

Board of County Commissioners

Agenda Request

Date of Meeting: March 17, 2009

Date Submitted: March 6, 2009

To: Honorable Chairman and Members

From: Benjamin H. Pingree, County Administrator
Timothy P. Barden, Assistant County Administrator

Subject: Request Board Approval of the Final Draft of the Exclusive Agency Agreement and the Final Draft Management Plan with Florida Foresight, Incorporated for the Development of the Big Bend Maritime Center and Authorization for the Chairman to Sign the Option Agreements

Statement of Issue:

This agenda item requests the Board's approval of the final draft Exclusive Agency Agreement (Attachment #1) and of the final draft Management Plan (Attachment #2) with Florida Foresight, Incorporated for the development of the Big Bend Maritime Center (BBMC) in Panacea and for authorization for the Chairman to sign the Option Agreements.

Background:

In 2006, the Board approved staff to pursue an application to the Florida Department of Community Affairs, Florida Communities Trust, Florida Forever Program (FCT), to be used to acquire 5.61 acres of property for the BBMC in Panacea. In 2006, the application failed to rank in the funding range. In 2007, administrative rules changes to the FCT criteria favorable to the County's application for ranking in the fundable range, presented the opportunity for resubmission. The application ranked second on the contingency list of projects pending funding. Consequently, when the higher ranked projects fell through, the County's application was funded.

On April 29, 2008, the FCT staff notified Wakulla County that the application was taken off the contingency funding list and was being considered for full funding at the level requested of \$3.9 million, subject to the County's acceptance, signature and return of the grant contract by May 30, 2008.

On May 19, 2008, the Board approved (Attachment #3) and accepted the grant award and authorized the Chairman to execute the grant documents, and directed staff to work on a management plan with Florida Foresight, Inc. for the project. Under FCT rules, a partnership agreement with Florida Foresight, Incorporated, is required by the FCT prior to closing on this project.

Florida Communities Trust (FCT)

The FCT was established in 1989 by the Florida Legislature to help local governments meet the need for preservation of green space, including parks, open space, beaches and natural areas. For

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the first ten years, the FCT was funded primarily through the Preservation 2000 Bond Program, which was dedicated to the purchase of sensitive lands throughout the state. In 1999, the Florida Legislature approved the FCT as the successor program to Preservation 2000 and the FCT continues to assist communities, as well as non-profit environmental organizations to acquire land for conservation and recreation. Approximately \$66 million is available to eligible applicants each year.

Florida Foresight, Incorporated – Managing Partner

The County's application for funding from the FCT, identified Florida Foresight as the County's managing partner to develop this site. As such, Florida Foresight will be primarily responsible for raising funds to develop the property, establish programs, and provide staffing for the center in accordance with the approved Management Plan.

Florida Foresight, Inc. was incorporated in Florida as an Environmental Non-Profit 501(C)(3) Organization in 2002 (Attachment #4). They are located in Wakulla County. This environmental non-profit was incorporated for the purpose of enhancing the future well-being of coastal communities in Florida and elsewhere by developing leadership and community programs that promote economic, environmental and social progress. Florida Foresight is an all-volunteer organization with the exception of a part-time Executive Director. A list of the officers and board members of Florida Foresight, Inc. is provided (Attachment #5).

In October 2003, Wakulla County, in consultation with Florida Foresight, prepared a grant proposal to the Florida Coastal Management Program to develop a Strategic Plan for the creation of the Big Bend Maritime Center in Panacea. The grant was awarded in July 2004 and the Strategic Plan was developed with wide public participation including a specially constituted regional Maritime Center Advisory Council. As a result, new officers were added to the Florida Foresight Board of Directors and a part-time Executive Director was engaged to begin implementation of the Strategic Plan.

In October, 2005 the Strategic Plan was presented to the Wakulla County Board of County Commissioners, which resulted in a unanimous vote of the Commission in favor of a Resolution to establish a partnership with Florida Foresight to create the Big Bend Maritime Center (BBMC) in Panacea. Since that time, Florida Foresight has applied for and received funding in the amount of \$157,500 for planning and program development for the BBMC. These grants were matching grant funds, and another \$157,500 of in-kind volunteer hours have been coordinated by Florida Foresight for the BBMC effort.

Other accomplishments of Florida Foresight in the development of the BBMC include: organization of three (3) annual Mighty Mullet Maritime Festivals honoring the fishing community, providing maritime demonstrations, displays, artifacts, and oral histories as well as

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the “Mighty Mullet Cook-off”; establishment of a Maritime Center membership program; development and opening of the “Mini-Museum”; presentation/sponsorship of the Maritime speaker series; development of the Maritime Heritage Trail website (www.floridaforesight.org/tourism); and development of the draft Management Plan submitted for approval with this agenda item.

Big Bend Maritime Center

This project site consists of 5 residential parcels owned by 4 different owners. One parcel has a two-story elevated dwelling, driveway and dock. Another parcel has a one-story building that is elevated and driveway. The remaining property consists of three vacant lots, one of which is predominantly and undisturbed (Attachment #6). The project site is adjacent to Woolley Park, a County-owned waterfront park in Panacea. The BBMC proposes to use open space in Woolley Park for periodic demonstrations of maritime culture, such as cast-netting, crabbing, commercial & recreational fishing, net-mending, and other similar activities.

The FCT negotiated with the homeowners and 4 of the 5 signed options to sell their property. The FCT completed their negotiations with the property owners in late October 2008. In late November 2008, the FCT provided option agreements executed by the sellers with a proposed closing date of March 15, 2009, in accordance with FCT criteria, rules and regulations specified under Chapter 9K-7, Florida Administrative Code. **Pursuant to the Confidentiality Agreements signed along with the grant award, appraisals and final negotiated sales prices are not open to the public until after the closing with the FCT for the real estate transaction(s). The option agreements are to be maintained confidential until after the closing with the FCT and cannot be supplied with this agenda item as attachments.**

The March 15, 2009 date on the Option for Sale Agreements for closing on the properties with the sellers is a flexible date and is currently being amended, as per direction from the FCT, to reflect the date of May 31, 2009; the ending date of the grant with the FCT. This amended date is to enable the County to properly pursue preparation, completion and approval of the Exclusive Agency and Management Plan Agreements with Florida Foresight and the FCT. Included in this agenda item is a request that if the Board approves the final draft Exclusive Agency Agreement and the final draft Management Plan, that authorization be granted for the Chairman to sign the Option Agreements and order the title search, boundary surveys and the Phase I Environmental Assessment required by the FCT for approval before scheduling a closing date.

Prior to the approval of the signed option agreements, closing of the real estate transaction(s) to acquire the project site(s) and final disbursement of the grant funds, the County is required to submit to the FCT for approval, a Management Plan for the property that complies with Rule 9K-8.011, Florida Administrative Code and a Partnership Agreement between Wakulla County and Florida Foresight, Inc., that outlines each party’s responsibilities regarding development and

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management of the property. The FCT will transfer title of the property to the County only after the requirements for the acquisition of the property, as specified in Section 380.507(11), Florida Statutes and Rule Chapter 9K-8, Florida Administrative Code, have been fully complied with by the County.

The final draft Management Plan includes an executive summary, a statement of the purpose for acquisition of the property, identification of natural and cultural resources in need of protection, site development and improvement activities, management needs including maintenance, security, staffing, and preliminary cost estimates for development and management of the property, a priority schedule and timeline for project site development, monitoring and reporting requirements and the experience, financial solvency and commitment of the proposed managing partner to fulfill the FCT's contractual grant requirements for development of this property. A stewardship report must be filed annually with the FCT that shows the progress of development of this property and compliance with stated benchmark dates. Florida Foresight will prepare this annual report and submit it to the County for review and approval prior to submission to the FCT.

It is understood and outlined in the proposed Exclusive Agency Agreement that the County will hold title to the property, provide insurance, maintenance, and security of the site and support the efforts of Florida Foresight to seek funding to implement the development activities in the Management Plan. The final draft Management Plan and the Exclusive Agency Agreement were prepared by Florida Foresight with input from County staff, legal counsel and the FCT, and are presented to the Board as final drafts for approval. The Exclusive Agency Agreement and the Management Plan must be approved by the FCT before closing on the properties. FCT has reviewed the current final drafts of these agreements and their comments and suggestions have been incorporated.

Analysis:

As noted above, the County signed the grant agreement accepting the \$3.9 million grant award in May 2008. The FCT, on behalf of the County, conducted the appraisals of the properties to be acquired, negotiated the sales price with the property owners and issued Option Agreements For Sale and Purchase of the properties for the 4 parcels to be acquired that are located immediately adjacent to Wooley Park in Panacea. One of the five original owners did not sell. This property is located across the street from the other property and was to be used for excess parking. The Option Agreements For Sale and Purchase of these properties are pending signature by the County, Florida Foresight and the FCT. Signature of these Option Agreements is subject to the Board's approval of the final Agency Exclusive Agreement and the final Management Plan with Florida Foresight all of which are included for approval in the agenda item.

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No match is required for this grant. The total cost for the purchase of these properties is less than the \$3.9 million awarded. The cost of the boundary survey, title search and a Phase I Environmental Assessment will be deducted from the award of funds, and must be provided to the FCT for their review, approval and scheduling of a closing date. However, because this property will be conveyed and owned by the County, the County must ensure it is protected and maintained so an initial financial obligation will have to be incurred by the County. This financial obligation is estimated to be \$237,840. This figure includes the initial costs of maintenance/ADA compliance, security and property insurance. The initial costs are detailed as follows:

Estimated Project Costs

Maintenance:

| | |
|--|----------|
| Utilities (Water, Electric, Sewer) | |
| \$350 per month x 12 months = \$4,200x 2 buildings | \$8,400 |
| Phone (1 roll line x \$145 month x 12 months x 2 buildings) | \$1,740 |
| Mowing, edging, weed-eating @ 4 to 6 hours x 2 wkly x 4 x 12 | |
| Labor Costs | \$5,500 |
| Equipment Costs | \$1,740 |
| Facility Maintenance | \$14,500 |
| Capital Outlay Annual | \$5,000 |

ADA Accessibility Compliance

| | |
|---|-----------|
| \$80,000 per building x 2 (one time cost) | \$160,000 |
|---|-----------|

The buildings are elevated on stilts. One has an inoperable elevator that needs to be repaired, and the other is on stilts and has no elevator. Both buildings have staircases to the first floor. One is a two-story with a spiraling staircase to reach the second floor. This staircase is less than adequate for public and normal day traffic and will not be adequate for ADA accessibility. **It is anticipated that grant funding will be received to offset County funds so will not be needed for this expense.**

Security Costs

| | |
|-------------------------------|---------|
| \$1,080 per building per year | \$2,160 |
|-------------------------------|---------|

The Wakulla County Parks and Recreation Department is being tasked with providing security for the facility in accordance with County policy and procedure. The following costs reflect estimates for monitoring only and security lights on an annualized basis. These costs are estimates and are subject to change.

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Insurance

\$1,000 per year x 2 buildings

\$2,000

Insurance for the facility will be provided by the County and will cover the building plus contents in an amount to commensurate with the amount of funding provided by the state or federal grants for programs , exhibits and facilities. Insurance policies will include replacement costs in accordance with National Flood Insurance Program, FEMA or other requirements. For instance, FEMA typically replaces 75% of replacement cost so 25% of replacement value must be recovered through supplemental insurance. In the absence of a NFIP insurance policy, 100% of replacement cost would need to be covered by supplemental insurance. Current County policy will be followed in obtaining appropriate levels of insurance for the exiting facility upon closing with the FCT, with additional coverage obtained upon completion of construction of the new facilities.

Total Estimated Costs for Maintenance/ADA, Security and Insurance:

\$237,840

Summary:

The main purpose of the project is to establish the Big Bend Maritime Center (BBMC). The BBMC is proposed by Florida Foresight to be dedicated to expanding public interest, understanding, and appreciation of the maritime heritage, culture, and natural resources of the Big Bend region of Florida through education, exhibition, collection, documentation, research, and publication.

The establishment of the BBMC will enhance Woolley Park by providing adjacent public lands with enhanced facilities, establishment of storm water facilities and enhanced awareness by the public of the importance of Dickerson Bay and the rich maritime heritage of our region. This project has implications of major proportions in terms of becoming a significant center in Panacea, Wakulla County and the Florida Big Bend Area for attracting and raising major revenues that can be used to finance the development of this initiative. This project has the potential to also become a major educational and research port for the study of marine life and plants and native wildlife.

The FCT requires that all proceeds leveraged from activities conducted on this property, must be reinvested into the project. The final draft Exclusive Agency Agreement, Funds, 6-1, Florida Foresight shall provide the County with an annual budget outlining all expenses and projected income that are expected to be incurred or derived from the management, development and operation of the BBMC and the surrounding property. Such budget shall be submitted to the County for approval and implementation. Additionally, in Funds, 6-2, it further stipulates that all funds raised on the Maritime Center properties from admissions, sales, income and any other money received, derived earned or given to Florida Foresight, by the BBMC, or the County from

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the operation of the BBMC and the surrounding areas or for the benefit of improvement of the BBMC and the surrounding areas shall be accounted for and placed in the Wakulla County Treasury for administration by the Wakulla County Clerk of the Courts as set forth by Florida Law.

There is an initial financial cost to the County for the maintenance, ADA compliance, security and upkeep of the BBMC property.

In the event that Florida Foresight is unable to pursue the development of this property, the County will be obligated under the FCT grant agreement to pursue the development of this property for the purposes for which the FCT awarded the grant funds to the County. Additionally, the County will be responsible to the FCT for accountability of all funds that are generated on the BBMC property and for an annual stewardship report on all programmatic progress towards meeting timeline benchmarks in the management plan.

Options:

1. Approve the final draft Exclusive Agency Agreement and the final draft of the Management Plan with Florida Foresight, Inc. for the management of the proposed Big Bend Maritime Center and authorize the Chairman to execute the Option Agreements for the purchase of the properties.
2. Do not approve the final draft Exclusive Agency Agreement and the final draft of the Management Plan with Florida Foresight, Inc. for the management of the proposed BBMC and do not authorize the Chairman to execute the Option Agreements for the purchase of the properties.
3. Board Direction.

Recommendation:

Option # 1

Attachments(s):

1. Final Draft Exclusive Agency Agreement
2. Final Draft Management Plan with Florida Foresight, Inc.
3. May 19, 2008 Board Minutes Approving Acceptance of the FCT Grant Award.
4. Florida Foresight, Incorporation Documents
5. Florida Foresight, Inc. Board of Directors
6. Conceptual Site Map of Property to be acquired