

MINUTES
MEETING WITH RESIDENTS OF THE WEST HIGHLANDS SUDIVISION
LOCATED IN ORANGE CITY, FL
WEDNESDAY, OCTOBER 18, 2006
6:30 PM
THOMAS C. KELLY ADMINISTRATION BUILDING
COUNTY COUNCIL CHAMBERS
123 W. INDIANA AVE
DELAND, FL

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

Public Works Administration

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

Road & Bridge

- Ginger Nogueira – Interim Director
- Billy Bishop – Maintenance Supervisor
- Dave Millard – Services Supervisor
- Susan Collins – Engineering Assistant
- Marvin Jones – Materials and Equipment Supervisor
- Amanda Vandermaelen – Staff Assistant

Construction Engineering

- Marcia Naber – Right of Way Specialist
- David Kraft, Registered Land Survey Manager

➤ **Discuss Goal for meeting**

The goal of the meeting is to create a mail out to all property owners in West Highlands and Highland Park Subdivision. (The next meeting will be to discuss the SAD and the requirements.)

➤ **Discuss Current Situation**

We know that County Council has put a building moratorium in place based on lack of safe access to properties. They have requested that we come up with a workable solution that will benefit both the County and the residents of the subdivision.

➤ **Current Discussed Options**

We currently have a few options to consider. The first option is to build the road up to current County Standards which would be about a \$50 Million investment that would be divided between property owners. The cost would be approximately \$50,000.00 per buildable lot. I understand that this is not a practical number to most of you but we have come up with some other solutions. We need to compromise but also need to keep up the safety standards that Council has set. Having a one time fix with maintenance thereafter is another option.

➤ **Mail out Discussion**

At the last meeting there was a large concern that the residents of the community were not getting all of the information they need to make an informed decision. So, we have drafted a mail out that we can send to the residents for review. We want to go through the information on the mail out before it is sent so we can make the necessary changes. We should be able to correct the mail out as we are talking and finish up the corrections after the meeting. We would like to include additional information such as a map like the one we have printed in the front that is separated by wards. We would also like to have some sort of survey so that we can get more information from the property owners. This will give us a better estimate and will help us decide who and how the money will be assessed. We would like to get this done now so we have all of the information back by early November. We would like you to think about the committee that we talked about at the last meeting. A committee may be better able to negotiate levels of service and prices.

Question: You talked about liability on the roadway. If we formed a Homeowners Association would we be held liable for anything that happens on the roadways?

No, you would be a community but the County would ultimately be responsible for that because they are public roadways. That is why we are expected to fix these roads now.

Question: Why did the County allow construction to happen in West Highlands even though 16th St. ends in the middle of the road?

Remember the flip side argument; people have a property right that includes the right to build. They have a vested right to build based on the fact that those roads were accessible back in the 1970's. No one imagined that 30 years later people would be living on those roads.

Question: Why is it that County Council can enforce storm water fees but they can't enforce a road fee that will take care of the un-maintained areas of the County?

Gas tax would really be the only venue that we would legally be able to take but we are at the statutory max for gas tax. The new nickel that we just recently got will go to reduce some of the dirt roads but we are being decimated by the extremely steep rising of material costs. They will not be able to do it with the gas tax but that may be something that we could look at if we had an additional sales tax. That would be something that you could go to Council with if you were organized. The Gas taxes get eaten up pretty quickly with traffic control and maintenance. Your gas taxes are

also split between the County and the Cities. Fifty-Three percent go to the County and forty-seven percent go to the Cities.

Question: I see that your letter includes a cost of about \$1400.00. What kind of protection can you offer us that the price won't go up over time?

There is no absolute protection; the difference is this is very specific to the area. A Special Assessment District is put in place by Council so your area's elected official would be representing you. They do not take increases very lightly, but if you were a group and council decided that they were going to raise it, you could lower the level of service to help or find some other way to help. We have had the suggestion of putting a fee or bond on builders so they are not tearing up roads without fixing them. Some variations of service could be done to help hold down prices.

Question: If you go down 17th St. right now it's a washboard, it kills cars because you have cut down on grading and builders are destroying it. And even with all of this going on our property taxes have gone up. Why is that?

I cannot answer things that have to do with property taxes. The Property Appraiser is an elected official that you should speak with about this matter.

Question: DPE was turned over to county maintenance, would they be open to county maintenance in West Highlands if we were to agree to a maintenance district?

I cannot answer that but can say that they will be more likely to help if you help yourselves first.

Question: Has it been decided yet whether the County has decided to pledge some money to this project?

No, we have not made any decisions yet. We are trying to move up the time frame of paving some of the maintained roads in the area to alleviate some traffic problems and give Fire services, EVAC, and the Sherriff's office some roads to travel on. We have also spent some money trying to help fix some very bad areas.

Question: How soon will those roads be paved?

We are hoping to fit it in with this year's budget.

Question: If the roads are paved does that remove our Ad-Valorem taxes?

No, the taxes will still be there but we are working on discounts for people on maintained areas. We will be working with legal to find out what can be done about that.

If you take all the roads and bring them to county standard than yes those taxes would go away, however, that is the large cost that no one wants. So we are trying to compromise with maintenance. We would also have to obtain more right of way to get the roads that way.

Question: How did you arrive at the figures you have on the letter?

We went out and made estimates using contractors. We also identified and classified different areas. Some roads need to be completely cleared and some just need maintenance.

➤ **Discussion of Letter**

Citizen Comment: You need to put in information about the school situation. The children have to walk 2 miles to get to a bus stop. The bus route stops at New York and Hamilton.

Please add some information about school buses and delivery services. Even if we do fix and maintain the roads they will still probably not go into those areas. The taxes that you pay for schools go to the school board. You would need to contact them about changing routes. The conditions have been this way since the 70's and we aren't going to consider "No Option" because they would continue to worsen if we just walked away.

➤ **Options in Letter:**

Citizen Comment: By saying that we agree to the demands in the letter, do we give up our right to a hearing?

The County Council cannot impose a Special Assessment District on you without having at least 2 public hearings first.

Citizen Comment: It sounds to me like we don't have a choice.

Council has allowed us to give you a choice. It's up to you to decide what to do but yes, you do have to do something. They will have 2 public hearings and then they vote on it and whatever they decide will be the final decision, you will not be given a vote only council representation.

We will go ahead and take out the "No Option", including you will have a hearing. However, allowing the current conditions to continue is not a viable option. One other thing we haven't talked about is upgrading the area without government involvement. That may be something you want to consider but that has to start very quickly to prove that it can be done. Funding options will go up depending on the amount of lots that you own. We will add in that an approved buildable lot has three 25 ft lots.

Question: What if you live on the corner then you would live on 2 streets?

The costs are by lots. We are not going by frontage but we can look into that if you are interested but lots are much easier.

Question: What about all of the alleyways in the area?

You can put in for a vacation and split them between homeowners if you'd like. We will probably have to help some people who have actually built in the right of way.

Question: Do we have the option to do that or is that something we will have to do?

Typically that is done upon request. It is just something you can look at; you don't have to do it.

Question: Why are maintenance costs being added in now if we are agreeing to pay for fixing it?

The county is assessing you to fix the roads but we are not going to maintain that unless we are paid accordingly.

Question: People are confused because these roads have been accepted by the county and they have been collecting taxes from the people who live on them? Who pays for the county maintained roads?

Gas taxes pays for the maintained roads. There are many roads like that in the county. There are 430 miles of un-maintained public roads that no one maintains.

Question: What happened to our rights as citizens who live on public roads? This letter sounds very one sided. It does not give any options for the citizens.

If the committee would like to make a letter that is better suited to you we would be happy to have that. We are only trying to help you because Council will be expecting progress very soon.

Question: Can we be given more time to think about this?

If the community wants to get together and write their own letter, we can give you until the 1st of November to send out the letter to all property owners. We will be cutting it close though.

Question: When will the public meetings be held?

They will probably be held in December or January, maybe sooner.

Question: Council meets only during the day why can't we have them come to us?

I work for them and I cannot set their schedules. You would have to discuss that with them.

Question: What is the lowest you can go?

These numbers are what I'm comfortable putting into the letter. Council is going to want a number and this is the best scenario we have come up with.

Question: What is going to be Council's contribution to this?

What they have already done.

In addition to the letter, what would you like us to present to the people in your community?

Citizen Comment: The survey you put out should be answered with; Yes, No, and Comment.

Question: I understand that there is a law that says a Special Assessment District has to benefit everyone that is paying for it. What happens to the people whose roads are already maintained?

We would need to speak with the County attorney so we can look at that.

Question: Will anything that happens here go onto 2006-2007 bankrolls?

Yes

Question: Have you talked to any neighboring counties? How are they paving their roads?

Seminole County is using a 1 Cent increase in their sales tax to help with that. I'm seeing that the consensus here is that people do not like the letter; we need to come up with something we can all live with by the next meeting. Please decide amongst yourselves who will set that up. We will be sending something out at the next meeting. Our intent is to get this out to all property owners so we can get feedback.

Question: Can we get a council member to attend the next meeting?

I can ask but it just depends on their schedule. There are 3 members we can talk to; Dwight Lewis is your area's council representative then you also have a county wide chairman and vice chairman.

Question: The figures are set correct? Where are our storm water fees in there?

As I said in the last meeting, we are looking at using storm water fees for the retention areas the subdivision will need.

Question: The County found money for beach sand, why can't they find money for this.

That was actually a federal grant that was matched.

Question: The second option , 2.9 mil, would that be something that we could change? If we formed a homeowners association we could buy a motor grader and someone to operate it, the costs are not that bad.

I see where your options are in maintenance. The association would have to work closely with council since they are public roads. But what I heard is that if you came up with some solutions they will be more than willing to hear you out.

Question: The council has made a decision; we need to get the word out to everyone so we can decide on our options. Most of the people in the area don't even know that there is a moratorium.

Citizens Comment: I think we should send out the letter as is because it will shake up the owners enough that we will have a larger voice.

Also, if you work together you may be able to come up with a better idea

Citizens Comment: I personally don't have any reservations with the letter. I think that we need to send it out to let them know that if they do not participate in the decision making process they will be charged anyway.

Question: After the letter is sent out, will Council think that this is what we've decided to do?

No, council will not do anything without 2 public hearings.

We will send out a notice to let you know when the next meeting will be and when we are sending out the letter. You can put your email address on the sign in sheet to have letter emailed out to you. We are working on building a database for your information. We will talk about what we will do with the maintained roads at the next meeting. We will also try to have someone from Legal here at the next meeting. There are 2 elected officials buying in that area. If you would like to tell them to call me I would be happy to talk to either candidate about the problems and concerns.

Question: What will happen at the meeting that will not happen here?

We want you to form this committee so that the community can work through you because if we send out this letter and we have it at a larger venue, we won't be able to have order.

Question: I think you need to explain to everyone right off that the roads are public but are not maintained by the county and that you did not make that decision at the next meeting.

I will do that. The people that are sitting next to you have done this for years and they don't care where you are located just as long as they have the funding to do the job.

➤ **Meeting Close**

We will finish the letter ASAP and will hope to get it out at the beginning of the week. We will put in the description of a buildable lot and add the date. We will also take out that it does not include Administrative fees and put a note to let everyone know that it is an estimate.

Contact Information

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** All Questions were answered by George Recktenwald unless otherwise noted.