

BOARD OF COUNTY COMMISSIONERS

DECEMBER 13, 2007

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman D'Aprile, Commissioner Duffy, Commissioner Cummings, Commissioner Moore, and Commissioner Loftus. Also in attendance were Assistant County Attorney Browne, County Administrator Loucks, Minutes Supervisor Nice, and Minutes Secretary Lansing. The following members were absent: None.

The public hearing was called to order at 9:00 A.M., followed by the Pledge of Allegiance.

I. Petition MDO-07-10-01-Quasi-Judicial-Commission District I Pursuant to Section 380.06(11), Florida Statutes, the Charlotte County Board of County Commissioners is holding a public hearing to consider a request for approval of a master development order for the Babcock Ranch Community; for property located east of State Road 31, south of State Road 74, west of the Glades County line, and north of the Lee County line, containing 13,630+/- acres, in the East County area; Commission District I, Petition No. MDO-07-10-01; applicant Babcock Property Holdings, LLC. Recommendations: Growth Management Department: Approval - Planning & Zoning Board: Approval with certain qualifications

Seann Smith explained the applicant was requesting approval of the Babcock Ranch Community Master Development Order which is a Resolution approving with conditions; provided a visual overview of steps taken up to now; mentioned if approved, there would be additional agreements to be considered.

Mr. Smith provided the Board with modifications made after they received their materials and a complete replacement of the transportation section previously provided.

Mr. Smith pointed out Map H as the controlling document going forward and offered to answer any questions from the Board; there were none.

(Chairman D'Aprile requested the oath be administered to prospective speakers with regard to this quasi-judicial hearing.) (Minutes Supervisor Nice administered the oath.)

Applicant Syd Kitson spoke on behalf of Kitson and Partners; mentioned the Babcock journey had begun two and a half years earlier with the preservation of 73 thousand acres; opined the hopes to now move forward and create one of the most environmentally responsible self sustaining communities in the State of Florida; praised staff for their hard work; thanked the citizens for Master Plan input.

Roland Ottolini, Director of Lee County Division of Natural Resources provided the Board with proposed language requests; mentioned working with the applicant over the last year; expressed concerns for surface and ground water impacts; flooding; water conversation; water quality; storm events; base flow; opined the need for a water shed scale analysis.

Mr. Ottolini summarized the current language and proceeded to read proposed additional language into the record.

(Chairman D'Aprile polled the Board for ex-parte disclosures. All Board Members disclosed ex-parte communications.)

Dr. Klein spoke in favor of the Babcock Ranch Community Plan and opined his respect for Kitson and Partners and their positive intentions for Charlotte County.

Donna Marie Collins represented the Lee County Board of Commissioners by reiterating the contents of a letter sent by Commissioner Ray Juda addressing the importance of resolving issues pertaining to impacts and their mitigation prior to construction.

Attorney Collins requested the Board support the developers commitment to Lee County and require compliance of the Road Planning Agreement as a condition of the Master Development Order.

Dan Trescott stated the process had been cooperative, honorable and lengthy; clarified items by handout; mentioned two existing Master Development Order applications; expressed support of the original language; asked for the Road Planning Agreement to be included in the final development order and indicated support of the proposed language Mr. Ottolini read into the record earlier; opined the above issues effect several counties.

Al Cheatham stated he had seen a number of developments during his residency; opined this proposal as the best; encouraged the Board to move forward.

Andrew Getch also expressed the importance of road planning; noted transportation as a regional issue; asked for inclusion of the road planning language.

Sanders Luellen spoke in support of the Babcock Ranch project; noted 90% of the property will be protected in its natural state forever; opined the project will be an environmentally connected place where people can live, work and play in harmony with nature.

Douglas Tucker spoke in support of the Babcock Ranch project; opined the county had the unique opportunity to influence how a city is born; recognized the developer for considering the needs of the people first; mentioned the importance of correctly planning the city; asked for Board approval.

Steve Tirey spoke in favor of this project; commended the Kitson team; mentioned a future of increased consumer support, jobs and opportunities; opined this as a historic moment that would place Charlotte County as a regional leader.

Bob Burns spoke on behalf of Florida Gulf Coast University; mentioned working with the Board and developer; opined this unique project would provide jobs and improve economic development; urged the Board to take a positive step today.

COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

Commissioner Cummings expressed his frustration in receiving last minute changes to review while listening to public input; explained there should be more time to consider the implications involved; opined to carefully proceed to get this project right; addressed the importance of the inclusion of Lee County concerns; mentioned taking a regional approach to the transportation network; and voiced his concerns regarding package plants and rates.

Commissioner Loftus voiced his concerns for Item D1, Page 5 of the Lee County Road Agreement which addressed Independent Special District (ISD) and proceeded to read the item out loud.

Commissioner Moore expressed his surprise regarding comments from the Regional Planning Council (RPC); mentioned he was reappointed to serve with them; voiced his frustration of the transportation issue; opined all the protections needed were in the agreement, but believed the whole package was not; noted his hopes for better communications; stated his dislike of package plants.

Chairman D'Aprile indicated his interest in Lee County issues and his respect for neighboring counties; opined he found no problems after his package review; mentioned the concerns pointed out by **Commissioner Cummings**; asked Kitson and Partners for clarification.

Chuck DeSanti addressed **Commissioner Cummings'** concerns; remarked on the RPC comments; discussed additional transportation issues; mentioned the Lee Road Agreement; provided a detailed account of water management issues and studies; mentioned package plants and rates.

Mr. DeSanti opined they were taking their responsibility very seriously; noted they were Public Service Commission (PSC) regulated; advised they would continue to work through the water modeling process; and address resident and rate payer concerns.

Commissioner Cummings responded to Mr. DeSanti's clarifications; indicated the issues he raised still remained; opined if they intended to do what they say, they should provide it in writing and adopt it.

COMMISSIONER LOFTUS MOVED TO APPROVE RESOLUTION 2007-196, A MASTER DEVELOPMENT ORDER FOR THE BABCOCK RANCH COMMUNITY AS MODIFIED WITH CONDITIONS, SECONDED BY COMMISSIONER MOORE.
Motion Carried 4:1. Commissioner Cummings opposing.

Bruce Loucks informed the Board that he and the County Attorney's office had received a request from Lee County on the phosphate issue to establish a tri-county meeting to discuss the matter further.

Commissioner Loftus stated the Board had already made their decision and it was time to move on. **Chairman D'Aprile** opined that may generally be the sentiment of the Board. **Commissioner Cummings** disagreed; stated Lee County gave Charlotte County two million dollars and expressed the answer should be yes.

Commissioner Moore commented he would only attend a professional meeting and suggested a facilitator. **Chairman D'Aprile** stated although his decision was made, he would attend out of respect. **Commissioner Duffy** strongly disagreed; noted the issue was carefully researched and decided upon.

Commissioner Loftus pointed out he had insisted Lee County be included in the September negotiations, however they did not wish to participate. **Commissioner Duffy** noted their absence at the meeting; mentioned she had recently met with three of the Lee County Commissioners; opined courtesy had already been extended; indicated individual meetings would be more successful.

Commissioner Cummings opined although the Board had already made their decision, there was no good reason not to hear what Lee County had to say; explained Lee County preferred to rely on their staff at negotiations; advised each county had a different process. **Commissioner Moore** disagreed with **Commissioner Cummings** but noted he would attend a meeting with a facilitator present. **Chairman D'Aprile** commented he would not change his vote, but would also attend the meeting and advised Mr. Loucks of the 3/2 vote.

Mr. Loucks explained he would pass the Board's position on to the Attorney's office to be communicated.

Commissioner Duffy questioned Sarasota County's position on the tri-county meeting; the Board had no information regarding their position.

Chairman D'Aprile opined the phosphate battle had been won; voiced his disappointment with Sarasota County's contribution; indicated his appreciation for funds received from Lee County; and noted his willingness to attend the tri-county meeting.

Chairman D'Aprile congratulated Mr. Kitson and adjourned the meeting.

ADJOURNED 10:20 AM

Signature on file in Commission Minutes
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

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