



# Pinellas County

## Staff Report

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File #: 21-1501A, Version: 1

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### **Subject:**

Resolution approving the use of a Non-Ad Valorem Special Assessment for the restoration of Hidden Cove II Oak Street Retention Pond in unincorporated Clearwater.

### **Recommended Action:**

Consider the adoption of a resolution approving the use of the State Uniform Non-Ad Valorem Collection Method, pursuant to F.S. §§ 197.3632, 197.3635 and Pinellas County Code Chapter 110, for the restoration of Hidden Cove II Oak Street Retention Pond in unincorporated Clearwater.

- The Oak Street retention pond filled in due to lack of maintenance and has led to flooding in the Hidden Cove Subdivision.
- The pond is owned by two property owners who have agreed to a non-ad valorem assessment to cover the cost of restoring the pond.
- The pond owners have also agreed to participate in the Adopt-A-Pond program which includes native plantings to improve water quality and public education within the subdivision.
- The resolution directs staff to estimate project costs and develop assessment methodology for the two property owners; directs the County Attorney to prepare interlocal agreements with the Tax Collector and Property Appraiser for assessment administrative costs; and provides for mailing of the resolution to the Tax Collector, Property Appraiser, and State Department of Revenue.

The second public hearing to take place prior to the beginning of Fiscal Year 2023.

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to create and enhance a safe, secure, and healthy community

2.2 Be a facilitator, convener, and purchase of services for those in need

Practice Superior Environmental Stewardship

3.3 Protect and improve the quality of our water, air, and other nature resources

Deliver First-Class Services to the Public and Our Customers

5.4 Strive to serve the needs of all Pinellas County residents and customers

### **Summary:**

Oak Street Pond is a private stormwater facility owned by two (2) property owners located at 1836 and 1860 Oak Street. The pond filled in over several decades due to lack of maintenance, thereby decreasing its storage capacity and causing localized flooding.

There is public purpose for dredging the Oak Street Pond to restore storage capacity, abate flooding concerns, and improve water quality for the assessed properties. The County is better positioned to

dredge the Oak Street Pond than the property owners. Given the special benefit received from the Project, it is fair and reasonable to require the property owners pay 100% of project costs via a non-ad valorem special assessment over a ten (10) year period given the anticipated total cost of \$36,000.00.

Advertisement for four (4) consecutive weeks prior to the first public hearing is a requirement of Florida Statute F.S. §§ 197.3632(3)(a).

### **Background Information:**

In October 2017, County staff received complaints of street flooding related to a privately owned pond located at 1837 & 1860 Oak St. in unincorporated Clearwater. An inspection of the pond revealed excess sedimentation and vegetation had reduced the pond capacity and resulted in repeated flooding over both lanes of the Oak St. right-of-way.

Based on records research, County staff determined the property owners are responsible to maintain the pond. Public Works attempted to relieve the road flooding issue by clearing the inflow and outflow. Following that effort, a warning notice was sent to the property owners on May 11, 2018 informing them of their maintenance responsibilities, requesting each property owner to develop and submit a plan, with timeline, to remove the excess vegetation and sediment from the pond as listed in the notice.

After several discussions with contractors, costs for the project were estimated to present a significant financial burden for each property owner therefore the option of a special non-ad valorem assessment was discussed. The County received signed letters from each property owner acknowledging their interest in pursuing a potential non-ad valorem assessment to bring the Oak Street pond in compliance with its Site Plan.

The property owners elected to participate in the Adopt-A-Pond Program, which allowed Public Works to participate in removal of the nuisance vegetation. The owners will also receive native plants and neighborhood education. The remainder of the project costs for sediment removal is expected to be approximately \$36,000, which would be assessed to the property owners. If the Board opts to move forward with the special assessment, staff will obtain exact project costs and determine the amount of the special assessment to be spread over 10 years.

### **Fiscal Impact:**

Pond restoration is estimated at \$18,000.00 per homeowner for a total of \$36,000.00 reimbursable cost. The expenditure is not consistent with the development of the FY22 Proposed Budget, however, if approved, the funding will be derived from the lapse in the Surface Water Special Assessment Fund. Associated revenue is not anticipated until FY23 and it will be included in FY23 Budget Request. Budget Amendment will not be needed.

### **Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works  
Brendan Mackesey, Assistant County Attorney

### **Partners:**

Homeowner at 1836 Oak Street  
Homeowner at 1860 Oak Street

**Attachments:**

Proposed Resolution with Appendix A & B  
Public Hearing Notice Ad