

TRANSCRIPT OF THE MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
Naples, Florida, June 23, 2010
GMP AMENDMENTS

LET IT BE REMEMBERED, that the Board of County Commissioners, in and for the County of Collier, and also acting as the Board of Zoning Appeals and as the governing board(s) of such special districts as have been created according to law and having conducted business herein, met on this date at 1:00 p.m., in SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Fred Coyle

Jim Coletta

Donna Fiala

Frank Halas

Tom Henning

ALSO PRESENT:

David Weeks, Planning Manager

Carolina Valera, Staff

Heidi Ashton, County Attorney

CHAIRMAN COYLE: Ladies and gentlemen, the Board of County Commission meeting is now in session.

Could you please stand for the Pledge of Allegiance.
(The Pledge of Allegiance was recited in unison.)

CHAIRMAN COYLE: Okay. Mr. Weeks?

MR. WEEKS: Good afternoon, Commissioners. I'm David Weeks of the county's Comprehensive Planning Section.

We're here for two reasons today. Primarily to hold the transmittal hearing on the Immokalee Area Master Plan Growth Management Plan amendment, petition number CP-2008-5.

And in that regard, let me go on and say about the process, this being a transmittal hearing, this is the first of two hearings that you will hold, that's assuming that you do approve this petition in some form for transmittal. You will see it again in a few months at an adoption hearing.

This is a legislative hearing, not a quasijudicial; therefore, the swearing in of participants and disclosure of ex parte communication is not required. It is at your discretion.

As required by state law, there is a sign-up sheet outside in the hallway of this meeting room for persons who may wish to receive notice that the Florida Department of Community Affairs has issued their Notice of Intent to find these amendments in compliance or not in compliance, and that would occur after the adoption hearing. But nevertheless, even at transmittal we're required to have that sign-up sheet available.

I think the last thing would be to mention that at the conclusion of the hearing we would appreciate the ability to collect your binders. If you do not wish to keep them, we can reuse those to send to the various state agencies that we are required to submit these amendments to.

That concludes my remarks on the master plan, Commissioners. Your first item on the agenda is a settlement agreement discussion.

And as you've received advance notice of, we need to continue that to July 28th, and I would ask that you do that at this time, Commissioners.

CHAIRMAN COYLE: Okay.

COMMISSIONER FIALA: Motion to approve, we continue that particular item to July 28th.

COMMISSIONER HALAS: Second.

CHAIRMAN COYLE: Okay. Motion by Commissioner Fiala to continue the item until the twenty -- Jan- --

COMMISSIONER FIALA: July 28th.

CHAIRMAN COYLE: July 28th, and seconded by Commissioner Halas.

Any discussion?

(No response.)

CHAIRMAN COYLE: All in favor, please signify by saying aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN COYLE: Aye.

COMMISSIONER COLETTA: Aye.

COMMISSIONER HENNING: Aye.

CHAIRMAN COYLE: Any opposed, by like sign?

(No response.)

CHAIRMAN COYLE: The motion passes unanimously.

MR. WEEKS: Thank you, Mr. Chairman.

CHAIRMAN COYLE: Okay.

MR. WEEKS: With that we can move into the Immokalee petition.

CHAIRMAN COYLE: Okay.

MR. MULHERE: Good afternoon. For the record, Bob Mulhere, here on behalf of the CRA. With me this afternoon is Patrick Vanasse with RWA, and Penny Phillippi, Christie, and Brad are also here from the CRA.

I'll be relatively brief, or actually I'll promise to be brief, period, following yesterday's admonitions.

This was about a two-year process that we've been involved in. It actually had been ongoing for about four years before that, so this is the culmination of really six years of delivering this master plan for your review.

It was a very inclusive process. There was a significant amount of public meetings and public workshops, and beyond that there were -- this -- that was with the CRA and with the community in Immokalee, but there were many, many other meetings, particularly with the Planning Commission. I think we had near 40 hours of work with the Planning Commission.

And outside of those meetings, we met on an ongoing basis with staff to work through the issues. And staff, I want to say, was extremely helpful. This really was a very good process, and we're all, I think, very proud of the document that we have now before you for your review -- that would include the County Attorney's Office, Heidi Ashton, right up until just a few minutes ago, has been very helpful in pointing out things that we needed to address. And, of course, David, Mike Bosi, and Carolina were extremely helpful. So I just want to recognize those people because they're -- you know, this was a long process.

I have two things I do need to get on the record, and just to let you know, the EAC and the Planning Commission did vote unanimously to forward this with some changes, but -- and those are incorporated in the document that you have before you.

One thing I want to put on the record is relatively minor, and I'll go to the visualizer. In working with staff, we -- we minimized -- and the -- this is the IMU district in gray that you see here. And this is a new additional area of the industrial mixed-use district that we added as a -- sort of a buffer from the airport uses.

And we have a limitation in this area on the amount of commercial uses that could go in this area, and we didn't want to apply that limitation to the existing industrial areas down in here, so we needed to hatch that area, and then we would identify it on this Future Land Use Map. There's already a policy that, in writing, does that. And we failed to actually do that prior to this meeting.

So I just want to put on the record that we will go ahead and hatch that area I'm showing you right here, which is sort of an inverted L, and that will be restricted as to the amount of commercial use that can go in there.

The second item -- and I'm sure you have some speakers. I'm not sure what all the speakers are here for, but I'm sure you have some speakers on this issue -- and that deals with an existing mobile home park in Immokalee. This issue was dealt with sort of throughout the process.

The -- the draft plan that was brought before the Planning Commission allowed for existing mobile home parks to go through a process that had previously existed in the plan that would legitimize them called the Site Improvement Plan process, but it only allowed that to occur for mobile home parks that were in residential districts. This particular mobile home park is within an industrial district on the Future Land Use Map.

So the way we had originally written it, that mobile home park, which is also the subject of litigation that the county's been involved in -- I would defer to the County Attorney's Office if you have questions on that -- that would not be able to become a legal nonconforming or a legitimate legal use.

The owners of that property, through -- through a representative, made some testimony at the Planning Commission asking that they be allowed to stay based on the fact that it had been there for 50 years and based on the fact that there wasn't really any issues from their

perspective, that it be allowed to stay.

And in looking at the Planning Commission hearing and looking at options that would allow that to stay, the county attorney opined that, based on the litigation, that use was deemed by the courts to be an unlawful use, was the term that was used.

So there was only one way to allow it to stay. My first inclination was to let it be a nonconforming use, because it would then be forced out of existence over time, like every nonconforming use, but that really couldn't occur based on the fact that it was deemed to be an unlawful use.

So the only way to allow it to stay was to make it a lawful use, and that's what Paragraph D that's referenced in your executive summary on Page 3 of 6 on the bottom of the page -- that Paragraph D would now make this specific mobile home park a legal use, a lawful use, and there were -- there were some limitations placed on it that it couldn't -- that the boundaries of the park couldn't be expanded upon and that the number of units couldn't be increased.

After that -- and the Planning Commission recommended approval of that. They were in -- the reason we created that was, they were inclined to find a way to allow this to stay in place.

And so subsequent to that, this issue was raised again by the CRA advisory board, who voted to pass the message on to you that they did not support the continuation of that use remaining and that they -- they preferred removal of that Subparagraph D, which would put it back to the original language that we had.

COMMISSIONER FIALA: Who did that?

COMMISSIONER HALAS: And what was the vote on that?

This was the CRA committee, right?

MR. MULHERE: The vote was 6-2.

COMMISSIONER HALAS: And it was in favor of --

MR. MULHERE: Of striking through Paragraph D.

COMMISSIONER HALAS: -- eliminating -- striking D?

MR. MULHERE: Yes.

COMMISSIONER HALAS: Okay. Thank you.

MR. MULHERE: I know there's representatives here of the property owner, and the property owners themselves are here to talk to that issue, so I guess really -- you also have in your staff recommendation a couple of options that really are before you. One is, you could strike through Paragraph D and leave the language as it was when we brought it to the Planning Commission, which would mean that this would remain an unlawful use, and whatever actions the county would take to enforce its legal position, and whether it's condemnation or whatever, that would occur.

The second is to leave the paragraph in as the Planning Commission recommended, which would allow it to stay in existence with those restrictions on no expansion of size and no expansion of units or -- and a third alternative that the staff has recommended is to put a time limit on it. Let it stay but only for a period of five years.

I think, David, unless I've mischaracterized anything, that should summarize the issue -- or if I neglected to say anything.

MR. WEEKS: No, I would, Commissioners, just like to emphasize that the staff position is the same as the advisory committee, and that is, strike that language. Do not include a provision that would allow the mobile home park to remain. The other two options are just alternatives.

In the event that the board does want to continue to allow the mobile home to be there, then we propose those alternatives for your consideration.

MR. MULHERE: There is a -- I'll put on the visualizer a photo of the property, which is right here. Those are the only two issues I had to get on the record, and I know you have speakers.

CHAIRMAN COYLE: Commissioner Halas?

COMMISSIONER HALAS: Can anyone from staff, whether it's county attorney or maybe David Weeks' staff, tell us how much money has already been spent in the litigation of this problem?

MR. KLATZKOW: Well, it's been in-house time. I don't calculate the hours. We're pretty much towards the end of the litigation.

COMMISSIONER HALAS: Okay. And what's the finding of the litigation? I mean --

MR. KLATZKOW: Well, I mean, unless there's a turn of events, which is always possible, we're in the process of seeking to foreclose on this property and putting it out of business.

COMMISSIONER HALAS: Okay.

MR. KLATZKOW: Which is board direction.

COMMISSIONER HALAS: Okay.

CHAIRMAN COYLE: Commissioner Fiala?

COMMISSIONER FIALA: Yes. I went to see the property, because I had seen some pictures of it, and I wanted to see with my own eyes. I feel it's always important to go out, take a look.

And, Diane, do you have any reports on that? And I met with Diane Flagg so that I had somebody coming with me. And we even met with -- gosh, I can't remember your name; isn't that terrible? Kitchell.

MR. SNOW: Yes, ma'am, it is. Kitchell; you remembered at the last moment. Kitchell Snow.

COMMISSIONER FIALA: I kept thinking kitchen, but I knew it wasn't kitchen.

MR. SNOW: Yes, ma'am. You looked at my desk, I remember. Kitchell Snow, Collier County Code Enforcement, Mr. Chair, Commissioners.

I just have a few photographs that I would like to share with you. I also have a letter from the fire chief who wrote of his own accord about

his opinion about this park, and I feel this is germane. And I left it back there. Hold on.

CHAIRMAN COYLE: How many speakers do we have?

MS. VALERA: Twelve, Mr. Chair.

MR. SNOW: This is the first picture that we're talking about that illustrates what's around this property. You have two junkyards, you have -- Cemex did own the large -- the large property here -- the large property here. This is the junkyard, which is illustrated in the other photograph.

These are packing houses, so it's actually surrounded on all sides by industrial uses, and that's just the use today. That's not the use tomorrow. It could be anything.

This is just to show that there are children living in this park. That's the view that they have. The next photograph is a view of the west side of the park, which is -- right abuts to a junkyard. It's a very small chain link fence on that. I commented to Commissioner Fiala. I know if I was a child I'd be right over that fence.

This is another picture illustrating the same thing with the children. This is the front of the junkyard. This is -- if you go right out one of the entrances, this is what you'd see. That's the beginning of the junkyard. That's on the west side of the property.

This is looking, again, at the west side of the property. You can see the front of the junkyard right there. It's very close. This is looking at -- if you come out, you're going to look at the east side of the property. That's what you see, another packing house.

Again, this is the front. The front abuts on the east side, and the packing house is on the south side.

Another photograph of -- this is adjacent. This is looking right down the side. This is a junkyard, and this is the edge of the property where the mobile homes exist.

This is the north side of the property looking at the junkyard.

Another view of that same thing. This is just another view of the east side of the property. And the last photograph is a closeup of the junkyard.

COMMISSIONER FIALA: And these are what I saw when I went out there. They were so different than the pictures that I'd seen in my office, and I just thought everybody ought to be able to see what I saw.

MR. SNOW: Before any discussion, any further discussion, I would certainly like to distribute the chief's letter, the fire chief of Immokalee, to you.

COMMISSIONER FIALA: Could you tell us what the -- yeah.

CHAIRMAN COYLE: Can you put it on the visualizer.

MR. SNOW: I can. It's two pages.

CHAIRMAN COYLE: We could probably manage two pages.

MR. SNOW: Yes, sir.

COMMISSIONER COLETTA: If you hold them there for a while.

CHAIRMAN COYLE: Yeah. Just don't move them real fast.

COMMISSIONER COLETTA: I can read that perfect.

COMMISSIONER FIALA: I'll need three or four minutes here. But if you can give us a general overview of what it says.

MR. SNOW: Yes, ma'am. Let me read this into the record.

It says, Kitchell. I wanted to take the opportunity to follow up with you on the topic that was discussed at the recent CRA meeting. There was a good deal of debate over the trailer park located at the corner of Alachua Street and Monroe Avenue. During the debate you made the comment that it was a health and safety issue having residential surrounded by commercial properties.

I wanted to point out to you that the hazards you referenced are evident anytime that occurs and only magnified at the location in question.

This particular trailer park is roughly 500 feet east of the Helena Chemical receiving and distribution facility, and -- that business was not in the area, we'd be discussing hazards associated with a few produce packing house facilities, two automotive junkyards, an automotive body (sic) repair business, and a farmer's market. In and of itself, they would be arguably minimal risk, largely dependent on the amount of traffic moving through the streets.

When the dimension of the bulk chemicals is added, the worst-case scenario goes from bad to catastrophic. If there is a spill, a fire in the Helena facility and the trailer park was down wind, the residents would likely be among the first victims.

Based on the list of chemicals moved through the facility, the park is well within the area of isolation of evacuation.

I would further share with you, I have no desire to urge my hardship on residential landlords or owners of our community. I do, however, believe that life safety should be our focus in working with the landowners to explore every alternative to the current location.

Thank you for your consideration on this, and call me for your assistance -- any assistance you may need.

COMMISSIONER FIALA: Thank you very much.

CHAIRMAN COYLE: Okay. Commissioner Henning?

COMMISSIONER HENNING: I'm going to pass.

CHAIRMAN COYLE: Okay. Very well.

MR. SNOW: Thank you for your time.

CHAIRMAN COYLE: Thank you.

Is there any other discussion concerning this particular item?

COMMISSIONER COLETTA: If I may suggest.

CHAIRMAN COYLE: Sure.

COMMISSIONER COLETTA: Well, we do have some speakers. Before we get too deep in discussion, why don't we hear the speakers.

CHAIRMAN COYLE: Okay. Very well. Let's call the first speaker.

MS. VALERA: The first speaker is Mr. Daniel (sic), followed by Jerry Blocker.

CHAIRMAN COYLE: Mr. Daniel?

MR. McDANIEL: Would it be McDaniel?

MR. WEEKS: Yeah. Bill McDaniel.

MR. McDANIEL: Is that yes?

MR. WEEKS: Yes, Bill McDaniel.

COMMISSIONER FIALA: You never heard you called mister before, right?

MR. McDANIEL: Yeah, Daniel, there you go. Yeah, the mister thing kind of threw me off.

COMMISSIONER COLETTA: Not used to that much respect.

MR. McDANIEL: Good afternoon, Commissioners. I'd like to start off by stating that I would recommend that you work with the Planning Commission's recommendation to work with the property owners to change this use out at some particular time in the future.

I've been involved with the Blockers on this particular item for a good many years. I've had a lot of communication. There's a lot of history, and you're probably going to hear a lot of history.

Without rewinding, this particular use has been in existence as a residential use since the late 1940s, before we had zoning, before there were laws and regulations as to what you could or couldn't do. Currently it is zoned residen- -- or industrial in the nearby surrounding area, but this use has been there all along.

There were, relatively speaking, personal conflicts between enforcement and the property owners that escalated to unbelievable measures, and -- from prior enforcement officers and the like.

At end of the day, my perception with this issue is, we're dealing with inherent property ownership rights and uses. The property has

been a trailer park since is 1949. The owners have agreed and consented on multiple levels, endeavored to, through the Code Enforcement Board hearings. There are public record matters that can be looked into, concerns that were -- were elicited by the chair of the Code Enforcement Board with respect to the use changes that had transpired, documentation that wasn't able to be found to validate the existing use as it is.

The code enforcement officer that just spoke a few moments ago expressed some health, safety, and hazard issues with respect to the people that live there. Folks have to live where they have to live. I personally grew up in northwest Pennsylvania, and there was a junkyard straight down over the hill. And as the code enforcement officer shared with you, that was the first place we went as kids to go play.

The fire chief expressed some concerns with respect to the chemical plant that is in close proximity to this particular residential use. There are -- and I am in a business where HAZ-MAT regulations will protect the folks irrespective of where that particular spill could, in fact, occur that that chemical company has to take into consideration when they're transporting toxic waste to or from that particular plant.

The end of the day, the bottom line with this particular site, stop the litigation, allow your staff to work with the property owners through a use change at some particular state of the game. There is an underlying industrial zoning on the site. Inevitably property values will enhance sufficiently to allow the property owners to change that use out to a more profitable scenario, but working with property owners and forcing a use change after the fact, I believe, is inherently wrong.

Thank you for your time. Any questions?

CHAIRMAN COYLE: Okay. Thank you very much Mr. Daniel (sic).

MS. VALERA: Jerry Blocker, followed by Fred Thomas.

MR. BLOCKER: Good afternoon, Commissioners. Jerry

Blocker, the property owner.

Me and my wife purchased this property in 2002, assuming it was a nonlegal -- assuming it was a legal nonconforming use, considering the amount of permits that I found and the age of the mobile home use.

We always hoped that some day, that we would be able to take advantage of the industrial use on this property. Unfortunately, neither the economy nor the infrastructure is in place at this time with the efforts of the Immokalee CRA that, number one, that we have our own LDC to allow us to compete with the surrounding counties and give the industry incentive to come, number two, the support needed for companies such as Jackson Labs and other to be approved, support proper roads to be put in place that's needed for the community to grow industrially.

With that belief, that some day my investment will pay off, we believed it so strong that two weeks ago my father invested in a property, which was on the map a minute ago, immediately adjacent to this property, which is five or plus (sic) acres, invested 700,000, and it's zoned industrial, not to put a trailer park there.

It's also got a 12-foot (sic) -- 12,000 square foot warehouse on the property -- that potentially one day we will be able to develop all 10 acres, or right at 10 acres as industrial, whether somebody comes in and wants to purchase the property or we one day -- some day see the infrastructure, see everything moving, and develop it ourself as an industrial piece.

With all that said, not given the opportunity to take advantage of the Site Improvement Plan that was put in place by the code enforce- -- by staff and whatnot, that was put forth to cure all illegalities -- in 1991 I think that was adopted -- unless I was -- went through a rezone.

I went and had a pre- -- a pre-app. meeting on a rezone to see what the possibilities was to get it rezoned at that time, because they was trying -- they gave me two options, demolish it or rezone it. There

wasn't no option like they gave everybody else the option to do with similar zoning that did not allow residential development.

There's parks out there that's got a C5 zoning on it that was given an SIP. I mean, it doesn't allow residential zoning. But I was told, good luck, because Immokalee was going through a Comp. Plan change, which I understand is the new Immokalee Master Plan.

All I want is for this property to be treated as every other property has been treated that does not allow mobile -- does not allow residential use on it. I simply want to go through the current LD- -- I simply want to go through the process that the current LDC allows people to use, regardless of what the zoning is.

Therefore, this property should not be given, I don't think, any time-fixed constraints because who knows, it could be five years, it could be two years. This park may be -- I may have a chance to get rid of this park in two years, seven years, who knows when the infrastructure's in place and it is time -- the time is right, any businessman knows it's a smart decision at that time to take. Right now is not the -- not the right decision -- not the right time for that to happen.

And when -- you know, developing this prematurely is certainly not a good decision, I don't think, on my part.

With Jackson Labs people talking about Jackson Labs coming, whether it's a good thing coming, it's possible. Who knows? They could bring a certain amount of jobs to this area. Without clearly understanding, you know, the process of that, it's hard for me to speak on that behalf, but it sounds good.

So I would like to ensure folks that have, you know, a problem or have -- or wants to see a time constraint put on this, that if you guys approve Jackson Labs coming here, we -- you approve a more competitive LDC in the new -- in the process of the new master plan, and you help the CRA build the roads, proper roads, that needed to be built in that -- in the area, then we'll be quick to attract high-tech

industry, industrial industry.

CHAIRMAN COYLE: Is -- excuse me. We have a three-minute time limit for speakers. Did we fail to initiate the timer?

MR. KLATZKOW: My apologies.

CHAIRMAN COYLE: It's been about five minutes already. I think we got your point.

MR. BLOCKER: Okay.

CHAIRMAN COYLE: Okay.

COMMISSIONER HALAS: I have one question.

CHAIRMAN COYLE: Commissioner Halas, go ahead.

COMMISSIONER HALAS: Do you live there?

MR. BLOCKER: No, sir, I don't.

COMMISSIONER HALAS: Okay, thank you.

CHAIRMAN COYLE: Okay. Any -- no other questions.

Thank you very much.

MS. VALERA: Mr. Fred Thomas, followed by Larry Wilcoxson.

CHAIRMAN COYLE: Be sure to start the timer now.

MR. KLATZKOW: Two minutes.

CHAIRMAN COYLE: Two minutes for Fred, yeah.

MR. THOMAS: For the record, I have to take -- unfortunately, take a certain action before I go any further, okay? I -- I'm going to read a letter to you.

Dear Commissioner Coyle, and all the rest of the commissioners, I resigned from a high-salary position in Tampa prior to coming here in 1986. I did this because my board wanted to -- me to do something I thought was unethical, and so I left rather than do that.

I find myself in the same kind of a position today as it relates to a nonpaying job. So effective 12:45 today I resigned as a member of the Immokalee Enterprise Zone Development Agency.

I'm not speaking for my board, you understand? I'm not a part of that board at this particular time. Is that understood? Okay?

CHAIRMAN COYLE: What happens if we don't accept your resignation? Does that mean you can't talk?

MR. THOMAS: I'm part of the general public, you know what I mean, with the time limit that you got set for me, okay?

MR. KLATZKOW: Two minutes.

CHAIRMAN COYLE: One minute. Okay, go ahead.

MR. THOMAS: I got involved in this initially because of some complaints that were brought to our CRA meeting about some people -- single-family homes that are on Immokalee Drive. Because of what I have heard about the Blocker situation, I said, let me go check my situation.

I gave you-all a copy of an aerial showing my property in 1985. I came here in '86. I bought the existing house in '96. There's no pool on my property. There's no shed on my property in '85. Was I supposed to go back and check through the records to find out whether permits were drawn? I didn't know we supposed to do these kinds of things, and I would have really been in trouble with Code Enforcement, because after I bought the property, had my surveyor doing all the things and what have you, and the liens and what have you, the previous owner came to get the shed that I store -- my wife stores all the Christmas parade stuff --

MR. KLATZKOW: One minute.

MR. THOMAS: -- all the Christmas parade stuff, okay? And he said, I want to take my shed. I said, no, that shed belongs to me. I bought the property with the shed on it. Am I guilty of a code violation? You know, that's a real problem for me from the beginning.

Now, we want people to invest in Immokalee. I think I heard you just say you-all bought this property right here, \$700,000; you-all invested in this property right here, with a 12,000 square foot area house on it?

MR. BLOCKER: Yes.

MR. THOMAS: These are people who want to invest in Immokalee, to help industrialize Immokalee, and help the overall economy in the State of Florida because we're in the heart of the mega-region. We're in the heart of the mega-region.

In order to do that, we've got to have a more competitive Land Development Code. I've been praying and begging for this for a long time. You've got people in Hendry County, that governor of Hendry County --

CHAIRMAN COYLE: I think we must have set it short. That can't be three minutes.

MR. KLATZKOW: Well, it was, but we can do some more. Fred talks a little bit.

CHAIRMAN COYLE: Okay.

COMMISSIONER HENNING: I got a question.

CHAIRMAN COYLE: Okay. You want to ask the question now?

COMMISSIONER HENNING: Yeah. Diane, are you taking notes?

MS. FLAGG: No, sir.

COMMISSIONER HENNING: Oh.

MR. THOMAS: Can I continue?

CHAIRMAN COYLE: Go ahead, but -- we'll give you another minute. I think we set it short this time. I was joking. I think he really did set it for two minutes.

MR. THOMAS: Okay. But getting back to where I was, Hendry County advertises in all the hotels in Miami trying to get industry to come to this county. We didn't even put a bid in for Florida Gulf Coast University. They got as close to us as they could get without getting into the county because of the wonderful Naples address.

We now find ourselves in a situation in this country where we've got to start producing things in this country that the rest of the world will

pay us to get. It doesn't make sense for us to have the largest container cargo ship coming from China, over here full and going back empty. We've got to become a more industrial location.

Remember, agricultural industry does not care about fire and police, Parks and Recreation and libraries. They only want 37 cents back for every dollar of ad valorem taxes they pay. Industrial only (sic) wants 75 cents back. In order to protect this industrial base, we need a strong industrial base.

And then you've got a family over here that's investing money, not wanting to change the zoning, so that it can become industrial at a time when it's proper for industrial to come, and that's going to be depending on you folks. Do you bring Jackson Labs here? Do you give us a more competitive Land Development Code?

Let me explain something to you.

CHAIRMAN COYLE: You're running short now.

MR. THOMAS: Did you beep me again?

CHAIRMAN COYLE: Beep, beep.

MR. THOMAS: I'm out of time. I got to stop.

UNIDENTIFIED SPEAKER: I yield my time to Fred Thomas.

CHAIRMAN COYLE: Okay.

MR. THOMAS: I can talk some more.

CHAIRMAN COYLE: Give him three minutes.

MR. THOMAS: There's a state enterprise zone in Hendry County, just like they have here. It's out on State Road 80. I called up to their development services about five, six months ago and said -- told them who I was, we both have the same thing. I got a person that wants to bring a thousand-employee industry to an enterprise zone. How long would it take to get a permit to build it up on that property that's zoned agriculture in your enterprise zone?

The lady says, Mr. Thomas, I'm very sorry. I got a problem, because we only have a weekly newspaper, so this is going to take

between 45 and 60 days for us to accomplish that because of the advertisement requirement on the rezone process.

You know, if you had an annual paper in Naples we wouldn't slow down anything, because it takes three years to get that kind of stuff done, because we're not being competitive, not trying to bring business here, and we need to do those kinds of things.

And here's some people that invested in our community, taking a chance that Jackson Labs will help bring more industry here so we can turn this whole region around.

This is vitally important. They shouldn't be taken advantage of, be given a hard way to go, and Code Enforcement needs to stop going around doing the former aerals and the new aerals and comparing. If they're going to do it in Immokalee, they need to do it all over Golden Gate Estates, because I guarantee you that houses over there 20 years old or longer, no telling what permits they have and what is put on the property at the present time, and that's why I have a problem with the whole way this thing is going.

If we want to do the kind of redevelopment -- remember, I started off in housing and redevelopment in 1967 in Richmond, Virginia -- I mean Norfolk, Virginia. If we want to clear up an area, here's how they used to do it in the old days. We declare this area a blighted area. Now, where can we relocate? We're going to create a new town out here and out here. We're going to help the businesses relocate by buying their existing businesses, paying relocation costs, helping people to buy their homes and relocate them out there, and then everybody gets off to a new, nice suburban community, then we tear down everything, everything, and let it air out for a couple days -- couple years, and then come build it back. But we don't want to spend that kind of money to redevelop an area anymore, so we've got to work with what we've got.

The downtown realm plan that that wonderful lady, Penny Phillippi, put together, is going to be the heart of a new Immokalee, not

only the urban center, but a tourist center, okay.

The front door to Immokalee is coming from Fort Myers. So you folks that come to Immokalee from Naples, ooh, ooh, you're not complaining about the buildings. You understand? You know what you-all complaining about and you-all uncomfortable with? It's the people. But when you go to Chinatown, you don't expect to see 5th Avenue South. You expect to see Chinatown, you understand? And that's why, in Immokalee, we're working to become -- and use that beautiful little --

DEAN BLOCKER: Yield my time to Fred Thomas, please.
Dean Blocker.

CHAIRMAN COYLE: Okay.

MR. THOMAS: This beautiful bird of paradise is coming from the Casino Paradise Hotel, because you come to this area, you understand, and you leave the casino and you go through Central America where you can get a Haitian tan, a Mexican sombrero, a Panama hat, see young ladies rolling cigars in their thighs and get the kinds of things that make you want to come to this town, because we have the potential to be the number one tourist destination point in the country, because everything you ever want to do you can do here.

Yes, ma'am?

COMMISSIONER FIALA: What is the point you're trying to make, Fred? I'm sorry.

MR. THOMAS: I'm saying to you that we need to encourage families like this that are wanting to help industrial, and your county attorney did a good job in coming up with that Paragraph D that would allow it to happen.

Now, staff is recommending not doing anything, but if you put it in, put a time limit. But if you put a time limit, you got to put a time limit on yourselves to make sure we get a Jackson Labs to attract more industry, to make sure we got a Land Development Code that's

competitive with other counties, understand?

You asked the question of where did they live; did they live in that situation? Sir, I live -- ten-minute walk from that park location. I ride my bike through there sometimes. My wife and I ride my (sic) bike through there sometimes, you understand?

COMMISSIONER HALAS: This is a slum area as far as I'm concerned, I'm going to be honest with you. It doesn't belong there, okay?

MR. THOMAS: No. I agree with you it doesn't belong there, but how you get rid of it is the point I'm making. How you get rid of it and the time you allow them to get rid of it.

COMMISSIONER HALAS: We're going through the litigation to get rid of it.

MR. THOMAS: Huh?

COMMISSIONER HALAS: We're going through the litigation to get rid of it.

MR. THOMAS: Because they treated it as a code problem and not a land use problem. A code problem, not a land use problem.

And it will go away, guarantee you, when industry starts coming. That's why they didn't -- they -- I'm guilty of this. He wanted to change it to mixed-use commercial, and I said, don't change it to mixed-use commercial. Leave it industrial. That's the highest and best use for it, because we don't want mixed-use commercial. We want industrial over there, you understand? We want industrial over there.

The question is, how do we get it and get it without hurting anybody, without affecting anybody negatively? And that's what we got to be about, folks. Because you got too many people that are more concerned about the written law.

I was just telling some folks a minute ago, we evacuated Immokalee. There's nobody left in Immokalee. We know nobody's left in Immokalee, oh, but we forgot to get this medicine for these

people. I'll drive back there. So I drive like a bat out of hell going back there, and then when I get back here, you-all will look at the SkyCams and say, you ran this stop sign, you ran that stop sign, you ran that stop sign. You're going to get tickets. That's crazy.

Because the intent of the law was to keep it safe, you understand? The intent of the law was to make certain things happen, not to uproot people, ruin people, and whatnot. We're working very hard. And you know I've worked all my life to make this a wonderful place, and I live with a lady that put on those blue lights because she's about pretty. So I understand the value of all that, but it's got to be done in the right way, and that's my major concern. It's got to be done in the right way.

CHAIRMAN COYLE: Okay. Thank you very much, Fred.
Okay. Next speaker?

MS. VALERA: Larry Wilcoxson, followed by Kenny Blocker, Sr.

MR. WILCOXSON: Good afternoon. I'm Larry Wilcoxson. I'm also a candidate for Florida House Representative, District 101. I'm going to make this very short and very brief. I'm not very long-winded.

First of all, let me address you-all. Mr. Snow, you are correct, and those are some wonderful pictures that you have there, but in reality, what comes first to me, the chicken or the egg? They was established, and everything else came later.

I mean, we have a lot of what-ifs. What if this, what if that? I mean, ask yourself, what if you wasn't our County Commissioners, what then? I mean, it's just -- either it is or either it's not.

And just to address you, Mr. Commissioner Halas, I mean, you say it's a slum, but yet the state go in and they check on that thing every six weeks.

So to get to this letter that I had wrote. I'm -- actually I'm here to plead to you on the board to deviate this situation and allow Mr. Blocker

to proceed as planned as the Planning Commission did so and agreed upon.

As I did also some comprehensive research and follow-throughs, I found that if this commission failed Mr. Blocker, I see a whole lot of citizens, property owner and residents, being directly affected by this, not to mention, I can also see the court dockets being very full.

Well -- so to me, I look at you-all as my public servants, and you work for us, the people of Collier County. So please let them proceed. The facts are solid. They didn't break the law. They're working with the CRA in the Master Plan, and the Planning Commission also accept it, checked, and approved their status.

And to speak on the land uses they bought a few weeks ago that's adjacent to the property that they have now that's in discussion, I mean, we are the future of Immokalee, and I look at myself as the future of Immokalee. I came back home. I left the big city, Houston, Texas, to be exact.

So if they have a great idea -- they've been around; they very established. I mean, we need to really go for it. Industrial, we need to bring industrialization to Immokalee, and I think we also will grow. I know you, the CRA, and everyone else, they want what's best for Immokalee, just as I do.

And that's all I have to say, and thank you for listening.

CHAIRMAN COYLE: Thank you.

MS. VALERA: Mr. Kenny Blocker, Senior, followed by Cleveland Blocker.

MR. BLOCKER, SR: I'm Kenny Blocker, Senior.

CHAIRMAN COYLE: You have to come up and speak at the microphone.

MR. BLOCKER, SR: I don't need to say nothing. That's all I can say. You can hear it.

CHAIRMAN COYLE: Okay. Thank you.

MS. VALERA: Cleveland Blocker, followed by Gene Graham.

CLEVELAND BLOCKER: I don't need to say anything.

CHAIRMAN COYLE: Okay. He's waiving. Thank you.

MR. GRAHAM: I don't need to say anything. Gene Graham.

CHAIRMAN COYLE: Okay. Are there any other speakers?

UNIDENTIFIED SPEAKER: That's all we need to say on our part.

CHAIRMAN COYLE: Okay. We have two more speakers then; is that correct? Let's call the next --

MS. VALERA: Sheryl Soukiz (sic), followed by Tim Durham.

MS. SOUKUP: Hi. I'm Sheryl Soukup. I serve as the executive director for Immokalee Housing and Family Services. And I've been involved in the Immokalee Master Planning process as part of the housing subcommittee for a number of years now and as a member of the community. It's been approximately three years since I've been involved in the process.

I'm here to come and talk to you today because I think that there's been some, from what I understand, some misunderstanding that the community wants this property to stay. I think there's certain people that do want this property to stay, but I don't think the whole community wants the property to stay in the use that it is.

So I wanted to come here today and just let you know that, you know, some members of the community really are against having humans live in an industrial zone.

We've worked really hard, a number of our nonprofits in the community, have worked really hard to reduce the substandard housing in the community, and we really don't believe that people should be living in an industrial zone surrounded by chemical plants and junkyards.

We think that there are other alternatives even now that exists, and there is some new housing being built. You know, I'm involved in

Esperanza Place, which this board has been very supportive of, and we just don't believe that people should be forced to live in areas that are not zoned for residential use or mixed use.

Now, you could argue that people could make a choice as to where to live, but I think that you all are making a choice for people to be able to continue to live in a place that's not suitable for humans to live.

I do also want to say that I agree with Fred Thomas. I do agree with the Blockers that they should be encouraged to use the land for industrial purposes. We do want Immokalee to be industrialized. We did want to bring business to Immokalee, industrial business. And so -- I do think that a lot of work has gone into the master plan. I think a lot of people have spent a lot of time, years, on this plan, and we're really glad that it's here, ready to be hopefully submitted with your approval, and ask you to do so, but with striking Paragraph D. Thank you.

CHAIRMAN COYLE: Thank you.

COMMISSIONER COLETTA: Don't go yet.

CHAIRMAN COYLE: Commissioner Coletta?

COMMISSIONER COLETTA: Yes, question. If the Blockers have to give up this site, is there enough room within Immokalee to be able to absorb these extra people?

MS. SOUKUP: Yes. There's many vacancies in Immokalee, rental housing, right now.

COMMISSIONER COLETTA: Okay. So that's not really an issue?

MS. SOUKUP: No. I mean, there's plenty of rental properties available, even affordable rental properties available in Immokalee at this moment.

COMMISSIONER COLETTA: Okay. Thank you very much.

MS. VALERA: Your last speaker, Mr. Chairman, is Tim Durham.

MR. DURHAM: I do not need to address at this point. I have one later to make related to other issues.

CHAIRMAN COYLE: I think you better address it right now if you're going to address it.

MR. DURHAM: All right. For the record, Tim Durham with WilsonMiller. It was such a spirited debate about this point, I didn't want to, you know, distract you guys.

I'm up here on behalf of Williams Farms. There's some language in the transmittal document that, in our mind, is missing at this point. And if you'd allow me a few minutes, I'll explain that.

The intensity and density blending language was in this document through the committee's work, was approved by the EAC, and was later removed at the Planning Commission hearing. Unfortunately, we were not in attendance at that meeting and did not have chances to defend it. Shame on us.

However, because this is a transmittal hearing, it's not an adoption hearing, we would ask that there be some flexibility on this point. The concept for blending is, as it was written here -- and I'll share this language in a moment -- is that for properties which straddle the urban line which have high-quality wetlands or natural systems on the site, there needs to be a way to incentivize the protection of those natural systems. What the blending allowed to happen was protection of the natural resource areas and movement of some of those density units around to make the site usable.

And let me give you a quick view of what I'm speaking of. What you see here is the urban boundary and the Williams Farm property shown there just to the east of Lake Trafford.

What I've highlighted on here in that kind of red hatch mark is the major wetland system that everybody's familiar with that runs east/west of Lake Trafford.

The Williams Farm property has a wonderful honor of having most

of that wetland system on their north side of their property there, but what it does is it really makes that piece hard to use that's within the urban boundary. And what the blending of intensity and density allows is a use of that property in a unified manner.

The committee was in favor of this. The EAC was fine with it. I say the rub came during the planning meeting when issues were raised about numbers of units this might create in the RLS area, not necessarily this property but this concept of blending.

I can tell you there are very few properties out there that would qualify for this blending provision the way it's written. It's very specific. We have one property here of about 2,250 acres where it would apply. There would be some units coming out of the urban area into the Williams Farm property, but really I think that Williams Farm property is part of the urban community of Immokalee.

The number of units that would be added to the RLS is minuscule. You know, we're talking about 1,000 acres of RLS on this property versus 194,000 acres total. So we're talking about a very small piece.

What I would simply request is that the language that the committee and the EAC approved for density blending be included in the language transmitted to DCA. If there's an issue at DCA, they can bring it up. If at some later time you decide, no, we don't want to do that, we can still take it out. But to leave it out at this point is somewhat punitive for a very significant landowner in this area who has good intentions for the Immokalee urban area.

CHAIRMAN COYLE: Thank you very much.

MR. DURHAM: And I'll hand this language out specifically.

CHAIRMAN COYLE: That would be good. Thank you.

And Commissioner Coletta?

COMMISSIONER COLETTA: Mr. Weeks, if you'd help me, please.

Why did the Planning Commission strike that out? What was

their justification or -- I'm sorry. Maybe Mr. Mulhere can answer that.

MR. MULHERE: Yeah. The reason that the Planning Commission removed the broader density-blending provisions that would now apply to all of the lands that you see hatch-marked there was their concern that -- and Tim raised -- brought it up, but their concern was that no data and analysis had been provided to indicate how many units might be transferred into the rural lands area and what those impacts might be overall on the RLSA process. And that wasn't part of our contract. We weren't engaged to do that, that level of analysis.

We didn't really object because we -- as the consultants we felt that, as Tim said, it was good to protect the higher value natural resources even though they were in the urban area, and as an incentive to do that, allowing the transfer of those units to adjacent RLSA lands under the same ownership made sense.

I think also though the Planning Commission raised a legitimate point. The legitimate point is, there wasn't any data and analysis to support that, you know. And so we really didn't have an answer to the question, what impacts might that have on the RLSA.

COMMISSIONER COLETTA: So in other words, what this is is something that's an unknown factor? That if we put it together and we put it back in again, we might not know what the impact would be until it actually kicks in?

MR. MULHERE: Well, no. I mean, we could calculate it, or somebody could calculate it. If you want to transmit it, and in the process -- was what was suggested -- in the process between transmittal and adoption have somebody look at those impacts, those potential impacts.

In other words, if everybody took advantage of the opportunity to transfer the urban residential density into land that they own adjacent to that in an RLSA, how many units would that be in addition to those that are already -- I think it's 45,000 units is the number that I've heard in the

RLSA -- what's the percentage of that impact. Because there was just a whole study done. There was a whole five-year analysis done, and that was raised by the Planning Commission. They were concerned that that wasn't considered as part of that process.

They weren't necessarily opposed to it. They just didn't feel that it was appropriate to do it at this point without that data and analysis.

Now, another option is to allow for this to occur and provide that information to you prior to adoption, but I wouldn't support that because I think this would be substantive, and I think DCA may have a problem with it. Either put it in now or don't -- or don't put it in at all. Don't try to do it as part of just adopting it without DCA having a chance to look at it.

COMMISSIONER COLETTA: So what you're saying is that we -- if we add it, it wouldn't do any harm if we bring it out later, or are you suggesting we shouldn't --

MR. MULHERE: No. I'm suggesting if you want to, between now and adoption, at least there would be an analysis, and perhaps it could be on the burden on the applicant -- oh, I had a twitch in my eye. I don't know what that was -- to come back with that data to either support this or not support this, and then you could look at that data and make a decision as to whether or not there was a substantial change, and before adoption, you could -- because look, two things can happen. DCA could raise the issue themselves, and then you'd have to provide the data and analysis because that's what they're going to be asking for. They're going to say remove it or provide data and analysis that support the policy change.

COMMISSIONER COLETTA: Well, I want to be fair to everyone, the landowners and also the general public.

MR. MULHERE: Right.

COMMISSIONER COLETTA: But what -- as it is now, what kind of negative impact would this have on the general public?

MR. MULHERE: Well, I don't know that there would be any negative impact on the general public, but in other words, knowing what the impacts are, there's a concern -- there's a general concern about -- on some part -- on some part -- on the part of some stakeholders as to what the impacts are that are associated with the RLSA, and that was part of the discussion that you-all had as part of that five-year review, instead of limiting the impacts.

This would increase those impacts by some number of units, and I think you have to look at the worst-case scenario always, because that's what DCA's going to want. So the calculations would have to be done on the number of acres, the number of properties that would qualify -- this is written pretty tightly, so not all properties would qualify, but some would, so you'd have to identify who would qualify to transfer the units out into the rural area under the RLSA and how many units would that be and what would be the impacts of that from maybe a traffic impact, from a water and sewer impact, you know, all the category A public facilities.

COMMISSIONER COLETTA: Sure. We've been at this, what, seven, eight, years?

MR. MULHERE: Yeah, six years.

COMMISSIONER COLETTA: And we don't have the answers to this?

MR. MULHERE: Well, this was not part of the -- this was never part of the program that was anticipated. We never an- -- our scope was limited to the urban area, not to anything out in the rural area. We were never contracted to potentially -- in effect, we're actually amending your RLSA by allowing development in the RLSA.

COMMISSIONER COLETTA: Yeah. Well, I'll tell you the way I look at it, Bob, is that I'm going to listen to my fellow Commissioners on this. I would be willing to insert it back as a commissioner, but I don't want to do anything now that's going to

jeopardize this work that we've been at so long, in any way delay it so --

MR. MULHERE: I don't think --

COMMISSIONER COLETTA: -- that we can't get to the final end.

MR. MULHERE: You wouldn't be delaying it by doing that. In my view, if that's the -- if the majority of the board is supportive of adding that density blending language back in, I would suggest that you also ask for the applicant to provide some data and analysis coming back in as part of -- you know, prior to the adoption hearings so that you can evaluate that. It may be raised in the ORC, and our response might be that, here, here's the data and analysis and everything is good. You can always pull it out if you see a negative impact at the time of adoption.

COMMISSIONER COLETTA: And the positive impact on this might be that we have more of a reason to be able to preserve environmentally sensitive lands --

MR. MULHERE: The positive --

COMMISSIONER COLETTA: -- by transferring credits like we do now with our rural lands program?

MR. MULHERE: Correct. You would be protecting that --

COMMISSIONER COLETTA: Flowway.

MR. MULHERE: -- flowway, strand, whatever you want to call it. And you know, that has high value. We want to protect it, and you would do so at no cost to the taxpayers, because you would be allowing these folks that own property in both designations to use that density.

COMMISSIONER COLETTA: Yeah. Well, I, for one, wouldn't have any problem putting it back in, but I'm going to listen to what my fellow commissioners have to say.

CHAIRMAN COYLE: Okay. Commissioner Henning?

COMMISSIONER HENNING: How will that affect the RLS?

MR. WEEKS: Commissioner, that's what's unknown.

COMMISSIONER HENNING: Yeah.

MR. WEEKS: We don't, and that's what, I think, Mr. Durham and Bob were just saying. We just don't know.

COMMISSIONER HENNING: Well, can you take one document and what -- without reference to the other document; would that work? I mean, you're talking about blending, taking it out of one document and amending another document in a sense.

MR. MULHERE: I think your question is a good one. And I think, if stated in other words, and if I understand you correctly, it's that -- are we sure we don't also have to amend language in the RLSA portion of the program to accomplish this? And I think that you can -- the density blending language always has existed in the code in the -- you know, not in the RLSA portion, but in a separate section.

COMMISSIONER HENNING: Right. But the RLSA is a separate document --

MR. MULHERE: Yes.

COMMISSIONER HENNING: -- distinct -- distinctly separate document.

MR. MULHERE: There might need to be a cross-reference.

COMMISSIONER HENNING: You can't apply the RLSA to the urban area in Immokalee? I guess that's a legal question, not a comprehensive planning question.

MR. MULHERE: I just want to say, the density blending language already exists in the code, and there was -- it only applied to one property, which was the Pepper Ranch, which at that time was privately owned.

COMMISSIONER HENNING: Okay. So that's --

MR. MULHERE: So we put this density -- so we put it in the code. It exists in the code. This language would basically expand the application of that policy to these properties as well.

COMMISSIONER HENNING: If you provide density blending

to any of the -- or you apply it, you're doing it to all the properties within that flowway.

MR. MULHERE: Correct, that would qualify. There are limitations on the qualifications. Not all would qualify.

COMMISSIONER HENNING: Yeah. Well, that's a --

MR. MULHERE: There's a size. For example, they have to be 200 acres in size, and that's what exists today. That's the language that exists today. They would have to be 200 acres in size. You know, it's not going to apply --

COMMISSIONER HENNING: And you said -- let me finish, okay. So there's one stipulation on it, it has to be 200 acres in size, and you have to be an owner of property adjacent to the property in the Immokalee urban area.

MR. MULHERE: I can give you the exact conditions.

COMMISSIONER HENNING: But -- no. Let me finish.

MR. MULHERE: Okay, I'm sorry.

COMMISSIONER HENNING: Are you listening?

MR. MULHERE: Yes, I am.

COMMISSIONER HENNING: You change ownerships, and now you have an owner that is abutting to that property in the urban area of Immokalee, and all of a sudden you've increased the probability of transferring your units in the RLS. I mean, you got to treat -- if the language is 200 acres, parcel 200 acres, you've got to apply every 200 acres plus in your analysis.

MR. MULHERE: Yeah. I think I can address that for you. There's an overriding condition that limits the application of this to lands that were under unified control as of October 22, 2002.

COMMISSIONER HENNING: Well, then you got an equality problem, in my opinion.

MR. MULHERE: Well, that's a separate issue. That's language that already exists.

MS. ASHTON: Mr. Chair, the subsection B that was on the overhead that they're proposing was language that I had real concerns with. The problem as I see it with the language, is that you've got two land use subdistricts that are depicted on one of your attachments, the map. And this section becomes essentially self-amending in that those districts get changed. I didn't think DCA would support it, and I also had concerns with --

MR. MULHERE: Heidi, I'm sorry to interrupt you, but that's not even the policy we're talking about right now. That's a totally separate policy. We're not talking about that one.

MS. ASHTON: I think it is, because the subsection B talks about --

MR. KLATZKOW: You want to look at the handout?

MS. ASHTON: -- the reconfiguring --

MR. MULHERE: No. We're talking about the density blending provisions that were previously in there that aren't even in there now because we took them out in accordance with the Planning Commission's recommendation. Not this one that allows you to shift --

MS. ASHTON: Well, the handout that I got from Mr. Durham --

MR. MULHERE: Look at the first one. Look at I -- the first four -- the first four.

MS. ASHTON: Well, the language that he has for B is different, and so I guess I'm not clear on what is being proposed to be changed.

MR. MULHERE: This is from the November 7th, I mean -- I'm sorry. I don't know why -- we shouldn't have this -- any, really, confusion.

Here's the issue. I'll try to explain it so that it's very, very clear. Prior to the Planning Commission, we had language in there that allowed for density blending that would allow for transfer of units from the hatch-marked area to the rural area.

After the Planning Commission --

COMMISSIONER HALAS: Do we have a copy of the --

MR. MULHERE: Yeah, we can get a copy of it.

COMMISSIONER HALAS: Can we have a copy of the original? So I think that might help, along with what's been handed out so we got an idea of what you're actually talking about. It would be good to have the original language.

COMMISSIONER HENNING: I believe this is all new language.

MR. KLATZKOW: You know, one, I got to tell you, getting this right now is disturbing to me, because even if he missed the Planning Commission, my offices are open all the time. You could have gotten this to us; two, this is different, that we're trying to do on the fly right now. And trying to do an analysis on the fly is what's gotten us in trouble before.

COMMISSIONER HALAS: Leave it out.

CHAIRMAN COYLE: Commissioner Fiala, do you want to ask a question now?

COMMISSIONER FIALA: Yeah. I wanted to ask if Penny from the CRA had any comments on this. I don't know if Bob -- you know, I don't know if you've been working with these people or whatnot.

Penny, do you want to make any comments from the CRA point of view?

MS. PHILLIPPI: Penny Phillippi, for the record. Commissioner, we were working with these landowners. You know, we put the wetlands overlay into our Future Land Use Map pretty much as a favor to staff because -- so that they wouldn't have to do a Comp. Plan amendment to get that in there.

And we were very much in favor of helping them get these credits between RLSA and their internal lands. And we instructed Bob to write that careful language, and he did.

Unfortunately, the Planning Commission didn't agree with us and removed it, and that's where we're at right now. We had no problem with it at the CRA level, the advisory board level.

COMMISSIONER FIALA: The original language?

MS. PHILLIPPI: That is correct.

COMMISSIONER FIALA: The Planning Commission changed it?

MS. PHILLIPPI: That's correct.

MR. MULHERE: Here's the language that we had proposed. Can I read it into the record?

COMMISSIONER HALAS: Put it on the overhead; can you do that, too?

MR. MULHERE: Yeah, I can.

No, this is not in the existing. This is both. This is what we proposed.

Okay. If you look at this very first part here -- let me get the microphone -- it says, this provision is intended to encourage unified plans of development and to preserve the highest quality wetlands, wildlife habitat, and other natural features that exist within areas of the Immokalee urban area which are proximate to Lake Trafford and Camp Keais Strand.

In the case of properties which are contiguous to Lake Trafford or Camp Keais Strand and straddle the Immokalee urban area and the Rural Land Stewardship Overlay area and which were in existence as of October 22, 2002 -- so you can't aggregate land to take advantage of this. It had to already be existing -- the allowable gross density or intensity may be shifted from the urban lands to the RLSA which are under contiguous and unified control. So even the RLSA lands have to be under the same ownership or unified control.

And then there's the other conditions here, which I mentioned, 200 acres minimum size, must be designated RT, must be demonstrated that

the lands designated urban have higher natural resource value than the 1.2 in the RLSA.

Density and intensity may be shifted from land in the Immokalee area containing the high natural resource value to lands within the SRA on an acre-to-acre basis, and that's the calculation in the analysis that we had not done, that we didn't have the data and analysis to support what those impacts were.

CHAIRMAN COYLE: Commissioner Coletta?

COMMISSIONER COLETTA: Would you -- let me -- say we went ahead and reinserted this with the idea that we're going to get a complete package when it comes back for adoption. Would you have that data then?

MR. MULHERE: Yeah, yeah.

COMMISSIONER COLETTA: Okay. I -- if that was the only objection the Planning Commission had, I don't have a problem moving it forward. Of course, they only got -- they get another shot at it, too, don't they?

MR. MULHERE: Well, yes. We would bring it -- I think -- David, we would bring it back to the Planning Commission for adoption.

MR. WEEKS: Yeah.

MR. MULHERE: So they would have the chance to look at the data and analysis.

COMMISSIONER COLETTA: My suggestion is to insert it, they come to the Planning Commission with all the data, Planning Commission takes it out again because they think it's either destructive or not complete, then we don't take it past that point. We don't have to -- we won't make a decision about superseding the Planning Commission.

If they were missing data and you supply them data the next time around, that would satisfy me.

Did I say something?

CHAIRMAN COYLE: Did you say something or could you say something?

COMMISSIONER COLETTA: I don't know.

CHAIRMAN COYLE: It doesn't make any difference what you say; nobody's paying attention.

COMMISSIONER COLETTA: I feel like I'm right at home.

CHAIRMAN COYLE: That's right.

COMMISSIONER COLETTA: Maryann, if you're listening, I really didn't mean that.

COMMISSIONER HALAS: My question's already been answered.

CHAIRMAN COYLE: Okay. Has it been answered?

COMMISSIONER HALAS: Yeah, yeah. That's what I was going to ask. Commissioner Coletta already --

CHAIRMAN COYLE: You know, in my opinion, there's just way too much confusion about what's going on here, and I don't know how you expect us to make a reasonable decision.

MR. KLATZKOW: May I make a recommendation?

CHAIRMAN COYLE: Commissioner Henning?

MR. KLATZKOW: Can we take a 15-minute break so we actually read this and see what's being changed? I mean, at this point in time I'm --

CHAIRMAN COYLE: I'm not even sure I want to do that. Okay.

COMMISSIONER HENNING: You need to analyze what the existing use on that property is today, and --

MR. MULHERE: Let me just also offer --

COMMISSIONER HENNING: And I want to know, is there any special treatment that we're giving to certain land use owners within that area that you're not giving to others?

MR. MULHERE: There -- yes, there are, because there are conditions that make it only apply to certain, you know, lands over 200 acres under unified control.

COMMISSIONER HENNING: Why's that fair?

MR. MULHERE: It's policy decision. I mean, because larger parcels have higher, you know, natural resource value.

COMMISSIONER HENNING: Well, I know it's a policy decision. We can make policy. But why is that fair?

MR. MULHERE: Well -- and let me throw, if I could -- I don't know the answer -- you know, really I don't know how to answer that question. It was deemed fair the first time around. It's the same policy.

But what I would suggest to you is -- and just so that you understand, there are other policies within this plan that call for the creation of incentives to protect this area over the next two years.

One of -- and one of those is potentially a TDR program that would allow Transfer of Development Rights, which would require a Comprehensive Plan amendment.

There's nothing that prohibits us from looking at this as part of that incentive program over that two-year period, particularly since we know that if we do TDRs, we're going to have to amend the Comprehensive Plan anyway.

So if you prefer, I just want to assure you that there is the opportunity to look at this issue, as opposed to on the fly, in a calculated way and come back with the data and analysis. It's just that it's going to take a little bit longer than immediately. It's going to be probably a couple years through a process.

CHAIRMAN COYLE: Well, I -- my problem still is that this study has been going on for a long time. There was ample opportunity to address this issue during this period of time. I don't know why suddenly it becomes an emergency on our part to review this thing on the fly, without even the county attorney being able to get his arms

around this, and sending it up to Tallahassee just to get it on the record so that we can, perhaps, justify it later on. I don't see the sense in that.

So I don't know if the other commissioners will agree with me, but I -- I am reluctant to get involved into detailed changes here when we don't have the understanding what it really means.

Commissioner Fiala?

COMMISSIONER FIALA: Yes. I really want to bow to the CRA. The CRA put this thing together with -- through the master planning operation. They put all of the words together, and then -- and everything was submitted, carefully analyzed, and brought to the Planning Commission, who then changed it, and I -- I would prefer to go with what the CRA had intended in the first place.

COMMISSIONER HALAS: Yes.

COMMISSIONER FIALA: See, I just feel that they know the issues -- we do not -- and they spent a lot of time and -- years planning this thing, which was then changed on the fly, and I'd like to see it changed back.

COMMISSIONER HALAS: Me, too.

MR. WEEKS: Mr. Chairman?

CHAIRMAN COYLE: Commissioner Coletta?

COMMISSIONER COLETTA: Yeah. Commissioner Fiala, I agree with you. Once again -- and it's not a case of, this is it. There is some data that was missing. The Planning Commission exercised excellent judgment in the fact that they had it taken out because they were missing data.

COMMISSIONER FIALA: Sure.

COMMISSIONER COLETTA: They didn't have any other objections to it.

COMMISSIONER FIALA: Yes, I understand.

COMMISSIONER COLETTA: It's going to go back to the Planning Commission if we insert it back in again. And if they take it

out again, at that point in time, I'd say the heck with it. I don't even want to discuss it.

COMMISSIONER FIALA: Okay.

COMMISSIONER COLETTA: I'd like to see it, because I think what happened was, is -- and, you know, once again, did they do what they should have done in the past seven, eight years to get the data together? No. Shame on them.

But the truth of the matter is, we're sitting up here today, and we're supposed to be able to represent the majority of people that are out there in some meaningful way. And here we're not doing anything that's going to bring any harm to us. We've still got a chance to be able to review it.

The CRA, the Master Planning Committee, met so many times -- I don't think anybody even counted them -- to be able to come up with this final thing. And, you know, at this point in time, I'd hate to say nay based upon a small bit of missing data that has to be supplied when it comes back to us for adoption.

It takes three commissioners to move it on. It's going to take four at adoption. It still has to go back before the Planning Commission. I'd say insert it back in.

COMMISSIONER HALAS: You want to make that motion?

COMMISSIONER COLETTA: I'll make that motion.

COMMISSIONER HALAS: I'll second it.

Do you feel comfortable with this, County Attorney?

MR. KLATZKOW: Look, when it comes -- at the end of the day, we may not sign off on legal sufficiency, but we don't have to make that judgment now.

COMMISSIONER HALAS: Okay, good.

MR. MULHERE: I understand the direction of the motion. I know you haven't voted yet.

CHAIRMAN COYLE: Okay, all right. We have a motion that

will result in the modification of this document to allow special treatment for a certain area for which we do not have adequate data for justification, and we're going to send it to Tallahassee for review, then if they have a problem with it, we will either provide the justification, or if they approve it the way it is, we will bring it back --

MR. MULHERE: With the just- -- either way.

CHAIRMAN COYLE: Okay.

MR. MULHERE: Either way. The -- and you want -- I think the applicant, the prop- -- the person representing the property owner, Tim, put on the record that he would -- they would do that data and analysis. I don't know if you want to get that officially on the record or not.

CHAIRMAN COYLE: I think that should be part of the motion if we're going to do that.

COMMISSIONER COLETTA: It is.

CHAIRMAN COYLE: Okay.

COMMISSIONER HALAS: Second.

CHAIRMAN COYLE: Okay. Any further discussion?

(No response.)

CHAIRMAN COYLE: All in favor, please signify by saying aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

COMMISSIONER COLETTA: Aye.

COMMISSIONER HENNING: Aye.

MR. MULHERE: And then --

CHAIRMAN COYLE: All -- wait a minute. I haven't voted yet. I say no, okay? So it passes, 4-1.

MR. MULHERE: Okay. That's to put that back in, right? And now you have to deal with the other issue.

CHAIRMAN COYLE: I don't have the slightest idea what it is.

MR. MULHERE: I think you've still got to deal with the other issue of the mobile home park.

CHAIRMAN COYLE: Yeah, we do, but I don't have the slightest idea what you just did. I don't think anybody in this room understands exactly what you just did. But nevertheless. That's all right.

MR. KLATZKOW: I have no idea.

MR. MULHERE: I understand.

CHAIRMAN COYLE: County Attorney doesn't know either, so -- all right.

COMMISSIONER HALAS: I thought the motion was that we were -- what was stricken from the document of -- from the -- after the Planning Commission looked at it and had stricken that particular item, that we said we wanted it to be reinserted because that was the will of the people who worked on the CRA.

COMMISSIONER COLETTA: That's correct.

COMMISSIONER FIALA: And the Master Planning Committee.

COMMISSIONER HALAS: That's what I understood.

MR. MULHERE: Regarding density blending.

COMMISSIONER HALAS: Yes.

COMMISSIONER FIALA: Uh-huh.

MR. MULHERE: That's correct. The language that was brought to the Planning Commission, which was struck through, would be reinserted regarding density blending.

COMMISSIONER HALAS: That's exactly what I voted on. That was my second.

MR. KLATZKOW: I don't know. I mean, if Mr. Weeks is comfortable with it. He's the one that's going to have to put it down. I haven't seen him yet -- say anything.

CHAIRMAN COYLE: Well, the motion passed, so it --

MR. KLATZKOW: The motion passed. It is, you know --

COMMISSIONER HALAS: David, do you understand what we said?

MR. WEEKS: Yes, sir. We will get the language that the Planning Commission recommended be removed and reinsert it.

COMMISSIONER HALAS: Okay.

CHAIRMAN COYLE: Okay. Let's go on to the next issue.

MR. MULHERE: Okay. The next issue is, I think, how you want to handle the existing mobile home park in the industrial designated lands.

CHAIRMAN COYLE: Okay.

COMMISSIONER HALAS: I make a motion that we strike D from the -- policy 6.17 in regards to existing mobile home parks within the Immokalee urban area.

COMMISSIONER FIALA: And I'll second the motion.

CHAIRMAN COYLE: Okay. We've got a motion and a second. We have to be very careful about what it is we're striking and what we're --

COMMISSIONER HALAS: Striking D, Paragraph D --

CHAIRMAN COYLE: Okay.

COMMISSIONER HALAS: -- of policy 6.17.

CHAIRMAN COYLE: Okay. Which means that the mobile home park is not going to be allowed?

COMMISSIONER HALAS: Right.

CHAIRMAN COYLE: Okay. Commissioner Coletta?

COMMISSIONER COLETTA: I was going to just suggest that in that motion you might want to say as per the directions given by the CRA advisory board.

COMMISSIONER HALAS: Per directions given by the CRA advisory board, yes. Put that in my motion.

COMMISSIONER COLETTA: Yes.

CHAIRMAN COYLE: What are the directions provided by the CRA advisory board?

MR. MULHERE: They took a motion after the Planning

Commission at their most recent meeting to clarify that they did not support the insertion of Paragraph B (sic).

CHAIRMAN COYLE: Okay.

COMMISSIONER FIALA: And that's included in my second.

CHAIRMAN COYLE: Very well. Any further discussion?
(No response.)

CHAIRMAN COYLE: All in favor, please signify by saying aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN COYLE: Aye.

COMMISSIONER COLETTA: Aye.

CHAIRMAN COYLE: Any opposed, by like sign?

COMMISSIONER HENNING: Aye.

CHAIRMAN COYLE: Okay. It passed 4-1; Commissioner Henning dissenting.

MR. MULHERE: And then there's three very minor typos -- I know you have to take a motion on the whole thing now. And I just want to get on the record that on Page 7 -- on Page 7 we're going to strike through the word Immokalee, which is redundant.

COMMISSIONER FIALA: Where's Page 7?

MR. MULHERE: Page 7 in the changes, the amendments. You should have them in your --

MS. VALERA: Exhibit A in your binder. Exhibit A tab.

MR. WEEKS: Should be your second tab.

MR. MULHERE: These are all --

COMMISSIONER HENNING: And all I have is a map on Exhibit A.

CHAIRMAN COYLE: Why --

MR. MULHERE: These are minor.

CHAIRMAN COYLE: Yeah. But why do you feel that redundant?

MR. MULHERE: We -- elsewhere we spelled it out, and then in parens put CRA. So everywhere else in the document we just use the word CRA.

MS. VALERA: It's the third tab, Commissioners.

MR. MULHERE: Have you found the text, Page 7?

COMMISSIONER FIALA: Yes.

MR. MULHERE: Okay. And then also on Page 26, there is a misspelling of the word subdistrict. We'll change that. These are very, very minor. I just want to put them on the record.

And then on Page 47, we've flip-flopped the objectives applicable. We're going to change it to applicable objectives, and that's the extent of the changes.

CHAIRMAN COYLE: Okay. Commissioner Coletta?

COMMISSIONER COLETTA: Yeah. Incorporating those changes in my motion, I make a motion for approval.

CHAIRMAN COYLE: Okay. Motion for approval as amended.

COMMISSIONER HENNING: Motion to transmit.

COMMISSIONER COLETTA: To transmit.

CHAIRMAN COYLE: Yeah.

COMMISSIONER HALAS: Second.

CHAIRMAN COYLE: A second by Commissioner Halas.
Any further discussion?

(No response.)

CHAIRMAN COYLE: All in favor, please signify by saying aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN COYLE: Aye.

COMMISSIONER COLETTA: Aye.

COMMISSIONER HENNING: Aye.

CHAIRMAN COYLE: Any opposed, by like sign?

(No response.)

CHAIRMAN COYLE: It passes unanimously.

MR. MULHERE: Thank you.

CHAIRMAN COYLE: Do we have any other business?

MR. WEEKS: That's it, Commissioners.

CHAIRMAN COYLE: Motion to adjourn.

COMMISSIONER HALAS: Second.

COMMISSIONER FIALA: Motion to adjourn.

CHAIRMAN COYLE: All right. All in favor, please signify by saying aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN COYLE: Aye.

COMMISSIONER COLETTA: Aye.

COMMISSIONER HENNING: Aye.

CHAIRMAN COYLE: Any opposed, by like sign?

(No response.)

CHAIRMAN COYLE: It passes unanimously.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:17 p.m.

BOARD OF COUNTY COMMISSIONERS
BOARD OF ZONING APPEALS/EX
OFFICIO GOVERNING BOARD(S) OF
SPECIAL DISTRICTS UNDER ITS CONTROL

FRED COYLE, Chairman

ATTEST

DWIGHT E. BROCK, CLERK

These minutes approved by the Board on

_____, as presented _____ or as

corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
GREGORY COURT REPORTING SERVICES, INC.,
BY TERRI LEWIS.