

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, November 2, 2022

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

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

ALSO PRESENT: Jamie French, Deputy Department Head, GMD
Craig Brown, Principal Environmental Planner, Environmental Review
Joseph Mucha, East Naples District Supervisor, Code Enforcement
Drew Cody, Senior Project Manager, Utilities Planning
Lorraine Lantz, Planner III, Transportation Engineering
Ken Kovensky, Director, Operations & Regulation Management
Rich Henderlong, Principal Planner, GMD
Patricia Mill, Senior Operations Analyst/Staff Liaison

1. Call to Order - Chairman

Chairman Varian called the meeting to order at 3:02 p.m. A quorum consisting of 11 members was convened; two arrived later.

2. Approval of Agenda

Mr. Valle moved to approve the agenda. It was seconded by Mr. Curl. The motion passed unanimously, 11-0.

3. Approval of Minutes

DSAC Meeting – September 7, 2022

Vice Chairman Foley made a motion to approve the September 7, 2022, meeting minutes. It was seconded by Mr. Curl. The motion passed unanimously, 11-0.

4. Public Speakers

(None)

5. Staff Announcements/Updates

a. Development Review Division – [Craig Brown, Supervisor – Environmental]

Mr. Brown asked that everyone provide a site plan with the submittal of pre-apps. We've been having some difficulties with some pre-apps, such as no plans submitted, which makes it difficult for staff to provide feedback.

Mr. Brooker asked if a site plan was required even if it's just a straight rezone C-3 to C-4 and we're not proposing any development.

Brown said no. It's only required for something complicated, not a straight rezone.

Brown detailed staff updates:

- We filled a senior environmental specialist position and that employee will start next week.
- We filled a planning-tech position; the start date is not specified but it's soon.
- We're working hard to get permits out, so the addition of two new employees will help.

b. Code Enforcement Division – [Joe Mucha, Supervisor, East Naples District]

Mr. Mucha provided monthly statistics from August 22-September 21 and reported that:

- Numbers are a bit down due to Hurricane Ian. We've been assisting Contractor Licensing and taking more of a reactive approach, versus proactive, by assisting as much as we can pre- and post-storm.
- We provided hurricane shelter duty post-storm.
- We assisted with damage assessment post-storm.
- We're passing out supplies, including food, water and tarps for roofs, and assisting Contractor Licensing in checking for unregistered contractors, mostly during weekends.

[Mr. Gentry joined the meeting at 3:04]

- We just hired two full-time investigators.
- We're in the process of hiring two additional investigators who will work nights and weekends, which is a need that's been expressed.

- We will be advertising for another full-time investigator this Friday.
- We've been dealing with a lot of homeless camps in the East Naples District, which is more of a problem post-storm. It's gotten worse because they're inhabiting places that were vacated and damaged, so it's an ongoing issue.
- Areas that were hit hard by Hurricane Ian were Bayshore, Isles of Capri and Henderson Creek. We've been out there assisting as much as we can, but we're taking more of a reactive approach, versus proactive, at this time.

c. Public Utilities Department [Drew Cody, Senior Project Manager, Utilities Planning]

Mr. Cody reported that:

- At the last meeting, utility deviation requests had spiked way up, showing it was taking a long time to get them done. We determined it was a system issue that was causing that and worked around it, so those numbers are dropping back down and trending back to normal.
- Post-hurricane, 36 of our 927 lift stations are going to need a full-panel rework, which will take about six months to be built and installed.
- 30 of those 36 lift stations are still on diesel bypass. Six of them were able to get through enough so we don't have to do that.

d. GMD Transportation Engineering Division – [Lorraine Lantz, Planner III]

Ms. Lantz reported that:

- We're having our public meeting for the Wilson Boulevard Extension project, which is from Wilson, over to Tobias, connecting down to City Gate North.
- This is the second public meeting for that project and we're looking at the corridors that we're going to recommend, as opposed to a general area.
- The meeting will be Thursday, December 8 at the UF-IFAS Center. The time hasn't been set, but will probably be 5 p.m. We'll probably do a full presentation, not an open-house concept.

A discussion ensued and the following points were made:

- The Corridor Study from Livingston Road to Logan Road has been completed and the recommendation is to add an overpass at the Livingston-Immokalee intersection, where Livingston goes over and Immokalee stays at grade. That will move into the design phase in fiscal year 2026.
- The next major intersection there would be I-75. Transportation Engineering recommended a diverging-diamond interchange, which must be coordinated with FDOT. That design phase is expected to start sometime in the next 10 years.

[Mr. Boughton joined the meeting at 3:08]

- There were other intersection improvements, adding right-turn lanes or lanes for turn lanes, but the Logan intersection is a partial continuous-flow intersection. That was Transportation Engineering's recommendation and will be funded in the Long-Range Plan for the 2036-2045 timeframe for design. The Livingston overpass is what's moving forward.
- She will ask Jay Ahmad for an update on the study for a roundabout or traffic device at Oaks and Spanish Oaks, but she believes it will be an in-house design.
- The Whippoorwill Extension is moving forward and was a design-build, but she will ask Jay Ahmad about the timing and completion date. The original study said 18 months and they've already started, so it should be complete within the next 1½ years.

- FDOT is working on I-75 and Collier Boulevard. It was advanced in the work program to be within the next five years and is moving forward; she will follow up with DSAC on the timeline.

e. Collier County Fire Review
(None)

f. North Collier Fire Review
(None)

g. Operations & Regulatory Management Division – [Ken Kovensky, Director]

Mr. Kovensky outlined the September monthly activity report and provided other updates:

- Applied permits have been down for the last couple of months, averaging 3,700, compared with about 4,500 last September and October, so there's a lull.
- Staff has been keeping up with permits and is averaging about 100-200 permits in the queue.
- We're currently working on yesterday's permits, so we're keeping up.
- About 15% of permits that came in during the last month were Hurricane Ian-related. We're expecting that to increase quite a bit.
- To assist the community in applying for Hurricane Ian permits, we've opened up an extra satellite office at the Marco Island Airport to service that community, Isles of Capri and surrounding areas. We've also expanded hours of operations for that office and the other four satellite offices to five days a week to ensure we're spread out countywide and available.
- In the Call Center, we're still taking about 5,000 phone calls monthly and are now fully staffed. Only 3-4% of calls were abandoned.
- We are finally fully staffed in Contractor Licensing, with five investigators. We try to supplement that with KeyStaff employees, but KeyStaff has been unable to provide many candidates for us to interview for that position.
- We were fully staffed in our finance group, with four budget analysts, but now we're losing our manager, Rady Edreva, who is moving to the corporate and internal control group.
- Three positions are now available that were approved during the budget process, two planning technicians and a planner. We finished interviewing the planning technicians and are ready to make job offers. We'll be getting planner applications this week.
- We have openings for a fiscal tech and a GIS tech, positions that have been difficult to fill. They've been posted for a couple of weeks and we'll see what candidates applied on Friday.
- The Call Center number is: 252-2400.

h. Zoning Division – [Mike Bosi, Director]

Mr. Bosi provided a report on staffing and other issues:

- There are currently three vacancies within the Zoning Division, one in each section, LDC, Comp Planning and Planning. We lost one employee due to retirement, another was lost to the MPO, and another position has been vacant for about three months after someone left.
- Chris Mason was designated as director of Resiliency & Community Planning. He will lead resiliency efforts for the Coastal Conservation Management element, which we modified. It said within a year, we'd start resiliency planning and try to identify low-level areas prone to flooding – which is relevant in this recent environment – and suggest strategies to help address those issues, as well as community planning, those special-area studies and re-studies, which is what Chris will cover.
- Jacob LaRow was designated as Director of Housing & Economic Development. Those divisions were combined because economic development is tied in to housing and

affordability. If you ask large or small businesses about trying to attract talent, they say housing has a lot to do with that ability, as well as salaries to make a job offer attractive.

- At tomorrow's Planning Commission meeting, we will be hearing about the AUIR. Six other petitions, including a couple of controversial petitions, will be moving to the Board of County Commissioners.
- The second of our golf course conversions, which is in Lakewood, will be heard by the Planning Commission tomorrow. The first applicant, agent Michael Fernandez, was encouraged that he'd created a design that would go over well with neighbors, but he heard at the last minute that it doesn't. Everyone can understand any golf course conversion is not going to be received well by the majority of people who live within that area.
- At the November 17 Planning Commission meeting, they will again hear about the mental-health and behavioral David Lawrence facility. There was a lot of pushback last time from neighbors along that corridor who opposed it and we were trying to find some ways to address some issues that were raised.
- On December 13, we'll have two new commissioners, which can change complexion of the Board of County Commissioners. We've got a lot of land-use petitions to work on with the County Manager's Office to ensure we minimize the number of controversial issues.
- The majority of petitions have been well received by neighbors but NIMBYism is still alive and well.
- If you have a project in an established neighborhood, you're going to have some opposition. Clay can attest to some of the issues he's had with his neighbors at Brookside.

A discussion ensued over NIMs and the following points were made:

- LDC Planning Manager Eric Johnson and his teammate Zach Karto, a principal planner, are taking the lead on Neighborhood Information Meetings and making virtual an option. We're suggesting it in combination with a physical NIM. That will be coming up before DSAC so you can make recommendations.
- The virtual option eliminates the potential for disruptions. The only thing staff is concerned about is that some residents aren't well-versed with online technology or it's not available, so we're weighing the pros and cons and will seek DSAC's recommendation on modifications.
- Other municipalities, such as Manatee County, accept only an online NIM for a use-by right (not a zoning change) and there are other municipalities that accept virtual NIMs as the only form of a NIM.
- Anytime staff can show there are other localities within Collier County or the state that have embraced newer technologies or different approaches, that always allows for our government to feel more comfortable with it.

6. New Business

a. Presentation on Voting Conflicts and Ethics [Colleen Greene, CAO]

[Attorney Greene provided a PowerPoint presentation, "Collier County Advisory Boards in the Sunshine."]

A discussion ensued and the following points were made:

- The Sunshine Law applies to all boards and appointed and elected committee members.

- The public records laws and ethics laws apply to all three levels of public servants – the Board of County Commissioners, elected and appointed committee members and employees.
- Members of the same board are barred from speaking to each other outside a meeting, but the law doesn't prohibit a DSAC board member, for example, from speaking to a Planning Commission or BCC member.
- Subcommittee members, such as DSAC-LDR, are selected from the full board. If DSAC-LDR needs another member due to a voting conflict or an absence, it must appoint delegates. Several members can be selected or all board members can be appointed as delegates who can participate in a meeting in the event there won't be a quorum present or voting.
- For the five-member DSAC-LDR, three members are needed for a quorum.
- Online meetings were allowed only during COVID after the governor lifted the restriction due to the emergency.
- Many DSAC members conduct professional business related to development and that must be kept separate. The best possible judgment should be used when deciding whether to recuse yourself from a vote. Avoid the perception that you are trying to influence a vote.
- Contractors and the public can request plans and other documents under state statutes, Chapter 119, of the public records law.
- Text messages for BCC members or county employees can be requested under the state public records law, but that has never occurred; county cell phones don't have texting capabilities.
- DSAC members' notes are their own, but if they're shared with another member or employee, they become a public record. They should be saved for seven years, placed in a binder and given to a staff liaison when a member leaves the board.
- If a board member lives in or owns property in an area being discussed for a vote, or a relative owns property there, exercise judgment over whether to vote and avoid the perception you are influencing a vote. If it's a 400-home development, it's usually not a conflict due to the large number in a class of 400, while a smaller development, such as 12 homes, could present a conflict.
- If there is a conflict or you or your client would experience a gain or loss from a vote, a board member must fill out a Form 8B, "Memorandum of Voting Conflict for County, Local and Other Public Officers." It can be turned in prior to the meeting or at the next meeting, before minutes from the prior meeting are approved.
- State the nature of your conflict on the record when announcing your intention to abstain/recuse yourself from voting.
- If you represent a client who would benefit from a vote, recuse yourself, despite getting paid if it gets approved or not.
- If a member has a voting conflict, but his/her knowledge would benefit other board members and aid the discussion, he/she can participate in the discussion, but not to influence the board's vote. The best possible judgment should be used on a case-by-case basis.
- If you are unsure whether there's a voting conflict, contact Deputy County Attorney Colleen Greene, because you're required to vote unless there's a statutory conflict, a real or perceived conflict. It may not be a conflict.
- If it's too close to call, the CAO can call the state Committee on Ethics.
- If you have lunch with someone whose project is being voted on, don't allow them to pay for lunch. If they do, you have 90 days to correct that and repay that gift. Dutch treat is best.

b. PL20220005067 – Scriveners Errors [Mike Bosi]

Mr. Bosi said the Scrivener’s errors are detailed on p. 52 of the packet and 10 are very basic and non-substantive.

Mr. Mulhere made a motion to approve the Scrivener’s error corrections. It was seconded by Mr. English. The motion passed unanimously, 13-0.

c. PL20220003445 – RLSA Updates [Mike Bosi]

Ms. DeJohn said she filed a Form 8B because she helped create this presentation on Land-Development Codes on behalf of the county.

Mr. English said he also will be filing a Form 8B.

Mr. Mulhere said he already abstained from this vote and filed a Form 8B when it came before the DSAC-LDR and he will also be abstaining today.

Mr. Bosi noted he’s doing this presentation because Eric Johnson can’t be here, Ms. DeJohn is substituting for her employee, Chrissy Fisher, who has helped Eric Johnson work on the RLSA amendments, and Craig Brown is standing in for Jamie Cook, who can’t be here due to a conflict.

[Mr. Bosi detailed the RLSA updates during a PowerPoint presentation.]

A discussion ensued and the following points were made:

- The most prominent environmental advocacy groups involved in the amendments were the Conservancy, which has taken a strictly negative view of the RLSA in relation to environmental impacts; Defenders of Wildlife; U.S. Fish and Wildlife Service; and the Audubon, which has been very supportive and pragmatic, noting it must involve give-and-take.

[Mr. Bosi continued his PowerPoint presentation.]

Vice Chairman Foley thanked him for the presentation, noting that the DSAC-LDR spent a lot of time on this.

Mr. Bosi said he attended the subcommittee’s meetings, which took a detailed look at the RLSA. The county needs to better define its programs. The Rural Land Stewardship Program is one of the best and most beneficial regulatory programs the county has. The majority of that 200,000 acres are going to become 4,000-5,000-acre pre-planned communities that attend to economic needs, household needs, wildlife needs and social needs. There can be some associated inefficiencies but compared to a one-off residential or commercial project, the end-result is much better. There will be a lot of interplay between the villages and towns in infrastructure and levels of service. There’s a set price for the acquisition of that land and it’s set aside for infrastructure needs. It’s the only place that’s required to provide affordable housing, so it’s providing for workforce needs of communities that are being developed. It’s a program that’s going to help take us into the 21st century.

A discussion ensued over the Conservancy’s concerns and the following points were made:

- Restoration plans that do not achieve stated outcomes is critical. Conditions on the site don’t always end with a good outcome. That should be added because it’s critical.
- SSAs are perpetual and don’t involve any turnover.

- SSAs are only reviewed by the BCC. The Conservancy says there shouldn't be an extra layer.
- The LDC should require measurable success criteria based on specific environmental outcomes and not just completing a task. What if you plant 6,000 trees and they don't survive?
- Agreements and easements must include perpetual-maintenance agreements to manage or control exotics. These should be deeded over to an entity because the taxpayer should not pay for that.
- The Conservancy and League of Women Voters participated in GMP hearings and can continue to participate.
- When the BCC adopted these amendments, they knew other ideas would come up that they'd need to adopt. This isn't the last time it will be revised.

Vice Chairman Foley made a motion to approve PL20220003445 – RLSA Updates. It was seconded by Mr. Gentry. The motion was carried unanimously, 10-0; Ms. DeJohn, Mr. English and Mr. Mulhere abstained.

7. Old Business

8. Committee Member Comments

Chairman Varian asked if there were any members whose terms were expiring. **Ms. Mill** said two or three were expiring and she's working on a list that DSAC will vote on in December.


9. Adjourn

Future Meeting Dates:
December 7, 2022, 3 p.m.

Mr. Brooker made a motion to adjourn the meeting. It was seconded by Mr. Valle. The motion passed unanimously, 13-0.

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 5:03 p.m.

COLLIER COUNTY DEVELOPMENT SERVICES ADVISORY COMMITTEE



William Varian, Chairman

These minutes were approved by the Committee/Chairman on 12/7/22, as presented (choose one) , or as amended _____.