

# Floodplain Management Planning Committee

Ray Smith, Chairman			John Torre , Vice-Chairman
Phillip Brougham	Pierre Bruno	Stan Chrzanowski	Jerry Kurtz
Bob Devlin (Marco I.)	Joseph Gagnier	Travis Gossard	Mac Hatcher
Christa Carrera (Naples)	Brooke Hollander		Herb Luntz
Lew Schmidt	Dan Summers	Clarence Tears	
Jim Turner	Carolina Valera	Duke Vasey	Christine Sutherland
<u>Terry Smallwood (Everglades City)</u>			

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## Meeting Minutes for 4-5-10 Regular Meeting

Start: 9:00 a.m.      End: 11:02 a.m.      Location: 2800 N. Horseshoe Drive, Room 610

**Meeting Attendance:** Ray Smith, Mike Bosi (alternate for Carolina Valera), Dan Summers, Jerry Kurtz, Jim Turner, John Torre, Mac Hatcher, Stan Chrzanowski, Travis Gossard, Brooke Hollander, Ananta Nath (alternate for Clarence Tears), Duke Vasey, Joseph Gagnier, Phillip Brougham, Pierre Bruno, Lew Schmidt, Chuck Mohlke (alternate for Terry Smallwood) and Robert Wiley.

**Absent:** Christine Sutherland (Excused), Herb Luntz, Bob Devlin, and Christa Carrera.

There were four members of the public and six additional staff in attendance.

Meeting called to order by Ray Smith, Chairman.

Mr. Chuck Mohlke was introduced by Ray Smith. Mr. Mohlke has been appointed by the Mayor of Everglades City to serve as an alternate for Mr. Terry Smallwood when needed. The County Manager has accepted this appointment.

### OLD BUSINESS:

1. Approval of minutes for the 2-1-10 Regular Meeting – Motion to approve by Joe Gagnier, Phil Brougham asked that the next meeting date shown on the last page be changed to March, Duke asked that the CDES letterhead be omitted from the Committee’s meeting minutes, Ray Smith requested the correction of a typographical error on page 3 of 6 last full paragraph third line from the bottom the sentence says “His stated his problem” should be corrected to “He stated his problem”; motion passed unanimously.
2. FMPC membership vacancy/replacement – Robert Wiley informed the Committee that we continue to advertise monthly for the one citizen volunteer position vacancy. Ray Smith asked about which position is vacant, and Robert Wiley informed the Committee it was for the position formerly filled by Mr. Kokkinos.
3. FMPC Membership Attendance Policy – Phil Brougham provided comment for Item “a” for the last sentence of that Item. He requested the inclusion of specific information for the purpose of the statement “After the consenting vote of the Committee,”. Duke Vasey offered information for an alternative to the proposed policy. He distributed an attendance policy

document for the Committee to review and consider. He did not recommend a change of the By-laws, and simply recommended an attendance policy by this Committee. He stated it looked like the Committee was looking for attendance, a way of communicating lack of attendance, and a way to secure a policy. Phil Brougham asked Duke Vasey to again explain his objection to amending the By-laws. Duke stated that he did not have a copy of the By-laws, and thought we could do it by simply adopting an attendance policy. Dan Summers asked who would grant the excused absence, he assumed it would be the Chairman, and Duke agreed. Phil Brougham asked if we did not amend the By-laws, where in the By-laws does it reference currently that there is an attendance policy. He is looking for something of a permanent nature here. Duke Vasey responded that he had provided Robert Wiley with changes to the staff's draft attendance policy, but the only thing left was about nine lines. Duke included essentially all of his changes to the "Whereas" statements in the resolution which were in the short document that he thought would do the same thing. Incorporating this proposed policy into the By-laws could be done simply by renumbering the paragraphs to conforming to the numbering of the By-laws. Either way, the proposed document could be accepted for inclusion into the By-laws or accept it as an attendance policy.

Ray Smith stated his desire to adopt something and move so we can get to the other agenda items. Lew Schmidt stated his understanding that the Committee would be going to quarterly meetings so paragraph B(3) of the proposed attendance policy would need to be revised. Duke Vasey replied that even by going to quarterly meetings it is still within a 12 month period, not necessarily a calendar year, so if a person misses four meetings (either excused or unexcused) they would be replaced. It could be that the time would be a full year. Ray Smith asked for a motion to adopt one of the two attendance policies that are on the table. Duke Vasey motioned for adoption of the policy he proposed. Stan Chrzanowski seconded the motion. Phil Brougham stated he had no issues with Duke's attendance policy as long as it is adopted into the By-laws. That was added to the motion. Ananta Nath inquired about a policy on proxy, and how long can it go on. Duke Vasey responded that as it stands right now, there is no provision for proxy. Duke then discussed some changes that he made to the staff policy document and sent to Robert Wiley. But Duke didn't like the staff's policy document, so he drafted his simple attendance policy. If a person is not in attendance, they are simply not there. If a person shows up, they have full voting powers. If a member can't attend and their alternate attends, it is the alternate that votes.

Phil Brougham stated his understanding there is no proxy, but there are alternates, so if the alternate attends, their presence is the same as if the member was in attendance. The motion to approve the attendance policy distributed by Duke Vasey passed on a 16-1 vote.

## **NEW BUSINESS**

1. Presentation on the 2010 dune repair and beach vegetation planting programs – Gary McAlpin was not yet in attendance, so this item was passed until Mr. McAlpin could arrive from another meeting.

Mr. McAlpin was able to give his presentation following discussion on the Amendments to the Floodplain Management Plan (New Business Item 6). He stated that every year the Coastal Zone Management department appropriates \$75,000 through tourist development tax funds to enhance, repair, and rebuild the dune system throughout Collier County. About 3 years ago they planted about 800,000 plants with a major beach renourishment, and they

have maintained that with the yearly supplements. The plantings are on the leading face of the dune systems throughout the coast, primarily with sea oats, but also with other beach vegetation that will put down beach roots to protect the dune system. With Tropical Storm Fay in 2009 they noticed between 1.5 to 2 feet of dune sand accretion. The program is working, and they intend to continue the program. When they do another major beach renourishment they will look to augment that with another major replanting. They work with private property owners as most of the plantings are on private property.

2. NPDES Best Management Practices Outreach – Steve Preston from the Stormwater Management Section provided an introduction on what the NPDES program involves. It is a federal program and generally, NPDES was for point source pollution, but in 1992 NPDES entered into non-point source pollution permitting. Based upon the population density and total population, Collier County was issued an NPDES MS4 Phase II stormwater permit in May 2003. The permit requires the County to identify Best Management Practices that we intend to implement throughout the County to help prevent pollution from entering stormwater systems and then exiting into waters of the State. Of the six Best Management Practice (BMP) areas identified in the permit, two involve public education/outreach and public involvement/participation. The public education/outreach BMP is currently fairly small in effort compared to some of the other BMP areas. The County has a web site which is an outlet to other agencies. It serves as a hub of information to all potential polluters. Lawn care and landscape is one of the bigger pollutant sources for Collier County. The major source of outreach is currently the PUD homeowner association meeting program. The County provides some funding to Rookery Bay to conduct a “green industry” training program using the University of Florida information. There is training provided on urban pond management. These efforts are combined into a Project Greenscape effort.

Duke Vasey asked Steve about the use of this training as a requirement for licensing of people in the landscaping industry. The City of Naples and City of Marco Island both require this. Steve confirmed that the County does not require the training as a condition for licensing. Duke asked if there was a reason not to make the training a requirement for landscaping occupational licensing. Steve said this has been discussed for a number of years, and he thought this was going to be considered as an outcome of the Watershed Management Planning effort. Steve thought the County may institute the training requirement as soon as 2011. Duke asked for an explanation of where the County’s training requirement would be included (e.g. AUIR task for budgeting, grant funding, become a task on a job description). Steve replied that he thought it would probably be in the form of an ordinance requirement. Duke then asked the Chairman to make it a formal request to find out when the development of an ordinance requirement for training would be done.

Duke Vasey continued his questioning by asking how the NPDES program used information from the County’s and the Big Cypress Basin’s pollution sampling program, where are the pollutants coming from, how far up the stream do they start, and how is that tied to Code Enforcement? He is especially interested in learning how the County connects the pollution sampling program, the stormwater drainage program, and the NPDES program. Ray Smith provided information on the County’s trend monitoring sampling program with approximately 63 sampling locations that are sampled monthly. The data collected is submitted quarterly to the South Florida Water Management District and is placed into the District’s DBHYDRO database which is available to the public. Mac Hatcher then discussed how the Watershed Management Planning effort is using the data in DBHYDRO to evaluate

for water quality problems. The Florida Department of Environmental Protection has used this same data to identify water quality problems for development of impaired waters lists. No point sources have been identified as the polluter, and it appears that water quality it is a non-point source problem. Ray Smith stated that the County does have active programs that go out to specific point sources to conduct compliance inspections to eliminate potential they may have on impacting groundwater bodies in the County. Duke asked if there have been instances where Code Enforcement has taken enforcement action on either point source or non-point source discharge. Ray Smith confirmed enforcement action for point source non-compliance.

Steve Preston provided additional input regarding the NPDES MS4 permitting actions when a water body is considered impaired by FDEP and Total Maximum Daily Loads have been established. If no point source is identified, the County's non-point source permit becomes the only contributor to the cause of the pollutant loading, and the County must then re-examine its BMPs for that water body that would reduce the pollution that is apparently overloading the system. The solutions are usually fairly general in nature (e.g. limiting use of fertilizer, use of reuse water, limiting runoff, etc.). The County has not yet had to do this. The FDEP has identified some impaired waters, but the ongoing County efforts to remediate these problems were deemed sufficient to forego the development of Basin Management Action Plans (BMAPs) which are the instrument used to get all stakeholders together and come up with a list of remedies to reduce pollution in the impaired watersheds. The FDEP is currently monitoring activities already taking place and presumed to be able to take care of the problem.

Duke Vasey then asked how this tied into the County's drainage plan. Steve Preston said that the drainage plan doesn't necessarily go beyond what is required through the South Florida Water Management District design criteria. There is still the use of presumptive criteria for water quality treatment. Duke asked if Steve's comments were based upon use of the 2002 South Florida Water Management District BMPs, to which Steve suggested that perhaps Stan Chrzanowski would know the date. Duke then asked for an explanation of the County's funding to Rookery Bay staff, and whether the funding was specifically for them to conduct a class for a certain group of people, or is the County just giving them money. Steve stated the County has given \$25,000 each year for the past three years towards the Project Greenscape certification for the "green industry" worker training. This training works along side of University of Florida Extension Office training programs for herbicide and pesticide applicator training. Steve has not asked for specific accounting of the funding. Rookery Bay gives a report back on the number and types of training, and the number and types of workers. Duke asked for a copy of the lesson plan used by Rookery Bay for that training program, and wanted to know what they were doing for the money they receive. Steve agreed to ask for that information from Rookery Bay.

3. Floodplain Management Plan Progress Report – 2009 – Robert Wiley provided information on the purpose for the annual progress report. He stated that there were no new activities proposed for this year beyond the "Top Five" issues identified for completion last year. The effort will focus on finishing those remaining items. Of those five, further action is being deferred indefinitely on the installation of cross drain policy and the mapping of mobile homes and mapping of flood insurance policy holder addresses. In particular a question arose on potential privacy issues for mapping flood insurance policy addresses, so that activity was stopped. Mobile home park mapping was developed and will not need to be

updated for a couple of years. The Progress Report is small and designed to identify issues that the Board of County Commissioners needs to be aware of, identifying the major things that were or were not accomplished for the year. Phil Brougham asked about Action Plan for 2010 proposed completion dates and if they were supported by the Action Plan Work Plan item to be reviewed next on the agenda. Robert confirmed that they are supposed to be the same, but a final check will be made to make them the same. Phil then asked if the proposed October completion date for the Flood Damage Prevention Ordinance is for the draft ordinance distributed with today's agenda package. Robert confirmed that information. Dan Summers discussed the proposed Action Plan item to discuss the All Hazards information with the local real estate community. He discussed the efforts that the Emergency Management department does to reach out to the business community, but noted that these types of information are usually not well received by the business community. The real estate industry understands these challenges, but they do not see this as a marketing advantage to them. Duke Vasey asked that the report identify who the Board is, correct sentences where the direct object doesn't fit the subject, and says the report needs a good edit. He also said the progress report and the action plan have differences and need a good cross check. Ray Smith asked that an accounting be made for the sub-committee meetings that were held, since they were also publicly noticed. Ray also requested a better referencing of acronyms to identify all of them.

4. Floodplain Management Plan Action Plan Items (Director Commitments) – Robert Wiley explained that the Action Plan lists the items proposed for this year, with category “A” items being annual events. He then went through each of the line items to discuss what is needed to be accomplished. Phil Brougham requested that the order of columns be changed to identify the activity first followed by the status. Duke Vasey stated his desire to see the columns arranged by task, condition and then standard. Ray Smith asked if the purpose of the spreadsheet was to identify what is being stated under the director commitment. Robert Wiley said the purpose is to show the different action items for 2010, the commitments received from the directors to get the job done on a schedule. Where Road Maintenance did not provide an e-mail commitment, Travis Gossard provided information that Mr. Vliet is in agreement. Dan Summers provided the commitment at the meeting for the Storm Ready certification program. Nick Casalanguida, CDES Interim Administrator, stated that there will be a consolidation of staff and agendas for some of the scheduled evening public meetings on floodplain management information to align with annual property owner association meetings. Upon completion of reviewing all of the action items, Travis Gossard asked if there was a continued interest in mapping the locations of existing cross drains, because they are currently inventorying them. Robert responded to please continue mapping existing cross drains. Nick Casalanguida then explained that this Action Plan identifies what we are going to accomplish. The two documents distributed today (Flood Damage Prevention Ordinance and Floodplain Management Plan) will receive comments from the Committee over the next three months as the Committee starts meeting on a quarterly basis.

Phil Brougham agreed with the quarterly meeting schedule, and asked if there could be interim e-mail status updates to keep the Committee members informed. Nick committed staff to do that on a monthly basis. Travis requested getting a yearly schedule of the proposed meeting dates so they can be scheduled on their calendars. Ray Smith asked about a lead time for delivery of items to be on the Committee's agenda. Travis then discussed a previous request of the Committee to receive copies of all e-mails correspondence involving the Committee, and so far he hasn't seen this happen. He asked for at least a week in

advance for distribution of the agenda documents. If items are ready earlier, send them out as soon as they are ready. Chuck Mohlke mentioned there may be conflicts with schedules. Phil Brougham re-emphasized the early delivery of work products was desirable, and not waiting to deliver the items in a large single package. They could be distributed once they have reached the stage of being ready for review by the Committee.

Duke Vasey asked that the information distributed to the Committee be put on the web site. There is a broader audience that may want to review and provide comment. Use of the web site could allow for review and placement of comments. John Torre said the information could be posted on the web site, if he was just notified of what to post. Setting up an interactive site would take some work, such as a share-point site, but then the issue of complying with the Florida Sunshine Law may become an issue. Ray Smith agreed with posting on the web site for public availability, but all comments would need to be sent to the staff coordinator and not to each Committee member.

5. Flood Damage Prevention Ordinance – Ray Smith stated his concern for the Division administrators to be given time to review and provide comment on the draft ordinance. Duke Vasey made a motion to table the item and to be brought back at the next regularly scheduled meeting. Dan Summers discussed the items that Emergency Management had inserted into the draft ordinance with the concurrence of the County Attorney. Dan supported the tabling, but is willing to address the items he added to the draft ordinance if someone has questions. Duke Vasey appreciated the brevity of the draft ordinance, but felt that the glossary needed changes so he has dealt only with glossary comments. Nick Casalanguida asked for this draft ordinance to be reviewed during the three months between meetings to see if there are any glaring comments and get those back to staff. Tabling the item and not providing feedback over the next three months may create a situation where other Administrators provide comment and then the Committee has to start its review all over again. He would like to be able to compile all the comments and be able to come back with them in the July meeting. Duke Vasey stated he had provided both an electronic version and a printed version of his comments to Robert Wiley.

Dan Summers provided additional discussion on the intent of the provisions for FEMA temporary housing and the need for Emergency Management to write a strategic post disaster housing plan for the community. The FEMA national housing strategy has gone through many changes over the past year, and is about a year late in coming out. If there is a huge housing loss in Collier County, it is important to be able to have an option to provide temporary housing close to neighborhoods, schools and communities so people can get back on their feet and not have a mass exodus of disaster victims. The wording also clearly has an exit strategy. Ray Smith asked about the schedule for adoption of the ordinance and Dan Summers' need to have his work effort go forward. Ray asked Robert Wiley on the ordinance's schedule, and was told the goal was for adoption in October. Dan said he was agreeable with the ordinance adoption schedule. Dan put forth the option for the Board of County Commissioners to use a state of emergency proclamation if needed for the FEMA temporary housing issue.

Pierre Bruno brought forth a point of order that although there was a motion for tabling the item, discussion had continued, so perhaps there should be some consideration to either withdraw the motion or vote the motion down. Perhaps the Committee could simply vacate further discussion on the issue as a Committee of the whole, so the issue would not be on the

table and essentially dead. Duke Vasey agreed to withdraw the motion to allow for the discussion. He then asked when the next part of the ordinance would be provided for evaluation to which Ray Smith responded the next discussion would be at the July meeting. Nick Casalanguida said that as review comments are provided to staff by the administrators, DSAC, etc. these comments would be provided to the FMPC so they would have the benefit of seeing all the comments by the July meeting. A discussion ensued on when the FMPC members should complete their individual reviews and submit their comments to Robert Wiley. Phil Brougham inquired as to the order of presentation to the various review boards (FMPC, DSAC, CCPC and then BCC) and which version of the ordinance is presented as the review continues. Nick said the ordinance would be taken to DSAC before the July FMPC meeting so he could get their comments early. Ray Smith proposed that staff comments be provided to Robert within 30 days. Duke Vasey addressed adding some definitions and a glossary of acronyms into the ordinance to help people better understand some terms, including a definition of the new digital flood insurance rate maps (DFIRMs).

Robert Wiley discussed an e-mailed suggestion from the State to remove the word “cumulative” from the definition of “substantial improvement” to avoid the possible assumption that the ordinance was creating a “cumulative substantial improvement” term which requires additional record keeping on the County and impacts to the owner. A second point that Robert identified is the use of floodproofing for non-residential structures. The state’s model ordinance include language to require floodproofing to one foot above the base flood elevation (BFE), but since that is a higher regulatory requirement than FEMA’s minimum requirement to floodproof to the BFE staff removed the additional foot requirement. Robert noted that there is an impact to the property owner of a floodproofed structure in that flood insurance rating requires rating at one foot below the level of the floodproofing. By floodproofing only to the BFE, it can increase flood insurance costs roughly five fold. Ray asked Robert to bring these points to the FMPC’s attention when the comments received from staff and DSAC are distributed. Stan Chrzanowski asked about an owner making improvements to a structure for less than the 50% value threshold, thereby increasing the value of the structure, and then two years later the owner making improvements using the increased value of the structure as the 50% threshold number. Robert confirmed that was correct and was one of the reasons that FEMA wants to have cumulative consideration.

Travis asked if there was ever a cost benefit analysis done for homeowners to use in considering whether it will cost them more to raise it one foot or pay the additional insurance cost. Robert Wiley clarified that floodproofing is only allowed for a non-residential structure, so it would not be a home.

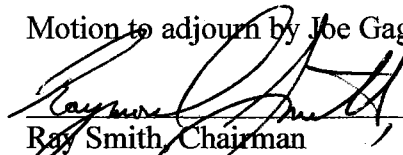
6. Amendments to the Floodplain Management Plan – Mike DeRuntz discussed his task to modify the Floodplain Management Plan (FMP) to make it less cumbersome, reorganize it to follow the CRS numbering structure and address comments on crosswalk steps 7 and 8 by the Insurance Services Office (ISO) during their previous review. Mike briefly described how the materials were arranged on the CD that was distributed to all the FMPC members, his working with Sherry Harper at ISO to get her comments on the revised step 7 and 8 areas, and additional information placed in the Plan to increase our CRS point scoring in the next crosswalk review. Mike felt the County may be able to pick up an additional 174 CRS points with these revisions. Mike discussed the Action Plan activity prioritization process

developed for inclusion in the FMP and how this affected the order of priority of the current Action Items.

7. Public Comments – Tim Nance spoke to address some of the factors in the draft flood damage prevention ordinance. He felt there were a couple of very significant needs that will make the document much clearer and reach its objectives without having unintended consequences. The definition of “accessory structure” is on page 3 of the draft but the term is not addressed anywhere at all in the ordinance document. Golden Gate Estates are rural residential areas intended to be residences but people also use agricultural sorts of buildings as part of the lifestyle included in the development of Golden Gate Estates. Elsewhere in rural Collier County, there are agricultural properties which have agricultural structures which are not permitted by the County, meaning they can be constructed without permits. He then listed some types of accessory structures which were omitted, which were agricultural structures (e.g. head houses, barns, greenhouses, shade houses, kennels, stables and aviaries) that he considered well to address. The current draft ordinance document, in Section 5(B) Specific Standards, it would appear that all structures regulated under the ordinance are classified as either residential construction or non-residential construction. There is no specific mention made of accessory structures and he felt it would provide clarity to include a section on accessory structures and how they are to be handled. Golden Gate Estates currently has 30,000 residents which is approximately 10% of the Collier County population. Including those people who live in agricultural lands may increase that percentage to 15% of the people who will be regulated. The people in Golden Gate Estates would not like to see all accessory structures elevated. Adding that sort of fill might exacerbate the flooding situation to the occupied residences.

**Next Meeting:** Monday, July 12, 2010 starting at 9:00 a.m. in Room 610 of the CDES building located at 2800 North Horseshoe Drive, Naples, FL 34104.

Motion to adjourn by Joe Gagnier passed unanimously at 11:02 a.m.

 11-22-10  
Ray Smith, Chairman

  
Robert Wiley, Staff Coordinator