

**MINUTES OF THE MEETING OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE**

Naples, Florida, October 6, 2010

LET IT BE REMEMBERED that the Collier County Development Services Advisory Committee, having conducted business herein, met on this date at 3:00 PM in REGULAR SESSION in Conference Room #610, Collier County Growth Management Division/Planning & Regulation, 2800 N. Horseshoe Drive, Naples, Florida, with the following Members present:

CHAIRMAN: William Varian (Excused)
Vice Chair: David Dunnivant
Ray Allain
James Boughton
Clay Brooker
Laura Spurgeon DeJohn
Dalas Disney
Marco Espinar (Excused)
Blair Foley (Excused)
Regan Henry
George Hermanson
David Hurst
Reed Jarvi
Robert Mulhere
Mario Valle

ALSO PRESENT: Nick Casalanguida, Deputy Administrator, GMD – Planning & Regulation
Judy Puig, Operations Analyst – Staff Liaison
Jay Ahmad, P.E., Director – Transportation Engineering
James French, Director – Operations & Regulatory Management
Ed Riley, Fire Code Official – Fire Code Office
Amy Patterson, Impact Fee and Economic Development Manager
Nathan Beals, Project Manager – Public Utilities
Stephen Lenberger, Senior Environmental Specialist

I. Call to Order:

Vice Chairman Dunnivant called the meeting to order at 3:05 PM and read the procedures to be followed during the meeting.

II. Approval of Agenda:

Change:

- **Vice Chairman Dunnivant** added the topic, *Notice for Outstanding Advisory Committee Nomination Procedures*, under Item VII as “C.”

James Boughton moved to approve the Agenda as amended. Second by George Hermanson. Carried unanimously, 9-0.

III. Approval of Minutes – September 1, 2010 Meeting:

Clay Brooker moved to approve the Minutes as presented. Second by Mario Valle. Carried unanimously, 9-0.

IV. Public Speakers:

(None)

V. Growth Management Division – Staff Announcements/Updates:

A. Public Utilities Division Update: Nathan Beals, Project Manager

- The Standards Committee has not met during the past two months due to lack of topics for discussion.
 - Meetings will be held at **3:00 PM** (*Note: time change*) on the third Tuesday of each month in the Risk Management building
- The Administrative Stay for Fire Requirements for RPZs/Metering remains in place. The Board of County Commissioners directed Public Utilities to return only once more with a recommendation.

Mr. Beals will contact Judy Puig to schedule a Subcommittee meeting to be held prior to DSAC’s November meeting.

(Laura Spurgeon DeJohn arrived at 3:10 PM.)

Reed Jarvi noted there was a dripping “relief valve” at the water main on the west side of Vanderbilt Drive, north of 111th at the first culvert crossing.

Vice Chairman Dunnivant questioned the parameters and time frame of the BCC’s directive stating a full Cost/Benefit Impact was requested and asked for a progress report.

Mr. Beals stated a cost benefit and risk analysis was in progress. It was thought the analysis was to be brought back to the Board in November, but he reviewed the video recording and noted a specific date was not mentioned.

Vice Chairman Dunnivant is aware of a document which states it was due at the end of October. He stated a recommendation concerning the RPZ issue is to be presented first and then a separate presentation is to be made concerning the revenue/metering

issue. He stated he did not think the BCC limited the number of presentations and urged scheduling the Subcommittee meeting as soon as possible.

(Dallas Disney arrived at 3:12 PM.)

Mr. Beals clarified there will be more than one Subcommittee meeting but only one presentation to the BCC. He will provide read-ahead materials at least one week in advance of DSAC's next meeting.

B. Fire Review Update: Ed Riley, Fire Code Official – Fire Code Office

- The Monthly Report was submitted in the Information Packet.
- In August, a total of 697 reviews were conducted.
- The initial Permit for the new Fire Code building was cancelled (with the cooperation of the City of Naples)
 - Will re-apply for a second Permit on October 8th to save approximately \$49,000 due to the reduction in Impact Fees for Roads
 - The funds were donated by the Industry

C. Transportation Planning Division Update: Jay Ahmad, P.E., Director - Transportation Engineering

- Public Meeting/Workshop will be held on October 7, 2010 to present the result of the Project Planning and Development Study for Intersection of 951 and 41

Mr. Ahmad provided the following background information:

- DOT conducted its own PD&E Study but the focus was on US 41 and not the intersection. The Level of Service was projected to 2015.
- Transportation Planning Division hired consultants because it was not satisfied with the DOT's Study.
- TP's Study conclusions:
 - long-term goal – an overpass will best serve the needs of the area
 - short-term – build an “at-grade intersection” within the footprint of the anticipated future overpass
 - Level of Service was projected to 2035
- An FPL Greenway is under construction
 - 12-foot blacktop pathway will connect Radio to Rattlesnake
 - Distance: 3 miles
- Construction of Oilwell Road is proceeding on schedule
 - Six lanes on the east side between Ave Maria to Oilwell Grade Rd.
 - From Everglades to Immokalee, will be a four-lane road
 - Anticipated completion of the north side – December, 2010

Question: Is a traffic light scheduled for installation at the intersection of Orange Tree and Oilwell Road. Will residents be able to make a left turn?

- Yes and yes.

41/951

Mr. Ahmad stated the at-grade intersection will begin in 2013 and explained the process:

- The County wants to re-evaluate the FDOT's recommendations
- Public hearings/workshops will be held as required by the Federal government in order to change the preferred recommendations
- Lanes will be added to the intersection
- The right-of-way will be acquired
- The overpass will be constructed at a future date when traffic volume dictates

Bob Mulhere clarified the intersection has been efficiently designed to function now and accommodate the overpass when needed.

D. Planning and Regulation Update: James French, Director – Operations and Regulatory Management

- Local artists donated photographs which are on display at the front end

(Ray Allain arrived at 3:24 PM)

- Ceiling tiles have been replaced (from Fund 111 budget)
- Installing an ATM machine (through the Tax Collector's office)
- Several single-family home applications have been submitted to the Building Department – very few commercial

In response to a question concerning Mr. Riley's building permit with the City of Naples, Mr. French stated if a permit is in "apply" status (no inspections have been completed), it can be pulled and you may re-apply. There is a re-application fee to be paid.

He is working with the County Attorney's office, Gary Harrison, and Ed Riley to review the Florida Building Code and establish a cut-off date. Guaranteed time standards may raise concerns if there is a high volume of cancellations. There may be direction from the Board of County Commissioners on this issue.

Suggestion: Add the topic of the process for Florida Specialties to a future Agenda.

Jamie French stated a Site Development Plan application process is under development:

- even if an SDP application is rejected, it can lead to a simultaneous review process. For example, as corrections/revisions are made to the SDP on the land-use side, the Building Department/Fire Review can begin.

He explained the Florida Specialties project where the foot print of a pre-built structure was expanded to accommodate additional services. The process morphed into an alternative method of accepting plans on a fast-track basis. He cautioned a developer runs a risk because if the SDP can't be corrected or the structure is not built to the correct specifications or the plans have not been approved, whatever has been constructed may be torn down.

Bob Mulhere's test-case project in Immokalee was described. There was a comprehensive conceptual Site Plan review with Staff and it was brought to the Board of County Commissioners for approval. The permit was issued and vertical

construction began before the SDP was approved, but there were no critical flaws, and no ERP (“Environmental Resources Permit”) issues, i.e., no listed species on the site no wetland issues.

Modifications were made. The building process began in April and the structure will be C/O’d before November 1st. The process may be applicable in limited re-development opportunities for commercial sites and may impact future businesses. The County Manager asked for a review of the fast-track process and incentives.

Mr. French noted the Board of County Commissioners formed the Economic Recovery Task Force (“ERTF”). The Chamber, former elected officials and the Sheriff’s office are involved. The goal is to work with the real estate industry concerning vacant commercial properties to develop a GIS overlay to pinpoint available structures. The information will eventually be available on the website.

Dalas Disney described his solid-waste recycling facility project and stated there were no specialty issues and it was fast-tracked. Documents were finished in seven weeks. The process was consolidated and permits are anticipated to be issued within a fifteen day cycle.

Road Impact Fees [added Topic]: Nick Casalanguida, Deputy Administrator, GMD – Planning & Regulation

- The Board of County Commissioners moved to adopt the Study update which recommended a 32% reduction in Phase I, effective October 8, 2010
- A 10% reduction will go forward as part of the Utilities component

The Chamber of Commerce requested a 50% reduction and a lock-in for two years. The BCC Chairman directed special projects that bring jobs to the community (\$1+M) but may need some assistance to get the project up and running quickly to be brought before the BCC. It will consider deferral of fees.

School Impact Fees:

Mr. Casalanguida stated the Study will be brought to the BCC on October 12th. Staff will recommend a review of the proposed 50% reduction for one year period with evaluation at the end of the term. The School Board recommended a two-year 50% reduction with a rate lock.

A question was asked concerning hiring of a Building Manger.

- A list of interview questions is being compiled.
- A candidate will be selected by the end of the month and an offer will be extended.
- There have been approximately 60 applicants for the position.

It was noted the certified Building Official is separate from the Administrative Staff and not subject to influence, as required by the Florida Building Code.

Vice Chairman Dunnivant noted the Minutes referenced the discussion of different issues relating to RPZs between Fire and Utilities. He asked for a status report.

Ed Riley stated he received information which was forwarded to the Fire Marshalls for their review and comment. A meeting is scheduled for October 14th to discuss the data concerning the 50-psi issue.

VI. Old Business:

A. A-128 Requirements for Spot Surveys/Affidavits: Jamie French

- The issue has been vetted in a form meeting with local licensed engineers
- The *Building Blocks* is still in draft form and release may be pushed back to December if necessary

There was a question concerning the difference between the certified plan to be prepared by a profession architect, land surveyor, or engineer (first paragraph under *Building Permit Applications*) and a stamped plan submitted to the County by an architect or engineer.

Nick Casalanguida stated a spot survey can only be done by a surveyor. The point was to guarantee the drawings were done by a professional.

A question was asked concerning the second sentence of the third paragraph under Building Permit Application (“In lieu of ...”) and whether it established foot print or elevation of the structure.

Nick Casalanguida clarified if there were no changes to the foot print, the Affidavit can be submitted.

The first paragraph on Page 2 (third line) referenced a “stop work order.” A question was asked concerning how to repair damages under a stop work order.

Nick Casalanguida stated corrective action removes the stop work order, but no work is to be done until such time, which is current practice.

There was a discussion concerning the intent of the affidavit and who should sign it. It was noted the second sentence of the Affidavit (“Further, I affirm ...”) is an un-insurable statement and professionals will not accept it.

Also noted, architects are not hired to perform research to verify the information provided on a previous survey. For example, was the structure legal at that time and is it still conforming to Code. It was suggested the owner should be the only person to sign the document.

Suggested Changes:

- New Title: Affidavit in lieu of Certified Plan (to be filed with Permit)
- First sentence of Affidavit
 - Remove the phrase “*in any way*” after “modification”
 - Remove the word “*legally*”
- Second sentence:
 - Insert the phrase “, *to the best of my knowledge, that*” following “affirm”
 - Remove the word “*all*”
- Third sentence:
 - Remove the phrase “*in any way*” following “nonconformity”

- Add a line underneath signature for identification:
 - Signed: _____
 - (check one) Owner ___ Contractor ___ Design Professional ___

(Regan Henry left at 4:10 PM.)

Nick Casalanguida suggested the entire second sentence is unnecessary and should be removed from the document.

Consensus: Email the revised document to the members for their approval. If there are any objections, it will be brought back to the Committee in November.

Robert Mulhere moved to approve the Affidavit in Lieu of Certified Plan, subject to final review via email, with no objections to same. Second by Dalas Disney. Carried unanimously, 11-0.

VII. New Business:

A. Update: EMS and Fire Impact Fee Subcommittee: Amy Patterson, Impact Fee and Economic Development Manager

(An overview of the Fire Rescue Services Study was distributed to the Committee.)

- The Study referred to the two dependent Districts, Ochopee and Isles of Capri
- Last update: 2006
- Total Impact Fees collected: \$1,600 (both Districts)
- No plans to expand but new equipment will be purchased as necessary
- Buildings and land were not included in the calculations
- Isles of Capri – fees will be decreased (residential and non-residential)
- Ochopee – fee for residential will be decreased but non-residential will be increased
- Study will be presented to the Productivity Committee for a recommendation and to the Board of County Commissioners for a public hearing

Ms. Patterson noted the Fees will be examined again next year.

Ed Riley stated the North Naples Fire District cut its Impact Fees by 50% (residential and non-residential).

Reed Jarvi moved to approve implementing the Alternative Impact Fee Schedule for Ochopee and Isles of Capri. Second by Mario Valle. The motion failed.

Dalas Disney supported reducing Impact Fees to the greatest extent possible.

Robert Mulhere moved to support the proposed increase to commercial Impact Fees and reduction to residential Impact Fees as appropriate. Second by Clay Brooker. Motion carried, 7 – “Yes,” 4 – “No.” Opposed: Dalas Disney, Reed Jarvi, Mario Valle, and David Hurst.

BREAK: 4:40 PM

RESUMED: 4:45 PM

(An overview of the EMS Study was distributed to the Committee.)

Mario Valle moved to approve the Impact Fee Study as submitted by Staff.

Amy Patterson stated Fees would be reduced by 25% on the residential side and by 30% on the commercial side.

- Methodology was same as the previous study
- Significant reductions in land and building costs
- Plans to add stations in the next few years

Mario Valle noted new EMS stations were built based on potential growth and the Impact Fees to be collected. The Impact Fees funds were to be used to offset the debt service. However, based on the reduction in land costs, it will not be possible to generate the revenue necessary and the debt service will exceed the amount of funds by approximately 2012.

Robert Mulhere noted money was borrowed based on a revenue stream which no longer exists but the obligation to pay back remains. One way to pay the debt is to find a new revenue stream. If the reduction in Impact Fees generates a volume of new development, some money will be coming in and minimize reliance on Ad Valorem fees since the Ad Valorem rate has been lowered. He concluded any reduction in Fees is a shift in the “right direction.”

It was predicted that Impact Fees was not the proper funding mechanism.

Dalas Disney equated the concept of Impact Fees is, basically, a Ponzi scheme and stated when people moved to the area, it worked. He noted when the growth stopped, Impact Fees – as well as the economy – fell apart.

Mark Twain was quoted: *“There are lies, damned lies, and statistics.”*

Impact Fees in Collier County add approximately \$34,000 to the cost of a single-family home over 2,500 square feet.

Mario Valle moved to accept the Study as submitted by Staff. Second by Reed Jarvi. Carried unanimously, 11- 0.

Vice Chairman Dunnivant noted Reed Jarvi submitted questions concerning the Transportation Impact Fees. A memo, prepared by Tindale-Oliver & Associates, Inc., responding to his questions was distributed to the Committee.

Mr. Jarvi objected to the responses to the last two questions concerning credit issues and asked Ms. Patterson to investigate.

Vice Chairman Dunnivant suggested adding the topic to the Agenda for the next DSAC meeting under “Old Business.”

(James Boughton and David Hurst left at 5:00 PM.)

B. Update: EAC (“Environmental Advisory Council”) Ordinance Amendment – Stephen Lenberger, Senior Environmental Specialist

- The EAC Ordinance was revised to adhere to the changes made to the Growth Management Plan and the Amendments to the Land Development Code.
 - The requirement to submit an Environment Impact Statement (“EIS”) was eliminated
 - Applicable environmental data may be submitted in place of the EIS
 - The EAC will review impacts to native vegetation and a project’s environmental sensitivity based on the size
- The Board of County Commissioners approved the amendments to the Ordinance
- A public meeting/workshop will be held on Friday, October 8th, to review the Amendments to the Land Development Code from last cycle

C. Notice for Outstanding Advisory Committee Nomination Procedures: Vice Chairman Dunnivant

- A nomination form was distributed to the members and must be completed one month prior to submission to the Board of County Commissioners.
- Anyone may nominate a member.
- Nominations will be accepted in November.

VIII. Committee Member Comments:

- **Vice Chairman Dunnivant** outlined a summary of the BCC meeting regarding the RPZ issue was presented:
 - Utilities requested to defer all issues including the RPZ and Chairman Varian agreed
 - A Subcommittee meeting will be scheduled by Nathan Beals prior to the next DSAC meeting
 - DSAC’s report was presented to the BCC by Chairman Varian and the Commissioners appeared to favor DSAC’s recommendation
 - The Stay remains in place
 - Due to the lack of prudent data from Utilities and a cost/benefit analysis, the BCC directed all parties to continue and return when the issues were settled

Next Meeting Dates:

November 3, 2010 – 3:00 PM

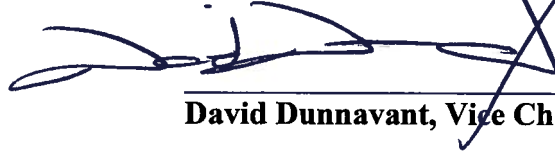
December 1, 2010 – 3:00 PM

January 5, 2011 – 3:00 PM

There being no further business for the good of the County, the meeting was adjourned by order of the Vice-Chairman at 5:05 PM.

October 6, 2010

**DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



A handwritten signature in blue ink, appearing to read 'David Dunnivant', is written over a horizontal line. A large 'X' is drawn over the signature and extends upwards into the header area.

David Dunnivant, Vice Chairman

The Minutes were approved by the Board/Committee on NOVEMBER 3, 2010
as presented _____, or as amended ~~_____~~.