

TRANSCRIPT OF THE IMMOKALEE AREA MASTER PLAN  
OF THE COLLIER COUNTY PLANNING COMMISSION

Naples, Florida  
February 16, 2010

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 8:30 a.m. in SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Chairman: Mark Strain  
Donna Reed-Caron  
Karen Homiak  
Tor Kolflat  
Paul Midney  
Bob Murray  
Brad Schiffer  
Robert Vigliotti (absent)  
David J. Wolfley

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney  
Jeffrey Klatzkow, County Attorney  
Carolina Valera, Principal Planner  
David Weeks, Comprehensive Planning Manager

CHAIRMAN STRAIN: Thank you, Dave.

Good morning, everyone. Welcome to the 8:30 Tuesday meeting, February 16th, of the Collier County Planning Commission. This is a special meeting for the review of the Immokalee Area Master Plan.

Would everybody please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you.

Ms. Caron, would you mind doing the roll call.

COMMISSIONER CARON: No problem.

Mr. Eastman is not here.

Mr. Kolflat?

COMMISSIONER KOLFLAT: Here.

COMMISSIONER CARON: Commissioner Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER CARON: Commissioner Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER CARON: Ms. Caron is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER CARON: Mr. Vigliotti is absent.

Mr. Murray?

COMMISSIONER MURRAY: Yes.

COMMISSIONER CARON: Mr. Wolfley?

COMMISSIONER WOLFLEY: Here.

COMMISSIONER CARON: And Ms. Homiak?

COMMISSIONER HOMIAK: Here.

CHAIRMAN STRAIN: Okay, thank you.

We're going to be meeting today, the first of three scheduled meetings on the Immokalee Master Plan. This meeting will probably take all day. And by all day, we'll probably break around 10 minutes to 5:00.

We'll probably continue, assuming we don't finish today, till our regular meeting on Thursday. And for that meeting, does anybody in this room know if they're not going to be here on Thursday?

(No response.)

CHAIRMAN STRAIN: Okay. After Thursday -- and I'm just checking for absences, really. After Thursday we have a continuation of the Land Development Code meeting that started a week or two ago. And that will begin on the 26th at 8:30 in this room.

Does anybody know if they're not going to make it on that day or not?

COMMISSIONER MIDNEY: (Indicating.)

CHAIRMAN STRAIN: Paul? Okay. So we still have a quorum.

And then finally following that we get back to our regular agenda, regular schedule, which is the 4th of March. And that's a regular Thursday meeting.

With that, I'd like to talk about how we're going to move forward here today.

First of all, I was asked by the CRA if we could have a time certain for public speakers who would want to come in and speak at that moment and not be here for the two or three days it takes to walk through all these policies.

Certainly that can be done and it was accommodated. We will be doing that at 10:00 today, time certain for any public speakers.

Now, the public will be asked, if the public is here, to comment as we move through the document, as we always have done, probably a page or couple pages at a time, we'll interrupt and ask if there's any public comment.

But for those people that can't stay for the two or three days, we certainly will have that time period at 10:00 today.

Now, as far as the format for today's meeting, we normally take the process a page at a time. There are so many issues and policies that have changed in this document before us today, it's basically a complete rewrite, that I was thinking it would be more productive if we took it policy at a time.

Obviously the introduction and the ending, the density blending, all the provisions in the end, we'll go by pages. But where there are policies, I'll ask that we discuss each policy, any questions.

And I will be asking staff to participate as we go through policy by policy. And I know that the applicant will be doing the same.

Normally we have introductions from staff and the applicant and a lot of times make their arguments in the introduction process, and we're supposed to remember all that through 40 pages of rewrite. And honestly, that's not the way it's going to probably be most effective today.

So I'll ask that for both of you, if you want to have any general introductions, but if you get into specifics, just hold those till we get to the policies, we'll be more aware of them by that time.

So with that in mind, as far as the Planning Commission goes, we received a large book from the CRA a while back, about a month ago. And I think a couple weeks ago we received a staff report and some back-up material.

In the book that we received from the CRA there was a clean copy of the Immokalee Area Master Plan. And it starts actually -- well, Bob's got one that's highlighted in red and blue, but the word introduction, that starts on Page 19 of the booklet that was passed out.

And if we can all work from the same page, that really goes into the paragraphs of the introduction. It's all the underlined version, then it goes into all the policies after that, one at a time. That's the one that I worked off of. And I hope -- if not, if there's a better one for this commission, just let me know, otherwise I'll proceed through that one and we'll just reference each policy as we go through to make it real easy to follow.

And so with that, Bob, if you have any general statements, and then we'll go to staff for the same, and then when you guys get done we'll go right into the document.

MR. MULHERE: Okay, I do. For the record, Bob Mulhere, here on behalf of the CRA. I do have a couple of comments to make.

I have made copies, which I can distribute, although this was done -- finished late last night and I realize that some of the highlighting makes the text difficult to read. Therefore we also have it on the screen.

So I'll hand these out to you, but we could use the screen, it's a little easier to read. And of course I have copies for the public, too.

The idea I think, as the Chairman indicated, would be that you would go through your version that you have with maybe your notes on it, and on each particular one where there's changes I could highlight those changes for you, and if you agree or disagree we can deal with it in that fashion.

I also have a spreadsheet here that recalculates the densities. When we get to those -- I'll hand it out with this -- but when we get to those sections we can use the spreadsheet. It shows you that -- oh, we've actually changed all the density increases except one, based on staff recommendations. So there's a whole new set of numbers here, which I'll also hand out.

In addition to the workshop, in addition to the two substantial meetings we had with the EAC, we also met with staff on a number of occasions, including just a few weeks ago we had a very productive meeting. We met with individual members of the Planning Commission that called and wanted to discuss this. We met with members of the public.

So there's been -- and this is all in the last month. You know, before that we also had a lot of public input. So I think you're right, that the plan has changed significantly. I think it's a better plan as a result of that. So that's the good news.

I guess the bad news is that it will require a little bit of work on your part. And I apologize for the extra work, but hopefully for the community that will be a good result.

So we're here to answer any questions you have. And that concludes my opening remarks.

CHAIRMAN STRAIN: Okay. And I'll go to staff now.

By the way, David and Carolina, I'm not sure who's going to be leading, it doesn't really matter, but between the two of you I do have some questions from your staff report. I don't know if those will be best asked in the beginning or the end. Maybe at the end after we finish the document the staff report questions will be not as relevant, so maybe that's the best time, so --

MR. WEEKS: For the record, David Weeks of the Comprehensive Planning Department.

Commissioners, I just want to give some very general comments as I always do for these types of hearings. And then Carolina will make just a few remarks about the specific petition before you, the Immokalee Area Master

Plan.

First of all, as the Chairman has already noted, we're here for a Comprehensive Plan or Growth Management Plan amendment, petition, not rezonings or conditional uses or other types of petitions you more regularly deal with.

Secondly, this is the transmittal hearing. After this body has completed its review and made its recommendation, this petition will go to the Board of County Commissioners and they will take their action at the conclusion of their hearing to either transmit the petition to the Florida Department of Community Affairs and other state and regional agencies or not to.

And presuming that they will vote to transmit, then eventually the petition will come back before both this body, the EAC again, and the County Commissioners for the adoption hearings at which final action is taken.

This is a legislative action, not quasi judicial, which means it is optional, that is, there's no requirement for you to swear in participants or offer notice of ex parte communications.

As is required by state law, a sign-up sheet has been placed on the table just outside this meeting room where interested parties may sign up to receive notification from the Florida Department of Community Affairs after they have issued their notice of intent to find the adopted amendments in compliance or not in compliance with state law.

Granted, though we're still at a transmittal hearing, the board has not even acted on this for adoption, we are required to provide that sign-up sheet at each of the hearings before Planning Commission and the board, at both transmittal and a adoption.

Just so that you're aware, we presently have the County Commission hearing scheduled for May the 4th. Of course that depends on at what point this body completes its review of this petition.

As always, we would like to collect the binders at the end of the hearing, or hearings, whenever that may occur, for reuse for those of you that choose not to hold on to your binder of documents.

And with that, I'll turn it over to Carolina.

MS. VALERA: Good morning, Carolina Valera, Principal Planner with the Comprehensive Planning Section.

Staff is in agreement with the Chairman, we believe that going policy by policy, objective by objective will make a more efficient hearing process for the benefit of everybody. And so, you know, with that we would just rather give you our input as we go along through the process, you know, of reviewing the whole amendment and for the benefit of everybody. So we're in agreement, Mr. Chairman.

CHAIRMAN STRAIN: Okay. And I'd like to ask one other question: Do either one of you remember what date we have the third meeting figured for?

MS. VALERA: March the 4th, I believe.

CHAIRMAN STRAIN: That's our regular hearing date? Okay, so we have two. And the reason that may be relevant is if we can in the next two days produce enough -- get through this document in whole and Bob's firm can make the changes and distribute them in time, the 4th might be a good day to just review the final draft with the changes in place and combine it with a consent and final review, if we can do that.

I just don't know, seeing as how close it is, if we can get through it in that short a time frame, especially with the LDC in the middle.

If the BCC is not hearing it till May, during the break today or some point could you check and see if there's any other open days between March and May where we could fit in a day to take a look at a final draft and maybe allow Bob's firm more time to rewrite it after the next couple of days and possibly then us to reread it before the 4th.

MS. VALERA: Will do.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: Mr. Chair, I'll just note that we -- under the present schedule staff has prepared, your consent agenda hearing would be April the 1st.

MS. VALERA: Correct.

CHAIRMAN STRAIN: So the problem I have, a consent agenda is after the vote. And I would certainly like, with the amount of changes -- Bob, before the meeting started, approached and showed us some of the highlighting he's done.

I mean, virtually every policy looks like it may have had some changes to it. And that's great, because there was a lot of work needed. But I'd sure like the time to walk through those and think about them in final written format before we actually go to consent.

So I don't know if the 4th is going to give us that enough time frame with the extensive amount of changes that we seem to have had so far.

MR. MULHERE: I think if we play it by ear, because a lot of the changes are not substantive. Some are.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: So, I mean, you might have -- you know, it looks like there's a change to every policy. Well, there's an additional phrase added to most policies where we had a timeline. Because the phrase is what's acceptable in every policy.

CHAIRMAN STRAIN: So that means you got 28 paragraphs that --

MR. MULHERE: Maybe more. Yeah, right, exactly, exactly.

CHAIRMAN STRAIN: Okay. Well, with that we'll move ahead, and before we get to the policies, there's several pages of introduction. Let's --

MR. MULHERE: We'll hand out these -- you can just -- you know, if you need to refer to them, but we'll have it on the screen, which might be an easier way to look at it.

CHAIRMAN STRAIN: Well, these will be good, too, if we take breaks, go on lunch and whatever, if we want to have some enjoyable reading while we're having down time we can go through all these new documents, so --

COMMISSIONER MURRAY: What a sense of humor.

COMMISSIONER SCHIFFER: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SCHIFFER: Could you ask Kady in IT, this monitor is off, if they could send somebody to --

CHAIRMAN STRAIN: Okay, if there's an IT person monitoring the meeting, one of the Commissioner's monitors is dead.

Brad, if you want, you can come over here and sit on this one. I used deodorant this morning, everything's fine.

COMMISSIONER SCHIFFER: I'm fine over here.

CHAIRMAN STRAIN: Okay.

Now, with that, we'll hopefully get your monitor fixed, Brad.

Let's go a couple pages at a time. Does anybody have any questions on Pages 19 and 20, which is the first two pages of the introduction?

(No response.)

CHAIRMAN STRAIN: Nobody?

Bob, and looks like you're on the page that I had a couple of questions on.

MR. MULHERE: Page 20? Your Page 20?

CHAIRMAN STRAIN: Yes. The beginning of those bullets numbered one through nine is Item C, which says, identify and provide the Board of County Commissioners the committee recommendations relative to. And it goes through and lists various things. It does say on number five, density increases in mixed use districts.

Was the intent there that there was not to be considered any density increases in any other districts, or do you -- how limiting do you see those bullets in regards to what was supposed to come --

MR. MULHERE: I didn't see it as limiting, but I do see it as focusing on the mixed use districts.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: And also, I guess we made some changes here. There was a general staff recommendation that anywhere where we referenced the LDC to include the phrase Ordinance 04-41, as amended. And then there was the term unified, which really doesn't apply, we don't use that term anymore.

The only caveat I would say is that this actual language we were repeating what was written in a resolution and actually existed in this fashion. But I guess there's no harm in cleaning it up either, and that's what we did.

CHAIRMAN STRAIN: Okay. On number eight -- or number nine, the review of the five year schedule of capital improvements relative to the Immokalee community. We just did the CIE here within the last 30 days. I didn't notice any particular recommendations in regards to that --

MR. MULHERE: Yeah, I can answer that question.

The intent is -- and as we get through you'll see this clearly made. Part of the work that we are contracted to do is to create an Immokalee specific Capital Improvement Plan.

That would then -- and that was not going to happen until after this gets approved, because how this gets approved will affect what goes into that Capital Improvement Plan.

That Capital Improvement Plan for Immokalee will then be weaved into the overall countywide Capital Improvement Plan and prioritized.

I've also written a new policy that deals with creating a list of priorities for Immokalee that you'll see when we get into this a little bit that will be done on an annual basis and it will be part of the budgeting process.

So I think that that objective has been covered adequately in two ways. One, there'll be an annual set of priorities submitted to Collier County as part of its budget review process for Immokalee.

And then of course the typical weighing of which is a priority will occur. They'll compete with all the other interests looking for money from, you know, from the budget.

And then there will be a specific Immokalee Capital Improvement Plan that will compete for funding for the larger capital projects as well.

CHAIRMAN STRAIN: This Capital Improvement Plan that's going to specialize in Immokalee, the references to that begin on Policy 3.1.4.

Do you -- who's going to be preparing that?

MR. MULHERE: As I see it, the CRA will be primarily the lead agency in preparing that. Or they may use a consultant, but they'd be the lead agency.

CHAIRMAN STRAIN: Are there any other questions on the first two pages, 19 and 20?

Paul?

COMMISSIONER MIDNEY: Is this CIE for Immokalee a new idea?

MR. MULHERE: Well, it's as new as whenever they set up this committee where it was referenced. I don't recall when that was. It was -- anybody recall when this committee was set up, five, six years ago, seven years -- six years ago? Six years ago.

CHAIRMAN STRAIN: Well, let me correct something. You just said it was new when they set up the committee. I'm not sure nine says what you just relayed. It doesn't say you're going to create a new Capital Improvement Element --

MR. MULHERE: No --

CHAIRMAN STRAIN: -- I'm not objecting to it, I'm just -- I don't know if that's necessarily what --

MR. MULHERE: No it --

CHAIRMAN STRAIN: -- the intention was.

MR. MULHERE: -- doesn't, you're correct. It said relative to Immokalee. I think we felt that -- and part of our contract, I mean, we didn't write the contract, the contract called for us to do that.

CHAIRMAN STRAIN: And David, from the Comprehensive Planning staff's perspective, how do they do a second CIE for Collier County? And if they do one, does that set a precedent for other elements -- for other portions of the county like Golden Gate Estates or even Vanderbilt Beach where they have their own overlay in other places?

MR. WEEKS: Well, we only have one CIE for the county. There's only one Capital Improvement Plan.

As I read this, and I believe the intent is that specific to their geographic area that community is going to make its own recommendations for the CIP.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Would it be then -- it wouldn't be really a Capital Improvement Element, it would be whatever they want to call it --

MR. MULHERE: It's still a plan --

CHAIRMAN STRAIN: But see, it's not the CIE for Collier County, it's just going to influence possibly our overall CIE.

MR. MULHERE: Correct. And we didn't call it an element, we called it a plan, so --

CHAIRMAN STRAIN: That's why, Bob, though, I think C.9 may not have referenced the fact that new ones to be done.

Anything else, Paul?

COMMISSIONER MIDNEY: No.

CHAIRMAN STRAIN: On the pages -- the last three pages of the introduction, 21, 22 and 23, questions from the Planning Commission?

Brad?

COMMISSIONER SCHIFFER: Bob, why did you strike out the I-75 bypass?

MR. MULHERE: Because it's not really an option anymore and because that was the recommendation of the EAC. The Conservancy highlighted that as a concern.

The State Road 29 loop is still a project that the community wants and that is something that Transportation Services is working through the long range transportation plan to accomplish. But not the -- they're no longer using the phraseology or the term I-75 bypass.

CHAIRMAN STRAIN: On that same general reference, isn't the 29 loop and the 75 bypass actually the same thing, right?

MR. MULHERE: I think they are now, yes. They may not have been originally but I think they are now, yes.

CHAIRMAN STRAIN: Okay. On Page 21, the first full paragraph from the top, fourth line from the bottom, you reference -- it says the Seminole Casino and growing stewardship receiving areas, including the Town of Ave Maria and Big Cypress.

Now, we have not reviewed Big Cypress yet and I don't think anybody has from a public process. And I'd rather that we not reference a town that doesn't exist for the potential that it may cause some conflict later on, depending on how that review comes out.

It's on the -- it's right after new direction. See where -- there you are, Economic, and if you go down and see where it says and Big Cypress. I'm not -- I don't think that's appropriate if it doesn't exist at this time, so --

MR. MULHERE: Let me just make a note. I'll make a note of each of those and try to keep track of the recommended changes.

CHAIRMAN STRAIN: I'll keep track of it too.

MR. MULHERE: You will. You'll do a better job than I will, I know that.

CHAIRMAN STRAIN: Between the two of us, I'm sure we'll get it covered.

Anybody else have any questions on --

(No response.)

CHAIRMAN STRAIN: Okay. The paragraph on Page 22, Bob, starts on Page 21 and carries over to 22, so you go down to the bottom of this page. A little bit more. Starts with the -- on 22 it starts with the word customs office. There, okay.

MR. MULHERE: Trying to find it.

CHAIRMAN STRAIN: Go a little bit further.

MR. MULHERE: Scroll up.

CHAIRMAN STRAIN: Improvements to a roadway system is where this one begins.

MR. MULHERE: Okay. Got it. Here we go.

CHAIRMAN STRAIN: Boy, my question, hope it's worth all this effort. Well, right there --

MR. MULHERE: We'll get there. I just have to -- I'm going to put --

CHAIRMAN STRAIN: Your pages, because you made the changes, have changed a bit.

MR. MULHERE: When we take a break, I'll put these pages on mine and then I'll be able to follow.

CHAIRMAN STRAIN: The last line, what is that referring to?

MR. MULHERE: Starting with located?

CHAIRMAN STRAIN: Yes.

MR. MULHERE: (Inaudible.)

THE COURT REPORTER: Mr. Mulhere?

MR. MULHERE: Sorry, I was reading to myself.

CHAIRMAN STRAIN: Do you know what that is?

MR. MULHERE: Trade Port DRI.

CHAIRMAN STRAIN: Has that been approved?

MR. MULHERE: No.

CHAIRMAN STRAIN: Then why are we referencing it?

MR. WEEKS: That project has been withdrawn.

CHAIRMAN STRAIN: I really think if we have items that are not real at this time, they shouldn't be in a reference. And I think it will prove problematic later on if someone wants to argue that they were deemed approved or

even hinted as being deemed approved, so --

Now, the last paragraph where it says another potential of that grouping. It says in the second sentence, as new towns in eastern Collier County develop, needed government services and departments should be centrally located in Immokalee to serve the eastern portion of the county.

I think the word should be could. You don't know if that's going to be the best location, but it certainly should be one that should be considered.

Okay, and if you move down past the next one where it says Immokalee Area Master Plan priorities and go to the second sentence -- or second paragraph, I'm sorry. Well, the one -- now it's split between two windows on yours.

In that one paragraph you refer to five different housing types. It starts out with farmworkers, housing, gap housing, market rate housing, affordable housing and work force housing.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: And we don't have definitions for all those in our books, and I'm wondering if we can just make sure we're consistent somehow.

MR. MULHERE: Yeah, well, I added some language there. I don't know if that works for you. But gap and affordable work force housing are defined in the Collier County LDC.

CHAIRMAN STRAIN: Right.

MR. MULHERE: I started to then write that market rate housing is housing that has no subsidies. But I think that's --

CHAIRMAN STRAIN: Your fix here looks --

MR. MULHERE: -- pretty obvious --

CHAIRMAN STRAIN: Yeah, your fix looks good, and other market rate housing. Yeah, I think that works.

I just didn't want it as -- it seemed more like the way it was before it was a defined term, and I couldn't figure out what you meant by it.

MR. MULHERE: Right. And farmworker housing is defined -- I don't think it's defined in our LDC but it's defined in state statute, so --

CHAIRMAN STRAIN: Right.

MR. MULHERE: Above that here's the first of several changes that are highlighted in blue on the visualizer.

The changes are -- there's a couple of changes. I've added a new goal number one, which we'll get to. So therefore all the goals had to be renumbered. There were seven goals, now there are eight goals. So each paragraph in here that refers to a goal I had to change the reference to the number.

But there's also a little bit more substantive change here that says -- that tells you what that first goal's objective is. And you're going to see it in detail when we get to it. But it says, requires the development of an Immokalee specific prioritized list of capital improvements and other activities desired to be funded each year.

Overall, each of the eight goals support economic development and diversity, but goal two specifically, and then it goes on to read as it did before.

So -- and then we'll get to that goal number one that I've added.

CHAIRMAN STRAIN: Hey, by the way, would you put a copy of that paragraph as it's written in the handout on the screen.

MR. MULHERE: I'm sorry?

CHAIRMAN STRAIN: Take the handout and put it on the overhead. I just want to --

MR. MULHERE: You want to show that it's hard to read?

CHAIRMAN STRAIN: I want to ask you to on Thursday bring one that's a little easier to read, Bob.

MR. MULHERE: I know, but you can see the color there.

CHAIRMAN STRAIN: On this one we can.

MR. MULHERE: What's interesting is that's the same color that's here, but for some reason on the printer it printed out in dark blue.

CHAIRMAN STRAIN: Well, I know it. I want to make sure that we see that. I don't think anybody's going to be able to sit there without their eyes going problematic on this one.

MR. MULHERE: Which is why --

CHAIRMAN STRAIN: So as much as I appreciate you passing this out today, and we'll struggle through it the way we can, when you come on Thursday, can you have one printed in a color that we can read the contrast?



MR. MULHERE: Yeah.

CHAIRMAN STRAIN: I wish I had that magnifier in my glasses, but -- so if you don't mind, that would be much more helpful. Thank you.

MR. MULHERE: Yeah. I'm not sure why it didn't print out in that lighter blue, but we'll fix that.

CHAIRMAN STRAIN: It's Microsoft's fault.

COMMISSIONER MIDNEY: Mark?

CHAIRMAN STRAIN: Yes, sir, Paul?

COMMISSIONER MIDNEY: Could you explain this first goal that's highlighted in the blue that's --

MR. MULHERE: Well, we're going to go directly over it shortly when we get to that first goal. Would that be a --

COMMISSIONER MIDNEY: That's fine.

CHAIRMAN STRAIN: That's fine? Okay, we're going to hit the policies next.

MR. MULHERE: And I'll tell you why I added it and so on, so forth.

CHAIRMAN STRAIN: Okay, with that, we'll move to Page 24. It's the beginning of the policies and the goals for the -- goals, objectives and policies for the Immokalee Master Plan.

MR. MULHERE: So there we are.

CHAIRMAN STRAIN: Holy cow, you've got the whole thing rewritten.

MR. MULHERE: Well, it's a whole new goal. And over the last three or four months since the workshop through the EDC, meetings with staff, individual meetings with others, in particular with staff, there's been a very big, big concern related to the number of policies, goals and objectives -- goals, objectives and policies that require the county to do something or some other entity to do something that has a staffing or funding impact.

As we all know, we're in a very difficult economic time and tough choices will have to be made. Philosophically the community felt that if it was a policy that made sense or a goal that made sense or an objective that made sense, it should still be in here.

I think everybody understood that maybe where we call for something to happen within a two year time frame, that simply might not happen, given constraints of budgeting, finances and also constraints of staffing resources.

Some objectives might be accomplished with no impact on the county budget through TIF funding, through the CRA or through grants, which Penny is here and Penny has worked very hard and has already secured several grants that would offset -- that would provide funding for some improvements out there.

An example might be the stormwater master plan for Immokalee that's not entirely paid for, but there is opportunity for grant funding.

So if a policy makes sense, we want to keep it in the plan. We still want to leave a time frame in there that makes sense, but we also recognize, as staff has brought to our attention and others have brought to our attention, that we cannot hamstring the Board of County Commissioners in terms of the budget or in terms of staff not having the capabilities or resources to accomplish all these things.

So I wrote this policy that will be now referenced in each of those goals, objectives and policies that contain a time frame, that does a couple of things.

It requires the community, through the CRA, to come up with an annual list of capital and other objectives and to present that to the county during the budgeting process, which we think will be beneficial for the community, showing their organization, what their objectives and goals are.

And we also think it will be beneficial to the Board of County Commissioners and the staff so they'd be able to review this list of priorities and then determine which ones can be accomplished, measuring all of the objectives and goals and priorities that the county has countywide.

And then I put a policy in there that's entitled Fiscal and Operational Constraints. And that basically allows the time frame called for in this plan to be deferred as may be necessary because of fiscal or operational constraints.

And then it requires that anything that isn't accomplished that's in this plan be reconsidered during the evaluation and appraisal report process. It would be anyway, I would think, David, but at least it specifically calls out that if something doesn't get done because of fiscal or operational -- and I say operational, that's really, I'm talking staffing constraints.

Then we can take a look at those during an EAR based review process and say look, these 10 policies or

objectives were never completed, do they still make sense. If they do, do they go higher on the priority list, so on and so forth.

I think that should address largely this concern that -- you know, I guess if you think about it philosophically, if we put an objective or a policy in here that does make sense, we want to put a time frame to accomplish it. Then to say well, we're not sure we're going to have the funding to accomplish it, you have a couple of choices. You can extend the time frame or you can remove the policy.

And I think for the community it doesn't make any sense to remove a policy that is a good policy, that makes sense, that they want to see happen.

But we also recognize the reality -- and by the way, the EAC even commented on this, that they would support some sort of policy that allowed judgment based on fiscal and operational restraints, so --

CHAIRMAN STRAIN: I think addressing it is a good idea. But one thing that I saw is -- we all want this master plan to be bulletproof for Immokalee. And one way to get there is to make sure we don't put things in a plan like we have in our regular plan than says the Watershed Management Plan will be done in two years when it's taken 12 and we haven't started it yet.

So I would rather see this reality entered into like you're proposing. But I want time, obviously, to tweak the language and look at it, so --

MR. MULHERE: And that's fine. That would be helpful, because it's certainly going to be a better product with your input than just me writing it.

But the other thing I do want to throw on the record -- I'm sorry, I didn't mean to interrupt. We'll have to wait and see what kind of response we get from DCA. When there's a time frame -- when there's something to be accomplished, they like to see a time frame. And then there's a way out of that time frame.

I don't think -- I mean, they have to be as cognizant of the fiscal constraints that we're facing here, that we're facing throughout the state, that we're facing throughout the nation.

So again, I think that we should have enough structure here that requires it to be revisited as part of an EAR based process that it's not going to get lost in the shuffle, such as some other examples that you might cite, and I'm not going to put them on the record -- but whatever.

CHAIRMAN STRAIN: Bob?

COMMISSIONER MURRAY: Yeah, this is very interesting. Funding and/or operational constraints. I'll broach it. You have a commissioner representing a huge area, and Immokalee is contained in that and it's generally po' boy territory or at least that's always considered as being such.

How do we do it a little stronger to make sure that whatever is integrated in the overall element goes forward? It's -- this leaves it very challenging in my mind.

MR. MULHERE: Well, I think that the key will be that annual list of priorities. The key will be getting involved, the community getting involved in the budgeting process and having a set of priorities. They're probably not all going to get accomplished. There just isn't enough funding, there just isn't enough staff.

But that will put a little bit more pressure on the community, maybe Penny and the CRA, to find other alternative funding sources. And believe me, that's an option, that's a viable option.

COMMISSIONER MURRAY: What operational constraints did you folks think of?

What's an example of an operational --

MR. MULHERE: Boy, I mean, that really deals with staffing. I mean, if the staff workload -- let's use the example -- let's use the example of a satellite office for a number of services in Immokalee.

Let's just say that somehow you found the capital funding or you found the money to pay for rent for an office that would house a number of services that presently -- government services that presently are not located in Immokalee.

The next question is do you have staff to occupy that? If you don't, then why spend the money in the first place? So that's --

COMMISSIONER MURRAY: Well, there's a cart and a horse and a cart and a horse there. Okay, I understand the problem --

MR. MULHERE: It doesn't mean that's not a good idea. And I think everyone here would respect and appreciate the fact that that community 40 miles east of coastal Collier County, you know, would also like to have government services available so that they didn't have to drive into coastal Collier County.

And at certain times there have been certain government services available that are no longer available out there due to constraints.

COMMISSIONER MURRAY: Well, that would be my concern to make sure that -- I mean, if we're going to go forward with an idea of building a structure and/or renting one, one should also include it in their budget. So operational constraints I understand now in the example that you've given.

I do think that this is curious. This is an escape clause.

MR. MULHERE: Yeah.

COMMISSIONER MURRAY: And I'm not sure we should have an escape clause in there. Although I do understand the reasoning. Thank you.

CHAIRMAN STRAIN: Paul?

COMMISSIONER MIDNEY: My concern is just the overwhelming volume of these, to use sort of like a catch phrase, unfunded mandates. And when you have that many of them, how are you going to pick and choose which ones are more important?

I would rather see us focus down on the ones and sort of like cull them down to the ones that are really necessary instead of having this sort of vague outline there with an escape clause. It just seems very amorphous.

MR. MULHERE: Well, we are -- we have eliminated a number of them and we are, I supposed, going through them. But I would say that the ones that are left are all valid. And, you know, it's not my job to prioritize this.

So I would say that the community has said we want all of those in there. And they're not all going to get accomplished, not within a two-year period. They're just not. There just isn't enough funding, there isn't enough staff support.

So again, I see a couple of alternatives. One alternative is to take some out. We have taken some out. We haven't, you know -- and there will be a few more taken out I think as we go through this process.

The second alternative is to extend that time frame. But who knows if even with an extended time frame, you know, you have the resources to accomplish it.

So it seems to me that you need something in this plan, at least that's the feedback I've been getting, that allows the board to react to a prioritized list and to defer some of these things.

It doesn't mean they won't get accomplished. If you have them in the plan, you have something you can hold up and say this has been here three or four years now, we need to make sure that this gets accomplished. And it becomes a higher priority if it didn't get accomplished before that. It moves up the priority list, so --

CHAIRMAN STRAIN: Bob, I went through this after reading it many times and made a list out of the number of policies that had a two-year commitment.

First of all, there are 28 policies that have time frame commitments; 27 of those are two year commitments.

Your comment in the beginning was that if DCA sees a policy or a goal or an objective that doesn't have a time frame it might be a problem for them. And this is a way out of it.

And I certainly think that we need to be realistic. If we're not realistic and Immokalee banks on something that is going to happen in two years and it just can't happen, that is hurting more than helping.

So what happens if we leave these different goals that are here and we do leave a catchall to get out of the time frame, what do you think DCA's going to say to that? Because with 27 two-year triggers, there is no way that Collier County can afford to do that in the next two years. I don't know how it could possibly happen.

So do we have to prioritize in this framework and not reference goals that DCA's going to want a required action time frame from, or how do you do that?

MR. MULHERE: Well, I think some goals don't require a time frame because they're ongoing. They'd be ongoing. There are objectives and policies that might occur on an ongoing basis. I don't know, you know, protect natural resources, that's probably more like a goal, and then you'd have some objectives and policies.

But it would be ongoing, you know. Not everything has to be accomplished within a specific time frame. If they're ongoing, there's still a funding and an operational implication.

But that is one way that you might not have to have a time frame associated with it that I think the DCA will accept.

The alternative -- I don't know of any other alternatives than those I've already suggested. One is take some of the objectives or policies that have a time frame out of the plan. In which case that's a way of prioritizing. Come back in the next time you amend the plan and put some more back in.

I think there will be a little bit of that going on here, you know, over the next few days.

And then the other one is to extend the time frame, either expressly or through some policy. Expressly would be instead of two years we go four years or five years or six years or eight years, you know.

CHAIRMAN STRAIN: Well, I think your suggestion that the CRA form a prioritized list on a periodic basis and get it to the BCC for consideration when they do their budget is a good way to approach it. I just don't want to get into crosshairs with DCA over having a policy that says there's a certain thing going to happen and then they're demanding a time frame if we can't afford it.

MR. MULHERE: Well, one thing I've done is in each one of those where there's a time frame I've referred back to Policy 1.1.1.

CHAIRMAN STRAIN: Right. That's under the assumption DCA accepts Policy --

MR. MULHERE: Right. No, I understand that.

And what I was thinking was it may be on some of these that we could remove the time frame entirely but just indicate that it will occur as it is prioritized on an annual basis and is expected to occur within five years.

CHAIRMAN STRAIN: Bob?

COMMISSIONER MURRAY: Yeah, that's pretty much where I was going to go. It seemed to me that if you're going to employ 1.1.1, it probably should be reflective throughout the entire sets of policies there that do depend upon a two year window. Because the constraints are the constraints are the constraints.

MR. MULHERE: It does. I mean, the way I wrote it, it does have a reference back to that policy. But what I'm thinking is you could even in many cases just take out the whole two year time frame and just, just --

COMMISSIONER MURRAY: That's what I was going to suggest. In each of those policies it seems to be a contradiction then in light of 1.1.1. So take out that particular part of it that references the two year.

MR. MULHERE: And then the measure, the trigger is the annual prioritization which is reviewed then as part of the EAR based process.

COMMISSIONER MURRAY: That makes sense to me --

MR. MULHERE: For what's been accomplished or what have you --

COMMISSIONER MURRAY: The only thing I have with the EAR thing is that that's every seven years, and you've referenced five years.

MR. MULHERE: Yeah, well, you're right, seven.

COMMISSIONER MURRAY: So I don't -- unless there's a good reason to reference five in order to make sure we get the last two years in compliance.

CHAIRMAN STRAIN: David?

MR. WEEKS: On that Policy 1.1.1, the last sentence that Mr. Murray was just speaking of, my initial thought is that sentence could be deleted. I mean, a function of the EAR process is to evaluate the plan --

COMMISSIONER MURRAY: Yes, right.

MR. WEEKS: -- and I don't know that it's necessary to specifically say we will do what we must do.

MR. MULHERE: Well, the only reason I put it in there was specifically for somebody's behalf up in Tallahassee.

MR. WEEKS: If we were to leave it, I would suggest we change the word shall to may. And between objectives and policies insert the word and.

MR. MULHERE: Yeah.

COMMISSIONER MURRAY: Well, isn't the purpose of the EAR to make certain that all of those things that were said to be accomplished be accomplished, and if not, to explain why?

MR. WEEKS: That's one of reasons, yes, sir.

COMMISSIONER MURRAY: So that stands on its own merit, right?

MR. WEEKS: (Nodding head affirmatively.)

COMMISSIONER MURRAY: I don't know that it's necessary to put it in there. DCA knows what the EAR is for, right? Sometimes they need to be reminded, is that the suggestion?

MR. MULHERE: Well, if I'm going to have to make an argument that even though we may not meet the time frames we have an adequate measure in place, I'd like to expressly state that measure.

CHAIRMAN STRAIN: Does this hurt?

MR. WEEKS: Again, I would suggest changing shall to may.

CHAIRMAN STRAIN: How about five to seven, as Mr. Murray pointed out?

MR. MULHERE: Well, let me just give you my --

COMMISSIONER MURRAY: You were looking for a tripping point --

MR. MULHERE: Exactly right. And what I thought was if it doesn't happen within five years, are we now -- I mean, how does that work, David? When does the EAR process commence, at seven years?

MR. WEEKS: It is seven years, based upon the date that the EAR is adopted.

I would suggest that we take out the time frame altogether and just simply have reference to --

COMMISSIONER MURRAY: EAR.

MR. WEEKS: -- the EAR process.

COMMISSIONER MURRAY: That's fine. That makes the point to DCA and that's --

MR. MULHERE: That's good.

CHAIRMAN STRAIN: Okay. Anybody else on this? We're on Objective 1.1 and Policy 1.1.1, as stated here. Does anybody have any comments from their document, though, in regards to those two objectives and policies?

(No response.)

CHAIRMAN STRAIN: Now, what you -- so now you've moved everything down and changed the numbers and we're going to go through all new numbers throughout this entire --

MR. MULHERE: Yeah, I can -- I mean, it's very easy. Goal number one is now goal number two, I mean, you know.

CHAIRMAN STRAIN: Okay, when we get to goal number seven, let's figure out what it's going to be.

MR. MULHERE: Eight.

CHAIRMAN STRAIN: Maybe.

MR. MULHERE: Maybe.

CHAIRMAN STRAIN: For the sake of the Planning Commission and our document on Page 24, Policy 1.1.1 in our document, does anybody have any questions from that policy?

(No response.)

CHAIRMAN STRAIN: And Bob, I -- oh, Ms. Caron?

COMMISSIONER CARON: Yeah, there are a lot of references here to entities like the Economic Development Council and the Immokalee Chamber of Commerce and all of these groups that we don't really have control over. And also it could be limiting to who the CRA and the county could partner with.

And I'm concerned that these are in here and I think they should come out.

MR. MULHERE: Well, I've gone and taken them out in almost every circumstance. But there are some circumstances where it doesn't make sense to me to take them out. Because I know who the county has to work with to accomplish certain things. And we know who they have to work with to accomplish certain things.

So I've taken them out. You're going to see that almost every instance where it previously said in coordination with or in cooperation with, I've taken them out or restructured those sentences to not obligate the county to work with those people.

COMMISSIONER MURRAY: That's a good thing.

MR. MULHERE: However, this example here, the commercial and trade hub in all of these overlying designations within Immokalee really require that the CRA and the EDC work together to -- and they're doing it right now, to pursue all of the grant and funding opportunities and other opportunities that exist through these, these organizations.

Now the CRA is directly -- answers directly to the Board of County Commissioners sitting as the CRA board, so the county does have control over them.

And as far as the EDC goes, well, I mean, they receive a significant amount of funding from the county, and I think the county has some influence over what their work plan is. I mean, excuse me, the EDC. I'm sorry, I think I said CRA but I meant the EDC.

So I guess arguably -- now, I see the Chamber -- I mean, as I said, there are circumstances where I left this in because I thought it made sense, and this is one of those circumstances. I certainly -- you know, I've taken it out in almost every other example. As we go through, you'll be able to see that I did remove those references elsewhere.

You know, I guess --

COMMISSIONER CARON: I'm just not so sure it shouldn't say something more general like economic development agencies or -- I just don't want to be limiting in here in any respect. Because for example, if tomorrow Mr. Strain comes forward and has started a new company that's an economic development agency and has five clients he thinks might be perfect for Immokalee, why does he necessarily have to work with the EDC --

MR. MULHERE: Well, because right now --

COMMISSIONER CARON: -- in order to accomplish that?

MR. MULHERE: He doesn't have to, but right --

COMMISSIONER CARON: Right, so --

MR. MULHERE: -- now the EDC is the conduit that receives the state assistance and funding. It is the designated economic development entity in Collier County.

And then the CRA I think has certain legal obligations as it relates --

COMMISSIONER CARON: I thought it went through the CRA, not --

MR. MULHERE: Both, both. Both, EDC and the CRA.

COMMISSIONER CARON: But the funneling comes down --

MR. MULHERE: You talking about money?

COMMISSIONER CARON: -- through the CRA.

Yeah.

THE COURT REPORTER: Excuse me, one at a time.

MR. MULHERE: You know, I don't want to try to put on the record something that I'm not an expert on, so I'm going to defer -- maybe we can get that question answered.

The way I understand it, certain funding for economic development and diversification for new businesses is achieved through the Economic Development Council, from the state, from OTTED and from other organizations at the state Office of Trade, Tourism and Economic Development.

The CRA is named as the agency that is also responsible for working directly with some of these other agencies and entities. So I believe it's both organizations.

But I do understand what you're saying, and I'm not trying to be argumentative, that's not really my objective here. So perhaps we could say something more general, Collier County will work with the CRA, the EDC and any other agencies that may -- you know, organizations or entities that may facilitate economic development and employment, something along --

COMMISSIONER MURRAY: Or economic development entities --

MR. MULHERE: Yeah.

COMMISSIONER MURRAY: -- if you need that.

MR. MULHERE: Yeah. So I think we could accomplish that. And then probably take those bullets out as a result.

CHAIRMAN STRAIN: From the County Attorney's Office, when we reference something in here that says work with, what does that connote in regards to responsibility?

MR. KLATZKOW: I don't even know why it's in the Comp. Plan, for the life of me. But I'm going to have that comment about a lot of this stuff.

CHAIRMAN STRAIN: Well, then you need to voice --

MR. KLATZKOW: I fully agree with what Commissioner Caron has been saying about this. I mean, I don't know why you would put in the Comp. Plan that Collier County will work with a particular entity or agency.

CHAIRMAN STRAIN: And Bob, throughout this document we have references, there's 17 of them, to different agencies that Collier County is more or less obligating itself to in some manner that you and I -- I had mentioned it to you, and it's just that we need to figure out what that manner is, what work with means.

And if it's better not in here and you can still accomplish the goal without that reference, I'm wondering why we would even need it to complicate things further.

Once it's in the GMP, it's as solid as it can get in Collier County. Although we know that's not very solid anymore. It's still as close as you can get, so --

MR. MULHERE: Well, I mean, I can only --

CHAIRMAN STRAIN: What if they didn't fund EDC this past time, and all of a sudden you got to work with them, though, in order to get something done or they're gone.

MR. KLATZKOW: The more specifics you put in the plan, more problems you're going to have later, because this is a hard plan to change.

MR. MULHERE: No, I understand --

MR. KLATZKOW: Ordinances are hard to change to begin with. The Land Development Code is hard to change. This is an impossible document to change overnight. I mean, I would --

MR. MULHERE: I'm glad to hear that, because I always used to get the opposite when I was here. It had to be more specific. I'm glad to hear now that we're going the other way and it's going to be more general. This community wanted it to be very specific.

MR. KLATZKOW: You never got specific from me.

MR. MULHERE: No, I know. I understand that. I think we can revise that to -- as Commissioner Caron said, to be more general. But I guess my concern is I'm wondering what's even the purpose of the whole policy at that point.

COMMISSIONER CARON: Maybe there's not.

MR. MULHERE: That's what I'm wondering, you know, that's what I'm thinking.

CHAIRMAN STRAIN: Or the policy might be to simply acknowledge and promote the continuation of some of the zones you're referencing, which is another question. You have a foreign trade zone, a CRA, an enterprise zone, a federal enterprise community, a hub zone, a rural area of critical economic concern designation, and they all have various goals and objectives.

I have read all of those documents, and some are rather extensive, with the exception of two that I need you to get to me. One is called the Federal Enterprise Community and the other is the Hub Zone.

Now, maybe those are wrapped up in some of the others and I read it and didn't know it. But I've read all the rest, and they're pretty involved and they're all good for Immokalee, nothing really bad there.

So maybe we just need to acknowledge all the zones through this commercial and trade hub policy and not get into how we're going to handle it as specifically working with other groups. Because that's a flow that goes through this entire CMP amendment.

MR. MULHERE: So you would say maybe Collier County would work to further the benefits that can be derived from these designations, from these --

CHAIRMAN STRAIN: And then an LDC implementation language that comes out of that would then describe how those benefits get furthered. And that might be a better approach to it rather than -- you could even say in the LDC then you come back and then you reference some specifics instead of putting them in the GMP.

MR. MULHERE: Yeah, I don't even know if at that point -- for this we probably wouldn't need it in the LDC. But I can appreciate what you're saying.

CHAIRMAN STRAIN: Anybody else have any questions on this policy, whether it's one or 2.1.1?

(No response.)

CHAIRMAN STRAIN: In the old policy, and I see you've kept it in the new, the last two bullets are assist the CRA and the EDC, assist the CRA in pursuing grants. What, again, obligation does that have on Collier County in regards to how it's done?

By assist, what does that mean?

COMMISSIONER CARON: Well, we may be taking the whole thing out.

CHAIRMAN STRAIN: Is that part of what you were thinking of taking out?

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Okay, well then, fine.

Bob?

COMMISSIONER MURRAY: How about this thought, though. How about throwing it on its head. The EDC and the CRA shall assist Collier County.

MR. MULHERE: I would see the problem there is we can't -- we definitely can't obligate them to do that. We can obligate the county to do something, we can't obligate those agencies.

CHAIRMAN STRAIN: Why? I'm ignorant of that.

MR. MULHERE: Because the county doesn't really have any control over private -- the Chamber, anyway.

CHAIRMAN STRAIN: You just made your best argument as to why they shouldn't be there.

MR. MULHERE: No, there's a difference, there's a difference. The county can agree to work with people but

I don't think that I can in the Comp. Plan say that the Chamber will work with the county. I mean, there've two different things.

COMMISSIONER MURRAY: You can't, but then why have it in there?

MR. MULHERE: I thought we already got to that point.

COMMISSIONER MURRAY: I think this is a good vetting.

CHAIRMAN STRAIN: We'll move on to Policy 1.1.2, Florida Trade Port in Immokalee Regional Airport.

Any questions on that policy?

(No response.)

MR. MULHERE: Here's an example where I did take it out, all those references, and just said Collier County will promote economic development opportunities.

If you look on the screen there, you'll see that I've struck through the in cooperation with.

CHAIRMAN STRAIN: Yes. That was --

MR. MULHERE: I put a sentence at the end, and maybe that doesn't belong there either. It says anticipate that Collier County will work in cooperation -- slow down?

I put a sentence at the end that probably --

COMMISSIONER CARON: Take it out.

MR. MULHERE: -- yeah, doesn't need to be there, I guess, based on the conversation we've had.

CHAIRMAN STRAIN: I think you make your point without it, Bob.

MR. MULHERE: Okay. That's fine. That occurs in a few places, so we'll just delete it where it occurs.

CHAIRMAN STRAIN: Anybody else on that policy?

(No response.)

CHAIRMAN STRAIN: Okay, next one is Policy 1.1.3. Now, this is a mitigation bank policy. It's changed extensively. We have a rewrite, and some of that was done by the EAC, and I think, Bob, others might have been done by you, so --

MR. MULHERE: Yeah, I can go over that if you want.

CHAIRMAN STRAIN: We'll probably -- I certainly will ask our questions today. But we may have a lot more when we get time to read it in detail, so --

MR. MULHERE: So just to sort of let you know what the EAC motion was and how this changed, the yellow highlights the first EAC comments and motion, and then we went back to the EAC and the gray, they made some refinements. And the blue is just me taking out those references as we've discussed.

So what it says is within two years of the effective date of this policy, Collier County will explore the feasibility of utilizing privately owned undeveloped parcels with significant wetland upland or listed species habitat value as a listed species habitat conservation bank or wetland mitigation bank to compensate for wetland or listed species impacts associated with development in the Immokalee urban area.

Now, we think this is a good thing, or could be a good thing, because it might allow, facilitate quicker and more and better development in the already impacted urban areas and protection on the outlying areas or other areas where there is some natural resource value within the urban area of other lands that could be targeted for mitigation or acquisition.

So it also requires, and here's a -- there is an impact, it requires the county to develop a map depicting the preferred lands to be targeted for mitigation or acquisition, and that incentives will be included in the LDC to direct mitigation or acquisition to these targeted lands and to direct development away from such lands.

CHAIRMAN STRAIN: Go ahead, Bob and then Paul.

COMMISSIONER MURRAY: Do you have a desire to keep the within the two years in there?

There may very well be a reason to do that, if you're trying to accelerate a process, and is it reasonable to do so?

MR. MULHERE: Well, there's a couple of things. Part of our contract is to write these LDC amendments or as many LDC amendments as we can write, you know, that evolve out of this process. And I think that we can accomplish that, we will accomplish that within the two year period. And the funding has already been, you know, there's funding already in place for that.

COMMISSIONER MURRAY: That's what the key element is, that staff are able in fact to achieve that.

MR. MULHERE: Now --



COMMISSIONER MURRAY: Because you're encumbering the county again here.

MR. MULHERE: Right. I can't speak -- well, there's an impact on the county associated with reviewing those land code amendments and also helping to develop this map.

COMMISSIONER MURRAY: It's staff time or costs associated? As long as there's capital involved, there's money involved, that's what the important part is.

MR. MULHERE: Correct.

COMMISSIONER MURRAY: So two years should stay in there.

MR. MULHERE: I think in this case -- well, I mean, I guess we have a fundamental decision here still whether we're going to go with Policy 1.1.1 and leave the two year time frame in place or we're going to change those time frames.

COMMISSIONER MURRAY: Well, if timing is a predicate for moving things, then it probably is applicable here. But we've had this other conversation, so it makes it challenging.

It may be an exception here because the way I read this is it looks like it's the precursor to the rest of development, potentially.

MR. MULHERE: No.

COMMISSIONER MURRAY: No?

MR. MULHERE: No, it's -- you can still develop --

COMMISSIONER MURRAY: Well, then maybe it doesn't belong.

MR. MULHERE: You can still develop out there without a mitigation bank or a targeted acquisition area. But, you know, it would be helpful if you didn't want to preserve a small parcel of native vegetation, you know, as an example, in the urban area, and you could mitigate by acquiring that elsewhere, where it was more appropriate.

COMMISSIONER MURRAY: See, I looked at this phrase, this is -- as a -- I hate to use the word holistic, but the totality. And I used that and that was the way I thought of it, as a precursor, if you will, that you want to make sure you had that in place so that you could go ahead with whatever development you want to go ahead with wherever you want to go.

MR. MULHERE: That would be the effect. I agree, that would be a beneficial effect of it, yes, if it happened. But it's not --

COMMISSIONER MURRAY: But that's not what you contemplated.

MR. MULHERE: I'm not sure I'm understanding.

COMMISSIONER MURRAY: Well, that was my view of what this phrase intended. And you indicated that no, you could go ahead with development anyway, and so --

MR. MULHERE: Yeah, you can. I'm not -- I mean --

COMMISSIONER MURRAY: Well, I'm still hinging on the two year issue, that's my real --

MR. MULHERE: The purpose of this would be to make it twofold. One, to protect existing areas that have either listed species or significant wetlands, and two, to facilitate development elsewhere by directing acquisition or mitigation to those areas.

COMMISSIONER MURRAY: Right. So if you accelerated this process, the mitigation bank, you achieve opportunities that you wouldn't otherwise achieve because you'd be going in leapfrog.

MR. MULHERE: Yes, that's true.

COMMISSIONER MURRAY: That's what I thought was intended. So maybe two years belongs in there.

CHAIRMAN STRAIN: Paul?

COMMISSIONER MIDNEY: Yeah, this is a good example of where when the plan first came out I didn't like this part at all. And the way you fixed it, I think it's a vast improvement. I think it's something very positive.

So I congratulate you on this. I think the two years is appropriate, because this is an important thing that I think it should be an important goal of the county, if it's financially feasible for us to do.

CHAIRMAN STRAIN: In regards to this policy, if Carolina, could you put this -- pass this down to her, put it on the overhead for me.

I am not sure the language on the policy until I get time to sit down and quietly read it along with all the other policies. So I'm not going to be critical of the new language. But I want you to be aware of something I think needs to be considered in all of Immokalee's approach to its environmentally sensitive areas.

And if you -- okay, that's just about good enough. If you look on the bottom right-hand side. And by the way,

this committee knows from the review of the RLSA, that there was a Memorandum of Understanding created between the landowners in the Eastern Lands and some environmental groups in that area who are looking at the area.

In that Memorandum of Understanding, they are required to have a study done by I believe six scientists chosen -- selectively chosen, independent of them, to study the impacts on the panther in the area.

The scientists came back with their technical review in October of last year. There are about 100 pages in that document, and they're -- by the way, they're extremely interesting for this Planning Commission to read before we ever review the RLSA again. But in the back-up of the appendices are a series of maps. This is one of them. And there's actually three of them pertaining to Immokalee, and I have more.

But if you notice in Immokalee, they're showing a crosshatched area up in the far eastern side, right there. And if you look on the bottom, that's a recommendation from the panther resource team or research team to be included because it's primary, in their mind, primary panther habitat.

Now, all the documents we've received on this Immokalee Area Master Plan has not addressed that area as sensitive in regards in the way they have the other green area that goes to the Lake Trafford slough.

So I'd like to suggest that you look at this to consider how it could be addressed in re -- with all the other mitigation and environmentally sensitive issues that you've been now trying to introduce in this Immokalee Area Master Plan.

MR. MULHERE: Well, it seems to me that that would be a perfect area for this policy to apply to.

CHAIRMAN STRAIN: I'm not saying it wouldn't, I haven't read the policy because you just passed it out, but --

MR. MULHERE: I understand. We are totally unaware of this because again, just so everybody understands, we didn't collect new data, we used the best available data. I have no access to this information leading up to this point in time. I know you mentioned it to me.

But this is I guess done by a private group attempting to, you know, influence habitat protection as it relates to the panther.

CHAIRMAN STRAIN: Well, it's their -- and remember all the stewardship credit debate going on and the group came back and had a lot of input in regards to the 45,000 acres being developed and all that, well this is all part of that analysis.

MR. MULHERE: So we have a piece that is considered priority panther habitat in the urban area, presumably mostly undeveloped.

CHAIRMAN STRAIN: Well, I have panther telemetry as well as other points. There are some development there but they're mostly -- you see where the white line starts as far as -- that's at the edge of Farm Workers Village, from what I understand.

MR. MULHERE: So that night might be an area that could be targeted for mitigation and acquisition as part of this policy. And it makes sense to me that it would be. And that would be one of the areas when you did your research to do your mapping that you would be sort of focused on.

CHAIRMAN STRAIN: My suggestion is to look at it.

And Paul, you want to make a comment?

COMMISSIONER MIDNEY: That area that you're pointing at, it looks like it's pointing right at the Immokalee Airport.

CHAIRMAN STRAIN: No, that's the one up from that.

MR. MULHERE: That's north.

CHAIRMAN STRAIN: Up there.

COMMISSIONER MIDNEY: Oh, okay. All right, thank you.

CHAIRMAN STRAIN: By the way, there's a series of maps in this document and they all show that area, a little bit tighter than some of this. But I can get you the document. Or I know I forwarded it to staff, multiple staff members. If one way or another you can get ahold of the document then we'll see that you get it.

MR. MULHERE: But I just want to be clear, it wouldn't really be our intent to provide any greater environmental regulations over a piece of property through this process now than already exists other than the Lake Trafford overlay, which already was adopted into the conservation and coastal management element. Because part of our marching orders was not to take away people's private property rights.

CHAIRMAN STRAIN: Well, I just -- I think, though, if you've got -- if you're addressing mitigation and

sensitive environmental areas, this area, you may want to consider this.

MR. MULHERE: I agree. I agree with that.

CHAIRMAN STRAIN: Okay. David?

MR. WEEKS: I'd just make a further objection then, as we're discussing this particular rectangle of property, that the Future Land Use Map that is proposed as part of this petition does increase allowable development density and intensity for a portion of that area.

And I think it would be appropriate to consider that once we get to the Future Land Use Map discussion. Because if on the one hand we're identifying this potentially as an area to protect, it would seem that we're at odds to at the same time be increasing the allowable density and intensity of land use in that area.

CHAIRMAN STRAIN: Well, the six scientists that did this study -- and I'm not sure what weight they have on the environmental agencies, Fish & Wildlife and the rest of them, but if they do have, and if that study is going to be relative to future permitting and planning in that area, then Immokalee should be looking at this now and try to understand what it means for them, and, you know, so that was my point of bringing it forward today, so --

COMMISSIONER MIDNEY: Thank you, Mark.

CHAIRMAN STRAIN: Okay, that takes us through past policy -- well, let's see, Policy 1.1.3, the bulk of the discussion on that, Bob, other than what you've heard from us today, will probably come when we get time to reread the intensity of the rewrite that you provided here today.

So with that, we'll move on to Objective 1.2.

COMMISSIONER MURRAY: You need to change the screen.

CHAIRMAN STRAIN: Yes, can you switch the screen back over to Bob's?

MR. MULHERE: Oh, I'm sorry.

CHAIRMAN STRAIN: Objective 1.2. Does anybody have any comments on that?

Brad?

COMMISSIONER SCHIFFER: Bob, I think, you know, the expedited review is pretty obvious, you're going to try to clear the path for getting permits in this area, correct?

The second policy, the 1.2.2, the -- what is a pre-certified lot? Wouldn't that essentially be a conventionally zoned lot? What do you --

MR. MULHERE: Not necessarily. I did have an e-mail to Penny, I didn't get a reply yet, and to Tammie Nemecek with the EDC to try to determine what the status of the existing pre-certified sites program is. That question came up. And I will get an answer to that, whether it is a functioning program or not, today.

My understanding was that there was a pre-certified sites program, which is why we've said it needs to be revisited and approved.

It doesn't necessarily have to be -- straight zoned, I think was the term you used?

COMMISSIONER SCHIFFER: Well, conventionally zoned. In other words --

MR. MULHERE: C.

COMMISSIONER SCHIFFER: -- a typical industrial, you have rights, you have setbacks, you have all the development.

MR. MULHERE: Well, that could be true. When I think of conventional zoning, I think the opposite of conventional zoning is a PUD. And you could certainly do the same thing within a PUD. I could have a PUD and have a platted piece of property into industrial parcels and come in and do some prototypical development scenarios, 20,000 square foot building, calculate the stormwater management, provide a landscape plan, and working with the county, then have a site plan A, site plan B, site plan C. And if that fits into somebody's needs who might be thinking of coming there, then there would be an expedited process because you would have a pre-certified site program.

That, as I understand it, is how it would work.

COMMISSIONER SCHIFFER: Okay. So it's not that the county would go in and pre-certify sites --

MR. MULHERE: I mean, it could go that way. But -- and I think sort of it will go that way if you got people saying I want to pre-certify my parcels here. You might have four or five or 10 or 20 pre-certified sites, yes.

I mean, I think it works both ways.

COMMISSIONER SCHIFFER: I mean, I'm not sure. Then it really is, it's a PUD at that point. In other words, a private individual would come to the county and say I have a parcel of land, here's what development rights I would like to pre-certify?

MR. MULHERE: Yeah, I mean, I don't know that it has to be a PUD. I mean, you could have an industrial subdivision with parcels that have been platted.

COMMISSIONER SCHIFFER: The conventionally zoned --

MR. MULHERE: Yeah, conventionally zoned. You meet the setbacks, you pre-certify a couple different development patterns. You do a landscape plan. Everything gets expedited because everything's already been pre-reviewed. And if you follow that prescribed course of action, then you are able to go through the process faster.

COMMISSIONER SCHIFFER: Okay. Essentially you would -- is that trying to skip the SDP process, that you could take a conventionally zoned piece of property and --

MR. MULHERE: I don't think skip --

COMMISSIONER SCHIFFER: -- honoring the rights to it you could build what's there without getting an approval?

MR. MULHERE: No, I don't think the intent was to skip it but the intent was to expedite it, make it much faster. Because I think you still need a record, you know, you still need a public record.

COMMISSIONER SCHIFFER: The question I still have is who's doing it, I guess. You know, the impression here, since it's in the GMP that the county will actually go ahead and do that, as opposed to the way we would have it now, a private individual landowner would have to do that.

MR. MULHERE: Well, it works both ways. And what will happen is that there would be probably a group set up of county staff, certain reviewers and so on, so forth. And bring in some landowners who want to pre-certify their sites. And you then develop these prototypical site plans.

And then, you know, there has to be a process written. And this is why I'm asking the question. I don't know the answer to what degree it exists today. I don't think it's been used very extensively. It was written as though it existed, but to my knowledge it really doesn't -- it's not functional if it does exist. So I'm not sure if it's improve it or actually, you know, develop it. And I'll get an answer to that question.

COMMISSIONER SCHIFFER: Does it have a public hearing process, do you think?

MR. MULHERE: No. These would be zoned.

COMMISSIONER SCHIFFER: So essentially you would go to the proposed land use map right away without going through the hearing process.

MR. MULHERE: No, you'd go to either the CRA or the EDC and say I'm interested in bringing my business to Immokalee. They would say okay, we have some pre-certified sites, will that meet your needs. Yes, those will meet my needs. Boom, you're in the process.

COMMISSIONER SCHIFFER: I understand the reason for it, and I think conventionally zoned land should give you that. But the problem I'm having is linking it between the process we have now where you would rezone property, you would certainly use the future land use map as your strength in that process.

But you're saying this map could become a conventionally zoned sites map.

MR. MULHERE: No, I wasn't even --

COMMISSIONER SCHIFFER: -- by pre-certifying sites.

MR. MULHERE: Yeah, I wasn't even -- I don't know that you even need a map. You just need to know where they are.

COMMISSIONER SCHIFFER: And then you'd show them on the map. So, I mean, we're silly here. Okay, thank you.

CHAIRMAN STRAIN: We kind of got ahead of ourselves. We're actually talking about Objective 1.2 paragraph on Page 24. And we'll probably get to 1.2.2 in a few minutes.

What I'd like to do, though, is I missed any public speakers. And Nicole, I think you wanted to speak on that previous policy?

Go right ahead.

MS. RYAN: Thank you. For the record, Nicole Ryan, here on behalf The Conservancy of Southwest Florida. And I just had a couple of comments on the new Policy 2.1.3 about the mitigation banks. And Conservancy did share Commissioner Midney's concern about the reference to Pepper Ranch and other public lands for mitigation banking purposes for the public and public private partnerships.

We had worked with the EAC, with Bob, with Penny to come up with language that really better captured what we believe Immokalee wanted to do in this policy, and that is identify parcels that could be mapped and that

would be readily available for mitigation purposes when a project comes in, needs to purchase land, needs to mitigate somehow. It just really streamlines that process.

So we believe that the language now does that. Certainly like the idea of targeting both that eastern portion of the Immokalee urban area where you have primary panther habitat and looking at the Lake Trafford/Camp Keais flowway area. And also smaller parcels within the urban core area and some on the fringes where you have the scrub jay habitat.

Because oftentimes the federal permitting process will not be triggered unless you have wetland impacts, and that leaves a lot of those upland species vulnerable.

So we like this idea. We support the two year time frame. And The Conservancy was concerned with all of the two year time frames contained in this document. We certainly felt the impact of the watershed management planning process, which we pushed at the last EAR. They are working on it but they aren't completed yet.

So we understand that the time frames really need to be thoroughly considered and thought out. But this one, all the data, all the information is already out there. So we can -- and The Conservancy certainly offers our assistance for doing the mapping, sharing that information with Collier County, with the CRA so that we can have the maps that really overlay those most important of habitats and come up with some kind of mitigation map. Not regulatory but informational and hopefully helpful.

So please keep the two year time frame in there. It's certainly a doable goal. Thank you.

CHAIRMAN STRAIN: Thank you.

And Bob, by the way, as a side note to the time frames, if you're intending to try to leave a time frame in there, I think then it becomes more relevant to have a fiscal analysis for it. I notice that we have a whole listing of time frames but no fiscal impact dollar wise.

So if this is one of the ones out of all of them that you think are necessary to stay, somebody needs to plug some numbers into it so we know what we're talking about for impact to the taxpayers over a two year time frame. So that's just a side note.

And we left off on Objective 1.2. And I'd have one comment on that and then we'll move into the rest of it.

Your second line starts with the word economy. It says economy and increase employment opportunities and thus improve the quality of life for Immokalee residents. That's a conclusion.

I'd rather say, comma, to improve the quality of life.

No, keep going. The one on top.

MR. MULHERE: Go up?

CHAIRMAN STRAIN: Yeah, go up. Right there.

See the second line where it says and thus improve? That's a conclusion I'm not sure you necessarily can draw. I'd rather say to improve, if there's no problem with that.

Now -- Ms. Caron?

COMMISSIONER CARON: Well, I'd like to take out the word positive. I'm not sure that we spend our time creating a climate that's not positive for business. I mean, that's never been our goal.

I would say that the growth over the past few years would belie that, so --

CHAIRMAN STRAIN: I mean, it's just another adjective that is -- you know, we get into a lot of adjectives in our documents that really are --

MR. MULHERE: Take it out.

CHAIRMAN STRAIN: Yeah, we shouldn't have, it should be more factually based.

Okay, now we left off on Objective 1.2. We'll move into Policy 1.2.1 when we get back from break after our public speakers.

So let's take a break until 10:00 and then we'll go into anymore questions through 1.2 and then public speakers.

MR. MULHERE: Okay.

(Recess.)

CHAIRMAN STRAIN: Okay, everyone, welcome back from break. And we had finished up discussing through Page 24 and Objective 1.2.

We had a time certain for 10:00, and that is an opportunity to hear from members of the public. Which we -- by the way, you're more than welcome to stay and discuss things as we go through this whole process, but that could

take days, and so we have a time certain at 10:00.

Before you speak, I'd like to ask that you do not do what Bob Mulhere has done, and that's talk too fast or talk over people, because there's things worse than the IRS, and that is a court reporter who is mad at you.

So hopefully Bob will be a little bit tempered when he comes up here next time.

So now let's move into our public discussion, and we ask that you try to limit your discussion to five minutes, but there is no strict rule. This isn't -- we're not going to pull you off stage. If you've got a lot of things to say we need to hear it.

And this is an important amendment for Immokalee, and we're going to be spending two, three, four days at it. So the more input you provide to us, the better job we hope we can do.

And we'll start with Penny.

MS. PHILLIPPI: Okay, good morning, my name is Penny Phillippi, I'm the executive director of the Immokalee Community Redevelopment Agency.

And I wanted first just to talk about some very broad historical background with this master plan. And not to give you a detailed history, but to give you a feeling for the spirit of the document.

As you know, this community has been meeting off and on for six solid years to try to hit on every single aspect of the things they want to see happen in their community. And of course there were time frames attached to that. And the specific reason for the time frame was to hopefully encourage the county to implement some of these things that they've been trying to get done for so very long.

So when we talk about realistic time frames, we've moved into a different economic environment than has historically happened in this particular county.

So yes, perhaps some of those timelines need to be moved. But we need timelines so that there's at least hope that down the road these things that we want to happen will actually happen.

And the second thing I want to talk about are priorities. This community is very, very clear about the priorities. They're very clear that economic development is the number one priority. Job creations and whatever partnerships are required to make that happen, be it public or private.

The second thing they're very, very clear about is infrastructure. They don't want the streets to flood every time it rains. Understand that 90 percent of the streets in Immokalee are privately owned. Those cannot be conveyed to the county until they're brought up to current development standards. Those -- we have to get the water off the streets, we have to get those streets finished so that they can be maintained for the -- in the future.

Another huge issue is safety. This community is pedestrian and bicycle traffic. That's what's there. I mean, you can stop at any park on a Saturday and Sunday and see hundreds of bikes lined up from people riding their bike to the park to participate in soccer matches or whatever.

And we have -- we had 16 injuries on bicycles and three fatalities, bicycle and pedestrian. So it's extremely important that we have some bike paths, that we have sidewalks, that we have a safe place to push our baby strollers down the street. This community is very clear about that.

So when you think about starting to build the community, we have a lot of low income housing, we have a lot of affordable housing. So if you begin to build your personal wealth, where do you go next? There's no middle income housing, no market rate housing for you to build up to. So you build a room onto your house or something like that. So housing is another huge issue.

And we talk about crime and safety, we're talking about CPTED kinds of activities that will put bright lights on streets that are high crime areas. Those are the kinds of things that are extremely important to this community.

And this is a work-a-day, paid by the hour community. If you miss a day to come and sit at the Planning Commission, you're out of luck. You're not going to be able to pay your rent. So I don't really -- it would be my fervent desire that this community not be criticized because they couldn't give up a day's pay to come over here and chat. I think that's very important to state as well, if you don't see huge crowds coming to Naples today.

So on and on we go. The other issue that I wanted to talk about in the economic development piece, I do like the idea of keeping it general, that there will be -- we'll work with economic development conduits or economic development agencies.

But you need also to understand that under -- we've learned through our County Attorney's Office, the CRA is not considered an economic development agency by the State of Florida. So if a business comes to us and wants us to sign a non-disclosure agreement, we can't. We operate in the sunshine. We are part of local government.

So we really need those agencies like the economic development council who can sign those agreements and work with our new businesses. And with FHREDI, the Florida's Heartland Economic Development Initiative that covers the central Florida region, which we are part of, who apply for grants for all of the region, who bring businesses to our region.

So it's vitally important that we are able to work through those agencies, because we can't do those things as a CRA, or as a local government for that matter.

So I guess I've rambled on for at least five minutes. But I do want you to know also that we deeply appreciate the fact that you're going step by step by step to make this a true and honest statement.

And if with your permission as we go through it, I may pop up at intervals and give you the different perspective that comes from within the community to you.

Thank you.

CHAIRMAN STRAIN: And I think there's going to be some questions. By the way, as far as popping up, we would really like you to do that.

MS. PHILLIPPI: Okay, thank you.

COMMISSIONER MURRAY: I have a --

CHAIRMAN STRAIN: Ms. Caron.

COMMISSIONER CARON: I just wanted to ask you to repeat what you said about private streets in Immokalee.

MS. PHILLIPPI: Ninety percent of the streets in Immokalee are privately owned streets. In other words, they do not belong to the county.

COMMISSIONER CARON: Thank you.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Yeah, I can't imagine anybody on this commission being negative because people couldn't come here today to speak. We went out there for a workshop because we understood that. So please be assured that there's no negativity here.

MS. PHILLIPPI: I appreciate that, thank you.

CHAIRMAN STRAIN: And Penny, priorities. I kind of wanted to talk a minute about your comment about priorities. I understand where your general concerns were: Economics, infrastructure, safety, CPTED and things like that. And that's exactly fine. Those are great general things I think that we're all looking for as goals.

But when I heard the discussion about priorities, my interpretation of that was on a yearly or every two years, however often it's determined, the CRA, through community input, would come back with a laundry list of issues that were most important that year to try to get done in order.

For example, you're going to have a piece of the budget of Parks and Rec, a piece of the budget of Transportation, a piece of the budget of pathways. So pathways can come out to Immokalee and put a pathway in, over in the, say, the Lake Trafford Slough or somewhere like that where it's not supposed to be. But for you the priority may be to have that piece of the budget spent along a section of Main Street or something.

Those are the kind of priorities I think we're talking about the CRA putting in a numeric order as the most important, not the general things. I think everybody is acknowledging that those are good priorities, and should be. So --

MS. PHILLIPPI: And I do appreciate that. And I will tell you that that's a wonderful vehicle when we put that vehicle in place, to be able to say, all right, you get a piece of this budget, a piece of this budget.

Currently what we do is the CRA approaches that department and says if we kick in half will you kick in half. And it becomes a partnership within local government, which is kind of a strange thing to do.

But our stormwater master plan was approved by the Board of County Commissioners. It's been laying around for five years. Now we've applied for grants through our Housing and Human Services Department to the tune of almost four million and we're going to complete phase one and start the first retention pond to get water out.

So when this vehicle gets in place, which I hope will happen soon, then that would only be able -- that would enable us to augment what we're already doing in those priority lists, because they're long. It's a long list.

CHAIRMAN STRAIN: Well, that was what I was hoping some of the goals that we'll get through here as this plan is finished is that you will be able to prioritize and have some kind of reliance on the fact that some of your priorities, after it goes through the budget process, will be then met.

We certainly -- it benefited no one, as just as the watershed management plan was put up as an example, you just mentioned another one, a five year plan that never happened, or a time frame in drainage that took so long.

It does no one (sic) to have a false goal that we never reach, because then too many people bank on it and all of a sudden you find out it never happened. So I think realistically we're trying to get something that's more bulletproof for you to work with.

MS. PHILLIPPI: Thank you.

CHAIRMAN STRAIN: You're welcome. Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you. Are there -- anybody else that would like to speak from members of the public?

(No response.)

CHAIRMAN STRAIN: You can sit here and listen to us as we go through policies and I'll always try to ask every few policies if there's any comments, or you're more than welcome to have any general comments right now if anybody so chooses. Okay.

MR. HUTCHCRAFT: Yes, for the record, my name is Mitch Hutchcraft. I'm with King Ranch and Consolidated Citrus. We're a major landowner in Collier County but also in Immokalee.

I appreciate the opportunity to be here today, and I'll probably provide more specific comments on a policy by policy basis. But I did want to share with you a couple of perspectives.

One, I am here because I do care about Immokalee and I think the level of effort and input that this community has put into what's been presented is significant. I heard some of the questions about the priorities.

One of the things that I think you're probably hearing is that the community does have priorities, and they recognize that within the constraints of the county process Immokalee is different than coastal Collier County. And we do need to have some flexibility that may or may not be appropriate in other locations but is appropriate in Immokalee.

And I think that the work that the team and Penny has done have been a very well done job at identifying that appropriate balance between flexibility and standards that meet the requirements of 1.6.3.

So I appreciate your review of this. I do encourage you to recognize that Immokalee is working very hard on their own behalf and would appreciate your support to help them move forward.

Just one quick example of that. Our company has put in two and a half million dollars of investment in our agricultural facilities over the last two years. None of that has been in Immokalee or Collier County. The reason for that is because we have to meet timelines to get things done, and we cannot meet those timelines in Collier County or Immokalee.

So that investment has taken place in adjacent Hendry County and in DeSoto County, where this was our first target to do those projects. So I wish that you would recognize that some of the encumbrances that occur within Collier County are discouraging those types of investments.

So I appreciate your time. Thank you.

CHAIRMAN STRAIN: Thank you.

Mr. Murray?

COMMISSIONER MURRAY: Would you please expand on the timeline issues that you just related --

MR. HUTCHCRAFT: Absolutely. We are doing housing for our own harvesting workers. And in order for us to build that, we have to have that project on line and ready to go at the beginning of harvesting. And because of the government's change over to an H2A program, it required us to move very quickly. We essentially identified a site, got all the permits and constructed the project in the other two counties in nine months or less.

You cannot do that in Collier County. And so that was an issue. We looked at it, we looked at the rezonings, the landscaping requirements, the architectural requirements, and those would have been timeline prohibitive and cost prohibitive to meet that standard for that housing in Collier County.

COMMISSIONER MURRAY: So you could bring additional jobs and economic activity if you were able to move a little faster and get in place what you need to work; is that what you're saying?

MR. HUTCHCRAFT: We are committed to agriculture, and we continue to invest in our agricultural operations. We look for ways to do that smarter, more efficiently, and to bring the right kinds of jobs. And so yes, we would be in a position where we continue to invest.



Right now we're not in a position to be able to do that in Collier County because of the obstructions that prevent us from meeting it in a timely matter. That's not to say we wouldn't ever get there. But for us agriculture is a very thin margin, and so we need to make sure that we are spending our dollars in the most wise and prudent way possible. And if we can get a bigger bang for our buck in another community, we have to go there, we don't have another choice.

COMMISSIONER MURRAY: Thank you.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: And you were talking about farmworker housing; is that correct?

MR. HUTCHCRAFT: This is through the Federal H2A program, so yes, it's housing for our workers that do our harvesting projects.

CHAIRMAN STRAIN: Okay.

MR. HUTCHCRAFT: But, you know -- and with all due respect, I think it's important to recognize that if we don't have that component then we don't harvest. If we don't invest, we don't invest. If don't invest, we leave the community. It is a critical component.

And I would encourage you to look at the projects that we've done, because not only do I think that they are significant, they probably exceed the quality of housing of 50 to 75 percent of what's in Immokalee. So it was remarkably well done.

COMMISSIONER CARON: I have a question then for staff. How is it we're able to put roadblocks up on federal standards for housing?

COMMISSIONER MURRAY: Hand grenade.

MR. WEEKS: Well, the nature of the question suggests that the county has deliberately taken action to put up roadblocks --

COMMISSIONER CARON: Which I'd like to correct.

MR. WEEKS: And I don't know that that's true. But the county, of course -- Collier County does have regulations in place. We have staff constraints. We have requirements that we keep getting told that some other communities in the heart of the state do not have.

And you've heard Fred Thomas speak more than once, I'm sure, about how quickly in some other counties they can get through a rezoning process, site plan approval, et cetera.

I don't know the details of those communities. I would assume that they have far less standards than Collier County has. Not just architectural, but landscaping, even parking.

We require a lot in Collier County. And at least for the coastal area, I think that accurately reflects what the community wants. For Immokalee, we're being told that that's not the case. That's not what they want, at least to the extent that it is in the coastal area.

And of course the more process you have, the more requirements you have, the more costly it is, and the more time it takes to get through the process.

MR. HUTCHCRAFT: And before I leave, I just want to clarify that that was not intended to be a criticism of staff. I think staff is implementing the regulations as they exist. And I think that the conclusion was appropriate.

For us in particular, parking requirements, landscaping requirements, architectural requirements and the timeline to administer those standards were the prohibitive elements for us.

And I'm not here to say that's inappropriate for other places. But I think that in Immokalee, Immokalee is coming forward with standards that they say we believe as a community these are appropriate and we look for you to expedite it. If we meet these standards, expedite it. And that's what the community is looking for.

So with that, again, I would compliment the hard work that's been done and ask you to look favorably upon these recommendations.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: One final question, I hope.

Immokalee and your ranch, if all of these changes that were recommended were adopted, would you be able to go forward or are you outside of Immokalee in your investment?

MR. HUTCHCRAFT: We have property that is inside the Immokalee area. And that was actually one of the first sites that we identified for this project. And that project -- if these changes had been implemented, that project would be on that property.

We have already made that investment, so it's not likely to be duplicated again. But it would be on that property right now if the approvals had been done.

COMMISSIONER MURRAY: Thank you, sir.

CHAIRMAN STRAIN: Is there anybody else from the public that would like to speak at this time?  
(No response.)

CHAIRMAN STRAIN: Okay, we'll go on with the review of the policies -- oh, one more person.

MS. BROWN: Good morning. I'm Pam Brown. I'm a lifelong resident of Immokalee. I'm also a fire commissioner over there right now.

We have been working on the Immokalee Master Plan for six years now. And we are not coastal Collier County and we would really like to see these plans go forward. There's been a lot of hard work for a lot of people in Immokalee, and I think that now is our time to progress.

I appreciate the work that you all have done over here in your area, but we are so unique in Immokalee we have a lot of farming that goes on there, citrus, and we're more of a working class community. I apologize for not more people being here today. But in the future, if you could please have this meeting in Immokalee, we are a working community and we cannot afford to leave our jobs and come over here for this.

CHAIRMAN STRAIN: Thank you.

MR. BROWN: Is there anybody that would like to ask any questions of me?

We do have land over there, my family. We have 170 acres. It's very hard to bring people over into Immokalee to invest in our town when it's so expensive to try to do anything there.

Thank you.

CHAIRMAN STRAIN: Thank you.

Anybody else like to speak?

(No response.)

CHAIRMAN STRAIN: Okay, Bob, we'll go on where we left off. And that was on Policy 1.2.1. It's the expedited review policy on the top of Page 25.

COMMISSIONER MURRAY: I have.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: In that paragraph, I guess if you count lines, it's third line up where it says review program for projects deemed to provide a positive. Who deems it? What is contemplated here? Unless you've changed it and I don't see it.

MR. MULHERE: No, I did not.

COMMISSIONER MURRAY: And I understand deemed. I appreciate that someone has to do that. But I just wondered if we wanted to -- who are the parties?

MR. MULHERE: What I did was I added a sentence to the end of this policy which says during this period criteria will be developed to be used as a guide for determining what will qualify a project for this expedited review program.

COMMISSIONER MURRAY: I don't --

MR. MULHERE: Are you looking on the screen?

COMMISSIONER MURRAY: I'm trying to see what you're talking about on the screen, yeah, because I'm not going to try to read the other thing, that's impossible.

MR. MULHERE: It's highlighted now.

I think it's intuitive, based on all of the other policies, as to what would qualify. If it's going to bring in new jobs and economic development and diversity, it's going to qualify.

But I think, you know, it's well taken that we need to write something specific so there's no question as to who qualifies for this expedited review program.

We'll do that through subsequent action.

COMMISSIONER MURRAY: I think that's important, yes.

CHAIRMAN STRAIN: Mr. Schiffer? We're on 1.2.1.

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: No. Okay, 1.2.1, anybody have any other questions on 1.2.1?  
Paul?

COMMISSIONER MIDNEY: Yeah, I have a question about the word targeted industries. I think at this point in Immokalee any industry, why exclude any? I think if the gambling industry, which is not one of my favorite industries, but it has a positive economic impact, and I wonder why you put targeted in there.

MR. MULHERE: Because the county has an adopted list of targeted industries that include high tech, clean tech, biomedical, medical, manufacturing, distribution. And I may be missing one or two. I'm trying to speak very slowly.

I took a couple of quaaludes, you know, at the break.

CHAIRMAN STRAIN: We might get through these days after all.

MR. MULHERE: Where was I? Oh, yeah.

CHAIRMAN STRAIN: Quaaludes.

MR. MULHERE: I understand your point, and I tend to agree that let's not restrict it, because if it's good for the community from an economic development diversification perspective.

I guess maybe one example, if we could use a real example, I read in the paper that there was somebody interested in bringing a brewery out to Immokalee that would create seven or 800 jobs potentially over some period of time. I don't know if those are high paying jobs, I don't know any of the details, but maybe have half of them are, in which case we should try to work with those folks.

So I do appreciate that. And maybe what we could do is define the term targeted industries differently or better or in some way different than what we have today. It's kind of restrictive today.

COMMISSIONER MIDNEY: I wouldn't want to exclude breweries.

CHAIRMAN STRAIN: Bob, that is defined, by the way, already in this document what you -- so if Paul wanted an answer to that, maybe we ought to take a look and discuss what's been defined.

It's on Page 22, second paragraph. It talks about the Collier County economy, which is currently highly dependent on three industries. The three targeted industry clusters are: Health and life science, computer software and services, and distribution. So those are the three targeted industries.

I'm not sure, and one of my questions was similar to Paul's, what is the targeted reference here? If it's those three, then that doesn't give us enough -- broad enough level as maybe Paul's looking for.

MR. MULHERE: Right, and I agree. I think --

COMMISSIONER MURRAY: How about targeted and other --

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: How about targeted and other industries? I don't know, just to get over the hump on this.

MR. MULHERE: I would say if we tied it to employment generating or job creating.

So, I mean, I think I could come up with something. I could leave targeted and then add some language there that would broaden that a little bit, I think I could do that. I'm not sure I'd want to do it on the fly here, but I think I could do that if that's --

CHAIRMAN STRAIN: I think though, it doesn't say that you're limited, it says specifically including. It doesn't say it's excluding anything else. So maybe it's covered by the fact you're just providing examples.

COMMISSIONER MIDNEY: Yeah, okay.

CHAIRMAN STRAIN: The other item I'd like to mention on that one is can you tell me what project would not be deemed to provide a positive economic impact to the Immokalee economy?

And if it didn't, why would anybody build it? And if it didn't, who would make that decision that it didn't versus the owners who might think it did? So deemed to provide becomes a problem.

MR. MULHERE: Well, I think that it depends on how you define it, which is the last sentence. Because I guess an argument could be made that any project has a positive economic benefit. Though that doesn't mean that that project should qualify for this expedited review.

I mean, I guess the question is should a fast food -- maybe as an example, should a fast food or a grocery store qualify?

And I don't think that was our intent. I mean, there are operational and fiscal impacts associated with this fast track program. We want to limit it to those economic development opportunities that will create high paying new employment opportunities and/or maybe are related to housing, because as Penny indicated, housing is a very important priority.

So I guess from my perspective we need to create some very clear definition as to what would qualify, and that's what I'm proposing that we do.

CHAIRMAN STRAIN: Carolina?

MS. VALERA: Just to clarify, we do have a fast track process in our Land Development Code --

MR. MULHERE: Yeah.

MS. VALERA: -- and of course this amendment is trying to improve it. But I just want to mention that the fast track that we have right now will consider any project in Immokalee to be a fast track project, including fast food restaurants, because we do review those as fast track, if they go in Immokalee urban area.

MR. MULHERE: And my issue -- you know, my issue is that I'm not sure that is the way it should be. And maybe I'm wrong. We can figure that out. But from my perspective, if everything is fast tracked, does that have a fiscal and operational impact that really takes away from what that program could do for those targeted types of industries?

CHAIRMAN STRAIN: Well, then versus what -- based on what Carolina is saying, you're actually suggesting then that Immokalee for its review pull back and not expedite everything, and there's only certain ones that will be expedited.

MR. MULHERE: That's right.

CHAIRMAN STRAIN: Okay. Because that will certainly then change the context of who gets considered for an expedited process and who doesn't versus all of them being expedited right now.

MR. MULHERE: I'd just add I don't believe that was ever the intent either was to have everything qualify for fast track program.

CHAIRMAN STRAIN: Well, if you're going to keep that in there and you're going to keep the two year time frame in there and it's going to take a rework of some criteria, again, if that's one of the ones you want to keep the time frame in, we need a fiscal analysis of it, a fiscal cost associated with it.

You have within two years of adoption of this policy or the effective date of this policy. You want to change the program. Whatever staff time it takes to do that, whoever's going to write it, if it's whatever costs --

MR. MULHERE: I guess we need to have maybe some discussion about that. I mean, I can come up with some projected costs associated with this and all of the other ones that are in there. Some of them are already funded, some of them might be funded through grants or through other means that wouldn't impact directly the county ad valorem tax base.

It seems to me that some of this work would typically occur if it was approved by the board, ultimately adopted by the board and this two year time frame stayed in and prioritized, then that someone, someone on the staff perspective is going to build that into the work plan, assuming, let's say, that's -- I don't know, community development, I guess it's the -- is it the zoning department? I'm sorry, terminology.

MR. WEEKS: It's a mouthful.

MR. MULHERE: Okay. Whatever that department is they would then, you know, build it into their work plan to look at the land code to qualify, which -- or quantify, and qualify and quantify which projects would qualify for this expedited review program. And so that would be part of their work plan.

So again, it would just be a number of hours that I would estimate that it would take staff to do that. I mean, I guess I can do that, but --

CHAIRMAN STRAIN: Well, let's get staff to weigh in on it when we get done reviewing this plan as to how many are left.

Ms. Caron's got a question, then Mr. Murray.

COMMISSIONER CARON: No, I'm fine.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Yeah, I have a little bit of a frustration here associated with this. I mean, I heard the argument and superficially it sounds fine. But it suggests that Immokalee, in order to be economically stimulated, will only happen with targeted industries, and the result of that would give them the money they need.

And I'm worried about moms and pops, I'm worried about entrepreneurs. And if you do put high paying jobs in place, they're going to need the grocery stores and the rest of it. And I don't know to what -- how it was intended in the Land Development Code, but if it's in there that everything gets fast tracked, I suppose the intent then was to try to motivate all economic opportunities.

I'm a little bit concerned that you're making it dependent or seemingly dependent on the targeted industries for much of the growth.

The CRA envisions utilizing whatever capital can finally result from increased valuation in order to achieve better roads and lighting and all the rest of it. So -- and I don't have a problem with the fact that we have industries that we'd like to get in there. But I'm concerned we tip too far in one direction.

So what do you feel about that thought?

MR. MULHERE: I don't know that it says in the LDC that it was intended to apply to any project in Immokalee. I don't have that language here with me.

COMMISSIONER MURRAY: I'm going by what Carolina said.

MR. MULHERE: No, I think what Carolina said is it has been applied to any project in Immokalee. I don't think it says that policy.

You know, I guess I would defer to staff. If staff feels it's appropriate to apply to every project in Immokalee, to fast track every project, then so be it, I'm good with that.

CHAIRMAN STRAIN: David?

MR. WEEKS: Just a couple of comments. One, I know outside of Immokalee the expedited review is more like the language that reads here. It is not for every project, it's for select projects that have been identified ultimately by the board as those which should have priority. You know, we want or we need this certain type of housing, we want or need this certain type of industry in our community.

The second observation is if everything is fast tracked, then everything in fact becomes slow tracked, because you can't do everything faster. And so you have to choose your priorities. And, you know, this project is of a certain category, it will get a higher priority than the other projects. But if everything becomes a high priority then the reality is everything is not faster, it stays the same or is slower.

CHAIRMAN STRAIN: So you want to prioritize the fast tracking process.

MR. MULHERE: I think it makes sense.

CHAIRMAN STRAIN: Under that basis it does make a little more sense.

David?

MR. WEEKS: Just one more general comment about targeted industries. I think it's shortsighted to think that any development is an improvement. In the short term I think that's true, particularly in our current economic conditions. Anything that gets another person hired, that brings more money into a community I think is beneficial.

But in the long-term thinking, and that's what I think we're supposed to be doing here, is what is the type of development we want to see here in the long term, what type of industry do we want to see coming into the community in the long term.

And that's not specific to Immokalee, that would be countywide, a longer term thinking. Want those industries that are clean industries, that do pay higher wage jobs. That's ultimately what we need more of in this community, not more low wage, menial type of employment.

That's not to say that those things aren't important. And of course, as you have development on the whole, yes, you've got to have a grocery store, you've got to have a barbershop, et cetera, et cetera. But the target needs to be something different I think in the long term.

CHAIRMAN STRAIN: Jeff?

MR. KLATZKOW: We have an ordinance. Ordinance 03-80, as amended. It specifically provides for the very thing they're asking for in the Comp. Plan.

If the Board of County Commissioners wishes to amend that ordinance, they can do so on the fly. It's a very simple process. We start putting these things in the Comp. Plan, all right, it takes away the ability -- it takes away our ability from time to time to make changes.

If amendment four passes, whatever you've got in your Comp. plan is pretty much going to stay there, you know, forever and a day.

So honest to God, if these things can be done by ordinances, do them by ordinance, don't throw in the Comp. Plan.

And I already have an ordinance that does exactly what he's asking for. I've been working this ordinance with Amy Patterson for years.

MR. MULHERE: But I don't disagree with what you said. All I'm -- the Comp. Plan only says that you're

going to actually do it within two years, you're going to look at it, you're going to do it --

MR. KLATZKOW: It's here.

CHAIRMAN STRAIN: What's the ordinance number, Jeff?

MR. KLATZKOW: It's 03-80. You can see it in Municode, section --

CHAIRMAN STRAIN: That's fine, I'll pull up the ordinance too and read it before we have our next discussion on Thursday or the 4th. And I think that's probably the best way for the board to handle it right now is take a look at that ordinance.

And Bob, if you could too, if it gives you what you want, there's no sense of making it harder by putting it in the GMP.

MR. MULHERE: Well, I mean, if what we're suggesting is that we don't need it in the GMP, we can just approach the board and try to get on the work plan somehow a review and revision, unless that's occurring now is what I might --

MR. KLATZKOW: But you're asking the same thing. If the Board of County Commissioners is going to pass this GMP to require their staff to look at something, they can simply look at their staff and say look at the ordinance and change it.

MR. MULHERE: I understand. We could probably take it out then.

CHAIRMAN STRAIN: Okay. Well, let's take a look at the ordinance. We all know the number, we can look it up and have further discussion on this particular one.

Policy 1.2.2. Questions on 1.2.2? Anybody?

Mr. Schiffer?

COMMISSIONER SCHIFFER: No, never mind, never mind.

CHAIRMAN STRAIN: Okay, anybody else?

(No response.)

CHAIRMAN STRAIN: That was quick.

I do. Bob, I've asked for a couple of times, and I'm not sure I mentioned it to you or the other -- however, done in an e-mail, the Certified Sites Program.

Can you send me what that is?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: I can't evaluate this policy without that information.

MR. MULHERE: I'm still trying to get an answer as to whether or not it is in existence or it's simply a desire that it be in existence.

CHAIRMAN STRAIN: Right.

MR. MULHERE: And I will.

CHAIRMAN STRAIN: It says in this one it's existing. And if it isn't, we certainly don't want a policy that says it is.

MR. MULHERE: No, I know, I know.

CHAIRMAN STRAIN: So if you could find that out so that we would have that discussion at some point in the future.

Anybody else on 1.2.2?

(No response.)

CHAIRMAN STRAIN: If not, 1.2.3.

Oh, David? I'm sorry.

MR. WEEKS: Yeah, on the new language, the language that's in red here, I read it to be saying that the county will identify the appropriate locations for those uses.

And I'm thinking that typically the county's role is to designate, and through rezoning actions rezone properties that are appropriate for certain types of land uses. But it's the private sector that actually determines exactly what piece of property or properties are appropriate for that use.

If I'm missing something, I just, you know, encourage that explanation. But it just comes across to me that it's inappropriate for the county to be tasked with identifying specific locations for allowable -- for these types of uses.

CHAIRMAN STRAIN: Well, I think it's a zoning designation that probably says where light industry can go and commercial can go and items like that.

And maybe, Bob, if you make the wording so it's dependent on the zoning, not on the county, that would bring it back in line what I think what David's trying to get to.

MR. WEEKS: I confess ignorance of this Certified Sites Program, and so I don't know if my comment is off point. Maybe we're already tasked with that, but I'm not aware of it.

CHAIRMAN STRAIN: Well, when we get that -- find out about the program. And I certainly, depending on the existence or not of that program, you may want to change the language in reference to what David discussed in the beginning.

MR. MULHERE: Yeah. I mean, just everybody understands the intent of the program is to have sites that were preordained to be appropriate for these uses and that have some level of preliminary design. As much possible pre-approval as could possibly occur.

So that if someone said I want to put a manufacturing or light industrial use, where can I go, the EDC or the CRA or both in combination working with that client could say we have 10 sites that are pre-certified, here's some site plans, let us know if these work; if they do work, then you can shave six months off that process, because we've already done a stormwater plan, we've already done a landscape plan, we've already done a parking plan, we've already pre-approved it with the South Florida Water Management District, whatever.

CHAIRMAN STRAIN: Well, and if your --

MR. MULHERE: That's what the --

CHAIRMAN STRAIN: -- and if your Certified Sites Program does that, that's fine. That's why we need to see it. Right now we don't know that it does.

MR. MULHERE: Right. No, I understand that.

CHAIRMAN STRAIN: And I don't even think you do at this point.

MR. MULHERE: No, I don't. I'm trying to find out if it's --

CHAIRMAN STRAIN: Then we've got a whole policy --

MR. MULHERE: -- if it's effective or not, if it's in place or not.

CHAIRMAN STRAIN: Well, we've got a policy really that nobody really knows what it means till we get that information, so --

MR. MULHERE: We know what it means, we just don't know if it exists.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: And I understand David's point on the first one, whether the county would be the entity that would identify the appropriate locations.

The county in a sense already will have done that by providing a comprehensive land use designation that allows that use. And then it would be incumbent upon -- if it wasn't zoned properly, incumbent upon a private landowner to zone it to accomplish that.

If it was already zoned that way, then it would be incumbent upon a private landowner to say, hey, I'd like to become -- I'd like to be a part of this Certified Sites Program.

So I do understand that and I think we can correct that.

CHAIRMAN STRAIN: Okay, Policy 1.2.3.

COMMISSIONER MURRAY: Yeah.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: I'm trying to figure out why you really need this. And if you do feel you need it, I would think that maybe it might say something like the Immokalee Community Redevelopment Agency in cooperation with the county.

I guess why I'm relating to it that way is that I believe it's already happening, unless there's something I don't understand, as work closely with community or grassroots organizations. I would think the Community Redevelopment Agency is already doing that.

MR. MULHERE: You know, I have to say, I agree.

COMMISSIONER MURRAY: Thank you.

MR. MULHERE: I think we probably don't need that. It is occurring. But I think probably it was developed at a time when there was a desire to just expressly state that the county would work with the CRA to further these community and civic organizations. But I think it's going on right now, so --

CHAIRMAN STRAIN: Anybody else have any concerns if 1.2.3 is omitted?

(No response.)

CHAIRMAN STRAIN: Any members of the public got any comments so far?

(No response.)

CHAIRMAN STRAIN: Okay, Policy 1.2.4. Any comments on -- Brad? Then Paul.

COMMISSIONER SCHIFFER: And I think this is good. You know, the building codes now have covered this topic on how to handle it, so I think it's a good one. But I'd like you to take out the last sentence. I'm not sure why you added it.

First of all, I think those might be the two less likely locations for home occupations.

MR. MULHERE: Well, I'll tell you why I added it. Staff had a comment in the staff report that expressed concerns about the flexibility, the increased flexibility implied in this policy for home occupational uses which -- you know, I mean, again, my -- our perspective is that as long as you have the appropriate restrictions in place, you reduce trips, you -- this is a very interesting economic climate we live in, there's a lot of smaller home occupations popping up. People are looking for inventive ways to make a living.

Other communities around the state and the country are increasing flexibility for home occupations or cottage industries. We think it makes sense in Immokalee to do the same thing. Certainly there have to be restrictions. You can't attract a lot of traffic. It's not going to be a nightclub, you know.

But understanding that there have to be restrictions, this proposes to increase flexibility. Because the guidelines right now are very restrictive. Very restrictive. So this community said we like that and we want that.

I put that last sentence there as a means of addressing staff's concerns, which partly talked about, you know, the broad application of this new flexibility.

And to me the CMU and -- which is the commercial mixed use designation and the high residential designation, I thought that the impacts of a home occupation might be greater in the low residential district where you have, you know, a larger lot and maybe it's a little quieter out there. But in these commercial mixed use you have commercial activities existing right proximate and even in the same building as residential.

So, I mean, maybe a dentist's office in the basement of a -- well, in a room in a home, you know, is not a bad thing in that location.

COMMISSIONER SCHIFFER: And Bob, I know what it is and it's a really good thing. I just think that that last sentence, first of all, you use the word focus it. First of all, the HR district, that's going to be 10, 20 units. I mean, that's essentially an apartment building. That essentially might not be the smart place for it.

And I think closeness to the CMU is going to be an important thing. So I think if you kill that sentence, within that two years when you develop the regulations, you might restrict it to sites that are within -- you know --

MR. MULHERE: Sure.

COMMISSIONER SCHIFFER: -- in other words, you may not have all the MR available for this.

MR. MULHERE: That is very good point.

COMMISSIONER SCHIFFER: But it is an important thing to have. And like I said, the building codes have covered it, handled all the issues with it. A lot of communities are taking advantage of this. And this community I think would take advantage of it more than most.

So I think it's a great thing, just kill the last sentence.

MR. MULHERE: So assuming that we do that, and I would defer to staff, they've expressed some concerns. Perhaps the concerns could be addressed through the land code amendment as it relates to any unintended consequences.

COMMISSIONER SCHIFFER: Correct. And thus we would be in an ordinance, and as Jeff pointed out you could adjust it and tweak it, I mean. So here you're getting yourself in trouble.

MR. MULHERE: I agree.

COMMISSIONER SCHIFFER: Thank you.

MR. MULHERE: Wouldn't be the first time.

CHAIRMAN STRAIN: Paul?

COMMISSIONER MIDNEY: Would this be -- when you say home based occupations, I'm kind of having trouble conceptualizing it. Would this be something like auto repair, you know, that --

MR. MULHERE: No.

COMMISSIONER MIDNEY: No?



MR. MULHERE: No. Typically home based occupations have been limited to things that don't have any additional traffic impact on a neighborhood. Even in terms of no more even deliveries than would typically be associated with a single-family home, which is pretty restrictive.

In other communities there are some things that are allowed like some office uses, like a dentist's office or a doctor's office or something like that.

I'm not -- just using those as examples; I'm not saying they're appropriate here.

Typically it's a lawyer, you know, some -- an architect, you know, civil engineer, somebody that can functionally operate out of their home but can meet clients or whatever elsewhere.

But, you know, again, maybe some minimal level of impact increases the number of home occupations that occur, and maybe there isn't an objection to that.

And from what I've been told, the Immokalee community would like to expand the flexibility on this.

COMMISSIONER MIDNEY: Do you know that there are barriers to doing that right now?

MR. MULHERE: Yes. The existing LDC is very, very restrictive as to what's permitted.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: On the other side of that coin, with today's use of computers and people working at home, some of them could be entrepreneurs. Would we be preventing the development of that opportunity, say, in an apartment house?

And I don't know if it's probable, but let's just say for the sake of argument that you had 12 units and six of them or seven of them, those people for whatever reason are entrepreneurs and they have connections, are we going to eliminate that --

MR. MULHERE: No, we're going to encourage that as opposed to prohibit it, yeah.

COMMISSIONER MURRAY: So we have to find a balance. Because before you indicated maybe you're right, Brad, because --

MR. MULHERE: I think Brad was right in terms of my putting that restrictive sentence on there because it might be appropriate to have one located proximate.

COMMISSIONER MURRAY: I agree, I think you need to loosen up.

CHAIRMAN STRAIN: David?

MR. WEEKS: Bob alluded to some staff concerns which are in the staff report on Page 20. It's the third paragraph from the bottom.

The existing provisions, as Bob has already stated, they are very strict. They're very stringent, and intentionally so. It's to ensure that the home in all ways appears to be nothing more than a residence.

You cannot generate excessive noise, you cannot have additional traffic coming to the site. You cannot have deliveries other than the normal delivery process such as FedEx and so forth. You can't have big semis coming to your house. Cannot generate additional odor and so forth.

Again, the idea is to make sure that no one would know that anything's going on other than a house living there. It's not uncommon for different types of home occupations -- well, a planner, land use planner could be one. But you could not have meetings in your home because you cannot have people come into your house. But you have your occupational license at your home address and you can do office work and whatnot at your residence.

The types of things that some other communities do allow as home occupations, which Collier County does not, one example would be some personal services, like a barber or beauty shop. If it were limited to, say, one chair, you provide one additional or maybe two additional parking spaces. That's an incremental step from what Collier County presently allows.

So when you drive by that residence and you see three parking spaces or four instead of the usual two, well, that's a little bit different.

And again, if you have the barber or beauty chair, yes, you're going to have people coming to the site. But that's an example of something that's generally I think not obtrusive. You know, it's not generating a lot of noise, a lot of traffic, et cetera, that would be disruptive to the community. And I think that's one example of perhaps what the Immokalee community is looking for.

We have concerns about it, but I guess that ultimately would be addressed through the LDC process as to just how greatly we expand the opportunity for the home based occupations and therefore the potential impacts to the community and to the neighborhood specifically.

The second comment has to do with the structure of the policy, who it is that does this. Right now this is -- Collier County is tasked with this, yet we're not the ones that are proposing or have this idea of what should be allowed.

And we're thinking that maybe it should be the CRA. It's their idea, they should be the ones coming forth with the amendment as opposed to county. We don't know what they have in mind.

CHAIRMAN STRAIN: Wouldn't that input though come at a time when you have the LDC implementation language and not during the GMP process?

I mean, they wouldn't want to tell you what they have in mind now. Collier County would have to modify their LDC through --

MR. MULHERE: We're writing the LDC amendments. I mean, I just want to clarify, we've been hired to write the LDC amendments. We're writing them right now, depending on what happens here.

But I put Collier County because every time I put something else in I got criticized for that. So isn't Collier County ultimately the responsible entity for amending the LDC?

CHAIRMAN STRAIN: I would think.

MR. MULHERE: That's why I put it in.

CHAIRMAN STRAIN: Okay.

David, or --

MR. BOSI: Mike Bosi with Comprehensive Planning.

Maybe we could -- and I agree, you have been criticized before. And we will refrain from doing that. But how about if we more specifically, not just the county, let's say the CRA will initiate the amendments.

Because David hit upon it, we don't know the level of flexibility that the community would like to develop within these amendment standards. And we want to provide the flexibility they're looking for, but we don't know what that flexibility is.

So the county, the county, specifically the CRA acting as the county to initiate the Land Development Code amendments, would seem the most appropriate utilization within this policy.

CHAIRMAN STRAIN: Right. But in the end it's the county is the only one that can amend the Land Development Code, right?

MR. MULHERE: We're back to the chicken and the egg question, which is why in many places we put the county in concert with the CRA, in cooperation with the CRA, so on and so forth. But I took all that out.

CHAIRMAN STRAIN: Well, it doesn't look like it was ever in, and we've got the original.

MR. MULHERE: No. But I mean in most other cases I took it out.

So I guess my point is we're intending to write these amendments.

I just had one other quick comment.

The level of flexibility in my view does depend on the land use designation. What David talked about, these levels of protection, I think are greater in a low residential, single-family neighborhood than they would be in a densely developed, mixed use neighborhood with public parking, which is what we intend to see happen in some areas of Immokalee, which is where we want to promote greater flexibility in home occupations.

So I mean, we do have some ideas, and I think that the concerns can be addressed. And maybe they are appropriate elsewhere in Collier County where the same conditions exist; maybe within another CRA, for example.

CHAIRMAN STRAIN: Are you absolutely sure that the county's current language does not provide enough flexibility?

MR. MULHERE: I'm absolutely certain.

CHAIRMAN STRAIN: Okay. So the word will is something that's needed.

MR. MULHERE: I'm certain.

CHAIRMAN STRAIN: Do you have any problem with saying Collier County will amend the LDC parenthetical like you have it, and then -- can you get that little rectangle box off this thing?

MR. MULHERE: Where is it, what box?

CHAIRMAN STRAIN: Right over the words I want to read. Okay.

Then after the parenthetical insert policy subject to -- I mean, add the words subject to Policy 1.1.1, and then strike within two years of the effective date of this policy.

It still says the same thing but it doesn't put a two year item in there that's negated by the reference to Policy

1.1.1. It makes no sense.

MR. MULHERE: Okay, within two years of the effective date of this policy subject to Policy 1.1.1. Now, what are you --

CHAIRMAN STRAIN: Say you just drop that entire first line. Say Collier County will amend the LDC ordinance, yadda, yadda, yadda, subject to Policy 1.1.1 to create more flexibility.

So what you're basically saying is Collier County will get it done, and subject to the policy, which is what we're saying all along. But there's no false impression that it's going to be a two year time frame. It's going to be maybe quicker or maybe longer, depending on what --

MR. MULHERE: This may be then the solution to all of these, then.

CHAIRMAN STRAIN: Well, it would. It would take a lot of the problem away from the two year reference you keep putting in there.

MR. MULHERE: The only reason that this is different in my view is I -- for what it's worth, I'm standing here before you telling you that there's funding, we're in the process and we're going to get it done in two years.

CHAIRMAN STRAIN: Right. And even if there isn't funding and you say two years, it isn't going to get done and it's going to rely on Policy 1.1.1. So why falsely state it? Why don't we make the code a little more -- read like it's supposed to, like the realism that we're supposed to have in it.

MR. MULHERE: Okay. Got it.

CHAIRMAN STRAIN: Okay. Let's move on to Policy 1.2.5, Financial Incentives.

Are there any questions from the Planning Commission on 1.2.5?

(No response.)

CHAIRMAN STRAIN: The last line, examples of such incentives, I'd suggest you insert the word may include --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- fee payment assistance and property tax or impact fee deferrals.

Would this apply to both commercial and residential? And what do you mean by deferrals? It's just like the affordable housing impact fees?

Can we do stuff like that to commercial?

MR. MULHERE: I think you can. It's a policy decision. I'm not suggesting that it's appropriate here, I'm just saying those are examples of incentives. And they may be more appropriate only for housing incentives, some of them.

CHAIRMAN STRAIN: I've only known the deferrals to -- I'm not saying no to it, I'm just kind of curious of how it's to apply --

MR. MULHERE: But legally I think you could defer it. You know, you'd have to have some time frame. And I'd defer to Jeff, but, I mean, I'm not suggesting that's the appropriate incentive for commercial development.

CHAIRMAN STRAIN: Anybody else on 1.2.5?

Mr. Murray, then Ms. Caron.

Bob? You're first, then Ms. Caron.

COMMISSIONER MURRAY: Regarding that issue, you have property taxes --

MR. MULHERE: And we have a program right now that does provide property tax relief for qualified --

COMMISSIONER MURRAY: And is that through the county or is that through the CRA?

MR. MULHERE: It's through the county.

COMMISSIONER MURRAY: But I thought the CRA was responsible for the collection and --

MR. MULHERE: No. I'll defer to Jeff. The CRA gets an increment of the taxes collected.

COMMISSIONER MURRAY: I thought that the way the CRA worked was that the money collected remained in the CRA.

MR. KLATZKOW: There's a base -- you set a base tax year and whatever increase in taxation after that is CRA money.

COMMISSIONER MURRAY: Oh.

MR. KLATZKOW: So there's a floor level that's county and then above that is CRA money.

COMMISSIONER MURRAY: Okay. I thought it was independent. All right, it's good knowledge for me, thank you.

MR. MULHERE: And we do have some programs already in place, and those were just examples.

COMMISSIONER MURRAY: Okay.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Yeah, I'm not sure that you need that last line at all. I mean, why would you even bother to put it in there?

You're going to look at everything --

MR. MULHERE: Yeah.

COMMISSIONER CARON: -- as a possibility.

MR. MULHERE: I agree with you. And I guess we --

MR. KLATZKOW: Again, we already have an ordinance that does this. But if you want to throw it in the Comp. Plan -- I don't know why we're doing this.

CHAIRMAN STRAIN: What ordinance do we have that does it, Jeff?

MR. KLATZKOW: It's around the same one I gave you before. We have an economic development section you'll find in Municode that contains much of this already.

CHAIRMAN STRAIN: If you get a chance later today and find the number, would you -- I mean, the only way we're going to really prove whether all this is needed or not is to actually look at the ordinances and have a consensus on it. So I'd certainly like that --

MR. KLATZKOW: I'll forward it to you.

CHAIRMAN STRAIN: Thank you, I'd appreciate it.

COMMISSIONER MURRAY: You'll forward it to all of us?

MR. KLATZKOW: Yes.

CHAIRMAN STRAIN: That's what he meant.

Okay, anything else on 1.2.5?

(No response.)

CHAIRMAN STRAIN: If not, we'll move on to 1.2.6, Agricultural Related Business Uses.

Are there any comments from the Planning Commission there?

COMMISSIONER MURRAY: Yeah, I think it's a good idea.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Yes, I think it's a good idea.

CHAIRMAN STRAIN: Okay, anybody else?

(No response.)

CHAIRMAN STRAIN: Bob, what is the -- the way this is written, it's allow agricultural related business uses such as. Do you know what the broad range is you're referring to?

Because there is an SIC Code for fruit and vegetable -- and I don't think we should put SIC codes in here, but I --

MR. MULHERE: No.

CHAIRMAN STRAIN: -- want to make sure I understand what you're doing. 5431 covers most of your agricultural uses and I'm wondering if that's what you're aiming for or --

MR. MULHERE: I think what we would propose to do is, again, as part of this LDC amendment that we're working on is to come back and provide a list of agricultural related uses -- these are again examples -- and that would be appropriate in this rural agricultural community for allowance in other districts besides just the ag. district. And I don't know that that list is exhaustive.

I understand your concern, but I think you would have the opportunity through the LDC amendment to make sure that we weren't putting something in that was inappropriate.

CHAIRMAN STRAIN: Well, what it says, within non-agricultural zoning districts. So that means if you decided --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- a citrus packing house was a agricultural use and you wanted to stick it in a little residential housing area or next to a multi-family building, you'd basically by this you'd say you could do it.

MR. MULHERE: No.

COMMISSIONER MURRAY: No.

MR. MULHERE: I mean, I'd say that that -- I would bring that back as an example as part of the LDC and there would be public dialogue and debate, and somebody would say that's inappropriate and it would fall out of the -- you know, in that circumstance.

CHAIRMAN STRAIN: Okay. David, from a writing of this policy, when it says within non-agricultural zoning districts, would the actual districts that apply to be appropriately defined in the implementation language in the LDC? Would we have any fear that someone could demand that they go broader than that?

MR. WEEKS: I agree that the LDC is where all the specifics are going to occur. We could identify just specifically one or more zoning districts that would allow these types of uses, we could identify what these agricultural related uses are in the LDC, and we could even identify the mechanism. Perhaps some would be allowed by right, maybe some would require conditional use.

Because this runs the gamut from potentially being allowed on a single-family lot to being allowed in a commercial or industrial or multi-family or -- you know, the varying impacts and the concerns about those are wide-ranging, depending on what specific zoning districts we're speaking of.

CHAIRMAN STRAIN: But as broad as this is written, that broadness doesn't have to be carried over into the LDC. We can limit it to anything we want to based on that.

MR. WEEKS: Yes.

CHAIRMAN STRAIN: Okay. David?

COMMISSIONER WOLFLEY: If we're going to get into this type of specificity, could we put some word in there where it would be nonfood -- or food product and nonfood product?

Many times, some of us know, that I have interest in nonfood agricultural products and they're oftentimes left out.

And my other comment was if we're going to be getting into some of this ag related businesses, what about neighborhood plots of vegetables?

I just want to be sure that especially in Immokalee there may be a neighborhood that wants to do their own -- you know, have a lot -- there's an empty lot there that somehow gets pitched in and they use it as a family garden.

MR. MULHERE: Any prohibition you could think of on anything like that? I don't think so. I think that's --

COMMISSIONER WOLFLEY: Just as it comes. But my main concern was nonfood related agriculture.

CHAIRMAN STRAIN: That would come into your LDC when you define the uses that this is referring to.

MR. MULHERE: And selling --

COMMISSIONER WOLFLEY: We're starting to get into listing all the agricultural uses, that's why -- now we're going to limit some, and I don't want to do that.

CHAIRMAN STRAIN: David?

MR. WEEKS: I believe the discussion we were having was that in the LDC we would provide those specifics. And I believe, Mr. Wolfley, your point is that we don't limit strictly to food. For example, if somebody is creating rope out of hemp, well, that's an agricultural product, you don't want that to be excluded.

COMMISSIONER WOLFLEY: Or other things, yeah.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: No, I was going to say, flowers came to my mind. Hemp is interesting.

CHAIRMAN STRAIN: Okay, move on to Policy -- or actually now it's Objective 1.3. Starts on Page 25. Well, actually, it ends on Page 25 too.

Any comments on 1.3?

(No response.)

CHAIRMAN STRAIN: Bob, a lot of -- the last part of that second line, thereby improving the quality of life. Maybe we should say to improve the quality of life. That's another conclusion.

Policy 1.3.1? Anybody have any questions on 1.3.1?

Ms. Caron?

COMMISSIONER CARON: I want to go back to -- oh, I guess we're on to this 1.3.1, is that what you're doing now?

CHAIRMAN STRAIN: Yes.

COMMISSIONER CARON: Then I think it's up to the CRA to promote the community, not up to the county as a whole, unless it's through tourist development tax.

MR. MULHERE: I know that. I think it is the TDC -- the tourism -- I forget the word. Anyway, whatever they're talking about. I think the CRA, and I think other entities.

The only reason -- you see what's struck through there. I mean, we've had this thing worded so many different ways it's not funny. In terms of trying to identify the kinds of cooperation and interaction that had to occur to achieve these types of policies and objectives.

In the end, the last basic direction we got strongly from staff and I would say from others was that it's the county's plan, the county has the obligation, and underneath that whatever needs to occur will occur if the policy is approved.

So we didn't say in coordination with the CRA, because if the county -- if the Board of County Commissioners approves this policy and it's adopted, then somebody's going to have this job and obviously it's going to be the CRA, and the CRA is going to work with some of the folks.

COMMISSIONER CARON: All right. But then we do get into fiscal issues with policies like this as well.

MR. MULHERE: Yes. I mean, there are --

COMMISSIONER CARON: And there's not been any fiscal analysis.

MR. MULHERE: No. I mean again, I don't -- I guess philosophically we don't necessarily think that we had to do a fiscal impact on every single policy. Because either they're going to be appropriate and they're going to be into someone's work plan, at which time someone's going to identify how much it costs to do it.

It's sort of getting the chicken before the -- or the cart before the horse, I guess. To me it is. Because I think -- I mean, I think that just going through and -- this could be just -- you know, this is what the CRA's doing anyway as part of their work plan.

COMMISSIONER CARON: Then my point initially was correct, why isn't it the CRA will promote?

MR. MULHERE: I just can't win. You tell me which title you want me to put in there, CRA or the county.

COMMISSIONER CARON: Because that's what they're doing. The county may do it, the CRA will do it, I mean that's -- because that's what they do.

MR. MULHERE: You know, again, the only thing I can say is that's why we had that language in there, that the Collier County in coordination with the CRA, Chamber of Commerce and the Naples/Marco Island/Everglades Convention and Visitors Bureau, because those seemed to be the entities that would be involved in this.

MS. VALERA: And maybe staff was misunderstood when we made the comment. We wanted to have just Collier County duties in the GMP. CRA's duties we thought may not need to be in the GMP. And so if it's a duty of the CRA, then it might not be needed here.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Yeah, I'm going to join in on this thing. Because the CRA board is the County Commission board and they act on behalf of the needs of the CRA. When they make a determination for the CRA, that's final, is it not, for the CRA within its activities?

MR. MULHERE: Yeah. That's where the --

COMMISSIONER MURRAY: And are we saying that the County Commission and commissioners acting as the County Commission, does that subordinate any activity within the CRA?

In other words, there's no possibility of the CRA board, County Commissioners, adopting something that the County Commissioners would somehow neutralize.

MR. MULHERE: I don't think so. Same people.

COMMISSIONER MURRAY: Right. So it seems to me on that premise that the CRA board is your final authority for those kinds of things. Because I don't know how they're in the business of promotion of entertainment, cultural and recreational opportunities.

I can see they're in facilitation, but promotion is another matter. I think CRA certainly would be in the business of promotion.

MR. MULHERE: Well, I understand that. And let's look at it maybe a little bit differently. Let's say -- I don't know if a policy exists to promote tourism broadly in Collier County.

I mean, I know that happens. I don't know if there's a policy in the Comprehensive Plan that calls for that activity as part of economic development or tourism development or not.

But if there was and we weren't talking about Immokalee, who would be responsible for accomplishing that? And I assume that Collier County would be responsible for accomplishing that.

Now, obviously we know that filters down to subsidiary agencies within the county, the tourist development group or a CRA or some other entity.

And that's the same thing here. I mean, if promotion -- if the promotion of the expansion of entertainment, cultural and recreational opportunities is a good thing and the policy is good in that respect, then it's the county that will promote it, but they'll promote it through these agencies.

COMMISSIONER MURRAY: I could only reply that in my view, when the County Commission acting as the CRA board focuses on issues, they are relating their energy, they're putting forward their energies to solve problems associated with the CRA or to agree with things.

If it's more broadened, then you have a four-to-one situation potential because of western Collier and so forth. And it does, I think, dilutes the process in that regard.

MR. MULHERE: So I don't know what the board's --

COMMISSIONER MURRAY: Well, it's just my view --

MR. MULHERE: Yeah. We can remove this policy too. I mean, you just tell me --

COMMISSIONER MURRAY: I don't know that you want to.

CHAIRMAN STRAIN: I'm more trying to see what difference does it make. If the CRA is Collier County and Collier County's going to do it, all I -- my concern is let the county do it. Don't tie its hands with these other groups who may not have the same goals in mind for Immokalee.

They may have goals in mind, who knows if they'll be the same. In the end it all funnels up to the county, the county makes a decision and it's done.

And I think that part of it just needs to be clear. So if it means by Collier County leaving it in there that that defers to the CRA, then I'm comfortable with that.

David?

MR. WEEKS: Couple comments. One is that my knowledge of tourism department is they promote the county and the county activities, you know, come visit us, stay at our hotels, the beaches and whatnot, as opposed to promoting the expansion of certain development opportunities. I do not believe that's a function of the tourism department.

Secondly is, I note the language says as far as promoting these various things, specifically through implementation of the Immokalee Public Realm Plan. And I think that's key. What is that document, what does it require, what does it allow, and then who is responsible for implementing that plan, is that the CRA or is that County Commission agency.

CHAIRMAN STRAIN: Well, when I got to my comments, my whole focus was going to be on the Immokalee Public Realm Plan. And it may be more than we can discuss today, because that plan is many, many pages. It was written by Bob's -- by RWA. And it brings in a lot of sub-plans.

I have one question. Does the Immokalee community and does the CRA support and want the Immokalee Realm Plan? Because it's going to have a wide-range impact on not only today but future meetings.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. Now, remember you said that, because on the 26th I'm going to specifically ask you what you meant by saying that. Because the LDC amendments that you're asking for for the interim guidelines to the architectural criteria, if you want latitude in those yet you want the Immokalee Realm Plan, which you wrote --

MR. MULHERE: Yeah, actually --

CHAIRMAN STRAIN: -- which brings in the form-based guidelines --

MR. MULHERE: Actually, we didn't write it, but --

CHAIRMAN STRAIN: Well, your name's on the bottom lower right --

MR. MULHERE: It was written by a sub-consultant working for us.

CHAIRMAN STRAIN: Oh, okay. You sound like Patrick White now.

MR. MULHERE: No, it's important -- to me it's important that that sub-consultant who spent their time, blood, sweat and tears writing that get credit for it. The name is LDI.

CHAIRMAN STRAIN: Okay, whoever wrote the plan, I saw your name on it.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Regardless, it has some very intense criteria in the form-based guidelines that are

part of the realm plan that now are going to be locked into gold --

MR. MULHERE: Well, they're guidelines, number one.

CHAIRMAN STRAIN: -- in here.

Well, but those standards are what you want. Remember that on the 26th.

MR. MULHERE: I understand that. But I just want to make clear that they are guidelines. And guidelines are different than regulations that don't have any flexibility.

CHAIRMAN STRAIN: Well, I'd like to know how they impact this sentence then, because if -- David, if that realm plan's in here and they are guidelines to be changed by somebody else in the future, how does that impact the Growth Management Plan reference to it in here?

MR. MULHERE: The public realm plan in part lays out a development scenario for Main Street.

CHAIRMAN STRAIN: Right. It also has a reference to the form-based guidelines that lay out development standards for Main Street.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: And there's nothing wrong with those. I'm not objecting to them. I'm just making sure that if you want to lock all that in, that you do so, that you understand what you're locking in.

MR. MULHERE: Okay. So there -- because you've got two different documents, right? Public realm plan and form-based --

CHAIRMAN STRAIN: Well, one is brought into the other. I have the language that you actually put in the realm plan, bringing in the form-based guidelines as part of the realm plan.

MR. MULHERE: Right. But the pub -- no, the public realm plan is limited to the public area. The public area.

CHAIRMAN STRAIN: I understand that.

MR. MULHERE: Okay.

So when we talk about promoting expansion of entertainment, cultural and recreational opportunities through the implementation of the Immokalee Public Realm Plan, the streetscape, the public parks, anchoring the business district, the outdoor -- allowing for outdoor dining, things like that, creating pedestrian -- easy pedestrian activities and flowways, those are the kinds of things that fall -- that we're talking about falling within the public realm, which would then facilitate or promote restaurants, theatres, museums, public spaces.

CHAIRMAN STRAIN: In the executive summary to the public realm plan it says, additionally this report includes a standalone form-based code that provides clear, articulated standards and guidelines for the development and redevelopment of buildings and structures adjacent to the public realm.

MR. MULHERE: Adjacent to the public realm.

CHAIRMAN STRAIN: With that in mind, the form-based code was developed to complement and enhance the public realm plan and is presented as a companion document.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: All I'm saying, Bob, is I've heard many times that Immokalee does not want the architectural criteria and standards that Collier County has. In fact, you've asked for them --

MR. MULHERE: That's true.

CHAIRMAN STRAIN: -- to be -- right, and you asked for a release of those on the 26th of this month.

MR. MULHERE: Potentially, yeah.

CHAIRMAN STRAIN: But if you look at the form-based guidelines I think you'll find those are more intense than the standards you now want to have some release from.

MR. MULHERE: Okay, see, and that's where I don't -- see, we don't think that's actuality the case.

CHAIRMAN STRAIN: Okay. Well, I'm just -- and then it might be easy on the 26th that you accept no standards less than those in the form-based guidelines in lieu of the architectural standards, and that might make that a lot simpler.

MR. MULHERE: Except that those only apply in a very specific geographic area.

CHAIRMAN STRAIN: I understand that.

MR. MULHERE: Okay. So, I mean, there are a lot of nuances there. They only apply in that very defined Main Street area.

CHAIRMAN STRAIN: Now, from a comprehensive planning perspective, David, by referencing the



Immokalee Public Realm Plan in the GMP, how does that -- how do we effect change -- what if someone, or the CRA -- I don't know who has the right to change the Immokalee Public Realm Plan now. But by putting it in here, how does it get changed in the future?

If someone wants to change one of the form-based guidelines or the setbacks or the heights of the buildings or the way the facades are built along the -- all that's now in that realm plan, and the realm plan's being brought into the GMP.

MR. WEEKS: I think the first question is who has -- maybe that's partly what your question was, who has the approval authority of that realm plan. The policy specifically references that it was accepted by the CRA advisory board. But has the CRA board --

MR. MULHERE: No.

MR. WEEKS: Okay.

MR. MULHERE: It's not that we're not intending to bring it to them. We are intending to bring it to them. And it will be part of the whole LDC process. Because portions of the public realm plan as well as portions of the -- I'm sorry, I'm just having -- the other document that we're -- the design guide --

CHAIRMAN STRAIN: Form-based guidelines.

MR. MULHERE: -- will also be incorporated into the LDC.

CHAIRMAN STRAIN: Well, don't get me wrong, this is a good plan. I read it. I read every page of it. In fact, I read it many times. I read your form-based guidelines, because they are going to have an impact on the 26th.

I think this stuff great. Whoever -- you guys did a nice job. It's a great plan. I don't want to see, though, a problem for the CRA down the road by implementing it and bringing it into the GMP if they go to try to change it and it's locked in because of references in documents much higher than that document.

MR. MULHERE: So you would suggest we take out that entire phrase starting with specifically and ending with 2009?

CHAIRMAN STRAIN: I'm just worried it may not give you the flexibility that you all keep wanting to have.

MR. KLATZKOW: Mr. Chairman?

CHAIRMAN STRAIN: Yes.

MR. KLATZKOW: You could simply add in the Immokalee Public Realm Plan, as amended from time to time.

CHAIRMAN STRAIN: Well, then we get back into who's amending it and how it gets amended.

MR. KLATZKOW: My understanding it's going to have to be the Board of County Commissioners --

MR. MULHERE: CRA board, which is the County Commission.

CHAIRMAN STRAIN: And I -- as long as it stays in a manner that it can be handled. But is it simpler to be just not in the GMP so you guys can handle it off to the side and you can change your standards as you want to, rather than have to document, stuck in something like this?

David?

MR. WEEKS: I tend to agree with your last statement right there, Commissioner.

The -- I think in part it would depend on what regulatory effect -- a large part, what regulatory effect does that realm plan have, and the form-based code that it draws in. If they're guidelines, then that means just that.

As Bob has already stated, that means they're not regulatory in nature but they may form the basis for regulations, i.e. Land Development Code amendments.

MR. MULHERE: That's exactly right. That's the intent.

CHAIRMAN STRAIN: Just a minute, Mr. Murray.

Bob, did you want to finish saying something?

MR. MULHERE: I just wanted to say, you know, I think you raised a very good point, there's unintended consequences associated with keeping it in here, and you could either say as amended, which would give you the flexibility. I tend to agree, just take out the phrase.

CHAIRMAN STRAIN: Bob?

COMMISSIONER MURRAY: This Bob?

CHAIRMAN STRAIN: Yes.

COMMISSIONER MURRAY: Okay. I'm going to even go a little bit more dicey on this thing. I see it as a mixed bag when you use terms such as restaurants, movie theaters, museums, public spaces. Movie theatres I don't

think is governmental in nature. It's private enterprise.

In other words, what I'm driving at, you're asking the county to promote movie theaters. You're asking county to promote --

MR. MULHERE: That's just what the CRA does. That's part of what the CRA does --

COMMISSIONER MURRAY: Well, the county. Do we want the CRA or the county?

Anyway, I would have -- I would have been satisfied, will promote the expansion of cultural and recreational opportunities. I don't even know that you need the such as.

MR. MULHERE: I understand.

COMMISSIONER MURRAY: I'm okay if it has to be in there but I see it as a CRA activity, not as a county.

CHAIRMAN STRAIN: So you're also comfortable, though, Bob, and I saw Penny come up, so that means you guys are satisfied by taking the realm plan out? I think it gives you better protection for Immokalee and a better ability to change things in the future than having it in here, so --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. Policy 1.3.2, ecotourism. Anybody have any questions on 1.3.2?

COMMISSIONER MURRAY: I do.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: My question on there is on the last line when where it says with a particular focus on Lake Trafford and surrounding lands.

Do we have some demarcation there to what surrounding lands are?

MR. MULHERE: There is a designation that we've expanded, which is the RT designation in the plan.

CHAIRMAN STRAIN: Yes, residential tourist.

MR. MULHERE: Yeah. And I would say that that would be a good demarcation. So if the suggestion is to be more specific there, we could say and surrounding RT designated lands.

COMMISSIONER MURRAY: I would be happier with that, because I think it's nebulous the other way.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: And with your changes, Bob, I don't have any at this point. So we'll move on to 1.3.3, Seminole Casino, Immokalee.

Does anybody have any comments on that?

Go ahead, Paul.

COMMISSIONER MIDNEY: Just the phrasing, and work with. It's very vague.

MR. MULHERE: Yeah. I don't know what else we can do. It's an independent sovereign nation, right? Something similar to that?

CHAIRMAN STRAIN: That's kind of, though, the biggest issue with this one is the Seminole tribe has not been too cooperative in providing us with advanced planning on what they're wanting to do and how it ties in with our levels of service standards. We don't have any control over that, if I'm not --

MR. MULHERE: We don't. And to be honest with you, the reason for this is to ensure that we continue to try to coordinate, that we continue to try to work with. Because it's in that community's best interest to know what the Seminole tribe is planning and to hopefully be able to work with them to be able to receive some sort of mitigation for impacts that might be associated with what the tribe is planning.

And, you know, a lot of that is contingent upon what happens with things that we have no control over, such as exclusivity, pact, the pact, all those kinds of things.

But this is in their community. This casino and any future improvements sits right within the community. It's thought of as an asset. And I guess the idea is to have a policy in there that says we're going to keep talking with them. We know we have no regulatory control.

CHAIRMAN STRAIN: No, there's nothing wrong with trying to work with them. I just wish that it was somehow more required than optional.

Anybody else have any questions?

Ms. Caron?

COMMISSIONER KOLFLAT: Well, yeah, my only problem is we are taking on a responsibility that, I don't know, that they don't even necessarily want us to do. It says we will integrate them into our marketing plans.

MR. MULHERE: Well, it says we will continue efforts to integrate them, yeah. I mean, I can't control what they do, but it's in the community's best interest to do this.

I mean, it's enlightened self interest. It is in the community's best interest to continue this effort to work with them. Maybe it would happen without this policy. And if that's what you're suggesting, that's fine.

Part of the reason we have these policies in here is so that someone can have something that they can rely on to say this is what we're supposed to be doing and this is why we're doing it, and this is why we're spending resources on it.

COMMISSIONER CARON: Actually, I was reading the policy as it was written, not the way you --

MR. MULHERE: Oh, I'm sorry.

COMMISSIONER CARON: -- changed it. So I apologize.

MR. MULHERE: Oh, I'm sorry.

CHAIRMAN STRAIN: Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Let's move on to 1.3.4. Anybody have any questions on 1.3.4?

(No response.)

CHAIRMAN STRAIN: Bob, is there a defined district?

MR. MULHERE: At this point, no.

CHAIRMAN STRAIN: Are you intending to define one?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: I don't think there's any sort of parameters to where that would extend, but it should connect, it should be close to the casino and it should connect with Main Street, because the idea is to draw traffic, pedestrian and other traffic, out of the casino that maybe isn't -- that is staying there but doesn't have to be occupied with the casino 24/7 into the downtown area.

CHAIRMAN STRAIN: And the casino that you're referring to is the one that's in place now.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay, we'll move on to --

MR. WEEKS: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir, I'm sorry.

MR. WEEKS: I think the staff had a question about this policy. I believe it was mentioned in the staff report, I'm not sure.

But the policy indicates that the county will undertake efforts to develop an entertainment district. Kind of ties in with your question about is this a geographic area.

I do not believe, but I would ask Bob to clarify, that the intent is to use the term district as in a land use designation on the Future Land Use Map?

MR. MULHERE: No, it is not.

MR. WEEKS: It is a generic term I suppose other communities might have, maybe Orlando has a such-and-such district where that's where the restaurants and theme parks or whatnot might be located.

CHAIRMAN STRAIN: Could it be entertainment area in order not to get into a definitional concern over the word district, since we do use that as a definition in other parts?

MR. MULHERE: Yes.

MR. WEEKS: I have no objection, but I'm still -- I guess the part of the question here is what is the county's role?

County will undertake efforts to develop this entertainment area. What is the county being tasked with?

That seems like a function of private development. Or maybe the CRA. I'm not clear.

MR. MULHERE: I think the idea would be for the CRA to identify the geography that might constitute this area and then what is targeted for that area to take advantage of the casino. And then how do we facilitate those targeted pieces.

So again, it's a process that probably will require land code amendments so that it would either be referenced

in the over -- there's going to be an overlay -- there is an overlay. We're going to try to make it one overlay instead of seven overlays or six or however many are out there right now, as we work through the LDC amendments.

And within that overlay there can be different areas or districts, or subdistricts. And this would be one of them. And there might be some criteria or some uses or some allowances within there that we would identify. So that's what was intended.

MR. WEEKS: Because I was trying to understand what regulatory effect does this have, if any.

CHAIRMAN STRAIN: Other than it's one of those feel good policies that says we're just going to try to do something.

MR. MULHERE: I think eventually there will be some specific language. Now, whether it happens as part of this next LDC amendment, it depends. Because see, I don't know what the plans are for the casino, whether they're going to move forward or not move forward. But that's going to drive this entertainment district.

CHAIRMAN STRAIN: David?

MR. WEEKS: Let me maybe go a step further. We start with the Immokalee Master Plan. It's going to have future land use designations. And those designations will identify what categories of land uses are allowed, in some cases very specifically what zoning districts will be allowed.

And then the implementation then would occur through a rezoning process or even a creation of a zoning overlay. So that takes me back to my question, what is the regulatory part of it?

Perhaps that is the creation of the zoning overlay but which must be consistent with the Future Land Use Map designation.

MR. MULHERE: Yes.

MR. WEEKS: Thank you.

CHAIRMAN STRAIN: And ma'am, you must have something to say.

MS. BROWN: Yes, sir, I would like --

CHAIRMAN STRAIN: You just need to identify yourself for --

MS. BROWN: My name is Pam Brown.

CHAIRMAN STRAIN: Each time you come up you got to say that again for us.

MS. BROWN: Thank you.

CHAIRMAN STRAIN: Thank you.

MS. BROWN: My name is Pam Brown. I would like to address 3.3 about the Seminole Casino in Immokalee.

I know that they don't cooperate as much as we think they do in a lot of situations, but I am aware they are working with the Convention and Visitors Bureau and they do advertise a lot with the magazines. And they are a big contributor to the Immokalee Chamber of Commerce.

CHAIRMAN STRAIN: Thank you. Anybody else want to speak on anything up to this point?

(No response.)

CHAIRMAN STRAIN: Okay, we'll move on to Objective 1.4. It's one sentence. And then anybody have any comments?

(No response.)

CHAIRMAN STRAIN: If not, we'll move to 1.4.1, Research and Development.

Anybody have any comments?

(No response.)

CHAIRMAN STRAIN: Bob, I've got to keep looking up at your language changes to know if I still have any questions. So --

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Thank you.

Go ahead, Mitch. You want to identify yourself for the record, please.

MR. HUTCHCRAFT: Again, my name is Mitch Hutchcraft with King Ranch and Consolidated Citrus.

I'd like to take a moment just to talk a little bit about 1.4.1, the concept of bringing research and development and attracting that to the community. And I want to talk to you about it through an example that we as a company had and just to illustrate some of the challenges, I think, that exist.

We have some groves that are impacted by citrus greening and citrus canker. And as we realize the impacts

of that, we begin to think about how can we diversify as a company. And because we're an agricultural company, the first thing for us is that we're going to diversify into other agriculture or other agriculturally related uses.

One example of an agriculturally related use was a business that had a partnership with Dow Chemicals, and they were in the bio fuels space. They were converting agriculture into energy. And they were coming to us looking for 300 acres to do a demonstration facility, but they wanted an adjacent 15 to 20 acres to put their corporate headquarters and bring their research and development facilities from the northeast corridor down to this property as well.

As a company we identified three sites, one of which was in the Immokalee area. The challenge was the Comp. Plan doesn't allow for that combination of uses, agriculture, office, research and development kind of all in one location.

Now, part of the Comprehensive Plan amendment that's included in this package probably could have addressed that. We designated some property as, you know, the industrial research that could have accommodated the office and the headquarters component. We could have done agriculture as a continuing use.

When we started talking about that and they said okay, great, that's in progress, how long is that going to take, you know, this application's been submitted 18 months ago, it's probably got another 12 to 18 months to go. That was a timeline that the company could not commit to.

We actually started working on a lease on another piece of property in another county and then a third county stepped in and offered them a significant amount of money to bring their facility to their county.

So we as a company lost that opportunity, which was devastating to us. Collier County lost that opportunity as well. And it's not because of a lack of desire. And I think a policy like this is a great policy, but the question is how are you going to do it?

There's got to be a certain flexibility and ability to be nimble, particularly when we're looking at some of these new sector uses that we haven't really thought about before and that aren't cleanly addressed in our Comprehensive Plan.

And if you look at Immokalee, I think Immokalee is a perfect area to accommodate a lot of those types of uses.

And so my question is, if we don't start to address it, and maybe this was more appropriate to be talked about under the expedited review or the certified sites, but I think that gets at the heart of it's great for us to say we're going to attract them, we want to bring these uses. But whenever we find them, we've got a live one on the line and then go look at the Comp. Plan and say, hmm, we can probably fit you in but it's going to take us 36 months to get through the process, those guys are gone.

And this company was not only interested, but they are already under construction in their current site.

So again, within 12 months of our conversation they reviewed our site here, our site in another location, found a third site and are under construction already with governmental money.

So I appreciate the effort and the thoughts, but my question is okay, what are we really going to do about it? Because we are losing real world opportunities. So with that, again, I thank you for your time.

CHAIRMAN STRAIN: And I honestly think your answer's going to be that if once this policy is in place, it's up to the CRA to produce the implementation language and recommend it to the county, and that's where the emphasis should be.

MR. HUTCHCRAFT: And I appreciate that the CRA is responsible. I think the CRA has made that recommendation. There is still a process that that has to go through. That process is a timely process.

And so maybe we come up with more -- maybe we come up with an agriculture and targeted employment land use category. But we need to do it with more speed and flexibility on a going forward basis.

CHAIRMAN STRAIN: The process that's going on now to get this in here is actually the shortest part of all this process. The longest part was getting it to this day.

Mr. Klatzkow?

MR. KLATZKOW: Yeah, I mean, look, if you bring a significant economic opportunity to Collier County, I mean, we will get it through the system in half the year, no more. It's not going to take 18 months or 36 months. I mean, those are generally small-scale amendments.

I mean, you bring something that's significant to this county, my office will work with Nick Casalanguida's office and we'll get it done quick.

MR. HUTCHCRAFT: I appreciate the commitment then. We'll hopefully have the opportunity to put you to the test on that.

CHAIRMAN STRAIN: Ms. Caron?

MR. MULHERE: Well, and I think --

COMMISSIONER CARON: I think that's been stated by the BCC right along. I'm just shocked that suddenly all these barriers are there that everybody's been saying are not there. And, you know, I don't think they are there.

MR. MULHERE: Well, if I -- they are there in terms of the Comprehensive Plan. I mean, you can't get around the Comprehensive Plan. You've either got to amend it or adhere to it. And there are barriers in the plan. And we are changing, that's part of what we're doing here. I would defer to staff to agree or disagree with that statement.

MR. WEEKS: I certainly would. The very point I think that Mitch is making is two things: One is that this policy seeks to attract educational research facilities, okay. That's an aspirational policy as here's something we want to see happen.

But the meat of the matter is, and that Mitch is identifying is, okay, you get the interest, where are you going to put them? Is there a land use designation that will accommodate that land use?

And the mixture that Mitch has mentioned, it is not there in the plan. Yes, we would allow the research facility on agricultural properties. But when you bring in the corporate headquarters, that's a totally different land use. That's an office, light industrial, something like that of -- business park, one of those types of categories, not agricultural.

And they fall under that typical segregation of land uses. And it's not something that is provided for presently, nor do I see it provided for in this proposed plan.

CHAIRMAN STRAIN: Well, Bob, when you wrote this policy, where in your proposed plan would it fit?

MR. MULHERE: The way this was written, it was intended to attract -- this is news to me. So, I mean, this was not intended to allow these uses in agricultural zoned properties. I think that's a very good example and that flexibility makes a lot of sense to me and I think it's an easy fix.

The fix is to specifically state that that's permissible, you know, within the agricultural district as a mix of uses. Because it's related to agriculture. But I didn't know that really leading up to this.

MR. HUTCHCRAFT: That's right.

MR. MULHERE: This policy was we already have a couple of research entities in Immokalee. It was let's get more of those. Let's work with these agencies to attract more of these.

CHAIRMAN STRAIN: But if you have an opportunity to find more and better, then I think if you can make that change --

MR. MULHERE: Absolutely.

CHAIRMAN STRAIN: -- that would be beneficial.

MR. MULHERE: And my --

CHAIRMAN STRAIN: I don't know if anybody's going to object to it, so --

MR. WEEKS: And I just point out that the issue here may -- we might be talking about two different circumstances.

For the educational research facilities, depending on the nature of those, I would think that number one, they would be allowed in an industrial designated area.

On the other hand, if it's something more like the policy referenced Southwest Florida Research and Education Center, which is a governmental entity associated with the University of Florida, that is located in an area that is not designated industrial, it's designated I believe low residential and zoned agricultural.

And that leads to my point, if it's that latter scenario, the research related to the agriculture, that may be allowed on the agriculturally zoned property, which means that if anything we might have to amend the Land Development Code.

Remember, all of Immokalee is designated urban. None of it is designated agricultural rural.

MR. MULHERE: Yes, good point. David brings up a very good point.

MR. HUTCHCRAFT: In defense to the CRA's application, we felt like there were some properties that were being designated as industrial. And because of that industrial we felt like we could have accommodated the headquarters and the research development had it been approved. So I think that's a step in the right direction.

But I agree with the point. The point is the mixture of uses. And I think when you're looking at this new

segment, you're going to see a new mix of uses that doesn't cleanly fall into a commercial land use category, an industrial land use category, an agriculture. The hybrid of those is where I'm encouraging you to begin to look. Because I think that will become more and more important, and particularly appropriate around the Immokalee area.

CHAIRMAN STRAIN: Appreciate the point, thank you.

MR. MULHERE: I think it can be accomplished through a land code amendment. But David's point, I just want to reiterate, because we do forget, standing up here, that this amendment is limited to the Immokalee urban area, which is a pretty good size area, and there's a lot of ag zoning in the urban area.

But some of these potential sites fall outside of the Immokalee urban area, and I think maybe the -- anyway, some of them fall outside of the urban area and fall within an ag designated general county designation. We're not dealing with that here.

CHAIRMAN STRAIN: No, but I think David's point then is well made. Maybe that's an LDC issue we look at on a countywide basis. It wouldn't hurt to look at that in that regard, so --

MR. MULHERE: And that would really promote I think some diversification of the agriculture industry specifically. So that's good.

CHAIRMAN STRAIN: Okay, we're on 1.4.2.

COMMISSIONER WOLFLEY: I just think that's a great idea and I applaud Mitch for what he has to say. We just have to be careful though and not being negative about the plan, about the mixed use. We have to be careful about a larger landowner that is on some ag. land just be able to plop down some office building there and say hey, I'm within the mixed use. So, you know, we just have to make sure we word it that way. That was my only concern.

MR. MULHERE: Good point.

CHAIRMAN STRAIN: Okay, 1.4.2. Anybody have any questions on 1.4.2?

(No response.)

CHAIRMAN STRAIN: Okay. Well, I mean, I guess this falls back to the reference to Collier County really means the CRA as well. And that is probably the entity through Collier County to identify those cultural programs. In the end it still is the county.

MR. MULHERE: Yeah, I could see potentially there are some human service agencies that might need to be involved in this. There are some -- it might affect to some degree parks and recreation, although I think that's dealt with elsewhere. You know, cultural programs and facilities is a broad term.

CHAIRMAN STRAIN: I think your two year reference doesn't need to be there, but --

MR. MULHERE: I agree with you --

CHAIRMAN STRAIN: -- we're probably going to have that discussion --

MR. MULHERE: We need to try -- I'm sorry, I didn't mean to --

CHAIRMAN STRAIN: No, after the word visitors, you could say subject to Policy 1.1.1 and be done with it.

MR. MULHERE: And I think that we're going to need to do that in an awful lot of these, leaving only those top priorities within that short time frame that we know there's funding for.

CHAIRMAN STRAIN: I agree, that would be a good thing to do.

Anybody else on 1.4.2?

(No response.)

CHAIRMAN STRAIN: If not, we'll move on to Objective 1.5. Anybody, any questions on Objective 1.5?

(No response.)

CHAIRMAN STRAIN: Then Policy 1.5.1, Technical Assistance.

Mr. Schiffer?

COMMISSIONER SCHIFFER: And Bob, what's the intent here? And this may be the kind of thing that could really help the kind of thing Mitch just pointed out.

What is your intent, to have a team of people that could kind of cut through some of the red tape and people knowledgeable about the regulations to kind of cut through the regulatory approvals, or what is --

MR. MULHERE: Yeah. Every single -- the Immokalee CRA advisory board meets monthly. At almost every meeting, Penny, at almost every meeting one or two folks come up that are trying to do something and can't do it under the existing regulations. And typically it's a redevelopment type of scenario. That's one example.

You know, there are barriers to redevelopment, trust me. Redevelopment is a different animal. That does not only exist in Immokalee, it exists in Bayshore/Gateway and other areas prime for redevelopment. We need to look at

that under this economic condition to try to promote redevelopment and find out where we can be flexible. That's part of it.

And I guess the other part of it is that I think Nick is -- has talked about creating a, like a task team or a team that would specialize when certain opportunities arose of kind of working with either the EDC or the CRA or the property owner with the EDC and the CRA to help guide that person through the process. And I think Jeff alluded to trying to get something done within six months if it was a great opportunity.

Well, you're going to have to have a specialized team to help you get through that process. And so that's part of it too.

COMMISSIONER SCHIFFER: But my question is who is that team made of? Are these private citizens, are these going to be county employees?

MR. MULHERE: I think county employees. And to the extent that you might need somebody outside of the county, a state agency that would be willing to be a part of that, that might be helpful too.

COMMISSIONER SCHIFFER: Thank you.

CHAIRMAN STRAIN: Anybody else on 1.5.1?

(No response.)

CHAIRMAN STRAIN: Okay, how about 1.5.2, any questions?

Mr. Murray?

COMMISSIONER MURRAY: On the last line, it speaks to provide for flexible performance based incentives. Can you give me an example of what you thought of when you refer to flexible?

MR. MULHERE: Yes, let me just read it real quick.

COMMISSIONER MURRAY: Should I look at the screen rather than my book here?

MR. MULHERE: There's just a minor change in there.

Yeah, I guess there's a lot of examples that come to mind. I'm trying to think of one that would be the best. I already used the example of let's say you have a piece of property in the development and redevelopment area along Main Street, somewhere where it's in the CMU and it's prime for redevelopment or it's a vacant parcel and it has some area that's set aside for native vegetation or that should be set aside for native vegetation.

Well, flexible performance based incentives would be allowing -- in that case that I cited where it was undeveloped and had some native vegetation requirement, maybe that's not the best place for that native vegetation in the urban core. Let's create an incentive to move that somewhere else so that you could develop the entire parcel or most of the parcel. Of course you're going to still have landscape buffers.

In the case of a developed parcel maybe you can't meet all the landscape buffers in a redevelopment scenario that you previously would or that you would be required to meet if -- you know, the way the code reads for nonconformities, if the use has not existed for 90 days, you've got to bring everything up to code compliance.

And that's really a barrier against redevelopment, because you may not be able to provide more parking, you may not be able to provide more or wider landscaping, but you can replace the vegetation, you can improve the parking for the disabled, there are things that you can do.

So what we want to do is create flexible incentive based standards that promote redevelopment. And those are just a few examples. There are dozens of them.

COMMISSIONER MURRAY: So that there's at least one and that has to do with time, and there may be others --

MR. MULHERE: Yes, there are others.

COMMISSIONER MURRAY: -- that's what you're suggesting. Okay. I recognize that the Growth Management Plan is where we should be a little less pinpointing, particular. But flexible struck me because it doesn't -- it leaves it to an awful lot of interpretation. So I guess we'll have to wait to see what the LDC changes would be.

MR. MULHERE: Right, that's where you'll see it is in the land code.

COMMISSIONER MURRAY: Well, staff is satisfied with flexible?

MS. VALERA: We think it's a subjective term. As you mentioned, it's something to -- subject to interpretation.

COMMISSIONER MURRAY: What would that do --

MS. VALERA: What is flexible? I mean, it's --

COMMISSIONER MURRAY: Can you cure it in the LDC when they come forward with their suggestions,



if you feel that it's subjective and it's open to argument?

MS. VALERA: Perhaps more in the lines of, more in the tune with the visions of the Immokalee --

MR. MULHERE: I think if you -- the term -- my experience in dealing with people who want to do something in a redevelopment scenario, there's only one word that you keep hearing: flexibility. We need flexibility in terms of --

COMMISSIONER MURRAY: I think I understand it. But when you're getting into what that represents, you indicated time was one and there are others. And as long as those are known and can be codified, then I guess we're okay. I just wanted to be sure that everybody was okay with it.

MR. WEEKS: I mean, ultimately the Board of County Commissioners will implement this policy through their adoption of whatever land code amendments they so choose, and they would be the ultimate body to decide what is and is not flexible performance based standards. And though one person might have an opinion that I don't think there are, we wanted more flexibility, or we don't think these are flexible, the board will make that final decision and say yes, they are.

COMMISSIONER MURRAY: I appreciate. But it won't become a defined term.

MR. WEEKS: No. And I don't know how to.

COMMISSIONER MURRAY: And I don't know that it should.

CHAIRMAN STRAIN: Anybody have any other questions on 1.5.2?

(No response.)

CHAIRMAN STRAIN: If not, 1.5.3? Any questions on 1.5.3?

(No response.)

CHAIRMAN STRAIN: Bob, your strike-outs look good.

With that, we've reached the point we normally take about a lunchtime. So let's take a lunch. We'll come back at 1:00 and resume at that point and go from there.

(Luncheon recess.)

CHAIRMAN STRAIN: Okay, everybody's here. Welcome back from the lunch hour.

And for the record, we do not need the Vanderbilt Beach Road extension.

And we left off on goal number two.

COMMISSIONER HOMIAK: He doesn't have a mic, that's not fair.

MR. WEEKS: Can we mute this?

CHAIRMAN STRAIN: Well, I notice Nick is sitting way in the back, and that's the only way to get his attention sometimes is to challenge him, so -- I'll sprinkle the meeting with things like that, that way he won't fall asleep on us.

We left off on goal two on Page 28. And we'll start off with Objective 2.1. Anybody have any issues with 2.1? If not -- oh, Ms. Caron?

COMMISSIONER CARON: No, I don't have any issues with it, I'm just concerned -- is this something that's not happening now?

MR. MULHERE: You know, I don't know if it's happening or not happening. And I think that the -- I'm not sure. Can you tell me if that policy, at least Objective 3.1, whether that existed previously, or --

UNIDENTIFIED SPEAKER: We've had it in our --

CHAIRMAN STRAIN: Bob, if this is intended to be on record, you know, he's got to --

MR. MULHERE: I just wanted to know if it was something that we added to the code or not.

Some of this language came from Mitch Hutchcraft and others that they brought to the IMPVC and the CRA advisory committee. And they agreed to put it into the code. Particularly policy what was 2.1.1 is now 3.1.1.

Do I know whether there's coordination with federal, state, local and private agencies to address farmworker housing and migrant labor camp needs for Immokalee? I don't know. I don't know what the ongoing efforts are. I mean, I think that there are some, but I don't know, I don't know to what extent that's occurring. It's an ongoing objective.

CHAIRMAN STRAIN: What's a private agency?

MR. MULHERE: Well, you're asking me to give you an example of a private agency that might be involved in this?

CHAIRMAN STRAIN: Well, no, it says I can understand us coordinating with other governmental agencies.

I mean, that seems to be a given. And if we have to have language that kind of promotes that, fine. But what is a private agency? I mean --

COMMISSIONER MIDNEY: I can give an example.

CHAIRMAN STRAIN: Okay.

COMMISSIONER MIDNEY: There's Immokalee Nonprofit Housing, which has brought things to this board before.

MR. MULHERE: And promotes housing. Safe, clean, sanitary housing in Immokalee.

CHAIRMAN STRAIN: Okay. Anybody have any -- we'll move on to -- your numbers are really getting hard to follow. But it's 2.1.1. in our book.

MR. MULHERE: Yeah, I think if you just go with your book, that's --

CHAIRMAN STRAIN: Okay, anybody have any questions on 2.1.1?

COMMISSIONER CARON: That's really what I was focusing on.

CHAIRMAN STRAIN: Okay. On your third line, it says, Immokalee urban area to eliminate unnecessary regulations that are duplicative to federal and state provisions.

Just out of curiosity, are our regulations -- we're allowed to have greater standards than the feds, or are the feds the maximum standards?

MR. MULHERE: Well, I don't know if I can answer that unilaterally. I think -- don't know the answer to that question. Some cases I think that you cannot. Like if you're talking about a constitutional right, like a Fair Housing issue, you can't prohibit a certain use.

CHAIRMAN STRAIN: No, but if they say, for example, you've got to have so many bathroom fixtures for a number of bedrooms and we have a standard that says you've got to have one for every bedroom, we actually have a better standard than them, can we increase the standards or do we have to go by their minimums?

MR. MULHERE: I would think that you would be permitted -- I don't know the answer for sure. My opinion is that you would be permitted to have more stringent standards. Maybe I would defer to staff on that.

CHAIRMAN STRAIN: Okay. Well, David, do you know anything about that?

MR. WEEKS: I would be looking to the attorneys, probably. But I know in general the county can be more restrictive but not less so.

CHAIRMAN STRAIN: Okay. I was just curious. Federal rules seem to have a different level of power, especially when we come to the Right to Farm Act and things like that, so I didn't know if we --

MR. MULHERE: Yeah, it depends if it's a protected kind of a use and they don't want the local government to have authority.

CHAIRMAN STRAIN: Yeah, it doesn't -- the question just came up when I was reading the unnecessary regulations, and I'm wondering why we would have any, but I understand. We have quite a few.

2.1.2.? Go ahead, Jeff.

MR. KLATZKOW: No, it depends. It's sometimes whether the state or the federal get involved and their particular statute preempts us and sometimes it doesn't. If it preempts us, that's the end of it. If it doesn't preempt us, we often have latitude to have more stringent requirements. And we have more stringent requirements in this county on many things.

CHAIRMAN STRAIN: I agree with you.

MR. MULHERE: I would say that if there was a desire to put this in the code, that means that there probably is not preemptive language.

CHAIRMAN STRAIN: Okay. Well, I mean, I don't see what it hurts to be there, I was just curious.

Policy 2.1.2. Anybody have any questions on 2.1.2?

(No response.)

CHAIRMAN STRAIN: Okay, Objective 2.2.

COMMISSIONER MURRAY: Yeah, I have a question.

CHAIRMAN STRAIN: Go ahead, Mr. Murray.

COMMISSIONER MURRAY: This is my ignorance speaking here. We speak of shall promote the conservation.

MR. MULHERE: Could say retention.

COMMISSIONER MURRAY: Oh, I'm not looking for other words. I'm just trying to understand

conservation, how Collier County can promote conservation in Immokalee neighborhoods. I know that they have code enforcement that can cite them for code violations, but how does the county get involved in conservation of the homes?

We have clauses that say that the county will not interfere with neighborhoods and PUDs and things.

MR. MULHERE: Okay, so some of these are existing objectives that we didn't write that we carried over from the old plan. This is one of them.

To answer your question the best that I could provide a response is that some of the efforts that the county would undertake to stabilize a neighborhood, to improve a neighborhood, to make a neighborhood more safe, to clean up a neighborhood, all of those efforts in concert will help to conserve the housing by retaining and attracting people to that existing neighborhood.

COMMISSIONER MURRAY: You like stretches, I like stretches. I'll go with your stretch.

CHAIRMAN STRAIN: Okay, we move into Policy 2.2.1.

Paul?

COMMISSIONER MIDNEY: I just had a question about the funding for that. Is that going to be something that's going to cost extra money, or does the county have money for something like that?

MR. MULHERE: Are we talking about the targeted redevelopment areas?

COMMISSIONER MIDNEY: No, do an inventory, update the inventory to identify. The last --

MR. MULHERE: Yeah. No, I see that.

I would propose, if you look at my language, to strike through that within two years of adoption and to go with the standard language that we've proposed which simply says subject to Policy 1.1.1, because --

COMMISSIONER MIDNEY: That's fine.

MR. MULHERE: -- you know, it would cost something and I don't know if there's funding. It's something that needs to be done. Why have a study that we don't update, you know.

CHAIRMAN STRAIN: Right.

Anything else on 2.2.1. Bob --

MR. MULHERE: I just want to say, the nexus behind that -- I apologize. The reason that it's important in part to do it, so much has changed since 2004 in terms of affordability, in terms of need. And so we don't want to follow a set of facts that no longer apply in terms of assessing resources to an issue. If there's more than adequate supply of affordable housing, then we should be looking at something else to expend our resources.

COMMISSIONER MIDNEY: Yeah, that's very true. And I know Farmworker Village right now is half empty because of just --

MR. MULHERE: So that update is kind of important.

MR. WEEKS: I would just echo that from a different perspective and that is that since Hurricane Wilma came through in 2005, I suspect some of the houses that might have been on that inventory at that time may not even exist or some that were in decent shape before may now be eligible to be on a list such as this.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: On that same policy, Bob, on the second line you refer to frequent occurrences. What is a frequent occurrence?

MR. MULHERE: You know, I don't really have a definition for that. Frequent occurrences of substandard structures, vacant parcels or groups of vacant parcels in areas where issues of compatibility between land uses exist.

You know, I'm sure that that phrase was intended to refer to the number of code enforcement or safety citations as it relates to substandard structures. But I don't know what number would associate with frequent.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: So maybe that needs to just come out and just say occurrences of.

CHAIRMAN STRAIN: That's fine. I think ambiguous words like that cause problems down the road for interpretation --

MR. MULHERE: I agree.

CHAIRMAN STRAIN: -- that's the only reason I pointed it out.

MR. MULHERE: I agree.

CHAIRMAN STRAIN: You took out the conflicting land uses, because that was another one. And that's it on that.

Anybody else on 2.2.1.?

(No response.)

CHAIRMAN STRAIN: How about 2.2.2.?

COMMISSIONER MURRAY: I just --

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: My question is what do we do today? We're speaking annually. What is our program today?

MR. MULHERE: Well, I'm proposing to strike through annually, first of all, because I don't know that it has to occur annually. I mean, that was there. But if you look on the screen, I'm going to strike --

COMMISSIONER MURRAY: I see it now on the screen. I was looking at my book. Okay, that answers my question then, because I --

MR. MULHERE: Because this certainly could be biannually or --

COMMISSIONER MURRAY: Yeah. Okay.

CHAIRMAN STRAIN: Okay, next one is 2.2.3. Anybody have any questions on 2.2.3.?

MR. MULHERE: I have a comment.

CHAIRMAN STRAIN: Okay. On your own? Okay. Oh, you wiped it out, good.

MR. MULHERE: Yeah. Based on the new goal one and the new policies related to that, to me this is no longer necessary.

CHAIRMAN STRAIN: I would agree with you.

MR. MULHERE: So I get one checkmark for eliminating one thing here.

CHAIRMAN STRAIN: So that just -- now, do your fees -- do you go negative on your fees --

MR. MULHERE: We're already negative.

CHAIRMAN STRAIN: -- when you start taking stuff out?

MR. MULHERE: We're way negative.

CHAIRMAN STRAIN: Okay, Policy 2.2.4. Any questions?

COMMISSIONER MURRAY: Yeah.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Collier County will update its program. And my statement that I wrote down, to achieve what, exactly? For the repair, removal or replacement of substandard housing units. Well, that seems to be what you want to achieve.

MR. MULHERE: Yes, that is what the program is intended to achieve.

COMMISSIONER MURRAY: It's going to update its program.

MR. MULHERE: You know, that directly relates to the inventory, you know, how much needs to be repaired, removed or replaced.

COMMISSIONER MURRAY: Well, I guess the question there is the word update. If something is continuous, then you don't have to update it. It's constantly being updated in the sense that I see this, it suggests that you want to do it at some period.

MR. MULHERE: I would suggest, for what it's worth, that this is very directly related to the statement at the end of Policy 2.2.1., which requires -- which says that the county will review the 2004 Immokalee housing condition inventory to determine if the findings of the inventory are still valid, and update the inventory to accurately identify and target redevelopment areas.

COMMISSIONER MURRAY: Well, that's a better phrase.

MR. MULHERE: Well, and I'm just saying maybe this could be combined with that, because really the next thing is also to provide funding to improve those.

COMMISSIONER MURRAY: Yeah.

MR. MULHERE: So if you would agree, I would be able to combine --

COMMISSIONER MURRAY: That would be my view.

CHAIRMAN STRAIN: I think the more you combine, the less policies we have, the better it's going to be to read this in the future, so --

COMMISSIONER WOLFLEY: Okay, was that -- is that the direction we're going? Because I was going to say periodically update.

CHAIRMAN STRAIN: Well, I think he's going to combine the two.

COMMISSIONER WOLFLEY: Good.

MR. MULHERE: I like that, though.

CHAIRMAN STRAIN: Okay, 2.2.5.? Paul?

COMMISSIONER MIDNEY: Is this going on now, 2.2.5., or is this a new policy? Because I've never heard of this happening now. It would be great. I know a lot of people who are losing their housing and they don't have anyone that's helping them.

MR. MULHERE: I don't know if it's occurring. It's not exactly a new idea or a new concept. I believe it has in the past occurred from time to time when circumstances warranted. Obviously it was going -- in some cases it was private entities that were doing a lot of this work.

COMMISSIONER MIDNEY: Right, I've never heard the county getting involved with it. It's nice.

MR. MULHERE: That's why it says coordinate with local nonprofit social service organizations.

COMMISSIONER MIDNEY: That's all.

MR. MULHERE: I think that there could be some funding available through the -- I hate to say it, but --

COMMISSIONER MIDNEY: Block grants?

MR. MULHERE: No, there might be some funding available through the American Recovery Reinvestment Act, I don't know.

CHAIRMAN STRAIN: Policy 2.2.6? Anybody have any questions on 2.2.6?

(No response.)

CHAIRMAN STRAIN: Where you have, shall make every effort, can you use the words, shall make reasonable effort?

MR. MULHERE: You bet.

COMMISSIONER MIDNEY: Thank you.

MR. MULHERE: I put that in there.

COMMISSIONER MIDNEY: I hate that phrase.

CHAIRMAN STRAIN: I do, too.

MR. MULHERE: No, that's a very good qualifier.

COMMISSIONER MIDNEY: And my question on that is isn't that supposedly happening already?

MR. MULHERE: Yeah, it is. But I don't know -- you know, again, I mean, if we don't put stuff in the plan, we're just going to assume that someone's -- that it's happening. If it's not in the plan, you can't make it happen.

CHAIRMAN STRAIN: Would you strike the word every? Shall make reasonable effort. You're not helping us there, Bob.

COMMISSIONER MURRAY: Questionable.

MR. MULHERE: Every reasonable effort.

CHAIRMAN STRAIN: That makes it worse.

Okay, 2.2.6. If we're done there, let's go to Objective 2.3. Anybody?

COMMISSIONER MURRAY: Yeah, my --

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: My question here, I have, my note, seeks an example. Explore innovative programs and regul -- what kind of -- I just want to understand the thinking process.

MR. MULHERE: I guess the thinking process there is that maybe not every single embellishment that's required for a residential development in coastal Collier County should also be required driving up the cost for an affordable workforce housing project in Immokalee.

So, I mean, I can use examples, but I hate to pick on one example. I mean, maybe it's -- you know, maybe it's you don't need as much parking because you have more people who are using transit and bicycles and walking, if the project is proximate to employment.

So maybe you don't need as much interior landscaping if you, you know, do appropriate external landscaping keeping the co -- I mean, the whole thing is that these -- you have to evaluate what's required to see if the cost translates to a benefit to the community when weighed against the impact to providing affordable housing. And that's what the effort is.

COMMISSIONER MURRAY: Okay.

CHAIRMAN STRAIN: Okay, 2.3.1. Anybody have any questions on 2.3.1?

(No response.)

CHAIRMAN STRAIN: How about 2.3.2?

COMMISSIONER MURRAY: Yeah.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: My comment here is, and do what? Determine incentives to determine the effectiveness of existing provisions and whether additional incentives are necessary or desired.

And do what?

MR. MULHERE: Well, I guess it's implied. And if they are necessarily your desire, they would be adopted in the land code, or wherever they need to be to become effective.

COMMISSIONER MURRAY: To determine the effectiveness of existing provisions. That's a whole study in itself. What is staff's position on that?

MS. VALERA: Well, in terms of determining the effectiveness of the policy, we do that through the EAR, through the Evaluation and Appraisal Report. So we do --

COMMISSIONER MURRAY: That's every seven years.

MS. VALERA: Yes.

COMMISSIONER MURRAY: That's a long time between food breaks.

MR. MULHERE: I would propose we change it as we've discussed before so that it now reads Collier County, subject to Policy 1.1.1 will review its affordable workforce housing, including gap incentives, to determine the effectiveness of these existing provisions. And that could be a period right there.

I think it's implied that if they're not effective you're going to do something else.

COMMISSIONER MURRAY: Well, yeah. And then where do we put that, in the code?

MR. MULHERE: The land code provides for the affordable housing bonus. Mostly it provides for the incentives in the land code. I suppose there are some outside of the line.

COMMISSIONER MURRAY: We would relate then in the code directly to Policy 2.3.2 and we would stipulate some characterizations?

MR. MULHERE: Well, I mean, what you have in the code is you have mostly density bonuses that are available to incentivize workforce -- affordable workforce housing and/or gap. You know, it's probably a little bit of a difficult exercise right now because of the current economic conditions. The need is diminished because things are more affordable.

COMMISSIONER MURRAY: No, I can see further than that, and I'm --

MR. MULHERE: So I don't think in the next few years you're going to be able to have an accurate -- when things begin to change again and affordability isn't an issue -- and maybe it still is an issue for certain segments of the population, I don't know the answer to that. That will be part of this analysis.

COMMISSIONER MURRAY: All right.

CHAIRMAN STRAIN: Bob, isn't that policy already more or less addressed in the housing element in a sense that we have a goal for a number of affordable houses to be produced on an annual basis and we're supposed to review that goal on a regular basis? I thought -- wouldn't this already be addressed there? Have you checked?

MR. MULHERE: I think to a degree it would be. I guess maybe the idea was that this would be more Immokalee specific.

But I do agree with you that that probably is. There are already some policies that are Immokalee, like by right zoning to increase the likelihood of getting affordable workforce housing in Immokalee.

So I think you're right. If it's not expressly stated, it's certainly implied that if you have an objective to attain a certain number of affordable workforce housing units, that you've got to look at how your -- what policies you're using to attain them and whether they're effective.

I don't know if it expressly states that as it does here, but I think it's certainly implied in the housing element, and I think we could eliminate this one.

CHAIRMAN STRAIN: David, do you see any -- or Carolina. Doesn't matter one way or the other to you guys?

MR. WEEKS: No.

CHAIRMAN STRAIN: I don't mind leaving it in, just as long as there's not a problem, that's all I raised the

question for.

Okay, let's move on to goal three and Objective 3.1. Anybody have any questions on Objective 3.1?

(No response.)

CHAIRMAN STRAIN: If not, we'll move into 3.1.1.

COMMISSIONER MURRAY: 3.1.1?

CHAIRMAN STRAIN: 3.1.1 on Page 30 of our document.

COMMISSIONER MURRAY: Yeah, I --

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: I'm looking at it.

It's more to staff, I suspect. I presume consultation with the Parks and Recreation organization occurred, and they have no objection to an Immokalee specific component.

MS. VALERA: I'll say that to the extent that they had reviewed this plan, yes. And they did comment that they had no comment regard to the -- what's proposed in the amendment.

COMMISSIONER MURRAY: Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Carolina, along that same line, if we provide an Immokalee specific component to the parks and community regional park master plan, basically we have a component of Parks and Rec now that tell the parks and the status and where they're planning to spend money throughout the entire county. Immokalee's in there along with every other part of the county.

What is the goal, what do you see you're getting out of this more than what's already there now?

MR. MULHERE: Oh, I mean, I can answer that.

CHAIRMAN STRAIN: Good.

MR. MULHERE: I mean, the community is very, very different. The demographics are very different. And their needs are very different from other parts of Collier County. I think Penny can speak to that issue.

CHAIRMAN STRAIN: Bob, I'm not saying they're not. What I'm trying to say is aren't their needs taken into consideration in the planning of parks now?

MR. MULHERE: I don't want to speak on behalf of the community, but I guess the community felt it was important to have a policy that expressly required that they do that.

CHAIRMAN STRAIN: But don't they do it now?

COMMISSIONER MIDNEY: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER MIDNEY: I would agree with you, I think that I haven't heard people saying that we're not getting the parks, that the county's not cooperating. I questioned this myself.

MR. MULHERE: Okay. And it's also an existing policy, but that doesn't mean that we couldn't take it out.

CHAIRMAN STRAIN: But Bob, see, when we go through the parks element in the AUIR, for example, and then all the other times we look at it, they list all over the county, they list 40 -- however many parks they have. They list all the facilities in each one. They list why and where they think the ones need to be expanded.

And I'm just wondering, so you got all this in a master list. And so now you're going to go into that master, you're going to take them out that apply to Immokalee and stick them in another list over here that's going to be treated the same way as the master list. Why are we doing that --

MR. MULHERE: Well, no, it would --

CHAIRMAN STRAIN: -- what does it gain from the exercise?

MR. MULHERE: It would be something different than that. You'd have a -- you have the community and regional park master update. Master plan, which is updated. And within it you would have a certain segment, it could be even a few of paragraphs, that specifically address the unique needs of Immokalee as it relates to community and regional parks. That could include that maybe there's more -- less need for parking or more need for soccer fields there than elsewhere. That could mean that they don't need tennis courts as much as they need facilities for youth activities. I mean --

CHAIRMAN STRAIN: You're saying they can't do that now?

MR. MULHERE: No, I'm not saying they can't.

CHAIRMAN STRAIN: Okay. Mike, did you have something you wanted to --

MR. BOSI: Mike Bosi, Comprehensive Planning.

Just wanted to add, you're correct, you know, the county has a level of service standard that applies county-wide, it's not geographic specific. Parks department does have a community outreach program where they do solicit input from the geographic area that they're trying to service for the parks or planned parks.

With that being said, I can't see Parks and Recreation having a problem having this component, because it's being done already.

And one of the things that we've encountered a number of times during the hearings today, we've been reminded this stuff is -- some of these aspects are being done already. And I guess from the perspective of the Immokalee Area Master Plan and the visioning committee, they wanted to put the idea out that yes, there may be activities that are currently going on, but they want to focus their attention specifically to the Immokalee community. I guess that would be my only statement going into some of these redundancies that are contained within the master plan.

CHAIRMAN STRAIN: But Mike, that's no different than what every other part of the county wants. I mean, I can tell you right now, Golden Gate Estates, we certainly would like different things looked at than the way everything's looked at in Collier County. I'm sure East Naples has elements that they want to see looked at differently for their community than other parts of the county.

So if that's the case, then that's no problem, let's create specific components for all parts of the county and have separate sub-elements for everyone.

MR. BOSI: Well, we have a Golden Gate Master Plan where those specific individual dictates or desires are expressed within that master plan.

And that's why the one thing I saw from the applicant's perspective, that it was appropriate, because this is the master plan for Immokalee, to put ideas that maybe are redundant but they are -- this is their vision. This is the vision for the community that they're expressing. So even though it's being done, they want their vision unique to Immokalee to be expressed in that manner.

And that's -- I mean, the elimination doesn't stop the county from doing it, you're correct. And that was just the perspective I had from purely a master planning exercise. And I understand you're getting into the specifics of the policy, and the specifics of the policy in your best interest are eliminating any redundancy within the process.

CHAIRMAN STRAIN: Adding more layers upon layers upon layers just doesn't seem to be as effective from my perspective.

Ms. Caron, and then Mr. Murray.

COMMISSIONER CARON: Well, I think if we look at the current Immokalee Master Plan, you're going to see that -- well, and let's just ask if this has happened. It says in Policy 4.1.1, in accordance with Objective 3.1 and subsequent policies of the recreational and open space element, the County Parks and Recreation Department shall by 2010 develop a community and regional park plan.

Has that been done?

MR. MULHERE: I believe it has been done.

COMMISSIONER MIDNEY: I think it's been done.

COMMISSIONER CARON: Okay. So --

MR. MULHERE: So this is an ongoing effort to make sure that when that gets updated that the same considerations occur.

And by the way, I don't (sic) want to put on the record, I'm in no way insinuating that Parks and Recreation is not evaluating the unique needs of the Immokalee community. Because I am sure they are. I doubt that anybody as a Parks and Recreation professional wants to build something that people won't use. I seriously doubt that.

I'm just -- I mean, you know, you have an existing policy that called for the creation of a community and regional park master plan. That's been created. Now that will be updated from time to time. This policy says -- it said 2010, but I've revised it to say the next update, it probably should say next and subsequent updates, that there be an Immokalee specific component. And that's really I think what the community wanted to ensure, that their priorities were being addressed as part of that master plan process.

So while there's a community and regional park master plan, I don't know that it has an Immokalee specific component. In fact, I think it does not.



CHAIRMAN STRAIN: Mr. Murray, then Mr. Wolfley.

COMMISSIONER MURRAY: I'm not trying to beat a dead horse here, but --

MR. MULHERE: Yeah, I don't want to either.

COMMISSIONER MURRAY: If you relate the issue to Policy 3.1.2, it really brings into focus what the intent is. We make an Immokalee specific component and then the community will talk about placing parks in the most densely populated urban areas. And access by majority of residents.

I guess what I'm really saying is I brought it up because I thought it was going to create another list and somewhat of a contradiction to what is currently the means by which it's now evaluated. Parks and Recs evaluates its needs.

MR. MULHERE: I guess I would say look, I'm sure that they're already doing this. And I think that again, I'm just -- not to be redundant or beat a dead horse, I think the community wanted to make sure that there was a policy that they could call attention to that said that it would get done.

You know, I think no one's going to object if you want to take it out because it's deemed to be redundant.

COMMISSIONER MURRAY: Well, I'm not always eager to just simply take something out. I'm trying -- like the rest of us try to craft something that's really effective.

I can live with Immokalee's specific component. I was just concerned with what we see at the AUIR and whether or not that's going to carve out another issue.

MR. MULHERE: You know, I think maybe we need to look at some of these things from another perspective. I understand we're looking at the perspective of is this duplicative, is it already getting done.

There are other reasons for having policies in a comp. plan, which I've tried to express here on several comment points. And one is that the community desires to have that policy in there. Just that very reason alone, whether it's being done or not being done.

And the second one is that having that policy in there does create an opportunity to hold someone's feet to the fire to ensure that it's happening. Not that it's not happening now, but what happens five years from now when there's different staff and different people and different decisions and different economic conditions?

And also, I think it provides opportunity for grant opportunities from Immokalee specifically. If you have a comprehensive plan policy that supports that, you might be able to use that to acquire funding from other areas because it's in the policy.

So there are a lot of reasons I think to have these policies in here. I'm not trying to defend whether or not it's occurring and I'm not trying to point fingers to suggest that it's not occurring right now, because I think that would be inappropriate. Because I believe it is occurring.

CHAIRMAN STRAIN: Mr. Wolfley, then Mr. Midney.

COMMISSIONER WOLFLEY: And I'm not trying to be flippant. I don't understand the sense of any of this. What is an Immokalee specific component in the park? I mean, swings are swings, soccer fields are soccer fields, basketball hoops are -- I mean, you know, courts are basketball courts.

And again, I spend an awful lot of time in Immokalee, I drive all over there for a number of reasons, and I still don't get it. I mean, I'm not being insensitive, I just don't -- I don't get it.

MR. MULHERE: I guess I don't know -- you know, the only thing I can continue to iterate and, you know, maybe this is not fruitful, we should just remove it.

COMMISSIONER WOLFLEY: Well, not just that --

MR. MULHERE: Community and regional park master plan needs in Immokalee are different from community and regional master plan needs elsewhere in Collier County.

COMMISSIONER WOLFLEY: How?

MR. MULHERE: The population, the demographics are completely different, the types of facilities are different that they want.

COMMISSIONER WOLFLEY: Okay, what is different? What's a component that --

MR. MULHERE: It's a much younger community. They don't probably require as many bocce ball courts.

MR. WEEKS: Shuffleboard.

COMMISSIONER WOLFLEY: Do we have --

MR. MULHERE: Or shuffleboard.

COMMISSIONER WOLFLEY: -- bocce ball courts in --

MR. MULHERE: Yes, we do.

COMMISSIONER WOLFLEY: -- in parks? I don't even know what it is, but --

MR. MULHERE: I'm sorry, I'm trying to --

CHAIRMAN STRAIN: No, that's okay. We've got other questions and comments. So let's just move through everybody -- oh, Penny, do you have something you want to contribute?

MS. PHILLIPPI: I do want to say one thing. You know, by education I'm a cultural anthropologist, which kind of gives me a whole different look at things.

And our population is 90 percent Hispanic, Central and South American people. And one of the things that they look for when they come to Immokalee is the plaza, the Zocalo, whatever you want to call it, the center of town where there's music or celebrations or those kind of things.

And as you saw in our public realm plan, one thing we absolutely knew we had to have were two plazas, two bookend plazas that would be gateways -- not only gateways into the community but traffic slowing devices that would address some of those safety things that we talked about earlier.

We've already -- I mean, we're about to close on the land on Ninth Street to build the Ninth Street Plaza where we can actually have an amphitheatre, quinceaneras, events that we can't currently do because we don't have adequate space to do them in. And we're in negotiations for the First Street Plaza.

So these kinds of things are very unique to Immokalee, because that's the nature of the town, the community, the pueblo, as some people call it.

So -- and the other thing that we want to do is find small neighborhood lots where we can have small neighborhood parks, which would be normal in any community.

And I want to assure you that the Park and Recreation Department are full partners in these activities. When these plazas are completed, naturally they're the ones who are going to be maintaining them.

But there is a unique quality, and Bob is correct, the average age is 24 in this community. Which you really don't find anywhere else in Florida, little lone the rest of the county.

So, I mean, any given day if you're in Immokalee you can see young people playing soccer by the hundreds. It's not small numbers of people. Or many young women pushing their strollers or young couples strolling down the road. It's a young, vibrant community that looks for those kinds of active parks, interactive kind of parks.

So what's unique about Immokalee I think is the ethnicity and the age, particularly. Thank you.

CHAIRMAN STRAIN: Maybe -- Paul, did you have something you wanted to --

COMMISSIONER MIDNEY: Yeah, I would be in favor of removing 3.1.1, because I think 3.1.2 and 3.1.3 do the same thing, but they state it much better.

CHAIRMAN STRAIN: Okay. And I -- Bob, I've got another comment on it.

Right now in our AUIR and all the rest of the planning we do, Immokalee's parks are listed in some kind of order; I think it's mostly alphabetical or something like that, depending if they're community or regional.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: And they're lumped into the overall budget.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: This proposal would take them out, isolate them and show them as a separate grouping, with most likely a separate total dollar impact. And when that total dollar impact is seen in context, standalone by itself compared to the rest of the county, I'm not sure that the same frame of mind will stay in place as far as a quality of distribution of funds as it does when they're mixed in with 40 other parks and their share in their total threshold is not as, say, blatantly put forth. I'm not sure this will help you get more --

MR. MULHERE: Well, let me --

CHAIRMAN STRAIN: -- funding. It may end up saying gee, they're already getting all this funding, it may hurt, so --

MR. MULHERE: I understand. That certainly wasn't our intent, and we didn't think that this necessarily even really required that there be some sort of separate funding calculation. All -- the purpose of that was to make sure that there was an Immokalee specific review of regional and community parks to make sure that the community's needs were being addressed. Why spend money on things that, you know, aren't appropriate or desirable.

So I'm not arguing. I think you bring up a good point. I have no objection -- you know, it's been a long discussion. I think Commissioner Midney's point is that probably 4.1.2 and 4.1.3 do as much to achieve what I'm

suggesting we want 4.1.1 to achieve, or 3.1.1 to achieve. And it could come out in that respect, you know.

CHAIRMAN STRAIN: Okay, I think that would be a better idea. I think your 3.1.2 and 3.1.3 will -- well, plus the rest of these, this whole section pertains to parks, so let's just move on with the rest of the park discussion.

Priority park sites. Anybody have any questions on 3.1.2?

(No response.)

CHAIRMAN STRAIN: Now, the last part of 3.1.2 --

COMMISSIONER MIDNEY: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER MIDNEY: Just a comment. Right now there are no trails, let alone a network of trails. So I think it's inaccurate to say expand the network of parks and trails.

MR. MULHERE: That's on --

CHAIRMAN STRAIN: Where are you at? Oh, you're on 3.1.4.

COMMISSIONER MIDNEY: Yeah. Oh, we haven't got there yet?

CHAIRMAN STRAIN: No, I'm still on 3.1.2.

COMMISSIONER MIDNEY: I'm sorry.

CHAIRMAN STRAIN: I'm just taking them one at a time so we make sure we catch everything.

The only question I had on 3.1.2 is not a question, it just isn't that last sentence something that you're trying to do through that realm plan as well, right? On 3.1.2. Well, identify locations for public plazas, greens and --

MR. MULHERE: We did identify two locations through that, yes. And the ones that Penny referenced --

CHAIRMAN STRAIN: And that's the kind of thing you're trying to do, is that --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Yeah, good.

MR. MULHERE: And, you know, just real quick, those two plazas, they're going to be beautiful and they're going to be critical to the whole redevelopment and redesign of downtown Immokalee. But they're not community or regional parks. The other policy dealt with community and regional parks.

They might take away or satisfy some of the needs that might typically be provided in a community of regional parks, such as gathering places, places for quinceaneras and all those kinds of things.

I just wanted to make sure that it was clear that they're really two different things. Those are kind of like a hybrid, they probably function more as a public place neighborhood park.

CHAIRMAN STRAIN: Okay. Well then if this policy says that Collier County will prioritize those parks --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- and then at the end you skip down to the end and, the CRA will identify locations for public plazas and greens and urban parks. But they're not park sites then, right?

MR. MULHERE: Well, they are park sites. They are publicly owned and -- they'll probably be maintained by Parks and Recreation, so I would say that they are.

CHAIRMAN STRAIN: So the public plazas that are in the realm plan that are going to be completed --

MR. MULHERE: They'll be public --

CHAIRMAN STRAIN: -- will be parks -- will be maintained by the Collier County --

MR. MULHERE: I would think to.

CHAIRMAN STRAIN: -- park system?

MR. MULHERE: In most places that I know of, a pocket park is still a park.

CHAIRMAN STRAIN: I'm not objecting, I'm just curious as to has anybody -- since you're already underway with that, has all that been approved by the board for budgeting and maintenance and operations and cost?

MR. MULHERE: No.

CHAIRMAN STRAIN: I'm not -- again, I'm not saying no, I'm just saying has anybody approached the board to say when you buy this -- since you're buying the land and you're going forward with this, has all that cost analysis been done?

MR. MULHERE: You mean the maintenance cost?

CHAIRMAN STRAIN: Well, you just said they're going to be maintaining it.

MR. MULHERE: I would assume they would be. I mean, maybe that decision hasn't been made. I'm going to have to defer to Penny on that. I don't -- you know, maybe that decision hasn't been made.

MS. PHILLIPPI: The initial park on Ninth Street is coming forward to the board very shortly, either late February or early March. So they have seen them and they like them. Have they approved their construction yet? No.

CHAIRMAN STRAIN: Okay. And then the money for the construction -- well, I guess that's irrelevant. You guys are -- that's just going to be worked out with you and the board and funding with CRA.

MS. PHILLIPPI: Well, and funding through grants and things like that, yes.

CHAIRMAN STRAIN: That's not a -- yeah. Okay, thank you.

3.1.3 is community input. Any comments on community input?

(No response.)

CHAIRMAN STRAIN: Now, I had a little note on here, what does this mean? Collier County will solicit community input to ensure provisions of adequate facilities to address the demographics of the Immokalee area.

MR. MULHERE: Perhaps adequate is not the correct word. Maybe it should be appropriate.

CHAIRMAN STRAIN: How did you --

MR. MULHERE: I don't think it's a question of adequate facilities, I think it's a question of what facilities.

CHAIRMAN STRAIN: Appropriate facilities?

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Probably be better.

3.1.4, does anybody have any questions on 3.1.4?

COMMISSIONER MIDNEY: That was my question.

CHAIRMAN STRAIN: Why don't you repeat it again.

COMMISSIONER MIDNEY: Well, it talks about expanding a network of parks and trails. As far as I know, we don't have any trails, let alone a network. So I think we're talking about creating instead of expanding.

MR. MULHERE: Well, you have parks, though.

COMMISSIONER MIDNEY: Yeah, but no trails that I know of.

CHAIRMAN STRAIN: So expand and create -- and/or create the network of parks and trails?

COMMISSIONER MIDNEY: When you're talking about connecting the recreation areas throughout the community, I can't visualize how that would be.

MR. MULHERE: You -- I mean, it could be a sidewalk too that doesn't exist. Or a bike path and a sidewalk that doesn't exist to connect to public recreation facilities.

COMMISSIONER MIDNEY: Okay. Change then to create instead of expand.

MR. MULHERE: So I think maybe it would say Collier County will expand the network of parks -- but you do have sidewalks connecting things.

COMMISSIONER MIDNEY: I don't think a sidewalk is equivalent to a trail.

MR. MULHERE: No, and I think that's where we're having the confusion. Because it may not be a trail, it could be a sidewalk connecting two facilities. So will expand and provide --

CHAIRMAN STRAIN: Well, just take the words "trails to" out. And connect to recreation areas throughout the community.

COMMISSIONER MIDNEY: That's better.

MR. MULHERE: Right. That's it.

CHAIRMAN STRAIN: Okay. Policy 3.1.5, anybody have any questions on 3.1.5?

(No response.)

CHAIRMAN STRAIN: The prior policy in 3.1.5 and the next one all start talking about this Immokalee Capital Improvement Plan. What is that going to be like, Bob; do you know?

MR. MULHERE: What is it going to be like?

CHAIRMAN STRAIN: Because it doesn't exist today, right?

MR. MULHERE: Right. My -- I believe what we think that it will be like is to take all of the category A capital facilities and identify the capital needs in Immokalee for those, and then prioritize those, and then submit that to the county for consideration as part of the county's capital improvement.

CHAIRMAN STRAIN: So now we're going to have an AUJR with another -- I shouldn't say the word element, but another chapter of it that will have a separate --

MR. MULHERE: Well, I mean, I guess I look at it differently. Is there anything wrong with this community identifying what they believe their capital needs are and providing that to you all for your decision-making process?

CHAIRMAN STRAIN: No, I'm just trying to figure out the --

MR. MULHERE: No, I know, and that's what I'm saying. To me it's a good thing, I think.

CHAIRMAN STRAIN: Right. But we already have a capital improvement plan.

MR. MULHERE: Right. This would not replace that.

CHAIRMAN STRAIN: Will it supplement it?

MR. MULHERE: It should be a factor in consideration of the prioritization of that county-wide capital improvement plan.

CHAIRMAN STRAIN: Okay. So when we review the AUIR, what will we see? Will we see --

MR. MULHERE: You'll see a report that says here are the capital improvement needs for --

CHAIRMAN STRAIN: Immokalee.

MR. MULHERE: -- for Immokalee and a prioritized list of those needs.

CHAIRMAN STRAIN: Okay. Now, you really think a report in the AUIR that shows the expenditures county-wide and how much is going to go separately or needed by Immokalee is going to help you get more of the budget?

MR. MULHERE: I think it helps show what the needs are and then, you know, there's a prioritization.

CHAIRMAN STRAIN: Well, I mean, I -- if the community wants this, that's fine --

MR. MULHERE: But here's another --

CHAIRMAN STRAIN: -- I think you're shooting yourselves --

MR. MULHERE: -- component.

CHAIRMAN STRAIN: -- in the foot, but --

MR. MULHERE: I'm sorry, I didn't mean to talk over you there. I apologize.

CHAIRMAN STRAIN: If the community wants this, that's fine. But in some ways I think they're shooting themselves in the foot, but that's --

MR. MULHERE: Well, there is another component to this.

CHAIRMAN STRAIN: Mr. Klatzkow, then Mr. Murray.

MR. KLATZKOW: It's almost like we're creating a shadow comprehensive plan within the comprehensive plan. I mean, I could understand if Immokalee wanted to incorporate itself why we'd have all this stuff in there, but they either are incapable of because of finances or don't want to for other reasons. So you're creating a shadow plan within a plan. I mean, I don't know what an Immokalee Capital Improvement Plan is, I don't know what Immok -- I don't know what a lot of this stuff is. I don't know why you have to have a separate Immokalee parks policy to our comprehensive plan. It's like a shadow comp. plan within the comp. plan, and it's starting to give me great pause here.

MR. MULHERE: Well, I guess I understand that. Or you could say the same thing about an Immokalee Area Master Plan or Golden Gate Estates Master Plan. Why have a separate master plan? You already have a master plan.

CHAIRMAN STRAIN: Well, that's right. And that was to capture the needs of the area. But now we're doing sub plans on top of the sub plan to the main plan. So we're going to have a series of trickled down plans now. And I'm worried about the efficiency of getting government to accomplish any of its goals, well enough ones that are buried so deeply in layers of plans and so isolated that someone says, well, that's Immokalee. If they get a million dollars against their 10 million request, fine. Whereas if they were in the main plan and their requests were brought in under every department lumped in with all the other departments' improvements, they may end up with \$2 million in improvements because they weren't so isolated out and shown to stand alone and say well, they're already getting a million, how come they want more?

I'm not sure it's the best way politically to win your argument, and I don't know if pulling things out and isolating them in this manner is going to help. I'm not trying to hinder, I'm trying to understand if that's really the best thing you all have thought out.

MR. MULHERE: Well, I mean, I can tell you the intent was to be helpful. The intent was to allow this community to work together to identify their priorities and then tell you what those priorities are. So I guess that if that's got some unintended consequences associated with it -- we do have policy -- the new goal that calls for an annual prioritized plan of Immokalee's potential funding implications to the budget, and maybe that is sufficient and would take the place of a separate Immokalee specific capital improvement plan.

CHAIRMAN STRAIN: Well, your Objective 1.1, when you first pulled that up to us earlier today, I thought that was what you really meant by what you previously had stated as the Immokalee Capital Improvements Plan,

because -- and I guess I --

MR. MULHERE: Well, the difference --

CHAIRMAN STRAIN: -- you told me that you wanted both. You're going to have a prioritized plan that you're going to produce, plus you're going to have a capital improvements plan.

MR. MULHERE: Yeah. Well, to me the difference is that capital improvement plan covers a five-year period minimally, could cover even more. So let's say you got a stormwater master plan. I mean, that's a high priority in your capital -- Immokalee's specific capital improvement plan. Well, that's going to cover -- typically a CIP is a five year period. So the other one was a -- this year in the budget process, this is what we see as a priority. So that was the difference between the two of them.

You know, I understand that the county already has a CIP. I didn't write the scope for this, I'm only following the directions of what the community identified as being required. And one of the things that required in my contract is to come up with a capital improvement plan for Immokalee. We could certainly have the discussion with the client that that may not be necessary and, you know, that we consider other options.

CHAIRMAN STRAIN: Well, I mean, we're going to be meeting a couple more days on this. If you and the CRA or you and Penny and others have a discussion that --

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: -- maybe this isn't the right way to go, that's fine, it's --

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: -- up to you. If not, I -- if the staff isn't objecting to it, I'm not. I'm just wondering if it's just the smartest way to go.

Mike?

MR. BOSI: Mike Bosi, Comprehensive Planning.

One thing is, hearing the discussion, it would be very difficult -- our capital improvement program is contained (sic) a level of service standards, and that level of service standards are tied to population that's distributed county-wide.

To develop the Immokalee capital improvement program, I just wonder how that would surface. To me, going back to the suggestion of creating a prioritized list for the CRA to provide to the county government and to the Board of County Commissioners as the kind of the to do list or want list serves as a better process than developing a capital improvement program for Immokalee that it's kind of hard to segment out where the population for -- to satisfy the level of service standards that we have incorporated within our comprehensive plan, how to segment out that Immokalee population and then sort out what are their appropriate levels of service for that population, segmenting out the rest of the county's population.

So I see some discord within that process, but I see the benefit of what -- going back to the first Policy 1.1 of creating that list and putting it forward on an annual basis of the priorities that Immokalee sees. I see that accomplishing the effect of the CIP.

And that might be produced from the Immokalee area CIP. They can do that internally in house, and then based upon that, that could form the basis for, you know, the priorities that Immokalee's going to put forward on an annual basis. So it doesn't cloud it as much, keep it somewhat separate. Just leave that first Policy 1.1 to accomplish the goal and maybe move away from the idea of a formalized recognized within the Immokalee Area Master Plan that capital improvement program.

CHAIRMAN STRAIN: Well, and Bob, I think the best thing to do is --

MR. MULHERE: I --

CHAIRMAN STRAIN: -- have further discussions with your client, and when we talk again, we'll --

MR. MULHERE: We'll do that.

CHAIRMAN STRAIN: -- we'll see where this one should go.

And with that, is there any other questions on 3.1.5?

(No response.)

CHAIRMAN STRAIN: If not, let's move on to 3.1.6. Any comments or questions on 3.1.6.?

COMMISSIONER MURRAY: Yeah.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Third line up. It starts, acquisition may be through outright purchases,

purchase of tax lien certificates. And my comment, don't go there.

Doesn't -- that's more of a legal question, I would think. Doesn't that bring us into some pretty sticky territory?

MR. MULHERE: I don't know.

COMMISSIONER SCHIFFER: Yeah.

CHAIRMAN STRAIN: Brad, or Jeff, whatever.

MR. KLATZKOW: I don't see the value. If they want to acquire it, consider acquiring vacant resident parcels, period. I don't know why you have to say how you're going to acquire it or --

MR. MULHERE: That's fine. We can take that whole sentence out.

COMMISSIONER MURRAY: I would think so. Because --

MR. MULHERE: It doesn't matter how. Whatever the best opportunity is.

CHAIRMAN STRAIN: Okay. Well, I think that's better. That leaves you the more generality that the GMP should be for.

Brad, did you have anymore you wanted to --

COMMISSIONER SCHIFFER: Well, my point is you can't acquire anything through a lien. You can get a tax lien and force it down the steps, but that doesn't mean you're going to acquire it.

COMMISSIONER MURRAY: Just makes it muddy.

CHAIRMAN STRAIN: Okay, we'll move over to Policy 3.1.7, park amenities. This refers to the master plan. And you want to have to remend (sic) that language since 3.1.1. May come back and not use that.

MR. MULHERE: Yeah. I'm not even sure if we need this, if we assume that that's going to get addressed with those other policies.

CHAIRMAN STRAIN: Well, wouldn't park amenities be contingent upon community input, 3.1.3?

MR. MULHERE: Yes. And also 3.1 -- yeah, I guess 3.1.3.

CHAIRMAN STRAIN: And you could combine those. I mean --

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: -- even if you wanted to salvage something out of that, you'd be better off combining the two policies.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Okay. Anybody else on 3.1.7?

(No response.)

CHAIRMAN STRAIN: How about 3.2?

COMMISSIONER MURRAY: I've got a question.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Do we really want to get on board with greenhouse gas emissions reduction? Do we want to create another bureau?

MR. MULHERE: I'll let David answer that.

COMMISSIONER MURRAY: I'm really concerned about that baby. That one gets us into a lot of stuff, so --

MR. WEEKS: Well, under 2008 House Bill 697 we were mandated to do so.

COMMISSIONER MURRAY: So we have to create a bureau of people with expertise in greenhouse gas reduction?

MR. KLATZKOW: But you don't have to put it here. I mean --

COMMISSIONER MURRAY: Oh, yes, you do have to have in your comp. plan ways that you're going to reduce --

MR. KLATZKOW: In the comp. plan. But Immokalee, correct me if I'm wrong, is part of unincorporated Collier County. We don't have to shove everything into this.

MR. MULHERE: Okay, that may be. But I'm -- what I'm hearing from DCA is if you don't have methods, then they're not going to find you in compliance. So I've represented my client.

CHAIRMAN STRAIN: But if it's alre -- I think what Jeff is trying to say, it's already in the master comp -- or overall comp. plan.

MR. MULHERE: Is it?

CHAIRMAN STRAIN: I don't know, I'm asking. If it is, then why do we need it here?

MR. WEEKS: The answer is no, it's not. That is one of the items we will have to address during the EAR and then subsequent EAR-based amendments.

CHAIRMAN STRAIN: Is that --

MR. WEEKS: And I think -- excuse me, I think Bob's concern is this amendment is going to DCA before we get to the EAR-based amendments. The -- actually, the timing is that the EAR should be going to the board probably a month or so before this goes to the board -- excuse me, goes to DCA for transmittal. Is that right?

MR. MULHERE: I just think it's in our best interest to try to identify how we're reducing greenhouse gas emissions. And I think staff even requested that we provide this information in the plan.

COMMISSIONER MURRAY: Oh, boy.

MR. KLATZKOW: You know, I'm the one with the lawsuits. When people start firing lawsuits saying you're not complying with the subjective of your comp. plan because you're not doing this for Immokalee, you're not doing that for Immokalee, am I supposed to say that Immokalee's the same as the rest of unincorporated Collier County? I mean, that's my problem with a lot of this.

I mean, by singling Immokalee out saying you've got to do this and you've got to do that, all right, you have separated Immokalee from the rest of the county and you're not going to have the same standards.

MR. MULHERE: But, I mean, that's the whole objective of this. I mean, you have a separate Immokalee area

--

MR. KLATZKOW: But do you really want separate objectives? I understand you want to economically grow. And I understand there are too many regulations on Immokalee. I understand you don't need the same sign code. I understand all that. But you keep throwing different stuff on Parks and Rec, on greenhouse gasses and everything else, and now you've got two separate comp. plans here. There's a difference. It has to be --

MR. MULHERE: I want --

MR. KLATZKOW: -- a meaning why we're saying Immokalee gets this and this and this and this.

MR. MULHERE: I just want to say, I don't disagree with you. I think it would be better to address greenhouse gas emission issues comprehensively in the comp. plan, in the conservation and coastal element and probably in the future land use element. I don't disagree at all.

I think we were asked to include this, number one. Number two, I did have a concern that we might be found in noncompliance if we didn't include it. So those are my two concerns. And I guess if I put them on the record and we take it out and we get found in noncompliance, no big deal, we can address it as part of, you know, the DCA's comments.

CHAIRMAN STRAIN: David, can you address the need for this versus the timing of what -- I thought you just said our EAR is going to be going through a month before this does. And if that's the case and it's in the EAR, then why do we need it in Immokalee?

MR. WEEKS: I think I misstated a little bit; let me back up.

This petition is scheduled to go before the board in May. So DCA should be receiving this most likely sometime in late May, depending on when the board's hearing is. The EAR will not go to the board until its due January, 2011. So several months later is when the EAR would be sent out to the board.

So House Bill 697, which is a state regulation we must comply with, is applicable to the Immokalee Master Plan. And if this master plan is silent to the greenhouse gas emissions issue, I would be concerned that DCA is going to object to that.

Now, here's the question, though, back to Jeff's comment. Is it necessary to state something in the plan, specific GOPs, or can we address the House Bill 697 issue, the greenhouse gas issue, by support materials? And I think we can do it by the latter. That's what we do with other private sector amendments. You know, each of those amendments to the Future Land Use Element, Golden Gate Master Plan you dealt with in the 07-08 cycle, granted, they're a much different animal than this, a whole element, but all of those provided support data as to how they were addressing the greenhouse gas emission issue.

So to sum all that up, it may be that we cannot adopt policy specific to greenhouse gas emissions reduction in the plan and instead provide support materials, for example, showing that this master plan, this set of amendments, will reduce trip lengths, it will result in more mixed use development, those types of things that would reduce greenhouse gasses.

MR. MULHERE: And I think we have it. If we could maybe embellish it, I think we already have it.



CHAIRMAN STRAIN: Okay, well, let's -- Mr. Wolfley, you had a question?

COMMISSIONER WOLFLEY: I was just going to say, I'm being a little bit hesitant to put that in here. Of course about 90 percent of this I'm a little hesitant to put in here.

But regarding all the farm equipment and so on and all the pumps and all the generators and things that put out diesel, diesel type fumes that tend to be a little obnoxious.

But, you know, when I first read this through, and I want to say this now, is that I thought for a moment that Immokalee was seceding from the county. You know, they're creating their own comp. plan amendment here is the way it seemed to me. I'm --

MR. MULHERE: Well, it should seem that way, that's exactly what they're doing, creating their own comp. plan. Actually, they're not creating it, it already exists, they're amending it.

COMMISSIONER WOLFLEY: Well, I guess --

MR. MULHERE: It's true, that's what they're doing.

CHAIRMAN STRAIN: Anybody -- David?

MR. WEEKS: I was just going to suggest, if the Planning Commission is leaning in the direction to what I think Jeff was suggesting on this policy, new Objective 4.2, perhaps we simply delete the last part of the sentence beginning with the phrase "reduce greenhouse gas".

CHAIRMAN STRAIN: Then use the supporting documentation to buffet up why you did that. That might be a simple solution to it all.

MR. WEEKS: And I certainly would agree with Bob, that if the result of being silent to it in the actual adopted GOPs is to receive an objection from DCA, then maybe we reconsider this.

MR. MULHERE: Well, and we might be able to make the argument at that point, and I think that's a good point, that the EAR-based amendments by that time moving through the system do have these county-wide requirements.

COMMISSIONER MURRAY: Could you --

MR. WEEKS: They're not EAR-based --

CHAIRMAN STRAIN: Mr. Murray?

MR. WEEKS: -- amendments but EAR itself, which leads to the amendments, yes.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Could you not just notate in there that to be later adopted in the comprehensive plan of Collier County? And just that, and then provide the supporting materials that you reference rather than -- I mean, I understand his need.

MR. MULHERE: I think that would call more attention to it. I think I'd rather just be silent on it and let them, you know --

COMMISSIONER MURRAY: Well, I'm good with silent then.

MR. MULHERE: Let them --

COMMISSIONER MURRAY: I was trying to --

MR. MULHERE: -- respond and if they do respond I think we have adequate responses that fall short of actually putting it in the -- anyway, I mean, I -- again, I was only -- I think we put that in there because we were asked to and I think also we put it in there because we felt like we might get found in noncompliance.

CHAIRMAN STRAIN: Okay. Well, I think we have a solution to at least part of the issue. Let's move on to the rest.

Policy 3.2.1, anybody have any questions on Policy 3.2.1?

(No response.)

CHAIRMAN STRAIN: Bob, I have a general question. What in that policy is not already done by policy automatically? I mean, where is this -- you're asking for all this issue to be in this document, but isn't that how we currently operate? So why are we restating it here?

MR. MULHERE: Yeah, that's an existing policy in the existing Immokalee Area Master Plan.

CHAIRMAN STRAIN: Well, don't care, I'm still --

MR. MULHERE: No, I understand. I mean, there's a lot of existing policies that we didn't take out because we thought there was a reason why they were there and we left them in there.

CHAIRMAN STRAIN: Okay. But if we're already doing this, and then this is -- well, we already have a

traffic circulation map.

MR. MULHERE: You're right.

CHAIRMAN STRAIN: We have a transportation element. I'm just wondering why we need the policy. It's already in the -- that's what they do, that's what the MPO does. I'm just --

COMMISSIONER MURRAY: If the policy's there, couldn't you just take the underlining out?

MR. MULHERE: No, it's the -- no, we struck through the entire existing Immokalee Area Master Plan because the changes were so substantive that we struck through the entire thing and we underlined the entire new one.

We have included in the backup information a spreadsheet that identified all the policies that we retained. And staff asked us to do that and we did do that. But I'm just -- so I can't remove the underlined, because it's new language. The whole thing's new. But I'm saying it was an existing policy.

Now, I recognize that doesn't mean anything, and, they didn't -- I mean, you know, obviously part of our job is to understand whether it's still appropriate or not appropriate. And we left it there because we thought it was appropriate to call attention to it. But it isn't any different than what's already happening. I agree with the Chairman in that respect. That's what the MPO does, that's what the transportation staff, you know, does in terms of looking at the Future Land Use Map from a transportation perspective, so --

CHAIRMAN STRAIN: I just don't know why we would need to restate an existing policy in effect. It also goes into some prioritization that I'm not sure is consistent with the way the MPO needs to operate. And why would we want to tie their hands by this paragraph?

MR. MULHERE: Yeah, I don't know -- I don't know if that's inconsistent. It's just prioritized by Collier County.

CHAIRMAN STRAIN: These improvements will be -- these improvements, and it's talking to the Immokalee's existing and future major roadway network. And identifies specific roadway improvements needed to implement the Immokalee Area Master Plan. And it's saying the MPO will make those prioritized.

Prioritized over what, the rest of Collier County? And if that's the case, then I thought the MPO's prioritizing based on level of service need and other standards that they've --

MR. MULHERE: Yeah. No, I didn't think it meant prioritized over all Collier County. It just meant prioritized and placed into the Capital Improvement Plan. It's what they're doing now.

CHAIRMAN STRAIN: Well, then for clarity, we probably don't need it.

COMMISSIONER MURRAY: Yeah, it's moot.

CHAIRMAN STRAIN: Unless somebody else has an objection.

Under the 3.2.2, does anybody have any questions or concerns on 3.2.2?

COMMISSIONER MURRAY: Yeah, I have a question.

CHAIRMAN STRAIN: Go ahead, Mr. Murray.

COMMISSIONER MURRAY: In the second line up where it says, are identified, input from landowners and residents will be sought. And my question to myself was public meetings, is that what that means? How do we get that input from landowners?

MR. MULHERE: Well, I mean, it could be in a lot of ways. You could sent them a letter and ask them to comment. I mean, there's --

THE COURT REPORTER: Mr. Mulhere.

MR. MULHERE: Too fast?

We could do it a lot of different ways.

COMMISSIONER MURRAY: But we're not seeking public meeting.

MR. MULHERE: I don't think for this, no.

COMMISSIONER MIDNEY: We sometimes have town hall meetings about things like that.

MR. MULHERE: And the CRA has meetings. They're public advertised meetings, so --

COMMISSIONER MURRAY: You do realize that that can be an expensive proposition, putting in pathways and bicycle paths. So a few people in the community can make a determination?

COMMISSIONER MIDNEY: That's usually how it's done, they put a notice in the paper and say the sidewalk committee wants to meet, anybody who would like to provide input come to the meeting, and the ones who go to the meeting are the ones who get the sidewalks.

COMMISSIONER MURRAY: Well, that's typical of politics. But the question that I would have then, is that

group or that committee, are they an advisory committee to the county?

COMMISSIONER MIDNEY: The one that I went to, it was staff who invited the community to a meeting.

MR. MULHERE: I'm just having trouble following. I know that --

COMMISSIONER MURRAY: Well, we typically like to think that the best way to serve the public is to at least give the public an opportunity to have a say. And I ask a simple question, and are identified; input from landowners and residents will be sought.

Well, I wanted to know how would they be at public meetings. Because it could also be sought by hey, Mary, you know that soccer field that you wanted? I mean, that kind of thing. I guess I'm trying to find out, are we as transparent as we need to be?

MR. MULHERE: I mean, if it makes you feel that -- more specific, we can require some sort of a public meeting. I'm sure --

COMMISSIONER MURRAY: I'm not --

MR. MULHERE: -- that that occurs.

COMMISSIONER MURRAY: I just want to know that we're good on what we're doing, that's all. I don't really want to establish unnecessary stricture, but I do think that it's important that we qualify how we get the input and from whom.

COMMISSIONER MIDNEY: I think in the past we've done things the right way.

COMMISSIONER MURRAY: I'm sorry?

COMMISSIONER MIDNEY: In the past that it has been done the right way in Immokalee.

COMMISSIONER MURRAY: Well, if you're comfortable, you're the man from Immokalee, I guess I can --

MR. MULHERE: Just so we're clear, that the MPO meetings are advertised and open to the public, the pathway advisory meetings are advertised and open to the public, the CRA meetings are advertised and open to the public. I mean, you know, we can be more specific, but it seems to me that just saying that we're going to reach out and solicit landowner and resident input, there's an obligation to do that in an appropriate way.

COMMISSIONER MURRAY: Well, I was thinking of from the context of money and availability of money and prioritization. And, you know, you're talking about plazas and parks and soccer fields which are inevitable and they're very costly and how much money do you all have. And I was concerned with whether or not we're going to get the full and complete opportunity for the public there. And maybe only two people will ever show up. But it's the intent.

MR. MULHERE: Yeah, and my response would be I'm sure we will do that. And yes, it's all priority. There's only so much money and so many improvements you can make. They have to be prioritized.

COMMISSIONER MURRAY: I certainly am not against bicycle or pedestrian pathways. Just you're asking for a lot of things here, that's all.

CHAIRMAN STRAIN: Sir, did you have something you wanted to say? You need to state your name for the record.

MR. MENENDEZ: Yes. My name is Pedro Jesus Ramiro Menendez.

CHAIRMAN STRAIN: Can you --

MR. MENENDEZ: I'm a resident of --

CHAIRMAN STRAIN: Sir?

MR. MENENDEZ: -- Immokalee.

CHAIRMAN STRAIN: You've got to talk much, much slower, and you have to spell your name for this young lady here.

MR. MENENDEZ: Pedro Jesus Ramiro Menendez. I'm a resident of Immokalee.

And yes, we do need the pathways for the pedestrians and the bicycle.

I live in Immokalee, and driving there is very dangerous. People have no place to walk in most of the town. It's no place. Lots of people there. There's a lot of poor people live there. Different farmworkers that they cannot afford cars. And they got bicycles. It's a lot of elderly people there on tricycles. It's not enough pathway for them.

I have lived in other states where they make sure there are enough pathway for the pedestrian and the bicycles to connect all through the city.

You say it's too expensive now. If you don't do it now, it's going to be accidents, people going to get hurt, it's going to cost more to the insurance company, and it's going to cost more in the future. Like if some of the other

programs that we cut because we don't have money now, like it -- I'm just making comparison, they cut programs from the school. They cut down the programs that -- money at the library because no money now. So these kids, they got no after-school program now because we're saving money now. So they can no go to the library and use the computer and read the books because we don't have the money now. But we don't use it -- that money's no use now. In the future those kids are going to end up on the judicial system. It's going to cost a lot more than what we are saving now.

Same thing with the pathways for the pedestrian and the bicycle. We don't build them there, it's going to be a lot of accident. Traffic is increasing in Immokalee. Now with Ave Maria it's going to be more traffic coming through Immokalee.

And these people -- I'm one that I like to walk. And it good for our health too to do some more walking. It's not enough places in Immokalee to walk. It's no safe place to walk or for bicycle.

So you might be saving money now, but in a few years from now it's going to cost you a lot more. It's going to cost the community a lot more if we don't build this pathway now that are needed. The people in Immokalee, they do need it. It's not like -- Immokalee is the poorest area of the county. Unfortunately we don't have enough direct representation there. We have to depend the people here from Naples. The people here in Naples, majority, they are affluent, they got cars and they got good means of transportation. The people in Immokalee, as I said before, it's a lot of poverty there, and people need to work, to go to work, to go shopping and to contribute to the economy of the town there. And we need to avoid all those accidents and we need a safe place for these people to ride the bicycles and work so we can be able to travel easily through the town. Thank you very much.

CHAIRMAN STRAIN: Thank you, sir. Okay.

MR. MULHERE: Mr. Chairman, the intent of this policy is within Immokalee to prioritize whatever funding Immokalee's going to get for pathways. To prioritize the connection, the linkage of existing and future residential neighbors with commercial employment, public service areas and community parks and recreation site. That's --

CHAIRMAN STRAIN: And I don't agree with what you're -- somewhat of what you're saying. Your goal -- I don't disagree what you're trying to get to. I don't think this says that, though.

MR. MULHERE: Well, I added some language. It says --

CHAIRMAN STRAIN: Well, I'm not reading what you added. I told you I can't read that and read this at the same --

MR. MULHERE: Okay, but I --

CHAIRMAN STRAIN: -- time.

MR. MULHERE: -- just want you to know that I did add some language that says related to pathways specifically in the Immokalee urban area. So -- because you're right, I think it could have been read that the prioritization was county-wide, that the county had to prioritize these linkages in Immokalee, and that wasn't the internet.

CHAIRMAN STRAIN: Right.

MR. MULHERE: The intent was whatever funding Immokalee might get towards pathways, let's prioritize this connectivity.

CHAIRMAN STRAIN: Okay. Well, I think that does correct the concern --

COMMISSIONER MURRAY: That's good.

CHAIRMAN STRAIN: -- I was going to bring up with the first sentence. But the last sentence is still -- I want to ask staff, the Collier County five year pathways plan will depict existing and future pathways for the Immokalee community.

Do we depict those for all communities now or no communities now? What are we -- how is this different than anything that's going on now?

We don't have any transportation person in the room.

MR. MULHERE: Oh, yeah, we have somebody that's close.

MR. CASALANGUIDA: I did not take any of Bob's Quaaludes that he offered me earlier this morning. But I will try and speak slowly.

For the record, Nick Casalanguida with Transportation.

We've got an Immokalee walkable communities plan that the MPO had done, which identifies priorities. So we have something, but it's not a five-year plan that's updated on a regular basis. So maybe it's just to say, you know,

updated on the Immokalee walkability plan, master plan.

CHAIRMAN STRAIN: Maybe we ought to reference something that you have so that we're -- and as updated and leave it like that. So that's the correction needed for that last sentence. Thank you, that works.

MR. MULHERE: Is that available? Because we can't seem to get our hands on it.

CHAIRMAN STRAIN: It's what's on my list of items that --

MR. MULHERE: I know that.

CHAIRMAN STRAIN: -- need to be sought yet and --

MR. MULHERE: That's what I'm asking for it.

CHAIRMAN STRAIN: We're getting there.

COMMISSIONER CARON: So would you repeat that? What is the report actually called? The Immokalee --

CHAIRMAN STRAIN: Immokability (sic) Walkability Plan. I think it's the Immokalee Walkability Plan. It will be something like that is what Bob will find.

And there is a reference in here, and I -- it's on Policy 3.2.6, which we haven't gotten to, of the actual walkability study. So we do need that before we can finish all the review of these documents.

Okay, with that, I think that takes care of 3.2.2, and we'll move on to 3.2.3, long-range transportation.

Anybody have any questions on 3.2.3?

COMMISSIONER MURRAY: I have a comment.

CHAIRMAN STRAIN: Go ahead, Mr. Murray.

COMMISSIONER MURRAY: Why did you feel it necessary to put in there subject to available funding? It's always subject to available funding, right?

MR. MULHERE: Okay, I'm going to strike through the two, four lanes, because that might not be the case. So we're just going to say under the first bullet the Florida Department of Transportation in the widening of State Road 82 between I-75 and 29, okay? That just came to me, I don't know.

CHAIRMAN STRAIN: It's those Quaaludes kicking in.

MR. MULHERE: To answer your question -- what was your question? Oh, subject to available funding.

COMMISSIONER MURRAY: Isn't that always the case? I mean, you're trying to make a point there, but I'm not sure that you needed to make that.

MR. MULHERE: Well, we had several sources, I think staff in many cases asked us to put that language in. But also others suggested that you -- you know, you have to have some caveat in there that relates to the ability to accomplish these based on funding limitations.

COMMISSIONER MURRAY: Well, but it says will explore the possibility of accelerating the implementation.

MR. MULHERE: Even that exploration is based on available funding.

COMMISSIONER MURRAY: Well, that may be true, but that's a fact. You just stated it yourself, even that is based on. So I don't know, it seems superfluous to me to put it in there. But if I'm missing something, then that's fine, somebody can straighten it out for me.

MR. MULHERE: I'm not agreeing that it's superfluous, but I'm tired of fighting.

COMMISSIONER MURRAY: We almost got him worn down.

CHAIRMAN STRAIN: You've got two more days to go, at least.

MR. MULHERE: Well, I can get a good night's sleep.

CHAIRMAN STRAIN: Don't get tired yet.

Any other questions on 3.2.3?

(No response.)

CHAIRMAN STRAIN: Bob, in the last sentence it says in particular, county will support and encourage. Then it goes on listing all these routes and roadway and transportation issues.

Doesn't the MPO have a plan in which they are -- which the MPO is Collier County Board of County Commissioners, so don't they already have a plan that they support and encourage as the long-range transportation plan? So what are we trying to do here, circumvent that, or --

MR. MULHERE: They have a plan. This talks about accelerating the implementation of that plan as it relates to those three or four examples.

CHAIRMAN STRAIN: Accelerating it over what?

MR. MULHERE: Just accelerating. If we can find funding moving faster. Not necessarily over anything else, you know.

CHAIRMAN STRAIN: Well, then why -- Nick?

MR. CASALANGUIDA: Those policies -- the MPO is going through the LRPT update this next year. Having those in there only supports some of these projects through the MPO process, it wouldn't hurt us to identify them, so I don't have an issue with that.

CHAIRMAN STRAIN: Okay. So you already know that these are going to be more or less included in that plan and approved?

MR. CASALANGUIDA: They'll be considered and gone through the public process, so at least we'll look for that.

And for the record, Vanderbilt Beach Road extension is needed.

CHAIRMAN STRAIN: He's drawing a line in the sand.

Okay, I just -- if this works for transportation, I guess it will work.

Policy 3.2.4. Anybody have any questions on 3.2.4?

COMMISSIONER MIDNEY: I do.

CHAIRMAN STRAIN: Mr. Midney?

COMMISSIONER MIDNEY: Do we have that Florida Trade Port Parkway on any map? I'd like to know where it is.

MR. MULHERE: I'm going to defer to Nick. I don't -- I think it is on -- I think it is on a map, but I can't --

MR. CASALANGUIDA: No, it's not. It's proposed.

And I have a little issue with this. I mean, again they put subject to available funding. PD&E is a pretty expensive and long process. But if it puts that caveat that it's subject to available funding and approved by the Board of County Commissioners, you know, PD&E study is a pretty long and in-depth process.

MR. MULHERE: I guess just so you know, this would be a significant benefit to provide access to the airport for economic development, so -- I mean, I know we did put subject to funding. At some point this is going to have to happen, you know.

COMMISSIONER MIDNEY: I'd like to at least know where it is.

CHAIRMAN STRAIN: Can you bring that back?

MR. MULHERE: We can bring something back to show you where this is, sure.

CHAIRMAN STRAIN: Okay.

MS. PHILLIPPI: Can I tell them?

MR. MULHERE: Yeah, we can start that way, and then we'll bring --

MS. PHILLIPPI: You know where the -- Paul?

COMMISSIONER MIDNEY: Yes.

MS. PHILLIPPI: Excuse me, Penny Phillippi again. If you know where the TMI building is, it's directly across the street. That whole area has been laid out as the Trade Port.

COMMISSIONER MIDNEY: I don't know where the TMI --

MS. PHILLIPPI: Okay. Across the street from the airport there's that industrial --

COMMISSIONER MIDNEY: Yes.

MS. PHILLIPPI: -- site. It's right there just beyond that.

COMMISSIONER MIDNEY: Okay.

MR. MULHERE: So the access would be from 29, I guess. I don't know what --

COMMISSIONER MIDNEY: No, it sounds like it would be from 846.

MR. MULHERE: Yeah, you're right, 29 by passes. Yeah, yeah.

MR. WEEKS: Bob, could you show that on the visualizer, possibly? Is that detailed enough?

MR. MULHERE: I don't think so. I don't think so. I don't know exactly where it is. Somewhere in here. That's the bypass.

MR. CASALANGUIDA: Bypass is this.

COMMISSIONER MIDNEY: That? No, I don't think so. That goes right through the airport preserve.

MR. MULHERE: It's not even in the -- no, the airport boundary is right here. This is on the outside of the airport, okay? This is the boundary for the airport.

COMMISSIONER MIDNEY: Okay.

MR. MULHERE: Then the access road would be actually the outside of the boundary.

COMMISSIONER MIDNEY: So there is such a road planned.

MR. MULHERE: There would like to be such a road.

COMMISSIONER MIDNEY: I've never seen it on any plan.

MR. MULHERE: Well, I think it was part of the whole Trade Port DRI, which has been, you know, withdrawn. But the need for the access to the airport remains as a priority.

COMMISSIONER MIDNEY: Well, I'm kind of hesitant about signing onto something that I've never even seen a drawing of and have no idea where it goes. I mean, I have an idea where it goes but I have a lot of reservations about where it goes.

MR. MULHERE: We will get something that shows the location for you.

COMMISSIONER MIDNEY: Until that happens, I'm hesitant to support this 3.2.4.

CHAIRMAN STRAIN: We'll just make a note then, at one of the next meetings we'll see what that review -- we'll come back and touch on that paragraph.

MR. MULHERE: Yeah, if we come up with a map that depicts it, is there any objection to us sending that to you?

CHAIRMAN STRAIN: No.

MR. MULHERE: Okay.

COMMISSIONER MIDNEY: Oh, I want to see it, yeah, of course.

MR. MULHERE: No, I know, but I meant before the next meeting.

CHAIRMAN STRAIN: Okay, does anybody have any questions on 3.2.5?

(No response.)

CHAIRMAN STRAIN: Bob, if there was -- I don't know what you would need this for. I think it already says the same thing in another one of the previous ones said.

MR. MULHERE: I'm proposing to strike through it. I know you're not reading our revised language.

CHAIRMAN STRAIN: Oh, I'm sorry, I didn't even look up.

MR. MULHERE: That's okay.

CHAIRMAN STRAIN: I'm still reading off my sheets.

3.2.6, safety improvements, anybody have any questions on that?

(No response.)

CHAIRMAN STRAIN: And this is the reference to the walkability study, which you still have to get; is that correct?

MR. MULHERE: I don't have it. I know we put a call into -- is it Mr. Buchheit. Did I pronounce that correctly? I don't know if I pronounced his name correctly.

MR. WEEKS: With MPO?

MR. MULHERE: Yeah. But we're trying to get a copy of that.

CHAIRMAN STRAIN: If you can't get copies of any of the referenced documents I think, at least from my perspective, you're going to have to strike the reference. Because if nobody can find them, they don't do us a lot of good. So eventually we need to find it if you intend to keep that reference in here.

MR. MULHERE: As far as I know, the study is done, but I don't think it's been released.

MR. CASALANGUIDA: It hasn't gone through the process. It's completed.

MR. MULHERE: So are we going to be able to get a copy or not?

MR. CASALANGUIDA: We'll get you a copy of it.

MR. MULHERE: We'll get you a copy of it.

CHAIRMAN STRAIN: Okay. Any other questions on 3.2.6?

(No response.)

CHAIRMAN STRAIN: 3.2.7?

COMMISSIONER MURRAY: Again, pending available funding and demand? Suppose you had demand but no funding?

MR. MULHERE: Well, actually, I'm proposing a slightly different -- I've struck through that last phrase and what I said was Collier County will consider expansion of public transit routes to comprehensively cover the

downtown area. Connect significant, not all but significant employment centers and public facilities and interconnect to adjacent communities where deemed appropriate and subject to Policy 1.1.1, which is the funding.

COMMISSIONER MURRAY: Yeah, I'm glad you took transportation division out, because medical transport doesn't fall under them, I think.

CHAIRMAN STRAIN: Anything else on 3.2.7?

(No response.)

CHAIRMAN STRAIN: Okay, we'll move to 3.2.8. Anybody have any questions on 3.2.8?

(No response.)

COMMISSIONER MURRAY: I think he combined it.

CHAIRMAN STRAIN: Policy 3.2.9, anybody have questions on 3.2.9?

COMMISSIONER MIDNEY: Is that --

CHAIRMAN STRAIN: Go ahead, Mr. Midney.

COMMISSIONER MIDNEY: Is that still in effect? I thought that we were kind of taking that off the table of

MR. MULHERE: We were taking off -- if I can, we were taking off the table the adoption of any kind of TCA. But including a feasibility analysis of either a TCA or some other methodology to address the conflict between these two competing public policy issues, concurrency and economic development.

And we met with staff on several occasions, and I think we have staff support. We'll find out for sure in just a few seconds.

COMMISSIONER MIDNEY: Yeah, I thought that that was kind of something that wasn't going to work.

MR. MULHERE: Well, if that doesn't work, we can fold up and hit the road. So -- I mean, we've got to find some way for it to work. Because we've got to find some way when an economic development knocks on the door to allow economic development to occur out there. And that's what we're proposing to do over this two year period.

In a way that, you know, maybe doesn't have the unintended consequences that maybe a TCA might have. So that's not -- that may not be the only solution to the problem. Nick has suggested a couple of other options. And even if we did go with a TCA, we would talk about limited geography, limited uses and so on and so forth. So --

MR. CASALANGUIDA: The issue is obviously State Road 29. That's going to be a limiting factor for that area.

That bypass road that they're talking about doing the PD&E study for is a long ways away between the PD&E study right-of-way design. So they're going to come up eventually over the next two, three, five years as the Seminole Casino expands and things grow out there, to concurrency issues.

So Bob has asked that within the two year period if we could review some sort of concurrency exception area modified by size or, you know, its extent. We have no issues with that, because they're going to pay for the study. And that way it will be more comprehensive. The state would be involved.

But you're going to run into a road block in Immokalee eventually and so you want to look at different alternatives. We have no problem exploring those alternatives.

COMMISSIONER MIDNEY: What alternatives would (sic) there besides a TCA?

MR. CASALANGUIDA: You could do some sort of, you know, up to 110 percent of capacity and limit it to a downtown redevelopment. Right now when a road goes to 100 percent of capacity only diminishous is allowed to go forward, which is one percent of that level of service. You could do something like that but allow it only for the downtown area.

There's different things we talked about. Allowing redevelopment, a high rate of capacity. In other words, if a building goes down, assume that had a certain amount of capacity on the road and give that credit back to the redevelopment.

So we want to give them flexibility to look at things, but we also want to make sure that we manage the transportation concurrency as well too.

COMMISSIONER MIDNEY: If you overload the roads, aren't you going to have more pedestrian and car accidents?

MR. CASALANGUIDA: That's exactly our concern. That's the concern we have is that, you know, we allow too much to go before we put a halt on it.

But again, they want the ability to consider redevelopment and development downtown, so we're open to the



review.

MR. MULHERE: And I just need to put on the record that that is not exactly an accurate statement. It is not always having more traffic results in more accidents. You actually could slow down the traffic and reduce the pedestrian occurrences with more traffic. And actually, there are designs to increase congestion for that very reason in any downtown areas so people drive slower through the downtown area. So it's not always the way. You know, trucks driving through Main Street at 40 or 50 miles an hour, you have a propensity for problems too.

COMMISSIONER MIDNEY: It sounds dangerous to me.

MR. MULHERE: It is.

COMMISSIONER MIDNEY: I've seen too many accidents. I'm leery of something like that.

MR. MULHERE: I understand. And that's why we've got to work together.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Yeah, I heard Mr. Casalanguida say a couple of times that this would be limited to the downtown area, and I haven't been able to spend much time with this paragraph here, but I don't see any mention of downtown, I just see urban area everywhere.

MR. MULHERE: Well, I mean, there really is nothing called a downtown area technically. What we have here, if you look at these criteria here is potential limitations on such exceptions and/or waivers from concurrency, including limiting the applicability to certain locations in the urban area such as the airport, Trade Port, other lands around the airport, the central business district, corridor and the urban infill designated lands. See, urban infill designated lands are those lands that mainly run along Main Street.

You know, all these ones I've listed may not fall within that. They may fall out, because they may just be the straw that breaks the camel's back and we may not be able to do that. But I didn't want to exclude those areas either. Because those are the areas where we're going to see the economic development. That's why they're in there. And we'll bring it back, anything that we -- you know, anything that we develop, you know, you're going to get to see it, so --

CHAIRMAN STRAIN: Well, right now in Collier County don't we have several of the TCEAs and TCMA's in different parts of the county?

MR. CASALANGUIDA: You have one TCEA along 41.

CHAIRMAN STRAIN: Right.

MR. CASALANGUIDA: And you have two TCMA's. This wouldn't qualify as an MA because then you need to have alternative routes. So this would be completely an exception. The hurdle they have is State Road 29 is a hurricane evacuation route, there's only one road going through Immokalee. So if you overload it, even allow the development to continue, and then as I mentioned to Bob and Penny, the Seminoles can continue to load up that road as well, too. So you want to have definitely a limiting factor on that.

CHAIRMAN STRAIN: Okay. I mean, the ones we have in Golden Gate City is under a, what is it, TCEA?

MR. CASALANGUIDA: MA.

CHAIRMAN STRAIN: MA. We've reviewed projects there and it's working fine. So are the others in the community. So I'm not sure it's not a bad alternative to consider, amongst others.

And I go to the next question, which is your back log exception area. Did you strike that or do you still have that in here somewhere? I can't tell your new language, so --

MR. MULHERE: I struck through that.

CHAIRMAN STRAIN: Okay. I don't have a question then.

Does anybody have any other questions concerning 3.2.9?

(No response.)

CHAIRMAN STRAIN: Is that what we're on? Yes. Your numbers are so different than mine now.

Okay, we'll go to 3.2.10.

MR. MULHERE: Mr. Chairman, I propose to strike through that.

CHAIRMAN STRAIN: That will be easy for questions.

Okay, Objective 3.3.

MR. MULHERE: By the way, the reason is that all those things are addressed in other policies and we already have the funding, overall funding.

CHAIRMAN STRAIN: Anybody have any questions on 3.3.1?

(No response.)

CHAIRMAN STRAIN: Okay, 3.3.2?

COMMISSIONER SCHIFFER: I do, Mark.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Bob, is this going to eliminate the open drainage canals alongside the roads?

MR. MULHERE: It could. It's unlikely that it would eliminate it entirely because of the cost limitations.

COMMISSIONER SCHIFFER: But by the way, if you're looking for a pathway, build a concrete trough, put a lid on it and you've got a nice bicycle path.

MR. MULHERE: Yeah, that's true.

COMMISSIONER SCHIFFER: But I'd like to get -- what do we do to get rid of these drainage canals? If there's one thing in that community that makes no sense, to me anyway, it's those drainage canals. They've got bicycles in them, they've got who knows what, Primola, ooze.

MR. MULHERE: I mean, I'm sure the stormwater master plan will take care of the ones that are on large county roadways, but these other private roads and side roads, that's a different issue.

MR. CASALANGUIDA: Unfortunately those canals treat and attenuate. So they're treating the water as they're going through and also providing, you know, the carrying of the water. So you've got to go to some sort of surface water pond system like they've done in the Bayshore area or other places, so --

COMMISSIONER SCHIFFER: But I think -- I mean, Nick, what kind of treatment could something -- you know, there's clothing, garbage, everything is in these canals.

MR. CASALANGUIDA: They're not clean canals but they provide treatment as they convey water. So they treat and convey. It can be done. They can be closed in, but you'll have to provide the treatment someplace else.

COMMISSIONER SCHIFFER: But I guess my big question is, is this the clause that would focus everybody on that and cause that to happen and cause that to happen fast?

MR. CASALANGUIDA: Both of them do. I agree with Bob that they bring it up. As long as it's subject to funding and maintain the ability to, you know, treat that water and maintain the quality of the water is important as well, too.

COMMISSIONER SCHIFFER: Okay.

MR. MULHERE: So just as an example, you have the comprehensive stormwater master plan that's moving forward now, and that will address this in some locations and in some areas, but that's really public -- where there's a public street.

Some of these other areas you might be able to address them on a case-by-case basis as improvements are made. And you raise the issue, let's say you're building a sidewalk and you're connecting a sidewalk from one location to another, that might give you the opportunity to then make some improvements. But again, Nick's right, I mean, they have a dual purpose and you've got to treat the water somewhere, somehow. So it's like more of a -- it's a bigger issue. I mean, how long has the stormwater plan for Bayshore/Gateway been -- years under consideration.

COMMISSIONER SCHIFFER: Right. But it mentioned earlier that there's 90 percent of the roads are privately owned. What percentage of these drainage channels, and that's a nice term for them, are privately owned, a large majority of them or --

MR. CASALANGUIDA: A large majority, yes.

MR. MULHERE: Well, this says coordinate necessary improvements to county maintained drainage channels.

COMMISSIONER SCHIFFER: Okay. So that -- so they're not even included.

MR. MULHERE: Correct.

COMMISSIONER SCHIFFER: Are there a lot of --

MR. MULHERE: Well, they could still be privately owned and county maintained. I don't know that, I'm sure that exists out there to some degree.

COMMISSIONER SCHIFFER: Okay. But I think, you know, one thing that when you come from the urban area and visit, immediately you realize, you know, what the hell is going on with these canals. And the fact that you tell me that they're actually treating water, you know, if I didn't want to expose my naivety I would have laughed.

MR. MULHERE: Well, I guess part of that is dealt with in another policy that talks about a clean Immokalee and an educational campaign and a cultural campaign that talks about educating people as to the benefits of keeping

the street side canals clean and litter free. You know, that's part of it.

Because this is not going to be an overnight, this is going to take years to accomplish. Literally. Maybe decades.

COMMISSIONER SCHIFFER: But in the downtown walkable area, we should do everything we can to close those. And like I said, once you close them, you get a top that's great for bicycling and --

MR. MULHERE: I think that will occur in the downtown. In the area that you -- you're going to have to have a central stormwater system there.

COMMISSIONER SCHIFFER: Okay, thank you.

CHAIRMAN STRAIN: 3.3.2, any other questions?

(No response.)

CHAIRMAN STRAIN: The last part of this says, with street upgrades and reconstruction.

So does that mean that every time transportation goes in to upgrade a street or reconstruct a street, they've got to complete the improvements on all those roadside canals in the vicinity of their reconstruction and upgrades?

MR. MULHERE: Subject to Policy 1.1.1.

CHAIRMAN STRAIN: Well, the reason I'm bringing it up is it's either going to do one of two -- you'll never get any kind of road upgrades if it's going to cost more because of the encasements of those drainage swales. Not that I'm saying it shouldn't be done, but one's going to slow down the other.

MR. MULHERE: Yeah, I wasn't necessarily saying that the only solution is -- I mean, I think the only solution isn't piping. I mean, you know, there's going to be a need probably to maintain those street side swales for a long, long time. But they can be cleaned and kept clean. And then there may be opportunities to create a different kind of a process for treating street side drainage, but again, that's going to require ponds and things like that, it's going to require a comprehensive plan.

You know, I guess to answer your question, I would say to Nick, when you go and do -- maybe you can answer, when you go and do a road project, is the street side drainage part of the project typically?

MR. CASALANGUIDA: It typically is, because you have to meet South Florida Water Management District standards.

Again, a lot of our objection falls aside when they said subject to be able to funding (sic) and as prioritized by the board. If that's the case, we're a little less nervous about a lot of these policies.

CHAIRMAN STRAIN: Okay, just out of curiosity, if this policy wasn't here, would it change anything you do or don't do?

MR. CASALANGUIDA: No.

CHAIRMAN STRAIN: We need it desperately then.

MR. CASALANGUIDA: It says coordinate. I mean, you know, I think we do that anyway. We have public meetings, we do projects. So I think, you know, coordinate with the CRA, coordinate with the neighborhood.

CHAIRMAN STRAIN: Well, I just know that when you go in and you change your road system, you have to upgrade it to the standards that are in place at the time.

MR. CASALANGUIDA: That's right.

CHAIRMAN STRAIN: So I can't see how this is asking you to do anything you don't already do. And I'm just wondering, I mean, it's nice to say something like this, it makes everybody feel good, but is it necessary in the GMP?

MR. CASALANGUIDA: It's benign for me, sir.

MR. MULHERE: We can take it out. I think the master stormwater plan one is the more important one for the community right now, with limited resources. I'm sure they'll have another chance to deal with this down the road.

CHAIRMAN STRAIN: If there's a big heartache over it with whoever you talk to, fine. But it just doesn't -- it doesn't hurt, but it doesn't -- I don't know why we'd want to clutter up more language where we don't need it.

MR. MULHERE: I mean, if it's going to occur anyway, and as an improvement occurs, the county through the Water Management District has to look at the stormwater impacts of the roadway anything, I think it's unnecessary.

CHAIRMAN STRAIN: Okay, Object 3.4, anybody have any issues there?

(No response.)

CHAIRMAN STRAIN: If not, we'll go to 3.4.1.

This one is interesting. Did you read the Guiding Principles?

MR. MULHERE: Have I read them? Yes.

CHAIRMAN STRAIN: I did. And I read them again and I read them again and again.

MR. MULHERE: It's been a while, but I have read them.

CHAIRMAN STRAIN: I couldn't figure out why they're here. Do you know why they're here? Because they -- I don't. They have nothing to do with transfer stations. They're basically for the landfill. And it was a result of the meeting I guess the BCC had on top of the landfill one day.

MR. MULHERE: Well, yeah. I mean, I thought that there were some that would apply to using technology to minimize impacts on the landfill, you know, such as extracting materials out that could be recycled and things like that. And those things could occur on a transfer station. And also those things could occur at a private hauler's -- a private location.

CHAIRMAN STRAIN: Okay, when you come back to us, would you tell me from that enduring Guiding Principles plan, six pages --

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: -- where in that plan it applies to what you have in Immokalee. And then that's fine if you can --

MR. MULHERE: Which is a private provider.

CHAIRMAN STRAIN: Well, even if it's a private provider, this is not written for a transfer station. In fact, if you read -- well, I've read the whole thing --

MR. MULHERE: Well, I --

CHAIRMAN STRAIN: I'm trying to find a place where it fit and I couldn't. So I'll let you read it and maybe you can tell us where it fit.

MR. MULHERE: We thought we did pretty good. There were how many pages, six pages of solid waste policies and the previous recommended plan took it down to two.

CHAIRMAN STRAIN: But if already have solid waste policies that apply -- I mean, if any part of the county is going to be --

MR. MULHERE: I agree.

CHAIRMAN STRAIN: -- more cognizant of solid waste problems, you don't think it's going to be the coastal area? So you were already getting our standards out there for solid waste.

MR. MULHERE: It's probably not necessary to repeat that. I agree with you.

CHAIRMAN STRAIN: Okay, well, that's --

MR. MULHERE: I don't think we even need to deal with it, if -- you know, it's not necessary to repeat it. I think there's really no problem in taking that out. You have the other objectives. It's sort of a general one above it.

CHAIRMAN STRAIN: Okay, 3.4 -- we're going to take a break here in a little bit. Is that okay? Oh, you don't want a break? Okay, we'll just work on through.

I'm just kidding. We'll take a break right now? We'll take a break right now. We'll be back at five minutes till 3:00.

(Recess.)

CHAIRMAN STRAIN: Okay, everybody, welcome back from our break. It seems later in the day. It's a little hard to sit here and focus on all those things, so we're probably going to take shorter breaks more frequently.

With that in mind, we'll move to Policy 3.4.2. A Clean Immokalee Plan policy. And wait for a minute here until Bob gets on the same page that we're on.

We're on 3.4.2, Bob, which is -- I don't even know what number it is under your plan. It's the Clean Immokalee Plan.

MR. MULHERE: Right, I got it.

CHAIRMAN STRAIN: Okay. Does anybody have any issues with the Policy 3.4.2?

COMMISSIONER SCHIFFER: Just Bob, what is the Clean Immokalee Plan?

MR. MULHERE: It is an educational campaign to educate the citizens of Immokalee as to the benefits. It's to sort of help -- I'm trying to think of the word. To help them understand the implications or the different cultural implications of living in this community and what their responsibilities are for keeping the community clean and what's acceptable and what's not acceptable.

COMMISSIONER SCHIFFER: Okay. And then by the date, it's happening now?

MR. MULHERE: Well, that date, I changed it to 2011.

COMMISSIONER SCHIFFER: All right, thank you.

CHAIRMAN STRAIN: Anything else on 3.4.2? David?

MR. WEEKS: Just a comment that I believe before the break the Planning Commission discussed deleting Policy 3.4.1, the Guiding Principles.

CHAIRMAN STRAIN: Yes.

MR. WEEKS: And if that occurs, then we only have one policy. And obviously that means a renumbering. But I'm looking back at the Objective 3.4.

CHAIRMAN STRAIN: Well, the objective addresses an issue that's already handled by Collier County. And as the County Attorney has expressed vehemently, you know, what are we doing here with these redundant policies?

And I'm -- so if the objective doesn't need to be there, then leave the Clean Immokalee Plan and move it to something else.

MR. MULHERE: Yeah, we'll figure that out. We'll probably delete that objective and move it somewhere, yeah.

MR. WEEKS: It's just really a global observation as we eliminate policies that may affect the wording in the objective it falls under.

CHAIRMAN STRAIN: I understand.

MR. MULHERE: I understand. That makes sense.

CHAIRMAN STRAIN: Okay. And with that we'll move to Goal 4, which has been rewritten. And that rewrite is pretty extensive. So most of that discussion may occur at another time, Bob.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: But let's walk through what we can while we're at it today.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: We'll go through Objective 4.1.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Anybody have any questions on the objective?

Nicole, I know you've been here all day. If you have any issues as we get to them, just walk up to the podium. We're not going to be any more formal than that today, so --

And with that, we'll move into Policy 4.1.1. We probably can't comment from the rewrite accurately or as emphatically as we may once we have time to read it. But if there are any issues anybody has, we'll bring them up right now.

I would like you to consider adding that panther primary zone wherever it fits in the various environmental issues involving the Immokalee urban area, just because it is a designated primary zone, and one way or another it's going to have to be addressed, so --

MR. MULHERE: Yeah, Mr. Chair, I think there is an appropriate -- and Nicole and I actually discussed this a little bit before. Were we talking about the mapping of areas that would be the target for mitigation and acquisition? There's a policy that calls for that. I think we could cite a couple of examples.

We at one point had cited the Lake Trafford/Camp Keais Strand overlay as an area that would be targeted. I think we could go back to citing that but also cite this other piece and also cite, we talked about maybe some upland habitats for scrub jays. I don't know if we want to be specific. But the point is we'll figure out something that I think lists a few examples of the lands that could be prioritized for mitigation and acquisition.

CHAIRMAN STRAIN: And I think you'll probably need to include something that references implementation language on what lands are to be included and how they're included.

I mean, that may be what you just said, but I'm not sure you want to put all those lands in the GMP but you might want to reference a way to get there through some implementation language.

MR. MULHERE: Okay, that's a good point, too. And I think we have language, and I think it talks about wetland or listed species habitat. Those are the two criteria, so --

CHAIRMAN STRAIN: Okay. But Objective 4.1 is a rewrite of Policy 4.1.1, Policy 4.1.2, and Policy 4.1.3. And I believe they're adding new policies, 4.1.4 and 4.1.5. So those policies we'll probably put off for a better discussion on another day when we have time to read the new language.

But while we're talking about it, does anybody have any general questions or concerns about those, that entire objective and those five policies I just read off? Other than what with we have to read yet.

And Nicole, if you want to have any comments you want to make? I notice you moved up closer to the microphone. This is the time to do it.

MS. RYAN: Thank you. For the record, Nicole Ryan, Conservancy of Southwest Florida.

I think I'll save a lot of my discussion for the next meeting after you've gone through and read this and have questions and thoughts on this. Though I do want to acknowledge the efforts of Bob and Penny and the EAC in addressing The Conservancy on a lot of questions, concerns, issues on this goal.

And we did work with Commissioner Midney to decide what could be put in here that would actually benefit Immokalee, benefit the environment, and everyone came together with a lot of I think interesting and positive solutions. So it's been a very good collaborative process.

I guess I'll probably wait for specific input from you to answer any questions that you have at the next meeting.

CHAIRMAN STRAIN: Okay, we will try to discuss this either on Thursday of this week, which is two days from now, or on the 4th at the latest, if we continue to that date.

MS. RYAN: I may not be here for the 4th. There's a public hearing in Lee County for their DRGR amendment adoption. So if you are able to discuss this on Thursday, don't set your meeting around me, but just to let you know there is that constraint.

CHAIRMAN STRAIN: Okay. Well, you might tell Lee County to not set their meetings against ours, so --

MS. VALERA: If I may?

CHAIRMAN STRAIN: Yes, ma'am.

MS. VALERA: Thank you.

Just wanted to, since we're going to talk about this later on, but I just wanted to let you know that the EAC made a lot of modifications to the Goal 4. And Bob, at the time if you could please point out all those changes and modifications to the board.

We did tell the Environmental Advisory Council that we would make you aware of all their changes.

CHAIRMAN STRAIN: Well, isn't the language in yellow as a result of that input?

MR. MULHERE: Yellow and gray.

CHAIRMAN STRAIN: Okay.

MS. VALERA: Well, I have to double check. I haven't gone through the new revisions, so -- and I do have notes from the EAC so I will be comparing.

CHAIRMAN STRAIN: Okay. Then let us know when we discuss it if it compares satisfactory to what you --

MS. VALERA: I'll do.

COMMISSIONER MIDNEY: And Mark, it's in our staff report too. And I was at the EAC meeting and they did do a very accurate job of reflecting what was there.

CHAIRMAN STRAIN: Okay, good. Then we have something to be ready for next time on that one.

Goal 5. Why don't we move on to that since we can't do much with Goal 4 right now.

Goal 5 and Objective 5.1. Does anybody have any questions on either the goal or the objective?

(No response.)

CHAIRMAN STRAIN: Okay, we'll move on to 5.1.1.

COMMISSIONER SCHIFFER: I do, Mark.

CHAIRMAN STRAIN: Go ahead, Mr. Schiffer.

COMMISSIONER SCHIFFER: Bob, this is just -- the word mixed use here in A, essentially what you're using with that is to show that the following uses will be mixed in with A?

But again, mixed use has another connotation and that's building and zoning districts that do mix uses within the district. So is this term to give it like a macro --

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: -- use --

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: -- not a micro.

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: Thank you.

CHAIRMAN STRAIN: Okay, nothing else on that? Then we'll go to 5.1.2. Any issues on 5.1.2?  
(No response.)

CHAIRMAN STRAIN: 5.1.3 has the correction needed, as far as the Right to Farm Act goes.  
5.1.4, anybody have any questions on 5.1.4?

(No response.)

CHAIRMAN STRAIN: I have a bit. That's basically saying you can have farmworker housing in all residential areas. Basically anywhere.

Well, farmworker housing is a different type of housing including a lot of times mobile homes. And we're only talking about the urban area of Immokalee.

So how does this help Immokalee in regards to trying to develop stable housing, housing that is I guess both affordable and then upgrades in neighborhoods when you can live in a low residential neighborhood in Immokalee and all of a sudden one day find a farmworker housing village going up next to you? I'm not sure that's a real good thing. And I'm just wondering why.

The urban area of Immokalee is much -- is contained, and you've got a lot of agricultural well outside of the urban area. So why does it need to be in the urban area?

Go ahead, Mr. Midney.

COMMISSIONER MIDNEY: Well, that's the way it is now. Immokalee has farmworker housing everywhere. And so I don't think you necessarily want to take that away, since the majority of the people are involved in farm work.

CHAIRMAN STRAIN: Well, no, just because a farmworker lives in a house doesn't mean it's farmworker housing. I'm talking about the housing that's there pursuant to the Florida Administrative Code 64.E-14.

COMMISSIONER MIDNEY: Well, they are spread throughout the town.

MR. MULHERE: This language is existing but with the exception that we specifically added the references to those designations, which I've now struck through.

Because I tend to agree that it may not be appropriate everywhere, and it's certainly not appropriate without regulation or restriction. There's obviously regulations, buffering and the number of units and sanitary facilities and so on and so forth.

By the same token, I'm not sure that it's inappropriate, even if it is in the Immokalee urban area in some circumstances, even in the low residential area, which is all ag zoned or almost entirely all ag zoned, that low residential area surrounding Immokalee that's urban but zoned ag and used in many cases for agricultural activities.

CHAIRMAN STRAIN: How do you -- I mean, Immokalee wants to grow and it wants to get a better tax base and it want to get better improvements. And the agricultural areas outside Immokalee in time may grow, but they're going to be much longer off in the future.

How do you improve the urban area of Immokalee with a better tax base and better housing without having some compatibility requirements --

MR. MULHERE: Oh, you do --

CHAIRMAN STRAIN: -- as to where the -- where farmworker housing would go in relationship to permanent housing within the town of Immokalee?

MR. MULHERE: Yeah, and I'm not suggesting that there not be compatibility. And those would be found in the LDC. You already have a whole provision on farmworker housing in the LDC.

CHAIRMAN STRAIN: Well, this only says it's going to be consistent with the migrant labor housing provisions. And based on that it could basically go anywhere then.

So now you're telling me we do have some conditions that -- how would we know --

MR. MULHERE: Well, I --

CHAIRMAN STRAIN: -- that? How would someone know that reading this GMP amendment?

MR. MULHERE: I see this saying that -- well, that's a good question. I mean, but what I see it saying is that Collier County recognizes the need for farm labor to support the agricultural industry and encourages the provision of housing for these specific kinds of farmworkers, providing that housing is consistent with the provisions of the Section 64.E-14 Florida Administrative Code, which does provide for some regulations.

CHAIRMAN STRAIN: Right, and I've got all -- I've read all those reg -- I pulled all that code down and

printed it out and I read the whole thing.

And I don't disagree with you, but it still is another form of housing that may not be compatible near some of the developments that Immokalee desperately needs for upgrades to their tax base, their status, their diversity that they keep looking for.

So why don't we build something in here to make sure that we don't have an incompatible situation?

MR. MULHERE: So we would want to add on the end of that sentence, and the regulations applicable to -- I'm trying to remember what that's called. David, do you remember in the LDC, is it farmworker or is it migrant laborer?

MR. WEEKS: It's farmworker housing, I think. But I think that's a different provision in the statutory reference.

Mr. Chairman, if I'm not mistaken, the statutory reference is to what I would call equivalent to a dorm where you have multiple sleeping units, maybe just a whole bunch of beds in a single building and you might have separate restroom facilities, separate kitchen facilities.

CHAIRMAN STRAIN: Well, I have it here and --

MR. MULHERE: Yeah, we have that --

CHAIRMAN STRAIN: -- I'll try to find it.

MR. MULHERE: -- too. What's the name of that?

CHAIRMAN STRAIN: Here, I've got it right here, David. I'll --

MR. WEEKS: But if I might comment?

CHAIRMAN STRAIN: Go ahead.

MR. WEEKS: Not on this very specific point, but as far as agriculture goes, as Bob's already I think noted, there's a lot of agricultural land use within the Immokalee urban area. And the provision of housing for workers, be it for the agricultural uses within the urban area or outside of it, is still a need. And I don't think the approach that the county would want to take is to restrict that housing to be where the agriculture is located.

Looking in the long term, you know, we have to assume that at some point in time there will not be any more agriculture within the Immokalee urban area, that it will be developed with urban land uses, such that the RLSA, the agricultural rural area outside of the Immokalee urban area, is where the agricultural activity would continue.

But I don't think we want to place all of that housing within the agricultural land use itself, just like we don't -- well, it's a different example. The residents, those farmworkers, still need commercial services, and I think it's important to have them located close to where those services are at, as opposed to putting their housing out into the agricultural fields themselves, isolated from the services that they will need.

CHAIRMAN STRAIN: And I'm not necessarily disagreeing with you, I'm just concerned that if we allow farmworker housing everywhere where we're trying to provide more permanent housing, affordable housing, gap housing and all the other kinds of housing, you're going to discourage those kind of improvements in Immokalee. And I think you really want to not do that.

And so all I'm suggesting is we look at some kind of escape clause that provides something that gives a latitude to say okay, if you don't want to put farmworker housing in this area where it's more appropriate but you want to put it right in the middle of Arrowhead PUD, well, before you can do that you've got to have some guidelines. That's all I'm saying.

MR. MULHERE: So maybe we say in locations to be determined appropriate for compatibility.

CHAIRMAN STRAIN: I think you need to think about it, Bob. You don't have to rush on that today. We can come back to that. But I think it needs to be thought out and I think, to be honest with you, if the community doesn't care, well, that's fine too. But I really think someone needs to think that out before they just dive into this.

MR. MULHERE: Right. And I just want you to know that it's not -- again, this was an existing policy, and again I'm not suggesting that we ignore the existing policies, but we tried very hard not to take away rights that already existed.

And what it said here in the existing policy was new housing for seasonal, temporary or migrant workers shall be permitted in any land use designation, provided that such housing is permitted under Section 10.D.25 FAC, and this is the new cite there, and does not conflict -- and here's a little bit of additional language, and does not conflict with the existing zoning districts or the Immokalee Future Land Use map.

Well, that doesn't say a whole lot but --



CHAIRMAN STRAIN: Now, that changes the ballgame tremendously, because if it doesn't conflict that means it conforms and it's compatible. That's a whole different parameter than what this is reading now.

So I would suggest --

MR. MULHERE: We could --

CHAIRMAN STRAIN: -- you want to get back to something like you've got versus what you've proposed. Sir, did you want to comment?

MR. MENENDEZ: Yes, I want to make some comments about the housing for the --

CHAIRMAN STRAIN: We'll need your name again for the record.

MR. MENENDEZ: Oh, I'm sorry. My name Pedro Jesus Romero Menendez.

See, I moved to Immokalee because I used to live in Minnesota and work with migrant immigrant workers there. It came to visit Immokalee for a workshop and I fell in love with the community and I saw there's a lot of need in the community for improvement.

And something needs to be done with the housing. You're talking about where to permit those housing for the migrant workers in the residential areas. We have those house now all over the town and they're deplorable.

A couple years ago there was a very bad accident there, a fire, that the family got trapped there. And what the problem is that most of the housing is owned by a limited number of families there. They don't make improvements on the house.

And I rented from one of these families. And they supposed to be one of the best buildings they got. And that building, it was infected with roaches and rats, mices (sic). And they would not do -- they blamed the tenants, they said that the tenants were too dirty. No, the building is kept dirty from them, they don't do any improvement.

I have to buy buckets of cement to cover the holes because they could not cover the holes there to stop the mice to come into my apartment.

These houses are horrible all over the town, the trailers we got there. And the way they got the -- what they charge these workers for the trailer, it cost more to live in one trailer in Immokalee, the trailer than it would cost an apartment in Manhattan. They got, 10, 12, 14 people living in those trailers and they charge, you know, \$40, \$50.

And we need improvement on these house. And we need better housing conditions from the farmworkers there. And they are all over town now. So why not make some decent housing?

Like I said before, these workers, they're contributing to the local economy. They're shopping in town. And we need decent housing. And we don't want to see another accident like happened a couple years ago with the fire that the family got trapped there because they could not get out because the windows were blocked.

And we need to get some more help for the residents there so there can be better and more decent living conditions on these trailers and houses.

Thank you very much.

CHAIRMAN STRAIN: Thank you.

And Bob, that really brings up a good point.

And David, maybe this is research that somebody needs to do, whether it's Bob or I don't know how it happens. The 64.E-14, the Florida Administrative Code, if that doesn't have a restriction where we couldn't regulate it in a manner that farmworker housing ought to be for the farmers and their farmworkers.

To have people develop farmworker housing anywhere in Immokalee and allow it to go into deplorable conditions because it's considered farmworker housing doesn't seem to meet the spirit of what we need to have.

Now, we know there's landowners around there who participated in this process and they're looking to have protection for their farmworker housing pursuant to 64.E-14. Having them have protection so they can have decent farmworker housing versus say landlords who inherit housing in deplorable conditions and maintain it in deplorable conditions is two different things.

I think we need to separate them out so one doesn't happen and benefit the other.

MR. MULHERE: I mean, the only -- the objective here is to provide an opportunity for safe, affordable farmworker housing for seasonal, temporary or migrant farmworkers, okay? That's a very specific -- those are very specific adjectives.

And there is already one approved, built, developed, seasonal migrant farmworker housing facility in Immokalee that is a dormitory. It was built a few years ago. The reason was that it was perceived that if we could build these types of facilities, we would take the migrant farmworkers out of the other less desirable housing

opportunities where they were putting potentially eight, 10 people into a unit because the rent, you know, divided by eight or 10 is much cheaper. And those are kind of deplorable conditions.

But if you could have a safe, clean seasonal, you know, structure that would house seasonal migrant farmworkers, that would be the solution that would put those people out of business.

We can't regulate what the free market does in terms of who they rent to and what they do, but there are rules that deal with housing conditions and deal with occupancy, and those are, I'm sure, enforced out there.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: But you just said something that I can't agree with you. You said we can't regulate it. But in fact if we do not allow it to be in low residential areas and others, we can regulate it. It will have the effect of driving housing to the more appropriate form.

You may want a grandfather clause -- although I'm not inclined, you may want a grandfather clause to protect those who are currently renting.

But I agree with the Chair, if you want to see Immokalee change to grow and still expect it to be a viable agricultural community, there needs to be adequate facility for those folks who work hard in the fields while at the same time you raise the economic standards of everybody who lives there.

MR. MULHERE: We're not disagreeing on that.

COMMISSIONER MURRAY: Well, but if you allow farmworker housing six, seven, eight, 10 people in a single house or even sometimes in a single trailer --

MR. MULHERE: But that's not what we're proposing at all.

COMMISSIONER MURRAY: Well, then I'm --

MR. MULHERE: We're proposing just the opposite.

COMMISSIONER MURRAY: Then I'm sorry, I apologize. I thought that you were advocating residential.

MR. MULHERE: We're advocating clean, safe housing under the statute as is allowed, not the six, eight, 10, 12 units in a single home.

COMMISSIONER MURRAY: But didn't you indicate, too, and I apologize if I misheard, maybe I'm getting tired, but I thought you indicated that you didn't want to stop the methodology that's currently employed, which was in response to Mr. Midney.

MR. MULHERE: No, I don't think I said that. I said I think just the opposite, that by providing these opportunities you will do away with those unsafe, deplorable conditions.

COMMISSIONER MURRAY: That's in the future we will do away with.

MR. MULHERE: Correct.

COMMISSIONER MURRAY: I guess we were talking the same thing from different angles. Okay. If I misheard you, I apologize.

CHAIRMAN STRAIN: Well, Bob, I made a note to come back to this one. And I think it would be important for you to use this as an opportunity to better regulate the housing so you get a better product.

MR. MULHERE: Yeah, we talked a little bit --

CHAIRMAN STRAIN: And then you come back when we talk about it again as one of the ones we should hit on at another time.

And is there any more?

Go ahead, Brad.

COMMISSIONER SCHIFFER: Bob, one thing is, some of the complaints, and I've been out to Immokalee and they've showed farmworker housing, is that they're held to the same standards as essentially an apartment building in Naples would be.

Is there anything in here that's going to try to get rid of some of the additional regulations we put on construction of these in Collier County?

I mean, if you want, I can get Fred Thomas to come in and talk endlessly about some of the problems they had out there.

So the concern is that it is silly, some of the development standards that we have. So what are you doing, and would this be the appropriate place to shake loose some of the requirements that we have for residential construction?

MR. MULHERE: I guess there's a couple of questions there. One is when Fred talks about how much trouble he had getting through a review process and how costly it was, he's talking about subsidized housing, he's not talking

about farmworker housing. Although there may be some farmworkers living there, that's not a farmworker housing environment, that's a subsidized housing. That's the Collier County Housing Authority.

What we're going to do with respect to that is we're going to look at every single land development regulation and determine which ones are appropriate in Immokalee and which ones might, might warrant some flexibility. And we do that with community input through this LDC amendment process.

As far as farmworker housing goes, I think that's a separate issue. You raise a good point, you know, are they being held to a standard that makes it such that they can't afford to do farmworker housing in Immokalee or close to Immokalee, so are they going to, I don't know, Hendry County. That was something similar to what was put on the record here this morning.

And I don't know the answer to that. I mean, we need to be sure that whatever is constructed is safe and meets both statutory requirements and, as you're indicating here, is not incompatible with other land uses, other existing properties and property rights.

So, you know, I don't know what the answer to that is. I mean, I can certainly inquire to those people that build farmworker housing, the farmers, as to whether or not Collier County standards are so much greater than what the state statute would require that they don't do it here. I mean, I don't know. I don't know what the answer to that is.

COMMISSIONER SCHIFFER: Because the point he made is that if you're charging \$40 per person per week and -- you know, you can design, and for example, in the building code under R-4 there's ways to design where you could put four people in a room --

MR. MULHERE: Yeah.

COMMISSIONER SCHIFFER: -- legally, you know, and comfortably with the proper facilities. You do end up earning as much money as a penthouse in Manhattan might get.

So obviously it's got to be a good business model. For some reason it's not happening.

MR. MULHERE: No, there is one. I mean, and again, I know that Fred was involved in that one. There is a fairly large dormitory that was constructed out there for I think mainly male migrant seasonal farmworkers, and that was designed so that they would be in one place, safe, clean, be able to monitor behavior, you know, keep people out of trouble, you know, keep the community out of trouble in terms of the other things that might happen if they otherwise weren't in such a central location. And, you know, that's been done.

So I could talk to Fred and see, I mean, were there problems with that. I'm sure he had some problems with landscaping code and this and that and the other thing, and I'm sure we can figure those things out.

But as far as now allowing somebody who owns a single-family home to convert it or build it so that it becomes farmworker housing, I think that's an area we've really got to be careful about. We really have to watch that. If it's in a central location, managed, that's a different story, so --

COMMISSIONER SCHIFFER: And if your building department was on top of it, they would realize that it went from one category to another, and that would have much higher demands on it, they could control it really that way.

MR. MULHERE: Right. I don't think this is happening legally, by the way.

COMMISSIONER SCHIFFER: But it really -- it was Fred giving a tour of that dormitory where he went on and on about -- and some of the points he made are silly, that why would he have to do this, why would he have to do that.

But you'll take care of it. Thank you.

MR. MULHERE: Yeah, we will. We'll coordinate with him.

CHAIRMAN STRAIN: Okay, any other questions on 5.1.4?

(No response.)

CHAIRMAN STRAIN: Okay, 5.1.6, Compact Mixed Use Development. Any questions?

COMMISSIONER SCHIFFER: What about 5.1.5?

CHAIRMAN STRAIN: 5.1.5, I'm sorry. I'm looking at his and I'm looking at mine and I'm getting them confused. But it's 5.1.5, actually. You're right.

COMMISSIONER SCHIFFER: I do have that.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: And here we're using mixed use again. And is the intent here that we're allowed to combine commercial with these? For example, when you go further on we're going to get into the different

districts and they don't allow commercial.

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: So what is this saying --

MR. MULHERE: Here we are talking about the term of art compact mixed use, which means allowing for residential and commercial both within the same building or in different buildings but within the same district or within the same project.

COMMISSIONER SCHIFFER: Okay. And that's going to conflict when we get further down with the description of these districts. At least HR is defined as a residential, and I'm not sure it allows -- but we can wait till we get there.

MR. MULHERE: Yeah, I think you may have a point there. Although it can still be very compactly designed.

COMMISSIONER SCHIFFER: Okay. And what does that mean, compact? That means that, you know, I can design a -- I mean, we have some problems with the difference in open space and essentially somebody could put a phone booth on the corner. Now they're mixed use and they get a -- they can drop their open space requirement.

MR. MULHERE: I think what it means is you're allowing higher density in that district and you're doing it on smaller -- it's in the urban core so you're doing it on smaller parcels. So you do have compact dense development, which is what you want in the urban core. And then as you move out from that, that's where you want your increasingly less dense development to getting out to then the almost rural scheme. And that's your transect concept.

COMMISSIONER SCHIFFER: Okay. So again, mixed use here is a macro, not a micro term.

MR. MULHERE: Correct.

COMMISSIONER SCHIFFER: Okay, thank you.

CHAIRMAN STRAIN: Any other questions on 5.1.5?

(No response.)

CHAIRMAN STRAIN: And I notice, Bob, and I certainly agree with you, 5.1.6 and 5.1.7 I thought were redundant. I've noticed you've struck those. So unless anybody has any questions on those, I think that's a good move.

MR. MULHERE: Yeah, I guess essential services are already covered elsewhere in the plan as -- Jeff's not here but we could say he would have told us that.

CHAIRMAN STRAIN: Yeah. I saw him jump off his chair when he saw it.

Okay, 5.1.8, mobile homes within the Immokalee urban area.

MR. MULHERE: I think the next few policies all deal with mobile homes. And in general the community's desire was not to prohibit mobile homes but to restrict the location and to restrict the proliferation of mobile homes in single-family type districts as an alternative for housing.

So mobile home parks and subdivisions, they could certainly still be permitted, developed and designed in certain districts, but not throughout the entire urban area.

And mobile homes as a principal place of residence in a single-family environment are really prohibited, except on a temporary basis while you would go and build a home.

So that's my overview of the next few policies, then we can go over them specifically.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: All right, so that was the intent.

MR. MULHERE: Yes.

COMMISSIONER CARON: All right. Because in reading through it, I wasn't really sure what the intent was here at all. And I'm glad to understand.

MR. MULHERE: So with the first policy there, it says no new mobile homes shall be permitted in the Immokalee urban area except as temporary residences -- and we have policies that deal with that -- or within an existing mobile home park -- we have a policy that deals with that -- or as part of a new mobile home park approved in the low residential or medium residential districts.

COMMISSIONER CARON: I see what you're saying now, but when you just read that paragraph without --

MR. MULHERE: It's harder to --

COMMISSIONER CARON: -- an explanation, I say no new mobile homes and then you exempt everything and allow them everywhere.

MR. MULHERE: No, where we're not allowing them is in high residential, commercial mixed use.

COMMISSIONER CARON: Got it.

MR. MULHERE: And even in those lower ones we're not allowing them as a singular form of housing, they have to be within a -- in a designed park.

And I think staff made a comment, and it's probably a good comment, although at some point I recall getting asked to remove the reference to subdivision, we now have the request to actually add it back in. So we will add that back in, because we do have a mobile home subdivision as an identified term.

So there's a park and there's a subdivision, and the difference is the ownership, right? The mobile home park is wholly owned and rented, and a mobile home subdivision is subdivided and the lots are sold. And both of them would be fine.

CHAIRMAN STRAIN: Okay, so Policy 5.1.8 and 5.1.9. Anybody have any other questions?

COMMISSIONER SCHIFFER: I do.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Bob, are they allowed to replace the mobile home?

MR. MULHERE: Yes. In an existing scenario?

COMMISSIONER SCHIFFER: Yeah. Where is that in here?

MR. MULHERE: You're talking about in an existing mobile home park?

COMMISSIONER SCHIFFER: Correct.

MR. MULHERE: It's dealt with under I think Policy 5.1.8 -- I'm not sure what yours says. It says existing mobile home parks.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: Okay, anything else?

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: We're on 5.1.8 and 5.1.9 still.

MR. MULHERE: Staff does.

CHAIRMAN STRAIN: Staff? Go ahead, Dave.

MR. WEEKS: Mr. Chairman, Bob touched on something. If you look in the staff report on Page 21, we have comments on Policy 5.1.8, which is newly numbered 5. -- excuse me, 6.1.6, the mobile homes within the Immokalee urban area. Bob was just walking through that.

And one of the questions that staff was identifying, or issues, is the mobile home subdivision. And I believe Bob said he was going to add that.

Another point is what about individual mobile homes on individual parcels that are not part of a park or subdivision. And Bob, I think I heard you say that those would -- that's one of the categories that would be allowed as a temporary only?

MR. MULHERE: Correct, the idea is not to allow that as an identified permitted use but only on a temporary basis while constructing a residence.

MR. WEEKS: Okay. And that would be I guess ultimately implemented through Land Development Code?

MR. MULHERE: Yeah.

MR. WEEKS: I'd just point out as an example a piece of property zoned VR, village residential. That allows for single-family, multi-family and mobile home development. There's quite a bit of that in Immokalee. And some of that has already been created into individual parcels, whether formally subdivided or not.

So that would be an example where an individual owns one small parcel that by zoning they could have a mobile home on the property, not part of a park, not part of a subdivision, because it's a single parcel. And that was something that I did not see this policy covering. So Bob's explaining that through the LDC amendments that will be addressed.

MR. MULHERE: Well, and we did have a sentence at the end of that that says existing mobile homes will be continued to be governed by nonconforming regulations of the Land Development Code.

So we're going to have -- there's going to be some nonconformities created by this.

MR. WEEKS: Sure.

MR. MULHERE: And the desire here frankly is to over time reduce the proliferation of mobile homes, especially delapidated mobile homes in Immokalee, and to create more middle class, middle income market rate housing.

COMMISSIONER SCHIFFER: Question.

MR. MULHERE: And we're not saying they're prohibited under certain circumstances.

CHAIRMAN STRAIN: David's got to finish up. Then Ms. Caron and Mr. Schiffer.

MR. WEEKS: My next comment is on Policy 5.1.8, that the mobile homes is temporary residence.

CHAIRMAN STRAIN: 5.1.9. It is on our sheets, at least.

MR. WEEKS: It's now 6.1.9, I believe.

CHAIRMAN STRAIN: Oh, we're not going to go there. We'll get all confused.

MR. WEEKS: Okay. Staff has verified that this is a provision that exists in the LDC already. I know it's a little confusing in one location because it's listed under interim agricultural use --

MR. MULHERE: Right.

MR. WEEKS: -- but yet the provision has nothing to do with agriculture. But it's also listed in the agricultural zoning district as an accessory use. So --

MR. MULHERE: I have a question for you.

MR. WEEKS: Yes.

MR. MULHERE: I thought that mobile homes were only allowed in the ag -- oh, so what you're saying is regardless. You don't have to have mobile home overlay, no, it's just in the ag. district mobile homes are permitted on a temporary basis while you build a principal structure.

And are they permitted for up to three years, do you know?

MR. WEEKS: That's correct. And includes a specific requirement that once that house has been finalized, the mobile home must be removed.

MR. MULHERE: So this becomes redundant.

MR. WEEKS: Correct.

MR. MULHERE: Okay.

MR. WEEKS: So staff would recommend it be deleted.

MR. MULHERE: I just want you to know I thought that there was a difference though in the period, which is why we retained it.

CHAIRMAN STRAIN: Okay, Mr. Schiffer, then Ms. Caron, or vice versa.

COMMISSIONER SCHIFFER: Bob, one thing, remember I asked you to look at that movie Frieda?

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: And the reason that's -- because that would be a good model for what to build and replace a mobile home on a narrow lot. So if you haven't looked at it.

MR. MULHERE: I've given direction to get me a copy of it.

COMMISSIONER SCHIFFER: Okay. But anyway, look at that, because that is an excellent replacement for that kind of a lot.

MR. MULHERE: We will.

CHAIRMAN STRAIN: What's the rating on that? Just out of curiosity. We're not getting Bob in trouble here, are we?

COMMISSIONER SCHIFFER: No. No. There may be some --

MR. MULHERE: Is it subtitled?

CHAIRMAN STRAIN: Okay, Ms. Caron?

COMMISSIONER CARON: No, I'm fine.

CHAIRMAN STRAIN: Okay. So we're going to strike 5.1.9. Let's move on to 5.1.10.

Anybody have any questions on 5.1.10?

MR. MULHERE: I think it might be important for me to just give you a really quick sort of little bit of a commentary, because the question's been asked. You have -- this policy's been in the plan for probably seven or eight years, maybe longer.

Some people took advantage of this policy and came through and went through the site improvement plan and legitimized their mobile home park or subdivision. And it cost some money and they went through the process. And honestly, others ignored it or for whatever reason didn't do it.

And I guess there's two sides of the story here. One is we could say why still allow it to happen for those people that didn't take advantage of it when they should have taken advantage of it. And the other side of the coin from my perspective is let's give it another shot because the result is we get an improved health standard in these

parts.

Now, do you keep doing it? No, you don't keep doing it. But in the discussion with the CRA advisory board and the IMPVC and the community, it was agreed that we would extend this one more time to let people come into compliance.

But I just wanted to give you that background.

CHAIRMAN STRAIN: Okay. Anybody have any questions on 5.1.10?

COMMISSIONER MIDNEY: I support that idea.

CHAIRMAN STRAIN: Okay.

Basically the current deadline was January 9th of '03. And it got extended. Now you're wanting to extend it to sometime probably in 2012. So that's almost 10 years of a heads up. And some people did correct the problem, others have ignored it.

MR. MULHERE: No question, no question.

CHAIRMAN STRAIN: Okay. As we've marched on in time, and I want to show you something. I saved all kinds of little paperwork for you, Bob, to make your life real interesting. I'll need Carolina to put this on the overhead projector for me.

This is going to become relevant --

MR. MULHERE: Oh, yeah.

CHAIRMAN STRAIN: -- real fast in Immokalee.

MR. MULHERE: I could see by the colors what you're putting up there.

CHAIRMAN STRAIN: And it's -- it brings it into question on this one. But actually it brings it into question on everything that you're doing to make sure you keep it in consideration.

In your data and analysis, or someone's data and analysis, I found a reference to the flood hazard applicability of Immokalee, and it said the following: The Immokalee urban designated area, however, has one of the highest elevations in Collier County and is not subject to typical coastal zone flooding which is characteristic of properties closer to the Gulf of Mexico.

Now the intent there was, I'm sure, to say you guys don't have a flood zone problem. But if you look to what's going to be happening with the flood maps that are coming out, and this is not the final one, this is one of the drafts, the AH, which then becomes a mandatory area for flood hazard mitigation is basically all of Immokalee, as it is all of Golden Gate Estates.

MR. MULHERE: Right.

CHAIRMAN STRAIN: And it's absurd.

MR. MULHERE: Right.

CHAIRMAN STRAIN: But the federal government is trying to make this stick so that --

MR. MULHERE: Right.

CHAIRMAN STRAIN: -- insurance companies can get more money for their policies. That's going to bring into play all these old mobile home parks --

MR. MULHERE: Well, it will.

CHAIRMAN STRAIN: -- and I'm wondering how this is all going to all fit together out there and how much of this you've contemplated.

MR. MULHERE: We did consider it. And let me just say two things: One, I still think that sentence is 100 percent accurate.

CHAIRMAN STRAIN: Oh, I'm not saying it's not part of the coast, I agree with you. I just don't know how to get past the foolish feds.

MR. MULHERE: Well, and then the second part is I can't do much about what the federal government is going to -- you know, I was going to use a less kind term, but say, you know, cause us to have to comply with here on the Immokalee ridge, which is one of the higher elevations, you know, in the region.

There's no way around dealing with the requirements to elevate structures that might come out of this. It's possible the flood mitigation may only be some sort of an overall design that allows for the capture of water and reroutes it so that, you know, you're managing a floodplain.

But I think also it could be that you have to elevate structures. And I don't -- you know, that's what we use right here. We elevate structures, in coastal, we elevate and we use other building techniques to manage flood issues.

So that may be the case out here.

What do you do in the City of Naples with a house that's been built in 1955? It exists as long as they don't exceed 50 percent of the construction, the current appraised value I believe is the way that it works. Doesn't matter, there's a formula. If you exceed 50 percent, then the entire structure has to meet current flood elevations. If you don't exceed 50 percent, then you can do some improvements to the site, and then the improvements still have to meet flood elevation.

So you have that issue that is a thwart to some improvements, because people say well, I'm not going to have two steps up to the new building or something like this.

And that's what you're going to have to deal with in Immokalee as well as everywhere else, you know, if these requirements do become effective.

So new structures will have to be elevated, it might be only a couple of feet or something like that. Existing structures like these mobile home parks will continue to exist until they get replaced. But when they get replaced, then through the nonconforming provisions they have to meet those new flood elevations.

CHAIRMAN STRAIN: Well, and my concern is this additional two year period. Are they going to run into this as a problem, making the two year period moot anyway?

MR. MULHERE: Very possibly. I mean, who knows when this gets effective. But yes, that could happen. As far as that one issue, that could be a problem, yes.

CHAIRMAN STRAIN: Well, I wanted to make sure you were aware of this. I didn't see the reference to it in the prior documents, and it seemed to be the appropriate time to bring it up. So if it affects other things in your plan, you probably need -- I'm not sure how much Penny's CRA is aware of this, but it's going to be very difficult for the City of Immokalee and all the areas that this is impacting.

MR. MULHERE: Well, it's certainly going to affect the -- if you think about it, it's certainly going to affect the design parameters of the pending Immokalee Stormwater Management Plan, which then could reduce the implication through that stormwater management plan on individual structures. I mean, there's a possibility there.

If you have some flood protection built into that plan through ponds and other things, you know, you might be able to minimize the --

CHAIRMAN STRAIN: This may change elevations too in existing --

MR. MULHERE: It could.

CHAIRMAN STRAIN: -- in your new structures, which will affect your neighboring structures and --

MR. MULHERE: And it probably will --

CHAIRMAN STRAIN: -- your lots and everything else that happens out there.

So anyway, that's enough of that issue.

Any other questions on 5.1.10?

(No response.)

CHAIRMAN STRAIN: How about 5.1.11?

(No response.)

CHAIRMAN STRAIN: Now, the way I read this, Bob, is you're anticipating a change in the boundary of Immokalee near the urban area. And when it happens or when it's decided to be studied, that change is going to be initiated through this policy; is that --

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Well, why would the county want to initiate a pol -- a GMP amendment for a private property owner? I don't --

MR. MULHERE: Well, several --

CHAIRMAN STRAIN: -- get it.

MR. MULHERE: -- several private property owners. I guess -- well, I'll tell you what happened. The -- when we made some changes to the -- through the airport PUD and through the land use designation out there as part of this process, a couple of the landowners who own property adjacent to it came forward and asked that there be consideration to change the land use designation on their property.

And we actually did. They brought it to the CRA advisory board, the CRA advisory board recommended approval, and we actually went in and made the change.

Staff objected, indicating that it was their opinion that there was no justification for it. We agreed and



removed that change. Went back to the advisory board and said, you know what, we can't really support this at this point in time.

There might be some reason to do it down the road when we know what the implications of the land use change are as the airport develops out.

And that's when they came back with this language which, you know --

CHAIRMAN STRAIN: Well, it's just a way of circumventing a private submission for a GMP amendment that every landowner must do when they come to -- we see these all the time.

I'm just wondering why is the government going to do it for them? If they want to change -- once this is done and Immokalee's urban area is defined, if someone wants to change it, why don't they do it like everybody else does?

MR. MULHERE: Well, maybe --

CHAIRMAN STRAIN: Why is the taxpayers looking to be having --

MR. MULHERE: Maybe we can make it clear that any change would not be done by the county but the county will consider the implications of the change as part of some privately submitted --

CHAIRMAN STRAIN: Well, then why submit it? That's what we do anyway.

MR. MULHERE: Yeah, I suppose that's true.

CHAIRMAN STRAIN: Right.

MR. MULHERE: But it calls attention to the fact that an action by the county is going to -- that we're taking right now could very well have an impact on their land and the ability to use it the way it's designated.

CHAIRMAN STRAIN: We're not modifying the urban boundary line in that area, are we?

MR. MULHERE: No, but we changed the land use designation close to their properties by the airport. We changed it to industrial.

CHAIRMAN STRAIN: Okay, did we change their land?

MR. MULHERE: No.

CHAIRMAN STRAIN: Then I don't get it. I'm just -- if we start having the government make the land use changes for private entities, we're going to be doing that all over the county.

I'm just wondering why this one qualified.

MR. MULHERE: Well, it wasn't so much the intent that the government make the land use change. I mean, and I understand that argument that that shouldn't be the case. But more that there be some policy that three, five years from now, seven years from now, we all don't forget that the land use changed and that we agreed that we would take a look at what the implications of those changes are.

And what you're saying is let the landowner come in and do it.

CHAIRMAN STRAIN: Well, they're going to have to -- if they want a land use change, they're going to have to produce the data analysis that says it's justified, the needs analysis that says whatever they want to do is okay, and then go forward.

I'm not sure why we want to put ourselves in a position to predetermine that or to --

COMMISSIONER MIDNEY: I agree, it seems like you're asking the county to take on another cost.

CHAIRMAN STRAIN: Absolutely.

And with that, let's take a 10-minute break and we'll be back here at five minutes to 4:00, and we'll go to 10 minutes to 5:00. Okay?

(Break.)

CHAIRMAN STRAIN: Okay, let's move on for -- till 4:50 is when we're going to stop today. And I have one announcement to make at 4:49, just as we declare our continuation. And I hope Nick's not here to defend himself.

Now that I set the tone for the next hour.

Policy 5.1.12, Public Education Plants and Ancillary Plants.

MR. MULHERE: Where are we at?

CHAIRMAN STRAIN: I've got a 5. -- well, I don't know where you're at. We're on 5.12. And I see you've struck it, and that was going to be my question --

MR. MULHERE: Oh, I thought --

CHAIRMAN STRAIN: -- to staff.

MR. MULHERE: -- we were already done with that. I'm sorry.

CHAIRMAN STRAIN: No. And the reason I was going to -- okay, well, if it's struck, then that takes care of

it. Because it is already part of our -- go ahead, David.

MR. WEEKS: Commissioners, I would suggest -- I don't object to striking through the language, but I think we still need some reference to the Future Land Use Element. I crafted a single sentence that I would suggest we could replace this with. But I think it's important to still have some reference back to the Future Land Use Element.

I would also note that as part of a comprehensive approach during the EAR process we're going to need to look at the Future Land Use Element Policy 5.14 that this policy references. And there's a similar policy as we find in the Immokalee Master Plan, also in the Golden Gate Area Master Plan.

And the reason we'll need to address them comprehensively is because they're all making reference to the two interlocal agreements that were adopted in 2003 with the -- between the county and the school district. At least one of those interlocal agreements has been superseded, and I think the other one may have expired.

CHAIRMAN STRAIN: Okay. I guess that's probably where the problem is by putting these kind of things in here. We've now got to go back and change other policies because of a change of a sub-agreement.

David, am I mistaken, or is -- I had thought that whatever in this process was missing, say the Immokalee Area Master Plan did not identify a particular objective or goal because it was identified in the FLUE and the FLUE would then take care of it. But you just seemed to indicate that it has to be in here and the FLUE both. Is that -- I didn't -- is that true?

MR. WEEKS: It would be our preference. Because this goes back to the interlocal agreements that we had to adopt in 2003 as mandated by the state. And that's why we didn't just put it in the Future Land Use Element, we thought it best to put it in all of the elements that regulate future land use: The FLUE, Immokalee Master Plan, Golden Gate Master Plan.

If you'll allow me, I have a single sentence to replace all of this.

CHAIRMAN STRAIN: Sure.

MR. WEEKS: And I think it will be helpful in the future as well.

Replace this policy with the following: Public educational plants and ancillary plants shall be allowed as provided in Policy 5.14 of the Future Land Use Element, period. And that way if that policy changes over time, we won't have to continuously update this.

CHAIRMAN STRAIN: Okay. Anybody have any objection to that?

Bob?

MR. MULHERE: No. You'll send me that?

MR. WEEKS: Yes.

CHAIRMAN STRAIN: Okay. Well, that would sure make it a lot simpler.

Okay, then move on to Goal 6? And Objective 6.1. Okay, this is the reference to land use regulations, and we're on Objective 6.1.

Does anybody have any comments on 6.1 before we move into the policies?

(No response.)

CHAIRMAN STRAIN: Bob, I would suggest or ask that do we need -- where it says Collier County shall develop Immokalee specific land development regulations, after that word insert: To the extent required to fulfill this overlay that reflect the unique character of (sic) cultural diversity of the residents.

COMMISSIONER MURRAY: That's good, and stop. Period there.

MR. MENENDEZ: Yes, once again, my name Pedro Jesus --

CHAIRMAN STRAIN: Just a minute, let me finish up this thought here.

Does that work? To the extent required in this overlay -- to fulfill this --

MR. MULHERE: In this master plan?

CHAIRMAN STRAIN: To fulfill this -- yeah, this master plan, I'm sorry. To fulfill this master plan. That works, I'm sorry, yeah, you just changed some of that.

MR. MULHERE: And which reflects?

CHAIRMAN STRAIN: I think you just need to make a period after that. Because isn't -- if the master plan is written as I believe --

MR. MULHERE: It would do those things --

CHAIRMAN STRAIN: -- it would automatically do those things. And if it does more than that, you don't want to limit it to just that anyway.

MR. MULHERE: No, it's just sometimes it's nice to say that you want to encourage -- I mean, it's nice from the state oversight perspective to talk about cultural diversity, pedestrian friendly urban form, promoting energy efficiency, but we don't need it.

CHAIRMAN STRAIN: I doesn't hurt -- I don't know if it hurts anything.

David, does it matter from a comprehensive viewpoint?

COMMISSIONER WOLFLEY: How many times do you want to say that?

CHAIRMAN STRAIN: Mr. Wolfley?

MR. MULHERE: A lot.

MR. WEEKS: I don't think we have to have it in here. I agree with Bob's comment as well, though, that because of House Bill 697, if we keep inserting it, and I know it's redundant, but each time we mention it in a policy, it's right there in the face of DCA reviewer.

CHAIRMAN STRAIN: Okay. I mean, I don't have an objection to it if it doesn't hurt anything, so -- sir, your comment?

MR. MENENDEZ: Yes. My name again, Pedro Jesus Romero Menendez.

I want to talk about the requirements that the commission has on plantings on new buildings.

I remember just before they open the I Tech in Immokalee, I participated in an interagency meeting there. And we were giving a tour of the camp -- the building and the landscape. And I notice that there was a lot of grass planted there and no native plantings.

And I asked, I said, why do we have, you know, so much grass? Because -- and he said that is a requirement of the Planning Commission.

And I think the policy should be changed to go more to native plantings. For many reasons. It could protect the wildlife. It could save water. Native plantings require less water because adapted to the conditions of the area.

The use of grass, it looks nice, but it requires a lot of maintenance. Grass is not American. These seeds of grass that we use in this country, they were brought by the early Europeans that came, because it remind them of home, having the nice lawns.

And these are mostly European grasses that we use. We have to depend a lot on the use of chemicals. It's a lot of maintenance. We have to use the lawnmowers to keep it a certain level that's required by the cities, and use the chemicals. We're poisoning our environment and our health.

And I know it is a big business, the lawn business; it's a multi-million dollar business. But it's not doing now for our environment. Now we are more concerned about the greenhouse gases. And we need -- we're losing a lot of species of animals and plants. And that's why you need to change that policy to allow more native plants that, as I said, it would save water, the use of water and the chemicals. And it could look nicer and it could attract more of our native wildlife.

Also on planting trees, Immokalee, as I mentioned before, is a poorer community than Naples so it would cost more to the owners to plant more trees and so close.

We should also allow to have some trees not to be the same kind of trees one after the other, because what will happen is when you get so many planting, vegetation the same kind, a disease come attack one and it's going to wipe all of them.

That's what happened with the elms in this country. We got the Dutch elm disease. Every city, they got the boulevards, you know, with the beautiful elms, then come the Dutch elm disease and the elms gone. By interplanting we got more protection for the trees and the other vegetation.

And there was a case in point several years ago, they were doing experiment in Minnesota. They got two big parcels of land and they were divided. One, it was mostly a monoculture and the other one was a bigger diversity of planting.

One thing they weren't planning on that experiment is that time Minnesota went through the longest drought season in the history of the state. Well, what happened is the one that had the monoculture, that, it died completely. And it took a lot longer for that land to come back to be productive.

The one that has the diversity of planting, that -- the damage wasn't done quite as severe. And that recuperate a lot faster.

Also, when you got a mixture of plantings, these plant, they help one another to -- because they got different size roots to bring moisture for the sublevel to the top layer. And they could help one another to stay productive. That

is why you should look at the policies and try to make changes that would reflect the needs of the environment now days and the health of the community.

Thank you very much.

CHAIRMAN STRAIN: Thank you.

The comments about the plants that this gentleman just made certainly are ones we ought to consider when we do the Land Development Code implementation of the policies that we're talking --

MR. MULHERE: Good suggestion.

CHAIRMAN STRAIN: -- about today, so --

And I know that next week or -- yeah, next week you're asking for relief of some of those, which is interesting, so --

MR. MULHERE: Interim, yes.

CHAIRMAN STRAIN: We'll have to see how many you really need now.

MR. MULHERE: All of them.

CHAIRMAN STRAIN: Okay. We left off somewhere.

COMMISSIONER MIDNEY: 6.1.

CHAIRMAN STRAIN: 6.1, yeah, the objective.

MR. MULHERE: Right.

CHAIRMAN STRAIN: We just changed some language in the beginning of the objective and now we're moving on to 6.1.1.

Anybody have any issues on 6.1.1?

Mr. Midney?

COMMISSIONER MIDNEY: 6.1.7 seems to contain what's in 6.1.1. Do we need to have both -- do we need to have 6.1.7 as well? Because 6.1.1 mentions native preservation.

MR. MULHERE: Yeah, it's actually different. I mean, I guess maybe you could combine them. I prefer to keep them separate, because 6.1.7 deals with a very specific allowance in the Comprehensive Plan for deviations from native vegetation requirements.

The other one is a more general -- it says we'll look at the standards as it relates to native vegetation and see if they need to be changed in Immokalee.

Okay, I mean, I can get -- if you want me to get into 6.1.7 right now I can do that, I can --

CHAIRMAN STRAIN: Well, go ahead.

MR. MULHERE: Okay. 6.1.7, the Comprehensive Plan -- find my copy of the -- I know I gave you one, Mark, and I had other copies, and I have to figure out what I did with them -- oh, they're right over here.

CHAIRMAN STRAIN: You just showed me one earlier. I don't think you gave it to me, though, Bob.

MR. MULHERE: Here they are. Here they are.

Policy 6.1.1 of the Conservation Coastal Management Element, paragraph 10, states: Within one year of the effective date of these amendments the county shall adopt land development regulations that allow for a process whereby a property owner may submit a petition requesting that all or a portion of the native vegetation preservation retention requirement be satisfied by a monetary payment, land donation that contains native vegetation communities equal to or of a higher priority, or other appropriate method of compensation to an acceptable land acquisition program as required by the land development regulations.

The monetary payment shall be used to purchase and manage native vegetation communities off-site.

The land development regulations shall provide criteria to determine when this alternative will be considered. The criteria will be based upon the following provisions: The amount, type and rarity and quality of the native vegetation; the presence of conservation lands adjoining the site; the presence of listed species; and consideration of federal and state agency technical assistance.

And then D. And this is the one that I think is important for us: The type of land use proposed such as but not limited to affordable housing.

So this amendment to the Comprehensive Plan occurred some three years ago, or two years ago. And the land code amendment is now being amended or has just been amended I guess to incorporate this process whereby a property owner may submit a petition requesting that all or a portion of the native vegetation be provided elsewhere, so on and so forth.

But it limits the applicability of that process to affordable housing projects. And I'll repeat the language from the Comp. Plan that says as one of the considerations the type of land use proposed such as, key phrase, but not limited to affordable housing.

So in Immokalee we would like to also be able to ask for that exception, deviation, off-site allowance when it's not only in a provision for affordable housing but also a job creation or economic development or diversity opportunity.

And that wasn't covered in the amendment that just got done. So that's why that's in there.

CHAIRMAN STRAIN: Well, wait a minute, I think you're all going to say what I'm going to say. Go ahead David and then --

COMMISSIONER WOLFLEY: No, no, go ahead.

CHAIRMAN STRAIN: You just said that what it says as an exception is the type of land use proposed such as but not limited to affordable housing.

MR. MULHERE: That's what it says in the Comp. Plan.

CHAIRMAN STRAIN: Right. You already got that. So what are you asking for in 6.1.7 that isn't already provided to you in the existing deviation process of that chapter of the CCME?

MR. MULHERE: Well, what we're asking for is that we go back now and amend the land code because they did amend the land code in conformance with that but only limited it to affordable housing.

What we're asking for is the ability to -- I mean, you may call it -- and it's okay if we get it in the public record -- you may call this being overly cautious. But I want to make sure that I don't have a problem down the road when I come in with an LDC amendment that allows for a deviation from native vegetation, the basis of which might be something other than just affordable housing.

CHAIRMAN STRAIN: Why don't you come in with it as an LDC amendment for the specific LDC language you're going to create for Immokalee so that there it can be changed as needed rather than put it in the GMP in which it's going to be impossible to change?

MR. MULHERE: I'm planning on coming in. This isn't the specific language, this is just --

CHAIRMAN STRAIN: No. But you don't need this if you change it through your LDC language.

MR. MULHERE: If what you're saying is based on that language I don't need this, I'm okay, then we're fine.

CHAIRMAN STRAIN: No, I'm saying you have to ask for it. If it becomes part of the LDC language that's adopted, it would be consistent, I think, with 10.D which is what you're pointing at, David.

If you were to look at 6.1.110.D, type of land use proposed such as but not limited to affordable housing. And he's telling us that the LDC currently limits it to affordable housing. By that phrase it says but not limited to, could it be expanded to more than affordable housing through just changes in the Land Development Code and not have to be reiterated in this GMP?

MR. WEEKS: Let me rephrase that. Would it be possible for the LDC provision to be expanded to reflect what is in this Policy, 6.1.110 without --

CHAIRMAN STRAIN: Yes.

MR. WEEKS: -- having to do any further amendment --

CHAIRMAN STRAIN: And that --

MR. WEEKS: -- to the Comprehensive Plan --

CHAIRMAN STRAIN: But that expansion meaning can it go beyond affordable housing.

MR. WEEKS: I would say yes. Yes, you can amend the LDC to reflect what this Policy 6.1.110 says without any further amendments to the Comprehensive Plan.

CHAIRMAN STRAIN: Well, I -- you know, I'm back to Jeff's earlier, why would we want to beat this thing up in our -- why would we want to get this into a GMP when we already got it resolved through another process that's --

MR. MULHERE: Because our experience is -- I mean, I guess my experience is that we haven't always gotten what we thought we could get unless it was expressly stated in there.

And in fact we have an amendment that limits it to affordable housing. Why does it limit it to affordable if that wasn't -- and there were recommendations that it not be limited to affordable housing, that it be increased --

CHAIRMAN STRAIN: You're talking too fast.

MR. MULHERE: Yeah, I know. Thank you.

So again, I mean, I don't -- we can take it out. It's on the public record. It's okay. But --

CHAIRMAN STRAIN: Well, let's talk about it. I'm sure there's other comments.

Mr. Wolfley, you still got a comment?

And then Donna had a comment too.

COMMISSIONER WOLFLEY: No, no, I don't.

CHAIRMAN STRAIN: Donna?

MR. MULHERE: It was put in there just to ensure that we would have the opportunity to come in and do that as sort of a placeholder.

COMMISSIONER CARON: Well, I'm in agreement with Mark that it doesn't need to be in here.

MR. MULHERE: I agree.

COMMISSIONER CARON: I'm a little concerned, though, that what you're trying to get out of this is that in every instance you can be exempted from native vegetation policy.

MR. MULHERE: No, it's not an exception. You have to -- you actually have to buy native vegetation in another area where it's targeted for acquisition.

COMMISSIONER CARON: Right.

MR. MULHERE: So it's not an exemption. It's just not allowing -- you don't have to do it on --

COMMISSIONER CARON: I apologize for that turn of phrase.

So that you can just buy it somewhere else and Immokalee can essentially become a concrete jungle --

MR. MULHERE: No.

COMMISSIONER CARON: -- because you've decided every little project will come through and say we don't want it, we'll buy it in, you know, the RLSA or we'll buy it in --

MR. MULHERE: It's really not written that way. It's really written with a great deal of limitations and protections. I'll read it again.

CHAIRMAN STRAIN: Well, in what? What are you reading, the CCME?

MR. MULHERE: I'm reading the Comp. Plan.

CHAIRMAN STRAIN: But wait a minute, let me explain something. If this were -- if we were to add more than affordable housing to this exception for a deviation only for the Immokalee area, we could put criteria on when that exception kicks in. And we can do that through the LDC amendment process, which is something we can't do here --

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: -- which makes it too much in totality --

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: -- which is what I think the concern is.

MR. MULHERE: And that criteria already exists. There's a threshold for administrative, then it goes through public hearing. There's all kinds of stuff in the comp. plan al -- in the LDC already.

CHAIRMAN STRAIN: I think it's much more comfortably left in that document than this one.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Does anybody have -- yeah, I think we're all on the same page on that. Okay. Paul?

COMMISSIONER MIDNEY: I don't know if this is necessary or not, but when you're talking about native preservation retention, I don't know if this would be an appropriate place to put it but to exclude the Lake Trafford/Camp Keais overlay as a part of any kind of opportunity, you know, to bypass native vegetation preservation.

MR. MULHERE: I don't understand. I'm not following why we wouldn't want to target acquisition and mitigation in an area we want to protect.

CHAIRMAN STRAIN: No, I think he's saying if there's a project there, the project can't look to deviate from a standard --

COMMISSIONER MIDNEY: That was what I --

MR. MULHERE: That I understand. That makes sense to me.

COMMISSIONER CARON: It's just the opposite.

COMMISSIONER MIDNEY: It's 4:00.

CHAIRMAN STRAIN: Yeah. That was -- we're still on 6.1.1.

MR. MULHERE: Yeah, that makes sense.

CHAIRMAN STRAIN: Well, you make a note and just come back --

MR. MULHERE: And put it in the LDC.

CHAIRMAN STRAIN: Yeah.

6.1.2. Anybody have any questions on 6.1.2?

COMMISSIONER SCHIFFER: I do.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Bob, the term mixed use, is it still a macro or is it a micro yet?

MR. MULHERE: That is talking about mixed use centers, so that's really talking about a product.

COMMISSIONER SCHIFFER: So it's an actual building with mixed uses, so it's the micro version?

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: Okay.

COMMISSIONER MURRAY: Question.

CHAIRMAN STRAIN: Go ahead, Bob.

COMMISSIONER MURRAY: Policy 6.1.2. I guess it's, let's see, fourth line down where it talks about interconnection of pedestrian facilities serving new schools to the existing pedestrian network.

I've been under the understanding that school people do not want their plant to be open and available for use. They've even put fences now around a lot of schools.

MR. MULHERE: Yeah.

COMMISSIONER MURRAY: If I'm in error, I would like to know that. But if I'm not in error, then how do we propose to make this happen? What compulsion can we require of them if we haven't been able to do so up to now?

MR. MULHERE: I think that's a very good point. And I actually struck through the new schools language in both circumstances where it occurred. Because the fact is that we don't have any real ability to, you know --

COMMISSIONER MURRAY: Make it happen.

MR. MULHERE: -- to make that happen.

I mean, I guess it could happen through some future interlocal agreement or something. But for the purposes now, I mean, if we're interconnecting -- if we're placing parks and other community facilities close to -- in a walkable condition, you know, in a walkable condition, I would hope that the school board would also be looking at the same thing as it relates to new schools.

But you know what, I don't see -- I could be wrong, but I don't see a whole lot of new schools happening in the near term.

COMMISSIONER MURRAY: Well, I've just seen schools that have been in place for a long time suddenly get big fences on them now so --

MR. MULHERE: Yeah, I don't know.

COMMISSIONER MURRAY: -- I don't know why -- I mean, this is under the guise of security.

MR. MULHERE: Security, yeah.

COMMISSIONER MURRAY: And we're really basically saying that this is not public property even though you paid for it, citizens, and you can't come here.

MR. MULHERE: I guess the unfortunate condition we live in is one where liability seems to be the driving factor in everything that we do. And that's a comment, but I mean it's sad but true that the basis for that is liability.

COMMISSIONER MURRAY: Well, I hope that one day we change.

CHAIRMAN STRAIN: Any other questions on 6.1.2?

(No response.)

CHAIRMAN STRAIN: Let's go to 6.1.3. Anybody have any questions on 6.1.3?

(No response.)

CHAIRMAN STRAIN: Okay, 6.1.4.

By the way, Bob, I notice that you've not only just here but in a prior page or two where it says -- where it has those two-year performance standards, I notice that you didn't put in the subject to Policy 1.1.1 as you had all the others. I mean, I'm assuming you're going to catch that when you clean this up?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay, 6.1.5, anybody have any questions on 6.1.5?

(No response.)

CHAIRMAN STRAIN: In this one you reference the central business district overlay. That's the new overlay?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. You already got what, five or six overlays in Immokalee? So now are we wiping all those other overlays out and putting -- how is this being done?

MR. MULHERE: The intent -- I mean, we haven't done this yet, but the intent is as part of the land code amendments to combine the multiple overlays into a single overlay. Might have some sub, you know, sets of standards.

I don't know that we'll accomplish it in one but we certainly I think can reduce it to no more than a couple of overlays.

And maybe the term overlay there isn't necessarily appropriate. We're going to have a central business district. I don't know if we now have to say central business district overlay subdistrict, you know, that's a little bit of overkill there.

CHAIRMAN STRAIN: David will have fun with trying to figure out what that is.

MR. MULHERE: I think it would have been all right if we just would have said essential business district and then how we -- what nomenclature we use, we'll figure that out.

Would you agree?

CHAIRMAN STRAIN: You're going to create that though through the Land Development Code.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. Now, will that be done when you do the LDC changes, or will you do it as a separate overlay?

MR. MULHERE: It's proposed to be as part of that process.

CHAIRMAN STRAIN: Okay. Any other questions on 6.1.5?

(No response.)

CHAIRMAN STRAIN: If not, 6.1.6. Any questions on 6.1.6?

(No response.)

CHAIRMAN STRAIN: And I had some questions, but you've changed a lot. Okay, well, that last sentence is important because the CPTED principles are not always compatible with architectural design that's acceptable. But I think your last sentence clarifies that.

Anybody have any questions on 6.1.6?

David?

MR. WEEKS: Just a very minor point. The policy reference the subject to Policy 1.1. I believe that should be 1.1.1. That's that template language.

MR. MULHERE: Yeah, yeah.

CHAIRMAN STRAIN: Okay, we'll move on to Goal 7 and Objective 7.1.

Is there any questions with those first two points?

(No response.)

CHAIRMAN STRAIN: If not, 7.1.1. Anybody have any issues with 7.1.1?

(No response.)

CHAIRMAN STRAIN: Okay, 7.1.2.

I'm not sure why you need this. But do you know what the Enterprise Zone is? Have you seen that document?

First of all, it's a 1995 document. It was a time, a 10-year planning document. And it has a whole pile of strategies and goals that are not necessarily consistent with things that are in place today.

It also is supposed to have an appointed board. And I'm just wondering, is that board -- have you guys met with that board and talked with them to see if they've met their goals and strategies?

There's seven strategies in order of priority. They are listed. I have all the listings.

The timings for completions were all supposed to be many years ago.

MR. MULHERE: You're talking about the Enterprise Zone.



CHAIRMAN STRAIN: Yes. They have an annual report. Joe Cunningham used to be involved in it, but the latest one was '06.

And in that report they talk about what money they had. And it says the key element of the master plan update is the economic feasibility study now being prepared by the Regional Economic Research Institute of the Lutgert College of Business of Florida Gulf Coast University, which is under subcontract with the CRA.

The study will lay the groundwork for future physical development of Immokalee's economic base.

And the reason I pointed that out is because that particular document, we haven't -- we can't seem to find all the pieces of that to know what its basis was for.

Do you really need to reference the Enterprise Zone?

MR. MULHERE: Well, I guess there's two ways to look at it. One is whether we need to reference it and the other one is whether or not we need to talk about looking at the Enterprise Zone strategic objectives and determining whether they're still applicable.

CHAIRMAN STRAIN: Well, one of them is eliminate impact fees. I mean, it may be applicable, but how practical is that going to be? Not that I'm saying it wouldn't be a great thing to do but --

MR. MULHERE: I understand, and --

CHAIRMAN STRAIN: -- then you really got a problem on how you pay for things.

MR. MULHERE: I really need to defer to Penny as to whether or not they're still meeting or not. I don't know the answer to that question.

CHAIRMAN STRAIN: Well, I know it's still in place, and that's good. It's not bad there. But I'm just curious about how we bring it into this GMP.

Hi, Penny.

MS. PHILLIPPI: Hi.

We do have an Enterprise Zone. We do report monthly and quarterly and annually to the state because we're a state designated Enterprise Zone. And the CRA advisory board is the board of the Enterprise Zone.

CHAIRMAN STRAIN: Oh, good.

MS. PHILLIPPI: We have a list of objectives. But eliminate the impact fees isn't one of them. So I'm wondering if you have an old document or if it's --

CHAIRMAN STRAIN: I've got the only one referenced in county records that I could find. So I --

MS. PHILLIPPI: Well, there's a second one because they had to resubmit.

CHAIRMAN STRAIN: Well, I asked for these documents and I only took what I got. So someone needs to give me the right document, and I'd be certainly glad to see it, but it would have to be in the form of an adopted ordinance. Because the Ordinance 95-22 is the one that created the Enterprise Zone and the application within that document, which is about 80 pages, has all this information in it. And the sixth strategy in order of priority is eliminate impact fees. And I wish we could.

MS. PHILLIPPI: We did reapply. There is a reapplication and approval, and I'll get that to you.

CHAIRMAN STRAIN: Okay. I'd sure appreciate it, thank you.

And then we have another one here, which is almost as interesting. And this one is called the Community Redevelopment Area Plan.

Now, I asked for that document too and I got the document. But it isn't the document I think everybody thinks it is.

MR. MULHERE: No, it's very minimal, right?

CHAIRMAN STRAIN: Well, it's not minimal, it's nonexistent. It provides the CRAs for Bayshore and --

MR. MULHERE: Oh, yeah.

CHAIRMAN STRAIN: -- Gateway Triangle. And if you'll look in the index for that document, it's all about Bayshore and Gateway. And in the appendix it refers to four figures that are basically an outline of the Immokalee urban area, but it's not a plan for the CRA -- for the community -- it's not a community redevelopment area plan.

So I don't know what that is. And I think before we accept it as a reference, we try to find out what it is.

MR. MULHERE: Well, I'm going to -- now, I'm going to defer to David now. There was an adoption of a community redevelopment plan in Immokalee which I believe was done for various funding and state funding purposes.

You all called it to my attention that we didn't have that overlay as part of our Comprehensive Plan and we

then inserted it. The community redevelopment -- the redevelopment plan?

Do you have any recollection of that?

MR. WEEKS: As far as the Future Land Use Map, it was the urban infill and redevelopment area.

MR. MULHERE: Right. And I don't know if that's the same.

CHAIRMAN STRAIN: Well, David, here's the plan that was referenced. This was -- I mean, I asked for all this stuff a month ago, and I got bits and pieces of it. Some of it turned out to be an answer to the question and others turned out to be what this is, which isn't a Community Redevelopment Plan Area for Immokalee.

So if one does exist, I think we need to see it in order to understand why it's referenced and how it applies in here.

MR. MULHERE: And I see that the reference is right here.

CHAIRMAN STRAIN: Okay, I just -- for the next time around, Bob, if you could -- if somebody can try to find that so we know if we have a valid reference or not, that would be --

MR. MULHERE: We have a valid reference, we just don't have a plan within the reference.

CHAIRMAN STRAIN: Or if the plan that you have, because it said Immokalee somewhere in it, someone thought that was an Immokalee redevelopment plan, it isn't. And --

MR. MULHERE: Right. I would say this along with the CRA plan is what's the redevelopment plan for Immokalee, so --

CHAIRMAN STRAIN: Well, and I pulled the stuff for the CRA too, so -- okay, well, I think you need to follow up on that one and we'll wait.

Anybody else have anything on 7.1.2?

(No response.)

CHAIRMAN STRAIN: Let's go to 7.1.3. Are you going to put your -- you did put your subject policy in here.

COMMISSIONER MIDNEY: Just --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER MIDNEY: -- that seems like a huge amount of new government spending. It seems out of place.

CHAIRMAN STRAIN: Well, there's a -- I mean, Bob is a valid -- what do you call you, member of the Obama army? So that would justify his need for more government spending.

COMMISSIONER MIDNEY: I'm the Obama army.

CHAIRMAN STRAIN: Oh, okay. Well, your need. I can't believe you're complaining then.

MR. MULHERE: Well, I know that these are subject to funding. And again, all I'm saying is that this is -- how far is Immokalee from the coastal urban area, 40 something miles?

CHAIRMAN STRAIN: Forty minutes, 45 minutes.

MR. MULHERE: So, you know, with appropriate funding it seems appropriate to me that there be at least a satellite office, since we have a satellite office in North Naples and East Naples and so on and so forth, for some of these services so that the citizens in Immokalee who have less capability of getting from one point to another can get to these government facilities.

I recognize that there's probably not funding for it right now and may never be, I don't know. Seems like it has to be at least a goal.

CHAIRMAN STRAIN: I don't have --

COMMISSIONER WOLFLEY: Some of them anyway.

CHAIRMAN STRAIN: Well, I mean, if they can -- what about justification? You include subject to financial -- I mean, basically feasibility by that policy reference. And what about the need?

I know there might be a need for one or two people, but don't we want to justify there's -- in order to have domestic violence services, you've got to have enough activity to justify it?

I mean, Paul may say we have out there, I don't know.

COMMISSIONER MIDNEY: Actually, looking at this, we have Animal Control, we have Child Support, we have Code Enforcement, we have Court, we have Domestic Violence. EMS, I don't know if we have or not. Public Health we have. Housing, Human Services we have. We have a Commissioner's office. We have a CRA. We have a Tax Collector. We have almost everything, they're just not in one building.

MR. MULHERE: Right.

CHAIRMAN STRAIN: I guess it's a moot point. We'll just move on.

MR. MULHERE: I could say -- I put a little phrase in there, where utilization warrants. I mean, if that's -- to ensure effective collaboration and where utilization warrants, you know, something along those lines. I'll add a couple more. But, I mean, that would be a -- I mean, if you only have a few people using something then it doesn't make financial sense to do it.

COMMISSIONER MURRAY: Well, could I say something?

CHAIRMAN STRAIN: Go ahead, Bob.

COMMISSIONER MURRAY: I think on the other side of that coin is the projected population of Immokalee in 20 years, 10 years, whatever would certainly in numbers alone suggest the need for services proximate to them.

MR. MULHERE: And potentially serving the other communities that will develop out there as well.

COMMISSIONER MURRAY: And if for no other reason than to save on greenhouse gases.

COMMISSIONER MIDNEY: Yay.

CHAIRMAN STRAIN: Okay, Policy 7.1.4, funding for safe neighborhoods. Any questions on that?

MR. MULHERE: I struck through it.

CHAIRMAN STRAIN: Good, that saves the questions.

Okay, before we go into this next massive section that has a lot of issues because it involves the density, why don't we just call it a game for today and come back on Thursday and do that.

COMMISSIONER MURRAY: That would be a good idea.

CHAIRMAN STRAIN: Okay. So with that, we need a motion to continue this meeting to Thursday morning, 8:30 at this location. And between now and then we'll try to read the yellow highlighted policies that were passed out to us today and we'll try to at least get those into the mix on Thursday and finish up as much as we can.

COMMISSIONER WOLFLEY: So moved.

COMMISSIONER MURRAY: So moved.

CHAIRMAN STRAIN: Motion made by Mr. Murray, seconded by Mr. Wolfley. We are continued until 8:30 Thursday morning in this room. Thank you all.

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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 4:33 p.m.

COLLIER COUNTY  
PLANNING COMMISSION



MARK P. STRAIN, Chairman

These minutes approved by the Board on 18<sup>th</sup> March 20, as presented  or as corrected

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE, INC. BY CHERIE NOTTINGHAM