

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
October 20, 2022

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Edwin Fryer, Chairman  
Joe Schmitt  
Paul Shea  
Robert L. Klucik, Jr.  
Christopher T. Vernon  
Randy Sparrazza  
Amy Lockhart, Collier County School Board Representative

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager  
Mike Bosi, Planning and Zoning Director  
Heidi Ashton-Cicko, Managing Assistant County Attorney  
Derek Perry, County Attorney's Office

PROCEEDINGS

MR. BOSI: Chair, you have a live mic.

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Good morning, everyone.

Will the October 20, 2022, meeting of the Collier County Planning Commission please come to order.

I ask that everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Warm welcome on behalf of the Planning Commission to our newest member, Randy Sparrazza. I've asked Randy to sit next to me so that I can help with orientation, but already I don't think that's going to be necessary. I think Randy's going to do a great job.

COMMISSIONER SPARRAZZA: Thank you, sir.

CHAIRMAN FRYER: And I've asked him to say just a word or two about himself.

Randy, please. You might have to pull that mic a little close.

COMMISSIONER SPARRAZZA: All right.

Good morning. Thank you. It is a pleasure and an honor to be nominated to this board. I have been coming to Naples for about 30 years, full-time resident for the last five. I'm looking forward to being part of this community and helping in any way that I can.

Thank you, Chairman.

CHAIRMAN FRYER: Warm welcome to you, sir. Thank you.

In the absence of a secretary, I'll call the roll starting with Ms. Lockhart.

MS. LOCKHART: Here.

CHAIRMAN FRYER: Thank you.

Commissioner Shea?

COMMISSIONER SHEA: Here.

CHAIRMAN FRYER: Commissioner Vernon?

COMMISSIONER VERNON: Here.

CHAIRMAN FRYER: I'm up here.

Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Present.

CHAIRMAN FRYER: Commissioner Schmitt?

COMMISSIONER SCHMITT: Here.

CHAIRMAN FRYER: And, Commissioner Klucik?

COMMISSIONER KLUCIK: Present.

CHAIRMAN FRYER: We have a quorum of six.

Addenda to the agenda, Mr. Bellows, if any.

MR. BELLOWS: Good morning, Mr. Chairman.

We don't have any changes to the agenda today.

CHAIRMAN FRYER: Thank you.

Planning Commission absences. Our next meeting is going to be on November 3rd, 2022. Does anyone know if he or she cannot be in attendance at that meeting?

COMMISSIONER SCHMITT: I will not be in attendance. I'm traveling that day.

CHAIRMAN FRYER: Okay, Commissioner. Noted. Of course, that will be excused.

So we'll have a quorum, and we may --

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Yes.

COMMISSIONER KLUCIK: I will probably be attending remotely, you know, with the permission -- or with the approval of my colleagues. We have a wedding that Saturday, so our house is full, and we're going a million miles an hour trying to get ready for it, so...

CHAIRMAN FRYER: Okay, good. Thank you for letting us know.

COMMISSIONER VERNON: And I have a hearing that morning. I may not be able to be here till noon. I'll try to be in --

CHAIRMAN FRYER: That takes us down to four.

COMMISSIONER SHEA: We don't have a quorum.

CHAIRMAN FRYER: We're not going to have a quorum.

COMMISSIONER KLUCIK: Well, I'm happy to come in if I would have to create a quorum.

CHAIRMAN FRYER: Well, I think we're going to need you to come in Commissioner Klucik, because we'd need four people physically present.

COMMISSIONER KLUCIK: Okay.

COMMISSIONER VERNON: And maybe we can touch base, because my hearing may get -- we may resolve it pre-hearing.

CHAIRMAN FRYER: Well, if you do, let Mr. Bosi know, and then Mr. Bosi will let Mr. Klucik know.

COMMISSIONER VERNON: So you don't have to come in.

COMMISSIONER SCHMITT: What's on the agenda for that meeting?

CHAIRMAN FRYER: There's a lot.

COMMISSIONER SCHMITT: A lot? Because all this was --

MR. BOSI: It's a full day.

CHAIRMAN FRYER: It's everything that was moved back.

MR. BOSI: We have a small-scale GMP amendment as well as a CPUD related to Everglades Equipment Group. We have a pretty controversial rezone of -- Maple Lane rezone. The AUIR is on the agenda as well as Mediterra PUD. It's a full day.

COMMISSIONER KLUCIK: And I certainly wouldn't want to get in the way of that. If it means that I would need to be present, I certainly understand why.

CHAIRMAN FRYER: Thank you. I appreciate your flexibility on that. Unfortunately, as I mentioned, we do have to have four commissioners physically present in order to have a --

COMMISSIONER SHEA: So is the quorum based on the seven total?

CHAIRMAN FRYER: Yeah.

COMMISSIONER SHEA: Are we close to getting a seventh?

CHAIRMAN FRYER: Well, I don't know.

COMMISSIONER SHEA: Because we're having a -- we're automatically down one.

CHAIRMAN FRYER: I answered too quickly. The quorum right now for action is six because we're a commission of six.

COMMISSIONER SHEA: Okay. You sure?

CHAIRMAN FRYER: Well, yeah.

MS. ASHTON: No.

COMMISSIONER SHEA: Because on the Housing Commission, it's based on the total number. If you're down four, you still have to get a quorum of the 11.

MS. ASHTON: Yeah, it's a quorum of four.

CHAIRMAN FRYER: Yeah, a physical quorum of four.

MS. ASHTON: Correct.

CHAIRMAN FRYER: I think that's what I was saying.

COMMISSIONER KLUCIK: Regardless of whether we have a vacancy?

CHAIRMAN FRYER: Yeah.

COMMISSIONER SHEA: Exactly.

CHAIRMAN FRYER: Right. Now, you know, if we're -- if we're running at only four people, we would need all four people to carry the matter because, you know, three doesn't carry it. It's not a majority of the quorum. It has to be a majority of what would be full Planning Commission.

Okay. I'll ask the same question -- and I'll ask Mr. Bosi to keep me posted.

COMMISSIONER KLUCIK: Mr. Chairman, just -- are you saying that if we only have five people present and a matter passes 3-2, that doesn't count as passing?

CHAIRMAN FRYER: That's correct. If it's an LDC amendment, it would not pass.

COMMISSIONER KLUCIK: Is that -- I mean, is the attorney -- is that accurate?

MS. ASHTON: If the vote was 2-2, we would tell them what your recommendation was, what the motion was but that it passed. So, essentially, you know, there's not really a recommendation.

COMMISSIONER KLUCIK: No. I'm saying if it passes 3-2. The Chairman said we have to have four for anything to be --

MS. ASHTON: Okay. This body makes recommendations, so it's the Board that has the heightened vote. It's not for the Planning Commission.

COMMISSIONER KLUCIK: Oh, okay.

MS. ASHTON: So it would just be majority vote of the quorum.

CHAIRMAN FRYER: Okay. All right. But if we have -- like, for instance, in One Naples, we had 3-3, and that was considered no recommendation.

MS. ASHTON: Yes, but I believe that the executive summary set forth what the votes were and what the discussion was and then indicated that the vote failed. So they did have some information on what transpired.

CHAIRMAN FRYER: Yeah. I think we're all saying the same thing.

All right. I'll ask the same question about future meetings with respect to the one following November 3rd, and that's November 17. Does anyone know if he or she will not be able to attend that one?

COMMISSIONER VERNON: I will be out of state.

CHAIRMAN FRYER: Okay. Thank you. Anyone else?

(No response.)

CHAIRMAN FRYER: Your absence, of course, will be excused.

Do we have a status report on Commissioner Saunders' progress toward appointing a new planning commissioner?

MR. BOSI: I reviewed the agenda for the 25th of October, next Tuesday's meeting, and the item was not on, so it has not been -- a member has not been selected, I guess, from Commissioner Saunders' office yet.

CHAIRMAN FRYER: Now, in the case of Commissioner LoCastro's appointment, that was put on at the last minute so it didn't show up within a week, and so maybe Commissioner Saunders could do the same thing.

MR. BOSI: And like I said, I'll have to check, and I will most certainly let the Planning Commission know.

CHAIRMAN FRYER: Yeah. Okay, good. Well, we'd like to get up to full strength if we can.

All right. So we come to approval of minutes, and we have four sets of minutes in front of us. We have those of our August 18, 2022, first and second sessions. Those were separate minutes, and then those of our September 1, 2022, first and second sessions, so a total of four sets of minutes. Do we need to act upon them separately?

(No response.)

CHAIRMAN FRYER: If not, I'd entertain a motion of approval.

COMMISSIONER SCHMITT: I make a motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor of approving all four of those sets of minutes, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. Thank you.

BCC report and recaps, Mr. Bellows.

MR. BELLOWES: On October 11th, the Board of County Commissioners approved the PUD rezone for Ariva -- Ariva Plaza, and that was on their summary agenda.

CHAIRMAN FRYER: Okay. Thank you very much.

Chairman's report, I have none today.

Consent agenda, there is nothing before us on consent for today, so we go right into public hearings.

Advertised -- oh, yes, Commissioner, go ahead.

COMMISSIONER SCHMITT: Mr. Chairman, for the record, I just want to make a statement regarding the petition that came before us and the minutes that were posted, that was the Isles of Capri, and the vote. It was my understanding -- it was brought to my attention that there was some residents of Isles of Capri who raised an issue about basically questioning whether I should have recused myself from voting.

I noted clear for the record that I am a resident of Fiddler's Creek. Fiddler's Creek is a 4,000-acre community zoned for 6,000 units. There's approximately 3,000 homesites on Fiddler's Creek, one of which I live in.

I made it clear on the record that I have nothing to do with the Foundation. I have nothing to do with the Tarpon Club, the yacht club, whatever you want to call it, or anything to do with regards to the petition.

I didn't see any reason for me to recuse myself simply because I was a resident of the

community. I had nothing to do, again, with the management of the company or the petition in itself, and I just wanted to make that, again, clear. I made that clear on the record during the vote but, again, there were some folks who questioned my integrity and questioned whether I should have recused myself. I didn't believe it was even necessary simply because I live in the community that had a petition.

So, for the record, I wanted to make that clear.

CHAIRMAN FRYER: Thank you. And for what it's worth, I certainly don't see either the appearance or an actual conflict of interest. I think you handled it exactly right, and I think your integrity is beyond reproach.

COMMISSIONER VERNON: I lit up to say what you just said.

CHAIRMAN FRYER: Thank you.

And, Commissioner Shea, have you lit up as well?

COMMISSIONER SHEA: No.

CHAIRMAN FRYER: Okay. We've got these two switched then. So when I see Commissioner Shea, I'm going to call on Commissioner Vernon.

COMMISSIONER SHEA: What happens when you see Commissioner Vernon?

CHAIRMAN FRYER: Then I'm going to ignore it.

COMMISSIONER KLUCIK: And I'll just talk even if I don't light up. And I ditto that, you know, I think Joe is perfectly -- what he did was absolutely the right thing and the right way to go about it; no need to recuse.

CHAIRMAN FRYER: I think we all agree on that.

Mr. Bosi?

MR. BOSI: And, Chair, I just want to remind the Planning Commission, at the end of our petitions, under 11, I believe it is, new business, we're going to ask the Planning Commission to elect the officers to serve for the coming year. So you guys can start thinking who you want to nominate for chair, vice chair, and secretary.

CHAIRMAN FRYER: Thank you.

\*\*\*Okay. The advertised matter, the first matter coming before us is PL20210001067. It is the proposed Brightshore Village Stewardship Receiving Area, SRA.

All those persons wishing to testify in this matter, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN FRYER: Thank you. Planning Commission disclosures starting with Ms. Lockhart.

MS. LOCKHART: Staff materials and emails from the community members.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Staff materials and emails from the community members.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: No disclosures.

CHAIRMAN FRYER: Thank you.

In my case, public materials and a meeting with staff.

COMMISSIONER SPARRAZZA: I had a meeting with staff and did receive emails from the community.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Oh, sorry.

COMMISSIONER SCHMITT: Staff materials, but I did have a brief conversation

with Mr. Yovanovich as we came up the elevator in regards to my concern that I'm going to raise as part of this petition.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Staff materials, and what I will say is I will be participating in the discussion, but I am going to recuse myself based on a conflict.

CHAIRMAN FRYER: Okay. Have you had a conversation with our counsel? I'm not saying that what you're proposing to do is not the right way.

COMMISSIONER KLUCIK: No. But I have previously for a similar conflict, yes.

CHAIRMAN FRYER: Okay.

MS. ASHTON: There are some forms to fill out and give to the court reporter, so you're aware of that, correct?

COMMISSIONER KLUCIK: Oh, that's right. Well, thank you for reminding me. Do I need to do that now, or can I do it during the meeting?

MS. ASHTON: I think you can do it before the meeting concludes.

COMMISSIONER KLUCIK: Okay, great.

CHAIRMAN FRYER: Okay. Very good. Anything further before we proceed?

(No response.)

CHAIRMAN FRYER: All right. Mr. Yovanovich, you have the floor.

MR. YOVANOVICH: Thank you. For the record, Rich Yovanovich on behalf of the petitioner.

You have before you today a petition to establish a village within the Rural Lands Stewardship Area program versus the Rural Fringe Mixed-Use District program. And I'll take Mr. Sparrazza through the difference between those petitions just so he understands the RLSA program, and I'll do my best not to speak in acronyms and say everything --

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. We might want to get Troy in here or somebody, because it's not showing up on our screens. It is showing up on Robb's, because he needs help but, otherwise, the rest of us have no screen.

CHAIRMAN FRYER: Mr. Miller, if you would, please, sir. Thank you.

Go ahead, Mr. Yovanovich.

COMMISSIONER KLUCIK: Thank you, Mike, for hooking me up.

MR. YOUNGBLOOD: Mr. Chairman, back here.

COMMISSIONER SCHMITT: Is there -- what switch did you push? I know he has the secret switch.

MR. YOUNGBLOOD: Troy is actually out today. We are going to get Tom. He'll be --

COMMISSIONER VERNON: HDMI switch.

COMMISSIONER SPARRAZZA: Oh, for an input?

CHAIRMAN FRYER: I don't care. I've got it here.

MR. YOVANOVICH: I'm telling you, we should go back to flip charts. Do it the old way.

COMMISSIONER SCHMITT: Oh, you've got the secret sauce there. There you go. We're good.

CHAIRMAN FRYER: Coming up on our midmorning break here. Only kidding, only kidding. Go ahead, sir.

MR. YOVANOVICH: You ready?

All right. The applicant is Barron Collier Companies. Mr. Genson is on his way to the meeting. The consulting team is Peninsula Engineering. We have John English, who's the engineer for the project; Chris Scott, who's in charge of planning for Peninsula Engineering; and Bruce Layman, who will answer any environmental questions you may have.

I'm the land-use attorney on this matter. Bob Mulhere is the planner who will be making the presentation, and Ellen Summers is also a planner with Hole Montes who's part of the team.

Lucy Gallo will be participating mobile by -- mobiley or to answer any questions regarding the economic analysis, and Norm Trebilcock is here to answer any transportation related questions.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I have another disclosure. I did receive an email from the neighborhood association, and I wanted to disclose that, and I also spoke with a member of the association.

CHAIRMAN FRYER: Thank you very much.

MR. YOVANOVICH: I'm going to do a brief overview of the petition in the Rural Lands Stewardship program, and then Mr. Mulhere will do the bulk of the presentation regarding the planning, environmental, and transportation conclusions and the economic conclusions, but the professionals who prepared those analyses that are in your backup materials are here to answer any questions that you may have that Mr. Mulhere or I cannot answer.

The program itself is -- the project is a roughly 681-acre site that's located within a Rural Lands Stewardship Area, which is an overlay created in the Growth Management Plan and your Land Development Code. It's located -- for those of you who were here for the Immokalee Road Rural Village, I'll show you a map here in a second -- north of Immokalee and bounded on the west by Red Hawk.

The request is for a village, which is primarily a residential development in the Rural Lands Stewardship program. It does include commercial, because that's the purpose of a commercial village. And I'll get through for Mr. Sparrazza a little bit more into the details of what the details are, and Mr. Mulhere will show you how we meet those requirements.

So it includes 2,000 residential units, a minimum of 106,000 square feet of neighborhood scaled retail with a maximum of another 14,000 square feet of retail and office. So the maximum would be 120,000 square feet, and we have a minimum of 20,000 square feet of civic, governmental, and institution uses, and we also have the ability to do indoor self-storage as part of the project.

The location of the property is on the visualizer. You can see we're north of Immokalee Road. This is where Mr. Youngblood usually comes to help me. This is Red Hawk right here, Immokalee Road, and we're near the intersection of Everglades Boulevard.

MR. YOUNGBLOOD: Ask and you shall receive.

MR. YOVANOVICH: Right click.

All right. So that's the location of the property. It's approximately 681 acres.

The Rural Lands Stewardship program was established in the early 2000s. It came about based upon a challenge to the Growth Management Plan in effect at the time where there was questions about whether or not we were protecting environmentally sensitive



resources in Collier County.

And as part of that challenge, we came up with two different types of regulation in the eastern lands. We have, for the far east lands, the Rural Lands Stewardship program, which we're under today, and in the nearer eastern lands, basically right around Golden Gate Estates, we have the Rural Fringe Mixed-Use District program. Both of those programs are intended to preserve environmentally sensitive lands and focus development on the less environmentally sensitive lands, and that's done through -- in the Rural Land Stewardship program by the creation of Stewardship Sending Areas, where, basically, all development rights are stripped from the property, and those development rights are transferred to Stewardship Receiving Areas. What we're going through today is the designation of a village, which is a form of a Stewardship Receiving Area, and that development is to occur in the pink areas on this map.

So all this pink area is designated open. That's where development is encouraged to happen.

Where you see the blue and the green areas and the light blue areas, those are the more environmentally sensitive areas, and that's where Stewardship Sending Areas are to be created and the development rights taken away. So you can see there are several SSAs, Stewardship Sending Areas, already established to create kind of these flowways and areas for wildlife to move back and forth.

So the purpose of this program is to create environmentally sensitive lands, no land development; less sensitive lands, development. And what you'll see is most of the lands that go through this program are --

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. So you're saying the pink is the preferred area of development?

MR. YOVANOVICH: Yes, sir.

COMMISSIONER KLUCIK: All right.

MR. YOVANOVICH: Yes.

COMMISSIONER KLUCIK: It's really, like -- the summary of your graphic is that -- I'm assuming your project is in the pink, then?

MR. YOVANOVICH: Next slide.

COMMISSIONER KLUCIK: All right.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Rich, just for clarity -- and if you would like to expound on it, we are not here to approve the zoning. The zoning has already been approved.

MR. YOVANOVICH: Next slide.

COMMISSIONER SCHMITT: Oh, see?

MR. YOVANOVICH: Yes.

COMMISSIONER SCHMITT: Go ahead.

MR. YOVANOVICH: The difference between the stewardship -- I'm sorry -- the Rural Lands Stewardship Area and the other areas of the county is the zoning already exists on the property, so we're designating a Stewardship Receiving Area through this process. The important distinction for that is the voting requirements when we get to the Board of County Commissioners.

Rezoning in Collier County and Growth Management Plan amendments require a

supermajority vote of the Board. So you've got to get four out of five. So through this designation process, since the zoning already exists, it's a simple majority to establish and designate a Stewardship Receiving Area. So that's the difference in the process.

So far the program out east, the Rural Lands Stewardship program, is -- it's coming into its own finally. We're starting to see Stewardship Receiving Areas approved, and we're seeing Stewardship Sending Areas established. And you've got roughly 47,000 acres so far in Stewardship Sending Areas or in escrow pending approval of Stewardship Receiving Areas.

There have been, I think it's five: Bellmar Village, Rivergrass Village, Hyde Park Village, Longwater Village, and the Town of Ave Maria are the SRAs that have been established to date. This would be the sixth one if we get through the process and get it established.

The property right here is what we're talking about. This is pink underneath the blue. So this is where development is intended to occur under this program. If you go back a slide or maybe -- I'm sorry, it's probably the next slide. No, it's not.

This is really on the edge of what is the Rural Fringe Mixed-Use District. This area right here is part of the Rural Fringe Mixed-Use District. Not to confuse you, but that's part of the other program I was telling you about where they set up receiving areas, sending areas, and neutral areas. The concept for both programs is sending areas, preserve; receiving areas you develop, so you transfer the development rights.

So you will at some point see a village or a development under the Rural Fringe Mixed-Use District, similar concepts, but slightly different in the application of the code.

In our particular case, we're here, again, to designate this property a village. There are specific criteria that are required in the Growth Management Plan of villages. I'll go through them briefly, and Mr. Mulhere will go through in detail how we meet each of those criteria. Blow it up for you a little bit so you can actually see it.

They have to be a minimum of 300 acres and a maximum of 1,500 acres. The density is between one to four units. We have to have a diversity of housing. In our particular case, we are actually 681 acres, so we meet the first criteria. Our density is a little -- it's almost three. And you have to have a diversity of housing types, and you'll see that we have single-family attached, single-family detached, and then we also have multifamily as part of the project.

We're required to have 53 square feet of retail and office uses per dwelling unit. That's where -- we're asking for 2,000; that's where the 106,000 comes in. We're required to have centralized water and sewer, which we have.

Parks and open space, we meet that requirement. We exceed that requirement. Mr. Mulhere will go through that, and Mr. Schmitt will ask his questions at that time regarding the parks.

We have to have 10 square feet of civic uses per dwelling unit. We meet that requirement. And we meet the transportation requirements as part of this proposal.

That's all within the Growth Management Plan, and there are similar criteria in the Land Development Code. I don't think it's been updated yet to meet these criteria, but that's coming in the future. But these are the requirements for villages, and we'll show you how we meet each of those requirements.

Just for -- you know, the base density out in the Rural Lands Stewardship program is a base density of one per five acres. That would be basically double the size of the lots out in

Golden Gate Estates. And the intention is to focus development in a smaller footprint, instead of developing the Eastern Lands in a format similar to Golden Gate Estates, so you can better preserve and protect the environmental uses.

One of the other goals of the Rural Lands Stewardship Area program is to develop -- to have developments large enough, either individually or in combination, to where you have retail, office, civic uses provided out east to have these property owners stay out east for those purposes, jobs, you know, have medical facilities, all that, to relieve pressure that's happening in the urban area with regard to traffic coming from the east to the west in the urban area. And the intention is to change the traffic patterns to keep people out east.

Commissioner Klucik lives out in Ave Maria. That's the very first SRA that was approved. That's a town. The traffic studies support that the town is providing enough of those activities within itself that the amount -- there's still traffic coming to the west, but the amount of traffic coming west is far less now that those types of services are being provided in the eastern part of Collier County.

So that was one of the primary focuses of the program. And through this program, in establishing the SRAs we have so far and hopefully with the approval of this one, that will further the program with keeping traffic from the eastern development out east.

That's an overview of the program, a brief overview of the petition. I'm going to have Bob come up here and get into the details of our petition. Ask questions whenever you want, but if you'll allow us to complete the presentation, most of the times we anticipate the questions in the slides in our presentation. We don't always do it, but hopefully we'll answer most of your questions, and then -- but, again, feel free to ask questions whenever you like.

But I'm going to turn it over to Mr. Mulhere at this point.

MR. MULHERE: Good morning. For the record, Bob Mulhere with Hole Montes here on behalf of Barron Collier Companies for this application.

As Rich indicated -- I'll try not to be repetitive here. But, yeah, the project is 681.5 acres in size. We are utilizing 5,198.4 stewardship sending credits from SSA No. 6 to entitle this, and that's what's required. So this project requires that amount of credits and puts that land into protection.

The proposed Stewardship Receiving Area does not include any lands designated as a Flowway Stewardship Area, an FSA; a Habitat Stewardship Area, an HSA; or a Water Retention Area, a WRA. Those environmentally sensitive habitat-related areas were mapped back when this program was created, and the idea was to protect those areas and not to impact those areas. Although, obviously Water Retention Areas are used for stormwater purposes.

We don't have any lands within the Area of Critical State Concern, which is a State of Florida designation that falls over portions of Eastern Collier County. None of this proposed SRA fall within the Area of Critical State Concern.

We're required to provide 35 percent open space. That would equate to 238.5 acres. We actually provide 274.7, which is 40 percent. So we exceed the minimum requirement of 35 percent by 36.2 acres.

And the site is -- as is required, is designed to encourage pedestrian and bicycle circulation, allows for the use of golf carts by including an interconnected sidewalk system and a multiuse pathway system, and I'll have more specific information on that as we go through these slides.

This is the SRA master plan. So these are the primary points of ingress off of Immokalee Road here and here. This is the village center here in pink. This master plan

shows the primary roadway system and then the secondary roadway system within the development tracts.

There are a requirement to have two types of designations within the SRA. At a minimum you have to have neighborhood general and village center, and we do have both of those, as you can see from the master plan.

I'll point out just a few things. There is a perimeter lake system around the majority of the development, particularly where it abuts the HSA here and WRAs, and that serves a dual purpose; stormwater, obviously. Maybe a triple purpose. It's certainly an amenity. It serves a stormwater purpose, and it also acts as a deterrent for wildlife from entering into the development areas.

There is a linear park system, which will be open to the public, that also runs around the perimeter of the project.

So as I said, there's two -- yes.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Bob, if you could go back to the linear park.

MR. MULHERE: Sure.

COMMISSIONER SCHMITT: I'll be frank with you. I really find this as kind of a double dipping from a standpoint you've got a park around the lake, it's serving as a buffer, and now you're attempting to call that a park. Explain to me -- you've got access points. What is the intent of the park? Is it a passive recreation? Are they pathways, or is this nothing more than a pretty buffer along the lake that allegedly somebody can walk and participate in some kind of recreational activity?

MR. MULHERE: Well, Mr. Schmitt, we're actually going to provide for access and parking for the public, open to the public, and then I don't know what the actual length of this perimeter park, but it's pretty significant. Perhaps -- well, it's pretty significant. I don't know what the -- you know, it's a couple of miles.

COMMISSIONER SCHMITT: As we do when we -- Conservation Collier, and we purchase lands for the public -- is typically we provide public access, but you also have to provide ADA -- meet ADA requirements for access for disabled, at least a certain portion. Is this going to be raised boardwalks, or is this nothing more than a dirt pathway?

MR. MULHERE: Oh, it will be --

COMMISSIONER SCHMITT: What's the intent here?

MR. MULHERE: It's going to meet ADA requirements. It's going to meet all the requirements, because it's open to the public. There will be access right here. There will be exercise stations along the way. There is a proposed -- for example, if you look right here, there is an example of a nature trail that, you know, would allow folks to access a view corridor into this HSA and, beyond that, this FSA.

COMMISSIONER SCHMITT: Bottom line, this -- now this acreage counts as your parks for this community?

MR. MULHERE: We also have an amenity center, and we also have another park. We exceed the 1 percent requirement significantly.

COMMISSIONER SCHMITT: I have to defer to staff. Is this accessible to staff, or is this -- again, I look at this as sort of a slight of hand here. You know, it's a buffer on the lake.

MR. BOSI: In my conversation with the Chair yesterday regarding the plan, it was one of the areas I highlighted as an amenity that I think is going to be one of the more

welcomed amenities, because when -- speaking with Mr. Scott [sic] prior, it's going to be a linear pathway that's going to have exercise stations. I think it's going to give an opportunity for people to interact with nature in a way that they're not quite immersed with it but they get to see the surrounding, and it's going to promote a healthy lifestyle. To me, it's -- to me, it is a creative design.

COMMISSIONER SCHMITT: Well, based on -- and I interrupted. But based on your explanation, I have no problem with it.

MR. BOSI: Yeah.

COMMISSIONER SCHMITT: My issue is I want to make sure that it is a park and not nothing more than a vegetation buffer along the lake.

MR. BOSI: Sure.

COMMISSIONER SCHMITT: So it's up to staff to in the SDP process to make sure that it's clearly identified what amenities are going to be put in this area and whether we specify it in our recommendation to the Board or at least depend on staff during the review process to make sure that there is, in fact, ADA access, recreational activities, and other things that are going to be done. I mean, I love the idea of the nature park all the way through the Habitat Stewardship Area into the flowway stewardship. I mean, it's great. I just want to make sure that it isn't just a wink and a nod, and five years from now it's just vegetation along the lake.

CHAIRMAN FRYER: I'd have to say that I agree with Commissioner Schmitt.

It's not that someone is going to intentionally mislead and do something different, but just people sometimes have memories that are less than meticulously perfect. And so I think when the time comes, it might be a good idea to put this into our recommendation.

MR. MULHERE: So if I might.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER KLUCIK: Mr. Chairman.

MR. MULHERE: On Page 15 --

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. I guess I was just going to say that I did bring this up as well with staff about, you know, what the plan was. And I would say that in Ave Maria, for instance, we have, you know, some nice walkways around a lake, and it's not -- you know, it's not exactly the same, but it's similar, and it's a very popular thing. And I would say, though, that it's very important that it be -- you know, that it be specified exactly what it is and when it would be, you know, put in place.

And I'll just say, you know, we're still waiting out in Ave Maria after 15 years, you know, for some of what was -- you know, what is planned, which is frustrating, and one of them is, you know, more nature trails, you know, that we're hoping for.

And all I would say is I think it's a great idea, but I also think it's good to make sure that it's -- this one particular item is -- there's some way to, you know, make sure that it happens. And, you know, for all we know, the developer is keen on, you know, making that -- you know, like they did with our water park, for instance, in Ave Maria, that was the first thing they built to entice everybody. And that might be their plan is, oh, yeah, that's the first thing we're building. Everyone wants a trail like this so, you know, that will be there before the houses are finished, you know. And I just don't know, but I think it's good to have the discussion.

CHAIRMAN FRYER: Mr. Mulhere, I think you're hearing the evolution of a

consensus from the Planning Commission on this.

MR. MULHERE: I did. I wanted to add, on Page 15 of 17 under development commitments, Paragraph B under 9.4, Parks and Recreation, specifically states the following: The SRA shall provide 31.7 acres of passive community park along the perimeter of the SRA that shall be open to the public in perpetuity at no cost to the county for maintenance or anything else. And wait -- and which will be considered a public benefit use. The park will include restrooms, fitness stations, and a recreation trail system along the east, north, and west perimeter. By the way, it's 2.75 miles.

So it will be open to the public. Includes two parks with parking that will serve as trailheads, which are here and here (indicating). And the owner/developer shall not request impact fee credits for the community park and shall be responsible for maintenance of the community park.

So if there's something more specific than that, obviously that's up to the Planning Commission, but I did want you to note that there was a developer commitment that was quite specific.

CHAIRMAN FRYER: Commissioners, do you -- did that touch the points that you --

COMMISSIONER SCHMITT: I mean, I just wanted to make it clear. And what Mr. Bosi said, I feel confident that -- with staff, they reviewed this and provided the -- based on the information from the petitioner as well, I'm satisfied. I just want to make sure it's codified in the final agreement what you stated is.

MR. MULHERE: Yeah. And Parks and Recreation reviewed it as well.

CHAIRMAN FRYER: Commissioner Klucik, are you satisfied with that?

COMMISSIONER KLUCIK: Yes. And I just want to make sure I'm seeing the right -- you said that's Page 15?

MR. MULHERE: Well, I'm --

COMMISSIONER SCHMITT: The development agreement.

MR. MULHERE: Fifteen of 17 of the SRA document under developer commitments. Page 267 of yours.

CHAIRMAN FRYER: Commissioner, I think one of the concerns you expressed had to do with delay.

COMMISSIONER KLUCIK: Right, yeah. What is the timing on it as far as when -- you know, when you'll plan to do that? Like I said, I mean, is it going to be something that you, you know, put forward, you know, to lure people in, or, you know, as an enticement, or is it going to be something that happens later on?

MR. ENGLISH: Commissioners, for the record, John English, licensed professional engineer with Peninsula Engineering.

Yeah, the -- there's a couple -- in regards to timing, there's a couple factors at play. And, number one, the developer does want to have it in early. They do see it as a benefit to the community. It's located in an area that is part of the perimeter berm. So, in other words, it is the containment system for that perimeter lake, so it will be required to be done as the lake is excavated. The lake needs to be excavated. It's the biggest part of the water management system, so it's a very important infrastructure component. So it would happen sooner than later. There's a lot of lake in this plan. It takes -- it will take a lot of time to get it all excavated and spread and everything completed.

Some areas of the perimeter might be used -- for some period of time it might be needed for construction hauling, but it is -- I can tell you it's intended to be -- the earthwork

will be done very early, and the path is intended to go in as soon as is practical.

CHAIRMAN FRYER: Mr. English, could you live with some more specific language with respect to time frames? Sooner rather than later.

MR. ENGLISH: As long as it's reasonable. There's things that's very hard at the time of zoning to predict with -- precisely, so...

CHAIRMAN FRYER: Well, can you propose something for us to think about?

MR. YOVANOVICH: Let us -- if you will, I will text Mr. Genson and see if we can come up with a specific number of COs.

CHAIRMAN FRYER: That's fine. Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Bob, just a quick question. You might have already answered it. Is this a gated community?

MR. MULHERE: Well, portions of it may be gated.

COMMISSIONER SHEA: That was my next question. Where are the gates proposed?

MR. MULHERE: Well, I don't know that we know specifically yet. But, for example, let me just give you some examples. Obviously, the village center is going to be open. And so right here -- is that it? One, just one?

MR. ENGLISH: Yes.

MR. MULHERE: Okay. That's it. That's the location right there.

COMMISSIONER SHEA: So the neighborhood general amenity and neighborhood multifamily, okay --

MR. MULHERE: Yeah. Go ahead.

COMMISSIONER SHEA: -- is not available to the public?

MR. ENGLISH: That's correct. For the record, John English again.

The residential components are intended to be behind a gate. So on the main drive in, which is this road, there's a gatehouse here. So you have residential here, here, and here. Then there's also going to be a gate here, on this secondary entrance, and then likely will be a gate here such that all the residential pods back here will be behind a gate.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: I'll wait.

CHAIRMAN FRYER: Okay. Commissioner Vernon.

COMMISSIONER KLUCIK: You didn't expect me to say that, did you?

COMMISSIONER SHEA: How'd he know?

COMMISSIONER VERNON: This is, I guess, a question out of ignorance, but I thought villages had a way to get through the village so you didn't have to go around it. I thought that was one of the basic concepts of a village as opposed to what I'd call just a subdivision, and maybe the reason it doesn't is because of what's on the other side of it.

MR. MULHERE: Exactly.

COMMISSIONER VERNON: So it that --

MR. MULHERE: There isn't really a requirement; however, there are circumstances where it makes sense. Again, if you think about the project that you looked at is not in the RLSA. It's in the Rural Fringe Mixed-Use District, but the Immokalee Road Rural Village, the staff had requested a connecting road through that project. Not required, requested. And in this case, there's nowhere to go.

COMMISSIONER VERNON: Okay.

MR. MULHERE: So as long as we have the access and appropriate access to the village center for the public and to the park, which we do have, then there's no reason to have any -- you know, it would just be bringing traffic through this project for no valid or no good reason.

COMMISSIONER VERNON: And how many parking spaces for the public will be in the park?

MR. MULHERE: We haven't -- we haven't designed it yet.

COMMISSIONER VERNON: Okay. And so what happens if the public is on the park or walkway, or whatever we're calling it, they're going to be blocked from walking across the bridge; the bridge is going to be a one-way?

MR. MULHERE: Yes. And you'll be able to get -- so the residents will be able to get to this perimeter park as well but, you know, you have this lake here that would discourage people from walking in, and then you do have these connection points, which would be intended for residents.

MR. YOVANOVICH: Mr. Vernon, if you're familiar with Pelican Bay and their berm, you know, there's several condominiums and other projects; they have their own gate to prevent people from going off the berm into the development. That similar concept is going to be here.

COMMISSIONER VERNON: Okay.

MR. MULHERE: I'm just checking to see what we haven't gone over. I think I was talking about context zones. And as Rich indicated, there's a max of 2,000 units, which translate to 2.94 dwelling units per acre, meeting the requirements. There's a minimum -- and in terms of a mixture of housing types, there's a minimum of 10 percent or 200 units, which will be multifamily; 10 percent or 200 units which will be single-family attached -- these are minimums; and 10 percent or 200 units shall be single-family attached or villas.

Within the village center, which is intended to be mixed use, there is a minimum requirement of 200 multifamily dwelling units. The 106,000 is based on the formula that the GMP requires and, ultimately, the LDC will require 53 square feet per dwelling unit.

We allow for self-storage because we felt that was an appropriate use here. And we're required to provide a minimum of 20,000 square feet of civic, governmental, or institution uses, and that's also based on a formula.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. And that's make it available. That's not -- you know, obviously, you're not going to use it that way if the government or whatever doesn't -- you don't have to have it that way. You have enough uses that it might not end up being, for instance, a government building.

MR. MULHERE: Correct. It could be any of those. It could be civic, governmental, or institutional. So, you know, a post office would qualify, but -- a library would qualify. Fire station would qualify.

COMMISSIONER KLUCIK: Is there an expectation that there will be a bond district?

MR. MULHERE: A CDD, Community Development District.

COMMISSIONER KLUCIK: Yeah. And will that be funding the roads, or what will that be funding?

MR. MULHERE: CDDs are used to fund infrastructure.



COMMISSIONER KLUCIK: I guess -- the only reason I ask is if the roads were funded by the CDD, then I guess the public would have access through those bridges.

MR. YOVANOVICH: And, Mr. Klucik, I don't think we've made those decisions but, as you know, there are -- CDD -- CDD-funded projects are public, so --

COMMISSIONER KLUCIK: Right.

MR. YOVANOVICH: -- if the roads are funded by the CDD, then they would be public roads.

COMMISSIONER KLUCIK: Okay, thank you.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Like any gated community, though, they don't have the right to stop someone, ask for a license or otherwise at the gate, even if they're public --

MR. YOVANOVICH: Yes.

COMMISSIONER SCHMITT: -- if it's a CDD.

MR. YOVANOVICH: You're right, but, theoretically and technically --

COMMISSIONER SCHMITT: Yeah, I know, theoretically.

MR. YOVANOVICH: -- they can't stop anybody from going in.

COMMISSIONER SCHMITT: Yeah, correct.

CHAIRMAN FRYER: It's a little known fact, by the way.

COMMISSIONER SCHMITT: Little known fact. Very familiar with it, though.

MR. MULHERE: So the Brightshore Village SRA includes 46.7 acres of active and passive parks, community green space. This includes the neighborhood and general amenity center; 31.7, as discussed, would be in the form of a community park; 15 acres of amenity center sites.

The requirement is 1 percent or 6.8 acres, so we significantly exceed that. There's 121.2 acres of lakes located internal to the development along the perimeter. The linear park will include -- and, Mr. Schmitt, you had asked this question -- will include a 12-foot pathway, so, yeah.

COMMISSIONER SCHMITT: Okay.

MR. MULHERE: So the village is served by Collier County Water and Sewer, has direct access to Immokalee Road, and will be Dark Sky compliant, the outdoor lighting, designed to protect nighttime environment, conserve energy, enhance safety and security.

This exhibit shows the -- again, the linear park, the pedestrian connections. There's actually, I think, a slightly better exhibit to show you the interconnection and multimodal transportation design on this project, and I'll get to that in just a second.

These are just some elements from the NRI assessment. The entire project is located, as Rich said, within the pink area or the open land. It's been in agricultural use for over 50 years. We don't encroach on any WRAs, HSAs, or FSAs. It's not located within the Area of Critical State Concern. There were no panther telemetry points within the SRA.

And this is probably the most significant; there are no NRI scores under the baseline conditions, which were established when this program was developed, exceeding 1.2, but we are also required through the NRI process to revisit that. And while the NRI score, at least in one location, increased through this more recent environmental assessment, it increased to 0.6. There still are no current NRI scores exceeding 1.2. 1.2 is the baseline. If you were exceeding 1.2, that land has to be protected within the SRA. If below that, it's not significant.

Also, the perimeter lake, as I mentioned briefly, is proposed to be a buffer between the SRA and the adjacent natural areas and a deterrent to wildlife.

As part of our human/wildlife coexistence plan, we'll be providing educational materials to commercial tenants, residents, guests. We'll be using bear-resistant trash cans throughout the SRA. As I said, we'll have full cutoff lighting incorporated into the project design. And there are management plans for the Eastern Indigo snake, American alligator, crested caracara, listed wading birds, of which there are several, Southeastern American kestrel, the Florida bonneted bat, the Florida black bear, and the Florida panther.

CHAIRMAN FRYER: Mr. Mulhere, where did these bullet points show up in the ordinance documents or the agreement?

MR. MULHERE: I will look here and --

MR. YOVANOVICH: It's all within the environmental assessment that was provided to the county as part of the petition.

MR. MULHERE: And which is part of the ordinance.

CHAIRMAN FRYER: That's what I wanted to hear. Which part of it is it, just for the record?

MR. MULHERE: It's an attachment -- the NRI -- the NRI is attached to the ordinance, the Natural Resource Index.

CHAIRMAN FRYER: One of the exhibits to the ordinance?

MR. MULHERE: Yes.

CHAIRMAN FRYER: Do we know which one, staff?

MR. MULHERE: I'd have to look it up.

MR. YOVANOVICH: I'll look it up in the meantime. Some of it also is in -- on Page 14 of 17 of the SRA document as well. But I'll look at the resolution to get you the exact attachment.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: For clarity as well, all those management plans will be clearly defined as part of the permitting process, the federal permitting process, whether you go through Section 404 of the Clean Water Act, 401, water-quality certification through the South Florida Water Management District, they're still going to have opinions from U.S. Fish and Wildlife and all these specifications as far as management plans will be clearly articulated in the permit, the approved permit, when you go through the permit process.

CHAIRMAN FRYER: And it may be more restrictive, too.

COMMISSIONER SCHMITT: It may be more restrictive, yes.

Now, for the Florida bonneted bat, there's a statewide study that is in force through the Fish and Wildlife, so it's -- but all this will be clearly articulated.

MR. MULHERE: Under transportation, I do want to put on the record that the SRA document identifies a slightly different number. The trip cap -- and I confirmed this with Norm -- the trip cap shall not exceed 1,761 two-way p.m. peak-hour net trips. The document identifies 1,764. So this is actually lower than what the document -- by three trips. We will correct that in the document. But the trip count is 1,761 two-way p.m. peak-hour net trips.

CHAIRMAN FRYER: And that will be in the developer commitments?

MR. MULHERE: It is, yes.

CHAIRMAN FRYER: The correct number is --

MR. MULHERE: It's just that I've got to correct it from 1,764 to 1,761, three fewer trips.

CHAIRMAN FRYER: The developer commitments that are going to be before us this afternoon have the 61 number or the 64 number?

MR. MULHERE: They have 64. It's got to be corrected to the 61. I'm sorry.

CHAIRMAN FRYER: Okay, all right.

MR. MULHERE: As I mentioned, there are 5-foot sidewalks on both sides of the road or a 12-foot multiuse pathway on one side. We have the perimeter linear park, which includes a 12-foot pathway. There are pedestrian connections to the perimeter park. There will be a transit or park-and-ride area located within the village center. As we work through this process, we'll coordinate with transportation staff for that. At SDP, the connections will be made between modes of transportation, which are identified on the master plan, for connectivity, inter-connectivity. Golf carts are permitted on the multiuse pathways except in the perimeter park.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Concerning golf carts -- and I've flagged that also in the staff report -- typically, in the past, the Board has been very restrictive, in public roads, use of golf carts. If these are golf carts, these are golf carts that are fully compliant with being able to drive on the road, meaning they have the lights, they're fully insured, licensed golf carts. These are not simply just electric carts that you can hop in and drive around the community. They have to be typically -- unless this is a private community with private golf cart paths, if these are -- you're going to be using golf carts on the roadway, don't they have to be licensed, headlights, taillights, mirror, and insured?

CHAIRMAN FRYER: Street legal.

COMMISSIONER SCHMITT: Street legal.

MR. TREBILCOCK: For the record, Norm Trebilcock.

COMMISSIONER SCHMITT: Yeah.

MR. TREBILCOCK: Professional engineer, certified planner.

So the -- and I was involved in the Ave Maria designation.

COMMISSIONER SCHMITT: Sure.

MR. TREBILCOCK: But you're correct, so the Board can designate golf cart usage. But in that case it can be regular golf carts in those instances that it can be designated, as long as it's under a certain speed, those kind of things, in traffic -- traffic conditions, so it can be. But otherwise, as you stated is correct, the street legal golf carts are street legal and can be used on any street under 35 miles per hour as such.

COMMISSIONER SCHMITT: So when you have the bullet here, golf carts permitted on 12-foot multiuse paths, there will be paths that you can use a standard non-street-legal golf cart.

MR. TREBILCOCK: Yes, sir; yes, sir.

COMMISSIONER SCHMITT: But they will not -- it's not going to be shared with public roads or street traffic. These are paths; these are separate golf cart paths?

MR. TREBILCOCK: Right. Anything that would be on a public street would need to have a Board approval for such, you're right, yes.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: So on that issue, I'm a little confused, and so I guess I'll do what I always do: I'll ask a bunch of questions until I feel like I understand, even if you've already said it. So I apologize.

So the streets are going to allow the golf carts; that's your proposal?

MR. MULHERE: They may.

MR. TREBILCOCK: Yes, sir, that would be --

COMMISSIONER KLUCIK: I mean, because logically -- logically, these people are going to be parking in the garage and traversing the roads to go to the path or wherever.

MR. TREBILCOCK: Exactly, yes, sir.

COMMISSIONER KLUCIK: Okay. That's the plan?

MR. TREBILCOCK: Yes, sir.

COMMISSIONER KLUCIK: And those have to be street legal. They don't have to be licensed, correct?

CHAIRMAN FRYER: No. Street legal means being --

MR. TREBILCOCK: Street legal is licensed.

COMMISSIONER KLUCIK: Well, in Ave Maria none of the golf carts are licensed.

MR. TREBILCOCK: Correct. So the Board -- the Board made a designation to allow golf carts that are not LS -- you know, the street-legal-type golf carts to be used on any of the streets within Ave Maria.

COMMISSIONER KLUCIK: Okay. So, then, that's a distinction.

MR. TREBILCOCK: By ordinance.

COMMISSIONER KLUCIK: Okay. So that's why I asked. And then do the operators also, to operate that, do you have to have a license?

MR. TREBILCOCK: Technically, no. There's a certain minimum age, and in the case of, like, Ave Maria, I believe the Board designated a slightly higher age. And I think they may have designated, I believe, potentially a learner's permit, but that's just a higher standard. But per state statute, I believe it's age 14 which, you know, you can't get a driver's permit.

COMMISSIONER KLUCIK: And is that anything that can be changed, or is that -- you know, the state statute restricts? The only reason I say that is because it's kind of craziness in Ave Maria with people driving all over that shouldn't be driving, excluding [sic] children.

CHAIRMAN FRYER: Further to that question, when you say "Board," are you talking about the BCC?

MR. TREBILCOCK: Yes, sir; yes, sir. So the Board can make a designation and make, basically, higher standards is what --

COMMISSIONER KLUCIK: Right. So the Board could impose a requirement that they have a license?

MR. TREBILCOCK: Yes, sir; yes, sir.

COMMISSIONER KLUCIK: Or at least -- or at least a permit?

MR. TREBILCOCK: Correct, a separate action, but yes, sir, exactly.

COMMISSIONER KLUCIK: And all I would say is I'm not -- obviously, I'm not voting on this, but that continues. It's a vexing -- vexatious problem in Ave Maria, the fact that there's just golf carts everywhere. And even if you could get adults to be reasonable on them, you know, certainly you can't expect 13- and 14-year-olds -- now, I'm sure I think there's a minimum age, but people who aren't the minimum age, because there's no licensing requirement, it's very easy for no one to really care, and then the law enforcement doesn't come in because they're not really concerned about it, and then there's really no mechanism to crack down on, you know, violations. And that's all I'm saying is it's a huge problem.

And if we were going to address it, now would be the time.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER KLUCIK: I would just ask if you -- do you not agree that it continues to be a problem in Ave Maria?

CHAIRMAN FRYER: If you know.

COMMISSIONER KLUCIK: I'm asking you, Norm.

COMMISSIONER SCHMITT: He will not commit.

MR. TREBILCOCK: I mean, it's --

COMMISSIONER KLUCIK: Have you heard lots of complaints that that continues to be a problem whether you agree or not?

MR. TREBILCOCK: It can be an issue.

COMMISSIONER KLUCIK: No, no. I asked a real specific question. Are you aware of repeated and numerous complaints over the years from residents that that continues to be a problem? And if you can't answer that with a yes, then I don't give much credibility to anything you say.

MR. TREBILCOCK: Boy, that doesn't put me in a corner, does it?

COMMISSIONER KLUCIK: Well, it does, because you either aren't paying attention or, you know -- or you're just going to say whatever you think will, you know, help the petition. And, obviously, I'm a little annoyed now, and I apologize. I understand. That's not fair. So I'll back down.

I would appreciate -- it seems as though it would be very difficult to not acknowledge that there are always complaints about this, and it continues to be an issue.

MR. TREBILCOCK: The golf carts are a challenge. They're a challenge in Ave Maria. They're a challenge in any community. The community that I live in the golf carts are a challenge with people. But it isn't necessarily because of lack of regulation. Sometimes it's a lack of enforcement. You know, that's the big thing with traffic calming in general. You know, engineering enforcement.

And so in the case of Ave, you know, there was a reasonable designation. It was elevated to a higher standard, I believe, to have a requirement for driver's permit. So then it really just becomes an enforcement of the driver's permit or whether the folks look the other way.

(Simultaneous crosstalk.)

MR. TREBILCOCK: I'm just not the person receiving the calls every day. So that's why I couldn't answer that question to your --

COMMISSIONER KLUCIK: There's not a mechanism to enforce it, which is what I said; that the people responsible or that could enforce it, which is the law enforcement, aren't willing to because, you know, they don't have the resources. So it continues to be a problem.

MR. TREBILCOCK: Sure.

COMMISSIONER KLUCIK: And I think you are aware of that, right? You know, the idea that we put a plan in place and that they were hopeful that it could work, no one doubts that. The issue is is that as a practical matter it becomes very difficult because there is not an enforcement mechanism.

MR. YOVANOVICH: Just to be fair to Mr. Trebilcock, he's not the person who receives complaints about that issue. That's why he's not -- he can't answer your question. Others may, Mr. Klucik, be hearing those, but Mr. Trebilcock himself can only tell you about his professional experience. He can't talk specifically about Ave Maria.

COMMISSIONER KLUCIK: Well, yeah. No, but I do think his name gets mentioned a lot during our board meetings, you know, as I sit on the board out there, as you know, and I'm assuming they're not mentioning his name -- that they're mentioning his name because they've consulted him and that, you know -- or certainly his team, and so he does become aware of these issues.

And I obviously apologized for my tone. But I certainly don't apologize for the essence of my question and the essence of the idea that it's -- you know, it seems as though -- obviously, I've made my point. I've overstated my point. I apologize to my colleagues as well --

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER KLUCIK: -- and to Joe, who I cut off, and --

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Norm, you probably don't know, but I'll ask John English.

John, are the roadways going to be marked for cart paths and for vehicular traffic? I'm thinking the carts on the major thoroughfares through the community. So will there be pavement markings to indicate cart --

MR. ENGLISH: Sure, sure. The general layout is we're going to have 12-foot-wide pathways up front outside the gates, and then we're going to -- the 12-foot path will take you back to the entrance to the residential pods. And I believe there will be golf cart striping designations throughout.

COMMISSIONER SCHMITT: Well, I'm going to propose, then, that we identify, because CDD cannot enforce traffic. That's not their -- that's not their job. They -- CDD basically is a -- even if you have a CDD board, they're responsible for maintaining the infrastructure.

But you can have a master association. You can have a master foundation. And the rules and regulations of those associations can clearly identify the requirements for licensing of carts and, technically, they can even have a fining committee to render fines to persons identified as violating the foundation rules. That is legal.

And I would propose that we have clear language to stipulate that it's up to the foundation or master association, or whatever they're going to have out there, that they are responsible for enforcing the rules and regulations and restrictions as identified by the community, because I would expect that the foundation is going to develop the rules and regulations, that they would have to enforce it.

And I leave it up to Mr. Yovanovich, legally, if you're going to prepare language, but I believe we need to specify that the enforcement of the rules and regulations, if there are going to be golf carts and there's going to be shared paths, that it's clearly identified who will be the enforcement arm to make sure that we don't have, I think, what I'm hearing is chaos out in Ave Maria.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. And I guess I would ask, you know, whoever wants to speak on behalf of this, but, you know, could you speak to this issue? Because it is a vexing issue in Ave Maria, and it seems as though, you know, now is the time to fix it, to address it, and it doesn't seem as though that's in place right now. And I understand I might be totally misunderstanding, you know, what you're -- the design is, or it might be too early, but I don't think -- if we're going to nip it in the bud, it would be now. It wouldn't be after the

fact. And so what do you think works? Do you think there's not an issue? You know, I just want to hear a response.

MR. YOVANOVICH: I personally don't know about Ave Maria. I'm more focused on this project right now. And if there's a concern about --

COMMISSIONER KLUCIK: This isn't -- my question has nothing to do with Ave Maria except as an example of very similar circumstances.

MR. YOVANOVICH: I understand, Mr. Klucik. I understand your perspective about golf carts. I live in a neighborhood, too, where people drive golf carts, and I question why some parents would allow their young children to do that, but I can't stop them from making what I think are bad decisions.

I'm not prepared to propose who right now will be responsible for enforcing age restrictions should age restrictions be placed on the use of golf carts. I'm just not ready to answer that question. I have to think about it.

COMMISSIONER KLUCIK: How about insurance?

MR. YOVANOVICH: Insurance?

COMMISSIONER KLUCIK: Yeah, because we have the HOAs require insurance, I believe, but then they don't have a mechanism by which to enforce it.

MR. YOVANOVICH: I'm just saying, I'm not in a position right now to address that issue. I'll have to think about it. And, you know, we'll respond appropriately back to the Board of County Commissioners.

I think there are regulations in place that already govern this. The question becomes, how do we make sure it's enforced, and I'm not prepared to give it to the foundation. I'm not prepared to answer that question, the enforcement question, today. I think it's a good concept to allow people to use golf carts instead of driving in their cars. So we just need to -- maybe it's through education, that we be required to provide education to everybody in the community that this is the minimum age that you have to be to operate the cart. And, otherwise, personally, if there's an age requirement and your son or daughter is under that age and they hurt someone in my family, I'm coming after you, okay. So I think there's an enforcement mechanism through the fact that if someone gets hurt, there's enough personal injury lawyers out there to make it very expensive for people. I don't know --

CHAIRMAN FRYER: Why don't we say this: Mr. Yovanovich, perhaps consult with your client and see if there's something that you could give on and, whether you do or you don't, this may turn into a condition that is brought up at the end. Is that reasonable?

MR. YOVANOVICH: Sure. I'll try to figure out if I can solve that problem in the next five minutes.

CHAIRMAN FRYER: Well, you may or may not. We'll see.

Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Thank you.

Looking at it from strictly a safety point, going to my own personal experience in Naples Reserve, golf carts can be questioned as far as, do I drive on the sidewalk? Do I drive on the street? And I believe if I understood correctly in the previous slides, or two back, there were both opportunities that could just turn a mountain into a molehill as far as a -- a molehill into a mountain, sorry about that, to where can I drive? Is it okay in this part of the community to drive on the street, on the 12-foot pathway, whatever? If there is a way to look at other similar communities and what has worked well for them, what hasn't, and possibly make it legalized street-legal golf carts are only allowed and required on the streets so there's

no confusion that may end up putting all of this into an easier digestible plan. Safety, obviously, being first.

MR. TREBILCOCK: Yeah. So to your point, yes, exactly. That's -- you know, there are differences in a community such as Ave Maria that does have some what I call higher-speed roadways and has higher speeds, and that caused, in the analysis, to have different locations for the golf carts and stuff; whereas, this really is a preplanning based on a lower-speed environment and, as such, then the design will be to have these designated areas and then other areas where you'll do on street. As John mentioned, what they do is then they'll designate it in the design and reflect that. And so it will be clearer, more up front to folks.

Ave, you know, is a well preplanned community, but it does have higher-speed streets. It has these 45-mile-per-hour-speed streets. And we did speed studies, and they actually, in fact, have higher speeds than that on those streets, and that was the key reason to say, hey, the golf carts really can't belong on these streets anymore. They need to be separated for that reason, because you have that differential speed that creates a safety issue between a lower-speed golf cart and a high-speed vehicle.

But to your point, exactly, this can be preplanned and designed to have those designated areas so that they can both work harmoniously. But you need the rules, as you said, and then Rich said, to be able to enforce those.

COMMISSIONER SPARRAZZA: Correct. And if at all possible, maybe those rules are started from the get-go by the current board of directors at this community, because once those rules are set in place by the governing board from the developer before it goes into turnover, those rules, then, are adhered to by the folks moving in, and it just makes it easier. So start off the right way with the localized board of directors setting up those procedures, and it could be much safer for everybody. Maybe that's a recommendation --

MR. TREBILCOCK: Yes, sir.

COMMISSIONER SPARRAZZA: -- by the developer.

MR. TREBILCOCK: Exactly. And, again, it can be preplanned where you do have, then, the public streets have to have Board approval of those as well, just per state statute.

COMMISSIONER SPARRAZZA: Right.

MR. TREBILCOCK: And it is -- the state statutes do designate certain minimum widths of sidewalks before a golf cart can be on it. I believe a minimum of seven foot before you can have a golf cart on it. And then it's to really, then, educate the folks on that as well because, you know, again, in my own community, I see violations of that as well, just like you're talking about in Naples Reserve where you get that. And the key is it's education as well.

COMMISSIONER SPARRAZZA: Wonderful. Thank you for your time.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. I was just going to bring an example. In Fiddler's Creek, pervasive problem with speeding and people running stop signs. I guess they're just a suggestion. I don't know. I find it amazing.

But we used to have the county sheriff or the Sheriff's Department, a deputy sheriff come in and enforce it but, quite honestly, they're stretched. Made it very clear in the foundation rules, and they developed a fining committee, and then that fining committee is legally authorized to issue fines, the committee. It's a committee made of citizens of the community to fine residents who are in violation of the rules of the foundation. So there are



mechanisms to do that. It was challenged and, basically, found to be legally upheld that the foundation does have the authority to enforce the rules.

CHAIRMAN FRYER: It becomes a covenant in the declaration.

COMMISSIONER SCHMITT: It becomes a covenant in the declaration, correct.

CHAIRMAN FRYER: Thank you, Commissioner Klucik.

COMMISSIONER KLUCIK: And I would just say I certainly say golf carts benefit a community like this, and so I -- but I also am keenly aware of, you know, the failure, you know, in the planning of -- not in, you know, having good ideas, but the failure in figuring out how the -- you know, the mechanism of enforcement. That's what I'm stressing.

Again, I will apologize again, because I do feel bad that I was so assertive or aggressive in my --

COMMISSIONER SCHMITT: They brought up golf carts.

COMMISSIONER KLUCIK: -- phrasing. But what I would say is, it's not -- it's not easy, and so I -- but it also isn't -- I don't think it's terribly difficult. You just need to prioritize it and figure out, you know, what you could propose. And I certainly don't want to dictate, you know, measures to you, but I don't want you to overlook it either. And since this is a -- you know, this is something that can be -- you know, that can be made -- included at this stage, I just -- I can't imagine why you wouldn't want to do it to make it easier for the people that are going to live there to keep their streets from being annoying and dangerous sometimes.

MR. TREBILCOCK: Yes, sir. It makes sense.

CHAIRMAN FRYER: Thank you.

Mr. Mulhere?

MR. MULHERE: This was just a typical cross-section of a local street, and you can see that it shows the one example on the left of the 5-foot sidewalk. I think, notably, there is a green space that is landscaped between the travel lanes and the sidewalk on both examples, on the left and on the right where we have a 12-foot pathway. But you can see there is a green space here and here which separates the travel lanes from the -- from the sidewalks or pathways.

We're required to do an economic assessment, and the county reviews that, and they also have a third-party reviewer. And the net fiscal impact of the economic assessment is that we are fiscally neutral. And this slide lists the areas -- the specific areas within which that special assessment was both conducted, and then the neutral determination, including Collier County schools, general funding for capital, water, wastewater, stormwater, irrigation, solid waste.

And I'm going to turn it over to Rich now.

CHAIRMAN FRYER: Well, before you do that, I've got some questions about the economic analysis.

MR. MULHERE: Okay.

CHAIRMAN FRYER: Do you want to be the one, or do you want Mr. Yovanovich to?

MR. MULHERE: I think we also have Lucy.

MR. YOVANOVICH: Lucy's on the line, too.

CHAIRMAN FRYER: These questions are, in my mind, of long standing. They go back to previous villages and the calculations that have been used, and I remain concerned about them.

It seems as though the persons-per-household figure is derived from a 2016 Collier County EMS impact fee study going back, as I say, to 2016, which is six years ago, and those numbers were really quite low, if memory serves. For everything but single-family detached it was 1.05 persons per household, and then single-family attached it was 2.21, I believe, with higher numbers showing for in season. However, the United States Census published its numbers in April of 2021, and those numbers were subscribed and endorsed by the University of Florida Bureau of Economic and Business Research, BEBR, and that number comes in at 2.35.

Now, in Table 20 of the economic analysis, which is found on Page 22 of that document, for single-family detached, a so-called functional population coefficient of 1.81 was used. I did not find an explanation of what that amounts to. But in my conversations with staff about this yesterday, it seemed to us all that that is the equivalent of persons per household. And I find that -- I find that difficult to accept and to subscribe to in view of the more recent numbers.

Now, I understand that an argument can be made that the EMS numbers remain in effect even though I think most people acknowledge that they are stale, but they do remain a standard which is acceptable to the county, at least to county staff. But we are planners, and we need to look at reality, I think, rather than relying on stale numbers.

And so in my judgment, you've got a PPH that is really quite low and, as you know, the consequences of a low PPH means an underestimation of the extent to which infrastructure and services are going to be consumed. In other words, more persons per household, that household is going to provide, potentially, a greater demand on infrastructure.

So in order to arrive at fiscal neutrality, what we have seen is consultants coming in under the numbers that have been offered by BEBR and by the U.S. Census. And interestingly, other consultants, when they are arguing in favor of commercial developments, in order to justify more square footage of commercial activity, come in with higher numbers which, to me, is challenging, because I think persons per household is what it is whether you're advocating for a commercial or residential development. So that is a concern I have.

Now, before I ask for the consultant to reply, I want to say that I had a very good and informative -- at least I was well informed -- meeting with staff yesterday, and primarily with Mr. Bosi, who makes a strong case that this is a very good development; that this village is very good. And I would agree with him in many ways because, compared to other developments in the past, other villages, this one really does seem to embrace smart growth.

It's more tightly configured. There's more walkability. It just -- it looks so much better to me on those -- on those criteria. And I think -- I think staff is coming to the point of view that perhaps other factors that haven't even been addressed in the economic analysis managed to carry this over the goal line. And at the proper time when staff is called upon to speak, I'm going to ask Mr. Bosi to give a bit of a redux of the presentation that he gave me yesterday, because it helped me get over this.

But at this point I am concerned, and I do believe that the PPH numbers are understated, and I don't think there's been an adequate explanation of why there was no account given to BEBR and to the U.S. Census, and so that's my concern.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir, Commissioner Klucik.

COMMISSIONER KLUCIK: Regarding that, then what do you think is the -- you know, if, in fact, that is an accurate assessment, what is the impact on the petition and, you

know, what is it that your concern is, if that's the case?

CHAIRMAN FRYER: Yeah. My concern is is that if persons per household has been underestimated, then you can get to the fiscal neutrality conclusion by saying that there's going to be less of a demand upon infrastructure and services because there are fewer people in each household. Conversely, if you acknowledge -- and even the county EMS study says it's 2.65 persons per household for single-family detached in season.

COMMISSIONER KLUCIK: If they plugged in the number that you think is more accurate, would the fiscal neutrality, then, not be achieved?

CHAIRMAN FRYER: Well, I don't know, but the problem is is that we can't allow ourselves to be in a position of not knowing, because the applicant has the burden of proving by competent substantial evidence the essential points of this, including fiscal neutrality. So the fact that I don't know is --

COMMISSIONER KLUCIK: Yeah. No, no. I'm just trying to figure out if there's a way that we could plug in the numbers that you think are accurate, and maybe we can find out right away that it either is or is not. You know, because if it's -- if you plug those numbers in and it meets the fiscal neutrality, then it's an issue that we should deal with, but it doesn't necessarily impact this petition negatively.

CHAIRMAN FRYER: Very good point. Let me -- let me respond to it.

This goes back to a time before you were on the Planning Commission when Mark Strain was the chairman, and he and I and perhaps others on the Planning Commission at that time asked DPFPG, this consultant, if they would open up the spreadsheets so that we could plug in our own numbers and see how that changed resulting -- how that affected fiscal neutrality, and we were informed that that was not going to be permitted because it was proprietary, and so the matter died with that.

MR. YOVANOVICH: Let me -- when is it my turn?

CHAIRMAN FRYER: Right now.

MR. YOVANOVICH: I'll deal with that point first and then work my way backwards, and then I'll let Lucy actually talk about the actual study.

What we said to Mr. Strain at the time was we'll sit down with you. Tell us what numbers you want to put in. We'll plug them in, and we'll run them. We will not give you a model that you could jump in and plug in whatever you want to come up with whatever result you may want to come up with. We wanted to control how the model was actually being used with the numbers that Mr. Strain wanted to put in. He didn't want to live with that constraint, so that's how that issue resolved itself. We never said you cannot plug numbers into the model.

Second of all -- and I'm trying to find the actual LDC provision. But the county has to review and approve our methodology before we even go forward with doing the economic analysis. The methodology was reviewed and approved, and it was reviewed by Jacobs Group -- I think that's their correct name. I know he's Jacob, so I don't know if it's Jacobs Group -- as a peer review, and they found that the assumptions in our analysis were appropriate.

There's probably a bunch of different ways to look at economic analyses. But the analysis that we went through has been used for several villages, has been reviewed and approved by county staff, and that's the requirement in the code, and that's what we've done. So the analysis has come back to say we are fiscally neutral, and that's the requirement. We have to get approval by county staff.

But I'll let Lucy get into the questions you have about what impact, if any, changing the persons per household may have on the conclusion, but we followed the prescribed rules for the economic analysis, and until the county adopts a different methodology, we can't be subjected to someone else's on this board's desires to look at it a different way, with no disrespect. But there's a methodology, it was approved, and we applied it, and it's been applied and tested by an independent review on multiple occasions.

And with that, I'll turn it over to Lucy, because I don't know the specifics about persons per households and all the different studies, but it's used from an impact fee analysis that is determined to -- that is used to determine impact on infrastructure.

CHAIRMAN FRYER: Okay. Before you do that, I'm going to call on Commissioner Vernon.

COMMISSIONER VERNON: Yeah. And this may not be the appropriate time to sort of raise this. Maybe we should hear from Lucy first, because I don't want to cut off your ability to address what I think is a great point you're making, Mr. Chairman.

That even though, as Mr. Yovanovich stated, he's doing it legally and correctly, the underlying premise for doing it is what you believe to be, and it probably is, outdated data that still happens to be in the system, and eventually we need to get away from that. But my feeling is, the question you're raising is more of a going-forward big-picture issue that's going to come up again and again, and maybe there's some way we could address it rather than it being an issue for today.

Again, I don't want to cut off whoever wants to explore it on the Board for as long as -- but I'm saying, I'm not sure it's -- I think it's a super important issue, and my solution would be to see if -- whether we can use it as a determinative thing -- in other words, it's not what we legally rely on to make our decisions, but I would think that we could make some kind of a rule or protocol that we ask either staff to come up with the procedure you're using with -- and hopefully not -- without a lot of work, because I know you guys are busy, or there's probably a legal way we can ask applicants to do this in the manner -- we come up with a protocol we think is more appropriate, and we don't necessarily legally rely on it, but I think it would be helpful in our decision making, especially if I said -- you know, at some point they're probably going to recognize that what's being relied on right now is obsolete.

So I think we ought to explore that at some point, whether today or at another point, to come up with a system so that you don't have to do those yourself, and either the staff is doing that analysis using your presumptions based on what sounds like a lot of research, or if we can legally do it, require the applicant to present that.

CHAIRMAN FRYER: Thank you.

And before we go to Ms. Gallo, just a quick question for Mr. Bosi following the discussion we had yesterday.

And a short answer is sufficient unless you believe a longer one is necessary. But it's true, is it not, that the higher the persons-per-household figure that is used, the more of a drain there is -- more utilization there is of infrastructure?

MR. BOSI: That follows basic logic, yes.

CHAIRMAN FRYER: Okay. Thank you.

MR. BOSI: The more people would be the more taxation upon an infrastructure that would be experienced at a local level.

CHAIRMAN FRYER: Thank you, all right.

Mr. Yovanovich.

MR. YOVANOVICH: Well, I'll -- you know, again, the actual language in the code -- because I agree with Mr. Vernon, if you want to change the rules going forward, that's fine. Let's come up with a model that everybody agrees is the right way to measure fiscal neutrality. But what it says in the code, it says, if Collier County has not adopted a fiscal impact model as indicated, which it has not, the applicant may develop an alternative fiscal impact model using a methodology approved by Collier County.

That is exactly what we've done, and we've done it on every village to this point, a methodology approved by the county. If the county wants to come up with its methodology -- and I'm not saying it shouldn't, but that's perspective. We can't be asked to try to figure out what is it that might make one planning commissioner feel that it's an appropriate analysis versus another. But it's got to be going forward. Because we've met the code; it's a methodology approved by the county. I don't know if there's any significant impact. That's for Lucy to talk about. I had a brief conversation with Mr. Bosi about she used a number assuming there were no vacancies, so maybe her number actually is closer to the other number that assumes a portion of vacancies. But I'll let --

Lucy, are you on the line?

MS. GALLO: I sure am.

MR. YOVANOVICH: I'll let you take over on the specifics at this point.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: I guess I would just say that I think this issue has come up. You know, I think it came up, you know, since I've been on the Board as well, and I don't think it's fair for us out of our -- you know, anyone's dissatisfaction on this Board to not allow the, you know, petitioners to come forward based on the standard that exists. I just don't -- I don't understand how we can think that's a fair way to proceed, and I don't think it's on the petitioner. It's not the petitioner's burden to get around our concerns.

We have the -- you know, us and then, obviously, the County Commissioners, if they want to impose some other standard, that's what needs to be done. And to have us make it seem like we're not quite sure what the standard is, and we'll tell you what we think the standard is now because we like this source, I don't think that's how government works, and I don't think that's how government should work. And if it does work that way, I think that's a real problem, because I don't think that provides due process and fairness to petitioners.

CHAIRMAN FRYER: I don't disagree with everything you said.

Some of what you said I agree with, but by -- I'll finish up, and then I'm going to call on the people who are waiting.

My concern is to have made this record, perhaps for the future, because I believe that if we represent anybody at all up here, other than just ourselves, it's the taxpayers and residents of Collier County. And if you allow a project to go forward on the grounds that it has been claimed to be fiscally neutral and it's really not fiscally neutral, it's the taxpayers who are going to end up footing the bill for the difference.

COMMISSIONER KLUCIK: And I'm certainly not opposed at all to establishing some other standard. I just think we can't do it in the midst of the petition. I just don't think that's appropriate. And I think you've already agreed on principle that that's a good point to make, and I don't know what the solution looks like, but...

CHAIRMAN FRYER: Okay. Commissioner Shea.

COMMISSIONER SHEA: So just to be clear -- because I have the same concern that

you're raising -- impact fees are based on dwelling units, right, not number of people? But the impact on the system is based on the number of people. To me, this is -- and that's the point everybody's making is a huge difference if it's one or two in the analysis. So to me, it's not the model; it's the assumptions that we've put in the model and the accuracy of the data. What -- I'm more worried, as you are, is that we're using the right data. We're not necessarily saying it's the wrong model. We're just saying it's got the wrong assumptions in it.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. As a matter of a legal analysis, I don't think that -- and I agree with what Robb said about this has come up before, and that's the reason I talked as much as I did about this. If it keeps coming up, it's something we need to solve as a recurring problem.

I also agree with Robb that I think it's more forward thinking. It's not really dealing with the application today. But just to clarify, from what you said, Robb, I am not suggesting as a lawyer -- as a trained lawyer I'm not suggesting we change the legal standard. The legal standard is the legal standard. I think, in the future, they'll present exactly as they're required to, which they are doing today.

What I'm saying is I think the more information you have, typically -- not always, but typically the more information you have, the better decisions you make. And as a quasi-judicial entity, I think it would be super helpful if we had the type of analysis that our chairman just did before us to consider along with all the other evidence, and that does not become the standard we rely on but, rather, becomes additional information, and I think that information should be provided to us once we agree on what it is by the applicant or the staff, depending on the burdens and the legalities of that. So that's -- I just wanted to clarify what I'm suggesting.

CHAIRMAN FRYER: Thank you. I'm looking at the clock -- quickly, yeah.

COMMISSIONER SHEA: Can I? When you say "legal standard," using 1 person or 1.05 person, that's not part of the legal standard. The legal standard is an approved model. It's an assumption that we have to get into with staff as to what is representative of the number of people per household we want to use in the neutrality analysis.

MR. YOVANOVICH: I think -- if I may. Over here.

CHAIRMAN FRYER: I'm going to have to cut you off, because we need to have a court reporter break, and we'll resume this discussion as soon as we return.

COMMISSIONER VERNON: Can I say one more --

CHAIRMAN FRYER: Quickly.

COMMISSIONER VERNON: Completely off point. But I believe in the break you're going to take a look at CO level for completing the park walkway, and during the break, I assume you're going to attempt to address our multiple concerns about the golf cart problem, and I would also like you to see if you can come up with a minimum parking spaces for the park, public parking spaces, so that the park, which is open to the public, is public friendly. You understand what I'm asking?

MR. YOVANOVICH: I do.

COMMISSIONER VERNON: Okay. Thank you.

CHAIRMAN FRYER: Okay, good. And with that, we will take -- and since we're asking the applicant to check with his client on some things, we'll give a little bit more time than we usually do. We'll go to 15 minutes. Fifteen and 35 is 50, so we'll stand in recess until 10:50.

(A brief recess was had from 10:35 a.m. to 10:50 a.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's return.

Mr. Yovanovich, go ahead.

MR. YOVANOVICH: Do you want to hear from Ms. Gallo, or are we -- have we come to the consensus that this is something that needs to be dealt with prospectively or currently with this petition?

CHAIRMAN FRYER: Well, let me -- let me say this: Why don't we reserve -- why don't you reserve the right to bring her back on rebuttal, because I had a very good conversation with staff yesterday, and I am not necessarily leaning against this project.

So why don't you hold onto her in the interest of time, and if you want to bring her back, you can.

COMMISSIONER SHEA: Is staff going to talk about this more, because I'm not --

CHAIRMAN FRYER: Yeah, I'm going to --

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: I'm going to encourage Mr. Bosi to outline some -- frankly, some benefits that he finds in this project, not only as compared to previous villages that have been before us, but also things that didn't necessarily make their way into the economic analysis. And I place a lot of faith in our staff and Mr. Bosi and his team, and so I want all of us to hear that. And then if it seems as though we want to hear from Ms. Gallo again -- I feel like I've made the record I wanted to make.

COMMISSIONER SHEA: But we're making a lot of assumptions based on a number that we see, and we're getting upset, but nobody's calming us down with an answer. That's what I'm looking for.

CHAIRMAN FRYER: Well -- and for that reason we very well may want to hear from Ms. Gallo and -- would you like to hear from her now, or do you want to --

COMMISSIONER SHEA: Well, the issue that you initially brought up is the 1.05. I mean, I look at single-family homes. I don't care whether -- I mean, impact on the community is based on the size of the house. It's not based on whether it's occupied all the time. That's what the actual impact is. But when you said an impact analysis can do that, to me an impact fee rate should be based on the impact of the number of people in the home, and that's a very critical number in the neutrality calculation.

CHAIRMAN FRYER: Absolutely and, also, attention needs to be given to the U.S. Census and the BEBR number. But I think what we're going to hear again from Mr. Yovanovich and Ms. Gallo, and correct me if I'm wrong, but their point is that they've done it along the lines as has been prescribed by the county.

COMMISSIONER SHEA: But the county doesn't prescribe the assumptions. They provide the model. The county has accepted the 1.05?

MR. YOVANOVICH: They have accepted our study and the assumptions in our study.

COMMISSIONER SHEA: Okay. So we can wait for Mr. Bosi.

CHAIRMAN FRYER: Yeah. Let's hear from Mr. Bosi, and then we can decide, you know, whether we want to bring Ms. Gallo in, if that is all right with you, applicant?

MR. YOVANOVICH: That's fine with me.

CHAIRMAN FRYER: Okay. All right.

MR. YOVANOVICH: Do you want to hear from him now, or do you want to --

CHAIRMAN FRYER: Well, let's wait until you've finished your presentation.

MR. YOVANOVICH: Because I was going to answer the three questions I was tasked with.

CHAIRMAN FRYER: Oh, yeah, do that. Go with that, please.

MR. YOVANOVICH: Because I'm just happy I remembered all three.

The first one regarding when we will complete the linear park, we propose that it be completed by the 750th CO, which is a little over 30 -- a third of the project. So that's what we propose.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: At each -- each trailhead or park, as we showed you, we'll have a minimum of 20 parking spaces at each of those, minimum.

COMMISSIONER SCHMITT: How many?

MR. YOVANOVICH: Twenty. Minimum of 20. And then --

COMMISSIONER VERNON: So that's 40 total?

MR. YOVANOVICH: Well, it will be 20 at each. It could be more, but --

COMMISSIONER VERNON: Minimum of 40.

MR. YOVANOVICH: Yeah. Minimum of 20 at each.

COMMISSIONER VERNON: Got it.

CHAIRMAN FRYER: I was having trouble writing. Would you tell me the first point again; 30 percent of the COs.

MR. YOVANOVICH: No. We said 750 COs, which is 33 percent of the project.

CHAIRMAN FRYER: Seven fifty COs.

MR. YOVANOVICH: Right.

CHAIRMAN FRYER: Okay. Got it.

MR. YOVANOVICH: And then a minimum of 20 parking spaces at each of those two parks that are at the trailhead of the --

CHAIRMAN FRYER: Each of the trailheads?

MR. YOVANOVICH: Yeah. And then it gets a little trickier on the golf carts. What we propose is that we will -- we will develop an informational sheet to the residents to tell them how to properly operate the golf carts and how they will -- where they can actually drive them and where they can't drive them. That's the easy part. We'll do that. Now, the enforcement gets a little trickier. Obviously, on the -- you know what, let me go to -- on the HOA roads, we can have the HOAs be responsible for the enforcement of the rules and regulations. How seriously they take that, I don't know.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Yes, go ahead.

COMMISSIONER KLUCIK: Okay. So the HOA roads, I understand, would be within the HOA boundaries, but if they're funded by the district, they get deeded over to the -- your district.

MR. YOVANOVICH: The HOA roads will be enforced by the HOA.

COMMISSIONER KLUCIK: Well, no. But if they get deeded over to the district that funds them, then they don't have a method by which they -- they cease to, then, control the street because it becomes owned by the district.

COMMISSIONER SCHMITT: That's not correct.

MR. YOVANOVICH: And that's where it gets tricky.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: There still is a -- there are provisions in the law for



the foundation to enforce foundation rules. So whether you call it the foundation, the association, or other, they can, as I said, form a fining committee, and they can enforce the rules and assess a fine. Now, if the people who get fined want to take it to court, there's enough legal precedence to defend the action of the community to take action against those who violate the foundation rules. It's --

MR. YOVANOVICH: Since you know more about this area of the law than I do, I say to the extent permitted by law --

COMMISSIONER SCHMITT: Yeah.

MR. YOVANOVICH: -- the HOA will enforce rules on CDD roads if they're allowed to, but I've got to caveat it by "to the extent permitted by law."

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: Now -- on the main CDD roads -- and I think that's probably your major issues in Ave Maria -- we're all subject to the time that the Sheriff's Office has to enforce that. I can't -- I don't have another methodology to fix it. I'm sure it's not a high priority, but we just have to hope that people who have these golf carts realize that they're not only putting themselves in jeopardy but people who are driving cars, and they need to just -- we have to trust that people will do the right thing.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Vernon, and then Commissioner Klucik.

COMMISSIONER VERNON: Getting a little lawyerly, but how about, to address Jeff's certain, "to the extent not prohibited by law" --

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER VERNON: -- rather than "permitted by law."

MR. YOVANOVICH: Okay. If you'll tell me why you want to change "permitted" to "prohibited."

COMMISSIONER VERNON: Because I think you ought to exercise your discretion in favor of enforcing the rules unless you're aware of some law that prohibits it as opposed to you reading five cases, three of which rule against you, two which rule in your favor and say, well, I don't think it's permitted. I think that we take away a little bit of your discretion and we say, you do it unless you can cite us some statute or clear case law that prohibits it. So I think it gives you a little more power to do it.

MR. YOVANOVICH: Or on the contrary, it makes me take more risk.

COMMISSIONER VERNON: Correct.

MR. YOVANOVICH: It doesn't give me any power. The law is the law.

COMMISSIONER VERNON: Well, it gives you power to enforce it. And if you're following that rule, I think you'll be more inclined to enforce it.

CHAIRMAN FRYER: I think what we're talking about is not ordinance type laws but covenants that find themselves in declarations, and I think it's pretty plain vanilla. For instance, in our condo association, the trustees have the authority to levy fines on people who do not pay their dues on time, and it's enforceable as a covenant that runs with the land.

COMMISSIONER KLUCIK: Well, I think the problem is is someone can -- you can fine them if they're in their driveway, but you can't fine them when they're on the road. So if they violate -- you know, if the violation is, hey, you're operating that on the road that's now owned by the district, then you can't impose a fine for whatever violation you think there is. You know, you have to -- it has to be on something that is -- the jurisdiction. And the road is no longer the jurisdiction of the HOA at that point. That's all. But --

CHAIRMAN FRYER: You may very well be right. I just don't know.

COMMISSIONER KLUCIK: And I guess I'll say, I think -- and this is the last I'm going to say anything about the golf carts. It's very frustrating to be on a board that can weigh in on these things and influence these things -- and I'm certain it's probably very frustrating for a developer to develop a community and not to be able to figure out how to resolve this more perfectly because it's -- you're right, it is a problem in probably every community that has golf carts.

And so that's the basis of my frustration. Here I am on the Planning Commission, and I don't really think that we have a good solution, and that's frustrating.

MR. YOVANOVICH: I'm not disagreeing.

COMMISSIONER KLUCIK: And it has nothing to do with your petition in particular. It's just that's an explanation for why I've been saying the things that I've been saying.

MR. YOVANOVICH: Sure.

COMMISSIONER KLUCIK: And I think everybody probably is a little frustrated and --

CHAIRMAN FRYER: No one is signaling, so, Mr. Yovanovich, you have the floor.

MR. YOVANOVICH: Did I answer all three? Which one did I miss?

CHAIRMAN FRYER: I think so, yes.

COMMISSIONER VERNON: And, you know, maybe my fellow board members don't agree with me, but I think we're better able to achieve our purposes with the nuance change in the wording I requested. So if everybody agrees with me, or most people agree with me on the Board that I put it to you, can you live with that, "to the extent not prohibited by law"?

MR. YOVANOVICH: I'm sure we've got several more minutes in this presentation. Can I think about that while staff's making their presentation? My reluctance is it's hard for me to tell a client to get into a gray area and accept some risk that if they're wrong, I don't know what the ramifications to my client are if they lose that lawsuit. Because someone's going to challenge it if it's gray. I can only give legal advice as a lawyer. I read the cases that say you can't do it. You're telling me unless there's an absolute clear case right on point, you want me to tell my client to take the risk, and I just need to think about that.

COMMISSIONER VERNON: So you'll get back to us?

MR. YOVANOVICH: Yeah.

CHAIRMAN FRYER: Okay. That's fine.

MR. YOVANOVICH: So I think we left off -- I can't remember. Do you want to hear from Lucy or not? I think you said you did, or no?

COMMISSIONER SHEA: I thought we wanted to --

MR. YOVANOVICH: You want to do it with staff, okay.

CHAIRMAN FRYER: Not at this time. You can reserve the right to bring her in.

MR. YOVANOVICH: Hopefully, Mr. Bosi will allay your fears.

There are two -- two agreements that are part of the project and the fiscal neutrality analysis. One deals with roads, and one deals with utilities. And I've got some bullet points for what each of these agreements address.

We have a commitment to reserve 100 feet of right-of-way along Immokalee Road for the county as part of this agreement, and that will allow the county to get to a 200-foot-wide right-of-way should the -- when they're ready to expand Immokalee Road.

We've agreed to reserve 4.2 acres for -- within the project to address right-of-way stormwater attenuation issues.

This bullet point needs to -- we've agreed to pave Red Hawk Lane from Immokalee Road to a minimum of 200 feet beyond the village access point on Red Hawk with up to 20 feet of asphalt, but that caveat is if we have the legal right to do that. There's a question as to who owns Red Hawk. The county says they don't own it. We can't find any easements that say we even have the right to use it. So if we're not allowed to pave it because we don't have the right to pave it, then, obviously, we can't pave it. So we're going to have to -- so that's conditioned upon finding the authority for us to go in and make those improvements to Red Hawk.

We've agreed that if a final design of intersection improvements at Red Hawk Lane and Immokalee Road are complete at the time of the subdivision plat, we will reserve a corner clip at the northeast corner of that intersection for future intersection improvements should they be deemed necessary.

If a traffic signal or other control device is required within the public right-of-way at the project entrances, we will design, permit, and construct those at our expense.

Mr. Trebilcock did an analysis of potential intersection improvements that need to occur because of the project, and the analysis came to a payment of \$555,660 to be paid to the county to address intersection improvements, and we'll do that within 90 days of the effective date of the agreement.

This is not even -- this is an offsite, faraway improvement that we agreed to help the county on, although really not technically related to our project. If they want to -- if the county wants to realign the intersection of Camp Keais Road and Immokalee Road and build a roundabout, we will work with the county to exchange right-of-way to make that occur.

And then, finally, we'll provide notice to our residents/tenants of the commercial use, that there will be no sound wall or other barrier of any kind to reduce impact built by the county. And if there ever is a need for that road -- I mean, if we ever agree to build a wall, it will be at our expense to address noise impacts. So that's the road DCA.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Rich, you brought up the issue about traffic -- or the road improvements. We all received, I believe, yesterday email from Corkscrew Island Neighborhood Association, CINA as it's abbreviated. Now that issue is resolved, and you consent to the -- I guess the issues that they were raising? Some kind of resolution. But it says, basically, that -- require that Brightshore Village to reserve their commitment to recognize and study the Red Hawk/Immokalee intersection as warranted, which you stated, correct?

MR. YOVANOVICH: Right.

COMMISSIONER SCHMITT: Does that include the 550 -- \$550,600 improvement that Norm came up with? Is that -- or is that separate?

MR. TREBILCOCK: That's separate.

MR. YOVANOVICH: That's -- yeah, that's not -- I didn't think that was included in the \$555,660.

COMMISSIONER SCHMITT: That issue was resolved as far as Corkscrew --

MR. YOVANOVICH: Well, we're going to look at Red Hawk Lane but, again, we don't own it.

COMMISSIONER SCHMITT: Yeah, I understand.

MR. YOVANOVICH: So we have to figure that out. But our commitment is to do 200 feet of pavement beyond our village entrance. And if that -- if you see in the master plan --

COMMISSIONER SCHMITT: Because they stipulate -- I'm reading this again -- that it's a private road. I asked Mike Sawyer. But you don't know. As you stated you didn't know who was --

MR. YOVANOVICH: Yeah, this is -- whoops, I'm sorry. We are going to provide the residents of Red Hawk -- we're going to stub out, you know, an interconnection. Whether or not we can ever make that occur, we don't know because we don't know that we have the legal right to make that connection and do those improvements.

COMMISSIONER SCHMITT: All right.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. And as that same resolution from the Corkscrew Island Neighborhood Association, they also are asking that the developers of Brightshore Village share expenses with the IRV for study, design, and construction of the intersection improvements at no expense to the county or adjacent property owners.

MR. YOVANOVICH: To where? I'm sorry. I don't have the email in front of me, so I --

COMMISSIONER SCHMITT: Oh, okay.

COMMISSIONER KLUCIK: Can staff make sure that they have a copy and make sure that's entered into the record as well?

COMMISSIONER SCHMITT: We got that yesterday from --

COMMISSIONER KLUCIK: It's a resolution dated October 18th, 2022.

MR. YOVANOVICH: Do we have that? I don't remember seeing that. Today's the 20th, so...

COMMISSIONER SPARRAZZA: Would you like a paper copy temporarily?

MR. YOVANOVICH: Yes. Thank you.

COMMISSIONER SCHMITT: Staff did not forward that to the petitioner? Andrew? You, I guess, forwarded that to us, but --

COMMISSIONER KLUCIK: Mr. Chairman, I'd like to move that into the record just as something that we're discussing so we know how to reference it.

CHAIRMAN FRYER: Without objection, it's in the record.

COMMISSIONER KLUCIK: And if staff could make sure that that's -- you know what we're talking about, Mike?

MR. BOSI: Yep.

MR. YOVANOVICH: I'm going to give this to somebody smarter than me to look at.

CHAIRMAN FRYER: All right. And when you're finished looking at it, please give it to the court reporter.

COMMISSIONER KLUCIK: I already have a copy.

MR. YOVANOVICH: So I'm not -- thank you. I'm not in the -- I can't respond to it yet. I'll have to look at that, and we'll deal with that on rebuttal.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: Anything else on the road?

CHAIRMAN FRYER: No one else is signaling at this point.

COMMISSIONER SCHMITT: I have --

CHAIRMAN FRYER: Oh, Commissioner Schmitt.

COMMISSIONER SCHMITT: -- three other areas I want to address. I just don't know if you're done yet.

MR. YOVANOVICH: The last thing I had to talk about was the utility agreement, and there are some points with that. And that, I believe, was in your backup information, the utility agreement. Was it? Was the utility agreement in your backup? If it was, I'm not going to go over the points. But if I need to, I'll go over it quickly.

CHAIRMAN FRYER: Commissioner Klucik, did you want to be heard now?

COMMISSIONER KLUCIK: No, I can wait until after Commissioner Schmitt.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: We've agreed, basically, to use irrigation water from the county, so we've made some commitments with regard to that to construct separate irrigation lines and accept irrigation water from the county.

The county -- the county is going to extend their water and sewer lines to an agreed-upon point of connection, and the county will do that by January 6th, 2024. We're also reserving five acres for the Collier County Water/Sewer District within the project.

We will require all developers to install internal irrigation quality water, as I previously mentioned. And then we've agreed to prepay for 250 ERCs or, basically, units for both water and sewer and then use them -- we'll prepay them, and then we'll only use 50 percent of that amount towards the payment of actual connections. So we're basically upfront funding some of the utilities expenses related to providing service to the project.

We had a NIM on April 27th, 2022. There was only one comment made by the public, and it was "where's the fire station?" and the fire station -- the response was, it's across the street. But that's -- that was the only comment we received at the neighborhood information meeting.

Your staff is recommending approval with two conditions. We are fine with both conditions. And we are requesting that the Planning Commission recommend to the Board of County Commissioners the designation of the Brightshore Village SRA.

That completes our presentation.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: I think Commissioner Schmitt wanted to say something.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Well, first -- and this is both to staff and to the petitioner. The villages are primarily residential communities with a diversity in housing types. We've been over this issue of what is a diversity in housing type. And as far as -- I'm looking at Heidi, from a legal perspective, and staff, has the issue been met? Because we debated this before about diversity. What did it mean, "diversity of housing"?

Initially, as I recall my time on staff, it was types of housing, single-family, multifamily, that type, and then we got into a debate about whether this should include affordable housing or some other types of issues. But as far as the SRA application -- and this is under the zoning services review analysis -- staff is comfortable with the fact they have met this, quote, diversity of housing?

MR. BOSI: Mike Bosi, Zoning director.

Yes, staff is satisfied. They have a variety of housing types that are being proposed. They have minimums related to multifamily and single-family and single-family attached as

well as group care facility potentials.

One of the things that staff was surprised that the applicant did not mention, which we find is significant within the application, is the provision of affordable housing.

COMMISSIONER SCHMITT: Yeah.

MR. BOSI: This -- one of the things that I was speaking to the Chair about, the RLSA program is unique to this county. It's the -- other than the Rural Fringe Mixed-Use District villages, which we haven't had one proposed yet, they are the only developments within this county that are required to provide for affordable housing. They are proposing 170 units being provided within -- within the village or that equivalent at an off-site location that will be identified before a CO can be issued for the -- for the village to be made available to the county, and one of the provisions that we have been talking internally is the Affordable Housing Trust Fund and the money that's associated with that, the acquisition of these properties so the county can take control of these affordable housing sites in perpetuity, not for the 30-year commitment that would be required if they had it on site. But if the -- if they chose the offsite location, the county would be made available as a -- to acquire that site at a set price, and we would have control of that in perpetuity.

And I think that's one of the -- and when we talk about economic assessments, that doesn't get incorporated withinto the economic assessment. That's not part of the method rules and methodology that we have. I think that's a significant aspect that needs to be at least recognized that this project, unlike any other project within the urbanized area, is required to provide for affordable housing to meet some of the needs that are created by the houses -- by the dwelling units that are being proposed within this village.

CHAIRMAN FRYER: This is one of the points that was raised in my meeting with staff yesterday. And, Commissioner Schmitt, I certainly want you to finish, if you wish, but --

COMMISSIONER SCHMITT: Go ahead. No, I want to stay on this topic.

CHAIRMAN FRYER: Yeah. This may be a perfect point -- because I think Mr. Yovanovich had completed his presentation -- for you to just outline the things that we talked about. That was one that is a significant benefit and maybe, if you could, unless Commissioner Schmitt wants to say something first, you should --

COMMISSIONER KLUCIK: I do have questions for the petitioner, but I don't care when --

CHAIRMAN FRYER: We can come back in.

COMMISSIONER KLUCIK: -- I pose them -- okay.

CHAIRMAN FRYER: We can come back in.

Go ahead, Mr. Bosi.

MR. BOSI: One of the other factors that is not part of the methodology -- and Bob mentioned that there was, you know, over 5,400-some credits that were being utilized to entitle. And one of the reasons why it only -- the zoning, as Rich, Mr. Yovanovich has said, was in place -- this was just a designation of the SRA -- is because they have one foot in the game. When they created the SSAs, they set aside land at, basically, almost a 4-1 -- a four acre for every acre of development that they're entitling. They set aside land from development, and 47,000 acres, roughly, has been set aside, no cost to the taxpayer, and that's in perpetuity, that development will not be allowed within these environmentally sensitive areas.

That's an economic benefit to the county, and at no -- as I said, at no cost to the

taxpayers. That's not a component of the individual economic assessment. It's not by their choosing. It's -- our methodology just doesn't recognize it. We want to focus strictly upon the SRA and the impacts that the SRA is going to provide for. But from a 10,000 -- a 100,000-foot level, these villages, these towns in the RLSA are -- to me are one -- the greatest regulatory strategies that we have within our GMP for the county to be able to provide for land-use budgeting.

Now, this village here is not proposing any light industrial R&D space. But an upcoming Town of Big Cypress that you will be reviewing an SRA provides for opportunities for industrial type of development for an economic -- for economic advancement of a land use that we know is in short commodity.

A good example of what that land-use budgeting provides for is contained in Ave Maria. Along Oil Well Road, Arthrex has developed a manufacturing facility. They're also developing apartment complexes in close proximity to that. We were facing a crisis of potentially losing that facility to Lee County because they have an abundance of industrial zoning. But the SRA provided for that opportunity to add an industrial component in a preplanned master plan arrangement towards where that land can be set aside before individuals and houses are developed so there can't be opposition or NIMBYism of not wanting that in their backyard, and they can space it and they can buffer it appropriately towards where it functions within the overall town or village, and that's another benefit that this project has.

Every one of our infrastructure providers gets a seat at the table when they first come in and say they're proposing X number of units and this number of commercial land, this number of institutional square footage, and all of our -- all of our infrastructure components, the school district, law enforcement, the fire districts all get to say if we need -- if they need a space, if there's a reservation. And it's accommodated.

So the way that I view the RLSA -- and the last thing I'll talk about will be the economic assessment. But the way that I view these SRAs and the scrutiny and the questions are most certainly that the Planning Commission and the Board of County Commissioners provides is appropriate, but at the end of the day this is one of the most demanding and innovative review processes that the county has and, frankly, that I know in the State of Florida of what's demanded. And it's akin to what the old DRI process used to be for larger developments, but it goes even further, and it's much more localized with all the individual utility providers and service providers sitting at the table.

Finally, on the economic development -- or not the economic development, but the economic assessment -- and since Ave -- Ave Maria's first submittal, we have spent a tremendous amount of time trying to make a determination is the economic assessment correct?

And, Commissioner Shea, you hit the nail on the head. It's the assumptions that are provided for within -- within the modeling that is a key component. But what we're trying to do is look out 30 years and evaluate the economic impact and the costs and the revenues that the county's going to expend, the county's going to receive based upon a set of assumptions that we know in 30 years are going to be much different than what they are today. And we asked them to not only provide an economic assessment. We asked them to also pay the appropriate impact fees that are designed to address the impacts of an individual dwelling unit.

We also asked them to establish developer contribution agreements towards where

they have to pay their proportionate fair share of any operational impacts from a transportation standpoint, but anything above that we know from an infrastructure capacity that they're going to create with their development, they have to provide for additional monies -- their proportionate share to do so.

At the end of the day, it's -- the questions of fiscal neutrality are difficult because everyone, I think, has a unique perspective in terms of what they think is appropriate. What I would say is one of the reasons why they utilized the 2016 EMS impact fee is because it was countywide, and it studied the population trends countywide. BEBR and the census bureau recognizes average persons per household about 2.35 countywide, but what it also recognizes is that we have about a 24 percent vacancy rate, units that are vacant 24 percent -- 24 percent of the time. That has to be incorporated with into that functional population. That functional population is about .51 percentage points lower than what BEBR says. That's roughly about 28 percent -- that's roughly about 28 percent of that total 2.35.

So if you take the vacancy rate and you wash that against -- you wash that against the higher census identified persons per household, it ends up to right around 1 point -- 1.8, 1.85. So the functional population -- and it's -- and impact fees are also not only dwelling units and population, but there's other aspects that are utilized within the calculation.

In speaking with the County Manager, she did say that any suggestions that the Planning Commission would want to have moving forward, that we as a staff would be willing to work with the Planning Commission, work with the development community moving forward. But what she also did mention to me is that as -- because we're getting ready to commission impact fee studies on the majority of our impact fees. The trends that we are seeing -- the persons per households within this county continue to go down, and it has everything to do with the population that we're attracting in terms of our full-time residents.

There just -- they're not childbearing age, for the most part, and the numbers, quite frankly, are somewhat -- I think would be somewhat surprising to people, but what -- the trends that we're seeing are -- our persons per households continues to have more of a downward pressure than an upward pressure.

COMMISSIONER SHEA: But they're not at one.

MR. BOSI: No.

COMMISSIONER SHEA: Nobody's going to buy a single-family home by themselves. Even if they have no kids, they're still at two. That's where we're struggling. It just seems like it's so nonrepresentative. You know, arguing over 2.3 or 2.1, that's an argument, but 1 versus --

MR. BOSI: Well -- and I think that's where you get -- when you get a 50 percent, 25 percent vacancy rate for your units, that's means 25 percent of your units are not exerting any demand upon any of your infrastructure.

COMMISSIONER SHEA: But you've got a capital component and you've got an operating component. The impact fees should address the capital. You have to put the pipe in the ground big enough to fit the unit whether it's occupied or not. And so you're spending the cost. I guess I struggle with impact fees -- doing that is just addressing whether the plant's going to get eight million gallons a day or 10 million gallons a day from those homes because 20 percent is vacant. But the -- you still have to have the capacity at the plant, and you have to pay for that.

So I get confused between impact fees, operating, and capital, because the capital is a function of what you're -- what you're reserving for that dwelling unit.



COMMISSIONER SCHMITT: Impact fees go through a rigorous dual rational nexus.

COMMISSIONER SHEA: They do.

COMMISSIONER SCHMITT: It's not part of the economic assessment. It's a separate complete study based on the incremental impact of a home or a business on the community, and it's a dual rational nexus, and that's how they come up with -- and the impact fees are recommended to the Board as the maximum that can be legally defensible to assess.

Now, whether the Board chooses to assign that is a different matter. Impact fees have been a point of debate on this committee for -- I've been here 20 years, and it's been from the day one, impact fees, because we are the highest in the State of Florida. And what do we have now, 14? I can't remember. Twelve, 14 impact fees?

MR. BOSI: I believe 12. But, Commissioner Schmitt, you do raise a good point. And that's another reason why that 2016 study has been relied upon, because it was one of the last that was updated that used the countywide population and has been deemed legally defensible, and that is the point.

We're doing an economic assessment. We're utilizing numbers that have been already scrutinized from an outside -- from an outside legal firm that says that this is defensible; we could defend this in court. And that's -- that's part of the basis of what our fiscal analysis is centered upon, things that we can defend in court, that these are the -- these are the expectations from a cost, and these are the expectations from a revenue standpoint.

COMMISSIONER SCHMITT: And it's based on the capital costs. For water/sewer, it's based on what it takes to provide it to the house, not how much they consume; it's the capital investment.

COMMISSIONER SHEA: So where does the percent vacancy come into the calculation?

COMMISSIONER SCHMITT: That is -- that is --

COMMISSIONER SHEA: I don't see that in there at all. It should be in there at all [sic], but --

COMMISSIONER SCHMITT: That's in the -- that's not in impact fees. That's in -- that's in the model. And the model's been debated since we've initiated this Rural Land Stewardship Program. It goes back 20 years. When Ave Maria first proposed it, everybody agreed to it, and then Oil Well Road -- and the cost of Oil Well Road everybody said, wow, Ave Maria will never be able to pay for this. That's been a debate for 20 years.

MR. BOSI: And let me add also, the state adopted the Hank Fishkind fiscal analysis model.

COMMISSIONER SCHMITT: Correct.

MR. BOSI: And then the state, through practice, abandoned that fiscal analysis model because too many discussions, I believe, as we're having here and have had in every one of our SRA discussions, resulted in terms of ambiguity as to whether that fiscal analysis was accurate or was not accurate.

CHAIRMAN FRYER: I'm going to interject, if I may. I know --

COMMISSIONER SCHMITT: I've got another question, but go ahead. We're talking about this aspect.

CHAIRMAN FRYER: Signal, and then I'll get to you, because I've got Commissioner Klucik first. I just -- since I sort of started all of this, I'd like to tell you, for what it may be worth or not, where I believe I am on this.

First of all, I accept the point of view -- the legal principle that this should be something -- was it a fortiori? I believe that's the term that looks to the future rather than dealing with the rules of the road as they exist today, all be they flawed. And I think the fact that they're flawed is rather hard to debate, particularly in light of the census in BEBR.

Now, having said that, the -- probably the premier acknowledged expert on this subject is our own esteemed County Manager who was kind enough to come down and offer to speak on this and still would be willing to do so if we wish. But what she said to me is the same thing I think that she said to you, Mr. Bosi, that accepting that it's time to rework this approach and bring it up to date, she is willing to work with the Planning Commission and staff to see if we can't identify other factors that may be very relevant such as vacancy rates, but right now we're just doing -- guessing the number -- the functional population coefficient of 1.81 on single-family detached may well have been designed to take account of the vacancy situation, but that needs to be explicated for us. It needs to be laid out, and there need to be clear rules of the road of how you evaluate that, how you calculate it, and then what number you end up with. I'd have no objection to factoring those variables into this, but the materials that we have in front of us just really didn't do that.

Now, the final thing I want to say is that, once again, Mr. Bosi made a very -- in my opinion, impressive and persuasive analysis a lot of the good things about this project that didn't find their way into this economic analysis. And, frankly, at this point I am leaning toward yes on it because of those good things and also in view of the fact that, thanks to the County Manager's offer, we'll be able to take a look at this going forward in the future and see if we can't come up with something that is more up to date and more fair to the -- clearly fair to the taxpayers.

So with that, I'm going to call on Commissioner Klucik.

COMMISSIONER KLUCIK: Yes, thank you, Mr. Chairman.

I wanted to just commend -- or just, you know, I guess, point out my agreement that it seems like a good plan to -- that ring park, that seems like a good barrier to the bears with the mote, so to speak, and I think that's good, because that is an issue -- right now it's a big issue in Ave Maria, again. And people might recall a bear actually had to be shot because it attacked one of the residents in her driveway, like, five or six years ago.

So it seems like it's a -- we can all just coexist, and then you remember that things like that happen. And I think that's good forward planning, and I think it covers a lot of -- that aspect of that park that rings the community seems to do all sorts of good things, in my view.

I did want to ask, you're familiar with -- because you're the one that I think presented it. You're familiar with the change to the RLSA some years ago that modified the street tree requirement under certain limited conditions, correct?

MR. YOVANOVICH: The answer is I probably did present it. Can I tell you right now do I remember the specifics? No.

COMMISSIONER KLUCIK: Okay. So the idea was, very reasonable: Hey, there are some situations where there's not a lot of room, and it makes sense that we can count the trees in the front yard.

MR. YOVANOVICH: Okay.

COMMISSIONER KLUCIK: Okay? And, you know, that passed. It made sense. I wasn't on the Commission. I was a nobody. I was just, you know, Joe Citizen who was kind of whining about it. As you can imagine what kind of Joe Citizen, because you can see how I am up here.

MR. YOVANOVICH: I don't have to imagine it. I experienced it.

COMMISSIONER KLUCIK: Yes, yes. You don't have to imagine, I know. I'm talking about everybody else.

COMMISSIONER VERNON: You didn't call him Mr. Klucik back then, did you?

COMMISSIONER KLUCIK: Not privately.

And I've come a long way, baby, as the ad used to say.

No -- and so, you know, at the time even I thought, oh, that makes sense. You know, that's a -- what's to argue about that? The net result, though, was the implementation immediately -- you know, the reason for which that was asked for and granted was a neighborhood called Coquina, which was trying to shove a neighborhood on a preexisting -- you know, it was platted and kind of set -- laid out for townhouses, and then they decided to do a -- you know, a different project with individual homes. And I realize it was -- you know, it was hard to fit it in there and all of that. And so you ended up where, oh, gosh, look at this, we have this exception. And on every single lot the exception applied.

And so the whole basis for that community -- for the RLSA kind of, you know -- and having this requirement for street trees was undermined, and you actually have a very aesthetically different neighborhood, you know, there that doesn't have street trees.

And my question is: Do you know whether or not this -- you know, the neighbor's plan will be taking advantage of that so that there will be no street trees, and it will be, you know, aesthetically, you know, similar, that there won't -- you know, there be these nice paths to walk on that are covered with shade?

MR. MULHERE: For the record, Bob Mulhere.

We have a requirement under the developer commitments which reads as follows: Street trees will be provided throughout the village. Within the village center context zone, they'll be spaced 40 feet on center. Within neighborhood general, they'll be 60 feet on center, average lot size. Street trees shall have a minimum average mature canopy of 20 feet, so on and so forth. So we're -- we are required --

COMMISSIONER KLUCIK: Right. So is that above and beyond what the code requires?

MR. MULHERE: That --

COMMISSIONER KLUCIK: Because the code --

MR. MULHERE: So originally the code only required street trees in the village center.

COMMISSIONER KLUCIK: Okay.

MR. MULHERE: I don't know if it presently requires them also in neighborhood general, but we have a specific condition that says we will do --

COMMISSIONER KLUCIK: No, the neighborhood general is -- there is a very, you know, strict requirement for street trees. The issue is there's exception, and my question is very specific. Is the exception expected to apply so that we would have no street trees just as we did in Coquina, which I think is an unfortunate situation?

MR. MULHERE: I don't believe so.

CHAIRMAN FRYER: This is a time when I need to remind everyone not to talk over one another because the court reporter can only follow one person at a time.

MR. MULHERE: I'm just looking in the deviations to make sure there isn't one in there.

COMMISSIONER KLUCIK: Sure.

MR. MULHERE: No, we don't have a deviation -- we don't have a deviation that relates to street trees.

COMMISSIONER KLUCIK: Well, it wouldn't be a deviation. It would be a code exception that you don't need a deviation for. You just say, oh, wow, look, there's an exception here that says, under these circumstances you don't have to have street trees because the trees in the front of the yard count. My question -- I'll say it again -- and I understand I'm asking a very pointed, specific question that you might not understand.

My question is: Are you expecting that, you know, the development you're going to do here is going to be able to take advantage of that exception universally like Coquina where there are zero actual street trees?

MR. ENGLISH: For the record, John English. I think the simple answer is, we intend to put the street trees in. And I understand what you're saying is there is an exception. But I lived through that, because I've done a lot at Ave Maria. I thought that particular exception was an amendment to the Ave Maria SRA only. I didn't --

COMMISSIONER KLUCIK: Well, maybe it was.

MR. ENGLISH: I don't believe that was an exception made to the broader Land Development Code.

COMMISSIONER KLUCIK: Okay.

MR. ENGLISH: But we do have cross-sections of our proposed neighborhood and village center streets in our SRA document, and they provide for street trees. So we are not looking for -- to do a Coquina type thing.

COMMISSIONER KLUCIK: Yeah. And, obviously, you know, you can do whatever you want and have whatever trees you want. The issue is is I just, you know, want to know up front what the plan is, and if you're expecting that that -- so what you're saying is is you don't believe -- can we clarify that, whether or not that amendment that, you know, applies in Ave Maria was just for Ave Maria or whether it was --

MR. YOVANOVICH: It is -- I'm sorry. I talked over you. It is just for Ave Maria.

COMMISSIONER KLUCIK: It's just the SRA?

MR. YOVANOVICH: It's just for Ave Maria.

COMMISSIONER KLUCIK: Okay. Got it. Just the Ave Maria. Sorry, yeah.

MR. ENGLISH: That was a unique situation, as you alluded to.

COMMISSIONER KLUCIK: Right.

MR. ENGLISH: There were previously developed streets with only 100 -- 90- to 100-foot-deep lots. It was really trying to --

COMMISSIONER KLUCIK: I will say that I think you've taken advantage of that exception in your further neighbors but -- that are similar.

MR. ENGLISH: I don't believe so. There are -- there were some other amendments to Ave Maria SRA that allowed, in certain cases, to put the trees outside the sidewalks, and that has been used.

COMMISSIONER KLUCIK: Okay. Thank you.

MR. ENGLISH: And we provide our proposed cross-sections, and we do provide option alternatives for locations of the street trees. We intend to do them. But there are pluses -- there are pros and cons of where they're located, and so we put forward alternatives for ourselves.

Thank you.

COMMISSIONER KLUCIK: And since I'm not voting on this, I am going to

just -- now at this point I'm just going to say that my general impression here is that what you're proposing is the perfect fit for the RLSA program, and, you know, I think it's a good proposal. I do think we have some issues to discuss, though, with this resolution that the neighborhood association has asked us to take a look at, you know.

And I would also -- just for the record, Mr. Chairman, I want to say that I have submitted my Form 8B to Mr. Bosi, and if you can make sure that maybe -- I don't know who has to get it, but I did send it to you and Ray.

CHAIRMAN FRYER: Thank you. So noted.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. I reviewed all the deviations. I think most of the questions and issues have been covered. I have one statement regarding Deviation 3, which seeks relief from the LDC Section 4.03.8.C, portable water systems, which states, separate potable water and reuse water lines shall be provided by the applicant at no cost to the county for all subdivisions and developments. Clearly understand that.

Reuse water lines, pumps, and other appurtenances will not be maintained by the county. But you want to change the language to say -- to instead allow for the facilities and appurtenances to be conveyed and maintained by the county. I would only stipulate that they would be maintained -- conveyed and maintained to the county if you are tied to the reuse system.

And, as I understand it, the capacity is not there to meet the demand. So if you provide -- and you stated for the record, all -- you will install irrigation systems. Well, that's required by the LDC regardless of whether it's private or conveyed to the county.

But my understanding is -- have you got concurrence that the capacity is available from the county to provide reuse water out there? I guess John's going to answer that.

MR. ENGLISH: Sure. Again, John English, for the record.

These topics are covered in our developer agreement on utilities that Rich went over earlier. To your question about the availability of reuse, the county has committed that for the period which they do not have reuse, they're going to install these irrigation, what they call, IQ water mains. And the long-term goal is that will be reuse water. Short term they're going to provide that -- meet that commitment through potable water.

COMMISSIONER SCHMITT: Do you have consumptive-use permits that allow you to take water from the ground and have your own irrigation system?

MR. ENGLISH: No. The county -- by our agreement with the county, the county wants us -- they want to provide not only potable water but irrigation-quality water as well.

COMMISSIONER SCHMITT: All right. I'm going to go back to -- so there will be no privately operated irrigation system?

MR. ENGLISH: Correct.

COMMISSIONER SCHMITT: Whatever you got is going to be conveyed to the county both for water -- reuse water or potable water. It will be through that irrigation system. You're not going to be taking water from the lakes or a consumptive-use permit that may be available on site where you can take well water and provide your own -- your own irrigation system?

MR. ENGLISH: I believe that's correct. I believe that's what our agreement requires us to do.

COMMISSIONER SCHMITT: Okay. I'm fine, as long as --

MR. ENGLISH: I mean, the county will only own it -- per their standards, will only

own it up to the meters, but yes.

COMMISSIONER SCHMITT: But I would -- yeah, my point is it would only be conveyed and maintained by the county if the county provides the reuse water. If you're providing your own reuse -- your own irrigation water, then it's your responsibility to maintain that system, not the county.

MR. ENGLISH: Correct. The county -- we have an agreement with the county. They're going to provide all three of those: Water, wastewater, and irrigation-quality water to us. And we intend to use it.

COMMISSIONER SCHMITT: All right. Well, that answers the question, because it's -- some communities have their own systems.

MR. YOVANOVICH: And just as an aside, that's actually a deviation requested by the county.

COMMISSIONER SCHMITT: Yeah. Okay.

Deviation 1 was another one I wanted to ask. And your -- it has to do with the setback of the signs, typically 10 feet to allow for five feet, and I want to make sure from Transportation -- I guess they concurred with that. But Mike Sawyer -- I don't know. Is Mike in the room? I don't see him.

CHAIRMAN FRYER: Here he comes.

COMMISSIONER SCHMITT: He stated that it's an approval by staff, but I just want to make sure, because five feet seems to be rather close to the right-of-way for a sign but, apparently -- I did not realize this, but apparently it's pretty widely accepted throughout the county as a deviation.

MR. SAWYER: Yeah. For the record, Mike Sawyer, Transportation Planning. Yeah, that is a reduction that we have recognized within communities.

COMMISSIONER SCHMITT: And it meets all the DOT standards, safety standards and otherwise. Instead of 10 foot from the right-of-way, it's five foot from the right-of-way.

MR. SAWYER: Yeah. Again, we've accepted that.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Mike, a couple questions just -- I want to get the numbers straight, so it will be easy ones. So how many acres are we actually putting into conservation for the 5,200 transfer credits?

MR. BOSI: Well, the exact number of acres I will have to get back to you. They're utilizing SSA No. 6, which is 9,911 acres. It's created about 20,000 credits. They're utilizing a quarter of that. So roughly around 2,500.

COMMISSIONER SHEA: Acres?

MR. BOSI: Yeah.

COMMISSIONER SHEA: Wow. Also, clarification. Can we talk a little bit more about the affordable housing component? You said it real quick, and I think it's great and everything.

MR. BOSI: Okay.

COMMISSIONER SHEA: But you're saying they're setting aside 170 units, but if it's off site, it's really acres they're setting aside, right?

MR. BOSI: They set aside acres with -- that results in the equivalent of 10 units per acre, 170 overall units, because what they're required to provide for is a total of 170

affordable housing units either on site or off site.

COMMISSIONER SHEA: So they're -- we're buying the land for that, the county is, or are they donating that land?

MR. BOSI: The arrangement isn't for a donation. The arrangement that has been -- that would be proposed would be we would acquire it for a specific dollar amount.

CHAIRMAN FRYER: Twenty-two thousand five, is that --

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: That's it? Yeah.

COMMISSIONER SHEA: And the last question is: Is that a -- so they don't need to be concerned what level of development we have and what AMA that we service. That's really up to us. So that's not a fair question for them, then. That's our question.

MR. BOSI: That's one of the things that I look at as a true benefit in terms of the county being able to, in perpetuity, have affordable housing, that we could design what income levels we want -- that we think is appropriate to serve, so yes.

COMMISSIONER SHEA: Thank you. That's what -- I just wanted to make sure I understood it.

CHAIRMAN FRYER: Ms. Cook, did you want to be heard?

MS. COOK: I'm good.

CHAIRMAN FRYER: Okay. Thank you. I believe where we are is we're still hearing from staff. Does anybody else have questions for staff at this point, comments?

COMMISSIONER KLUCIK: The only question I would have for staff is to hear their reaction and what they would suggest regarding that resolution that we all received, if they have any opinion onto the requests that are in that.

COMMISSIONER VERNON: Can I just add onto that? I agree, but probably -- if he's had a chance to read it, we probably ought to also hear from the applicant on the same issue.

COMMISSIONER KLUCIK: Yeah. So maybe after the break we discuss that?

MR. YOVANOVICH: I'm prepared to do it right now.

CHAIRMAN FRYER: Yeah. Let's quickly talk about our day. We've got a time-certain coming up at 1:00. My thought and hope had been that we could have a one-hour lunch, 45 minutes at the least, which would presuppose that we finish this up before lunch. Does that --

COMMISSIONER VERNON: Do we have any public speakers?

CHAIRMAN FRYER: Well, are there any persons -- okay. We're going to have one public speaker. Have you registered, ma'am?

MS. KANTOR: Yes.

CHAIRMAN FRYER: Okay. Any other public speakers? There's a second, all right. So --

COMMISSIONER SHEA: We have more questions, too, maybe. I mean --

CHAIRMAN FRYER: All right.

COMMISSIONER SHEA: -- I have more.

CHAIRMAN FRYER: Okay.

COMMISSIONER SHEA: I wanted to talk to Mike.

CHAIRMAN FRYER: Okay. Well, my question for Mr. Bosi, then, is, is the 1:00 -- is that a time-certain or not-later-than time?

MR. YOVANOVICH: Not sooner than.

CHAIRMAN FRYER: Not sooner than.

MR. BOSI: It would be not sooner than.

CHAIRMAN FRYER: Okay. So we could continue with this after lunch. Okay. Thank you. All right.

Anything further from staff?

MR. BOSI: Nothing at the time. I mean, I will say that from staff's perspective, you know, all of our Transportation, Utilities, all of our reviewing departments have reviewed it, have added the appropriate specific conditions whether it be through a DCA or whether it be through commitments within the SRA document, and all -- and all divisions and departments have signed off, and staff is recommending approval with the conditions.

CHAIRMAN FRYER: Thank you.

Any further questions or comments for staff?

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: Go ahead, Commissioner Shea.

COMMISSIONER SHEA: I don't want to beat a dead horse, but I still never understand these traffic impacts and proportionate share and all that. I guess I struggle with the fact if there's an existing problem with the level of service that the applicant isn't responsible for, how do we know that what is being done by the county is going to correct that problem? I still struggle with that. It just seems like we have all these intersections that are below the level of service, and we're -- nobody's shown us that we're doing something to correct that, and then we're going to pile on with all these developments.

CHAIRMAN FRYER: And the problem is is that the state has largely preempted that and limited our ability -- limited the county's ability to decline developments on that basis, and that's just --

COMMISSIONER SHEA: But to me you still should know what the impact is. I mean, you can't --

CHAIRMAN FRYER: Yeah.

COMMISSIONER SHEA: -- keep piling on and expect it's going to get better.

CHAIRMAN FRYER: And when you look at the AUIR, you see when we're on a collision course with respect to traffic. But as I say, we are constrained in what we can do.

When I first came on this commission, I -- before I realized what had happened in Tallahassee, I made a point -- you know, I was the traffic guy up here. You know, I was trying to argue for limitation of developments based upon what the roads could bear at the time.

But, you know, it's a rather complicated formula. It has to do with the situation on the roads before the development even comes in, and the development is not responsible for that, and the proportionate share is calculated a certain way. It's -- frankly, it's alchemy, and it's designed to be favorable to developers, and that's a decision that the Florida State Legislature made, and our hands are tied.

COMMISSIONER SHEA: But at some point -- forget the laws. We're a planning agency. And at some point we should be, in our own minds, comfortable that whatever is going on in the county right now with the AUIR and capital projects is going to correct that problem before we keep adding to it. That's the part -- nobody's ever shown me where we have a plan that's going to take a lot of these level-of-service failures out, on Immokalee Road in particular, because that's where most of our problems are.

CHAIRMAN FRYER: Let's ask Ms. Scott to respond.



MS. SCOTT: Good morning.

COMMISSIONER SHEA: Good morning.

MS. SCOTT: Trinity Scott, department head, Transportation Management Services.

So we're talking about a village today that's not going to have a buildout within the five-year AUIR period. It will have a buildout over a much larger period of time, and we do have another planning process that's done through the Metropolitan Planning Organization called the Collier County Long-Range Transportation Plan that right now goes out to 2045 where we do assess and look at what we anticipate for growth, particularly out in the eastern part of Collier County. Those growth assumptions are based on the county's Comprehensive Plan and the Interactive Growth Model.

So we do have a long-range perspective that feeds into our five-year AUIR. And, quite frankly, it's actually done a pretty decent job of marrying up of where we anticipate. With regard, specifically, to Immokalee Road, we have let a contract for Vanderbilt Beach Road extension. That will take it out to 16th. I believe the notice to proceed was issued on September 16th. It is a three-year project. So that is on the horizon. Within our five-year, you guys are going to be hearing --

COMMISSIONER SHEA: What is that three-year predicted to do in terms of the level of service?

MS. SCOTT: So our modeling estimates of it reduce the traffic on Immokalee Road by about 20 percent. So that is a --

COMMISSIONER SHEA: Twenty percent.

MS. SCOTT: -- very good -- it provides an alternative route.

As part of the AUIR -- which you'll see me again in a couple weeks -- we're looking at extending those limits out to Everglades Boulevard and then also bringing on parts of Everglades Boulevard. So we're really starting to penetrate deeper east with our roadway improvements until these villages get up and going and get some level of commercial out there where we can start seeing that reverse commute.

I hope that answered your question.

COMMISSIONER SHEA: Well, it's still a lot of smoke and mirrors. But as an engineer, it would be nice to say I'm doing this project, and that's going to add 150 peak-hour -- or take 150 off, and we're going to add this project, so we can take another 300 off, and now we're down to the level of service we want, and then we can start superimposing what's not there yet. But it's smoke and mirrors to me still, and I'm an engineer.

MS. SCOTT: You should spend some time with our Planning staff.

CHAIRMAN FRYER: Thank you, Ms. Scott.

MS. SCOTT: Thank you.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I guess the way I look at it is this project is going to help in some ways with affordable housing. This project, through a bigger umbrella, is going to help in some ways with the environment by setting aside lands. And so within that context, just the way I look at it is -- conceptually, is this project -- it's -- obviously, as you add houses and people, you're going to add cars. But within that context, this village design seems to be the concept of keeping people in the area, which Ave Maria's proven, and that that is better than the alternative, assuming there's going to be some development.

So that's -- this seems to be, conceptually, without speaking to the project specifically until the speakers finished, everybody's finished, but conceptually kind of a good concept to

deal with more traffic.

CHAIRMAN FRYER: Thank you.

Anything further from staff?

(No response.)

CHAIRMAN FRYER: If not, I think we're ready for public speakers.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner.

COMMISSIONER KLUCIK: Well, no. I actually wanted to discuss this proposal from the neighborhood association.

CHAIRMAN FRYER: Please go ahead.

COMMISSIONER KLUCIK: Oh, okay. So we have the proposal there, and it's -- you have your copy of it?

MR. YOVANOVICH: Yes, sir.

COMMISSIONER KLUCIK: Okay. So they're asking that you split the cost, your petitioner split the cost with the project I think we recently heard just south of Immokalee Road. That's not -- you know, it's not in the Rural Lands Stewardship Area. The Immokalee Rural --

MR. YOVANOVICH: Immokalee Road Rural Village.

COMMISSIONER KLUCIK: Immokalee Rural Road [sic] Village. That you would split the cost of that -- any intersection change at Red Hawk and Immokalee Road, if there needs to be a traffic circle there or et cetera.

MR. YOVANOVICH: Right. And our agreement with the county says you're pay our fair share, which is exactly how it's supposed to work.

COMMISSIONER KLUCIK: Okay.

MR. YOVANOVICH: You cannot -- you cannot charge a project for more than its impact. And so, no, we will not agree -- I can't commit IRRV at this point anyway. They're not here. So the answer is, we've already addressed it in the agreement. We will pay our fair share.

COMMISSIONER KLUCIK: If they're smart, they'll hire you.

MR. YOVANOVICH: They already have.

COMMISSIONER KLUCIK: Okay.

MR. YOVANOVICH: It hurt that you forgot that I was here for that petition.

COMMISSIONER KLUCIK: I should have remembered that, yeah.

CHAIRMAN FRYER: Commissioner -- oh sorry, go ahead.

COMMISSIONER KLUCIK: And then the next item is they're asking the county, you know, the Commissioners, to require, you know, your client, the petitioner, to improve turn lanes on Immokalee Road at Friendship and Lilac which are, you know, just down the street from where you're at in this neighborhood -- in the Corkscrew Island Neighborhood Association. Do you have any response to that?

MR. YOVANOVICH: Sure. The response is that is not -- those improvements are not related to the impact of our project, so we will -- we will not agree to pay for those turn lanes.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: There's a legal overlay, and I'm sure you're aware of it, called exactions, and we have to be careful on that.

Commissioner Sparrazza.

COMMISSIONER KLUCIK: Well, I just want to clarify that all I'm doing is discussing what -- you know, what -- a resolution that a neighborhood association asked us to consider. I'm not saying this is what I want. I'm asking their opinion about what they think of those requests.

CHAIRMAN FRYER: And I think that's very fair for you to have done. So thank you.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

I am not sure whether my fellow board members had also received a letter from a Ms. Jean McCullum. I may not have pronounced that correctly; I apologize. If you have, great. If not, if I'm the only one, maybe because I'm the new guy on the block, she is also voicing a concern very, very similar regarding the traffic, in detail, turning left onto Immokalee from Sanctuary Road. And I didn't know whether it was appropriate to tag that onto the information that we've already shared with you so that at least you have it on record in a document.

CHAIRMAN FRYER: Thank you. I have seen that.

COMMISSIONER SPARRAZZA: You have?

CHAIRMAN FRYER: Yeah.

COMMISSIONER SPARRAZZA: Okay. All right. So we've all at least seen it. And I know we can't discuss whether or not we have seen it before the meeting, but that's great. So we can enter this into the record if need be.

CHAIRMAN FRYER: Of course, certainly.

COMMISSIONER SPARRAZZA: Great. Thank you.

CHAIRMAN FRYER: Please provide it to the court reporter. Has the applicant seen it?

MR. YOVANOVICH: I personally have not seen it.

CHAIRMAN FRYER: Do you want to see it?

MR. YOVANOVICH: Yes, I'll see it, but I'm assuming it's a similar situation; they would like us to address the intersection that's beyond our impact, so...

(Simultaneous crosstalk.)

COMMISSIONER SPARRAZZA: Thank you.

CHAIRMAN FRYER: Okay. Well, it needs to be provided to the court reporter after the applicant's had an opportunity to look at it, if he wishes, and at that point, without objection, it will be received into evidence.

Okay. Thank you.

MR. YOVANOVICH: Quite a bit of help today. Thank you.

COMMISSIONER SPARRAZZA: You're welcome, sir.

CHAIRMAN FRYER: Commissioner Klucik, anything further, sir?

COMMISSIONER KLUCIK: No, thank you.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Regarding this issue concerning Bright -- the turn lane at Immokalee Road and Friendship Lane -- Mike Sawyer. I'm just going to ask staff the question, because if you want to be specific -- and I'm looking for affirmation from Mike -- the impact fees that are paid as Brightshore is developed, technically, will go towards any improvements that the county sees fit to make as far as any improvements at Immokalee

Road and Friendship Lane; is that correct?

So, technically, as the Brightstar is -- Brightshore is developed, they, in essence, will be through impact fees being assessed contributing to improvements; is that correct?

MR. SAWYER: For the record, Mike Sawyer, Transportation Planning.

Actually, it's not.

COMMISSIONER SCHMITT: No? Okay.

MR. SAWYER: Impact fees only pay for increases in capacity --

COMMISSIONER SCHMITT: All right.

MR. SAWYER: -- not operational impacts. That's why we've got a two-part fair-share document that came with the SRA application itself which showed that -- how much of the impact fees were going to be covered on a link-by-link basis of their impacts.

COMMISSIONER SCHMITT: Okay.

MR. SAWYER: And then, besides that, we have an operational fair share which is what is actually going into the developer agreement because those costs are not qualifiable with impact fees. Impact fees have to go towards capacity increases.

COMMISSIONER SCHMITT: Okay. Then my following question. Is the county looking at this issue being raised by CINA in regards to Immokalee Road and Friendship Lane?

MR. SAWYER: Specifically, I do not have any -- any information at this point --

COMMISSIONER SCHMITT: Okay.

MR. SAWYER: -- that that is a problem. When it becomes a problem, yes, then we do. We look at problems throughout the county on an operational basis when we're aware of issues, and we look at -- along with the traffic counts that we take on our major roadways on a quarterly basis to see where transportation increases are occurring and also just by knowing what is happening out in the system itself.

COMMISSIONER SCHMITT: Okay. So, in conclusion, then, if this becomes an issue, the county will have to address it somehow. But based on the petition from this community, it is not deemed the requirement. It would be, as you stated, an exaction if we tried to force the developer to make these improvements off site.

MR. SAWYER: Correct. What we've done with the operational analysis that was done is looked at what the impacts of the development were going to be at those key intersections.

COMMISSIONER SCHMITT: All right. Thanks.

CHAIRMAN FRYER: Thank you.

Anything further from the Planning Commission?

(No response.)

CHAIRMAN FRYER: All right. I think we're ready now for our registered speakers, Mr. Youngblood.

MR. YOUNGBLOOD: Mr. Chairman, we have four registered speakers with us in the room and three online. We will start with Maureen Bonness followed by Bebe Kanter.

CHAIRMAN FRYER: Thank you. And before we start, actually. I looked up at the clock. It's 12 o'clock. What is the -- what's the wish of the Planning Commission for lunch? And it seems that our 1:00 p.m. meeting is not-earlier-than rather than time-certain, so...

COMMISSIONER VERNON: I'm very flexible whatever anybody wants to do, but I'd just as well see if we can button this up and vote on it before we go to lunch.

COMMISSIONER SHEA: Same thing here. Like he says, button it up.

CHAIRMAN FRYER: All right. That seems to be the sentiment, then. We'll continue on. So, yes, ma'am, please -- I didn't catch your name. Again, please.

MS. BONNESS: Maureen Bonness.

CHAIRMAN FRYER: Spell the last name.

MS. BONNESS: B-o-n-n-e-s-s.

CHAIRMAN FRYER: Thank you very much. Please go ahead. You have three minutes.

MS. BONNESS: I represent the Corkscrew Island Neighborhood Association. It is a six-square-mile area with a rather rural character and, up until recently, has been considered rather remote; until now we've got two large developments right on our doorstep. That is Immokalee Road Rural Village and Brightshore Village.

Our primary concern with Brightshore is the amount of traffic it generates on Immokalee Road. Our neighborhood is on both sides of Immokalee Road, so all of our local roads intersect with Immokalee Road.

The intersection at Red Hawk Lane and Immokalee Road should be improved due to two developments that are both using that as an entrance road. That road is no -- it currently has two residents that use the road. It's a dirt road. And so improvements at that intersection should be held by -- the burden should be on those two developing communities that are putting entrances onto that road, not the county.

And so the fair-share description of what is Brightshore's fair share is -- our description is different. We say it should not be county expense, and it should be on Brightshore and Immokalee Road Rural Village. And we believe that there should be a commitment set forward that there is a need for a study to be done, and the study, design, construction -- construction of the improvements should be done by a certain deadline. At this point they're saying if in the future it might be needed, and we say it is warranted.

The other request was, as you mentioned, turn lanes on two of the roads within our neighborhood. There's a two-mile stretch of Immokalee Road that goes through our neighborhood. It's 55 miles an hour, two lanes, and there are actually seven intersections with local roads. According to Brightshore's traffic impact study, the p.m. peak hour eastbound traffic is currently 500 vehicles per hour. Brightshore is going to add 510 vehicles to that number. A total of over a thousand.

The level of service on that road fails at 900, so we are very concerned about safety for our residents trying to access Immokalee Road, and we consider it an operational improvement rather than otherwise. So that's our request. Also --

COMMISSIONER KLUCIK: Can you help me? What is it that you're actually asking for?

MS. BONNESS: As we said in the resolution, we're asking for a stronger commitment from Brightshore as to their commitments at Red Hawk Lane, that there is improvements warranted there, and that they will commit to their fair share sharing that with IRRV. And the other request was turn lanes at Friendship Lane and Lilac Lane.

COMMISSIONER KLUCIK: So you said that you wanted to ensure access to Immokalee Road. That seems to be the other way, though. That would be -- that would be ensuring you access to get off of Immokalee Road without tying up traffic?

MS. BONNESS: Both directions --

COMMISSIONER KLUCIK: The turn lanes.

MS. BONNESS: -- turning onto -- as Jean mentioned in her email, turning onto Immokalee Road and off of Immokalee Road from the seven intersections that access our neighborhood residences.

COMMISSIONER KLUCIK: I guess I'm just trying to figure out. I guess "turn lane" seems vague to me. I'm trying to figure out how exactly -- you know, a turn lane seems to help you get off. It doesn't seem to help you get on.

MS. BONNESS: Correct.

COMMISSIONER KLUCIK: Okay, yeah. That's what it is. You don't want there to be a lot of congestion there. When someone just wants to turn onto the road, we don't want to be backing up Immokalee Road.

MS. BONNESS: It's a safety concern.

COMMISSIONER KLUCIK: Yeah, okay.

CHAIRMAN FRYER: Thank you, ma'am.

And I'll ask the court reporter to nod if we're okay going to, like, 12:45.

THE COURT REPORTER: (Nods head.)

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner.

COMMISSIONER KLUCIK: May I speak?

CHAIRMAN FRYER: Please.

COMMISSIONER KLUCIK: Two minutes ago, may I speak? I forgot to ask your permission.

CHAIRMAN FRYER: Go right ahead, sir.

COMMISSIONER KLUCIK: I'm sorry.

CHAIRMAN FRYER: Oh, this was --

COMMISSIONER KLUCIK: Retroactive.

CHAIRMAN FRYER: Retroactively, yes, you may.

COMMISSIONER KLUCIK: I apologize.

CHAIRMAN FRYER: You may have spoken.

COMMISSIONER KLUCIK: I apologize.

CHAIRMAN FRYER: Not a problem. Thank you.

MR. YOUNGBLOOD: Our next speaker is going to be Bebe Kanter, followed by Garrett Beyrent.

CHAIRMAN FRYER: Ms. Kanter, you have three minutes, ma'am.

MS. KANTER: Pardon me?

CHAIRMAN FRYER: You have three minutes.

MS. KANTER: Okay. Could you mention -- could you give me some time as I run out?

CHAIRMAN FRYER: Sure. Yeah. I'll tell you.

MS. KANTER: Thank you.

CHAIRMAN FRYER: It's 12:06. I'll tell you when it's 12:08.

MS. KANTER: Okay. I'll try to make this really short and not talk too fast.

CHAIRMAN FRYER: All right. The court reporter appreciates that.

MS. KANTER: So my motivation for coming here is that our community is rack [sic]. We'll all agree that we really have a lot of different factors to take into account for any development, and I believe that we should, for the time being, maybe six months to a year, just focus on how we're going to recover from Ian. That's No. 2 [sic].

So we should just -- and then I also like this idea about nipping it in the bud. So as -- okay. So as I've -- what I was going to say -- I've kind of changed my speech as I've listened to what everybody has to say. But I do believe that we should just nip this whole discussion about the RSLA [sic] in the bud for at least six months, maybe for five years, until the first project or the first village actually goes through successfully, because I don't think it's going to make it.

Number 2, as I understand it, all these discussions about traffic are irrelevant; that really the only argument against these villages would be fiscal neutrality; is that true?

CHAIRMAN FRYER: Well, that's a debatable issue.

MS. KANTER: Okay.

CHAIRMAN FRYER: Certainly fiscal neutrality is one issue, and traffic is another issue.

MS. KANTER: Well, I agree that it's an issue, but if we have no jurisdiction about that, then why talk about it? I'm not saying that I don't agree with what you're saying.

CHAIRMAN FRYER: Let me engage with you on that, then.

MS. KANTER: Okay. Is that okay?

CHAIRMAN FRYER: My purpose in bringing it up was to try to inspire evolution of a new standard that is up to date and takes account in a scientific fashion of things like vacancy rates.

MS. KANTER: I agree, but that would be in the fiscal -- I mean, that would be in the fiscal neutrality section, not traffic; is that correct?

CHAIRMAN FRYER: Yeah, that's the one that I brought.

MS. KANTER: I mean, I agree with you that we need a dynamic model, that these static models are, like, five or 10 years out of date and that -- this is to Mr. Bosi -- nowadays -- do you know what machine learning and artificial intelligence means?

CHAIRMAN FRYER: Ma'am, we're here to listen to your statements, not to answer questions.

MS. KANTER: Okay. So, anyways, I think that the models that the department are using are just technically obsolete.

So then I also want to take issue with Mr. Yovanovich's contention that these are established villages. These are far from established villages. Pretty much everybody in the county -- every special interest group is opposed to these villages, and it seems unlikely to me that they're going to be approved. That's my opinion. But until one is approved, why discuss all the others? Because any assumptions we make are going to be irrelevant. So we're just wasting time.

CHAIRMAN FRYER: You have one minute, ma'am, and I've given you credit for when you were interrupted.

MS. KANTER: Thank you. So let's halt all discussion of villages for six months until we've figured out how the county is going to deal with this. And the other thing is there is a growing movement to require new construction to put aside 50 percent of land for affordable housing, not just 10 percent as this one does, and that there's growing clamor for that.

So I just think that we're talking about things that aren't going to happen, and we really need to focus on how we're going to deal with the aftereffects of Hurricane Ian.

CHAIRMAN FRYER: Thank you very much.

Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Garrett Beyrent, followed by Meredith Budd, and then we will go online.

CHAIRMAN FRYER: And your last name again, sir?

MR. BEYRENT: For the record -- is that working? For the record --

CHAIRMAN FRYER: Yeah.

MR. BEYRENT: -- Garrett Beyrent. I've been a developer in Collier County for 52 years. I actually came in this building the year it was built. And I've watched all the developments, because my family and I developed just a little under 5,000 condominium dwelling units outside the building. The 750 acres that surrounds this actually was purchased by my father-in-law in 1962. When he found out he was buying property on the wrong side of town, he put it for sale the following year with great terms. Nobody bought it. So we developed all this stuff, and all the way out -- Falling Waters, three different projects out there.

And long and short is, I've been watching Mike Bosi put this plan together for years. When I say "watching," I'm sitting next to him watching him put it -- this is the perfect plan. You can't do better than this plan.

The only problem in the plan was the golf carts, and that I learned the hard way. I developed roads that were -- I kept the ownership of Palm Drive, Glades Boulevard. Those were all held by us. Dumbest thing I ever did, really. The bottom line was, the only person that almost died on that road was me. I got, actually, hit. A guy that was nodding out on heroin on the wrong side of the road hit me head on, and as I jumped out of the cart, okay -- my leg was still in the cart.

The cart was designed to carry eight people. It was just me chatting in the middle of the road. I was on the right side of the road; he was on the wrong side of the road. He was one of my own employees who was on drugs, doing tile work.

So I can tell you something. The whole issue relative to bicycles and golf carts and roadways, it has to be reconfigured by Mike Bosi. I blame it on Mike. He's done a great job. And you should just okay this. And whatever you need to do, changing golf cart and bicycle issues, that's a safety issue. You should just put it somewhere in the plan whenever it comes up, when this place actually starts building, and that may never happen because of the hurricane.

So that's all I have to say. Oh, go ahead. Thank you very much.

CHAIRMAN FRYER: Thank you. Thank you, sir.

Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Meredith Budd, and then we will go online to Shanta Ramlakhan.

CHAIRMAN FRYER: Ms. Budd, you're representing an organization. You can have more time, a little bit.

MS. BUDD: Thank you so much. I appreciate that. Good afternoon, Meredith Budd, on behalf of the Florida Wildlife Federation.

I've been in communication with the applicant over the last year or so regarding this project, and the fact that the applicant has invited the Florida Wildlife Federation and our experts to provide insight into the application process, I just want to note that that's very much appreciated.

As you all probably know, the Florida panther is a wide-ranging species across



Southwest Florida. They're an endangered species. Our public lands, state, federal lands are simply just not enough to support a growing panther population. And biologists have long recognized that large private landowners in this region are very much so critical in protecting the Florida panther population and expanding the Florida panther population as well as other native wildlife.

As habitat continues to shrink because of increasing development, more projects, more roads -- and we know that people continue to come to Southwest Florida. We all live here. We all know why people continue to come to Southwest Florida, but that means we need to be smart about how we develop and where we put development and, unfortunately, as more people come and more development and more roads come, we lose habitat and less chance for them to find prey, less places for them to den, and loss of habitat will -- contributes to the biggest problems for the panthers, which is interest-specific aggression and road mortality, getting hit and killed on our roadways.

Collier County's not immune to this population growth. And of the lands rounding Immokalee, over 90 percent of them are privately held. That's all within the Rural Lands Stewardship Area.

So we, the Federation, recognizes the vested rights that these landowners do have for potential development across the region that's not within the RLSA overlay, but their underlying rights for development.

And since growth and development will continue to occur, the future of our charismatic Florida panther really depends on the land-use decisions that we're making here today.

If we look at Golden Gate Estates predevelopment, it was predominantly wetlands. In fact, it resembled natural areas that we see delineated in the Rural Lands Stewardship Area. And it's evident that our federal policies that we have in place, our Clean Water Act, our Endangered Species Act, they're clearly not really doing everything they're supposed to do. And we think about the Clean Water Act. We're not supposed to have a net loss of wetlands.

Well, last time I spoke with Mr. Mike Dover, who has been working in this region for quite some time, I believe he had said that we used to be around 83 percent wet here in the county. That's certainly not true here today. And that's operating under the Clean Water Act and the stipulation that we don't have a net loss of wetlands.

I think there's a statistic from NOAA that since 1996 that we had lost over 30,000 acres of wetlands between Lee and Collier County.

Same thing goes for endangered species. We have federal protections. We have the Endangered Species Act, but there's holes in coverage --

CHAIRMAN FRYER: Slow down just a little bit.

MS. BUDD: So sorry. I go too fast.

There are holes in that coverage, and we see loss of really critical habitat, really important habitat despite having federal regulations in place. So the county can play a really important role in their local land-use decisions in order to protect species and to protect, excuse me, our water resources.

And that's really why RLSA is so critical. This overlay ensures that natural resource protection and wildlife movement is set aside. Those areas are set aside. The most environmentally sensitive areas are protected, and the ones that are of lesser environmental value are the ones that are targeted for development. And that's why the Florida Wildlife Federation is so supportive of the RLSA program.

And this is how the program works. We get conservation by approving Stewardship Receiving Areas. You only really get the Stewardship Sending Areas protected in perpetuity by approving the Stewardship Receiving Areas. And so while -- if I was queen, I would love to see the entire eastern part of Collier County protected and no more development, but that is just not the world that I live in. And the Stewardship Sending Areas that are being utilized were set aside, and the credits are available to make -- or to exchange for development to create an SRA, and that is how the RLSA program works. And we are supportive of the RLSA program and that large landscape connectivity that it provides for both water and wildlife resources.

CHAIRMAN FRYER: Ms. Budd, you're at five minutes. Please wrap it up.

MR. BURGESS: Yes. With that being said, I do want to mention that in my conversations with the applicant over the last year or so we have requested several items, and I want to put them -- make sure you're aware of them and see if the applicant is willing to put on the record and commit to these things.

One is bear-proof trash cans; those are critical. The other developments in the Rural Lands Stewardship Area that have been approved have committed to putting in bear-proof trash cans throughout the commercial and residential areas.

CHAIRMAN FRYER: They've already made that commitment.

MS. BUDD: Awesome. Dark Sky lighting.

CHAIRMAN FRYER: Made that commitment.

MS. BUDD: Perfect. And I apologize, I had a meeting this morning, so I missed the beginning of the presentation.

CHAIRMAN FRYER: That's all right.

MS. BUDD: And then also there is road mortality along Immokalee Road. Both the north/south segment before you get to the curve where this village is and then on the east/west segment once -- right south of the village.

So for the county to understand and consider as road projects move forward and there's widening projects, to consider implementing a crossing to minimize the amount of wildlife mortality.

And I did see that staff recommended the Wildlife Management Plan. I request the opportunity from the applicant to be engaged in that and make sure the Florida Wildlife Federation can provide expertise where we can. So I appreciate the time.

CHAIRMAN FRYER: Thank you very much.

Next speaker.

COMMISSIONER VERNON: I had a quick question.

CHAIRMAN FRYER: Go ahead, Commissioner.

MS. BUDD: Me?

COMMISSIONER VERNON: Yes. Assuming this project goes forward, assuming the density, just conceptually, with the park on the outside, that what I would call almost like a mote, what do you think about that as a concept from a conservationist?

MS. BUDD: So water barriers and water buffers are great. Any sort of buffer that you can have to try to minimize the amount of wildlife conflict that will be coming into the community is a benefit. But I will note that bears do swim. They are -- I mean, much more likely than a panther, a bear will swim. So -- which is why it's so critical where we talk about those bear-proof trash cans so we don't have an attractant that is really attracting those bears into the community. While the buffer is great, it will certainly limit some potential

exposure to conflict, they will -- they will swim through those buffers.

COMMISSIONER VERNON: Thank you.

CHAIRMAN FRYER: Thank you.

Mr. Youngblood.

MR. YOUNGBLOOD: Mr. Chairman, we're going to go online now to two speakers online. Shanta Ramlakhan will be our first one --

COMMISSIONER KLUCIK: Mr. Chair?

MR. YOUNGBLOOD: -- followed by Matthew Schwartz.

CHAIRMAN FRYER: Okay. Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. I just want to thank you for coming. And, I -- you know, I live out in Ave Maria, and, you know, that's been a focus of a lot of the environmental concerns of the RLSA because, obviously, that's the first project in the RLSA. And I just admire that you do work together, and I admire our developer's commitment to making sure that they do work, you know, with the environmental organizations. And it seems like cooperation helps move the ball forward so that it's more acceptable to everybody, and I just want to applaud you for doing that.

CHAIRMAN FRYER: Thank you.

Mr. Youngblood, will you announce the first telephonic speaker again.

MR. YOUNGBLOOD: Sure. Shanta Ramlakhan.

MS. RAMLAKHAN: Hello.

MR. YOUNGBLOOD: After that we will have Matthew Schwartz.

Go ahead, speaker. You have five minutes -- or three minutes.

MS. RAMLAKHAN: Thank you. Thank you very much.

My questions are -- and I'm opposed to this project because I came to this county around 20 years to live in a rural environment, and it looks like you're building the city around us even though we want a rural space. And what I'm not hearing is the discussion about the traffic on the road. While these developments are self-contained and are trying to be self-contained, regardless, those people have to come onto the road and -- onto Immokalee Road.

Where I live, which is on 40th -- and I'm not represented by any of these associations because I live on -- off of 40th.

What happens is that section of road is a two-lane highway. And I can personally tell you that even in the last year, I have nearly been run off the road three times by people trying to do a high speed pass, and I have personally witnessed two accidents where people miscalculated that high speed pass and has caused accidents where cars are flipping into trees.

Where do -- if you add an additional 5,000 cars to the road or however many cars, where are all those cars going to go? And, again, I'm off of 40th, which is a little further up. But we still have to be able to access Immokalee Road, and this is just adding to that traffic. And where those additional cars are going to go if they're trying to avoid traffic, they're going to go down Everglades Boulevard where there's kids waiting to go to school, they're walking to school, they're biking to school. There's an actual school off of Everglades Boulevard; it's an elementary school. So you're -- this additional traffic issue puts them at risk.

And I don't hear anything about the access for those residents off of 40th.

Where -- do they get some sort of turn lane? Is that being accommodated in the plan? I'm not hearing that.

So, also, I'm still not convinced about the environmental conservation part. I think

with the additional traffic you also still have -- you're forcing those human/wildlife interactions, and you're going to kill a lot more animals because of that additional traffic. You're displacing the animals that traverse there, that are living there, and you're destroying the rural flavor of this area that draws people to live here.

CHAIRMAN FRYER: Okay. Thank you, ma'am, very much. You're at three minutes now. Thank you.

MS. RAMLAKHAN: Thank you.

CHAIRMAN FRYER: Next speaker.

MR. YOUNGBLOOD: Our final speaker is Matthew Schwartz. Mr. Schwartz, you're being prompted to unmute your microphone. Sir, can you hear us?

MR. SCHWARTZ: I did so. Can you hear me?

CHAIRMAN FRYER: Yes.

MR. YOUNGBLOOD: Loud and clear, sir. You have three minutes.

MR. SCHWARTZ: Okay, great, thank you, and good afternoon. It's been an interesting discussion.

The first thing I want to talk about -- and, by the way, I am representing the South Florida Wildlife Association. I will try to stay within three minutes, but I think I might have to bleed over a little bit, if that would be okay.

CHAIRMAN FRYER: We'll let you bleed over a little bit.

MR. SCHWARTZ: Okay. I'll try to keep it short.

First thing I want to point out about this issue, in the beginning I heard about maybe one minute, two minutes at most of discussion about wildlife impacts from the developer. It was sort of written off as the area's not next to or not in the critical -- an Area of Critical State Concern. It's all agricultural lands, et cetera. We've heard this kind of thing before.

The area is part of the core habitat of the Florida panther and many, many other species, as was being analyzed in the Eastern Collier Habitat Conservation Plan. We'll come back to that.

The property is inside and surrounded by a nexus of public lands. It's a stone's throw from Audubon's Corkscrew Swamp Sanctuary. The last --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Just a moment, Mr. Speaker. We have a question from Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. I mean, are you not aware that this has been vetted for the last, like, 15 years, and these are the lands -- no, no, no, no.

MR. SCHWARTZ: Go ahead.

COMMISSIONER KLUCIK: These are the lands that are set aside for this kind of development, period. Full stop.

All the environmental concerns that you're going to bring up and that anyone ever brings up have already been factored in at length over the public process.

Now, I'm happy to hear what you have to say, but, you know, you can -- and you can take the -- you know, take up our time. That's -- you know, we have the public speaking time so that we can hear what you have to say. But all of this -- these issues, the environmental issues have been dealt with at length and have had more than a -- you know, a fair hearing, and it just -- it's frustrating to hear people come and say the same things over and over again that smear and ignore the good work that's been done. And the developer didn't go at length about that issue because it's not an issue. It's already been covered, and there's nothing else

to say about it that's going to impact our decision.

Thank you. Carry on.

CHAIRMAN FRYER: Go ahead, sir. You have an extra minute.

MR. SCHWARTZ: Okay. And thank you very much, because what that allows me to do is jump over my first four bullet points, and I don't have to reiterate all the threats to wildlife and the environment from the RLSA in general, which this project is a part to -- part of.

So I'm going to bring up something that has not been discussed, I think, by this commission, because it really only came out in August when the Eastern Collier Property Owners got together, wrote a letter to the Fish and Wildlife Service, and said, hey, you know what, we're quitting the Habitat Conservation Plan for this project for the RLSA.

Now, the Fish and Wildlife Service spent 10 years reviewing your RLSA. This has not been discussed on the Commission. What they found was jeopardy for the Florida panther. They said that based on the cumulative impacts of 45,000 acres of development -- not the 600 acres of this project, which it's a part of, but the 45,000 acres that are anticipated, the habitat loss, loss of prey, but especially roadkill, and at least an additional 10 panthers killed on roads per year, this project will cause jeopardy for the Florida panther.

CHAIRMAN FRYER: Mr. Schwartz, Commissioner Schmitt has a question or comment.

COMMISSIONER SCHMITT: I want him to finish, because I'm going to make a comment.

CHAIRMAN FRYER: Okay. Sorry, go ahead.

MR. SCHWARTZ: Yeah. I'm going to make sure, by the way, after this -- when I get back to my laptop, I'll make sure that each of you get a copy of the draft biological opinion which was never finished because the Eastern Collier Property Owners dropped out.

So you need to be aware that the feds have already reviewed this. The fact that the Collier Property Owners have quit the project will not lead to a final report. But the research has been done. It's been written. And you folks who are brushing off the wildlife impacts, say, well, the fed's going to handle that, they've handled it. They said that you cannot build this much out there in eastern Collier without leading to the extinction of the Florida panther.

So what I'm asking you to do -- I don't want to go too long on this -- is you really need to workshop this. You need to workshop this, not with me. I have advanced degrees of social sciences. I'm not a biologist nor did I work on the biological opinion for this project that we're reviewing today. Bring in the federal scientists who did the review, let them share their information for you, let them explain to you carefully why they feel the RLSA will lead to the jeopardy of our state animal, not that -- jeopardy means the likelihood of extinction. And I can explain to you -- we could get into the legal aspects of this, why this project and the entire RLSA cannot go on or not continue as written.

CHAIRMAN FRYER: You have another thirty seconds, sir.

MR. SCHWARTZ: So I'd like to hear what you have to say about that, because that has not been discussed here.

CHAIRMAN FRYER: Thank you very much.

Any further speakers?

COMMISSIONER SCHMITT: Can I bring up point?

CHAIRMAN FRYER: Yes, of course.

COMMISSIONER SCHMITT: Just for a matter of fact, this RLSA was developed,

as it was brought out at the beginning of today's session, in the year 2000 after extensive study, probably two years of review. I was the administrator for community development at that time. It was under my purview, but folks like Ray and Mike and others and members of the staff here today all were participants in this analysis.

The RLSA, I think folks fail to understand, it was to consolidate development to avoid the one unit per five acres that's already authorized out there to develop. It was -- it was -- this is not an approval of existing zoning. The zoning already exists. This is -- this was vetted for almost 20 years. And, Mike, what was it, three years ago we had the five-year, 10-year, and 15-year review? We went through reviews. One was delayed, but we went through extensive review of the RLSA. And I can go back to the Florida Wildlife Federation and also Nancy Payton's organization. Yes, same.

Just heavily involved in this. We were directed by the state to develop a plan. And this -- the plan was put in place to protect sensitive lands. And as was stated, we would love to put the whole thing into preserve, but we can't. People own this property. They have the right to develop it, and the RLSA was the solution to try and consolidate into less sensitive areas development so that more sensitive areas, Habitat Stewardship Areas, Waterway Stewardship Areas, even considering panther traffic and panther, well, areas. It was all developed, and that was the RLSA in general.

So I encourage you, if you would like to submit and participate in the next review, whenever that it going to be -- I'm not sure when it's scheduled, but there will be another review of the RLSA. And we'll review both the codifying LDC amendments that implement the RLSA, but I would welcome your participation. If there's things that need to be adjusted and done to the RLSA program, it would have to be done through the public-hearing process and the amendment process to the -- both the Growth Management Plan and our Land Development Code.

CHAIRMAN FRYER: Thank you, sir.

Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman, and thank you, Commissioner Schmitt, for saying that.

I also would just like to say that in the very beginning of the petitioner's presentation one of the first things that I asked -- inquired about was the map -- and if you could put that map back up. I was extremely specific in asking about the sensitivity of the land and, in fact, the land that this project is going to be on is the least sensitive area in the RLSA, which is exactly the goal. This is the perfect project regarding the environment. It couldn't be more perfect.

And so it's just frustrating to hear people come and to actually state that it was given short shrift. It was not given short shrift. As a matter of fact, it was the very first thing that I, you know, asked about, and the very first thing that the petitioner -- one of the first things that the petitioner told us about, because we all are very concerned about the environment. And that's kind of why I decided to jump in as soon as the petitioner and our panel was impugned by -- at least my impression was that he had impugned this process as not being concerned about the environment, and I think the record needs to reflect that that's absolutely not the case.

CHAIRMAN FRYER: Thank you, sir.

Mr. Youngblood, any further speakers?

MR. YOUNGBLOOD: I don't have any other speakers for this item, sir.

CHAIRMAN FRYER: All right. Anybody in the room who has not registered but yet would like to be heard in this matter, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing none, with that, we will close the public comment portion of this hearing and ask Mr. Yovanovich if he has rebuttal.

MR. YOVANOVICH: Other than I think I owe Mr. Vernon a response on whether we'll agree to change -- I think my phraseology was "to the extent permitted by law" to "to the extent prohibited by law." I spoke to my client. They're not comfortable -- they would like to be able to rely on their attorney's advice as to whether or not there's a good-faith basis to bring forward fining people. So we would prefer to stick with the phraseology "to the extent permitted by law."

And then other than -- other than, you know, Mr. Klucik summarized, you know, the project properly, this is exactly where designation of SRAs is supposed to occur. The testimony from your staff, the testimony from our experts, the documentation we've provided in support of the petition addressed every one of the concerns that people brought up regarding traffic. We did the traffic analysis. We've done the proper environmental analysis on that property -- on this property.

And all of the recommendations from the experts and their particular fields is recommendation of approval of this project. And we're requesting that the Planning Commission recommend to the Board of County Commissioners that the Brightshore Village SRA be designated on this roughly 681 acres. And we're available to answer any questions that you may have regarding our -- further questions you may have regarding our project.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I don't have a question for Rich.

I just want to pile on with Commissioner Klucik. I get a lot of comments about how we shouldn't be developing in these pink areas. That's not the role of this commission. That's the Growth Management Plan and the RLSA. Our role is to ensure compliance.

If there's a problem with what the pink areas are, that's -- that has to be addressed separately with the Commissioners in terms of changing the plan.

So we can't change the plan. And to us, according to the plan, this looks very ideal, one of the best projects that we've seen. But sometimes we get a -- our role is to ensure that plan is followed, not to change it. So I just wanted to say that more for the public who think that we have the right to override it and say, now all of a sudden that's an environmentally sensitive area. It's already been decided that it's not, and it's been decided by powers beyond us.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, did we close the public hearing? Because I'm ready to make a nomination.

MR. YOVANOVICH: Nomination?

COMMISSIONER SCHMITT: Okay. Based on the criteria established under -- where the County Attorney stipulated the criteria for creation of the SRA, there are 14 points, I've considered all 14 points as proposed. I believe it's consistent with the plan. I would recommend approval based on the stipulations as imposed by staff. There were two stipulations.

I would also request it be added to the stipulation the enforcement of the golf course [sic] rules. Based on that, that the developer develop a plan. They stipulated or they stated on the record that the developer would provide an information sheet to the homeowners, which seems to be appropriate, because -- and to develop some sort of program where the HOA would have to enforce the rules and regulations of the HOA. So I want to put the burden on the community. It should not be on the county sheriff, and it should not be on the county. It belongs in the community.

I want to agree -- I propose that we agree with the stipulation that the linear park be completed by the 750th CO, certificate of occupancy, and that the minimum of 20 parking spaces per public trailhead parking area -- and there are two -- that the minimum of 20 parking spaces for each. So I would make that as a recommendation of approval of this SRA.

CHAIRMAN FRYER: Thank you.

And Commissioner Vernon's going to want to speak on it, but let's see if we can get a second to that first.

COMMISSIONER VERNON: That was -- that's part of what I'll do, if -- yeah.

CHAIRMAN FRYER: Is that a second?

COMMISSIONER VERNON: That's a second.

CHAIRMAN FRYER: All right. Do you want to be heard on it?

COMMISSIONER VERNON: I was just going to give some general comments. If you want to wait, that's fine.

CHAIRMAN FRYER: No, now's the time. It's been moved and seconded.

COMMISSIONER VERNON: Yeah. No, I think it's a good project, you know, and I think they've made the changes that we want to make. I do want to say, Mike, your technical analysis and your 10,000-foot view of the big picture of this is extremely valuable to me and, I suspect, all of us, so I really appreciate your great work. That's it. Joe covered everything I was going to --

COMMISSIONER SCHMITT: And I just want to follow up what Paul said. I think the public needs to understand this is a Rural Lands Stewardship program. It's already zoned. The pink areas are the areas that are identified for development. We cannot change that. That is a review process under the Growth Management Plan and the SRA approval process. Typically, it was every five years, and whatever it's going to be, I don't know. But those were identified as Sending Lands and Receiving Lands. We don't have the authority to say, well, these are environmentally sensitive lands, and we don't agree with what was in the SRA. We don't have that purview. So I stand again with my recommendation for approval.

CHAIRMAN FRYER: Okay. There's one -- you caught all the conditions.

COMMISSIONER SCHMITT: Did I miss one?

CHAIRMAN FRYER: I think so, and that's just that the peak p.m. trips will be changed from 1,764 to 1,761.

COMMISSIONER SCHMITT: Thank you. That was on the record, yes, thank you.

CHAIRMAN FRYER: Does the seconder accept that?

COMMISSIONER VERNON: Oh, yes.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor of the --

COMMISSIONER KLUCIK: Mr. Chairman?



CHAIRMAN FRYER: Yes, I'm sorry.

COMMISSIONER KLUCIK: I wanted to make sure with our counsel, did you receive my Form F8 or B8 -- 8B -- 8B?

MS. ASHTON: Yes, I did, and the clerk has it. I've given it to Terri, for the record.

COMMISSIONER KLUCIK: And I won't be voting.

CHAIRMAN FRYER: Thank you. Okay. Understood.

Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, it's been moved and seconded with the conditions that have been announced. All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: (Abstains.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, applicant and team. Thank you, members of the public. Thank you, staff.

Now, it's 12:39. We obviously have some people who are interested in the subsequent matters; they've arrived. But we haven't had lunch yet, so I'm going to propose that we take a shorter lunch break, if possible, and try to reconvene as soon as we can. It's going to be a little later than 1:00 p.m. And so I want to find out from the Planning Commission how much time they believe they need for lunch.

COMMISSIONER KLUCIK: Doesn't matter to me.

COMMISSIONER SHEA: How fast can they make sandwiches?

COMMISSIONER SCHMITT: 1:05 is fine; 1:10 is fine.

CHAIRMAN FRYER: Okay. Well, let's say -- is 1:10 -- anybody object to that?

(No response.)

CHAIRMAN FRYER: All right. We'll stand in recess for lunch until 12 -- excuse me -- until 1310, 1:10.

(A luncheon recess was had from 12:40 p.m. to 1:10 p.m.)

MR. BOSI: Chair, you have a live mic.

CHAIRMAN FRYER: Thank you, sir.

All right. With respect to our agenda, I have been informed that there may be a motion from the Planning Commission, an alteration to it. I'd entertain such a motion at this time.

COMMISSIONER SCHMITT: \*\*\*Mr. Chairman, we have had a petitioner sitting here all morning, and this is a very easy petition. I think we can move it in a matter of about a minute and a half. This is the commercial excavation permit for San Marino. It has to come to us sitting as the EAC to approve.

It's simply just 10 acres of excavation. It's in two areas that we've already approved as part of PUDs recently both at San Marino, and the other PUD there is Willow Run. Thank you. It was Willow Run.

But sitting as EAC, I would recommend approval of this petition subject to -- clearly, they're subject to any of the requirements of the LDC. Specifically, if they're going to use blasting, they have to comply with all the requirements as defined in the LDC for notifying nearby residents and for the monitoring of the county. So I'd recommend approval of this petition -- of this petition of the excavation permit.

CHAIRMAN FRYER: Okay. So -- but your motion is to readjust the order and take it right now?

COMMISSIONER SCHMITT: Yes.

COMMISSIONER VERNON: I'll second the motion to reorder.

CHAIRMAN FRYER: Further discussion on that?

(No response.)

CHAIRMAN FRYER: And I'm trusting that that's going to be okay with the other applicants, because I really do believe this is going to go very, very quickly, and it seems to be the fair thing to do. Thank you.

So without objection, we're going to adjust the agenda so as to hear the San Marino matter right now. And so, therefore, I will call it. It is PL20210003121, the SD San Marino, LLC, excavation permit. This requires our action as -- in our capacity as the EAC only.

All those wishing to testify in this matter, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN FRYER: Ex parte disclosures starting -- ma'am?

COMMISSIONER VERNON: Amy.

MS. LOCKHART: Just staff materials only.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER VERNON: No disclosures.

CHAIRMAN FRYER: Thank you.

Public materials and meetings with staff in my case.

COMMISSIONER SPARRAZZA: Staff meeting.

COMMISSIONER SCHMITT: No disclosures other than previously discussed and to move this forward in the agenda.

COMMISSIONER KLUCIK: Staff meeting.

CHAIRMAN FRYER: Thank you very much.

Ma'am, you may proceed.

MS. LAROCQUE: Thank you very much, Commissioners. For the record, Jacqueline Larocque, professional engineer with the Atwells Group.

This is the portion of Willow Run. The original excavation permit allowed for 8.9 million cubic yards of material. To date, they've excavated about 4.8 million. We're not asking for an increase in additional material. We're just asking for these 10 acres to be brought in. No additional truck trips; no additional anything. We're still operating under the same requirements from the same -- the original excavation permit.

CHAIRMAN FRYER: Thank you. Let's see if -- well, you can also come back if you have questions.

Staff, what's your report on this?

MS. COOK: Good afternoon.

CHAIRMAN FRYER: Ms. Cook.

MS. COOK: Good afternoon, Commissioners. Jaime Cook, your director of Development Review.

As Commissioner Schmitt and Commissioner Fryer both stated earlier, the Code of Laws requires you, sitting as the Environmental Advisory Council, to review commercial excavation permits and provide a recommendation to the Board of County Commissioners.

Staff has reviewed this application pursuant to our Growth Management Plan, our Code of Laws, and the LDC, and we recommend that you, acting as the EAC, forward this application to the Board with a recommendation of approval. If you have any questions, I'm happy to answer them.

CHAIRMAN FRYER: Thank you, Ms. Cook. Any questions?

(No response.)

CHAIRMAN FRYER: Apparently not.

Commissioner Schmitt, did you want to state your --

COMMISSIONER SCHMITT: I would just -- as stated, I would recommend approval as proposed in the submittal, PL2021003121, and this is a -- as stated, we're approving it sitting as the EAC. But I don't know if we have any public speakers on it.

CHAIRMAN FRYER: Thank you. I was just reminded of that. Are there any public speakers, Mr. Youngblood?

MR. YOUNGBLOOD: Give me just one second, Commissioner.

CHAIRMAN FRYER: Okay.

MR. YOUNGBLOOD: I seem to be having some technical difficulties here. Just another moment, please.

CHAIRMAN FRYER: All right. Commissioner Schmitt, if there are public speakers, I'll just ask you to make that motion for continuance again, if you don't mind, sir.

MR. YOUNGBLOOD: I don't have any registered public speakers for this item.

CHAIRMAN FRYER: Okay. Thank you. Anyone in the room wish to be heard on this who has not registered?

(No response.)

CHAIRMAN FRYER: If not, thank you. The public portion of this hearing is closed. It's now time for Planning Commission discussion, if any, or the motion.

COMMISSIONER VERNON: I'll second the motion.

CHAIRMAN FRYER: Motion has been made and seconded to approve the excavation permit.

Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, applicant. Thank you, staff. Thank you, Planning Commission.

COMMISSIONER SCHMITT: And those here for the other petition, thank you for the indulgence because this one was quick. We had that petitioner sitting here all morning. Thank you.

CHAIRMAN FRYER: Yeah. And thank you, Commissioner Schmitt, for bringing that to our attention. All right.

\*\*\*So the next one in order would be the proposed County Behavioral Health Center Small-Scale Amendment. We had not earlier than 1:00 p.m. on that, and that is PL20220002807, the proposed Collier County Behavioral Health Center Small-Scale Amendment to the urban Golden Gate Estates Sub-Element of the Golden Gate Area Master Plan Element of the Growth Management Plan and its companion, PL20220002221, the Collier County Behavioral Health CPUDZ.

All persons wishing to testify in this matter, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN FRYER: Thank you.

Disclosures, please, from the Planning Commission, starting with Ms. Lockhart.

MS. LOCKHART: None.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER VERNON: No disclosures, but I'd like to -- once we go through it, I'd like to speak before we start.

CHAIRMAN FRYER: Very good. In my case, it's public materials, a meeting with staff, a site visit, and conversation with applicant's agent.

COMMISSIONER SPARRAZZA: Brief meeting with staff.

COMMISSIONER SCHMITT: No disclosures other than the staff material presented in the report.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: I spoke with staff, and I also spoke with Commissioner McDaniel.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Thank you, Mr. Chairman.

I'm going to recuse myself. I am a member of the board of directors of the DLC. I'm also chairman of the Nominating and Governance Committee for the DLC, been on the board for a few years. I would very much like to not recuse myself, but I discussed it with counsel, County Attorney Jeff Klatzkow, and he recommended, and I tend to follow his recommendations, that I recuse myself from the vote. And then I asked him about the discussion part. He recommended that I recuse myself from the discussion part, so I'm going to recuse myself from discussing it and sit here silently, and please don't read anything into that one way or the other.

CHAIRMAN FRYER: Thank you, Commissioner Vernon. And you've been given the paperwork.

COMMISSIONER VERNON: I have not signed the paperwork. I was not aware of it till today, but it's been emailed to me, and I will get it done. I think I have 15 days to do it.

CHAIRMAN FRYER: All right, perfect. Very good. All right. Mr. Yovanovich, you may proceed, sir.

MR. YOVANOVICH: Good afternoon. For the record, Rich Yovanovich on behalf of the -- is this on? -- on behalf of the applicant and also -- which is the county, and David Lawrence Center.

There's a large team of people here to speak about the proposed Collier County Behavioral Health Center. You have -- and I'm going to butcher some names, and I apologize. Claudia Roncoroni, who is with the county, and she's the project manager for this project. Scott Burgess from the David Lawrence Center will be speaking.

And just to -- by way of introduction, this -- Collier County Behavioral Center has -- is a product of a surtax related to Collier County taxes and is to be -- specifically to fund this type of facility. The location of the facility, as you'll hear, has been determined to be within a subdistrict that was specifically established for these types of facilities, and we'll get into that a little earlier [sic]. But just to let you know how we got here, this is a Collier County surtax for this specific facility. Collier County facilities will manage the building. It's on -- it will be property conveyed to the county from the David Lawrence Center.

David Lawrence Center, as you are all aware, has been serving the mental health needs of residents of Collier County for over 50 years and has been at this location since 1975. So 47 years they've been providing these types of services on this -- an adjacent piece of property.

And the consultant who's been hired by the county is experienced in healthcare projects, including these types of facilities, and has designed over 25 million square feet of these types of facilities.

So you have in front of you a team of people who have been doing this for a long time and have been doing this successfully and have spent a lot of time and care in coming forward with the proposed Growth Management Plan amendment as well as the PUD, which got me out of -- which got me out of my order of what I was going to say.

But the prime consultant is Ryan Richards, who I've worked with on multiple projects; the healthcare consultant is -- I hope I say this right -- Maurizio Masso (phonetic); the civil engineer and planning firm is Peninsula Engineering, both Jessica Harrelson and Josh Fruth; and Norm Trebilcock is our traffic consultant.

What you have before you today are two petitions. One is a Small-Scale Growth Management Plan amendment to make some very minor tweaks to what already exists in this subdistrict, and also a PUD to implement the proposed project, which will be 102 patient beds and 64,000 square -- I'm sorry -- and 64,000 square feet.

There already is established the Golden Gate Parkway Institutional Subdistrict, and I had the pleasure of doing that petition in 2007 on behalf of the David Lawrence Center. And it's important to know that this particular subdistrict and these actual acres was specifically approved for the uses that are before you today, specifically group care facilities, churches, nursing homes, essential services. All of these uses were contemplated to be on this property since 2007.

In 2007, this was a large-scale amendment, so it went through four public hearings: The transmittal hearing in front of the Planning Commission, the transmittal hearing in front of the Board of County Commissioners, the adoption hearing in front of the Planning Commission, and the adoption hearing in front of the Board of County Commissioners.

So since 2007, this piece of property has been identified as an expansion of the David Lawrence Center services, and that's exactly what's happening. The only difference is you now have a county surtax that's going to construct the building. The building will be owned

by the county. The land will be owned by the county. But what was contemplated to happen on this property is exactly what was contemplated to happen since 2007.

We have a very detailed presentation to go over, the strategic plan to address mental health issues, the relationship between the county and this particular project, how this facility will operate.

We will show you both that this is the right location for these services and that this is very much needed and will be done in a very safe and respectful manner not only to the people who will receive the services from the David Lawrence Center but for the residents around this specific piece of property as was always contemplated through this process.

So I'm going to turn it over to Scott. He's going to come up and talk about, you know, the strategic plan. And then he'll turn it over to the county and so on and so on. If you'll bear with us, allow us to do our entire presentation, hopefully we'll address most if not all of your questions. Of course, you have the ability to interrupt us at any time. But if you'll allow us to do our presentation, we would appreciate it.

And with that, I'm going to turn it over to Scott.

CHAIRMAN FRYER: Before you go, Mr. Yovanovich, I just want to set the table procedurally for us because I didn't earlier. In addition to the GMP and PUD votes, we also have to vote on it EAC. Thank you.

MR. YOVANOVICH: All right. I'll turn it over to Scott.

MR. BURGESS: Thank you, Commissioners. It's a pleasure to be before you. And before I get started, I just want to say thank you for your public service. It's an important job that you do, and I thank you for it as a resident of Collier County.

CHAIRMAN FRYER: Thank you, sir. If you wouldn't mind stating your full name so that we can fully appreciate the compliment you've given us.

MR. BURGESS: I'm Scott Burgess. I'm the CEO of the David Lawrence Center for behavioral health.

CHAIRMAN FRYER: Thank you very much.

MR. BURGESS: Absolutely, thank you.

As Rich mentioned, since 2007, DLC and the county have identified this specific site for enhanced behavioral healthcare and services to meet the growing needs of the Collier community. There's been an extensive process --

CHAIRMAN FRYER: Okay. I'm going to ask the folks in the room to please mute your phones and other electronic devices. Thank you.

MR. BURGESS: Sure. There's been an extensive process across many years bringing key stakeholders and subject-matter experts together culminating in the first Board of County Commissioners strategic plan to effectively address these vitally needed services. Some of the dates associated with this timeline subsequent to the 2007 that we've mentioned that was significant in the county, there's been a number of different activities that have been part of this process. We just listed a few of them that we thought were very noteworthy for you to be aware of.

The first is in 2010, the Criminal Justice Mental Health and Substance Abuse Planning Council was established which was required by a grant that we received from the Florida Department of Children and Family Services, and that was to bring together Collier stakeholders to develop coordinated mental health and substance use services across entities in our county.

In 2016, Commissioner Solis began hosting regular informal behavioral health work

group meetings to discuss the current status of behavioral health services in our community. The successes that we were experiencing, the challenges that we were experiencing, where were the gaps, and where are the opportunities for us to further enhance our local system of care for adults.

In June of 2017, the first community workshop was held and hosted by the Board of County Commissioners. The purpose of that work group, which had a broad community attendance, was to elicit community-wide input regarding the urgent and growing needs for expanded behavioral health services in our community.

In November of 2017, we had the first facilitated strategic planning session that was facilitated by Mark Engelhardt, who's the director of the CM -- CJMHSA Technical Assistance Center at the University of South Florida at the Florida's Mental Health Institute.

Subsequent to that, in May of 2018, Mark Engelhardt facilitated a second strategic planning work group which had over 40 stakeholders and professionals that were involved in the formulation of an initial planning material for that strategic plan development.

In June of 2018, the Commissioners hosted the second community input workshop, and that was to review the outcomes of the strategic planning process and to establish the priorities for a draft of the strategic plan for our community.

In December of 2018, the Board of County Commissioners adopted Resolution 2018-232 which established the Collier County Mental Health and Addiction Advisory Committee. Across calendar year 2019, this 19-person committee, all of whom were selected by the Board of County Commissioners, met a total of 18 times, conducted three half-day workshops, and this culminated in the mental health and addiction strategic plan that was then formally recommended to the Board of County Commissioners.

The five-year strategic plan was presented in detail to the Board of County Commissioners on December 10th of 2019 and was unanimously approved.

As I mentioned, across this process, this very lengthy process across many, many years, there was a lot of input from the community, and there was a lot of input from key stakeholders and subject-matter experts. This slide depicts some of those individuals that were members of the advisory committee as well as organizations that were actively involved in the development of the strategic plan and are also involved in the mobilization of that strategic plan. And I think you will recognize many of those logos, including NCH, Lee Health, Wounded Warriors, Collier County Sheriff's Office, and many, many others.

CHAIRMAN FRYER: Excuse me, Mr. Burgess, but Commissioner Klucik has a question or comment.

COMMISSIONER KLUCIK: Sir, were there any -- among the groups that were involved, you said stakeholders. Were any of them neighboring, you know, homeowners and community members?

MR. BURGESS: We did -- to be honest, I'm not 100 percent sure whether there were neighbors that were involved in the committee or involved in the meetings that we held or not. It was open to the public, and it was, as I mentioned in all of these different bullet points, we were talking about this commission. We were having workshops.

(Simultaneous crosstalk.)

MR. BURGESS: Yeah, I don't know. We'd have to look at the membership of those who signed in when they came to those meetings. We held them publicly at the county museum. So it was --

COMMISSIONER KLUCIK: None of the people in the picture are on the -- all of

the logos, none of those are homeowner groups?

MR. BURGESS: They are not homeowner groups, no. But amongst the key stakeholders are individuals and organizations that represent consumers or those that would be utilizing the facility.

COMMISSIONER KLUCIK: Sure. Thank you.

MR. BURGESS: Sure.

In relationship to the strategic plan that was unanimously adopted, we took very seriously the importance of ensuring that whatever we did in this process and every recommendation that we made was evidence-based informed. So the best place to go to for that information is the National Substance Abuse and Mental Health Services Administration. That has evidence-based toolkits for services. And that was -- that has a lot of driving force behind what we recommend and what we recommended.

So some frameworks associated with that are four dimensions of support in recovery that include health, home, purpose, and community, and the 10 guiding principles of recovery. Those guiding principles are listed here and have driven not only the strategic plan but the mobilization of the strategic plan, and they include emerging from hope; is person-driven and, again, reinforcing what I mentioned about how we've actively engaged the consumer or client community related to their preference in what we do and how we do it; occurs via many pathways; is holistic, which you'll hear us describe a little bit more about integration of care, coordination of care, continuity of care, and we'll describe some of that a little bit later; is supported by peers and families. Again, that input from the end-user, if you will; is supported through relationships and social networks; is culturally based and influenced; is supported by addressing trauma; involves individual and families. Again, the folks that are going to be utilizing the service; and community strengths and responsibility. And related to community strengths, as I mentioned before, I've had many stakeholders involved in this process, the clients, the family, the active participants that will be utilizing the services and support, and the subject-matter experts.

And then this last bullet point is based on respect. The dignity of those who are going to receive this care. That's critically important to this process. Not to be further stigmatized by the process, but to have dignity and respect that they deserve, like everyone that has any type of healthcare concern.

The strategic plan that was unanimously adopted by the Commission identified key community priorities. They were rank ordered. The number one priority in the strategic plan is what we're here to discuss today, which is to build and operate a central receiving facility system to serve persons experiencing an acute mental health or substance-use crisis.

You also have additional bullet points related to the other priorities. I won't go into those in depth, but you have those there for reference because we're here really to talk about that first one.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Commissioner -- yes, Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Okay. So that first item, you mentioned the plan, and -- you know, and this comprehensive process that the county was involved with and the idea of the central receiving facility or system. Is that -- was a location part of all of that, you know, discussion? Like, at that point -- at what point was location talked, or was it not location specific and it was more generic, the need for a facility generally rather than a specific location?



MR. BURGESS: There was not a -- I wouldn't say a specific location necessarily discussed other than those principles and wanting it to be community based.

COMMISSIONER KLUCIK: Right.

MR. BURGESS: Wanting it to be convenient for --

COMMISSIONER KLUCIK: No, because initially I was thinking that this idea of where it was going to be and basically what it was going to be was already preapproved, and this was just the formal, you know, application, and it sounds like what you're going to do is, but where it was was never settled on. And I just -- that's why I want to know. Like, was it --

MR. BURGESS: Well, I don't want to -- I don't want to misinterpret your question.

COMMISSIONER KLUCIK: Yeah.

MR. BURGESS: At this point when the strategic plan was being built and we identified that we -- that that number one priority was the number one priority, that -- the site was not selected at that point. But after that point there's been a series of other public hearings that have gone on. And you'll hear more about that process related to the specific site selection that was unanimously supported by the Board of County Commissioners as well. That went through a whole separate process just specifically on site.

COMMISSIONER KLUCIK: Can you just give me a rough idea, like, what year that was or what month?

MR. BURGESS: It's in our slide show.

COMMISSIONER KLUCIK: You're getting to it?

MR. BURGESS: We're getting to it.

COMMISSIONER KLUCIK: I always anticipate. I'm sorry.

MR. BURGESS: Yes, yes, you are one step ahead of us.

We've got, I believe, maybe one additional slide, and then we're going to get right to that.

And with that, I'm actually going to hand it over to Leslie with the Collier County Sheriff's Office.

LIEUTENANT WEIDENHAMMER: Good afternoon, Commissioners. My name is Leslie Weidenhammer. I'm the lieutenant with the Collier County Sheriff's Office Behavioral Health Bureau.

What I have up here for you to see has been presented before, was part of the decision by the Commissioners to have a strategic plan for the county for mental health and addiction that resulted in the priorities which Scott has already presented. And with this you can see that there's been an increase over the years just from the Collier County Sheriff's Office of Baker Acts coming to the facility which helped inform and recognize the need to expand and grow.

With that, too, making sure everybody realized with Baker Acts -- and, again, these are just the Sheriff's Office numbers. They are not coming from Marco Island. They're not coming from Naples Police and the transfers that may be coming to them from other areas such as the hospital. But realize that this is a civil commitment, not a criminal commitment for folks. They're taken into protective custody for care.

And Collier County recognized a need for expansion and growth and anticipated this many, many years ago. As you can see, it's been since 2008. We've seen it go up almost 300 percent in that and being aware of increasing that capacity.

We also know, and you will be informed on some of the safety measures and other

items that are going to go on with a new facility that's being built.

But, again, expanding, improving those current operations, we have known for many years that that was something that was going to have to be done soon for the care and treatment of our loved ones and folks that we know in our community.

CHAIRMAN FRYER: Lieutenant Weidenhammer, it may well be that everyone knows what the Baker Act is and how it works, but would you say a word or two just in case not.

LIEUTENANT WEIDENHAMMER: Yes, I will.

CHAIRMAN FRYER: Thank you.

LIEUTENANT WEIDENHAMMER: Thank you for that.

A Baker Act is a state statute that law enforcement, doctors, some nurses, mental health professionals are able to determine that an individual needs some care and is in crisis, and we can take them into protective custody, which is a civil action, not a criminal action, in order to have that assessment/evaluation done at a facility by mental health professionals.

CHAIRMAN FRYER: Thank you.

LIEUTENANT WEIDENHAMMER: Thank you.

MS. RONCORONI: Good afternoon, Commissioners. My name is Claudia Roncoroni, for the record. I am with Collier County Facilities Management Department -- Division.

Following up on our presentation, Priority No. 1, as determined in the five-year strategic plan, is to build and operate a central receiving facility system to serve persons experiencing an acute mental health and/or substance-use crisis.

The timeline for this Priority No. 1 started on December 10, 2019. The top priority of the unanimously adopted strategic plan was to build and operate a central receiving -- thank you -- a central receiving system to serve persons experiencing an acute mental health or substance-use crisis.

On February 23rd of 2021, the Board of County Commissioners unanimously selected for the project location a site near the David Lawrence Center on Golden Gate Parkway. The selected location was one of five proposed sites. These were analyzed by Jacobs Engineering Group in their feasibility study produced to specifically evaluate pros and cons of each proposed location.

On May 25, 2022, the Board of County Commissioners unanimously approved an agreement to operate and lease the Collier County Mental Health Facility with the David Lawrence Mental Health Center, Inc., approve the purchase and sale agreement for the land the facility will be located on, and authorize staff to move forward with the request for proposal to design the facility.

CHAIRMAN FRYER: Commissioner Schmitt, did you wish to be heard at this time?

COMMISSIONER SCHMITT: Yes. Can you go back a slide. At the February 23 meeting, that was a Board of County Commissioners meeting, publicly advertised --

MS. RONCORONI: Yes.

COMMISSIONER SCHMITT: -- as far as the agenda item --

MS. RONCORONI: Yes, sir.

COMMISSIONER SCHMITT: -- and the discussion that took place in regards to the location?

MS. RONCORONI: Yes, not --

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: Was there any opposition -- was there any opposition at that meeting?

MS. RONCORONI: The record shows that it was unanimously approved.

COMMISSIONER SCHMITT: Unanimously approved by the Board?

MS. RONCORONI: Correct.

COMMISSIONER SCHMITT: But were there any public speakers in opposition to the location?

MS. RONCORONI: We would have to go back to the record. I personally do not recall it, but we would have to go to the minutes and verify the specific information.

COMMISSIONER SCHMITT: Okay. Rich?

MR. YOVANOVICH: I was there.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: There was no opposition.

COMMISSIONER SCHMITT: No opposition. It was presented. It was clearly identified as the location as being presented today that this would be the future location of this facility?

MR. YOVANOVICH: All five options were --

COMMISSIONER SCHMITT: All five options.

MR. YOVANOVICH: -- were within the executive summary.

COMMISSIONER SCHMITT: And then the Board selected the one?

MR. YOVANOVICH: Correct.

COMMISSIONER SCHMITT: Okay. Thank you.

MS. RONCORONI: So in going back to --

COMMISSIONER KLUCIK: Can I ask a related question?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Just -- and maybe, Rich, you would know the answer to this. Was -- would the residents have been -- you know, who would have been affected by -- or would be, you know, near by, were they all notified that that was on the agenda, or is that just, you know --

MR. YOVANOVICH: I don't know --

COMMISSIONER KLUCIK: Unlike -- you know, unlike this petition which I think people would be notified, at that stage did the neighbors have reason to know that this was going to be on the schedule?

MR. YOVANOVICH: I don't know what outreach Collier County did other than putting it on a regular agenda item to discuss this process. But again --

COMMISSIONER KLUCIK: Yeah. Staff can let us know if there was any other outreach to the --

MR. YOVANOVICH: Right. But, again, this has been a long public-participation process.

COMMISSIONER KLUCIK: I just know, like, unless I knew it was going to be near me, I probably wouldn't pay much attention to it other than, like, oh, they're going to build a center that we need somewhere. You know what I'm saying?

MR. YOVANOVICH: I understand. I understand.

COMMISSIONER KLUCIK: That's my point. My point is, I'm just trying to figure out if we're going to be concerned about whether people were there, a lot of -- you don't go unless you understand that you're impacted by it directly.

MR. YOVANOVICH: I understand, yes.

COMMISSIONER KLUCIK: Okay.

MS. RONCORONI: Going back to the timeline of Priority No. 1, on June 23rd, 2021, the Surtax Committee unanimously validated the proposed expenditure of 25 million for the design and construction of the Collier County Mental Health Facility.

On August 12th, 2021, the design solicitation was closed. Design solicitation ranking, with RG Architects ranked as number one, was approved by the Board on October 26th, 2021. RG Architects' contract was awarded on March 8th, 2022, and the notice to proceed to RG was issued -- was issued on March 14 of this year.

On September 9, 2021, the CMAR solicitation, contractual manager at risk, was closed -- excuse me. Oops, sorry -- was closed. CMAR solicitation ranking with DeAngelis Diamond ranked as No. 1 was approved by the Board on November 9, 2021. The contract with DeAngelis is scheduled to be presented to the Board of County Commissioners for approval following the completion of the entitlement process.

COMMISSIONER KLUCIK: The entitlement process is what we're doing now?

MS. RONCORONI: Excuse me, sir?

COMMISSIONER KLUCIK: The entitlement process is --

MS. RONCORONI: Yes.

COMMISSIONER KLUCIK: -- what we're doing and what the County Commissioners are doing --

MS. RONCORONI: Yes.

COMMISSIONER KLUCIK: -- with this item?

MS. RONCORONI: Correct.

COMMISSIONER KLUCIK: Okay.

MS. RONCORONI: I'm going to read you some of the statements that were made during the site selection hearing that took place on February 23, 2021. You can see the statement made by Commissioner Andy Solis. He had, from my perspective, there's not really much of an issue as to whether or not it would be better for the people that need services to locate it next to the existing mental health facility.

During the same hearing, Commissioner Rick LoCastro stated, I can tell you, as a former healthcare administrator, when it comes to future grants -- when it comes to future grants, philanthropic possibilities, and especially just efficiency of operation, having it next to the David Lawrence Center is going to be a real strength for this community showing that we have a major footprint that is totally focused on mental health and not fragmented in lots of different places. So I think when it comes to the site, it's a no-brainer. The David Lawrence Center site is the winner by far.

During the same site selection hearing, Linda McKinnon, president and CEO of Central Florida Behavioral Health Network, stated, our network subcontracts require that our providers and our services be provided in a manner that reduce the stigma of reaching out to mental health care. Because of that, I can't support placing the centralized receiving facility on government property adjacent to the jail complex as it will increase the perception that mental illness means criminal illness.

And with this, I'll go to the next presenter, Scott.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: Could you remind me again of what the five sites

were? Because obviously that one was near a jail, one was the current proposal. What were the other three?

MR. BURGESS: There were -- the five were -- three were proposed here on this Collier County complex campus, and two were over by the DLC campus. One was the parcel that we're talking about now that was selected, and then there was a parcel next to that which is the Parkway Life Church five acres.

COMMISSIONER KLUCIK: So it's roughly two general locations with five different -- five specific proposals within those two general areas?

MR. BURGESS: Correct.

COMMISSIONER KLUCIK: Okay. Thank you.

CHAIRMAN FRYER: And, for the record, that was Mr. Scott Burgess.

MR. BURGESS: Oh, my apologies. I didn't know that I had to redo that. Scott Burgess, for the record, CEO of the David Lawrence Center.

CHAIRMAN FRYER: Thank you, Mr. Burgess.

MR. BURGESS: Thank you.

Our community desperately needs to increase capacity and care through this top priority in the strategic plan. Some of the Collier County Behavioral Health Center community benefits will include that it will assist those with acute behavioral healthcare needs; mental health and/or substance-use disorder needs and challenges.

It will assist with the growing demand that we have in Collier County, and that's only been exacerbated by the recent closure of the Naples Community Hospital Mental Health and Detox Unit. It will provide important linkages to community resources upon discharge, that critical aftercare that's necessary for folks. It will expand crisis stabilization capacity for adults and those that have Medicare and need Medicare in-patient support, which we are right now having to send out of county for that support; and it will expand emergency services in our assessment area.

This site was always intended to be an expansion of these types of support services, and the Collier County -- the site that's been selected here offers -- this site specifically offers clinical and operational best practice. And we've got independent individuals that are subject-matter experts that will speak to this later in the public comments section, so I'm not going to go into much detail about how this is the standard of care and best practice.

But just from a couple of very high-level points on that, I mentioned before some of these bullets. But continuity of care. Having in-patient acute care supports located close to the outpatient supports that people need is really important in order for them to have expeditious next step in their treatment. The goal is to have same-day appointment. So when somebody leaves in-patient acute, they have an outpatient support service that same day. Obviously, having it right next to the current campus allows for that.

Integration of care. In addition to linking with those outpatient supports, we also have a pharmacy on campus through Genoa Pharmacy, and we know how important it is to get folks linked up with medication that's necessary for them to continue in the community if they've been prescribed such.

Coordination of care, again, getting back at this linkage from in-patient into outpatient care, ensuring that people have effective discharge planning and linking folks to that outpatient support or also the community-based support that we provide. One seamless system of care is best practice.

Efficiency of care. I won't go into much detail, but you can imagine what it means

from a business and operations standpoint for -- to have efficiencies in your care and your treatment as well, having things located closely to one another.

This is a centralized location. Not only centralized in the services that are provided that people need to have access to, but we're centralized in the county. We're pretty much in the middle of the county, and we're very closely located to 75, which is a major thoroughfare and helps out with access for our clients and their families. So it enhances that client care and engagement, and it also is very helpful from a staff recruitment and retention standpoint to have close proximity to 75.

I'm going to hand this next slide over to Beth Hatch.

MS. HATCH: Thank you, Scott.

Good afternoon. Beth Hatch, CEO of NAMI Collier. Thank you all for allowing us this afternoon.

For those who may not know, NAMI is a national alliance -- is the organization for the National Alliance on Mental Illness. It's the largest grassroots mental health organization dedicated to building better lives for millions of Americans affected by mental illness with over 600 affiliates throughout our nation and 26 just in Florida.

As you see on the first portion of the slide, it says "members," and that is something at NAMI that we strive as a part of our daily routines to ensure in our environment and their time with us at NAMI that they're people first. So many are considered patients and are recognized by their diagnosis and not their name.

Although I wasn't with NAMI during the survey and the focus groups that happened, that occurred, in preparation for today I reinterviewed the staff that were there and also went thoroughly through the notes of the think tank that they called themselves on those interviews of our members at our drop-in center off of Trail Boulevard in North Naples.

And some of -- as it was shared, the result, they were very proud to be part of this. And I commend the whole group and this coalition for including them, because they definitely have -- should have a voice, and they gave them that voice, and these are just some of the comments --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Could I just ask you a simple question. Are you an administrator or a mental health professional or both?

MS. HATCH: I am the new CEO of NAMI Collier.

COMMISSIONER KLUCIK: Okay.

MS. HATCH: So don't have a clinical background.

COMMISSIONER KLUCIK: Thank you.

MS. HATCH: Okay, yep.

Their answers were, of the think tank, were they need -- they recommended a welcoming, secure environment, a therapeutic and not a clinical environment, a calm, tranquil in colors and atmosphere, an opportunity for art therapy and music, outside space, nature, a place to go for help and healing and hope without the constant focus on why one is just there.

As we go further, the portion on integrated centralized in the best practice. Whether we're experiencing a mental illness for the first time, a caregiver of someone struggling, or just a concerned friend or family member, we need to be able to show that there's a whole community of people who care about what we're going through and providing that guidance and community support on mental health journey; most importantly, we're ensuring that

person knows that they are not alone.

One in five live with a mental illness, and those one in five are our family members, our parents, our siblings, our children, our relatives, our neighbors, our coworkers and friends. And those one out of five deserve to have an inclusive environment in our community and a familiar environment rather than an institution or government setting. DLC's campus is one of familiarity to many of our members and does not reflect that institutional setting.

We have looked at many options outside of -- hold on. I apologize. I have a personal story. I apologize; excuse me.

The next three portions of bullets I'm going to kind of sum up in a personal story, and the common question that we hear too often is when someone of one of those five come to a crisis time, the common question is, where and what do we do? I share that many -- we have to look for options outside Southwest Florida. Recently -- the circumstance that I was recently part of was just after Hurricane Ian, and someone came to me and said, where do I go and what do I do?

And I said, well, I've been in meetings, and DLC is taking other clients and patients and helping others in our community with organizations that had complete loss, as in Lee County.

So that dear friend and close family member that's like family to mine, we decided that the East Coast was probably the best place for him to go. And on day three of his detox, he was sent to the hospital just to do -- because his blood pressure was low. His wife jumped in the car, leaving Collier County, and she got to the hospital to make sure he was fine.

And she asked him -- she was asked when she approached, how long had he been detoxing from drugs?

She asked, what drugs?

And the exact word from that staff member was -- and why he looked so puzzled, well, he's such a -- inappropriate to say today, but he's a crack addict. And needless to say, this man has never done that. He just recently finished his round of cancer treatment, which is part of his mental health decline and acknowledgment that he has been given another chance and his alcoholism is something that he does need to deal with, and now we have to get him to a place that can help him with that process. Although he's very skinny from all his treatment, he will make it through now with DLC's help.

When we talked about the continuing of care, he was able to get into DLC, come back to Collier County, which is his home, a local business owner, a local contractor for over 35 years. He only had to detox for three days because he was individualized, per him. And when he went into the 28-day program at Crossroads at DLC, it wasn't a transition; it was right there on campus, which made the process much easier. When he was on the East Coast, he was going to leave detox and then have to go to another facility for his 28-day treatment.

So the continuing of care, the follow-through, the one-stop shop, all together we guarantee better outcomes and avoiding having to start again. That integration of services is what people have success on.

DLC, as Scott said, almost 50 years of those one-in-five people already knowing where and what DLC does for the community. The dignity -- and the last portion -- is individualize care and avoid re-traumatizing not only the member, the person, and also the family.

I leave you with this today. If we were asking to build a heart institute or a cancer institute, would we be in question today if this is the right setting? One in five people, our

friends and our family, deserve no difference for their recovery in their healing. If anything we know from storms and disasters, our community here in Collier County is exceptional at pulling the experts together. And I would think that the county and the community would want the level of experts that DLC has to make this recovery in process for those we serve. Thank you.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: The next portion of our presentation is going to focus specifically on this site and why it's the appropriate site and how it has already functioned for 47 years as --

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Actually, since you're changing the topic, I wanted to ask Scott, can you describe what goes on in there? In other words, I walk into the facility. How long can I stay there? Weeks? Months? When I leave the facility, where do I go? Because, myself, I don't have a good -- make believe I'm coming in there with a problem. Walk me through what happens in the facility.

MR. BURGESS: Sure, thank you.

For the record, Scott Burgess, David Lawrence Center CEO.

CHAIRMAN FRYER: Thank you.

MR. BURGESS: So when one comes over to David Lawrence Center's campus -- and do you want me to speak to kind of current or what we're envisioning?

COMMISSIONER SHEA: What you're envisioning in this facility.

MR. BURGESS: Got it.

COMMISSIONER SHEA: Yeah. More in the existing -- more in this facility.

MR. BURGESS: Sure. Understood. So in the facility that we're describing here, it's a central receiving facility and, essentially, what that means is we will act as the behavioral health emergency room for the community. When somebody has a challenge, mental health or addiction-related challenge, they will be brought to the centralized facility. We have an emergency assessment center that a person checks into first. That's where they will receive a clinical assessment by a trained professional and likely, in addition to that, a medical doctor.

That assessment leads to the determination as to whether or not that individual is better assisted through an outpatient or community-based type of service that we might also provide, and then we can link them directly into that care. That might be on our current campus, or it may also be something that we provide in the community, because we provide a lot of support for children, families, adults right in their homes.

If the person meets a certain threshold dependent upon, you know, what the law stipulates in that regard, they may need to go on our unit. We have a mental health unit, and that would be an individual that would struggle primarily as a danger to self, having depression and maybe some suicidal thinking. That's the most common situation.

COMMISSIONER SHEA: Is that unit in the new facility?

MR. BURGESS: It is.

COMMISSIONER SHEA: Not in the existing facility?

MR. BURGESS: It is. It's in the new facility. We also will have the capacity and capability to provide support for those that are -- that's under the Baker Act process. There is a very similar process called the Marchman Act that kind of has similar criteria, but that's for individuals that are struggling with a substance use issue, and we will be able to service those



individuals in this facility as well. So Baker Act and Marchman Act services.

We will be able to assist those that have mental health challenges and have Medicare that requires an in-patient hospital license, and we don't currently have that. It will be in this new facility. And data that we had suggested that -- the last data that we had was about, I think, 6- or 700 residents of Collier County were having to go outside of Collier County to receive support because we didn't have capacity, and some of that capacity was related to not having the Medicare capability.

So those are really the primary --

COMMISSIONER SHEA: So it serves as kind of an emergency room triage. But can somebody be held in that facility for two months to go through treatment, or two days?

MR. BURGESS: So once they're on the unit, that's determined based on clinical need. So the doctors will be consistently assessing what is an appropriate time to stay in our unit. Typically, that's anywhere between four to five, six days, so it's a relatively short-term process, though we do have some individuals that may stay with us for two months. If that's what's required for them to become well, we have had individuals on our unit for that period of time.

COMMISSIONER SHEA: Okay. Thank you.

CHAIRMAN FRYER: Thank you.

MR. BURGESS: Absolutely.

MR. YOVANOVICH: So as I started the presentation with this site, which is -- collectively, this is the subdistrict that currently exists as of 2007. We basically added this five-acre piece to the subdistrict because the David Lawrence Center, which I'll get to in another slide -- there was an order of taking that resulted in the David Lawrence Center losing a significant portion of what their campus was and was going to expand, so they acquired this piece of property to address their original expansion needs. So we formed the subdistrict. So we're talking about 5.15 acres for this specific rezone on this specific property to talk about the behavioral health center.

And I'm -- we've had a lot of petitions that deal with public health issues come before this Planning Commission and the Board of County Commissioners. Not all of the development activity is for residential or commercial development. The vast majority of those petitions, the response back has been "We love the mission. We hate the location."

To me -- it's troubling to me personally to hear that and have to respond to that because I think we lose a little bit of our humanity when I hear that, and it bothers me. This facility has been in this neighborhood for 47 years. It has been a good neighbor. It has been a vital community asset. Probably -- I know I know people who have used these services and have to -- have had mental health issues and needed this care.

And it was real easy for me to say the David Lawrence Center is where you've got to go and here's the exact location of where the David Lawrence Center is. And, personally, they've helped friends of mine.

The location is a perfect location. You can see how close we are to I-75, as Scott mentioned earlier. It's basically adjacent to where these services have been provided for all these years and has been a good neighbor.

The district was set up for all of these specific uses I mentioned earlier. The only real change that's being made to the subdistrict is instead of going through the conditional-use process, it's going to be a rezone process to PUD. From a practical standpoint, what does that mean? You've still got to get four out of five votes from the Board of County

Commissioners, and you've still got to go to the Planning Commission to get a recommendation.

Other than that, frankly, the conditional-use process has less criteria to go through and would be an easier process. You'll hear from Jessica that we're really doing the PUD to have some flexibility on the height, to make sure we can accommodate the uses in height versus what can occur through the conditional-use process.

So what you have in front of you is a facility that has always been planned to be on this property. I know I keep saying that. But I think it's important for those of you who weren't around in 2007 when we went through the subdistrict process that this is what was always anticipated to occur. It's just being funded with a different owner of the building, but the services have always been intended to be here.

What is around the building -- around David Lawrence Center today is you have the David Lawrence Center -- I've lost the cursor -- there it is. You've got the Parkway church, and then you have, basically, the county behavioral services building or receiving center that will be operated by the David Lawrence Center. You've got the bridge club near by, you've got a host of other nonresidential uses.

And when Jessica takes you through the process, you will see how there's adequate buffers to address neighborhood concerns, and you will hear how the facility will operate.

Commissioner Klucik, you asked the question about public notice about, you know, what was going to happen on this piece of property. 2007 we did the subdistrict. Public notice required that the immediate neighbors receive a mailed notice. It also required that the property be posted, and it also required that there be an ad in the newspaper.

So in 2007 --

COMMISSIONER KLUCIK: That this district could be used for this purpose?

MR. YOVANOVICH: This exact purpose.

So as I said, was the public -- when was the public noticed? 2007 the neighborhood knew we were going through this process. Some people here may not have been around in 2007, and they're going to come to you and say we didn't know.

COMMISSIONER KLUCIK: At that time, was there opposition voiced?

MR. YOVANOVICH: I don't remember a whole lot of opposition. I will confess, 2007's 15 years ago, but I don't remember a lot of opposition to this particular expansion. But there were four public hearings, and I said that earlier. I'm going to say it again. Four public hearings. They were publicly notified for the neighborhood to understand exactly what was being proposed on this site.

And I recall, I think it was unanimously approved by the Board of County Commissioners to establish that subdistrict within the Growth Management Plan.

So since 2007, the record has been clear that this property was going to be used for this exact purpose that we're here before you today.

Again, I mentioned that there was an order of taking that required this facility to expand on this five acres instead of where it was currently located. And Commissioner Coletta, you know, said, if I may, I've been following this with the greatest of interest for some time. It's a needed facility out there. It's got the support of just about everyone and his brother from one end of the community to the other. I make the motion for approval.

It was approved because everybody knows this facility is needed. These services are needed, and it's in a location that has historically been where these services have been provided. I don't -- I struggle with the argument that we're somehow a bad neighbor because

we want to do what we've always said we wanted to do on this piece of property since 2007.

You will hear the input we received from the neighbors in the neighborhood information meeting and how we've incorporated that into the proposal. It has actually resulted in our asking for deviations to build taller fences, taller barriers to address those concerns.

COMMISSIONER KLUCIK: Can you go through that, because I know --

MR. YOVANOVICH: I'm going to let Jessica do that.

COMMISSIONER KLUCIK: I know the staff let me know that you did some things that went beyond the requirements.

MR. YOVANOVICH: Right. I'm going to let Jessica do that. We do have those slides. So bear with us. It won't be that much longer, Mr. Klucik, for her to go through that. But I just want to, again, show you what was approved in 2007. What was the intent is to provide the continued operation of existing uses and the development and redevelopment of institutional and related uses, and you can see in the yellow what we're proposing to do on the site was always intended to be on this site. The group care facilities was always intended to be on this site. It was always intended to be an expansion of the operations of the David Lawrence Center. And you can see that many of those uses that were listed there were required to be in coordination with the David Lawrence Center on this site.

Jessica is going to take you through, specifically, the PUD and how it works and how it works with the community. And I will turn it over to her now and let her take you through and answer your questions, Mr. Klucik, regarding changes that were made.

COMMISSIONER KLUCIK: Thank you.

MS. HARRELSON: Good afternoon. For the record, Jessica Harrelson, certified planner with Peninsula Engineering.

As you can see on the screen, this is the proposed amended subdistrict text with changes underlined and struck through. The PUD rezone process has been added to the language to permit the existing list of uses. This provides for greater flexibility and design of the site.

Also, text has been added to the subdistrict -- to the subdistrict text for the subject property to satisfy preserve requirements by retaining 10 percent native vegetation on site. Of properties that are with -- outside of the Coastal High Hazard Area that are five to 20 acres in size are typically required to provide 15 percent, but there are exceptions from the standard when right-of-way acquisitions occur. And the property is encumbered by 83 feet of right-of-way easements, which equates to just over a half acre of land. So once you deduct that from the total site area, the site would be required to retain 10 percent.

Following the site feasibility study that evaluated five separate locations for this use, the Board unanimously selected the subject property for the proposed facility. That occurred in February 2021. The proximity of the existing David Lawrence Center to the subject site will allow synergy between the two facilities, and the proximity to Interstate 75 is also a great advantage to EMS and the Collier County Sheriff's Office.

In May of '21, the Board approved a long-term lease and operating agreement with the David Lawrence Center. Within that agreement, it states the Board has determined that it is in the best interest of the public to enter into the agreement with the David Lawrence Center based on the terms and conditions within.

Two public meetings were held to discuss the project. We had a courtesy informational meeting on May 4th followed by the required neighborhood information

meeting on July 26th. Both meetings were advertised. Mailed notices went to properties within a one-mile radius. The meetings were held at the Golden Gate Community Center and were also offered virtually. And from those public meetings, we incorporated elements to address some of the public's concerns, which include an increase in wall height from the code-required six to eight feet to a maximum of 10 feet. We added enhanced landscape buffers. The location of retained native vegetation on site was strategically planned to provide additional buffering and screening from adjacent residential development.

The orientation of the building is being designed to be less impactful on residential neighbors, and windows within patient rooms will be treated to impede clear visibility from and into those patient rooms.

I don't know what's going on here.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: When you had these meetings, were there -- was there much participation from the neighbors?

MS. HARRELSON: I believe at our required neighborhood information meeting we had roughly 30 individuals participate.

COMMISSIONER KLUCIK: And what was their -- you know, what concerns or what was their opinion when -- or reaction to what you were proposing?

MS. HARRELSON: The use on the property in proximity to their residential homes.

COMMISSIONER KLUCIK: They did express concerns?

MS. HARRELSON: Yes, they did.

COMMISSIONER KLUCIK: And that's one of the reasons that you made some of these changes?

MS. HARRELSON: Correct.

To review the PUD master plan, again, the request is for a maximum of 64,000 square feet including up to 102 patient beds. Setbacks are 108 feet from the southern PUD boundary here. We have 75 feet required on the north and 30 feet on the sides. These setbacks are consistent with the Estates zoning district.

The development will have a maximum zoned height of 45 feet and an actual height of 53 feet limited to two stories.

Access will be one direct connection from Golden Gate Parkway, and there are two potential interconnects that were added for future planning purposes with the adjacent property to the west. That's the Parkway Life Church.

To discuss landscape buffers, a Type A buffer will be provided along the west adjacent to the Parkway Life Church. This is a 10-foot-wide buffer and will consist of trees spaced at 30 feet on center.

Where the property abuts residential to the north and to the east is an enhanced 15-foot Type B buffer. This will include a 10-foot wall, a row of canopy trees planted a minimum of 12 to 14 feet in height and spaced 25 feet on center, also a row of understory trees planted at a minimum of eight feet in height and also spaced 25 feet on center, a continuous hedge six feet in height, and all plant material will be installed on the external side of the wall so it's visible from the residential development.

Along this --

MR. YOUNGBLOOD: Mr. Chairman, I apologize. Zoom cut out on us. I just need to reconnect.

CHAIRMAN FRYER: Oh, okay. Thank you.

Do you need a recess?

MR. YOVANOVICH: Just a couple -- just a few seconds.

CHAIRMAN FRYER: Okay. We're going to be coming up on our midafternoon recess anyway. I see it's 2:23.

Ms. Harrelson, about how long do you have?

MS. HARRELSON: I think we have probably 20 minutes.

CHAIRMAN FRYER: Okay. Would you mind if we interrupted it for a 10-minute break?

MS. HARRELSON: Sure.

CHAIRMAN FRYER: Okay. Thank you. Well, the consensus of the room is is that we're on break, so I'm going to follow up on that and say that we return at 2:40, please. (A brief recess was had from 2:24 p.m. to 2:40 p.m.)

MR. BOSI: Chair, you have a live mic.

CHAIRMAN FRYER: Let's return to session, please.

Ms Harrelson, you have the floor.

MS. HARRELSON: We ended with the details on the southern buffer. The southern buffer will also be an enhanced 15-foot Type B with the same plant materials that I described for the north and east buffers. There will be no wall adjacent to the right-of-way. We will also be installing Pond Cypress and Dahoon Hollies within the water management area that is planned in this location. That is to aid in the rural character of the site -- maintaining the rural character, sorry.

There are three deviations from the Land Development Code being requested. The first is an increase in the wall height from six to eight feet to a maximum of 10. That will further address compatibility with the neighborhood.

The second is to request a deviation from the 500-foot separation between group housing facilities. There's going to be a total of 330 feet between the existing David Lawrence Center and the Collier County facility.

And the third deviation is to reduce a setback for the proposed wall from preserve boundaries from five feet to two feet. This is being requested so that 100 percent of the plantings within the enhanced buffers can be installed on the external side of the wall and still have the ability to meet the required preserve.

Developer commitments have been added to the PUD. We'll go through the first couple general for the requirement for annual PUD monitoring. Also, the requirement for state or federal permits being obtained prior to the commencement of construction.

For transportation, the site will be limited to 139 two-way p.m. peak-hour trips.

Environmental: The required preserve is outlined in that necessary management plans for listed species will be provided as necessary at the time of SDP.

Lighting will be Dark Skies compliant to protect neighboring residential properties from light pollution.

For utilities, this commitment language outlines that necessary improvements to infrastructure will be made to accommodate the project as necessary.

Commitments have also been added outlining the details of the enhanced landscape buffers I previously discussed, and we do have renderings of those landscape buffers further on down the presentation.

And, lastly, the last commitment made is architectural commitment to ensure the

windows within the patient rooms abutting residential properties will be treated to impede clear visibility from and into those rooms.

Per the Traffic Impact Statement, the proposed project will not create any significant impacts to the adjacent roadway network, and the subject roadway segment will operate at an acceptable level of service with the project's proposed traffic. We do have Norm Trebilcock here if there are any questions related to traffic.

An environmental assessment was conducted, and from the exhibit you can see on this screen, the meandering pedestrian transects that were completed with the environmental survey, which is the standard for surveys conducted to support local, state, and federal environmental permitting.

There were no state or federally listed species observed on site. The site does not contain any federally designated critical habitats. There were no rare or less rare plants found on site that meet the LDC criteria to be preserved.

The property is outside of the panther consultation area, and any on-site wetlands are not anticipated but will be verified during the state environmental permitting process. And Bruce Laymen is here if there are any specific environmental-related questions.

And Ryan Richards is going to come up. Thank you.

MR. RICHARDS: Good afternoon. For the record, Ryan Richards. I'm a design partner with RG Architects, the principal design consultant for this project.

We have gone through two parts of the presentation talking about why the need is there, where it's going. This part is, you know, how it's being done and the visioning to date at this point.

So we started off thinking real big picture design drivers, and we have some reference images and some keywords up there. And we did design charrettes with both staff at the David Lawrence Center, the staff at the county, the Sheriff's Office, but then also the members of the NAMI community.

So when we put those over -- against each other, they overlaid quite nicely. People really have the same visions. They really want to see the same outcomes for these projects. Whether they're on the staffing side or on the membership side, they're really kind of -- their visions line quite well.

So we did it in a different series. Some are words, and then some are pictures. We have them kind of here together as a collage. So things like safety and security keep popping up. Dignity, healing, family-focused care. I mean -- and these all came from both ends of the same spectrum. So it kind of outlines that the mission has really kind of gotten through to the membership in question.

And when we look at the referenced images, these aren't, you know, specific to this project in any way. This is what people like to see. It's what they want to have included. There's parts and pieces that touch them; that they feel that best belongs in this type of environment, whether it's some greenery, whether it's, you know, natural lighting, warm textural tones. Even though this might not be exactly the project in any way, shape, or form, and it won't be, we start to understand what the clients and the memberships want to see at the end of the day.

So with these in mind, we print this out full size and have it on the wall in all of our meetings reminding why we're here, what we're trying to do, and what the project's mission truly is.

So with that, we have come to a schematic point. This is the schematic design of how

the building could look. There's some options still on the table of, you know, treatments on walls, windows, ceilings. And this is the view from Golden Gate Parkway. It's the southwest corner going in that main access drive.

As Jessica alluded to earlier, when it comes to building placement, we placed it primarily along thin building facing north and south trying to buffer the parking lot from the adjacent residential areas with the building itself to block things like headlights or any other light concerns that may come through, shield it a little bit naturally in that way.

And then as you go back towards, like, the center of that lawn facade, you see it will be, essentially, the main entrance. So once you pull into the parking lot, you have a very clear visual of where your next step is going, whether you're a walk-in or a visitor, or it would be at that point, and then even further back towards the rear of the site we'll have a secure sallyport so that the transition from the Sheriff's Office or any vehicles that come to drop off an end user is done under cover with acoustical treatments that will, like, mitigate the sound that is sometimes associated with that, but it will be a much more secure environment than what they currently have in place.

So as we look into some design options of what the front of the building could look like, you start to see a little back to those reference images where you have warm textual tones. Kind of trying to bring in a little greenery to it, make it inviting, and more of a hospitality type of an environment as opposed to a clinical or hospital -- institutional type of environment. So these are just some ideas -- and, again, this is very early -- that we're bouncing around and kind of leaning towards to see how the facades of this building should really be treated.

So we've got a series of views. And this is going to go around from Golden Gate Parkway. We'll swing around the east side from the residential property and then end up on the north. And as much as I like to do renderings and show cool buildings, this is all about buffers. It's trees. It's not the most exciting stuff.

So this is that Type A buffer that Jessica was alluding to facing Golden Gate Parkway. You can see some taller trees in the back. Those are the pond cypress. Those are shown at 75 percent maturity, which typically takes between three to five years to reach this level.

So once you get back down Golden Gate away [sic], we're really doing our best to try to screen those views.

And then as you look from the southeast corner, looking back towards the north, this is the Type A buffer with the pond hollies and then a straight Type A buffer down the other side. This is where the 10-foot wall would start to come into play.

As you -- this is from the center of the property, I think -- Type B, thank you. Type A, I clarify -- thanks for clarifying that, Rich.

Type A is against the church. The other three are Type Bs.

This is from the immediately adjacent property. You can see the car in the driveway there looking back towards the south. Again, it's pretty much just a buffered area with a wall in behind it. You can see the building does poke up somewhat. And as you turn back towards the south, this is what happens when the two-story inversion is incorporated. So you start to see little bit more of a height popping through. This would be at the max height allowance that is shown, and this is primarily the driving force for the architectural consideration of having windows that are obscured and allow people to see canopy treetops and sky but not horizontally out and not horizontally into the building. So when you see concerns like this, that is really the driving force behind that concession. That's in one of

those deviations.

And then as we swing around to the north side and look back, this is a showing of quite a bit more growth. That's primarily because the preserve trees are older and established. They would remain, so you just have to see the height there. That would screen some of that building. And then this is the Type A buffer from the -- from their screen wall to the right is against Parkway Life Church, so this is kind of from the northwest corner looking back towards the main building again.

So with that, I think we have reached the end of our presentation, finally. Are there any questions?

CHAIRMAN FRYER: Yes. Commissioner Schmitt has a question.

MR. YOVANOVICH: Before we get to that, a couple things I wanted to kind of clarify through some of the questions and make sure we got it right.

Mr. Shea asked about, you know, what are we basically doing on the site now and how all that's treated. One of Scott's answers confused me as to whether or not we're currently doing Baker Act on the site. We are currently doing Baker Act on the site. I wasn't sure if that came across clearly to -- in his response to what are the current services being provided. So that is, in fact, happening on site.

What we'll be doing is, through this, it will be, as Ryan was saying, is it will be a quieter, more secure area for receiving people to the facility than currently exists. So it's an improvement over the level of services that are currently being provided on site.

Also -- and Scott or Josh will correct me if I say this wrong -- we'll be able to better -- well, we'll be able to separate adults from nonadults because right now they're being serviced together in one facility. So by building this facility, we can keep adults away from nonadults.

COMMISSIONER SHEA: Smaller adults.

MR. YOVANOVICH: I just don't -- I didn't want to say pediatrics, because I know that's the wrong word. But, anyway, that's one of the other benefits of this proposed facility.

And with that, I do -- you know, I just want to reemphasize that this is not a new service to this neighborhood. This is services that are currently being provided, and they're going on a location that was always advertised and anticipated to occur since 2007.

And with that, I think we're done with our presentation, and we'll be happy to answer any questions.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: I have a question for probably either Rich or Scott. Obviously, by members in the audience, there's going to be opposition to this --

MR. YOVANOVICH: Yes.

COMMISSIONER SCHMITT: -- so it's clear.

Historically, from a standpoint of the neighbors and good neighbors -- this facility in the past -- let's say the past five years, how many police reports have been filed because of noise? How many issues have been over escaped patients or any other type of issue that would be deemed this -- render this site as being perceived as a nuisance to the community? Are there any?

MR. YOVANOVICH: I'll have to turn that over either to Leslie or to Scott.

MR. BURGESS: Well, I'm certainly going to defer to formal complaints. We have Leslie here from the Sheriff's Office, and she'll be able to speak more specifically to that.

As the executive director or the CEO of the organization for almost nine years now, I



would say that I've not personally had -- at the neighborhood meeting, there were some conversations regarding some comments that were made by neighbors. Some of those -- and they'll -- they're here to speak. So some of those, as I was asking them about that, were many, many years ago.

So I can't say historically that there were never any circumstances where there was somebody that had a challenge that maybe was in the neighborhood in some way, shape, or form having some struggles.

I would say that I believe the data demonstrates, in my personal opinion and what I'm aware of, is that it will indicate that we're a very good neighbor, and there's nothing else going on at David Lawrence Center that is not happening in other neighborhoods across our entire community, other neighborhoods that are across our entire county.

I've been doing this for 31 years, exactly this type of work. And people say to me, because of the misperception and the myth that's really out there, discriminatory, stigmatizing myth that individuals that have mental illness are more dangerous than others, and aren't you afraid of what you do?

And I say, I'm not afraid of people that are coming to my campus or my treatment center, because they're receiving treatment. I'm a little bit worried about the folks that are out there in the community and all other places that aren't receiving treatment.

CHAIRMAN FRYER: Mr. Burgess, I'm going to see if we can get to the best evidence here on this with Lieutenant Weidenhammer.

LIEUTENANT WEIDENHAMMER: Thank you.

For the record, Leslie Weidenhammer, a lieutenant with the Collier County Sheriff's Office Behavioral Health Bureau.

I can tell you in the recent past we have no reports of escaped or eloped individuals from the facility. Obviously, the time and scope of that would have to be identified in say -- in the recent past we have no reports of that.

COMMISSIONER SCHMITT: Noise complaints, other types of things that are going on in the buildings or neighbors filing complaints with the Sheriff's Department or the county code enforcement, for that matter, regarding any type of registered complaints on this facility, in the operation in the facility?

LIEUTENANT WEIDENHAMMER: Obviously, I couldn't speak to code enforcement.

COMMISSIONER SCHMITT: I understand.

LIEUTENANT WEIDENHAMMER: With that, I'm not knowledgeable of noise complaints or anything of such on that.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN FRYER: Lieutenant, when you said within the recent past, can you just give us kind of a ballpark time frame that you're talking about?

LIEUTENANT WEIDENHAMMER: Looking at the last year, last two years, somewhere around that time frame, we have no reports of that.

CHAIRMAN FRYER: Okay. Thank you.

I'm also -- I'm curious about the church that is in between the two properties. Is there someone from the church who's going to speak on that?

MR. BURGESS: Unfortunately, Pastor Randy Holdman, who is the pastor of that church, is out of town and not able to be here today. He did author a letter that he wants to have read into the public comment.

CHAIRMAN FRYER: All right. Thank you.

MR. YOVANOVICH: And if I can, the church was a partner in the creation of the original subdistrict.

COMMISSIONER SCHMITT: That's what I thought.

MR. YOVANOVICH: So the church was part of the original subdistrict.

CHAIRMAN FRYER: I take it, then, that the cleric supports this application?

MR. YOVANOVICH: I'm not aware of any opposition, so I would think, yes, they support the applicants.

CHAIRMAN FRYER: Okay. Thank you. Other questions or comments, Planning Commission, for the applicant?

(No response.)

CHAIRMAN FRYER: No one is signaling.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: So with that -- thank you -- we'll hear from staff.

MR. BOSI: Mike Bosi, Planning and Zoning director.

From a Comprehensive Planning standpoint, the Growth Management Plan has recognized this subdistrict and the allowance of this type of a facility through a conditional use since 2007, as has been stated before.

So the subdistrict modification to allow for the PUD, to me, is consistent with that -- with that 2007 approval and was designed specifically to be more compatible and be more flexible to meet the needs of compatibility with the adjoining properties and the residential properties that sit to the north.

And then from a zoning standpoint, staff feels that enough compatibility measures have been -- have been added to the PUD to ensure compatibility and safety for the general area. Staff is recommending approval of both the GMP as well as the rezone petition.

We'll answer any questions specifically that you may have.

CHAIRMAN FRYER: Thank you.

Questions or comments from the Planning Commission, for staff?

(No response.)

CHAIRMAN FRYER: With that, we'll turn to public comment. And just as a preface to that, I want to say this: I'm given to understand that there are 19 registered speakers present and perhaps two on the telephone. It seems to me that the issues here are pretty clearly defined. I don't want to second guess what objections or points that people want to make might be made, but -- we'll start going with three minutes, but if it gets repetitious, I'm going to do you a favor and cut you down to two minutes, because sometimes that comes across better to the people who are trying to make a judgment not to hear the same thing over and over and over again. But we'll start with three minutes and see how it goes.

Oh, and one thing you can do is if you want to stand up and say "I agree with the previous named speaker," we will give that every bit as much weight as if you stood up there for the full three minutes.

Having said that, Mr. Youngblood.

MR. YOUNGBLOOD: Our first speaker is going to be --

COMMISSIONER SCHMITT: Mr. Chairman, could I --

CHAIRMAN FRYER: I'm sorry. Commissioner Schmitt.

COMMISSIONER SCHMITT: -- that as we announce the speakers, you're going to announce the principal speaker and then the backup, they could each be at the podium so we

can -- we don't waste your time, and it gives us the time to hear what you have to say. Thank you.

CHAIRMAN FRYER: Thank you. That's a good idea. Thank you.

Mr. Youngblood.

MR. YOUNGBLOOD: Our first speaker is going to be Christine Fawcett, followed by Debra Landberg.

CHAIRMAN FRYER: Thank you.

MS. HAYES: Christine Fawcett had to leave.

CHAIRMAN FRYER: All right.

MS. HAYES: As did Debra.

CHAIRMAN FRYER: Okay. Who's the next speaker?

MR. YOUNGBLOOD: Gloria Moreno is our next -- is our first speaker, followed by Garrett Beyrent.

MS. HAYES: Gloria had to leave also, but she's given me her statement.

CHAIRMAN FRYER: Okay.

MS. HAYES: This is on behalf of Gloria Moreno, and she's the director of Kiddie Korral. This is the daycare directly across the street from the existing David Lawrence.

CHAIRMAN FRYER: We'd like to know who you are, ma'am, if you don't mind.

MS. HAYES: My name is Penelope Hayes. I'm a resident whose property backs onto this.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: I just might want to let you know that -- is she given extra time to read this other statement? I don't want her to not be able to --

MS. HAYES: I'm taking Gloria's time right now, and I'm also signed up to speak, if that helps.

CHAIRMAN FRYER: Well, all right, but we're going to -- we're going to continue to assess how much time we give. Sometimes we do allow people to aggregate time with other people who don't want to speak but they happen to be present. I hope that doesn't become necessary. But we want everybody to have the feeling and the substance that they are being heard.

MS. HAYES: We would like that, too.

CHAIRMAN FRYER: All right. But I just -- I just want to caution you that sometimes -- sometimes less is more, but go ahead.

MS. HAYES: We just had to witness a commercial of colors for the new David Lawrence. So if you could just let us speak. We're talking about life safety issues. We're not talking about not wanting something in our backyard because of aesthetics. We're talking about life safety issues. And each person has an individual story of occurrences/events which should be in the record at the police department. So we'll start with that. I'm just going to read Gloria's, then I'll speak when it's my turn.

CHAIRMAN FRYER: Go ahead.

MS. HAYES: Again, important to know that Gloria is the director of Kiddie Korral. That is the daycare directly across the street from the existing David Lawrence. This is her direct letter, and she had to leave.

I'm concerned about this building being next to my business which is located at 3060

62th Street South North [sic], Naples, Florida, Kiddie Corral on the Parkway.

I'm Gloria Moreno, director of the Kiddie Korral. I have been director for four years. I do not open the -- I open the business at 6:30 a.m., and I have to have my husband go with me every single morning to accompany me because of the people from David Lawrence Center around the business doing drugs and drinking, and I am concerned about something happening to me.

Our dumpster is always full of alcohol cans, needles, and garbage from the DLC patients. Some of the patients from David Lawrence Center have come to the childcare asking for money.

I'm afraid of something bad happening to my workers, the children, or myself because of those patients on medications, and they don't act normal.

Having this, now a huge building, also here will create a worse problem. Please decline.

CHAIRMAN FRYER: Thank you very much.

Next speaker, please.

MR. YOUNGBLOOD: Next speaker is Garrett Beyrent, followed by Bebe Kanter.

MR. BEYRENT: For the record, I'm Garrett FX Beyrent. I spoke earlier, only relative to something I wasn't here for. I'm actually here for this. I call this Mission DLC. I was in the military. We had missions to do. They were important to us, and this is my mission mostly because I was actually Baker Acted three times and put in DLC. It didn't exist until I actually put up the money to create it.

So my -- what happened was a typical example of families today. I was riding on the East Trail. I saw a piece of land, and a piece of land was for sale, and I thought, boy, that's an old sign. That's a big billboard. It's falling down. I wonder why nobody wants to buy that property.

Well, that property was right next to Naples -- not Naples Park. The south tract of land next to Lely. And the property I was interested in was 134 acres, and I was going to build 1,340 two-bedroom, two-bath entry-level condominium houses for people. It was going to house -- and it was named -- Nights Bridge was the name of the project. It's now Donna Fiala Park. That wasn't my original intention.

I was buying the property that you know as the original David Lawrence property from Douglas and Mercy Bathey. They questioned me. They wanted to talk to me about who I was and why I was buying their property on the East Trail that's now the park.

And they said, come over to our house and we'll sit down, and we'll have a glass of iced tea, and we're going to talk about whether you can afford to buy this piece of property. It's \$1,650,000, and I want \$650,000 cash, like, next week.

So I said, well, I can probably work with that. And I gave them a financial statement, and I said, why do you need this money right now? You're -- this guy's got a mansion on the beach. I mean, a big mansion. It has, like, Frank Lloyd low ceilings. He's a giant guy, and then he walks you through, all of a sudden it opens up. It's all glass facing the Gulf of Mexico. I don't know if it's there today. I haven't been down there in a week.

Across the street he had a steel yacht. He had his own yacht dock across the street 60 feet away.

The only problem with his house was he had had a 16-year-old son, and his name was David Lawrence Bathey. That's where DLC comes from.

Well, Douglas and Mercy, she gave me a glass of iced tea, and we chatted. And I

said, well, what happened?

And he said, well, I was an overbearing father. I'm a big industrial guy. I made millions of dollars in business, and I couldn't get that kid to want to be like me. I wanted -- he wanted to be an artist like my kids, except I have several -- I have three kids. They're great kids. I'm lucky. One of them was, last year, in David Lawrence. I've been there, like, five times. They would Baker Act me. They said, this guy's probably crazy. Who knows? And I went to graduate school and counseling psychology at Nova trying to figure out whether I was crazy or not.

CHAIRMAN FRYER: You're at three minutes, sir.

MR. BEYRENT: Do I have one minute?

CHAIRMAN FRYER: You're at -- I'm asking you to wrap it up.

MR. BEYRENT: Oh, okay, good. You just slowed me down.

CHAIRMAN FRYER: I'll give you 15 seconds.

MR. BEYRENT: Okay. So wrap it up.

Here's what happened, okay. Douglas said, okay, give me \$650,000. I'm going to go buy this piece of property, the original site, and I'm going to start something in the name of my son because I'm responsible for his death. And that was -- his 16-year-old son committed suicide, of course. That's where this whole thing's going.

And bottom line is I've had family members -- everybody in this room has been plagued by mental illness and everything else. But, really, by 5:00 tonight when this place is over, another 18.2 kids will die of drug and alcohol and suicide, and that's basically it. This -- in Florida. I'm not talking the United States. Florida alone, we're going to lose kids today.

CHAIRMAN FRYER: All right, sir, thank you. Thank you for that background.

MR. BEYRENT: My pleasure.

MR. YOUNGBLOOD: Our next speaker is Bebe Kanter.

CHAIRMAN FRYER: Commissioner Klucik, did you want to --

COMMISSIONER KLUCIK: Yes. I just wanted to thank you, sir, for sharing something so personal and with that passion. It means a lot to everybody, I'm sure.

CHAIRMAN FRYER: Thank you.

Next speaker.

MR. YOVANOVICH: Our next speaker is Bebe Kanter, followed by Elizabeth Bloch. Is Bebe still here?

(No response.)

CHAIRMAN FRYER: No. Who's next?

MR. YOUNGBLOOD: Elizabeth Bloch is our next speaker, followed by Kate Balsik [sic].

CHAIRMAN FRYER: Thank you.

MS. BLOCH: Good afternoon. I'm Elizabeth Bloch. I live at 5920 Golden Gate Parkway, directly across the street from the proposed new building site.

The 2007 meeting that they talk about -- I bought my property in 1998. Never heard about it. I knew the prior owner to this property that we're talking about, Captain Mike Aleva (phonetic).

I realize David Lawrence Center bought it, and I was told the project was stalled. I never heard another thing until the second meeting for the public that happened a couple months ago. So you wonder why you didn't have opposition; that's why. The public wasn't

informed. None of my neighbors knew about this meeting until I talked to them yesterday.

At my property -- when someone is Baker Acted at David Lawrence Center, that's only the beginning of the process for that person. When that person passes the criteria that they're no longer a danger to self or others or they can't prove that they're a danger to self or others, the door's open, and they're let out.

When that person is let out the door, where do they go? They don't have money. What they have is a clear plastic bag with toiletries, and they're wearing a pair of cheap flip-flops. How do I know that? Because I've had three of them on my property. I'm not across from the current David Lawrence Center. They've had to come across Golden Gate Parkway and come up the way and walk pretty deep into my property to talk to me.

I have not reported it to the police each time or the Sheriff's Office because I didn't think it made a difference to anybody. I didn't know this was coming, or I would have tried to put more of a track record out there.

One of those people came to my front door, left the property. I went to a meeting. When I came home, he had come back to the property while I was gone, gone into my recycling bin, taken out a pizza box and written a dissertation on why I should let him live in my barn; because my property hadn't been mowed and, clearly, I needed help, and he needed help, and we could help each other.

I was so frightened that I couldn't go out to the barn to feed my horse that night alone because I thought that this guy that was this big by this big (indicating) was probably still hiding on the property or sleeping in one of the stalls in my barn.

So I called the Sheriff's Office. A deputy came out. We walked the property together with a flashlight. Both of us were so concerned about our safety that he had the -- that he had the -- I forget what it's called -- Helicopter 1 or whatever it is -- the helicopter from the Sheriff's Office used flur (phonetic) and infrared to try to detect whether or not there was a person hiding in the bushes on the property, because he'd just come out of David Lawrence Center with a clear plastic bag and the cheap flip-flops.

For me, this is a real safety concern. This is one of the three people that's come right out of David Lawrence Center.

Another one -- my barn is behind my property. My house is at least a third back from the road. One of these guys was actually undoing the second fence on my property, the chain, to come talk to me at the barn when I was taking care of my horse.

I told him, stop. My dog is dangerous. I will come talk to you at the gate.

He was convinced that I should let him come onto my property whenever he was going for his med visit once a week because he missed the six horses he took care of in Georgia. I was not wearing a gun. I was not prepared to defend myself. And he was between me and my house.

So when I leave my house to take care of a horse in the evening, how do you think I feel knowing that the people that are getting treated at David Lawrence Center have to be released by law when they no longer are a danger to self or others, but that they can walk right onto my property? Because addicts and mentally ill folks don't respect the same boundaries that normal people do for property and personal safety.

I understand mental illness. My mother was paranoid schizophrenic. Every three years she was taken to a mental hospital, and then the judge gave my brother and me back to her. And then we went through the cycle again. It's a year of decompensation.

CHAIRMAN FRYER: You're at four minutes. I'm going to ask you to wrap it up.

MS. BLOCH: Okay. For me, all of the presentations here come down to one issue: This is a residential neighborhood. I bought a property in a residential neighborhood. This is a safety issue. When you increase the intensity of the population that goes to and from David Lawrence Center, you're increasing the risk and the danger to all of us.

Thank you for your time.

CHAIRMAN FRYER: Thank you. And when we get to rebuttal, I'm going to ask the applicant about the procedures used for discharge and whether something can be done to mitigate this type of occurrence from happening. So we'll get some answers when the applicant has time for rebuttal.

Thank you, ma'am.

MR. YOUNGBLOOD: Our next speaker is Kate Balsik, followed by Nathan Balsik.

MS. BALZER: Hi. I am Kate Balzer. Thank you all for your time. I know this is a lot today, so I do appreciate your full attention when you hear us on this.

I currently live at 5895 Golden Gate Parkway. My property in particular is the major bordering property to the new facility to be put in. My husband and I, which he'll be speaking next, purchased this property July of last year.

I am a bit baffled today to hear that this was always a projected site for this property. I'm 41 years old. My husband and I have worked very hard, moved our family here to Florida. We have two children. I have a teenage daughter that I had taken out of school today even to be here because this is such an important issue for our family. My son is in high school.

We bought this property. We spent a lot of money for the property that is right next to this. We spent \$910,000 to purchase a property that we feel is our home. This is our safe haven. I want my kids and anyone, my friends, family, anyone, our neighbors that come to us to realize this is our home. I do think facilities like this are important. Mental health is important. But this is right next to my house.

When you're seeing these plans they're showing, this is three to five years that that's going to look like that. We didn't purchase a home to have this facility right next door to our beautiful tropical oasis.

Also, very surprisingly to hear from David Lawrence -- the gentleman Andy that's here, which I know he hasn't spoken. I have personally walked over from an incident that has occurred at my home. We were trying to eat dinner. I look out my front window. There's somebody coming onto my property trying to get into my home that is from the David Lawrence Center.

I walked over there. I did do a formal complaint with them. The gentleman that works there is very, very nice. And they were aware of that. So to hear that you haven't heard of anything, that's not fair. I've definitely been over there, and they also have spoken to me about that.

It's concerning for me. My daughter's bus stop is outside of where this is going to be going. I am already nervous now, and I have to stand out there with my daughter. Luckily my son's driving now.

And it doesn't also -- for property value, that's a huge concern for me. Who's going to buy my house if I don't want to live next to this? I've asked them, would any of you buy my house with this coming next door?

I think it's needed for a facility, but the problem is, Mr. Shea, you said, well, what's the process; what happens? When the people leave, they're given prescription scripts. Then

they walk past all of our homes to try to go to CVS. We've seen other people come. Well, with my husband. There's a gentleman with a full bloody shirt that's looking over my fence.

The property of -- what they're trying to do with our property and build it is going to make us feel like prisoners like with all these barriers, and we're talking walls, and then not to mention the construction process.

So I just bought my house, and this is just too bad, so sad, you know, you just have to deal with it?

And there are people with mental illness, and they do need help. But when they do decide to leave, my house looks really inviting with my swimming pool. There are people that they may treat for sexual additions. I have a 13-year-old daughter. And I tell all of you, when you go to bed at night, if you can say you would vote for this project, you think of your daughters, your sons, your grandchildren -- this is making me so emotional -- that our -- would you be comfortable with this facility next to your home?

It's needed, yes, but put it somewhere else in a different public facility where when he says people are released and they leave, he said they're no longer in our care, so then that's my problem? That's not fair. It's not okay. And it's a safety issue.

CHAIRMAN FRYER: Thank you, ma'am.

MS. BALZER: I'm terrified.

CHAIRMAN FRYER: Thank you, ma'am. You're over time, but believe me, we're --

MS. BALZER: Yes.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: One second, Commissioner.

I want to assure you that we're going to get into the discharge procedures on rebuttal.

MS. BALZER: Thank you.

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: I guess I'm a little confused, because on the timeline, it seems as though it was, you know, in the public record that this area was going to be used for this purpose. Just hold on.

MS. BALZER: Sure.

COMMISSIONER KLUCIK: And I'm a real estate attorney, and I -- you know, I work with buyers and sellers.

MS. BALZER: Sure.

COMMISSIONER KLUCIK: And so I understand, you know, you moved to an area or you buy a new home, you don't always know exactly -- you know, you kind of get excited about it, and you don't necessarily do -- know everything, and you don't look into all the things that might help you understand, you know, circumstances that surround the property or that might affect the property and impact it.

And based on the testimony of the applicant and then based on what you said, it's either -- like, either they're not being accurate about what the public record, you know, and what everyone knew or could have known if they had done their homework -- so either they're not right, or you didn't -- you know, you weren't really served well by your real estate agent.

MS. BALZER: Okay. And I'd love to answer that. I actually am a realtor. I did come to the county office. I also went to the David Lawrence Center. I did do my homework, sir, and that's why I think it's really important that you allow us to speak today, whether it's our three minutes or if you give us two minutes, because you will hear from those



neighbors as well.

COMMISSIONER KLUCIK: But they didn't --

MS. BALZER: I was told and we were told, and there's been meetings that we've gone to with the neighborhood meetings that said this was just possibly proposed. It was never projected as 100 percent to be this site, and that's why it's so surprising today to hear everyone.

COMMISSIONER KLUCIK: When you bought it, you were aware that it might be used for that purpose?

MS. BALZER: No. They said that it was not zoned for that at this time. I did go.

COMMISSIONER KLUCIK: Not zoned for?

MS. BALZER: For anything, for the facility in this center to go there; that that was not happening.

COMMISSIONER KLUCIK: Okay.

MS. BALZER: You can hear the neighbors as well.

COMMISSIONER KLUCIK: Yeah. But the public record is that it has been zoned for that. It's just -- it wasn't proposed as a project until recently, but it -- but it was always -- you know, for years and years it's been zoned for that usage.

Is that right, Mr. Bosi?

MR. BOSI: The project -- the property is zoned Estates, but it's designated through the Growth Management Plan, through the individual subdistrict, that through a conditional-use process, that this type of facility could have been developed, and that has been consistent since 2007.

COMMISSIONER KLUCIK: And when did the discussion of this -- where we were talking about the meeting at which, you know, the five different sites -- when did the five different sites become a matter of public record, the five different possible locations?

MR. BOSI: You'd have to ask the applicant that. I wasn't involved in those discussions.

COMMISSIONER KLUCIK: Was that a year ago or two years ago, or when was that?

MR. YOVANOVICH: Let me get to the slide.

CHAIRMAN FRYER: All right, ma'am, thank you very much.

MS. BALZER: Thank you.

CHAIRMAN FRYER: And I take it this is going to Mr. Balzer.  
(Simultaneous crosstalk.)

MR. YOUNGBLOOD: Nathan Balzer is our next speaker, followed by Penelope Hayes.

COMMISSIONER KLUCIK: I'm not done with that witness.

CHAIRMAN FRYER: All right. Okay.

Ms. Balzer, come back.

MR. BALZER: She can have plenty of my time. She's got enough for the both of us, but...

COMMISSIONER KLUCIK: Do you --

MR. YOVANOVICH: It was February 23rd, 2021.

COMMISSIONER KLUCIK: 2021. And when did you buy your house, ma'am?

MS. BALZER: We purchased in 2020.

COMMISSIONER KLUCIK: In 2020, okay. So the specific --

MS. BALZER: I'm so sorry; 2021 July. We've been there just over a year, July 2021.

COMMISSIONER KLUCIK: Okay. So it was, like, five months after the five -- those five sites, which are -- five specific locations which were either near the jail or near the current David Lawrence Center; that was in the public record is what I understand.

MS. BALZER: Whenever I had asked, is there anything specific coming to this property next to us, I was told no.

COMMISSIONER KLUCIK: What I'm trying to get across to you is that it seems as though the evidence is it was a matter of public record that there were five locations. Three were going to be near the jail or three were going to be -- you know, five of them -- half of them were going to be to -- two or three of them were going to be David Lawrence Center area and half of them were going to be near this complex here, the county complex, and that was in the public record and was -- you know, you could have known that.

The only reason I bring it up is you make a very good case, except there's a partial problem with it is that you could have known. And you did, you plunked down a lot of money for a property that it seems as though there was a good chance this exact facility -- you know, it was in the public record that this exact facility might be built there at the time that you bought. And that's all I -- I just say I think everything should be fair. We should be making a decision based on, you know, the accurate information, and you make a compelling case on the impact on you, but I also think it's important to know the timing.

MS. BALZER: Correct. And I did go to the county building, and the lady at the Tax Collector's Office pulled up that particular parcel. And I said, like, we would maybe potentially want to purchase this property. I don't know if it would be for sale. And I said, is there anything that's going in there at this time?

And she said no.

But I think it's interesting is we're here today saying, well, this was always going to go there. That's a difference of the two things that we're hearing.

COMMISSIONER SCHMITT: But the Tax Collector wouldn't know that. The only way you'd find that information is if -- through examining the zoning records.

MS. BALZER: Well, I went to the David Lawrence Center as well.

COMMISSIONER SCHMITT: Yeah, okay.

CHAIRMAN FRYER: Thank you.

MS. BALZER: Thank you.

CHAIRMAN FRYER: Mr. Balzer, introduce yourself and --

MR. BALZER: Well, I'll make it quick. My name is Nate Balzer. I live at 5895 Golden Gate Parkway.

As she mentioned, we've been there a little over a year. My 13-year-old daughter is right there. She gets on the bus right in front of my house every day. My son, up until recently, also got on the bus closer to the church.

Since I can recall -- and I'll just elaborate on what she said -- we've had two incidents with people being released from the facility.

I happened to be walking by my front door one day and noticed somebody wandering around in my front yard kind of in between my house. And we're directly to the east of the proposed site. So we have one other neighbor. Her name is Hazel. She lives alone.

The gentleman that was wandering around in our front yard was sort of lingering in between our property and her property. I went out and greeted him to see why someone is

70 yards off of Golden Gate Parkway into my property. He said he was trying to fill a prescription. Must have mistaken our front yard for a CVS or something like that. And I corrected him. Sent him on his way. No harm, no foul. You know, I don't believe that person's a criminal, so I guess I didn't think I needed to call the cops or whatever.

My wife also alluded to a bloodied shirt gentleman one day. I was driving home headed east, Golden Gate Parkway. I happened to notice a larger gentleman whose shirt appeared to be covered in blood and walking in flip-flops right by my house.

I have to make a U-turn to get into our property, which I did. I saw him closer. He did not look like he was in great shape.

I go into my house, and my wife said, that guy was just standing in front of our property staring over the fence, just staring over the fence looking into our property.

So, again, no police report filed. No harm, no foul, I guess. But in a year's time we've had two incidents that could have ended up badly, I guess, or two questionable individuals. So I realize that there's no police reports from the Sheriff's Department. Yeah, but there's certainly incidents.

And so we have questions of safety. We have questions of privacy, quality of life, things like that. But, again, like my wife alluded to, if this was going to be built next to your guys' house, is it something that you will welcome? And I say that 100 percent agreeing that the facility needs to be built, but I think in Collier County there's probably 100 other places that it would fit just fine.

I realize it's extremely convenient for the current David Lawrence Center, but it's not convenient to all of us that have to live right next to. So that's my time.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, I really do appreciate all the information that's being passed to us. But this is all being presented based on what's happening now. And based on your testimony, I guess we're to assume that -- through extrapolation or through assumption that this is going to be exacerbated by building another facility. Is that what -- is that what we're -- you're asking us to basically infer?

I mean, I can't do anything about what's there now. I can't take the zoning away --

MS. HAYES: Is it the same company as David Lawrence Center? The same company? These two facilities are run by the same people?

COMMISSIONER SCHMITT: Okay. So, basically, all these anecdotes and the stories, and I don't -- it's not that I don't disagree [sic] or I don't -- I'm not disparaging in any way, but somehow I've got to link this to what you're asking is that because of the experiences going on right now, that we're to conclude that it's only going to get worse with this additional facility; is that correct?

MS. HAYES: Absolutely.

CHAIRMAN FRYER: And you might introduce yourself.

MS. HAYES: Would you infer that? Would you infer that yourself?

CHAIRMAN FRYER: The questions go the other way, ma'am. And my question to you is, what is your name, please?

MS. HAYES: Penelope Jean Hayes, 5900 Painted Leaf Lane. I live directly behind the proposed site.

CHAIRMAN FRYER: Thank you.

MS. HAYES: We think that the applicant is not being honest with you, to answer a

question from one of the commissioners earlier. I think that is the answer of the two.

When my husband and I purchased our property, which was before the February 2021 meeting of the Board of County Commissioners, we checked the zoning on that property, and it is zoned residential. That informed our decision to buy, and that was prior to that.

And you might want to check your records, because that vote was not unanimous. I have met with the commissioners and know firsthand that it was not a unanimous vote by the Board of County Commissioners on that date.

COMMISSIONER KLUCIK: I would like to -- Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: I'd like to get confirmation on whether or not that was, you know, because that was what I heard is all the votes were unanimous.

MS. HAYES: And I was told otherwise by one of the commissioners who voted against it.

COMMISSIONER KLUCIK: Can staff confirm those votes?

MR. BOSI: Staff can do some research after this hearing and provide you --

COMMISSIONER KLUCIK: Yeah. I mean, I think that's important. If we've been told things are unanimous, that's very different than it not being unanimous. And I had no reason to question it, but we now have someone calling it into question.

MR. YOVANOVICH: It was your staff that testified it was unanimous.

COMMISSIONER KLUCIK: Oh. It was the lady? Ma'am? Okay. And does she stand by that testimony, or might you have been mistaken?

MS. RONCORONI: Claudia Roncoroni with Facilities, for the record. On my notes I have unanimously selected.

CHAIRMAN FRYER: And you were there, ma'am?

MS. RONCORONI: I don't believe I was. I don't believe I was.

CHAIRMAN FRYER: Is there anyone in this room who was there when the commissioners voted?

MS. GOODNER: Yes.

CHAIRMAN FRYER: Would you come forward, please.

State your name and then tell us your personal recollections about how that vote went.

MS. GOODNER: My name is Angela Goodner, and it was a unanimous vote.

CHAIRMAN FRYER: Say again.

MS. GOODNER: It was a unanimous vote.

CHAIRMAN FRYER: It was unanimous. Okay. Thank you, Ms. Goodner.

MS. HAYES: Thanks, Angela. That surprises me.

I think when this issue is brought before the Board of County Commissioners again on November 8th, it will be a different result because now you have heard from this community, and our voices should matter. We're part of this compatibility. There's David Lawrence and their needs and the community's needs as a whole, but there's this community, and we are a population of people also. And it takes two parts to make that compatibility work. We're the other half of that part.

We've not been asked. No one ever told us. We were not informed. Your staff could have done a much better job of informing this community. I have no idea why this neighborhood was completely negated in this and deliberately kept in the dark about this, and that is how we feel. We -- in fact, it's not even a feeling. It's a fact. It was a deliberate deception to not tell this neighborhood what was going there.

And when there were meetings on public record, it was described as Tract 66, Unit 30, Golden Gate Parkway. So unless we're psychic, how would we possibly know that they're talking about this wooded lot that is full of coyote and Florida panther that is directly behind our house and next to their house? How would we know that? Until the very first time we received a notice which was -- Sally, was that April we received a notice for the first meeting in May, and then in June -- this is just a couple of months ago -- we see for the very first time these renderings. Not the ones that were shown to you today because, by the way, there's deception in those, too.

Look at the perspectives of the people in the cars next to what is a two-story building. These are the renderings that were shown to us today at the meeting in June.

COMMISSIONER SCHMITT: And those are --

MS. HAYES: Sixty-five [sic] thousand square foot --

COMMISSIONER SCHMITT: Those are in our packet, just to let you know.

MS. HAYES: Great. So let's have a look at them. This is Kate and Nate's house right here. Does that make anybody feel a little bit uncomfortable when they see this building in a residential neighborhood?

We did not know. We're not even given the opportunity to speak more than three minutes here today. We were not asked. We were not included on the committee -- a 19-person committee that met 18 times. Eighteen times. That's amazing. And not one of the people in this room, not one neighbor was included in this. Isn't that a deliberate deception to not include this community in something that directly affects us?

How were we supposed to know that they wanted to put a 64,000-square-foot building that looks like a shopping mall next to our homes with patients, as you've heard, that trespass on our properties? This is history.

How many times have we heard the message about learning from history? You ask the question if it's being -- you know, if we're expecting the same result. Well, yeah, we're expecting the same result of what these bad neighbors are doing at the current DLC. They're not handling their operations very well, because their patients are coming onto our properties.

And you were also asked how recently this was. You heard at the neighborhood information meeting from us. You heard a neighbor say that there's screaming patients being brought into David Lawrence Center by ambulance. And you asked, how long ago was that? And the response was two weeks ago, two weeks ago when they screamed for 30 minutes coming out of an ambulance into David Lawrence, and their home backs directly onto your current existing facility.

So these -- you're not hearing the truth today, because they're not telling you what we told them. Why do we waste our breaths? We came to this neighborhood information meeting. We told them all of this. So they're telling you that they made buffers of trees and added two feet to the wall. We didn't ask for those things. We told them that our life safety is at risk. We told them that there's drug needles on our property and patients coming onto our properties. They're not doing a good job handling it. They didn't come with a new plan of how they're going to do this better with a new David Lawrence facility, this gigantic central receiving facility that looks nothing like the first one, a bunch of cute little huts. This is a big deal in a residential neighborhood. There's other places to put this.

CHAIRMAN FRYER: I've given you six minutes, ma'am.

MS. HAYES: Thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I'm going to want to hear from the staff of the David Lawrence Center, maybe the president. I mean, I want to know, you know -- if you're concerned about mental health, you know, I mean, obviously, it seems like it's a major negative impact on families, children to have to, you know, live by your facility, and it seems, then, it would be -- whether or not it's legally incumbent upon you, it seems as though in keeping with your own goals of -- you know, and enhancing mental health of the community that people who don't have a problem now should -- you know, should also be cared about, their mental health should be cared about, and their well-being should be cared about. And it doesn't -- it doesn't seem as though they were very well read in on the fact that this was going to be near them.

Now, that might not be your fault but, certainly, it's your project, and it's your issue to deal with. And I'm really concerned and disturbed at the -- you know, the level of frustration that the people here have -- the residents here have, your neighbors have.

I don't think that just because there was a public process -- it does seem as though the public process, if it was going to impact people so clearly, that it is very hard to know which issues come up and how much they actually will affect you as a property owner, because it is all very specialized language, and it sounds as though there weren't really notices until the decision was already made. Like, the public notice that would be -- there wasn't a public notice posted on the property that was selected, right?

So if -- when -- there probably was a public notice, I'm thinking, on this property now because you're coming before the Planning Commission, but there wasn't one when this property was selected as the site for this project.

And so the neighbors who are directly impacted -- and their mental health is directly impacted. So I think it's a black eye on you, in my view, that you have ignored the mental health of your direct neighbors, and I think it -- I don't think it's an easy problem to address, but I think you bungled -- from what I've seen so far, you've bungled the, you know, relations with your neighbors, and I think they're bringing up some very serious concerns.

CHAIRMAN FRYER: We are going to have opportunities to consider what we want to recommend to the Board of County Commissioners at the appropriate time. And one thing -- I mean, obviously, we could vote this down, or we could vote in favor of it, or we could continue it and ask the parties to see if they can't get together and identify some solid controls that deal with such things as discharge procedure and otherwise make it safer. I'm not suggesting any of these things except as a range of options that we have when the time comes.

All right. Next speaker, please.

Thank you, ma'am.

MR. YOUNGBLOOD: Thank you, Mr. Chairman. Our next speaker is Burt Hayes, followed by John Anderson.

MR. HAYES: I'm going to want to give my time back to Elizabeth Bloch, please.

CHAIRMAN FRYER: Is this someone who's already spoken?

MR. HAYES: Yep.

MS. BLOCH: I will address something different.

CHAIRMAN FRYER: You have different points to make, ma'am?

MS. BLOCH: I do.

CHAIRMAN FRYER: All right. I'm going to hold you to three minutes now,

please.

MS. BLOCH: No problem. Thank you.

I appreciate that you guys are considering what we're saying to you. Your question about discharge procedures isn't the only thing to consider with regard to patients coming and going.

There are patients that are in-patient at David Lawrence Center, and when they're released, they're not always balanced properly. If the insurance money runs out, they have to let them go even if the medication hasn't taken effect.

There are people coming regularly weekly and monthly for medication visits. There's an enormous population coming and going from David Lawrence Center at all times. We're not just talking about people that are released from a Baker Act being a potential danger to us.

The pharmacy that they talked about at the facility that they currently have is a room smaller than just the area that you're sitting right now. I've had foster kids that have been involved in David Lawrence Center. I understand these problems.

The wall they're talking about buffering is only on two sides of that property. The third side you just walk around a wall, just like me walking around this table right now. So that's really all I wanted to confirm for you.

CHAIRMAN FRYER: Thank you.

MS. BLOCH: That it isn't just the Baker Act and the Baker Act that's the problem.

CHAIRMAN FRYER: Thank you very much.

Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is John Anderson, followed by Sally Anderson.

MR. ANDERSON: Thank you very much. I am John Anderson. I live at 5910 Painted Leaf Lane, directly in back of this proposed project. I'm not going to repeat, as you hinted before, said before, what has already been said, but I'll just try to sum it up the best I can.

We're looking at two different things here. One is the project itself has tremendous merit, tremendous. It brings me to tears when I thought about this over the past few months and thinking about it now, and I'll continue to think about it. I have nothing -- and I think I speak for everybody here that has the red shirt on -- nothing against this project. It is a good thing. And there are people that are really hurting, especially -- I mean, just look at the COVID situation that we had in the past year and a half, two years, what it's done to people, never mind all the other challenges that we have in life.

And so that side of it, I get it. I get it. And I applaud Mr. Burgess. I applaud the team that is backing the project.

But what -- where we differ, where I differ -- and, again, it's been repeated, but I'm going to say it again -- it's the location, the mix, so to speak. Residential neighborhood is just that. It has children. It has adults. Many of the children, the young ones, obviously, are school age, and the whole bit.

Both my sons, Michael and Brian, went through the public school system. I spent 30 years teaching here in Collier County. Part of it at St. John Neumann High School, and I finished my teaching career at Golden Gate Middle teaching seventh graders.

And I certainly was exposed during that teaching experience for 30 years of young people with problems and the whole bit, and probably a number of them I don't know and I don't care to know might have even gone through the David Lawrence Center at one time or

another. But back to the fact that taking this institution and constructing it right -- well, literally, if I may be selfish about it, right in our own backyard or on the edge of the property there deeply concerns me, deeply.

I spend a lot of time -- I have a couple work sheds, and one I constructed. The other one I had built a number of years ago. But that said, I spend a lot of time in the one I constructed. I have all my tools and everything there. I have a beautiful garden that I put together. I've been working on for a long time. I never thought it would come to a point where, as I walk back there and have my back door shed -- the doors open, and I can see all the beautiful pine trees, the birds and all that and all their wildlife, I never ever dreamt that possibly I'd need protection for not only myself but for my lovely wife. Thank God my two boys are grown up, and they're on their own.

CHAIRMAN FRYER: Sir, you're at four minutes, so I'd appreciate it if you'd wrap it up.

MR. ANDERSON: Thank you.

But that said, I never thought that for safety issues that I would have to, for lack of a better term, arm myself, because if something happens from that backyard there, what am I going to do? Am I going to dial 911? Am I going to run to my house and try to grab the phone, lock the doors, yell, my wife's in there, that we have a problem with a patient that was discharged and still has need for help and has nowhere to go.

So that's my point. It is nothing against this project. It is the location of the project. And I think I do -- and I'll end it with, you know, Murphy's law: What can will happen. And I really, really fear for both sides, my side and Mr. Burgess' side, that something really tragic is going to happen, and there's going to be so many people trying to wipe their hands clear of it, or clean of it.

CHAIRMAN FRYER: Thank you, sir.

MR. ANDERSON: I don't want that to happen. Thank you.

CHAIRMAN FRYER: Thank you very much.

MR. YOUNGBLOOD: Sally Anderson is our next speaker, followed by Dale Mullen.

CHAIRMAN FRYER: Ms. Anderson, go ahead.

MS. ANDERSON: I'm Sally Anderson. Been a resident 35 years at our home. For the record, we have never received any sort of notification, and I read junk mail. I mean, I read every ounce of mail I get.

COMMISSIONER SCHMITT: Can you speak into the microphone, please.

MS. ANDERSON: I read -- should I start over?

COMMISSIONER SCHMITT: No, I heard you. Just make sure the public hears you.

MS. ANDERSON: Okay. As far as notification, we've never received anything about any of the changes in zoning or anything prior to the letter from the engineering company, and that's why we're here today. This is the first time we've ever been notified. I read every piece of mail I receive, even if it looks like junk mail --

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Ma'am, after the public is finished speaking, we're going to inquire of staff exactly what notice procedures were employed.

MS. ANDERSON: Thank you.

CHAIRMAN FRYER: And we're going to be sure that they were in compliance with



the ordinance.

MS. ANDERSON: Thank you very much.

CHAIRMAN FRYER: Thank you.

MS. ANDERSON: As part of compatibility, it's -- you know, the definition, as you know, it's a condition in which land use or conditions can coexist in relative proximity to each other in a stable fashion over time so that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Past experience, we've had K9 units in our backyard going through the sheds, John was saying, talking about. We've had the Sheriff's Department with a robocall, stay inside until you're further notified to stay safe.

CHAIRMAN FRYER: Would you repeat that, please. What did you just say?

MS. ANDERSON: That we've had robo -- you know, calls stating stay inside. Do not -- lock your doors and stay inside for safety --

CHAIRMAN FRYER: And this was explicitly --

MS. ANDERSON: -- purposes.

CHAIRMAN FRYER: -- attributed to something --

MS. ANDERSON: And then the helicopters would be going over, and then the K9 units would be coming out.

CHAIRMAN FRYER: How often has that happened?

MS. ANDERSON: The K9 units once that I'm aware of.

CHAIRMAN FRYER: How many times have you been -- received a notification like that?

MS. ANDERSON: Oh, gosh. Well, we've lived there 35 years. I'd say at least 10.

CHAIRMAN FRYER: Okay. Thank you. And you're quite sure that it had to do with David Lawrence?

MS. ANDERSON: Yes, yes.

CHAIRMAN FRYER: Okay. Well --

MS. ANDERSON: I enjoy sitting out on the back patio listening to the birds, just enjoying the beauty outside. I no longer feel safe. I -- and if -- I will no longer feel safe if this gets approved.

I appreciate you bringing up the mental health issue for those neighbors, because I feel like I'm ready --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner.

COMMISSIONER KLUCIK: Yeah. I mean, I would just say -- I'm not a mental health expert, but I would say it would seem to be traumatic for an adult or a child to hear people screaming or to know that there's people in your backyard that just were released from, you know, mental health treatment. And, you know, just the discussion before of people coming to the -- you know, the women who testified that people came to their homes that were disoriented or a little -- you know, obviously, people in need of help, still in need of help.

I -- you know, obviously, I know the facility can't do things that are -- you know, hold people against their will, but it seems it's -- you know, it's your facility that causes this to be a burden to your neighbors, and I would also think that's -- I don't know how you could deny it that it's trauma inducing. I think it is trauma inducing to have to be in fear because there's people, you know, that you don't really know what their mental state is, or you do know at

least something about their mental state. You have some suspicions. I think that is a traumatic experience for anyone.

And I appreciate you bringing it up. And it's a little frustrating because I don't know that there's a good answer, but I certainly don't think we can just sweep that under the rug.

MS. ANDERSON: I appreciate that.

CHAIRMAN FRYER: Yeah, and I don't believe we will.

I'm going to ask this question not because I'm in a hurry to get this matter concluded, I'm not, but I'm just starting to get a firmer idea of where I would like to go with it as one planning commissioner.

So I'm going to ask Mr. Youngblood the question, how many more speakers do we have?

MR. YOUNGBLOOD: Mr. Chairman, we have seven in-person speakers and three online still.

CHAIRMAN FRYER: Okay. Well -- and I am only speaking for myself. But I am -- I'm becoming keenly aware of the seriousness of these problems. I don't think the problem has to do with what this center and this facility are licensed to do or what they're trying to do or even the location of where they're trying to do it.

The problem is collateral unlawfulness, collateral unlawfulness in the form of trespassing and the need for "stay inside" notices and things of that nature.

And even though that's not within the scope of the David Lawrence Center treatment, since they're providing the service there, they have to have some ownership of the consequences, and I think something needs to be done about it. And I, for one, am going to try to see that through.

Now, as far as the rest of this day is concerned, everybody who wants to speak is going to have a chance to speak, but don't forget that there's going to be a rebuttal session after this, and it may well be that we decide that we want to continue this rather than reach a conclusion tonight and see if we can't get some more information, information that would indicate statistics about such things as the "stay inside" notifications and the helicopters and the like. Because I want to know more about that, and I want to be sure that that is based in fact.

So having said that, thank you, ma'am, for yours.

MS. ANDERSON: Thank you.

CHAIRMAN FRYER: And, sir, we'll turn to you. And just -- I'll say this again. At some point you might believe, those of you who object to this, that you might be better served by letting us have our time to deliberate and discuss following rebuttal, but that's up to you.

Go ahead, sir.

MR. MULLIN: Thank you. My name is Dale Mullin. I'm president of Wounded Warriors of Collier County. I'm also a Vietnam veteran, and our goal is to provide assistance to help families in this county in the areas of mental health, education, and housing.

We support what -- Wounded Warriors supports what David Lawrence is doing in terms of the expanded facility. Veterans coming home from today's wars are dying at astronomical numbers. It's about twice the average of the general population. Twenty-two veterans a day commit suicide. There is not enough access for beds in this community to serve our population.

And I understand all the comments that were made here today, and I can appreciate, but I know that veterans are dying on our streets here in Collier County, whether it's from

suicide or whether it's from substance abuse, and there is a need to do it now and not postpone it.

A couple things: A few years ago, about three years ago, we opened a transitional house here in Collier County for veterans that were -- because of substance abuse and -- down on Fifth Avenue North in Naples. And we had to go to a hearing in the City of Naples to increase the number of beds in that house. And we heard the same kind of comments, the fear, fear, fear; these veterans were going to hurt their children, were going to hurt the neighborhood, were going to do all these things, which was very powerful, and I understand. But I can tell you that we have been there for three years. We've had 16 veterans go through that house, and not one single incident of any kind of problems within that neighborhood.

Those veterans come from St. Matt's, those veterans come from David Lawrence Center, and they come from veterans treatment court. Not one single incident has happened in those three years.

I'm not discounting anything that was said here today, but I'm telling you that it works. And one of the key things to make it work is you've got to have programs and services around it, which are very critical to making it work.

Our veterans are important to us when they come back from today's wars. And I've got to tell you one other story. A gold star mom about three or four years ago, and her husband, stood in front of me before we opened this alpha house, and said, our son died, who came back from Afghanistan, on the streets of Naples. He graduated from high school here. He died on the streets of Naples here because of substance abuse, and we could not find a place for him to go.

Now, I want to tell you, as I watched those tears fall down those parents' eyes and I looked into their eyes, I got very teary eyed myself because of thinking that we live in a community where there are not enough beds to either house veterans that are either homeless or provide medical and mental health care for those veterans. It's very emotional, and I am very emotional about it and very committed about helping our veterans in this community get mental health treatment.

Thank you very much.

CHAIRMAN FRYER: Thank you, and thank you for your service.

Next speaker, please.

MR. YOUNGBLOOD: Next speaker is Trista Meister, followed by Angela Goodner.

CHAIRMAN FRYER: Ms. Meister.

MS. MEISTER: Hi, there. I'm Trista Meister, and I served on the ad hoc committee to create the strategic plan, and I'm a member of the Collier Coalition for Healthy Minds.

I am here today to read the letter from Park Life Church -- Parkway Life Church, who is the neighbor of David Lawrence Center.

It is my privilege to be able to share my support and expressions in letter due to my physical absence of these important and informative meetings for the work and forward direction our community's taking with the expansion of David Lawrence Center.

For the last 15 years I've served not only as a lead pastor of the Parkway Life Church at 5975 Golden Gate Parkway, but our church as a next-door neighbor to the David Lawrence Center.

Over the years and especially under the administrative leadership of Scott Burgess, we have worked in some ways as partners in our efforts to address the growing and alarming concerns of mental and emotional health. Our community is very fortunate to have a place

for treatment and support that has been provided [sic] proven success over the many decades of the existence of DLC.

Its continued growth not only speaks to the needs that continue to increase but also to the success of what DLC continues to accomplish through their ever growing and expanding services.

One of the greatest decisions, in my opinion, the residents of this community made was when they spoke through a ballot in 2018 to provide expanded mental health services for our community. These services and this center have been recognized as one of the top mental health providers in the nation.

Collier County continues to lead the way in addressing the growing needs for such support. I can assure you, as an established pastor in our community, I know I speak on behalf of my personal colleagues. We need these services and this decision the residents anticipate will have a significant impact on making our community and families safer, more productive, and healthier.

We are establishing a very valuable asset that will be passed on to our youth and upcoming generations that will be eternally appreciated.

I appreciate the David Lawrence Center's awareness of ensuring the operations of their center maintains [sic] and brings quality service in a way that allows cohesiveness to its neighbors and avoids destruction to the families surroundings its campuses. It always has and always will.

I completely understand the concerns anyone would have regarding the impact of growth and operations this center may have on the normalcy of its neighborhood, but I'm 100 percent confident that DLC and the county officials are listening and making sure and assure provisions to address these concerned [sic].

It is my hopes that they will continue to see our community thrive through the present and future plans of the David Lawrence Center.

Do you guys want a copy of this?

CHAIRMAN FRYER: Who signed it?

MS. MEISTER: This is from Dr. Randall Holdman, who is the senior pastor at Parkway Life Church.

CHAIRMAN FRYER: Senior pastor, okay. Thank you.

MS. MEISTER: Do you want a copy of it?

CHAIRMAN FRYER: You can make it a part of the official record if you wish. Provide it to the court reporter.

MS. MEISTER: Thank you.

MR. YOUNGBLOOD: Angela Goodner is our next speaker, followed by Catherine Schenk.

CHAIRMAN FRYER: Ms. Goodner.

MS. GOODNER: Hi, Angela Goodner, for the record.

And I am -- full disclosure, I am a county employee, but I'm here on my own time speaking today as a member of the Collier Coalition for Healthy Minds. I am a county employee because I came here -- I was offered the opportunity to come here to change the way the county works around mental health. And I'm very proud of the work that we have done. I've been involved in all of those meetings over all of those years.

And I have a personal story that I normally share, but it's more than three minutes. So I'm just going to say, I live less than a mile as the crow flies from this proposed facility. I

live on the opposite side of the interchange with I-75 and Golden Gate Parkway.

In my neighborhood, I have helicopters flying overhead. Three weeks ago I went out to walk my dog at 10:00 at night. There were Sheriff's officers in my street flying drones over my place. They wouldn't let me walk where they couldn't see me, and told me to go home right away when my dog was finished.

It's because I live near the interchange. The interchange is there. There are camps -- unfortunately. It's a blight on our community. There are camps of homeless people living in the woods in that interchange.

I don't believe that people who are seeking treatment at David Lawrence Center are drinking at the childcare center across the street. There might be people -- I don't deny that they might there. It doesn't connect that those are people from the David Lawrence Center.

My personal story is one of my family living in the shadow of the stigma that goes with this -- that we're hearing here today. The fear and the -- almost revulsion that makes people really uncomfortable because it's a scary thing to them. They don't want that to be associated with them.

A study just came out this past summer that 60 percent of the men who commit suicide --

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: I guess I'm going to, you know, kind of take issue with the way you characterize the people who are speaking today. They are talking about things that have happened to them. They have talked about things that have happened to them. They haven't characterized anybody or stigmatized anything. They have talked about things that would scare or even traumatize anyone. And I really don't think it helps your argument to try to paint them as people who have -- who are trying to impugn or somehow demean people in need of treatment, your patients, or the patients of the David Lawrence Center, and I don't think that's fair, in any way, what you just said.

So I -- and you don't have to apologize. You're welcome to, but I just wanted to let you know that that really bothered me, and it doesn't help your argument.

MS. GOODNER: I'm sorry, and I certainly wouldn't want to do anything to hurt the David Lawrence Center's argument.

I was at both of those neighborhood information meetings, and I heard the things they said there.

CHAIRMAN FRYER: You're at three minutes, ma'am, but I'll give you another minute since you were interrupted.

MS. GOODNER: Sixty percent -- a study was released this summer that 60 percent of the men who commit suicide in this country never sought any kind of treatment. It's because of the stigma that is associated with doing so. And at the end of my speech I say that the stigma has decreased a lot. I hope that that optimism isn't misplaced.

CHAIRMAN FRYER: Thank you.

Next speaker.

MR. YOUNGBLOOD: Our next speaker is Catherine Schenk. Is Ms. Catherine here?

(No response.)

MS. HAYES: Yeah, it's actually -- it was deferred for Natalie Hogan, and -- Natalie Hogan actually asked Catherine to speak, and she also had to leave. Natalie Hogan is --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner.

COMMISSIONER KLUCIK: Is she able to speak for somebody who's not here?

CHAIRMAN FRYER: Well, we need to talk about that.

MS. HAYES: Can I just give you her letter, and we can save some time because I appreciate --

CHAIRMAN FRYER: Make the letter part of the record.

MS. HAYES: Sure. Do I give that to --

CHAIRMAN FRYER: To the court reporter.

MS. HAYES: And I also have a stack of legal declarations from witnesses about trespassing on our properties. Who do I give that to?

CHAIRMAN FRYER: Court reporter. It will be made part of the record, without objection.

We have to try to maintain the substance of order here, and we've got rules that are designed to be reasonable and afford people the opportunity to speak, but this is not an unending procedure. At some point we have to bring it to an end.

And with that said, who's the next speaker, please?

MR. YOUNGBLOOD: Next speaker is Polly Keller, followed by Debora Smith. Is Polly here?

MS. KELLER: Good afternoon. My name is Polly Keller, and I'm here today as a lifelong advocate for mental health.

And I have to tell you that my life was spent with patients -- 2,000 patients growing up with them, who I became friends with, who I understood as human beings, who I understood were seeking help and needed help, and they were good friends, and I had those friends for 18 years.

I'm also a 54-year volunteer helping the David Lawrence Center become a reality and develop into the expansive all-encompassing quality system of care available to all in need in Collier County today, a system of care that reinforces the dignity of the person and helps him/her return to society as a contributing citizen.

Our voting communities recognized this need and voted to raise their taxes to establish this continuum of care, a continuum of care on adjacent sites without disruption of the inconvenience of transporting issues and delivering that care. Treatment for a mentally ill person who, through no fault of his or her own, is so deserving of that care.

When my husband, the late Walter Keller, architecturally designed the buildings at David Lawrence Center, it was with the neighborhood in mind. Low-residential-type structures that fit in, beautiful landscaping added an aspect of serenity to the surroundings away from the site's out-of-sight, out-of-mind location. That prevailed in a then stigmatized country.

When I grew up in '35 to '50 in the state hospital, stigma was unbelievable. I see that it is still there today.

I remember when attending the Collier County planning committee way back when we were applying for the original approval. A lady objected from the audience, afraid of the type of person that would be her neighbor.

Paul Frank, a Planning Commission member, stated, ma'am, you ought to worry more about your children outside this facility than those in it. Paul's statement still holds true today. We are seeing outbursts everywhere, schools, churches, theaters, concerts, shopping malls.

My son lived in Pine Ridge, and he constantly had helicopters going over searching through the areas for things -- for people.

And to quote another, in the words of the late Queen Elizabeth, we need courage that can withstand the resistance of the cynics.

Please allow this facility on the requested property for even better continuity of care for our community. Thank you.

CHAIRMAN FRYER: Thank you, ma'am.

Next speaker, please.

MR. YOUNGBLOOD: Debora Smith is our next speaker, followed by Debbie Carter.

MR. BEYRENT: That's you.

MS. VAT: Can I have him speak for me?

CHAIRMAN FRYER: Oh, yes. By all means.

MR. BEYRENT: Once again, Garrett FX Beyrent.

CHAIRMAN FRYER: Well, now, wait a minute. Wait a minute. I misunderstood.

MR. BEYRENT: I brought my two crew.

CHAIRMAN FRYER: No. I thought you were up there because there was a language barrier. I misunderstood. We're not ceding time to people who have already spoken. We're not going to do that, but thank you.

MR. BEYRENT: I guess you don't get to speak.

CHAIRMAN FRYER: The lady can.

MR. BEYRENT: Okay. Good. Go ahead. I'll be right here. Don't worry.

MS. VAT: I'm Emma Vat, and I had suicidal [sic], and David Lawrence helped me a lot and also helped my daughter. She was bipolar. And if it wasn't for them, I wouldn't be here and my daughter wouldn't be here. So I am for them to enlarging it for more people to get help like I did.

CHAIRMAN FRYER: Thank you very much.

And I'll just say this before we continue. I am -- I'm not a NIMBY person here. This is not something that -- I would not be voting that I believe that this is a worthwhile activity but it shouldn't be here in this particular location. This is a worthwhile activity, and it shouldn't matter what location it's in. But if it is creating collateral unlawfulness, that has to be dealt with irrespective of what neighborhood it finds itself in. So that's what my concern is going to be.

Having said that, ma'am, you have the floor.

MS. CARTER: I'm not a bashful person, so I'll say it like the way I know. I've been here all of my life, literally, Golden Gate/Santa Barbara Boulevard. I've had choppers fly over. Never had anything to do with David Lawrence. Had to do with other stuff, though.

I was broke into 10 years ago and robbed at gunpoint at 3:00 in the morning by home invaders. It had nothing to do with David Lawrence Center either.

I understand their concerns. But I did get a notice. I've been to several of the meetings. I got a notice, and I live right on Santa Barbara. I look at the church right across the street. And I did get a notice, and I was at those meetings, and there wasn't a lot of protesters.

I've been in Golden Gate all my life. If it wasn't for David Lawrence, my son would be dead because when his friend Shawn Fisher -- and I'm sure a lot of you remember that name -- was killed on I-75, that was his best friend, and my son tried to take his life, and

David Lawrence saved his life.

I think if we maybe made the wall go around the whole facility, maybe got the police to get involved a little bit more with the release dates of these people, we would have a better run. I understand their fears, but I've been there all my life.

CHAIRMAN FRYER: The court reporter's going to have a difficult time keeping up with you, and it's -- and since I've interrupted you, I want to ask.

MS. CARTER: You only give me three minutes, so I've got to hurry and get it in.

CHAIRMAN FRYER: I understand, but let me just ask a question. Are you Mrs. Smith?

MS. CARTER: No, I'm Ms. Carter.

CHAIRMAN FRYER: Carter, all right. I just wanted to know who was talking.

MS. CARTER: And not misses. I have no desire to be that way again.

CHAIRMAN FRYER: Okay.

MS. CARTER: Nothing against you guys, you know.

COMMISSIONER KLUCIK: You're the best witness today.

CHAIRMAN FRYER: All right.

MS. CARTER: My best friend was Ms. Smith, and she's a retired vet, and I watched her go through a lot of trials and tribulations, too, and David Lawrence is a really good facility. And a lot of the people that go there -- I've delivered many vet friends there myself.

CHAIRMAN FRYER: Slow down.

MS. CARTER: And you know what, they make our country free for all of us. We should be aware of the people that have those issues going on.

CHAIRMAN FRYER: Thank you.

MS. CARTER: You're welcome. Thank you.

CHAIRMAN FRYER: Next speaker, please.

MR. YOUNGBLOOD: Our final in-person speaker is going to be Debra Landberg, and then we will go online to Linda McKinnon.

CHAIRMAN FRYER: Thank you.

MS. LANDBERG: Hi. My name is Debra Landberg.

First off, I have a big place in my heart for David Lawrence Center. I've had a lot of friends benefit, family benefit from David Lawrence Center. Safety is our main certain and issue. I do not -- this is not to get David Lawrence Center out of Collier County. Just put it in its proper place, safe place.

Safety is our concern and issue. I would hope the facility being built would be a warm environment no matter where they are building it. Naples is a beautiful area overall.

The perception that our courthouse and jail area is a bad area, I don't understand that. I come here for numerous reasons. I've taught my kids to respect this area, and this community, and we have a beautiful museum back here that I take my kids to. I don't think of this area as a bad area.

Wait a second. I accidentally got something.

I live, actually, on the other side of 75 going more into town. We moved in in December of 2012. I've been here since I was nine. We've had over a dozen incidents of individuals showing up at our home or in our neighborhood where I've contacted the Sheriff's Department to get them out of our neighborhood.

Specifically, the day after Thanksgiving last year, I had the SWAT team at my house. Ten officers in tactical gear for the prior homeowner, whom we know very well, and his son



has a drug problem. We found out he was actually Baker Acted in David Lawrence, which I was very glad.

And, by the way, the SWAT team was wonderful after the initial shock of the SWAT team coming through our bushes into our home. But he was later arrested for assault charges. Not everyone who's Baker Acted and leaves -- and that's the main issue. When they leave, they're right on Golden Gate Parkway, and they're walking.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Ma'am, are you stating -- I mean, is your intent to state that it was upon the discharge -- that it was associated with his discharge, this need for the SWAT team?

MS. LANDBERG: No. He was Baker Acted -- he was Baker Acted -- when he was picked up, he was -- actually, they were actively searching for him, and being that we had the prior address, that's where -- another place they came to. Even though we --

COMMISSIONER KLUCIK: It sounds like that particular incident really didn't have anything to do with David Lawrence Center's location --

MS. LANDBERG: My point --  
(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Ma'am, ma'am.

MS. LANDBERG: Okay.

COMMISSIONER KLUCIK: I just want you to confirm: It sounds like that particular incident with the SWAT team --

MS. LANDBERG: No. The SWAT team was great.

COMMISSIONER KLUCIK: Ma'am, just listen to my full question.

MS. LANDBERG: Okay.

COMMISSIONER KLUCIK: That that particular instant, when the SWAT team came to your home, that really had nothing to do with the location of the David Lawrence Center?

MS. LANDBERG: No.

COMMISSIONER KLUCIK: That was simply because that man used to live -- they thought that was the suspect's house?

MS. LANDBERG: Yes, correct.

COMMISSIONER KLUCIK: All right. So it really isn't -- it really isn't relevant. In my view, I'm not going to really consider that relevant to any of --

MS. LANDBERG: Okay. But he was Baker Acted. We know the family closely.

COMMISSIONER KLUCIK: Sure. Was your intent to show that you're --  
(Simultaneous crosstalk.)

MS. LANDBERG: I'm not in any way saying he shouldn't get help, and I was very glad he got help. My contention was when they say Baker Acted, I think a lot of people perceive that it's a drug issue; there are no other issues.

There are instances where an arrest is made after the fact. And then sometimes, yes, sometimes no. When people -- strange people have come to my door, and my daughter's home by herself -- we have security now on our house to protect her while she's home alone. And, you know, I don't want to put that out there, but that's really the major concern.

And I'm all for the David Lawrence Center and what services they provide. I'm just saying, if there are more feasible locations, safe locations that can forward [sic] and make sense, please do so.

CHAIRMAN FRYER: Thank you. Next speaker.

MR. YOUNGBLOOD: Our next speaker, we're going to go online to Linda McKinnon.

Linda, you're being prompted to unmute your microphone.

And she'll be followed by Melanie Brown Woofter.

CHAIRMAN FRYER: Thank you.

MS. MCKINNON: Good afternoon. I'm Linda McKinnon, the president and CEO, Central Florida Behavioral Health Network. And I did speak to the commission one other time regarding this issue.

What has not been discussed is the whole design of a central receiving plan and central receiving facility is really to mitigate a lot of the issues that have been discussed today. What it will do is provide the opportunity for David Lawrence Center, through this receiving facility, to provide what's called care coordination for these individuals, and what that means is that people are no longer just deemed that they're not eligible for admission or they're not -- they don't meet Baker Act requirements. Those people are no longer going to have to be just discharged, as you talked about, onto the street.

Those provide for care coordination to assure that people are appropriately linked to the services they might need. That could be a shelter. It could be outpatient services. It could be a whole myriad of services. It really just expands on the continuum of care that's currently provided by putting the opportunity and a place to provide that kind of excellence in care that's been proven to be very successful across the nation.

And I do need to say that in terms of mental illness, many, many people, very, very few -- it's maybe 4 percent of people that are even hospitalized are deemed to have committed any kind of dangerous crimes, and those are national statistics. So I support the plan as it currently is.

Thank you for the time to speak to you today.

CHAIRMAN FRYER: Thank you. Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is going to be Melanie Brown Woofter, and we'll have one more after her.

Melanie, you are being prompted to unmute your microphone.

MS. BROWN WOOFTER: Yes. Good afternoon, and thank you to the Commission for your service today and for your consideration of this important issue.

I'm the president and CEO of the Florida Behavioral Health Association, and we represent the not-for-profit community mental health and substance abuse treatment providers across the state. In fiscal -- in state fiscal year 2016/2017, the legislature funded the first central receiving facilities. That year we had seven central receiving facilities come online. The next year we had two more. Currently this year we have 15 across the state due to the success and the positive impact that central receiving facilities have had on local communities.

The design of the central receiving facility is that individuals can access care regardless of their insurance. So there is no discharge because the insurance has run out. You stay until you are stabilized.

You are actually linked to services, and there is a discharge plan so that when individuals leave, they are connected to their family, their caregiver, a friend, and there's less foot traffic than with other types of facilities that are there.

The law enforcement drop-off time is less than five minutes for each of these facilities

across the state, so there's minimal disturbance or impact in terms of vehicles coming in and out of the central receiving facility area.

The important thing is that, you know, we see people access care, we see people being linked to services, and we see, you know, the success, again, and the positive impact to the community with the central receiving.

I will say in the first nine receiving centers that are up, and actually the other 14, the receiving center is located on the campus of the community mental health center or next door, and that really seems to be a key success because of the link to services, the decreased need for transportation from another area to where the services are, and that count has certainly helped to mitigate many of the problems that you have heard about today from residents in your area.

So thank you very much for your time and for your consideration of this important issue.

CHAIRMAN FRYER: Thank you.

Next speaker, please.

MR. YOUNGBLOOD: Our next and final speaker is going to be Board of County Commissioners Commissioner Andy Solis.

CHAIRMAN FRYER: Commissioner Solis, welcome, sir.

COMMISSIONER SOLIS: You all can hear me?

CHAIRMAN FRYER: Yes, we can now. Please proceed.

COMMISSIONER SOLIS: And I'd just like to thank you all for putting in the time. I served on the Planning Commission, and I know it's a lot of work, and -- but it's very, very important work. So thank you for all of your commitments to serving the community.

I would just like to say that when I started this whole process six years ago to try to address this significant issue in the community (indiscernible) concern. Actually, a large part of the concern was (indiscernible) community as a whole (indiscernible) and operating. And I just want to reiterate that DLC has been operating in the current location for almost 50 years, from what I understand. Decades of providing the care that our community needs.

(Indiscernible) raised by some of the neighbors really are actually going to be addressed. I mean, those are concerns -- I think one of the commissioners brought up the point that these are concerns as to what is occurring or how services are being provided now.

The design of this building will make this safer. It will address the transfer of clients coming to the David Lawrence Center. There will be a sallyport. The issues regarding how people come to the David Center [sic] will actually be improved.

Again, and (indiscernible) selection process. And I spoke as much as I possibly could all over the community, all over Collier County in regards to how important this was. But in terms of the site selection considerations and how the commissioners made that determination, we looked at five sites. We looked at not only the appropriateness of the location, we looked at the cost of each of the locations. It was a very, very detailed analysis. We had experts detail and analyze and explain the different aspects of the site selection.

And this facility on this land that has been designated for this purpose (indiscernible) decade will make Collier County a safer place.

I don't want to put words in Lieutenant Weidenmiller's mouth or the Sheriff, but I feel certain that if the Sheriff was concerned in any way about the safety (indiscernible) residents in the area, we would hear him say that.

CHAIRMAN FRYER: Commissioner, you're breaking up a little bit, sir.

COMMISSIONER SOLIS: I was just saying that I think if the Sheriff was concerned for the safety of the community as a result of (indiscernible) being located where it is, I think we would have heard that from him.

So I hope that the commissioners will (indiscernible) and forward this to the Commission with a recommendation for approval. Thank you.

CHAIRMAN FRYER: Thank you, Commissioner Solis, and thank you for your service.

Let's talk about how we're going to go for the rest of the time. I'm not going to want to carry this on beyond a point where we're not all at our best, and we're kind of at that point for me right now. Obviously, the applicant has the right to a rebuttal, and the applicant can take, within broad bounds of reasonableness, as much time as he wants, but perhaps not this evening. So I'd like -- my first question is to Mr. Yovanovich: About how much time do you think you'd need?

MR. YOVANOVICH: Ten minutes.

CHAIRMAN FRYER: Okay. Now to the Planning Commission, I'd like to hear you all weigh in on your feelings about the time and how long we should go.

COMMISSIONER SHEA: I'd like to continue, personally, while it's fresh in my mind.

COMMISSIONER SCHMITT: I'm good. I had a business call at 4:00, which -- that's why I deferred it. I now have it tomorrow morning. But I'm fine if you want to go to 5:00. I mean --

CHAIRMAN FRYER: I think --

COMMISSIONER SCHMITT: I think we still need to -- we can go through this, but we still need to just handle one more matter, and that is the appointment of officers --

CHAIRMAN FRYER: Well, we've got another application.

COMMISSIONER SCHMITT: Oh, we've got two applications, plus the LDC.

CHAIRMAN FRYER: Yeah. Well, here's --

COMMISSIONER SCHMITT: Go ahead. Yeah.

CHAIRMAN FRYER: Let's see how far we can get until 5:00. But I've got another commitment -- not a social commitment; it's a business commitment -- at 5:30, and I need to prepare for it, and I'd like to change my clothes before it happens, too, but I may not have the luxury.

COMMISSIONER SHEA: You look very nice.

CHAIRMAN FRYER: Well, thank you very much.

COMMISSIONER SCHMITT: You're looking good now. Come on.

CHAIRMAN FRYER: I was talking about dressing down, not up.

Okay. Having said all that, Mr. Yovanovich, let's see how far we can get.

MR. YOVANOVICH: Well, our goal is to -- I think we should wind this up tonight.

So I'm going to ask Scott to come and address some of the comments regarding how patients are discharged, and then after that, I'll just have some very brief comments, and then we'll, you know, answer any further questions you may have.

CHAIRMAN FRYER: All right. Thank you.

MR. BURGESS: Great. For the record, Scott Burgess, David Lawrence Center CEO.

There's been questions that have come up related to discharge, and I want to be clear that individuals that are discharged from David Lawrence Center are all assessed based on

very strict medical criteria, and those discharges are facilitated by licensed doctors who have trained in this field for a long while and have the expertise and the licensure to be able to do that.

That being said, when individuals are discharged, part of our process in addition to the doctors clearing individuals as no longer meeting Baker Act criteria, they are provided with discharge aftercare instructions and planning which includes where are they going to be going next, what are they going to be doing, how are they going to be able to get there, are medication --

CHAIRMAN FRYER: All right, sir. In order to get as much information as I think this Planning Commission wants to hear, I'm going to take the liberty of interrupting you and asking you some questions.

MR. BURGESS: Okay.

CHAIRMAN FRYER: Okay. I understand your procedures, and they make sense, and you've got medical doctors making judgments, so it's not a question of challenging your procedures. It's challenging whether the results of those procedures are the intended result. And what we've heard is is that there are people who then engage in trespass and, in some cases, threatening behavior because they are left to roam around the neighborhood. They are not transported, for instance, to some other place to spend the night.

So my question to you, sir, is, could you be doing that?

MR. BURGESS: We do provide transportation to clients that request transportation support. So many of our clients are picked up by their family members, they're picked up by their loved ones, they're picked up by friends. They are on our unit and not discharged until they have their transportation in place.

CHAIRMAN FRYER: Well, what can you -- pardon me. What can you do to keep people who are discharged from wandering around the neighborhood and trespassing and potentially alarming the other residents? What could David Lawrence and what could the county do to be mitigating these consequences?

MR. BURGESS: I would say that we're open to suggestions. What I would say, also, is that individuals have civil liberties. And when they are discharged and not deemed under the Baker Act fitting the Baker Act criteria, they have the legal right, like every other resident in this entire country, to do what they prefer to do. If they prefer to walk home, we must let them walk home.

CHAIRMAN FRYER: But if they're not walking home, then it becomes a community concern, if they're doing something else.

MR. YOVANOVICH: Mr. Chairman, Mr. Chairman, we've heard anecdotal statements. We have -- the only evidence that's been presented so far is the Sheriff's Office that says there's no reported incidents. We've had people now say people were wandering around, and they're claiming --

COMMISSIONER KLUCIK: Mr. Chairman?

MR. YOVANOVICH: Let me --

COMMISSIONER KLUCIK: No, no, no. I believe people were under oath, and they told their stories.

MR. YOVANOVICH: And I'm going to get to that, Mr. Chairman.

COMMISSIONER KLUCIK: So it's not anecdotal. It's under oath, people explaining --

MR. YOVANOVICH: Let me explain. You interrupted --

CHAIRMAN FRYER: Mr. Yovanovich, let the commissioner finish, please.

MR. YOVANOVICH: He interrupted me.

CHAIRMAN FRYER: That's his privilege.

COMMISSIONER KLUCIK: Yes, that's my prerogative --

MR. YOVANOVICH: Oh, it is.

COMMISSIONER KLUCIK: -- absolutely, with the Chairman's permission, as a matter of fact.

MR. YOVANOVICH: Go ahead. Sorry. I didn't mean to interrupt you.

COMMISSIONER KLUCIK: Thank you.

Okay. So let me remember where I was. So, no, they were under oath, and they gave eyewitness testimony of what they experienced, okay.

So what I would say is that is evidence, and certainly I am treating it as evidence, and I think my fellow commissioners, some of them will also be treating that as evidence. So for you to say -- you can wait. I'm not done yet. I'll -- you know what I'm going to do, I'm going to say "I'm done, sir. Your mic."

MR. YOVANOVICH: Okay. I'm sorry, Mr. Klucik.

COMMISSIONER KLUCIK: I think that is in evidence. And when you say that the only evidence is the Sheriff's report, I think that's absolutely wrong, and I don't think it helps your argument.

MR. YOVANOVICH: And I appreciate that, but you didn't let me finish the sentence. They do not know --

COMMISSIONER KLUCIK: Go ahead. I'm done.

MR. YOVANOVICH: Sorry. They don't know for a fact that those people came from the David Lawrence Center. They don't know that. There are people that -- we've had testimony that there are homeless camps in the neighborhood. Could they have been from the homeless camp? I don't know. But what I'm suggesting is we have procedures in place to take -- we make sure people go home with relatives, friends, family. Could there be a couple that don't go home that way? Yes. I get that.

COMMISSIONER KLUCIK: I guess I'm going to -- with the Chairman's permission.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: I guess we just heard your client say very, you know, boldly and accurately, as a matter of fact, that, you know, you have your right to do what you want to do. And I understand -- I totally understand that the David Lawrence Center can't control that, but that doesn't mean -- that actually underscores the --

MR. YOVANOVICH: Sorry.

COMMISSIONER KLUCIK: That actually underscores in my mind, and I think it's fair, that that actually makes the location -- questioning the location and its appropriateness, that actually -- you know, that underscores that idea because the whole problem here is that, you know, as our chairman has said, it was, like, ancillary or somehow related unlawful behavior. What was your phrase, Mr. Commissioner?

CHAIRMAN FRYER: Yeah, that's pretty close; unlawful, yeah.

COMMISSIONER KLUCIK: Associated with the operation there. And I understand not every incident that happens nearby -- we can say with certainty that not every -- you know, can we say with certainty that every incident is somehow associated with David Lawrence Center?

But I also am not going to at all entertain that none of it -- and you didn't say that.

But I would say there's plenty of underoath testimony that these things have been associated with the David Lawrence Center and the discharges.

And the concern here is to make sure that the brunt -- so we know what David Lawrence Center does and what they would like to do in a new facility. We know it's a huge benefit to the community. We know that. But I don't -- you know, you can't say because it's going to benefit the community, therefore, some people have to suck it up. That's not -- that's not -- that's -- you can never do something evil for the sake of something good.

And I say it's -- it is evil to impose suffering on somebody else for the sake of some other good end. In my view, that's a moral absolute. That's a Catholic perspective, you know, of the moral law that you can never ever do something evil -- you can't murder one person who's innocent in order to save a million people in a stadium, right? You can't say, oh, this guy's a hostage. We can kill him, you know, so a million people can survive.

Obviously, that's not what we have here, but we do have -- we're -- what we're doing is we're putting it on the brunt of these neighbors who clearly have made a case that I find compelling, and I certainly don't think I'm the only one who thinks there's something compelling about what they're saying; that they're bearing the brunt because the services that the David Lawrence Center provides are associated with some unfortunate, you know, ancillary, you know -- you know, activity.

And to say that is not to be, you know, imposing a stigma or assigning -- you know, there's nothing immoral about that. There's nothing wrong about that. As a matter of fact, to deny that it's happening is another evil. If it's evil to stigmatize people, it's also evil to smear people as if were they stigmatizing people.

So, yeah, I'm getting it all out. I don't think it's fair to paint the people that have come here as -- somehow to smear them as somehow being against mental illness and people with mental illness, and that's what we've heard. We've heard some people say that. I didn't say you said that, but we had some people say that.

MR. YOVANOVICH: And I appreciate that.

COMMISSIONER KLUCIK: Yes, thank you.

MR. YOVANOVICH: Are you done?

COMMISSIONER KLUCIK: Yes, I am, sir.

MR. YOVANOVICH: Thanks.

I never said that these people have issues with people who have mental illness.

COMMISSIONER KLUCIK: No, but there is -- there are -- there is testimony today in which that has happened.

MR. YOVANOVICH: There are people who feel that way, yes.

COMMISSIONER KLUCIK: Yes.

MR. YOVANOVICH: What I'm saying is -- and I don't want to get into statistics. Let's assume that the person who got up here and spoke, that both of those incidents are actually related to the David Lawrence Center. There were 1,743 Baker Acts just from the Collier County Sheriff's Office. There were probably more from other people. He reported two incidents in the last year. I'm just talking about the last year.

Statistically, that is .001 percent. That -- so I get that. So we're going to now say that number is inappropriate on every neighborhood? There are neighborhoods around this facility. This was the other location. Is it okay to now say .001 percent is not acceptable in a location where this facility has been operating for the last 47 years but is now acceptable over here on the county complex? I would say it's either appropriate there or it's appropriate

here. It can't be appropriate here and not appropriate there under that.

This facility has --

COMMISSIONER KLUCIK: I think -- Mr. Chairman, if I may.

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER KLUCIK: I think in an area that's not residential, that would be -- you know, that could be a location where you don't have the impact on people in what should be their sanctuary, which is their home.

MR. YOVANOVICH: But there's residential right around this complex. There's residential right around this complex. And this complex -- I'm just -- my point is, there are going to be residential communities, regardless of where you put this, that will be impacted by this central receiving system where all the testimony about this central receiving system is going to make better than what exists today. The David Lawrence Center is not going away. Those services are going to continue to be provided at that center. It will either be provided at the existing center, or it will be provided at the central receiving center, which will be better and which will be safer and will reduce the impact from what's there today. That's the question that we need to talk about.

COMMISSIONER KLUCIK: Yeah. Mr. Chairman, if I may.

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER KLUCIK: Yeah. And I would say that that's probably the most -- you know, the most chance of, you know, redeeming or -- you know, or -- I don't want to say that, because I haven't made up my mind, but you're going to score a lot more points in letting us know how the new center is going to alleviate what we've been hearing about, and -- if that's the case, because I haven't really heard much of that. I just started to hear a little bit of it. We haven't heard much of that.

MR. YOVANOVICH: And either shame on me or shame on us for not emphasizing how this sally -- I forget the --

COMMISSIONER KLUCIK: Sallyport.

MR. YOVANOVICH: -- thank you -- sallyport drop-off actually benefits and works for this process, and I'll let Scott get into that, because it is a more quiet and a more secure drop-off of people who need the services than what currently exists today, and --

CHAIRMAN FRYER: You can provide that evidence if you want, but I think most of the complaints I heard, and my concern, is not on entry but on discharge.

MR. YOVANOVICH: And I understand that, but there's going to be the very few people that don't take the offer to get transportation to wherever they're going, and that's going to be in whatever neighborhood you put them in.

CHAIRMAN FRYER: Well, I'm going to call on Commissioner Shea, who's been waiting patiently.

COMMISSIONER SHEA: Yeah. I think the release is the issue. That's the same point from what I hear with everybody. And I guess I don't agree with the fact that -- why can't you make it part of the treatment that, unless you live in that neighborhood, you're going to be transported someplace -- you know, you're transporting them out to wherever the location is. You can say they have legal rights. If they want treatment, you can get them to sign that release that you're going to drop them off someplace where they're -- they can be taken care of, but not in the neighborhood. They need to -- unless they live in the neighborhood, they should be dropped off someplace else. That just seems like a procedural issue to me.



MR. YOVANOVICH: To the extent we can do that, we will absolutely do that. My guess is some of these people that are coming here can't sign a release because they're not mentally capable of signing that release. That's why they're coming.

CHAIRMAN FRYER: Then they shouldn't be released.

MR. YOVANOVICH: That's not what you heard. He said they are --

CHAIRMAN FRYER: That's what you just said.

MR. YOVANOVICH: No. When's the release signed? Coming in or leaving? The problem is, once you're there, you're coming in where you can't sign the release. So how do you say to somebody, we're going to keep you prisoner until you sign the release? Is that what you're suggesting?

COMMISSIONER SHEA: No. When they come in for treatment, do they sign something?

MR. YOVANOVICH: Not the involuntary ones.

COMMISSIONER KLUCIK: Right, because they can't -- because they can't consent, and then they're -- then they've been evaluated by the doctor, and we have all the professionals say they're fine. And at that point, am I right, they can sign a consent because they're mentally stable?

MR. YOVANOVICH: Mr. Klucik, what do I say to -- what do I do with the person who says --

COMMISSIONER KLUCIK: No, just answer that question. So that person can sign, right?

MR. YOVANOVICH: Okay. They can sign the release.

COMMISSIONER KLUCIK: Okay. So they can sign the release.

MR. YOVANOVICH: What do I do when they refuse?

COMMISSIONER KLUCIK: So then my question is, is it unlawful -- is it somehow illegal for you to require at discharge for you to transport them somewhere else?

MR. BURGESS: It is not illegal so long as they're willing to allow such. And I think it's important to bring into perspective the fact that most folks, the vast majority, have pickups. They have people that are picking them up, and they are taking them wherever it is that --

(Simultaneous crosstalk.)

CHAIRMAN FRYER: That's good, but we're not talking about the vast majority.

MR. BURGESS: The second --

CHAIRMAN FRYER: Please don't interrupt me, sir, when I'm trying to talk. Thank you very much.

What we're focusing on is we're focusing on the minority, the other group of people who have obviously done things that have been of concern to the community. Now, you can say, well, we can't prove that these were David Lawrence people. We can't, but this evidence has been introduced by people who are sworn -- this testimony is sworn and under oath. And the only thing that I would want to hear that would cause me to discount what they're saying is if the applicant could come back and offer evidence that this didn't happen. I don't think you can. Can you?

MR. BURGESS: I'm just wanting to make sure that I can speak.

So what I would like to say is that you're talking about the minority of individuals, and my next point was going to be, for those minority individuals, the vast majority of the minority we do provide transportation to via Uber or we transport them through our staff.

That is -- we're perfectly lawfully able to do that so long as an individual is willing to allow us to do that.

So now the minority of the minority are the folks that we're talking about that say, I don't want you to transport me. I don't want to take an Uber. I don't want to take a bus. I want to walk. And it is illegal for us to falsely imprison them --

CHAIRMAN FRYER: Well, thank you for your legal opinion, sir. My concern, though, is --

MR. YOVANOVICH: Mr. Chairman, that's not fair. That was not a fair statement, Mr. Chairman.

CHAIRMAN FRYER: Believe me? What?

MR. YOVANOVICH: I just said it's not a fair statement.

CHAIRMAN FRYER: Well, thank you.

You're familiar with the situation where you go in for outpatient surgery. The facility will not allow you to leave unless you have a ride home. That's the rules of the game. They won't allow you to go. And it's similar -- my way of thinking it's similar because what you've got here is a person who the medical decision makers are saying this person is alert and oriented times three and, therefore, the decisions they make are going to be sensible decisions, and you have someone who clearly doesn't live anywhere near the location in question and says he wants to just walk home. That, on its face, raises questions as to the decision whether he should be discharged.

COMMISSIONER KLUCIK: Yeah, raises anew, the fact that they're actually capable of caring for themselves.

MR. BURGESS: So -- I want to make sure I can speak. Okay. So --

CHAIRMAN FRYER: You know, you're not going to get very far with that.

MR. BURGESS: I don't want to interrupt. I'm -- there's been hesitations before, and I just don't want to have a rebuttal that I'm being inappropriate, disrespectful.

So the process that you described with a medical condition, which mental health and mental illness is, you described a process with a medical condition whereby individuals are able to sign against medical advice and walk out of that hospital at any time they want.

You can have a cardiac -- person with a cardiac condition, a person with an oncology condition, you can have someone that had a gunshot wound that says in the emergency room, I don't want to stay, I'm going to walk out those doors, and they're able to do that legally under -- signing against medical advice.

CHAIRMAN FRYER: Well, I'm sure that organizations such as yours play it very conservatively because they don't want to be sued, and so if someone puts up a fuss, you let them go.

But my point is is that if you reach a situation where you've got someone who lives nowhere near your facility, has no visible means of getting home and wants to walk, and let's say he lives 10 miles away, that is not a rational decision, and that should cause the medical professionals to reconsider their decision that this person is ready to go.

MR. BURGESS: I can guarantee that our treatment team, including our medical doctors, one of which is our medical director that I've worked with for 25 years -- University of Chicago. This is a very well-trained individual -- take their job seriously. They take their commitment to their licensure seriously. They take their commitment to community safety seriously. They vet every element that they think is pertinent and appropriate before discharge.

I heard a disparaging comment that we just discharge people if they run out of insurance. Absolutely incorrect. No evidence of such. Introduced here today. No evidence --

CHAIRMAN FRYER: I haven't heard anybody on the Planning Commission raise that concern.

MR. BURGESS: No, but I'm just utilizing some of the logic that we've heard.

CHAIRMAN FRYER: Our concern is directly related to the experiences that these witnesses have testified to, and I don't think you can gainsay that evidence. I don't think you're in a position to say that didn't happen.

COMMISSIONER KLUCIK: Mr. Chairman, go ahead.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: And what I would say is, if someone tells the story about what happened in their home, in their yard, and then they make a flippant comment about what the David Lawrence Center's internal procedures are as -- you know, no one here thinks that they were -- that they knew exactly what your internal procedures were.

So the idea that when they said that we took that as a statement under oath of a truthful fact is kind of a stretch. So don't worry about it. I don't think anyone here thought that when one of the people who lives near by accused the David Lawrence Center of just turning people out because they don't care because you're just money grubbers, I don't think any of us thought that that was statement under oath asserted for its truthfulness.

MR. BURGESS: Thank you.

CHAIRMAN FRYER: I think that's right.

Commissioner Shea.

COMMISSIONER SHEA: It's obvious it's getting late, and we're getting a little touchy, too.

COMMISSIONER KLUCIK: I started out touchy.

COMMISSIONER SHEA: But I still -- well, you're the exception.

But we -- it's -- I would suggest you go back and try and really think about how you can improve the process of release, because that's the easiest way to get a couple of us -- this is a no-brainer except for that type of issue with the neighbors' concern. I mean, it's a no-brainer project except for that, and that's what we're pushing back on. Can you guys put your heads together and come back with something?

MR. YOVANOVICH: Let me make a suggestion. Why don't you impose a condition -- I'm not saying we can agree to it. Why don't you impose a condition and vote on the condition that we are to provide transportation to everybody who doesn't live in the neighborhood.

CHAIRMAN FRYER: We're not going to do that.

MR. YOVANOVICH: Why not?

CHAIRMAN FRYER: Commissioner Schmitt.

MR. YOVANOVICH: Why not?

COMMISSIONER SCHMITT: Yeah, we faced the same problem when we were dealing with the St. Matthew's House and the expansion of the St. Matthew's House. And, frankly, I looked at the location, understand the area of St. Matthew's. I didn't really consider it the problem that I'm hearing today.

I mean, this is really an issue of compatibility. Wonderful mission, but what I'm hearing, this is really the wrong location. I just -- and I don't -- I can't recall what we did

with St. Matthew's, because it was the same thing, but part of the St. Matthew's problem was it was a magnet for people to come to because the perception there was -- they were going to be fed, and we had no idea as to the guys that are hanging out in front of Home Depot were really guys that were released from St. Matthew's House.

COMMISSIONER SHEA: Part of the problem was there was a food kitchen a few doors down from St. Matthew's House --

(Simultaneous crosstalk.)

COMMISSIONER SHEA: -- and that's what they were living in the woods for was so they could get there early.

CHAIRMAN FRYER: What we did in that case -- and I was outspoken about that and thought that we had come to a good result, and it was Mr. Yovanovich's client, and we had come to an understanding that there would be additional procedures --

COMMISSIONER SCHMITT: Correct.

CHAIRMAN FRYER: -- to be put in place to the point that I was able to vote for it, and that's what I'm striving for here right now.

COMMISSIONER SCHMITT: I understand.

MR. YOVANOVICH: And that's why I'm suggesting that you impose the condition that nobody can leave without transportation.

CHAIRMAN FRYER: No, no.

MR. YOVANOVICH: Why not?

CHAIRMAN FRYER: We're not going to play into that game.

MR. YOVANOVICH: Isn't that the issue? That's what you just said the issue was. Nobody -- that people walking away.

CHAIRMAN FRYER: What I'm wanting to happen is that there -- that there be a discussion with the neighbors to see if the David Lawrence Center can come up with procedures with respect to release that we believe will considerably improve the protections afforded to the neighbors for the discharged people and one that is within the limits of the law. And obviously, they're going to still be outlier situations where, in the best legal judgment, of your legal advisors, you're going to have to let this person go. But I do not believe that your procedures currently take you to that very end point other than, perhaps, just a distaste for the potential of litigation.

COMMISSIONER SCHMITT: And I would go one step further --

COMMISSIONER SHEA: Why can't you take them back to the same spot you picked them up?

CHAIRMAN FRYER: Well -- or take them to the overnight place. I think that there are a number of things that could be done. I'm not willing to vote on this tonight as long as I think there's a reasonable chance that some kind of an accord can be reached the way it was in St. Matthew's House to address legitimate concerns of these neighbors.

COMMISSIONER SCHMITT: I would go one step further. I absolutely -- there has to be some communication between St. Lawrence [sic] and the community, and there hasn't been. I don't want to -- if it's a once-a-month open house, if it's come and talk to me in the office, I'm -- whatever it has to be but, obviously, the David Lawrence Center is oblivious to some of these problems that have been expressed today from the community, and I really find it troubling; I really do. It's a residential community.

And I have to believe what Robb said here in regards to the mental health of the people who live there now are stressed because of what they're experiencing. I -- I can't

validate any of these statements, but the fact is your facility has caused a significant problem in this community, at least expressed today, and, frankly, this is -- this is an issue that the Board of County Commissioners are going to have to deal with and decide. I mean, we all can render a recommendation. I don't think it's going to go very well, but the fact is it's going to be the Board of County Commissioners. They chose this position. They chose this site. Are they going to tell the people out there that you're going to live with our decision we made seven years ago? But --

CHAIRMAN FRYER: Well --

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: We still have jurisdiction of this matter, and we'll have it until we vote up or down.

COMMISSIONER SCHMITT: All right.

CHAIRMAN FRYER: And -- what -- excuse me.

MR. BURGESS: I'm just wondering if I have an opportunity to express a point related to the discussion.

CHAIRMAN FRYER: Go ahead. Go ahead.

MR. BURGESS: So I do hear what you're saying about the anecdotal evidence that has been presented by some of the neighbors. I do think that the data that you're really wanting to understand, the Sheriff's Office has reviewed that data and finds David Lawrence Center, as they indicated under oath, that we present -- we are a good neighbor. We do not present a risk that they are not seeing in other neighborhoods in our community, in our county.

So I understand the discussion. I understand the sensitivity to taking these matters very sensitively. But I think the data that has been testified to here this evening, this afternoon, indicates that we are a good neighbor that has not put the community in any more danger than anybody else in this community faces every day.

CHAIRMAN FRYER: Well, I disagree with you. I don't think that's what we heard at all.

COMMISSIONER SHEA: Can we talk about the data? This happened at St. Matthew's House, and we found that a lot of the events were just never documented. So this data was not representative of what was going on, and I feel the same way here. So the data that you're forwarding to me, I struggle with putting any value in it, because they don't -- I mean, how can SWAT teams that are flying helicopters be overhead and people not know about it? I mean, it's not reported anywheres.

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SCHMITT: There has to be a police ledger.

CHAIRMAN FRYER: Definitely. There definitely --

(Simultaneous crosstalk.)

COMMISSIONER SHEA: But this happened on St. Matthew's House. There was --  
(Simultaneous crosstalk.)

CHAIRMAN FRYER: Go ahead, Lieutenant. Just a moment. Go ahead, Lieutenant. What were you going to say?

LIEUTENANT WEIDENHAMMER: Commissioners, for the record, Leslie Weidenhammer, lieutenant with the Collier County Sheriff's Office.

I was asked a very specific question today about escapes with no parameters, no time parameters or anything else. I was not asked about other data and about helicopters, possible

drugs in the area, possible -- lots of things. I was asked very specifically one question.

And let me just clarify, I answered based on zero parameters. And throughout, as far as I know, the last year to two year, I have no document of anyone who has escaped from David Lawrence Center.

CHAIRMAN FRYER: That's fair, and I'm glad you made that point.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Let me, if I may.

You're -- thank you for coming to the microphone and reminding us of that. And you're absolutely right, a single discrete question was asked of you, and you answered it. The problem is it doesn't carry the applicant to where the applicant wants to go evidence-wise. We need more data.

COMMISSIONER SHEA: What question should we ask you?

CHAIRMAN FRYER: Let's -- I want Commissioner Klucik to speak.

COMMISSIONER KLUCIK: No. I was just going to say that that is -- you know, contrary to, you know, what I think you thought that gave us, it's very weak. It's one piece of evidence on one very specific question that really -- pardon? She just told us it was one --

MR. BURGESS: That was -- that was one element, right? That's what she just testified to. There are other data points, if you would wish to question her on that, or I think somebody said, what are the questions we should ask about the data.

COMMISSIONER KLUCIK: Well, what's in evidence is the one thing that she just talked about, and that doesn't get you very far.

CHAIRMAN FRYER: That's exactly --

COMMISSIONER KLUCIK: Nothing else is in evidence --

CHAIRMAN FRYER: That's right.

COMMISSIONER KLUCIK: -- regarding -- well, from the Sheriff.

MR. YOVANOVICH: And let's --

COMMISSIONER SCHMITT: I asked the question prior to hearing the public.

MR. YOVANOVICH: Look, everything I've heard is concern about people when they leave, right? I've asked you to impose a condition on us that nobody can leave without transportation to wherever they ought to be so they're not walking away.

CHAIRMAN FRYER: Would you accept that at the Board of County Commissioners?

MR. YOVANOVICH: Well, I will let you impose it on us, and then we will talk -- because you need to make a recommendation.

CHAIRMAN FRYER: Oh, thanks.

MR. YOVANOVICH: Make a recommendation that that will address the concern --

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: -- and then we'll --

CHAIRMAN FRYER: I'm going to make a recommendation right now.

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: I'm going to recommend that while this matter is still within our jurisdiction, which it is, that we continue it with the request that the applicant go back with representatives of the community and also collect some data from the Sheriff's Office that deals directly with the issues that have been raised to attempt to prove to us that these things haven't happened, and we will listen carefully to it and come back, and you can --

MR. YOVANOVICH: Could I have two minutes to talk to my client about whether

we'll accept that condition or not?

CHAIRMAN FRYER: It's not a condition.

MR. YOVANOVICH: No, I'm going to --

CHAIRMAN FRYER: Oh, to the substantive condition?

MR. YOVANOVICH: Yeah, the substantive condition that I asked you to impose upon us.

CHAIRMAN FRYER: Yeah, go ahead. Take two minutes; do it. In fact, we're really overdue for a break. It's 4:56. Let's break till 5:00.

(A brief recess was had from 4:56 p.m. to 5:01 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene, please.

MR. YOVANOVICH: Are we ready? I'm sorry.

CHAIRMAN FRYER: We're ready.

MR. YOVANOVICH: I didn't hear.

Go ahead, Scott.

MR. BURGESS: Yeah. I want to relay that we are willing to make a 100 percent commitment that we are going to offer and coordinate transportation for every person being discharged.

CHAIRMAN FRYER: That's not enough for me.

COMMISSIONER KLUCIK: I think that's what you're already doing.

MR. YOVANOVICH: So -- we are. And --

CHAIRMAN FRYER: Let me tell you what I'm looking for; something along these lines: Best reasonable efforts to prevent persons from being discharged unless they are transported to a place of abode for the night.

MR. YOVANOVICH: Best reasonable efforts?

CHAIRMAN FRYER: Best reasonable efforts.

MR. YOVANOVICH: I can agree to that.

MR. BURGESS: Yep.

CHAIRMAN FRYER: Okay.

MR. BURGESS: Yes, sir.

CHAIRMAN FRYER: All right. What other concerns did the Planning Commission have, and does that go far enough for --

COMMISSIONER SCHMITT: My other concern is they have to create some kind of community forum --

MR. YOVANOVICH: We'll agree to meet --

COMMISSIONER SCHMITT: -- to hear issues from the residents both on the current facility and, if approved, the proposed facility because somehow, whether you meet with them --

MR. YOVANOVICH: We'll host a monthly meeting.

COMMISSIONER SCHMITT: -- in the evenings, or whatever forum you create, we have to have something where you can -- these folks --

MR. YOVANOVICH: That's fine.

COMMISSIONER SCHMITT: And I don't mean that in a --

COMMISSIONER KLUCIK: Pejorative.

COMMISSIONER SCHMITT: -- pejorative sense, but the folks from the community really need to express -- have a forum to express their concerns.

MR. YOVANOVICH: Let's agree that we'll have to do it monthly.

COMMISSIONER SCHMITT: When I hear somebody say they don't even want to go in their backyard because they're afraid -- yeah, I know, you take that, but you also say, there's a problem.

MR. YOVANOVICH: I understand. And we'll agree. We're doing this with the St. Matthew's House neighbor next door; we meet monthly. We'll provide them all the names of the contact persons so they have 24-hour access to report something they're concerned about. That's what we did for St. Matt's, tried and trued; let's do it here.

We'll do that, and we'll do what the Chairman -- we'll use his exact words as the condition, and we request that you make those conditions, and we commit to meeting monthly. We'll host them, or we'll go to them, whatever they want, meet monthly to hear their concerns.

CHAIRMAN FRYER: All right. And in the event that -- despite your best reasonable efforts to prevent someone from being discharged and they absolutely insist under conditions that are patently unreasonable, such as they don't have a means of transportation and they live 10 miles away, I would like you to commit to ask your medical director to reconsider --

MR. YOVANOVICH: Sure.

CHAIRMAN FRYER: -- the decision on whether they are alert and oriented to self, time, and place --

MR. YOVANOVICH: Absolutely.

CHAIRMAN FRYER: -- sufficiently to make that kind of a judgment.

MR. BURGESS: We are willing to commit to that.

COMMISSIONER KLUCIK: Well -- and is there also a way to alert the neighborhood that that's about to happen?

MR. BURGESS: No.

COMMISSIONER SCHMITT: I don't know how you can do that.

MR. BURGESS: There's HIPAA violations that would prohibit us from being able to disclose any information.

CHAIRMAN FRYER: Well, the HIPAA violations --

THE COURT REPORTER: I can only get one at a time.

CHAIRMAN FRYER: Yeah. The HIPAA would apply if you revealed personal identification. If you just indicated that a person was about to be discharged, that wouldn't necessarily violate HIPAA.

MR. YOVANOVICH: How about we commit to that once we get a legal opinion that without providing the identity of the person, we can do that?

COMMISSIONER KLUCIK: Right. So maybe what we add in is that -- and when that -- you know, when, despite the best reasonable effort someone will be discharged, they will go through that last effort with a medical person to try to -- you know, try to maybe see if the medical opinion has changed, but then, if that still doesn't, you know, seem to change the circumstance and there will be a release, then -- if after seeking a medical -- or a legal opinion that -- you know, that their legal advisor thinks that it's lawful -- that it would be lawful to do that, not a HIPAA violation, that that would be a condition as well, to notify the community in some meaningful way.

MR. YOVANOVICH: Sure. And as long as they give us their phone number that we can --

COMMISSIONER KLUCIK: No. Yeah, I mean, there has to be -- the logistics of



how that happens, yeah, that we can't --

MR. YOVANOVICH: We'll notify everybody who requests notification as long as it's -- as long as we get the legal opinion that we can do it without -- as long as we're not identifying the individual.

CHAIRMAN FRYER: Well, that -- you're going to -- you're going to get a legal opinion to that effect if that's what you want.

MR. YOVANOVICH: I want to just make sure. I don't practice that law, Mr. Fryer, so I don't want to commit malpractice.

CHAIRMAN FRYER: Well, I actually used to.

MR. YOVANOVICH: So am I okay? Are we giving -- we're -- are we okay?

CHAIRMAN FRYER: No, you're not okay.

MR. YOVANOVICH: We could do it without identifying a person?

CHAIRMAN FRYER: It's called directory information, and directory information is in the form of statistics, anonymity, no way of tracing the information revealed --

MR. YOVANOVICH: Right.

CHAIRMAN FRYER: -- to whit: We're releasing someone. No information is contained in that that would enable the recipient to know who that person was or where that person lived or what race that person was or age or any other directory information.

MR. YOVANOVICH: So we would be okay if we wanted to do that?

CHAIRMAN FRYER: Yes, you would.

MR. YOVANOVICH: That's all I'm asking. I'm asking your expertise.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: May I have your billing address?

MR. YOVANOVICH: You can, 4001 Tamiami Trail North, Suite 300.

MS. BLOCH: Please don't rest this decision. You're asking the fox --

CHAIRMAN FRYER: Ma'am.

MS. BLOCH: -- to watch the henhouse.

CHAIRMAN FRYER: Ma'am, we've closed the public comment. We're trying to do the best we can. And we've heard you, and we're going to try to structure something that works.

MS. BLOCH: You're asking them to police themselves.

CHAIRMAN FRYER: Would you please approach the microphone.

MS. BLOCH: This one?

CHAIRMAN FRYER: Either one.

MR. YOVANOVICH: I'll move out of your way.

MS. BLOCH: Thank you. You're asking David Lawrence Center to watch David Lawrence Center.

CHAIRMAN FRYER: I asked you to approach the microphone so I could ask you some questions, if you don't mind. What would you recommend that we consider in order to provide additional teeth in this because -- and when you think about your answer, please consider it within this context. My personal view is that David Lawrence has a right to do what they want to do where they want to do it. And I agree mostly with what Commissioner Schmitt is saying, but I think when you get into collateral unlawful activity, it doesn't matter where it is. It's not a place issue. It shouldn't happen. And so I'm looking for ways to prevent collateral, unlawful activity, including trespass. And so I'm inviting you to suggest

things to us that I haven't thought of or we haven't thought of yet.

MS. BLOCH: I really appreciate that you're asking these questions and that you're considering this. It means a lot to us. I think we need time as a community to discuss it with David Lawrence Center and come up with reasonable suggestions that they're willing to take action on. At the last meeting for the public, I spoke with Scott Burgess, and I asked him exactly this about transporting people as soon as they finish their med appointment or being held in the treatment center, and Scott said they can't afford it; that there's no funding for anything like that.

CHAIRMAN FRYER: That's my concern, too; that that would be where we go.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: I'm going to move that we table this until that discussion can happen. And, you know, no one has to have the discussion, but urging the applicant to go ahead -- or petitioner to go ahead and have that discussion, and instead of do this on the fly --

CHAIRMAN FRYER: Would you accept a friendly amendment?

COMMISSIONER KLUCIK: Sure.

CHAIRMAN FRYER: Rather than table, that we continue it to a date-certain.

COMMISSIONER KLUCIK: Continue it to a date-certain.

CHAIRMAN FRYER: In the next meeting -- that's two weeks -- and ask the applicant to meet with represent -- I'm going to have to -- let me finish, ma'am.

MS. HAYES: I have an answer to your question.

CHAIRMAN FRYER: Okay. Well, hang on. That we provided three points that at least I personally believe come very close to a solution, but I may have overlooked something that would be within the capability of the David Lawrence Center that it could do such as monitoring the person as they leave and be sure that they have sufficiently left the neighborhood. I mean, I'm just -- I'm winging it right now. But I would like for that conversation to take place and for bullet points to come back to us. And we've gotten -- we've given you three, and we make a decision at that time whether we think that -- and we can't guarantee that we're going to accept what you come up with, but we'll certainly give it our full consideration, and we'll try to find a way that's satisfactory to the neighbors and also enables David Lawrence to do what we all agree is an important community service.

Now, ma'am, you want to approach. Go ahead.

MS. HAYES: Just a really quick answer to your question.

CHAIRMAN FRYER: Go ahead.

MS. HAYES: To enable David Lawrence to do what they propose to do and to make everybody happy here, it's simply a different location. And some of these things that you're suggesting be put in place really would not solve the issue.

This piece of property, this parcel is carved into a residential neighborhood. It doesn't just back up against it. We're all around it. The answer is to actually have this facility here at the government center where it can be policed by the police. This is what the government center does. You guys are all here. The facilities are here for this, and this is the place for it.

And there are -- there are parcels within the government center; namely, the museum at the government center is five acres. The parcel behind our home is five acres. And that

was presented to me by someone actually that I've spoken to throughout this process. There are other locations.

CHAIRMAN FRYER: Okay. I'm going to --  
(Simultaneous crosstalk.)

CHAIRMAN FRYER: I appreciate your point of view. I don't happen to agree with it. I think, based upon the planning, the Growth Management Plan, the districts and subdistricts that were created for this area, the thing that we want to achieve, I believe -- what I want to achieve is to attenuate to the fullest possible extent the unlawful activity that results from discharges and not move it to another location, because there are residential neighborhoods all over the county, and that's a NIMBY situation.

I think we all applaud what David Lawrence does. I just want to fix it so that -- so that we can all walk out of here with a higher level of confidence that they will be responsible and, by means of being responsible, they will attenuate some of the unlawful activity -- more than some -- virtually all of the unlawful activity that's occurring. And so the motion has been made --

MR. YOVANOVICH: Mr. Chairman, may I?

CHAIRMAN FRYER: Just a moment. Just a moment. The motion's been made. Is there a second?

COMMISSIONER SCHMITT: The motion was for what?

CHAIRMAN FRYER: Continuance.

COMMISSIONER KLUCIK: To continue this matter --

CHAIRMAN FRYER: Yeah, to a date-certain for a meeting with the community.

COMMISSIONER KLUCIK: At our next meeting.

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: Mr. Chairman, may I?

CHAIRMAN FRYER: Just a moment, please. Can we see if we have a second. Is there a second?

(No response.)

CHAIRMAN FRYER: Okay. It fails for lack of second.  
Go ahead, Mr. Yovanovich.

MR. YOVANOVICH: Mr. Chairman, I think we know that a meeting with the neighbors is not going to result in a resolution. I think we've agreed to what we think are very reasonable attenuation conditions. We request that you -- since we've agreed to those, they be included, and we go ahead and forward this to the Board of County Commissioners either with your recommendation of approval or recommendation of denial with those conditions so that we can finally resolve this and put it -- we need to figure out where this -- where this facility -- this very necessary facility's going to go.

COMMISSIONER SHEA: You know, it's interesting, because I think we all believe that when the new facility's in there, the current problems that they're having will get a little better. They won't get worse. But the problem is we're attacking problems on the current site, and we're holding the future site hostage for those problems. And we're trying to create a connection in the community so those problems can be worked through and solved. But it's really dealing with the existing property, not the proposed property.

CHAIRMAN FRYER: All right. With all of that said, is someone else willing to attempt a motion --

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: -- that might gain a second?

Are you seconding --

COMMISSIONER SHEA: Oh, excuse me. Repeat it. I apologize.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Oh, my motion is that we continue this matter and let them bring it back to us with some suggestions on how it can be amended to alleviate and mitigate the concerns that the residents have.

CHAIRMAN FRYER: To a date-certain, namely --

COMMISSIONER KLUCIK: To a date-certain, which would be the next meeting.

CHAIRMAN FRYER: -- to the next meeting. Okay. Are you seconding?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: All right. Any further discussion on that?

(No response.)

CHAIRMAN FRYER: All right. So this is -- this is a continuance to a date-certain to provide for a conversation with the neighbors. We have given three bullet points that we think are important. We want to hear bullet points that the neighbors have. We're not promising to abide by what the neighbors come up with. And if this discussion fails, we might simply go with these three. So the neighbors need to understand.

And with that, I hope that they will be reasonable and realize that you could -- you're better off -- I think you're more likely to get a win-win situation if you can find a way of being reasonable and coming to terms with the applicant over the next two weeks.

Anything further? Mr. Yovanovich, you want to say anything?

MR. YOVANOVICH: Yeah, I do. I think that what you've just heard from the neighbors, with no disrespect, they're dug in. So I think we should just move to the Board of County Commissioners, and we have the opportunity to talk between now and the Board of County Commissioners. But right now I don't know what a continuance does when the neighbors have just said they think it needs to be somewhere else.

CHAIRMAN FRYER: Well, one thing it does is we retain jurisdiction over this, and I would like to -- I would like to consider it further in perhaps a cooler state of the blood for all of us.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Here's the problem, the mental dilemma I'm going through right now -- because all of the planning and the direction of the Board of County Commissioners, they chose this site. Great mission, wonderful from the standpoint of providing that service for the community, but I think the Board of County Commissioners may have made these decisions in a vacuum.

And all due respect to Commissioner Solis, I think he did his best to try to keep the community informed, but -- I don't know. We could vote on it today, but we have a motion and a second, and I'm ready to support the motion --

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: -- because I think it's -- there has to be something done. I agree with you, though, that I don't believe you're going to get anything different than what we just heard. And this is really going to be a fight that's -- it's going -- the folks in the community are going to have to take this to the Board of County Commissioners because that's where this started seven years ago or eight years ago when they chose to expand, and they selected this site, and that's --

MR. YOVANOVICH: And all we're asking, Commissioner, is let's just go to the Board, because I don't know what a two-week continuance does when we know where we're going to be. We're going to be going to the Board of County Commissioners for a decision. That's my only --

COMMISSIONER SCHMITT: There's a motion and a second.

CHAIRMAN FRYER: There's a motion and a second. Any further discussion?

(No response.)

CHAIRMAN FRYER: All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER VERNON: (Abstains.)

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

See you in a couple weeks. Thank you.

And, Mr. Bosi, this will be the first matter on the agenda.

All right. We've got another matter to be heard. I'm really out of time. We also were going to vote on officers this evening. I mean, if we could -- if there's a way we can do that quickly, let's -- we can give that a try, or we can do that at the next meeting. It doesn't matter to me.

COMMISSIONER SCHMITT: I would --

Go ahead.

COMMISSIONER VERNON: I'd move we adjourn at this point.

CHAIRMAN FRYER: Okay. Is there a second?

COMMISSIONER KLUCIK: I would just say I was hoping that we could at least select the officers just -- since we don't have a vice chair and we don't have a secretary.

CHAIRMAN FRYER: Okay. Well, let's -- you're not withdrawing your motion?

COMMISSIONER VERNON: I mean, if everybody wants to do that, that's fine.

But I just don't -- I think everybody's tired. Everybody's a little cranky. I, personally, am a little frustrated. So I'd like to defer on it. But if everybody else wants to vote on it, that's fine.

CHAIRMAN FRYER: What do others think? I'm neutral on it. It doesn't matter to me.

COMMISSIONER KLUCIK: I'd like to -- I'd like to do it tonight.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: I think we can do it in five minutes.

CHAIRMAN FRYER: Okay. Commissioner Schmitt, where are you on it?

COMMISSIONER SCHMITT: I'm fine. If it takes three minutes. I think all we're going to vote on is two --

COMMISSIONER KLUCIK: Yeah. We just have secretary and vice chair, right?

CHAIRMAN FRYER: Yeah, Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: I'm happy to stay.

COMMISSIONER SCHMITT: Two minutes.

COMMISSIONER VERNON: You're going to be the Vice Chair.

CHAIRMAN FRYER: Better be careful what you wish for.

COMMISSIONER VERNON: I'll go ahead and make a motion if you want me to.

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER VERNON: It's not -- we're not voting on the chair; is that correct?

CHAIRMAN FRYER: Well, I mean, I'm up, too.

COMMISSIONER VERNON: Are you up, too?

CHAIRMAN FRYER: Oh, absolutely.

COMMISSIONER VERNON: Well, I would propose --

COMMISSIONER SCHMITT: I nominate Ned to continue as the Chair.

COMMISSIONER VERNON: I was going to propose a slate that includes that. I second what Joe just said, and I would propose that the other two officers be Joe and Paul. I would suggest Paul for vice chair just because I think he's, frankly, got a little bit more time. I think you've done a fabulous job.

CHAIRMAN FRYER: Even after today?

COMMISSIONER VERNON: Well, I do disagree with some of your procedural things today, but it was probably the first time.

You're just so well prepared. You do such a good job. And one of the things I think the most important thing for the Chairman to do is to make sure everybody gets heard. And whether you agree with other board members or not, you're very careful to make sure everybody gets heard. And I think, in addition to your great preparation, I agree with Joe, I think you should serve again.

I think Paul has certainly leaned into this, if you will, and he's gotten very involved in affordable housing, which is a huge issue. I think he'd be a great vice chair.

I think Joe as secretary -- you know, if I don't know the answer, I look to Joe because I know he's got so much institutional knowledge, and his approach to things and his experience, you know, he could run this whole place. So that's what I would propose for a slate, and --

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER VERNON: -- unless Randy wants to be vice chair.

COMMISSIONER KLUCIK: I was going to propose the same, too, but the opposite. Joe as vice chair, and --

CHAIRMAN FRYER: Well, let's do it this way.

COMMISSIONER VERNON: Well, we did -- I did second Joe's motion to make you Chair, if you want to just take care of that. I think we're all in favor of that.

CHAIRMAN FRYER: Whatever you wish.

Shall we do it that way?

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: Okay. All those in favor of reelecting the Chair to the chairmanship, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: That passes unanimously. Thank you.

Now, the remaining slate -- personally, I think every one of you up here could do a great job in any spot, and so I would be happy serving alongside anybody in any capacity. Having said that, we've got, I guess, dueling points of view here as to the order. I think we've got the right people, but maybe the order is in question. So should we have discussion on that?

COMMISSIONER KLUCIK: Well, I can just explain, you know, my rationale is just that --

THE COURT REPORTER: Your mic.

COMMISSIONER KLUCIK: I'm sorry -- that Joe has been -- you know, just been around for so much of this, and procedurally as well as, you know, the background of so many things. I think he kind of is like you in that he brings a lot of knowledge to the table both as to how the meetings are run as well as the issues and the history. And so I think for that reason I would favor that. And I think that, you know, maybe in two years, then we can go ahead and promote the secretary to vice president [sic].

CHAIRMAN FRYER: What does that say about me?

COMMISSIONER VERNON: You're stuck.

COMMISSIONER KLUCIK: Oh, that's right. Uh-oh, did I just oust you?

CHAIRMAN FRYER: Yeah.

COMMISSIONER VERNON: You're stuck for two years. That's probably enough. I just -- the only -- as I said -- I'm just repeating myself, but I just think that Paul's a little bit more available for meetings. That's the distinction. I hold Paul and Joe in equally high regard. So I think -- you know, I think it's important that those two be the officers, and I would -- I would continue to politic for Paul, but...

CHAIRMAN FRYER: Okay. At the risk of putting someone on the spot, I'm going to ask Commissioners Schmitt and Shea to say a word or two, their thoughts.

Commissioner Schmitt, do you want to start?

COMMISSIONER SCHMITT: Well, vice chair is nothing more than to replace the Chair when the Chair is not here. It's, frankly, all that --

COMMISSIONER SHEA: Which is never.

COMMISSIONER SCHMITT: Which is never. So it's --

COMMISSIONER SHEA: That's why I want that job.

COMMISSIONER SCHMITT: So it's -- you know, it's whatever the Board decides. Concerning my absences, I think I've missed maybe three meetings this entire year. I know the previous meeting to this I announced that I was on travel again, but that was canceled due to the hurricane, so -- and the next -- but I do have travel that I had planned, and those meetings -- I make it known before those meetings I will not be here. But that said --

CHAIRMAN FRYER: I would have to say because, you know, I think there has been some concern expressed about attendance, and years ago yours left a little bit to be desired, but I think more recently your attendance has been pretty much like everybody else's. So I'm --

COMMISSIONER SCHMITT: Yeah. I had duties overseas a lot when I was doing work overseas, but I haven't done that kind of work in probably almost a year.

CHAIRMAN FRYER: Commissioner Shea, would you say a word.

COMMISSIONER SHEA: I'm okay either way. I mean, obviously -- I'm just fine either way. I do think that I have a more open schedule because I'm retired, but I don't know how important that is. Joe certainly brings tons more knowledge, but that knowledge and my attendance are going to happen regardless of which position we're in, so...

So it's really up to you other gentlemen how you want to do this.

CHAIRMAN FRYER: Flip a coin? Kind of an inane way of doing it, but maybe it --

COMMISSIONER SHEA: Well, from a -- if you look at from a -- I mean, a succession plan point -- point of view, Joe's the logical guy to do it. The knowledge and the time here at the Planning Commission, his sole role as vice chair would be to take your seat. He's been at a lot of meetings, and he understands how that works, probably a lot better than me. I've only been here a little over a year.

CHAIRMAN FRYER: Well, that sounds a little bit like a concession.

COMMISSIONER SHEA: Well, I'm just telling you what I think. If you want me to do it, I'll do it.

CHAIRMAN FRYER: All right. Well --

COMMISSIONER KLUCIK: The problem is we love you, Paul, and we love you, Joe.

CHAIRMAN FRYER: Yeah, we do.

COMMISSIONER SHEA: I know. I don't think you're going to upset Joe or I either way.

COMMISSIONER VERNON: We've got to flip a coin or take a vote.

COMMISSIONER SCHMITT: Take a vote.

COMMISSIONER SHEA: So Joe and I can't vote, right?

CHAIRMAN FRYER: No, you can vote. Of course you can.

COMMISSIONER KLUCIK: All right. So I move that Joe be the -- I'll nominate Joe as the vice chair; Paul as the secretary.

CHAIRMAN FRYER: Okay. Is there a second? Well, wait a minute. There doesn't have to be seconds in nominations. Never mind.

All right. Any further nominations?

COMMISSIONER VERNON: I'll nominate Paul as vice chair and Joe as second.

CHAIRMAN FRYER: Okay. All right. Since --

COMMISSIONER VERNON: Randy?

COMMISSIONER SHEA: I have a coin if you want.

COMMISSIONER SPARRAZZA: I've been here eight hours.

COMMISSIONER VERNON: That's why I wanted to postpone this.

CHAIRMAN FRYER: We're going to offload this to you, Randy.

COMMISSIONER SPARRAZZA: My pleasure.

CHAIRMAN FRYER: Yeah. All right. So it seems like it's a consensus of the Planning Commission that we have a vote, not flip a coin. And the first motion was that made by Commissioner Klucik, so that should be voted upon first.

And I must say I'd be delighted to have the two gentlemen in question be officers in either order, but I think -- I think Commissioner Shea made a point that should be thought about seriously with respect to Commissioner Schmitt's longtime experience. And so I think, under those circumstances, I'm going to be inclined to vote for Commissioner Schmitt as vice chairman.



Having said that, does anybody else want to make a comment or a statement?

COMMISSIONER VERNON: Well, as much as Randy seems like a great guy, since it's his first meeting, I don't want to really put him in control of the whole thing, so I'm going to support Robb's motion for Joe to be vice chair and for Paul to be secretary.

CHAIRMAN FRYER: All right. Any further discussion?

(No response.)

CHAIRMAN FRYER: All those in favor of that order, Joe as vice chair and Paul as secretary, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

COMMISSIONER SCHMITT: I'll gladly accept because it's not a job.

CHAIRMAN FRYER: I just --

COMMISSIONER VERNON: Well, the secretary's not really a brutal job.

CHAIRMAN FRYER: Before we adjourn, which is going to happen very damn quickly, I want to say extreme thanks to my fellow members of the Planning Commission. You are all excellent, excellent people to serve with. I am truly honored. I see my job as your chairman as being two things: First of all, a gatekeeper, which it just comes with the territory but, second, really as your servant, because that's -- you know, my job is to be sure that your voice is given full effect. And even though sometimes applicants don't like to be interrupted, the fact of the matter is that it's our prerogative, because it's a quasi-judicial body, and judges reserve that prerogative to themselves.

So having said all that, I'm honored to continue serving for you as your chairman.

And is there any further business to come before the --

COMMISSIONER SCHMITT: I just want to thank you for your service and look forward to, again, your due diligence as you beat staff up before coming here.

CHAIRMAN FRYER: Thank you.

And, Randy, we'll find another seat for you, and we'll put Joe here and Paul here.

COMMISSIONER VERNON: Oh, I'm getting the boot, too.

COMMISSIONER KLUCIK: I just think you should franchise your chairmanship because you are so good at it.

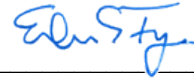
CHAIRMAN FRYER: Well, thank you very much.

Without objection, we're adjourned.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 5:28 p.m.

COLLIER COUNTY PLANNING COMMISSION



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EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 11/17/22, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF FORT MYERS COURT REPORTING BY TERRI L. LEWIS, RPR, FPR-C, COURT REPORTER AND NOTARY PUBLIC.