

February 8, 2010

MINUTES OF THE MEETING OF THE CONSERVATION COLLIER  
LAND ACQUISITION ADVISORY COMMITTEE

Naples, Florida, February 8, 2010

LET IT BE REMEMBERED, that the Conservation Collier Land  
Acquisition Advisory Committee, in and for the County of Collier, having  
conducted business herein, met on this date at 9:00 A.M. in REGULAR  
SESSION at Administrative Building "F", 3<sup>rd</sup> Floor, Collier County  
Government Complex Naples, Florida with the following members present:

CHAIRMAN: Bill Poteet  
VICE CHAIRMAN: Michael Delate  
Tony Pires  
Jeffrey Curl  
Mimi Wolok (Excused)  
Jeremy Sterk  
Thomas Sobczak  
Annisa Karim

ALSO PRESENT: Alexandra Sulecki, Conservation Collier Coordinator  
Jennifer White, Assistant County Attorney  
Cindy Erb, Real Property Management  
Christal Segura, Conservation Collier Land Manager

**I. Roll Call –**

**Chairman Poteet** called the meeting to order at 9:00am

**Alex Sulecki, Conservation Collier Coordinator** reported Robert Dorta had resigned from the Committee via e-mail.

**Chairman Poteet** recognized outgoing member Mimi Wolok's 6 years of service to the Committee.

**II. Committee Elections – Chair and Vice Chair**

*Mr. Delate moved to nominate Mr. Poteet as Chairman of the Conservation Collier Land Acquisition Committee. Second by Mr. Pires. Carried unanimously 7-0.*

*Mr. Pires moved to close the nomination for Chairman. Second by Mr. Delate. Carried unanimously 7-0.*

**Mr. Poteet** was named Chairman of the Committee.

*Mr. Pires moved to nominate Mr. Delate as Vice Chairman of the Conservation Collier Land Acquisition Committee. Second by Mr. Curl. Carried unanimously 7-0.*

*Mr. Pires moved to close the nomination for Vice Chairman. Second by Mr. Curl. Carried unanimously 7-0.*

**Mr. Delate** was named Vice Chairman of the Committee.

**III. Approval of agenda**

*Mr. Delate moved to approve the Agenda. Second by Mr. Curl. Carried unanimously 7-0.*

**IV. Approval of January 11, 2010 Minutes**

*Ms. Karim moved to approve the minutes of the January 11, 2010 meeting subject to the following changes:*

- Page 4, paragraph 3 – "Gateway Shoppes, II, LLP" to "Gateway Shoppes, II, *LLC*"
- Page 4, paragraph 3, bullet point 6 from "There IWHRs classifies..." to "*The* IWHRs classifies..."
- Page 5, paragraph 3, motion - " from "Staff prepare and Initial..." to Staff prepare *an* Initial..."
- Page 6, paragraph 2 – from "Motion carried..." to "*Gateway Shoppes II, LLC* motion carried..."

*Second by Mr. Delate. Carried unanimously 7-0.*

**V. Committee Member Applications**

The Committee reviewed 4 applications for membership to the Conservation Collier Land Acquisition Committee (*Clarence S. Tears, Jr., Robert A. Schultheis, Lauren Barber and Anthony M. Ojanovac*).

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Committee discussion occurred on whether Mr. Tears, who is an employee of the South Florida Water Management District may serve on the Committee due to his position of employment, or if he will have potential conflicts of interest on parcels that come before the Committee for acquisition.

**Jennifer White**, Assistant County Attorney stated, (after a brief review of applicable documents,) it does not appear a County, State or Federal employee is prohibited from serving on an Advisory Committee. However, she recommended the Committee consider an alternate should it be determined Mr. Tears cannot serve on the Committee.

**Speaker**

**Robert A. Schultheis** stated he would like to serve on the Committee as he has a life long interest in acquisition of community properties. He has experience in this area from Boards he was a member of in a municipality similar to Naples.

*Mr. Delate moved for the Committee to recommend (to the Board of County Commissioners) a priority ranking for appointment to the Committee of first, Ms. Barber, second Mr. Tears and Mr. Schultheis as an alternate choice should Mr. Tears have a conflict. Second by Mr. Pires. Carried unanimously 7-0.*

**VI. Old Business:**

**A. Cosentino property appraisal – Mr. Paul Cosentino**

**Alex Sulecki** noted Mr. Consentino had requested to address the Committee regarding his recent property appraisal. She provided a history of events regarding the property:

- The application for acquisition was received in July 2007.
- In December 2007 the Committee and the BCC placed the property on the "B – List."
- The property was automatically re-ranked in December 2008 and was placed on the "A – List."
- In March of 2009 landowners were notified the Program would not be moving forward until the Programs 2010 levy was received.
- In June 2009, the BCC suspended Cycle 7.
- In October 2009, approvals were granted for the Program to move forward on acquisitions of the Cycle 6 A – List properties.
- In November/December of 2009 the appraisals were completed.
- An offer on Mr. Consentino's property was tendered on January 5, 2010.

**Speaker**

**Paul Consentino, landowner**, noted he was originally grouped with the other properties on Rivers Road who applied to the Program for acquisition. His property was removed from the Group and placed on the B-List. The other parcels were purchased utilizing appraisals of \$80,000 acre vs. his current appraisal of approximately \$30,000 an acre. He questions the appraised value of his property, (based on the offers to the adjacent landowners, "comparables" utilized in his appraisal that were not in the vicinity of the property, the lack of consideration of the previous sales data on adjacent parcels.) He

provided a handout which documented sales history of properties in the vicinity of his parcel.

**Roosevelt Leonard, Collier County Property Appraiser** provided an overview of the motion in the December 2007, Conservation Collier minutes which verified Mr. Consentino's property was separated from the other parcels and placed on the "B-List." The appraisals performed on the adjacent properties were completed in 2008 utilizing 2007 "comparables." The market values for property in the region have declined significantly since that time. Other appraisers have reviewed the appraisal and have agreed on the value indicated in Mr. Consentino's 2009 appraisal.

*Mr. Pires stated Mr. Consentino contacted him via e-mail to employ his services with regards to his property and Mr. Pires told him he could not represent him in the matter.*

The Committee noted they are required to tender an offer based on the appraisal and do not control the appraisal process.

~~Roosevelt Leonard~~ **Mr. Pires** noted the offer accepted by the representatives of the Devisse Trust under item VII.B.1 is approximately \$27,800 per acre and is in the vicinity of Mr. Consentino's parcel.

**Alex Sulecki** noted the offer has technically expired and requested the Committee officially grant an extension on the offer.

*Mr. Delate moved to grant a 30 day extension to the offer tendered to Mr. Consentino. Second by Mr. Curl. Carried unanimously 7-0.*

#### **B. Real Property Management Update**

**Cindy Erb, Real Property Management** provided the following updates:

- The Murphy's have requested the offer for their property be extended for 30 days, due to a health issue.
- The offer on the Joyce property (in Horsepen Strand) has expired, with no contact from the landowner.
- The offers expired on Feb 4<sup>th</sup> 2010, 30 days after the offer was originally made on January 5<sup>th</sup> 2010.

*Mr. Pires moved to grant a 30 day extension for the Murphy parcel. Second by Mr. Delate. Carried unanimously 7-0.*

- **Cycle 6** – Kirby offer accepted;

#### **1. Contract – Devisse Trust (Rivers Road)**

**Cindy Erb** presented the Executive Summary "Approve an Agreement for Sale and Purchase for 4.84 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$137,000 (Devisse Tr.)" dated February 8, 2010 and attached Agreement for Sale and Purchase."

*Mr. Delate moved to (recommend the Board of County Commissioners) approve the Agreement for Sale and Purchase of the Devisse Tr. As presented in the Executive Summary. Second by Mr. Pires. Carried unanimously 7-0.*

**C. Budget Recommendations**

Alex Sulecki provided the budget document addressing "*Conservation Collier Land Acquisition Fund (172) Ad Valorem Revenue Collections FY 2004 – FY 2009*" and "*Conservation Collier Land Acquisition Fund (172) Projected Ad Valorem Revenue FY 2010 – FY 2013*" for review by the Committee.

It was noted there was a discrepancy between the Ad Valorem Revenue figures (less debt service) for FY 2010 – 2013 listed on page 1, 2 and 3.

Alex Sulecki noted the figures have been continually developed and revised over time. She will contact the budget office for a clarification.

**D. Gordon River Greenway**

Alex Sulecki provided the document "*Gordon River Greenway Park*" dated February 4, 1010, prepared by Kimley-Horn and Associates, Inc. The document provides a timeline for the permitting process for the Greenway. The Committee requested members be supplied with any re-zone applications, CDES comments and site plans.

**E. Update – City Gate TDR Donation**

An e-mail from Roger Rice advising the Committee of no further interest and thanking them for consideration was read into the record.

**VII. New Business**

**A. Review of properties currently accepted within acquisition cycle 8**

Alex Sulecki provided the document "*Conservation Collier Cycle Eight*" dated February 8, 2010 which provided an overview of the status of Cycle Eight properties.

**B. New Property Applications**

Alex Sulecki presented a Slideshow on the following new applications for proposed acquisitions. For the properties to be considered further, at least 5 members need to vote on a complete evaluation after the presentation.

**Worthington-Collier, LLC**

The following was highlighted:

- The application consists of 3 connected parcels (501 acres/114 acres/47.4 acres) for a total of approximately 662 acres
- They are located approximately 5 miles east of Immokalee on County Road 846.
- They are located in the Okaloacoochee Strand in the Area of Critical State Concern
- The parcels are within Stewardship Sending Areas (SSA) 3 and 5 with development rights removed to Agriculture II level.

- The FLUCCS (Florida Land Use Cover and Forms Classification System) code indicates it is primarily wetlands with pasture and uplands.
- Soils are mapped as primarily wetland.
- The Integrated Wildlife Habitat Ranking System (IWHRS) indicates the parcels are ranked 4,7,8 and 9 out of 10 and borders parcels ranked 10.

**Speaker**

**Ronald Zul, Worthington – Collier, LLC** noted there has been no wetland restoration completed on the property. The property is a portion of property purchased from Baron Collier Enterprises. The other portion was utilized for panther mitigation for a Development of Regional Impact undertaken by Worthington-Collier, LLC. He estimates there are approximately 180 wetland mitigation credits available for use on the parcels. The parcels are subject to a cattle lease which may be terminated with a 30 day notice.

*Mr. Pires moved for the Program to move the properties forward for consideration of acquisition by the Program. Second by Mr. Curl. Carried unanimously 7-0.*

**Kern**

The following was highlighted:

- The property is 2.5 miles located east of Naples and north of US 41 off of 6 L's Farm Road.
- The landowner is willing to sell the parcel less than fair market value.
- The FLUCCS code indicates it is wetland and forested.
- The soils are mapped as wetland.
- The Integrated Wildlife Habitat Ranking System (IWHRS) indicates the parcels are ranked 5 and 6 out of 10.

*Mr. Delate moved not to pursue acquisition of the parcel. Second by Mr. Sterk. Carried unanimously 7-0.*

**Mr. Delate** noted the parcel is an isolated parcel and would require the Program to undertake a multi parcel acquisition process in order to manage it properly.

**C. Coordinator Communications.**

**Alex Sulecki** provided the following updates:

- **Mr. Pires** will be recognized for his 5 years service award at the March 9, 2009 BCC meeting. Staff will notice the meeting so Committee members may attend.
- The Youth Hunt Agreement for Feral Hog control on Pepper Ranch will be presented to the BCC on February 9, 2010.
- There was a public meeting for the proposed Land Management Plan for Pepper Ranch on January 25, 2010 in Immokalee. There will be a meeting on February 11, 2010 at the Vineyards. Staff will notice the meeting so Committee members may attend.
- Eagle Scout Rolf Anthony has completed 10 picnic tables for the Program. Boy Scout Tom Zelenik is constructing bat boxes.

- Pepper Ranch is now open to the public. Staff will contact other organizations of interest to inform them of the hours of operation.
- There was a Boy Scout Jamboree held at Pepper Ranch on January 30 – 31 with approximately 120 Boy Scouts between the ages of 11 and 17 in attendance.

**Chairman Poteet** presented Alex Sulecki with a certification and plaque from the Alligator District Boy Scouts in recognition of the County allowing them to utilize Pepper Ranch for their Jamboree.

**VIII. Subcommittee Meeting Reports**

**A. Outreach – Tony Pires, Chair**

There was a meeting on January 29, 2010 where the "landowner offer letter" was reviewed. Naming a trail or bench after former member Kevin Kacer was discussed. The next meeting is February 26, 2010 at 9am.

**B. Lands Evaluation and Management – Mike Delate, Vice Chair**

**Mr. Sterk** reported there was a meeting on January 11, 2010 where a draft of the proposed Pepper Ranch Land Management Plan was distributed and there was continued discussion on prioritizing of Preserves. The next meeting is on February 22, 2010 at 3pm.

**C. Ord. Policy and Procedures – Mimi Wolok, Chair**

**Ms. Karim** was named Chairman of the Subcommittee. At a previous meeting Land Development Code Amendments were discussed, the Geo-Caching form was reviewed and fund raising and concession sales at Conservation Collier events were discussed. The next meeting is February 26, 2010 at 10 am.

**IX. Chair Committee Member Comments**

None

**X. Public General Comments**

None

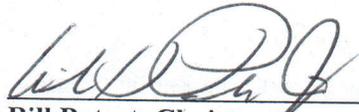
**XI. Staff Comments**

**Alex Sulecki** recognized Ms. Wolok's service to the Conservation Collier Program.

**There being no further business for the good of the County, the meeting was adjourned by order of the chair at 10:43 A.M.**

**Conservation Collier Land Acquisition Advisory  
Committee**

February 8, 2010

  
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Bill Poteet, Chairman

These minutes approved by the Board/Committee on March 8, 2010  
as presented \_\_\_\_\_ or as amended ✓ Amended