

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, April 30, 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 5:05 p.m., in SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

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

ALSO PRESENT:

- Mike Bosi, Planning and Zoning Manager
- Heidi Ashton-Cicko, Managing Assistant County Attorney
- Scott Stone, Assistant County Attorney

PROCEEDINGS

CHAIRMAN STRAIN: Good evening, everyone. Welcome to the 5:05 meeting of the Collier County Planning Commission for Monday, April 30th.

If everybody will rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Roll call by the secretary, please.

COMMISSIONER EBERT: Yes.

Mr. Eastman is absent.

Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Is here.

COMMISSIONER EBERT: Mr. Fryer?

COMMISSIONER FRYER: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER EBERT: Mr. Dearborn is absent.

CHAIRMAN STRAIN: And Mr. Dearborn let me know ahead of the meeting that he had a family matter to take care of tonight.

Which takes us to the one and only advertised public hearing. It's Item 3A. It's for medical marijuana dispensaries in the zoning districts that they would either be allowed or not be allowed in. So we're not going to -- we can do away with disclosures.

So, Jeremy, I'll turn it over to you for presentation.

MR. FRANTZ: Sure. So the Board gave us direction to come back to them with an amendment that allows medical marijuana dispensaries wherever pharmacies are allowed. This is one of the two options that the state gave us. The other option is to ban dispensaries. That vote was 3-2.

The amendment that you have today basically allows dispensaries wherever pharmacies are allowed. We've also included some security site-design standards in an attempt to address some of the concerns/discussion that was raised at some of the board meetings.

We've just got the one amendment. We can give a presentation if you'd like, or we can go directly into your questions.

CHAIRMAN STRAIN: I mean, I've read everything. I have questions, but I don't know what the rest -- is there anybody that needs a presentation?

COMMISSIONER SCHMITT: No. I've read everything. I have some questions as well.

CHAIRMAN STRAIN: Okay. Well, then why don't we move right into the questions, but before we do, I'd just like to ask the County Attorney's Office to explain to us what we're actually reviewing tonight in regards to limitations. It appears there's either two issues, and one is we either ban medical marijuana dispensaries from within the county or we accept them, and if we accept them, it has to be to all of the zoning districts outlined within the amendment; is that fairly accurate?

MS. ASHTON-CICKO: Well, I believe the --

CHAIRMAN STRAIN: Your mike's not on.

MS. ASHTON-CICKO: I believe the issue of whether to ban or allow dispensaries has already been decided by the Board in the sense that they have directed staff to proceed with the LDC amendment.

So, Jeremy, did you believe you had direction from the Board that they wanted the CCPC direction on whether to ban or allow them?

MR. FRANTZ: I believe their direction was just to bring back an amendment that allowed them where pharmacies are.

MS. ASHTON-CICKO: Okay. So your issue is not whether to ban or allow. Your issue is just on

the language in the LDC language. And the bill that was enacted, essentially, said the Board can either ban or allow, and if they allow them, then, essentially, they're to be in the same zoning districts as pharmacies.

And we are mostly preempted. We can allow or approve language that doesn't conflict with the state law.

CHAIRMAN STRAIN: Okay. Thank you.

So with that, why don't we start with questions. Joe, why don't we start with yours and work our way across the panel then.

COMMISSIONER SCHMITT: Well, do you want to -- just in the writeup, I need clarification. And I know this is from the state statute, so I'm looking at Page 5 of 13 in the italicized version, and it talks about a signage section per Section 381.986, and it goes on. Basically, the last sentence of that paragraph: "A medical marijuana treatment center trade name and logo may not contain wording or images commonly associated with marketing targeted towards children or which promote recreational use of marijuana."

And I realize this is state statute, as it says, but what are the criteria for making that determination, and who will make that determination of images? Is there some kind of criteria, or do you have images associated? That's my question regarding the state statute.

MR. HENDERLONG: Commissioner, Rich Henderlong, principal planner, LDC code section.

The statute is very clear about the department is authorized to approve logos and a sign, wall sign. The text -- there's a section in the statute that talks about advertising.

COMMISSIONER SCHMITT: So it's a state -- the state will approve?

MR. HENDERLONG: Absolutely.

COMMISSIONER SCHMITT: The county is not approving anything or not adjudicating in any way, shape, or form, logos?

MR. HENDERLONG: That's correct.

COMMISSIONER SCHMITT: Okay. You answered my question. Thank you.

I do have a question on the LDC amendment, but if anybody has any other questions on the preliminaries...

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: I've just got a question on the LDC amendment.

CHAIRMAN STRAIN: Okay. Anybody else got anything on the preliminaries? Go ahead, Ned.

COMMISSIONER FRYER: I guess it's a preliminary question. Page 1 of the memorandum, about the middle, indicates that there are two options. These are the options that are in front of us this evening?

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

No, there's two options that were provided by the State. The Board of County Commissioners elected to permit the dispensaries in the same zoning district as a pharmacy with a 500-foot restriction, directed staff to bring that amendment through the process and to the Board of County Commissioners.

COMMISSIONER FRYER: I see. So it was a 3-2 vote by the County Commission to approve --

MR. BOSI: Yes.

COMMISSIONER FRYER: -- Option 2?

MR. BOSI: Yes.

COMMISSIONER FRYER: Okay. Thank you.

COMMISSIONER EBERT: I have --

MS. ASHTON-CICKO: I think the decision that's been made at this point has been not to ban it. Once the LDC amendment goes to the Board, it's still going to require a 4-1 vote to approve it.

COMMISSIONER EBERT: That's what I was going to --

MS. ASHTON-CICKO: So we don't know what's going to happen until it goes to the Board.

COMMISSIONER FRYER: Okay. Thank you.

CHAIRMAN STRAIN: Go ahead. I'm sorry.

COMMISSIONER EBERT: So it needs a supermajority to pass at the BCC?

MS. ASHTON-CICKO: That's correct. Land Development Code amendments require a vote of four.

COMMISSIONER EBERT: Okay. Then I have one other question, Jeremy. In reading this, it said

the rule for the dispensaries is in the unincorporated areas of Collier County.

So the City of Naples is not involved in this at all; is that correct?

MR. FRANTZ: They would adopt their own ordinance.

COMMISSIONER EBERT: Okay. So this is just for the -- okay.

CHAIRMAN STRAIN: Anybody else in the preliminary?

(No response.)

CHAIRMAN STRAIN: Heidi, I've got a followup question. I'm a little confused.

We have had a series of PUDs and/or DRIs, GMPs come through, just recently, sports park being one, mini-triangle being another. The Board had already expressed their opinions on those before they came to the zoning action, and we still treated them, though, as issues where we would have full discretion to review them and make recommendations whether they were recommendations in line with what the Board had already approved or otherwise.

So now you're telling us in this case we're not supposed to do that? We're just -- because if we are, then why are we hearing it? I mean, if it's a slam dunk, if it's done, then why are we even entertaining it tonight?

MS. ASHTON-CICKO: Well, my understanding of what's sent to you is to review the LDC amendment. If you decide that the Board needs to know what your vote is on whether to ban it or not ban it, then you can certainly provide that recommendation if you would like to.

CHAIRMAN STRAIN: Okay. Thank you.

COMMISSIONER FRYER: So the decision to -- not to ban it, that only required three votes, but the LDC language to implement that decision requires four?

MS. ASHTON-CICKO: The vote to approve an LDC amendment is four.

COMMISSIONER FRYER: Yeah. And that vote hasn't happened yet, but by a vote of 3-2 the BCC has approved there being no ban?

MR. FRANTZ: I think that that 3-2 vote was related to the direction to move forward in this manner.

COMMISSIONER FRYER: Oh. All right. So is the issue of 1 versus 2 still in front of us?

CHAIRMAN STRAIN: That's what I was trying figure out.

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

I think if your prerogative would be to suggest to the Board of County Commissioners that from your Planning Commission perspective it was not to adopt the current proposal and to choose the other proposal, that would be within the purview of the Planning Commission.

We were directed by the Board of County Commissioners to develop an LDC amendment that would permit dispensaries in the same zoning district with the pharmacy with a 500-foot restriction from the schools, and that's what's presented to the Planning Commission.

If the Planning Commission would like to suggest to the Board of County Commissioners an alternative option, I think that's within the purview of the Planning Commission.

CHAIRMAN STRAIN: Although, the only alternative is ban it or accept the language presented to us tonight?

MR. BOSI: Yes.

CHAIRMAN STRAIN: Okay. That's what I'm trying to understand.

Okay. Well, let's move into the rest of it. Does anybody else -- you want to move in -- anybody have any questions about the LDC language itself?

COMMISSIONER FRYER: No.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Page 6 near the top, medical use -- sorry. Page 6 near the top, medical use, Line 6, No. 2, possession, use, or administration of marijuana in a form for smoking in the form of commercially produced food items other than edibles. Can you name me a commercially produced food item that's not edible?

MR. FRANTZ: I think the term "edibles" is kind of like a term of art. It doesn't mean edible food. I think it's a type of -- a way to consume the product.

COMMISSIONER CHRZANOWSKI: Is there a definition of that in here somewhere that would

describe it as being opposed to what Merriam-Webster would usually assume "edible" to mean?

MR. FRANTZ: We're just relying on the state statute for the definition.

COMMISSIONER CHRZANOWSKI: Does the state statute have a definition of "edible"? Does anybody know?

MR. FRANTZ: It does.

MS. ASHTON-CICKO: I don't believe so. Oh, it does?

MR. FRANTZ: Yes. The definition in state statute -- I can put it on the visualizer.

MR. MILLER: It was working before.

MR. FRANTZ: We're maybe having some technical difficulties.

The definition is short. "Edibles means commercially produced food items made with marijuana oil but no other form of marijuana that are produced and dispensed by a medical marijuana treatment center."

COMMISSIONER CHRZANOWSKI: That doesn't -- I'm reading this. It says, "Commercially produced food items other than edibles," and the definition you just gave says that an edible is a food item that's edible, right? Am I hearing something wrong?

COMMISSIONER EBERT: He's just saying oils.

MR. FRANTZ: The term is a little nuanced. In the definition it's not only a food item that is made with marijuana oil but also that's produced and dispensed by a medical marijuana treatment center.

COMMISSIONER CHRZANOWSKI: Okay. Never mind.

CHAIRMAN STRAIN: Okay. Anybody else have any questions? Diane?

COMMISSIONER EBERT: What you just mentioned was the liquid form only, correct? Isn't it dispensed for medical by liquid form? Some of it?

MR. FRANTZ: I think there are several ways that it can be dispensed.

COMMISSIONER CHRZANOWSKI: But that's edible. I'm looking for a food item other than edible. And to me all food is edible, that's why it's called food.

CHAIRMAN STRAIN: Are we --

COMMISSIONER CHRZANOWSKI: That's why it's called edible.

CHAIRMAN STRAIN: How'd we get into this?

COMMISSIONER CHRZANOWSKI: Because you asked if I had any questions and I -- that's the only question I have.

CHAIRMAN STRAIN: Well, I asked a question about the zoning aspects of it. I think that's what --

COMMISSIONER CHRZANOWSKI: I made my mind up 50 years ago.

CHAIRMAN STRAIN: I'm not even going to ask.

Okay. Let's move on to the rest of the language. Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Jeremy, on Page 6 under No. 5, basically it says the term "medical use" does not include No. 5, its use or administration of marijuana in the following locations. You know, I think some of it's kind of humorous in the sense that I think it probably began in school institutions, but I see they're no -- and that's good they don't allow it, but that's probably where you're going to see a lot of it.

But it says, "in the school bus," I understand that, "a vehicle, an aircraft, or a motor boat." What really surprised me is what's this except for low THC cannabis -- cannabis? What is the difference? What is -- what is that there for?

MR. FRANTZ: I can't speak to the history of that. I mean, this is coming straight from the state statutes, but I know that --

CHAIRMAN STRAIN: Oh, is it?

MR. FRANTZ: Low THC cannabis --

CHAIRMAN STRAIN: I didn't realize that. Just -- that's fine.

COMMISSIONER FRYER: I think the previous statute allowed the low THC.

CHAIRMAN STRAIN: Well, I just was wondering what it was; that's all.

MR. FRANTZ: Yeah. It doesn't have the psychoactive effects that other strands have or other forms have.

CHAIRMAN STRAIN: Okay. I have a general question, Jeremy. If this were to be allowed as a

principal use by right like pharmacies are and it would be allowed in all the districts that have the commercial uses where pharmacies are allowed, whether it's C1, 2, 3, 4, or PUDs, what is the basis, then, for denial of it -- because it's all going to be done, then, administratively by staff. There is no public meeting. It gets done -- approved by staff, and it gets opened and starts to sell, correct?

MR. FRANTZ: Correct.

CHAIRMAN STRAIN: Okay. Do you have a basis for denial different for that than you would anything else?

MR. FRANTZ: Nothing different than any other permitted use or, I guess, the other standards in 5.05.16, the new section that we're adding.

CHAIRMAN STRAIN: And pharmacies, are they the same, as far as your understanding of the sections of the zoning code go, as drugstores?

MR. FRANTZ: Yeah. We have several terms that we looked at to identify which zoning districts allow for pharmacies; that was drugstore, pharmacy using a SIC code. So there were a couple of different ways that we identified that.

CHAIRMAN STRAIN: Well, I took a look -- when I expected this to come through, I didn't realize it would be anywhere of all the commercial districts in PUDs. That kind of surprised me. And I thought it would -- I thought there would be a limited number. And, basically, the way the statute's written, we have to accept whatever number the state says we have to accept, if we accept it tonight, or the Board accepts it.

So, basically, if this passes and we think the state's going to limit dispensaries to two per county, or whatever the number is, if they decide 100 per county, we're -- they pre-exempt -- we're pre-exempted (sic) by them, and we now have that many per county.

But I thought we'd be able to pick the zoning districts where we thought this would be least problematic. And the reason that that becomes important is because I looked at where people expect pharmacies to be. Pharmacies are usually something, especially the older population -- we have an average age in our area that's older than other parts of the country.

And so a lot of these gated communities that have their little community centers -- and I went and checked them -- they allow pharmacies. So that means Island Walk, Winding Cypress, Ave Maria, Creekside, Greentree Center, Heritage Bay, Kings Lake, all the pelicans -- Pelican Bay, Pelican Marsh, Pelican Strand -- Wilson Boulevard Center, places like that say they can have drugstores. But now -- those now include the dispensaries if someone chooses to open one up there, and the people inside the community wouldn't know it because they'd simply go to staff at the county, apply for it, they'd get a permit, they start building and opening. Is that what you understand the procedure to be?

MR. FRANTZ: In general. I mean, I can't speak to each one of those PUDs, what other approval might be needed. But, yeah, in general.

CHAIRMAN STRAIN: Well, I -- okay. Well, I can tell you -- I just told you, they're principal uses by right, so they can be there. I just want to make -- I'm just trying to understand. So this is -- once this is done, no one will know where they're popping up until they pop up, unless they're monitoring all the SDPs or building permits that come to the county, which I don't know how anybody could do that.

MR. HENDERLONG: Mark, we went through and looked at all the PUDs. There's 46 of them that have it identified either as SIC Code 5912, or a couple of the PUDs refer to C2 or C3, a few of them. And I've got a little chart if you want to see them.

CHAIRMAN STRAIN: No. I've already look at them, so okay.

MR. HENDERLONG: And then the third one is -- there's one that's called Group 59 for PUDs. So when new PUDs come in, you have the right to review or reject them, for the new ones. What we're addressing are all the other ones that have already been approved, so they're preempted or grandfathered in.

CHAIRMAN STRAIN: Right. I understood all that. I just wanted to make sure I understood how these would be subsequently followed up with issuing their permit only.

Mike?

MR. BOSI: And, Chair, you are correct. Anywhere where pharmacies would be permitted, as long as they're not in violation of that 500 feet within a school, they would be permitted administratively, and the community would not have an ability -- the community does not have an ability to weigh in on that individual

decision because it would be permitted by right.

CHAIRMAN STRAIN: And if I'm not mistaken, I saw the -- the statute referred to the numbers of dispensaries. There's no debate on our side on that because we can't limit them. That's the job -- the state does that by -- we're preempted, then, by them. So we, theoretically, have nothing to say about that either. Okay. That's kind of what I was trying to understand.

Anybody else have any questions?

COMMISSIONER EBERT: I do. Being you mention that, if these are in PUDs, some of these, does that mean someone with a medical reason to go in can go into one of these areas if they put it in a PUD?

CHAIRMAN STRAIN: No. They couldn't if it was a pharmacy, because a gated community, you still -- that doesn't mean the business is open to the public. It's like the Divosta products that we have in the county. They built their own village centers. You don't go in there because you want to shop in their village center. That's for the residents, at least that's my understanding. Yeah, Mike's nodding his head "yes," so.

COMMISSIONER EBERT: Just double-checking.

CHAIRMAN STRAIN: Okay. Anybody else have any questions before we go to public speakers?

COMMISSIONER SCHMITT: I have one comment. The 500 square feet or, correction, the 500 feet from a school. I know the code does allow for other entities or businesses to be 500 feet. I personally think it should 5,000 feet and not 500 feet from any school.

CHAIRMAN STRAIN: That's a little hard to elaborate. Why don't you say 5,280? That's one mile.

COMMISSIONER SCHMITT: I'd say one mile then. I was being nice. I gave them the extra. No closer than one mile from any school.

CHAIRMAN STRAIN: I don't think it's our --

COMMISSIONER SCHMITT: Five hundred feet is from here to when I talk to my car.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: There are so many schools in this town that, you know, between grammar schools and private schools and all, I'd have to see a map of that two-mile circle around every school before I'd think to even vote for that.

CHAIRMAN STRAIN: I don't think we can change that. That's set by the state. That's not an issue for debate. I think Joe was just trying to --

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN STRAIN: -- editorialize a point.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: With that, anybody else have any questions on this before we go to public speakers?

(No response.)

CHAIRMAN STRAIN: And I can see the room's full, so how many public speakers do we have registered, Mike?

MR. BOSI: We have none.

CHAIRMAN STRAIN: Would anybody member of the public who's here like to speak on this tonight?

COMMISSIONER SCHMITT: Let me ask this, Mark. I mean, on Page --

CHAIRMAN STRAIN: We'll get back to you.

COMMISSIONER SCHMITT: -- 13. Sorry. On Page 13 of 13, it does say 500 feet right in the -- and we cannot change that 500 feet? Is that state statute?

MR. BOSI: As Heidi had mentioned, we cannot be more restrictive than the current statute allows. The statute allows us to put a 500-foot separation requirement between these facilities and an educational plant. And other than that, we are bound by the statute we're provided.

COMMISSIONER SCHMITT: Is it 500 feet in the state statute?

MS. ASHTON-CICKO: That's correct. There is an ability for the Board, if you wanted to include that in the LDC, is to grant a waiver, but there's no ability to create a greater distance.

CHAIRMAN STRAIN: Okay. I'll just ask one more time to be clear: Is anybody here from the

public who would like to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Okay. No one acknowledged.

Jeremy, do you have any defense/closing comments you'd like to make?

MR. FRANTZ: None.

CHAIRMAN STRAIN: Okay. If anybody doesn't have any other questions, we can entertain a motion. Does anybody have any?

Go ahead, Ned.

COMMISSIONER FRYER: My question, I guess, is also laced with a comment or two. Personally, I am somewhat familiar the therapeutic capabilities of marijuana, and I believe that most of the studies point to that as a legitimate use, that either palliative purposes or, as therapies, marijuana is a useful and valuable thing. And I'm not going to express an opinion on the recreational side because that's not before us, although, personally, I think that it should be treated the same way that alcohol is.

Now, having said that, it's still illegal under federal law, and I just can't get my mind around how we or the State of Florida could proceed to enact something that is in direct violation of federal law.

COMMISSIONER SCHMITT: I agree. Absolutely agree.

CHAIRMAN STRAIN: Okay. Anybody else have any comments or questions?

(No response.)

CHAIRMAN STRAIN: Jeremy, one more question on my part. Like, a pharmacy can deliver drugs -- and they've delivered plenty during the opioid crisis -- can they deliver marijuana if this were allowed?

MR. FRANTZ: Medical marijuana dispensaries, yeah, they can deliver.

CHAIRMAN STRAIN: Okay. So if there was only dispensaries in Lee, Hendry, Charlotte, or other surrounding counties, they could deliver in our county?

COMMISSIONER EBERT: Yes, that's correct.

CHAIRMAN STRAIN: Okay. That's what I needed to know. Thank you.

So with that, is there -- Stan?

COMMISSIONER CHRZANOWSKI: Can a pharmacy sell medical marijuana?

MR. FRANTZ: No.

COMMISSIONER CHRZANOWSKI: No. Okay.

COMMISSIONER SCHMITT: They have to be a licensed distributor. The state is going to control all the distribution and licensing, yes.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: I have checked into this, and there is one going to be going in Bonita Springs. They make deliveries. So even if Collier County, which I would love to see, say no, we are not denying anyone their medical marijuana. They can get it through Bonita Springs or anyone else.

CHAIRMAN STRAIN: Okay. With that in mind, if there's no other comments, is there a motion? Anybody willing to make a motion?

COMMISSIONER EBERT: Sure. I'll make the motion we deny this.

CHAIRMAN STRAIN: Well, I think the motion's got to be our recommendation to the Board to, No. 1, either ban -- just to do No. 1, ban medical marijuana dispensaries outright or, No. 2, to adopt the recommendations or the language that staff produced for the LDC amendment, so...

COMMISSIONER EBERT: I make a motion for No. 1, just to ban the medical marijuana for Collier County.

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: Okay. Motion made and seconded. Discussion?

COMMISSIONER CHRZANOWSKI: I just want to put one thing into the record. I subscribe to Scientific American. The latest issue of Scientific American, Page 10, has an editorial by their Scientific American's board of editors. It says, "End the War on Weed."

You know, like I made the comment about "I made my mind up 50 years ago," 70 percent of the people in Florida have just said that they approve of medical marijuana. There's something going on with

state's rights where now all of a sudden people that were opposed to state's rights are starting to realize maybe the state knows better than the federal government.

You know, I'm going to vote against Diane's motion.

COMMISSIONER EBERT: That's fine. It's going to be taken up.

CHAIRMAN STRAIN: Okay. Anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Okay. The motion was made to recommend to the Board to ban medical marijuana dispensaries --

COMMISSIONER EBERT: In Collier County.

CHAIRMAN STRAIN: -- in Collier County.

Well, yeah, it's the only county we have jurisdiction over. So with that, all those in favor of that motion, signify by saying.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Motion carries 4-2. Okay. So that's the only item on our agenda tonight.

Jeremy, is there anything you want to add since you're standing there so patiently?

MR. FRANTZ: No.

CHAIRMAN STRAIN: You could have put a bunch of other stuff on here tonight, too.

That takes us to public comments. Is anybody in the public wishing to speak on this item?

Hearing none, is there a motion to adjourn?

COMMISSIONER FRYER: So moved.

MS. ASHTON-CICKO: Wait a minute. Wait.

Before we end, though, I'm a little bit uncomfortable because the LDC amendment has gone to this board for their recommendation, so -- and you're just going to say ban and not adopt?

CHAIRMAN STRAIN: I think that's what we said, but --

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: Basically all the language that we questioned we were told we can't change because we're preempted by the state. So what do you want us to do? What could we possibly do? I don't know, Heidi. I don't know how to get there.

MS. ASHTON-CICKO: Okay. All right, then.

CHAIRMAN STRAIN: I mean, it's either yea or nay; that's what I understand. And it got the nay vote.

So with that, there was a motion made. Is there a second to adjourn?

COMMISSIONER EBERT: I make a second.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Any opposed?

(No response.)

CHAIRMAN STRAIN: We're out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 5:35 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 5/17/2018, as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
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