

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, August 3, 2022

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 3 P.M. in REGULAR SESSION at the Collier County Growth Management Department Building, Conference Room #609/610, 2800 Horseshoe Drive North, Naples, Florida, with the following members present:

Chairman: William J. Varian
Vice Chairman: Blair Foley
David Dunnavant
James E. Boughton
Clay Brooker
Chris Mitchell
Robert Mulhere
Mario Valle
Norman Gentry (excused)
Marco Espinar
Laura Spurgeon-DeJohn
Jeremy Sterk
Jeff Curl
John English
Mark McLean

ALSO PRESENT: Jaime Cook, Director, Development Review
Chris Ambach, District Supervisor, Code Enforcement
Mike Bosi, Director, Planning & Zoning
Matt McLean, Director, Public Utilities Division
Rich Long, Director, Building Department
Eric Johnson, LDC Planning Manager
Richard Henderlong, Principal Planner
Cormac Giblin, Planning Manager, Development Review
Patricia Mill, Operations Analyst/Staff Liaison

1. Call to Order - Chairman

Chairman Varian called the meeting to order at 3 p.m. A quorum consisting of 12 members was convened; two arrived later.

He noted there were many people in the audience and advised them they would have just three minutes to speak.

2. Approval of Agenda

Vice Chairman Foley asked if agenda item 6.c could be moved to 6.a, so it could be heard first.

Mr. Brooker said he would move his item, 6.a. to help and it would become 6.c.

Chairman Varian noted a large number of people in the audience are attending for the medical marijuana dispensary item and asked if they should hear 6.c first. He asked should we hear from the public before the item or during public speaking at the beginning of the agenda, which is normal or discuss the item and have staff's presentation followed by public speaking.

Mr. Mulhere said they should hear the DSAC-LDR subcommittee report on the medical marijuana dispensary item before that.

Chairman Varian told the audience they'd hear the subcommittee report first for item 6.c.1, which became 6.a.1, then they'd allow the public to speak about medical marijuana dispensaries followed by the committee's discussions.

Mr. Curl moved to approve the agenda, as amended. It was seconded by Mr. Mulhere. The motion was carried unanimously, 12-0.

3. Approval of Minutes

DSAC Meeting – June 1, 2022

Mr. Brooker made a motion to approve the June 1, 2022, meeting minutes. It was seconded by Mr. Valle. The motion was carried unanimously, 12-0.

DSAC-LDR Meeting – May 25, 2022

Mr. Curl made a motion to approve the May 25, 2022, meeting minutes. It was seconded by Vice Chairman Foley. The motion was carried unanimously, 12-0.

[Mr. English arrived at 3:03 p.m.]

4. Public Speakers

(None, except for agenda item 6.a.1)

5. Staff Announcements/Updates

a. Development Review Division – [Jaime Cook, Director]

Ms. Cook reported that:

- The biggest change is that we are implementing video inspection availability for the 814, the silt-fence inspection.
- The first step in the process, like other video inspections, will be to complete the Qualifier Compliance Affidavit.

- The 814 form will be e-mailed to Joe Bianchi, our site inspection supervisor, who is in charge of 800 inspections.
- Once Joe Bianchi receives the form, he will give our staff, Danny Condomina and Dianna Perryman, your information to allow you to have access to the Box to upload the videos, like the other 800 inspections.
- We have developed a checklist to go along with the 814 Inspection that will need to be completed and submitted with each video.
- The checklist contains different things we're asking for, compared to the other video inspections. For example, with some of the others, the AC change outs, the water-heater change-outs, at the beginning you show the house address, but most of these houses have not been built yet, so that's not an option. So we're asking you to show the permit card and the permit board as a way to verify they're actually at the correct location.
- They'll be submitted the same as other video inspections and an accompanying e-mail will be sent to the recorded inspections e-mail box.
- She and Joe Bianchi have access to the email box, so if you don't receive a response, please let one of us know.
- You will not need to call in the 814 Inspection like you normally do. We'll handle it all through the video inspection process.

Chairman Varian asked what the review turnaround time is once it gets in.

Ms. Cook said a day or two, but none have come through yet. It is available at this point.

Chairman Varian asked if that releases the inspection hold.

Ms. Cook said it did.

b. Code Enforcement Division – [Chris Ambach, District Supervisor]

Mr. Ambach provided monthly statistics from June 22-July 21 and reported that:

- 529 new cases were opened.
- 247 cases, about half that, were closed due to voluntary compliance.
- 1,229 property inspections were conducted.
- 956 lien searches were conducted.
- We're up on most, with the exception of property inspections.
- We are short-staffed, but working on new employees coming in now; two just started out in the field in North Naples, and we have at least another four who still have to go through the hiring process, which is about two months from hiring to training them to get them in the field to learn the areas.
- For Immokalee, the primary focus was blight due to homes that have been sitting vacant – drug houses, prostitution, etc. – for years.
- Demolition numbers were around 60 but in the last four years, we removed all those houses, most due to voluntary compliance and by working with owners to remove homes that have been sitting vacant and falling apart for the last 20 years.
- In Golden Gate Estates, the primary concern is that people are using their properties as a rental for RVs, pulling RVs from everywhere and hooking them up in their backyards, from one or two to 20. Most of his Estates cases now deal with that. People say that rent is too high and they can't afford it. We have property owners that are taking advantage and charging people by the head, anywhere from \$500 to \$1,800 a month, and they'll put from one to 20 RVs down anywhere.

- A few of those cases are going to a hearing this Friday.

c. Public Utilities Department [Matt McLean, Director]

Mr. McClean reported that:

- We've been able to backfill all the utility planning positions within Public Utilities. Anthony Stoltz and Drew Cody are two members of that team. Anthony is the lead and principal project manager and Drew is a senior project manager. We also have Steven Sarabia. All are seasoned County employees who will be spending face time with you, and the emails and correspondence through our Utility Planning email address will be going through them.
- We have been actively working on our annual update and inventory report, the initiative with Growth Management. He's continued to stay in front of the County growth patterns in the development community and we've got projected plant expansions, etc., that will be happening during our 10-year Capital Improvement Plan to stay ahead of that growth.
- We've been able to catch up now that we're staffed appropriately with letters of availability that FDEP terminates and deviations.
- We are still having some supplemental staffing with the Utility Planning team as they get up to speed on all the initiatives we do on behalf of that. We're still bridging that gap through the training and onboarding process.
- Deviations and the request on deviations that have been coming through: We've gone back this summer and reviewed a lot of the deviation applications that have come in to Public Utilities and have a new set of directors on the wastewater side, the division he leads with engineering and project management.
- A lot of questions of becoming internal by those who are the ultimate operators of the system, staff in water and wastewater on the deviations that are being submitted by the development community.
- If you are requesting a deviation, it should include the section of code that you're asking the deviation for. Most do not, so it's important to understand the rules and regulations we're working under.
- A deviation is not a variance and not a "get-out-of-jail-free" card. It's meant to be something that you have specific field conditions for or a particular site constraint that you have and your engineers can come up with an alternative that meets or exceeds the current code. Those are appropriate deviation requests.
- A lot of deviation requests have come in that say they don't want to do this. Expect to see a little more pushback from staff reviewing these deviations, asking for more information and clarity. In some cases, they may not support the deviation because it isn't a true deviation request with a respective alternative that makes sense for the utility.
- The utility is going to own and operate a lot of these things and we want to make sure we're getting good quality infrastructure that we can continue to provide to our water and service district customers for many years in the future.

d. Growth Management Dept. Transportation Engineering Division – [Jay Ahmad, Director]

(None)

e. Collier County Fire Review – [Shar Beddow, Deputy Fire Marshal]

(None)

f. North Collier Fire Review – [Daniel Zunzunegui, Deputy Director]

Mr. Zunzunegui detailed June and July Fire Review Statistics and provided updates:

- There was a four-day turnaround time for building review.

- There was a three-day turnaround time for planning reviews.
- There were 903 reviews in June and 673 in July.
- 315 permits are active in the queue and we're getting them out as quickly as possible.
- The code on grab bars being rescinded was outlined at the last meeting. We're going back to the Building Code enforcing grab bars under the ADA. With the fire-alarm system project legislation it made it into the Florida Statutes 553.7932 (b) and took effect July 1st. That involves small remodels, existing alarm systems with 20 devices or less, or monitoring change-outs on existing systems.
- We've already seen contractors taking advantage of the new self-issuing permit process to qualify. The County did a great job as the permit authority and getting that into the portal in time.
- The portal query ensures that applicants are eligible and are meeting the criteria for what's defined as a fire-alarm system price.
- There were 30 permits that were self-issued countywide; eight were in our district and they look good.

g. Operations & Regulatory Management Division – [Rich Long, Director, Building Division]

Mr. Long outlined the July monthly activity report and provided updates:

- 1,300 people go through the lobby and the front desk, which processed over 1,100 spot surveys this month.
- Commercial reviews take about 14 days after they get to us. It's taking about four days to get to us.
- Commercial takes 45 days, so we're within the State Statute.
- Residential is about 10 days and review times take about 10 days after they get to us, which is two days. We're still hitting 30 days, 15 days shy of when it needs to be out.
- We changed the way our portal reads, so you're seeing the 30 days every time it reloads to 30 days. That upset some people because they don't understand what we're doing, but we're working on a way of presenting it differently or providing information that will help calm that down.
- Tomorrow is Jonathan's last day, so in the interim, Fred Clum will be our Acting Building Official. The job was posted for a month, closes tonight and then HR will review the candidates and send them to us to start the interview process.
- We're doing 1,100 inspections a day.
- We're still up to 4,500-plus permits a month.

Mr. Mulhere said his experience with Jonathan was fantastic and he will be hard to replace.

Chairman Varian agreed, saying he was good to have.

h. Zoning Division – [Mike Bosi, Director]

- **Mr. Bosi** provided a report on staffing and other issues:
- We're bringing over Jake LaRow to fill the position of Housing and Economic Development Director and he's bringing some staff over. The implementation piece of the grant writing in the other programs, from a financial standpoint, will stay with Kristi Sonntag. The policy piece – the affordable housing, how it relates to additional density, bonus and things like that – will move here. That's going to bring the Economic Development team that used to be headed by Jace Kentner back over here.
- We have a posting for our Community Planning Resiliency Director to focus on long-range community planning efforts, AUIR CAs will be shifted there, as well as the requirement that we recently adopted within our CCME related to addressing low-lying coastal areas, resiliency

planning, sea-level rise, the effects of climate change, things that we know are necessary to put in place to have better structures and better resiliency to deal with some of those issues.

- From a land-use standpoint, it could be a busy fall. There are several controversial petitions. Two of the most controversial are associated with the Fiddler's Creek development.
- Isles of Capri will go before the Board of County Commissioners on September 1st and October 11th. That has a tremendous number of eyeballs on it, as well as the Marco Shores Fiddlers Creek affordable housing program. There's a lot of community opposition to that.
- Bright Shore Village is getting ready for a hearing, as well as the town of Big Cypress.
- He was at the County Manager's Office today, reviewing transportation, stormwater, and coastal zone resiliency or coastal zones AUIR. At the end of this month, we'll have a county manager briefing to review the infrastructure and projects in developments being proposed.
- The Planning Commission hearing will be in October and the BCC will hear the AUIR in November.
- Within the AUIR, we are obligated to get our population from the University of Florida, Bureau of Economic and Business Research (BEBR). For the past 10 years, they've had an allocation of an annual growth rate for the County of about 1.97% to 1.85%. Within the last 12 years, we've been in the 1.97% to 1.85% range. The population we're dealing with this year has been influenced by the 2020 Census, about 5,000-6,000 people less than what we expected last year. At the end of the five-year period, it's about 10,000 people less. It's 1.54%, the lowest he's ever seen for overall growth.
- County staff would think that percentage is wrong. It was probably influenced by the Census and it's uncertain how the in-migration/out-migration related to COVID has influenced projections. There will probably be some modifications adjustment. We do it every year, but it is unusual. We'll be talking to the Planning Commission and the Board of County Commissioners about that because, in terms of the number of COs that we've been issued, we've been pretty constant and consistent in that we don't have a lot of empty vacancies. The supply and demand and the pricing of housing shows there's still a hefty supply-and-demand imbalance related to more of a demand than supply.
- There are some anomalies associated with the AUIR, but we're going to have that in place to ensure that when you pull a building permit, there won't be problems associated with infrastructure and infrastructure capacity.

6. New Business

a. LDC Amendment – PL20220004273 – Medical Marijuana Dispensaries

Chairman Varian noted that Mr. Valle had recused himself. He'll come back after it's done.

Mr. Curl said he will recuse himself from the vote, but wasn't aware he had to leave the room.

Chairman Varian said Mr. Valle had to leave the discussion for certain reasons. They will go to staff first and then hear from the subcommittee.

[Mr. Valle left the meeting at 3:24 p.m.]

Mr. Henderlong said the BCC directed staff to advertise and bring back the Land Development Code amendment for medical marijuana dispensaries as a permitted land use in the same district as pharmacies and drugstores. The BCC gave further direction to contact and look at dispensaries in Bonita Springs, in particular four or five located on Bonita Beach Road.

The packet received on Monday includes documentation that staff undertook, in cooperation with the Collier County Sheriff's Office, was to identify and obtain incidents and requests for calls for services. We're not able to identify or say what the specific report would be as it relates to whether it is an assault, a felony, or trespassing without having to go through a more extensive, comprehensive public records request that would take some time and require redacting names and other items. We are presenting a tabulation of the reports received from law enforcement officers.

There are 29 dispensaries, with 28 in Lee County, one in Collier County on Marco Island and 10 are in the City of Bonita Springs. Our focus was to look at the Bonita Springs dispensaries.

[Mr. Henderlong started a PowerPoint presentation and would then summarize the subcommittee's recommendations after the PP presentation]

- The BCC unanimously voted to report back on law enforcement issues, as well as to allow medical marijuana dispensaries as a permitted use in the same zoning districts as pharmacies.
- The State statutes involving dispensary sites require it to have an indoor waiting area, at least one private consultation area, isolated from the dispensing and waiting areas, and sufficient outdoor lighting from dawn to dusk.
- Signage: A sign must be affixed outside or hanging in a window of the premises that identifies the dispensary by the business name, trade or an approved Florida Department of Health logo.
- The trade name and logo cannot contain wording or images commonly associated with marketing targeted toward children and cannot promote recreational use of marijuana.
- Security measures under the Statute: Each dispensary must maintain an operational security alarm system, a video surveillance system and marijuana transportation manifest for at least three years from seed to point-of-sale tracking system. That tracks it all the way from the cultivation, processing, up to the point-of-sale.
- The main security measure is that they cannot dispense from the premises onsite. The marijuana delivery dispensation cannot occur between 9 p.m. and 7 a.m. It is dispensed only once the patient or the caregiver comes inside the facility to get the specified script, which is not a script, but a qualified doctor's directions for the quantities and the type of medication they're seeking.
- The text is structure around new definitions. The primary definition of what is a medical marijuana dispensary and all definitions are from Florida Statute 381.986.
- Where are medical marijuana dispensaries allowed? They're allowed in C-2, C-3, C-4 and C-5 districts, research business park PUDs, pharmacies and drugstores, the Santa Barbara Commercial Overlay and the Golden Gate Parkway Overlay. These are local zoning districts.
- For previous approved PUDS, they were a permitted use when SIC Code 591 was adopted, a drugstore was adopted, or a pharmacy or the other zoning districts, as stated as an allowable use in the PUD.
- The County conducted a study in 2017 that showed within 46 PUDs one of those three classifications was a permitted use. So medical marijuana dispensaries in this LDC amendment also would be allowed in accordance with this criteria.

[Mr. Henderlong showed slides of photographs taken of dispensaries in Clearwater, Orlando and Lee County in 2017, as well as four existing Bonita Springs dispensaries, including two on Bonita Beach Road]

- County security measures will require a photometric-compliant outdoor lighting system design, with light fixtures that are full cutoff of flat lens.

- The transportation delivery vehicle must be parked in an enclosed structure when it's not in use for delivery.
- No drive-through curbside pickup, takeout windows or similar outdoor transactions that display the marijuana product or marijuana device are allowed in the waiting area. That's a state mandate.
- Dispensing hours are state-mandated.
- The dispensary cannot be located within 500 feet of a public or private elementary, middle, or secondary school.

[The PowerPoint presentation concluded.]

The DSAC-LDR subcommittee voted not to approve the LDC amendment. But they made a second motion to say that in the event the BCC allowed dispensaries as a use, the subcommittee wanted to make some changes to the LDC as follows:

- To change in 5.05.16 D.1, the words "Dark Sky compliant outdoor" to read "photometric-compliant outdoor lighting" and seek professional consult for lighting designs to existing lighting and shopping centers, strip centers or multi-tenant buildings.
- Delete subparagraph B.2 in its entirety because the proposed text didn't exist elsewhere within the PUD where a separation of distance for a new school to be built at a later date after an existing medical marijuana facility was built. We're trying to clarify there would be a legal nonconforming use. Since that time, he sent an e-mail to subcommittee members that rather than delete that language provided, revised text to address what we were concerned about.

Mr. Mulhere said he addressed this because there are other uses that have a separation requirement in the County Land Development Code. Businesses generate revenue primarily from the sale of alcoholic beverages and have separation from gas stations. It seemed inappropriate to single out this use as being made legal nonconforming if they existed prior to a school or elementary school. We don't treat anybody else that way. It didn't seem appropriate and there are potential negative implications for a legal nonconforming use, including the inability to expand, or limited expansion.

In some cases, it may be difficult to get insurance because if it's destroyed for any reason, it couldn't be rebuilt. There are negative implications associated with that and staff addressed his concerns.

Mr. Henderlong said the language you have before you is the language we're asking the full DSAC to agree to, rather than delete subparagraph 5.05.16 B.2 in its entirety, replace it with what you have in front of you today. On the document handed out, the language is at the top of page 1, in blue highlight. It reads:

"The establishment of any public or private elementary school, middle school or secondary school subsequent to the establishment of an approved medical marijuana dispensary shall not cause such medical marijuana dispensary to be considered a legal nonconforming-use pursuant to LDC Section 9.03.02."

Mr. Brooker said this came before us several years ago and the County Commission did not approve it.

Mr. Henderlong said it was vetted at the first public hearing, when it was decided the Board would consider whether to proceed with a second public hearing. At that meeting, they decided they did not get a supermajority vote. It was a 3-2 vote not to proceed with the amendment. In a technical sense, it is not

an official banning, it's an acknowledgement that under the LDC, because the use is not there, it is recognized as a prohibited use.

Mr. Brooker asked if this 5-0 vote was the BCC's direction to reconsider. Do you know why?

Mr. Henderlong said the BCC has been getting emails and information from the community at large about whether Collier County would proceed to go ahead with the amendment. The only direction we have is in the executive report. Because the BCC did not ban it, they left the door open at that time for future reconsideration. Therefore, the Commission has finally deemed it an appropriate and proper time to reconsider it.

Mr. McLean said one of the things the subcommittee discussed is that hindsight is always 20-20. He summarized the subcommittee's thinking:

- We made a recommendation to the DSAC and BCC that they do not adopt medical marijuana. , But knowing the BCC can do what it wants despite that recommendation, the subcommittee wanted them to adopt this code. The subcommittee had a opportunity to tighten some of the restricts and got side tracked on whether to approve or disapprove the code.
- The code could have been written in a more restrictive way. So if we don't want this, there are segments in the code with restrictive designs and limited square footage, so a big box store could not come in with a 10,000 sq. ft. dispensary.
- The subcommittee wasn't able to give the same scrutiny in four meetings it gave the Golden Gate Overlay District because the County is allowing this within a zoning district already established for pharmacies, but we were going to tighten restrictions.
- The subcommittee doesn't like to impose restrictions that create higher hazards or obstacles going forward.

A discussion ensued and the following points were made:

- The state statute provides two choices, ban it or allow it where pharmacies are allowed.
- The County can put restrictions on that.
- If the BCC approves it, there are no limits on the number allowed under the state statute and the locations are consistent in all zoning districts, excluding C-1.
- The subcommittee gained insight from public speakers that included law enforcement, doctors, health care and concerned residents.
- The subcommittee brought forth two recommendations, no medical dispensaries in the County and the other to comment on the code and put additional protections in such as dark sky lighting, protection and location of vehicles, and in strip malls safer protection.
- This is being brought up in the middle of summer and not in the season. Why is it important now?
- What about the vetting that was done in 2017?
- Does the community really understand what the State statute's restrictions are?

This will go before the Planning Commission for a night-time advertised hearing on Sept. 1 and before the BCC for daytime hearings on Oct. 11 and Oct. 25. The Board is being asked to waive a nighttime hearing in lieu of the Planning Commission holding a nighttime hearing.

Mr. Mitchell said it seems it was important to protect schools and charter schools can override zoning laws and go in wherever there is space. Is there any protection on the zoning application/verification on locating a charter school to an existing dispensary in a strip mall that it would not be approved? What is

the reason for the “vehicle secure”, is it we don’t what to see it or a safety issue? Does it create off-site parking that is more restrictive than on other businesses?

Mr. Henderlong said a charter school would not be allowed to be placed closer than 500 feet to an existing dispensary. After touring sites in 2017, Mr. Johnson, the County Attorney and staff saw an element of exposure when delivery trucks come afterhours and park outside. Two people have to occupy the delivery truck and delivery trucks should go in an enclosed structure afterhours as a deterrent to potential theft or crime. The vehicle can be onsite or offsite.

Chairman Varian asked if the subcommittee was comfortable with the summary of its vote, then told the audience they’d have three minutes to speak under Robert’s Rules of Order.

Ms. Mills told the speakers who signed up to say their name and to speak clearly. Do not address questions to the committee and they can have more than three minutes if someone ceded time to them. Veora Little has been ceded time by Dr. John Little and Randy Harris, for a total of nine minutes.

Veora Little, a certified nurse anesthetist by profession, said she lives in Moorings Park Grande Lake and has been a county resident for the last 32 years. She was shocked in 2006 when she read six 10-year-old students at Cypress Palm Elementary overdosed on drugs when a child took his grandparent’s medication to school and passed it out to friends. These were drugs she’d used for her entire career. It was the beginning of Florida being named a pill mill state. This is why they started Operation Medicine Cabinet, a pharmaceutical take back program that the Sheriff’s Office runs. She has grave concerns and the mission today is to simply say no. We do not want dispensaries in Collier County. Changing the LDC to allow dispensaries would change the beautiful atmosphere unique to Collier County, be contrary to the interests of public health, safety and welfare of the County. Medical marijuana can be delivered anywhere. We need to keep the County beautiful and it away from children. This change has the potential to bring petty thief, accidents, unruly behavior and additional emergencies to the community.

Statistics were passed out on Bonita Springs and Cape Coral. On calls for service in Cape Coral, from 2020 to 2022, they had 550 calls to addresses for dispensaries. In Ft. Myers/Lee County there were 647. Her husband, a neurosurgeon, had a pain clinic and they never had a call for service. She quoted the County’s Medical Examiner, who is present today, as saying, “no one has ever come into this facility with a drug overdose that does not have a history with marijuana, 99.9%. She said it starts there and it’s the responsibility of the BCC to provide services for the health, safety and welfare, along with the quality of life, for its citizens. “For the commission to allow dispensaries without the ability for the county to determine for itself what kind of restrictions would be appropriate to the City” would be irresponsible. If counties cannot determine for themselves what and where dispensaries are, there should be no dispensaries at all.

Marijuana can have high THC levels. It’s not an exit drug but a gateway drug. If it was an exit drug, why would opioid overdoses be surging in Florida?

Marijuana is a harmful additive drug and illegal at the federal level and can damage a child’s developing brain and create a generation of individuals who contribute less to society. THC concentrations are not limited in Florida. The Health Department is the agency that controls marijuana. ATF and DOH don’t check on whether an 18-year-old has a medical marijuana card. As there are not enough people within the DOH.

Lastly, she explained the difference between marijuana and medicine. “The use of the word medical marijuana is a misnomer. There is marijuana use for medicine, but it is a plant. Medicine is a compound extracted from a source, prepared, dosed, purified and approved by the FDA. Marijuana remains a

federally illegal scheduled one drug because of its high potential for abuse with no currently accepted medical issue or use. There are several drugs already from the marijuana plant that have been FDA approved, such as Marinol that is the synthetic version of THC for nausea and vomiting from chemotherapy for patients. There is Syndros, which is an oral THC solution to treat anorexia. There is Epidiolex, the newest one, used for Tourette's syndrome and seizures for young children. They have had a potential to be useful." She seeks only the control of dispensaries within the community.

Further, she said there is another difference between a physician's recommendation and a prescription. "A recommendation is filled out by a physician. There are only 12% of physicians in State of Florida that will write these recommendations because they get paid \$199 per person per every six to seven months to keep up the card. A recommendation is the doctor saying that he has done a physical on you and these physicians don't do any physicals. They take the money and give a medical marijuana card. They charge \$77 a year from the state to register the card.

"A prescription is not only FDA approved but better legal. That is why the normal physician can write a prescription but they cannot write a recommendation because it is illegal. The difference between a marijuana dispensary and true pharmacy, is that a dispensary is a place where one gets marijuana products and you can choose your own." A medical marijuana doctor gives a card but doesn't say you need 6 milligrams of this or 10 milligrams of that or a patch or cigarettes. "They just say here is your card, the girls at the front desk can handle the rest." At a dispensary, a bud tender gives you your options. They start at \$11/hour without training and need no certification, just a background check to ensure they aren't felons. A dispensary is nothing like a pharmacy, which requires schooling and a trained pharmacist.

[Ms. Mills introduced speaker John Maines, saying he was ceded time by Larry Fieldhouse.]

John Maines, a retired City of Naples police officer (21 years), passed out news articles about billionaire George Soros and Florida attorney John Morgan funding grassroots initiatives to push for the legalization of marijuana. Having done investigative internal affairs for six years, he thanked Mr. Curl for recusing himself from the vote last week and former Sheriff Hunter for attending the meeting.

He's been a resident for 33 years and has worked as a Lieutenant in law enforcement and as a Realtor. He's here to offer a personal and law enforcement perspective. He grew up in a small town, called Sayner, population 400, in Wisconsin in the 1980s, with three older siblings and the town had 43 kids whom he knew. Kids started attending beer parties by age 14-15, which was the culture in northern Wisconsin. He witnessed a lot of pot smoked at these parties, but he didn't smoke because he wanted to be a professional football player. In the last five years, six men from his age group died of drug overdoses or drug use. He recognized not all marijuana users become hardcore drug users, but every hardcore drug user he ever met in the City of Naples, all started with marijuana. There are negative societal impacts: car crashes, burglaries, car thieves, robberies, and sex trafficking that tax community resources. From a real estate perspective, buyers won't purchase a home if they get the impression there's a drug, alcohol, homelessness or crime problem.

He noted in 2014, John Morgan and the article he passed out on George Soros aren't pushing marijuana for goodness of health, but for money. They financed 80% of that for Florida. He gave a map of Seattle, Washington dispensaries. Seattle and Portland dispensaries started with medical marijuana and transitioned to recreational marijuana stores, bringing in crime and homelessness. Right now, it's not if, it's when Florida is going to pass recreational-use marijuana. A Marco Island ordinance says if that passes, the shop there can automatically revert to full use of recreational marijuana. They're setting up the medical marijuana infrastructure here for recreational use. It sounds good to get tax revenues, but

the reality is the money they spent on different services will outweigh the tax benefit and devalue properties.

[Ms. Mills introduced Cathy Lowers, saying she was ceded time by another speaker.]

Cathy Lowers, of 42nd Street SE, said she's been in Collier County for 15 years after living in California. She has six children and four are teens and two are in their 20s. She saw what happened in California when an unlimited number of dispensaries were approved in her neighborhood. California was the first to legalize marijuana as medicine in 1996. Please don't do that here. The names, such as Miracle Leaf, Cure-A-Leaf and Wellness Center, are misleading and convey it is not dangerous. In the past few years, there's been a dramatic increase in teens vaping high THC.

At age 18 and 19, she had worked on two farms growing marijuana and what was grown was about 2%. Baby boomers had viewed 1 to 3 percent THC as the hallucinogenic part of the plant. The other part of the plant is CBD, which is non hallucinogenic and where most of the medical promise is.

The high THC levels have now been increased synthetically to be almost 100%. With dispensaries coming out with higher THC levels, most of the research has been done on low-dose THC levels, which research shows causes low IQs and brain damage. Studies show kids believe cigarettes and alcohol are dangerous but marijuana is harmless. People can use it as an alternative by 24-7 statewide delivery to the home and no one is being denied use. No one will be deterred from moving here if you don't allow dispensaries. Without dispensaries there isn't an influence on the youth. Don't make our kids guinea pigs because THC at high levels is experimental without research to back it up. What is found in the dispensaries used to be on the street and defined as hardcore drugs: drabs, crumble, shatter, which are sold in the dispensaries. She called the Muv dispensary on Marco and was transferred to a sales person in Tampa, who tried to sale her 80% vape and never asked her medical condition. She has called many pot shops and none have asked for her medical condition. A medical card is issued and you choose whatever you want. It is basically recreational use. Representatives, like Spencer Roach, in the last couple of months, have introduced legislation to bring it back to medical. She questioned, why is it happening now when the State hasn't fixed it. The state has allowed local communities to prohibit it to see how it panned out. The industry is careful and has fought all curbs to warning labels for pregnant women, THC caps and oversight. The industry should not here until the industry agrees to bring it back to medical, which is what the voters wanted.

The legal marijuana industry in California is in total collapse and 80 to 90% is now being controlled by drug cartels on the black market. Investors are leaving and coming here. Governor Newsome slashed taxes for legal marijuana industry because they cannot survive. They thought medical marijuana would end the black market and that never happened. Collier County is a family friendly place, keep it that way, wholesome with low crime.

Catalina Lowers, age 19, of 42nd Street SE, said she worked throughout high school for a juvenile diversion program called "Teen Court" as a volunteer attorney. Volunteers, such as herself, handled real cases from misdemeanors to 3rd degree felonies committed by youth in Collier County. For the sake of her generation, put the brakes on physical dispensaries until more peer review long term youth studies are done of the effects of high THC marijuana on the youth brain and the effects of onsite advertising for pot. While working in teen court, more and more teen defendants confessed they got marijuana from someone else's medical marijuana and, when questioned, knew nothing about potential health ramifications for its use. Allowing pot shops will make things much worse and allow teen access to medical marijuana that has as much THC as pot from a back-alley drug deal.

Before the pandemic, her generation had high suicide and depression rates and now the marijuana industry promotes pot as a cure-all for depression. “Multiple studies show direct association between frequent use of high THC pot and the development, not cure, of mental health issues, like depression, psychosis and suicidality.” They’re relentlessly targeting teens through online advertising. “This is my generation’s Big Tobacco being bombarded with promises of health and happiness by the marijuana industry. Like cigarettes in the past, there hasn’t been enough time to study and educate the public on its long-term health effects.” She implores the committee, to wait until the state legislature eliminates loopholes on dispensaries that give out limitless amount of high THC pot without consequence. No one gets hurt by waiting. Her generation is being hurt by the industry to get everyone hooked on high THC marijuana to ensure a new generation of captive customers.”

[Ms. Mills said Ms. Van Parys was ceded time by Marta Coburn.]

Diane Van Parys, of Tarpon Bay Drive, said she’s been doing a lot of research on medical marijuana dispensaries and Google on her server pops up with KushCon, a multibillion-dollar company that has moved its headquarters from Seattle to Tampa. In Florida, the medical marijuana industry is estimated at 1.3 to 1.5 billion dollars per year compared to the recent County’s school board approved budget of 1.44 billion dollars. The budget for medical marijuana here is the same as the school district’s budget. The majority of drug problems now are due to vaping. Kids are getting them, despite having to be 21. When they’re caught, they’re sent to the Phoenix alternative school program in Immokalee and Naples for vaping and disciplinary problems, which had a 75% increase, year-over-year, from 107 to 187 students in Naples and in Immokalee 92%, from 59 to 113. This is affecting the youth. Medical marijuana is available to 54 doctors in the County that will issue a card, not a prescription. Within 24 hours it can be delivered to your home. It’s available to everyone who needs to use it.

About 7,500 people will be attending the KushCon convention in Tampa and there are hundreds of exhibitors. Exhibitor companies include Kush and Crime — a true crime podcast — Nude LLC., Hemp For Water, the Green Goat, Florida Cannabis Chamber of Commerce, and High-Life. Nikki Fried is the keynote speaker at the two-day seminar. Five of 20 seminars are dedicated to how to get around the Florida statute. Let’s keep the business out of Collier County. There’s no reason to approve it and let’s keep Collier County paradise.

Dr. Lenard Rutkowski, a retired neurosurgeon who lives in Quail Creek, said he’s not averse to CBD, which he considers medical marijuana. He understands pain, has prescribed medical marijuana and has an active DEA license. He has researched the newly medical marijuana phenomenon, THC and CBD. He has lectured law students at a local law school. The societal issues involved are the potential effects on population, law enforcement resources, medical community and long-term effect on youth of this County and country. Secondly, are political issues. here’s a concerted campaign to market it backed by big money from people who gain more if there are more traffic accidents, such as Florida attorney, John Morgan, who is promoting it under the guise of compassion. Being compassionate is more enticing and gratifying.

The long-term effects on society can have indirect harmful consequences. Colorado statistics show more car crashes had occurred, related to marijuana. There is no test to quantify the legal limit of marijuana, as is the case with alcohol. There’s no quick turnaround test. “With the high prices of state-sanctioned marijuana, unregulated entrepreneurs have entered the marketplace with higher potency marijuana that is more dangerous relative to addictions and side effects.” Thirdly, are factual medical issues, that “may increase depression, cause paranoia, affect motor skills, one in 10 become addicted, potential lung injuries, asthma, potentiates alcohol and stresses medical facilities.” With problems already existing with alcohol, fentanyl, heroine, and increased childhood mental problems, violence, and lawlessness, why add another potential problem to the list? Why not be a beacon of reason?

[He reached the end of three minutes, but Robert Coburn ceded his three minutes to him.]

“The reality is we cannot control illegal use that is sure to follow.” That’s what will be approved once this measure passes. Do not be influenced by marketing propaganda and miracle cures under the guise of false compassion. Medical marijuana can be mailed and it doesn’t need to be dispensed at a dispensary. We need Collier County to show good judgment for others to emulate.

Former Sheriff Don Hunter, a 62-year County resident, said he continues to be opposed to Amendment 2 and remains opposed to the decriminalization and legalization of drugs. Oregon has agreed to allow any drug in any quantities for personal use, to decriminalize them. You suffer a fine. He’s not sure what quantity of Fentanyl is okay, but apparently, Oregon has figured that out. If you read the statute 391, there’s a proviso that edibles may be allowed at 200 mg, with a 15% variance. “Here’s the problem, as a law enforcement officer of 35 years, SWAT Commander for 8, Narcotics and Vice-Commander for 8, we are unable to tell today what level of THC Delta 9 Tetrahydrocannabinol represents impairment. If we make a traffic stop, there is no scientific application to determine that the person is impaired, only that they have consumed, they have ingested it.”

“Yet, the statute suggests the legislature was in its effort trying to limit the harm and risk in the consumption of marijuana, which according to the FDA has yet to determine a medical application for marijuana/cannabis, other than cannabidiol. There are 500 compounds in marijuana and those states, especially California and Oregon, that have approved recreational use have already suffered from their poor legislative performance and didn’t think it all the way through. It’s an experiment.”

[Three minutes were up, but he was ceded time by Ana DiMercurio]

My first few years on SWAT, those incidents that were encountered were barricaded, suicidal persons suffering from what was called “amotivational syndrome,” which is cannabis-abuse syndrome. Many were prescribed other medications to counter the effect of marijuana. That was in the 1980s, when marijuana and its derivatives were only 15% or less Tetrahydrocannabinol. Today, edibles are at 90% THC. Persons responsible for enforcing this statute are attempting to determine whether dispensaries, along with the Departments of Professional Regulations and Agricultural Consumer Services, are not above the levels authorized by statute. The Collier County Sheriff Office is understaffed and is always understaffed in Narcotics enforcement. These state departments, including Investigative Services are understaffed. Enforcement is a mandated, he judges it to be inadequate staffing-wise. If dispensaries are authorized, the signal it sends to the young people and those predisposed to abuse is that it must be okay.

“We have the ears of the cartels. The Rocky Mountain High-Intensity Drug Trafficking Area (HIDTA) has issued numerous annual reports of the problems they are encountering with the cartels and people who are using the recreational drug. If you think it’s not possible in the County, we have very creative entrepreneurs here. If you approve a dispensary, it will be on the web the next day by those who support the decriminalization of and legalization of drugs. That sends the wrong message.”

Mr. Brooker asked what is the category called “area check” in the police reports they reviewed.

Former Sheriff Hunter said it basically means an extra patrol. He noted he was involved in the largest capture of marijuana here, along with one other deputy patrol officer and a Customs officer, of 51 tons in Everglades City. He also rappelled into numerous marijuana fields being cultivated on Federal and State lands, because drug dealers are trying to avoid loss of real property. “The problem here is Cuban

nationals who flee here have to pay traffickers and smugglers 10,000 to 20,000 of dollars in theory to be smuggled here. If they arrive here and are not able to pay that, under the Cuban Adjustment Act, which provides 10,000 dollars or more in fundable benefits to the smuggled person, we have it documented in my records that the drug smugglers, distributors, organized crime and cartels will set those Cuban nationals up in a growhouse to allow them to cultivate and package the product and then turn it over to the organized criminal organization. After a period of years, if they're successful at doing what they are told, they will own that house and that's how they pay off the organized criminal operations that bring them to the United States. There are so many bundled issues in the dispensary idea. The experimentation with public and officer safety that it needs to be thought through. We're backing into the issue because of Amendment 2.

Chairman Varian asked if there were comments or whether the subcommittee had anything more to add.

Mr. McLean said he'd like staff to evaluate what the schedule for this amendment is, moving forward. It's a lot of information. Unlike this committee, DSAC-LDR had a time constraint and we were one hour, 50 minutes into a discussion. That's why they put forward the recommendations they did. Will there be an option to bring it back to the subcommittee and do they have time for that?

Mr. Henderlong said that would be a first and to his knowledge, it's never been done before. The County Manager and County Attorney said it must be vetted back through DSAC before it comes before the Planning Commission and BCC. The LDC requires two public hearings before the Board, October 11 and October 25 and one of them to be a nighttime hearing unless the Board waives the night-time hearing. There is an upcoming request to the Board to waive the nighttime hearing because the Planning Commission on September 1st is holding a nighttime hearing.

Mr. Brooker said he doesn't think anything prevents it from bringing it back to the subcommittee if we want the Planning Commission to have the full DSAC-LDR recommendation.

Chairman Varian noted that the Planning Commission meeting time is before DSAC meets the following week.

Mr. Henderlong said it could go to the Planning Commission and be continued.

Mr. Brooker said he's been on the committee for 17 years and there are instances where DSAC's vote is not before the Planning Commission but does get entered into the record for BCC consideration. It's not a conditional precedent to the Planning Commission hearing it on September 1st

Mr. Mitchell asked what is the purpose of sending it back to the subcommittee?

Mr. McLean said that when they wrote the Golden Gate Overlay District, they looked at it line-by-line, page-by-page, comment-by-comment on a 200-page code and critiqued every word in it. He agrees with the motion not to support the amendment. However, if the BCC does not go along with their recommendation, they need a deeper chance to look at the code they would send along.

Mr. Mulhere said he doubted anything would change, although one more DSAC-LDR member might show up. They did what they were entrusted to do in terms of a recommendation. The full DSAC should move forward and vote on it.

An unidentified speaker asked for staff's direction/recommendation.

Mr. Henderlong said it was made very clear by the Board that staff was not to take a position on the amendment.

Mr. Mitchell said he did not think there was any timing issue but curious this was being considered at a time when many seasonal residents aren't here. He agreed with Mr. Mulhere to not approve, which sends a better message than to provide any caveats if it is approved.

A discussion ensued and the following points were made:

- If the BCC does approve it, the LDC needs to be amended.
- If DSAC went ahead with the vote not to approve, it could request the BCC to bring it back to DSAC for their review.
- The BCC is the final decision-maker and will take the heat when DSAC makes their recommendation.
- In the past, where they have voted not to approve, they had said if it is to be approved, that document would be better when X,Y, and Z are done. They would like to have another shot at the amendment if it is going forward.
- Two motions were being discussed. They recalled the subcommittee had voted 2-1 on the first motion and on 3-1 on the second motion.

Ms. Spurgeon-DeJohn said there is brewing consensus on strategy to not adopt and it is very confusing because, if the Board adopts the LDC amendment, there is a caveat to send it back to DSAC.

Mr. Booker said bringing it back to the subcommittee would be unprecedented and wouldn't happen, even if the request was made.

Mr. Mitchell said the DSAC committee can deny it and say go back to the subcommittee and the Board could say approve it anyway. The motion is asking the committee to amend the LDC by an ordinance.

Mr. Foley said he could make a motion to duplicate the DSAC-LDR motions to not approve the amendment, and a second motion would be that if the Board decides to approve, there would be some limited protections, as stated earlier. The first motion was restated to ban medical marijuana dispensaries.

Mr. McLean seconded it.

A discussion ensued over the wording of the motion and what would occur.

Mr. Brooker noted that 70% of Florida residents voted to decriminalize marijuana, while 64% of Collier County residents supported Amendment 2. Marijuana can be delivered to homes now within 24 hours. For the 10 Bonita Springs locations over eight years, that's just under 30,000 location days, with 548 incidents, with half being area checks. That's one incident every three months for all locations combined. Based on that – and he might be incorrectly interpreting that – he's not in favor of the motion.

Ms. Spurgeon-DeJohn had a question on the motion. The phrasing of the motion is different from what they're being asked to do, to give a recommendation on PL20220004273, a land development code amendment. She asked Mr. Foley to consider making the motion to recommend denial of the LDC amendment. Banning a certain type of use is not what we're being asked.

Mr. McLean said that leads directly to the second motion we haven't entertained. We did not have enough time and literally had 10 minutes to vet this LDC.

Ms. Spurgeon-DeJohn noted there are a lot of opinions resolved on this. The motion we should be making is not to ban something, but on the item on the agenda.

Vice Chairman Foley said he wasn't willing to change his motion, although he understands what she's saying. It is not a good idea to give a different message to the Board. We can address it with a second motion, if and when that occurs.

Vice Chairman Foley made a motion to ban medical marijuana dispensaries. Mr. McLean seconded it. The motion failed 5-6; Chairman Varian, Mr. Mulhere, Mr. Brooker, Mr. Dunnivant, Vice Chairman Foley and Ms. Spurgeon-DeJohn voted nay; Mr. Curl abstained and Mr. Valle recused himself.

Mr. McLean made a motion, noting that DSAC-LDR was constricted by time last week and they recommend not allowing medical marijuana dispensaries and to allow DSAC-LDR to have more time to review the LDC. [There was no second and the motion failed.]

A discussion ensued and the following points were made:

- DSAC-LDR was asked to approve or not approve the language in this amendment.
- DSAC-LDR subcommittee had voted 2-1 last week to recommend banning medical marijuana dispensaries – and held a second vote of 3-0 to revise the LDC with two recommendations, if the BCC recommended approval; Mr. Curl abstained on both votes.

Mr. Brooker asked why not make the second motion that was adopted unanimously by the subcommittee here and see how it carries? Committee members can by themselves continue to review the language and at the next DSAC meeting with a subcommittee meeting in between tweak the language and make a modified recommendation, which the Planning will not see because of timing, but the BCC will.

Mr. English agreed with Dave and Laura, noting the way it was put forward, they were asked to consider the amendment on its merits, as it was presented. He doesn't have a problem with denying that, but wouldn't support a vote to ban. If you want to go to the BCC to talk about it, that's your right.

Mr. McLean made a motion for PL20220004273 to be sent back to the LDR subcommittee. [There was no second and the motion failed.]

Ms. Spurgeon-DeJohn made a motion that DSAC recommend denial of PL20220004273. Mr. English seconded it. The motion passed 10-2; Mr. Brooker, and Mr. Sterk voted nay; Mr. Curl abstained and Mr. Valle recused himself and was not present.

Mr. Mitchell asked if the subcommittee wanted to meet to continue revising the LDC for the BCC meeting.

Mr. Brooker asked why. You recommended denial.

[Mr. Valle returned to the meeting after the vote, at 4:55 p.m.]

b. LDC Amendment – PL20220004350 – Golden Gate Estates Chairman Variance Distance Notification

Mr. Johnson said this is a proposed Land Development Code Amendment. It was directed by the Board of County Commissioners earlier this year to amend the Land Development Code with respect to the mailed public notice requirement for variance applications. If you're a property owner in the Golden Gate Estates Area Master Plan, either the rural or the urban sub-elements, your mail notification requirement would be reduced from one mile to 1,000 feet for variances only.

Mr. Mitchell asked what drove this amendment.

Mr. Johnson said it was directed by the Board of County Commissioners because one mile was too far. A variance application is local in nature and shouldn't be as far reaching as a rezoning or a GMP amendment.

A discussion ensued and the following points were made:

- It never should have been a mile.
- This is a BandAid amendment.
- DSAC-LDR discussed and approved this.

Mr. Brooker made a motion to approve LDC Amendment PL20220004350 – Golden Gate Estates Chairman Variance Distance Notification. Mr. Mulhere seconded it. The motion passed 13-0.

c. Existing Building Recertification Program [Rich Long, Director, Building Plan Review & Inspection]

Mr. Long said we need to move forward with the existing building recertification program that the State adopted. All the building officials are looking into what Miami-Dade has put into place and has been actively utilizing for 20 years. We're going to have to put an ordinance together to capture timeframes, fees and figure out if we're going to need more staff to be able to do this. We're already doing research on the three miles from the shoreline, what properties are identified in those addresses and what buildings will be involved. We're going to have to mail and notify all these buildings when their milestone inspection is due, and then they're going to have to get a Phase 1 Inspection and report back to us within a certain time frame. You have to build the enforcement issues into the ordinance, so it's moving. We've talked to Heidi and Derek, our attorneys, and they're looking at what's in place for Miami-Dade and there's one already for Boca Raton.

Mr. Boughton asked if Miami-Dade does homes and buildings. What heights are they looking at?

Mr. Long said they're just looking at high rises, above three stories.

Mr. Dunnivant asked what the enforcement action was if they don't comply.

Mr. Long said that's what they're looking at. It could be fines. That's the big piece and why they're doing the ordinance. We're relying on what's already been proven and what's working in those areas. It's maintenance, structural and they're looking at electrical. It's defined in State statutes. It was after the collapse of the building that they started looking at it. They had put in some language, but then it died and then all of a sudden, in four days, they came up with something and approved it. Now it's law for three stories of residential occupancy and up.

Mr. Boughton asked if it was certain heights.

Mr. Long said it was three stories of a certain occupancy.

Mr. Mulhere said he may have answered his question, but is this like a forensic inspection?

Mr. Long said it's broken into two phases. Phase one is that they do a quick visual of all the specific structural elements, whatever they can see. And if they don't see any of it, it has to be signed and sealed by an architect or an engineer.

Mr. Mulhere said there's more liability there.

Mr. Long said that report has to be given to the homeowners' association and the homeowners' association has to give it to all of the owners and the building official, so we're going to have records retention.

Mr. Mulhere said in the engineer's opinion, there may need to be more of a forensic analysis because some problems are not immediately visible. There had to be some excavation to look at, filings, for example. This is probably very necessary given what happened and what could happen again. There are a lot of tall buildings over 50 years old, maybe not here, but some are here. Nobody would be willing to sign and seal it without a very large paycheck.

Mr. Valle said some of the condos we're dealing with on the beach and on Gulfshore Boulevard and in Pelican Bay have already started to do engineering assessments. Some of the older buildings built in the late 80s and early 90s didn't account for stone floors and granite tops, so they're looking at their weight loads. When they're looking at remodels, they're saying no more stone. If you're going to put in tile, we're going to need to know the weight. The Gulfshore Condominium Owners Association held a 45-minute Zoom meeting about the ordinance. In addition to the language that Rich is talking about, there are also reserve requirements and the insurance companies are now coming back and saying if you're building non-sprinklered, we're not going to give you coverage.

Mr. McLean said we get calls every week that the insurance companies are mandating these inspections and we defer them all to structural engineers.

A discussion ensued and the following points were made:

- The statute is a far cry from a certification. An assessment is not putting your license on the line, saying it's going to stand another 50 years.
- It's a 30-year milestone unless you're within three miles of the water line/the coast, and then it's 25 years, and then after that, it's every 10 years.
- That's Pelican Bay and Gulfshore Boulevard, mostly high rises.
- Initially, there were about 987 buildings that are three stories and over.
- There are some very old buildings.
- Three-story buildings include a garage underground, with two floors above.

Mr. Long said we're going to try to take an executive summary to the BCC in September, just to advertise, and then probably take it to the BCC in October.

Chairman Varian said Clay wants to bring up a NIM item.

Mr. Brooker said the BCC is considering modifications through the Neighborhood Information meeting process. The NIM is required in virtually all Land-Use Petitions before you get to the public hearing phase

of the land-use or zoning request. This stemmed from some reports or complaints about behavior at the NIMs. In my personal experience, in the last few years, people are getting more aggressive, rude and disrespectful. He doesn't know why they feel emboldened to lose all reason and sense of decorum. You all probably saw in the newspaper that within the past few months, there was a NIM where violence broke out, so the County is on actual notice of violence at NIMs. This is a County-required process.

What the BCC is doing is taking a look, in summary fashion, at perhaps establishing or drafting a set of rules of decorum that would be applied both at BCC public hearings and at NIMs, and requiring the land-use applicant to pay for a security detail at the NIM. He has an issue with that and that's the reason he put this on the agenda, to get a consensus from DSAC. For whatever reason, this was not brought to us, although an administrative code revision will probably be involved. In June or July, the BCC continued their discussion on it. They're still working on language for the rules and it will probably be heard again in September.

If it's the consensus or will of DSAC, he'd like to suggest things for consideration. If this is your will, this can be reduced to a motion, but he doesn't want to do that until DSAC determines whether it wants to go down this road. We could avoid all the time and expense and any exposure to problems by making NIMs virtual. No in-person NIMs. That way, there's a wall. People can still chime in, you can type your comments and so forth.

Alternative B, if the BCC wants them in person, have the County pay for security detail if they're going to require it; have the rules of decorum read by a County planner assigned to the application; and the planner would stand next to the applicant. Those are my thoughts. That would be my request. It's up to DSAC to entertain a motion.

A discussion ensued.

Mr. Brooker made a motion making all NIMs virtual, and if the BCC is not amenable, the County would fund a security detail for in-person NIMs, and the rules of decorum would be read by a County planner who would stand next to the applicant during the NIM presentation.

Mr. McLean said he'd second the motion.

A discussion ensued and the following points were made:

- Some of the NIMs have been out of control and involved fights.
- Mr. Mulhere provides a slide about decorum at his NIMs and hires a technical firm to handle it.
- If a virtual NIM has a technical failure or cancelation, the public should be told the contractor won't be responsible because a virtual NIM is a courtesy to those unable/unwilling to attend.
- It should be held in a County facility.
- Mr. McLean attended a NIM in Greenville, S.C., which was held by planning staff who controlled the decorum, muted mics, controlled who spoke. It was very formal and everyone got to weigh in. It was 100% virtual,
- Allow speakers inside one at a time and provide audio of the NIM to a crowd outside.
- We need staff's input.
- Contractors have held NIMs and hired deputies for crowd control.
- If you violate the rules of decorum, you waive the right to speak at the NIM and someone must enforce that.
- There is time for the DSAC to weigh in before the BCC meeting in September, whether in writing or orally.

- They can deny the motion, so it can move forward with staff input.

Mr. Brooker made a motion making all NIMs virtual, and if the BCC is not amenable, the County would fund a security detail for in-person NIMs, and the rules of decorum would be read by a County planner who would stand next to the applicant during the NIM presentation. Mr. McLean seconded the motion. The motion failed, 2-12.

Ms. Cook said Mike Bosi and Jamie French will be at the next meeting and will provide suggestions.

Mr. Johnson reminded subcommittee members that they will be meeting on Aug. 24.

Mr. Mulhere said it could start at the DSAC-LDR and others could attend to comment.

Ms. Cook said she'd written down their suggestions.

7. Old Business

a. Discussion of the Tree Removal Process for More Than 10 Trees

Mr. Curl said that at the last subcommittee meeting, we talked about creating stipulations. There's no need for an LDC cycle amendment to both SDPIs and ICPs. The only thing he's unclear on is an inspection that is still warranted. Other than that, let this die.

Mr. Mulhere said it's part of the ICP if they need it.

Mr. Curl said they should be certifying, like an STP.

Mr. Mitchell said no insubstantial changes. Whether it's an SIPI or SDPI or even a PPL insubstantial change, there are no inspections, with the exception of if there is an 800 Series Inspection associated with the building or any other improvement. But there is no certification or turnover process and we need to keep it that way.

Mr. Curl said this is just specific to trees, nothing else.

Mr. Mitchell said they could look at vegetation removal permits and the archaic way they have to prove that something didn't happen. But we won't solve that problem here.

Mr. Giblin said the LDR subcommittee's action or motion involved a memo issued in 2008 by Bill Lorenz that formally advised there would be a two-year time period on STPIs. Since then, the LDC has changed and now SDPs are good for two years, instead of three years, so the motion by the subcommittee was to instruct the development review and zoning directors to reissue that memo and have it apply to both SDPIs and SDPs to provide a time frame for three years to be consistent and provide a stipulation that the time period from when the trees are cut down to when they're replaced be included as a stipulation.

A discussion ensued and the following points were made:

- The stipulation could leave it up in the air about determining the time period when trees must be replaced.
- If relying on a staff stipulation, that could become an issue.
- At Marbella on Livingston, many trees were removed and replaced in phases under a PUD amendment.

- At Saturnia Lakes, they did the same thing as Marbella, with an amendment to the PPL that came through as an ICP.
- The concern is that once trees are cut down, they won't be put back in.
- This often becomes a Code Enforcement issue, but is often dropped when a permit is issued.
- Communication hasn't always been good so there was no ability to discuss the stipulation.
- A time period for replacement must be specified, such as six months or 18 months.
- There was an active SDPI at Pine Ridge Crossing, yet Code Enforcement was still called.
- A reasonable time frame for replacement can be specified and then it can be changed later at a higher level.
- Worst-case scenario is three years and that can be changed to one year. If there's a problem, go to a higher level.
- You're always going to have people asking for forgiveness.

[Mr. Mulhere left at 5:30 p.m.]

8. Committee Member Comments

Mr. McLean said DSAC-LDR only had 10 minutes to discuss the medical marijuana dispensary amendment. There are already restrictions. Many bend the facts to support their position. Not one person in this room at either meeting supported it. People don't realize the repercussions of bending the statistics to support their stance. They made a reference to a Cape Coral address where there were 500 incidents. That was in a shopping mall with 54 tenants at the biggest intersection and there were people running red lights who were stopped at that location.

Mr. Curl agreed this wasn't a good litmus test.

A discussion ensued and members agreed not a lot of people knew about the DSAC hearings, although they were public meetings. It was advertised, but many don't read those.

Mr. McLean noted it was a public meeting under the Sunshine Law. Did we have an opportunity to kill the amendment at the subcommittee meeting and not bring it here? We got limited direction as to what to do, so how do we avoid what we had today? We saw it for the first time last week.

Vice Chairman Foley noted that it's a lot of hard work for the subcommittee, reading and preparation. We often get items that are the will of the BCC and we have to react and push it through. There are times when we have time. Maybe it's time for a Sunshine Law refresher.

Chairman Varian said he was planning to put that on the agenda for September.

Mr. Johnson said they do try to get the information out to DSAC. Staff is here to support you and clarify.

Mr. Curl said DSAC's direction is to let 7.a die and change the 2008 memo's direction to three years.

9. Adjourn

Future Meeting Dates:

Sept. 7, 2022, 3 p.m.

Oct. 5, 2022, 3 p.m.

Nov. 2, 2022, 3 p.m.

August 3, 2022

Vice Chairman Foley made a motion to adjourn the meeting. It was seconded by Mr. Valle. The motion was passed unanimously, 11-0.

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 5:40 p.m.

COLLIER COUNTY DEVELOPMENT SERVICES ADVISORY COMMITTEE



Chairman, William Chairman Varian

These minutes were approved by the Committee/Chairman on 9/7/22, as presented
(choose one) , or as amended _____.