

June 1, 2023

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
June 1, 2023

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 Chair  
Paul Shea  
Randy Sparrazza  
Chuck Schumacher (where indicated)  
Christopher T. Vernon  
Amy Lockhart, Collier County School Board Representative

ABSENT:

Robert L. Klucik, Jr.

ALSO PRESENT:

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

PROCEEDINGS

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

CHAIRMAN FRYER: Thank you, Mr. Bosi. Good morning, everyone. Will the June 1, 2023, meeting of the Collier County Planning Commission please come to order.

Everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Mr. Secretary, let's have the roll, sir.

COMMISSIONER SHEA: Ms. Lockhart?

MS. LOCKHART: Here.

COMMISSIONER SHEA: Commissioner Schumacher?

(No response.)

COMMISSIONER SHEA: No.

Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Here.

COMMISSIONER SHEA: Commissioner Klucik?

(No response.)

COMMISSIONER SHEA: No.

Commissioner Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER SHEA: Commissioner Shea is here.

Commissioner Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER SHEA: Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER SHEA: We have a quorum, sir.

CHAIRMAN FRYER: A quorum of --

COMMISSIONER SHEA: Five.

CHAIRMAN FRYER: -- five. Excellent. Good.

All right. Addenda to the agenda. I have one very, I'll call it, insignificant but, nonetheless, I'm going to raise it. The item that we have scheduled for new business really is old business, and so we'll hear that at exactly the same time as we would have heard the other, but we're going to call it old business, because that's what it is.

Any other addenda to the agenda, Mr. Bellows?

MR. BELLOWS: Yes. For the record, Ray Bellows. It's my understanding that the applicant dealing with --

MR. BOSI: Three and 4.

MR. BELLOWS: -- 3 and 4, they're requesting or have requested a continuance.

CHAIRMAN FRYER: Okay.

MR. BELLOWS: \*\*\*And that continuance would be to August 3rd after readvertising. Those are Item 9A3 and 9A4, Lutgert and companion GMPA.

CHAIRMAN FRYER: All right. I'm certainly not opposed to that, but I've got a question or two to ask the applicant before we vote on it, either one of the gentlemen who are here.

MR. ARNOLD: I'll try and, if not, Mr. --

CHAIRMAN FRYER: Okay. I mean, I realize these things come up, and there's -- frequently nothing can be done about it. But I -- this became a need for continuance yesterday?

MR. ARNOLD: We actually made the decision -- for the record, I'm Wayne Arnold with Grady Minor.

And we actually needed to make that decision; however, Rich and I were both out of the office Friday, and then Monday was a holiday. So Tuesday became the first opportunity for us to discuss with our client the desire to go ahead and make the continuance so we could meet with

some of the organized folks that are concerned about development from that corridor.

CHAIRMAN FRYER: Okay. So the purpose is you're going to talk to some of the neighbors?

MR. ARNOLD: Yes, sir.

CHAIRMAN FRYER: Okay. Well, that's laudable. We appreciate that.

Anybody else want to hear about the matter before we vote on a continuance?

COMMISSIONER SHEA: I just -- it's very frustrating as a volunteer to not know about it until you come in here and spend the hours that you put -- we don't just -- we read those documents. And at my age, I'm going to reread them when you come back. And I think I should be reimbursed at the normal consultant -- same fee you get when you come here, I should be reimbursed for for having to do this twice.

MR. YOVANOVICH: Well, Mr. Shea, if I can, for the record, we had two options.

COMMISSIONER SHEA: I know, but they all seem to be last minute.

MR. YOVANOVICH: Well -- and you blame me, because I decided that instead of coming here and proposing changes for the first time for the residents to hear them for the first time and get accused of springing things on them last minute, we decided, through discussing with the client, to -- why don't we reach out to them first to see if this will address their concerns instead of springing it on them last minute, and that's the reality of the request.

Candidly, some of it had to do with how contentious the other item was in front of the Board of -- in front of you-all and the Board of County Commissioners. And we were trying to do the right thing. Unfortunately, the right thing happened a little later in the process. And let me rephrase "the right thing." But we decided, let's reach out and see if we can reach agreement instead of springing it on them.

I apologize. We sent the email as soon as we could. Maybe next time I should send the email directly to you-all as well. I just don't know.

COMMISSIONER SHEA: Well, yeah, I don't know. I mean -- I totally --

MR. YOVANOVICH: I understand.

COMMISSIONER SHEA: -- agree with the Chair that the reason is fine. Can you just do it sooner before we invest all or time in it?

MR. YOVANOVICH: And we could try. And a lot of times -- and I'll be honest with you, you go back and forth. Is it worth the continuance to go talk? Because most of the time it's a meeting that doesn't work, but we're willing to try again.

CHAIRMAN FRYER: I don't think anyone is questioning the reason for the continuance.

MR. YOVANOVICH: Sure.

CHAIRMAN FRYER: It's just the timing that maybe somehow the proposed resolution of issues could have been reached a little earlier.

MR. YOVANOVICH: And, you know, sometimes, just like other governments, it's when you get closer to the actual hearing, you start thinking about are there things that we can do, and that's what we did, and we would like to propose them, and hopefully they would work. And if they don't -- if they don't work, then I apologize, and if you're serious about being reimbursed at --

COMMISSIONER SHEA: At your rate. Not mine.

MR. YOVANOVICH: -- at my rate --

COMMISSIONER VERNON: I'll take my rate.

MR. YOVANOVICH: Well, you probably have a much better rate -- or a higher rate than mine.

CHAIRMAN FRYER: Commissioner Vernon, you're signaling, so go ahead, sir.

COMMISSIONER SHEA: Can I finish? I just want to ask --

CHAIRMAN FRYER: I'm sorry. Go ahead.

COMMISSIONER SHEA: I want to close the -- when did you know about it, Mike? I mean, I come in here on Wednesday, and he says Tuesday. Even when we have these last-minute things, we come in here and don't even know about it until we sit down and start the meeting. So

I'm getting off you, and now I'm getting on Mike.

MR. YOVANOVICH: We let Mike know -- we let staff know Wednesday, because we talked about it.

MR. BOSI: Yesterday. And I forwarded the request on to the -- to the Chair, but I should have also forwarded that request on to the rest of the Planning Commission. So that's on me.

CHAIRMAN FRYER: Yeah, I was going to ask that question, too, because that is exactly what we would want you to do.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just wanted to tag on to what's already been said, and I want to harken back to -- this came up, like, a year ago, and we got very frustrated. And I think the genesis of the frustration was not just us, but probably more important than us, you'd have 50 members of the public show up -- and, now, I'm not -- and I'm not talking about you, Rich. I'm just talking about in general.

You know, there was some sense that there possibly could be a strategic move, let's just call it off until we don't get so much opposition and wear the public down, and that's not fair to the public because they're taking time off of work, et cetera, et cetera, to show up.

And so I think we came up with a protocol, and it hasn't been mentioned in response to this. I don't remember what it is, frankly, but I think we have a written -- we took the time to have a written plan for when this happens. And I'm going from recollection. There had been extraordinary circumstances, and then we would take a vote on it was the plan.

And I think what's going on here is they're trying to accommodate the public rather than take advantage of the public. So their motives are good, and I know the Chairman to be all over them if he thought otherwise. So I think the Chairman's response is indicative of what's really gone on.

So I'm not really worried about -- and I think I said this last time. I'm not so much worried about what's happening today. I'm worried about in the future, I don't know, where is that protocol and why isn't it before us, and why aren't we voting on it if that was the protocol?

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

I think you're debating it right now. You're debating whether you want to provide the continuance or not. You're looking at justification --

COMMISSIONER SHEA: No, no. We had a policy, a criteria --

MR. BOSI: And we -- there is a fee that's associated with this continuance, so there's a monetary penalty that's also associated with it. And the policy -- I mean, your policy, it says it has to be extraordinary circumstances, and I think you are in the process right now of determining whether there's extraordinary circumstances.

COMMISSIONER VERNON: Well, if I may, I guess the one thing I'd like to see is -- if it comes up again, I'd like to have -- because I don't remember the policy. I'd like to have it put in front of me at the meeting, and we'll go through it, and we just follow that procedure.

And they come up and say we want to continue, and hopefully they'll let us know sooner, and we'll look at it and say, yes, they meet the standard. We'll vote on it and move on. And I don't remember what the protocol -- I mean, I think you're articulating my memory of it, but I hate to go from memory of a year ago.

CHAIRMAN FRYER: I think -- the County Attorney was involved in our drafting of that, so I'm going to ask the County Attorney, will you see if you can locate that and circulate it to the members of the Planning Commission so that we have it in hand?

MS. ASHTON-CICKO: I'll share. My recollection is that the resolution was to come back for your final approval, and you I don't believe it was brought back. But I can distribute the draft resolution.

CHAIRMAN FRYER: You know, I think that's right, and I'm not sure why it didn't come back, but we need to -- we need to act on that. And so we'll put that on our next meeting, and in the meantime if you'd circulate the resolution, we'd appreciate that it so that we --

MS. ASHTON-CICKO: Certainly.

CHAIRMAN FRYER: -- can take it back up.

COMMISSIONER SHEA: Thanks for jogging our memory, Rich.

CHAIRMAN FRYER: Yeah. Before -- before I call on the Vice Chairman, I want to ask if there are any members of the public here who were wanting to speak on these items and didn't know about the continuance request.

(No response.)

CHAIRMAN FRYER: And I know that staff reached out to Mr. Renner, who may very well have contacted others and caused them to know, no need to come in. So at least that -- at least we don't have people -- members of the public wanting to speak. Because if that were the case, we'd probably want to hear them before we continue the rest of it.

All right. Vice Chairman.

COMMISSIONER SCHMITT: Yeah, I agree with Commissioner Vernon. There was a policy. Mike, the policy you stated comes to mind is exactly what it was. It had to be specified and extenuating circumstances for the continuance.

I believe the reason for this continuance falls within the criteria we established, which was to negotiate with the public who are in opposition to the party -- the project. So I think he's well within the criteria. And there was an associated fee for that, which was to readvise.

If I recall, it wasn't to be continued and be two weeks later, so to speak; it was a full continuance. But we would have to see the ordinance. But that was my recollection.

I believe what we're doing now is we're -- what we're going to find is in full compliance with what I recall. So I would make a motion to approve the continuance because I believe it falls within the criteria that we established, and that was to allow for further negotiation, I'll call it, between the developer and the local community. So I would make a motion that we approve the continuance.

CHAIRMAN FRYER: And before I ask for a second, I just want to clarify, perhaps, that this would be continuance to a date certain, namely August 3rd.

COMMISSIONER SCHMITT: Which requires readvertising and an associated fee for that.

MR. BOSI: Yes.

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER VERNON: Yes, Vernon seconds.

CHAIRMAN FRYER: Further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor of the continuance to the date certain, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you very much, all.

And that takes us to --

MR. BOSI: Chair -- I'm sorry, Chair.

CHAIRMAN FRYER: I'm sorry. Go ahead, Mr. Bosi.

MR. BOSI: One more agitation. The request for the new business -- or the old business, the new business that's been moved to old business, the petitioner has requested, is there a willingness from the Planning Commission to move that before the advertised public hearings because it's -- the nature of the request is somewhat ministerial in nature.

CHAIRMAN FRYER: All right. And I had a brief conversation with Mr. Yovanovich, and I asked him to check it out with the other people.

Is there any objection from the other applicants, Mr. Yovanovich? Or --

MR. ARNOLD: Wayne Arnold, for the record. I represent the Dunkin' Donuts and the Golden Gate Golf Course applications that precede it. No objection from me.

CHAIRMAN FRYER: Okay. Then without objection, I assume there's no objection from the Planning Commission that we proceed in that fashion.

All right. Then we'll lead off with the golf course.

MR. BOSI: Ave Maria SRA.

CHAIRMAN FRYER: Ave Maria, I'm sorry, yeah. Okay. Let me call that then. Bear with me.

COMMISSIONER SCHMITT: \*\*\*It's Item 11A.

CHAIRMAN FRYER: Yes. Yeah, I just didn't have it up in front of me.

COMMISSIONER SCHMITT: While we're waiting, can I -- I'm going to take the time.

CHAIRMAN FRYER: Go ahead. Go ahead.

COMMISSIONER SCHMITT: Just for staff purposes and for the petitioner, this is nothing more than adding additional acreage and removing additional acreage from an already preapproved SRA. It's almost administrative in nature rather than a rezoning, because the property is already rezoned. The SRA is, in fact, already approved. So it's nothing more than an approval to add acreage and remove acreage; is that correct?

MR. BOSI: Yes, correct. The petition came before the Planning Commission. The Planning Commission recommended approval after -- the day after that we were notified that there was a .55-acre right-of-way --

COMMISSIONER SCHMITT: Correct.

MR. BOSI: -- portion that needed to be reallocated to the northern portion of the SRA. It's ministerial in nature, but we did not want to take it to the Board of County Commissioners until the Planning Commission agreed that this -- it would not interrupt your -- or it would not affect your prior approval, and it is ministerial in nature.

COMMISSIONER SCHMITT: Right. We already heard this item.

MR. BOSI: Yes, but we didn't want --

COMMISSIONER SCHMITT: With that, I would make a recommendation of approval.

CHAIRMAN FRYER: Let me call it. Let me call it first.

COMMISSIONER SCHMITT: Go ahead.

CHAIRMAN FRYER: This is PL20210002041, the Ave Maria SRAA.

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

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

THE PETITIONER: I do.

STAFF MEMBER: I do.

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: Then disclosures, please, starting with Ms. Lockhart.

MS. LOCKHART: Staff materials only.

COMMISSIONER VERNON: No disclosures.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Public materials, meeting with staff.

COMMISSIONER SCHMITT: Staff materials only.

COMMISSIONER SPARRAZZA: Staff materials only.

CHAIRMAN FRYER: Thank you very much.

You may proceed, Mr. Arnold.

MR. ARNOLD: Thank you. For the record, I'm Wayne Arnold. I'm representing the Ave Maria SRA application. With me is Rich Yovanovich. So you did hear this item on April 20th. You unanimously recommended approval of the expansion of the Town of Ave Maria.

Unfortunately, the day after our hearing, the surveyor for Peninsula Engineering discovered that there was a minor call-out error. And I'm bringing that up on the screen. It largely is this little notch that extends out to Camp Keais Road on the eastern side of the project. That extended into the right-of-way, which the Barron Collier family does not own. So the call was corrected to add just a slight adjustment to the north boundary. It doesn't affect any of the overall acreage or any of the commitments relative to the approval.

So we really feel it's a scrivener's error. It's a 5,000-acre project. I'm sure there may be other minor call-outs that occurred on those types of projects, but this is one that was noticeable and we felt like we needed to correct the record for.

CHAIRMAN FRYER: Any questions or comments from the dais?

(No response.)

CHAIRMAN FRYER: If not -- I assume you're completed, and then we'll call on staff for its report.

MR. ARNOLD: Yes, sir.

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

As I mentioned, there was a prior approval for the Ave Maria expansion that was recommended by the Planning Commission. We just wanted concurrence from the Planning Commission that this will not affect that prior approval, and it's ministerial in nature. That's the motion, I think, that we're looking for.

COMMISSIONER SCHMITT: I'd make a motion as so stated.

CHAIRMAN FRYER: We've got a couple more things to do.

COMMISSIONER SCHMITT: Okay. What else do you want to do?

COMMISSIONER VERNON: I'll second.

CHAIRMAN FRYER: First of all, I'm going to ask if there are any questions or comments for staff.

COMMISSIONER VERNON: We're going to overrule the Chairman. Let's vote.

CHAIRMAN FRYER: Any questions or comments from the dais for staff?

(No response.)

CHAIRMAN FRYER: If not, we will ask if there are any public speakers who've registered. Ms. Pedron.

MS. PEDRON: Good morning, all.

Mr. Chairman, we do not have any registered speakers for this item right now.

CHAIRMAN FRYER: All right. Anybody in the room who is not registered but nonetheless wishes to be heard in this matter, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing no hands, we'll close the public comment portion.

We'll have deliberation and, at any time now, a motion is in order.

COMMISSIONER SHEA: Go, Joe.

COMMISSIONER SCHMITT: I stand with the motion --

CHAIRMAN FRYER: All right.

COMMISSIONER SCHMITT: -- as stated.

CHAIRMAN FRYER: To approve, right?

COMMISSIONER SCHMITT: To approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, all.

MR. ARNOLD: Thank you.

MR. YOVANOVICH: Thank you.

COMMISSIONER SCHMITT: Next is Dunkin' Donuts, is that --

CHAIRMAN FRYER: Yeah. I just got myself taken out of order, but I'll be back on track momentarily. Here we go. Having a bad day. Won't collect my --

COMMISSIONER SCHMITT: You have this little inventory on the side here.

CHAIRMAN FRYER: I'm not going to collect my salary today.

\*\*\*All right. The next matter is PL20220004546. This is the Dunkin' Donuts Collier Boulevard CPUDZ. All persons wishing to testify in this matter, please rise to be sworn by the court reporter.

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: Thank you very much.

Ex parte disclosures from the Planning Commission beginning with Ms. Lockhart, please.

MS. LOCKHART: Staff materials only.

COMMISSIONER VERNON: No disclosures.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Matters of public record, meeting with staff.

COMMISSIONER SCHMITT: Staff materials only.

COMMISSIONER SPARRAZZA: Staff materials only.

CHAIRMAN FRYER: Thank you very much.

Mr. Arnold, you have the floor, sir.

MR. ARNOLD: Good morning, again. Wayne Arnold with Grady Minor here representing Dunkin' Donuts. With me today, I have our team. We have Mike Delate, civil engineer from our firm; Jim Banks, traffic engineer, who you have heard from many times; and Marco Espinar with Collier Environmental who has prepared the environmental assessment for the project.

So the subject property is about a two-acre site. It's located in the neighborhood center that's part of the Urban Golden Gate Estates Master Plan. It's located just south of the VFW facility and just north of a strip center that fronts Pine Ridge Road and the Chevron gas station that's out there.

This property was subject to a right-of-way taking approximately six years ago, and it created the frontage road, in essence, that parallels Collier Boulevard that you see on the screen. So the property owner formerly was the Brooks family. Some of you have had dealings with them over the years. They were very generous to the fire departments in Golden Gate Estates, and they



negotiated this with Collier County in a way to reduce business damages to the service station that would have had access constraints after the -- after the right-of-way expansion for Collier Boulevard.

So part of this property was taken for the public purpose. It left us with a remainder tract that was just under two acres.

We're asking to be rezoned from Estates to C-3, in essence. We're asking for a PUD that allows C-1, 2, and 3 districts "lessing out" some of those. And I'll just touch on that, Mr. Fryer. You had -- last meeting I attended, you had asked staff to do a more thorough job in getting rid of some of the 99 SIC code uses.

CHAIRMAN FRYER: I have a compliment coming to you as well, but go ahead.

MR. ARNOLD: Thank you. But Laura was -- and the attorney's office were very good at working with us, because it's a little cumbersome when we have the -- you're using an SIC list, and we simply just said C-1, 2, and 3, and then -- it's a little cumbersome, but I think it made it clear that we are asking for certain uses to be prohibited.

CHAIRMAN FRYER: And I want to thank you very much for doing that.

MR. ARNOLD: Thank you.

CHAIRMAN FRYER: I appreciate the responsiveness. It makes our job a little easier.

MR. ARNOLD: So this property is part of the Golden Gate Master Plan, as I indicated. It is in the neighborhood center. It allows intensity of uses C-1 through C-3. We could have asked for a conventional C-3 zoning. We chose to go the PUD route so we could create the master plan and also address some of the restrictions on uses and development standards.

Your Golden Gate Master Plan also prohibits certain uses from the neighborhood centers, so you'll find in the PUD document that there's a separate section that addresses those prohibited uses as well.

This is the location of your neighborhood center. As I mentioned, it has the uses in our quadrant as well as the Publix-based shopping center to the south part of the Pine Ridge/Collier Boulevard intersection.

This is our proposed PUD master plan. It's pretty generic, but it addresses, I think, the key components that staff has been looking for. You know, highlighting the project, we have access from what I call the jug handle, because that's what we termed that when we were dealing with the county on the right-of-way acquisition. But the frontage road will be our connection point to get into the Collier Boulevard right-of-way. We have a proposed potential interconnection to the north and a proposed interconnection to the south. That's mandated by your Golden Gate Master Plan. And we also show interconnection to what's called Neff's Way to our western property boundary.

So your Golden Gate Master Plan says for these neighborhood centers, you're going to interconnect with all properties in the neighborhood center. So we've shown those potential interconnections not knowing whether or not those will all be perfected, but at least the Neff's Way is required for solid waste service as well as EMS fire service.

We established our development table. We have to have an open-space requirement. One of the other things in the Golden Gate Master Plan that will be required at the time of site plan, there's a courtyard open space commitment that's required that we have to show that there's a common public open space as part of this. We have a large preserve on our western boundary that also makes up our 75-foot-wide and 50-foot-wide buffer requirements back there, but the courtyard can be a part of maybe pavers or some common space that would be part of the strip plaza that -- one of the tenants will be a Dunkin' Donuts, obviously, by the name of the project.

But we have 10,000 square feet maximum. We're asking for the average Dunkin' Donuts, significantly less square footage than that, so we probably will have a couple of other tenant spaces, and we'll create a courtyard space for the public to utilize as part of the project.

So we have a list of the uses that we've proposed to delete. And I'm not going to go through all of those, but some of these we've seen before. So we've listed specifically the uses that

would be allowed, and these are pretty basic uses.

And then I don't think anybody has an issue with typewriter repair. I'm not sure how many people are doing that anymore, but we didn't think it was necessary to prohibit that one, so those would be included: Camera repair, key services, et cetera.

So the prohibited uses is a lot longer list, and you can see those. But we've eliminated gas stations, group care facilities, certain personal services, the escort services, things that we've talked about before, firework sales.

We also, if you look to the right of the page under C, these are in the neighborhood center portion of your Comprehensive Plan, and these are specifically prohibited anyway. So we've gone ahead and listed those. We probably didn't have to, but it's easier to look in one place for the prohibitions than to have to go back to the Comp Plan as a separate document.

So of note on there, homeless shelters, libraries, jails, things of that nature are prohibited.

We developed --

COMMISSIONER SCHMITT: I have a question on that, Wayne.

CHAIRMAN FRYER: Go ahead, Vice Chairman.

COMMISSIONER SCHMITT: Public administration, would that prohibit, say, if the Tax Collector wanted to put a satellite office in there? That's the only thing I'm thinking of that I saw, and I went, public administration, that's sort of benign.

MR. ARNOLD: Let me go back. I'm not even seeing that one, Mr. Schmitt.

COMMISSIONER SCHMITT: Number 8.

COMMISSIONER VERNON: Number 8, under B.

MR. ARNOLD: Oh, got it. Let me -- I have my SIC code. I can pull it and read what those are.

COMMISSIONER SCHMITT: I'm just thinking of a licensing office or tax collector's office.

MR. ARNOLD: I don't think that's --

COMMISSIONER SCHMITT: DMV, yeah. I mean, I -- you can eliminate it if you want. I just was curious as to -- it's one of my notes I put on there.

MR. ARNOLD: So 9661 is space, research, and technology; space flight operations, government; and space research and development, government.

COMMISSIONER SCHMITT: Oh, that's pretty cool.

MR. ARNOLD: Space Force could be located there but probably not going to occupy the 10,000 square feet.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Okay. Anything else?

MR. ARNOLD: I did want Mike Delate to come up and just briefly address -- I know that the folks from VFW, we had a conversation with them prior to the meeting, and I wanted to get on the record what we intend to do for our water management purposes. And, also, there was concern expressed on their part that there's been some cut-through traffic from the strip center trying to find an avenue back out to Collier Boulevard. And they asked if we could put signage on our exit onto Neff's Way that prohibited right-turn movements onto Neff's Way, and we have no objection to doing that if it suits the Planning Commission.

CHAIRMAN FRYER: Is that a government function, though?

MR. ARNOLD: Probably not necessarily. It's -- Neff's Way is a private road. But we are happy to accommodate them. I think the number of turning movements -- I mean, obviously, someone may violate that. But if you're going to VFW, you can go back out to the jug handle, as I call it, and then immediately turn back into the VFW facility. So you still don't have to go technically back onto Collier Boulevard or Pine Ridge Road to circuit through this neighborhood center.

CHAIRMAN FRYER: Maybe I misunderstood. I thought you were proposing a no-left-turn sign.

MR. ARNOLD: It would be a no-right-turn sign exiting on Neff's Way.

CHAIRMAN FRYER: Okay.

MR. ARNOLD: So as we go out Neff's Way, you would be prohibited from making a right turn to go up to the VFW facility.

COMMISSIONER SCHMITT: How would that be enforceable if it's a private road?

MR. ARNOLD: It's probably not enforceable, but it's a strong suggestion not to make that turn.

CHAIRMAN FRYER: County Attorney, can we hear from you on this?

MS. ASHTON-CICKO: If the signage is placed on a private road? So you're saying that the -- yeah, I don't know whether the Sheriff would have jurisdiction or not.

CHAIRMAN FRYER: No reason why they couldn't put a no-right-turn sign, or is there a reason?

MS. ASHTON-CICKO: I don't see a reason why you can't. I don't know if transportation has any FDOT rules of placing things on private property.

CHAIRMAN FRYER: Well, let's just say -- we can get beyond -- well, Mr. Sawyer's coming up, but --

COMMISSIONER SCHMITT: I have no problem putting the sign up.

CHAIRMAN FRYER: Yeah. I would just maybe say to the extent permitted by law.

COMMISSIONER SCHMITT: To the extent permitted by law, fine.

CHAIRMAN FRYER: Kick the can.

Mr. Sawyer.

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

All we would make sure at the time of SDP would be that the sign met FDOT standards. That's it.

COMMISSIONER SCHMITT: That's it, okay. That's what I thought.

MR. SAWYER: We're fine.

CHAIRMAN FRYER: Okay. All right. Good.

MR. ARNOLD: If I might, I think it would be appropriate to bring up Mike Delate. Thank you.

CHAIRMAN FRYER: Thank you.

MR. DELATE: Good morning. For the record, I'm Mike Delate, engineer with Grady Minor.

The question brought up from the VFW was a few of them, actually. The first one was about drainage on the site, making sure they did not discharge into the VFW site. So I assured them that, under code and water management requirements, we're going to be discharging to a water treatment area in the back water management area, and that will discharge into the preserve. The preserve will act as a stormwater attenuation area. And then as proposed, there's going to be a stormwater outfall that will go out Neff's Way out to the Pine Ridge Road swale.

Their second concern was about -- their own retention system is up here on the northeast side of the property, and then it discharges across -- I guess, across their drive into the subject property.

And then I told them, by code, we have to take any of that water that's coming from offsite and convey that either through the site or around the site. In this case it will probably be conveyed around the site and then likely connect with our discharge pipe out Neff's Way out to the Pine Ridge Road. There will no intermingling of water, and we're required by code to handle their water.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Mike, you did explain that that is a required permitting process through the South Florida Water Management District?

MR. DELATE: Yes, and the SDP.

COMMISSIONER SCHMITT: And actually, when you submit the permit, they have

access to see anytime what the status is and even appear before the district board if they have a concern about the permit.

MR. DELATE: Correct. I gave them my card, and I said, email me, and I'll send them the plans.

COMMISSIONER SCHMITT: Okay. It's ERP, as it's called, Environmental Resource Permit, goes through the South Florida Water Management District. Okay.

CHAIRMAN FRYER: Thank you.

MR. ARNOLD: Thank you. That really concludes my presentation. I think we had a successful neighborhood meeting. I know that staff captured the essence of that meeting. There were concerns about use of Neff's Way, and I've heard those concerns going all the way back 25 years ago when I was a county employee that those issues arose on who owns, who maintains, and I think that's been a continual issue. But it is a privately maintained roadway.

CHAIRMAN FRYER: Thank you, Mr. Arnold.

Questions or comments for the applicant from the Planning Commission?

(No response.)

CHAIRMAN FRYER: If not, then we'll turn it to staff for its recommendation, report and recommendation.

MR. BELLOWS: Good morning, Commissioners. For the record, Ray Bellows. I'm presenting for Laura DeJohn who prepared the staff report today.

The applicant did a thorough job of outlining the request, and staff concurs with the list of uses that are being prohibited, and we support the uses that are listed as permitted uses.

Project's consistent with the Growth Management Plan, and we recommend approval.

CHAIRMAN FRYER: Thank you very much.

And I'll repeat my compliments to the applicant for ruling out things that are obviously to be ruled out so that we don't have to do that work. Thank you, applicant, for that. And, Ms. DeJohn, if you were also involved in that, thank you as well.

All right. Any questions or comments further for staff?

(No response.)

CHAIRMAN FRYER: If not, thank you.

Ms. Pedron, do we have any registered speakers?

MR. SABO: Yes, Mr. Chairman. Randy Cash is the first speaker.

MR. CASH: Mr. Chairman, my question's been answered. I don't need --

CHAIRMAN FRYER: Okay. All right. So you're withdrawing. All right.

MR. CASH: I don't need to speak.

CHAIRMAN FRYER: One's withdrawn.

Next one, please.

MR. SABO: Dr. Holmes is the next speaker, please.

CHAIRMAN FRYER: Dr. Holmes.

DR. HOLMES: Thank you for having us here today. My name's Dr. J.B. Holmes. I'm the commander of the VFW, and I welcome Dunkin' Donuts and their project to our neighborhood. We did speak with the engineers prior to the meeting this morning, and they satisfied all of our comments. They weren't concerns, I don't think. They were just -- we wanted to make sure we understood everything.

So thank you very much for having us here today, and thank you for the wonderful, wonderful brownies. They were absolutely outstanding.

COMMISSIONER SCHMITT: Well, since we're talking about brownies, I'll have to ask, after your morning formation, after you do your PT in the morning, you are going to bar from going over for Dunkin' Donuts, just coffee?

DR. HOLMES: Well, assume that, yes, Dunkin' Donuts will be supplying a couple dozen doughnuts to the post every day. Thank you.

CHAIRMAN FRYER: Thank you very much. And thanks to the members of the public

for taking time out to express their points of view on this. We always appreciate hearing from the public.

Any other registered speakers, Mr. Sabo?

MR. SABO: Yes, we have --

CHAIRMAN FRYER: While we're waiting, Commissioner Vernon, I'm sorry.

COMMISSIONER VERNON: I just wanted to say to the three of you, thank you for your service.

DR. HOLMES: It's our honor to serve you; our honor to serve you.

CHAIRMAN FRYER: I'm sorry, Mr. Sabo.

MR. SABO: Yes. Mr. Chairman, Sarah Peterson and Bill Peterson are the next two. Those are the last two.

CHAIRMAN FRYER: All right.

MR. PETERSON: Greetings, all. For the record, my name is Bill Peterson, and I'm a 10-year resident of 4111 Pine Ridge Road, which is on Neff's Way, we're very fortunate to be neighbors with the VFW. They've been very -- they've been wonderful to be with.

That said, I believe that there is an elephant in the room that is not being addressed. My concern is a logistical and a safety one, and that is Neff's Way is a very tiny side street. It's not a road. The access to get onto Pine Ridge Road is very difficult at best as it stands because the small strip mall is right adjacent to Pine Ridge Road.

They have an access that gets -- goes onto Neff's Way. As you may see in the plans. That is extremely congested. Neff's Way is often used by the VFW and the strip mall as a parking facility because there's very limited parking for large events that they occasionally have there. Also, it's -- it's parking for large vehicles for garden supply trailers and trucks.

Also, our taxpayers are funding the parking for the -- for the strip mall because they park on the -- on the right-of-way on Pine Ridge Road. That's often -- that's just that's the way it is. If you live there, you know that is true.

I've been taking my kids to elementary and middle school for 10 years now. Getting out of Pine Ridge Road -- or, excuse me. Getting onto Pine Ridge Road out of Neff's Way is difficult as it is now in the morning.

What is being proposed is a -- is a Dunkin' Donuts, which we all know is extremely busy in the morning, and that's when they do the majority of the business. We also all know that Pine Ridge Road is extremely busy in the morning. Hence, they want to have this goldmine business put there. That I understand from a business standpoint, but from a safety and logistical one, traffic starts to back up.

Also, you need to keep in mind that people that are coming off of Pine Ridge, there's no stoplight. They're just seeing -- all they're seeing is open road. And it's like the Daytona 500 from about 6:00 a.m. to 9:00 a.m. coming out of there, people just zipping out.

You have -- also very important to consider, you have three accesses onto Pine Ridge Road. You have them coming from the north, from the south, and from the west. That is not the case on the southwest corner where the large Publix shopping center is that has ample parking, that has ample side streets that are very wide that have six lanes now developed for people to come onto.

Pine Ridge Road heading west is only two lanes with a merge lane. It's extremely dangerous. It's a miracle that a major accident has not happened at this point. But as soon as you get people anxious to get across Pine Ridge Road and then do a U-turn to head back east on Pine Ridge Road -- which there's not much room -- as it stands now, it's very dangerous. It's difficult to -- a large trailer pulls in, you wait for them.

So, again, it is a -- it's something -- if you really look at it, it's extremely dangerous and extremely logistically impossible.

That said, you know, forgive me for the sort of pretentious assumption here, but I do 100 percent believe that if any one of you-all were in my position, living and seeing the way it

actually is, you would feel the exact same way.

With that, I thank you for your time and appreciate the opportunity to speak.

CHAIRMAN FRYER: Thank you. We will ask --

(Applause.)

CHAIRMAN FRYER: We will ask staff and the applicant to respond to those.

MR. PETERSON: Sure.

CHAIRMAN FRYER: Thank you very much.

Ma'am, you're next, I think.

MS. PETERSON: Sarah Peterson, for the record, in opposition to the Dunkin' Donuts on Collier Boulevard.

Safety and traffic is the main issue, as my husband stated. I will save you on the long-winded paragraph I have there.

I do want to also point out that the proposed westbound exit onto Neff's Way faces directly into our driveway. We value our privacy and believe Dunkin' Donuts will be a nuisance and disrupt our surrounding peaceful ecosystem and serene wooded area.

This development will only make our home less desirable should we decide to sell someday. Would you want to live behind a Dunkin' Donuts in an Estate home? I think not.

Another concern is the amount of trash littered on Neff's Way by strip mall tenants and cars traveling to and from the VFW. Who will be responsible for commercial messes? The strip mall owner hires leaf blowers that blow garbage and debris onto our property line along Neff's Way weekly from the front and the back of the mall. I have video footage and have reported them for littering, but, apparently, it's legal to move garbage from one property to the next with a leaf blower.

We have asked the blowers several times to stop. The owner of the mall said he would keep Neff's Way clean. He does not.

We do not want the additional empty coffee cups and doughnut bags littered everywhere. We already have enough empty beer cans, junk food wrappers, and empty food and drink containers.

Furthermore, the work trucks that park along Neff's Way to get lunch in the strip mall dump their garbage out, along with tires, broken tools, paint cans, broken buckets, and whatever else they want to dispose of onto our property. Who will be responsible for cleaning and maintaining the easement and major debris cleanup after a hurricane?

Homelessness has been an ongoing problem in this quadrant. We have called the cops three times, at least, to remove three homeless drunks off our property already. If you add another access drive to Neff's Way, we will get more transient people wandering through our yard.

Listen, there is a Dunkin' Donuts three miles away on Collier Boulevard and Vanderbilt Beach Road, a six- to eight-minute drive. Adding more conveniences on this quadrant will sabotage our beloved Collier Woods neighborhood. We already opposed the storage proposed last year just next door to the VFW and kitty corner to our property. The residents do not want a busier intersection. It is dangerous.

Collier Woods must be preserved and remain agricultural or purchased as a preserve by the county. That would be nice. We do not want this business accessing and using Neff's Way. We do not want the extra traffic, garbage, storm runoff, and more transient people.

We oppose the rezone and commercial development. Thank you.

CHAIRMAN FRYER: Thank you very much. And we --

MS. PETERSON: And can we get some "no littering" signs, please? Thank you.

CHAIRMAN FRYER: Okay. That brings me to a comment I want to make, and I'm going to call on the Vice Chairman. We are a commission of limited jurisdiction. And the matters you raise are valid concerns to be sure, but they're law enforcement and code enforcement issues. And if you're not getting relief from them --

MS. PETERSON: What do you do?

CHAIRMAN FRYER: Okay. If you're not getting relief from them, you're going to have to pursue them directly and seek the relief that you desire, because we don't have any jurisdiction to do anything about that. But thank you for taking the opportunity to speak.

Vice Chairman.

COMMISSIONER SCHMITT: Just for the petitioner, Wayne, who owns Neff's Way?

MR. ARNOLD: I believe that Neff's Way is owned by all the parties that abut Neff's Way.

CHAIRMAN FRYER: So it's a private road?

MR. ARNOLD: Privately owned.

COMMISSIONER SCHMITT: It's a private road.

MR. ARNOLD: Yes, sir.

COMMISSIONER SCHMITT: Is there any type of legal agreement or anything that specifies --

MR. ARNOLD: I have not seen it.

COMMISSIONER SCHMITT: -- responsibilities of parties?

MR. ARNOLD: I'll let Mike Delate address that. He's looked into that a bit.

MR. DELATE: For the record again, Mike Delate.

I don't have the legal document in front of me, but there is an access easement that describes how it was originally developed and the responsibilities for ownership.

So the property -- the easement. Excuse me -- the easement itself is located on the subject property. So they -- the Dunkin' Donuts owns the underlying property, and there's an easement over it.

CHAIRMAN FRYER: Does the -- does the easement grantor or easement grantee have the responsibility to handle the trash?

MR. DELATE: That's a good question. I don't know that. Just speaking -- we do a lot of those -- Dunkin' Donuts for this particular client, and he leaves his sites impeccable, if you go around town. He has the one right over here at Courthouse Shadows. I think he prides himself on having a good shop. So from that point of view, whatever that's worth.

CHAIRMAN FRYER: Okay. Anything else?

COMMISSIONER SCHMITT: Well, I mean, just the question is, Mike, the actual easement crosses the tract you said, and so --

MR. DELATE: That's correct.

COMMISSIONER SCHMITT: -- if there's anything on that portion of the easement, it falls to the property owner?

MR. DELATE: Yes.

COMMISSIONER SCHMITT: But there's nothing that has -- codifies any type of an agreement with either the strip mall or the VFW other than what you said, an access agreement. But there's nothing -- there's no kind of pooled money or responsibility for cleanup and basically policing of the area?

MR. DELATE: As far as I know, that's correct.

CHAIRMAN FRYER: All right.

To the petitioner, I mean, I don't expect a response, but this property will never qualify for any type of acquisition by Conservation Collier for a preserve. It just does not qualify. I know there's a perception out there that the money was available to prevent lots like this from being cleaned and become part of Conservation Collier, but if it becomes part of Conservation Collier and the county buys it, then there's got to be public access. They have to provide public access, parking, all the other types of things that are associated with public access. So you'll be faced with the same situation.

And the site is going to be developed, so I understand. My only comment is -- from the standpoint of Neff's Way -- and your house is off of Neff's Way as well? Okay. You're shaking your head "yes."

But it is -- there is a legal requirement for access to these -- what do I want to call it? -- lots that are -- don't have access. But other than denying the throughput as part of the permit application -- and I leave that up to the county. But the county, Mike, is there any comments on transportation? There is nothing that I read in here that was -- staff objected to.

Our concerns -- and Pine Ridge is probably one of the worst roads in Collier County. There's no room left for any type of expansion unless they buy significant right-of-way through eminent domain. But is there any concerns about the traffic?

MR. SAWYER: Again, for the record, Mike Sawyer, Transportation Planning.

No. We did look at the petition, we did look at the TIS that was provided, and we don't have concerns as far as the increased traffic either on Pine Ridge or Collier Boulevard.

CHAIRMAN FRYER: I think the questions really were with respect to traffic safety.

COMMISSIONER SCHMITT: Traffic safety.

CHAIRMAN FRYER: Can you comment on that?

MR. SAWYER: Absolutely.

From a safety standpoint, it is always better if we try and distribute traffic where we can. Certainly, by having both access points, the customers are able to both access Collier Boulevard but then also get out onto Pine Ridge. So whenever you do that, you have better distribution. You have more even opportunities for gaining access in and egress.

CHAIRMAN FRYER: Thank you. Any further?

COMMISSIONER SCHMITT: No. That's just a right-in, right-out, pretty much. But coming in off of Collier, of course -- is there a left-turn lane there? Left turn into? I'm looking.

COMMISSIONER SPARRAZZA: No.

COMMISSIONER SCHMITT: No. So it's pretty much right-in, right-out. And --

MR. SAWYER: Yes, that is right-in, right-out.

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: -- shaking his head "yes." So it's pretty benign. I mean, I understand the concerns, but it's pretty much right-in, right-out.

MR. SAWYER: Correct.

COMMISSIONER SCHMITT: And you choose if you're going to go one way or the other.

MR. SAWYER: Absolutely.

CHAIRMAN FRYER: Thank you.

So we've heard from staff on traffic safety. I want to hear from the applicant now, please. And I've got three commissioners who are in line to speak as well.

MR. ARNOLD: I'm going to ask Jim Banks, who did the traffic analysis, to come up. Jim's a little under the weather, so forgive his voice. He doesn't have his full voice today, but he'll do his best. I think in this particular case, as Mr. Sawyer said, I think the aerial presents it well. There's internal interconnectivity to all the uses with the frontage road that exists, and then, of course, they also have the ability to go back out onto Collier Boulevard through that frontage road and then Neff's Way, or there's access through the shopping center to get to the gas station and the other uses.

CHAIRMAN FRYER: Mr. Banks.

MR. BANKS: For the record --

CHAIRMAN FRYER: Boy, he's not kidding.

MR. BANKS: For the record, Jim Banks, here on behalf of the applicant.

First off, I want to correct one thing that was said. There is a left-turn lane into Neff's road.

COMMISSIONER SCHMITT: There is?

MR. BANKS: The right-in, right-out.

COMMISSIONER SCHMITT: Oh, yes, I see it.

MR. BANKS: Right-in, right-out access is between the gas station and the retail, and we



also have access, as was stated, onto Collier Boulevard.

Now, first and foremost, I live close to this area, and I visit this strip center on occasion. It's actually -- from the point of when you leave Dunkin' Donuts, it would be more convenient to access out onto Pine Ridge Road at the access between the gas station and the strip center, not over to Neff's Way. I'm not suggesting that nobody would do that, but it is an easier means of egress if -- if you use the driveway that is located between the gas station and the retail center.

Secondly, this suggestion that somebody would leave from the Dunkin' Donuts shop to access out onto Pine Ridge to head westbound to make a U-turn to come back is not a logical means of egress. It's much simpler -- and, again, because I live in the area, I know the traffic patterns -- it's easier to access the jug handle, turn right out onto Collier Boulevard, make a left to either head back east on White or to make a U-turn to head back north on Collier, or if you want to head southbound, just continue southbound.

So the suggestion that this would generate those U-turn movements to the west of this location is not -- not a logical path of egress.

The other thing is, this corner is like every other corner we've got in Collier County. U.S. 41 -- all the major arterials where you have these commercial centers, you're going to have vehicles turning right off of the main line and vehicles turning right onto the main line. So we're not proposing here anything that's unique. And, actually, Pine Ridge Road is planned to be six-laned in the future. It's not on the -- it's not on the five-year funded CIP, but it is in the long-term -- long-term transportation plan to be six-laned.

And I'm going to conclude that as my presentation because I just really am struggling here to speak. But I'm happy to answer any questions that you might have.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you, Chairman. My -- thank you. The question is not directly for you.

For the applicant -- and going back to the access road, Neff's Way, my experience with access roads has been any party that has access to the access road more or less has to abide by either the rules, the regulations, for example, who takes care of that road when it needs a new topping. And I guess all I'm getting to is anybody that does have access, including this family here, I'm assuming that there is some type of a legal agreement between all parties. And maybe if we can just ask for that to be looked at and reviewed, knowing that this small shopping center does have access -- in fact, the Maps picture I'm looking at has an 18-wheeler parked on it next to the shopping center -- so that if there's any loose ends as to who has responsibility for what, the people that participate in the use of that access road know each other, communicate. It's tied into the deeds, I would imagine?

I guess it's a statement more than a question, Mr. Arnold, but...

MR. ARNOLD: The only documentation I've seen calls it out for ingress/egress purposes and some other interconnectivity, but I've never seen anything relating to the maintenance for the roadway as part of those agreements.

COMMISSIONER SPARRAZZA: Okay. There might be in the county records when it was deeded as a private road. I'm not sure. I'm only going from personal experience on a project I was working on before.

MR. ARNOLD: It could be. There are several declarations, and some of those issues came about when we were looking at this with the county's right-of-way acquisition, and there were interconnection agreements between the three commercial -- now commercial parties that are part of the neighborhood center, and they all reference Neff's Way but only with regard to ingress/egress. That's all I recall seeing.

COMMISSIONER SPARRAZZA: All right. Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Well, I'm on the same lines that Commissioner Sparrazza is

on. Somebody owns that land, somebody owns the responsibility for it, and we're making a connection and nobody's coming up saying, I'm okay with that, because it's not the applicant's property and you're connecting to it. It just seems like something's missing here.

COMMISSIONER SPARRAZZA: In my experience, it's tied to the deed so that you have access to your property through that access road. I may be wrong --

COMMISSIONER SHEA: But usually there's a maintenance responsibility with it.

COMMISSIONER SCHMITT: Mike Delate said the road is actually on the applicant's property.

COMMISSIONER VERNON: Right.

COMMISSIONER SHEA: I didn't hear that.

MR. ARNOLD: If I might interject, the easement does run across the applicant's property. So Neff's Way does physically cross the applicant's property as an easement. So we -- there's no doubt that we and the VFW lodge have legal access to Neff's Way. It's just I don't think there's ever been a long-term maintenance agreement established for that roadway.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I think I misunderstood. So now I'm more confused. I thought you had said that the applicant owns Neff's Way, and I was operating under the assumption that folks around there had easements onto Neff's Way. Based on what was just said, I don't think that's true. So who -- let me just ask the question. Who -- if you know, who owns Neff's Way?

MR. ARNOLD: The Neff's Way is owned by the various parties that abut Neff's Way. So that portion that abuts the proposed Dunkin' Donuts property is owned by Dunkin' Donuts, and there's an easement over that portion of their property.

CHAIRMAN FRYER: For everybody else?

MR. ARNOLD: Correct.

COMMISSIONER VERNON: Based on your understanding, these folks who have objections own part of Neff's Way?

MR. ARNOLD: They also own part of Neff's Way.

COMMISSIONER VERNON: And the VFW owns part of Neff's Way?

MR. ARNOLD: Yes, sir.

COMMISSIONER VERNON: And then everybody who owns it has easements over the other parts owned?

MR. ARNOLD: That's my understanding, yes.

COMMISSIONER VERNON: And is it -- is it they collectively own it as one road, or they each own little chunks of it individually?

MR. ARNOLD: I think the roadway was reserved as an ingress/egress easement. So it's an easement entity. It's not -- the fee simple ownership goes to the center line of the road, if you will, just like most of the other Golden Gate Estate lots that haven't been acquired by Collier County Government. They were dedications to the various public over private property.

COMMISSIONER VERNON: So these property owners, based on what you're saying, you think they own up to the center line of Neff's Way in front of their property, they own that alone, and everybody else has an easement over it?

MR. ARNOLD: That's correct.

CHAIRMAN FRYER: Okay.

MR. ARNOLD: And that's not uncommon in Golden Gate Estates. That occurs on almost every street in Golden Gate unless it's been publicly acquired, like a Golden Gate Boulevard, a Wilson Boulevard, all those that have been publicly acquired for the county.

CHAIRMAN FRYER: All right. I think where we are is to -- for me to ask folks at the back of the room whether we have any further speakers.

MR. SABO: Mr. Chairman, there are no further public speakers.

CHAIRMAN FRYER: All right. Anyone who is not registered to speak in this matter but wishes to do so, please raise your hand.

Seeing no hands raised, we close the public comment.

Ah, yes, ma'am. Come on up. Come on down. And I'm guessing you have not been sworn in, or have you?

MS. JOHNSON: No, I haven't.

CHAIRMAN FRYER: We'll take care of that.

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

MS. JOHNSON: I do.

CHAIRMAN FRYER: State your name first, please, at the same time.

MS. JOHNSON: Valerie Johnson, for the record.

I'd like to speak about when the VFW has an event. Cars are lined up all along Neff's way all the way to -- all the way to Pine Ridge, and then you've got the 18-wheelers. There's no exit then. There's no exit to get out. So when the VFW has an event, there's a big problem. So how often do you have these events?

CHAIRMAN FRYER: We'll take the questions up here, ma'am.

MS. JOHNSON: Okay.

CHAIRMAN FRYER: Thanks, though.

MS. JOHNSON: That's about all I have to say.

CHAIRMAN FRYER: Okay. Well, thank you very much. I'll just say it again. These are very valid concerns, but we just don't have jurisdiction to deal with them. But thank you for speaking.

Any other hands to be raised, people who wish to speak? Oh, I'm sorry, Mr. Bosi.

MR. BOSI: Chair, Mike Bosi.

I believe Mr. French, the head of GMD, would like to address the issue.

MR. FRENCH: I'm not sworn in, Terri.

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

MR. FRENCH: I do.

So we try -- good morning. Jamie French, department head for Growth Management.

We try not to be that fact-checker in the back of the room and -- like in Good Morning, Vietnam when Robin Williams was on the air, but -- thank you for your service, gentlemen, by the way. And I know we've worked together before.

But this -- this is a really odd parcel, and I'm going to stress the word. I have lawfully been driving this area for -- I'm 53, so I've lawfully been driving since I was 16 years old in that area growing up out there.

But that -- that easement was recorded back in 1967 by Gulf Bay or by Gulf Development. And when this home was built -- and Ms. Cook's going to put it on the -- on the -- on your viewer. The developer -- the homebuilder before these fine folks bought that property, we would not give them a right-of-way easement to Pine Ridge, and they had to negotiate Neff's Way. And it's -- there's language in that documentation that says Neff's Way is to service those commercial tracts, that it was intended to be commercial. So this -- it's been there for a while.

And, unfortunately, as we know, when people buy properties that didn't originally develop it, they don't know, because the REALTOR may not share that information with them, or the realtor may not know. But it's identified right there, and I'll let Jaime go through it, because we do issue all the right-of-way permits.

And my first question is, how do they take access, and why didn't they have their own private driveway? And it's because they had to work out some negotiation with the property owners at the time to be able to access Neff's Way themselves.

MS. COOK: Good morning. Jaime Cook, your director of Development Review.

So as Mr. French said, the original easement for access for these properties was recorded in 1967. This easement on your screen was recorded in June of 1990. It was a nonexclusive use of the road easement, and this paragraph right here was the original owner.

So, whereas, Petrozzi needs an access from Pine Ridge Road to the residential building or buildings to be located on Tract 108, and then it goes on to say that it was always intended -- will be used as a means of ingress and egress to the anticipated commercial use but, whereas, the Development Services Department of Collier County has indicated that if the Hoy tract is zoned for such use, the nearest building location to the Petrozzi lot would be 50 feet. So it was always intended that these three parcels would be commercial use.

CHAIRMAN FRYER: So this is a quitclaim.

MS. COOK: It is a nonexclusive easement, access easement.

CHAIRMAN FRYER: Point No. 1 makes it a quitclaim.

All right. Well, that sort of answers our questions, but it doesn't expand our jurisdiction. Thank you.

Any other speakers wish to be heard?

(No response.)

CHAIRMAN FRYER: If not, we will close the public comment portion of this proceeding and ask the applicant if you have any rebuttal.

MR. ARNOLD: No, sir. I think our testimony and staff's testimony document that we have the legal use of the property. Our uses are consistent with the Golden Gate Growth Management Plan, and we meet all the criteria for rezoning under your Land Development Code.

CHAIRMAN FRYER: Thank you. Any questions or comments for the applicant before we go into deliberation?

(No response.)

CHAIRMAN FRYER: If not, we're now in deliberation. We'd entertain a motion or comment.

Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah. I'll make a comment. Fully understand the concerns that the public has raised. As the Chairman pointed out, it's beyond our jurisdiction because this is a private road, and it is a -- as we just saw, there are easements that allow for access, and it is not uncommon. We have other areas in the county that date back from the '50s and '60s, especially in the Estates area.

I can only encourage that those who use Neff's Way somehow have to coalesce and come together and decide who's going to do what. But, again, that's beyond our jurisdiction.

So with that, I'm willing to make a motion for approval, but I'm going to leave it open for any other commissioners that want to comment.

CHAIRMAN FRYER: Thank you.

No one is signaling at this point.

COMMISSIONER SCHMITT: Well, I make a motion, then, to approve Petition 20220004546.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SPARRAZZA: Second.

CHAIRMAN FRYER: Go ahead.

MR. PERRY: Subject to the condition that, to the extent permitted by law, a sign prohibiting a right turn shall be placed at the development's exit onto Neff's Way?

CHAIRMAN FRYER: Yes.

COMMISSIONER SCHMITT: Thank you for bringing that up. Yes, and subject to the -- there was no additional additions to the prohibited uses, so it's clearly stated within the petition. So we'll -- with that, it stands as well. But, yes, the petitioner will put up the sign as agreed to, and then the county staff, in the review process, will verify the location as part of the SDP process.

CHAIRMAN FRYER: Thank you, Mr. Perry.  
Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I don't really like doing this, but based on the evidence, I concur with Commissioner Schmitt, and I'll second the motion to approve.

CHAIRMAN FRYER: Okay. Thank you.  
Further discussion?

(No response.)

CHAIRMAN FRYER: If not, it's been moved and seconded to approve this application.  
All those in favor, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, all.

MR. ARNOLD: Thank you.

CHAIRMAN FRYER: I need to take us back in our agenda, because -- because of my advanced age, when I'm taken off track by a switch in the agenda, then I get confused.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: And so I need to go back to Planning Commission absences.

And our next meeting is on July 6th of 2023. Does anyone know if he or she won't be able to attend that meeting?

(No response.)

CHAIRMAN FRYER: Good. Then --

COMMISSIONER VERNON: The 6th?

CHAIRMAN FRYER: Yeah, July 6th. Then our meeting on the 20th, I believe, is being canceled. And so we don't need to ask about that.

And the meeting following that is August 3rd.

MR. BOSI: Third.

CHAIRMAN FRYER: Anybody know at this early time whether --

COMMISSIONER SCHMITT: I believe I will not be here for the August -- I will not be here for the August 3rd meeting.

CHAIRMAN FRYER: Okay. Thank you. Any other?

COMMISSIONER VERNON: I turn off my phone, so I'm turning it on. I'll let you know in about two minutes, if that's okay.

CHAIRMAN FRYER: Okay, all right. We'll hear from you at that time.

Okay. Then we've got --

COMMISSIONER SHEA: Can I ask, are we having the 5:00 p.m. hearing on July 6th we had talked about? Is that a two-part -- two-meeting day?

CHAIRMAN FRYER: Good question.

MR. BOSI: We are in the process of evaluating whether the two items that we had scheduled tentatively for July 6th are going to be able to be cleared for advertising. So we're at the -- and the advertising deadline is within a few days. So I can't tell you that right now as to whether we're going to need the nighttime hearing.

CHAIRMAN FRYER: Yeah. But you need our input with respect to a nighttime hearing on that date.

MR. BOSI: Yes.

CHAIRMAN FRYER: So does anyone know whether he or she could not attend an

evening meeting on the 6th of July if one becomes scheduled?

(No response.)

CHAIRMAN FRYER: So no one is saying they cannot.

COMMISSIONER SHEA: I'd love not to, but I'll be here if we have it.

CHAIRMAN FRYER: So there's your feedback, Mr. Bosi.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: Thank you.

And from there, we go to approval of the minutes. We have two sets in front of us today, those of our April 20, 2023, meeting and those for our meeting of May 4, 2023. Any corrections, changes, or additions to either of those sets of minutes?

(No response.)

CHAIRMAN FRYER: If not, I'd entertain a motion to approve the --

COMMISSIONER SCHMITT: Make a motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

CHAIRMAN FRYER: If not -- and we're acting on both sets of minutes, April 20 and May 4 -- all those in favor of approval, please say aye.

COMMISSIONER VERNON: (No verbal response.)

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. Thank you.

BCC report/recap, Mr. Bellows.

MR. BELLOWS: Yes. On May 16th, the Board of County Commissioners approved The Haven Mixed-Use Planned Unit Development and companion Growth Management Plan amendment by a vote of 4-1, with Commissioner Hall opposed.

CHAIRMAN FRYER: Thank you.

Chairman's report, none today.

Consent agenda, none today.

\*\*\*And so I believe that takes us to Golden Gate, and -- so that is PL20230002800. And I'll pause right here and ask a question. That seems like an awfully high number for a 2023 matter. Is that the correct number really? How did we get up to 2,800?

COMMISSIONER SCHMITT: Based on the date.

CHAIRMAN FRYER: I mean, they go numerically. In 2023 you would expect to see a three-digit number at the end rather than a four digit. But if it's the right number, it's the right number.

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

The way that our CityView system works, it's not only land-use petitions. It's all petitions that we account for. So with the volume that we process over at Growth Management, we just stack them up quickly.

CHAIRMAN FRYER: Thank you very much. I just learned something. Thank you.

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

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: Thank you.

Disclosures, ex parte, starting with Ms. Lockhart, please.

MS. LOCKHART: Staff materials only.

COMMISSIONER VERNON: No disclosures.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Public materials and discussion with staff.

COMMISSIONER SCHMITT: Staff materials only.

COMMISSIONER SPARRAZZA: Staff materials only.

CHAIRMAN FRYER: All right. And, Commissioner Vernon, did you want to be heard at this time?

COMMISSIONER VERNON: Yeah. I just wanted to jump in before we start. I am available July 6th, and I'm available at 5:00 as well, and I am available on the other date, August 3rd.

CHAIRMAN FRYER: Thank you very much.

All right. We've had our ex parte disclosures.

Chair recognizes Mr. Arnold.

MR. ARNOLD: Thank you. For the record, I'm Wayne Arnold here, representing Collier County Board of County Commissioners, who own the property that is the former Golden Gate Golf Course and is now a mixed-use project that was approved in the last year.

So we have various staff members here. Mike has been the primary point of contact here for this application, and we're assisting staff in going through the neighborhood information meeting process and the public hearings.

The change is brought about really to deal with two tracts, the public-use tract that's highlighted on sort of the northwest corner of the property as well as a community facility tract that we created because they both relate to changes to accommodate the hopeful future development of a State Veterans Nursing Home on the property.

They have -- Mike's been working with them and, I think, attended a recent meeting. But as you may have seen in the neighborhood information meeting minutes, there was really no concern expressed about the changes to the greenway standards that we're creating if the veterans home comes into being.

It really became an informational session that -- Commissioner Saunders attended our neighborhood information meeting and ended up speaking about the process and where we are in the process of the veterans nursing home and the golf course, et cetera.

So we are making very minor changes to the master plan and document to allow for a reduction in the greenway setbacks if the public-use tract is developed with a state veterans nursing home and to allow for there to be a potential offsite parking lot on our community facility site that's also owned by the county on Golden Gate Parkway. And those would all be connected by an additional greenway, so --

CHAIRMAN FRYER: And, Mr. Arnold, the materials you showed at the NIM, there were three points, and the third point was "revise the master plan." And staff confirmed for me Tuesday -- and I'll just ask you to make the record -- that the master plan is only being revised with respect to those first two points, correct?

MR. ARNOLD: That is correct.

CHAIRMAN FRYER: Thank you.

MR. ARNOLD: So this is the approved master plan, and we would make note of the potential reduction in the greenway for the north and the south -- or the east and west portion of that public-use tract.

So it's a fairly simple amendment directed by the Board to come back and find a pathway to help make it easier for a veterans home to be developed, and that's why we're here and hope you can support the change and move this along to the Board for their final decision.

CHAIRMAN FRYER: Thank you.

Questions or comments from Planning Commission?

(No response.)

CHAIRMAN FRYER: No one -- go ahead, Vice Chairman.

COMMISSIONER SCHMITT: Yeah. My comment only is we have gone through this extensively during the rezone, and this is coming back to us. It was clear in the staff report this is coming back to us at the direction of the county because it's a county application. It sort of, I guess, would have, lack of a better term, it's almost a fait accompli because the Board has almost essentially agreed to this. It's just a matter of going through the process. It appears to be -- that's what it appears to be. So I have no issues other than it's clear that the county -- the Board of County Commissioners gave staff direction on this. Up to you, staff.

MR. BOSI: If you're ready for the staff report, I can most certainly make a comment related to that. Yes, this was directed by the Board of County Commissioners.

COMMISSIONER SCHMITT: Yeah.

MR. BOSI: Of course, the Planning Commission is its own independent thinking body. If you felt that there was something that was inappropriate being suggested, I think you guys would probably identify it.

But the term that was utilized when they directed staff to modify the Golden Gate Golf Course PUD to accommodate the veterans nursing home was the reduction in the greenway was offset by great public benefit that would be provided for by such a facility being developed.

And one of the things that we were considerate of is in that reduction, if there is a reduction from that 100 feet to 40 feet and 20 feet on the east and west side, there has to be a wall with additional landscaping that's going to be provided for.

The 100-foot greenway was going to give the visual -- the spacing to be able to accommodate and provide compatibility. We understand if we're reducing it down to 40 and 20 feet, we need a much -- a stronger visual screening, and that's where the wall and the landscaping will come into play.

COMMISSIONER SCHMITT: And the wall is clearly specified in the documents --

MR. BOSI: Yes.

COMMISSIONER SCHMITT: -- which I read as well. Thank you.

CHAIRMAN FRYER: Thank you. Any further staff report?

MR. BOSI: No, other than staff is recommending approval.

CHAIRMAN FRYER: Okay. Questions or comments from up here?

(No response.)

CHAIRMAN FRYER: If not, thank you, staff.

Any registered speakers?

MR. SABO: Chairman Fryer, we have no registered speakers for this item.

CHAIRMAN FRYER: Thank you. We will close the public comment segment of this hearing, and the matter is now in our hands for deliberation and action.

(No response.)

CHAIRMAN FRYER: No one is signaling.

COMMISSIONER SCHMITT: I will make a recommendation for approval of 20230002800. Recommend approval, clearly, the -- as defined in the petition and the requirements as stated in the petition.

CHAIRMAN FRYER: Thank you.

Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.



CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, all.

MR. ARNOLD: Thank you.

CHAIRMAN FRYER: \*\*\*So that takes us to our last matter, and I will call that. Okay.

This is PL20220008172. It's the so-called NIM rules of decorum, although I think we all recognize it's an LDCA that has gone beyond that, which is fine, but it's an LDCA that concerns primarily NIM rules of decorum plus some other things, matters purely legislative in nature with no quasi-judicial component. So no need for swearing in witnesses or for disclosures.

And with that, the Chair recognizes Mr. Johnson.

MR. JOHNSON: Thank you, Mr. Chairman. For the record, Eric Johnson, LDC planning manager.

So today I have the privilege of presenting to you a Land Development Code amendment that would establish the neighborhood information meeting rules of decorum as well as a companion Administrative Code amendment. The Land Development Code amendment would change Chapter 10.03.05. The companion Administrative Code amendment would modify Chapter 11 of the Administrative Code.

This item was scheduled to be heard by you in April, but it was postponed until May and then postponed until today. So I'm glad to be able to present and hopefully walk away from here with some action taken by the CCPC.

Just to give you a little brief overview, the neighborhood information meeting, affectionately known as the NIM, has been around for a while; however, back in 2022, last year, the Board directed staff to bring back an amendment to the Administrative Code to address an express concern for public safety, meeting decorum, and virtual NIM options. So we're just following through with the Board's desire to have these rules of decorum.

At first, when staff was drafting language, creating ideas, it was to be an Administrative Code amendment only; however, after a consultation with our County Attorney's Office, it was determined that because of the nature of the language that we're proposing to the Administrative Code, there were some substantive issues, so that also necessitates a Land Development Code amendment.

So this is what we have before you today. As you know or may not know, the NIM is required for certain land-use petitions. The applicant is required to go through the process to hold and conduct a NIM. Earlier last year, there was an issue with some folks who were at a NIM for one of the petitions getting out of hand. It was determined at that meeting that the rowdiness was causing a problem, and the NIM had to be terminated, which is unfortunate.

So the Board's direction for us to, you know, change the NIM, basically, we're putting in writing the allowance of the applicant to be able to hold a NIM virtually or in person or a combination of both. We're also saying that if a NIM that was held that was disrupted because of circumstances like I just mentioned, that they would have to have a second NIM, and that second NIM could be in person, virtual, or a combination of both.

It's unfortunate that we have to put in writing expected behavior for attendees, but this is the world we live in. So, really, this is what we're doing now is establishing the NIM rules of decorum. There's some ideas of having a virtual-only option, you know, less traffic, people don't have to actually drive to a location, which is less traffic on the streets. That sounds good. There's also -- I don't have the numbers in front of me. It's probably cheaper -- an educated guess would be that a virtual NIM is cheaper than having an in-person NIM. It's probably quicker to create that kind of forum.

As of right now, we don't have anything on the books that says that an applicant can't have a virtual NIM only. So this is -- this is -- what we're doing is we're bringing forward the -- and we're putting in writing, putting a punctuation on it, yes, you could have a virtual NIM only as a first. If that gets disrupted, then we would have a second option.

There were some ideas that were exchanged with Chairman Fryer when we were discussing the 2022 comprehensive update to the Administrative Code. Some of those ideas were not expressed in this iteration of the rules of decorum. Not meant to be a slight to Commissioner Fryer. This is a great opportunity to get everyone's input. I know that Commissioner Schmitt possibly had some comments himself, and I'm sure that we'll hear them today.

So, again, I'm looking for a recommendation of approval from the Planning Commission, and I'll be happy to answer any questions that you may have.

COMMISSIONER VERNON: Can you scroll up so I could see the rest of it?

COMMISSIONER SHEA: Scroll up.

CHAIRMAN FRYER: Thank you. While you're doing that, I do have a number of comments and some suggested language changes. But before I -- before I go ahead with that, I'm going to call on Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah, 2001, of course, I was the administrator at that time for Community Development/Environmental Services when the NIM was actually conceived and developed. It was a lot of pressure in this county because of the extraordinary growth that was taking place at that time, and the NIM, frankly, was a methodology to quell some of the angst and anxiety that was existing pretty much because of the growth that was taking place. That was my first year with the county. And it has morphed over the years.

But my two immediate comments are, I totally disagree with a virtual NIM. I don't think it's appropriate, and it only would be appropriate on one occasion, and that's going to be my second comment.

But it was -- the words "communication" and "collaboration," because it was meant to be a collaboration. I have no problem taking the word "collaboration" out. I'm anxious to see what you wrote, but it wasn't -- the collaboration takes place in the applicant hearing at petitioner's proposal and then getting the input from the public. There is some collaboration involved, but if we want to remove that word, that's fine.

The incident that took place here two years ago, that's my second piece. This is a process to educate the public. If the public chooses to be rowdy and not hear, I think it's within absolute right of the petitioner to say, I attempted to do this. I thank you very much for your time, those who attend. Unfortunately, you're being denied the presentation because of your fellow citizens. And I think that suffices enough. And if there's any other problems -- if the public chooses they don't want to give the petitioner time to present the information to the public, they meet the requirement. Then they can contact staff if they want to get the briefing or whatever else.

I don't think it's right for -- if we allow the public to protest, to force to cancel -- the cancellation of the NIM, it sounds like the petitioner's being penalized to have another NIM, and I don't want to create that type of trigger from the standpoint why should the petitioner suffer because the public is ignorant enough to not allow for the NIM to take place? So that's my second piece.

The only time I would agree to a strictly virtual is because the NIM was so disruptive that the only conceivable way to do it is by virtual. But I would totally disagree with strictly virtual. I think it has to be in public.

Ever since COVID, having been involved in up to 20 people in virtual meetings, it is absolutely ridiculous from the standpoint of trying to conduct business. We suffered through it during COVID, but -- and we've learned to adapt, but to do a public meeting strictly by video, I do -- I believe that it does not give the public the due process they need to hear the petition. So I would disagree with a video only -- doing a -- I mean, a videoconferencing through Skype or any other means, Microsoft, Teams, Skype, or you name them. So those are my two comments.

But, again, I open it to my fellow commissioners. I don't want to give the public an opportunity to create a ruckus, so to speak, on site to force the petitioner to have to redo a meeting, because then that would only seem to me to be an enticement for them to come and to raise hell at a NIM. And I think it's -- the petitioner has, quote, met the requirement. They could then do a -- then they could do a video teleconferencing NIM if people so choose to dial in.

So those are my two comments.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Exactly my two comments, but I will repeat it in my own words. I feel you need to have -- you can have a personal in-person and a Zoom, but to just have a Zoom only, I think, is very -- you're not going to get any communication.

COMMISSIONER SCHMITT: Right.

COMMISSIONER SHEA: It's too -- it's way too hard to manage it. And I totally agree that you shouldn't be punishing the petitioner because some of the citizens are missing the opportunity to listen to what's going on. You could do -- if you -- rather than having them reschedule it -- why would you reschedule it? They're just going to do the same thing.

COMMISSIONER SCHMITT: Right.

COMMISSIONER SHEA: I look at it and say, send out your PowerPoint to the people that you sent out the invitations to, give them one week to submit comments. But why come back to another meeting? You find another avenue to get the communication you're looking for.

COMMISSIONER SCHMITT: Can I -- I want to follow up, because sometimes the NIMs almost create a venue for someone from the public to get up and speak against the project and almost take over the meeting. I've seen it happen a couple of -- in NIMs that I've attended. And they're not meant to be there. They're not meant to be forums for the public to get up -- and they can object all they want. They can raise opinions, but I'll go back to my days in the Army Corps of Engineers. When we had public meetings, the last thing we ever did is give somebody a microphone in the audience, because you just don't do that because it then becomes the meeting of the public to generate opposition.

And, in fact, what we did on any large project in the Army Corps of Engineers when we had public meetings, we would present the information in public, and then we would adjourn to separate tables, and if people wanted to come and object, they would come to a table and sit and object to one of the planners.

This NIM process that we did here, it sort of wasn't conducive to that. And I go back to 2001. The environment here was -- Ray remembers, 2002, '3, and '4, the perception was the developer got away with everything. I mean, it was in the front door and out the back door, and they got the approvals, and the public never was informed. And it created the NIM process, and, of course, we had -- part of it was cleaning up the public advertisement and the descriptions of projects as well.

So that's sort of where this was. And so it became a public meeting. But it is not a meeting for the public to get up and get the microphone and almost present their objections.

And then the staff -- sort of the perception was that staff was holding the meeting, but staff has no obligation other than to attend, take names, and identify themselves as a potential point of contact, just like they do on the sign. It says the planner's name and if people want to contact for information. The only thing that the staff does at the NIM is to describe the process and identify potential dates of public hearings.

MR. JOHNSON: Correct.

COMMISSIONER SCHMITT: That's the rest of the history.

MR. JOHNSON: And also answer questions.

COMMISSIONER SCHMITT: And answer questions.

MR. JOHNSON: The way the current language has it is it designates the staff is the facilitator.

COMMISSIONER SCHMITT: They're not. They're not the facilitator.

CHAIRMAN FRYER: That language is gone.

COMMISSIONER SCHMITT: That's gone, yeah. That was never the intent.

MR. JOHNSON: That's what we're proposing.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I had to cancel my meeting with the staff this week. They usually help me prepare, so I'm looking at this in real time. I don't have as strong of feelings as the other commissioners because I'm just sort of digesting this right now. But simply from a strategy standpoint, I think, Commissioner Shea, Commissioner Schmitt, I mean, I can foresee that the developer, the applicant, will go to purely virtual meetings, and you'll never have another meeting.

COMMISSIONER SHEA: Exactly.

COMMISSIONER VERNON: And the more aggressive members of the public go to disrupting any in-person meeting so that you have to have a second meeting as a punishment to the petitioner. So I definitely agree with their points.

I guess I really had some questions, because kind of just reading through this fresh, did you guys define who "attendees" are?

MR. JOHNSON: No.

COMMISSIONER VERNON: Okay. Because to me attendees would -- can include the county; it would include the staff. It wouldn't just include the members of the public. It would include the developer, and who's being inappropriate? I mean, that -- you know, who decides who is not following decorum? And that should be -- I'm just getting into the weeds here as to how this is going to be interpreted. There's some openings here.

Also, I'm concerned about the private security detail. Almost -- and my immediate reaction was the petitioner -- or the applicant should pay for it, but I think it would be better to have the Collier County Sheriff's Department to be there. Because you get a private -- what is a private security detail? I mean, that, to me, there's -- that can be the source of some trouble too.

And then the last one, if you read that last sentence -- and, again, being a lawyer and trying to interpret this in different ways, if you look at the last sentence, it says at the petitioner's discretion. You could -- I know that's not intended, but you could interpret that to mean we don't have to have a second meeting.

So those are a lot of thoughts about let's -- if we're going to do -- this would be a big issue, and if we're going to do it, let's take the time to really have everybody, fresh eyes, look at it and see if we can make some changes to the words.

And one thing -- again, I'm just thinking about this in real time, but maybe it's appropriate to require the petitioner to have an in-person first meeting, and then if that meeting is disruptive, then they can have a virtual meeting after that.

MR. JOHNSON: That sounds like what has been expressed today is that the first NIM would be in person, and then -- and then and only if there's a disruption where the first -- the in-person NIM could not be completed, then you could have a second NIM, and that second NIM could be either in person or virtual or both.

CHAIRMAN FRYER: When my time comes, that's exactly what I'm going to propose. And I've got some tweaks and nuances to offer along with it, such as if the disruptive person at the second Zoom NIM continues to disrupt, you can electronically mute that person, and that ends the disruption. But I've got several points I want to make.

And I think what I'd like to do -- we've got a midmorning break coming up in two minutes. I can see this going on for another 30 minutes or so. I've got -- I've got a number things I want to say, and I don't want to be rushed on it.

So without objection, I'm going to put us in recess until 10:40. That's 12 minutes from now.

(A brief recess was had from 10:28 a.m. to 10:40 a.m.)

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

CHAIRMAN FRYER: Thank you.

We're back in session.

And who was the last speaker up here, questioner?

COMMISSIONER SHEA: Chris.

CHAIRMAN FRYER: Yes. Commissioner Vernon, do you have anything further?

COMMISSIONER VERNON: I'll just reiterate I think we need to define attendees. I think we just need to discuss the private security issue, and I think we need to reword the last sentence. And I'm repeating myself because some other commissioners may have thoughts on that.

CHAIRMAN FRYER: Thank you. Vice Chairman.

COMMISSIONER SCHMITT: Yeah. It's a rarity, I have to believe -- and I'm going to point to staff. It's a rarity that we ever needed security on -- maybe on one or two or three occasions of all the NIMs.

I guess -- well, I have to understand who makes the determination whether security is needed? The only issue I brought up during the break was the only time I have ever really seen a problematic with a NIM is when the venue isn't big enough, when they think there's only 50 going to show up and 400 show up. That is a reason for cancellation and rescheduling because -- simply because the venue wasn't --

MR. JOHNSON: Large enough.

COMMISSIONER SCHMITT: -- there to accommodate the number of people that wanted to be there. But I -- I mean, it's -- I leave it optional to the petitioner. My opinion is it's optional to the petitioner whether they want security and to who they bring. Because to say strictly a county sheriff -- first of all, the Sheriff's not going to do it during duty time. It's probably going to be an off-duty officer/deputy that will be paid, or they choose to have private security. But private security has no authority other than maybe to stop some kind of ruckus. But other than that, I don't know that private security has any other authority.

MR. JOHNSON: Commissioner Schmitt?

COMMISSIONER SCHMITT: Yeah.

MR. JOHNSON: The security detail is an option.

COMMISSIONER SCHMITT: Okay.

MR. JOHNSON: Strictly an option. We wrote "encouraged."

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: That's where we are.

MR. JOHNSON: And I think Mike Bosi wants to say something.

CHAIRMAN FRYER: Bosi.

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

A couple points I just wanted to -- because I was at the meeting that was disrupted. There was four Sheriff's officers there. They didn't interrupt because of freedom-of-speech issues. So they're -- you know, if something -- you know, if there was an altercation, obviously, that would have changed, you know, the demeanor. But they -- you know, they were refrained, and they were constrained in their minds from asking the people to -- you know, to quiet down and allow the speakers to speak.

And another aspect that I would suggest -- and I like the suggestion from Commissioner Vernon. If you do have a disruption, allow for -- allow for a NIM or a virtual only. Because what happened at that meeting was the public turned against the public. The people who wanted to hear what was being presented started to argue with the folks that were screaming, and they -- there was -- there was a point in time where I thought there was going to be an altercation because of just the conflict between the groups within the public, because, you know, obviously, there's -- you know, there's a number of different sides.

Some people just wanted to hear. I'm not saying they were supportive of it, but they

wanted to hear, and they weren't interested in just, you know, canceling the meeting.

So I do -- I would suggest that if you -- if they do have something that was unable to go on, to at least allow for some means for the information to be presented by the people who were at the NIM who wanted to -- you know, to at least hear what was being presented and what the proposal is.

COMMISSIONER SCHMITT: And it was Paul -- and I said the same thing as well. It would be -- it would be -- the only time when it would be allowed just to have a virtual only is you attempted to do it, and then the best way to provide an opportunity for the public to get the information is do it by virtual.

MR. BOSI: And --

COMMISSIONER SCHMITT: And I would concur with that.

MR. BOSI: And I would add another, that I've had a number of petitioners. And Mr. Fernandez actually did this within the golf course conversion process, but they've done the same thing that you've suggested. They wanted an overall presentation asking no questions -- having no questions from the public, and then having individual breakout tables.

COMMISSIONER SCHMITT: Right.

MR. BOSI: The problem with that is Commissioner Fryer values the transcripts. How do we get a transcript from each individual table to be -- to be recorded or to be able to be documented what was discussed at each one of those tables? That places a tough burden upon that applicant for them to try to do that.

So I agree that that always is probably the best way to get the information out and then have small individual conversations, because that -- you get a little less of that mob mentality within that.

COMMISSIONER SCHMITT: I'll just follow up that the NIM was never meant to be a public meeting -- a public hearing.

MR. BOSI: No.

COMMISSIONER SCHMITT: And I understand wanting to read the -- have access to the video or whatever, but it's not a public hearing, and it's not part of that process.

(Commissioner Schumacher is now present in the boardroom.)

COMMISSIONER SCHMITT: So I don't know. I mean, I'm not -- if they wanted -- the golf course conversion was a good example. If they want to have sit-down sessions with people that have a concern, that's no different than somebody coming in and talking to either the petitioner separately or to the staff separately.

CHAIRMAN FRYER: Thank you. The record will show that we've been joined by Commissioner Schumacher. Welcome, sir.

COMMISSIONER SCHUMACHER: Hey.

CHAIRMAN FRYER: Thanks for being here.

COMMISSIONER SCHUMACHER: My apologies for being late.

CHAIRMAN FRYER: Not a problem.

Commissioner Vernon.

COMMISSIONER SCHMITT: We're on the last item.

COMMISSIONER SCHUMACHER: Great. Perfect.

COMMISSIONER VERNON: Yeah. We're -- I think, although only three of us have talked so far, we seem to be coalescing around an in-person meeting, first NIM. If it's a problem, then virtual-only second NIM.

I think you pointed out correctly the private security deal -- detail is optional. So that's not an increased burden on the petitioner.

And I do -- I do want to emphasize from my perspective, although this is almost never going to happen, I think we're literally writing it for the one time it does happen. So I think we want to focus on the type of situation Mike Bosi's talking about. And what do you do with a private security detail wherein members of the public are nose to nose with other members of the

public? And are -- if that private security detail is not qualified, that makes me nervous because I think it could escalate the situation. It could literally make the situation worse.

I think it's a great idea to have some kind of security there, and I understand the hurdles of the police, of the Sheriff's Office. But it seems like we should at least explore the possibility of the petitioner paying overtime for the deputies to be there because I think that provides a lot of immunity protection, all kinds of protections, and they're really trained to handle those situations regardless of what the combatants are.

CHAIRMAN FRYER: Thank you.  
Commissioner Shea.

COMMISSIONER SHEA: Just following up with Commissioner Vernon on the devil in the details. So who calls the meeting and says it's too disruptive and now we're done? Who makes that call?

CHAIRMAN FRYER: The current language provides that the applicant does.

COMMISSIONER SHEA: So -- okay.

CHAIRMAN FRYER: If we want some other mechanism, we need to talk about changing that language. But the way this is written, the applicant makes that call.

COMMISSIONER SHEA: I think he has to. It's his meeting.

CHAIRMAN FRYER: Oh, I agree.

COMMISSIONER SCHMITT: I think he just would want acknowledgment from the staff representative there. That's all.

MR. BOSI: And there was. There was an exchange, and we continued to try to make the presentation, and every time that we did, it was just the -- and it was only seven to eight gentlemen that were causing the commotion, but they were louder than the loudspeakers. It was -- it was just --

CHAIRMAN FRYER: I am going to --

MR. BOSI: -- disruptive.

CHAIRMAN FRYER: -- also, when my time comes, speak in support of having a live NIM. But if it becomes disruptive in the judgment of the applicant, that there would have to be a follow-up electronic NIM that has to be well-managed and audible, but it also gives the applicant the opportunity to then mute people who are being disruptive. So I'm casting my lot in with others who believe that's the way we should do it.

And I do have some other points to make, but I'm going to try to clear the deliberator first. And so next we have Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you, sir.

Following up with what you just said, I thought earlier we stated that if the petitioner holds the public meeting as required, should it become disruptive and maybe in conjunction with the county, the county and the petitioner say, this has gone too far; we're canceling the meeting, at that point it is optional for the petitioner to hold a virtual meeting through Zoom or Teams or something, but not required.

CHAIRMAN FRYER: Well, they -- you mean optional whether they hold a Zoom or second live?

COMMISSIONER SPARRAZZA: A second -- no, a second meeting of any part, because I thought Commissioner Schmitt said the petitioner did his part of allowing the public to come and communicate with the petitioner, and if the public disrupted it, they have then forfeited their time to interact with the petitioner, and the petitioner has met his requirements.

CHAIRMAN FRYER: My concern --

COMMISSIONER SPARRAZZA: And that's different.

CHAIRMAN FRYER: My concern about that is that if you have one or two outlier members of the public who are spoiling it for 50 or 75 people who are behaving themselves and who deserve an opportunity to have a NIM, that's why we would want to have an option of a second live NIM, or what would invariably happen would be the second NIM would be on Zoom

so that it can be controlled by simply muting people who misbehave. That's the reason why -- and, also, the applicant is -- does not have an incentive to declare the NIM over. He's got a disincentive for doing that because he's going to have to have a second NIM.

COMMISSIONER SPARRAZZA: And thank you, sir.

I -- what I was trying to understand and clarify is that the second NIM, whether it be virtual or in person, is not optional. It is required should they cancel the first due to an unruly crowd.

CHAIRMAN FRYER: Well, I think we're saying the same thing.

COMMISSIONER SPARRAZZA: Okay.

CHAIRMAN FRYER: Okay.

COMMISSIONER SPARRAZZA: It's been clarified now. Thank you.

CHAIRMAN FRYER: Commissioner Vernon -- thank you.

Commissioner Vernon.

COMMISSIONER VERNON: No, I just was going to make sure I'm on the same page with you two, and I am.

CHAIRMAN FRYER: Okay. Good.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I just wanted to add in, I've seen a NIM -- excuse me. I've seen a NIM like this. It started off at the North Collier firehouse there. There was too many people.

COMMISSIONER SCHMITT: Famous one, yep.

COMMISSIONER SCHUMACHER: And then it then moved to the Florida Sports Park where there was a few individuals in the audience, and there was probably over 150 people there, that just destroyed it for everybody. And my email communication with staff at the time, prior to even being on this board, was if they just held a Zoom, it would be a whole lot easier if you just did it -- that way you can mute those so that the others could actually see the presentation and have educated questions to ask.

So I agree that it is -- it's beneficial for the applicant to have the NIM. I think in-person is the way to go, and if that doesn't work, then you go to an online version.

CHAIRMAN FRYER: And I think as you've stated it, it is quite very much in line with all the other comments that have been made. I think that's the direction we're headed.

And so at this point, no one else is lit up on the deliberator, so I'm going to say a word or two or three or more.

First of all, I would like to propose -- and we don't -- we can -- why don't we just -- why don't we vote on these separately so that we can actually get some business done here.

I'm going to move that we -- that we change the language so as to require an initial in-person NIM and that in the applicant's discretion, if it becomes too contentious to be effective or useful, that the applicant may recess the NIM to be reconvened either electronically or in person. My guess is that it would be invariably electronically. And that then if the -- if the contentious people decide they want to call in on the Zoom, they can be muted, and the NIM could be continued for those who were behaving themselves and wanted the information and wanted to be heard. So I'm going to -- I'm going to go through several of these, but that's my first motion. Is there a second?

COMMISSIONER SCHMITT: I second.

CHAIRMAN FRYER: Any further discussion? Okay.

MR. JOHNSON: Mr. Chair?

CHAIRMAN FRYER: Yes. Go ahead, Mr. Johnson.

MR. JOHNSON: I have a question. Regarding the reconvening of a second NIM, you said electronic or in-person. Do you mean electronic or in-person or a combination of both?

CHAIRMAN FRYER: Yes, I do mean that. Thank you for the clarification.

MS. ASHTON-CICKO: Mr. Chair.

CHAIRMAN FRYER: Yes.



MS. ASHTON-CICKO: Sometimes NIMs get -- have to have a second NIM because the duration between the first NIM and the hearings is more than a year. Are you going to speak to that as well?

CHAIRMAN FRYER: I was not in this particular case --

MS. ASHTON-CICKO: Okay.

CHAIRMAN FRYER: -- because that's already a matter of our ordinance law, correct?

MS. ASHTON-CICKO: Well, currently, because there's no electronic option under our current LDC, they're all in person. So I didn't know if the group -- if the Commission had any thoughts on the second NIM, whether that should be in-person or virtual.

CHAIRMAN FRYER: Well, is your recommendation that we deal with that now? Because we can. Or is it sufficiently separate and distinct that we could deal with it in another proceeding?

MS. ASHTON-CICKO: It's at your pleasure. You can deal with it in the future.

CHAIRMAN FRYER: All right. What's the wish of the Planning Commission?

COMMISSIONER VERNON: I would say we keep it separate. It's already complicated enough.

CHAIRMAN FRYER: Okay. I'm kind of inclined to agree, but it's a good point that you raise, and we need to deal with it.

Any further discussion before we vote?

COMMISSIONER VERNON: I just had a quick question.

CHAIRMAN FRYER: Please go ahead, Commissioner.

COMMISSIONER VERNON: On the first meeting, we're all in agreement -- I think we're all in agreement it be in-person. Is there -- should we have the virtual on top of the -- in other words, it be both?

CHAIRMAN FRYER: Yes, I think so. I believe that -- and I should have clarified.

COMMISSIONER VERNON: And that way people who can't attend in person can attend virtually if they prefer.

CHAIRMAN FRYER: Yeah. The same way we're doing it now.

COMMISSIONER SPARRAZZA: I'd like to comment on that, if we may, from a technical side.

While it may be the idea for the petitioner to hold it virtually also, there may be a technical reason at the venue that does not allow him technically to connect to the Internet to then allow Zoom or something. So while it would be an option or a desire, I don't think we can impose that on the petitioner to demand that the first meeting is always allowed to be virtual in addition to, because of -- if they hold it at a church, and the church has terrible WiFi, they can't get that Zoom signal out to the public.

CHAIRMAN FRYER: That's a very good technical issue. Here's my concern. It touches upon a much broader question that is being talked about at the BCC level and elsewhere, and that has to do with taking up contentious matters during the summer, and the BCC has yet to make a pronouncement on that that I'm aware of. But they may be having to deal with that, and an argument for allowing all matters to be heard in the summer is that people are free to call in both in commission meetings and also in NIMs. And so that is a -- is a consideration. I don't disagree with Commissioner Sparrazza, and I'm glad he raised that concern, because it's a technical one.

Why don't we -- why don't we resolve it in this fashion, that we put in language "to the extent technologically practicable"?

(Simultaneous crosstalk.)

COMMISSIONER SPARRAZZA: And it will still be mandated or an option for the petitioner to hold an electronic meeting accompanying the public meeting?

CHAIRMAN FRYER: In my view, it would be mandatory if it is technologically practicable.

COMMISSIONER VERNON: Can I jump in, since I brought this up?

CHAIRMAN FRYER: Please, please.

COMMISSIONER VERNON: I think Randy completely convinced me I shouldn't have brought it up. So I would say I think right now, they're not mandated to have in-person and virtual, correct?

MR. JOHNSON: That's our interpretation, yep.

COMMISSIONER VERNON: But they do it a lot anyway because they want a productive NIM. Do they usually do virtual too if they can?

MR. BOSI: Most NIMs have chosen to go the virtual route as well as the in-person.

COMMISSIONER VERNON: So they're already kind of doing it when they can, because then it makes for a more productive one. So we're trying to address the problem of a crazy, rowdy NIM. And I'm not sure -- I'm trying to solve a problem that doesn't exist. So I concur with what Randy said, and I don't want to mandate that it be virtual --

MR. JOHNSON: For the first one.

COMMISSIONER VERNON: -- even if limited to when practicable. So I just -- I withdraw my comment and agree with what Randy said.

CHAIRMAN FRYER: Right. So what if we changed it to "encourage."

COMMISSIONER VERNON: I'd just to leave alone. I wouldn't --

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: But I'm okay. I mean, whatever the will of the Commission is, I'll go with, but I'd just leave it -- I'd just pretend I never said that.

CHAIRMAN FRYER: Mr. Johnson?

MR. JOHNSON: I would recommend that we mandate that the first -- well, you recommend that the first NIM -- the initial NIM be in person, and it's the applicant's choice to include the virtual option should they so choose. But definitely the first NIM should be in person only with the option of virtual inclusion.

CHAIRMAN FRYER: I think that captures pretty much what I'm hearing.

COMMISSIONER VERNON: I'm with that. That's fine.

CHAIRMAN FRYER: Okay. That's how we'll do it. Good. Good suggestion. Thank you.

Have we voted on this yet?

COMMISSIONER SCHMITT: No.

CHAIRMAN FRYER: Okay. So we are -- we are going to mandate the NIM to be in person. It's optional whether it also be via Zoom or other electronic means and give the applicant the prerogative to recess the in-person NIM if it becomes out of order and nonproductive, but that if that is the case, there will be a second NIM, and that may be electronic or in person but, invariably, I think it would be electronic.

COMMISSIONER SHEA: Should we add something on a limitation -- I mean, what is our standard limitation between -- for notices on a NIM? So if they're going to have a second one, is that 30 days? Are we now putting them into a cycle that if he -- can we give him some relief that if he has to cancel because of disruption, then the next one can be in a shorter duration?

CHAIRMAN FRYER: Good question.

COMMISSIONER SCHMITT: It's an advertising requirement.

MR. BOSI: That's an advertising requirement. If you think it would be appropriate to provide less notification for people to be accommodated for the next NIM, I'm not -- that would be your -- you know, the discretion of the Planning Commission, if you feel like reducing that time frame. Right now they have to send the -- have the advertisement 15 days before the NIM as well as send out the notification letters 15 days before the NIM. If you want to reduce that, that would be --

COMMISSIONER SHEA: So it's only 15 days right now?

MR. BOSI: Yes.

CHAIRMAN FRYER: That's not much.

COMMISSIONER SHEA: That's not much.

COMMISSIONER SCHUMACHER: Quick question. Mr. Bosi, could they just include that in their advertisement, like a disclaimer that says if the meeting is disrupted, therefore, the first --

MR. BOSI: They could always -- if they were anticipating something like that, they could most certainly advertise with one advertisement and one notification two alternatives as a fallback, yes, they could.

CHAIRMAN FRYER: All right. I'm going to move the previous question so that we get a vote on this. And I think I've -- I think I've stated it -- does anybody --

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: Okay. All those in favor, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

And I've got a few more of these. I'm going to recommend at the end of presentation that -- we haven't done this since Mark Strain was chairman, but that we actually bring this language back to consent --

COMMISSIONER SCHMITT: I would agree.

CHAIRMAN FRYER: -- so that we can look at it.

COMMISSIONER SCHMITT: We need to look at this, and then we'll bring it off consent if we want to discuss.

CHAIRMAN FRYER: Yeah, good. Okay. All right. So that takes care of that. And I'm glad that we had that discussion.

Then I'm on Exhibit A, changes to Administrative Code. And this is Page 916 of 1085 of our packet. And the last sentence, which is new, under the location section, says, all videoconference meetings shall provide reasonable accommodations for disabled persons if requested by any of the registered attendees. Now, I've had conversations about this with Mr. Bosi and other staff members in my meetings with staff, and I think a question has been raised whether -- whether we're capable of doing this or requiring it and whether it's legally required that we require it.

So I'm going to turn it to Mr. Bosi because he and I are the ones who had a discussion about this sentence.

MR. BOSI: Yeah. And we're just trying to get to the -- and, Eric, I think you're in the right section, just go to the location.

CHAIRMAN FRYER: Yeah. It's the last sentence under location. I think we were going to delete that new sentence.

MR. JOHNSON: This one right here? "Reasonable accommodations"?

CHAIRMAN FRYER: Yeah. I just -- if I recall -- and Mr. Bosi, please speak for yourself, but as I recall, this -- we were creating a practical difficulty, if not impossibility, for ourselves in some situations.

MR. BOSI: That was part of our discussion, because I wasn't sure what we could do in terms of -- to address those issues. But I did have a follow-up conversation with Mr. Johnson, and he did say that there was an ability for, say, if an individual was deaf, that Zoom has closed-caption opportunities.

CHAIRMAN FRYER: Well, of course, if that's available, it should be encouraged and

used.

MR. BOSI: But I don't -- I think you're right, that there may be some conditions that are outside, and we have no way to address that.

CHAIRMAN FRYER: So without objection from the Planning Commission, I'm going to state that I believe it's the consensus that we remove that sentence.

COMMISSIONER SCHMITT: I would concur.

COMMISSIONER SPARRAZZA: Agreed.

COMMISSIONER SCHMITT: It's open. I have to say, there's Florida Statute and Florida -- and ADA, American Disabilities Act, there are requirements, that if somebody feels that they're in violation, certainly they can file a suit. But I would leave it out because what's -- if it's not said, it's implied by state or federal law, and we just take it out.

CHAIRMAN FRYER: Okay. Thank you. So that's the consensus of the Planning Commission, unanimous consensus.

Then, recognizing the practical reality, us, vis-à-vis the Board of County Commissioners, I think we are the primary consumers of NIM transcripts, NIM recordings. They're obviously fully available to the Board, but I expect that to the extent that the Board considers it at all, the Board probably assumes that we're looking at it and covering that issue for them.

So as the primary consumers of the NIM transcript, I'm offering these proposed changes: And this is in the section -- the conduct of meeting and decorum No. 1, and about four lines from the bottom of the first paragraph, which begins, "The applicant is required to record." I would change that to read, "The applicant is required either to transcribe in writing or to electronically record." Now, I know I'm splitting my infinitive, but it's easier to say it that way.

COMMISSIONER SCHMITT: Concur.

CHAIRMAN FRYER: Okay. Anybody disagree with that? We can maybe just do it that way. No disagreements?

(No response.)

CHAIRMAN FRYER: So we're giving the applicant the option of having a court reporter there and taking notes or, for that matter, having a court reporter transcribe from an electronic version. But either the written transcription or the electronic version, MP4 or whatever. Mr. Johnson.

MR. JOHNSON: Mr. Chair, I just had a thought, and I didn't want to lose it. My concern with "transcribe," does that imply that it's a verbatim transcript? Because right now we require a written summary.

CHAIRMAN FRYER: Yeah. Well, it does -- I'm wanting to go beyond written summary. Written summary is not enough for me.

COMMISSIONER SCHMITT: I disagree. This was never intended to have a court reporter.

CHAIRMAN FRYER: Well, this is an option.

COMMISSIONER SCHMITT: Well, they could do it as an option, but I don't think it should be a requirement.

CHAIRMAN FRYER: It's not.

COMMISSIONER SCHMITT: That was never the intent of the NIM to be a full -- like, almost a repeat of the public hearing. That was not the intent of the NIM.

MR. BOSI: So from what I hear --

COMMISSIONER SCHMITT: If they want to have a verbatim, that's their choice.

MR. BOSI: So what the Chair, I think, is saying is the applicant is required to either provide the recording or -- or, if they choose to, a full transcript.

CHAIRMAN FRYER: That's right.

MR. BOSI: So it's not a requirement that they have to have the full transcript. They can go recording, but if they want to provide the specificity of a full transcript, that's an option that's available to them.

CHAIRMAN FRYER: That's all I'm asking.

COMMISSIONER SCHMITT: All right. I agree with that.

CHAIRMAN FRYER: Okay. Then the line below that, it says, and to -- "and provide an audio or audio/video." Now, here, particularly in view of some of the things that have happened recently and that I've been made aware of with respect to inaudible -- inaudible records, I think it is important for us by way of emphasizing to the applicants their responsibility to assure that -- if they're going to go with an MP4 or some other electronic version of the NIM, that it be audible. And so I would want to add the word "audible" -- before "an audio or audio/video," I would want it to say "an audible audio or audio/video." I have assumed that that's implied, but it keeps coming up, so I think it needs to be emphasized.

Any objections?

(No response.)

CHAIRMAN FRYER: Okay. Without objection, I'm going to say it's the consensus.

Then, finally, on this section at least, I'm going to ask Mr. Johnson to explain to me the meaning of the last sentence of that paragraph that begins "if videoconferencing." I don't necessarily disagree with it. I just don't know what it means.

MR. JOHNSON: That would be similar to like the Zoom technology where, if you're going to do a Zoom meeting, it should have the capability to archive written comments of the attendees.

CHAIRMAN FRYER: "Archive" is the word that I'm questioning. What do you mean by "archive"?

MR. JOHNSON: Record. Somehow -- the written comments that are in a Zoom meeting, that has to somehow get to that written summary somehow.

CHAIRMAN FRYER: The written comments that are in the Zoom meeting?

COMMISSIONER VERNON: Yeah. You can do chat. Like, you've got a video, and on the side you can type questions or chat.

CHAIRMAN FRYER: Oh, that's what you're talking about?

MR. JOHNSON: That's what I'm talking about.

COMMISSIONER VERNON: Yeah. And you want those to be -- not -- well, archived after they're recorded. You want them captured. You want them captured and then made part of the record?

CHAIRMAN FRYER: Yeah, and that's what I'm looking for. I understand it now, and that's what I mean. So let's use the -- say "capability to capture written comments."

COMMISSIONER SCHMITT: That's better, yeah.

CHAIRMAN FRYER: Good. Thank you. And then my last two comments.

COMMISSIONER SCHMITT: I would say, "capture and note in the summary."

MR. JOHNSON: The written summary.

COMMISSIONER SCHMITT: "Note in the written summary."

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: Yeah. Then under meeting follow-up, Section 2, which is all new, it begins, "The county staff planner or designee shall," and just because it's been an issue, it probably needs to be emphasized a little bit. I would ask that the word "promptly" be inserted between the words "shall" and "post." I've discussed this with staff, and staff has no objections.

COMMISSIONER SPARRAZZA: Is there a time frame that "promptly" relates to?

CHAIRMAN FRYER: The standard would be reasonableness. I'm not -- I'm not trying to say 48 or -- it's just reasonable.

COMMISSIONER SPARRAZZA: Okay.

CHAIRMAN FRYER: Okay. Any objections to that?

COMMISSIONER SCHMITT: No.

CHAIRMAN FRYER: Okay. Thank you.

Then my last one, "post the," and then add "written transcript and/or videoconference," and that's just to make the concept agree with making the transcript an option for the applicant.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: So if -- Mr. Johnson, if you have any questions about any of that, let's communicate after the meeting, and I can give these to you again. But I want this brought back on consent so that full Planning Commission can look at the language and be satisfied with it.

MR. JOHNSON: Sure. I do have one question.

CHAIRMAN FRYER: Go ahead.

MR. JOHNSON: When we talked about the "have the capability to," we struck out "archive" and replaced it with "capture and note in the written summary." When we say the word "capture," does that imply that it's a screenshot of the written comments or could it -- or could it be just a summary of that written comment?

CHAIRMAN FRYER: My intention and my understanding would be either one at the applicant's discretion, just so that we know what that comment was. Does anybody disagree with that?

COMMISSIONER SCHMITT: I have no problem if it's a screenshot. I mean, I've sat there and done it on videoconferencing. You send notes -- you can send notes to speakers.

MR. JOHNSON: I was just getting nervous that they would be beholden to only doing screenshots.

CHAIRMAN FRYER: No, they're not.

COMMISSIONER SCHMITT: No, they're not.

CHAIRMAN FRYER: Just as long -- we want to capture the comments in some form or fashion.

COMMISSIONER SPARRAZZA: I believe there is a way on Zoom --

COMMISSIONER SCHMITT: There is.

COMMISSIONER SPARRAZZA: -- to actually have a read-out of all the comment and it says who -- who it is addressed to and who was writing the comment, and it comes out basically in a text file.

COMMISSIONER SCHMITT: There is. And Microsoft Teams, the same thing. It comes out. You can get the entire sidebar.

COMMISSIONER SPARRAZZA: String.

CHAIRMAN FRYER: All right. I have no further questions or comments, but Commissioner Vernon is igniting here.

COMMISSIONER VERNON: Yeah. I didn't want to interrupt the flow, because great job, thank you for all that detail. But I wanted to go back up to the beginning just to make sure my comments were addressed, whether agreed to or not, by the commissioners before we come back.

I think the definition of -- there should be a definition of "attendees," and I think the attendees should be what we are calling the members of the public. And the way it reads now, attendees would include private security detail, sheriffs, it would include everybody, and I don't think that's the intent.

CHAIRMAN FRYER: I agree.

COMMISSIONER SCHMITT: The attendees -- there's a requirement for the NIM of -- to send notices to -- and it depends. In the county, the Estates' distance was different than the urban area, but there is a notice, and those -- they are deemed the attendees. The potential attendees are the ones that receive the notice. Anybody else can come if they so choose. If you see the advertisement, you can -- you can -- any member of the public can attend the meeting.

COMMISSIONER VERNON: Well, I'm just trying to define -- that's why I'm trying to define it in the document so that it's not misused by somebody trying to cause trouble.

CHAIRMAN FRYER: I've just done a global word search, and the word "attendee" or "attendees" appears twice, and your comment makes sense in relation to the two places. They're both on page -- no, no, no, more than twice. But the first place is on Page 913. It says, "The

expectation is that all NIM attendees will conduct themselves," except -- and you mean it in that context?

COMMISSIONER VERNON: I mean attendees as Commissioner Schmitt's suggesting, and we've -- I think we all think, and that is anybody -- a member of the public, which would not include sheriff's department, private security detail, attorneys who are hired by somebody, applicant, petitioner, staff.

CHAIRMAN FRYER: Why don't we say "attendee" means "interested member of the public"? Because Sheriff's officers are members of the public, but they're not interested in the process.

COMMISSIONER VERNON: Yeah. I'm not sure of the exact wording, but I think we're all -- I think we're all in agreement what we're saying.

COMMISSIONER SCHUMACHER: Would it be like attendees not being compensated for their attendance at the meeting? Because that would be the public.

COMMISSIONER VERNON: Yeah. I mean, that might work. And maybe the starting point is to go back to Commissioner Schmitt, wherever it says there may be some definition in the notice, and you sort of track that and then supplement it with what we said. So I don't know the exact way to do it. But I think we all know what we want to do, and I just -- I charge you guys with figuring that out.

CHAIRMAN FRYER: Well, since this is coming back on consent, we'll just ask staff to figure out the best way to say it and include a definition.

COMMISSIONER VERNON: And then a second point -- and maybe I just didn't read it well, but I think we're all in agreement that the person -- I think Commissioner Shea brought it up -- the person or who or that -- yeah, the person who decides whether to call the meeting is the applicant, because they're the ones hosting the meeting, if you will. And I just didn't read that in that. So I just want to make sure it's in there, and if it's not in there, I think we all agree that that's the person who makes the call of whether to cancel the meeting.

CHAIRMAN FRYER: I thought that's in here.

COMMISSIONER VERNON: It might be, because somebody said it was, but I just didn't see it.

CHAIRMAN FRYER: It says, if the petitioner is unable to complete the NIM due to the disorderly conduct of the attendees, the NIM shall adjourn, and the petitioner will be required to conduct -- it's not crystal clear, I guess.

COMMISSIONER VERNON: I think just that second phrase, "The petitioner shall have the right to adjourn it."

CHAIRMAN FRYER: Yeah.

COMMISSIONER VERNON: Something like that.

CHAIRMAN FRYER: Yeah, yeah, okay. So you got that?

MR. JOHNSON: I'm glad this is being recorded.

CHAIRMAN FRYER: Okay, good.

COMMISSIONER VERNON: And I know these sound like petty little details, but this is what -- if you get somebody who gets really organized, they're going to say, well, that's not what it says, Mr. Bosi. You're being rowdy. You need to get out.

CHAIRMAN FRYER: I think these points --

COMMISSIONER VERNON: And then the last point is -- which is a little more philosophical than a wording issue, but the "private secure detail" concerns me, because if you have unqualified private security who shows up and they are prepared for a fight but don't know how to deal with a fight, that's not a good -- that's not a good mix. And I don't know how to solve it. I mean, my idea was to have the Sheriff's Department paid overtime and paid for by the petitioner, but that may not be legal; it may not be -- Sheriff Rambosk might not be willing to do that. I don't know. But I just am concerned with the language we have.

CHAIRMAN FRYER: I think it's done all the time, is it not? For instance, when we

approve church conditional uses, the Sheriff's deputies are to be brought in on an overtime basis to direct traffic.

MR. JOHNSON: I don't know if it's -- you know, they're required to meet with the Sheriff's Office. I don't know. Mike?

MR. BOSI: And I'm trying to recall when -- the specificity. I'm not sure if we designate Sheriff's officer, specifically an officer or just a traffic control -- individual to control traffic.

MS. ASHTON-CICKO: Please keep in mind that these NIMs are a meeting conducted by the applicant, a requirement of the applicant. They are not a county meeting.

COMMISSIONER SCHMITT: Right.

MS. ASHTON-CICKO: So we do like to let the applicant have, you know, quite a bit of control over how they elect to handle it. So I just wanted to point that out.

MR. JOHNSON: It was my idea that "security detail" could mean a privately contracted security company or the Sheriff's Office if the applicants so choose. That was the meaning behind "security detail" to me.

COMMISSIONER SCHMITT: And I would agree. I mean, if they want private security, it is not a county meeting, and there's nothing that would create some kind of liability back on the county. This is an applicant's meeting. It is not a county-sponsored event. And if an applicant feels threatened and they want to bring in private security, I would agree. I mean, that's -- I don't -- other than through licensing and whatever competency, but that's not our job. I don't think we need to worry about that. If they want to bring in security, that's their -- that's who they bring in.

COMMISSIONER VERNON: Well, I think you make some good points. I'm still concerned, and maybe the only solution is if it's possible to say "licensed," "qualified," somehow put something on there so it's not any broader than it needs to be. But I do understand that this is their meeting. It's not a county meeting. And do we want to get involved with private security? And I think that's a valid point. I just would like to tighten it up as much as we can without going beyond what I think Commissioner Schmitt said.

MR. JOHNSON: You could strike out that entire sentence.

COMMISSIONER VERNON: Well, we want to give them the right. So I'm trying to navigate through this. I think we want to give them the right to have private security detail.

CHAIRMAN FRYER: So what about where it says "to provide a security detail," we add the words "licensed and qualified" in front of "security"?

COMMISSIONER VERNON: I think that's about the best we can do, given the comments I've heard.

CHAIRMAN FRYER: Any objections?

COMMISSIONER SCHMITT: No objections. I was going to say the same thing. Just say "qualified" -- "licensed and qualified."

CHAIRMAN FRYER: Good.

COMMISSIONER SCHMITT: I have no idea what the licensing procedures are.

CHAIRMAN FRYER: Well, probably open carry.

COMMISSIONER SCHMITT: Yeah. Well, that's true.

COMMISSIONER SPARRAZZA: Concealed carry.

COMMISSIONER SCHMITT: Or concealed carry.

COMMISSIONER VERNON: I'm just trying to avoid, "My brother-in-law was an MMA fighter, so I think I'm going to bring him," you know. That's what I'm trying to avoid.

MR. JOHNSON: He would be very effective, though. No, I'm just kidding. Humor, humor.

CHAIRMAN FRYER: Okay. Any other changes, comments, language issues with what has been brought before us?

(No response.)

CHAIRMAN FRYER: If not, you've gotten a series of consensus points. I think



everything's been unanimous from up here. We do want it brought back on consent for a final look. And just so everyone understands -- and I know Vice Chairman and I remember this because we've been up here long enough -- but when something comes back on consent in front of the Planning Commission, it's not on the whole issue. It's just on the change points so that we're going to look at the new language only when it comes back on consent. It doesn't open up the whole can of worms.

COMMISSIONER SCHMITT: When it comes back, you give us a version with a strikethrough and underline just so we see where the changes are?

MR. JOHNSON: Before and after.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: Yeah.

MR. JOHNSON: Sure.

CHAIRMAN FRYER: Yeah. And then our review is limited to the new language.

COMMISSIONER SPARRAZZA: Just that?

CHAIRMAN FRYER: Yes.

MR. JOHNSON: Am I to interpret that the original vote also qualifies what we just talked about for the Administrative Code, or does that require a separate vote?

CHAIRMAN FRYER: Well, it was presented to us as a package, and my changes -- my changes -- well, the --

COMMISSIONER SCHMITT: I have no problems with the changes in the Administrative Code. I think it's pretty clear, but it just --

CHAIRMAN FRYER: I'd still like to see the language.

COMMISSIONER SCHMITT: Just bring the language back.

MR. JOHNSON: I will.

CHAIRMAN FRYER: For both the LDC and the administrative.

MR. JOHNSON: Before and after.

CHAIRMAN FRYER: Thank you.

Anything further?

COMMISSIONER SCHMITT: Do we have any members of the public?

CHAIRMAN FRYER: That's a good question. Have we -- have we actually voted? I don't think we have. Have we?

COMMISSIONER SCHUMACHER: We voted on the first one.

CHAIRMAN FRYER: Yeah, we voted on the first one. But I'd entertain a motion at this time to approve all of the other proposed changes that have -- Mike, am I not doing this?

COMMISSIONER SCHMITT: I make a motion that staff unscramble what we said and bring it back on consent agenda with a strikethrough and underline noting the changes for both the LDC -- proposed LDC amendment and the changes on the Administrative Code.

COMMISSIONER VERNON: Vernon seconds.

CHAIRMAN FRYER: Further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

And I'd only note for the record that all of the proposed changes, perhaps some were

scrambled, but they were all unanimously approved by the Planning Commission.

Okay. I think that --

COMMISSIONER SCHMITT: Do we have any members of the public that wanted to speak on this?

CHAIRMAN FRYER: Boy, I should have asked -- I hope not now. Any members of the public wish -- sir, my apologies.

MR. JOHN JOHNSON: I talked to Eric here while you guys were in session. My name's John C. Johnson, by the way.

CHAIRMAN FRYER: Uh-huh.

MR. JOHN JOHNSON: What's very confusing to me, coming -- now understanding what a NIM is, that if you explain it to the public, that their input really doesn't matter. It's just strictly informational. I don't think you'll have the disturbances because people are coming to voice their opinion thinking there's going to be a change, which their opinion isn't going to change a damn thing.

CHAIRMAN FRYER: Well, it may or may not. But, I mean, I know that -- I agree with the substance of your point, which is that it's -- nothing obligatory on the applicant is going to happen, but applicants frequently not only listen carefully to the comments that the public makes, but then they change the deal in order to try to placate some concerns. That happens very frequently.

COMMISSIONER SPARRAZZA: We see it here.

COMMISSIONER SCHMITT: But you're correct; it is a forum -- strictly information. It is a forum for the applicant to get input from the residents and then maybe -- I say the word "maybe" -- hopefully make changes to resolve any of those concerns. But the forum for really raising concerns is this public hearing here at the Planning Commission.

MR. JOHN JOHNSON: Right. And not being familiar with that process --

COMMISSIONER SCHMITT: Yeah.

MR. JOHN JOHNSON: -- same thing with public hearings. You go to a public hearing, your input really doesn't matter because it's not going to change. I think people don't understand that, because I definitely had -- you know, I'm originally from Chicago. If you went to a public meeting, you spoke, all of them would listen to you, and it would change things based on what you said. These meetings actually come back to you guys to make the decisions, and I don't think people understand that process.

COMMISSIONER SHEA: I'd be leery about saying you aren't going to -- I don't agree with that. I think we get -- the petitioners get tremendous feedback, and they do, more often than not, make changes to the public comments. So there is the chance to impact the proposal.

COMMISSIONER SCHMITT: Absolutely. There is a chance if they get public comment. But I think what you're saying, it's -- it's not a meeting where they're going to persuade the applicant to withdraw the petition.

MR. JOHN JOHNSON: Right.

COMMISSIONER SCHMITT: It's -- that's just not going to happen.

COMMISSIONER VERNON: Right. And no vote will be taken. No votes will be taken at this meeting.

MR. JOHN JOHNSON: Again, it's up to the applicant. It's not a county affair at all.

COMMISSIONER SCHMITT: Right.

CHAIRMAN FRYER: Sir, were you here all morning, by any chance?

COMMISSIONER SCHMITT: Yeah, he was sitting there.

CHAIRMAN FRYER: You've been here all morning?

MR. JOHN JOHNSON: Yes, sir.

CHAIRMAN FRYER: Oh, okay. Did you -- when one of the matters was before us, the question was raised by two public speakers, a husband and wife, having to do with traffic security and safety?

MR. JOHN JOHNSON: Uh-huh.

CHAIRMAN FRYER: We took it upon ourselves not only to hear those concerns but then call up our county traffic staff and also the applicant to give us more information, and that's the kind of way that we deal with input here.

MR. JOHN JOHNSON: Right. And I totally understand that, and I seen the way it worked. Unfortunately for them, they were SOL, because of the fact that when the easement was written, they didn't look at it. Like the person said, they have no right to that road, you know, unfortunately, for their case. But they bought it. And I'm familiar with there. I'm a member of the VFW, so I know exactly where they live, what the problems are, but it is what it is, because you choose to live there.

CHAIRMAN FRYER: Right.

MR. JOHN JOHNSON: So it's a bad situation, but that's -- you bought there knowing the situation, you know.

CHAIRMAN FRYER: Unfortunately, people are charged with knowledge of things that are a matter of public record as if they've read everything that's a matter of public record, and nobody ever does, but that's just the way the law works.

MR. JOHN JOHNSON: It's like somebody who's next to a dump site, and then if they're living there, they complain about the dump. The dump was there before you moved there.

CHAIRMAN FRYER: Well, that's right.

MR. JOHN JOHNSON: Same thing with them people. They moved there knowing what the situation was.

CHAIRMAN FRYER: Thank you very much.

MR. JOHN JOHNSON: I think if people are more informed of actually what's going on in that meeting and what the purpose is -- because, like I said, I had no idea. I would go to the meeting thinking that my input -- and maybe that's why these people are getting upset. Say your input's, you know -- but it really isn't going to change.

CHAIRMAN FRYER: Well, we certainly pay careful attention to public input and will continue to do so, and we compliment you for expressing yours today.

MR. JOHN JOHNSON: Thank you. Appreciate it.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER VERNON: Well, maybe we -- if we're -- if I may.

CHAIRMAN FRYER: Please.

COMMISSIONER VERNON: Maybe when we finish the rule -- the new rules of the NIM, we take a look at -- it's kind of a flyer we put out that says, this is what the NIM is for; these are the rules of the NIM, and take a look at what we say the NIM is. Maybe we can tweak the language so that it better informs the public of -- because I think they do have a tremendous influence. There's just no vote taken. So how do we make sure that the public understands that?

CHAIRMAN FRYER: Good point.

MR. JOHN JOHNSON: I think it would be beneficial, definitely.

CHAIRMAN FRYER: Good point. And I think -- I think that brochure could be crafted largely from this "rules of decorum" thing, which goes beyond rules of decorum, and, you know, some additional input on that, but to educate the public so that they know what happens and what doesn't happen at a NIM.

MR. JOHN JOHNSON: Yeah, NIM. Same thing with public, you know, meetings. You know, you would think input -- that's why you're saying a public meeting that my input would mean something, which I'm not saying in your case that it doesn't, that they don't listen, but it's not going to change the vote at that meeting.

CHAIRMAN FRYER: Well, developers listen, too.

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: You know, they want -- they want to get our recommendation of approval, and they want to get the BCC's vote of approval. And both bodies, this body and the

body of the Board, listen carefully to what the members of the public are saying.

MR. JOHN JOHNSON: I think Commissioner Vernon had the right idea is put it in the letter stating exactly what your input is and is not allowed at the meeting.

COMMISSIONER VERNON: Yeah, because if -- some people show up thinking if they make their argument, it can be voted down at that meeting --

MR. JOHN JOHNSON: Exactly, exactly.

COMMISSIONER VERNON: -- and then they get very stressed and upset when they realize that no matter what they say, they're just talking to a developer, thinking -- not true, but thinking the developer's not going to listen to me, because I think the developers do listen.

CHAIRMAN FRYER: Why don't we, then -- I think there's unanimity from up here. Let's ask staff to craft a brochure like that for the use that has been intended and specified so that people understand --

(Simultaneous crosstalk.)

COMMISSIONER SPARRAZZA: One of the items on it could even be the objective of the meeting. It is not a vote. It is an information exchange between the public and the petitioner.

CHAIRMAN FRYER: Yeah.

COMMISSIONER SPARRAZZA: Possibly even make the statement of any type of a vote or modification will be heard at the CCPC meeting, that there is no vote taking place at the NIM.

COMMISSIONER SHEA: It's important to note that on the commissioner level, we read the minutes and the summaries of what went on, because we're very interested in what the comments were of the public. So I certainly don't want to stop them from speaking under the idea that it doesn't matter because the vote doesn't happen till here. We do a -- we get a lot of preparation done by reading those NIMs.

CHAIRMAN FRYER: Good point. That should go into the brochure.

MR. JOHN JOHNSON: Right. Like, again, Randall, it's just informational of what -- when you go to a meeting, what to expect because I would think I'll go to a meeting, and I'm going to say, I don't like this; I don't want this shit in my neighborhood, you know, and everything else, but in turn, you're going to listen to my opinion, but it's not going to change the meeting.

CHAIRMAN FRYER: Interestingly, one other thing to keep in mind is the staff is now and will continue to be charged with identifying any concessions that the applicant makes at a NIM. So if the applicant says, okay, you're right. We'll widen that road there, we'll change that setback, or we'll increase the buffering, if that concession is made at the NIM, that is noted by the staff person and brought to our attention and will, almost invariably, become part of our recommendation.

MR. JOHN JOHNSON: Okay. I agree. But I think it just has to be more informational to the general public.

CHAIRMAN FRYER: Fair enough. Fair enough.

MR. JOHN JOHNSON: When I get these letters, I come to the meeting, and it's like you think you're going to do something, not that the input doesn't matter, but it should be more informational to the person getting that letter, explaining what your rights are, I guess, basically.

CHAIRMAN FRYER: Thank you.

MR. JOHN JOHNSON: Thank you.

CHAIRMAN FRYER: Thank you. Anything further on this from staff?

(No response.)

CHAIRMAN FRYER: Anything further from the Planning Commission?

(No response.)

CHAIRMAN FRYER: All right. Then in that event, we don't have any more old business because we've covered that. And new business, is there any new business to come before us today?

(No response.)

CHAIRMAN FRYER: No, I don't think there is.

Public comment on matters that have not been addressed?

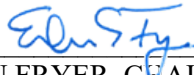
(No response.)

CHAIRMAN FRYER: Seeing none, and without objection, we're adjourned.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:31 a.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 7/6/23, 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.