

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT: PUBLIC HEARING – LAKE AMORY AQUATIC WEED CONTROL MSBU**

**DEPARTMENT:** Fiscal Services      **DIVISION:** MSBU Program

**AUTHORIZED BY:** Lisa Spriggs *LS*      **CONTACT:** Kathy Moore *KM*      **EXT.** 7179

**Agenda Date** 05/09/06    **Regular**     **Consent**     **Work Session**     **Briefing**   
**Public Hearing – 1:30**       **Public Hearing – 7:00**

**MOTION/RECOMMENDATION:**

Adopt an ordinance creating the Lake Amory Aquatic Weed Control Municipal Services Benefit Unit for the purpose of providing aquatic weed control to the lake within the unit, and authorize Chairman to execute Ordinance.

**BACKGROUND:**

The proposed improvement is located in Commission District 5.

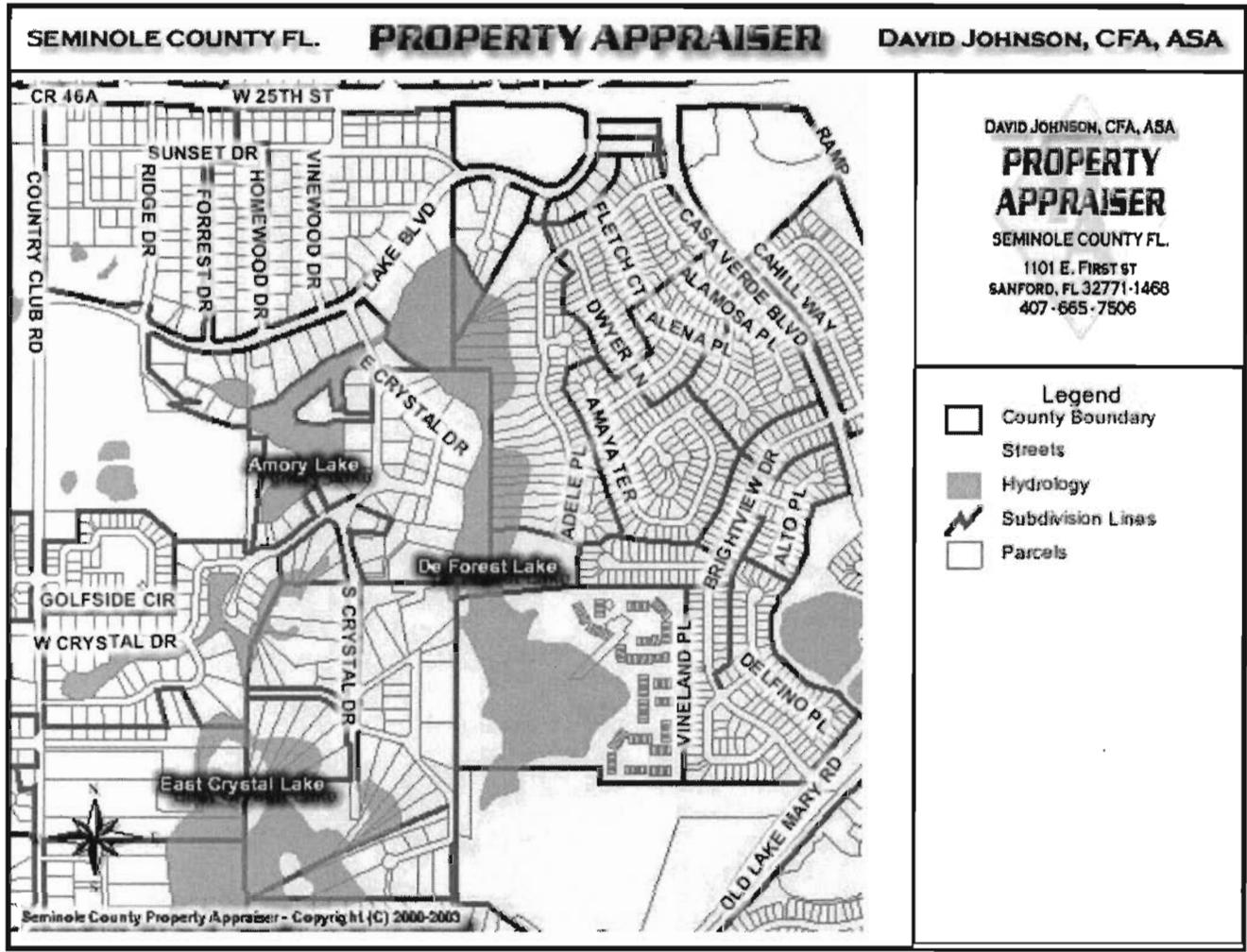
Property owners have expressed desire to enter into an MSBU for aquatic weed control for Lake Amory. The Petition for Improvement distributed on February 17, 2006, demonstrated a support rate of 82.6% relative to the twenty-three properties subject to benefit from the improvements. The requested aquatic weed control improvements for Lake Amory may include chemical, mechanical, biological, and/or other activities typically associated with lake restoration and on-going maintenance efforts to control aquatic weed growth. If the requested MSBU is approved, the aquatic weed control improvements will be provided and monitored through contracted services provided by a lake management agency. The estimated assessment amount for the first year is \$288.00 per parcel. It is anticipated that assessment amount will vary annually according to lake conditions and treatment recommendations. Annual assessments will not exceed \$300.00 per year without community support documented in advance through the standard petition process.

Both Seminole County and the City of Sanford own property that is contiguous with Lake Amory. The lake bottom parcels are owned by Seminole County. Governmental entities are excluded from direct financial participation (i.e. assessment) in an MSBU. However, governmental entities may review MSBU projects for the purpose of evaluating any factors that impact the conditions being addressed through the MSBU. Governmental entities may determine any appropriate corrective and/or preventative measures to be addressed through application of public funds. All such decisions are to be made according to the discretion of the governing entity via the standard approval and budgeting process.

Reviewed by: \_\_\_\_\_  
Co Atty: *[Signature]*  
DFS: \_\_\_\_\_  
Other: \_\_\_\_\_  
DCM: *[Signature]*  
CM: *[Signature]*  
  
File No. FSM 50

Representatives from the participating properties have stated that they are pursuing public funding assistance from both government entities relative to stormwater and aquatic weed control concerns. As referenced above, such requests may be coordinated parallel to, but independent of, the MSBU process.

Notification of Public Hearing was mailed to property owners on April 11, 2006. In accordance with statute 125.66 (2)(a) the notice of intent to consider such ordinance was given at least 10 days prior to said meeting by publication in a newspaper of general circulation in the county. Public Hearing notice was advertised on April 20 and April 27, 2006.



ORDINANCE

AN ORDINANCE CREATING THE LAKE AMORY AQUATIC WEED CONTROL MUNICIPAL SERVICES BENEFIT UNIT FOR THE PURPOSE OF PROVIDING AQUATIC WEED CONTROL TO THE LAKE AND CONNECTIVE WATERWAY AREAS WITHIN THE UNIT; PROVIDING IDENTIFICATION OF PROPERTY INCLUDED IN SAID UNIT; PROVIDING FOR THE GOVERNING OF SAID UNIT BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THE ASSESSMENT FORMULA; PROVIDING A LIST OF ESTIMATED ANNUAL ASSESSMENTS FOR ASSESSMENT AND COLLECTION BY THE UNIFORM METHOD ADOPTED BY THE SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS ON MAY 9, 2006, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, INCLUSION IN CHAPTER 160, SEMINOLE COUNTY CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County, Florida has the authority to establish a Municipal Services Benefits Unit pursuant to Chapter 125, Florida Statutes; and

WHEREAS, the non-ad valorem assessments which result from enactment of this Ordinance may be adjusted annually due to addition of new parcels or due to fluctuations in operational expenses to maintain aquatic weed control; and

WHEREAS, the initial assessment per parcel for the first year is \$280.00 as per cost details provided in Exhibit A; and

WHEREAS, it is anticipated that the annual assessments will adjust to a level that constitutes aquatic weed control maintenance of the lake areas, and that the annual assessment

will not exceed \$300.00 per year without approval support documented in advance through the standard petition process: and

**WHEREAS,** the MSBU Program working in conjunction with the Seminole County Stormwater Division will select the lake management service provider according to standard Purchasing and Contract provisions; and

**WHEREAS,** the MSBU Program working in conjunction with the Seminole County Stormwater Division will maintain decision making authority relative to initial aquatic weed control efforts, a voluntary group of community representatives selected by the participating property owners, consisting of at least 3, but no more than 7 representatives, will be given opportunity to make recommendations regarding the defined scope of service and treatment plans identified for improving the aquatic weed conditions of the lake; and

**WHEREAS,** the MSBU Program working in conjunction with the Seminole County Stormwater Division will maintain decision making authority relative to on-going aquatic weed control efforts, the designated community representatives as previously defined will be given opportunity at least once a year, generally between January and March to contribute to the evaluation of lake conditions and formulation of the treatment plans proposed for the lake; and

**WHEREAS,** the scope of service for lake management will include routine site inspections and monitoring of lake condition, the County will provide advanced notification of

scheduled site inspections to the designated community representatives for the purpose of encouraging participation by the designated community representative in these inspections and scheduled interactions with the contracted service provider; and

**WHEREAS**, the Board of County Commissioners has approved the hereinafter described project;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

**Section 1. SHORT TITLE.** This Ordinance shall be known and referred to as the LAKE AMORY Aquatic Weed Control Municipal Services Benefit Unit Ordinance.

**Section 2. CREATING UNIT; IMPROVEMENTS** There is hereby created within Seminole County, the Lake Amory Aquatic Weed Control Municipal Services Benefit Unit for the purpose of providing aquatic weed control to Lake Amory within the unit. Said unit shall encompass and include improvements for aquatic weed control by chemical, biological or mechanical means. Said unit shall encompass the parcels listed in Exhibit A and located within unincorporated Seminole County, Florida:

**Section 3. POWERS AND DUTIES OF BOARD.** The unit shall be governed by the Board of County Commissioners of Seminole County, Florida, which board shall have the following powers and duties:

(a) To provide for the collection and disbursal by the County of such funds as may be necessary to pay the expenses for aquatic weed control within the unit.

(b) To provide for or contract for the design, construction, and maintenance of the chemical, biological, mechanical or any combination of aquatic weed control methodologies as set forth in Section 2.

(c) To levy non-ad valorem assessments upon property abutting, adjoining and contiguous to such aquatic weed control areas when such property is specially benefited by such aquatic weed control.

(d) To levy non-ad valorem assessments upon any property which is specially benefited and/or abuts, adjoins and is contiguous to such aquatic weed control, but which may have been omitted from the hereinafter described assessment listing, upon giving sufficient notice to the owners of such property and holding a public hearing to consider any comments, objections or other relevant information to arrive at such decision to levy such non-ad valorem assessments.

**Section 4. ADMINISTRATIVE COSTS.** All property owners will be assessed administrative costs, as promulgated under the Municipal Services Benefit Unit procedures.

**Section 5. ASSESSMENT FORMULA.** The assessment formula used to determine the amount to be assessed is the per parcel method of the property specially benefited from the aquatic weed control. A special assessment for the district shall be derived annually by dividing the total annual budgeted costs of the district by the number of taxable parcels in the

district and assigning that cost to each taxable parcel in the district. Said special assessments shall constitute a lien upon the lands assessed. Pending collection by the County of such special assessments, as provided herein, the County may spend from its Municipal Services Benefit Unit Fund such sums as may be necessary to operate, maintain and administer the District hereby created, and the County will be reimbursed to such extent at such time assessments are collected.

**Section 6. LIST OF ASSESSMENTS FOR AQUATIC WEED CONTROL.** The affected properties are identified in Section 2 and listed in Exhibit B. Assessments may be adjusted annually. Assessments will be adjusted to include any new parcels derived from a property split within the said aquatic weed control district.

**Section 7. METHOD OF ASSESSMENT AND COLLECTION.** All non-ad valorem assessments which may result as herein provided for in Exhibit B shall be assessed and collected by the uniform method adopted by the Seminole County Board of County Commissioners, pursuant to Section 197.3632, Florida Statutes.

**Section 8. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 9. INCLUSION IN CODE. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "ordinance" may be changed to "section", "article" or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 8, 9 and 10 shall not be codified.

Section 10. EFFECTIVE DATE. This Ordinance shall take effect upon receipt of official acknowledgment by the Clerk of the Board of County Commissioners from the Department of State that this Ordinance has been filed with the Department of State.

ENACTED this 9th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley, Chairman

Exhibit A

## Exhibit A

The requested aquatic weed control improvements for Lake Amory/Loch Arbor may include:

- (1) Chemical,
- (2) Mechanical,
- (3) Biological, and/or
- (4) Other activities typically associated with on-going maintenance efforts to control aquatic weed growth.

The required treatments will vary annually and will necessitate variations in scheduling and assessment calculations based on nature of treatment required and cost factors. The cost of the required treatments in the initial years as the aquatic weed control efforts are implemented through the MSBU are expected to be greater than future year costs when maintenance treatments are anticipated. As lake conditions fluctuate, cost will vary. The maximum allowed assessment per parcel per year is \$300.00. Demonstration of district support, through the standard petition process is required prior to exceeding the \$300.00 per parcel per year limit.

The estimated assessment related to Aquatic Weed Control Improvements for the Lake Amory Aquatic Weed Control MSBU in the initial year of assessment is 280.00 per parcel. The estimated assessment is based on the expectation that the initial costs will be incurred in fiscal year 2006 with advanced funding being provided by MSBU Program fund allocation, followed by the initial assessment to property owners being levied on the 2006 Tax Bill. In addition to the standard administrative and tax collection fees, the assessments levied may include a repayment allocation for cost incurred during fiscal year 2006 or other subsequent years, a maintenance cost allocation, and an allocation for contingency and/or reserve for future needs.

The annualized cost expectations estimated for this district are as follows:

Monitoring, evaluation, treatments, financing	\$ 5,830.00
Administrative & Tax Collector Fees [10.05%]	<u>\$ 612.00</u>
Total Estimated expenses	\$ 6,442.00

Estimated Annual Cost share per parcel: \$ 280.00

Exhibit B

## Exhibit B

The following parcels are included for cost share assessment in the Lake Amory Aquatic Weed Control MSBU:

Parcel ID	Property Address	Owner Name
03-20-30-506-0100-0130	406 CRYSTAL DR W	MILLER HOWARD & LALAINIA
03-20-30-506-0100-0120	404 CRYSTAL DR	WALL LANCE & BONNI
03-20-30-506-0100-0110	402 CRYSTAL DR W	GOLDMAN SHIRLEY L & JAMES H
03-20-30-300-0080-0000	400 CRYSTAL DR W	DE SORMIER VICTORIA & STEWART JOSEPHINE
03-20-30-506-0100-0090	122 CRYSTAL DR W	BATTAGLIA ANTHONY C
03-20-30-506-0100-0070	120 CRYSTAL DR W	FOX DONALD M
03-20-30-506-0100-0060	118 CRYSTAL DR W	BOWEN ROGER D & PATRICIA A
03-20-30-506-0100-0040	114 CRYSTAL DR W	WATERS ROBERT T
03-20-30-505-0000-00A0	CRYSTAL DR W	SAUNDERS DANIEL L &
03-20-30-506-0100-0020	110 CRYSTAL DR W	FRAUSTRO FELIX & SANDRA J
03-20-30-506-0100-0010	108 CRYSTAL DR	BLEDSON ROBERT L & TERRY L
03-20-30-505-0000-0130	CRYSTAL DR W	BLEDSON ROBERT L & TERRY L
03-20-30-505-0000-0110	401 LAKE BLVD	MATHENY VIRGINIA L
03-20-30-505-0000-0100	403 LAKE BLVD	LIBERTY DANIEL J
03-20-30-505-0000-0090	405 LAKE BLVD	FOLENDRE DANIEL R
03-20-30-505-0000-0080	407 LAKE BLVD	ROSE RONALD E & BRENDA E
03-20-30-505-0000-0070	411 LAKE BLVD	LEE PHILIP L & CARLA H
03-20-30-505-0000-0060	415 LAKE BLVD	YEAGER RICHARD & MARILYN
03-20-30-505-0000-006A	417 LAKE BLVD	LOCKHART TIMOTHY & AMY
03-20-30-505-0000-0050	421 LAKE BLVD	HARGER DANIEL G & CAMI R
03-20-30-505-0000-002A	307 FAIRWAY DR	WAUGH WILLIAM H & SUSAN E
03-20-30-505-0000-0010	309 FAIRWAY DR	BARKER TEDDY & ANITA M
03-20-30-505-0000-001A	311 FAIRWAY RD	TAYLOR JACK & BOBBY

# ECONOMIC IMPACT STATEMENT

**DATE:** May 9, 2006

**DEPT./DIVISION:** Fiscal Services

**CONTACT PERSON:** Kathy Moore

**EXTENSION:** 7179

**DESCRIBE PROJECT/PROPOSAL:**

Creating the LAKE AMORY AQUATIC WEED CONTROL MUNICIPAL SERVICES BENEFITS UNIT for the purpose of providing aquatic weed control to the lake within the unit.

**DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE OPERATION OF THE COUNTY:**

Creation of this MSBU will necessitate contract management, performance monitoring through site evaluation, and preparation/processing of assessments on an annual basis. It is anticipated that all required activities can be handled internal to the county with assistance from existing resources within the Stormwater Division of the Public Works Department and the MSBU Program of the Fiscal Services Department. Total Impact to both Departments will be minimal at less than 30 hours combined per year in total. The administrative fee to be collected will cover resource allocation requirements.

**DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE PROPERTY OWNERS/TAX PAYERS/CITIZENS WHO ARE EXPECTED TO BE AFFECTED:**

The ordinance will set forth the necessary provisions to establish the requested aquatic weed control in Lake Amory in a manner in which all waterfront parcel owners share equitably in the cost of the on-going control efforts. The first year assessment proposed at \$288.00 includes funding for initial aquatic weed control efforts as determined through project proposals. On-going aquatic weed control efforts and financed funding for initial treatments are anticipated to yield an annual assessment not to exceed \$300.00 per parcel.

**IDENTIFY ANY POTENTIAL INDIRECT ECONOMIC IMPACTS, POSITIVE OR NEGATIVE WHICH MIGHT OCCUR AS A RESULT OF THE PROJECT PROPOSAL:**

Positive impacts are realized in terms of aquatic environment, use of the lake, and waterfront conditions as the aquatic weed status is improved, maintained and protected through on-going efforts.

**NOTICE**

NOTICE is hereby given that the Board of County Commissioners of Seminole County, Florida, intends to hold two public hearings to consider :

(1) The adoption of ordinance entitled: AN ORDINANCE CREATING THE LAKE AMORY AQUATIC WEED CONTROL MUNICIPAL SERVICES BENEFITS UNIT FOR THE PURPOSE OF PROVIDING AQUATIC WEED CONTROL TO LAKE WITHIN THE UNIT; PROVIDING IDENTIFICATION OF PROPERTY INCLUDED IN SAID UNIT; PROVIDING FOR THE GOVERNING OF SAID UNIT BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THE ASSESSMENT FORMULA; PROVIDING A LIST OF ESTIMATED ANNUAL ASSESSMENTS FOR ASSESSMENT AND COLLECTION BY THE UNIFORM METHOD ADOPTED BY THE SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, INCLUSION IN SEMINOLE COUNTY CODE, AND AN EFFECTIVE DATE. The following property will be included within the boundaries of the Lake Amory Aquatic Weed Control Municipal Services Benefits Unit with a first year proposed assessment of \$280.00 with annual an ongoing assessment not to exceed \$300.00 per parcel: 03-20-30-506-0100-0130, 03-20-30-506-0100-0120, 03-20-30-506-0100-0110, 03-20-30-300-0080-0000, 03-20-30-506-0100-0090, 03-20-30-506-0100-0070, 03-20-30-506-0100-0060, 03-20-30-506-0100-0040, 03-20-30-505-0000-00A0, 03-20-30-506-0100-0020, 03-20-30-506-0100-0010, 03-20-30-505-0000-0130, 03-20-30-505-0000-0110, 03-20-30-505-0000-0100, 03-20-30-505-0000-0090, 03-20-30-505-0000-0080, 03-20-30-505-0000-0070, 03-20-30-505-0000-0060, 03-20-30-505-0000-006A, 03-20-30-505-0000-0050, 03-20-30-505-0000-002A, 03-20-30-505-0000-0010, 03-20-30-505-0000-001A

(2) The adoption of ordinance entitled: AN ORDINANCE CREATING THE TWIN PINES WATER & WASTEWATER IMPROVEMENT MUNICIPAL SERVICES BENEFITS UNIT FOR THE PURPOSE OF PROVIDING WATER SERVICE FOR DRINKING AND HOUSEHOLD PURPOSES AND WASTEWATER TRANSFER WITHIN THE UNIT; PROVIDING BOUNDARIES OF SAID UNIT; PROVIDING FOR THE GOVERNING OF SAID UNIT BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THE METHOD OF FINANCING TO BE ADVANCED BY SEMINOLE COUNTY FROM ENVIRONMENT SERVICES WATER DIVISION FUNDING; PROVIDING FOR PAYMENT IN FULL OR FIFTEEN (15) ANNUAL INSTALLMENTS FOR CONSTRUCTION IMPROVEMENTS; PROVIDING THE ASSESSMENT FORMULA; PROVIDING A PRELIMINARY LIST OF ASSESSMENTS FOR ASSESSMENT AND COLLECTION B Y THE UNIFORM METHOD PURSUANT TO SECTION 197.3632, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, INCLUSION IN SEMINOLE COUNTY CODE, AND AN EFFECTIVE DATE. The following property will be included within the boundaries of the Twin Pines Water & Wastewater Improvement MSBU with an estimated assessment of \$6,000 with a 15 year financing term proposed: 17-21-29-515-0000-0010, 17-21-29-515-0000-0020, 17-21-29-515-0000-0020, 17-21-29-515-0000-0030, 17-21-29-515-0000-0040, 17-21-29-515-0000-0050, 17-21-29-515-0000-0060, 17-21-29-515-0000-0070, 17-21-29-515-0000-0080, 17-21-29-515-0000-0090, 17-21-29-515-0000-0100, 17-21-29-515-0000-0120.

at 1:30 P.M., or as soon thereafter as possible, at its regular meeting on the 9th of May, 2006 at the Seminole County Services Building, Room 1028, 1101 East First Street, Sanford, Florida. **For additional information regarding this notice, please contact the MSBU Program at 407-665-7178.** Persons with disabilities needing assistance to participate in any of these proceedings should contact the Employee Relations Department ADA Coordinator 48 hours in advance of the meeting at 407-665-7941. Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and, for such purpose, they may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per section 286.0105, Florida Statutes.

ATTEST:



Maryanne Morse, Clerk to the Board  
of County Commissioners in and for  
Seminole County, Florida

Publish: April 20 and 27, 2006