

**MINUTES
WEST HIGHLANDS COMMITTEE MEETING
WEDNESDAY, DECEMBER 6, 2006
6:30 PM
THOMAS C. KELLY ADMINISTRATION BUILDING
TRAINING ROOMS 1 & 2
123 WEST INDIANA AVENUE
DELAND**

A meeting was held with the West Highlands Committee members on Wednesday, December 6, 2006, 6:30 p.m., @ The Thomas C. Kelly Administration Building, Training 1 & 2, 123 West Indiana Avenue, DeLand.

➤ **Volusia County Staff Present at meeting included:**

Public Works Administration

George Recktenwald - Public Works Director
John Angiulli - Operations Manager
John Gamble - Special Projects Coordinator
Arden Fontaine - Special Projects Coordinator
Eileen Fyfe - Administrative Aide

Road & Bridge

Ginger Nogueira - Interim Director
Dave Millard - Services Supervisor
Marvin Jones - Materials and Equipment Supervisor
Bill Bishop – Supervisor IV
Amanda Vandermaelen - Staff Assistant

Construction Engineering

Chris Fox - Engineering Specialist

Traffic Engineering

Jon Cheney, Director, Traffic Engineering

Also present at the meeting was Deputy Williams from the Sheriff Department. Council Elect Andy Kelly was present at the meeting to listen and observe.

Meeting commenced at 6:30 pm.

George Recktenwald, Public Works Director, started the meeting off by thanking all the committee members. He feels they are doing a great job. He proceeded to do a quick overview of what had transpired.

Two Council presentations had been held at the request of the County Council. As a result of these meetings a building moratorium was created for the West Highlands area. A committee of some of the West Highlands residents had been formed, committee meetings were held. A public meeting for all the residents of West Highlands was held on November 14, 2006.

The first legal proceeding will be the County Council meeting scheduled for December 21, 2006. Recktenwald discussed the various potential outcomes.

Council could postpone or delay the decision. He advised they would only do that if good reasons are presented by the committee.

Council could change their mind and stop everything. Recktenwald thinks unlikely because of the building moratorium.

Council can accept program as presented and modify it based on maximum cost and maximum scope of work.

Currently looking at a figure of \$2.9 million for the tentative roll. At present all of the estimates are not from contractors but from in house engineers. The numbers that have been set are at the higher end of the scope so a contractor bid could come in lower. If the bids come back 10% higher then we would have to start over and Council would have to have further discussions. Once that is set they will discuss the levels of service they will be putting in the contract. Most likely this will be looked at as a maintenance project rather than a big construction project, which will save the residents money.

The next step will be when the Preliminary Roll is set. That happens within six (6) months after construction is complete. The preliminary roll will have a more accurate figure.

The final roll usually happens thirty (30) days after that and it will be the set amount that will be assessed on the tax roll. At that time another legal mailing would go out with the final number.

If the Preliminary Roll takes effect on December 21st nothing will happen until after January 1st. Will have to go out to bid. This will take approximately sixty (60) days. So looking at a time frame sometime in March 2007 before any work can start, may even roll into April.

Need to focus on the mission. The mission is not to build a highway but to get it back to the state that it was in the 1970's. Recktenwald envisions cutting back trees, straightening out roads and putting down some base material, such as millings. That will all take time. Looking at four (4) to maybe six (6) months worth of work. This will occur possibly sometime in September. The final number to make the 2007 property tax bill is due August 1st. So that if it is past that date one of two things can happen. Can mail out a special billing or you will see it on the next year's tax bill. There will be some interest though.

Residents will be notified before construction so they will know what the costs are. There is a lot of built in protection in the process. The maintenance figure on the tentative roll does get reviewed every year. Every year staff goes before Council in June and gives an annual report on

how much has been spent and requests money for the next year. If any monies left over that would roll over into the next year to help reduce the amount. At that time residents may want to do more than what was originally thought.

One of the residents had a question in regards to the letter that would be sent to the homeowners if the tax assessors August 1st deadline is not met and wanted to know how much would they be responsible for that year.

Recktenwald stated that the County uses the Property Appraiser's tax billing as a way to bill residents. Regulations state that this has to be done and certified by August 1st. If it does not make the deadline a decision has to be made at that point. One option is to do a special billing, send out bills to everyone for the first year, and then that would roll to the tax bill for the next year. The other option is to let it sit and bill the next billing cycle which would be August of the next year. In order to do that however, the County would have to borrow the money so there would be an interest charge.

The Ordinance states that the interest rate would be 1% above County rate of borrowing. To date it is 4 ½%. So if 4 ½ would be 5 ½ which is a lot better than 8%. Staff worked with Finance to come down to 1% above the rate.

Another option to discuss with Council would be the term length for the Special Assessment. The normal term length for the County is 10 years. Recktenwald stated that he will figure multiple tables for the upcoming Council meeting.

10 year loan @ 5 ½% will be \$300.02 interest per year.

15 year loan @ 5 ½% will be 227.39 interest per year.

20 year loan @ 5 ½ % will be 109.99 interest per year.

Recktenwald cautioned however that if they choose to go out as far as 20 years they would end up paying more in interest than principal.

Question – Who is receiving the money off of the 1% interest charge the County will be assessing?

Recktenwald – He stated that the county has to borrow money. There are administrative costs for staff time, bond rates, etc. County cannot do a twenty (20) year loan it would have to be a five (5) year loan. County's interest rates may go up but residents would stay locked in and county would have to account for that as well.

Question – Where does the County borrow money from and can we make sure that we are borrowing from an American Company and not from a foreign country?

Recktenwald – Stated that he could not answer at this time. Would have to check with Finance Department. He said he would find out.

Note: Staff checked with the Finance Department and was advised that the banks will not quote rates on a what if basis. They want to evaluate the project, etc. Once the SAD is

approved and the County needs the money, they will check with all of our lending sources to get the best rate for the loan. It will most likely be a commercial bank.

Recktenwald discussed funding sources . He stated that county will be able to put some money into the drainage issues from the Stormwater fees. Does not know how much yet. Should have a figure by the 21st. Will be putting in some swales in there.

Question – What about all of the Stormwater taxes we have paid all these years. Been paying over 12 years.

Recktenwald – Explained that stormwater money has been spent but it is used for more regional projects such as Hamilton Avenue. Generally not in front of homes.

Question – Is there any grant money that has been researched and that could be used for funding?

Recktenwald – Staff is looking into. There is some grant money out there but very competitive, will try to get them. Will have to showcase projects to receive them.

Someone raised the question regarding bonding.

Recktenwald – Stated that bonding is always an option. He advised that the problem is on transportation side. There is a certain legal ratio. Government can only get itself in so much debt. In certain areas we are already pretty high. So Council will be very cautious to do that. Transportation itself does not have same mechanism as water does. With water and sewer there are monies you can borrow. Do not have the same option with transportation.

Question - What about the people who live in West Highlands who are disabled, handicapped, or on a fixed income?

Recktenwald – Requested that they try to survey the people out there so can give numbers to Council.

Question – Shouldn't County be able to query the people who purchased through the SHIP program through a database?

Recktenwald - SHIP database may be possible but there are some issues that SHIP monies do not have to go to a particular area. Someone may have gotten the money through Deltona and moved to West Highlands area. Not all SHIP money comes through the County. Staff is looking into.

Question - Why are the residents having to go out and find the contractors to bid and cost for materials needed.

Recktenwald – Stated that they don't have to do that. He stated that was just an option in the hopes that it would be cheaper for residents. He requested that they provide the names of the contractors and he would take it from there. Another option residents could look at would be dirt

road paving. The drawback would be that those streets would not be paved and would be put way down on the list.

One of the residents requested that George provide a complete package so they can give out to the contractors with estimates for work and what would be needed to do out there. She requested that they would like to have the money from the dirt road program and have the work done themselves. She stated that the dollar figures for paving are higher than what they have looked at if they have the work done themselves.

Recktenwald stated that he will provide this information. Angiulli cautioned that our Purchasing and Contracts office would have to agree on the release. We don't want to disqualify any contractor from bidding on the project because we release the spec in advance of formal bid notification.

One resident mentioned that are two Lolita Street signs and there is only one Lolita Street. The sign is incorrect it read Bishop.

Recktenwald stated that the Traffic Engineer was present at the meeting and would take care of it.

Recktenwald stated that there is also the possibility of a CDBG grant. This grant is based on income levels and understands that there is some type of a mechanism to determine eligibility. Staff is checking to see if West Highlands would qualify. Problem is it is cumbersome and not sure if successful on this type of scale. Federal Government controls this program and requires 100% income participation. He will be meeting with staff regarding this issue.

Question – Does 100% include out of state people who make more money than Florida?

Angiulli – Yes it could also include large developers and real estate agencies that own out there. Don't have an answer at this time. Will have to look into.

One of the residents stated that Volusia County is one of the biggest landowners in West Highlands. They own alot of 25 foot lots, 15 foot alleyways. All of that has to be paved to. They have just as much of a dollar stake in this. Is Volusia County going to put up any money for the areas that they own?

Recktenwald reminded them that county money is their tax dollars. If County did that it would result in a doublecost to the residents. He explained that the 15 foot alleyways won't be paved.

Someone mentioned that there are also a lot of parks back there.

Recktenwald acknowledged that is probably where Stormwater Swales will be put in.

Question – So no parks?

Recktenwald – Yes. He advised them to stay focused on the mission and the price will be kept down. If start looking at parks or extravagant things the cost will go up.

One of the residents stated that West Highlands is referred to as a subdivision but understood that it was vacated as a subdivision over 50 years ago, since lots were sold individually.

Recktenwald – Correct but advised that if look over this county there are tons of plats out there that exist on paper only. No one lives on them because they weren't opened in the 70's so people are stuck. Basically people have to rebuy and combine them and then vacate the plat and put a new plat on top of it. Those people are the people who fight the other fight, the right to build.

He stated that there is an item on the December 21st Council meeting that will address the issue of vested rights because this has to stop. No one thought in the 70's that 30 years later these issues would surface.

He also mentioned that the County is pursuing putting a surcharge on the building permit so that the new people building out there also are contributing something towards the maintenance of the roads.

Question – My son has property out there you are going to charge him a surcharge plus what you are planning on charging him?

Recktenwald – It is Possible. It may be a bond rather than a surcharge. They may have to put up some sort of bond to insure they will not damage the road. This is something the County is going to look at. May be countywide.

Question – Are you planning on cutting 16th street all the way through?

Recktenwald – Yes. Plan be to open it the way it was in 1976 so if it was opened then we will open.

Question - How County decided back in the 70's on which roads to maintain or not maintain?

Recktenwald – Explained that back in 9/10/76 drew a line in the sand Council said that whatever County graded at that time the County would accept for maintenance and would not accept any others.

Question – Was it an ordinance that was passed in 1976 that decided this?

Recktenwald - Yes. The Land Development Code that is used today. Before that there were not any regulations. County wouldn't even consider this type of development today.

Question – Does the 1976 Ordinance supersede the 1972 Ordinance that states that there is supposed to be sidewalks, stormwater and all roads paved.

Recktenwald – Yes.

Question – When was the ad put in the paper?

Recktenwald – County’s Legal Department placed the ad. We will check on this.

Note: Sent to News Journal November 17, 2006 Re: Notice of Intention to Consider Ordinance, Ordinance 2006-28 – West Highlands SAD to be published in The News Journal on:

Tuesday, November 21, 2006

Tuesday, November 28, 2006

Tuesday, December 5, 2006

Tuesday, December 12, 2006

Question – The paved roads coming off of dirt, is the County going to accept those road for maintenance?

Recktenwald – Currently do not accept dirt roads for maintenance. A road would have to be paved to County standards before accepted.

Question – So the roads we fix will not be up to County standards?

Recktenwald – No they are not up to our maintenance standards. You would have to go up against the Land Development Code to fight that. County only accepts roads that have been brought to County standards. There are reasons why. Council made a decision in 1997 to start eliminating all of the maintained dirt roads in the county.

Question – The roads that are being paved on the current road program are being paved to a standard?

Recktenwald – Yes, to County’s maintenance standard. The rest of streets would have to come to the major standard with 50’ right of ways, stormwater, curb and gutter.

Discussion ensued on paving standards and different scenarios.

Q – Where is the dirt going from the box grading?

Recktenwald – Will keep in the subdivision to use for maintenance of roads.

One of the residents voiced her concern that even though this is supposed to be a joint venture she does not feel she could support it on the 21st if certain questions are not answered.

Recktenwald – As soon as he knows what the numbers are will try to get with Jereme so he can get it to the committee for distribution. He stated that he would also have to meet with the Stormwater Director. This involves Transportation Trust money and the problem with that is that the county is crossing a line that has never been crossed before by putting that type of tax money on non-maintained roads. This is uncharted territory and getting into some legal issues.

What may make it possible is that they were platted to the public so may be able to work around that. He stated that he is trying very hard not to mislead anyone. Cannot commit to anything until everything is checked out.

Question – Is it set in stone that the County is paving these roads or can the residents hire our own contractors to go through the whole subdivision to bring it up to code with millings, yearly maintenance and Stormwater?

Recktenwald – Responded that nothing is set in stone.

Question – Will the County Council be receptive if they vote on and accept the special assessment district? At that point will the residents have some negotiation rights?

Recktenwald – Stated that he feels they will be receptive. The main thing to nail down on the 21st is the funding part. He advised for them to try and do the best they can on that because Council will definitely want to get a commitment on that. Will still have time afterwards to get their own contractor and can come in with a plan that will bring this thing way down. He cautioned for them to remember the main mission of making sure that emergency people can get through and the signage issues.

One of the residents stated that they would need to have the dates given to them between the tentative roll and preliminary roll if possible by the first week of January. He stated that they want to make sure that they will have ample opportunity to negotiate with the County of Volusia on where this funding can be spent and find solutions.

Recktenwald – Stated that the first week of January county staff and members of the committee would sit down with the construction contract.

Question – What is the name of the person we sit down with to negotiate the estimates?

Recktenwald – County staff intends to have mandatory pre-bid meeting as this would need to be presented to the County Council. This would involve Recktenwald, Purchasing Director, committee members who are interested, to lay out the scope.

One of the residents requested a copy of the Bid Spec regulations.

Recktenwald – Agreed to get them a copy.

Note: Bid Spec is now available on-line at the Purchasing Web site, under open bids.

It should also be noted that: A pre-meeting for bid solicitation has been scheduled for December 18, 2006, 4:00 pm @ Thomas C. Kelly Administration Building, Training Rooms 1 & 2, 123 West Indiana Avenue, DeLand.

Patty Barnes a committee member had sent in an email with 21 questions and stated that she needed it answered before the Council meeting of December 21st.

Recktenwald stated that John Angiulli, Operations Manager and Ginger Nogueira, Interim Road & Bridge Director are working on it and that they would answer as best they could.

Question - If you are not going to pave the roads then are we going to get a rebate for the number of years that we lived back there on impact fees with interest and gasoline tax rebates? We don't get stormwater back there, is that going to be thrown back into it?

Recktenwald – Yes, stormwater will be put back into it. Does not know exact number at this time. Advised that if the money was not spent in West Highlands it went to other projects. Have to look at system connects. The whole purpose for government, for Public Works is to put those systems together. He stated that in order for anyone to get to the meeting tonight that they would have had to travel Woodland Boulevard or Martin Luther King or some other main route. Everyone is subsidizing bigger roads, bigger systems for the benefit of all. Other services such as Fire and Sheriff require tax money. Benefit is for whole community.

Another resident felt that they subsidized the east side for many years. Lots of tax money is being taken but not going to areas where it is needed.

Recktenwald – Stated that he understood how she felt. He explained that roads are done by traffic counts. The state puts the money on the most strategic roads like I-95, I-4 the roads that 80 or 90,000 cars a day. Have to put the money where people are. They have to look at the whole network. Although someone lives on a dirt they would still have to go on a thoroughfare road that did use impact fees.

Recktenwald closed the meeting by advising the committee members to come in with a good plan on December 21st and to be respectful. He advised that if anyone needed any help as far as any sort of presentation to let him know and he would get someone to work with them. He also advised that when making their case before Council to keep that in mind that it is a tough decision and to be straightforward.

Meeting adjourned at 8:10 pm.