

October 20, 2016

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, October 20, 2016

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, 3299 East Tamiami Trail, Naples, Florida, with the following members present:

CHAIRMAN: Mark Strain
Stan Chrzanowski
Diane Ebert
Karen Homiak
Joe Schmitt

ALSO PRESENT:

Mike Bosi, Planning and Zoning Manager
Corby Schmidt, Principal Planner
Raymond V. Bellows, Zoning Manager
Eric Johnson, Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the October 20th meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you. Will the secretary please do the roll call.

COMMISSIONER EBERT: Yes.

Good morning. Mr. Eastman?

MR. EASTMAN: I'm here today. Trying to buy some time for Stan.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: I'm here.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Mrs. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: And, Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Addenda to the agenda; we've got a full agenda today. I imagine it's going to take most of the day to get through it. The only thing I'd like to add is a discussion on the Affordable Housing Committee under new business before we leave today. It will just take a brief moment.

With that, we'll move to Planning Commission absences. Our next meeting is November 3rd. Does anybody know if they're not going to make it on November 3rd?

(No response.)

CHAIRMAN STRAIN: Then we will have a quorum. We're good.

COMMISSIONER SCHMITT: Do we have any idea what the agenda looks like November 3rd?

CHAIRMAN STRAIN: There's 25 items on it.

COMMISSIONER SCHMITT: Oh, good.

CHAIRMAN STRAIN: Ray usually sends us a schedule.

MR. BELLOWS: I'll email everyone the upcoming meetings, what's on the agenda.

COMMISSIONER SCHMITT: Yeah. I'm just kind of trying to get a feel if it's going to be like an all-day event, that's all.

MR. BELLOWS: Which meeting day?

CHAIRMAN STRAIN: November 3rd.

COMMISSIONER SCHMITT: Third. Not important. I mean, I'll be here. I just didn't know.

MR. BELLOWS: I'll email everybody today.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN STRAIN: I think he's trying to say he'd like all-day meetings so he can get settled in for the day.

COMMISSIONER SCHMITT: Thank you, yes. That's a good idea.

COMMISSIONER HOMIAK: His wife can make a plan.

CHAIRMAN STRAIN: Yeah. She can have a better day.

COMMISSIONER SCHMITT: I'll have to cancel my afternoon tee time then.

CHAIRMAN STRAIN: Mike?

MR. BOSI: Good morning, Chair, Planning Commission. Mike Bosi, Planning and Zoning Director.

On the 3rd, currently we have Courthouse Shadows PUD, which is right across the street; New Hope Ministries, which is a residential proposal within a community facilities PUD; and also Collier County Resource and Discovery Business Park, which is the gas-to-energy activity over by the landfill. So there's three items that will be of --

CHAIRMAN STRAIN: And I can tell the panel from my, already, contacts I've had on those three items, we will be here probably past lunch, so...

COMMISSIONER SCHMITT: Okay. All right.

CHAIRMAN STRAIN: Approval of minutes. We've received the electronic copy of the September 15 minutes. Does anybody have a motion to either change or approve?

COMMISSIONER HOMIAK: Motion to approve.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Motion by Karen, seconded by Stan.

All in favor, signify by saying.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Ray, any BBC -- BCC reports?

MR. BELLOWS: At the last Board of County Commissioners meeting, the item for Naples Heritage was remanded to the Planning Commission to address an issue that came up in regards to the access point.

CHAIRMAN STRAIN: I recall that one.

MR. BELLOWS: I'm not sure if it has a new date yet.

MR. JOHNSON: That will be November 17th.

CHAIRMAN STRAIN: You need the mike.

MR. JOHNSON: November 17th.

CHAIRMAN STRAIN: Okay. Okay. There's no -- I have no chairman's report today. There are no consent items. We'll move right into our advertised public hearings.

The first two are companion items, so I'm going to read them both. We'll discuss them both simultaneous, and we'll vote on them separately. They're both continued items from the September 15th meeting.

***The first one PUDA-PL20150002550, which is the amendment to the planned unit development for the Marco Shore Golf Course community, and the second one is a companion to that. It's the rezone of the property that's being removed from that PUD and going -- as part of the airport. It's RZ-PL20160000382.

All those wishing to testify of behalf of these two -- either one of these items, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: And disclosures on the part of the Planning Commission. We'll start with Tom.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Yeah, I talked to Dennis Vasey; I talked to Frank Halas. They were on airport board; and talked to Bob Mulhere; got correspondence from Nicole; talked to staff. I think that's it.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: I spoke with Nicole.

CHAIRMAN STRAIN: And I have met with quite a few members of staff, the various people with the airport authority, and the Conservancy's group as well as the County Attorney's Office in several meetings. That's about it.

Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: I spoke briefly with staff and at great length with Nicole Johnson on the issues.

CHAIRMAN STRAIN: Okay. With that, we will turn it over to Bob for his presentation.

MR. MULHERE: Thank you. Good morning. For the record, Bob Mulhere with Hole Montes here on behalf of the airport, Collier County.

With me this morning is Justin Lobb, who is the Collier County airport's manager, and Gene Shue, who is the operations director.

As Mr. Strain indicated, there are two companion items. One is a PUD amendment to remove 6.5 acres out of the Marco Shores Golf Course community PUD, and the other item is to rezone that to be P, public use, as the balance of the airport operations is zoned P, public use.

There is another item that doesn't come before the Planning Commission, but just for your information there is a vacation of a portion of Mainsail, and I'll show you where that's located when we get to the site plan, but that will be also heard at the Board. So there will be actually three companion items when this gets to the Board.

The purpose of this -- of these amendments is to provide for continuity of the zoning airport property and to allow for completion of the approved ALP. That's the airport layout plan. And that includes relocation of the terminal building and various other improvements that are generally driven by FAA safety requirements.

A significant portion of the cost is anticipated to be covered by an FAA grant, and so the timing of getting through this process is important.

I have on the visualizer a portion of the airport property. Am I on? Yes. This is Mainsail Drive coming down, and this is the portion of the PUD to be vacated, and this is the portion of the right-of-way -- excuse me -- to be amended, to be removed from the PUD and put in the P district, and this is the portion of the right-of-way to be vacated.

And let me just show you an exhibit that shows the improvements. So, again, here you can see Mainsail Drive. There will be parking area, relocated terminal building. This is the Marco Shores Golf Course maintenance facility over here, and then the airport operations.

Again, that ALP was approved by the Board of County Commissioners, and the idea here is to move forward with it. I just wanted to show you briefly. Although you don't consider vacations, this is the portion of the Mainsail Drive that would be vacated in order to accommodate the full renovation.

So as you may or may not know, the airport is located -- most of the airport is not within the Deltona settlement area; however, some of the boundary portions of the airport actually infringe on the settlement area and on some conservation areas.

That Deltona settlement agreement was approved in 1982, and removed thousands of acres from the Deltona's corporation plans for development. There are a number of -- there are, I think, 11 signatories to that Deltona settlement agreement.

As time went on and the airport made some improvements, there were some concerns about improvements on the edges of the airport that was felt encroached into that settlement area and, ultimately, there was a memorandum of understanding signed by a number of the signatories of the Deltona settlement agreement. And that MOU, I believe, was approved in 2001.

So there was discussion over the last two months in several meetings with Nicole Johnson of the Conservancy, and Brad Cornell was in some of those meetings, and other members of the environmental groups who were the signatories on the MOU, I believe, were informed of the process, though they didn't attend the meetings.

The most recent meeting we had was actually yesterday afternoon at 3:30, concluding about 4:45, and at that meeting we were able to come to an agreement and would propose to add a number of stipulations that Heidi Ashton has crafted and provided me a copy of that I believe -- and Nicole will certainly speak for herself here -- but I believe Nicole is supportive of those conditions. And let me put those on the visualizer so that you can see exactly what we proposed to do.

So the additional condition that we propose to add is that the county shall not commence construction of the improvements shown in the ALP until the following conditions have been met, and the

first is that the BCC has approved the first amendment to the MOU to include the area to be removed from the Marco Shores PUD and rezone to P in this ordinance.

The second is that a conservation easement, including the 15-foot-wide area running the length of the eastern boundary of the airport property and a small area on the north side of the airport property within Tract Q of the Marco Shores Unit I subdivision plat, is recorded in favor of the MOU signatories.

The conservation easement shall be recorded in the official records of Collier County within 30 days after execution of the first amendment to the MOU by all of the environmental signatories.

And the third condition is that no later than 30 days after the approval of the rezone the airport authority staff shall notify in writing all of the original MOU signatories of the proposed first amendment to the MOU.

The airport authority staff shall obtain the signatures of the environmental signatories prior to construction. One note; we're adding MOU environmental signatories, limited to those.

So with this condition, we believe that this proposal can go forward and the airport can finalize the grant and be prepared to commence construction. We have no reason to believe that we will not be able to obtain the signatures from those environmental groups to amend the MOU.

With that, I know there are a few questions, so I'll open it up to questions.

CHAIRMAN STRAIN: Okay. Members of the Planning Commission, anybody have any questions?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Well, Bob, I have a few. Now, let's start with what you just took off of the overhead.

MR. MULHERE: I'll put it back on.

CHAIRMAN STRAIN: Thank you. Number two -- and I know we discussed this yesterday, and I had asked questions during that meeting which I researched last night, and I've now still got questions. The second line of B, a small area on the north side of the airport property within Tract U, can you show me on a graphic where that is? Because something I discovered last night, in the 1985 plats, there's a 50-foot drainage easement along the north side of that entire PUD area, and I'm just wondering -- and that's dedicated to the public.

So I was just wondering if that property you're trying to put into a conservation easement, it looks like it's part of the dedicated drainage easement, so I'm not sure how that would work.

MR. MULHERE: Well, I don't know if that's the case, but if it is the case --

CHAIRMAN STRAIN: Well, I've got the plats.

MR. MULHERE: Then we would have to vacate that portion of the drainage easement since we've agreed to put it into a conservation easement and not use it for that drainage and place that piece into a conservation easement. That would be the process.

CHAIRMAN STRAIN: The reason I'm suggesting it is you're trying to set up the timing of the dedication of those easements. If you need a vacation, you're going to have to get with it kind of quickly. You might want to do it currently with the one you're already asking for and you get them both to the Board at the same time if you've still got time to do that.

MR. MULHERE: I doubt we do, but we'll take a look at that.

COMMISSIONER CHRZANOWSKI: Could I?

CHAIRMAN STRAIN: Yeah.

COMMISSIONER CHRZANOWSKI: That public easement, why is it there?

CHAIRMAN STRAIN: Pardon me?

COMMISSIONER CHRZANOWSKI: Do you know why the public easement is there?

CHAIRMAN STRAIN: I don't know, but I'll tell you what, I'll read you the plat. It just says, 50-foot drainage easement, and it goes all the way over to the airport's edge where it butts up against Tract Q, and it follows the same pattern as the outline of the property. And in the dedication it says, the undersigned also dedicates to the perpetual use of the public for proper purposes all drainage easements and drainage retention areas shown on this plat with no responsibility for maintenance, so --

COMMISSIONER CHRZANOWSKI: No responsibility by who for maintenance?

CHAIRMAN STRAIN: The public.

COMMISSIONER CHRZANOWSKI: The public.

CHAIRMAN STRAIN: Right.

COMMISSIONER CHRZANOWSKI: So who does maintain it?

CHAIRMAN STRAIN: Well, it would be the HOA, I assume, or property owners association for that PUD.

COMMISSIONER CHRZANOWSKI: So they're going to have to be the ones to sign off on this?

CHAIRMAN STRAIN: Someone's got to if we're going to move it into a conservation easement, but --

MR. MULHERE: So that easement is adjacent to Tract Q is what you're saying, or part of Tract Q.

CHAIRMAN STRAIN: Correct. Fifty feet -- it matches the property line, so it's --

MR. MULHERE: I have that plat.

CHAIRMAN STRAIN: -- 50 feet along the perimeter of Tract Q. I think -- I don't know how far Tract Q goes in relationship to this plan, so maybe that will help.

But, Bob, it's just something you ought to check out, because if you guys need to get that cleaned up in order to get this transfer of the easement, you ought to do it all at the same time.

MR. MULHERE: We will, because here's the plat.

CHAIRMAN STRAIN: Right. And see that notch that's above the Q, you look like somewhere in that area you're trying to deal with the easement purposes, aren't you?

MR. MULHERE: Correct, it's right -- right in there.

CHAIRMAN STRAIN: Yeah. And that's the 50 -- there's your dotted line. That's where your 50 foot is, so...

MR. MULHERE: But this is the property line, so I'll have to take a look at that because this is the property line right here.

CHAIRMAN STRAIN: Right.

MR. MULHERE: So it almost appears that that's outside of the property line, so...

CHAIRMAN STRAIN: It might be, but then you're dedicating an easement that's supposed to be for drainage as a conservation easement. I wanted to make sure that there's no --

MR. MULHERE: Right. We'll take a look at that, because the easement is within the property line, so I'm not sure there's a conflict, but we will take a look at it.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: Well, Scott is showing me the plat, and he's showing a 50-foot drainage easement that's north of the plat line --

COMMISSIONER EBERT: Right.

MS. ASHTON-CICKO: -- but, you know, we'll take a look at it. So that would be outside of Tract Q.

CHAIRMAN STRAIN: Exactly.

MS. ASHTON-CICKO: That's what it's showing.

CHAIRMAN STRAIN: No, we're in agreement. I agree with that. I just want to make sure that we're not trying to provide a conservation easement over that drainage easement or, if we are, we can do it properly, and they know about it ahead of time to make sure it happens within the time frame that we need to dedicate that easement.

MS. ASHTON-CICKO: Yeah. I was told it was -- that the area of the conservation easement was within Tract Q.

MR. MULHERE: It is.

MS. ASHTON-CICKO: And that's how I've defined the commitment.

CHAIRMAN STRAIN: Okay.

Bob, I spoke to you before the meeting, and we briefly touched it yesterday, the issue of the zoned height. According to the Development Standards Table, when you deal with a P district, the zoned height refers to Subnote C. C says, if you have buildings within 100 feet of another -- of an adjoining district, you're limited to the height of that adjoining district, basically, but your buildings look like they're beyond the 100

feet, which I think they are. They look like they're 150 to 200 feet from the property lines of this.

So I'm wondering -- but there's no fallback position in the code as to what, then, is the height in the P district if you don't have a building within 100 feet of another district.

MR. MULHERE: And I think there's one building that may be closer to the golf maintenance shed than 100 feet. That -- regardless, these are anticipated to be two-story buildings. Wouldn't expect -- and we put on the public record at the neighborhood information meeting that the height would be 40 to 45 feet. If we go with 45 feet, I think we're fine.

CHAIRMAN STRAIN: Okay. Then -- because yesterday when I asked, you didn't want to stipulate, but I think under these conditions it would be better to go ahead and stipulate 45 feet will be the maximum zoned height.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. The city had no objection to the rezoning so long as the county pays for and locates the affected city infrastructure via an interlocal agreement. You guys don't mind that as a stipulation?

MR. MULHERE: Correct. We've agreed to that.

CHAIRMAN STRAIN: There's a note in the staff findings. I guess I'll hold that for staff. There's another one -- a couple things for staff. We'll wait till we get to that point then.

I'm running through it, Bob. I think that's all on the rezone. Oh, the preconstruction video; do you have any objection to the preconstruction video that was discussed?

MR. MULHERE: Mainsail Drive --

CHAIRMAN STRAIN: Right, Mainsail Drive. Okay.

MR. MULHERE: -- no.

CHAIRMAN STRAIN: Okay. And then Heidi's conditions are record, and I think that's all I've got. Hang on just a second. Yeah, the rest is going to really be questions of staff, so we're good. I don't have any other questions.

Anybody else?

COMMISSIONER SCHMITT: I have a comment --

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SCHMITT: -- but I'm going to save it till after the staff report.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHMITT: I just want to make a general comment on the staff report.

CHAIRMAN STRAIN: Okay. So if there's no other questions from the Planning Commission, we'll go to staff report.

MR. JOHNSON: Good morning. For the record, Eric Johnson, principal planner.

As you know, there's two petitions before you. With respect to petition that ends in 2550, that's the PUD amendment to the Marco Shores Golf Course community PUD, staff recommends the CCPC forward this petition to the Board with a recommendation of approval.

With respect to the other -- the sister or companion petition that ends in 382, that's to be known as the Collier County Airport Authority rezone, staff recommends the CCPC forward this petition to the Board with a recommendation of approval subject to the following conditions:

Number one, the approval of this petition shall be contingent upon the approval of the companion petition that ends in 2500.

CHAIRMAN STRAIN: Eric, you need to slow down a little bit. She has to type as fast as you talk, so go a little bit slower for her.

MR. JOHNSON: Sure thing.

And Condition of Approval No. 2, that prior to the construction activity, a preconstruction video shall be created by the owner for the entire length of Mainsail Drive to assist in determining if such activity causes damage to Mainsail Drive. We just heard from the petitioner that they are in agreement with that condition of approval.

Just for some housekeeping measures, shortly before the September 15th CCPC hearing, staff received an email from Ms. Nicole Johnson, and I forwarded that email to every member of the commission,

and I forwarded that to Commissioner Schmitt yesterday. I also gave that to the court reporter so she has a record of it.

And just for our edification, the companion or the petition that would vacate Mainsail Drive, that will be reviewed by the Board of County Commissioners on November 15th. It will be Agenda Item No. 1507.

And that concludes my presentation -- that concludes my discussion.

CHAIRMAN STRAIN: Okay. Anybody have any questions of staff? Mr. Schmitt?

COMMISSIONER SCHMITT: Yes. I just have a general comment.

You know, I received the packet, I reviewed both, I read the staff report. It seemed that it was not going to be anything that was contentious, but then buried into the packet was the letter from Nicole Johnson and also from Brad Cornell.

My only comment -- and, Ray, I think you owe it to the Board to make sure when you write the staff report for the Board of County Commissioners that you do include the history of the MOU and the impact it had on this, because nothing was in the staff report to describe what was going on in regards to the MOU. And, in fact, when I first looked at this, I was prepared to recommend that it be continued because there's no way I could see that the Planning Commission could overrule a board-codified agreement.

But I think it's gracious of the Conservancy to allow this to go forward with the stipulation that the MOU be updated and approved by all signators (sic) prior to the approval of the first plat or plan. So I think that's very gracious of them because, otherwise, this would have had to have been continued until that MOU was updated.

So, Ray, I think, again in the staff report to the Board that you at least have a paragraph to describe the impact of the MOU and the history of the MOU for the Board's edification.

MR. BELLOWS: Understood, and we'll do that.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN STRAIN: Just so you know -- you weren't on the Board yet -- but on September 15th when it came before us the first time, it was continued specifically to work out the issues with the MOU.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: That's how it got to us today. They didn't get all worked out and then didn't get all re-signed. But the conditions, in order to get it to the BCC to match the time frame of the FAA grants and all those needs is why we continued it for two weeks or something like that.

COMMISSIONER SCHMITT: I understand, but even in the staff report to us there should have been some backup --

CHAIRMAN STRAIN: Oh, I don't disagree with you, yeah.

COMMISSIONER SCHMITT: -- on the MOU and the impact of the MOU on the petition.

CHAIRMAN STRAIN: I just wanted to give you the background.

COMMISSIONER SCHMITT: Thanks. Yeah, I -- briefly when -- I talked to Eric last night, and he made it clear after he sent me the email that it was continued and behind that. I kind of gleaned that when I read through the report, but thank you. I just wanted to put that on the record.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Well, I have a question. When was this grant made? How long ago?

MR. LOBB: Good morning, members of the Planning Commission. Justin Lobb, airport manager with the authority.

We've got two different phases in play here. We're getting ready to commence full design on the project. What you see as part of these plans is conceptual with the approved airport layout plan.

We had applied for the FAA and DOT grants back in June, and we did receive the design funding about last month that were approved by the Board on separate items. So we're getting ready to commence full design on the project to move forward with the conceptual plans as you see outlined here.

But next year we will be seeking grant funding for the construction phases, which we would anticipate breaking ground in the fall of 2017.

COMMISSIONER EBERT: Okay. Being you are new, did you know anything about the MOU?

MR. LOBB: Correct, yes.

COMMISSIONER EBERT: So you just learned about this a couple months ago?

MS. ASHTON-CICKO: No. He submitted a request for legal services to me on whether or not the MOU was required to be amended, and it is my opinion that the MOU is not required to be amended because the Deltona Corporation agreement contemplated that we were protecting conservation lands that were undisturbed, and the area to be rezoned is development with a roadway, and it's already part of the Marco Shores PUD. So that was my opinion that they relied on. I don't see that that's in the backup and, obviously, there's nothing in --

COMMISSIONER EBERT: Well, I was just wondering how long he had been working on this.

MS. ASHTON-CICKO: Yeah.

MR. MULHERE: I just wanted to add, and Heidi covered it, really, but we weren't planning on discussing those matters because we feel we've resolved them in a way that's mutually acceptable. The fact is that, you know, we -- the county's position is that they don't agree that this action which is taking place on lands that could be developed without the airport by -- within the PUD, that that necessarily requires an amendment to the MOU; however, at this point we don't -- you know, we don't -- and Nicole disagrees with that, and we've come up with an agreement that's in place that will satisfy, we hope, the signatories, so that's the way we want to proceed. That just puts us in disagreement.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: I just have one question, Bob, as far as restoration of the areas that were impacted.

MR. MULHERE: Yes. That's underway and moving forward.

COMMISSIONER SCHMITT: All right, good. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have anything of staff?

(No response.)

CHAIRMAN STRAIN: I've got a question on Page 7 of my electronic version, which is Findings No. 4 under the PUD findings for the PUD. The last sentence of No. 4 talks about internal/external compatibility -- and this is a staff question, Bob.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: The last sentence says, while not labeled on the proposed master plan, staff believes there's adequate space on Tract Z of Hammock Bay and on Tract P of the Marco Shores Unit 1 to accommodate required landscape buffers along the new PUD boundary we're abutting the property to be rezoned. Can you explain what that sentence is there for and what we're talking about?

MR. JOHNSON: It's my understanding that there are no landscape buffers indicated on the master plan but that if there were to be any landscape buffers required, depending on how the P site would be developed, that there would be enough space.

CHAIRMAN STRAIN: Okay. Are they asking for a deviation or any variance to put in for -- to exempt themselves out of the LDC for landscape buffers?

MR. JOHNSON: No.

CHAIRMAN STRAIN: Well, then anything that's required by the LDC, they'd have to put in on their property; is that correct?

MR. JOHNSON: Anything that's required, they'd have to put in the property, yes.

CHAIRMAN STRAIN: Okay. So that sentence doesn't have any meaning then? I mean, it doesn't really matter. They can't -- without a variance, they've got to abide by the code, so the intent of the sentence kind of is moot, I would think. That's why I was trying to figure out why it was there. Just -- I couldn't see what relevance it had if the LDC prevails.

MR. BELLOWS: For the record, Ray Bellows. I think we just wanted to make sure it was clear that any -- the change in zoning wouldn't impact any preserve (sic) area, especially if there are any existing structures.

CHAIRMAN STRAIN: Any preserve area?

MR. BELLOWS: No, the landscape buffer. The placement of landscape buffer wouldn't be impacted by existing structures.

CHAIRMAN STRAIN: Okay. I mean, I hear what you said. I still have -- I can't figure out why it's relevant to this whole discussion, but it doesn't appear to be causing anybody any concern.

MS. ASHTON-CICKO: May I ask a question?

COMMISSIONER CHRZANOWSKI: Could I?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: Ray, how good have you guys gotten with Google Earth?

MR. BELLOWS: We have it installed on the podium computer.

COMMISSIONER CHRZANOWSKI: Are you guys any good with getting around in it?

(No response.)

COMMISSIONER CHRZANOWSKI: Never mind.

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: Heidi?

COMMISSIONER CHRZANOWSKI: You could pop it up and probably show a lot of people real quick where we're talking about.

CHAIRMAN STRAIN: Well, I know where we're talking about.

COMMISSIONER SCHMITT: I do, too.

COMMISSIONER CHRZANOWSKI: It's different when you look at it from the air.

CHAIRMAN STRAIN: Well, it still doesn't matter. What I'm trying to say is if the LDC covers it, they've got to put in what's required. They're not asking for a variance. Why do we have that statement there? Because it is meaningless. That's all I'm getting at. And if it has meaning, I wanted to understand what it was.

MS. ASHTON-CICKO: I think the question you want to ask is whether or not the rezone to P changes the landscape buffer that's required on the adjacent property in Tract Z. I think that's the question.

CHAIRMAN STRAIN: I don't -- I wasn't concerned about that.

MS. ASHTON-CICKO: Yeah, but I think that's what that relates to.

MR. MULHERE: It does not. There are landscape buffer requirements within the PUD, and we're not changing those. I think this is a remnant sentence, honestly, that comes back to a staff request that we amend that PUD master plan in addition to simply taking out the property that we're removing and changing those acreages, is what we limited the PUD amendment to, to show the required landscape buffers. And our response was, we don't own that property.

We're only taking out 6.5 acres. We're not going to change that PUD master plan. And I think Ray actually concurred, or Mike Bosi, somebody did, that yes, we did not have to show that. So I think -- my opinion, this is a remnant sentence that probably could have and should have come out of the staff report.

CHAIRMAN STRAIN: Okay. I just was trying to understand it. I have a question for our transportation staff who hopefully reviewed this. Well, I noticed on one of the comments they had to review it, so...

MR. SAWYER: Good morning. For the record, Mike Sawyer, principal planner with Transportation Planning.

CHAIRMAN STRAIN: Mike, I've read a couple of times in here where -- and here's one of the sentences under Findings No. 7. The proposed rezoning is net neutral in the number of peak hour trips according to the transportation memo, and they actually had a TIS waived because of that belief, yet the parking lot is going from 40 or 45 spaces to 89 spaces. It's over doubling in size.

Why is the parking lot doubling in size if there's no change -- no further intensity of use that would trigger a TIS? It seems to me you're going to have double the amount of cars, then, going to the property.

MR. SAWYER: Arguably; understand the question.

It's a question of when we look at a project for zoning, we're looking to make sure that it is consistent with the GMP. When the project comes in for actual development, in other words, in this case, to actually expand that parking lot, then we're going to be looking at it for concurrency, at which point those trips will be looked at with a new TIS when it actually comes in.

At this point they're not asking for any additional increase in development rights related to what's actually being proposed.

All that we looked at with this zoning petition was simply changing the zoning designation from PUD to P. And that, in and of itself, doesn't cause any additional trips out onto the system yet. It probably will when they start expanding the airport itself. But that's not what they're proposing to do right now with

this. They're just looking at changing the zoning designation. That's how we reviewed it. That is how we made that determination.

CHAIRMAN STRAIN: Okay. So you are going to require, then, a TIS at the time of SDP?

MR. SAWYER: Most definitely.

CHAIRMAN STRAIN: Okay. Then I'm fine. Thank you.

And that's all I've got. Thank you.

Anybody else have any questions of the applicant or staff before we go to public speakers?

(No response.)

CHAIRMAN STRAIN: Is there any public speakers here for this matter? Oh.

MS. JOHNSON: Surprise.

CHAIRMAN STRAIN: The lady who writes books when she gives us paperwork.

MS. JOHNSON: And you did not get a new book for this. You're welcome.

CHAIRMAN STRAIN: Thank God, no.

MS. JOHNSON: Good morning. For the record, Nicole Johnson here on behalf of the Conservancy of Southwest Florida. And the reason why you did not get a lengthy additional new memo is because we have been working with staff to come to some sort of resolution for today, and the Conservancy believes that we have gotten there.

To give you just a little bit of background about why the MOU is being tied into this -- and I know that you've had our letters -- but just a brief synopsis because it, I think, can get a little confusing.

Okay. There we go. And this depicts the northern portion of the airport property. As Bob had mentioned, per the Deltona settlement and per an MOU that was subsequently signed by all the Deltona settlement signatories in 2001, the MOU created the maximum footprint available for the Marco Island airport for their expansion and their ultimate airport layout plan. When this rezone came in for review, what the Conservancy found is that it actually contained lands that were outside of that MOU development boundary, and those parcels are right here, the portion of the right-of-way, and then right here, the portion of Tract Q.

The opinion of the Conservancy, our legal counsel, and all of the environmental signatories was that while this wasn't an inappropriate request because the areas that were going to be impacted had already been cleared and filled, we felt that the MOU needed to be amended in order to do that and, as you've heard, the county disagreed with that.

The outcome that we came to is that if you look at the MOU, there is an exhibit that is Attachment A, and in that exhibit it allows for the airport to look at going beyond their ultimate footprint if they can get the sign-off from the five environmental signatories.

And, really, what the Conservancy was concerned about is we want to make sure that whatever is done is consistent with the MOU and maintains the integrity of the MOU. So in our discussions yesterday, both of our legal counsels felt that we could go ahead and get the sign-off from the environmental signatories. We wouldn't worry about requiring the other signatories, which are state agencies and Deltona Corporation. We could do that. It would maintain the integrity of the MOU, and that was our primary goal.

So that's something that has not been weighed in on by Audubon, both Audubon societies or Isaac Walton League, but I can say that Environmental Defense Fund and the Conservancy are comfortable with the conditions as they have been brought forward to you today.

And just to give you a quick background on the conservation easement, in some of the communications that I believe you have received from the Conservancy we had talked about there were two areas of violations. The one area being -- okay -- the one area being right here where some overclearing had occurred with this apron expansion and another area where, when you GIS the boundary of the MOU, it came out with this area having 52 feet of overage outside that MOU boundary.

And I will say that both of those issues have been resolved. The one where you have the overclearing, that is going through the appropriate channels through DEP, the Corps of Engineers, and that is going to be restored.

This area to the south, I just want to get on the record that that has been resolved because it turns out if you start your GIS mapping -- and I'm not a surveyor or a GIS person, so this is very laymen's terms. But if

you start at the northern survey marker, you get a different outcome than if you start at the southern boundary marker. If you start at the southern boundary marker, then this area is within the allowed footprint. If you start at the north, it isn't.

So the resolution to that is we have agreed that we'll use that southern boundary marker thus allowing this area to be legitimately within the MOU boundary, and because of that it shifted everything about 50 feet to the south.

So if you're wondering why we're getting a conservation easement on -- whoops. If you're wondering why we're getting a conservation easement on this little piece of land, that's because that's the county-owned property that now is going to be outside of their allowable footprint.

And we're also going to get a conservation easement right along the eastern boundary of the county property. That was something anticipated in the initial MOU.

So I think with that, I've explained the resolution to all of the issues that have been in some of the communications in your packet. I'd be happy to answer any questions. As I said, I can only speak for the Conservancy and Environmental Defense Fund in our comfort with the conditions attached herein, but we plan to work with all of the environmental signatories and hopefully get their sign-on hopefully before this goes to the Board.

CHAIRMAN STRAIN: Any questions from the Planning Commission? Joe?

COMMISSIONER SCHMITT: I have a question, but it's probably going to go to Bob. Regarding this survey anomaly, will that be corrected as part of final plat or plan?

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: I think that's something that should be resolved when you resurvey.

MR. MULHERE: Yes. The intent is that the amended MOU will now create the proper exhibit, graphic exhibit showing the boundaries.

COMMISSIONER SCHMITT: Good.

COMMISSIONER CHRZANOWSKI: Bob, how much is the anomaly? I mean, to do something that's 50 foot, that's just -- that's --

MR. MULHERE: Significant.

COMMISSIONER CHRZANOWSKI: I wouldn't even use that word.

MR. MULHERE: Well, none of us standing here were -- you know, were engaged in creating that description, but I think -- and I don't want to get --

COMMISSIONER CHRZANOWSKI: If there's surveys that are 50 foot out, you're going to have easements and setbacks and property lines and everything that's totally wrong. Are they right?

MR. MULHERE: Yeah. No, it just occurs at the southern boundary. It depends on where you commence the legal description from.

The way it was described as part of the original MOU was from a center line 600 or 610 feet -- there's discrepancy about that -- east and west, and then 900 feet north and south. And, you know, it depends on where you started based on that -- there is a description, but the description depends on where your starting point is.

COMMISSIONER SCHMITT: Is that sort of like a metes and bounds survey rather than a full?

MR. MULHERE: Yes. So we are working with the county's GIS person and we worked with the Conservancy's GIS person, and there was agreement. We just --

COMMISSIONER CHRZANOWSKI: Right.

MR. MULHERE: We will have an exhibit that corrects it.

COMMISSIONER CHRZANOWSKI: You ever think of working with a surveyor?

COMMISSIONER HOMIAK: No.

MR. MULHERE: I think we have.

COMMISSIONER CHRZANOWSKI: It's just a concept. I'm just throwing that out there.

MR. MULHERE: I think we have a survey.

COMMISSIONER SCHMITT: I think they would do that -- what I heard, they're going to correct it as part of the final plat, at least the initial or final plat or plan. And, I mean, I think that's important for the airport authority to have an accurate survey to preclude any future anomalies.

CHAIRMAN STRAIN: Okay. Any other questions of Nicole?

(No response.)

CHAIRMAN STRAIN: Thank you, Nicole.

And any other members of the public wish to speak on this issue?

(No response.)

CHAIRMAN STRAIN: Hearing none, Bob, I don't think you have anything else you want to add?

MR. MULHERE: I don't.

CHAIRMAN STRAIN: Okay. We'll close the public hearing, and open for discussion. I've made five notes. I'll read them to everybody.

For the rezone, first is the interlocal agreement will be created with the city to address the infrastructure issues on the road, or the utilities. They're going to add a zoned height restriction of 45 feet. There's going to be -- the conditions that Heidi supplied for the record that were put on the overhead will be made part of the conditions of the rezone, and then the staff recommendations will also be part of the conditions.

Anybody else have anything they want to add?

COMMISSIONER SCHMITT: I just want to commend both the airport authority and Mr. Mulhere for resolving the issues in an expeditious manner and helping this thing go forward, and I think it's great that you guys agreed, came to a final agreement --

MR. MULHERE: Thank you.

COMMISSIONER SCHMITT: -- with the Conservancy.

MR. MULHERE: Mr. Chairman, I just had one -- maybe one question on the motion. I want to just check.

CHAIRMAN STRAIN: And, Ray, do we need an EAC vote on this; do you recall?

MR. JOHNSON: No, I don't think that's required.

CHAIRMAN STRAIN: We've modified it a bit, but I don't think we're doing anything that would trigger that, so...

COMMISSIONER HOMIAK: It says no in here for either one.

CHAIRMAN STRAIN: Well, I didn't know if the changes to the conservation easement would create a --

MR. MULHERE: Mr. Chairman, just with respect to the height limitations we don't have a problem with; however, there are some structures that are wind towers that FAA guidelines require that would exceed that. I just want to put that on the record that there are structures. They're not buildings.

CHAIRMAN STRAIN: What about hangars and things like that? Are they exceeding 45 feet?

MR. MULHERE: No.

CHAIRMAN STRAIN: You're in kind of a no man's land with this zoning height because it's -- apparently if you don't have a building within 100 feet of another zoned area, there's no limit in the code, which now we have to --

MR. MULHERE: I'm okay with the restriction, and I know --

CHAIRMAN STRAIN: Well, why don't we say except for those heights required for safety --

MR. MULHERE: Safety, FAA --

CHAIRMAN STRAIN: -- FAA regulations and rules?

MR. MULHERE: That's kind of what I was thinking.

CHAIRMAN STRAIN: Okay. I think that's certainly fair enough. It's how you're operating. So with that, the height will be modified. It will be 45 feet for the buildings with the exception of those elements that are required by FAA rules or regulations.

With that, I think that's all the issues we have. Is there a motion for -- let's start with the PUDA. It's PL20150002550. And we can make them both subject to the stipulations. They will only apply appropriately to either one, so...

COMMISSIONER CHRZANOWSKI: Move to approve.

COMMISSIONER SCHMITT: I second.

CHAIRMAN STRAIN: Heidi, did you have something you want to add?

MS. ASHTON-CICKO: It's just that the condition will only be in the ordinance for the rezone.

CHAIRMAN STRAIN: That's fine.

MS. ASHTON-CICKO: Okay. Thank you. For the -- you know, the straight zoning one.

CHAIRMAN STRAIN: Okay. Motion made by Stan, seconded by Joe. Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

The second item up is the rezone. It's PL2016000382, and for this one the conditions will need to be considered. Is there a motion?

COMMISSIONER CHRZANOWSKI: Move to approve.

CHAIRMAN STRAIN: With conditions?

COMMISSIONER CHRZANOWSKI: With conditions.

COMMISSIONER SCHMITT: And I second.

CHAIRMAN STRAIN: Motion made by Stan, seconded by Joe. Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you, all.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: The next item up is PUDA-PL20160001981. It's for the Granada Shoppes Planned Unit Development on the southeast corner of U.S. 41 and Immokalee Road.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission. We'll start with Tom.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I think Mr. Yovanovich tried to get ahold of me, but he never did, so none.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: Me, I have talked with Rich Yovanovich and David Gensen about this and probably staff, but that's all.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: None.

CHAIRMAN STRAIN: Okay. With that, we'll -- Mr. Arnold, it's all yours.

MR. ARNOLD: Good morning. I'm Wayne Arnold representing the Granada Shoppes PUD

amendment. I have John English from Barron Collier Companies and Rich Yovanovich also here to answer any questions that you may have.

It's a fairly simple text amendment. When the PUD was originally structured, it allowed all the C4 uses with the exception of --

COMMISSIONER EBERT: Can you speak louder.

MR. ARNOLD: Yeah. I don't think the microphone's as close to me as it normally would be.

But the essence of the change is to eliminate one of the previously accepted uses, and we're adding it back as a permitted use. And it's for an indoor and outdoor lawn and garden supply.

It's a fairly simple request. We're in an activity center. It's an existing shopping center. And the intent would be to, essentially, take the existing space that was formerly occupied by the Home Depot Expo that many of you are probably familiar with and take a portion of that facility and modify it to include an indoor/outdoor garden center. It's a pretty simple request.

CHAIRMAN STRAIN: Yep. I don't -- anybody have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: I've got a few. Sorry.

On your requested -- you're asking for -- under 3.3, permitted uses and structures, it says, A, permitted principal uses and structures. No. 1, all permitted uses in the C4 zoning district of the Collier County Land Development Code as of March 27th, 2001, except, and then there's like 10 items there, and you're striking through one of them, the outdoor retail nurseries, lawn and garden supply stores, 5261.

So that will no longer be an exception which means then it would be allowed because it says all permitted uses in the C4 district except these, but then you went on to add it as a No. 3, indoor/outdoor retail, nurseries, lawn and garden supply shops, 5261. My concern is you're adding something that is already part of the C4 and restating it now as an allowed use, but you've not listed all the 143 additional uses in C4 under the same premise. So why do we need it listed as a use if it's already automatically a use if it's struck as a prohibited use?

MR. ARNOLD: Mr. Strain, it's my understanding that the prospective tenant has asked for it to be explicitly permitted so they know that it is a permitted use by right. I agree with you, it is a C4 use by right. We also added the phrase "indoor/outdoor" just to make it clear that it can be an indoor garden center.

CHAIRMAN STRAIN: I don't -- code doesn't specify whether it's indoor or outdoor. I mean, a lot of buildings have plants being sold indoors. Who cares?

MR. ARNOLD: The SIC code specifically is referenced as an outdoor garden center.

CHAIRMAN STRAIN: So that means if it's an indoor retail center, you're not allowed to have it at this site? That's a stretch. I just don't see the need to clutter up our PUDs or our zoning with irrelevant language like this. Is there -- I don't -- your buyer -- if you can't convince your buyer, I'm not too concerned about that. They're not the ones that write the zoning ordinances for Collier County. If we had to do everything every buyer in this county wanted, I think we'd be up a wall in changing PUDs to accommodate each one.

They could get a zoning verification letter if they feel that your expertise isn't warranted enough to make an interpretation on the PUD. They could just do that by ZVL, and then we don't have PUDs restating things and leaving other things out that might be just as needed to be stated under the basis that you're arguing for.

Ray?

MR. REISCHL: Mr. Chairman, Fred Reischl with Zoning Services. They just received a zoning verification letter from us.

CHAIRMAN STRAIN: Okay. So we don't have an issue then. So I don't know why we would need -- does staff have an urgent need to have this one use out of all those in the C4 to be relisted?

MR. BELLOWS: For the record, Ray Bellows.

We would not necessarily think it's important to put in since it is a permitted use in C4. I think sometimes applicants want it in there in case the C4 district changes and that could become, in the future, a prohibited use. If it's listed specifically in the PUD, then that would vest them.

CHAIRMAN STRAIN: Okay. Well, then I think we need to list all 143 uses there for the same

reason, Ray. And in those uses, we have variable ranges of SIC codes, so we need all those, too. So we'd have hundreds of uses listed here, and I'm not sure that's the right way to approach this.

(Multiple speakers speaking.)

CHAIRMAN STRAIN: Pardon me?

MR. BELLOWS: In this case they had an end user that was a particular interest.

CHAIRMAN STRAIN: The ZVL's been issued, right?

MR. YOVANOVICH: To who? For the record, Rich Yovanovich. Who asked for the ZVL?

CHAIRMAN STRAIN: I'm not the one that stated it.

MR. YOVANOVICH: I know. I'm just asking because I don't know how I could get a ZVL until the PUD is amended to take out the prohibition. So I didn't ask for the ZVL.

MR. REISCHL: Correct. I don't remember the entity that requested it, but the zoning verification letter said if the Board does approve the amendment, then the use would be permitted in the PUD.

CHAIRMAN STRAIN: Okay. If the Board approves the amendment without restating the use as an allowed use because it's already allowed by removing it as a prohibited use, does that still meet the intent of the ZVL?

MR. REISCHL: Yes.

CHAIRMAN STRAIN: Okay. Then I --

MR. YOVANOVICH: Mr. Strain, the only advantage of including the specific use is it gives the buyer certainty that -- if the county decides later on to change its C4 uses to delete this use, now I'm a nonconformity, and we would like to have that use specific for our tenant because the tenant has asked for that in case there's a future change to the overall allowed uses in the C4.

I don't think it hurts anything to give the tenant that certainty, because we have to be here anyway for clarifying the outdoor display issue. I don't think it hurts to include that use for the tenant.

CHAIRMAN STRAIN: The only part I don't like, Richard, is it sets another precedent for requiring a restatement of the uses when they're clearly allowed if they're not prohibited. So now we're getting in -- and you've got a ZVL that acknowledges --

MR. YOVANOVICH: That you cannot legally rely on.

CHAIRMAN STRAIN: You're going to have an application that's going to be timed around the outcome of this meeting. I don't see the need to go any further with it.

MR. YOVANOVICH: Well, first of all, a ZVL is not a legally enforceable document against the county if they're wrong. If a neighbor challenges it and says, we don't agree with the ZVL determination, I've always been told if you want to bind the county, go through an official interpretation route, which is another application which is another process. We're just simply saying, it doesn't hurt anything to have this use explicitly set forth for the tenant, and we would respectfully request that the Planning Commission allow that to happen because of a concern the tenant has that there could be a future change to allowed uses in the C4 zoning district.

CHAIRMAN STRAIN: Anybody -- I don't -- I mean, that's your point. You have heard mine. So I'm going to stick by my point. I understand yours.

Anybody else have any questions of the -- on that matter?

COMMISSIONER HOMIAK: I'd like to hear what Heidi thinks.

CHAIRMAN STRAIN: Okay. Heidi?

MS. ASHTON-CICKO: The applicants can rely on the ZVL. The person who, you know, signs those is authorized to do sign those on behalf of the county, so I think that's why they request them in the first place.

COMMISSIONER CHRZANOWSKI: Does a ZVL ever get challenged and overturned?

MS. ASHTON-CICKO: Well, it can. There's a 30-day appeal period.

CHAIRMAN STRAIN: But the basis for the challenge and overturning it would simply have to be that there's something inappropriate in regards to the ZVL, it's written inconsistent with the code, and it wouldn't necessarily be if it's saying that C4 does allow this use, which it does. So I'm not sure --

MS. ASHTON-CICKO: It would be if there was an error; that would be the way to set it aside.

CHAIRMAN STRAIN: Right.

MS. ASHTON-CICKO: Which is with any permit.

CHAIRMAN STRAIN: And then under accessory uses -- and this is probably for Fred or Ray. It says 3 -- you've added 3, outdoor display of merchandise is permitted during business operational hours. Has there been some -- is that -- why is that needed here? I mean, we have outdoor display areas all over the county. Just out of curiosity, what urged that -- what made that have to be needed?

MR. REISCHL: It was the request of the applicant, and staff had no objection to it. They were -- one of the things in the zoning verification letter, they were requesting seasonal display in the parking lot, which the zoning verification letter then said that would be -- that would require a temporary use for seasonal sales. It implied, like, pumpkins or Christmas trees, something like that.

CHAIRMAN STRAIN: Why do we -- do we have a requirement for temporary use for seasonal sales in the LDC?

MR. REISCHL: Yes.

CHAIRMAN STRAIN: So No. 3 is a deviation from the Land Development Code then; is it not? Wayne?

MR. ARNOLD: Can I weigh in on that?

CHAIRMAN STRAIN: Sure.

MR. ARNOLD: We do not believe it's a deviation. It's a clarification.

If you look at the existing Granada Shoppe users, for instance, Trader Joe's that happens to be in the same PUD, they will have seasonal display of items sometimes outside their door. So does Wholefoods. It's part of Mercato, for instance. And that's what this would entail, having outdoor display of some of their seasonal plants during their business operational hours.

CHAIRMAN STRAIN: But now you've said, though, it's out in the parking lot.

MR. ARNOLD: No.

CHAIRMAN STRAIN: Well, that's what Fred just said.

MR. ARNOLD: Temporary-use provisions specifically talk about having -- let's say Christmas tree sales, for instance, would be an example where you find a lot of the home improvement stores set up a tent during the season to sell their items. This is not that request. We would understand, if we wanted to undertake something like that and have a large seasonal plant sale, for instance, we would have to go through that temporary-use permit. This is simply to allow outdoor display of some of their items during business hours.

MR. REISCHL: Right. The zoning verification letter also requested how much space is required for the sidewalk to be passable for ADA if we do use that for outdoor display of merchandise. So they're -- according to the ZVL, they're clearly anticipating both seasonal sales and normal, everyday outside display on the sidewalk as long as it doesn't interfere with ADA regs.

CHAIRMAN STRAIN: Okay. So you've got two issues here. You've got their location and where they want to display it, and one of those is on a sidewalk, which you're kind of indicating is an accessory use. That's generally allowed without a temporary-use permit, as long as it doesn't block the sidewalk.

And the other one is in the parking lot where they would be taking up parking spaces which normally, then, would be a temporary use.

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: Is that true?

And, by the way, was the ZVL in our packet?

MR. REISCHL: No. It was issued after your packet was complete.

CHAIRMAN STRAIN: Was it issued last night then?

MR. BELLOWS: October 12th.

CHAIRMAN STRAIN: Well, why couldn't you have just sent it to us by email or something like -- it's less than 10 pages. Why couldn't we have seen it to have the benefit of that information for this meeting? It would have been nice to have.

MR. ARNOLD: Mr. Strain, just so you understand, our application did not request this zoning verification letter.

CHAIRMAN STRAIN: Well, who requested it?

MR. ARNOLD: We don't know them. I don't know the entity name.

MR. REISCHL: DLR Group in Portland Oregon.

CHAIRMAN STRAIN: The DLR Group in Portland, Oregon, who you don't know, requested a ZVL on your property about the subject we're talking about today.

Ray, it would have been nice to have that ZVL so we could have properly weighed in on it today. But if the outdoor display of merchandise is necessary to be added as an accessory use, it sounds like it's already allowed to be an accessory use with the exception of when it's in parking lots, then I would suggest we modify the language here to limit it to outdoor displays in the sidewalk areas, not in the parking lots, because if they want it in the parking lots, it's a temporary use. A temporary use requires a deviation to the LDC if they're going to try to do it by this method. Wouldn't you agree or not agree? I mean, I just need to know.

MR. REISCHL: Or a temporary use for seasonal sales.

CHAIRMAN STRAIN: Right. Either way. Because they're going out and taking parking.

MR. REISCHL: Correct.

CHAIRMAN STRAIN: Okay. Well, this doesn't clarify that. So I would suggest -- and, Wayne, do you have any suggested language that works better for you guys other than what's here?

MR. ARNOLD: I think we could simply say outdoor display of merchandise on the adjacent sidewalk is permitted during business operation hours. If you find it necessary, we could also add language referencing temporary-use requirement if --

CHAIRMAN STRAIN: No. I think it would fall back on that. I'd rather not clutter documents up with language that's not necessary, so...

So outdoor display of merchandise allowed on sidewalks is permitted during business operation hours, basically, something of that nature. That gets us there? Ray?

MR. BELLOWS: Yeah, that's acceptable.

MR. ARNOLD: Yeah.

CHAIRMAN STRAIN: Okay. In the PUD -- and this is a transportation question. I know this use hasn't necessarily got transportation, but in reading the whole PUD trying to make sure all the lines were covered, last night I came across Item F on 2-6. It says -- what's the matter?

COMMISSIONER EBERT: Nothing.

CHAIRMAN STRAIN: Oh. It talks about there -- county staff will prepare an amendment to the county transportation plan to include as a county minor collector road a roadway that would link U.S. 41 east to Goodlette-Frank Road through the Granada Shoppe's entrance and PUD then to the south road in the Creekside Commerce Park PUD in a manner compatible with adjacent properties and said -- when said roadway is officially added to the county transportation network, they have a -- there's impact fee credits. Is that that Creekside Boulevard issue that we had heard about during the Creekside PUDA?

And they didn't get -- this group didn't get impact fee credits past their property, did they? They didn't get impact -- because it says all the way to -- U.S. 41 to Goodlette-Frank Road. I just want to make sure if that road goes away the right impact fee credits are given back to the parties that deserve them. I don't know if the county had any input in that.

MR. REISCHL: I didn't research any of the impact fees for this petition.

MR. YOVANOVICH: Actually, what happens is the county gets repaid the impact fee credits they gave for the road.

CHAIRMAN STRAIN: I understand. I'm trying to find out if this project had given any for the portions of the road being asked to be vacated in the other action.

MR. YOVANOVICH: You mean receive. You meant received any, not given any. They didn't give any impact fee credits.

CHAIRMAN STRAIN: Right. They received credits. The county gave them impact fee credits that they received.

MR. YOVANOVICH: All of the impact fee credits will be repaid pursuant to the other project. Related to any impact fee credits that were received for Creekside Boulevard will be repaid.

CHAIRMAN STRAIN: Okay. I will forward this to the impact fee department afterwards and find

out what their position on it is.

MR. YOVANOVICH: She was here not too long ago.

MS. ASHTON-CICKO: Yeah. The development agreement that's going to the board next Tuesday for Creekside I believe has a repayment for impact fees in it.

CHAIRMAN STRAIN: Okay. I just wanted to make sure that if there was any issue with this paragraph it was covered by that, that's all. And I don't need Amy to -- she's fine. That's all I was trying to do.

COMMISSIONER EBERT: She's always been good.

CHAIRMAN STRAIN: Yep. That's the last question I have of the applicant. So with that, is there a staff report?

MR. REISCHL: Thank you, Mr. Chairman, Fred Reischl.

Just to reiterate, whether you vote to keep the new added use in or to take it out, staff is fine with that either way. We would recommend approval.

CHAIRMAN STRAIN: Okay. That all you've got?

MR. REISCHL: Yes.

CHAIRMAN STRAIN: Anybody else have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Fred, on your findings No. 7 -- and it's in your PUD findings. It's on Page 6 of the application, or electronic version.

Seven, the ability of the project to -- subject project and of surrounding areas to accommodate the expansion, and the answer is, the current PUD was found consistent with the GMP and compatible with the neighborhood. The additional proposed use is consistent with the uses in a mixed-use activity center.

I think we all know that, but the question is the ability of the subject property to accommodate the expansion. The only thing I would suggest when we answer these in the future, if you go into the CT system and you go under the DU slash dot SF section of that, it provides an analysis of all the SDPs that have been accumulated to date on a property and how much square footage they've been approved before against the total for the project. And it might be better to tell us what allowable square footage they have so that we know that they still have some buildout square footage. That just might be a better way to answer that question than the way it was.

MR. REISCHL: Okay. Well, this -- they weren't proposing any additional square footage.

CHAIRMAN STRAIN: Well, that would have been a simpler statement to say, then. Either way, I mean, I think I would have rather known that as an answer than what was here. I assumed they were consistent in all the other information because that's covered in other findings, so...

MR. REISCHL: Understood.

CHAIRMAN STRAIN: That's all I've got.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Are there any members of the public here to address this particular issue?

(No response.)

CHAIRMAN STRAIN: Okay. Wayne, did you have anything else you wanted to add?

MR. ARNOLD: No, sir, nothing further.

CHAIRMAN STRAIN: Okay. Then we'll close the public hearing and we'll entertain a motion.

And I had brought up two subjects. It's up to this panel what they want to do. I'll go with the majority. I'm not going to die on my sword on this. I'm just trying to stop cluttering up our documents, and this seemed to be one that was doing too much of that.

My first suggestion was to drop the reference to the indoor/outdoor nurseries as a separate listed item. Whatever this panel wants to do, I'll go along with the majority. But on No. 3, the outdoor display of merchandise, to avoid the fact they didn't ask for a deviation, we need to restrict that to as "allowed on sidewalks" as part of description. Other than that, those are the two suggestions I've come across with since we've been talking about it.

Anybody have a motion or comments?

MR. ARNOLD: Could I ask one question?

CHAIRMAN STRAIN: Yes.

MR. ARNOLD: I'm sorry to interrupt you. But I just looked at the SIC code for that, and it doesn't specify indoor or outdoor under 5261. I'd just like it to be known that our intent is to have an indoor/outdoor nursery consistent with the uses that are permitted and described under 5261 SIC code, which is retail nurseries, lawn and garden supply stores.

CHAIRMAN STRAIN: Okay. And, Ray, to satisfy their certain, I mean, I can't imagine why -- I can see why we'd have to say outdoor so that people know it's an outdoor facility because you've got merchandise outdoors, virtually, if you're having plant sales outdoors. I don't know why we'd care any more than any other retail establishment that we're selling -- they're selling something indoor as long as it meets the retail criteria. Do you have --

MR. BELLOWS: I concur. The C4 district, that would be implied that that indoor retail of any kind is permitted.

CHAIRMAN STRAIN: Would be allowed. I agree with you. So as long as that's on record, that covers that.

So from that perspective, is there a motion from the Planning Commission? If you make the motion, you need to indicate what items you want to include in the motion or not.

COMMISSIONER SCHMITT: Mark --

CHAIRMAN STRAIN: Joe.

COMMISSIONER SCHMITT: -- just for comment. I agree with you that that use is, in fact, included in the C4 zoning, but in this case, since staff doesn't object and it's a specific request of the applicant, I'm fine with leaving that sentence in there as No. 3, and concerning B3, I agree with the change, and based on those comments, I would make a motion that we approve PUDA-PL20160001981, the Granada Shoppes, subject to the change noted.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen. Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

MR. ARNOLD: Thank you, all.

CHAIRMAN STRAIN: Thank you.

Okay. That brings us down to the next part of our meeting, which we'll probably get into some lengthy discussion. It will probably be more convenient right now to have a break, because once we get started on this, I'd like to try to plow through it as best we can so it's -- why don't we break until, what, 10:20. Just come back at 10:20 and resume on this AUIR matter.

Thank you.

(A brief recess was had.)

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

CHAIRMAN STRAIN: Mike, thank you for the mike.

If everybody will please take their seats.

***The next item up is an annual review by the Planning Commission for our Annual Update and Inventory Report. The acronym is AUIR. And this is the 2016 report. It's a rather lengthy and detailed report of the county status and where we're going.

We're going to be walking through the various sections of that that we have questions from. And, Mike, you usually start with a presentation, so it's all yours.

MR. BOSI: Thank you, Chair. Mike Bosi, Planning and Zoning Director.

I've kind of put together a quick couple-slide PowerPoint presentation talking about what the AUIR/CIE does, as Mark -- as the Chair has indicated, it's an annual process to allocate where our growth is, where our growth is needed, and what are the capital improvements needed to satisfy the demands of that growth.

The AUIR is an annual one-year snapshot in time projecting the needs required for all infrastructure- and service-providing departments based upon population increases against the levels of service standards adopted by the Board of County Commissioners. It's a snapshot in time as to what our population's going to be over the next five and 10 years and what are the projects that we need to satisfy the demands of those populations.

There's really three different categories. The first are the Category A, and those are the concurrency facilities. Those are roads, drainage, potable water, wastewater, solid waste, parks and rec, and schools. As you heard in a previous discussion this morning when Mr. Sawyer was talking about the concurrency management review that's done at zoning is done as a cursory review, and then the concurrency management that's done at your plat or your SDP is where the application of concurrency management is applied, and what that means is a project has to make sure that there's adequate infrastructure available to handle the projected demands of that project so those levels of service never fall below an adopted level.

And then we have our Category B facilities. Those are jails, law enforcement, libraries, EMS, government buildings. And there is only one, Ochopee, as the dependent fire district. Isles of Capri has been integrated with into the larger Greater Naples Fire Development.

C is -- and it's not on the PowerPoint. C is basically our Coastal Zone Management component. It's an informational piece that's been added to the AUIR just to provide for an informational disclosure as to what the projected plans are over the next five years.

How do we project the county's growth within the policy 1.2 of our CIE? We basically say, population estimates and projections are based upon the most updated population bulletin from the University of Florida's Bureau of Economic and Business Research, BEBR.

And then we also have a seasonal component, as we all know. As we're starting to encroach, we'll see different license plates starting to appear on our roadways. Our seasonal population will arrive. And we allocate a 20 percent adjustment to account for the influx of our seasonal population and the demands that are placed upon our infrastructure. Twenty percent is the general rule of thumb that we utilize per our CIE.

Transportation, but more particular, utilities utilizes that 20 percent with a little extra factor just to ensure that we have no problems when an individual does seek to flush their toilet, that it does works. And that was inspired by some capacity issues that we had around 2000.

How much do we build of our infrastructure? And it's simple, the equation. It's new population against our levels of service, and that equals what our capital improvement will be for the five-year period.

I always use libraries as the example because it's pretty straightforward. So within this five-year period, we're projecting 33,878 people. We have an adopted level of service for libraries. It's .33 square feet of library space per person. So we'll multiply the expected population over the five years, multiply that by -- against our standards of .33, and then we'll have a requirement for 11,180 additional square feet.

I'll let you know in libraries we're good for at least the next 10 years on capacity, but we utilize that as just an example of how we make a determination as to what the amount of the -- or the extent of the improvement.

There's a couple other reasons we utilize the AUIR for. It establishes a rational nexus for the utilization of impact fees in both of the categories, and we also utilize it as the approximate -- the revenue projected over the capital period to determine the county's ability to construct the adopted levels of standards. And the projects in the AUIR/CIE must be growth related.

Back to that second point, one of the things that you will notice -- and it's contained in a sentence within the staff report, but it is a larger question so it probably does need a little more exposure. This AUIR being proposed this year will require -- if all the projects are recommended for moving forward for approval,

it will require the utilization of debt financing. It's been a while since the county has went out and utilized debt financing for capital improvement programming.

The needs specifically contained within the transportation capital improvement program is a significant level that will require the Board to make a decision, and that decision, from staff's recommendation, would be to go out and secure debt financing to provide for the necessary revenue.

The AUIR is a boot print for concurrency, and it was the traditional document that we utilized for the CIE update. In 2010 we combined the two. The reason why is we were hearing the AUIR in the fall, the CIE was being presented in the spring, and there was a -- there was a disconnect, and it was related to growth trends, financials. So they weren't always mirrored, and that created a problem.

So instead of explaining, we said, let's combine them, and I think it's a more efficient way of moving forward with our capital improvement programming, because they're both focused on levels of service and both directed to anticipate projected populations and what we need to satisfy those demands.

This is a chart; it gives you a consistency as to what the demands of our population -- influx in our population rate of growth is placing against our infrastructure. And as you can see, since 2011 through 2016, our five-year growth percentage has been about from anywhere between eight and a half to 10 percent, and what that translates to an annual basis is somewhere right below the 2 percent annual growth rate. We've been very consistent within that period of time.

One of the things that happened was during the 2010 census is we reset our population. We found out there was not as many people because of exodus from some of the working population during the great re -- during the recession. We found that we had estimated there was more population than was actually here in 2000, so what that did is it provided a little capacity, more capacity in our system before we needed the next area of improvement.

Well, we've eroded a lot of those capacities, and so we're starting to hit to the point where projects are being demanded not only from transportation but from stormwater, from EMS, from law enforcement, a number of our different providers.

And this is a map that basically just shows the COs that have been issued over the past year, and, unfortunately, it's cutting off my slide. What it's indicating is there's basically about 3,300 COs that were issued last year, almost a 60/40 split between single-family and multifamily, and it shows the locations of where the highest numbers of COs that have been issued.

And this map, which luckily is shown in its entirety, is for the last 10 years the COs that have been issued within this county, the areas that are highlighted in blue kind of highlight some of the larger projects that have received the greatest percentage of those COs.

And as you notice, it's along the Immokalee corridor and the East Trail where the greatest areas of growth are taking place over this last decade. And as we extrapolate out and look to what are those needs for the next five and 10 years, it's those areas but also as we migrate towards the east where we expect the greatest expenditure for our capital improvement programming.

The proposed improvements within this book, within the AUIR/CIE that you have before you, transportation and stormwater are the facilities from the Category A that have projects in the first two years. Within law enforcement, EMS, and library collections are the Category B facilities with projects within the first two years.

There was a note -- or I do have to note that the parks -- regional park submittal had a unit cost of \$452 per acre and was incorrectly stated. It's \$450 per acre. It's a very slight accounting issue. There's no new projects being proposed within that five-year period, but just for accounting purposes we just needed to point that out, and we will correct that before we head to the Board of County Commissioners.

And I also wanted to point out -- and I'm not sure how we're -- how much we're going to get into the discussion, but if you read the law enforcement's component, one of the things law enforcement has done this year, we always knew that there was -- the one improvement that they have is the Orangetree trailer that's being replaced to a permanent station. That was long overdue. That's scheduled to be completed this year.

But there are a couple of other emerging issues: One, the forensic room, which we discussed a little bit. They need a forensic facility that -- they started the conversation with facilities management, but also there's two existing stations that need relocations.

So this is the -- this was the first year they've really highlighted those contained within the AUIR. And what that process does is it starts with our facilities management folks, with Hank Jones, with Dennis Linguidi's folks, to know that these are emerging issues that the law enforcement in the SO office is having to deal with, and we need to start taking action and starting the planning process to deal with these two other emerging needs, and I thought that was noteworthy and needed at least to be pointed out to the Planning Commission.

Within it we're going to basically ask for two recommendations: Accept and approve all the Category A, B, and C facilities with a recommendation to approve and include within the annual update to the CIE and also direct that the school's CIP be included by reference within the adopted CIE.

The school district has no new facilities planned for this first five-year, but we do have -- we do have, in the next five years, the six through 10, the emergence of a new high school. The specifics of that location is still in debate through the due diligence process, and I could turn to Mr. Eastman, who would probably be able to provide a little bit better of a status update.

MR. EASTMAN: Mike, just one correction. We do have an addition for the Immokalee High School. That's the only facility capital improvement that we have in the five-year plan.

The money that's being spent in relationship to the new high school is merely for design, permitting, things of that nature. And we have not decided upon the location of the high school. That would need to be approved by the Board.

MR. BOSI: Thank you, Tom.

And it's not a new location. It's an expansion of the existing location within Immokalee. That is the only improvement that's contained in the school district's CIP.

And that is the end of the presentation. How we traditionally have worked through this with the Planning Commission, we haven't asked nor did we prepare each individual section of the AUIR to come up and give a full presentation on those. We wouldn't see the benefit of that. Normally we ask the Planning Commission what sections they would like to go to and, specifically -- but I'll defer to the Chair and the Planning Commission how you would like to do that.

CHAIRMAN STRAIN: Mike, what I'd like to do, since this one is simpler than some we've seen in the past, we'll just take it a section at a time as it's in order and go walk through it. And if no one's got any questions, we'll just move on to the next one, and we'll finish up that way. Does that work for you?

MR. BOSI: Absolutely, sir.

CHAIRMAN STRAIN: Okay. The first part of the AUIR report is six pages of a staff report. So before we get into the A facilities, let's start, does anybody have any questions from the first six pages of the staff report that they'd like to ask of staff?

(No response.)

CHAIRMAN STRAIN: I have one, and it's on Page 3. It's No. 1 on Page 3. The paragraph ahead of it says, under the provisions of the LDC Section 6.02.02, the Board's options in response to the needs identified in the AUIR include, but are not limited to, the following, and it says, establishment of areas of significant influence surrounding deficient road segments which are not in TCMA's or TCEA's.

Now, this afternoon we have to talk about the GMP amendments that are coming in, and Policy 2.2 had the following language in it: Deficiencies or potential deficiencies that have been determined through the Annual Update and Inventory Report on capital public facilities may include the following remedial actions: Establish an area of significant influence for roads, a TCA or TCMA, and it goes on a little bit after that.

One of the strikethroughs are asking to be acknowledged in the GMP, part of this meeting this afternoon, is to strike out the reference to an area of significant influence for roads, which brings me back to the question in the AUIR. If the AUIR is counting on the establishment of ASIs as another way to offset deficient road segments and it's being struck by the GMP language that's coming to us later today, does that change the ability for the staff report then to establish an ASI if it's taken out of that section of the GMP?

MR. BOSI: In practical nature, yes, it would. I mean, this is presented to the Board of County Commissioners on November 15th. The staff-based amendments for where those changes would be contained would be going to the Board of County Commissioners in December.

So if the Board did direct us in November to establish an area of significant influence, they would be

in compliance with the GMP. But we are proposing to make that change in December.

So in all practical nature, yes. That needs to be -- this would need to be modified with the anticipation of that GMP amendment.

CHAIRMAN STRAIN: Okay. Well, which one needs to be modified? Do we need to leave the ASI in as a possibility, and then when we get to that policy, 2.2, which is really 2.3, this afternoon in the GMP not accept that strikethrough so that it's consistent with the staff report language in the AUIR? I would assume it would be better to have options than that we limit our options.

MR. BOSI: I would agree with that position.

CHAIRMAN STRAIN: Okay. Then that's all I've got in the first six pages.

With that, we'll move into the first report of the AUIR, which is Category A facilities. It will be county arterial collector roads and bridges. And we'll move right into that. It starts on -- I don't know what starts -- it starts on Page 10 electronically. Where the rest of you have it, I don't know. And we'll -- I guess it's best -- unless we have -- if we have questions, we probably would request a presentation as to how this was put together because it may then help answer some questions. If we don't have questions, like some of these have zero impact, so we may not have questions of those; we don't even need a presentation.

So with that, I can tell you there's probably going to be a lot of questions on transportation, so whoever wants to discuss that section of this AUIR, we're more than willing to listen to you.

MS. SCOTT: For the record, Trinity Scott, Transportation Planning Manager. I'm joined here today with Jeff Perry from Stantec who, for several years now, has assisted county staff with preparation of the Annual Update and Inventory Report, and we're here to answer any questions that you may have.

CHAIRMAN STRAIN: Okay. Questions on the transportation section of the AUIR? Anybody?

COMMISSIONER EBERT: Oh, there are so many.

CHAIRMAN STRAIN: Okay. Well, go ahead.

COMMISSIONER EBERT: No. I mean, we -- activity centers, roads. I mean, I'm looking at roads -- as you know I live on Immokalee, but we have the college there now of -- and I think they call it North Gate. It's getting -- it's just -- if you have to turn the first road -- I mean, it's backing up on Immokalee Road. People are trying to turn in. It's -- that road must be fixed.

Trinity, I don't know what that road is right now. To me, that needs to be widened to take care of part of that. It isn't even season yet, and the traffic on Immokalee Road in the morning is backing up past Olde Cypress going towards the Town Center. And I'm going, my goodness.

There is only one right-turn lane to go north on I-75. I am trying to work with transportation to get some signage taken off the road itself because it shows two lanes, and then all of a sudden you don't -- you can't turn there. Dump trucks are pulling in. It's getting to -- there has been accidents there. I think we should maybe get some accident reports on these.

But we just need -- and I know it's the gated communities that have -- you know, that are blocking so much of this, but we do need more roads.

MS. SCOTT: With regard to Immokalee Road, particularly in the influenced area around the interchange, we've begun discussions with the Florida Department of Transportation to look at the corridor, because it's not only Immokalee Road, which is a county roadway, but also how we interact with the interchange area. And they're experiencing backups onto the mainline as well.

So we've approached that, and we're also working through our Metropolitan Planning Organization. That is a top priority of theirs that we have submitted to the Department of Transportation to look at that entire study area.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: Anything else at this time?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Well, let's start with Page 15. Well, my Page 15. It's your summary page talking about your revenues and liabilities. Basically, I see your revenues, but I'm used to seeing DCAs. I've noticed you've got zero -- no input for DCAs to this Transportation Element. Can you tell me why?

MS. SCOTT: Currently -- with regard to the DCAs, the only DCAs that I'm going to show are board-approved DCAs, not something that I'm anticipating.

Certainly, there are some developments that we're working with right now to have DCAs upcoming, so once they are approved by the Board, we will typically try to bring them in. And sometimes it's not a dollar amount that's actually shown. We'll show in Attached D as what we call CBO, construction by others, which has been what's happening more and more with a lot of our DCAs lately.

So as of right now, the only DCA that I know of where we have cash that's coming in -- there's actually two, but one was approved following the preparation of the AUIR -- would be Oil Well Road where we have an agreement with Ave Maria where their dollars are spent directly -- their impact fee dollars go directly to Oil Well Road. Which we've accounted for Oil Well Road; we just do not break that out separately as a DCA within our funding stream.

CHAIRMAN STRAIN: Well, the problem I have is you started something new this time which I'm rather concerned about, and it's the unfunded needs. And that's kind of one of those amoebic-type entries that -- that's just an unfunded need that somebody apparently thinks we need somewhere down the road, but those could be coupled with plenty of DCAs at the time we go through.

In fact, we're doing away with our FIAM process, and we're substituting DCAs for that. So I think it's kind of unfair to say we have all these unfunded needs, and we don't if they're going to be really unfunded to the extent that you've shown here because they could be alleviated by DCAs that are created in the future or that are funded in the future.

MS. SCOTT: You're absolutely correct. And the purpose for putting the unfunded needs there is so we could start the dialogue with the Board as well as with our Office of Management and Budget to start looking at -- we're showing a total need of in excess of a hundred million dollars.

Obviously, we're not going to go out and get that much -- we're not going to go into that much debt right now, so we wanted to show the progression in the years when we would be needing those funding -- those funding sources.

You're absolutely correct, there are projects that are within here that could certainly be the subject of a developer agreement in the future, and this is an annual process and will be updated on an annual basis. So if new DCAs come in -- I'm going to use Veterans Memorial as an example. If a developer agreement were to come in and be approved by the Board, then we would adjust accordingly.

CHAIRMAN STRAIN: Okay. But I'm still concerned about the, I guess, for lack of a better word, psychological impact of showing a liability of unfunded needs as a program of an AUIR, which is basically looking forward for a specific number of years. These unfunded needs go way beyond that. If you're looking at it that way, then every department in the county ought to be adding the same criteria so we know what's the projections, however long your unfunded needs go into the future, whether it's the LRTP for 2040, or whatever it is. Why wouldn't we then want to know where the rest of them are?

I don't think that is what the AUIR is for. That's what our long-range planning is for for your LRTP. You make it clear there. I think putting it in this document sends the wrong message. It actually looks like we're not -- we don't have our act together in the way we're trying to keep up with things.

By saying we don't have DCAs listed or coming in and correspond to this, it makes it look like we're not looking for those in the manner in which we should. I really think that process of entering that element into the AUIR is not appropriate.

So -- and I haven't seen it before, and I've been reviewing these since Mr. Schmitt started sending them to the Planning Commission, what --

COMMISSIONER SCHMITT: All my fault.

CHAIRMAN STRAIN: Yeah, it's your fault. Years ago.

COMMISSIONER SCHMITT: My fault.

CHAIRMAN STRAIN: I remember when you first did that and what turmoil it caused.

COMMISSIONER SCHMITT: I said, let's send this to the Planning Commission.

CHAIRMAN STRAIN: Yep.

MS. SCOTT: I could appreciate that. This was the direction that was provided to us through the budget hearings, and then ultimately what culminated with our management, that they wanted to show this. And, like I said, it's to start the dialogue and allow our Office of Management and Budget to start preparing for our upcoming budget hearings and budget preparation next year.

CHAIRMAN STRAIN: So you believe next year for next year's budget preparation some of these unfunded needs are going to be needed other than you preparing your standard AUIR report without a column for unfunded needs?

MS. SCOTT: Okay. These projects are needed. Vanderbilt Beach Road extension is needed to provide an alternative route to the remainder of our arterial network. Veterans Memorial, once again, for the TCMA and an alternative to Immokalee Road, these are needed projects.

CHAIRMAN STRAIN: Well, aren't you working on a DCA for Veterans Memorial as we speak?

MS. SCOTT: I am, yes.

CHAIRMAN STRAIN: Okay. That's going to be -- last I was reviewing it, it was millions. Mike?

MR. BOSI: And these are unfunded needs for projects that are identified within the CIE, so they're not long-range -- long-range needs. These are ones that fall within the time periods being presented. Would it satisfy it if we asterisked this and said it is anticipated that future DCAs will help alleviate the necessary revenue identified?

CHAIRMAN STRAIN: Well, I think we need to do something to indicate this isn't going to be a burden solely on the taxpayers from ad valorem or other debt service because the possibility is it's going to be offset by other revenue streams, and it doesn't look like we're doing our job by trying to keep our tax base to the minimum when we show these kind of things without the offsets to them.

MS. SCOTT: We can add an asterisk to the bottom that says, "may be offset by future developer agreements."

CHAIRMAN STRAIN: Okay. And then your DC -- what about the DCA for -- it was around 42 or 45 million that existed -- and for all I know it may still exist -- on the flyover or the interchange -- intersection at U.S. 41 and 951?

MS. SCOTT: That developer agreement --

CHAIRMAN STRAIN: Is that still in play?

MS. SCOTT: No, it's not. We originally had that developer agreement, and then the downturn of the economy caused it to fall apart, and it wound up being much less, and that is the project that was just recently completed out there with the at-grade intersection improvements.

CHAIRMAN STRAIN: Okay. So you -- you don't -- you are -- you don't have -- you have only one active or you said two active developer agreements today?

MS. SCOTT: We only have a handful. I know that for sure.

CHAIRMAN STRAIN: Well, why don't we put those in here somewhere?

MS. SCOTT: Many of them are actually within our current adopted budget in Fiscal Year '16 because some of them are ongoing right now. Like Tree Farm Road is ongoing right now. So as far as developer agreements that extend out further, the one that comes to mind right now that's not included in here is the road for Florida Rock.

CHAIRMAN STRAIN: Well, if you go to your Road Financing Plan Update, Exhibit E, look what you've got for DCA. It's nothing. So why don't we put those in here? All I'm saying -- or if you're not going to put them in here because you don't know what time frame in the next five-year period they're going to hit, then at least list them in a separate attachment so that we can show the taxpayers and we can show the politicians and the Board of County Commissioners that we are doing something about making some growth pay for growth where we can outside of impact fees, and we're doing it through DCAs.

I just think it would be a very positive thing to show because it's lacking. We know they're out there. We know that we have limitations in almost every zoning document that comes through. And those are all part of what ought to be reflected in the job that we're doing in cleaning up the deficiencies we have.

COMMISSIONER SCHMITT: But, Mark, do you want them to put the DCAs in that still haven't been fully approved yet or just the ones that are approved?

CHAIRMAN STRAIN: The ones that they --

COMMISSIONER SCHMITT: I know there are some out there that are forecast.

CHAIRMAN STRAIN: Well -- and she just mentioned, like, Tree Farm Road. Then there's Oil Well Road, there's -- I don't know what other ones are out there, but I'd like to see -- I think keeping a list of

those would just be handy, even if they're not going to -- you don't know when the time frames are going to hit monetarily, but just add it as something --

MS. SCOTT: We can provide a list of active developer agreements. Now, I will say that I am not in favor of adding anything that is not -- has not been approved by the Board of County Commissioners as of yet. And I'm going to use Veterans Memorial as a prime example. That roadway is needed. We've been working on a developer agreement right now, but if that development decides not to come forward, that does not negate the fact that we still need that roadway as an alternative route, so --

CHAIRMAN STRAIN: Well, in contrast to that, you are negotiating on a situation there, correct?

MS. SCOTT: Uh-huh.

CHAIRMAN STRAIN: And I would imagine you're looking at a DCA to handle Rural Lands West for transportation needs.

MS. SCOTT: That has not -- we have not discussed the developer agreement as of yet. We're only in the second round of sufficiency comments.

CHAIRMAN STRAIN: Okay. But as you -- even the ones that you know you're -- if you have a road segment that's showing up on this five-year plan and you're talking with someone about a DCA, couldn't you just list that as potential ongoing negotiations for DCAs and list that in the same page that you talk about Developer Contribution Agreements? Those are really good actions to express to the Board of County Commissioners so that we're doing our job. We're doing the best we can in making sure every dollar we can collect outside of General Fund is being done.

MS. SCOTT: We will certainly consider that. Like I said, a lot of these things are discussions amongst staff and haven't even been elevated to, you know, a management or a Board of Collier County Commissioners level.

CHAIRMAN STRAIN: And I wouldn't have been so focused on these as a piece until I saw this unfunded need, and it looks -- it doesn't look balanced as much as it is. And I'm just thinking that would help offset some of the concerns. That unfunded need is -- when you first react to it, oh, my God, what have we not done right.

MS. SCOTT: It is quite large.

CHAIRMAN STRAIN: Right.

COMMISSIONER SCHMITT: I would think that maybe the way to go about this then would be if it's not been approved by the Board but you're working on it as a staff and you have a good idea of what the funds will be to cover that, maybe just shade it in and show that these are current actions staff are working on. You don't have to identify them -- maybe you have to identify the road section, but you don't identify with whom those agreements are because they may not be public yet. But at least you show that it is a source of revenue.

MS. SCOTT: And I definitely see the benefit of showing the active developer agreements.

CHAIRMAN STRAIN: Okay. On the first page, back to the summary page, your recommended actions, number one, explore utilization of Collier County specific local data in lieu of FDOT data for the determination of peak hour, peak direction, and seasonal factors.

Let's take Racetrac, for example. It's a convenience store with fuel pumps. There's the ITE manual, and now there's a study done by the State of Florida suggesting localized information be used, but yet in that particular case the testimony said the ITE manual -- actually, if you use the high side of the ITE manual, it's more conservative than using the local data.

As that for an example, what does one mean in relationship to that? Are we looking at looking at specific local-use examples for determination of data? Are we going to do away with the ITE or --

MS. SCOTT: No, no, no.

CHAIRMAN STRAIN: Okay.

MS. SCOTT: This would not affect the ITE trip generation manual at all.

What happens when we take traffic counts -- and Jeff's going to jump up here and pull me back if I say something wrong. When we take traffic counts, they're factored. And we currently use FDOT provided factors. They provide them to us on an annual basis, and they collect data within our area at a number of count stations, and so they come up -- they take that data, and they come up with, well, this is when your peak

season is, and they provide us peak season calculations to factor our traffic counts that we're taking. They -- so they have a limited number of data sets that they utilize in Collier County to develop that data.

When we first started this AUIR process, we were only taking traffic counts on a, sometimes, semiannual, annual basis, sometimes quarterly basis. We have come a long way in our traffic counting system to where we have several permanent count stations that are out there that are collecting data 24 hours a day, seven days a week, 365 days a year.

So now we have the data in-house to be able to determine Collier County specific seasonal factors based on our own data instead of utilizing data that FDOT collects. They will be in the mix with ours, but we have much more data sets to be able to go from.

CHAIRMAN STRAIN: Okay. Now, that worries me a little bit. For example, I know if I leave my office at 5:00, it takes me 40 to 50 minutes to drive home 12 miles, maybe 15 at the most. If I leave at 4:30, it takes me less than 20 minutes, 17 to 20 minutes to drive home.

So there's a huge peak-hour issue that I run into, like everybody else does when we hit the road at the same time. To me it's gotten worse. I mean, right now it seems to be happening earlier. And each year we seem to have more traffic. I think everybody seems to feel that way.

On Page 18 of your report under observations, it says that of the 129 stations covering 41 unique segment IDs and excluding those in the City of Naples, collecting traffic counts in 2015/16 program, the average increase in measure overall volume between 2015 and 2016 was 2.54 percent system-wide. By comparison, the average increase between 2014 and 2015, in the last year's was 4.85 percent.

So we're -- actually, our growth is about 50 percent less based on your traffic counts than was last year. So now I'm wondering, if we were to utilize our local data as you're suggesting, would that reduce the peak-hour impacts of the ITE manuals that they use to calculate? And how would that affect -- how would these numbers affect the localized data? Because you're actually showing we have less of an increase than we did the prior year, which that's not what real-life experience seems to say to us out there.

So Jeff's nodding his head. I'm just --

MR. PERRY: For the record, Jeff Perry with Stantec.

Going back to the original question about the localized data, there are actually two factors. If you start at the end of the process, what we are measuring against your adopted standards is the p.m. peak hour, or the peak hour. It could be -- in some instances, that's actually the a.m. peak. So that's the standard.

We collect data on a daily basis at different times of the year. So we have to convert that daily traffic all the way down to the peak hour in the peak direction. So there's a number of different factors.

And what Trinity was saying was that the DOT stations that give us some of these factors to use, while they're good and they're reasonable for some roads, for other roads they're not. You know well that traffic on Immokalee Road east of I-75 has a different seasonality than U.S. 41 through -- in front of Pelican Bay. There are different seasonal characteristics. There are different hourly characteristics, as you pointed out, because there are peak hours that are different at different times of the afternoon. Certain hours, peak hours are later than others and things like that.

So by -- the recommendation is to begin a process of refining those factors so that we are very specific about, you know, the seasonality of Immokalee Road, the seasonality of Goodlette Road, the seasonality of 951; that all of those roads would be accurately represented so that we didn't apply a factor that under -- it turns out underestimates the actual volume on the road, which was what we were finding, daily traffic that was higher than last year, but by the time we factored it using these state factors with directional factors, hourly factors, it ended up being lower than it was last year, which didn't make any sense to us.

So when we start looking at these factors that change from daily numbers to peak-season numbers to hourly data to directional data, we want to make sure that we're using the most accurate data available.

The county now has sophisticated equipment to be able to collect that data and use that, and hopefully we'll get, in turn, better information for the AUIR that accurately represents what that operating condition is.

The condition that you talked about, the spreading out of the peak hour, is a phenomenon because the roadways are reaching capacity, so travelers that are using the roadways start earlier or start later to get to where they want to go because they know if they are going between four and five or five and six, it's going to

make them 45 minutes. If they go a half an hour earlier, whatever, as people tend to do that, that actual peak period begins to widen, if you will. The shoulders of that peak hour get wider.

The peak-hour volumes don't change very much because the road is already saturated. You can't get much more traffic on the road during the 12 hour -- during the peak-hour period.

The issue of the percentage of increase, some of that can be related to this seasonal-factor problem that we've identified. Part of the problem is that these roads are becoming so saturated that they are not growing during the 60-minute period that we're measuring. They may be growing on a daily basis. That peak hour, peak period may be getting worse on the shoulders of the worst 60 minutes, which is what we're looking at.

So you're actually getting more traffic on the road, but when you look at the peak hour, it could be exactly as it was last year.

CHAIRMAN STRAIN: Then what it seems to be, then, is that during the peak hour, when the roads get so congested that some drivers don't want to be there during that period of time, they spread out the peak hour to start earlier, like I'm trying to do.

MR. PERRY: Yes.

CHAIRMAN STRAIN: Is that also saying that during that peak hour the road system at that location is operating at a deficiency level even though it's got an LOS of D or E, but during that peak hour it's so jammed up we can't fit any more cars on that segment if we tried. Isn't that what a Level F would be for that period of time?

MR. PERRY: Generally speaking, yes, and that F would extend, that failure, that level-of-service deficiency would extend even beyond the peak hour. It could be in the morning. It could be in the afternoon. It could be three hours long.

CHAIRMAN STRAIN: Well, if we start deferring the peak-hour trips to either the shoulders of the hour, before and after, and we only look at the peak hour, we have a Level of Service F, then, on roads that really show an LOS of D or E in some cases because we don't -- the peak hour only factors in for 1/24th of the day of one 250th, whatever proportionate share it does.

But, in essence, have we ever looked at classifying roads for both their regular routine LOS, then their peak-hour LOS so that we know where failures occur during the rush hour when people are most frustrated?

MR. PERRY: Well, a roadway, two lanes, four lanes, six lanes, whatever, has a certain amount of capacity.

CHAIRMAN STRAIN: Right.

MR. PERRY: There is a saturated flow rate that you can have so many cars during the hour, 60 minutes; that's where traffic engineers measure, a 60-minute period. So it doesn't matter from a level-of-service standard if the peak hour is the highest number of cars during any 60-minute period during the day. That could be exactly the same for three or four hours. And, yes, you have a condition in the peak hour that extends beyond the peak hour, but the worst 60 minutes is what we're measuring.

What you're talking about, though, is a little bit different, because the county has adopted its standards based on a period that is not the worst time of the year. So even if you took the worst day of the year, February 17th, let's say, the worst traffic was Level of Service F on a particular roadway. When we include it in our concurrency system, because of the way the county has set their level-of-service standard, basically throwing out the worst hours of the year, it might measure a Level of Service E condition as your standard, and during that period it is, in fact, operating at not F, but it's operating at E. So it reports out at the Level of Service E even though we've all experienced days and hours of the day where you are stuck in traffic and you're not moving and nobody's moving.

It might be February 26th, it could be the 13th, it could be March 1st. It could be some particular day. There's 200 peak hours of the year that are basically ignored in the calculation because they're considered abnormal or anomalies or whatever. They're just not -- that's not what we're building our system for. We're not building it to satisfy a good level of services during those hours of the year. We're looking for those -- that bracket right below there that's the level of service.

And that's a policy decision. If you set your standards at C during the worst days of the year, you're

going to have a massive transportation network to accommodate that that is underutilized substantially during the rest of the year.

So you have to sort of trade off how much system are you going to build for the majority of the time to operate at an acceptable or reasonable level of service.

CHAIRMAN STRAIN: Okay. Well, I appreciate the explanation. Thank you.

COMMISSIONER EBERT: Can I bring up something? Livingston Road -- and I've experienced this twice now. And like Mark said, when you go, sometimes I just plain take that to Vanderbilt and down to Logan.

I'm noticing at times where people are in the right turn lane to turn onto Vanderbilt from Livingston -- but you won't believe this -- they are in that third lane beyond that backed up towards First Baptist church. There is that many people waiting to turn onto Vanderbilt. And I've seen it twice now. And I'm going, this is unbelievable. I've never seen anything like that, but I have seen it twice, and it wasn't even season, so...

And I didn't see any accidents, because then you could, you know, blame it on -- but, obviously, people are trying to, you know, go other ways. But when you have -- whether that right turn lane -- I don't know how much more it can be extended southward.

But some of these roads are -- we're to the part where it's almost like 2000 where we're going to have to borrow money to put these roads in, you know. We're going to have to go into a little debt service there. That's the way I feel about the roads.

COMMISSIONER CHRZANOWSKI: Could I --

CHAIRMAN STRAIN: Go ahead, Stan.

COMMISSIONER CHRZANOWSKI: I was born and raised and went to college and started working in New York City metropolitan area, so my idea of traffic might be a little different than most people's.

Listening to Diane's comments about Immokalee Road, your Attachment 8 shows that going into failure eight years from now, 2024, 10 years from now, 2026. What does failure look like? I mean, as opposed to 2023 or 2022. What happens in 2024?

MS. SCOTT: What's projected, based on the growth that we project within here, is that it would exceed the adopted level of service. So the volume-over-capacity ratio would go over a one. And so that then means it's a Level of Service F.

COMMISSIONER CHRZANOWSKI: Okay. So this is not something in the real world; this is just a mathematical construct.

MS. SCOTT: Well -- it's a mathematical construct, yes.

COMMISSIONER CHRZANOWSKI: Okay.

MR. PERRY: As we've said, it actually -- in the real world, the congestion level of F, failure, where the traffic is gridlocked, let's say -- let's call it standstill or gridlock -- that condition may actually appear earlier than that at intersections. It may, in fact, be appearing now during the worst hours of the day, during the worst times of the year, you know, at certain intersections.

Trinity and I were just talking about there is also something we need to mention in terms of the level of service. The county doesn't adopt levels of service for their intersections. There is a presumption that the level of service is based on the mainline, the number of lanes we're talking about. So there's a certain volume of flow, the traffic that can flow on a certain number of lanes, so that's what we're measuring in the case of the AUIR.

There are operational problems at intersections that go well beyond that, and those are things that the county addresses separately from the capacity improvements along the mainline, which is what the AUIR is looking at.

COMMISSIONER CHRZANOWSKI: Yeah. I travel that stretch of road Diane talks about at least twice a week during a peak hour, and it is brutal, and I'm trying to figure what it's going to be like in eight years.

CHAIRMAN STRAIN: Okay. I have another question on exhibit -- or Attachment A, which is your charts. On the bottom chart, the time frame, you've compared the three years' worth of AUIRs apparently;

2015 to '19, 2016 to '20, and 2017 to '21. The green one, 2017 to '21, skews with unfunded needs real high, but it doesn't show the corresponding, again, the revenues.

Is that over a five-year period? So you're saying our unfunded needs over five years, the next five years, is 140 million on top of the 230- or whatever, two hundred and -- three hundred and -- let's see. Well, you're 349- less 129-, so your 200 some odd -- you've got a budget of over 200 million.

MS. SCOTT: Yes, I'm saying that. One project alone is \$88 million of that.

CHAIRMAN STRAIN: But that's the Vanderbilt Beach Road project. To be honest with you, if that doesn't happen in 100 years, I'm going to be satisfied. I mean, I think the people out there don't want it either. For some reason your department wants it and Nick wants it, but I don't think anybody else necessarily wants it. I hope he's listening to me.

He's probably sitting there shaking his head right now.

I just think this whole chart is skewed because of the unfunding needs being added at this year's AUIR. And, again, I would suggest to you, it doesn't help your arguments that we're keeping up with things as well as I think we are. I mean, sure, the roads are bad. They're not as bad as New York or Chicago or other places, and they're not as bad as California, but we're doing better keeping up with them than these charts seem to indicate. And I just think the charts as graphics don't help you. So it's just a comment.

Under your considerations Bullet Point 1, the last sentence, now that Collier County has a robust traffic collection system, staff would like to review to determine if development of Collier County specific factors is appropriate.

You mean staff? What does that sentence mean?

MR. SCOTT: We want to go through and do the exercise to look and see what the impacts are going to be overall. We need to --

CHAIRMAN STRAIN: But isn't that what you're asking in the recommended --

MS. SCOTT: That they allow us to look at that, yes.

CHAIRMAN STRAIN: Okay. That's the same thing. That's all I needed to know.

MS. SCOTT: Yes.

CHAIRMAN STRAIN: I thought that's what it was, but I wanted to make sure. I'm checking everything right now and making sure I've asked you everything I need to. It's not going to be much. I think I have -- Page 22 -- yeah, that's all I've got on transportation.

Anybody else have anything else?

I do have another one, now that I just -- I went to the last -- your Attachment H. You have three segments of Immokalee Road approaching 41 and down to Vanderbilt Beach Road. Vanderbilt Beach Road widened to six-lane construction in 2020. Projected failure 2020 in the northwest TCMA on that segment.

Now, how is Vanderbilt Beach Road failing in 2020? Does that mean the entire TCMA fails because Vanderbilt Beach Road is failing at that point?

It's on the left-hand side of Attachment H. You have three projections pertaining to -- or two pertaining to Immokalee Road and one to Vanderbilt Beach Road, and it's the Vanderbilt Beach Road I'm trying to question, because it came up for discussion with Arthrex the other meeting we had.

MS. SCOTT: You're speaking where it says projected failure 2020 northwest TCMA?

CHAIRMAN STRAIN: Over to the left, the other direction. Keep going. Move it to the -- I need to see where 41 is, Mike. Keep going. Keep going. Keep going. Right there. See where it says projected failure 2020 northwest TCMA, does that mean that entire TCMA's scheduled to fail?

MS. SCOTT: No, that's actually a typo. That should actually be Goodlette-Frank Road.

MR. PERRY: Yeah, that box is pointing at Goodlette-Frank Road from VBR north to Immokalee.

CHAIRMAN STRAIN: Oh, I know it is, but it said failure 2020 to the northwest TCMA, so I thought that's a pretty big -- the TCMA is pretty large.

MR. PERRY: The TCMA's not failing. All of those projects that are referenced there as failure, either potential or whenever they fail, are within that TCMA boundary. It's just a reference to the -- I understand your confusion. It sounds like the TCMA is failing, but it's not. It's just referencing that it's a failing roadway, but it is within the TCMA, so there's a separate set of rules that define what happens if that roadway fails.

CHAIRMAN STRAIN: Right. You have to -- if you have another segment of the TCMA that has some excess capacity, you can kind of take advantage of that in the road that fails, so then they're technically not failed, so why are we labeling them as failed? Because we didn't acknowledge that when we talked about the improvements as a result of Creekside Boulevard being potentially vacated, and I'm wondering how all this is being factored in with that.

MR. PERRY: When we forecast the traffic growth for the next five years and beyond that for the next 10 years and 20 years, those projects that are projected to fail if we do nothing are identified in Attachment F. On the right-hand side there's an estimated year of failure, okay. Those are, essentially, the "do nothing" results. If we don't do anything to fix it, it's going to -- we project that it's going to fail by 2020 or 2015.

CHAIRMAN STRAIN: But we're allowing that to happen because they're in a TCMA, right? They're allowed --

MR. PERRY: Not necessarily, not --

CHAIRMAN STRAIN: -- as long as the TCMA itself doesn't fail.

MR. PERRY: No, we're not allowing it to fail. We're going to try to fix it. We're going to try to program money to fix that particular improvement. If you let too many fail, it can fail for a period of time. There's a chart in here that gives you the assessment of the TCMA's as to what the status of the entire TCMA is. If you just ignore them and let them fail in those time frames, the entire TCMA may go upside down, or 85 percent of it. If less than 85 percent of it is not operating at an acceptable level of service, then the TCMA does fail, and it comes to a screeching halt.

So the idea here is we've identified those projects that are projected to fail. Yes, they happen to be in a TCMA -- some are not -- but that one that you're pointing to is -- but we're also planning on fixing that particular road with either an improvement or with a parallel improvement or some other kind of improvement.

CHAIRMAN STRAIN: Okay. So if someone comes in and they have a greater than significant -- insignificant impact on that segment of the road and it's projected to fail but it's in a TCMA, the fact that it's a TCMA but it's projected to fail, they can -- they are held up or they are not held up because of the way the TCMA approaches an overall picture versus a segment?

MR. PERRY: They would not be held up. I'm going to answer that --

CHAIRMAN STRAIN: Okay.

MR. PERRY: -- and Trinity's going to bail me out if I get it wrong. They would not be held up. They may be required to pay additional proportionate share if the roadway -- if it's failing within the five-year window. But if it's not failing -- we have projections that are going out beyond five years in some instances. So as long as the TCMA as a whole has at least 85 percent, I think is the number --

CHAIRMAN STRAIN: Yeah, it is.

MR. PERRY: -- on the lane miles operating at acceptable levels of service, then development within that TCMA can continue. If there's a projected failure and a project is impacting that failure, then there are some circumstance that they have to deal with. But I think it's in a failure. I don't think it's a projected failure. I think it has to be a failing link within a TCMA that they're impacting; then they have some certain things that have to get triggered. They have to make some improvements or --

CHAIRMAN STRAIN: I mean, what does the -- we are theoretically going to be asked to approve projects that are going to have impacts on road segments that we know are -- we project are going to fail, so let's say we know they're going to fail from our calculations, but because they're in a TCMA, they're still allowed to go forward. They may pay a proportionate share, but not enough to undo the failure, and we're just probably getting the failure, basically, then.

MR. SCOTT: When TCMA's were developed back in the early 2000s, it was to encourage infill, and it was also -- they were developed in areas where there were multiple routes, and you had multiple modes of transportation that could be utilized, and so that is kind of how they were shaped.

So in this particular instance, yes, if somebody would come in and it was a failing roadway segment, if they were de minimis, they could move forward because that is what our Comprehensive Plan allows; however, if it's a hurricane evacuation route, even if it's de minimis, they would still have to pay what's called

a congestion mitigation payment which is -- when we talked about Arthrex previously, they will fall into that congestion mitigation payment because of Immokalee Road because they're affecting a segment of Immokalee Road that, even though they're de minimis on that segment, because it's a hurricane evacuation route, they will be required to provide a congestion mitigation payment. And there's a whole formula that's in our Comprehensive Plan about how that congestion mitigation payment is done. And that's above and beyond what they would do for operational improvements, and those funds can be utilized, then, within the TCMA to do other improvements.

CHAIRMAN STRAIN: Are those funds calculated somehow into your revenue stream that's shown on the AUIR?

MS. SCOTT: They are not because the developments haven't come in yet.

CHAIRMAN STRAIN: Right, but the unfunded needs are?

MS. SCOTT: (Nods head.)

CHAIRMAN STRAIN: Okay. Same scenario then. You guys are making your operation look worse than it really is in regards to how we can handle some of the problems we've got coming up, and I'm just suggesting you might want to do it differently.

On Attachment I, everything seems simple there, but you've got a pink rectangle. Why? What does that mean? I know it's over one, but --

MR. PERRY: Yes, that's exactly right. That particular segment does not comply with the standard. Within that TCMA, that's the only segment, the lane miles associated with that segment of Pine Ridge Road, I think it is -- Pine Ridge Road does not comply with the level-of-service standard.

So as long as there is no -- as long as there's at least 85 percent of the lane miles in this grouping that are operating at acceptable levels of service, then development within this area can continue.

CHAIRMAN STRAIN: Interesting. Just out of curiosity, that particular link, if you go north on Livingston Road and you want to go east either on Vanderbilt or Pine Ridge, if it's at five or after five, you'd get off of Pine Ridge and go on that link because it's actually better than going to Vanderbilt and trying to go Vanderbilt east, which is ironic, because you don't have Vanderbilt failure here. But I don't know if you've ever been -- 10 after five some night, drive north, you'll be shocked.

That's the last comment I have at this time on the transportation.

COMMISSIONER EBERT: I do have one comment. We do need Vanderbilt Beach Road to go further east, and the reason for it --

CHAIRMAN STRAIN: Well, I wish your house was in its path.

COMMISSIONER EBERT: Well, see, and I tell you about Immokalee Road.

But what I'm seeing out there -- and I don't leave every day, but what I'm seeing out there is I told you how on Livingston the people are turning. They also -- and I have no idea as to why. They turn on Logan and go north then to Immokalee Road because apparently if you stay on Vanderbilt and then turn up 951 to get to Immokalee Road it's longer.

So the traffic is -- and yesterday I happened to be driving, I believe it's just before Pine Ridge, Logan. I think it's called Logan then or Santa Barbara. But it -- where you've got all three turn lanes going into turning westbound on Pine Ridge, I mean, if you're not in that right lane, you cannot -- the traffic is awful, and then you've got everybody stopping to turn right on Green Boulevard. That needs to be -- that one desperately needs to be widened in that area more so.

CHAIRMAN STRAIN: Okay. Anybody else have anything on transportation?

(No response.)

CHAIRMAN STRAIN: Are there any members of the public here to talk on transportation?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you, all.

Mike, do you want these motions as we go along for each one or at the end?

MR. BOSI: You can just -- it's acceptable for just one overall motion for the AUIR unless you're going to recommend some departure from these.

CHAIRMAN STRAIN: No. I would just -- anything that's been highlighted here, if it's significant and it isn't -- I would suggest either you explain to the Board there's been -- you might want to look at some

of these things differently in regards to the unfunded needs. That's --

MR. BOSI: Understood.

CHAIRMAN STRAIN: Okay. County Stormwater Management System is next. Is there a staff here who would like to tell us all about it? Reluctantly, maybe, but --

MR. KURTZ: Good morning. Jerry Kurtz, Collier County Stormwater Management planner and manager. I'm ready to answer any questions you might have on county stormwater management this morning.

CHAIRMAN STRAIN: You know, that's the simplest way to approach it, so thank you.

Anybody have any questions they'd like to ask of stormwater? Go ahead, Joe.

COMMISSIONER SCHMITT: You're proposing a stormwater utility fee is -- was that identified in here? Is that something that --

MR. KURTZ: I don't think that's identified in the AUIR but, yes, we are moving forward with the stormwater utility preparation, which is going to take a number of months but as directed by the County Commission.

COMMISSIONER SCHMITT: And that will be another source of revenue then?

MR. KURTZ: Yes. It will be a user-fee based way to fund county stormwater maintenance and operation as well as capital.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: Stan, did you --

COMMISSIONER CHRZANOWSKI: No.

CHAIRMAN STRAIN: Okay. Jerry, I've got two questions on this. One is a follow-up, and I mentioned to you I'd have them both. First of all, I appreciate your update on the Lely LASIP system. I was real pleased to see how well that system's coming together. So, anyway, thank you for that.

I do have a question about the -- we received a letter about Poinciana and the concerns there. Certainly, I see Mr. Estes is in the audience, so when we get to the audience speakers, he may want to address it. But in the meantime, I thought you might want to try to address the concerns expressed in that letter that we've all, I think, gotten a copy of, and then I have one question after that.

MR. KURTZ: Sure, absolutely. One of our big initiatives is to look at the Gordon -- upper Gordon River basin area. It's an older built-out basin, very much -- the outfall very much influenced by the tide. And we did -- a few years ago we did an existing-conditions model of the basin. And we know -- now we're funded at a \$200,000 level to take that existing-conditions model and start introducing some alternative improvements to the basin.

We think there will be several possible improvements, so we're kicking off that initiative this month. And, really, kind of the "canary in the coal mine" for the basin is Poinciana Village just because it's an older system really with no control for stormwater management controlling the discharge off the old neighborhood, as was the state-of-the-art back in the -- I want to say the '50s or '60s, but for us, you know, we have to manage the system so that it accommodates these older neighborhoods as well as the new neighborhoods.

So we've been pretty actively working with the situation in Poinciana Village and Mr. Brad Estes and some of the other people representing the homeowners in Poinciana Village, so we feel we're pretty much in lockstep with their concerns and their needs. And this area, neighborhood will definitely be taken -- it's in the model right now.

And the concern is the -- as you chase the outfall path -- I can do a little Google flying here. If you can see this, the discharge point for all of the Poinciana Village, which is this, is right here, and the county maintains a channel which comes down to the south and then turns and goes in between these two golf courses and heads on over to what I call the upper Gordon River.

The upper Gordon River is in this area. It's a north/south conveyance that the county does have easements on, and we do maintain it. There's a lot of wetlands and a lot of points of discharge for other communities, so it's a challenge for us.

But one of the things we're zeroing in on is down here where the interface between the tidal waters and the freshwater discharge -- there is a weir here, and I think the weir is antiquated now in today's world. And as part of this study that we're doing -- and I know people get frustrated with studies, but we're looking at

probably several million dollars' worth of improvement, and now this second phase of study will give us the basis to then go into design for these multi-million-dollar improvements, one of which will be a new water control structure right here, replacing the one that's currently there. It's probably going to be pretty sophisticated, similar to the water control structures that the Water Management District is building now.

It will be -- have some automation to it, and it will also be adaptable to the rising levels of the tide, should that become an issue which, frankly, right now, this structure does experience backflow.

So when -- we need to have a structure which stops the backflow when we can and drops completely low to discharge when we need the discharge when we get four inches of rain or more in that basin.

So I could go on quite a bit longer, but I think that's the gist of the comment and the concern. And Brad is here today, and I know he'd like to speak also.

CHAIRMAN STRAIN: Okay. I have one other question, Jerry, and that is, there's some projects coming up that have gotten, unfortunately, very controversial. And the public is looking at concerns on one in particular on Whitaker Road in regards to a flowway and the amount of water standing in the area. And one of the discussions involved compensating storage.

I know that was a term that was kicked around when FEMA came and changed all the rules in Collier County. And I -- since I've been on this Planning Commission and those rules had changed, I've only seen one project come into this county that had addressed compensating storage, and it was a church way out in Golden Gate Estates, I mean, surrounded by a lot of open land, and it was -- but that's the only one, and if anyplace probably didn't need it, it probably was there.

But how are we handling compensating storage from a drainage -- from your drainage perspective in Collier County?

MR. KURTZ: Well, compensating storage is basically a displacement issue of water that's lying in the low-lying areas. Of course, as you know, principally, it's handled when the environmental resource permitting process begins, and it is also in the district's -- South Florida Water Management District ERP rules, so it's really addressed aggressively during that process.

However, we have also implemented a stormwater planning review that looks at issues like that to try to address it more up front basically to notify the landowners that it could be an issue as you proceed through permitting.

So it's still being addressed, but principally the majority of the heavy lifting on that issue is done in the ERP process as the project gets more fully designed.

There's a few other -- so, and we work very closely with the Water Management District ERP permittees. We have a monthly coordination meeting with them. These issues often come up there.

The area you referenced and the area of concern kind of almost bullseye for this issue is along Cope Lane, Whitaker Road, County Barn Road where there is still some remnant wetlands in the area, and the infill, with development, will occur there.

I want to say that the LASIP system -- a lot of benefit of the LASIP system will, as the area develops out, the system is now in place to pick up that water and guide it to the outlet really more efficiently. We never had that before. So as the areas build up and could cause some displacement away from low-lying areas, the system's now in place to pick that up specifically in East Naples, but we're also looking out throughout the county, because these issues with the development boom, again, now it's very much on the forefront.

So I would say -- I don't know if I'm really, really answering your question, but we have a more robust planning effort for stormwater now, and we are looking at it at that phase as well as preparing for the ERP phase.

CHAIRMAN STRAIN: Well, my concern stems from a zoning perspective. We normally don't look at stormwater drainage or management from zoning as much as the reliance on South Florida, because that's a state permitting agency, and I believe there's some regulation that says we can't ask them to have their state permits before we consider rezoning and -- but compensating storage is a requirement of FEMA. And because of the way -- the only example I can reflect to is that Latter Day Saints Church in Golden Gate Estates -- because of the way they handled compensating storage on their site, they really had a zoning aspect from compatibility.

They were going to cut down the elevation of the grades there and put perimeter berms and basically wipe out all the separation from vegetation between themselves and their neighbors, thus creating a compatibility issue.

So from that perspective, I'm concerned about how places like this project on Whitaker Road will handle compensating storage. And I guess it will be a trick question for our legal department to determine if we can delve into that at a zoning issue based on its compatibility concerns, not necessarily its water management concerns. Because if South Florida comes in and says for compensating storage this project has to clear out enough of the vegetation on whatever side of the project that they want it on, that opens it up clearly to the neighborhood, and the vegetation and the opaqueness that we normally look for is not there, it impacts compatibility.

So that will -- Heidi, that will be something we'll probably want to talk about as we move into some of these projects that have issues, because I didn't know we had deferred all of this to South Florida until you and I talked the other day. And not knowing what they're going to do, we may not see it at a stage that's relevant to understanding how a project's compatible with the rest of the neighborhood when we're relying on that vegetation that would normally be left there. Now it's going to be all bulldozed down.

So that's a concern, and I'm not sure how to approach it yet, but I thought I'd mention it during this discussion so we can be ready for it when the projects come in, so...

MS. ASHTON-CICKO: Okay. We'll look into it.

MR. KURTZ: And I would also like to add that we absolutely have to look at these issues more now at the rezone level, and we are doing that now. We're still just sort of learning and getting our feet wet. But it's real obvious that we can't defer looking seriously at these issues till the ERP process.

I would say that the heavy lifting will still continue to occur there, but we're learning that now looking at land use changes and preserve areas and wetland impacts have to be looked at now to anticipate how it could affect regional -- not only regional overland flows of stormwater and surface water, but also could it affect the peak stages of the surrounding area.

So we -- I agree with you, and I think you'll see me here a lot more, or we'll be talking a lot more because we used to think that we could defer the stormwater management design issues later, and I don't believe we can anymore, especially with what's happening now in what I perceive to be, you know, a push to buildout, and these issues need to be addressed up front so that the owners of the property understand the ramifications.

CHAIRMAN STRAIN: Okay. And those ramifications will have layout impacts on master plans, and from that perspective I hope that the County Attorney's Office can look into that aspect of it so we can look at those issues at a zoning stage and not wait till the state permits are issued. So we'll delve into that as we have time to do some more research, so thank you.

I don't have anything else of stormwater.

Tom?

MR. EASTMAN: Mr. Chair, just for clarification, the aerial photo that's up on the screen right now shows Bear's Paw. I think it may be mislabeled. Jerry, can you take a look at that and clarify?

MR. BOSI: That is a Google property, so if it's mislabeled, you'd have to send it...

CHAIRMAN STRAIN: Google. See, you should use the Apple maps instead of Google; you wouldn't have this problem.

MR. EASTMAN: I'll let you and Stan fight that out. But I do believe -- and Stan --

COMMISSIONER SCHMITT: After today's meeting, Stan will send a note to Google.

CHAIRMAN STRAIN: Anything else before we go to public speakers?

(No response.)

CHAIRMAN STRAIN: Ray, do you want to call public speakers for those registered, and then we'll go to unregistered.

MR. BOSI: Mr. Brad Estes.

MR. ESTES: Good morning. I'm Brad Estes. I'm the secretary of the Poinciana Civic Association, and I represent their views in what I'm about to say.

We're a 45 -- 46-year-old community. We have a swale system that empties into perimeter ditches at

what they call outfall ditches that goes to Canal 106, and I incorrectly identified it in my letter. It's Canal 106 versus 102.

And, obviously, the efficacy of that canal is very important to us. We are in the process with the county -- working closely with the county to restore the capacity of our swales which reduces the runoff, and if we reduce the runoff we also, though, need to be able to discharge the heavy rainfalls that we often get through this ditch, and we're having serious -- very serious flooding problems, had for years.

Had near home flooding in 2014, as I recall, and so I'm here -- and happy to hear that this whole system is in the project for the Gordon River basin study, so I'm -- I just wanted to make sure that's on the record and that I have a notice of my appearance.

Thank you.

CHAIRMAN STRAIN: Great. And thank you for your letter. I think we've got it resolved, hopefully.

MR. ESTES: Thank you.

CHAIRMAN STRAIN: Any other members of the public here wishing to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. We'll move on -- well, I wanted to ask the Planning Commission, the facility downstairs has been closed. I don't use it, but I know some of you do, or you may have. The hour we normally take for lunch, is that going to be sufficient for you-all?

COMMISSIONER EBERT: Makes it rough.

CHAIRMAN STRAIN: I mean, I'm fine, okay. Just wanted to make sure, because we'll wait till noon and we'll break at that time. The next item after storm -- is the county water/sewer district potable water system. And we'll actually -- if it's okay, I think the same group is here for the potable water and wastewater as well, so we'll go over both of them at the same time.

I don't know if -- where we have with questions, so if you guys want to come up and introduce yourselves, and then we'll go from there.

MR. FEY: For the record, Eric Fey, senior project manager for Public Utilities, Engineering, and Project Management.

CHAIRMAN STRAIN: Okay. I guess we'll just ask questions, if that's okay with you. Does anybody have any questions on the potable water first? That's the first section up.

(No response.)

CHAIRMAN STRAIN: I have one question on Page 64, and it's your map titled "Existing and Future Water Service Areas 2016 Potable Water AUIR." You have blue areas and gray areas. The blue areas -- and orange. The blue areas are where you have potable water system; the orange is the Orangetree service. That's interesting; and then you have the unserved areas.

And I'm looking at some of these unserved areas, and there's swamps and areas that you -- out in the Rookery Bay, places you couldn't even build. Why do you have that as part of your service area when there's no logical way you're ever going to have water service there?

MR. FEY: That's precisely why they're shaded in gray is they're exempt service areas within our district boundary.

CHAIRMAN STRAIN: Well, why don't you just move your boundary back to where you do service?

MR. FEY: I guess there's strategic advantage to doing so.

CHAIRMAN STRAIN: To doing what; leaving it? Well, I mean, is there a strategic advantage to showing your service area larger than you need or is --

MR. FEY: Well, I mean, this is the existing district boundary --

CHAIRMAN STRAIN: Right.

MR. FEY: -- you see on this map.

CHAIRMAN STRAIN: Oh, I understand. I just can't figure out if -- you're never going to run water down to Ten Thousand Islands and Rookery Bay, so why would you want them in your service area?

Mike?

MR. BOSI: Maybe there could be a recommendation for a future action from the Planning

Commission when they do, because the district has been in contemplation of expanding its boundaries to the east at some point in time to cover some of the towns in the rural lands area.

When that is contemplated, adjust the service boundary to reflect only the served areas.

CHAIRMAN STRAIN: I would --

MR. BOSI: It's a recommendation -- there may be other reasons that the PU administration could provide to us that I don't readily have, but it might -- that's not a bad recommendation to provide from a Planning Commission perspective. When you are making your adjustment to the boundaries, can you look at these unserved areas, and does it serve any basis to continue to have them in the district.

CHAIRMAN STRAIN: Okay. Yes, sir.

MR. CHMELIK: Okay. Excuse me, Mike. Tom Chmelik, for the record, Public Utilities.

I also just want to add, historically, these are the boundaries that were established with the special act in 2003. It's historically what we've had, and we've used this map depiction to reduce the area that we anticipate to serve currently or in the next 10 years. So that's the blue shaded area, and I would like to consult with the County Attorney's Office as well as to any modification of those service-area boundaries.

CHAIRMAN STRAIN: But I think Mike's point is right. If you do expand it, we might want to just fix it all at one time. It wouldn't be a bad thing to do if you guys have no objection to it. I mean, I don't think you can even contemplate serving some of these areas.

MR. CHMELIK: We would agree and would want to coordinate that with the County Attorney's Office.

CHAIRMAN STRAIN: Okay. I think that would be a good discussion.

COMMISSIONER EBERT: I have a question. Is the Orangetree now -- the county's taken that over?

MR. CHMELIK: That's currently under litigation and -- still under litigation. We would defer to the County Attorney's Office.

COMMISSIONER EBERT: I cannot believe after all this time.

COMMISSIONER SCHMITT: Never-ending story.

CHAIRMAN STRAIN: But that helps the economy. The attorneys get paid; they go out and spend money. They buy bigger cars, bigger homes.

MR. BOSI: Trickle down.

CHAIRMAN STRAIN: Trickle down. There we go.

I don't have any other questions on the water area. We'll move into sewer, wastewater -- sewer. We call it wastewater treatment plant systems now. Anybody have any questions on the wastewater?

(No response.)

CHAIRMAN STRAIN: And, by the way, I do appreciate the way you guys do the AUIR. You've been very stable in the way it's been presented over the years, so thank you for that. And I always like to see your stuff. It's been interesting to read.

In the wastewater treatment facilities, a couple questions. On the first page where it summarizes the capacities, your south service and your north service, in particular, you have a required plan -- those are all interconnected, aren't they?

MR. FEY: We do have some interconnection, but not to the extent where we can combine them into a single service area as we do with water.

CHAIRMAN STRAIN: Because you've got -- your required plant capacity is less than the constructed online plant capacity, but if they're all interconnected, if you ever had a change in -- a small, slight change in capacity, you could use that interconnection to offset it, couldn't you?

MR. FEY: That's correct. And that is in our master plan to do so. You know, we are looking at ways to improve interconnection between our plants.

CHAIRMAN STRAIN: I was more concerned to the point where if one plant has a required capacity that is greater than the constructed capacity, then for some amount you could use that interconnection to offset that, is what I'm suggesting.

MR. FEY: That is correct, yes.

CHAIRMAN STRAIN: Okay. Stan.

COMMISSIONER CHRZANOWSKI: If I remember right, the interconnection was done. There was talk of a moratorium back maybe 15 years ago, and the interconnection was done to make sure that you could put waste from one system into another just to kind of balance the load a little, but it was not -- you know, it's not a permanent thing. Those interconnections, there's only a couple of them, right? How do you control those?

MR. CHMELIK: Tom Chmelik again, for the record.

There is an original interconnect that you've spoke of, and we are currently in the construction of an additional interconnect along Livingston that will allow more conveyance and be able to shift flows from the south service area to the north as dictated by the population growth in our master plan.

COMMISSIONER CHRZANOWSKI: Okay, thanks.

CHAIRMAN STRAIN: The only other thing I have is on Page 77, you've provided a nice chart, similar to the one on water. You've got an area that is outside your service area, and if you ever go to modify these service areas, we'd take a look at making that map more accurate.

The issue I have about the map -- and maybe you could send me a corrected copy -- notice the little chart down in the lower left side with the colors, it's blank. It would be nice if you filled that in.

MR. CHMELIK: Not on my version.

CHAIRMAN STRAIN: Well, it's on the overhead.

MR. FEY: Yeah, you're right.

CHAIRMAN STRAIN: So if you could, would you PDF, when you get a chance, just that one page to me, when you get time? You may want to make sure you fix it before the package goes to the Board.

MR. CHMELIK: Excellent catch. Thank you.

CHAIRMAN STRAIN: Okay. That's all I've got. I do appreciate your time. And any other questions from the Planning Commission?

COMMISSIONER EBERT: You've had, recently, some issues with a broken line. Are you work in -- also in Naples Park in that area?

MR. CHMELIK: Yes, we are, in Naples Park, and we call that our 101 basin where we have several projects along Vanderbilt Drive and Naples Park.

COMMISSIONER EBERT: Okay.

MR. CHMELIK: And Connor's subdivision as well.

COMMISSIONER EBERT: Okay. All right. That's what I wanted to know. Thank you.

MR. CHMELIK: Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Any members of the public here to speak on water or wastewater?

(No response.)

CHAIRMAN STRAIN: Okay. Are you guys doing Solid Waste?

MR. CHMELIK: No.

CHAIRMAN STRAIN: Ah, Dan. I didn't see you. You must have just snuck in. Okay. Well, this one's just riddled with problems, so...

MR. RODRIGUEZ: Good morning, Planning Commissioners. Good morning, Mark.

CHAIRMAN STRAIN: Mike? Oh.

And if you don't mind, we'll just ask any questions we have, and we'll go from there. And all I can tell you is I sure appreciate the work you do, so...

Reading your report was wonderful, because I remember we did not have the capacity that we now have. We had -- we were running up against a wall and locating new locations to start -- because it takes, what, 10, 20 years before you can get a new landfill. And with what you've been doing, we now have an estimated life of the landfill for 54 years. And the more we recycle, the better that number gets.

MR. RODRIGUEZ: Absolutely. It's all great news. And if I may just thank the Board of County Commissioners because it's their strategic plan that made recycling the priority for Collier County.

And if I also may introduce Dilia Camacho. She's our waste reduction manager. She's the one that heads up some of those programs for business recycling education and whatnot.

And if you'd just look north of us to Lee County, their incinerator, they have challenges with meeting their requirements for payments for that facility and whatnot.

So the county's done very well, and also the residents of Collier County. They're the ones that have gotten recycling to the rate that it's at, and we're one of the best in the state of Florida. Certainly benchmarking against national benchmarks as well, so thank you for your support.

CHAIRMAN STRAIN: Mike, did you have something?

MR. BOSI: Oh, and I just would echo your statement in terms of the benefit Solid Waste has provided to the county. When I first started with the AUIR process in '05, '06, it was 2017 we were looking at the end of that landfill.

CHAIRMAN STRAIN: Oh, I know.

MR. BOSI: In the 10 years -- and the recycling rate in 2000 was 1.2 tons per person. We've more than halved that, so -- and now I know they're making inroads with the commercial users, so the benefits are apparent. They most certainly are a shining example of government efficiency and how we could positively affect our citizens' lives in ways that maybe they don't always appreciate.

COMMISSIONER EBERT: Yeah. Dan, I have to tell you, you know, when you went to the green barrel with the yellow top, recycling took off. And the reason for it is people did not want the stuff out in the open as to what they were recycling. That has taken off tremendously and --

COMMISSIONER HOMIAK: It was too small, the other one.

COMMISSIONER EBERT: Well, it was small also. It was tougher just to pick it up and carry out there, so when it went on wheels the other way...

The other thing is -- I understand is you -- are you doing a trial on the bear. I heard rumor?

MR. RODRIGUEZ: We actually are. They're doing a testing of a bear-proof container, if there's such a thing, and it has a locking mechanism so that the bears would have a harder time to open it. The challenge for us during the testing is to make sure it opens with our automated waste collection because it's very important to us to have that automation with the waste collection. It keeps our fees -- some of the lowest in the state for the highest level of service.

But we are moving forward with it, and it's progressing. And it's just a matter of time before we get the right container for that use.

COMMISSIONER EBERT: Okay.

MR. RODRIGUEZ: Thank you.

COMMISSIONER EBERT: Well, I had heard, and I thought, wow, that would be great, because our neighborhood has a big problem with the bears, so thank you.

MR. RODRIGUEZ: Sure.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Question: Nothing to do with the AUIR, but I've been told that when you put your recycling out you should not put it out in a plastic bag into your container.

MR. RODRIGUEZ: That's correct. The facilities where Waste Management separates the recycled materials, if it's loose, it has a much better chance of being separated by the mechanics of the process. So please, yeah, leave it open.

COMMISSIONER CHRZANOWSKI: I've also heard that the plastic bags tend to get stuck up in everything.

MR. RODRIGUEZ: They have a tendency to muck up the equipment and get into some of those different belts and gears and whatnot.

COMMISSIONER CHRZANOWSKI: Yeah, but I don't see that getting out to the public, so -- I know people. I see them taking out the -- you know, and they put it in the yellow-top can in a plastic bag, and I just --

MR. RODRIGUEZ: Sure. We'll do more to inform the public and also take the plastic bags from Publix back to Publix. They have a great recycling program for those.

CHAIRMAN STRAIN: Okay. Is there any members of the public here on Solid Waste?

(No response.)

CHAIRMAN STRAIN: Okay. Dan, thank you. If you have any way of helping your life

expectancy of the use of your facilities roll over to Transportation, they could really use that help.

Thank you, sir.

MR. RODRIGUEZ: Thank you.

CHAIRMAN STRAIN: The next one up is the Collier County School Capital Improvement Plan. Anybody have any questions, comments? Tom, are you -- do you think this is the wrong plan? Is that what you're about to say?

MR. EASTMAN: This plan only calls for one capital improvement. It's the addition at Immokalee High School, and that's really the only bricks and mortar project that the school district has in the five-year plan.

We are planning for a new high school, and you'll see some dollars allocated to that, but the high school is not scheduled for construction within the five-year plan nor is its exact location even determined.

CHAIRMAN STRAIN: Okay. Thank you. Anybody have any questions of the school plan?

(No response.)

CHAIRMAN STRAIN: Anybody in the audience here on the school issue?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you.

We'll move on to the next one, which is the county parks and recreation facilities.

CHAIRMAN STRAIN: Good morning, Barry.

MR. WILLIAMS: Good morning, yes. Barry Williams, parks and recreation director.

Just as -- we don't have a presentation. Certainly, if there are questions that you have regarding our recommendation, our Parks and Rec Advisory Board can recommend to continue the level of service for community regional parklands as stated in the booklet.

CHAIRMAN STRAIN: And just so we acknowledge that correction, Mike had made a correction, he said the 452 was supposed to be 450. Are you in agreement with that as well?

MR. WILLIAMS: Yes.

CHAIRMAN STRAIN: Anybody have any questions on the parks?

(No response.)

CHAIRMAN STRAIN: I've got -- the Randall curve property is like a ping pong ball. It seems to be going back and forth from department to agency, all over the place. Now, do you have that now?

MR. WILLIAMS: Yes, sir, we do. It's still within our inventory that we are working with other divisions that are looking at potential uses of that. Ultimately, it would go back to the Golden Gate Estates Land Trust --

CHAIRMAN STRAIN: Right.

MR. WILLIAMS: -- if we weren't to use it for park. And some of the conversations that we've had is, if that were to be the case, the intent was for those lands to be a park. So any proceeds from that property would be rolled into Big Corkscrew Island Regional Park.

CHAIRMAN STRAIN: Well, you know, we had -- well, we never got as far as Planning Commission, but there was a pre-ap on some lands near the park because there was some discussion going on about a purchase of the park area with the profits going to build a regional park in the area, so that may be a viable action. I'm not sure what the status was, which is why I wasn't sure if you still had the park in your inventory, and I just wanted to verify that because it seems like it's moved around a bit.

MR. WILLIAMS: We had various points looked to remove it from inventory but, ultimately, it's remained there. And there's some other uses in that area that are of interest in terms of what that particular parcel could be used for, so...

CHAIRMAN STRAIN: Okay. Just as a cleanup, there's a -- boy, on Page 112, you've got a table that I believe is repeated on Page 116. You probably don't need it twice, so you might want to -- you might clean that up before the Board gets the AUIR.

MR. WILLIAMS: Yes, sir, we will; we will.

CHAIRMAN STRAIN: And the rest of it looked fine. I thought you're doing a great job. I like the way you keep the kayak trails open except where Stan goes. He goes out in the boonies all the time, so...

COMMISSIONER CHRZANOWSKI: Well, I'll second that. He's doing a fantastic job.

MR. WILLIAMS: Thank you.

COMMISSIONER CHRZANOWSKI: And don't close those -- don't open those trails up. It makes it harder for people to get out there.

CHAIRMAN STRAIN: I don't have any other questions of Parks and Rec. Does anybody on the panel?

(No response.)

CHAIRMAN STRAIN: Any members of the public here to address any Parks and Recreation?

(No response.)

CHAIRMAN STRAIN: Okay. Barry, thank you.

MR. WILLIAMS: Thank you.

CHAIRMAN STRAIN: And we're getting close to noontime, and before we go into the Capital Improvement Element or the others, why don't we break for lunch, because we've got to still do the GMP, which is going to take a little while this afternoon, so -- and we'll come back at 1 o'clock and resume the meeting at that time. Okay.

(A luncheon recess was had.)

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

CHAIRMAN STRAIN: Thank you, Mike. Everybody, welcome back from lunchtime.

Before we went to lunch, we were in the AUIR segment of our agenda, and we had finished with, I believe it was, the parks, yeah, the park's Capital Improvement Element and Capital -- yeah, AUIR Element. We're into the Capital Improvement Element section right now, and that's where we'll go. Is anybody here -- who's handling that, you?

MR. BOSI: Corby puts that together.

CHAIRMAN STRAIN: Okay.

MR. BOSI: And the CIE element is just basically the summary of all the Category A facilities improvements, and the first five years is Exhibit A, and then six through 10 is Exhibit H.

MR. SCHMIDT: Uh-huh, yep. Just to note that -- ensure that all the Planning Commissioners had the update page, and to double-check your booklet, if you'd look at Page 124, I believe that's the Stormwater Management CIE page. If your lower right number in those tables begins with 38 you have the current page.

CHAIRMAN STRAIN: When would we have gotten this? Because I've never gotten it. I'm probably closer to you in that building than anybody.

MR. SCHMIDT: I have handouts available now if you'd like them, and I believe it was emailed or included in the last emailing of the packets themselves. If you don't have it, just let me know.

CHAIRMAN STRAIN: I don't have it, but I can only use it electronically, so let's not pass it out.

MR. SCHMIDT: All right. Otherwise --

CHAIRMAN STRAIN: And I didn't have it in email, because I checked my email at 6 o'clock this morning when I started. So someone -- if you could follow up and just send it to me so I have it.

MR. SCHMIDT: But that's been corrected. The summary page associated with this individual facilities page was already correct in your version.

CHAIRMAN STRAIN: Okay.

MR. SCHMIDT: Otherwise, nothing to note.

CHAIRMAN STRAIN: Anything -- anybody have any questions on the CIE?

(No response.)

CHAIRMAN STRAIN: I have one question that kind of tailors to Joe's earlier. On that page that has been corrected that you just talked about, Corby --

MR. SCHMIDT: Yes.

CHAIRMAN STRAIN: -- if there's a new tax created, what one on the revenue streams will that tax replace; do we know?

MR. SCHMIDT: Could be the MSTU, those dedicated fund sources, but I'm unsure of that.

CHAIRMAN STRAIN: Okay. So someone -- it just hasn't been discussed. That's all I was --

MR. SCHMIDT: Yeah.

CHAIRMAN STRAIN: Then if you go down to page -- hang on a second. I'll get there. It's Exhibit

A, Page 128. I think the Parks and Rec number is in error. You can't start out with 47 and have less expenditures of 47 and still have a balance of 30 million. So I think that needs to be -- should that be corrected?

MR. SCHMIDT: We'll take a look at that.

CHAIRMAN STRAIN: Well -- okay. In taking a look at it, how do you get to the 30 million? Why don't we look at it right now?

MR. SCHMIDT: The two numbers in the right-hand column, the 47 and 47, are --

CHAIRMAN STRAIN: One's revenues and one's expenditures, right?

MR. SCHMIDT: I'm sorry, it's not. The expenditures are two columns over under a different heading. It's 47, and then off to the left, under a little bit, is the 17. And then that works out to something around 30.

CHAIRMAN STRAIN: Okay. So you're -- okay. Now I understand. Okay. So your expenditures are not brought over to the line to subtract from the 47 -- well, why would you have 47 below the -- okay. I see what you've done. Okay. I understand it.

And, Mike, this is also on Appendix H, it talks about developer contributions, so it would be nice to put something there when you-all get time.

And on Appendix H, Page 131, third line down, second box under revenue key, this is for Stormwater Management, it says -- now, it says CRA, community redevelopment area. What's that referring to under the stormwater section?

MR. BOSI: It's a title for a CRA or an MSTU.

CHAIRMAN STRAIN: You mean if there is one?

MR. BOSI: If there is one.

CHAIRMAN STRAIN: Okay.

MR. BOSI: If there is one, then that would be where the revenue source would be coming from. It's zero, so there is none.

CHAIRMAN STRAIN: Okay. Then that's the only questions I have on the CIE.

COMMISSIONER HOMIAK: Still on that same page, 128.

CHAIRMAN STRAIN: Sure. We can be on any page you like, 128.

COMMISSIONER HOMIAK: The numbers for the Parks and Rec aren't the same as on Page 103. I think the 17 -- 17242, I think you just transposed the numbers. Oh, I'm sorry.

CHAIRMAN STRAIN: I saw her looking at you.

MR. SCHMIDT: Okay. We'll take care of that.

COMMISSIONER HOMIAK: So the total -- so the total's different.

CHAIRMAN STRAIN: Anybody else have any questions, issues on the CIE?

(No response.)

CHAIRMAN STRAIN: Okay. Why don't we move on, then, to Category B facilities, which start out with county jail and correctional facilities.

COMMISSIONER EBERT: And he's here.

CHIEF SMITH: Good afternoon. For the record, I'm Greg Smith. I'm the chief of the administration for the Collier County Sheriff's Office, and I'm here to try to answer any questions with emphasis on the word "try," and add any clarity that might be needed this afternoon in the examination of the AUIR as it pertains to jail and law enforcement facilities.

CHAIRMAN STRAIN: Okay. Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Well, I certainly like the way you've presented this year's, and the charts and the graphs, especially the ones showing the reduction in crime. That's a -- we've gone down almost continuously. That's good news.

CHIEF SMITH: We supply the operational side of that, but a lot of content of the report, as far as the professionalism that's exhibited here -- and I agree with you wholeheartedly -- is attributable to your staff. They are great people to work with.

CHAIRMAN STRAIN: Well, on Page 146, which is the Collier County Sheriff's Office Jail

Population Trends, in knowing that we've been -- our crime rate has gone down from last year to this year, does that -- the question was, do the number of the arrests correspond to the number of reported crimes, i.e., are the reported crimes going down as well?

CHIEF SMITH: The reported crimes or calls for service has gone down.

CHAIRMAN STRAIN: Okay.

CHIEF SMITH: Actually, it's kind of trended flat since, like, 2012, but it's reduced significantly from where it was before the housing bubble burst back in 2008, and I don't know if that's, you know, a causal factor of that. I think that it has some kind of tie because a lot of the trades and other things that seem to be related to call generation left the area at that point.

There's an inward migration now that we're starting to experience, but the call volume has not escalated proportionally. So I think that that's probably attributable to some things that Sheriff Rambosk has put in place with regard to community outreach and education efforts with regard to the population, so...

CHAIRMAN STRAIN: Well, your statistics sure say good things. That's positive; very positive for Collier County.

CHIEF SMITH: Thank you.

CHAIRMAN STRAIN: On Page 152 you talk about the level of service per officers per capita, and in that one you talk about your substations, your buildings, and things like that. It's a chart. Have you put in the forensic building yet? Have you entered -- I know it's something you've asked about in your report, but have you entered it into part of your criteria over the upcoming years, the square footage?

CHIEF SMITH: Heretofore, it has been in the long-range forecast of needs. Part of what we're trying to do here -- and, again, those efforts carry on to today -- is move it in the short forecast of needs because of the increased levels of situations where a facility like that is direly needed and has been pretty well documented with regards to some of the more significant crimes we've had.

Certainly, the advancements in technologies -- you know, if you watch TV, you know, some of that is represented on some of the CSI shows. Some of that is unrealistic in expectation. I mean, we can't turn around a CODIS hit in 20 seconds, but there is a value to preserving a lot of this evidence long term with the anticipation that technology will take us to an intersect point one day to where some of these unsolvable crimes become solvable. And with that in mind, then it only makes sense to house them and catalog them and keep them longer in knowing that that was a likelihood that is going to happen.

CHAIRMAN STRAIN: Well, I'd hope that the forensic lab that you need gets priority. It would be a good thing to have for Collier County. I also notice that your calls for service from 2014 to '15 went up slightly, but our crime rate still went down.

CHIEF SMITH: Correct.

CHAIRMAN STRAIN: So that means not all the calls for service resulted in an arrest?

CHIEF SMITH: Not all calls for service are crime related.

CHAIRMAN STRAIN: Okay.

CHIEF SMITH: You know, some calls for service are a lost child. Some calls for service are someone that, you know, has a disabled vehicle that's blocking traffic. So, you know, that's a large majority of your calls.

CHAIRMAN STRAIN: And I also noticed on your district boundaries for your D4, you show the southern Estates south of Alligator Alley or now I-75. Is that -- do you have much going on down there? I was just surprised, because it's part of your other districts, and I'm wondering how much that influences your district's coverage requirements.

CHIEF SMITH: It's not that we get a lot of calls from that area, but if something occurs in that area, we have to have that geographical boundary assigned to a district to oversee and coordinate any kind of response. From time to time, unfortunately, we will find bodies dumped in that section of our county.

We will find that, you know, a hiker has become lost or, you know, a plane crashed, something of that effect, so we assign that to District 4, and they would coordinate any efforts as far as search or recovery.

CHAIRMAN STRAIN: Well, District 4, with the exception of south of the alley, is a lot of Estates, a lot of Orangetree, and a lot of sprawling residential subdivisions, whereas, the area south of the alley is more like your District 7, which is real rural, and I imagine the deputies are outfitted differently or have the

potential to be outfitted differently both in vehicles and/or how they get around the properties. Wouldn't it be more logical to run -- move D7 over into the southern part of D4, just out of curiosity, for the type of activity they'd have to deal with?

CHIEF SMITH: A lot of it has to do with response times and the response times as measured from the district that you're working in. Understanding that, you know, a deputy's not going to be at the substation until they're called. They're not like firemen or EMS personnel. They're roving and then get a call picked up.

So what we find by looking at the call data that comes out of dispatch is to tweak those boundaries, and today those boundaries are more -- you know, efficiency is gained by having them where you see them today; however, we're in a state of flux because, if you read through the AUIR, one of our concerns right now is our District 7 substation. We're kind of squatting. The federal government reposed that -- well, took control of that again at the end of a 75-year lease agreement from the State of Florida that dates back to, you know, the early 1900s as to when it was entered into by Collier and the national park.

So that is now going back over to the park service, who has informed us that we're not exactly their highest priority. So at some point -- and we're operating right now without a lease. We're just operating right now with an agreement, and that could sunset upon notice.

So right now we're a little bit uncertain of where our District 7 boundary will be and where our District 7 substation headquarters might be, but we do know that it becomes readily apparent that we're going to have to move probably sooner than later.

CHAIRMAN STRAIN: District 7 includes Everglades City?

CHIEF SMITH: Correct.

CHAIRMAN STRAIN: And Chokoloskee and down there. Oh, okay. You could actually have two stations and be better spread across -- that's a big district --

CHIEF SMITH: It is, sir.

CHAIRMAN STRAIN: -- than just one way down the south end, because if you have a call in the rural area up to the north end, it would be hard to get there timely.

CHIEF SMITH: It would be, yeah. I mean, it's pretty strategically located, and then you have to bear in mind as well, not that it would have any bearing on how we deliver service, but Everglades City is also a municipality, so then that enters into it as well.

CHAIRMAN STRAIN: Okay. Well, that kind of explains it. Thank you.

Anybody else have any questions?

COMMISSIONER CHRZANOWSKI: Just curious how the roads are in Picayune Strand when you go driving through there.

CHIEF SMITH: I can't attest to that. It's been years since I've been down there, and we don't get a whole lot of calls down there except through our ag units. They're all outfitted with --

COMMISSIONER CHRZANOWSKI: Four-wheel drive?

CHIEF SMITH: -- four-wheel drive vehicles, so I'm sure they don't have any problem.

CHAIRMAN STRAIN: Okay. I don't -- anybody else have anything?

(No response.)

CHAIRMAN STRAIN: Sir, we're good.

CHIEF SMITH: Does that wrap up for jails and law enforcement?

CHAIRMAN STRAIN: And law enforcement, yeah.

CHIEF SMITH: Thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

Okay. We're now into county library buildings and materials.

MS. WILLIAM: Good afternoon. For the record, Tanya Williams, interim library director. I do not have a formal presentation this afternoon, but I'm open to any questions that you may have concerning library facilities and collections.

CHAIRMAN STRAIN: Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: I've got one note on here, and it's on Page 165. And let me see -- my note has a link to another page. Let me see what that's saying.

Yeah, on Page 165 you have some expenditures that seem to crop up on Page 208, and that is the expenditures of -- they're embolded in black, total expenditures, 722 -- yeah, 7,272,800, and revenues match.

MS. WILLIAM: Yes, sir.

CHAIRMAN STRAIN: And if you go to Page 208, the project expenses for books that total up to the 7227- are all in red. Do you know why?

MR. WILLIAMS: Page 208?

CHAIRMAN STRAIN: Actually, 233. I have electronic version, so my numbers are different than yours.

MS. WILLIAM: Mike, could you help me with that one. Yeah, red, I'm -- I'm not showing red in my document here either, so let's take a look.

CHAIRMAN STRAIN: It's a -- part of the appendix is where I'm --

MS. WILLIAM: Okay.

CHAIRMAN STRAIN: You have backup material in the appendix. And I was looking at that and it's in red, and I couldn't figure out why it was in red, because it looks like it's not deficient.

MS. WILLIAM: I'm not quite sure.

CHAIRMAN STRAIN: And if it's a typo, we just need to -- do you see what I'm talking about, Mike, or not? Do you see the red --

MS. WILLIAM: That's in our county impact fee funds, 355, so --

MR. BOSI: I can coordinate -- yeah. I mean, I see the entry in red. I don't think it should be in red. Let me --

CHAIRMAN STRAIN: Just fix it if it needs to be fixed.

MR. BOSI: I'll just check with Susan Usher for OMB who helps us put together these numbers, and we will make the appropriate adjustment. I think it's probably just to eliminate the red and utilize just the black font.

CHAIRMAN STRAIN: That's all. I just wanted to point it out.

MS. WILLIAM: Yeah, that's what I'm thinking as well.

CHAIRMAN STRAIN: Okay. Let me make sure I've got no others. The notes on Page 171 talk about the decrease since the recession. You guys, has your libraries bounced back both in volunteers and from usage, or are we still seeing usage not as great as it was before the recession?

MS. WILLIAM: I'm glad you asked that. Actually, I took a sneak peek at our Fiscal Year 2016 statistics. And in regards to circulation, we're actually going to show a 2 percent increase, and this will be the first year that we've seen an increase in several years.

CHAIRMAN STRAIN: Okay. The registered borrowers have gone down, except this only reported to 2015, so that --

MS. WILLIAM: Correct. I didn't -- yeah, we're just compiling our 2016 numbers.

MR. BOSI: And just so we understand, it's all apples-to-apples comparisons. Some of these prior years of '12, '13, '11, there was some reduced hours of operation for some of the facilities. Coming from a revenue standpoint, we had to reduce some hours so, therefore, you would have to -- you would expect somewhat of a decline within terms of that visitors based upon condensing those hours of operation.

CHAIRMAN STRAIN: Okay. That's all I've got. Anybody else?

(No response.)

CHAIRMAN STRAIN: That's a good report. Thank you.

MS. WILLIAM: Thank you.

CHAIRMAN STRAIN: Next one is EMS services.

MS. BAY: Good afternoon. I'm the administrative supervisor with EMS. Unfortunately, Chief Butcher had a prior teaching engagement today, so I'm here to answer anything I can.

THE COURT REPORTER: What's your name?

MS. BAY: Artie Bay.

CHAIRMAN STRAIN: We'll do our best to keep it as short as we can.

MS. BAY: Okay.

CHAIRMAN STRAIN: Anybody have any questions of EMS?

COMMISSIONER CHRZANOWSKI: No, just a comment. Because of my wife, I've used their facilities quite a bit. You guys do a great job.

MS. BAY: Thank you.

CHAIRMAN STRAIN: The user fees, do you generate any funds from user fees, and if you do, where are they located under the revenues?

MS. BAY: That goes into our operating budget. Yes, we've user fees, transport fees. Last year it was about \$12 million, and that offsets our operating budget.

CHAIRMAN STRAIN: Okay. So we don't -- are those fees not customarily used in the AUIR?

MS. BAY: No, never.

CHAIRMAN STRAIN: Okay. I thought that was a missing revenue stream, but you've explained it, so I can understand that.

And let me -- I'm running through the rest I may have and hopefully it's not going to be much of anything. Oh, in your Page 180, your AUIR emergency medical services level of service, and you have a blue and red line. How do you factor fire department assistance in that, or do you?

MS. BAY: I'm sorry. Which? 180?

CHAIRMAN STRAIN: Page 180, yeah.

MS. BAY: Oh, we do not. These are -- these are future units that are being warranted by the population increase. The fire departments are factored into our response times, and we also will co-locate with fire departments if that's warranted. If you look at the one for DeSoto Boulevard, last year we had that in there as Everglades Boulevard. We know we need something out in the rural area, and Chief Butcher's actually been in conversations with North Collier maybe as a co-location for that station.

CHAIRMAN STRAIN: Mike, did you want to --

MR. BOSI: No.

CHAIRMAN STRAIN: No, okay. None of the fire departments run ambulances?

MS. BAY: No.

CHAIRMAN STRAIN: Okay. I mean, the fire departments are changing so much, I never know what they're going to do now, so I had to ask. And let me make sure that's all I've got, I don't know -- yeah, that's all I've got. Thank you for -- anybody else?

(No response.)

CHAIRMAN STRAIN: There's not enough members of the public left to ask questions, so thank you very much.

MS. BAY: Thank you.

CHAIRMAN STRAIN: Appreciate it.

Next item up is Collier County Government buildings. Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: You're the representatives, Mike and Corby? Good. That will work.

Mike, on the first -- Page 194, it's the level-of-service chart. It's gray and yellow.

MR. BOSI: Yes.

CHAIRMAN STRAIN: Okay. The asterisks, are they -- what are they trying to tell us in regards to those lines; that on that line is where those particular buildings were added as square footage?

MR. BOSI: And, actually, the asterisks have to move up.

CHAIRMAN STRAIN: Well, that's what I was thinking.

MR. BOSI: Yes, you found the idiosyncrasy, the error in these asterisks that need to go up one line.

CHAIRMAN STRAIN: I was trying to figure out how they match up, and they don't.

MR. BOSI: Because they don't.

CHAIRMAN STRAIN: Okay. Good. You'll take care of that, I assume.

And that's the only question I had. So anybody else have anything?

(No response.)

CHAIRMAN STRAIN: Okay. Next one up is Ochopee Fire and Control Rescue District. Is that you again, Mike?

MR. BOSI: Yes, sir.

CHAIRMAN STRAIN: You're lucky today, aren't you?

MR. BOSI: This probably will be the last year we will have any of the fire districts within our AUIR based upon the recent decisions for incorporation.

CHAIRMAN STRAIN: Good. On Page 205, you have a hashed area in the center. It says, hashed area under Greater Naples Fire. Well, then why is it hashed? Why don't we just put it green?

MR. BOSI: I will coordinate with my JIS technician to make sure it is green.

CHAIRMAN STRAIN: Okay. Well, it would make sense.

MR. BOSI: Yes.

MR. SCHMIDT: Excuse me. The Ochopee Fire District off on the right side of that map --

CHAIRMAN STRAIN: Right.

MR. SCHMIDT: -- is serviced by the green area, and they felt in proposing to show it in some manner, it should be neither of those colors but to show it dashed because --

MR. BOSI: Why that area -- it's in the district of Ochopee, but I believe an interlocal agreement --

CHAIRMAN STRAIN: Oh, they service --

MR. BOSI: -- the Greater Naples provides fire protection for that specific area. That's why it's hashed out. Thank you.

CHAIRMAN STRAIN: Well, don't all the fire districts have mutual aid through interlocal agreements?

MR. BOSI: For a certain -- most of them do for certain areas, and we don't call them out, but I guess under extreme caution, we wanted to make sure that this was -- and based upon recent decisions, it's all going to be provided by the Greater Naples Fire.

CHAIRMAN STRAIN: Okay. That's all I've got on fire. Now we're -- then we have our public facilities, which is Category C for coastal zone areas, beaches and inlets.

Hi, Amy.

MS. PATTERSON: Hi. Amy Patterson, for the record. I'm here to answer any questions on coastal zone.

CHAIRMAN STRAIN: Anybody have any questions on coastal zone?

(No response.)

CHAIRMAN STRAIN: Amy, under the first page, your recommendation, Note I, catastrophic funds are accumulated at a rate of half a million dollars per year up to a maximum of 10 million. So based on what you have right now, you would have three more years of accumulation, and then we have to -- we can stop accumulating it and just keep it as carryover.

MS. PATTERSON: We accumulate to 10 million, and then we stop.

CHAIRMAN STRAIN: Okay. So the revenue reserve, which in this case is, what, the 406,100?

MS. PATTERSON: We have -- if you look, there's \$26 million in cash available for future projects, and then there's a revenue reserve of \$406,000. If you look at the two lines. So the available cash for future projects is 26 million, and then the revenue reserve of 406-

CHAIRMAN STRAIN: Okay. Where do you factor in the expenditure for the half-million-dollar yearly set-aside? You have a half -- down here it says, catastrophic funds are accumulated at the rate of a half a million dollar per year up to a maximum of 10 million.

MS. PATTERSON: Right.

CHAIRMAN STRAIN: If you go up to Reserve Catastrophic I, it says eight million five seventy. So that means you've got three years left before you cap that.

MS. PATTERSON: Yeah, if you -- it probably is a little clearer if you go on to the next two pages that take it out over the fiscal years. And you can see the reserve for catastrophe as well as the carryforward, which is the cash and our revenue reserves, so on my Page 212, but I don't know what page that is for you.

CHAIRMAN STRAIN: It's 212. Well, no. It's 188 for me, but it's 212. I can read the --

MS. PATTERSON: We have unrestricted reserves, and then we have the reserve for catastrophe. You can see the accumulation there. And then we also have the reimbursement reserves which are being held aside for our FDEP and FEMA issues.

CHAIRMAN STRAIN: You know, half of your budget is reserves.

MS. PATTERSON: Right. But half of our -- if there were a major event, that may not even be adequate to deal with it.

CHAIRMAN STRAIN: But the event you're talking about is sand, right?

MS. PATTERSON: Well, either sand or inlet damage; it would be shore damage.

CHAIRMAN STRAIN: Okay. So we have a budget of 70 million, half of which is reserves for sand if we need it and the other half is spending it on sand that we think we need?

MS. PATTERSON: Which we monitor annually for both sand and inlet maintenance, as well as the regular maintenance activities of coastal zone. So that would be the beach maintenance activities. It also would be the dune -- the care of the dunes and all of our required activities that are mandated by the state and federal agencies.

CHAIRMAN STRAIN: It's just amazing how much sand costs.

MS. PATTERSON: Sand is expensive.

CHAIRMAN STRAIN: The next time I dig a hole in my backyard, I might just save it, cash it in, bring it to you guys, give it to you.

Under your Attachment A, coastal zone --

COMMISSIONER EBERT: A bucket at a time.

CHAIRMAN STRAIN: Yeah, a bucket at a time. You have No. 2, Marco south dry beach, width of 100 feet for critically eroded south beach, 143 to 148. That hundred feet, is that typical throughout Marco, or is it just going to be on our beaches?

MS. PATTERSON: This is the beach that we maintain on Marco --

CHAIRMAN STRAIN: Right.

MS. PATTERSON: -- versus their beaches on Marco that are under the jurisdiction of the city, and then there are those that are not touched, like Tiger Tail, because they're part of a national preserve or something like that.

CHAIRMAN STRAIN: Well, does Marco maintain their beaches in the same manner at 100 feet?

MS. PATTERSON: I could not answer that question, but I could find out for you if you'd like.

CHAIRMAN STRAIN: Well, the only reason it would be interesting is because if Marco's got a different standard and we're basically providing a beach for the people on Marco, why don't we just meet their standards since they could be happy with that. So it would be something to check out. It might just be a way to save some dollars.

MS. PATTERSON: I'm sure that Gary has an answer for this, so I'll find out from him, then I can report back to you, if that would be acceptable.

CHAIRMAN STRAIN: Well, that's -- just let Mike know, because if it's something that you guys need to bring up at the Board, then do so. If not, I mean, I'm fine. I'm not going to go out and change anything based on my understanding of it. I'm just asking questions.

MS. PATTERSON: Sure.

CHAIRMAN STRAIN: That's all I've got on coastal. Anybody else have anything more?

(No response.)

CHAIRMAN STRAIN: That's it. Thank you, Amy.

Nicole, are you here for anything? Any AUIR?

MS. JOHNSON: (Witness shakes head.)

CHAIRMAN STRAIN: Ah, good. Because this is the last thing we're going to do today. I'm just kidding. Now that you've waited all day...

Okay. There's a whole pile of stuff in the appendix, and I, unfortunately, have got some questions. And it's 227 -- if anybody else has any questions in the appendix, just jump in. But on Page 227, right in the middle of the map, you've got one of the highest population density ranges of anywhere in Collier County except for another area that seems odd, which is down towards Marco Island, the dark -- isn't the dark green the higher populations?

MR. BOSI: That's what's represented.

CHAIRMAN STRAIN: Well, why would you have it out on DeSoto Boulevard? There's hardly anybody -- I mean, there's a lot of people out there, but not -- they wouldn't come up to 4,082 to 6,161 people

per -- I'm going to assume it's square mile or whatever. And see the area that's south of 41 and 951? All those are sparsely populated areas but they're shown here as some of the highest populated areas, the highest populated areas in the county. Something's, I think, maybe mixed up on this map.

And I'm just moving to any others I have, Mike. It won't take -- and the last one is nothing. Okay. I'm good. Thank you.

Anybody else have any questions on the remainder of the AUIR?

(No response.)

CHAIRMAN STRAIN: Then there's a motion -- is there a motion to approve the AUIR, all categories presented today subject to the comments that we've made?

COMMISSIONER EBERT: I make the motion to approve.

CHAIRMAN STRAIN: Second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN STRAIN: Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you.

***Okay. The next and last scheduled item up is Item 9E, which is PL-20130002637/CPSP-2013-11, a resolution to the Board of County Commissioners to amend the area of critical concern overlay within the Future Land Use Element.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Any disclosures on the part of the Planning Commission?

MR. EASTMAN: None.

COMMISSIONER CHRZANOWSKI: None.

COMMISSIONER EBERT: I spoke with Nicole.

CHAIRMAN STRAIN: So did I.

COMMISSIONER SCHMITT: And I spoke with Nicole as well.

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Okay. I don't know where you want to start on this.

COMMISSIONER SCHMITT: Which packet are we on? I mean, there were two.

CHAIRMAN STRAIN: 9E. Yeah, there's two pieces of this. There's a corrected packet. And, David, maybe you can help me with this. We had a meeting before Joe came on board, and we had some concerns that have been addressed and are apparently in this packet as well, although the agenda item seemed to refer to only the area of critical state concern.

COMMISSIONER SCHMITT: CCSE, yeah.

CHAIRMAN STRAIN: So are we talking about that whole 96-page packet?

MR. WEEKS: David Weeks, Comprehensive Planning, for the record, and we are talking about the entire packet. The reason the title is different is because we introduced some changes to the area of critical state concern that were not previously discussed by this body at the hearing back in July, I think it was. So we specifically called that out.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: But it is the entire batch amendment. And if you'll look at the addendum to the staff report, you see that we focused only on the matters that were discussed at that prior hearing. We've made the

changes based upon the discussion at that hearing, and we're introducing some new changes to the area of critical state concern which today I'm going to tell you we're going to partially withdraw.

CHAIRMAN STRAIN: Good. I think -- I mean, I was hoping you would do that, so that solves a big problem today.

COMMISSIONER SCHMITT: For clarity, most of the other, I'll call them, glitch corrections you've already discussed at a previous meeting; is that correct?

CHAIRMAN STRAIN: Well, we discussed them at a previous meeting subject to changes that we need to review today.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: Yeah, you weren't here for that one. It was back quite a while ago; July 7th.

MR. SCHMIDT: And those are what begins or kicks off the addenda, those glitch -- or that set of changes from a previous meeting.

CHAIRMAN STRAIN: Right.

COMMISSIONER SCHMITT: But the enclosed resolution was in both packets. In reviewing it, the resolution in the new packet is the revised version.

MR. SCHMIDT: Yes.

COMMISSIONER SCHMITT: The other resolution I just set aside. I mean, it looks like the same but changed. How's that?

MR. SCHMIDT: It would appear the same except for some small --

COMMISSIONER SCHMITT: Some small changes, okay.

MR. SCHMIDT: The most recent is the one --

COMMISSIONER SCHMITT: And I'll set that one aside, and I'll focus on the new one. Thank you.

MR. SCHMIDT: Just a note. Of those small number of glitch or corrections that you suggested last time we met, I believe that was in July, the only two elements that were not affected by the changes were the Golden Gate Area Master Plan, which was a map-only change, and the stormwater management sub-element. All the other elements or sub-elements have changed in some manner.

CHAIRMAN STRAIN: Okay. And the last time we spoke on this was July --

MR. SCHMIDT: It was.

CHAIRMAN STRAIN: -- which was before the Board went on vacation, which means my memory probably can't remember verbatim what we talked about in July. I know Joe probably could, but I can't.

COMMISSIONER SCHMITT: I probably was overseas or somewhere at that time. I didn't tune in.

CHAIRMAN STRAIN: So if I bring up stuff that's a little redundant, my apologies. We'll just have to work our way through it, maybe.

And I don't know how you all want to approach it. I don't know how many questions you had. David, did you want to start out with anything in particular or -- because you just passed some stuff out.

MR. WEEKS: My suggestion would be just to follow the order of the staff report addendum, and when we get to the area of critical state concern, I'll jump in specifically.

CHAIRMAN STRAIN: Okay. Does anybody have any notes or comments they want to make from the order in which it's been presented, which is the various policies and their corrections? And why don't we just take, say, 20 pages at a time. The first 20 pages, anybody have any questions or concerns?

(No response.)

CHAIRMAN STRAIN: Mine start on Page 2. If you start on Page 2, Policy 10.5.4, and here what's been done in that policy is where previously the county "shall" prohibit construction of any structure seaward of the Coastal Construction Setback Line except -- except shall be -- except shall be allowed for passive recreation uses. Now it's the county "may" prohibit construction. Is that -- "shall" is stronger than "may." Did we change the word from "shall" to "may" simply to allow the exceptions so there's not a controversy in the two references there?

MR. SCHMIDT: I believe so.

CHAIRMAN STRAIN: Okay. And then under Objective 12.1, this one is, such development is to include on-site sheltering instead of "shall" include. I'm not sure what the difference in terminology is. It doesn't mean anything different, does it?

MR. SCHMIDT: It means nothing different because the instructions or the directions are in the following policies. The objective simply points out that these exist.

CHAIRMAN STRAIN: Okay. This is where we start talking about, on Page 3, the ACSC issue. Did you want to bring it up now, David, or wait till we get into the text of the actual language as we get further into the document?

MR. WEEKS: Now would be a good time, I think.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: To start with, you might recall back at that July meeting there was a fair amount of discussion regarding the prohibited exotic plant species and, ultimately, the only change we've made is a very, very tiny one. It shows up on Page 5 of your staff report addendum, the top third of the page, the double strikethrough of the last plant entry, melaleuca, paren, cajuput, and then the scientific name. You can see the SPP we've struck through, because that refers to a species. Usually that's followed by a gen -- I don't want to get in too much detail. We struck it through. That's what's appropriate. If you have a question, I'll answer it. That's the only, again, followup from July.

Mr. Chrzanowski had led us into a discussion about the differences in the two different areas of the Land Development Code that pertain to prohibited exotic plants, and then now we have what I would say is a third area. But this area is only applicable to the area of critical state concern, this list of prohibited plants.

And regardless of the bigger issue that Mr. Chrzanowski has raised about prohibited plant species that apply throughout the unincorporated county because of those certain LDC provisions, notwithstanding those, this list of prohibited plants needs to be the same as that that is found in state law.

And so that's why the only change we've made is the SPP, because that does not appear in state law. That really is a typo or an error on the county's part by adopting it in the first place.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I had a nice, long, cordial meeting with staff, and I did not understand, by the very definition of an invasive exotic, how we could have multiple different lists of invasive exotics. And I'm tired of pursuing the issue. So whatever they say is fine with me.

The next thing I'm going to want to know is why cats aren't on the list of invasive exotics --

CHAIRMAN STRAIN: Now, that's a good idea.

COMMISSIONER CHRZANOWSKI: -- but that's a different issue.

CHAIRMAN STRAIN: Because we need targets -- I mean --

COMMISSIONER CHRZANOWSKI: I'm joking. Yeah, PETA will tell you why.

MR. WEEKS: Mr. Chair, if I could go to the substantive changes now that we pointed out in the staff report.

CHAIRMAN STRAIN: Yes, sir.

MR. WEEKS: The short of it is -- and the handout shows this. What I handed out to you was our pages from the resolution, Pages 9, 10, and 11. Pages 10 and 11 contain the language we were proposing for today, for this hearing, to introduce a recognition of a variance to the ACSC regulations, and that would be further implemented in the Land Development Code. All of that language, which is new today, we now want to withdraw. This is based upon discussions with -- just yesterday afternoon with the Florida Department of Economic Opportunity.

And, instead, if you'll go to the Page 9 that I handed out, we're simply -- the highlighted section -- it's highlighted; it's also in red font, if I gave you the color copy. We're just inserting a phrase that recognized the opportunity for an agreement between the state, the county, and an individual property owner, rather than establishing a broad variance process that could be -- would have a broader applicability.

And one example, which is in the same paragraph. It's already existing language. Well, two examples. Where there's a development agreement Port of the Islands community that dates to 1985, and then there's also an agreement between the county and the state pertaining to Plantation Island. Both of those are examples of potential agreements in the future that this added language today would allow for.

CHAIRMAN STRAIN: Well, I think that's a good move because, honestly, I had already gotten a call from someone who believes they had a need for a variance, and since this was being allowed for government facilities, they wanted to figure out a way to qualify, and it was opening up a can of worms that

would have gotten, I think, way, way beyond what we were intending. I like your suggestion of taking it all out. I thought it was going to be problematic.

MR. WEEKS: A few more things I'd like to mention, please, on the record. One is we would ask today, in addition to your recommendation, to withdraw the couple of pages that I've mentioned, 10 and 11, that highlighted section, in addition to this new language on Page 9, would like your recommendation to approve it with the understanding that staff may need to tweak it slightly, possibly making specific reference to the state's ACSC regulations and the county's to make sure that it's absolutely clear that the agreement would apply to both, not just one or the other. And they are virtually identical but not exactly identical.

Secondly, just to put it on the record, the change here is to the Future Land Use Element. There is also a policy in the Conservation and Coastal Management Element that needs to be changed, however, cannot occur here today because it was not included in the advertisement, so we would have to address that at the adoption phase when this comes back to you in a few months. But I just wanted to put that on the record that there would be a related change.

I also wanted to mention, because it is in the staff report addendum, that staff has reached out or attempted to reach out to the two entities that we know of that we expect to be pursuing now this amendment if this gets adopted, and that is the Seminole Tribe of Florida and also the Lee County Electric Co-op. Again, I mention those in the addendum. Again, reached out to them to let them know about this change, that we're withdrawing the variance process and proposing to add this agreement provision instead.

And, finally, on the record I want to thank Nicole Johnson of the Conservancy, because she's the one that suggested that we pursue the agreement route. The Conservancy did have some concerns, I would say does have concerns about the variance language. Based on our conversation yesterday with the state, they have concerns about the variance provision, and they are amenable to the agreement language that is being proposed here today.

And with that, I think I'm done.

CHAIRMAN STRAIN: Okay. And since we're on this topic, I'll see if any public speakers want to address it. Anybody here to speak on this topic? Just raise your hand. Nicole, I imagine you've been waiting patiently for something.

MS. JOHNSON: Yes.

CHAIRMAN STRAIN: Come on up and tell us how you'd rather have the variance language.

MS. JOHNSON: Maybe we'll talk about your cats comment.

CHAIRMAN STRAIN: I didn't finish it. You notice I caught your looking at me.

MS. JOHNSON: That's right. For the record, Nicole Johnson, here on behalf of the Conservancy of Southwest Florida. And I really want to thank staff and DOE and all the stakeholders who probably cringed a little bit when I tossed out this idea of an alternative to putting in actual variance language and making it more of a case-by-case basis.

But the Conservancy was very concerned about the camel's nose under the tent of creating a process that could be expanded, opened up, and potentially abused in the future.

In looking back at what's happened to growth management and environmental policies over the past five years, the ACSC stands apart because it's one of the few things that has not been weakened, dismantled, or just plain eviscerated. And I think one of the reasons why it has stayed so strong is the state and local governments have made sure that they didn't implement new policies that would start chipping away at it. And we were concerned that a variance process might do that.

Yet we do understand that there are legitimate instances where a landowner cannot meet the ACSC standards, and there needs to be the ability for them to get some sort of interlocal agreement with the county, with the state in order to pursue legitimate activity.

So we think that this is the best way to go, and we really appreciate all of the coordination to get this done at what was really the last minute.

Thank you.

CHAIRMAN STRAIN: Thank you, Nicole.

Anybody else wish to speak on this subject?

COMMISSIONER SCHMITT: I just have a question on the policy now.

And, David, so this -- if anything were to come in, this language still would require a GMP amendment if somebody wanted to do something out there and the ACSC now would -- there would be -- if it's -- does this language allow, what, just for critical items or essential services or those other type of facilities? You said Lee Co-op and the --

MR. WEEKS: Seminole Tribe.

COMMISSIONER SCHMITT: -- Seminole Tribe.

MR. WEEKS: Two things. No, it would not a require GMP amendment. This language here would be recognizing a future agreement that could be approved which would stand on its own; and, secondly, there is no limitation on what type of development could be. The two that I'd mentioned are the genesis for staff proposing some type of relief mechanism, but it could be any type of development.

COMMISSIONER SCHMITT: Well, I still would have to trust that through the state and federal permitting process it would severely curtail any development out there anyway. It would be extremely costly in mitigation fees and whatever, so...

MR. WEEKS: And I would just mention -- I think I put this in the addendum, but of the area of critical state concern geography, approximately 90 percent of that is owned by government entities, mostly the federal government and some state. Most of that is for conservation purposes. Of that remaining 10 percent that's privately owned, about 84 percent of that or so is within the RLSA.

So it's -- within the conservation designated area, there's another, what's left over, 16 percent. There's some privately owned land, but its development ability, even in the private sector, is very limited because of the designation or the physical conditions of the property. That is -- one notable area is in the southwest quadrant of U.S. 41 and State Road 29, and that's tidally influenced. So the ability to actually get permits we think is about zero.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN STRAIN: Okay. Thank you. Any other questions, comments on this section of the -- (No response.)

CHAIRMAN STRAIN: Okay. Well, let's move on to the first 20 pages continuance then. And I'll -- until somebody else tells me they've got a question, Page 7 of the language under Objective 3, Policy 3.5, usually the GMP is pretty restrictive in the sense it can't be self-amending. And under 1, you have a language being added for the transportation plan, and then it says, board-approved development agreements, the Metropolitan Planning Organization's adopted long-range plan, and another similar board-approved studies, plans, or programs. What were you thinking in that regard?

So the -- to establish these thoroughfare corridor plan -- protection plans, basically any document that comes along that the Board reviews and approves during any process could be utilized to establish those? Is that what this is saying?

MR. SCHMIDT: You were very cautious last time you looked at this language to be sure that it was something the Board had approved of.

CHAIRMAN STRAIN: Right.

MR. SCHMIDT: That's correct. And those items could go on to become part of that corridor protection plan.

CHAIRMAN STRAIN: Why would we want to open it up to similar approved Board studies, plans, or programs and not just leave it with the LRTP since that's a publicly vetted process and plan? Is there a reason those other ones are necessary?

MR. SCHMIDT: We believe so, because some of those stand alone.

CHAIRMAN STRAIN: Can you give me an example?

MS. SCOTT: I can.

CHAIRMAN STRAIN: Okay.

MS. SCOTT: For the record, Trinity Scott, Transportation Planning Manager.

The Long Range Transportation Plan shows general alignments of roadways. I'm going to give you Randall Boulevard, for example. We're getting ready to go out and do a stand-alone study that will -- the Board will adopt a final alignment of whether or not we're going to widen Randall Boulevard or do some iteration of some S curve, which is what it's been affectionately called.

So the Board -- that will be a publicly vetted process, and the Board will take final action on that. And so we'll have a more refined roadway alignment.

CHAIRMAN STRAIN: Okay. But how -- I mean, that's a good example of what my concern is. When the Board takes final action on it, it becomes an abstractly referenced document in the consent agenda that nobody even knows is scheduled, because unless you can get into this MinuteTraq system we have, you can't figure it out. And I can tell you most of the staff and elected officials can't get into it, so I don't know how the public can.

So how would we find out that we're going to have our backyards inundated with a six-lane road when it's done so innocuously (sic) nobody can know it's there?

MS. SCOTT: It's through a public process, and we have to notify folks who live within -- I think we do 300 feet when we're going through our process. And when you get down to the preferred alignment, you're still notifying those folks and, if I'm not mistaken, they go on regular agenda for the Board to decide on a final alignment. There's a lot of discussion about these.

CHAIRMAN STRAIN: So then this will be -- so is that something we can clarify, other similar board-approved studies, plans, and programs that are scheduled on a regular agenda?

COMMISSIONER EBERT: Publicly vetted.

CHAIRMAN STRAIN: Because I don't -- this consent agenda now is so difficult to find out what's going on because of the way -- this new program we have that does not work. But at the same time, I don't think the public's benefiting from it, nor will the public know how to find any of this stuff.

MS. SCOTT: And I think -- I'm fine with the language. Our concern is that we're constantly coming back to amend the plan -- amend the Growth Management Plan, which is not an easy process in and of itself, which is two years down the road after the Board's adopted an alignment.

CHAIRMAN STRAIN: But it's not supposed to be easy to amend. That's the whole purpose of it.

MS. SCOTT: I understand that. I understand that. But when the Board adopts an alignment and it takes me 18 months to come back and amend this plan, I'm losing 18 months of being able to notify folks of you've got a potential roadway coming in. And what we -- with the Thoroughfare Management Plan, time is of the essence. That's the whole point of we want to be able to have more public engagement, let people know when they're coming in.

CHAIRMAN STRAIN: Wouldn't the Vanderbilt Beach extension be considered a thorough -- if it was happening now, would it come under this criteria?

MS. SCOTT: Yes.

CHAIRMAN STRAIN: Okay. And wouldn't the greenway extension come under this criteria if it happens?

MS. SCOTT: Yes.

CHAIRMAN STRAIN: Okay. That's the kind of stuff that I'm concerned about. That's why I don't want -- I would prefer it not be buried in some manner -- when you're telling me it's not intended to be, then fine, let's make sure it's stated strongly how it's got to be recognized, and I think this is way too vague, and that's my concern on this element, so...

MR. WEEKS: Commissioner, I was just going to throw out the idea. I would suggest we not insert language that identifies how the Board approved it, i.e., a certain location on their agenda, but perhaps we could insert at the end of the sentence there after, plans and programs, maybe say "that has been publicly vetted." That's still a broad term, but it has some meaning.

CHAIRMAN STRAIN: And how -- but see, that falls back on -- we have yesterday -- or Tuesday the Board remanded Naples Heritage back to Collier County Planning Commission, and they did that because two gentlemen across the street from the change in that particular facility -- one, maybe two -- are against it.

Now, they were notified supposedly of the NIM. They were on the list of mailing that we're mailing to them but, yet, they don't believe they got the notices or were adequately notified, so they objected to it, and it's now coming back to us.

I don't -- I agree publicly vetted helps, but it's the manner in which it's publicly vetted that bothers me. Not everybody that doesn't live here year round or has a vacant piece of land may realize any of this stuff's going on. You get mailers from Collier County, and half the time it's telling you to use a different

color recycling bin or something like that. It may not be something anybody recognizes as the urgency of these kind of issues in relationship to their quality of life.

And, David, that's what I'm concerned about. I don't think that the -- I want to make sure that neighborhoods are protected when this kind of stuff happens, because these thoroughfare plans are not easy things to digest if you live near one of them.

COMMISSIONER EBERT: No, they're not.

CHAIRMAN STRAIN: And I don't know what the solution is other than taking as much ambiguity out of when it can be utilized, which is what I had suggested. And I'm not -- I mean, I'm not sure what the answer is.

Other similar -- which is problematic. That's pretty ambiguous -- board-approved studies -- which Dover-Kohl is a study -- plans and programs. Plans, what is -- is it a change on a master plan or something leading -- a cross-section -- I don't know what all that stuff could be leading to, and I don't know how much of it would be detrimental to the neighborhoods in which these thoroughfares are going to go through.

And, Mike, I can just -- I mean, nobody else seems to be having a problem with it but me. I don't mind just expressing myself and then leaving it like that and going on, because I understand this is not our decision. It's only ours for discussion. But that part of it I'm concerned about, so...

MR. BOSI: We can most certainly note whether the entire CCPC expresses a concern or an individual member expresses a concern and just, you know, add it to the executive summary.

CHAIRMAN STRAIN: Well, the only thing I'd like to see is the language tightened up a bit so that somehow we're assured the members of the public in the area that these things are going in are adequately noticed. And to say it's just publicly vetted I'm not sure would be sufficient because of how the notices for the public vetting occur, but it's just a thought.

COMMISSIONER EBERT: Would a NIM be --

CHAIRMAN STRAIN: I don't know. I don't know what they mean by all the different studies; that's why I'm puzzled by it.

COMMISSIONER EBERT: Yeah, I know. That's why I say at neighborhood information meetings.

CHAIRMAN STRAIN: I'll move on. And we're almost -- I'm on Page -- I'm on -- the next page I have is past the first 20 pages, so anybody else have any questions on the first 20 pages before we go to the second 20 pages?

(No response.)

CHAIRMAN STRAIN: How about the second 20 pages? And now I'm on Page 8 of 82, or actually 9 of 82.

(No response.)

CHAIRMAN STRAIN: The top on 9 of 82 is Policy 10.5.1, and it talks about passive recreation. What definition of passive recreation do we use for the GMP? We have a passive definition in the LDC finally. It took a long time to get it. I don't know of any definitions in the GMP. Could we just use the LDC? Was that the intent?

MR. SCHMIDT: I believe so. We often use other existing documents to provide the definition or the clarity when looking to a document that does not.

CHAIRMAN STRAIN: Okay. Do you know the GMP did have definitions at one time? I've got the list. Why did we discontinue that?

MR. WEEKS: Arguably, we haven't --

CHAIRMAN STRAIN: Oh, okay.

MR. WEEKS: -- because we never -- that was part of your original 1989 Comprehensive Plan --

CHAIRMAN STRAIN: Yeah.

MR. WEEKS: -- and simply every time we've revised the Comprehensive Plan, whichever element -- that, I think, was in front of Future Land Use Element -- we've simply omitted including the definition section and other parts. We've narrowed down to what we actually typically put in our binders. But we've never taken any official action to delete the definitions. They are now, what, 20-something years old, but I would say they still stand.

CHAIRMAN STRAIN: You've got 32 pages of them, and I'm checking right now to see if you have

passive recreation there. Nope.

MR. WEEKS: I doubt it.

CHAIRMAN STRAIN: No, you don't. So we couldn't even use them for that if we wanted to.

MR. WEEKS: No.

CHAIRMAN STRAIN: You have recreation facility; you have recreation, but you don't have passive recreation. Okay.

MR. WEEKS: I would agree that we would -- or I think agree with what Corby said, we would look to the LDC definition.

CHAIRMAN STRAIN: Okay. As long as I know what we'd use, that's what I was trying to get at.

Anybody else for the first 20 -- the second 20 pages of the document? So it would take us to somewhere around 40.

(No response.)

CHAIRMAN STRAIN: On Page 15 of 82, there's a note, No. 18, it says, note, additional roll-forward revenues are cash reserves intended for but previously unspent on future payments or payment of debt service. Is that the same as -- it's not like savings, then. Do we have any budget item for savings? Say a department doesn't use all the money it takes in, do we have a way to take that money, allocate it as savings, and put it back in the General Fund or pay back one of the other funds? Because what I'm experiencing is that at the end of the budget year, if there's money not spent, everybody rushes to find reasons to spend it so they have a reason to start over with zero the next year. Why don't we -- is there a way of considering using that as a savings category or something like that?

MR. BOSI: That would be a conversation we would have to have with OMB. But you're right, that's how the budget works. If there's money that has not been spent, it goes back into the general revenue.

COMMISSIONER SCHMITT: Well, that depends, Mark. There's different color money. And I'm going back, again, seven years. But there's different color money. There's 131 money, 111. Those are all different funds, and you can't mix --

COMMISSIONER EBERT: Not supposed to mix.

COMMISSIONER SCHMITT: -- you can't take money from one fund if it's a -- what's the word?

MR. BOSI: Enterprise Fund.

COMMISSIONER SCHMITT: Enterprise Fund, thank you. I lost it -- Enterprise Fund and roll that over.

CHAIRMAN STRAIN: I wasn't thinking of doing that.

COMMISSIONER SCHMITT: It has to be -- like, if it's 131, Development Services, it can roll over, but it has to stay in the 131 category.

CHAIRMAN STRAIN: I've never seen a line item for unused funds or unneeded funds from prior year being -- that haven't been intended for a project just to be carried over, but that's another -- it's off topic, I'm sorry.

Anybody else on the next 20 pages?

(No response.)

CHAIRMAN STRAIN: Policy 2.3, for example, on Page 17 of 82, this is the one with the ASI reference that was crossed out. You may want to put it back in because the AUIR just actually referenced it.

MR. SCHMIDT: Already so noted.

CHAIRMAN STRAIN: Okay. The variance language on Page 25 and 26, then, has now been no longer necessary. I'm just confirming that. And that's as -- we're winding to the end. Everybody's going to say "thank you."

On Page 71 of 82, this is Exhibit A. It's the 2040 cost feasible network. I think this got corrected, but maybe it's here because it's a duplicate or something. But the study area for the interchange segment along I-75 stops -- it looks like the study area still stops at either Everglades or DeSoto. Now, I know on the next page it shows it a little differently. I'm just wondering why the difference.

MS. MOSCA: For the record, Michele Mosca. The actual -- on the first page, the cost feasible network map, that gray area's for the Green Boulevard extension, North Belle Meade study area; whereas, on the needs assessment, that's for the I-75 only. Two separate items.

CHAIRMAN STRAIN: Okay. Then the one that -- the first one, this is actually for a Green Boulevard, Benfield corridor, and Randall Road, right; that's your study areas?

MS. MOSCA: Yes. Green Boulevard, North Belle Meade. Let me see.

CHAIRMAN STRAIN: Then the second --

MS. MOSCA: Randall Boulevard is north where we have the shaded-out area. That's the Randall Boulevard/Oil Well.

CHAIRMAN STRAIN: Right.

MS. MOSCA: Okay.

CHAIRMAN STRAIN: That's what I just said, those three areas. Is there some way to reference on the map that this is to reference those study areas so that everybody will know that's not the interchange study area and that there's another map for that? I mean, you could put them all on one map, but you didn't.

MS. MOSCA: Right. I mean, we could do that, but we also have a note at the bottom of the page that the map cannot be interpreted without the 2040 LRTP. So, I mean, there's a reference there. If you want us to identify the three study areas, that's acceptable. I don't see an issue with that.

CHAIRMAN STRAIN: Well, I mean, in order --

MS. MOSCA: I mean, the studies themselves are outlined in the 2040 LRTP. That's why we have that note. But if you feel more comfortable having that listed in the Transportation Element Map, we'll be happy to provide that.

CHAIRMAN STRAIN: I'm just trying to make it easy for the members of the public who want to find this stuff. It's easy for you and I and others to pull it up internally but, boy, it's hard to find it if you're a member of the public trying to track stuff down.

COMMISSIONER HOMIAK: The MPO has a website. It has all of this on there.

CHAIRMAN STRAIN: I've been there. It takes plenty of time to get through it.

And then -- I think that's all I've -- oh, last question for me. The second-to-the-last page, SIS facilities map, FDOT District 1. There's an acronym I haven't heard before.

MS. MOSCA: We talked about that last time.

CHAIRMAN STRAIN: I know.

MS. MOSCA: That's the Strategic Intermodal System.

CHAIRMAN STRAIN: Okay. I knew we talked about it, but I had forgotten because I've never used that acronym. I heard of ISIS, but not SIS. Maybe they're one in the same, you know. That's all I've got.

So that takes us to a --

COMMISSIONER EBERT: Eighty-two out of 82.

CHAIRMAN STRAIN: Oh, anybody else have any questions? I've worn everybody out today. Anybody in the public? Any members want to have any questions? Comments?

Then let's -- is there a motion to recommend approval subject to removing the variance language as indicated but substituting it with staff's new agreement language subject to their possibly needing to tweak the language to provide the consistency?

COMMISSIONER CHRZANOWSKI: I'll make a motion what he said.

COMMISSIONER SCHMITT: And I second.

CHAIRMAN STRAIN: Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Okay. We're almost done.

No, we're not done yet, Stan. I see you trying to grab your stuff. He's trying to get away. Real quick --

COMMISSIONER CHRZANOWSKI: That's Tom.

CHAIRMAN STRAIN: -- Brad Schiffer, when he was on the Planning Commission, he was the Planning Commission's representative on the Affordable Housing Committee. It's a state-required committee, and the state requires someone from the Planning Commission to be on it. I think Brad served on it for a few years, and when he left and didn't come back to the Planning Commission --

COMMISSIONER EBERT: You took it over.

CHAIRMAN STRAIN: -- I took over because I had asked; nobody else had time to fit it in. Well, it has 11 members on this committee; the position of Planning Commission was one of them.

Lo and behold, this younger fellow than I, more energetic than I, volunteered for the committee, and he joined, and he took up one of the other 10 slots which means another member of the public then couldn't get on it.

COMMISSIONER SCHMITT: Yeah, I'm older --

CHAIRMAN STRAIN: Well, and since he's there, I thought, since he's having such a good time there, I could withdraw and let Mr. Schmitt stay there as the Planning Commission's representative and thus open up his spot for another member of the public to be on that committee since it doesn't need two members of the Planning Commission on it. I just wanted to get a consensus from this board. Does anybody object to that scenario?

COMMISSIONER HOMIAK: No. Motion to approve.

CHAIRMAN STRAIN: Motion --

COMMISSIONER SCHMITT: Unless somebody else wants to take my place, but, no.

CHAIRMAN STRAIN: I don't think we can make it a motion. It wasn't advertised on the agenda or anything. I just need a consensus, and I'll just go ahead and submit a letter of resignation. Let Joe -- indicate that the Board, by consensus, agreed that Joe could take it from here.

COMMISSIONER SCHMITT: And the item was discussed at the Affordable Housing Committee meeting on Monday; that was an advertised meeting. That was discussed with the potential of Mark resigning and, in fact, they already voted for a replacement.

CHAIRMAN STRAIN: And they were relieved, so...

COMMISSIONER EBERT: Cheering.

CHAIRMAN STRAIN: Okay. I will follow up accordingly.

Is there any other new or old business?

(No response.)

CHAIRMAN STRAIN: Any public comments?

(No response.)

CHAIRMAN STRAIN: Have a motion to adjourn?

COMMISSIONER EBERT: Make a motion to adjourn.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Seconded by Stan. Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: We're out of here. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:10 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 11/17/14, as presented or as corrected _____.

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