hearing

The following Citizens Spoke In Favor of the MSBU Assessment: Robert Gamble.

The following Citizens Spoke Against the MSBU Assessment: Daniel Taylor, Elizabeth Wong, Mark Porter, Gary Bensley, David Myers, Patricia Myers, Beverly Cisco, Kevin Feuser, Susan Hutt, Sherry Simmons, Bob McDuffy, Louis McPherson, and Jeff Taylor.

COMMISSIONER DOHERTY MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED: 5:0.

Chair Truex spoke to methodology issues, lot size ERU's, and East and West side funding. **Commissioner Constance** inquired about East side lot sizes and defining ERU's. **Commissioner Deutsch** asked about the nonresidential nonprofits and church exemptions. **Commissioner Doherty** discussed East and West side differences, West side assessments, East side methodology, and El Jobean churches and nonprofits. **Commissioner Duffy** commented on the East side lot assessments and West side developer area.

Mr. Hubbard spoke to the East side lot methodology and ERU definition. Mr. Burger commented on lot sizes and continuance ramifications. County Attorney Knowlton discussed nonprofits, property benefits, exemption circumstances, consistency with all nonprofits, Department of Revenue (DOR) classification, and number of church and charitable organizations. Ms. Miller referenced trim notices.

Ms. Encinosa discussed developer area, church exemptions, and motion clarification.

COMMISSIONER DUFFY MOVED TO APPROVE OPTION 2

MOTION FAILED FOR LACK OF SECOND

COMMISSIONER DOHERTY MOVED TO APPROVE THE EL JOBEAN SEWER EXPANSION MSBU RELATIVE TO THE EAST SIDE FOR DESIGN, SETTING THE ASSESSEMENT FOR THE WEST SIDE TO ZERO AND COME BACK ON SEPTEMBER 12, 2016 AND MAKE A FINAL DECISION AS TO WHETHER OR NOT TO MOVE AHEAD WITH THE DESIGN ON THE EAST SIDE, SECONDED BY COMMISSIONER CONSTANCE

MOTION WITHDRAWN

COMMISSIONER DOHERTY MOVED TO CONTINUE THE EL JOBEAN SEWER EXPANSION MSBU UNTIL THE SEPTEMBER 12, 2016 BUDGET HEARING AT 5:01 PM IN MURDOCK, SECONDED BY COMMISSIONER CONSTANCE

MOTION WITHDRAWN

COMMISSIONER DOHERTY MOVED TO REMOVE THE WEST SIDE OF THE EL JOBEAN SEWER EXPANSION MSBU AND APPROVE THE DESIGN FOR THE EAST SIDE OF THE EL JOBEAN SEWER EXPANSION MSBU, TO CONSTRUCT THE EAST SIDE ONLY, WITH THE UNDERSTANDING THAT THE BOARD WILL COME BACK ON SEPTEMBER 12, 2016 AT 5:01 PM TO LOOK AT THE EAST SIDE AND SEE IF THERE IS A PROBLEM WITH METHODOLOGY, SECONDED BY COMMISSIONER DEUTSCH

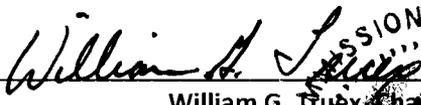
MOTION CARRIED 4:1., CHAIR TRUEX OPPOSED

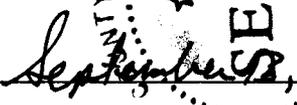
AA. County Administrator: None

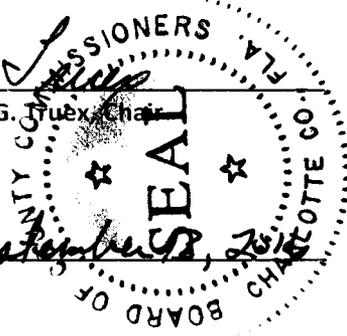
BB. County Attorney: None

CC. Commissioner Comments: None

ADJOURNED: 12:16 am

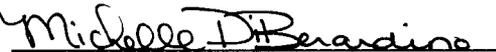

William G. Truex, Chair

DATE ADOPTED: 



ATTEST:

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

By: 
Deputy Clerk