

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
November 17, 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, Vice Chairman
Robert L. Klucik, Jr.
Paul Shea
Randy Sparrazza

ABSENT:

Christopher T. Vernon
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: It's 9:00. The November 17, 2022, meeting of the Collier County Planning Commission is hereby called to order.

Will everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Will the secretary please call the roll.

COMMISSIONER SHEA: Commissioner [sic] Lockhart, not here.

Commissioner Sparrazza, here.

COMMISSIONER SPARRAZZA: Present.

COMMISSIONER SHEA: Commissioner Klucik?

COMMISSIONER KLUCIK: Present.

COMMISSIONER SHEA: Commissioner Vernon?

(No response.)

CHAIRMAN FRYER: Commissioner Shea is here.

Vice Chair Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER SHEA: And Chair Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER SHEA: Mr. Chairman, we have a quorum.

CHAIRMAN FRYER: Thank you, sir, very much.

Addenda to the agenda. Mr. Bellows, nothing? Okay.

MR. BELLOWES: No changes.

CHAIRMAN FRYER: Thank you.

Planning Commission absences. Our next meeting is on December 1, 2022.

Does anyone know whether he or she will not be able to attend that meeting?

(No response.)

CHAIRMAN FRYER: All right. We should have a quorum at that time. Maybe we'll even have a seventh commissioner; who knows.

Same question for December 15, 2022. That's our second meeting in December.

Does anyone know whether he or she will not be in attendance for that meeting?

COMMISSIONER SCHMITT: It looks like I'll be absent for that meeting.

COMMISSIONER KLUCIK: What is the date on that?

CHAIRMAN FRYER: 15 December.

COMMISSIONER SCHMITT: Are we actually going to have one on the 15th? That's, like, right before the holidays.

MR. BOSI: Mike Bosi, Zoning director.

We do have a petition scheduled for the 15th.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Also, we've got a pretty full agenda for the 1st, and I'm expecting things may spill over to the 15th.

MR. BOSI: Yeah. There's always that possibility.

MS. ASHTON-CICKO: And I am recommending that you do allow anybody who did not speak on the Collier Mental Health items, that they can speak today; otherwise, you can let them speak at public comment, but you might as well let them speak on the item.

CHAIRMAN FRYER: Okay. We're going to come to that and talk about how we're going to --

MS. ASHTON-CICKO: Okay.

CHAIRMAN FRYER: Thank you for that.

All right. Approval of the minutes. We have one set of minutes in front of us for action this morning, and those are of our meeting of October 20, 2022. May I have a motion, please.

COMMISSIONER SCHMITT: Make a motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SPARRAZZA: Second.

CHAIRMAN FRYER: No further questions or comments, then we'll take a vote.

All those in favor of approving those minutes, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you very much.

Let's see. BCC report/recaps, Mr. Bellows.

MR. BELLOWS: Yeah. For the record, Ray Bellows. The Board of County Commissioners, on the summary agenda, heard the LDC amendment for the advertising of --

MR. BOSI: The notification within the Estates, the reduction for a variance from a mile to a thousand feet. It was passed on the summary.

CHAIRMAN FRYER: Thank you.

Anything further?

(No response.)

CHAIRMAN FRYER: If not, we'll go right to public hearings, advertised.

***Now, the first matters for hearings today are companions. They've been continued from previous meetings. First, PL20220002807, which is the Collier County Behavioral Health Center Small-Scale Growth Management Plan amendment and its companion, PL20220002221, the Collier County Behavioral Health Center CP -- or CF, rather, PUDZ, Community Facility PUDZ.

Now, we had closed the public comment segment of this hearing and continued it. I thought that -- we're going to have to have a conversation about this, but I thought we'd continued it so that we could hear the results of conversations that the applicant and the neighbors had had and whether that bore any fruit for us to consider as we deliberate, but I've heard that there may be others who have not yet spoken or other points that may have not been made yet, and they may wish to be made.

So I'm going to begin by asking Mr. Yovanovich to inform us whether he intends to offer any additional evidence, or are you going to go right to -- what are your plans?

MR. YOVANOVICH: The plan is for Jessica Harrelson to come through -- you had asked us to see if we could do things to improve upon security and safety concerns that

were raised. We planned on providing what we propose to do to address concerns we heard. We did not anticipate to provide new evidence or new testimony. If you elect to do that, of course, we're going to ask for the opportunity for additional rebuttal, if you go that way.

But we did not plan on bringing in new evidence. We just planned on saying, here's what modifications we would be willing to make to the document to address concerns that were raised not only by the residents but by the planning commissioners during their deliberations.

CHAIRMAN FRYER: Okay. Certainly, if we do open it up, you'll have the last word in rebuttal.

Vice Chairman.

COMMISSIONER SCHMITT: Yes. Mr. Yovanovich, at the end of the meeting -- of course, four weeks ago, three -- yeah, four weeks ago -- and we departed with the understanding that there was going to be a following meeting with the residents. Can you give us a report on that?

MR. YOVANOVICH: Ms. Harrelson will. We've had two follow-up meetings.

COMMISSIONER SCHMITT: That's part of your follow-up?

MR. YOVANOVICH: That's part of the presentation you were going to hear.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN FRYER: Okay.

COMMISSIONER SHEA: Do you need a motion for something?

CHAIRMAN FRYER: Well, I want to -- I want to talk about structure a little bit, because I have been informed that the neighbors want some additional time to present, and one of the objectives to be served by this Planning Commission, one of the reasons for our existence, is to fully enable the public to be heard so that, perhaps, things can operate in a more streamlined fashion when they go to the Board of County Commissioners. So in keeping with that, I'm not going to make a decision from the chair, but I'm going to ask the Planning Commission what it wishes to do.

So what -- what would the Planning Commission entertain by way of hearing from the neighbors? I originally was going to ask them for their status report as to the fruitfulness, if any, of those discussions, but I now have been given to understand that they want to go beyond that. I'm inclined to permit it, but I want this to be a Planning Commission decision rather than from the Chair.

COMMISSIONER SHEA: I would support allowing them to continue as well.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: Considering that there was a meeting that took place and, yeah, I would certainly think it would be beneficial for us to hear both sides.

CHAIRMAN FRYER: Okay.

COMMISSIONER SPARRAZZA: Agreed.

CHAIRMAN FRYER: Agreed?

COMMISSIONER KLUCIK: Yes.

CHAIRMAN FRYER: Okay. Well, then it's unanimous. We will open it up for more evidence from the neighborhoods, and we'll reserve the right to impose constraints on time or redundancy, but we'll certainly want to be fair and give people a chance to speak.

So with that, Mr. Yovanovich, you have the floor.

MS. HARRELSON: Good morning. I'm Jessica Harrelson, certified planner with

Peninsula Engineering and the agent for the project.

MR. YOVANOVICH: Just as a technical thing, do we need to be re-sworn?

CHAIRMAN FRYER: Yes, we do. Thank you for reminding me, yeah.

Everyone who wishes to be heard 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.

And we also need to have additional disclosures. We don't need to repeat the disclosures we made four weeks ago, but anything that's new, please disclose, beginning with the secretary.

COMMISSIONER SHEA: Conversations with the residents.

CHAIRMAN FRYER: Thank you. I have had conversations with staff, matters of public record, and all my previous disclosures.

COMMISSIONER SCHMITT: Following the meeting, or the prior to this meeting, so an additional conversation with Mr. Yovanovich.

COMMISSIONER KLUCIK: I had just kind of casual discussions after the last meeting with some of the residents.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: And I also spoke with staff for a briefing prior to this meeting.

CHAIRMAN FRYER: Thank you.

Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: No other disclosures other than receiving three emails.

CHAIRMAN FRYER: Thank you.

Ms. Harrelson, you may proceed.

MS. HARRELSON: Good morning. Again, Jessica Harrelson, for the record.

The entire project team is here this morning including individuals from Collier County facilities, the David Lawrence Center, RG Architects, Hunt and Brady Architects, Peninsula Engineering, Trebilcock Consulting Solutions, and Rich Yovanovich, the land-use attorney for David Lawrence Center.

We held two separate meetings with the neighbors following the Planning Commission's recommendation at the October 20th hearing to identify additional conditions that could be incorporated into the PUD to address public concerns. And to review those, Concern No. 1 is security. We've coordinated with the Collier County Sheriff's Office. They have agreed to --

COMMISSIONER SCHMITT: Excuse me, Jessica. Just for clarity, how many people attended each of those meetings you had?

MS. HARRELSON: The first meeting there was roughly 20 individuals from the public that attended, and roughly 10 at the second.

COMMISSIONER SCHMITT: Okay. Thanks.

MS. HARRELSON: You're welcome.

So, again, we've coordinated with the Collier County Sheriff's Office, and they have agreed to enhance patrolling in the area of the David Lawrence Center and surrounding community. The Sheriff's Office has also agreed to track these efforts in their database. A community meeting will be scheduled monthly to promote a regular open

dialogue between the neighbors and the David Lawrence Center to discuss any operational or facility-related matters.

COMMISSIONER KLUCIK: Excuse me, Mr. Chairman.

CHAIRMAN FRYER: Yes.

MS. HARRELSON: Yes.

COMMISSIONER KLUCIK: So what that means, and I think it's implied, but that the David Lawrence Center will hold a meeting that's open to --

MS. HARRELSON: To the public.

COMMISSIONER KLUCIK: -- to the neighbors --

MS. HARRELSON: Yes.

COMMISSIONER KLUCIK: -- to discuss whatever issues are related to the -- that are the concerns of the neighbors?

MS. HARRELSON: Yes, that is correct.

COMMISSIONER KLUCIK: Okay.

MS. HARRELSON: Sorry. I missed this point. Collier County will also -- is willing to commit to schedule security staff to visit the new facility periodically.

COMMISSIONER SHEA: What does that mean?

MS. HARRELSON: Do you want to describe the --

MR. AL-BAHOU: Good morning. My name is Ayoub Al-Bahou, principal project manager of Facilities.

I had a conversation with our director of facilities and also the County Manager's Office. They're committed to provide -- we have a private security on campus that control the courthouse and some of our facility -- offsite facilities, so we're planning on sending some of those security staff periodically to this site when it's built.

CHAIRMAN FRYER: Any other questions?

(No response.)

CHAIRMAN FRYER: Thank you.

Ms. Harrelson.

MS. HARRELSON: Also, a commitment will be added that requires a 10-foot wall to be constructed along the northern and eastern boundaries of the subdistrict, as you can see here, along with a 6-foot fence that will meander through heavy vegetation along the western boundary of the existing David Lawrence Center site. So the subdistrict, again, contains the future site, the Parkway Life Church, and the existing David Lawrence Center. This is Option 1.

Option 2 is to construct that 10-foot solid wall along the northern and eastern boundaries of the subject property along with a 6-foot fence along the subject property.

Option 1 is the preferred option, but it will take an agreement with the Parkway Life Church, which is currently being coordinated right now.

COMMISSIONER SHEA: When you say "preferred," you mean by --

MS. HARRELSON: By the project team.

COMMISSIONER SHEA: The team with the neighbors at the meetings or --

MS. HARRELSON: There was one comment made that they would prefer the 10-foot wall to be surrounded with the subdistrict on the northern boundary there, but that was made by one individual.

Concern No. 2 is privacy. So we've added -- will be willing to add a commitment so that no windows will be located on the second story of the building along the north and

east sides facing residential development. This will alleviate concerns that patients will have the ability to look onto adjacent residential properties.

Concern No. 3 is discharged patients with no means of transportation. The county has committed to constructing a bus shelter along Golden Gate Parkway within the vicinity of the project. This will provide direct access to public transportation to discharged patients. Currently, the nearest bus stop locations along Golden Gate Parkway are Santa Barbara Boulevard and Goodlette-Frank Road, so this will alleviate the need for them to discharge patients to have to walk through the community to get to that bus shelter.

CHAIRMAN FRYER: What's the location of the bus shelter being proposed?

MS. HARRELSON: It will be determined by Collier Area Transit, but it will be within the vicinity of the project.

CHAIRMAN FRYER: Any idea how many yards or feet or --

MS. HARRELSON: Not at this time.

COMMISSIONER KLUCIK: And who's supplying the land for that?

MS. HARRELSON: It will be within the county right-of-way, correct? Yes.

COMMISSIONER KLUCIK: Okay. But the -- so the -- the Collier Area Transit has committed to this or --

MS. HARRELSON: The county has committed to constructing the bus shelter through coordination with Collier Area Transit. It will be within the vicinity of the project.

COMMISSIONER KLUCIK: And that's at the expense of the county?

MS. HARRELSON: At the county, yes.

COMMISSIONER KLUCIK: Why is that a county expense?

MS. HARRELSON: This is a county project.

COMMISSIONER SCHMITT: County facility.

COMMISSIONER KLUCIK: Right, but it's necessitated by what -- the petition that's before us. Without the petition, the expense wouldn't be incurred by taxpayers. Pretty obvious point that I'm making.

MS. ASHTON-CICKO: The county is one of the applicants.

COMMISSIONER KLUCIK: No, I understand that, but the county is one of the applicants. That doesn't necessarily mean the taxpayers -- I think the county as one of the applicants with the idea that the burden is already -- whatever the financial burden on the county is already built into whatever monies have already been allocated, not new monies; is that accurate? That -- there's already money that's supporting this project. It's county money. And this would be additional money for this bus stop.

MS. ASHTON-CICKO: I don't know the answer to that question.

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Because I don't -- I don't like the idea that there's additional tax burden, and I don't see why that would be something, unless it's going to come out of money that's already been allocated.

MS. ASHTON-CICKO: Well, the county does have a Collier Area Transit team that does construct shelters throughout the county in areas where they feel that it's needed and on bus routes, and so it is something that is built into the county budget. Whether it's specifically for this project, I don't know. I don't know where the funding source would be.

COMMISSIONER KLUCIK: Yeah. I guess I'd like to hear more about that and

how this affects the availability to do the projects that the transit authority already, you know, is planning to do and if they actually have the funds for this or if it's taking away from something else that it's needed for.

COMMISSIONER SHEA: Do you think a bus stop has a significant dollar amount assigned to it?

COMMISSIONER KLUCIK: I think it has -- it has a dollar amount. I'm sure there's not an unlimited budget for the transit authority to do this, and what that means is something that they hadn't programmed in, now they're adding, and it might mean that some other one that they were thinking of doing they're going to table or postpone.

And it's also the principle of the thing that it's taxpayer money, and it's kind of cavalierly thought of as, hey, we've got a problem, let's have the county pay more money to address it, and I just -- on principle that rubs me the wrong way.

COMMISSIONER SHEA: I would avoid the word "cavalier." I don't think it came across that way to me at all.

COMMISSIONER KLUCIK: Not cavalier. I guess not thinking it through very well that it's just, oh, well, the county will pay for it, there's lots of money, and I don't -- I don't appreciate that.

MR. AL-BAHOU: Ayoub Al-Bahou, Facilities Management.

This bus shelter will not be funded by Collier Transit. It would be coming directly out of the project fund as part of the improvement to the site.

COMMISSIONER KLUCIK: Meaning from the applicant's funds or from whatever the funds are that are already allocated by the county?

MR. AL-BAHOU: There are, right now, \$25 million allocated from the Surtax Fund toward this project.

COMMISSIONER KLUCIK: Okay.

MR. AL-BAHOU: We anticipate this projects' costs going to go beyond the 25-, and so it would be additional funding, either General Fund supplement the additional fund or go back to the Surtax Committee for additional funds.

CHAIRMAN FRYER: Opening Pandora's box.

COMMISSIONER KLUCIK: So in other words -- in other words, there's really not money for this. The county doesn't really have money for this, and this would be an additional -- there would have to be additional tax revenue. And, yes, I'm kind of being -- I wouldn't say obnoxious, but I'm certainly standing firm on this. This is taxpayer money that's being spent to solve somebody else's problem, and I don't appreciate that. I think this should -- the applicant should be offering to pay for that.

MR. YOVANOVICH: Mr. Klucik, can I say something real quick?
(Simultaneous crosstalk.)

CHAIRMAN FRYER: Just a moment.

COMMISSIONER SHEA: There has to be a contingency in the construction fund for things like this that -- I think we're getting sidetracked.

MR. YOVANOVICH: Can I --

CHAIRMAN FRYER: Before you do --

MR. YOVANOVICH: I think I've confused you.

CHAIRMAN FRYER: Before you do, sir, I want to remind everybody, for the benefit of the court reporter and so that we all keep our sanity, that we need to just talk one at a time.

Mr. Yovanovich.

MR. YOVANOVICH: I'm sorry.

I think, Mr. Klucik, you might be confused as to who the applicant is because I'm standing up here. I represent the property owner and the operator of the facility. The applicant is actually Collier County. This is -- it's going to be Collier County land and a Collier County facility.

So it's the county who is, quote, creating the issue, if there's an issue being created. So this is -- it's not -- and I hope I didn't confuse you because I was -- most of the questions went to how was David Lawrence Center going to operate the facility, so I was up here quite a bit. But my role is to represent the David Lawrence Center.

COMMISSIONER KLUCIK: Yeah, okay.

MR. YOVANOVICH: And that's where I think -- this is a county facility.

COMMISSIONER KLUCIK: That's a good question. You know, I mean, you make a good point. And so -- then I guess I have a further question.

So to the extent this is a county facility, what is the nature of the David Lawrence Center's relationship to the county facility and what if -- what if the county decided, oh, you know what, we would like to have somebody else come in and offer services there as well or instead of the David Lawrence Center: How does that all work?

MR. YOVANOVICH: The current relationship is there's a contract between the county and David Lawrence Center. That contract basically provides that we give the county our land. The county will build the facility, and we will operate the facility. So that's the relationship -- the contractual relationship that exists today.

COMMISSIONER KLUCIK: And then that's perpetual or when -- what is the length of that?

MR. YOVANOVICH: It's a 30-year term of the lease. You know, there's a formal lease that will be in place. There will be accountability standards and the like. But we -- the relationship is, the county builds it; we operate it on this location.

COMMISSIONER KLUCIK: All right. So the -- I guess, essentially what you're saying is is, the county needs to solve this problem, and this is a way to --

MR. YOVANOVICH: No, I think --

COMMISSIONER KLUCIK: This is way to solve the problem for the county so that it can be used in accordance with how the county to -- what the county wants to do with this project.

MR. YOVANOVICH: And, again, remember, this went -- the voters voted for the mental health facility to be constructed in Collier County. So they spoke with their wallets, if you speak --

COMMISSIONER KLUCIK: Yeah -- no. And to the extent there's a budget overrun, that's a generic problem across the board with government projects.

MR. YOVANOVICH: Right, and typically not a zoning-level decision.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

CHAIRMAN FRYER: Thank you.

Ms. Harrelson.

MS. HARRELSON: Okay. Additionally, new discharge procedures will be discussed by Scott Burgess.

Concern No. 4 is noise. The new facility will be constructed with an enclosed sally port which will be used for patient drop-off. You can see an example of this in this photo here. This is from another behavioral health center located in Lakeland, Florida. The front entrance is here. The sally port is located on the side of the building. And this is a photo of it during construction. So vehicles dropping off patients will enter through one side of the sally port. The overhead doors will come down so that the patient will be transferred into the building safely and securely, and once that happens, and the patient is transferred, the other -- the overhead doors open, and the vehicle exits out of the other end of the sally port.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner.

COMMISSIONER KLUCIK: I just have to raise a point, just because it makes me smile, before when they raised it, and it makes me smile now, that in all my years, the only time I've ever heard of the term "sally port" while was at West Point, and it was the large archways that go underneath the barracks buildings as you go to the parade field from the area where the cadets live and have their formations. And I've never ever -- I didn't even know the word -- I thought it was just local slang. So I love the idea that we've used the word "sally port." So I just had to state that aloud. So thank you, Mr. Chairman, for indulging me.

CHAIRMAN FRYER: Thank you, Commissioner.

MS. HARRELSON: And then lastly, Point No. 5, neighbors feel this is just not the right location for the facility, and our response to that is the BCC unanimously selected the subject site for the proposed use. The BCC directed staff to proceed with the entitlement process. The proposed use is consistent with the Collier County Growth Management Plan. The subdistrict was established in 2007 to allow the property to be utilized for this proposed use. The new facility will improve existing conditions -- or existing operations at the David Lawrence Center. The proposed location will create synergy between the existing David Lawrence Center site and the new facility. The property is located on a six-lane roadway with easy access for the community, and the property is located within a low-density area with minimal impact to residential dwelling units.

And then to conclude my portion of the presentation, I'd like to read a statement made by Linda McKinnon, the president and CEO of Central Florida Behavioral Health Network, and she is also participating virtually. So if there's any questions for her, she is available.

Research conducted by the Central Florida Behavioral Health and the Department of Children and Families verified that none of the central receiving facilities or crisis stabilization units have been requested or required by their communities or statute to implement specific risk mitigations beyond what is stipulated by licensure or accreditation.

These like facilities across the state and Florida are all located within communities that include schools, churches, and residential housing and, in my opinion, David Lawrence Center and Collier County have gone above and beyond to address community concerns and security.

And now Scott Burgess will come up.

CHAIRMAN FRYER: Thank you.

MS. HARRELSON: Thank you.

MR. BURGESS: Good morning, Commissioners.

For the record, Scott Burgess, CEO, David Lawrence Centers for Behavioral Health.

Some of the discharge planning process was reviewed in full with the neighbors. We had our medical director, Dr. Chasanov, our chief operating officer and our chief clinical officer, and the director of our in-patient units that were at those meetings and provided detailed information related to how we do our discharge planning and the rigor of that discharge planning.

One of the recommendations that had been made by the commissioners was that when somebody -- and, again, just to reiterate, our medical director said from his direct experience over the last year, there's less than one half of 1 percent of our 2,300 discharges that walk away from our campus.

CHAIRMAN FRYER: Could you just give that statistic again?

MR. BURGESS: Less than one half of 1 percent of 2,300 admissions a year.

COMMISSIONER KLUCIK: What does that -- what would the number be, then? One half of 1 percent; 1 percent would be --

COMMISSIONER SHEA: Less than 12.

COMMISSIONER KLUCIK: Twenty-three?

COMMISSIONER SHEA: Less than 12.

COMMISSIONER SCHMITT: Twelve, 13, 14.

COMMISSIONER KLUCIK: Okay.

MR. BURGESS: So that -- the request was that when somebody indicates that they want to walk away upon discharge, that that be taken fully into reconsideration in the discharge planning, and we are willing to make that an additional part of our discharge planning process.

In addition to that --

CHAIRMAN FRYER: Vice Chair.

COMMISSIONER SCHMITT: I'll wait till he finishes. I have a question for Scott.

MR. BURGESS: In addition to that, we had talked about how we had for individuals we had been trying to utilize Uber and other forms of transportation to encourage people to accept transportation that didn't have loved ones or family members coming to pick them up, which is the vast majority of the individuals, and we have redoubled those efforts. And since that time, I don't believe we've had any discharges that have walked from our unit. They've all been willing to accept the Uber or some form of transportation.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: And what is the time period that you would say that -- the change?

MR. BURGESS: Well, we've been utilizing Uber and transportation for a long while. What we're saying is since we started the process with the Commission and these issues have been brought up. So we're talking about the last probably four to six weeks that we've redoubled these efforts, and we haven't had anybody that's walked away.

And when I say "walk away," for the record, I'm just putting that in context. These are already people that have been -- affirmatively met the criteria by the doctors and our multidisciplinary treatment team that they are safe to leave and meet the criteria -- the legal

criteria to be discharged.

And then, lastly, as was already indicated, we have committed to having formal monthly community meetings. We are willing to have that be held at David Lawrence Centers or in the community at an independent location. We've been meeting at the Golden Gate center, which is down the street for all of us. We'd be happy to have it there. But to hear any updates, issues, questions, comments, concerns that we can address in real time.

And with that, I'm happy to answer any questions that you may have.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Scott, what's your monthly patient load?

MR. BURGESS: On that particular campus -- we serve about 9,000 unique individuals on an annual basis at multiple locations. That location we have, like I mentioned, 2,300 in-patient admissions to our CSU.

So if you're asking about -- individuals may receive multiple services, though. They may start with us on an in-patient stay and then get linked into our outpatient care. So might be coming back weekly for counseling. They might be coming back monthly for a doctor's visit. So I don't know if that --

COMMISSIONER SCHMITT: Well, I'm trying to get an understanding. How many in-house patients are there on average a day?

MR. BURGESS: We have -- on our children's -- between our children's Crisis Stabilization Unit and our adult Crisis Stabilization Unit, we have 45 licensed beds, and we're pretty full every day.

COMMISSIONER SCHMITT: So 45 inpatient.

MR. BURGESS: Mental health, yeah.

COMMISSIONER SCHMITT: What -- how many per day are -- what's your average intake and release?

MR. BURGESS: And discharge.

COMMISSIONER SCHMITT: Three a day? Five a day? Ten a day? I'm trying to understand what we're dealing with.

MR. BURGESS: About seven to eight admissions and discharges. It's about as many people coming in, as many people being discharged.

COMMISSIONER SCHMITT: So we're talking about an impact of seven to eight on any given day is a typical daily either incoming or release, most of who come in the sally port. Some -- technically, we call it a porte-cochère, but I'll use the sally port because I --

MR. BURGESS: Just for a point --

COMMISSIONER SCHMITT: An old army guy can say that to him.

MR. BURGESS: Point of clarification. In our current facility, we do not have a sally port. This new facility --

COMMISSIONER SCHMITT: New facility.

MR. BURGESS: -- that would have it.

COMMISSIONER SCHMITT: Would have it, yes. So the new facility would have it. So it's pretty controlled.

And what you said is one half of 1 percent are -- typically, that will say I have the right to walk out of here and walk out and catch a cab or a bus.

MR. BURGESS: Correct.

COMMISSIONER SCHMITT: But in most instances, you're -- statistically you're saying that somebody, a loved one or some other -- somebody else comes and picks them up when they're discharged.

MR. BURGESS: Yes.

COMMISSIONER SCHMITT: And, likewise, if they have to return, they're usually either -- delivered either through the Sheriff's Office, an ambulance -- or are these --

MR. BURGESS: Or family, friends.

COMMISSIONER SCHMITT: Do folks walk right in?

MR. BURGESS: Absolutely. There's a possibility that people will willingly self-admit.

COMMISSIONER SCHMITT: Okay.

MR. BURGESS: And so they may drive themselves over. They may have family members drive them over.

COMMISSIONER SCHMITT: But just to be clear, we're seven to eight on average.

MR. BURGESS: Currently that's our admissions and discharges at our current location for our mental health units.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. So I guess it works out to about a dozen a year, then, that we're talking about potentially could be a concern to the neighbors, you know, near by? And these are people who I guess we'd admit, you know, they've cleared your -- you know, your discharge process, but they had -- they were inpatients in a mental health facility.

MR. BURGESS: Yes.

COMMISSIONER KLUCIK: So, you know, it's a very serious issue, and I appreciate that you have, you know, decided to -- you know, to relook at it, and I understand that that's -- that could easily be seen as, you know, external forces interfering with, you know -- I mean, you have every reason to expect a reaction would be to be frustrated by that, you know, on your behalf, you know, that you would be frustrated, and I appreciate that you're trying to address it. And I think that it's -- I just wanted to acknowledge that, and I appreciate that you're trying to re-think some of this.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: So the numbers you're talking about are the numbers for the existing facility?

MR. BURGESS: Correct.

COMMISSIONER SHEA: So what is the new facility? Isn't it a clearinghouse that will send to the existing plus others? So there's a lot more people moving through that new facility. They don't all go to the existing facility. They may go to another --

MR. BURGESS: Well, we believe in the new facility that we'll have capacity to assist people within that facility.

COMMISSIONER SHEA: So they will stay on the campus?

MR. BURGESS: They're going to stay on that campus, that very campus, correct.

COMMISSIONER SHEA: But there will be more people, because you're adding more beds?

MR. BURGESS: Correct.

COMMISSIONER SHEA: So you'll get more.

I want to reiterate something that Commissioner Klucik said. I didn't think you were taking the neighbors seriously. I'm very pleased with some of these proposals. I think they'll be beneficial. It will be interesting to hear what the neighbors say. But I wasn't sensing that you were taking it seriously. I am now, so thank you.

MR. BURGESS: Oh, I appreciate that feedback. Thank you very much. We do take it very seriously.

CHAIRMAN FRYER: Vice Chair.

COMMISSIONER SCHMITT: Yeah. Again, I was asking -- just for clarity, I was asking for the numbers, because I know those are the numbers that have impacted the community that we're going to hear about, I'm sure. So I just wanted to have a clear understanding.

How long has the existing site been operating at this site? How many years?

MR. BURGESS: We've been at this location for 47 years. We've been in operation for 55 years. But for 47 years in this specific location.

COMMISSIONER SCHMITT: At this specific location, okay, 47. Thank you.

CHAIRMAN FRYER: Thank you. No one else is -- yes, Commissioner Klucik.

COMMISSIONER KLUCIK: Yes, Mr. Chairman.

Yeah, just for my edification, so -- and I realize this was a public process, and it was a long process, but -- so when this location was chosen, was -- or when -- when any of the locations were up for consideration, was it always, hey, we're going to partner with David Lawrence Center, the county, or was this because it was this location it was such a no brainer, you know, that it -- there was so much synergy that it was like, hey, you know, let's lock this in so that we're the provider?

MR. BURGESS: Yeah. No. It's a great question. We've been partnering with Collier County providing this -- these services for our 55-year existence. So we have been, really, the only behavioral health provider for the county providing this comprehensive level of care.

So as the county was recognizing with the key stakeholders in the community, including David Lawrence Center but also including St. Matthew's House, who's here, and so many others, that we have a desperate need to grow our capacity because of the growing needs in our community.

It was recognized that it seemed to make pretty obvious sense that David Lawrence Centers, because of our relationship with the county, because of what we'd done for so long, that we were a natural partner for this. But it's not a --

COMMISSIONER KLUCIK: So you were going to partner even if it was near this campus? You were also going to be the partner there?

MR. BURGESS: We were very open to doing that. We believe that this is the right location, and that's why we have committed to this project at this location.

MR. YOVANOVICH: Let me -- if I can, Mr. Klucik, to add, the only provider that still provides these services in Collier County is David Lawrence Center. At the time they were doing selection, Naples Community Hospital was providing some of these services.

MS. BURGESSON: Correct.

MR. YOVANOVICH: So they could have been the provider, but they're no longer

providing those services. So the one stable force, if you will, in providing mental health services in Collier County --

COMMISSIONER KLUCIK: Did they just recently close their beds down when -- what was the date on that?

MR. YOVANOVICH: I don't know the exact date, but, yes, they made the economic decision to close it down.

COMMISSIONER KLUCIK: Right. I mean, I understand your point but, like, to me, like, the economic decision that might have put the nail in the coffin to having another provider because they saw that, you know, the county was exclusively partnering with David Lawrence Center. So I don't know as that helps your argument very much. But, you know, I understand, there's not a lot of providers. And my question, you've answered it, and I appreciate that.

Then the question is: What is the, you know -- so you're -- it's the land that you -- that David Lawrence Center owned or somehow controlled?

MR. BURGESS: We own it.

COMMISSIONER KLUCIK: You own it. And then is the county buying it from you or what --

MR. BURGESS: We're gifting it to the county.

COMMISSIONER KLUCIK: You're gifting it to the county, and, in exchange, the county's building the facility, and then are you paying rent or --

MR. BURGESS: There's a \$1-a-year lease obligation for -- it's a 30-year lease operating agreement.

COMMISSIONER KLUCIK: Okay. And then the county will permanently own the land, though?

MR. BURGESS: Correct.

COMMISSIONER KLUCIK: And then your lease is only 30 years?

MR. BURGESS: Correct.

COMMISSIONER KLUCIK: So, in theory, 30 years down the road, the county might decide to do something else with that facility?

MR. BURGESS: Yes. And the -- and there are indicators within the contract that we have to abide to in order to continue to operate that for those 30 years.

COMMISSIONER KLUCIK: Okay. Well, that's a -- that seems financially like that's a great deal for you. I mean, the county gets something out of it, too, but that's a -- that seems like a great deal. You get a really beautiful facility, and you don't pay anything for it.

MR. YOVANOVICH: Well, I'd like to think of it this way: They're a not-for-profit. So the county is getting service from a not-for-profit and all the donors that give money to the David Lawrence Center to provide these services. So I'd like to think of it, with all due respect to the community, as a great deal for the community and not a great deal for David Lawrence Center. This is a partnership to provide needed services. So there's a tremendous benefit to the community by providing mental health services.

COMMISSIONER KLUCIK: Well -- and I just -- to push back on that, not-for-profit doesn't mean that there aren't a lot of people making a lot of money, so that's a -- and that's kind of -- it's not a charity. It's a non-profit enterprise, which -- and they do great work, so thank you.

CHAIRMAN FRYER: I have a question. When sites were being considered,

Jacobs Engineering was engaged, presumably a taxpayer expense, to identify what it believed as an independent consultant would be a best site for this location, and this current site was not their determined best site, was it?

MR. BURGESS: It was not.

CHAIRMAN FRYER: Okay. And where did it come in their, I guess, five priorities; which number?

MR. BURGESS: They actually had -- and I don't have it in front of me, I apologize. I didn't know. I would have -- I would have had that in front of me. There were two different reports. In the first report, I believe this site came in third, if I'm not mistaken, and I think in the final report it came in fourth. There was another proposed site, which is the current church property, that's right in between our current campus and this proposed site, and that also ranked, I think, two and three, if I'm not mistaken.

CHAIRMAN FRYER: And the other sites, I believe, if memory serves, were closer to or perhaps on the physical property of county government center?

MR. BURGESS: That is correct.

CHAIRMAN FRYER: Okay. So would it be fair, then, to infer from that that a concern on the part of Jacobs was with respect to safety and security?

MR. BURGESS: I don't think it was -- I think some of their -- what they were looking at was a lot -- was cost-based and had other bases to it. They did not take -- and from a construction engineering standpoint, I think that that was how they were primarily making their --

MR. YOVANOVICH: You're probably not aware, what greatly affected the ranking for the David Lawrence Center is there was litigation between the Foundation and the David Lawrence Center as to who actually owned the five-acre site. So with that uncertainty as to could the David Lawrence Center actually deliver the site, that affected the rankings. There was nothing in the ranking reports regarding safety. It was purely cost -- cost related and the uncertainty about who -- and there was discussion about that publicly about the uncertainty as to who owned the site.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Scott, you're managed by a board of directors; is that correct?

MR. BURGESS: Correct.

COMMISSIONER SCHMITT: How many sit on that board?

MR. BURGESS: Sixteen.

COMMISSIONER SCHMITT: Sixteen?

MR. BURGESS: Yeah. Our board chair is here, by the way.

COMMISSIONER SCHMITT: And when -- the Board voted to approve this to move forward?

MR. BURGESS: Yes.

COMMISSIONER SCHMITT: What was the -- can you share what the vote was?

MR. BURGESS: A unanimous approval.

COMMISSIONER SCHMITT: Unanimous vote. So 16 -- and the serving board members are members of the community?

MR. BURGESS: They are.

COMMISSIONER SCHMITT: A volunteer position?

MR. BURGESS: Volunteer board, yes.

COMMISSIONER SCHMITT: And you report -- that's -- functionally you report to that board.

MR. BURGESS: Absolutely.

COMMISSIONER SCHMITT: Okay, thank you.

CHAIRMAN FRYER: Any further from the applicant?

MR. BURGESS: Anything else?

MR. YOVANOVICH: I think we're ready for your public.

MR. BURGESS: Thank you.

CHAIRMAN FRYER: All right.

COMMISSIONER SCHMITT: Interesting.

CHAIRMAN FRYER: Members of the public -- do we have registered speakers, Mr. Youngblood?

MR. YOUNGBLOOD: Mr. Chairman, we do have several registered speakers, both in the room with us and, I believe, two or three online.

We'll start with those in the room with us. Steve Brooder is going to be our first speaker. He's going to be followed by Kaydee Tuff.

CHAIRMAN FRYER: Thank you.

MR. BROODER: Good morning, Commissioners. For the record, I'm Steve Brooder, CEO of St. Matthew's House.

I just came this morning because we value the partnership with the David Lawrence Centers. Together we serve some of the most vulnerable people in our community, and together we see a tremendous need for more mental health services. More beds, essentially. The need is increasing. These are people that -- they can come to St. Matthews House, and we need to refer them to the David Lawrence Center for treatment.

So St. Matthew's House supports this project and looks forward to the David Lawrence Center being able to service the community.

CHAIRMAN FRYER: Thank you.

Next speaker.

MR. YOUNGBLOOD: Our next speaker is going to be Kaydee Tuff, followed by Elizabeth Bloch.

MS. TUFF: Is it possible to give photos to the commissioners?

CHAIRMAN FRYER: Do you have material you want us to have?

MS. TUFF: Yes, I do.

CHAIRMAN FRYER: You can bring them up and provide a copy to the applicant and also the court reporter, please.

Thank you.

MS. TUFF: My name is Kaydee Tuff. I'm the vice president of the Golden Gate Civic Association.

The Golden Gate Civic Association is concerned for the safety of all our residents and, most especially, those neighboring the proposed David Lawrence expansion project, several of whom have stated on the record that they have had DLC patients trespassing on their properties.

Shortly before Hurricane Ian, Golden Gate sheriff's -- Golden Gate sheriff's substation erected a 10-foot chain-link fence with four strands of barbed wire around the perimeter of their south parking lot that fronts Golden Gate Parkway in Golden Gate City.

When asked the reason for such extreme fencing, I was told the agency was concerned for the safety of its personnel.

Reasons cited include people walking through the parking lot looking into vehicles and taking photos of laptops and an incident in which a man with mental health issues was wielding hatches inside the parking lot.

It seems to me that if law enforcement, whose officers are armed and protected with bullet-proof vests, found it necessary to erect a 10-foot barbed wire fence to protect their personnel from people walking through their parking lot, then these residents who live on rural parcels have a very legitimate concern for their safety as well.

Please consider the safety of these residents when making your decision today.

CHAIRMAN FRYER: Ms. Tuff, would you tell me again, did you say this is a Sheriff's Office substation?

MS. TUFF: In Golden Gate City.

CHAIRMAN FRYER: Okay. Thank you.

MS. TUFF: They have since taken the barbed wire down.

CHAIRMAN FRYER: Okay. Thank you.

Next speaker.

MR. YOUNGBLOOD: Our next speaker is going to be Elizabeth Bloch, followed by Penelope Hayes.

MS. BLOCH: Good morning. Thank you for continuing the meeting to today to give us a chance to talk with each other in the neighborhood and to give us a chance to give you a little bit more information that we think will help inform your decision today.

When David Lawrence showed up here a month ago, they thought it was a slam dunk; that this would be approved because it's gone so far, but none of the neighbors had had a voice. In 2007, none of us knew about the subdistrict.

Do any of you on the Planning Commission believe that David Lawrence isn't going to grab, one way or another, the church in between and add an additional commercial building?

If you look at David Lawrence Center right now, it looks residential. The building they plan to propose is two-story, commercial-style building. It's industrial commercial. It changes the nature of the neighborhood.

The Golden Gate Master Plan was designed to protect exactly against this. This will affect our property values, and it's going to triple the amount of patients leaving the facility, and it isn't just the patients leaving the facility. It's patients going to the facility who may or may not be properly treated medically.

I have prepared for you a couple of things to show you. Please forgive me. I'm nervous. I'm not accustomed to public speaking. And with all the suits in the room, I feel kind of like a David and Goliath.

CHAIRMAN FRYER: You're doing fine.

COMMISSIONER SHEA: You're doing great.

MS. BLOCH: Thanks.

This is a map. The red dots -- I thought it would look bigger to you. Maybe I can make it bigger.

The red dots show you the amount of neighbors. And this number of people that are aware of this in the community is shockingly small. The community is not aware that this is a deal that's being considered. And let's not kid ourselves. This isn't -- we're here

today for discussion about what site the facility will be on, and are you willing to change the nature of the way the Golden Gate area is supposed to be managed? This is only a conversation about site location.

The deal -- you've only been given partial information about the deal that David Lawrence Center has struck with the county. We taxpayers are going to be planning to pay for this facility to be built. David Lawrence Center says that they're going to have a 30-year contract with the county. What does that mean, really? That means no competition. It means they're going to have a monopoly in the county overall mental health issues and all funding that goes toward them. There's no agreement in place to prevent them raising their prices. There's no agreement in place as to quality of care, rate of recidivism, or anything like that. There is nothing to compete against David Lawrence Center once they have the lease on this building, because there's an -- there is a line in the lease that if we, as a county, decide not to continue leasing to David Lawrence Center -- perhaps they stop providing decent treatment to people, perhaps the lease runs out in 30 years, and they've been a wonderful caretaker for 30 years. They're still a monopoly. We can't let anyone else use that building with a 30-year lease.

At the end of 30 years, or during the 30 years, if David Lawrence Center fails to do their job well, we can't get rid of them. You know why? Because what you weren't told is in that contract is that when the county stops supporting that contract with David Lawrence Center and the lease, guess who gets to buy, automatically, that building that we built at market value? David Lawrence Center. That will leave the county without a central receiving facility and without the ability to put another provider in place. Who wouldn't want a deal like that? I certainly would in any business that I would operate.

We were questioned the last time we were here about the Sheriff's Office being able to validate or not validate these issues that are happening on our properties. I had to go to public records to find this. And, trust me, it's not easy to understand it with just a layperson's background. But if you look here at what I highlighted in yellow, it shows on the third of August 2015 a suspicious person. That is the only record the Sheriff's Office has that day. That's the guy I told you about that was 6-foot-2, 300 pounds that came to my front door and wanted a ride to get back to his car on the other side of town. Guess what his home address was? I looked it up. Mannix Drive. David Lawrence Center released this guy to his home address at Mannix Drive. Do you know what Mannix Drive is? Storage units off Davis Boulevard by the toll. That's their discharge planning.

This same guy was Baker Acted -- here's another piece of information for you. He was Baker Acted that morning. I didn't know that until I did this research. He was Baker Acted that morning. Around 11:15 he was picked up. Unstable man, unable to determine for himself whether examination is necessary. And based on his statements, there's a substantial likelihood that without care or treatment he would seriously cause -- cause serious bodily harm to himself.

Two hours after this he was at my front door.

Then let's go back here and look at this. This is two hours later, the middle one highlighted in yellow. That was after I called the Sheriff's Office. He had already left my property. That's when he left the pizza box on my front door telling me he wanted to live in my barn.

I called the Sheriff's Office. A deputy came out. For two hours they searched my property with me and with the helicopter using the infrared.

What you see here is the only record that the Sheriff's Office made of that. There's no connection to David Lawrence Center mentioned even though he was Baker Acted that day. Because he wasn't on the property, they didn't find him when they got there, there was no report taken.

Then if you look at the third highlighting, on the 7th, four days later, he came back to my property. And I followed the deputy's advice, and I filed a trespass warning against him which means automatic arrest if he's on my property again. I thought I was protected. All these years I've thought I was protected until I went searching for the document. Guess what, the deputy never filed the trespass warning. They have no record of it, but I kept a copy.

This is the trespass warning. The deputy never filed this, so I actually wasn't protected. I'm not saying this to you because I want to criticize the Sheriff's Office. What I'm telling you is there's no data to show you what is actually happening in the area.

This was my foster son, age 12. Age 27, he was at my house, he was hearing voices. This is the Baker Act. There's a lot more to this story that I could tell you that would help you understand the way David Lawrence Center manages someone like this. What I did not know, on this day, he was Baker Acted, substantial likelihood that Samuel would hurt himself or someone else. It was me. He was sitting next to me in my office at home telling me that the voices were becoming uncontrollable, and he was trying not to hurt his family, two feet from me.

David Lawrence Center called me three days later with a discharge plan. They wanted to discharge him back to my house. They asked me if he was stable. The only reason they didn't discharge him because, by coincidence, I knew the doctor, the psychiatrist, and I was in front of him at the discharge meeting.

Samuel now is a patient from David Lawrence Center. I won't give his last name, because it's not appropriate to do that. But he missed his medical appointment. He hears voices. Sam is dangerous. In Jacksonville he tried to kidnap a three-year-old child because the voices told him that her parents were not loving her enough.

In Bradenton he was Baker Acted and arrested for violent actions. Here he was Baker Acted from my home.

Sam missed his med appointment, because what do mental ill people do? They have trouble organizing themselves. David Lawrence Center was unable to get him in for a new med appointment for seven days. By day two when you miss your medicine, the voices start coming back. And when you have somebody dangerous like this in the community, they're out there in the community. You will hear at some point this year of Sam hurting someone in the community or getting Baker Acted again, just expect it, and when you hear it, I've showed it to you. This is the only thing that the Sheriff's Office shows you on a public record search, right here, mentally ill person, with my address.

So if you're looking for data, whether it's for this particular presentation or not, the data doesn't exist.

David Lawrence Center's going pretty far with this. This is only supposed to be about a site. They've asked the Chamber of Commerce to comment and send a letter to the Board of County Commissioners to push this through. Here's the -- here's how they were mischaracterizing this issue. Vital initiative is in jeopardy. The initiative's not in jeopardy. The county needs the facility. It's just a question of location. But they've got the Chamber of Commerce believing and standing behind the fact that we're trying to

interrupt that.

Fear and mischaracterization by a few households. I don't think that's appropriate. I've shown you the amount of households that are aware of it. They're all represented.

And they say that they're a good neighbor. Does it sound like they've been a good neighbor to us? They only began making the changes when you forced them to continue the issue and to come back here and look good to you.

I'll wrap this up. I know -- I know you have a big day ahead of you. It's an institutional building according to the code word, but it's really a commercial building in a residential neighborhood. Golden Gate is not supposed to be a commercialized neighborhood.

They claim that they have no intention to buy the church between themselves and their existing facility. Do any of you believe that?

Two more points. Building on this site gives David Lawrence Center a monopoly. Because they're gifting us the land, they're entitled to a lease. It's a quid pro quo. We're married to David Lawrence Center regardless of their performance. And as I explained earlier, the lease gives them the right to own the property that we taxpayers have funded. In other words, we can't replace David Lawrence Center with another provider.

What we're really here for today as a group of neighbors is to ask you one thing: Please understand that your vote today isn't saying no to mental health. The reason we want your no vote today is so that the Board of County Commissioners will give us a voice, they will allow us to explain why this is not a good location for it. Without you voting no today, we may not even have a chance to speak to the Board of County Commissioners.

We're very new to this. We've only been here for a month trying to organization and explain ourselves to you, and we're laypeople. We're not dressed in suits trying to convince you that we have law degrees and are polished in these presentations. Look at this, I'm a mess. I'm just doing the best that I can. But if you don't vote no today, you won't give us the chance before the Board of County Commissioners to present ourselves, and we really need that as a community.

CHAIRMAN FRYER: You will have a chance to present before the Board of County Commissioners because anytime there is opposition from the community, this does not go on the consent agenda. So you will have that opportunity.

Thank you very much.

MS. BLOCH: Thank you.

CHAIRMAN FRYER: Ms. Hayes.

MR. YOUNGBLOOD: Next speaker is Penelope Hayes. She's being ceded time by several individuals in the room. Whenever I call your name, could you give us a wave to let us know that you're present with us.

Burt Hayes?

(Raises hand.)

MR. YOUNGBLOOD: William Fawcett?

(Raises hand.)

MR. YOUNGBLOOD: All right. Christine Fawcett?

(Raises hand.)

MR. YOUNGBLOOD: John Anderson?

(Raises hand.)

MR. YOUNGBLOOD: Sally Anderson?

(Raises hand.)

MR. YOUNGBLOOD: Marie Peter?

(Raises hand.)

MR. YOUNGBLOOD: Ken Koerner?

(Raises hand.)

MR. YOUNGBLOOD: Alexander Pagan?

(Raises hand.)

MR. YOUNGBLOOD: Theresa Pagan?

(Raises hand.)

MR. YOUNGBLOOD: Desiree Hope?

(Raises hand.)

MR. YOUNGBLOOD: Susan Salzmann?

(Raises hand.)

MR. YOUNGBLOOD: Tom Salzmann?

(Raises hand.)

MR. YOUNGBLOOD: Kate Balzer?

(Raises hand.)

MR. YOUNGBLOOD: Nathan Balzer?

(Raises hand.)

MR. YOUNGBLOOD: All right. Those are the folks that have yielded time to Ms. Hayes.

CHAIRMAN FRYER: Thank you. I stopped counting at 12, because I can't believe you're going to need that much time --

MS. HAYES: I won't.

CHAIRMAN FRYER: -- but we certainly -- we want to hear everything you have to say, and we will -- we'll listen to you. Go ahead.

MS. HAYES: Thank you. Good morning, Commissioners. For the record, I am Penelope Hayes, a citizen whose property -- thanks so much, Andrew -- a citizen whose property abuts the proposed site in Golden Gate Estates. I am representing a group of more than 35 neighbors, the Save Golden Gate Estates Committee.

By way of a video following our comments, we will show why the Estates are especially and uniquely vulnerable to the standard operations of David Lawrence Center or any behavioral health central receiving center, and we have the history to prove it.

CHAIRMAN FRYER: Ms. Hayes, so you know, we're going to take a mid-morning break in about 30 minutes.

MS. HAYES: I won't need that long. Yeah, thank you.

CHAIRMAN FRYER: Thank you.

MS. HAYES: A 65 -- 64,000-square-foot behavioral health central receiving center located in an Estate residential neighborhood is a square peg in a round hole.

So how do you make a square peg fit in a round hole? You chip away at it and pound it in until it fits, unless it doesn't.

Mr. Yovanovich is the only common player in a years' long stratagem. Through insidious steps over time, the promises made to both the Florida Department of Transportation and the citizens of Golden Gate Estates were disregarded and ignored. Insidiously, by definition, is proceeding in a gradual, subtle way but harmful effects.

Mr. Yovanovich is very good at what it is he does, yet he was counting on the compartmentalization of information over time and the neighborhood not finding out.

Every professional report and study has not recommended this site in Golden Gate Estates for this purpose. At the end of 2020, Jacobs Engineering delivered to their client, David Lawrence Center and Collier County, their extremely detailed report, the culmination of a full year-long study of five potential sites for this project. The government center, Building W, was the number-one ranked site in the formal recommendation, and, by the way, the No. 2 site was also government center, the third site was the church, the fourth site was the five-acre site in our neighborhood, and the fifth site was also government center.

In fact, it scored, that is Building W at government center, highest in measurable specific for a behavioral health center which include form, function, time to build, and are overall, plus no zoning issue.

Furthermore, the report states, quote, this site does create a tranquil and aesthetically pleasing view overseeing the pond, end quote.

Incidentally, at the site at government center, there is no estate residential near by. And, in fact, very little residential other than a bank of buildings.

Conversely, the five-acre site in Golden Gate Estates ranked No. 4 overall, second last place and, yet, it was, indeed, the site that DLC and Mr. Yovanovich petitioned for in 2021, because it was the site they wanted all along regardless of any lengthy and expensive site studies.

Let's go further back, back to 2007 when Mr. Yovanovich petitioned for the conditional-use subdistrict. Staff did not recommend this site for this purpose even back then. It didn't fit.

The criteria for conditional-use permit reads, quote, the petition should not be injurious to the neighborhood.

COMMISSIONER KLUCIK: Can I interrupt?

CHAIRMAN FRYER: Yes.

MS. HAYES: Yes.

COMMISSIONER KLUCIK: Can you go back and just clarify what you're referencing again. You said you want to go back to a certain point, and just start there.

MS. HAYES: So back in 20 -- 2007 -- and I'm actually going to next go into that specific reference. It's petition --

COMMISSIONER KLUCIK: So this is where it was changed -- where it was changed to allow this use.

MS. HAYES: For this subdistrict, exactly, and that's --

COMMISSIONER KLUCIK: And this is the -- you're talking about what happened when that came into effect, how -- what were -- what was being said at that time, or what were the conditions and how did that come to fruition?

MS. HAYES: And how these promises got forgotten over time. Thank you.

COMMISSIONER KLUCIK: Okay.

MS. HAYES: Conditional-use permit, quote, the petition should not be injurious to the neighborhood or adjoining properties or otherwise detrimental to the public health, unquote.

A comprehensive staff report was prepared which examined the Petition CP-2005-6 and was submitted to the Collier Planning Commission on March 5th, 2007, for the

transmittal hearing. Spoiler alert, the staff report recommended to not transmit.

Commissioner Joseph Schmitt actually might recall. He signed the report and, of course, in a different role at that time. And in 2007, he knew it didn't fit, and here's why: Referencing the Golden Gate Estates Area Master Plan as it was at that time, the report reads quote -- this is your report -- resulting from the state's approval to fund and construct the I-75 interchange at Golden Gate Parkway, the Board of County Commissioners approved Resolution 2001-56 establishing an ad hoc advisory committee and later the GGAMP Restudy Committee. That's the Golden Gate Area Master Plan Restudy Committee. The restudy committee identified areas that were inappropriate for commercial or conditional-use development. One such area identified by the committee was the Golden Gate Parkway corridor between Livingston Road and Santa Barbara Boulevard.

In 2003 the restudy committee met with I-75/Golden Gate Parkway Ad Hoc Committee members to discuss desired land uses for the area surrounding the interchange. As a result, the restudy committee recommended to the BBC -- or, sorry, to the BCC, provisions that would prohibit new commercial and conditional-use development along Golden Gate Parkway in the Estates.

This is still all part of the report. This project is not consistent with the policies in the Comprehensive Plan that prohibit new conditional-use development along Golden Gate Parkway between Livingston and Santa Barbara Boulevard. Additionally, a commitment was made to the -- by the county to the Florida Department of Transportation in consideration of the approval and construction of I-75 interchange to keep Golden Gate Parkway corridor green and not allow the proliferation of commercial and conditional uses.

Findings and conclusion. The proposed subdistrict is not consistent with the conditional-use subdistrict, Golden Gate Parkway and Collier Boulevard special provisions section of the GGAMP which prohibits new conditional uses on properties abutting Golden Gate Parkway between Livingston and Santa Barbara Boulevard, end quote.

Well, what happened, you might ask.

The agent, Mr. Yovanovich, heavily lobbied the Collier County Planning Commission at that time, and the Board of County Commissioners. And so the thorough staff report presented by Mr. Schmitt and the commitment that Collier County made to the Florida Department of Transportation were insidiously ignored.

What are the county's commitments worth, and can they be traded to please one agent for one project, a project that will happen regardless of the location choice?

Additionally, the surrounding Golden Gate Estates neighborhood was not duly noticed by mail regarding the subdistrict petition given that in 2006 and 2007 the Code of Ordinance Chapter 8 on mailing notices and notification area read, quote, all properties -- property owners within 500 feet of the property lines of the subject property, end quote. That doesn't go far given that our properties are 660 feet deep. Surely, Mr. Yovanovich found this a useful loophole.

Of course, it now makes sense why there was no neighborhood opposition at the November 13th, 2006, neighborhood information meeting. This loophole was finally corrected this year in 2022, Code of Ordinance, and we are here.

Now, you might like to know what the I-75/Golden Gate Parkway Ad Hoc Committee came up with as caretakers of the promise made by the county to the Florida Department of Transportation and the Golden Gate Estates neighborhood.

I'll just read the bullet points. Beautiful gateway to the City of Naples. Quiet Estates residential living. Family and neighborly atmosphere for children. Low traffic. Wildlife and agriculture. A respite from commercial blight. Clean, crime-free area. Maintains true to the existing master plan. Desire to maintain privacy. Maintain the existing character. No further enhancements or intrusions.

In closing, and before we play a video, on the issue of no compatibility between institutional zoning and Estates residential zoning, we've been asked to read a short excerpt from a letter from the owners of Kiddie Korral Preschool, whom could not attend today, dated Monday, November 14th, 2022, and this is accompanied by police CAD records and the ownership of a house located at 3150 62nd Street Southwest, Naples.

To whom it may concern: Dear Commissioners, Kiddie Korral Preschool and the David Lawrence Center have been neighboring establishments with an amicable relationship since we established our preschool on Golden Gate Parkway in 1999; however, since the David Lawrence Center converted a single-family home on our street into a recovery center in 2020, incidents of random men soliciting and even entering our daycare facility has increased substantially.

Over the past six months, there have been no less than five separate occasions in which random men have entered Kiddie Korral Preschool. During each of these encounters, the individual has approached staff and parents soliciting money, rides, nourishment, and the use of cell phones and restrooms.

As a concerned business owner of a preschool, I stand in strong opposition to the hazardous and careless decision to place a large recovery housing center in the proposed location due to its proximity to multiple established childcare centers and the unnecessary risk that should be faced by our staff, parents, and children. Sincerely, Debbie Wallace, owner, Kiddie Korral Preschool.

We do have a video to play for you. It is just over 10 minutes long, and that concludes the comments from the neighborhood. We would like to thank you for your time and your service and to just say, in closing, if it doesn't fit, please do not recommend.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I just wanted to thank you. Very helpful presentation. Obviously, you are very organized. And you, you know, put some time and thought into it. And likewise, ma'am, the information you gave was very helpful because it wasn't just emotion. It was, you know, laying down some facts for us that help us inform the situation.

And I appreciate that very much. And I actually -- I shouldn't be dealing with emotion, and I won't. I don't make decisions that way, but I was very moved as well. So thank you.

MS. HAYES: Thank you, Commissioner Klucik.

And I just wanted to mention because the comments were made earlier by Scott Burgess and agents for David Lawrence Center, there was a lot of focus on the discharge on foot stats that point -- you know, half of 1 percent, but we as a neighborhood know and David Lawrence Center knows that the majority of traffic is not the admissions and discharge. The majority of traffic and the problems that we're experiencing are from the weekly medical appointments that the clients come and go from David Lawrence every day all day long, dozens of people that are just coming for medical appointments and

prescriptions, and that is the loitering; that is the problems we're experiencing. So that would be an interesting stat. And I'm also available for questions, and if you don't have questions, I'll play the video.

CHAIRMAN FRYER: Well, we do.

MS. HAYES: Okay, thank you.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: And thanks again for your presentation. And, of course, it reminded me of the staff report. The staff report you read, though, was for the -- let me go back. The conditional use had already been approved, my understanding.

MS. HAYES: No.

COMMISSIONER SCHMITT: Okay. I'm looking at the background on this, and this, again, had been a year since that report was done. But the existing David Lawrence Center facility was established through the professional-use process and older version of the current conditional-use process.

Somebody's phone ringing; not mine.

MS. HAYES: I actually have the document, if you want me to take it out of my bag and hand it to you.

COMMISSIONER SCHMITT: Well, I'm just --

CHAIRMAN FRYER: Whose telephone is ringing, please? And can it be silenced or answered or --

COMMISSIONER SCHMITT: Well, there was -- the precursor to the conditional-use process that existed; is that correct? Mike, just for the history of this. Because there was a conditional use. It was a provisional use. It preexisted the Golden Gate Area Master Plan. And I'm just trying to gather the facts here, because we're now conflating this facility as a commercial facility, and it's being presented to us as a government facility.

And so --

MR. BOSI: Mike Bosi --

COMMISSIONER SCHMITT: Go ahead, please.

MR. BOSI: Mike Bosi, Planning and Zoning director.

I think you're talking cross purposes. What you're talking about, the original provisional use, is the existing center.

COMMISSIONER SCHMITT: Existing center, correct.

MR. BOSI: What Ms. Hayes is referring to was the staff report that established the institutional subdistrict that authorized David Lawrence additional medical facilities as a conditional use.

So what -- and that was the GMP amendment that created the subdistrict that allows for the David Lawrence medical facility to be -- to seek a conditional use. That's what she's referring to.

COMMISSIONER SCHMITT: And that was eventually approved by --

MR. BOSI: That was approved by the Board of County Commissioners. Staff --

COMMISSIONER SCHMITT: By the Planning Commission and overruled -- or basically overruled the recommendations of the staff. The Planning Commission approved it, and the Board of County Commissioners approved it.

MR. BOSI: Ultimately, the Board of County Commissioners approved it, yes.

COMMISSIONER SCHMITT: Correct, okay.

So that's -- so clearly, now, the existing zoning is the conditional use, which has existed since 1977, I believe, and now the institutional subdistrict.

MR. BOSI: The institutional subdistrict allows for an additional facility for David Lawrence through a conditional-use process.

MS. HAYES: Would you like this document, Commissioner?

COMMISSIONER SCHMITT: Oh, no. I clearly remember that. I was just trying to, for the record, so my other colleagues would understand what had happened, because there was the -- yeah, Mike -- as Mike said, the conflating issues here, but the existing conditional use is still in existence today that authorized the existing facility. That was the petition to allow for the expansion of services.

MS. HAYES: Yes. This is -- I'm not referring to the existing. This is what laid the groundwork for why we're here today.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: I've got Commissioner Shea first, and then --

COMMISSIONER KLUCIK: Can I just ask the Vice Chairman a question about what he just said?

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: So what you're saying is when the conditional use was expanded or the zone was created, that's when your report said -- recommended against it, but then it was -- it was overruled and voted -- it was approved over the opposition of staff?

COMMISSIONER SCHMITT: Correct.

COMMISSIONER KLUCIK: Okay. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I have a question for Mike. I mean, there were a lot of facts. For the record, do you disagree with any of the facts that were presented by the speaker in terms of the timing, the documents, the history?

MR. BOSI: Not having all of the specificity, I don't think there was anything that I heard that was not in alignment with the situations and how the situations have come about.

COMMISSIONER SHEA: I just wanted to give you the opportunity to get a little fact check in here.

MS. HAYES: Thank you.

CHAIRMAN FRYER: Thank you. In keeping with our usual custom of having a midmorning break -- and I don't want to worry whether this is a 10-minute or 12-minute or even 15-minute video -- I'm going to call for our midmorning break right now and ask that we come back at 10:30. So we're in recess until 10:30.

(A brief recess was had from 10:18 a.m. to 10:30 a.m.)

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

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

Ms. Hayes.

COMMISSIONER SCHMITT: Mr. Chairman, while waiting for Ms. Hayes, can I just clarify?

CHAIRMAN FRYER: Please.

COMMISSIONER SCHMITT: For the colleagues up here, just so you

understand -- and it was pointed out in the staff report that the petitioner at any given time could have still come in and amended the conditional use, because the conditional use still exists on the site. They chose to go PUD, Planned Unit Development, because it allowed for more, I guess, versatility and a lot more ability to do what needed to be done on the site to allow for any concerns of the public.

So I just wanted to make sure you all understood that the report Ms. Hayes presented, yes, the staff did recommend denial, but as our commissioners get paid to do and certainly the voters who vote for them expect, whether they vote with the consensus of the public or not, but the Board of County Commissioners did approve the district.

So that was -- and that's typical. It's not typical, but it does happen where the Board hears the staff -- and I was the administrator for Community Development at that time -- that they hear the staff, and just say thank you and make a vote for approval or disapproval based on where they assess the needs are and the requirements. And in this case it was approved and, therefore, it set policy.

MS. HAYES: Thank you, Commissioners.

COMMISSIONER SHEA: But does that mean that they are obligated -- we don't have to approve this particular petition --

COMMISSIONER SCHMITT: No.

COMMISSIONER SHEA: -- because of anything historical?

COMMISSIONER SCHMITT: Only -- only the fact that the conditional use exists today. It's a conditional use by policy that sort of, for lack of a better term, usurped the Golden Gate Area Master Plan restriction. They did it by policy.

COMMISSIONER SHEA: Okay.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: And then on 9A1 -- they're companion, 9A1 and 9A2. 9A1 is legislative; is that correct?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: Uh-huh.

COMMISSIONER KLUCIK: And 9A2 is --

CHAIRMAN FRYER: Quasi-judicial.

COMMISSIONER KLUCIK: -- quasi-judicial. And so -- all right. Thank you.

CHAIRMAN FRYER: Thank you. I think, Ms. Hayes, we're ready.

MS. HAYES: Thank you. And I'll just say to your point, Commissioner Schmitt, that it is our argument that what transpired between the staff report and the recommendation to decline and the decisions later by the Planning Commission and Board of County Commissioners was a result of lobbying by the agent and the neighbors having not had the opportunity to speak.

Thank you.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. And I guess to the point that, I guess, the Vice Chair made and the point that I just wanted clarification for, since it's legislative, we can just vote -- as commissioners, for Item 9A1, we can just vote how we wish to vote. We don't really need to have any criteria at all except we think it's a good idea or a bad idea?

CHAIRMAN FRYER: Yeah. I think when we're sitting in a legislative capacity,

we're looking at what is in the best interest of the county. Since these are combined, we apply the quasi-judicial rules like swearing in of witnesses and disclosures.

Ms. Hayes.

MS. HAYES: Thank you. If there's no further questions, I can play the video presentation that we have on behalf of our neighborhood group.

COMMISSIONER KLUCIK: And did you understand the point that I just made?

MS. HAYES: I believe I did.

COMMISSIONER KLUCIK: Yeah. So, like -- and the only reason I say that is is whether it's the petitioner or Mr. Yovanovich or yourself, you can appeal to our -- you can appeal to our emotion, I guess, but you can appeal to our judgment regardless of not -- and not just criteria where we're acting as if we were someone like a judge where we can't really just decide how we want. We have to decide based on whether criteria have been met.

MS. HAYES: That is helpful. Thank you.

COMMISSIONER KLUCIK: So, yeah. So we can just vote how we want to.

MS. HAYES: Thank you.

COMMISSIONER KLUCIK: And that's not always the case.

CHAIRMAN FRYER: Thank you.

MS. HAYES: With discernment.

COMMISSIONER SHEA: It makes it sound willy-nilly, doesn't it?

MS. HAYES: Andrew, in playing this video, is there -- how do I access the actual, you know, mouse? Is it just -- thank you. Thank you so much.

Is the volume up?

MR. YOUNGBLOOD: It should be.

MS. HAYES: Oh, we're missing stuff.

CHAIRMAN FRYER: We should be hearing audio now?

MR. YOUNGBLOOD: You should be, yes.

Let me go check with Troy and see what the audio issue is.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: Should we have a recess until this gets resolved?

CHAIRMAN FRYER: We can.

COMMISSIONER KLUCIK: I just don't think it would be fruitful to do something else.

CHAIRMAN FRYER: Here's Mr. Miller. Let's see if he can get it resolved quickly. If not, we will have another recess.

COMMISSIONER KLUCIK: Hey, there's a resolution.

MR. MILLER: That's as loud as it goes.

CHAIRMAN FRYER: Oh, boy. Okay.

(A video was played as follows:)

If somebody's stands in front of me on my property 150 feet in from the main road in two cases, 300 feet in from the main road in the third case and tells me --

(The video was paused.)

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Can you start it again, because I missed all that. And can you give us some context? Who's speaking here? What is this?

MS. HAYES: The first speaker is Elizabeth Bloch. She's a neighbor. And this is at one of the two meetings that David Lawrence Center invited the neighborhood to discuss things that could be done to improve.

CHAIRMAN FRYER: It's all the way up, Mr. Miller?

MR. MILLER: That's all the volume I have.

CHAIRMAN FRYER: Okay.

(A video was played as follows:)

-- we know who we're talking to. If somebody stands in front of me on my property 150 feet in from the main road in two cases, 300 feet in from the main road in the third case, and tells me they just came from David Lawrence Center, I genuinely don't care if you believe that they came from David Lawrence Center because I know what I heard and I know what I experienced.

Do you ever have sex offenders in your campus? Known sex offenders? Do you ever have them in your campus?

If someone's brought into us involuntary, I guess there's a possibility that someone that's brought into us --

Do you ever have them? Have you ever had them? Have you had sex offenders at your campus?

Yes.

Okay.

Yes.

Do they get reported to the database?

Yes. We're a mandatory --

To the sex offender database?

Yes --

And how do you release them to the neighborhood? How are they released?

How are they reported?

Every case is individual. I can't think of a case right now, but I guess you have to be more specific with what your question is.

We're talking about a sex offender --

(Simultaneous crosstalk.)

A sex offender is pretty --

We've been threatened on our own properties, and I haven't heard you address any of that right now.

On a sex offender basis, maybe you shouldn't take sex offenders, people that are registered sex offenders, into your facilities. There are preschools, two of them .4 miles from the David Lawrence Center.

So individuals are everywhere that could potentially be a threat, okay, and that's a fact.

That's not the point. The point is you're actually bringing them to our neighborhood.

Right, but we're not talking about if they're outpatient. I think last time we were here we talked about how probably the people that might be trespassing

and whatnot are probably people coming to us for their medication visits.

And how do you plan to --

And that's an interesting point. We have no civil jurisdiction over those individuals. They are individuals that are not under Baker Act. They're not under any order by the Court or anything. What can we do?

(Unintelligible) deal for you guys either, right? I mean, this is the best place. There's no resources near by. (Unintelligible.)

Well, it's considered to be the evidence-based practice, and this is the way that it's been done in every other central receiving facility in the state of Florida.

How many are in residential neighbors that you know of?

We just visited two in the last two months.

Where?

Lakeland and Bradenton.

But with properties like this --

(Simultaneous crosstalk.)

-- forested, chain-link fence, and I could walk right into the neighborhood.

(Simultaneous crosstalk.)

-- wooded areas.

Wait, what did he say?

Chain-link fence, chain-link fence, chain-link fence.

That was Scott Burgess, the president and CEO of David Lawrence Center. We're not going to take his word for it. We're going to check it out ourselves. So first let's look at Suncoast. He referred to it as Bradenton, same thing. Here they have a nice main campus. They have some facilities, some parking lots. Looks like a tennis court.

But then the surrounding area -- let's check that out, because that's what we're really looking for. Burgess is saying it's the exact same thing as the proposed site in Golden Gate Estates, Naples, Florida, which are Estate residential neighborhoods.

What we're looking at here is Bradenton, and there are no Estate residential near this campus. Let's look at it on Google Maps just to be sure. Get some identification markers. Again, here's Suncoast, otherwise known as Bradenton. Right directly behind that large building is a Walmart supercenter with a very large parking lot. Still not Estate residential.

Here's a residential area. This is condominiums, luxury condominiums, and, again, condominium developments are not the same as Estate residential zoning.

And here let's look at Lakeland. That's the other behavioral health center mentioned that's also in Florida. So here's Lakeland Behavioral Health. Here's their main campus. What is this space here? Could this be Estate residential? No, it's a golf course.

Okay. So we have wide open spaces. The point we're making with Estate residential is places to hide. These are the type of problems we've had, the clients from behavioral health coming in hiding in our sheds, outbuildings, workshops, forested areas on our large residential properties called Estate residential.

So looking again at what else is around Lakeland. There is some residential. There are some streets of residential. And take note, this is standard residential zoning. In fact, they don't even appear to have trees or sheds. They don't have anything on their properties.

This is a mobile home park, so no trees, no outbuildings, no yards whatsoever. Definitely not the same.

Let's look at Golden Gate Estates. This is the area that we're talking about that Scott Burgess said was the same as those ones you just saw. So let's see if it's the same.

This is our neighborhood. This is Golden Gate Estates in Naples, Florida. This is the existing David Lawrence Center that you're seeing now. This is the surrounding area. This is what we have been talking about. This is what Estate residential zoning looks like. These are all single-family homes on Estate residential zoned lots. These are large properties, two acres to eight acres each one of them.

This is the -- on the left you're seeing the five-acre lot in question that they would like to put yet another DLC. This would be their central receiving center, and they would like to put it in that five-acre lot. And you'll see residential homes all around. The property, the lot, the five acres is literally carved out of an Estate residential neighborhood.

To be fair, let's look at the whole areas. Is there anything else? So Kiddie Korral, that's a daycare. Again, these are just homes. This is what Estate residential looks like. Let's see it from another angle. So some of these markers that come up are just small businesses that people run, and they've attached their home address to them.

People who live here build dreams. They have horses and barns and equipment. Sometimes for their small businesses they enjoy the privacy. They plan to stay here for a lifetime. This is not living in a condo for a few years. Estate residential is a very specific lifestyle, and Golden Gate Estates was set up to protect that lifestyle, the Golden Gate Area Master Plan.

This is where we were sitting on our back patio when a K9 unit came through with his handler looking for somebody who had escaped and went through our shed.

But let's go back to Lakeland and Suncoast Behavioral Health Centers. Okay. So these were referenced by DLC themselves as best practices behavioral health centers that happened to be located near residential. This first headline reads, a dozen teens involved in Lakeland escape. The article states records obtained by the news leaders show that Monday was not the first escape from Lakeland.

Perhaps Bradenton, otherwise known as Suncoast, has a better track record. Let's see. This article is talking about another escape during the intake process at Suncoast Behavioral Health in Bradenton.

Now, this is particularly alarming from Suncoast Behavioral Health in Bradenton. This is from OSHA, this is the U.S. Department of Labor's website, and it is talking about a very recent incident in 2021 tracking two-and-a-half years of cases of 50 attacks. A federal judge finds Bradenton Behavioral Healthcare

Center exposed workers to more than 50 attacks by residents.

The facility operates as Suncoast Behavioral Health Center in Bradenton.

Now that you guys have heard what we've said have happened on our property with your existing location, what do you think is going to happen when you add intensity to it?

-- continues tonight for this man who escaped, we're told, from a mental health center and then carjacked a woman in Delray Beach. Authorities say Angelo Colis (phonetic) can be violent and does have a history of mental health issues.

Police say that he actually escaped from a different mental health facility and then tried breaking into a Palm Beach Gardens police car.

A mental health patient who escaped from a local hospital has been found.

Now, this is his picture here. Harris has been a patient at AltaPointe since 2008. According to court documents, it says he was placed under their care after being found not guilty by reason of insanity for stabbing his father, John Harris, to death.

Now to our other top story, police catch an escaped mental patient as we learned that a mistake by staff and a long-standing security problem allowed him to get away. It also took a day-and-a-half for the public to be notified that the potentially dangerous escapee was on the run.

The patients have rights. They have rights to privacy.

He wasn't supposed to leave this mental health facility in Sanford, but police officers say Samuel Badsen did, and then put a woman through terror.

I've never really thought about, like, people escaping before.

I always assumed that they were more, like, protective than that about, like, letting people out. Like, I didn't think it could happen.

Vega escaped custody about 8:00 this morning while being transferred from the Elgin Mental Health Hospital to the Lake County Courthouse in Waukegan where he's facing charges for allegedly assaulting his girlfriend, fracturing her skull. He's also the subject of federal warrants. While police warn residents that Vega could be armed and dangerous, he apparently spent some time hiding in this small basement entryway in the neighborhood.

They're in a secure facility and behind locked doors.

Until the doors are opened and they're let out to appreciate their own civil rights while we're being put at risk.

(The video concluded.)

MS. HAYES: That concludes our presentation.

CHAIRMAN FRYER: Thank you. Any questions from the Planning Commission? Comments?

(No response.)

CHAIRMAN FRYER: Thank you, Ms. Hayes.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: Can you just again explain your relevance to the community? You're one of the residents?

MS. HAYES: My property abuts the five-acre lot that we're talking about.

COMMISSIONER KLUCIK: If you don't mind, what do you do, like, as a career or --

MS. HAYES: I'm an author, a best-selling author of 12 books. I'm a television personality. I was five years on ABC News as on-camera talent. I've been on the Dr. Phil show speaking to suicide and mental health. I've been on Good Morning America. Yeah, that's what I do professionally.

COMMISSIONER KLUCIK: Well, that explains why you're so effective.

MS. HAYES: Thank you.

COMMISSIONER KLUCIK: Thank you for being here today and helping us -- you know, giving us information to help us make our decision.

MS. HAYES: Thank you.

CHAIRMAN FRYER: Anyone else?

(No response.)

CHAIRMAN FRYER: Thank you, Ms. Hayes.

Mr. Youngblood.

MR. YOUNGBLOOD: Now we go online to our online speakers. William Rogers is going to be our first online speaker.

William, are you with us, sir? You're being prompted to unmute your microphone.

MR. ROGERS: I am with you, thank you.

I'm an attorney. I represent the David Lawrence Center. I sat in to answer if there were any questions that required a legal explanation, none of which have. So unless Mr. Burgess or Mr. Yovanovich has something for me, I have nothing to say.

MR. YOVANOVICH: He's part of the team in case you had some questions.

CHAIRMAN FRYER: I gathered. I gathered.

Anybody have questions or comments for this gentleman?

(No response.)

CHAIRMAN FRYER: Thank you.

Next speaker, please.

COMMISSIONER KLUCIK: I suppose I would have a question.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: We heard from one of the members of the community. They were voicing concerns about the -- I guess, you know, once -- if this were to go forward, there would be little that the county could do if the services weren't -- you know, weren't adequate or, you know, people had problems with the way the services were delivered which, you know, would not be what anyone expects, but it could happen. I mean, the idea is we're talking about having a 30-year agreement that is -- would be very detrimental to the county if the county, you know, felt that they were compelled to not work with the David Lawrence Center anymore.

MR. YOVANOVICH: Yeah, that --

COMMISSIONER KLUCIK: I'm asking the attorney.

MR. YOVANOVICH: I am the attorney. He doesn't know anything about the legal.

COMMISSIONER KLUCIK: He doesn't know anything about that. Oh.

MR. YOVANOVICH: He's the attorney on the lease.

COMMISSIONER KLUCIK: You're right. You are an attorney. My gosh. I guess you got backup.

MR. YOVANOVICH: I do, on issues that I don't have the knowledge.

COMMISSIONER KLUCIK: No, but he's the attorney for the David Lawrence Center, and so are you?

MR. YOVANOVICH: I'm the attorney for the David Lawrence Center who actually was involved in negotiating the lease.

COMMISSIONER KLUCIK: Okay. Got it. So speak to that, if you would.

MR. YOVANOVICH: The county absolutely has the right to declare us in default, and if we don't cure that default, they have the absolute right to kick us out.

COMMISSIONER KLUCIK: And then what -- because you gave up the land, you donated the land, how does that work?

MR. YOVANOVICH: They would replace us with a new operator or -- I'll get back -- if you want to get into the negotiations, the county wanted a provision that required us to buy the building at market rate because they believed it would increase in value. We had offered to pay back every penny the county invested in the building so the county would always be whole if, in fact, we were no longer the provider and the land was no longer available.

The county wanted to be able to go with the upside and put it to us and say, if it's worth 50 million, you've got to pay 50 million; otherwise, they could --

COMMISSIONER KLUCIK: What's the current value of the land if you had to guess?

MR. YOVANOVICH: I don't know. I'd have to look it up.

COMMISSIONER KLUCIK: One million or 10 million or --

MR. YOVANOVICH: Mr. Klucik, I'd have to look it up. I have no idea.

COMMISSIONER KLUCIK: Well, just, like, is it 100 million?

MR. YOVANOVICH: I'm telling you I don't know.

COMMISSIONER KLUCIK: Don't know. Okay. So I'll say five million. I have no idea.

MR. YOVANOVICH: Okay. You could pick any number.

COMMISSIONER KLUCIK: Okay. My point is that there's no -- you know, there's no infrastructure overhead for the David Lawrence Center in exchange for giving up land that you don't know the value of, which is weird that we're in negotiations but you don't know the value of the land. I would think --

MR. YOVANOVICH: Why would I look up the value of the land as part of a zoning evaluation?

COMMISSIONER KLUCIK: Well, you just got done talking about the negotiation of the contract.

MR. YOVANOVICH: You asked me what the remedy was if there was a default in the lease, and I told you what the remedy was in the default of the lease.

COMMISSIONER KLUCIK: Right. And certainly anyone who's thinking of -- and, excuse me. It's implausible to think -- and maybe you don't know, but it seems implausible to think that you would enter into a -- talks of this magnitude where you're donating land and you don't know the value of the land that you're donating. That, to me, is farcical. I understand that you might not know, but to act like it's a weird question and that no one would know and no one thought of this before --

MR. YOVANOVICH: I could look it up.

COMMISSIONER KLUCIK: -- is very strange.

I'm talking, and you're talking over me, which you have a habit of doing.
I actually like you, but that's something that's --

MR. YOVANOVICH: I'm sorry.

COMMISSIONER KLUCIK: -- very frustrating to me, because I'm making a point. I am here representing the county as one of the commissioners on the Planning Commission, like my colleagues here. We have a job to do. I get it, you have a job to do, but your job is to present to us and defer to us, you know, as procedurally as appropriate, and I don't appreciate that.

MR. YOVANOVICH: May I? May I?

COMMISSIONER KLUCIK: No, you may not. I'm not done.

MR. YOVANOVICH: Okay. I was just going to respond to your question about the value.

COMMISSIONER KLUCIK: I wasn't done making my point. That was the whole reason I started lecturing you.

MR. YOVANOVICH: Thank you.

COMMISSIONER KLUCIK: It just seems implausible to think that that's just some unknown number. So I'm going to ask our chairman of the David Lawrence Center to come up right now and please let me know what he thinks the value of the land is.

CHAIRMAN FRYER: Mr. Burgess.

COMMISSIONER KLUCIK: I'm sorry, Mr. Chairman. I shouldn't have just done that on my own. I apologize. I should have asked your permission if I could ask for that.

CHAIRMAN FRYER: Leave granted.

MR. BURGESS: We have not had a recent appraisal done of that property, so I would say that your number is probably somewhere in the range.

COMMISSIONER KLUCIK: Okay. And what's the value of the center, probably, when it's done?

MR. BURGESS: Well, the --

COMMISSIONER KLUCIK: Without the land cost. Like, if you were just thinking the facility that's planned, roughly is --

MR. BURGESS: The sales tax initiative has obligated \$25 million to this project.

COMMISSIONER KLUCIK: Right. So you're -- clearly, you're giving something up which is very valuable, which is that land, and in it you're getting all the overhead that you don't have to worry about for 30 years.

MR. BURGESS: For a \$1 a year for the lease.

COMMISSIONER KLUCIK: A dollar a year.

MR. BURGESS: Correct, yes.

COMMISSIONER KLUCIK: Right. So all I'm saying is that's a really good situation, and the point of it is that, you know, we're here, and we're talking about this, and we're kind of overlooking the fact that you're locked in.

Now, my concern is, what if the county, you know, has a problem with the quality of the services or, you know, there's all sorts of issues that could come up. You're running a business, I got it, that's a non-profit, but it's a business, and people see things differently, and sometimes people make a great plan and everyone sees the synergy, and then it goes sour for who knows. It doesn't have to be anyone's fault. Nobody's wrong. People just see things differently. That happens all the time.

So my question is, how does the county get out of that? And I think what I heard is that in that situation, the county could lease it to somebody else or that you could buy it. Which is it?

MR. YOVANOVICH: The county would say to us, if they decided to terminate the lease --

COMMISSIONER KLUCIK: Sure.

MR. YOVANOVICH: -- the fair market value of the facility -- I'll make up a number -- is \$50 million. We would either have the opportunity to pay the county \$50 million or vacate the premises.

COMMISSIONER KLUCIK: Okay. And then if -- and then the county would be in a position to have to find services somewhere else?

MR. YOVANOVICH: They would build another facility, yes.

COMMISSIONER KLUCIK: With that \$50 million?

MR. YOVANOVICH: With that \$50 million, yes.

COMMISSIONER KLUCIK: All right. So there's -- to some extent, the county is protected because they would get the market value, which seemingly would be pretty good. To the other intent, though, if that were to happen, the county would be without a provider for this program for a few years until they built something else and came up with a provider.

MR. YOVANOVICH: Yeah. And we're --

COMMISSIONER KLUCIK: So there is a downside?

MR. YOVANOVICH: Of if the county has another facility available in the meantime to move in. I don't know. There's -- yes, the answer is the county would have to find another building to provide the services.

COMMISSIONER KLUCIK: So David Lawrence Center and the county are both making a huge commitment to one other and to the county, and that means that there is a potential downside because you're really investing a lot in each other.

MR. YOVANOVICH: Well -- and I apologize if I talked over you. You and I have a habit of doing that to each other.

COMMISSIONER KLUCIK: I do that to a lot of people myself, so I certainly understand.

COMMISSIONER SCHMITT: You're doing it now.

MR. YOVANOVICH: So, Mr. Klucik -- and I was going to look up the value, because I haven't done an appraisal. You've seen me many times where I tell you I don't know, can I go get the answer for you. That's what I was going to do.

So going back to when -- the discussions about picking the site, you made a very good point, because the analogy was it's a marriage, and you want to make sure, to the best of your ability, that who you pick to be your spouse will be your spouse forever. Statistically that doesn't always work out, but that consideration was discussed. And you have before you a provider that has been here for 55 years and this location for 47 years, and the Board of County Commissioners said, we're willing to take the risk of this being our spouse.

So there's always risk, but there was that thoughtful discussion, and that analogy was actually made at the Board.

COMMISSIONER KLUCIK: And I apologize, Mr. Chairman, because I kind of derailed this from hearing from the members of the public remotely to -- because I thought

I had a question for the attorney who was remote which, clearly, I didn't. But I veered us off track, which sometimes I do. I realize that.

CHAIRMAN FRYER: Thank you.

Who's the next speaker, Mr. Youngblood?

MR. YOUNGBLOOD: Mr. Chairman, our final speaker is Melanie Brown Woofter.

Melanie, you're being prompted to unmute your microphone. Are you with us, ma'am?

MS. WOOFTER: Yes, I am.

I am the president and CEO of the Florida Behavioral Health Association, and I just wanted to thank you all for your time this morning and for your interest in this very important issue.

I do want to stress that there are about 15 central receiving facilities, including this one that's potentially coming up, across our state, and that communities have embraced the central receiving facility because it has worked to eliminate some of the problems that you-all are discussing this morning. We have at least two of these facilities located on the same street as a school. The school has no complaints, no problems. There's not been any interaction with the students and the CRF, and the facilities work very, very well to strengthen your community.

So thank you for your time, and we appreciate this consideration.

CHAIRMAN FRYER: Thank you.

MR. YOUNGBLOOD: And that concludes our registered speakers for this item.

CHAIRMAN FRYER: All right. Any people in the room who have not already ceded their time wish to be heard in this matter?

(No response.)

CHAIRMAN FRYER: If not, thank you.

We'll close the public comment portion again, and any questions or comments before we go to rebuttal? If not --

COMMISSIONER KLUCIK: Yes, I do.

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: So, Mr. Yovanovich, you heard, you know, in the video, particularly, you know, some of the concerns that are real when if -- you know, in a similar facility. And so I guess I -- how do you answer that that -- you, obviously -- the type of facility that you're going to add through this petition would be similar to what -- you know, the facility that we saw, you know, in these news reports. And I'm just trying to figure out, how do you answer that in a way that makes it clear that we're not really burdening these neighbors and that -- you know, that the idea that we picked the four -- you know, I understand the powers that have the authority have -- you know, they chose to pick the fourth-rated site, according to what we've heard. I mean, maybe there was some other ranking, but that's what we've heard -- and not pick the first or the second or the third-rated site.

So I guess my question is, we see these reports of these kind of incidents that -- first of all, we have the incidents that have happened already, and then we have the incidents that we see are happening at similar more intense facilities. What's your answer to that? Because to me I get -- you know, it doesn't look good for me to vote yes on this when I -- you know, on top of everything else, then I see that and then I'm like, oh, gosh,

yeah, there's even -- you know, we can expect it to be worse.

MR. YOVANOVICH: Well, first of all, the services that we're going to provide are already being provided on the site. So it's going into a newer building with the sally port.

COMMISSIONER KLUCIK: With better security.

MR. YOVANOVICH: With much better security. With much better security than exists today. But the history -- I quickly tried to look at the dates of when these incidents occurred. I think they were 2014 and 2015 were the dates. I may have missed the dates. The statistics from the Sheriff's Office are clear that this is not an unsafe facility. I find it hard to believe --

COMMISSIONER KLUCIK: Well, I'm going to interrupt.

MR. YOVANOVICH: Please, let me finish this time.

CHAIRMAN FRYER: No, the commissioner wants to speak.

MR. YOVANOVICH: Why does he get to interrupt me when I --

CHAIRMAN FRYER: Because he's a commissioner and you're not.

COMMISSIONER KLUCIK: So to the point that you just made, we heard testimony today that, you know, indicated, you know, that the reports -- that the Sheriff or the law enforcement actually doesn't really keep very good track. Now, I happen to have been in the bathroom when this was happening, but I was paying attention. And was it you, ma'am, that were speaking about that? And you gave very detailed information about how this incident happened, and it really doesn't even show up or it wouldn't even show up if you went to try and find all the incidents, that that wouldn't have popped up as an incident related to the David Lawrence Center.

MR. YOVANOVICH: And so --

COMMISSIONER KLUCIK: I'm not done. Should we watch the tapes to see when I give my queues when I'm done and when you interrupt?

The -- I apologize. You're a great guy, and I kind of was teasing you in front of everybody, and that's inappropriate, so I apologize.

That information, you know, and those -- that fact that it's -- these things aren't been captured, I don't think what you just said makes sense, because I agree, because I know in my experience as a lawyer when I try to find, you know, evidence of incidents, there are oftentimes when there is no record of things that I know happened and that I know were reported because the systems that we have don't -- don't categorize them appropriately. Even -- you know that, you know, as a lawyer who deals in real estate, sometimes it's very difficult to even find a document in a database that's indexed because you just don't which term to use in the index.

So all I'm saying is that these statistics that you're talking about, I don't think it means -- it doesn't mean anything to me for you to throw that out there, and I don't think it should mean very much because they're not capturing this. There's no system that says we're going to capture David Lawrence Center related incidents, and as a matter of fact we know for a fact that it's missing some, and I think that that's very significant. And so when you say that, it doesn't hold much weight with me.

MR. YOVANOVICH: And you didn't let me finish my thought.

The Kiddie Korral never called the police. They didn't say, we called the police because we were worried. They never called the police.

You had testimony four weeks ago from a neighbor who said he saw some people

walking around his house; he never called the police. He admitted it on the record he never called the police. So for people to now come up there -- and I can't verify. I'm not going to question whether they're telling the truth or not the truth, because you and I went at it last time about whether they were from the DLC -- David Lawrence Center or not. I don't know. There wasn't a report.

You have the testimony from one person who today, for the first time, says she filed a report, and there was a trespass. I don't have the ability -- the ability to physically check today that fact. I will have the ability to check that fact between now and the Board of County Commissioners.

But let's take her at her word -- and I have no reason to believe that she didn't call and have somebody trespassed. I believe the date of that was 2015 or 2014. I think that's the dates. Is that what we saw? That's the dates we saw. So that's seven or eight years ago that that did happen. And that's one. I'm not saying -- that's one out of an average of, roughly, 2,000 a year -- 2,000 a year of people who are treated.

COMMISSIONER KLUCIK: How many are going to be treated once the facility is built?

MR. YOVANOVICH: Well, the beds are being added -- let me get the exact number of beds that are being added. So we're going to go from 45 to 102, which is --

COMMISSIONER KLUCIK: So you're going to at least double the number of --

MR. YOVANOVICH: Which is 57.

COMMISSIONER KLUCIK: We can go ahead and kind of give a correlation that the throughput is going to be a little bit more than doubled?

MR. YOVANOVICH: Yeah, a little bit more.

COMMISSIONER KLUCIK: Okay. All right. So that means you're going to have -- you're right. So we don't know how many times this is happening; that's the whole point. All we know is the people to whom it's happened to are letting you -- making you aware of it, and the daycare operator is letting you know about it.

I understand -- a lot of people are reluctant to call the police, because the fact that there's a nuisance, and that there's something that seems un -- you know, that's it would be more disruptive to -- you're running a daycare. It would be more disruptive to have the police come every time someone shows up, and it would also be -- I would think that you wouldn't -- you know, you don't want your customers to -- you know, to see that there's police there and everyone to realize there's a stranger there.

So the idea that people aren't calling the police and that they're just, you know, all of a sudden now mentioning it, I don't think that helps your case at all.

I -- you know, we saw a letter from the -- from there. It's not testimony; it's a letter. But I have no reason to think that -- you know, that they wouldn't testify to that if she came in, and we heard -- you know, we heard the neighbors, who testified under oath, that these incidents have happened.

And I don't think you get very far by saying that we don't know. The Sheriff didn't report it. The police weren't called. None of that really makes a damn bit of difference, because when it's your house and someone doing that, you don't have to report it to the police.

Your neighbor is creating a problem; your neighbor is the David Lawrence Center, your neighbor's clients, their business. Obviously, they're not purposely creating the problem, but because of their business, this problem exists, and it affects you very much,

and you're dismissing it saying, well, we don't have data or they didn't call the right people. No, that doesn't work.

MR. YOVANOVICH: And that's fine. It doesn't work for you. I got it.

COMMISSIONER KLUCIK: Right.

MR. YOVANOVICH: I got it, but let me --

COMMISSIONER KLUCIK: And we have testimony under oath, and that really is helpful.

MR. YOVANOVICH: And I know, and --

COMMISSIONER KLUCIK: And you're speculating that it might not be true.

MR. YOVANOVICH: I didn't say that. I never once said it wasn't true. What I said was I, frankly, disagree with your premise that if you're afraid for the children at that daycare, the first thing I would do to make sure they were safe would be to contact the police and report it. I would do that -- I would say, let's -- I want to tell you what happened --

COMMISSIONER KLUCIK: No, I understand that, but I also would say that this cuts against your argument that everyone just is afraid of people who have mental health issues, because, instead, this owner -- instead of calling the police, this owner treated these people like human beings that maybe need a break, and you don't have to call the police even if they're doing things that might warrant some people to call the police.

So I think it actually cuts against the mantra and diatribe that everybody who's against this is against mental health. So I don't think you're getting very far with some of the points you're trying to make.

And, yes, I'm deliberately interrupting you when you make a point that I don't think holds much weight.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

If I may, Mr. Yovanovich, thank you for your presentation and also, Mrs. Hayes, thank you very much.

If I may back up for one moment, we understood that approximately 2,300 patients are served a year, and out of that roughly one half of 1 percent end up being, for lack of a better term, walkaways. One, one-and-a-half, let's say half a person a month. That's great.

MR. BURGESS: That's per year.

COMMISSIONER SPARRAZZA: Right, right.

MR. BURGESS: Not per month. Per year.

COMMISSIONER SPARRAZZA: Correct. So it's -- we'll say one person a month, 12, 15 a year, correct?

MR. BURGESS: Perfect.

COMMISSIONER SPARRAZZA: And those are of your patients that are, we'll say, admitted and staying overnight?

MR. BURGESS: Correct. Those would be individuals that were in our in-patient setting.

COMMISSIONER SPARRAZZA: Great, thank you.

I may be speculating, but is it possible some of these trespassing problems or problems that the neighborhood have concerns about boil down to the patients that come in for a one-hour meeting, a one-hour consultation; somehow get there, possibly don't have a

return home?

If we set it up this way that it sounds as if, maybe by listening to the neighborhoods, you've completed a good plan for your patients that are admitted to -- with use of Uber or other public transportation or whatever the case may be, getting them to their final destination, is it possible that we haven't taken that same approach to the people that come in on either a day-to-day walk-in or they're weekly appointment or something? And if so, can we apply those same thoughts and process of what you've done for your patients to those people that are walking in to pick up their meds, to have the half and hour/hour consultation with a therapist or something but, unfortunately, maybe we don't know how they got there, but they're leaving on their own.

I just wanted to see if I'm understanding correctly that there isn't that same correlation on dismissal of an in-patient to a patient that came for a meeting and how they're returning to their home spot.

MR. BURGESS: Right, right. I think I understand the question. I hope I can clarify a little bit.

COMMISSIONER SPARRAZZA: Thank you, sir.

MR. BURGESS: So we do have a number of people -- I think we have to start with the understanding that we don't know that these are actually David Lawrence Center patients.

COMMISSIONER SPARRAZZA: Correct.

MR. BURGESS: So we've got a few incidents that we're hearing about now, but we don't have the data, really, to support whether or not that was somebody that's involved with David Lawrence Center or further stratified. If it is somebody involved with David Lawrence Center, if it was somebody from the in-patient part of our treatment programming or the out-patient.

Now that -- so I want to just start with that as kind of a given statement. Beyond that, we do have individuals that come for outpatient treatment. Some of them do walk to the clinic. Some of them do walk away from the clinic. The majority of the people are driven to us or drive themselves to us. They're coming in for a counseling appointment. They're coming in for a family session. They're coming in for a group session. They're coming in to see the doctor, and then they're going back to work. So that's the vast majority of the people that come to us.

When we have individuals that don't have transportation, we do have some funding through the state and some programs that we're able to give them Uber, we're able to utilize other public transportation. So we do utilize that as well.

COMMISSIONER SPARRAZZA: And is that a question that you ask each outpatient as they're exiting the building? Mr. X or Mrs. X, do you have transportation to your next location?

MR. BURGESS: We do ask everybody what their plans are beyond leaving and --

COMMISSIONER SPARRAZZA: Leaving the facility?

MR. BURGESS: -- all of their basic necessities: Housing, transportation, food, how they're going to get their medicine, all of those types of things. That's why we have a pharmacy right on campus to try to make that easy for folks as well, to be able to get their medicine right there, have a one-stop-shop type of situation where they can get to us and we can make sure that they leave from us going back home, that they've got what they need.

COMMISSIONER SPARRAZZA: Okay. Thank you. I appreciate your answer.

MR. BURGESS: Thank you.

CHAIRMAN FRYER: Commissioner Shea, do you have a question for Mr. Burgess before --

COMMISSIONER SHEA: Well, actually, it was the same that Commissioner Sparrazza asked, because it seems everything I've heard is along the same lines, that it's not the people that are being discharged. It's the people that are coming and going, and they're going to continue to be coming and going. And those numbers are much bigger numbers than the discharges. So I had the same general concern that Commissioner Sparrazza had.

CHAIRMAN FRYER: I have a question, and I don't -- it doesn't matter to me whether it's answered by Mr. Yovanovich or Mr. Burgess. But my question is this: In the event that these petitions are denied by the Board of County Commissioners, will these additional measures that have been promised, such as enhanced patrolling, community meetings, security staff, walls, bus shelters and the like, will David Lawrence Center put these into effect whether this petition is granted or not ?

MR. YOVANOVICH: It would be on property that would be vacant property, so there would be --

CHAIRMAN FRYER: I'm talking about the DLC.

MR. YOVANOVICH: At the existing campus?

CHAIRMAN FRYER: Yes.

MR. YOVANOVICH: We already have fencing at the existing campus.

CHAIRMAN FRYER: That's a no?

MR. YOVANOVICH: We already have it.

COMMISSIONER SHEA: He's talking about the 10 items that were presented by the young lady. Are those still going to be put into effect?

MR. YOVANOVICH: Well, the county's not going to come and patrol the David Lawrence Center. I can't speak for the Sheriff's Office. I don't know if they'll continue to, when they drop somebody off on a Baker Act, do additional patrolling of the neighborhood.

So we already have the walls. The county security, I can't speak for the county. I'm assuming the county won't patrol on property that they have nothing to do with. The additional patrols are up to, you know, the Sheriff. We already have implemented the further assurances, the doubling down on making sure people have a ride. And the covered bus stop, I think, was a -- was related to the county's property. There's a bus stop there; it's just not covered.

CHAIRMAN FRYER: I take that as a no.

Commissioner Klucik.

COMMISSIONER KLUCIK: Did you mention the meeting, the monthly meeting?

MR. BURGESS: Yeah, we will do the monthly meeting.

COMMISSIONER KLUCIK: So regardless of the outcome?

MR. BURGESS: Yeah. We're happy to continue to meet with the neighbors.

COMMISSIONER KLUCIK: I mean, I guess the implied question is, and I'm going to put it crudely, you know, will you still give a damn if you don't get what you want?

MR. YOVANOVICH: Of course, of course.

COMMISSIONER KLUCIK: Because it's important. I mean, you came in and you had a great presentation and you -- we both complimented on how you're taking the concerns of the community seriously, and we would hope that that would be the case regardless of, you know, what happens in the future.

MR. YOVANOVICH: And I was -- in my mind, I had what were the cost item ones. Of course we're going to continue to communicate with the neighbors.

COMMISSIONER KLUCIK: All right. Great.

CHAIRMAN FRYER: Any other questions or comments from the Planning Commission?

(No response.)

CHAIRMAN FRYER: Do you want to continue with your rebuttal, then?

MR. YOVANOVICH: I don't think I even started it. I think it was instant -- it was a question from Mr. Klucik to one of the other lawyers that got into a bunch of questions.

I think -- I just want to clarify some of the facts and the record regarding the history of how we got to here and this insidious act that I somehow committed through this entire process and this grand scheme that I had 15 years ago to get us to right where we are. That's not what happened. What really happened was the county's Growth Management Plan has for years, with regard to Golden Gate, allowed for conditional uses in certain areas to occur without having to amend the Growth Management Plan. This piece of property did not qualify under that then existing provision in the Growth Management Plan to allow a conditional use to occur on this five-acre site. So our only option was to go through the Growth Management Plan amendment process, so that's what happened.

Back then we did not have Small-Scale Growth Management Plan amendments. So we went through -- the nomenclature now is Large-Scale Growth Management Plan amendments. We had to have a hearing to transmit to the state, and we had to have a hearing to adopt to go to the state. So there was a hearing. There was a neighborhood information meeting where we sent out the letters. It's advertised in the paper. We had a neighborhood information meeting.

We went to the Planning Commission. Staff recommended denial. We put on our evidence in our case to the Planning Commission. They recommended approval. Went to the Board of County Commissioners -- by the way, each of those hearings is advertised in the paper, there are letters sent out, and there's a big -- I won't call it a billboard, but there's a big plywood-sized sign on the property that I'm sure people drove by on a fairly regular basis to know that there was a public hearing occurring on this piece of property.

So there was public notice for a Planning Commission meeting, and the --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Just, if you know -- and I'm sure somebody knows, and you can get the answer for me right away, was the sign facing the main road?

MR. YOVANOVICH: Yes.

COMMISSIONER KLUCIK: Okay. So it would have been -- the four-lane road, okay, the divided highway, whatever would --

MR. YOVANOVICH: Yes.

COMMISSIONER KLUCIK: Everyone would have seen it?

MR. YOVANOVICH: You would see it. It doesn't face in. It faces out.

COMMISSIONER SCHMITT: Just for clarity, there's a very detailed criteria for placing of the signs. It's not just one sign. It's in the LDC. Mike or Ray. It's very clear they have to come in to present that. And, again, I'm not defending, but I'm just making sure you understand that that policy's been in effect probably since 2005, I believe, when we really started. But we always had signs, but the clarity of the signs and then the clarity of the advertisements in the local newspaper.

COMMISSIONER KLUCIK: Yeah. And my question and my assumption when I asked the question was that, in fact, I agree with you that it seems as though anyone who was paying attention would have seen your big sign.

MR. YOVANOVICH: Right.

COMMISSIONER KLUCIK: Because I see them out in Ave Maria, they go up, because they keep, you know, adding stuff.

MR. YOVANOVICH: Same size.

COMMISSIONER KLUCIK: Yeah, exactly, and they're hard to miss.

MR. YOVANOVICH: Yeah.

So we went through that public-hearing process twice. Actually, we had four public hearings: One before the Planning Commission for transmittal where they recommended approval, a second one before the Board of County Commissioners where they recommended approval and transmitted it to the state --

COMMISSIONER KLUCIK: And this was to get this special zone?

MR. YOVANOVICH: To get this zone we're here to talk about today.

Now, the state weighs in on every Growth Management Plan amendment. So when the statement is made we broke our commitment to the state, that is not true. The state reviewed it, because the state knows that Growth Management Plans are a living document. The state did not comment at the transmittal.

We came back and had another round of hearings with all the same required notices. Planning Commission, Board of County Commissioners. It goes back to the state. If they somehow missed something the first time, they could issue an ORC report. They did not issue an ORC report.

So the state had two bites at the apple to see if what we were proposing to change in the Growth Management Plan was out of character with what the needs of Collier County were and are.

So we went through a very public-hearing process. And to imply that they didn't let people know what was going on is not factually correct. Many of the people who were speaking here today didn't own their property in 2007. I get that. Some of the people that spoke today did.

There was a sign on the property. I don't know how you miss it. But there was a sign on the property letting you know what we were proposing to do.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: So the point you're making is is they could have objected to the -- this re-categorization, but they didn't, if they were the owner at the time. But, again, the fact that they didn't object meant that they don't have an animus against mental health facilities in general.

MR. YOVANOVICH: And they didn't have an animus to one being located on

that piece of property specifically, because that piece of property that we're talking about today was included in the subdistrict.

COMMISSIONER KLUCIK: No, right. So they saw that David Lawrence Center was already there at the time, and they weren't generally opposed to the David Lawrence Center being there, and they maybe didn't really pay particular attention to what the implications -- I mean, I understand what you're saying is nobody objected at the time, and there was a public hearing. And no one's doubt -- well, I say somebody is insinuating that there was an attempt to not inform people. And I don't think that -- I don't think that's a very strong point that anyone can make, and I would agree with you. But I would also say that, generally, you know, here we are how many years later. Generally people aren't looking to oppose things just to oppose them, and they don't go very deeply into it, so they probably had no idea what was the implications of what was being proposed. And so in fairness -- in fairness, the fact that there was no opposition meant, you're right, your point -- I agree with your point that I don't think you were hiding it from anybody, but the fact that nobody opposed it probably was like a lot of things, people are just ignorant and don't realize what's at stake.

MR. YOVANOVICH: Or not. Maybe they did know. I don't know what people were thinking back then. But what was important to me was to point out that we -- and me specifically. That's the -- that's probably the first public speaker who's mentioned my name that many times and implied that I did something wrong in getting this thing approved, and if it were a drinking game every time my name was mentioned, some of us might have been tipsy by the end of all of that.

So I want the record to be clear, we didn't hide anything. We went through, and we had a very public-hearing process. And you heard at the last hearing comments from the commissioners at that time that said this was a natural location for these services to continue to be provided.

So I don't -- so we're here, and we've put the evidence into the record about safety, and we made -- the last thing I wrote down about that -- from the speaker who spoke and did her clips and picked what she wanted to show you -- I'd love to see the entirety of all the documents, because I didn't see the letter. I could tell you we spoke to one of the owners of Kiddie Korral, and I'll have Scott come up and tell you what that owner -- one of the owners said to us about Kiddie Korral under oath, and you'll see that maybe there's a little disagreement even amongst the people who run the Kiddie Korral. But I'll have him come up when I'm done.

But what was telling to me was, this wasn't an issue about, really, the Baker Acting of people. This is an issue about the people who are coming there for their daily/weekly services, because she even said that. She said in her comments under oath that it's really not the issue. The issue is the daily and weekly that they're concerned about.

So with that, I think that's important. The statistics. And there's -- I can't -- I can't promise perfection.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: If someone wanders onto your property and they're an in-patient or an outpatient, does it make much difference?

MR. YOVANOVICH: We take it all seriously. We take it very seriously.

COMMISSIONER KLUCIK: No, no, no, no, no, no, no, no. Just -- if someone

wanders onto your property and they were just at the David Lawrence Center, is there a difference between someone who was just there and discharged as an in-patient or if they were just there and they left as an outpatient?

MR. YOVANOVICH: I think there is a difference, and let me tell you why. Can I?

We have a totally different facility now that's going to be designed and operated for those who are going through the Baker Act process and the medical evaluation and everything that's related to that. I think you have to look at that and make sure what we're adding -- because that's what we're here to talk about. What are we adding? And if what we're adding, is it safe, and are we properly operating it, and are we taking into consideration the community around us? I think that's a different issue. They're both important issues. Are there operational things that maybe we can do on the -- you know, those other issues? We'll look at that, and we'll do it seriously. We showed you we're serious today when we came back.

COMMISSIONER KLUCIK: Right. And my -- the reason I asked the question is because you're indicating that somehow the fact that people might be in-patient, that -- I mean, I don't think that undercuts the fact that the David Lawrence Center's operations have a negative impact on the neighbors.

MR. YOVANOVICH: And we understand that, and we're -- we've committed to meeting with the neighbors, and we will look at how --

COMMISSIONER KLUCIK: What is -- so what is your point in somehow undercutting the speaker for -- you said, under oath, she said it was the outpatient.

MR. YOVANOVICH: Because we're here to talk to you about an in-patient facility. That's what we're here to talk to you about putting on the property. And her own testimony was that's not the problem.

COMMISSIONER KLUCIK: Okay. And I've heard over and over again that the reason this is so ideal and that -- is the seamlessness of the operations of the existing center and the new center, that they're going to be tied together, and they're going to have a lot of flow back and forth. So, again, I don't think you get very far with that.

MR. YOVANOVICH: Let me tell you what that --

COMMISSIONER KLUCIK: So, again, I'm interrupting you and undercutting your point because I don't think it's a very good point.

MR. YOVANOVICH: And I appreciate your advocacy. It's almost like we're at, you know, an appellate argument. What we're talking about is counselors going --

COMMISSIONER KLUCIK: You're asserting -- you're asserting an argument, and I'm trying to discern the weight of it, and I'm commenting on it in realtime.

MR. YOVANOVICH: I know.

COMMISSIONER KLUCIK: And that is, in fact, one of the responsibilities that we have.

MR. YOVANOVICH: And it's hard when we're both lawyers.

COMMISSIONER KLUCIK: And I'm not an advocate. As a matter of fact, I remember one of the first things I did, and they probably all thought I was against them, is I railed against the one lady who bought the property after all this current zoning was in effect. So I kind of am -- I'm a fair player.

MR. YOVANOVICH: I apologize.

COMMISSIONER KLUCIK: I'm not an advocate for anybody, and I get it, I've

kind of -- I can give and take, and I get it. But that's -- neither of us should be doing that, and if I'm doing it, I apologize. And, certainly, what you just did was inappropriate.

MR. YOVANOVICH: And I apologize for using the word "advocate."

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Commissioner Shea.

MR. YOVANOVICH: I wasn't done with my answer. That's okay.

COMMISSIONER SHEA: Go ahead. No, no. Go ahead.

MR. YOVANOVICH: Just go ahead. I don't --

COMMISSIONER SHEA: I give you permission to go ahead.

COMMISSIONER KLUCIK: My point was that you were trying to make a point about how the one neighbor witness admitted under oath that she was talking about, you know, some of the concerns that they have. Some of the concerns -- she didn't say under oath that the only concern they have is outpatient. So what was your actual point? How does that bolster what you're doing? Because I didn't understand your point.

MR. YOVANOVICH: My point is is what we're here to talk about today is an in-patient facility and how have we taken into consideration the surrounding neighborhood. And you've had testimony about what we want to put on this site, and I'm trying to respond to that by saying, the design of the building with the sally port adds to security. The walls that are going to be around the building -- either around the entire subdistrict or specifically around the five-acre site adds to the security concerns that were raised.

We've gone so far as to take windows off of the east and north side of the building, because there was a concern that somebody was going to peer over. We've taken their -- their security and their privacy very seriously for the use that's going to happen on that site.

Now, the back-and-forth that's going to occur, it's going to be the ability to bring medicines from the pharmacy over to the intake facility. Counselors that are there can walk over to the intake facilities.

So those -- that's the interaction that we're referring to; economies of scales, if you will. That's very important to making sure this is -- that's one of the benefits of this location. We have taken -- taken seriously the intake, and we will take seriously -- I'm sorry -- the in-patient versus the outpatient. We will take the outpatient seriously, too. And we'll have a monthly meeting to where we can all check in and say, hey, have you had any problems? Tell us what they are. They can call us sooner. We'll take all that seriously.

So what I'm trying to get is the focus on the use that we're asking for on this specific piece of property. We have to focus on what that use is and how we are making sure it's secure and private.

CHAIRMAN FRYER: Commissioner Shea.

MR. YOVANOVICH: That was my point.

COMMISSIONER SHEA: Rich, so on the numbers things, will the new center being there increase the number of, let's say, outpatient -- it would seem like it would drastically increase the number of outpatients as well.

MR. BURGESS: Well, we believe that it will increase the numbers, but, you know, we have different modalities of treatment.

So one of the things that we did very successfully in addressing the pandemic was

we launched a lot of telehealth services. What we're trying to do is break down every artificial and real barrier to treatment for everybody who needs it in this county.

So a number of these individuals that are discharged might end up doing teleservices, and they'll never step foot on our campus again because they could receive their counseling and they could receive their doctors' follow-up through telemedicine.

So we also provide a lot of services right in the community. Folks live in the community. We go there. We have counselors that go there, case managers. We visit them. We're bringing our services to them in the community. So those are a couple aspects.

COMMISSIONER SHEA: My only point is -- and I love what you do, so don't -- is that, you know, you have a control by beds on the patients, but you have no control on the outpatients other than staff and access to the facilities. So that's my point.

MR. BURGESS: Yep.

CHAIRMAN FRYER: Commissioner Klucik.

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

So I guess I would like you to address and maybe staff to address as well. So we had -- and I would like to also get clarification. So we had a ranking of sites. And it was the -- this area here by the -- you know, in this -- by the county center here was No. 1 and 2; is that correct? Mike?

MR. BOSI: Mike Bosi, Zoning director.

I was not involved at all. That's not a Zoning issue.

COMMISSIONER KLUCIK: Is there anyone on staff that knows that can speak to that?

MR. AL-BAHOU: Ayoub Al-Bahou, principal project manager with Facilities.

That's correct. There were five sites, three sites on campus here and two sites over at Golden Gate. Site No. 1 was the -- actually, facilities management building, Building W. The reason that being No. 1 is because our division was to be relocated over the government operation business park site. So that building was going to be --

COMMISSIONER KLUCIK: No, no, no. So my specific question, if I may -- my specific question is just like -- and when was that ranking and who actually gave that ranking?

CHAIRMAN FRYER: It was Jacobs.

MR. AL-BAHOU: Yeah, through Jacobs --

COMMISSIONER KLUCIK: So this was a consultant?

MR. AL-BAHOU: Correct.

COMMISSIONER KLUCIK: Okay. And, roughly, what time frame was that?

MR. AL-BAHOU: 2019.

COMMISSIONER KLUCIK: Okay.

MR. AL-BAHOU: It started 2019, and report was presented, I think, '21.

COMMISSIONER KLUCIK: So it would seem like an uphill climb to have the fourth-selected site end up being, you know, the site that -- you know, the fourth-ranked site would end up being the site that gets picked. So my question is, what were the arguments that were asserted or the rationale that was asserted to sort of -- and, you know, they're consultants. So, you know, to some extent, whatever. It's a consultant. But the consultant's 1, 2, and 3 recommendations were sort of, you know, discarded, cast away, and they went with No. 4. What was the argument that was put forward? And was the

county making that argument, or was David Lawrence Center making the argument, or who was making that argument?

MR. AL-BAHOU: During the Board meeting, Sean Callahan presented the reports to the Board of County Commissioners.

COMMISSIONER KLUCIK: And Sean Callahan is?

MR. AL-BAHOU: Was the Deputy County Manager then.

COMMISSIONER KLUCIK: Okay.

MR. AL-BAHOU: And the reason the David Lawrence Center received No. 4 is because of -- the lawsuit was against them. And that's why that's --

COMMISSIONER KLUCIK: And this was on the control of the land --

MR. AL-BAHOU: Correct.

COMMISSIONER KLUCIK: -- in question where the facility was going to be built?

MR. AL-BAHOU: Correct. That's why they received the low scoring. And during that presentation, Sean Callahan has presented his case. Scott Burgess came in and presented his case as well discussing what's -- discussing their site. One is the lawsuit has been eliminated, has been resolved; No. 2 is to reduce the cost of the building. David Lawrence Center agreed to keep the children crisis unit on campus on the existing center. So that brought the cost and also the square footage of the building down. And that would help -- that's what helped the -- I believe the Commissioners then they decided, okay, we're going to follow the argument that David Lawrence site is the best for these facilities, and they recommended to move forward with it. Ultimately, yeah, I mean, it was a 5-0 vote to choose this site.

COMMISSIONER KLUCIK: Okay. Thank you very much. That was very helpful information.

MR. AL-BAHOU: Thank you.

CHAIRMAN FRYER: Mr. Yovanovich? Oh, Vice Chair, sorry.

COMMISSIONER SCHMITT: Yeah, I would -- we really need to bring this meeting back to focus. We're talking about things that, though are very interesting and certainly I appreciate you want the background and knowledge of it, but we're here to discuss the existing petition.

We have spent an enormous amount of time discussing the existing facility. And I know you can extrapolate, but I'm trying to bring this back into focus. We're here to talk about a Growth Management Plan and a PUD amendment. And we have spent -- frankly, I've said very little, because it's frustrating. We have spent over three hours talking about the existing facility, and we are not the Board of County Commissioners. We recommend to the Board, and -- on these two petitions. We can't do anything about the existing facility. I don't know why we're spending so much time talking about the existing facility other than to gain an understanding of the impacts. But I would ask -- I would beg for the Chair that we get back on focus and focus on the petitions.

CHAIRMAN FRYER: Mr. Yovanovich.

MR. YOVANOVICH: You know what? I do. I want -- I'm sorry. Mr. Shea, were you about to ask a question?

COMMISSIONER SHEA: I'm done.

MR. YOVANOVICH: I do -- I do want Mr. Burgess to talk about his conversations with one of the owners of Kiddie Korral just so we could put in context what

we understood. Now, obviously, you're going to find out, we need to get two people in the room and talk amongst themselves. But, Mr. Burgess.

MR. BURGESS: I'll be very brief. And I appreciate, again, collecting a lot of information. I want to put as much in context as possible.

I spoke with the husband, Steve Wallace, of the Kiddie Korral after the last meeting. I didn't know the Wallaces. I didn't really know the folks over at Kiddie Korral. I've been at David Lawrence Center nine years. I've not had one call from them with any problems the whole nine years that I've been there.

Beth Hatch, who's here from NAMI, she happens to know the Wallaces, and she was able to put me in contact with them because of my concern wanting to know. I was very shocked and surprised at the last meeting that they had -- they presented anything. It wasn't them personally, but it was through somebody from the neighborhood.

So I reached out to him. And I said, can you tell me what's the circumstance? I was really shocked, and I was really surprised, because I've never gotten a call.

He said -- and the excerpt that you heard, I'd like really like to see the whole letter, because I've not seen it, but the excerpt talked about how we've been neighbors for many, many years. And he talked about how for all of those years, many of those years there were no issues whatsoever. And he said in the last five or six months he's noticed that there's been some increased activity over by his Kiddie Korral.

I asked him if he thought that they were anybody associated with David Lawrence Center. He emphatically said he did not know. He said, I have no evidence. I'm not saying emphatically one way or the other. I don't know.

Now, he said, maybe it's related to a home. We do have a recovery home all the way at the end of the block, which we've had for two-and-a-half years. So we've been there for two-and-a-half years. He can't say emphatically that there's any association with David Lawrence Center residents down there or anybody else in the community.

And I said, so what were the incidents?

And he said there's three or four incidents, and he said two of them was somebody asking for water, and one of them was somebody that did ask a parent for a ride, and there was a medical emergency that they had to call the paramedics out for somebody that had a cardiac issue.

So that's what he told me on the phone. I'm absolutely shocked to hear that there was an excerpt that got read. But between the co-owners of that organization, I find it curious that I got a very different message. Thank you.

CHAIRMAN FRYER: Mr. Yovanovich?

MR. YOVANOVICH: And I just wanted -- I got confirmation from the Sheriff's Office that, yes, of course they'll do the additional patrols whether or not this facility gets built or not. So I just wanted to add that to the record, because the Chairman had asked about that commitment.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: And with that -- you know, I can't speak for the county. I can only speak for the David Lawrence Center. The David Lawrence Center is a willing partner in addressing and hopefully solve a portion of the mental health problems for people in Collier County. It's been a successful partnership for many, many years. It will continue to be a successful partnership for many, many more years.

The changes that staff has agreed to in the application and the changes or -- and

comments that have been made have been taken seriously by the David Lawrence Center, and we are requesting that you recommend to the Board of County Commissioners approval of both the Growth Management Plan amendment and the proposed PUD, because, in fact, both of those petitions give the neighborhood better assurance than if we had just done a conditional use, which they could have done under the existing Growth Management Plan without amending the Growth Management Plan. So the intent was to have the flexibility to do more to work with the neighborhood. And I think that we've shown that we are committed to the neighborhood that we've been in for 47 years.

And with that, that's David Lawrence's last words. I don't know if the county has any additional last words. No? I guess not.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: So now it's our turn to deliberate and, at the appropriate time, make a motion. Commissioner Vice Chair Schmitt.

COMMISSIONER SCHMITT: Yes. Could I ask Jessica or Rich, could you put up the slide that Jessica -- I believe it was the -- maybe the third slide that gave the history.

MR. YOVANOVICH: Probably the last slide.

COMMISSIONER SCHMITT: That showed the history of the Board of County Commissioners, because that's -- it's kind of what my point here is -- I want to make.

MR. YOVANOVICH: That may have been in the first presentation.

COMMISSIONER SCHMITT: Yeah, the first presentation.

MR. YOVANOVICH: Not today's presentation.

COMMISSIONER SCHMITT: No, today's presentation. Jessica, you had a -- Slide 2 or 3 that --

MR. YOVANOVICH: I think this is it, Commissioner.

COMMISSIONER SCHMITT: I don't see it on my screen. So Troy hasn't bumped it over. That's it. Okay.

MR. YOVANOVICH: Did we get it right?

COMMISSIONER SCHMITT: That's the one I'm looking for.

MR. YOVANOVICH: Okay.

COMMISSIONER SCHMITT: As I stated, we're here today because the Board, frankly, put us in this position. I don't know any other way to say it. They selected the site. They directed staff to proceed. There were public hearings. There were public notices. I'm not going to debate the notices. But the fact is, they went through a decision process, whether -- whatever rating or ranking they did, it was the Board of County Commissioners that directed staff to prepare this -- in coordination with the David Lawrence Center to prepare this petition to bring it before us to review.

I'm just going to state, you know, most of what we heard today from the residents really directly impact the existing facility. I clearly understand that. I can't do anything about the existing facility. I'm delighted to hear consent. I think it was a healthy debate. And I'm delighted, again, that regardless of the outcome of this, that David Lawrence Center will improve its relationship with the community and maybe implement measures to prevent future acts.

But we're here today to vote on the expansion or the -- of the existing facility. I clearly understand the need for the David Lawrence Center and the services they provide to the community.

In this case, I am going to support both the GMP and PUD, and I'm doing that because I am -- clearly, the years I've been sitting here, the years on staff, I'm deflecting this to the Board of County Commissioners, because that's where this decision belongs. It belongs to the Board. They directed staff to bring it here. We're faced with the decision, and it's up to you-all to convince our elected officials.

None of us are paid up here. We're appointed officials by the Board of County Commissioners to vet and help them make decisions. But in this case, I am punting. I am giving it to the Board of County Commissioners. Let them make the choice.

But I would support any recommendation of approval only from the fact that I want it to go to the Board. Let the Board hear from the people what you are dealing with, because they're going to decide. And, in fact, by the time this gets to the Board, I think there will be two new commissioners, maybe three.

CHAIRMAN FRYER: Two.

COMMISSIONER SCHMITT: Two by that time. But the site was approved by the Board, and the funding was voted by the residents of Collier County. The facility is needed, and I'm throwing it to the Board to decide if it's going to go here or somewhere else.

So with that, I would recommend approval only from the standpoint of moving this forward to the Board of County Commissioners.

With that, I yield.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I've never been a very good punter, so I'm not going to punt. I think the David Lawrence -- I mean, there's nobody here that can disagree how valuable it is to the community.

Based -- and I could go through item by item, point by point. I think it's not compatible with the neighborhood, and I think there's enough issues -- I mean, until -- you've been there for years, and these situations have been going on, and until we -- and maybe you didn't know about it. And I fully appreciate what you've done since the last meeting.

But at this point I'm going to vote against it just to keep this thing -- keep the citizens having an avenue to make their case in front of the Board of Commissioners, which, I agree, we're in a tough situation. We might not have made the recommendation for that particular site, but I don't think passing it on is fair either. I don't -- I wouldn't pass it on, so I would vote against it and recommend we vote against it.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. And, Mr. Chairman, whether it's you or our counsel, just a procedural matter. Is the -- is 9A2 dependent upon 9A1?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: We can vote on them separately.

COMMISSIONER KLUCIK: No, but my specific question is, is 9A2 moot if 9A1 doesn't get --

COMMISSIONER SCHMITT: The GMP has to be approved before the PUD can be approved.

CHAIRMAN FRYER: Yes, this is --

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: -- clearly not compatible with our GMP.

COMMISSIONER KLUCIK: And so for my part -- it probably isn't a surprise at this point. I was actually on my way in at the last meeting. A friend and neighbor who -- Nancy Dauphinais, I saw her as I walked in, and she's -- she was, you know, a provider, and now I think she's an executive, is that correct, Nancy Dauphinais?

MR. BURGESS: Chief operating officer.

COMMISSIONER KLUCIK: Right. And she -- she's always been an advocate in, like, social media and talking about the David Lawrence Center, and I always appreciated that. And as I walked in, I just said to her, I said, well, if everything goes well, I'm looking forward to voting to approve this. That was what I said to her on the way in at the beginning of the last meeting.

I have changed my mind, and I -- because this is legislative, I am voting, you know, what I think is in the best interest of the community, or certainly it's not in the best interest of the community in my mind to expand the facility and subject the neighbors to the conditions that we know, you know, are part of having a facility like this.

I think it's commendable, and I think, again, it actually runs against the arguments that -- maybe not today, but certainly at the last meeting, there was this smearing that I mentioned or attempt to smear any opponents as if they were opponents of the mentally ill or those who need mental health care and, clearly, that doesn't make any sense, and that's not a valid point.

And I think the fact that the David Lawrence Center hasn't heard a lot of complaints and there aren't a lot of calling the police kind of tells you that they leave you alone. They put up with some things, and they don't -- they don't hold it against you, and they don't try to make life tough for the David Lawrence Center. That means they're good neighbors. And the fact that you even insinuated that they don't like what you do and they don't like your patients and they're against -- you know, they have some animus against people that seek mental health services, I think that was a terrible thing that you did, and it actually besmirched the name of the David Lawrence Center, and I think you owe them a written public apology somewhere, because I think that that was terrible that you did that.

The point that I would make is that there are other locations that I think are more acceptable. There are new commissioners. I agree with the Vice Chairman and Mr. Shea that we're in a terrible position because we're just kind of told, well, this is what we decided to do; you get to vote on it now. And seemingly, we could just say, well, there's nothing I can do about it, and I am not going to do that. I am going to be voting against it.

CHAIRMAN FRYER: Thank you.

Commissioner Sparrazza, did you want to have a say?

COMMISSIONER SPARRAZZA: Sure. My fourth meeting, third meeting?
I'm not sure. Thank you, gentlemen.

COMMISSIONER SHEA: Second.

COMMISSIONER SPARRAZZA: Whatever.

I have taken a lot of time to read the documentation that the staff has given. I learned a lot more today as far as what transpired in 2007, I believe, is what took place before any of us -- any of us were around, and what was presented to us, in my mind, was "here's what's been done. It's being pushed through."

And if I can just say this in a simple way with absolutely no disregard to the David

Lawrence Center. I have friends that have needed help like that, not here in Naples, Florida, but north, and God bless the world that there are places like that.

My personal observation is I'm cautious if there needs to be 10-foot wall around a building to separate what takes place in that building, whether it be commercial, special use, whatever the classification is, separate what takes place in that building with neighbors.

We may be conflicting and intermingling what is currently taking place at the facility. And I do applaud Mr. Yovanovich and Mr. Burgess for having meetings and communicating with the neighbors and, as I believe we've all said, we're extremely hopeful that that will take place no matter what we decide or possibly no matter whatever the Board of County Commissioners decide, just to continue down the path of being a good neighbor.

But my simple mind says, I don't feel comfortable saying yes to a project where there has to be a 10-foot wall between the project and neighbors. And I'll leave it at that. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: And just in reply, I would just say that the simple mind is often, you know, what's missing in these discussions. And I think breaking it down to something that simple is a -- very helpful, and I'm glad, you know, that you stated it that way.

COMMISSIONER SPARRAZZA: Thank you.

CHAIRMAN FRYER: Thank you.

Well, it's my turn, and I'm in the process of losing my voice, so I'll just apologize in advance. I'll try to do the best I can.

I think the essence of this case is compatibility or lack thereof. And I believe the neighbors did, really, a spectacular job of presenting their case. They were impassioned. They were clear, cogent. Their testimony was hardly anecdotal. It was of specific occurrences. And I became quite educated to the situation that obtains in that area.

And so thank you, residents, for taking time out of your busy schedules. I mean, I know you've got a dog in this fight, but it also helps us to hear from people who are really living through this, and I completely appreciate having my eyes opened to the situation.

And I am not at all averse in any respect to the great work that David Lawrence Center does and that the county's attempting to do. I don't think anyone disagrees with that. We all applaud that good work, but my concern is where this is proposed to be happening.

Now, we had the advantage this time of having the full transcript of our October 20 meeting in front of us in our -- in our agenda packet for today. So I took the liberty of reading carefully through it so that I could be reminded of exactly what testimony we received from all sides. And I found sworn testimony of trespassing, menacing stares, dirty hypodermic needles, other drug paraphernalia, incidents of Sheriff's helicopters overhead with searching floodlights landing near by, law enforcement entering their property, screaming patients in their backyard sometimes for a half an hour, security issues, elopements, and getting recorded messages on their home phone to stay inside and keep their pets inside until the suspect was located, and all of this can be found in that transcript.

The -- I understand that this is to be an in-patient center, and the current center is a hybrid in- and outpatient. But I -- to me, common sense says that this project would undoubtedly have the effect of increasing the frequency and intensity of these undesirable behaviors. I think that's common sense. And so, for those reasons, I also will be voting against it.

Anybody else wish to be heard? Commissioner Klucik.

COMMISSIONER KLUCIK: I'd make a motion that we make a recommendation of disapproval of both 9A1 and 9A2.

CHAIRMAN FRYER: Thank you. And also we need to act as an EAC. So would you include that?

COMMISSIONER KLUCIK: Yes, and including the EAC recommendation.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion from the Planning Commission? (No response.)

CHAIRMAN FRYER: If not, all those in favor of the motion which was to reject all three petitions, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER SCHMITT: I'm going to vote against it.

CHAIRMAN FRYER: It passes by a vote of 4-1.

Thank you, Planning Commission. Thank you, Applicant. Thank you, members of the public and staff.

COMMISSIONER SCHMITT: Can I make a correction? Because I voted aye. Hearing your positions, I changed my mind. I voted against it, so...

COMMISSIONER KLUCIK: So it's unanimous.

COMMISSIONER SCHMITT: It's unanimous.

CHAIRMAN FRYER: Okay, thank you. 5-0. Thank you, Commissioner, Vice Chair.

All right. It's 11:57. We've got two more companions coming up. This would ordinarily be a good time for lunch. What does the Planning Commission want to do?

COMMISSIONER SHEA: It's a good time for lunch. We're not going to get through the others that quick.

CHAIRMAN FRYER: Okay. So then -- let's see. It's 11:58. Let's stand in recess until 1:00 p.m., and we'll see you back at 1:00 p.m. Thank you.

(A luncheon recess was had from 11:58 a.m. to 1:00 p.m.)

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

The Vice Chairman will be with us shortly. He had a telephone commitment. So we have a quorum, and we will go back in session.

***And the next and final matters to come before us for hearing today are also companions but of a slightly different sort than we're accustomed to. The first is

PL20210001253, the ShadowWood RPUDA [sic], and the second is PL20200001208, the Sandy Lane RPUDZ. They're adjacent properties under single ownership and, in a nutshell, I'll just say this -- there's a reason why I'm saying this. In a nutshell, ShadowWood seeks approval of a roadway interconnection from its Tract E to Sandy Lane plus deviations and developer commitment revisions. Sandy Lane also seeks the same interconnection as well as a full rezone to a PUD, so they're sort of companions but slightly different.

And, without objection, we will hear them together but reserve the right to vote on them separately.

And having said that, all those wishing to testify in this matter -- in these matters, please rise to be sworn in by the court reporter.

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

CHAIRMAN FRYER: Thank you.

Ex parte disclosures beginning with the Secretary.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Staff materials and meeting with staff.

COMMISSIONER KLUCIK: Staff materials and meeting with staff.

COMMISSIONER SPARRAZZA: I had a conversation with Mr. Richard Yovanovich.

CHAIRMAN FRYER: Thank you.

All right. Mr. Yovanovich, you're recognized, sir.

MR. YOVANOVICH: Thank you. Mr. Chairman, you might want to say that you and I also had a brief conversation on this.

CHAIRMAN FRYER: Oh, yes, we did.

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: Thank you for reminding me. I appreciate that.

MR. YOVANOVICH: No worries.

Good afternoon. Rich Yovanovich, for the record.

I'll introduce the team, not all of which will speak unless you have questions for them. But Richard Arkin, John Asher, and Kevin Ratterree are all with GL Homes. Myself, Mr. Mulhere will present to you. Shane Johnson is here if you have any environmental questions, and Mr. Trebilcock is here to answer any questions you may have regarding transportation impacts.

As the Chairman pointed out --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: If I might, just -- so Naples Associates, the LLLP, is GL Homes or is or -- you know, whatever, is allied?

MR. YOVANOVICH: Yes, it's an entity formed --

COMMISSIONER KLUCIK: Thank you.

MR. YOVANOVICH: -- for this project.

CHAIRMAN FRYER: GL's the parent?

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: Now you can see where I was -- my presentation.

As the Chairman pointed out, you have two petitions before you, a brand-new

rezone called the Sandy Lane RPUD and an amendment to the ShadowWood PUD, both of which are on your screens. Mr. Mulhere will take you through the details of the PUD for both of these.

Essentially, what we're requesting is to have 100 -- I'm sorry -- 640 residential units on the Sandy Lane portion of the project, which is roughly 5.59 dwelling units per acre, and we're seeking to amend the ShadowWood PUD to allow for an interconnection.

By way of just brief history, when we amended the ShadowWood PUD, specifically with regard to Tract E to allow for the residential development that's planned to go there, the residents within this area, specifically this area right in here, had concerns about where the traffic was going from Tract E through their neighborhood and ultimately out to Santa Barbara.

What this project does -- and we'll show you on the master plan for the joint project -- is allows for an interconnection in this area right here, which will take some of the traffic off -- out of the neighborhood and into -- through our project ultimately to Santa Barbara, and Bob will show you that in greater detail.

The last thing I'm going to address is consistency with the Growth Management Plan. Our property is located within the residential density band that is around the activity centers, and due to that location, the base density is four units per acre, and because we're within the residential density band, we can ask for up to another three units per acre, which would be for a total of seven units per acre.

Our request is for 5.59 dwelling units per acre, which is consistent with the Growth Management Plan.

We are -- although these are companion, they're not the typical companion items like you heard earlier today where there's a Growth Management Plan amendment and a rezone petition.

With that, I'll turn it over to Mr. Mulhere to take you through a little bit in details. And just so you know, there were a couple of comments from staff. We've reached agreement on those, and Mr. Mulhere will take you through those. So I think we've resolved any staff concerns and neighborhood concerns that Mr. Mulhere will take you through.

CHAIRMAN FRYER: Thank you, Mr. Mulhere.

MR. MULHERE: Thank you. For the record, Bob Mulhere here on behalf of the applicant.

Rich went over the Comp Plan consistency. I'll just talk briefly about the zoning. The underlying zoning presently is ag on these parcels and, obviously, we're proposing to rezone it to an RPUD.

CHAIRMAN FRYER: One is already a PUD, and the other's ag?

MR. MULHERE: A portion of it, yeah. Well, I was getting to that one. This is -- yeah, for Sandy Lane.

CHAIRMAN FRYER: Yeah.

MR. MULHERE: And then Tract E, which is the portion that my client will develop, is within the ShadowWood PUD. And some people refer to this as Wing South Airpark because there is a private airstrip there, so...

COMMISSIONER KLUCIK: Is that the part that's in the south of that graphic?

MR. MULHERE: It is right along here. I've got a better picture I'll show you.

Rich went over this. This just shows you the Sandy Lane property and the density

band location, but Rich already went over that, so I'll be quick.

This is a site plan that shows both parcels. This would be the interconnection right here between Tract E of ShadowWood and the Sandy Lane PUD. So folks here will, you know, come through the project. They have a couple of choices, but they will -- that will reduce the traffic impacts in this neighborhood significantly.

And this is the north half of the PUD master plan. And you can see the -- for Sandy Lane. Sorry. Thank you. And this is the south half. Again, that's that interconnection right there shown in a little closer detail on the master plan between ShadowWood Tract E and Sandy Lane.

One of the staff -- or a set of staff comments that we received over the last couple days dealt with this southern portion of the Sandy Lane master plan and the labeling and whether or not a portion of the Polly Avenue that we showed -- Polly Avenue's right here, and then head south -- that we showed on the master plan needed to be showed, and so we got some direction from staff and from the County Attorney's Office. I'm going to go over those changes in detail in just a minute, but I missed a couple of them. I'll add those to the record, too. Heidi and staff let me know that I did miss a couple of them.

This is an aerial of the subject property for Sandy Lane.

So with respect to this interconnection between Tract E and Sandy Lane, you can see that right here. And we are committed through developer agreement or condition/commitment to eliminate this connection that exists today through this neighborhood out to Santa Barbara. So that's why it is better and will reduce traffic through that neighborhood.

We've made some -- we had our NIM on April 20th, 2022, but my clients have continued to meet with neighbors both within ShadowWood and also adjacent or near by to Sandy Lane, and through that, we worked through a number of commitments that are contained in both of those PUDs.

For example, the residential tract in the northeastern portion of the project which is adjacent to a preserve within Naples Heritage is going to be limited to single-family detached only, and that commitment is located on the master plan in the notes section.

We've added some additional language and some new developer commitments. The one I just mentioned is the interconnection between Sandy and Shadow -- Sandy Lane PUD and ShadowWood PUD, which says if -- the connection at Polly Avenue will not be constructed or will be removed and terminated should the interconnection that I just discussed be approved.

We're obligated to do some fair-share improvements along Santa Barbara if certain improvements are required.

I have one slight correction I want to put on the record for this commitment. The actual language, which starts out in the capitalized Wing South Airpark, period, some folks have -- within -- who operate and use Wing South Airpark have asked us to be explicit -- explicit in adding Wing South Airpark again on the second line. So it would read, it is disclosed to each owner of a lot in the community that the community is adjacent to Wing Park -- Wing South Airpark, comma, an existing airpark with operations near by. So just being specific that that's what we're talking about, and we've no problem doing that.

We've also agreed to install a 6-foot-high wall on a 4-foot-high berm within the landscape buffer along the eastern and southern boundaries of Tract E adjacent to the Wing South Airpark to buffer the homes in Tract E from noise, odors, dust, and other

airport-related conditions.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: But, essentially, what you're saying is everyone who ends up -- every homeowner ends up coming to the nuisance if it is a nuisance?

MR. MULHERE: Yes, exactly.

COMMISSIONER KLUCIK: But you are putting in a buffer --

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: -- just because you feel like that's in your best interest as the marketing -- the one marketing the homes?

MR. MULHERE: Yes, sir.

COMMISSIONER KLUCIK: Got it.

MR. MULHERE: Yep.

Our trip generation here, our total p.m. peak hour is 419. We don't create any additional transportation impact over what is currently approved, and the -- and, again, the maximum trip generation is 419. There are no deficiencies.

Staff recommended the petition to go forward with a recommendation of approval but not for Deviation 6. And, Commissioner Sparrazza, Rich relayed that you had a question. We got with the client and with staff. We came up with something that will address the water-quality issues.

We've agreed to -- just give me a second. We've agreed to revise the deviation as shown in bold right there, which will require us not to simply have a deviation but to plant two rows of native grasses around the entire perimeter of the lake -- stormwater lakes within the project. The effect of that is that those lakes -- that vegetation will trap sediment and absorb excessive nutrients, so we'll get the water-quality benefit, but we will not have the shelf which creates a significant amount of foraging habitat for birds, which is a dangerous situation close to the runway.

So we get both. We satisfied staff and Jaime Cook, who can certainly speak for herself, but she concurred, and so staff accepts this language as a change to the deviation.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER KLUCIK: If I might, okay. So -- and I'm only asking this just because I want to understand it.

MR. MULHERE: Sure.

COMMISSIONER KLUCIK: So the -- you would put in the littoral shelf, and that's where you would put plants --

MR. MULHERE: We're required --

COMMISSIONER KLUCIK: -- under the rule?

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: And what you're going to do instead is you're not going to put the shelf in, but you're going to -- are you going to put in probably just as many plants?

MR. MULHERE: Well, because we're going to do it around the entire lake, I didn't do the calculation, but it should be pretty close to 7 percent of the -- which, as you can see from the requirement, it's 7 percent of the total lake area.

COMMISSIONER KLUCIK: And then would that be on the dry area or in --

MR. MULHERE: No. It's in a -- it will be both wet and dry depending on the water table.

COMMISSIONER KLUCIK: But there's just no shelf?

MR. MULHERE: Correct.

COMMISSIONER KLUCIK: Thank you.

MR. MULHERE: Yep.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: This shows you Tract E and shows you the proximity to the runway, which is why that's an important issue, a safety issue.

So this was the original staff recommendation on Sandy Lane, which was for us to remove the portion of Polly Avenue which really isn't Polly Avenue but which was shown outside of our PUD on the south -- I have an exhibit I'll show you in just a minute -- and so we went ahead and removed that. But we also had a conversation with staff regarding this dead-end issue. We don't -- all of that property is outside of the PUD, and we don't really control that area.

And I think staff took a look at the issue and is now comfortable that we shouldn't have to create that dead-end, because we don't have a right to go on that property and do so.

So we've revised the master plan to address almost all of staff comments, but there are two minor issues that I missed. One is -- it's a little bit hard to see, but you can see this says 30-foot right-of-way, and Ms. Ashton had requested that we strike through that, because it's unclear if that really exists or exists fully, and that points to Polly Avenue. So that will come out. I'll remove that.

And then staff had also requested that we label Polly Avenue not only on the east/west segment, but on the north/south segment. So we'll label that Polly Avenue. You can see we've removed what we previously showed as an extension, which is actually, I think, just a pathway for LASIP maintenance. So we took that -- it's not within our master plan. We took it off based on staff's direction.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: I don't know as it matters so much, but I think it would be nice for me to understand.

MR. MULHERE: Sure.

COMMISSIONER KLUCIK: I'm just trying to figure out what -- so there's -- Polly Avenue runs at the bottom of that green section --

MR. MULHERE: Yeah.

COMMISSIONER KLUCIK: -- from Sunset all the way to where the arrow is, right?

MR. MULHERE: I have a picture.

COMMISSIONER KLUCIK: Well, can you go back to the graphic.

MR. MULHERE: The PUD master plan?

COMMISSIONER KLUCIK: Right there. So that line -- you have the yellow and the green colored boxes, and then right underneath that is where Polly would be; is that correct?

MR. MULHERE: Yes, this right here and here.

COMMISSIONER KLUCIK: And what is it that you're proposing be changed

compared to this graphic?

MR. MULHERE: Nothing.

COMMISSIONER KLUCIK: Okay. So you are going to put Polly there?

MR. MULHERE: Well, it's already -- it's --

COMMISSIONER KLUCIK: It's already there, okay, but somehow the right-of-way is different or what? I don't understand.

MR. MULHERE: No. We had this extending outside of our master plan, and that's really only a pathway. It's not even paved. We don't have any rights to it.

COMMISSIONER KLUCIK: Okay.

MR. MULHERE: We're not even sure who does have rights to it. I'm sure the county has some rights if it's a pathway for LASIP. But the direction we got was take it off the master plan. It was confusing, I think, is really --

MS. ASHTON-CICKO: They're only drainage easements of record that we were able to locate in that location, and it was showing that a road was going all the way to Santa Barbara. So that was -- needed to be corrected. And it also showed another line running east of the "I" of Polly, which was actually a Lely Area Stormwater Improvement Project easement as well, and it was misleading because it looked like it was a road.

MR. MULHERE: It was confusing.

COMMISSIONER KLUCIK: Thank you.

MR. MULHERE: So that are the three minor changes that -- well, a couple of them not so minor that changed the deviation language. But most of them had to do with this change in the master plan. We have two more little changes to make after this hearing, and that would be to add Polly to the north/south segment and remove the reference to a 30-foot right-of-way.

That concludes my presentation. We do have a full team here. If there's any questions that I didn't answer or can't answer, we can bring up the appropriate person.

CHAIRMAN FRYER: Thank you.

Planning Commission, any questions or comments?

(No response.)

CHAIRMAN FRYER: There don't appear to be, Mr. Mulhere.

MR. MULHERE: Okay. Thank you very much.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: I'll get out of the way.

CHAIRMAN FRYER: Staff?

MR. BOSI: Mike Bosi, Planning and Zoning director.

Staff, with the described modifications that Bob talked about that he has made and the two additional modifications that are going to be made to the master plan as well as the deviation adjustment to the littoral plantings, are recommending approval on both petitions.

CHAIRMAN FRYER: Thank you.

Any questions or comments from the Planning Commission to staff?

Commissioner Sparrazza, you look like you're about to --

COMMISSIONER SPARRAZZA: Yes. Not to staff, but I probably should have said this earlier. I wanted to thank Mr. Yovanovich for reaching out and having a conversation with me the other day. And as we talked through it, together we came up with the proposal that you folks have put together on that littoral shelf so that a

modification for not doing the littoral shelf with -- obviously, the one main safety concern is, we have aircraft, we don't want birds near by, but how do we continue on? It was just a great program. I wanted to thank you both for coming up with, under 48 hours, I think, a plan to attack Amendment 6, I believe it is, and coming up with a positive process. Thank you.

MR. MULHERE: I have to give credit to people that are smarter than me when it comes to native plants and vegetation and animals, so...

COMMISSIONER SPARRAZZA: Well, I guess my point was within 48 hours of folks working together on a problem, it was solved to a happy resolution to everybody. Thank you.

CHAIRMAN FRYER: I'll add on to that by complimenting Paula McMichael for doing an excellent job at the NIM.

Staff, anything further?

MR. BOSI: Nothing further from staff unless you have any questions.

CHAIRMAN FRYER: Any other questions or comments for staff?

COMMISSIONER KLUCIK: I was trying to figure out what I could ask Mr. Yovanovich, but nothing comes to mind.

CHAIRMAN FRYER: Well -- thank you.

MR. YOVANOVICH: This way we won't interrupt each other.

COMMISSIONER SHEA: Are we just talking about 3?

CHAIRMAN FRYER: No, we're talking about both of them.

COMMISSIONER SHEA: So we're talking about the development, as well, of the homes.

CHAIRMAN FRYER: Yes, yeah. Did you want to be heard on that?

COMMISSIONER SHEA: Yeah. I was just wondering, it doesn't seem like there's any -- I mean, we're looking at changing the zoning on this property.

MR. MULHERE: Yeah.

COMMISSIONER SHEA: And there's no -- you know what I'm going to ask. There's no affordable housing or anything that benefits the community as a whole. So why would we change the zoning other than it's -- I understand it's consistent with the plan, but that's not a right of the property owner.

MR. YOVANOVICH: Well, I don't want to debate that --

COMMISSIONER SHEA: Come on.

MR. YOVANOVICH: -- because you've heard my speech before that once we show we're consistent with the Growth Management Plan, the burden then shifts for the county to have to keep the status quo.

But there's a tremendous benefit to the neighborhood because it results in two projects now interconnecting, which takes traffic out of the neighborhood, which was -- I don't remember if you were on the Planning Commission at the time we did ShadowWood -- when we did the ShadowWood amendment that had Tract E.

CHAIRMAN FRYER: About two years ago.

MR. YOVANOVICH: Yeah.

COMMISSIONER SHEA: It wouldn't matter. I can't remember last week.

MR. YOVANOVICH: But, anyway, that was a tremendous -- a tremendous concern of the neighborhood, so we're taking that traffic out. And, you know, we've worked really well with our neighbors as far as making changes to the project to address

other concerns.

So there are and there will be opportunities in other projects to provide affordable housing. It's just this doesn't really -- this won't be one of those opportunities.

MR. MULHERE: And as a professional planner, certified -- I don't usually say that, but, you know, there is a benefit. You have this ag zoning which is in the urban area next to and within an area that provides all the infrastructure that is appropriate to serve this additional density. And from a planning perspective, public sector planning perspective as well, you have economies of scale. You want to encourage those kinds of changes there as opposed to maybe somewhere where there aren't those services readily available to serve. So it's less costly, too, to the public citizens, to the citizens.

MR. YOVANOVICH: And just one last thing. When the Growth Management Plan was adopted in 1989, most of Collier County was agricultural zoned. So, basically, in the urban area, the yellow area, the ag zone is kind of a holding category for us to come through with what exactly is happening right now.

CHAIRMAN FRYER: Thank you. Anything else at this time?

(No response.)

CHAIRMAN FRYER: All right. It would be appropriate now to ask Mr. Youngblood about registered speakers.

MR. YOUNGBLOOD: Mr. Chairman, we have three registered speakers in the room with us. Our first one is going to be Kevin Dey followed by Mark Berry, and speakers are encouraged to use both podiums.

CHAIRMAN FRYER: Thank you.

MR. YOUNGBLOOD: Or either podium, rather.

CHAIRMAN FRYER: Yeah.

MR. DEY: I'll stay away from these guys. I'll go over here.

Kevin Dey, 3939 Skyway Drive. I represent Wing South.

To start out with, I have been speaking with the developer, but I wanted to make sure that some of our major concerns were addressed. I think they were. One is that -- the original agreement, making sure that the people sign and acknowledge the airport's there, our hours of operation, and all the things that we originally agreed upon, and it looks like that's still all in place. I did request that it be in bold, because homeowners documents, they're very plentiful, and people flip through them. I think if they see it in bold, they'll take an extra look.

Because this is -- when these places get built, you guys are going to get more calls when our planes take off. I mean, they're really close. So I just want to make sure they don't -- they clearly, clearly recognize they are buying next to a 50-year-old airstrip that's been there, and it's not going anywhere.

And the other thing is that it be recorded with the deed somehow so future builders don't buy it and say, oh, I didn't know that. And I think they addressed all that.

Another thing was the berm, and they restated that, a 4-foot berm with a 6-foot wall that I requested because of the noise, the dust, the smell of fuel and so on and so forth.

They started clearing the area north of us. It only kind of got half cleared, and now it's just a massive sort of dumpsite of old trees. I sort of understand, as a developer myself. It got to be rainy season. So I just want to make sure as a matter -- I have spoken with Mr. Asher, and he says, yes, as soon as it gets dry enough, we're going to clear all that out. Because right now it's just a big mess, so they have addressed that. That was one of

my concerns.

And also you -- I'm a pilot, and this advisory circular from the FAA, it's 150-520033C, specifically Chapter 41, it asks that the governing body works with -- makes sure the airport owners/developers are doing the right thing as far as birds. And they've got water over there. And birds are an enemy for airplanes, because 80 percent of bird strikes happen within 1,500 feet, and 15 percent of -- 50 percent happen on landing and take-offs.

And so it's a real concern. We don't want to add any more birds in the area. So I guess you guys have talked about something to do with the ponds to kind of lessen the -- I don't want to invite birds in. I love birds, but I don't want them to go through the windshield of the airplane. We had one at Naples Airport a few years ago, and that didn't end up too well.

And then I think -- it seems like they've addressed everything that I was concerned with.

CHAIRMAN FRYER: Very good. Thank you, sir --

MR. DEY: Thank you.

CHAIRMAN FRYER: -- very much.

Next speaker.

MR. BERRY: How you doing, gentlemen? Mark Berry. I'm the president for the HOA for Tract B, which is immediately south of Wing South, but it is the one tract that is deeded -- we have the use of the runway, deeded rights to the runway, so we also share with Wing South the runway.

So just for your clarification, the original point about adding Wing South Airpark to the Tract E disclosures, that's because their original disclosure was going to just let their potential buyers know that they were near an airport. And the Tract E in Wing South is all five miles away from Naples Airport, and we didn't want potential buyers to say, oh, well, we're five miles away from Naples; that's not going to be a problem. They move in and then realize they're next to a runway, which is not part of Naples Airpark.

So that was the clarification which we asked for, and we believe that Mr. Yovanovich has addressed that. But I just wanted to let you know that was -- that it is very much in our interest for their buyers to know that they are right on an airpark.

The second issue is I found out about this meeting from a sign, not to be called a billboard -- I learned that earlier this morning -- on Rattlesnake Hammock immediately adjacent to our entrance at Skyway Drive. And Skyway Drive, once you get past Tract E, Tract E is from Rattlesnake up to Wing South. That's our houses and hangar homes that are attached to the runway. Then once you get to the gate, the rest of Skyway Drive is part of Naples Airpark. Those roadways are combined-use taxiways, and they have specific setbacks for wing tip clearance, and all of our airplanes taxi on those roads. So Skyway Drive is not just a road; it is an active airport.

And so if for this reason your board does not allow the Tract E -- see, we have no issue with them -- their PUD stuff to go east and north over to Santa Barbara. That's great. But if for any reason you deny that, they're next going to want to come south through Skyway Drive to Rattlesnake, and that will bring all their car traffic onto our airport interfering with our aircraft and be a very dangerous situation. So I just wanted to let you know that that's a potential consequence of not having them take their traffic to the east and to the north.

So we're just here to protect our interests. We don't want to -- we're not here to affect their development or anything. They're our new neighbors, but we want to protect our interests so that their traffic does not come through our airpark and so that their new owners know, hey, I like airplane noise, because that's where I'm moving. There's no surprise. It's because like -- as Mr. Dey said, Wing South Airpark existed for 50 years, so those are just the two points that Tract B would like to point out.

And I will handle any questions or step down.

CHAIRMAN FRYER: Thank you, Mr. Berry.

MR. BERRY: Okay. Thank you.

CHAIRMAN FRYER: I don't believe there are any questions at this time, but thank you.

Mr. Youngblood, anybody else?

MR. YOUNGBLOOD: Mr. Chairman, we have one final speaker, F.W. Celce. Did I pronounce that correctly?

MR. CELCE: Close enough.

I'll relinquish my time. Everything's been said that I was going to say.

CHAIRMAN FRYER: All right, sir. Thank you very much.

Anybody in the room who has not registered to speak but wishes to be heard on this matter, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing none, we will close the public comment segment of --

MR. BOSI: Excuse me, Chair. I was informed earlier by Mr. Finn, I guess, like, an hour ago, he did receive a letter of opposition regarding the ShadowWood PUD stating that she felt that the action was going to lead to overcrowding. I'm not sure -- she may have been referencing Sandy Lane, because ShadowWood's not asking for additional density. So I just wanted to provide that notification that we did get a late letter of opposition related to that.

CHAIRMAN FRYER: All right. Fine. Thank you. We'll make that letter a part of the record. Please provide it to the court reporter.

All right. So there were no additional public speakers. We're closing the public comment segment of these hearings. And now it is appropriate for us to deliberate and entertain a motion.

I take it, Mr. Yovanovich, there's no rebuttal?

MR. YOVANOVICH: I don't, because I don't really want to give Mr. Klucik an opportunity, so we're going to waive rebuttal.

CHAIRMAN FRYER: All right. Discussion up here at the dais, please?

COMMISSIONER KLUCIK: I mean, I just -- when I was speaking with staff, it seemed clear that there was -- there really was not any force against it. It seems like there also have been -- very accommodating and mindful of any neighbors and what staff, you know, had requested, and so I -- you know, it seems like there's every reason to vote to approve this.

CHAIRMAN FRYER: Okay. When the time comes for the making of a motion, and maybe that's now, in addition to the two PUDs, one an original PUD/PUDZ and the other a PUDA, we also have two EACs. So it really would be four approvals or denials that we would be voting on.

COMMISSIONER KLUCIK: I will go ahead, unless my colleagues want to speak first, but I'd go ahead and make the motion for all four of those to move forward as modified from our discussion that we've heard what the modifications are.

CHAIRMAN FRYER: Thank you.

Is there a second?

COMMISSIONER SHEA: I'll second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: (Absent.)

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously, 4-0.

MR. MULHERE: Thank you.

CHAIRMAN FRYER: Thank you. Thank you, applicant, members of the public, staff, Planning Commission, everyone.

So we will move quickly through the remainder of our agenda. There is no old business, I assume, and no new business.

And is there any public comment on matters that did not come before us today on the agenda?

MR. YOUNGBLOOD: I don't have any registered speakers for this item, Mr. Chairman.

CHAIRMAN FRYER: Thank you, Mr. Youngblood.


Then without objection, we're adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 1:32 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 1/5/23, 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.