

April 19, 2018

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, April 19, 2018

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

CHAIRMAN: Mark Strain
Stan Chrzanowski
Edwin Fryer
Karen Homiak
Joe Schmitt
ABSENT: Patrick Dearborn
Diane Ebert

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Jeffrey Klatzkow, County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the April 19th 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: The secretary, Ms. Ebert, is not here. I'll move forward with the roll call. Mr. Eastman?

MR. EASTMAN: Here.

CHAIRMAN STRAIN: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

CHAIRMAN STRAIN: Mr. Fryer?

COMMISSIONER FRYER: Here.

CHAIRMAN STRAIN: Ms. Ebert's absent with a medically related issue. Chairman Strain is here.

Ms. Homiak?

COMMISSIONER HOMIAK: Here.

CHAIRMAN STRAIN: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

CHAIRMAN STRAIN: Mr. Dearborn is absent with a business-related issue.

So with that, we'll move into addenda to the agenda. We're going to have a discussion under this, something different than we normally do due to the differences that are occurring today.

First of all, Items 9A and 9B are being continued to the May 3rd meeting. Both of those are companion items for a project near Fiddler's Creek. It's up by U.S. 41. It's the Torres Family Trust. It's a six-acre commercial parcel, moving the GMP amendment and the PUD.

First I'd like to continue those two to the May 3rd, and I'll read them off one at a time. 9A is PL20160002771/CPSS-2016-2. That's the GMP portion. Is there a motion to continue to the May 3rd item (sic)?

COMMISSIONER FRYER: I'll make that motion for continuance.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Made by Stan.

Discussion?

(No response.)

CHAIRMAN STRAIN: All favor, signify by saying aye?

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: 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 that needs continuing to that date is 9B. It's PL20160000226. It's the CPUD portion of that application.

Is there a motion to continue that to the May 3rd meeting?

COMMISSIONER FRYER: Moved.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Made by Ned, seconded by Stan. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

That takes us to another issue for addenda to the agenda, and this is a little complicated. Actually, it's the first time I think it's happened in the 17 years I've been here.

We have a need to have a quorum present and voting to have an effective meeting on issues. And today, while we have a quorum sitting up here -- we have five out of seven members. We only actually need four -- the Fiddler's Creek's issues are particular because myself, because of my past history with Fiddler's, and Mr. Schmitt, because of his history, will be conflicted out and not be able to vote on that particular -- those two items on the project.

In addition, Mr. Dearborn had a conflict this morning that he can't be here, and Ms. Ebert had a medical emergency in her family that she can't be here.

Well, that takes it down to three voting members, and the law does not allow us to vote on something unless there are four members present and voting.

So what's going to have to happen is the Fiddler's Creek issues are going to need to be continued to the May 3rd meeting as well. There's nothing we can do about it. It's the law in Collier County. County Attorney's Office, I've spoken with them at length this morning trying to figure out a way around it so we could at least hear it.

And, Mr. Klatzkow, have you got anything you want to add to that.

MR. KLATZKOW: No. The ordinance specifically requires that you must have four votes to make a recommendation, and you've only got three.

CHAIRMAN STRAIN: Okay. So under that, I will advise the public further down on the agenda, there will be an opportunity, if you cannot speak and attend the May 3rd meeting, you could speak on the issue today, but then on the May 3rd meeting you would have to defer discussion to others. And there will probably be people additional on this panel that wouldn't have heard you unless they go back and watch the tapes.

So we will accommodate, as a courtesy to the public, anybody that cannot be here on May 3rd that has to address, we'll make that work today. But other than that, the rest of the issue will need to be continued until the May 3rd meeting.

So I don't have anything more to say on it. I'll ask for the continuance now. We'll move to public speakers if anybody wants to stay and talk when we get further down the agenda.

And so, based on the explanation I just provided, is there a motion? It would have to be by three members who can still vote; Ned, Stan, and Karen.

COMMISSIONER FRYER: I'll make the motion. I'm also going to want to ask a question before we vote.

CHAIRMAN STRAIN: Okay. Let me read the two items. It will be 9C, PL20160002727, and that's for the Fiddler's Creek project, and that's -- the it's not CCPS. That's the GMP portion of it. Is there a motion to move that to May 3rd?

COMMISSIONER FRYER: So moved.

CHAIRMAN STRAIN: Made by Ned.

COMMISSIONER CHRZANOWSKI: Second. But I assume it's legal for three of us to do that.

MR. KLATZKOW: Yes. It takes four to make a recommendation; three to carry on business.

COMMISSIONER CHRZANOWSKI: Okay. Second.

CHAIRMAN STRAIN: Okay. Now those three of you that would be voting on this, any further discussion?

COMMISSIONER FRYER: Yes, I do, Mr. Chairman.

If we allow for public speaking, which I think is a very good idea in fairness to the people who have showed up here, provided we're not making any recommendation, shouldn't we also hear from the developer

and any questions or comments that we might have, as long as we don't make a recommendation?

CHAIRMAN STRAIN: Only if the developer's not going to show up on the 3rd.

COMMISSIONER FRYER: Well -- but is that derived from the ordinance or the Chairman?

MR. KLATZKOW: No. It's a courtesy we've done as a custom in Collier County for all advisory boards when there's not a quorum present and there's somebody who can't be at the following meeting. They've taken their time to come down here and, as a courtesy, we allow them to speak.

COMMISSIONER FRYER: Okay. All right.

CHAIRMAN STRAIN: So with that, there's been a motion made to move to May 3rd and a second. All those -- those three of you, all in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody of the three opposed?

(No response.)

CHAIRMAN STRAIN: Nothing. So the motion carries three -- actually, would it be it all of us having to vote on the continuance, Jeff?

MR. KLATZKOW: No.

CHAIRMAN STRAIN: Okay. The next item that would be considered for continuance is PL2016002496. It's the Planned Unit Development portion of the Fiddler's Creek project. Is there a similar motion?

COMMISSIONER FRYER: So moved.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Made by Ned, seconded by Stan. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 3-0.

Okay. So our entire agenda now has been continued for those advertised public hearings to May 3rd. I would like to now go to Planning Commission absences. Is there anybody here today who cannot be here on May 3rd?

COMMISSIONER SCHMITT: There's a possibility I will not be here on the 3rd. I'm still working on travel, overseas travel arrangements.

CHAIRMAN STRAIN: Okay. Other than that --

COMMISSIONER SCHMITT: I may miss the 3rd. If I'm here the 3rd, I'll miss the other one.

CHAIRMAN STRAIN: After that.

COMMISSIONER SCHMITT: What's that meeting look like in May?

MR. BELLOWS: May 3rd?

CHAIRMAN STRAIN: Mid May, I think he asked.

MR. BELLOWS: May 3rd there's --

COMMISSIONER SCHMITT: Well, we know it's on May 3rd. What about the 17th of May? I'm going to miss one of those two. I haven't decided which one, but...

MR. BELLOWS: Let's see what's on the 17th.

CHAIRMAN STRAIN: Well, we have a quorum either way, so you could work out the details with Ray afterwards.

COMMISSIONER SCHMITT: Yeah, all right. So you'll have a quorum.

CHAIRMAN STRAIN: Okay. Also, under normal business, we have the approval of the minutes on March 15th. We got those electronically.

COMMISSIONER HOMIAK: What about the 30th?

CHAIRMAN STRAIN: I was going to bring that up. I started on this, so I was just going to go back. I was going back to that right now. But let's talk about minutes first.

Anybody want any changes to the minutes?

COMMISSIONER FRYER: Move approval of the minutes.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Made by Ned, seconded by Stan. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

As Karen noted, I forgot to mention the Planning Commission absences on March -- or April 30th. It's an evening meeting. I think it's 5:05; is that correct, Ray?

MR. BELLOWS: I don't have that schedule in front of me, but...

CHAIRMAN STRAIN: Okay.

COMMISSIONER HOMIAK: Yeah, it is.

CHAIRMAN STRAIN: And it's on one item, I believe. It's the medical marijuana issue. Does anybody know if they're not going to be making it to that meeting?

(No response.)

CHAIRMAN STRAIN: Okay. Looks like we have a quorum for that one, too.

Stan's just grinning like a cat over there.

BCC report and recaps, Ray.

MR. BELLOWS: Yes. On April 10th the Board of County Commissioners heard the PUD amendment for Calusa Island Village in Goodland, and that was approved on their summary agenda subject to the Planning Commission vote.

CHAIRMAN STRAIN: Thank you.

Chairman's report: I'll pass on that today.

Consent agenda, there are no items.

And so what we'll do is if there's any members of the public here who cannot be here on May 3rd that would like to address the Commission on the issue that they came for today, which is the Fiddler's Creek project, either 9C or 9D, please raise your hand, and I'll call you up one at a time to come to the microphone.

(No response.)

CHAIRMAN STRAIN: Okay. So that means we'll look forward to hearing all of you on May 3rd.

And that will take us to the next item on the agenda, and I think, Joe, you had asked something -- well, first of all, is there any new business? Did you have any new business?

COMMISSIONER SCHMITT: Yeah, new business. I was contacted about providing the read-ahead packets to residents who wanted to get access to the Fiddler's Creek staff report. Because of my conflict, I didn't want to forward anything to any of the residents. I suppose I could have, being under the Planning Commission. But I told them to contact Nancy directly.

My concern was that there's no way for the public to -- I didn't realize this. I thought at one time we always had access through an NTP site or another site where the public could easily download a PDF version of the staff report, and I understand there's no way for the public to have access to the staff report.

MR. BELLOWS: For the record, Ray Bellows.

We do have access to the public through the GMD portal through CityView, but there aren't instructions for the general public on the CCPC website for them to do that.

COMMISSIONER SCHMITT: Correct.

MR. BELLOWS: So they typically would contact the planner, and the planner would forward them copies.

But we are going to put the instructions on the web page, so everybody looking at the CCPC agenda will be able to use the portal that way.

We also have plans to possibly utilize something like the boards agenda central for the Planning Commission in the future as well.

COMMISSIONER SCHMITT: You can go onto the Planning Commission website and download the agenda, but you need something, as you just said --

MR. BELLOWS: Directions that lead you to the portal.

COMMISSIONER SCHMITT: And I think it would be easy just, instead of going through the portal -- now, if you go through the portal, you're downloading and converting to PDF, or is it in PDF format already? Or are you downloading in Word, which could be a huge file?

MR. BELLOWS: PDF files. They're scanned in as PDFs, and they're viewed as PDFs.

CHAIRMAN STRAIN: Well -- but the Fiddler's Creek's PUD was something like 82 or 92 megabytes. You can't send that out. So the planner could not send it to the public. Anything over 20 won't go out in the servers.

MR. BELLOWS: That's why the CityView portal is important, because it organizes -- it gives the person a link into the system.

CHAIRMAN STRAIN: So they don't have the staff report in the collated manner it's issued to the Planning Commission.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: So the public really can't -- they can only get bits and pieces of reports -- pieces of the report out the CityView?

MR. BELLOWS: You are correct.

CHAIRMAN STRAIN: I think what Joe's saying, where's the collective package, and I think you're saying the Accela program or one of the others is going to be initiated for the Planning Commission just like it is for the Board, and everything will be eventually.

MR. BELLOWS: And that's a perfect system, in my book. You can click on and get any of the documents the Board gets. The same would be true if we implemented it for the Planning Commission.

COMMISSIONER SCHMITT: Well, why can't you have some kind of an NTP site that somebody can go in and download the entire packet off of an NTP site?

MR. BELLOWS: We had explored that a few years ago, and I think it had worked for a while, and I'm not sure if there were problems that occurred later, so we stopped --

COMMISSIONER SCHMITT: Okay. Well, we need a solution, because folks were asking for the traffic study. They were asking for all the other enclosures. The master plan is in there, and then there's other data associated with the master plan that people wanted access to.

MR. BELLOWS: I think the best solution would be Accela. It works very well for the Board agenda items, and I think it would work great here, myself. And it would be nice if everybody on the Planning Commission accessed it from -- electronically as well.

COMMISSIONER SCHMITT: So what's the timeline for trying to accomplish something like that?

MR. BELLOWS: We'll get back to you on that.

COMMISSIONER FRYER: I want to echo what Joe said, because it seems to me that it would solve -- personally, it would solve a lot of problems for me during the summer, because I'm coming back for each and every Planning Commission meeting but, otherwise, I'm going to be in New England. And if I could have access to the packet -- the package and the agenda the same way I get it delivered to me, I'd be able to work on the plane, and I could be very efficient, and it would really enable me to not have to pester you about sending me overnight thumb drives and the like.

MR. BELLOWS: I agree. The preference of staff is to use something similar to Accela and it be all electronic to the Planning Commission.

COMMISSIONER FRYER: Yeah. But we're talking about a file transfer protocol, right?

COMMISSIONER SCHMITT: Right.

COMMISSIONER FRYER: Yeah. And that's not rocket science.

COMMISSIONER SCHMITT: It's not. Set up an FTP site and give them directions to download.

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

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

Jamie French, the deputy head over at Growth Management, has directed all the advisory boards to make the transition to Accela. The Planning Commission was the last that we wanted to do just because of some of the past resistance to going to an all electronic type of a medium. But we're at that point where we need to get there. We need to eliminate the distribution of paper.

And the Accela system is that avenue to get us there but also to provide to that visibility to the public that you've described that should be made available with these documents in the way -- in the manner that it's provided to the Planning Commission, because, you're right, through the portal they can gain access to the documents, but not being familiar with how the documents arrange themselves, I imagine the general public would be almost overwhelmed with the amount of information that's there to make --

CHAIRMAN STRAIN: Out of fairness to some of the Planning Commission members, not everybody may have a laptop or a computer that they can bring to these meetings that can -- is compatible enough to utilize the electronic versions of these downloads. That's number one.

And, number two, not everybody may be able to print them out if they've only got a desktop at home, and some of them are 935 pages.

So I would still suggest that staff needs to accommodate those members of the Planning Commission that want hard copies. They're volunteers. Unless you want to issue printers and/or computers, I don't think it's fair to demand everybody who is somewhat resist -- I don't agree. We need -- I don't agree that someone can't do it electronically, but there are issues in regards to that cost-wise and economically that, if you're going to insist on that, Mike, they need to be considered for those members that don't have those capabilities right now.

COMMISSIONER SCHMITT: They do that for the Board. They'll --

CHAIRMAN STRAIN: No, the Board doesn't -- the Board of County Commissioners, yes, but they provide them with everything on the BCC. We don't all have county computers.

COMMISSIONER FRYER: We need paper for people who want to stay --

CHAIRMAN STRAIN: They can print it. That's what I'm saying. But I want to make sure we still accommodate that.

MR. BOSI: Understood. And that's one of the discussions we were going to -- we're going to engage the Planning Commission on, and with the -- with the intention to make that conversion, we know that these are points that we need to address before we finalize the plans or put into place the plans to make the conversion based upon the individual preferences in terms of if there's still commissioners that want to receive that hard copy.

MR. KLATZKOW: This is two separate issues. The issue that Commissioner Schmitt brought up is a public issue to give the public access to this. Now, whether or not you print out the agenda with the backup for individual Planning Commission members is a completely different issue.

Is there a budget constraint with respect to putting the Planning Commission documents on Accela?

MR. BOSI: That -- I would have to have further consultation with operations side of GMD in terms of what's the full impact in terms of from a fiscal standpoint in terms of -- but I imagine we are going to make it available.

The reason why we're talking about it and intertwining it at the same time is because the Accela program, which eventually we want to move to, provides that visibility of that porthole for the access point for the general public to gain the information and documents.

MR. KLATZKOW: Does the Planning Commission want to make a motion on this to direct staff to migrate?

CHAIRMAN STRAIN: I think it would be better if staff took a look and see what it would take to migrate and then get back to us the report, and when we have a full planning (sic), we can discuss it further then.

Out of deference to Diane, I know she relies on her hard copy. She just does not have that understanding of electronics to make it work for her. I'd rather she participate --

MR. KLATZKOW: It's two separate issues.

COMMISSIONER SCHMITT: Two separate issues.

MR. KLATZKOW: It's two separate issues.

CHAIRMAN STRAIN: Well, as far as the public goes, anything we can do to make it more accessible, fine. But I thought -- Judy told me we were already flipping over to Accela for the Planning Commission, so I thought we were.

MR. BOSI: That's the intention. The Planning Commission is going to be the last of that conversion. We have to have that conversation. Two separate issues. We'll deal with it as two separate issues, and we'll bring it back to the Planning Commission. Two separate solutions.

COMMISSIONER FRYER: Okay. I leave in June. Will it be running in time for me in FTP so that I can have electronic access to documents?

MR. BOSI: Whether it be an FTP or an Accela system, those are the determinations that we're going to be making. Will it be available by June?

COMMISSIONER FRYER: That's the question.

MR. KLATZKOW: I'll talk to Jamie. You're the most important board we have. I don't know why you were last.

COMMISSIONER FRYER: Thank you.

COMMISSIONER SCHMITT: In the meantime, would you make sure there's some kind of instructions on the Planning Commission site so people can get access?

MR. BELLOWS: Will do.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN STRAIN: Okay. That takes us back to the agenda then. That was new business. Is there any old business?

COMMISSIONER FRYER: I just have a question.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER FRYER: For, Ray, I guess. We've put four items now on the May 3rd agenda, which is fine. Just out of curiosity so that I can know how much coffee to bring, do we know how many other -- how many other agenda items there are coming up on May 3rd?

MR. BELLOWS: There are six items currently listed, but that includes the one you -- of those that you continued.

COMMISSIONER FRYER: A total of six including the ones that we have acted on today to postpone?

MR. BELLOWS: One of them, so it will be seven total.

COMMISSIONER FRYER: Seven, okay. Thank you.

CHAIRMAN STRAIN: No, eight, because there's two today.

MR. BELLOWS: Yeah, but that was -- the one today was already listed.

CHAIRMAN STRAIN: No. You had four today. Two of the four were for --

MR. BELLOWS: Oh, well, yeah, companion items.

CHAIRMAN STRAIN: So you have four new agenda items.

MR. BELLOWS: Correct. Technically, yes. They're companion items.

CHAIRMAN STRAIN: And those four will be first up when we start, when we assume on May 3rd.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Okay. Judy usually does that.

COMMISSIONER FRYER: So two thermoses.

CHAIRMAN STRAIN: Yeah. Good luck with that.

Okay. That's old business. There's no members of the public left for public comments, so that's not going to happen. Is there a motion to adjourn?

COMMISSIONER FRYER: So moved.

CHAIRMAN STRAIN: By Ned.

COMMISSIONER CHRZANOWSKI: Second.
CHAIRMAN STRAIN: Seconded by Stan.
All those in favor, signify saying aye.
COMMISSIONER CHRZANOWSKI: Aye.
COMMISSIONER FRYER: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER SCHMITT: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
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 9:20 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 5-3-18, as presented or as corrected _____.

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