

**MURDOCK VILLAGE WORKSHOP**

**BOARD OF COUNTY COMMISSIONERS**

**JANUARY 29, 2004**

A workshop of the Board of County Commissioners was held at the Murdock Administration Complex in Port Charlotte, Florida. The following members were present: Chairman Matthew D. DeBoer and Commissioners Thomas C. D'Aprile, Sara Devos and Mac V. Horton. **(Commissioner Cummings was not present for this portion of the workshop.)** Also in attendance were County Administrator Bruce D. Loucks, County Attorney René Francis Lee, Finance Director William A. Knoble and Deputy Clerk Karen S. Mitchell. The meeting was called to order at **2:05 P.M.**

**Chairman DeBoer** explained this was a Board workshop to discuss with staff and the consultants the issues surrounding the process of the Murdock Village redevelopment. Bruce D. Loucks, County Administrator, gave a background summary: some years ago the County identified a need to deal with the issue of platted lands; some platted lands in the Murdock Village area were identified as deed restricted for perpetuity to be single family residential which was a growth pattern that needed to be looked at, especially in light of the County's 170,000 vacant platted lands they now have; the Board went through a process with the Urban Land Institute (ULI) to identify a potential opportunity with redevelopment in that area; subsequently the Board had a presentation by Wilson Miller which looked at an expanded version of that original proposal which was the 1,100 acres now referred to as Murdock Village; less than a year ago the Board directed staff to begin the land acquisition and start the process to find a development partner and complimented Paul Payette and his staff for acquiring over 30% of the property in less than a year; they were now at the part in the process where some significant policy decisions need to be made to ensure they were complying with the Request For Proposal (RFP) which after today's conversations will be sent out to the developers on Monday; a pre-submittal meeting has been scheduled for February 13, 2004 to get their feedback in reaction to the RFP and the projected date for the proposals to come back was May 12, 2004; and in the interim Community Development would be working on necessary Comprehensive Plan (Comp Plan) changes and dealing with

the Department of Community Affairs (DCA) to make sure the project can move forward as the Board envisions.

**I. Presentation by Consultants from Bryant, Miller and Olive, P.A., and Real Estate Research Consultants**

Mark G. Lawson, Esq., Bryant, Miller & Olive P.A., stated they wanted to make sure Mr. Loucks did lay out at the outset the fundamental policy reason why the Board commissioned the Wilson Miller concept plan, and today's discussion concerns how to go about taking the Board's vision and moving it to implementation. Attorney Lawson explained this was a redevelopment vision based on the Board's determination that the statutory concept of blight existed, the Board also recognized local governments weren't development experts so this process necessarily entails looking to the private sector to find a development or redevelopment partner which was why today's discussion also included the RFP and summarized the County was a wonderful place to live but there's an awful lot of blight because of what previous developers caused to happen because of platting. **(Commissioner Cummings was present for the remainder of the workshop.)** Attorney Lawson recalled the Board's direction was to solicit several proposers to see how they view helping the County reach it's vision for redevelopment of the property, stated they felt the next step was for the Board to provide policy direction to everyone involved, referenced the 'Murdock RFP Process Critical Events Schedule' in the material, opined if there weren't any major revisions to the RFP it was anticipated the RFPs would be hand-delivered to the developers on Monday, explained the 'Summary of Questions from Developer Conferences' in the material included staff's answers, the goal was to invite the developers to attend a meeting on February 13, 2004 so they can express their views on the RFP to staff and then update the Board when it meets on February 24, 2004. Attorney Lawson suggested it might be a good idea to have the Board designated advisory committee participate in the February 13, 2004 meeting but that's a Board policy decision. Attorney Lawson agreed with Attorney Lee's suggestion to include a draft of the redevelopment agreement during the process, it was their commitment to the Board to advise them immediately if the Purchasing Department's proposed RFP schedule slips and it would then be up to the Board to decide if they wanted to allow more time. **Commissioner Horton** asked how much financial investment

would have been made into this project as of July 14, 2004 when they commence negotiations with the number one developer. Bruce D. Loucks, County Administrator, responded at this point the Board has only committed \$20 million but to get through July it would require additional funding. Paul Payette, Real Property Services Manager, clarified they were looking at roughly \$5 million in addition to what's already been expended to date and the full \$10 million would allow them to go through the first four phases of eminent domain which would be the consolidation of the 475 acres surrounding the O'Donnell Park. **Commissioner Horton** asked the timeframe to accomplish the 475 acres. Mr. Payette said towards the end of July. **Commissioner Horton** asked how long it would take to acquire the whole \$50 million worth of property. Mr. Payette said he thought the number was between \$60 million to \$70 million and they would be looking at the end of 2005 to complete the land acquisition.

## II. Policy Issues

Cari L. Roth, Esq., Bryant, Miller & Olive P.A., referred to the 'Murdock Village Update and Policy Issues' detailed in the material and facilitated discussion of the 10 policy issues and direction on the corresponding staff recommendations:

### A. Design Parameters:

1. What level of commitment is there to including a Town Center in the redevelopment design?

**Chairman DeBoer** said to make sure it's understood the Town Center needs to be pedestrian friendly. **Commissioner Cummings** said commercial was very important to him, it should be larger than what's required for this development so it serves other parts of the County, at least the eastern portion didn't need a requirement to be surrounded by residential and it could even be an asset to have the commercial go all the way to US 41 and CR 776. **Chairman DeBoer** clarified the ULI report included mixed use that was around that area. **Commissioner Devos** said at least 10 to 15 acres should be set aside for a hospital in this area as there was a lot of growth to the north and it would also meet a County need at the same time. **Chairman DeBoer** agreed. **Commissioner D'Aprile** said 10 to 15 acres wasn't

enough but it was a great idea, there were concerns that these proposed businesses would take away from existing businesses and opined they need to identify the type of businesses they want in this area. (**Consensus to accept staff recommendation with the clarifications as identified.**)

2. What relationship should the RFP responses have to the concept design plan?

(**Board consensus to accept staff recommendation.**)

3. Does the Commission wish to require the RFP responses address a minimum number of residential units and square footage of commercial property?

**Commissioner Cummings** said there was no need to have a floor number of residential or commercial property, proposals with a higher percentage of commercial will have the most appeal to him, he preferred multi-family over more single family, he would waive heights restriction, density should be intensified here, the County should take on the onus of acquiring the development rights to make up that difference and he would be prepared to do it like a bank type of thing. **Commissioner D'Aprile** said he didn't totally agree with **Commissioner Cummings'** comments, he felt the major idea was to limit the concentration of vehicles and people in this one area, and they should stay within the height restrictions and minimize the number of people who might infiltrate this area until they were sure this would not interfere with the overall traffic problems they were going to incur. Attorney Roth commented on the issue of vested rights being worked on by Dave Mechanic and opined it would provide great parameters for evaluating the proposals. Attorney Lawson said the policy issue was for the Board to articulate a floor then they can listen to the developers with their creativity on how far up and how many units, and then the Board can view those plans and make a decision. **Commissioner D'Aprile** stated he would appreciate that because it was too vague right now for him to agree with this entirely regarding high rises and things of that fashion. **Commissioner Devos** said she was comfortable with this, she felt there was a lot of flexibility and she

wasn't prepared to make limiting decisions. Attorney Lawson clarified they were looking for general policy direction to give guidance to these developers so they can give the Board a creativity and then the Board can make decisions based on that. **Chairman DeBoer** summarized they were somewhat flexible on that but the important part was they have to establish some parameters for this. **Chairman DeBoer** said what he's hearing is a majority of the Board was not in favor of **Commissioner Cummings'** suggestion that they go all high-rise multiple family. **Commissioner Horton** clarified he felt what **Commissioner Cummings'** was saying was not to increase density but rather intensify density using multi-family by concentrating it in one area. **Chairman DeBoer** summarized what they were talking about was the desire to cluster density to preserve green space. **(Board consensus.)** Attorney Roth said then for purposes of the RFP they want the responses to reflect at least a full realization of the vested rights that the property obtains. **Chairman DeBoer** concurred.

4. Will the County allow the park to be repositioned?

Attorney Lawson clarified if the park was repositioned it would not only be at the developer's expense but the existing park would be left in place until the replacement park was ready to be transitioned so there was no net loss of availability of the recreational facility. **Commissioner Cummings** said yes with that caveat. **Chairman DeBoer** said it wasn't his preferred option but he would be as open-minded as he could. **Commissioner Devos** questioned if this applied to existing or future planned programs. Attorney Lawson responded same acreage, same functionality.

B. Land Acquisition:

5. Is the County committed to acquiring the entire project acreage?

**Chairman DeBoer** said yes the Board was committed and asked if they wanted Mr. Payette to go over the land acquisition proposition. **(Board consensus to take IV now.)**

**IV. Land Acquisition Update**

Mr. Payette gave an overview of the acquisition process using two large display boards which paralleled the maps in the material titled Murdock Village Property Acquisition and Murdock Village Order of Taking and Condemnation Zones. Mr. Payette summarized an additional \$4 million to \$5 million was needed to get them to the end of July in order to complete Phases 1 and 2, to complete Phases 1 through 4 for this fiscal year it will cost approximately \$10 million, \$60 million to \$70 million to complete all 10 phases, cautioned that real estate values in Charlotte County continue to escalate and any kind of delay would probably mean additional costs. **Commissioner Horton** said he felt they would be \$50 million in debt before they're able to have a partner, the County was establishing a partnership without a partner and taking all the risk, we have a lot of hopes without a definite plan or idea what that partner will contribute, he was willing to buy the \$70 million cost provided he knew what the partner was willing to contribute and asked when they would have to start paying back the money they've already gone into debt for. Mr. Loucks clarified they have people who weren't part of those phased acquisition areas who want to sell their property and the \$10 million figure Mr. Payette referred to would allow the continuance of the ongoing voluntary acquisition program. **Commissioner Horton** said they had \$20 million in short-term commercial paper and asked when do they have to start paying that back. Ann Navan, County Budget Officer, responded the first \$5 million was through the state pooled commercial paper loan program structured so that the County pays interest only for five years, at the end of five years the principal payment of \$5 million was due, the \$15 million was a taxable short-term loan from the Bank of America structured so that the County pays only the interest for one year and at the end of one year the principal payment of \$15 million was due. **Commissioner Horton** said the reason he was willing the last time this came up to go this one step further than the first five they agreed upon was because he believed they were going to be able to have a partner who was going to be participating with us before we had to start paying this back but he didn't think that's going to happen. Mr. Loucks responded that was the original intent but the biggest surprise to everyone was the amount of acquisition activity Mr. Payette and his staff were able to conduct in less than six months to

acquire a commitment for \$20 million worth of property, and that's why they were at this point in the process with looking at additional funding or again letting the process protract until they get that partner onboard. **Commissioner Horton** reiterated he could see them with \$50 million worth of paper without a partner and although he might not be here, he didn't want to go off and leave the next Board in that position. **Chairman DeBoer** summarized what the Commissioner was saying was the \$20 million was the maximum. **Commissioner Horton** said yes for him that's it. **Commissioner Devos** said she had an entirely different outlook, Mr. Payette had done a splendid job because no one ever dreamed they'd have this much property at this stage of the game, she felt it was further evidence of how blighted this area really was, she supported moving forward through Phase 8 or 9 because the more contiguous property they assembled the more valuable it becomes, stopping at \$20 million would put them at risk, a developer wants 400 or 500 acres where they can go in and get started and opined the best place to do that was Phases 1 through 4. **Commissioner Devos** said she was reluctant to stop at \$20 million because the cost to acquire will continue to go up and asked Mr. Payette if there was anything they could do to limit exposure to escalating costs. Mr. Payette said there's not much they can do except keep moving as quickly as possible.

## II. Policy Issues (Continued)

### B. Land Acquisition (Continued):

5. Is the County committed to acquiring the entire project acreage?

**Commissioner Cummings** summarized **Commissioner Horton** was committed but his concern was the timing. **Commissioner Horton** nodded "yes." **Commissioner Cummings** said he was committed to completing the full acquisition, he's concerned with the approach to move from west to east as the east side was the most appropriate for commercial and it was also a better location for a community gateway but if they were committed to doing the full acquisition then his concern becomes less important. **Commissioner Cummings** said he felt the bare minimum for now was Phases 1 and 2, they need to get a partner onboard as soon as possible as there's a certain risk reduction in that, he was committed

to the whole project, the acquisition program was having an impact on property values in the area and he felt the additional \$5 million to \$10 million was necessary. **Commissioner D'Aprile** asked if the \$70 million acquisition program included the commercial property that fronts US 41 and CR 776. Mr. Payette said yes. **Commissioner D'Aprile** asked if it would be an advantage to both the County and the developer not to buy the commercial property and let the developer and the property owners work as partners to build to the specifications of the development. Attorney Lawson responded that option was part of the draft RFP. Mr. Payette added that option would take off approximately \$25 million. **Chairman DeBoer** summarized there was consensus with some qualifications and read the following suggested change to the wording of the staff recommendation: "Consultants and staff recommend the County commit to a phased acquisition of all the residential properties. Acquisition phasing will depend on the selected development plan and the level of participation the developer brings to the table, and will focus on expeditiously assembling a large tract of contiguous acreage under County ownership by a combination of voluntary acquisitions and eminent domain, if needed. Once the property in the first phase has been resold to the Developer, the County will focus on completing the acquisition and resale to the Developer of remaining property in additional phases." **Chairman DeBoer** said the second issue was whether or not they were willing to continue the borrowing of money for future acquisitions to go past the May 4, 2004 deadline and that would require put forward another \$1,640,000 in that Phase 2, correct? Mr. Payette said that was correct however as Mr. Loucks pointed out they still have a number of voluntary acquisitions ... **Chairman DeBoer** interrupted and said: "I think the Board is telling you no you don't." **Chairman DeBoer** stated the \$1,640,000 will take us through Phase 2 so they can continue accumulating contiguous properties as that's what the Board's concerned with and when we have a partner onboard and know what the developer is bringing to the table, then they can go back into the full mode again and they will also know the answer to **Commissioner Cummings'** question of whether they can skip over to Phases 7 and 8. **Chairman DeBoer** stated what he would like to do was put the \$1,640,000 back on the next Board agenda because he

suspected there were three votes to go that far carrying them to May. **COMMISSIONER DEVOS MOVED TO PUT AN ITEM ON THE NEXT BOARD AGENDA FOR DISCUSSION FOR ESTABLISHING A BUDGET FOR PROPERTY ACQUISITION IN MURDOCK VILLAGE. MOTION DIED FOR LACK OF A SECOND.** **Commissioner Cummings** asked how much contiguous property the \$1,640,000 would buy. Mr. Payette said about 200 contiguous acres starting in the west. **Commissioner Cummings** asked how much would be needed to get to 400 contiguous acres. Mr. Payette said \$10 million. **Chairman DeBoer** summarized he wasn't hearing that level of commitment which was why he was going for the \$1.64 million.

6. What minimum amount of acreage should the County commit to acquiring for the first phase?

**Chairman DeBoer** reiterated there was no Board commitment for the 400 to 500 acres. Attorney Roth summarized her understanding was there was a commitment to acquire all the residential properties but the timing or phasing schedule was what's in question. **Chairman DeBoer** reiterated what the Board concluded on #5 was the Board would commit to a phased acquisition of all the residential properties, acquisition phasing will depend on the selected development plan and the level of partnership the developer brings to the table, they will focus on expeditiously assembling a large tract of contiguous land and all other wording in the staff recommendation was the same as presented. **Commissioner Cummings** said he okay with the \$1.64 million.

7. How will traffic concurrency be addressed for the project?

**(Board consensus for staff recommendation.)**

8. What level of commitment will the County have to funding and financing the improvement of Toledo Blade and Flamingo Roads? Does the County wish to reserve right-of-way for the expansion of these roads to 4 lanes?

**Commissioner Devos** opined the recommendation didn't address the expansion of these roads to four lanes and this could be a critical area regarding road bonding program that the Board needs to address at its retreat. **Chairman DeBoer** agreed. Wes Millard, P.E., Transportation Engineer, said

Public Works felt it was best for the developer to be able to build these roads to match the development scheme. Mr. Loucks clarified the roads will be built to County standards in meeting the concurrency requirements and if that standard was four lanes then that's what would be built into the requirement. **Commissioner Devos** questioned the costs to acquire right-of-ways (ROWS). Attorney Lawson responded the expectation was the developer will incur the ROW costs. **Chairman DeBoer** asked what the Capital Improvements Program (CIP) commitment was for both of those roads. Mr. Millard said he didn't have the CIP figure with him but there were some funds. **Chairman DeBoer** said he knew there was funds for 4-laning Toledo Blade. Mr. Millard agreed. **Chairman DeBoer** suggested regarding the commitment was that the recommendation should have them reserve the ROW for four lanes, the County's monetary commitment should align itself with what they currently have in the CIP, he expected the developer to partner with them, the developers need to be careful not to get too greedy because the Board understands there's a carrying cost in taxes to property and there's only so much tax they were going to levy to do all these things but the Board's level of commitment should be what was already committed within their own process and our CIP in terms of dollars. **Commissioner Horton** agreed. **Commissioner Cummings** said he was comfortable with the recommendation with the understanding they commit up to the level of what they currently have in the CIP and he liked the idea of allowing them some flexibility on where the developer puts the roads.

9. Is the County willing to commit a minimum of the tax increment revenues (increased property taxes from rising assessed values in the CRA) to the Murdock project?

**Commissioners Horton** said yes to the recommendation. **Commissioner Devos** agreed. **Commissioner Cummings** said yes as long as it wasn't 100% of the total. **Commissioner Horton** agreed that was negotiable. **Chairman DeBoer** said yes he liked that the developer could submit something and yes they were willing to commit some amount to public facilities and also some amount to repay whatever debt the County has in this but having it dependent on what the developer proposes.

10. Should the County undertake the removal of horizontal infrastructure as a condition precedent to the purchase of lands by the redevelopment partners?

(Board consensus for staff recommendation.)

### III. RFP Discussion

**Chairman DeBoer** said without objection he would set up for the advisory committee to have their first meeting on February 13, 2004 at 8:00 A.M. and then carry that meeting right on through to the 8:30 A.M. meeting. (No objections.) **Chairman DeBoer** read from his memorandum dated July 24, 2003 detailing items he wanted included in the RFP. **Commissioner Devos** recalled the earlier comment that the County at-large would have access to the village amenities and pointed out the County has an open enrollment policy which could impact charter schools. Attorney Lawson clarified the land owners in the area would pay a surcharge or an assessment and they get a preferential ability to go to that school but beyond that any unused capacity would be open enrollment. **Commissioner Horton** asked why they can't short-circuit the RFP by picking one of the three interested developers and just work with that one over the next six months. Mr. Loucks responded they want the process to be open and competitive with the outcome being to have as many ideas brought to the table as possible and opined if you bypass that competitive process you lose the dynamics competition produces. **Commissioner Devos** summarized she remains 100% supportive of what she sees as the most aggressive attempt to rid themselves of a horrible legacy and to manage the inevitable growth, the further she gets into the process the more happy and confident she becomes, and she was so happy the Commission took this very courageous step. **Commissioner D'Aprile** agreed this was an adventurous group, said they have a lot of hurdles to jump over and he hoped they would be successful. **Chairman DeBoer** said he had a few technical issues/suggestions he'll get with staff on like guaranteeing on performance bond, explained he'd received an excellent article from Tommy White about wording and things that need to be in the front of these packages and said he'd get this to everyone. Attorney Lawson said they were going to try to turn this around as quickly as possible so they can actually put it out on Monday. Attorney Lawson extended his compliments

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to all the County staff and everyone else who have contributed greatly in moving this along.

MEETING ADJOURNED: 3:50 P.M.

Signature on file in Commission Minutes  
Matthew D. DeBoer  
Chairman

ATTEST:

BARBARA T. SCOTT, CLERK  
OF THE CIRCUIT COURT AND  
EX-OFFICIO TO THE BOARD  
OF COUNTY COMMISSIONERS

By: Signature on file in Commission Minutes  
Deputy Clerk

/ksm