



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final Road and Drainage District Governing Body

Tuesday, August 21, 2018

6:00 PM

Road and Drainage District Governing Body
Special Meeting - Public Hearing on the revised methodology

MINUTES APPROVED AT THE 09-25-2018 MEETING.

CALL TO ORDER/ROLL CALL

The North Port Road and Drainage District Special Meeting was called to order at 6:10 p.m. in City Chambers by Mayor Carusone.

Present: Mayor Carusone; Vice-Mayor Yates; Commissioners, Hanks, Luke and McDowell, City Manager Lear; City Attorney Slayton and Deputy City Clerk Peto.

The invocation was provided by Commissioner Hanks followed by the Pledge of Allegiance led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Agenda. The motion carried by the following vote:

Yes: 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

2. PUBLIC COMMENT:

The Mayor announced that Public Comment would be held following the presentation.

3. DISCUSSION ITEM:

A. [18-532](#)

Review and Approve the North Port Road and Drainage District Fiscal Year 2018/2019 Methodology Final Report

City Manager Lear introduced Public Works Director Bellia who provided a history of the item. Stantec, Inc. Senior Financial Analyst Patrick Luce and Consulting Manager Erick Van Malssen gave a PowerPoint presentation of the item.

Public comment was held 6:43 p.m. - 7:03 p.m.

Clara Csikesz: always raising taxes, no mowing.

Steve Barnhardt: presentation is shell game, City not efficient, go to private sector.

Belynda Norton: drainage problems, 10% increase not bad, but not every year.

John Griffiths: use linear feet not EMU, doesn't agree with 10% per year, runoff not from residential.

James Sheltroun: drainage doesn't work, flooded, taxes ok if drainage works.

Stephanie Taylor: letter is confusing, has sewer and doesn't work, why taxed if no swales.

Donald Bates: can't mow because swales won't drain, has tried working with City.

Commission direction was given to Staff to speak with Mr. Bates to work on his drainage issue.

Greg Culy: taxes increased every year, 29% increase in five years, irresponsible spending.

Recess: 7:03 p.m. - 7:15 p.m.

Public comment was held 7:16 p.m. - 7:59 p.m.

Alan Kurecki: 17 years no City mowing/drainage service, he mows City property, businesses pay less, disagrees with proposed tax \$1,113 plus 10% annual increase.

Delaine Ellison: swales and culverts not cleaned, objects to increase, oak trees on Sumter.

Bob Albee: taxes on businesses reduced, residential increasing faster than inflation, does not support.

Martin Black: fee not in proportion to benefit, flaws in methodology, West Villages maintains their own properties, some fees going to general fund, residential rate applied to agriculture.

Jane DeBoer: property floods, City hasn't fixed problem, if taxes raised problems should be fixed, reassess the fee.

Frank Smith: cleans his drains, City never has, who is responsible to clean the drainage, water not going down.

Homer Wagner: maintains his swale, flooded swales in his area, wants specifics how problem to be resolved.

Richard Marshall: contractors don't want to work in the City; who's responsible if a child drowns in a ditch.

Scott Coats: roads flood, undersized culverts, review Slough study before taxing, water has nowhere to go, City hasn't mowed in two years.

James Flaherty: paid for piping property and mows, shouldn't be assessed, City doesn't clean outfalls.

Galen Albritton: drainage is pitiful, has deep swales and City isn't mowing, shouldn't raise taxes, shouldn't have used ditches at I-75.

Lydia Harbison: infringing vegetation from neighbors.

The Commission explained an Ordinance was recently passed regarding encroachment and gave direction to the City Manager to have Staff speak with Ms. Harbison.

Linda Riley: simplify presentation, there is a drainage problem, start again, fix it right.

Frank Kay: when digging swales, leave gap in center, don't refill with dirt, penalize owners who don't maintain swales, neighbors not maintaining swales.

Discussion ensued: (1) there is a 4.5% increase in the revenue requirement, the individual increase from reapportioning the cost may be less than or greater than 4.5%, but it is not 14%; (2) there is a 4.5% increase from the 2018 rate plus the additional mowing costs for the improved lots in the Estates; (3) the 4.5% increase maintains the current level of service, the mowing increase is for additional employees and the purchase of a boom mower for service in the Estates; (4) it was noted that the projected increase in revenue is greater than 4.5%; (5) the amount greater than 4.5% is for the enhanced level of service in the Estates; (6) all parcels are included in the tax roll for 2019; (7) the estimated

revenues for 2019 with the 4.5% increase is \$12,396,893; (8) the projected amount for fees assessed based on new growth is \$9,872; (9) the assessment revenue requirements have nine components which are: [a] mowing administration; [b] mowing rights of way charge; [c] roads administration; [d] roads base charge; [e] roads enhanced charge; [f] drainage administration; [g] drainage primary; [h] drainage secondary; [i] drainage tertiary; (10) administration costs are the salaries for administrative personnel and operational wages are included within the component charges; (11) the methodology study was to review the drainage system to be equitable, with changes to cost and service based on property and location; (12) at a previous meeting Staff presented options of 4.5% increase or 7.5% surtax, the Commission decided on the 4.5% increase to non-ad valorem taxes; (13) the original mowing charge was \$56 per parcel regardless of parcel size, the study recommends charging based on actual cost and linear feet, with a standard unit of 80 linear feet; (14) it was noted that the City outsources mowing services and those are included in the cost; (15) it was suggested that rather than the City charge to mow vacant parcels, the owner should be responsible; (16) owners are responsible to mow their property, if they do not then the City mows and charges them the fee, which currently is \$56 per parcel regardless of size; (17) it was noted that the City is to mow unimproved property if the owner doesn't, people are willing to pay for enhanced services if it increases drainage and the drainage flows properly, and that the problem is the work isn't being done; (18) \$1,600,000 is the cost of administration for the District; (19) it was noted that in previous discussions it was understood that a 4.5% increase was needed to maintain services or use a new methodology for the rates, not to have both; (20) the City has increased their levels of service by handling drainage and mowing together, taking on large areas of mowing, vertical mowing and landscaping; (21) the 4.5% increase is to maintain the increased level of service and the salary adjustments; (22) options for mowing the Estates were previously discussed, the cost to Estates property owners would be a huge increase, it was decided to have the cost apportioned on the non-ad valorem drainage tax because water comes down from the north and drains down to the other properties; (23) previously drainage services were being paid from road assessments, the methodology now splits road and drainage to determine actual costs for each, resulting in reduced rates for commercial properties and vacant lots; (24) the methodology considered land use, the charge for vacant commercial or agricultural drainage is based on their access to the ingress egress during a storm and not based on the amount of their runoff which resulted in lower charges for some; (25) improved commercial property is charged based on acreage, their drainage cost didn't go down, their road cost did go down; (26) it was explained that the four-year road bond work is done, patching and maintenance of roads has gone down, and that has decreased the enhanced road cost; (27) it was noted that the cost for base roads has more than doubled and that the increase is more than 4.5%; (28) \$1,300,000 for landscaping is a large portion of the base roads cost and is a big increase from the previous methodology; (29) base roads are main roads used by everyone, including those that live in a gated communities, and are paid by everyone; (30) base road services include road maintenance and landscaping, mowing is separate; (31) property class is defined by the Property Appraiser based on land use, the Information Transportation Engineers (ITE) manual is used for trip generation, and it is commonly used for road fees, impact fees and assessments; (32) based on the ITE manual, trip generation is one for a Single Family Unit and 0.7 for a Multi-Family Unit, and both units are based on average occupancy; (33) it was noted that trip generation is also calculated on vacant property; (34) the size of a parcel doesn't reflect trip generation so linear feet wasn't used for the standard; (35) non-ad valorem assessments are for the special benefit of that property, the 4.5% increase is to maintain the level of service and the problem is the people aren't getting any level of service, they are being forced to pay a non-ad valorem assessment while they wait years for service; (36) it was noted that the grid process will take 20 years

to complete; (37) during the budget process last year the Commission gave direction to redo the methodology to have the right amounts in the right buckets and not have an across the board percentage increase; (38) a suggestion was made to have a workshop to review the study as it was noted that flaws were found in the methodology; (39) concern was expressed that trash in the businesses retention ponds may affect City drainage as a whole; (40) it was suggested that local knowledge be used to redo the methodology to make it work; (41) it was explained that the Commission can use the existing methodology and decide how to apply it to the different units based on local knowledge, and that it would wipe out the study just completed; (42) the Commission can leave the current methodology and adopt a Resolution for the 4.5% increase; (43) if the Commission wants to change the methodology from what has been sent out, it will need to be mailed again and would now have to wait and be presented next year; (44) it was noted that the Administrative Fees are from the line item budget; (45) the current methodology in place is based on road work and doesn't address drainage, Staff is seeking direction regarding drainage moving forward that is legally defensible; (46) the 2013 methodology is almost exactly the same as the presented methodology except with the shift of mowing the Estates into drainage; (47) a suggestion was made to have a 5% increase to include mowing in the Estates; (48) it was suggested to not have a flat rate increase, but to look at expenditures in each of the categories for appropriate adjustment, with this type of methodology those that receive the special benefit in the area where the work is done will be paying the fees in the year that the work is done.

Recess 9:09 p.m. - 9:30 p.m.

Discussion continued: (1) the Commission will be addressing concerns that were noted during Public Comment: (2) it was explained that property owners in the Jockey Club are responsible to make sure the plastic lined drainage areas are free from weeds and if they drive over the plastic and damage it, they are responsible to replace it, the City replaced all the plastic liners two years ago; (3) in the back of Katon Road is a retention ditch that the City has rehabilitated and re-piped a few times, and there has been storm surge from the Myakkahatchee Creek with water getting into some homes; (4) property owners of regular properties that have a swale are responsible for mowing from the edge of the road to their property, including the right of way, they are also responsible for weeding the sidewalk; (5) Road and Drainage is responsible to repair or replace any broken portions of sidewalks; (6) the Unified Land Development Code (ULDC) provides that the property owner is responsible to keep culvert pipes repaired, clean inside and clear of weeds, the City does help clean out pipes when the homeowner isn't capable; (7) it was noted that the 10% maximum increase on the notice is a cap amount and it has to be approved by the Commission, and that the percentage can be lowered; (8) concern was expressed that the public sees this as an automatic increase when it is not, and that the letter didn't state there will be public notice for a rate increase; (9) it was noted that property owners do receive a Truth-in-Millage (TRIM) Notice which shows all increases; (10) it was explained that if a child was hurt or drowned in a swale, the responsibility for a premises liability defect is with the renter or owner of the property; (11) North Port has an open swale drainage system, and pursuant to Southwest Florida Water Management District (SWFWMD) the swales should be draining within 72 hours; (12) the City is responsible for structural integrity, and may be responsible for slippery sidewalks due to mold and mildew if it is from water buildup; (13) it was explained that there are several things that need to be taken into consideration to put liability on the City; (14) the public road right of way begins where the swale is located, drainage and utility easements are along the side and back of properties; (15) the City may have right of way for public use of ingress and egress and not necessarily own the property within the right of way; (16) the control structure at Van Camp Street and Tropicair Boulevard is being reviewed for remodeling, if

larger piping is put in that area it will flood the southern part of the City which already has flat problematic drainage; (17) the Big Slough study from SWFWMD is complete and the City is looking at options to carry out their recommendations of how to control flooding; (18) the City will review Ruff Street for mowing the frontage of vacant lots; (19) properties with fully piped frontage would pay for drainage because piped water still runs through the City's drainage system; (20) the City digs across multiple properties not just one lot, the process is to dig from the complainant to the outfall so that the water flows through; (21) property owners that put in full piping with catch basins are responsible for the maintenance, the City is responsible for catch basins installed by the City; (22) the Department of Transportation (DOT) is not making any changes to I-75, the City cleans the creek for drainage; (23) Public Works will work with a property owner to correct drainage problems, if they don't comply with requests they will be reported to Code Enforcement; (24) a suggestion was made to have Code Enforcement send the initial notice to the property owner and not the Road and Drainage District; (25) if a drainage problem becomes a public health, safety or welfare issue the City will fix the problem and bill the property owner; (26) it was affirmed that the non-ad valorem Road and Drainage increase for one of the public commenters is 14.75%; (27) concern was expressed that improved property owners receive citations if their property isn't mowed and adjacent vacant land that the City is responsible for isn't getting mowed; (28) when the swales in the Estates are too wet for an owner to cut the grass Code Enforcement will call Public Works for assistance, it will be noted if trees are growing in the swales because that shows if the property is maintained during the winter months, and it was suggested to possibly amend the ULDC because there are times when property owners nor the City can clean the swales due to water; (29) Road and Drainage had a 7.5% increase last year for mowing the right of way of vacant land, vertical mowing, the pipe crew and addressing impinging growth, the request for an additional 4.5% this year is to maintain these services, and it was noted that costs for mowing, landscaping and salaries have increased; (31) the current methodology looks at units or acreage, it used to be based on rainfall runoff from impervious and pervious areas; (32) a suggestion was made to modify the Equivalent Drainage Unit (EDU) for commercial property; (33) treated storm water of retention ponds for commercial development consists of water being retained before it goes into the water table, most commercial locations use retention ponds with piping which they have to maintain, SWFWMD and the City check the piping and the ponds for pollutants, growth and aeration; (34) commercial developments can choose between retention ponds or an underground drainage piping system; (35) there are some residential properties in the Estates that receive pond credits for having retention ponds; (36) after dredging the City checks the grade, elevation and rakes before sod is laid; (37) sometimes there are problems with sod availability so it isn't laid immediately after dredging, the center areas are sodded to help treat the water, the grass stops the sediment from traveling into the pipes, dredging increases the speed of the water flow and grass helps slow the water down; (38) a public commenter piped the full front of his property and down the side in the easement, the pipe is on his property, he also installed catch basins which he maintains along with the pipes, his neighbors are not happy with the improvements; (39) the previous methodology prior to 2013 was labor intensive because of discrepancies and input from residents; (40) the City can continue with the current methodology with a 4.5% increase and shift to a drainage focus, there is a risk of a challenge to the methodology and the challenge would have to be based on the entirety of the methodology; (41) a 4.5% rate increase across the board to all the buckets should bring in the same revenue as using the new methodology; (42) the 4.5% increase would not include the new mowing service; (43) a 5% increase would not be enough to include the additional mowing; (44) mowing is six to nine months behind and it's not known how to address it this year even with budgeting; (45) it was suggested that the mowing could possibly be addressed next year starting in January with an additional 0.5% increase now

and add another 0.5% next year for mowing, and it will take time to get caught up with the mowing; (46) the intent was to develop a plan starting this year with completing the work in quadrants; (47) the drainage plan in the budget can still be started this year, and when it's completed an overall plan can be reviewed which could include mowing in the Estates; (48) SLA-19-5019 for the slope mower and additional personnel for mowing in the Estates will be pulled; (49) it was noted that if the Commission has a workshop next year to discuss methodology, a fee for the consultant would need to be included; (50) this methodology study cost \$70,000, it could be built on but there will be additional costs; (51) for the Commission to make amendments to this methodology would require the process to start over again for the assessment adoption process and it will be a significant amount; (52) to have a new methodology requires a mailing to all property owners per (Florida) State Statutes, \$42,000 of the \$70,000 was for mailing costs; (53) it was suggested that if another mailing is done, the letter should be more user friendly and easier to understand; (54) an accurate number is needed for the revenue growth because \$9,872 is an estimate and doesn't seem an appropriate amount for growth in the City; (55) it was explained that the proposed cost of \$12,700,000 was divided by all properties assessable this year, a 4.5% increase over last year's rate will generate more than 4.5% revenue because of growth in the City; (56) it was noted that this will actually come out to be 7%; (57) when the City starts working on the budget in March the Planning Department advises how many permits were issued and that is used as an assumption to calculate the growth index, the Property Appraiser provides estimates in June and the numbers are finalized in July; (58) the City population increased 5.1% last year; (59) City revenue from ad valorem taxes increased approximately 12%; (60) concern was expressed to assess a 4.5% across the board rate when the administration fee for Road and Drainage is only 0.9% based on factual budget numbers, and that monies will be shifted to drainage from enhanced road work that went down 81%; (61) the methodology presented is not new, it is identical to the 2013 methodology and has been tweaked to switch from parcel to linear feet and putting part of the mowing costs into drainage; (62) the methodology should be applied that addresses the different buckets, reduce the budget and work within the cap as that is a fair non-ad valorem special assessment for the benefits being provided; (63) it was suggested to table the item to allow for amendments to the methodology; (64) it was noted there can't be any action on the Resolution at this meeting because it was not noticed; (65) Staff is looking for direction to bring back a rate Resolution at the budget hearing on September 6, with the current methodology and a 4.5% increase across the board on the rates; (66) it was suggested to continue the public hearing, without finality, to September 6, 2018 at 6:00 p.m. and take public comment at that time; (67) the Resolution is specific to the rates and not the methodology; (68) a suggestion was made to stay with the current methodology for the 2019 budget and rates, and that the Commission review the amended methodology for further action prior to next year for the 2020 budget; (69) concern was expressed that the issue will be the same next year, that (Staff) has provided what the Commission requested.

There was a consensus by majority to use the current methodology to address the rates for 2019.

Discussion continued: (1) a suggestion was made to use a 4.5% rate increase for Road and Drainage; (2) it was suggested to review proposed methodology to determine how it can be amended to be more equitable; (3) it was opined that the proposed methodology was equitable for the majority of the City as designed, and that the Commission should address one or two items such as concerns expressed by West Villages; (4) concern was expressed about the proposed methodology that changes were made to mowing, drainage and roads that the Commission wasn't expecting, and that another \$70,000 may be spent with no different result; (5) the proposed methodology is on the right track and needs tweaking but there isn't time to make changes to implement it now, and that the

development review fee should not be charged to the property owners, cleaning the bottom of the swales is appropriate as a drainage assessment, and the mowing fee for the Estates should be assessed to the owners in the Estates; (6) an option was to be provided for all property owners to opt-in for drainage mowing services with the City, and to have the cost added to their taxes; (7) it was explained that there will not be an increase and Staff should present how that will affect the District at the September 6 meeting; (8) reconsideration was given in support of reviewing the proposed methodology, and to look at what can be reduced.

There was a consensus by majority to review proposed methodology to determine how it can be amended to be more equitable.

Discussion continued: (1) the current methodology allows for a rate increase; (2) concern was expressed that 4.5% is high and many residents are on fixed incomes, and it was suggested to have a 3% increase; (3) it was noted that a 4.5% increase is needed to maintain the level of service; (4) the current level of services is based on items added over the last few years, and it does not include mowing in the Estates; (5) the additional revenue of \$832,413 requested includes the 4.5% and the cost of mowing in the Estates; (6) the cost of mowing in the Estates is approximately \$300,000; (7) it was suggested that Staff bring back examples of increases at 4.5%, 3% and 2% based on the current methodology and how that impacts the budget for services provided, and that they should bring the information back to the September 6 meeting for the Commission to select a rate increase; (8) it was explained that the Staff would need to bring back a budget Ordinance for each of the different rates because there is a budget meeting that day and rate Resolutions are adopted; (9) if the 4.5% increase is approved \$280,000 will be cut from the budget; (10) concern was expressed that the \$280,000 was based on previous Commission direction to mow Plantation, and then direction was given to increase the level of service and now Staff is being told to cut back on services, it is time to pull-off the band-aid and do the increase now while it's 14% and not wait until it's 15%, it's fiscally irresponsible to continue this every year, and citizens are mad that services are behind; (11) taxpayers expressed concern because every year they pay more, and they are not getting the services, people are waiting two years to get their drainage fixed, and instead of putting money aside for the future the City should putting that money to work today; (12) the 4.5% rate increase will maintain the level of service and address some drainage issues, funding for road maintenance will not be cut, the \$288,000 for a slope mower and a new employee to mow in the Estates will be cut from the budget; (13) the intent of purchasing the equipment and adding Staff is to mow in the Estates to create a better drainage system, not to handle deficits; (14) it was explained that additional Staff will also be working on mowing in the Estates; (15) it was reiterated that 7.5% of surtax monies could fund the Road and Drainage increase without raising rates; (16) surtax monies could be used for Road and Drainage and it would mean other projects may need other funding sources; (17) following discussion of a 3% or a 4.5% increase it was noted that a rate Resolution must be adopted before adopting an Ordinance; (18) it was noted that even without a rate increase there should be a 2.5% increase in revenue from growth; (19) subsequent to further discussion the 4.5% increase will be given to move forward.

There was a consensus by majority for a 4.5% rate increase for Road and Drainage.

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates, to continue the hearing to September 6, 2018 at 6:00 p.m. The motion carried by the following vote:

Yes: 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

4. PUBLIC COMMENT:

There was no public comment.

5. COMMISSION COMMUNICATIONS:

There were no Commission Communications.

6. ADMINISTRATIVE AND LEGAL REPORTS:

There were no Administrative and Legal Reports.

7. ADJOURNMENT:

Mayor Carusone adjourned the North Port Road and Drainage District Special Meeting at 11:54 p.m.

City of North Port, Florida
As the Governing Body of the North Port Road and Drainage District

By: _____
Vanessa Carusone, Mayor

Attest: _____
Kathryn Peto, Interim City Clerk

Minutes approved at the Road and Drainage Regular Meeting this ____ day of _____, 2018.