



Bayshore Gateway Triangle CRA • Bayshore Beautification MSTU
Haldeman Creek MSTU

Bayshore Gateway Triangle Community Redevelopment Agency

AGENDA

February 6, 2018

6:00 PM

Chairman Maurice Gutierrez

Karen Beatty, Peter Dvorak, Larry Ingram, Ron Kezeske,
Steve Main, Shane Shadis, Michael Sherman

1. Call to order and Roll Call

2. Pledge of Allegiance

3. Advisory Board Election – Chair and Vice Chair

- Board Vacancy- Resident of Gateway Triangle
- Structure of Board and Term Limits, Ordinance 2009-16(attached)

4. Adoption of Agenda

5. Approval of Minutes

- a. January 9, 2018 (attachment)

6. Community / Business – Presentations

- a. Garden School- Educating the 21st Century Child, Marsha Orr
- b. Mattamy Homes- Matt Hermanson, P.E. Q. Grady Minor, Project update
- c. Collier County MPO Bike/Ped Master Plan - Eric Ortman, Senior Planner
Collier County MPO
- d. Tim Durham County Managers office – Guide to Sunshine law and Code of
Ethics (attachment)

7. Old Business

a. Vacant Lots – Deed Restriction

- Existing Homes- 4032,4048 Full Moon Ct., 3037 Lunar St.
- Love Legacy – New Moon Ct. Lunar St, Harvest Ct.
- LendEquity, LLC - Karen Drive

Offices: 3570 Bayshore Drive, Unit 102, Naples, Florida 34112

Phone: 239-643-1115

Online: www.bayshorecra.com



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- b. 17 Acres -Staff update
- c. Redevelopment plan – Staff Update
- d. Mini Triangle- Planning meeting schedule for February 15, 2018
- e. Public Art
 - Karen Beatty – History of Bayshore Arts District
 - Laura Burns- United Arts Council – Economic Impact (attachment)
 - Subcommittee discussion – (murals, monuments and sculptures)
- f. Review of 2017 Annual report (draft)
- g. Review of 2018 work Plan (draft)

7. New Business

- a. Vacant parcel for sale, 3321 Bayshore Drive (attachment)

8. Project Manager Report

- a. Project update (attachment)

9. Communication and Correspondence

- a. US 41 Corridor Study – public meeting schedule for February 15, 2018
- b. Call to Artists- February 17, 2018, Green Door Nursery
- c. MPO Bike/Ped Master Plan Survey (attachment)

10. Public Comment

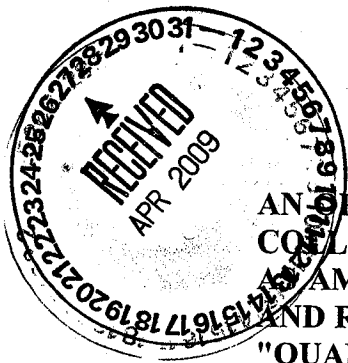
11. Staff Comments

12. Advisory Board General Communications

13. Next meeting date:

- a. Special Meeting: February 12, 2018 - 6:00 pm
- b. Regular Meeting: March 6, 2018

14. Adjournment



ORDINANCE NO. 2009-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2001-55, AS AMENDED, WHICH ESTABLISHED STANDARDS FOR CREATION AND REVIEW OF COUNTY BOARDS, BY AMENDING SECTION FIVE, "QUALIFICATIONS AND REQUIREMENTS FOR MEMBERSHIP ON BOARDS," TO ALLOW SERVICE ON MORE THAN TWO COUNTY BOARDS SIMULTANEOUSLY, BY AMENDING SECTION SEVEN, "TERM OF OFFICE," TO ELIMINATE TERM LIMITS; AND BY DELETING SECTION NINE, "REVIEW OF BOARDS" IN ITS ENTIRETY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in keeping with its policy to promote economy, efficiency and improve service in the transaction of the public business by County Boards, the Board of County Commissioners, through adoption of Ordinance No. 2001-55, established standards for creation and review of County boards; and

WHEREAS, Ordinance 2001-55 was subsequently amended through the adoption of Ordinance No. 2006-39 and Ordinance No. 2007-58; and

WHEREAS, the Board of County Commissioners desires to further amend Ordinance No. 2001-55, specifically, Section Five entitled, "Qualifications and Requirements for Membership on Boards," to allow persons to serve on more than two County Boards simultaneously; Section Seven entitled, "Term of Office," to eliminate terms limits; and to delete Section Nine, "Review of Boards" in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: AMENDMENT TO SECTION FIVE OF ORDINANCE NO. 2001-55, AS AMENDED.

Section Five is hereby amended to read as follows:

SECTION FIVE: Qualifications and Requirements for Membership on Boards.

Words Underlined are added; Words ~~Struck-Through~~ are deleted.

FILED
2009 APR 17 9:52
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

- A. All members of County Boards shall be permanent residents and electors of Collier County and should be reputable and active in community service. The foregoing requirement may be exempted, however, if an ordinance creating a board specifies the need for membership outside Collier County's boundaries. In addition, all Board members should have demonstrated an interest in the activity or service, which is the purpose of the Board. The provisions of this paragraph may be exempted, however, if an ordinance creating a board specifies the need for membership outside Collier County's boundaries.
- B. Any member of a County Board who ceases to be a resident of Collier County during his or her term of office shall immediately advise the Commission of such change in status. Upon such notice, the Commission shall declare the position to be vacant and shall promptly fill same pursuant to the provisions of Section Six, herein.
- C. The Commission's primary consideration in appointing Board members shall be to provide the Board with the technical, professional, financial, business or administrative expertise necessary to effectively accomplish the Board's purpose. Categories of expertise referenced by County Board's Ordinances as qualifications for board membership are considered to be primarily directory and not mandatory.
- ~~D. No person shall serve on more than two County Boards simultaneously. If application is made for service on a third board, the applicant must resign simultaneously from one of his or her current Board positions, or the application for a third board shall be disqualified. This provision, however, may be waived to allow for service on additional Boards provided the Commission votes unanimously to waive such provision.~~
- E. D. No member of any County Board shall become a candidate for an elective political office and continue to serve on such board during his or her candidacy unless such Board member/candidate is running unopposed for a non-remunerative elective position or an elective position receiving nominal remuneration, such as the Mosquito Control District Board or a fire district board. Should any County Board member compete for an elective non-remunerative political office or a nominally-remunerative political office on the date applications for candidacy expire, such candidacy shall be deemed a tender of

resignation from such Board and the Board shall immediately advise the Commission in writing of said resignation. No Board Member shall be required to resign or deemed to have tendered his or her resignation unless such candidacy is being opposed. The Commission shall deem the position vacant upon receipt of written notice of said resignation. The Board member shall not serve at any meetings after his or her position becomes vacant pursuant to this Ordinance. This provision shall not apply to candidates who currently serve in elected positions and who are seeking re-election.

F. E. The commencement of a legal challenge by a Board member as a plaintiff in a lawsuit against Collier County shall constitute a conflict of interest with Collier County and shall be deemed a tender of resignation from such Board. The County Board member's position shall automatically be considered vacant and the Commission shall promptly fill same pursuant to the provisions of Section Six, herein.

G. F. No member of any County Board, as defined herein, shall print or create, or have printed or created, or use or distribute any business or informational card depicting the County logo or in any way representing such Board member as a representative of Collier County or as a County Board member. The County Manager or his or her designee may, upon request and prior approval in writing, authorize the County Board members to obtain a County photo identification card identifying such members as a County advisory Board member.

SECTION TWO: AMENDMENT TO SECTION SEVEN OF ORDINANCE NO. 2001-55, AS AMENDED.

Section Seven is hereby amended to read as follows:

SECTION SEVEN: Term of Office.

A. Terms of office shall be staggered.

~~B. Terms of office for Board members shall be limited to two consecutive terms of service on any one Board; provided, however, that appointment of a Board member to an initial term of one year shall not be considered a "term of office" for purpose of the limitations set forth in this section, and such members shall be entitled to serve two additional terms if so appointed.~~

~~C. Appointments to fill a vacancy for the remainder or balance of a term of office shall be considered a term of office for the purpose of the limitations set forth in subsection (b), above, only if the remainder of the term to be served exceeds 50 percent of the full term.~~

~~D. By unanimous vote of the commission, the limitations set forth in subsection (b) above may be waived.~~

~~E. Nothing set forth in this section shall prohibit any individual from being reappointed to a board after a hiatus of two years.~~

~~F. B.~~ All members of Boards created by the Commission shall serve at the pleasure of the Commission and may automatically be removed by a majority vote of the quorum of the Commission.

SECTION THREE: DELETION OF SECTION NINE, ENTITLED "REVIEW OF BOARDS," OF ORDINANCE NO. 2001-55, AS AMENDED.

Section Nine, entitled "Review of Boards," is hereby deleted in its entirety and the remaining Sections of Ordinance No. 2001-55, as amended, are renumbered accordingly.

SECTION FOUR: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article,"

or any other appropriate word. All references in the Code of Laws and Ordinances to Ordinance No. 86-41 and its amendments shall be changed to reflect the number assigned to this Ordinance.

SECTION SIX: EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

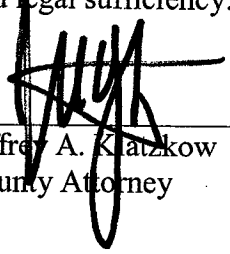
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 14th day of April, 2009.

ATTEST
DWIGHT E. BROCK, CLERK

By: 
Deputy Clerk

Attest as to Chairman's
signature only

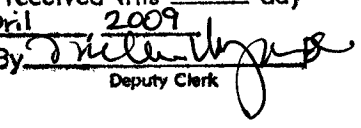
Approved as to form
and legal sufficiency:


Jeffrey A. Klatzkow
County Attorney

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
DONNA FIALA, CHAIRMAN

This ordinance filed with the
Secretary of State's Office the
17th day of April, 2009
and acknowledgement of that
filing received this 27th day
of April, 2009

By: 
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2009-16

Which was adopted by the Board of County Commissioners on the 14th day of April, 2009, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 15th day of April, 2009.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Martha Vergara
Deputy Clerk



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Agenda item 5,a– January 9, 2018 meeting minutes

BAYSHORE/GATEWAY TRIANGLE COMMUNITY REDEVELOPMENT LOCAL ADVISORY BOARD MINUTES OF THE JANUARY 9, 2018 MEETING

The meeting of the Bayshore/Gateway Triangle Community Redevelopment Advisory Board was called to order by Chairman, Maurice Gutierrez at 6:00 p.m at the CRA Office, 3750 Bayshore Drive, Unit 102, Naples, FL 34112

- I. **Roll Call:** Advisory Board Members Present: Maurice Gutierrez, Karen Beatty, Mike Sherman, Steve Main, and Larry Ingram. Excused Absence: Ron Kezeske, Shane Shadis, and Peter Dvorak. Mike Sherman departed at 7:50pm. Meeting ran until 8:55pm.
- II. **CRA Staff Present:** Shirley Garcia, Operations Coordinator, CRA; Tami Scott, Senior Project Mgr., and Debrah Forester, CRA Director, Naomi Hutchinson, Administrative Assistant.
- III. **Pledge of Allegiance:** The Pledge of Allegiance was led by Chairman Gutierrez.
- IV. **Adoption of Agenda:** A motion to amend agenda was made by Chairman Gutierrez to add in Walcott Marines for presentation and discussion. Motion second by Karen Beatty. Passed Unanimously. Amendment made to the agenda by Director Debrah Forester to cancel presentation by Mattamay representative. Amendments to Agenda approve by Chairman Maurice Gutierrez second by Karen Beatty. Passed Unanimously.
- V. **Adoption of Minutes:** Motion to approve amended December 2017 Meeting Minutes by Mike Sherman, second by Steve Main.
- VI. **Community/ Business Presentations:**
 - a. **Blue Zone Project**—Introduced by Debrah Forester, who provided an overview of the walking tour held earlier in the day. Nick Butner presented general information on what Blue Zone Project is—a movement to make communities more people centered as opposed to vehicle centered. Jessica Crane, representative for Collier County Blue Zone Project, talked about the partnership with Naples Community Hospital and their commitment to the project. The project is funded for eight years. Dan Burden presented a PowerPoint presentation of the different communities they have successfully worked with and the Blue Zone Project overall goal for the Bayshore community. Advisory



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Board member Karen Beatty requested information on traffic recommendations and materials. Dan Burden stated he had reviewed the parking study recently completed for Bayshore and based on volume and capacity he felt there were some options to consider including adding smaller roundabouts, lowering speeds, and reducing the lane to add a buffer between the travel lane and the bike lanes. Several questions from community in regard to number of lanes and speed limit changes were addressed. Jessica Crane encouraged community to reach out to her at her local office in the Collier County and get involved in the project. Dan is reviewing all of East Naples and Golden Gate City and is looking for marquee projects to implement.

- b. Mattamay Homes:** Tami Scott noted that a representative from Mattamay Homes was unable to attend but did provide a site plan of their development. Chairman Gutierrez asked, , Tami to present the information, in lieu of the presentation. Tami stated there have been a few issues holding up the site development plan, but the contractors plan to start mid-March on the project. It will be a gated community, with on exit onto Bayshore drive and a second emergency access on Pine St. No access via Thomasin Dr is scheduled. Developer plans on 244 Townhome units, with 4 and 6 unit blocks. A 5foot sidewalk on Pine St. is scheduled. Townhomes will be priced between \$290k-\$390k. Several concerns brought up by both Advisory Board and Community that plans are in divergences to CRA vision for the community. Debrah Forester reminded the committee that the developer has received site plan approval and it is based on existing codes. If the community is interested in setting up different standards for future projects, they will have an opportunity during the redevelopment plan update. Tami will reach out to Mattamay again to present and answer questions at next meeting on February 6th, 2018. Member of the community suggested that the developer speak to Dan Burden and perhaps that is an opportunity to improve the site plan before they begin construction. Tami will reach out to them and see if they would be interested.
- c. Wolcott Marines:** Debrah Forester introduced Mark of Wolcott Marines, a boat sales business. Mark is a small business owner for 25 years, looking to move his boat sales business to Davis Blvd. Second 2 None Auto Center sustain substantial damage during Hurricane Irma and is leasing their property. The property is currently a C4 zone, a Conditional Use permit is needed to allow for new boat sales at the site. His understanding is a conditional use is only allowed for up to 5 years. He is requesting a recommendation from the CRA Advisory Board to present to the BCC. He is interested in the location and is willing to enter into a 5year lease with the understanding if the owner wanted to sell the property before the lease was up, he would move out. He understands the vision for the area. He will be selling new boats only, all used boats and boat repairs will be conducted on alternate properties. Property is privately owned by the same individual who owns adjoining lot. Chairman Maurice asked for



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clarification between traditional and conditional uses. Mark noted conditional would require the business owner to leave after 5 years unless the property has been rezoned by that time. Discussion continued between Advisory Board and staff on conditional use, and chance of property being upgraded or sold in other ways. Advisory Member Karen Beatty presents motion to approve conditional use with stipulation that a copy of the lease be provided to the CRA stating that Wolcott Marines will leave at the end of their 5 year lease. Steve motions to support Mark proposal to submit an application. Karen Beatty withdrew her motion but suggests stipulation of no chain link fence. Possibility discussed amongst Advisory Board. Maurice refer back to Steve motion. Steve motion to support Walcott Marines application for a conditional use lease. Second by Advisory Board Member Michael Sherman. Pass unanimously.

VII. Old Business:

a. Vacant lots-deeds restrictions—Lots broken into 3 projects:

i. **Lots already Developed:** Love and Legacy proposal. Lots reverted back to CRA. CRA not ready to make recommendations at this time. A fiscal Economist has been hired to assess the lots. WSA proposed 20k/lot with commercial development. Maurice said in 2017 Henning & Coil had concerns because 40-80k per lot with specific questions about reverting back to the CRA. Cal Montenegro stated he had control of the lots. Has invested time and money to reform the land into a higher standard of living. Houses built and sold on property and he was assured the lots would still be in his name. He will pay 200k out of pocket, and wants clarification from court that the lots are his. Larry stated he does not own the lots because of the reverter clause. Debrah cut off the conversation, stating it could not be continued without legal representation.

ii. **Lots located on Lunar/Full Moon:**

iii. **Lots on Karen Dr.:** No proposal for Karen Dr. 3 lots with homes work with county and deed restrictions.

b. **17 Acres—Staff Update:** Debrah discussed meeting with Arney & Kappa group. Option 3 has been remove, to make it a cultural only zoning similar to mini triangle. 80-90 feet are needed to achieve goal. Community member inquiries about height of Opera house and that Kappa has new technology to lower the height of the building without changing the acoustics.

c. **Mini Triangle—Staff Update:** Debrah believes the plan in March is final prior to planning commissions. The board discussed finalizing the plan.

d. **Public Art Sub Committee—Laura Burns United Arts Council:** Ms. Burns was unable to attend. Will be rescheduled for next meeting February 6th, 2018.

VIII. New Business:



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- a. **2017 Annual report and accomplishments, Joint workshop needed with CRA and MSTU (April 3, 2018):** Debrah Forester gave an accounting of the projects from 2017, which had been received, completed, and/or reviewed.
- b. **2018 Work Plan:** Debrah Forester listed the items and projects the CRA hopes to address in 2018: Application for a CBDG funds, working with other departments, a study of demographics, finalizing the Bayshore/Gateway CRA office location, looking into Public Arts plans, and updating website as a marketing tool. Director Forester and Advisory Board discuss pros and cons of current location. A report will be compiled and presented to Board in April 2018.
- c. **Mike Sherman departed meeting at 7:50pm**

IX. Project Updates: Project Manager's Report: Tami Scott, Senior Project Manager, highlighted a few projects.

- a. Sudgen Pathway to return funds approved
- b. Real Maccaw Approved
- c. Two new projects-pre approval meeting—
 - i. Wendy's façade upgrade—part of the site development plan
 - ii. Not Submitted yet—residential project in Courthouse Shadows. Proposal includes some retail and restaurants to stay, built a larger building removed to make room for a 300+ multifamily homes. Karen asked who the developer was, but Tami was not sure.

X. Correspondence and Communications:

- a. **Update 2018 Calendar:** Debrah Forester presented revised 2018 meeting calendar.
- b. **US 41 Corridor Study:** Meeting to recap the US 41 Corridor Study will be conducted on January 16th, 2018. The final meeting for the study will be on February 21, 2018.
- c. **Affordable housing article—Naples Daily News:** Article from the December 29th, 2017 release of the Naples Daily News highlighting Affordable Housing in the area.
- d. **Call for Artist Flyer:** A flyer for a jury Art Show event on February 17, 2018 from 10am to 3pm, at 3700 Bayshore Drive.

XI. Advisory Board General Communications:

A. General discussion about the Blue Zone project and the pros and cons of widening the bike lane and going to only 1 lane in each direction for traffic. There were concerns about lowering the speed limit, and the suggestion of a roundabout and whether these changes would be in the best interest of the area with the Gardens and 17 Acre project.



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B. Karen brought forth the issue of litter and if there was any way to enforce litter removal on the business owners. Cited other cities where business owners are responsible for litter removal in their area. Larry pointed out the biggest problem with litter is the lack of trash cans. Shirley said there are only 4 provided by the county. The Transportation has them at each of the bus stops as well. Debrah suggested adopting a street program. The Marines are responsible for cleaning up Bayshore, but that is only once a month.

XII. Citizen Comments:

XIII. Next Meeting Date: March 6, 2018

XIV. Adjournment – The meeting adjourned at 8:55 pm by Chairman Gutierrez

Chairman Maurice Gutierrez

FLORIDA COMMISSION ON ETHICS

Selected Excerpts from Guide to the SUNSHINE AMENDMENT and CODE of ETHICS for Public Officers and Employees

The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. The following descriptions of these laws have been simplified in an effort to provide notice of their requirements.

The laws summarized below apply generally to all public officers and employees, state and local, including members of advisory bodies.

Solicitation and Acceptance of Gifts

Public officers, employees, local government attorneys, and candidates are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service that is based on an understanding that their vote, official action, or judgment would be influenced by such gift. [Sec. 112.313(2), Fla. Stat.]

Unauthorized Compensation

Public officers or employees, local government attorneys, and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence a vote or other official action. [Sec. 112.313(4), Fla. Stat.]

Misuse of Public Position

Public officers and employees, and local government attorneys are prohibited from corruptly using or attempting to use their official positions or the resources thereof to obtain a special privilege or benefit for themselves or others. [Sec. 112.313(6), Fla. Stat.]

Disclosure or Use of Certain Information

Public officers and employees and local government attorneys are prohibited from disclosing or using information not available to the public and obtained by reason of their public position, for the personal benefit of themselves or others. [Sec. 112.313(8), Fla. Stat.]

Doing Business With One's Agency

(a) A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee or his or her spouse or child owns more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]

(b) A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]

VOTING CONFLICTS OF INTEREST

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission Form 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter.

No appointed state or local officer shall participate in any matter which would inure to the officer's special private gain or loss, the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, without first disclosing the nature of his or her interest in the matter. The memorandum of voting conflict (Commission Form 8A or 8B) must be filed with the meeting's recording officer, be provided to the other members of the agency, and be read publicly at the next meeting.

If the conflict is unknown or not disclosed prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15 days of the disclosure being made and must be provided to the other members of the agency, with the disclosure being read publicly at the next scheduled meeting. [Sec. 112.3143, Fla. Stat.]

ARTICLE X. - COLLIER COUNTY ETHICS^[28]

Footnotes:

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Editor's note— Ord. No. 2004-05, §§ 1—10, amended Art. X, §§ 2-2051—2-2060, in its entirety. Formerly, said article pertained to similar subject matter as enacted by Ord. No. 2003-53.

Sec. 2-2051. - Title and citation.

This Article shall be known and cited as the "Collier County Ethics Ordinance".

(Ord. No. 03-53, § 1, 9-23-03; Ord. No. 04-05, § 1)

Sec. 2-2052. - Scope.

This Article shall apply to all public servants of the Collier County Board of County Commissioners, which includes public officials, whether elected or appointed, and all County employees.

(Ord. No. 03-53, § 2, 9-23-03; Ord. No. 04-05, § 2)

Sec. 2-2053. - Statement of policy.

It is the public policy of Collier County that public servants work for the benefit of the citizens of Collier County. It is the responsibility of each public servant to act in a manner that contributes to ensuring the public's trust in its government. In particular, to always be honest with the public they serve, and to be good stewards of the tax dollars entrusted to them. To this end, an individual covered by this article shall: (1) not use his or her position as a public servant for unlawful gain or enrichment; (2) avoid conduct that gives the appearance of impropriety in the performance of his or her public duties; and (3) not accept any items of value if the public servant knows or reasonably should have known that it was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties. The statement of policy and general standards of conduct set forth in this section are not subject to the penalties provided for in this Article.

(Ord. No. 03-53, § 3, 9-23-03; Ord. No. 04-05, § 3)

Sec. 2-2054. - Findings.

- (a) The report submitted to the Collier County Board of County Commissioners ("board") on September 15, 1998, by the Ad Hoc Ethics Standards Review Committee ("committee"), recommended the adoption of a local ethics code.
- (b) The board finds that the legislative intent and declaration of policies set forth in F.S. § 112.311, sets forth a laudable philosophy regarding the purpose, scope and application of ethics laws in relation to county officers and employees. Moreover, the board also finds, based on the committee's report, that additional, more stringent requirements are needed with regard to lobbyists, gifts, and post-county employment restrictions in order to promote and protect the public trust in its local government.
- (c) F.S. § 112.326, authorizes the board to impose more stringent standards of conduct and disclosure requirements, beyond those specified in F.S. ch. 112, pt. III, upon its own officers and employees provided that said standards of conduct and disclosure requirements do not otherwise conflict with F.S. ch. 112, pt. III.
- (d) F.S. § 125.69(1), provides, in pertinent part, that violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. The board further finds that an efficient and effective method for the determination of allegations of violations of the additional more stringent ethical standards set forth in this article is through local enforcement thereof.

- (e) F.S. § 112.313(13), authorizes the board to adopt an ordinance establishing post-employment restrictions for certain designated county employees.
- (f) The board finds that preservation of the integrity of the governmental decision-making process is essential to the continued functioning of an open government. Therefore, in order to preserve and maintain the integrity of the process and to better inform the citizens of efforts to influence legislative branch action, the board finds it appropriate to require public registration and disclosure of the identity of certain persons who attempt to influence actions of the board or actions of any of the county's quasi-judicial boards.
- (g) F.S. § 112.3148(2)(b), authorizes the board to establish a local registration process for lobbyists. The board finds that such a registration process serves to promote and protect governmental integrity as well as to foster open government. The board further finds that such a public registration process for lobbyists may assist to promote full compliance by lobbyists with the lobbyist gift reporting requirements set forth in F.S. § 112.3148.
- (h) The board finds that more stringent requirements are needed with regard to the value of gifts that may be provided by lobbyists to public officers and employees beyond the standards set forth in F.S. § 112.3148. Specifically, the board finds that a zero gift limit, rather than \$100.00 as set forth by F.S. § 112.3148, should be enacted in order to better promote and preserve the integrity of the governmental decision-making process.
- (i) The board finds that additional gift prohibitions are necessary for public officials prohibiting the receipt of any gift or any other thing of monetary value from anyone who the public official knows or reasonably should know is in any way attempting to affect the official actions, business or finances of the county or from anyone that has an interest that may be substantially affected by the performance or nonperformance of duties of a public official. The board further finds that prohibitions are necessary in regard to gifts between official superiors and subordinate public officials in order to preserve the ethical integrity of the performance of public service by county human resources.
- (j) Collier County Office of the County Administrator, Administrative Procedure, Instruction 5311(F) (Code of Ethics/Standards of Conduct), restricts Collier County employees from receiving gifts or other items of value in connection with the performance of official duties. Said restrictions exist separate and independent from the provisions of this article and F.S. ch. 112, pt. III.
- (k) Nothing in this article shall be construed to chill, restrict or prohibit the free exercise of any citizen's constitutional rights, including, but not limited to, the right to petition his or her county government or exercise his or her rights of free speech.

(Ord. No. 03-53, § 4, 9-23-03; Ord. No. 04-05, § 4)

Sec. 2-2055. - Definitions.

For the purposes of this Ordinance, the definitions contained in F.S. ch. 112, pt. III, shall apply and control, in accordance with the subject matter, unless the text and/or context of this Ordinance provides otherwise.

Advisory Board Member means any person appointed by the Board of County Commissioners to any County board, committee or authority which has any final decision-making authority. Such Boards include, but are not limited to:

- Airport Authority
- Collier County Code Enforcement Board
- Collier County Planning Commission
- Contractors Licensing Board

Library Advisory Board

Public Vehicle Advisory Committee

Utility Authority

County Employee shall mean any employee of Collier County, regardless of whether the employee is ultimately supervised by the Board of County Commissioners, the County Manager, the County Attorney, the Airport Authority or the Executive Director of the Airport Authority.

County Managerial Employee shall mean the County Manager, Assistant and/or Deputy County Manager, County Attorney, Chief Assistant County Attorney and all Division Administrators, and Department and Authority Directors of Collier County Government. Also included in this definition are procurement employees and those county employees actively engaged in selecting contractors or in supervising, overseeing, or vouchering for contract performance.

Gift shall have the definition contained in F.S. ch. 112, pt. III, with the following additions and exceptions:

(1) Additions:

- a. Initiation fees.

(2) Exceptions:

"Gift" shall not include:

- a. Salary, benefits, services, fees, commissions, gifts, or expenses associated solely with the donee's non-county employment, business, or service as an employee, official or director of a corporation or organization. However, for purposes of this exemption from the definition of "gift" in this Ordinance, public servants may only engage in such non-county employment or economic activity if: (1) such non-county employment or economic activity does not create a conflict of interest as defined by F.S. § 112.312(8), i.e., a situation in which regard for a private interest tends to lead to disregard of a public duty or interest; and (2) all applicable county administrative procedures governing such non-county employment or economic activity are followed.
- b. Contributions or expenditures reported pursuant to F.S. ch. 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
- c. Gifts received from relatives, as defined in this section, or gifts received from a person who shares the same permanent legal residence at the time of the gift. However, no public servant shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift from someone representing the vendor or a contracting party, including gifts from relatives. Furthermore, no public servant shall participate in permitting or inspection decisions if that employee has received a gift from the permit or inspection applicant/potential recipient or the applicant/potential recipient's principal, including gifts from relatives.
- d. Food or beverage accepted when: (i) offered free in the course of a professional or civic meeting or group function at which attendance is desirable because it will assist the person in performing his or her official duties; or (ii) provided to all panelists or speakers when a person is participating as a panelist or speaker in a program, seminar, or educational conference.

In addition to all other circumstances where this Ordinance allows public servants to accept food and beverages, and notwithstanding any other section of this Ordinance or personnel manual to the contrary, public officials and all county employees may accept food or beverage as mentioned above in this subsection and consumed at a single sitting or event only if the

costs for said food or beverage do not exceed the rate for the appropriate per diem allowance for said meal as provided in F.S. ch. 112. If, under circumstances beyond the control of the donee, the costs exceed the per diem rate, the donee may accept said food or beverage but shall file a written disclosure statement within five working days of the acceptance with the County Manager on a form provided by the County Manager.

The value of food or beverages, for purposes of this subsection, shall be the price that the consuming public would be expected to pay for the same item(s).

- e. Unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, and other items of nominal commercial value may be accepted from individuals or entities that are not currently in a contractual relationship or reasonably likely to seek a contractual relationship with Collier County. Unsolicited job-related literature may be accepted as well.
- f. Gifts given for participation in a program, seminar, or educational conference when such gifts are:
 - 1. Of nominal commercial value, and
 - 2. In the nature of a remembrance traditional to the particular sponsoring entity, or
 - 3. Provided to all participants in the program.
- g. An award, plaque, certificate, or similar personalized item of nominal commercial value given in recognition of the donee's public, civic, charitable, or professional service.
- h. A rate or terms on a debt, loan, goods, or services, which rate and terms are customary and are at a government rate and terms available to all other similarly situated government employees or officials, or rates and terms which are available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
- i. Food or beverage items when offered as a customary courtesy to all attendees at any business meeting or business activity at which attendance by the public servant(s) in question is required or appropriate for purposes of performing county job duties or county responsibilities, provided that such food or beverage items would have a reasonably estimated value of no more than \$4.00 to any member of the consuming public. By way of example, such food and beverage items may include a cup of coffee, a soda, bottled water, cookies or donuts.
- j. A rate offered to Commissioners at an event serving a valid public purpose, which rate is less than that offered the general public, that represents the actual cost of the event (such as food, beverage and entertainment) to the sponsor, but that does not include the charitable donation otherwise included in the total cost to attend the event. Commissioners may contact the event sponsor to seek this rate.

Lobbying shall mean, for compensation: influencing or attempting to influence legislative or quasi-judicial action or non-action through oral or written communication or an attempt to obtain the good will of a member or employee of the Board or of a Collier County Advisory Board or a quasi-judicial board.

Lobbyist shall mean:

- (1) Any natural person who, for compensation, seeks, or sought during the preceding twelve months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding twelve months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

- (2) A person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.
- (3) A person who registers with the Board as a lobbyist pursuant to this Ordinance.
- (4) Attorneys representing clients in quasi-judicial matters are not considered lobbyists or engaged in lobbying since, as judicial officers, their conduct is regulated exclusively by the judicial branch. However, attorneys representing clients or interests in legislative matters, for compensation, are engaged in lobbying and are subject to the provisions contained in this Ordinance.

Nominal commercial value means anything with a value of less than \$50.00 in the marketplace.

Principal shall mean the person, firm, corporation, or other entity that has employed or retained a lobbyist.

Procurement employee means any county employee who actively participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities.

Public official means members of the Board of County Commissioners, advisory board members, and county managerial employees.

Public servant includes all public officials and all county employees, as defined in this Ordinance.

Relative, as used in this Ordinance, is one who is related to another by blood, marriage, or adoption. The following relationships are included in this definition: husband, wife, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, step-grandparent, step-grandchild, half-brother, and half-sister.

Reporting individual means any public servant, who is required by law, pursuant to Article II, Section 8 of the State Constitution or F.S. § 112.3145, to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

(Ord. No. 03-53, § 5, 9-23-03; Ord. No. 04-05, § 5; Ord. No. 2011-15, § 1; Ord. No. 2013-39, § 1; Ord. No 2017-03, § 1)

Sec. 2-2056. - Standards of conduct.

- (a) A public servant shall not accept a gift, directly or indirectly, if he or she knows or reasonably should have known that it was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties.
- (b) No public servant shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift, directly or indirectly, from someone representing the vendor or a contracting party, including gifts from relatives. Furthermore, no public servant shall participate in permitting or inspection decisions if that employee has received a gift from the permit or inspection applicant/potential recipient or the applicant/potential recipient's principal, including gifts from relatives.
- (c) The following provisions regarding gifts from lobbyists are enacted as additional and more stringent standards of conduct and disclosure requirements than those specified in F.S. § 112.3148:
 - (1) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or a committee of continuous existence, as defined in F.S. § 106.011, or from a lobbyist who lobbies the

reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist. However, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

- (2) A political committee or a committee of continuous existence, as defined in F.S. § 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.
 - (3) The prohibitions set forth in this Section 2-2056 at subsections (c)(1) and (c)(2) above, are not intended to and shall not prevent a reporting individual or procurement employee who is a declared candidate for elective public office from accepting campaign contributions to the extent allowed by state or federal law.
- (d) The following gift prohibitions for public officials are enacted as additional and more stringent standards of conduct than those specified F.S. § 112.3148:
- (1) Public officials shall not solicit or accept, directly or indirectly, any fee, compensation, gift, gratuity, favor, food, entertainment, loan, or any other thing of monetary value, from anyone who the public official knows or reasonably should know:
 - a. Has, or is seeking to obtain, contractual or other business or financial relations with the county department or board with which the public official is affiliated.
 - b. Conducts or represents a person or entity that conducts operations or activities that are regulated by the county department or board with which the public official is affiliated.
 - c. Is seeking zoning, permitting, or inspection approval from the county department or board with which the public official is affiliated.
 - d. Has interests that may be substantially affected by the performance or non-performance of duties of the county public official.
 - e. Is in any way attempting to affect the official actions of the county public official.

This subsection is not intended to prohibit a public official from obtaining a loan from a financial institution at a rate and terms available to all other similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
- (e) No public official shall solicit a contribution from another person for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from a subordinate public official.
- (f) No public servant shall solicit a contribution from another person for a gift to a supervisor, make a donation as a gift to a supervisor, or accept a gift from an employee he or she supervises, except as provided in subsection (g).
- (g) Nothing in this section shall prohibit donations or giving gifts of nominal commercial value made between or amongst public servants on a special occasion or an established holiday. A special occasion, as contemplated in this section, includes those times when it has been regarded as customary to give a gift, such as a birthday, a wedding, the birth of a child or a grandchild, an adoption, a graduation, a promotion, permanent departure from the workplace or community, hospitalization, the loss of a loved

one, retirement, or other similar occurrences. Nor does this paragraph prohibit public servants from participating in fundraising activities for charitable purposes.

(h) This section does not apply to items of value excepted out of the definition for a gift.

(Ord. No. 03-53, § 6, 9-23-03; Ord. No. 04-05, § 6; Ord. No. 2013-39, § 2; Ord. No. 2017-03, § 2)

Sec. 2-2057. - Lobbyist registration and disclosure requirements.

- (a) All lobbyists shall before engaging in any lobbying activities, register with the clerk to the board located at the board minutes and records department. Every lobbyist required to so register shall register quarterly on a calendar year basis on forms prepared by the clerk; pay an annual nonrefundable registration fee of \$25.00; and state under oath or by written declaration in accordance with F.S. § 92.525, his or her name, business name and address, and the name and business address of each person or entity that has employed said registrant to lobby, as of the date of said registration. If, subsequent to the registration, the registrant ceases to act as a lobbyist, the registrant may file a request, on a form provided by the clerk, to not be listed as a lobbyist. In the event that the registrant neither withdraws nor re-registers, the registrant shall be placed on a "lobbyist status unknown" list for a period of 12 months from the expiration of the quarterly registration.
- (b) Quarterly registration shall be required and shall initially commence on April 2, 2007. Thereafter, quarterly registration shall occur every three months. Quarterly registration is required regardless of whether there is any change in employers of the lobbyist. The lobbyist may indicate "no change" if appropriate. Initial registration by a lobbyist may occur at any time during the calendar year provided that it occurs prior to the lobbyist engaging in any lobbying activity.
- (c) The registration fee required by this section shall be maintained by the clerk to the board and shall be deposited into a separate fund to be expended for the purpose of administering and maintaining the lobbyist registration list as well as to cover other related costs. Lobbyists shall not be charged a fee for filing the form for removal from the lobbyist list.
- (d) The following persons shall not be required to register as lobbyists:
 - (1) Any public officer, employee or appointee who appears in his or her official capacity.
 - (2) Law enforcement personnel conducting an investigation.
 - (3) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support or opposition to any item.
 - (4) Any person who only appears as a representative of a neighborhood association without special compensations or reimbursement for their appearance, whether direct, indirect or contingent, to express support or opposition to any item.
 - (5) Attorneys representing clients before a quasi-judicial body.
- (e) The clerk to the board shall keep accurate and complete records regarding lobbyist registration including an up-to-date list of all lobbyist registrations, lobbyists withdrawals from the list and a "lobbyist status unknown" list.
- (f) A registration form that is not renewed within 20 calendar days of the end of each quarter of the calendar year, shall expire and may not thereafter be relied upon by the lobbyist for lobbying activities. In such a case, the lobbyist must renew his or her registration and pay the nonrefundable annual fee in order to continue engaging in lobbying activities.
- (g) The validity of any action or determination of the board or of any county personnel, board or committee, shall not be affected by failure of any lobbyist to comply with the provisions of this section.

- (h) All lobbyists shall disclose and make known the name or identity of the principal(s) by whom they are employed whenever they engage in lobbying activities as such activities are defined in this section.

(Ord. No. 03-53, § 7, 9-23-03; Ord. No. 04-05, § 7; Ord. No. 2007-24, § 1)

Sec. 2-2058. - Post-employment restrictions.

- (a) No county managerial employee shall personally represent another person or entity for compensation before the Board of County Commissioners or any of its divisions, departments, agencies, or boards for a period of two years following vacation of office, resignation of employment, or termination of employment, as applicable, except for the purposes of collective bargaining.
- (b) For a period of two years following vacation of office, resignation of employment, or termination of employment, as applicable, except for the purposes of collective bargaining, no county employee shall personally represent another person or entity for compensation before the Board of County Commissioners or any of its divisions, departments, agencies, or boards on a matter in which he or she had material personal involvement during his or her period of county employment.

(Ord. No. 03-53, § 8, 9-23-03; Ord. No. 04-05, § 8)

Sec. 2-2059. - Supplemental provisions.

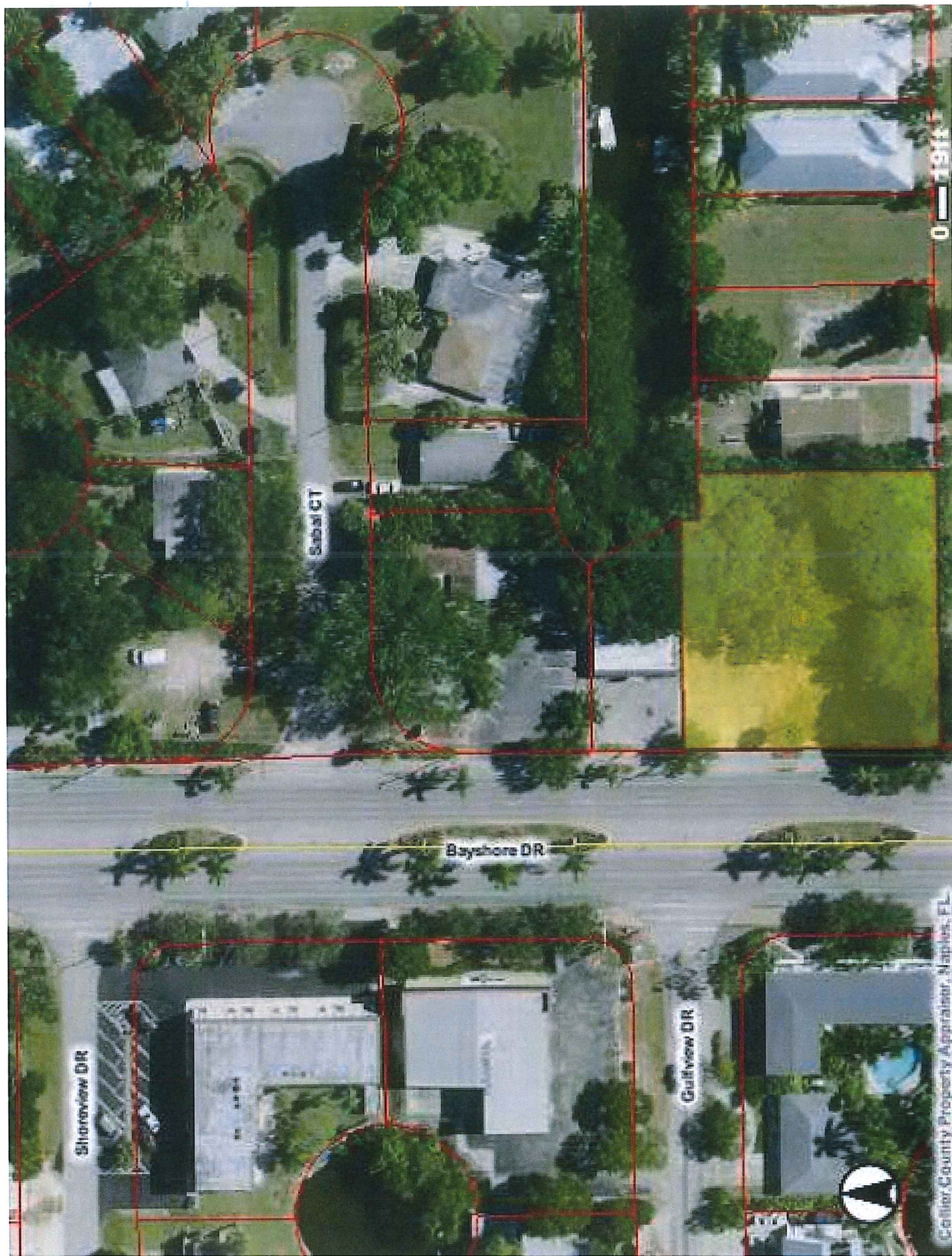
This Ordinance sets forth more stringent supplemental standards of conduct in addition to the requirements of F.S. ch. 112, pt. III, entitled "Code of Ethics for Public Officers and Employees". This Ordinance shall not be construed to authorize or permit any conduct or activity that is in violation of F.S. ch. 112, pt. III. In the event of a conflict between the provisions of this article and F.S. ch. 112, pt. III, the more restrictive/stringent provisions shall apply.

(Ord. No. 03-53, § 9, 9-23-03; Ord. No. 04-05, § 9; Ord. No. 2013-39, § 3; Ord. No. 2017-03, § 3)

Sec. 2-2060. - Penalties.

Pursuant to F.S. § 125.69, a person who violates any provision of this Ordinance shall be subject to prosecution in the name of the state in the manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed \$500.00 or by imprisonment in the Collier County Jail not to exceed 60 days or by both such fine and imprisonment.

(Ord. No. 03-53, § 10, 9-23-03; Ord. No. 04-05, § 10)



Collier County Property Appraiser Property Summary

Parcel No.	71780880003	Site Adr.	3321 BAYSHORE DR, NAPLES, FL 34112
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Name / Address	SMITH, JOHN H				
	23 ARROWHEAD DR				
City	BEDFORD	State	NH	Zip	03110

Map No.	Strap No.	Section	Township	Range	Acres <u>*Estimated</u>
5A11	610900 B 15A11	11	50	25	0.48

Legal	SABAL SHORES BLK B LOTS 1 + 2
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<u>Millage Area</u> ⓘ	111	<u>Millage Rates</u> ⓘ <u>*Calculations</u>		
Sub./Condo	610900 - SABAL SHORES	School	Other	Total
<u>Use Code</u> ⓘ	10 - VACANT COMMERCIAL	5.122	9.4336	14.5556

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
10/24/06	4126-1346	\$ 400,000
01/31/05	3724-2290	\$ 375,000
09/27/00	2726-1208	\$ 150,000
02/24/76	643-620	\$ 0

2017 Certified Tax Roll

(Subject to Change)

Land Value	\$ 177,756
(+) Improved Value	\$ 0
(=) Market Value	\$ 177,756
(=) Assessed Value	\$ 177,756
(=) School Taxable Value	\$ 177,756
(=) Taxable Value	\$ 177,756

If all Values shown above equal 0 this parcel was created after the Final Tax Roll



Bayshore Gateway Triangle CRA • Bayshore Beautification MSTU
Haldeman Creek MSTU

Agenda item 9, a: PROJECT UPDATES

To: CRA Advisory Committee
From: Tami Scott Senior Project Manager
Date: February 6, 2018

• CRA PROJECTS

Redevelopment Plan update:

Purchase order has been approved and CRA staff will issue the Notice to proceed to Tindel Oliver Design of Orlando Florida

Invitation to Negotiate - 17 acres:

CRA Director and County Managers office have been working with the two developers to tighten up the proposals and create a purchase and sale agreement for approval. The item is tentatively scheduled to be presented to the Community Redevelopment Agency Board (CRAB) in February 2018.

Karen Drive Storm water:

Final Payment from the contractor has been submitted to the clerk's office for payment staff anticipates this will be processed in the next month and the project will be competing and signed off.

Fire Suppression System:

Project is progressing; Quality Enterprise has all the water lines installed and approximately 6 fire hydrants. QE has pressure testing half the system, all is well. Staff have received and processed two requests for payments totaling approximate \$300,000.

Project is ahead of schedule and they should be completed by end of February.



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Haldeman Creek MSTU

Trio Property:

Staff reached out to the developed last week for an update on the projects process. “We are currently looking at financing options, we expect to have our funding in place within the next 90 days.”

Gateway Triangle purchase & development:

Project is moving forward, it is scheduled for the February 15, 2018 Planning / Hearing Examiners meeting.

Cell Tower Relocation:

The BGTCRA staff is working with the County Manager’s office to finalize the project scope (schedule of values, legal agreement and the project schedule).

Commercial Improvement Grants:

No commercial improvement grants currently in the queue.

- **BAYSHORE MSTU PROJECTS**

Thomasson Drive:

100% final submittal package provided to staff, the Growth Management has provided comments, RWA is currently working on picking up the redlines.

Staff will discuss in the February 6, 2018 meeting the need to expand the MSTU boundary.

Street Banners:

Holiday Banners to be switched out in the next few weeks.

- **HALDEMAN CREEK MSTU PROJECTS**

Landscape project:

Exotics removal and mangrove trimming complete, Staff to discuss volunteer clean up vs. FEMA -MSTU Expenditure



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• **COMMERCIAL ACTIVITY**

Food Truck Park:

Project has been approved, Staff has reached out for a third time to the Architect for a construction schedule. There is an issue with the City waterline hook up, Staff has reached out to the Owner and Architect to offer any help.

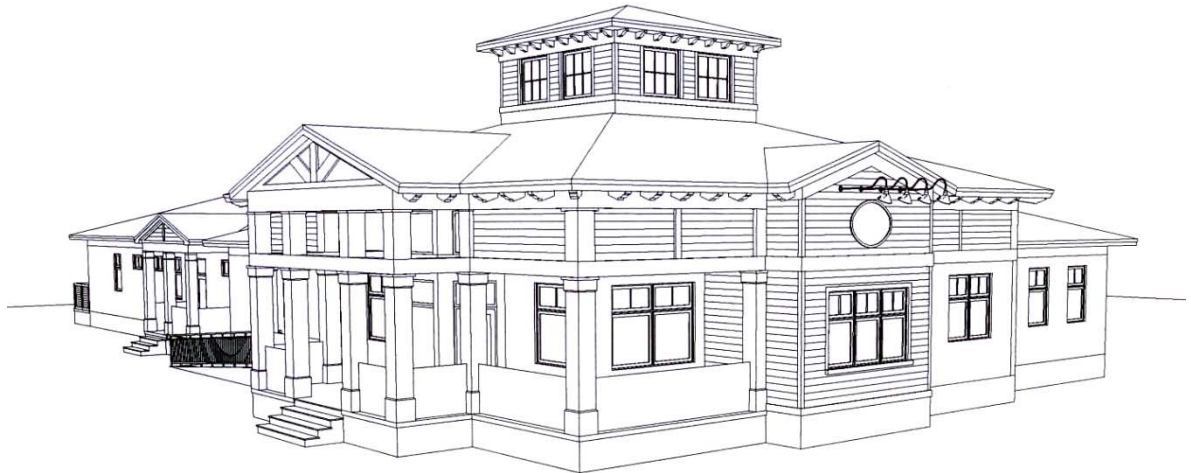
Ankrolab Microbrewery:

The property owner has applied for building permits and anticipates a construction start in February 2018, the build out is expected to take approximately 5-6 months.

Veterinary Clinic:

BGTCRA staff met with Collier County Storm water staff and owner of Harbor Side Animal Clinic to discuss option for the projects storm water discharge. The BGTCRA staff discussed the possibility of contributing to the Storm water through a Commercial Improvement Grant. CRA staff is in communication with the owner and design professional; project is still in the schematic design phase.

Bob March is a long-time business owner in Naples and is expanding his veteran clinic to accommodate a larger building on Davis Blvd.





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Wendy's:

A pre-application meeting was held December 19, 2017 for a facade upgrade to Wendy's restaurant located at 2601 Tamiami Trail East. The project consists of facade upgrade, parking lot upgrades and landscaping upgrades. CRA Staff has not discussed the possibility of a commercial improvement.

RaceTrac:

RaceTrac has submitted a Site Development Plan to the Growth Management Department; the proposed location is made up of several lots with road frontage on both Tamiami Trail and Shadow Lawn Drive. The developer gave a presentation to the BGTCRA at the November 7, 2017 meeting, the Board made no recommendation and is waiting for more details plans and input from FDOT.

Growth management has reviewed the documents and provided their first go around of review comments (attached).





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RESIDENTIAL ACTIVITIES

Compass Point:

Phoenix Construction has submitted to GMD additional information for the compass point project located on Thomason Drive. (Next to Del's). The project is still awaiting DEP approval regarding the wetland area. The BGTCRA staff has reached out to the design professional to schedule a presentation.

Mattamy Homes:

Engineering staff scheduled for the February 6, 2018 meeting to update the Community on the project.

Sabal Bay PUD:

340 rental units Thomasson drive, project was approved at the January 18, 2018 CCPC hearing, next step is the BCC meeting scheduled for February 27, 2018.

KRG Courthouse Shadows:

A Pre-application meeting was held on December 6, 2017 for proposed amendment to the Growth Management plan to allow 300+- Multi-family residential dwelling units, Parcel within Activity center. No additional information.



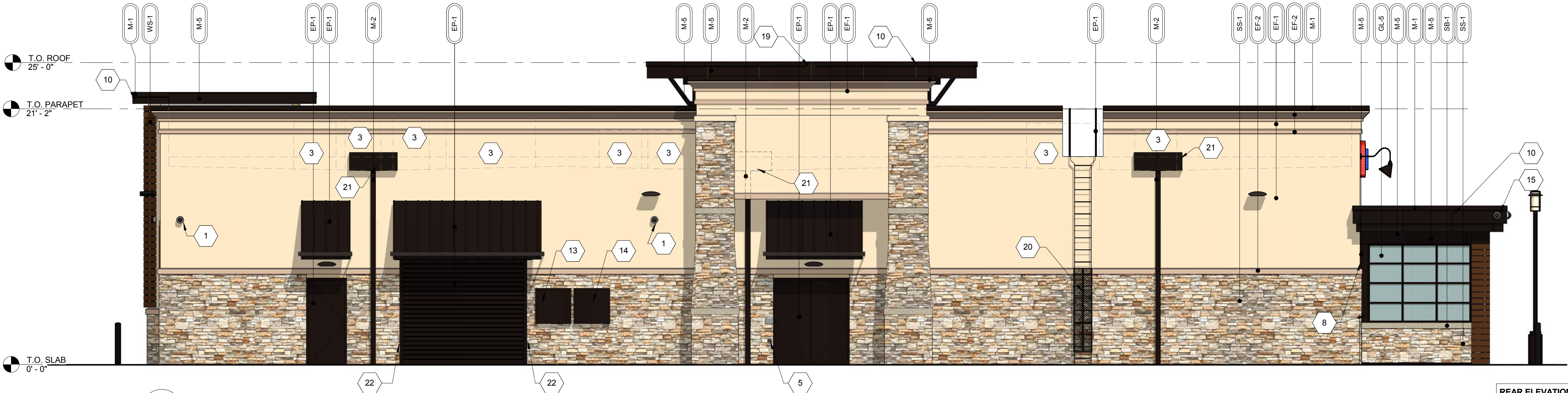
1 LEFT ELEVATION
3/16" = 1'-0"

LEFT ELEVATION			1,304 TOTAL SF
MATERIAL	SQ. FOOT.	% OF ELEVATION	
STONE	191	15%	
EIFS	607	47%	
GLAZING	157	12%	
METAL	233	17%	
WOOD	116	9%	



2 RIGHT ELEVATION
3/16" = 1'-0"

RIGHT ELEVATION			1,219 TOTAL SF
MATERIAL	SQ. FOOT.	% OF ELEVATION	
STONE	204	17%	
EIFS	512	42%	
GLAZING	294	24%	
METAL	31	2%	
WOOD	178	15%	



3 REAR ELEVATION
3/16" = 1'-0"

REAR ELEVATION			2,291 TOTAL SF
MATERIAL	SQ. FOOT.	% OF ELEVATION	
STONE	713	31%	
EIFS	1,258	55%	
GLAZING	56	2%	
METAL	247	11%	
WOOD	17	1%	



4 FRONT ELEVATION
3/16" = 1'-0"

FRONT ELEVATION			2,378 TOTAL SF
MATERIAL	SQ. FOOT.	% OF ELEVATION	
STONE	585	24%	
EIFS	716	30%	
GLAZING	594	25%	
METAL	228	10%	
WOOD	255	11%	

ELEVATION	SIGNAGE	DIMENSIONS	AREA
FRONT	RT PARALLELOGRAM	13'-5/8" x 3'-0"	40 SF
	BANNER	7'-8" x 5'-6"	42 SF
RIGHT	BANNER	7'-8" x 5'-6"	42 SF
LEFT	RT PARALLELOGRAM	13'-5/8" x 3'-0"	40 SF

ELEVATION KEY NOTES

- WALL MOUNTED SECURITY CAMERA.
- 3" SQUARE DOWNSPOUT. REFER TO CIVIL DRAWINGS FOR CONNECTIONS.
- MECHANICAL EQUIPMENT BEYOND
- REFER TO DETAILS FOR CAST STONE SHAPES.
- HOSE BIBB; REFER TO PLUMBING DRAWINGS.
- CEILING FAN; REFER TO SPECIFICATIONS.
- ILLUMINATED SIGN PANEL BY OWNER; PAINT SUPPORT STRUCTURE EP-1.
- BRONZE BREAK METAL WRAP AT WINDOW JAMB, TYPICAL.
- ROOFING MEMBRANE TO BE RUN UP CLERESTORY TO UNDERSIDE OF WINDOW. REFER TO WALL SECTIONS.
- ACM PANEL REVEAL LINE. REFER TO REFLECTED CEILING PLAN FOR DIMENSIONS.
- NOT USED.
- EMERGENCY FUEL SHUT OFF SWITCH. MOUNT TOP OF SIGN AT 50" A.F.F.
- LOCATION OF ELECTRICAL SERVICE C/T AND METER.
- GENERATOR TAP BOX - SEE ELECTRICAL FOR LOCATION.
- SECURITY CAMERA MOUNTED TO PATIO FASCIA.
- OVERFLOW SPILL SCUPPER.
- PACKAGE PASSER. REFER TO EQUIPMENT PLAN.
- SPILL SCUPPER. REFER TO DETAIL.
- PROVIDE METAL GUARD GATE AT LADDER TO 8' AFF WITH LOCKING HASP
- 4'-0" WIDE x 1'-7" HIGH SCUPPER. REFER TO DETAILS ON SHEET A201.
- STOP STONE 6" BEFORE ROUGH OPENING

EXTERIOR MATERIAL SCHEDULE

AWNING		
AW-1	ALUMINUM AWNING	SELECTED BY RACETRAC
CAST STONE		
CS-1	CONTINENTAL CAST STONE OR APPROVED OTHER	MATCH BORAL TUSCAN LINTEL CHAMPAGNE COLOR "LIGHT BUFF"
EIFS		
EF-1	STO	STO THERM CI
EF-2	STO	STO THERM CI
GLAZING		
GL-5	1-5/16" IMPACT RATED INSULATED LAMINATED GLAZING	CLIMATE ZONES 1 OR 2: IGU 0.28 U-FACTOR, SHGC PF>0.5 = 0.27 (1/4" CLEAR TEMPERED 70XL LOW-E #2 + 1/2" AIR + 1/4" CLEAR + 0.90 SG + 1/4" CLEAR) OR APPROVED ALTERNATE
GL-7	1-5/16" IMPACT RATED ACID ETCHED INSULATED GLAZING	CLIMATE ZONES 1 OR 2: IGU 0.28 U-FACTOR, SHGC PF>0.5 = 0.27 (1/4" CLEAR TEMPERED 70XL LOW-E #2 + 1/2" AIR + 1/4" CLEAR SATIN ETCHED #3 + 0.90 SG + 1/4" CLEAR) OR APPROVED ALTERNATE
METAL		
M-1	PREFINISHED 2-PIECE COMPRESSION METAL COVER	METAL TO MATCH STOREFRONT COLOR DRAK BRONZE
M-2	COLOR DARK BRONZE.	METAL TO MATCH STOREFRONT COLOR DARK BRONZE
M-3	VISTAWALL (OR APPROVED ALTERNATE)	FG-5000 STOREFRONT SYSTEM (OR APPROVED ALTERNATE)
M-5	REYNOBOND	METAL TO MATCH STOREFRONT; COLOR DARK BRONZE.
M-7	BORAL	TRUEXTERIOR DOUBLE-4 BEADBOARD
PAINT		
EP-1	SHERWIN WILLIAMS	EXTERIOR PAINT TO MATCH DARK BRONZE
EP-2	SHERWIN WILLIAMS	EXTERIOR PAINT AS SELECTED BY RACETRAC
ROOFING		
DURO	DUROLAST	50 MIL MEMBRANE ROOFING SYSTEM
STACKED STONE		
SS-1	BORAL	ASPEN COUNTRY LEDGESTONE
STONE BAND		
SB-1	BORAL	TUSCAN LINTEL CHAMPAGNE
WOOD SLATS		
WS-1	COMPACTWOOD	12" THICKNESS WALNUT QC "CW-OCWAL-S-0410-12"

"This submittal is for general informational purposes only and is preliminary in nature. As such, any other use or reliance is strictly prohibited."

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COPYRIGHT NOTICE
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INC. IS PROHIBITED. 2016 RACETRAC
PETROLEUM INC.

DESIGN PROFESSIONALS

Mark S. Salopek, LLC
3638 WEST GALLOWAY DRIVE
RICHFIELD, OH 44288
PHONE: (330-802-6265)

ISSUE/REVISION RECORD

DATE	DESCRIPTION
9/13/17	PRELIMINARY PACKAGE
11/27/17	PRELIMINARY PACKAGE

RaceTrac.

RACETRAC PETROLEUM, INC.
3225 CUMBERLAND BOULEVARD
SUITE 100
ATLANTA, GEORGIA 30339
(770) 431-7600

PROJECT NAME

SHAWDOWLAWN

**NAPLES
FLORIDA**

**TAMIAMI TRAIL &
SHADOWLAWN AVE**

RACETRAC STORE NUMBER

#1266

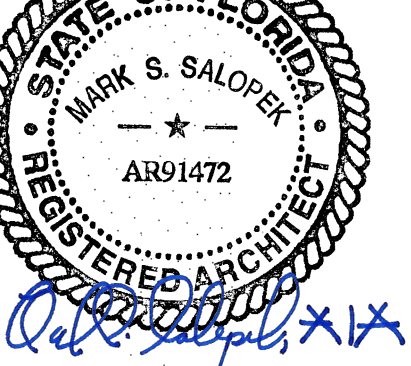
**PROTOTYPE SERIES 5.5K
2017 EF-LH-SV-M 0603**

PLAN MODIFICATION NOTICE

SPB NO. 0603 DATE 08.15.17

STANDARD PLAN BULLETINS (SPB) MODIFY THE
PROTOTYPE SERIES SET AT ORIGINAL RELEASE.
THE ISSUE/REVISION RECORD COLUMN ABOVE
LISTS ANY REVISIONS OR SPB INCORPORATED
IN THIS SET AFTER THE ORIGINAL RELEASE.
CONTACT RACETRAC ENGINEERING AND
CONSTRUCTION FOR ANY SUBSEQUENT
BULLETINS NOT INCORPORATED HEREIN.

PROJECT SEAL



**PROJECT NUMBER
2017157.68 12/20/17**

SHEET TITLE

**EXTERIOR
ELEVATIONS**

SHEET NUMBER

A300E

December 21, 2017

DELISI FITZGERALD, INC.
Planning – Engineering – Project Management

Fed Reischl, AICP
Principal Planner
Collier County Growth Management Division
2800 N. Horseshoe Drive
Naples, FL 34104

**Re: RaceTrac at Shadowlawn Drive
Deviations for Redevelopment
PL20170002552
2nd Submittal**

Mr. Reischl:

Attached for approval, please find the following items as they relate to the above referenced project:

1. One (1) copy of the Letter of Authorization from Property Owners to RaceTrac Petroleum, Inc. (copy of Purchase Contract);
2. One (1) copy of the shareholder listing for the applicant and property owners;
3. One (1) copy of the Approved Addressing Checklist;
4. One (1) copy of the Site Plan with Deviations Narrative;
5. One (1) signed and sealed Boundary Surveys prepared by *Metron Surveying and Mapping, LLC*;
6. One (1) 24" x 36" copy of the Color Architectural Elevations;
7. One (1) copy of the RaceTrac Canopy Sign Package;
8. One (1) signed and sealed sets of Landscape Plans prepared by *DMJA*;
9. One (1) copy of the color landscape buffer illustrations prepared by *DMJA*;
10. One (1) 24" x 36" signed and sealed Site Development with Deviations Plans prepared by *DeLisi Fitzgerald, Inc.*;

In response to the comment letter dated November 14, 2017, please find the following responses in order as received:

ZONING REVIEW

Comment 1

Canopy Sign Area (Deviation #2) - provide a side-by-side graphic showing the permitted sign size and requested sign size.

Response 1

The attached RaceTrac Sign Package includes a side by side comparison of the requested sign and the permitted sign.

Comment 2

For Justifications, provide old Code requirements to show that the property had a reasonable expectation of requested Deviations.

Response 2

References to the LDC in effect at the time the property was originally developed has been added the deviation justifications where applicable.

LANDSCAPE REVIEW

Comment 1

A portion of the type 'A' buffer required and shown on the approved landscape plans for ABC Liquor along the east property line will be eliminated (4 south-most trees in that buffer) due to the proposed layout of the RaceTrac. Please also account for these trees in the deviations.

Response 1

The four impacted trees in the stated buffer have been shown to be replaced within the ABC Liquor site and have been accounted for in the deviations.

Comment 2

Since cypress trees are bare over the Winter, they do not serve as an adequate buffer tree. Please change the cypress trees in the east buffer to another canopy tree that is evergreen.

Response 2

Plant species within the buffer have been changed.

Comment 3

Please specify enhancements (such as size of plant material) to compensate for the lack of berm in deviation #7. Since the LDC requires parts of right of way buffers at service stations to be 8' high combined between the 3' berm and the 5' high hedge, please specify a percentage of the shrubs that will be 8' high min. as one of the enhancements.

Response 3

The Landscape Plans have been revised consistent with the discussions with Staff during the November 7th comment review meeting.

Comment 4

Please provide a justification for the use of smaller trees. It appears there is an overhead power line that runs along this buffer which could be a justification. Also not that non-canopy trees will be provided at twice the rate of canopy trees per the LDC.

Response 4

The Landscape Plans have been revised consistent with the discussions with Staff during the November 7th comment review meeting.

Comment 5

Vehicular use area planting is shown in the west buffer. Per the LDC, perimeter buffers cannot count toward interior landscaping. Please add a deviation to allow VUA area in the buffer and provide enhanced planting specifications to compensate for this deviation. If this area is needed for VUA trees, there may not be enough room to accommodate both buffer trees and VUA trees.

Response 5

The Landscape Plans have been revised consistent with the discussions with Staff during the November 7th comment review meeting.

Comment 6

Please identify VUA. It appears the total VUA shown in the calcs is incorrect.

Response 6

The VUA is hatched on the revised Landscape Plans. Please note that Deviation 9 and 10 have been added to request a reduction in the number of VUA Trees required and the use of 100% palms for proposed VUA Trees.

Comment 7

It appears that hollies are being used at 1:1. 2 hollies equal 1 canopy tree

Response 7

Hollies are no longer proposed and the Landscape Plans have been revised consistent with discussions with Staff during the November 7th comment review meeting.

Comment 8

The general tree requirement can be met through buffer, VUA and foundation planting trees. Plan show additional general trees. These are not needed but can possibly serve as a type of enhanced planting to satisfy a deviation if needed.

Response 8

The additional trees have been removed and the Landscape Plans have been revised consistent with the discussions with Staff during the November 7th comment review meeting.

GIS REVIEW

Comment 1

On Boundary and Topographic survey, please correct street name Shadowlawn Ave to Shadowlawn Drive.

Response 1

Shadowlawn Drive has been corrected on the Boundary Survey.

Comment 2

Please submit an approved Addressing Checklist.

Response 2

The approved Addressing Checklist is included in this resubmittal.

ARCHITECTURAL REVIEW

Comment 1

5.05.08 D.2.b. Design features. The design of primary facades must include, at a minimum, two of the following design features identified in LDC section 5.05.08 D.2.b., one for buildings less than 5,000 sq. ft.

Deviation 6: Staff does not support the Northeast (Rear) and Southeast (Side) facades as secondary facades. These two facades will be visible from public ROW's. The required undulating berm is not being proposed and the planting along Shadowlawn appears to be code minimum. The architectural floor plan and buffer illustration renderings were not submitted with this application to verify proposed justification for the secondary facades. Although the applicant is proposing a landscape buffer along the side and rear of the building (Primary Façades) sufficient justification has not been provided.

Consider additional building design treatments or taller trees along Shadowlawn. Provide cross section exhibit through Shadowlawn, proposed buffer up to and including the building to demonstrate the buffer will substantially obscure the primary facades from view of the ROW's.

Response 1

The Architectural Elevations have been revised consistent with the discussions with Staff during the November 7th comment review meeting.

COUNTY ATTORNEY REVIEW

Comment 1

Please provide either 1) an Affidavit of Authorization, or 2) written evidence of consent to this petition, from all property owners.

Response 1

Authorizations have been provided from all property owners.

Comment 2

Please provide a list of all shareholders or anyone with an equitable interest in the property owners and applicant.

Response 2

The list of shareholders is provided for the applicant and all properties except the ABC Property. A letter from RaceTrac's in-house counsel is included addressing the shareholders for the ABC Property.

Comment 3

LDC 10.02.03 F 1. states that "A site plan with deviations shall provide a means for redevelopment project to seek dimensional deviations...and deviations from site features...when the passing of time has rendered certain existing buildings, structures or site features nonconforming." As discussed at the pre app, please provide evidence for each of the deviations that "the passing of time has rendered these features nonconforming." For example, for Deviation #1, provide evidence that that, at some point in the past, the front yard setback was 27 feet or less; for Deviation #3, provide evidence that, at some point in the past, you would have been permitted to have a canopy sign on a facade not facing a street or highway; etc...

Please discuss this further with staff if you have questions about this requirement.

Response 3

The deviations have been expanded to provide reference to the prior code requirements.

Comment 4

See handwritten markups on the proposed deviation language and site plan, to be provided by separate e-mail from the planner.

Response 4

The handwritten mark-ups were not provided. The deviation language has been revised consistent with CAO comments received on recent projects.

TRANSPORTATION PLANNING REVIEW

Comment 1

Additional Items that need to be addressed for Transportation Review:

Rev.1: Revise site plan to remove the proposed right in condition for the Shadowlawn access closest to the 41 intersection. This access does not meet access management however staff will consider a right out condition only.

Response 1

The ultimate configuration of the southern Shadowlawn driveway will be determined at the time of SDP.

Comment 2

Additional Items that need to be addressed for Transportation Review:

Rev.1: Provide FDOT confirmation-initial-conceptual approval of access location on 41 location and turn lane condition.

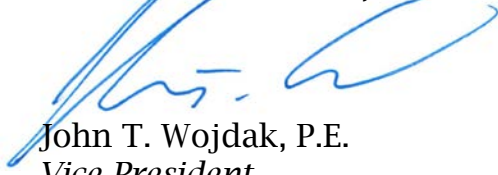
Response 2

A pre-application meeting was held with FDOT on June 26, 2017. FDOT is agreeable to the consolidation of the existing four access points to a single right-in/right-out driveway on US 41.

If you require any additional information, please contact our office at (239) 418-0691.

Sincerely,

DELISI FITZGERALD, INC.

A handwritten signature in blue ink, appearing to read "John T. Wojdak", is written over the company name.

John T. Wojdak, P.E.
Vice President

Project No.: 21442

cc: Tom Hardy with attachments



Collier MPO Bicycle and Pedestrian Master Plan Survey

We appreciate your time taken to complete this survey. Your input is essential to the development of the Collier MPO Bicycle & Pedestrian Master Plan and will help us understand the current challenges and identify opportunities to improve the biking and walking experience in Collier County. **Thank you!**

How often do you bike or walk?

	Daily	Weekly	Monthly	Never
Walk				
Bike				

If you don't bike, why not? _____

If you bike, do you bike for exercise, utility or both?

Exercise **Utility** (i.e. errands, commute to work, to/from transit)

If you walk, do you walk for exercise, utility or both?

Exercise **Utility** (i.e. errands, commute to work, to/from transit)

Are there places that you want to bike that you don't because of uncomfortable/unsafe routes or lack of routes? Yes No

If yes, where? _____

Are there places that you want to walk that you don't because of uncomfortable/unsafe routes or lack of routes? Yes No?

If yes, where? _____

If biking, what makes you feel unsafe? (Check all that apply)

___ Lack of bicycle facilities

___ Lack of directional/destination signage

___ Large intersections

___ High speed traffic

___ Lack of lighting

___ Driver behavior

___ Fear of crime

___ Other: _____

If biking, how do you choose your route? _____

Collier MPO Bicycle and Pedestrian Master Plan Survey



If walking, what makes you feel unsafe? (Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Lack of bicycle facilities | <input type="checkbox"/> Lack of directional/destination signage |
| <input type="checkbox"/> Large intersections | <input type="checkbox"/> High speed traffic |
| <input type="checkbox"/> Lack of lighting | <input type="checkbox"/> Driver behavior |
| <input type="checkbox"/> Fear of crime | <input type="checkbox"/> Other: _____ |

What bike support would you like to see more of in Collier County? (i.e.: signage, bike lanes, bike paths), intersection priority, bicyclist and driver education, enforcement)

What walking support would you like to see more of in Collier County? (i.e.: wider sidewalks, sidewalk gaps filled, new sidewalks where there are no existing ones, more time to cross at intersections, better connected sidewalks, walker and driver education, enforcement)

ZIP Code: _____

Email address (Optional, only so we can keep you informed):

Age:

☐ Under 18 ☐ 19-35 ☐ 36-50 ☐ 51-65 ☐ 66-75 ☐ 75 or older