

September 1, 2010

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

Naples, Florida, September 1, 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
Vice Chair: David Dunnavant
Ray Allain
James Boughton
Clay Brooker
Laura Spurgeon DeJohn
Dalas Disney
Marco Espinar (Excused)
Blair Foley
Regan Henry
George Hermanson
David Hurst
Reed Jarvi
Robert Mulhere (Excused)
Mario Valle

ALSO PRESENT: Norman Feder, AICP, Administrator, Growth Management Division
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
Pam Libby, Manager – Water Operations
Robert Wiley, Principal Project Mgr., Watershed Study Project/FEMA

I. Call to Order:

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

II. Approval of Agenda:

Change:

- **Chairman Varian** added the topic, "Approval of the Subcommittee Minutes of August 27, 2010," under Item III.

George Hermanson moved to approve the Agenda as amended. Second by Reed Jarvi. Carried unanimously, 11-0.

III. Approval of Minutes – August 4, 2010 Meeting:

Dalas Disney moved to approve the Minutes as presented. Second by Mario Valle. Carried unanimously, 12-0.

Approval of Minutes – August 27, 2010 Subcommittee Meeting:

Chairman Varian noted the Subcommittee Meeting Minutes vote would be held when a quorum of members was achieved. Six Subcommittee members were required for a quorum.

IV. Public Speakers:

(None)

V. Growth Management Division Staff Announcements/Updates:

A. Public Utilities Division Update: Pam Libby, Manager – Water Operations, for Nathan Beals, Project Manager (Excused)

- The RPZ Meter discussion previously scheduled to be heard at the Board of County Commissioners September 14th meeting had been postponed to the last meeting in October, 2010.
 - He requested additional time for general discussion with the group
 - Information was submitted to the Fire Code Office regarding pressures

A question was asked concerning the scheduling of another meeting.

Ms. Libby deferred the question to Nathan Beals, who will be available next week.

(David Dunnivant arrived at 3:07 PM.)

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

- The groundbreaking ceremony for the new Fire Code building has been scheduled for September 22, 2010

III. Approval of Minutes – August 27, 2010 Subcommittee Meeting:

[**Note:** The following Subcommittee members were present and voted:

William Varian – Subcommittee Chairman, Melissa Ahern, David Dunnivant,
Blair Foley, Joey Hatfield, David Hurst, and Ed Riley.]

Change:

- On Pages 3 and 4, the spelling of “PETO” was corrected to “pitot.”

Ed Riley moved to approve the Minutes as amended. Second by David Hurst. Carried unanimously, 7-0.

V. Growth Management Division Staff Announcements/Updates:

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

- Santa Barbara Boulevard Extension is open (six lanes) for public use
- Two segments of the Oilwell Road Project are under construction
 - from Immokalee Road east to Everglades Boulevard
 - from Oilwell (grade road) to the entrance of Ave Maria
- The Project is ahead of schedule and on budget - anticipated completion is March, 2012
- Project Bids:
 - Davis (from Radio Road to Collier)
 - Collier Blvd. (from Davis to Golden Gate Canal)
 - Permitting is on-going and anticipated by the end of 2010
 - A right-of-way permit is required from the State of Florida
- A court hearing for Order of Taking is scheduled for October 27, 2010
- Continuing to obtain property (ROWs) from willing sellers for various projects

Questions:

- *Regarding the Santa Barbara extension, why are the retention ponds located so far from the road?*
There are two projects within the Santa Barbara Project and one is a Stormwater project to build canals on the west side of the road. The retention ponds are located on the east side of the road.
- *Is there a landscaping project on Orange Blossom Road in North Naples, between Airport-Pulling Road and Livingston Road?*
All landscaping projects are “on hold” pending funding unless it is an MSTU project.

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

- Met with representatives from Fifth/Third Bank regarding credit card option to accept VISA cards
 - Spoke with “Magic Writer”/”Pay Pal” – the user fee will be between the bank and the customer

- There is Federal legislation concerning capping the fees
- More discussions are necessary regarding fees
- Met with Kim Grant from County Manager's office regarding digital submissions – tests anticipated within the next two months
- Re: "CityView" – Phase III (Building Department) is being "ramped up" – the anticipated "go live" date is February, 2011

VI. Old Business:

A. Update on Utilities/RPZ Subcommittee Meetings: Chairman Varian

(Copies of the Subcommittee Minutes were distributed to all members.)

- The Subcommittee met on August 13th, August 19th, and August 27th
- The Subcommittee and Utilities did not reach a conclusion
- Three recommendations (Motions) were agreed upon for DSAC's consideration
 - The BCC directed DSAC to vet the RPZ (Health/Safety/Welfare) issue and return a recommendation to the BCC by the September 14th meeting
- It was noted Utilities removed the Executive Summary from the Agenda for the September 14th meeting on Wednesday
- DSAC's directive from the Board of County Commissioners was not changed

Ray Allain moved to recommend to the Board of County Commissioners to not remove the Administrative Stay until evidentiary support is produced to document Utilities position that there is a Health/Safety/Welfare issue.

(There was no Second in support of the Motion.)

Chairman Varian reviewed the three Motions from the Subcommittee:

Motion #1:

"In the course of these Subcommittee meetings, it has not been demonstrated that the additional potential Health and Safety risk is immediate, and it has not been demonstrated that installing an RPZ in lieu of a DDC is warranted."

Motion #2:

"This Subcommittee has not been able to determine – or there has been no empirical data submitted to substantiate the requirement of an RPZ over a Double Check Valve Assembly and, therefore, we cannot support the requirement to install an RPZ in lieu of a Double Check Valve Assembly."

Motion #3:

"This Subcommittee is to be continued for the sole reason of two issues. One is to address and vet out Utilities' request to have in-line meters installed. The second is to discuss the appropriateness of the charge for fire lines."

George Hermanson noted he attended the August 19th meeting only, and the Motions were made during the August 27th meeting.

Chairman Varian clarified the Subcommittee consisted of DSAC members, representatives from Industry, the East Naples Fire District, and the Fire Code Office.

James Boughton stated the Subcommittee's charge was to determine the issues covered by the first two motions and Motion #3 appeared to be unnecessary since it was not part of the issues.

Chairman Varian stated:

- The RPZ was the primary issue for the Subcommittee.
- At DSAC's March meeting, Utilities introduced a revenue issue was discussed and included meters for fire lines.

David Dunnivant stated the RPZs were implemented in 2008 and the meters in 2009. They were placed on a Consent Agenda by Utilities, and the Subcommittee addressed both issues.

Blair Foley stated there was "good interaction" during last Subcommittee meeting but Utilities did not provide much input – the question asked repeatedly was "Where is the data?" – any supporting documentation. Utilities indicated it would meet with Fire concerning existing pressures in the lines and calculations. It was important to the Subcommittee to continue the discussions and have Industry represented, which was the basis for Motion #3.

Ray Allain noted there were two issues for DSAC to discuss: (1) the meters, and (2) the charges for the fire lines, but the issue concerning the RPZs should be discussed first in order to send a recommendation to the BCC.

- "If there was such a compelling argument and compelling evidence for the Utilities Department to pursue this avenue, then I don't understand why it's so elusive and difficult to present to DSAC."

Points of information for presentation to the Board of County Commissioners:

- DSAC adhered to the directive by holding three Subcommittee meetings within the allotted timeframe in between two regular DSAC meetings
- DSAC is an all-volunteer Committee consisting of 15 members
- Time was taken to ensure that DSAC's recommendations would assist the BCC with its decision-making process

Blair Foley noted the Board was concerned about the issues and requested additional information be presented at the September 14th meeting – because Utilities removed the topic from the Agenda did not alleviate DSAC's responsibility to present its findings as directed.

Chairman Varian stated, due to the removal of the item from the Agenda, DSAC must make a public petition in order to present its recommendations.

- "DSAC did what it was asked to do in a timely manner."

Clay Brooker stated the Code does not allow the BCC to take a vote or any action but can only listen to the information presented. He suggested sending a letter to the Commissioners outlining exactly what DSAC did and when, as well as its conclusions, and to make DSAC's request to be placed on the Agenda in the letter.

Dalas Disney asked if there were enough time for DSAC to make a request to the County Manager to add a line item to the Agenda for a five-minute presentation.

Nick Casalanguida, Deputy Administrator, Growth Management Division, stated it was too late to add an item to the Agenda. He suggested that Jamie French speak with Chairman Varian concerning the public petition. He agreed while the BCC could not vote on any information presented via a public petition, it could direct Staff to take action.

He recommended a strong "read ahead" be prepared such as a letter to the Commissioners and the County Manager concerning the information to be presented and why.

Dalas Disney noted the issue of Health/Safety/Welfare had been a paramount concern and was stated as such at the BCC's meeting. The Board insisted DSAC was not allowed the 90 days it requested to vet the issue, but must return its recommendation on September 14th. Since Utilities has pulled the item, DSAC will have no opportunity to presents its findings.

David Dunnivant stated the BCC was prepared to hear from DSAC and there were almost two weeks left before the meeting ...

- "... to request the item go back on [the Agenda] does not seem insurmountable."

Nick Casalanguida stated the County Manager could be asked, but if the Utilities Administrator said he was unable to present the item and needs more time –there is no item to include on the Agenda.

Chairman Varian noted it was not "just" Utilities' item since DSAC was given a directive by the BCC. He cited Page 230 of the BCC's Minutes as follows:

"Commissioner Henning: Motion to continue until we get DSAC's recommendation.

Chairman Coyle: But we want it back here for a decision by the Board no later than the first meeting in September."

David Dunnivant stated the record should reflect DSAC's presentation was available and if Utilities pulled the item, they should explain to the Board why it was done.

Mr. Casalanguida stated he would make a phone call while the DSAC meeting continued and would return before the meeting concluded.

Clay Brooker requested Mr. Casalanguida ascertain the deadline to submit the public petition.

Chairman Varian stated the recommendations were kept as three separate Motions for the following reasons:

- It was brought to the attention of the BCC that there was a Health, Safety and Welfare issue. That was the first Motion.
- The Second Motion dealt with Utilities' request to install RPZs:
 - Through discussion, it was determined the current system uses both RPZs and Double Detector Check Assembly Valves (DDCAs) and both accomplish the same thing – both are back flow preventers.
 - Why is one superior to the other?
 - The conclusion was there had not been enough data presented to justify the request or the expense.
 - Why does Collier County have to be above the standards of the Industry and the remainder of the country?
 - What is wrong with the Double Detector currently used in a number of communities and buildings throughout the County?

Dalas Disney stated there were three separate issues to be accepted, or not, by DSAC and moved forward as a recommendation to the BCC as determined by DSAC.

- “The third [Motion] is just the continuation of the Subcommittee to resolve continuing and open issues.”

He agreed the BCC should be made aware there are other issues to be discussed.

Dalas Disney moved to recommend accepting the Subcommittee's findings on Motion #1 and Motion #2, and to forward the information to the Board of County Commissioners. Second by Mario Valle.

As requested, Motion #1 motion was reviewed:

“In the course of these Subcommittee meetings, it has not been demonstrated that the additional potential Health and Safety risk is immediate, and it has not been demonstrated that installing an RPZ in lieu of a DDC is warranted.”

Chairman Varian noted the First Motion had been discussed and amended.

Dalas Disney referred the Committee to Pages 13 (Amended Motion), and 17 of the August 27th Subcommittee Meeting Minutes to review the first two Motions.

Blair Foley stated his notes reflected different language:

- “There was no significant data provided to show that it was an imminent danger or a Health, Safety and Welfare issue.”

In response to a question, Mr. Disney stated his Motion did not include the Subcommittee's Third Motion in order to deal with the immediate issue of Health, Safety and the RPZs, and the potential risk to the public. No risk was found, the question was answered, and the Motion should be brought to the BCC. His approach was to consider the items individually.

George Hermanson stated he will vote “No” on the Motion. He did not hear Public Utilities’ case since he attended only one meeting, but maintained there was a case [for public safety] whether or not it had been substantiated.

Nick Casalanguida returned. He spoke with the County Manager who confirmed the item will be returned to the Agenda for the September 14th BCC meeting.

Chairman Varian called for a vote.

Motion carried, 12 – “Yes”/ 1 – “No.” Mr. Hermanson was opposed.

In reference to the Motion to continue the Subcommittee, Chairman Varian asked the Members to consider Staff time and how to pay for the meetings. He noted DSAC’s fees are allocated from the Building Fund (113). Since the Subcommittee, if continued, will be discussing Utility issues, he suggested recommending that Utilities help fund the cost of the meetings.

Jamie French, Director of Operations & Regulatory Management, stated he might be able to provide a Staff Liaison as long as the meetings were scheduled in advance. The cost for minute-taking could be allocated from the General Fund but not from Fund 113 or Fund 131.

Chairman Varian stated Utilities provided very little information although the Subcommittee repeatedly requested data.

Blair Foley noted the Subcommittee often asked Utilities for their comments and positions on the issues. He questioned why there was no feedback from Utilities.

David Hurst asked if DSAC had the authority to continue the Subcommittee without BCC approval and if DSAC could find a funding source.

Chairman Varian stated he was unsure. He referenced a specific billing (blatant over-billing) issue brought to the Subcommittee’s attention by David Dunnavant. He continued if Utilities intended to pursue metering of the fire lines, the issue must be discussed at DSAC’s meetings or by a Subcommittee of DSAC.

David Hurst referenced the Utilities “discussion group” and asked if it had voting authority. He suggested attending the group meetings.

Dalas Disney stated in order for the Subcommittee to be effective, it must receive information from Utilities. If Utilities continues to “stone-wall,” he asked if a Freedom of Information request could be filed? He noted the conversations that happened were due to the BCC’s directive. He further stated it was appropriate to inform the BCC of the secondary issues that were discussed as a result of the Subcommittee meetings and that DSAC and Industry were available to continue discussion and vetting of the issues.

Clay Brooker stated DSAC would appear foolish if it did not continue to be involved when, or if, the empirical evidence requested from Utilities was presented.

***Dalas Disney moved to accept the Subcommittee's Third Motion that empirical data be submitted to continue discussions with Utilities in order to come to a conclusion concerning RPZs versus Double Detector Checks and meter requirements, and to forward the recommendation to the Board of County Commissioners.
Second by David Hurst.***

Nick Casalanguida stated the BCC wanted a recommendation from DSAC. If the recommendation is to continue the Subcommittee, there should also be a recommendation to continue the Stay as well, since the BCC was going to implement its decision based on the information presented at the September 14th meeting. He suggested amending the Motion to include the language concerning the Stay until the documentation is presented.

Dalas Disney stated Utilities did not support its own claims.

Chairman Varian stated he thought the two Motions were very clear concerning the RPZ issue, but clarification of continuing the Stay could be included. He reiterated the Subcommittee found there was no immediate Health, Safety or Welfare issue, and no information was presented stating RPZs were better than the Double Checks.

David Dunnivant stated it was acknowledged RPZs are better than Double Detector Checks. The issue was the impact of installing the RPZ and the cost/benefit in exchange. The Subcommittee clearly recommended there was no need to install reduced pressure back flow devices in this County and Collier would be the first County in the State to do so.

He further stated installing the RPZs would place Collier County well ahead of any other County from a safety standpoint, but the impact and cost to Industry and the citizens of Collier County did not make it viable – “it didn't add up to us.” No supporting documentation was presented. He agreed with Mr. Casalanguida that the Motion should be clearly stated.

He continued the problem was that approval of the installation the RPZs was currently in an Ordinance passed by the Board of County Commissioners on a Consent Agenda presented by Utilities in 2008.

- “We would have to unwind that.”

Mr. Disney noted the Subcommittee's first Motion answered the questions concerning the Health, Safety issue and the necessity of installing RPZs.

Mr. Dunnivant stated the issue for the September 14th meeting is to be clear on a recommendation to the Board concerning RPZs. The fire metering and revenue issue is separate issue that did not need to be resolved by September 14th.

David Hurst stated the question of how to quantify installation of RPZs was not answered by Utilities during the Subcommittee meetings.

Reed Jarvi suggested adding a third point to the first two Motions stating the Stay should be continued. He noted the Ordinance has not been addressed – to either implement it or continue the stay until such time as supporting documentation for Utilities’ position is presented.

Public Speaker:

Melissa Ahern, CBIA, stated the Board initially issued two directives:

- the RPZs, contained in the Ordinance, was “stayed,” and
- the water meters were on a subsequent Resolution, and was also “stayed.”
- The last directive was to return on September 14th with DSAC’s response concerning RPZs and the Subcommittee made its response.
- The issue of continuing the Subcommittee to come to a resolution on the water meters has not been decided.

She stated she thought the BCC would expect DSAC to complete vetting the water meter issue because a recommendation was not being made at the September 14th meeting.

Clay Brooker noted a Motion and Second had been made and was on the floor. **Chairman Varian** confirmed the Motion to continue the Subcommittee was on the floor.

Dalas Disney withdrew his Motion to simplify and re-state it. The Second was also withdrawn by David Hurst.

*Dalas Disney moved that DSAC forward its recommendation to the Board of County Commissioners that the Subcommittee is to be continued for the sole reason of two issues: to address and vet Utilities’ request to have in-line meters installed, and to discuss the appropriateness of the charge for fire lines.
Second by David Hurst.*

Norman Feder, Administrator, Growth Management Division, suggested changing the language of the two approved Motions, i.e., “DSAC finds that ...” (continue the Motions as stated) ... “and, therefore, recommends a stay until such time as documentation is provided.”

For the Third Motion, he suggested adding, “to that end, that the Subcommittee continue to work on that issue and the water meter and that funding be provided in a nature to allow the Subcommittee to continue and allow the issues to be documented.”

Consensus: Revise the motion to include the suggested language.

George Hermanson voiced his concern that the issues of in-line metering and the RPZs remain as two separate Motions, no matter how they are worded.

Chairman Varian stated the Motions will be formatted to incorporate Mr. Feder’s suggested language. Dalas Disney and David Hurst agreed.

Clay Brooker asked for an explanation regarding the difference between the RPZ issue and the metering issue.

George Hermanson stated one is a safety issue and the other is an economic issue.

Chairman Varian summarized:

- The Subcommittee met and agreed upon three Motions.
- DSAC's first Motion was:
“To recommend accepting the Subcommittee’s findings on Motion #1 and Motion #2, and to forward the information to the Board of County Commissioners.”
- George Hermanson is on record opposing the above-referenced Motion.
- DSAC's second Motion recommends consideration from the BCC to continue the Subcommittee to discuss the metering issue and charges to the fire lines.

David Hurst noted Mr. Feder did include the RPZ issue, by reference, and to continue that discussion and should be excluded from DSAC's second Motion.

Clay Brooker suggested formatting the Motion into two identical Motions – one for the RPZ and the other for the water meters as stated.

He stated if the RPZ issue is to be re-addressed after the BCC's September 14th meeting, Dalas' earlier motion was that DSAC wants to continue to be involved in discussions – or else DSAC will look foolish.

Chairman Varian stated it was important to note there was no value for a property owner to install an RPZ instead of a Double Check, and the Subcommittee found there was no value to justify the increased costs associated with an RPZ.

Blair Foley stated the Subcommittee asked Utilities for data to support whether or not there was an issue but it was not provided, and the Subcommittee made its conclusion not to support installation of RPZs.

- When did the Double Detector Checks fail versus the RPZs?
- What kind of information did Utilities have?
- Are we in a situation where it is problematic?

He continued, “We just don't know.”

Clay Brooker restated: Regardless of what the value may be, the Subcommittee conceded the RPZ is better.

He asked if DSAC was still going to vote “No” regardless of what data was presented by Utilities?

Mario Valle noted the Executive Summary stated there was an imminent Health and Safety Risk. The Subcommittee asked Utilities to provide the data to support its statement that there was an “imminent” Health and Safety risk. Utilities could not provide anything. The Subcommittee concluded that, based upon the fact that Utilities could not provide any data, a recommendation was made to not spend more money to install RPZs.

David Dunnivant stated if there was a true Health and Safety issue, DSAC would not ignore it, and would support installing RPZs.

- “In light of the fact that for the past 20 years, most every other community in the U.S. have been sufficiently protected – unless there are contaminates in the system such as antifreeze in northern climate fire sprinkler systems – then Double Detector Checks are suitable.”
- “There is additional protection provided by RPZs but it’s typically – even by the American Water Works Association standards that all Utilities use as a guideline – it is indicated only when known contaminates are in the system.
- “We are taking an additional step without any known contaminates – there is no evidence of problems or bad water created by the Double Detector Checks – therefore, we don’t understand the additional cost.”
- “There is another factor and why Fire is interested – the impact of RPZ on the flow – the friction loss in the fire suppression systems is significant. It will mean modifying the design of buildings and how existing buildings would be impacted if there were to be a ‘look-back’ feature.”
- “The concern is that there will be a ‘look-back’ feature in the future if the Ordinance proceeds forward.”
- “It would not make sense to require RPZs from this point forward – the last 20 years of sprinkler systems were all designed using a Double Detector Check based on the friction loss of a DDC – there’s an issue there.”

George Hermanson suggested voting on the Motion including Mr. Feder’s language. He stated his vote on the other Motion was due to the way it was stated. If there’s no data, there is no reason for the RPZs. He stated he did not believe it was true and that there was a case. He stated the 90 days requested from the BCC was not used up and if the Committee wanted to combine the language and continue the stay against the RPZ that he would vote for it.

Chairman Varian stated there was a Motion and a Second.

David Dunnivant stated from what was accomplished over the past four or five months with Utilities on this issue, additional time is not going to make a difference unless more data is presented. He recommended stating the Stay should be indefinite unless Utilities could present sufficient data indicating it is necessary to implement the RPZs.

He cautioned going to the BCC to say DSAC didn’t have enough time, but would in 90 days.

- Nothing will change until such time as data is presented.
- DSAC was asked to look at what has been presented and DSAC determined from what was presented, we do not understand the need for an RPZ.
- Utilities indicated it will work with Fire on other issues.
- DSAC’s recommendation is it cannot support installing RPZs and also recommend the Ordinance, as it is currently enacted, be stayed indefinitely or until something changes.

Reed Jarvi suggested recommending revoking the Ordinance rather than the Stay until such time as Utilities can prove its claims.

Chairman Varian stated the Stay would refer to one line item within the Ordinance.

Mr. Jarvi clarified he was referring to the specific section in the Ordinance.

Chairman Varian stated there was a Motion and a Second.

Clay Brooker stated the Motion was open-ended with no time line – from Mr. Feder’s language.

Dalas Disney stated he wanted to incorporate Norm Feder’s language in his Motion.

David Dunnivant stated there was an issue that DSAC didn’t stay involved in the Utilities’ Subcommittee because DSAC’s members are volunteers. DSAC did not stay involved because of the presentation of voluminous changes to a technical document submitted to DSAC. He stated DSAC should continue to involve Industry as much as possible. He noted there are three Civil Engineers on a 15-member Committee. Most DSAC members do not deal with back flow preventers on a regular basis.

He continued a short statement should be made that DSAC has an interest in being involved with the Industry. DSAC has no interest in being handed voluminous changes to technical documents prior to its regular meetings and being used as an endorsement of the validity of the changes. The facts are DSAC is interested in being involved but the process was being abused. Because workshop/discussion group, items were “slid in” on Consent Agendas and now DSAC is trying to catch up.

Chairman Varian again called for a vote on Mr. Disney’s amended Motion.
The Motion carried unanimously, 13 – 0.

Dalas Disney asked who would represent DSAC at the BCC’s meeting.

Chairman Varian stated he would attend as well as David Hurst.

The final versions of the Motions are as follows:

Motion #1:

“DSAC finds that:

- *it has not been demonstrated that a potential Health and Safety risk is immediate; and*
- *it has not been demonstrated that installing an RPZ in lieu of a Double Detector Check Assembly is warranted since no empirical data was submitted to substantiate the requirement.*

Therefore, DSAC recommends that the Board of County Commissioners continue its Administrative Stay concerning the implementation of the Ordinance until such time as supporting documentation is provided.”

Motion #2:

“DSAC recommends that the Board of County Commissioners continue the Subcommittee for the sole reason of resolving two issues:

- *to address and vet Utilities’ request to install in-line meters, and*
- *to discuss the appropriateness of the charge for fire lines.*

To that end, DSAC requests that funding be provided to enable the Subcommittee to continue in order to allow the issues to be documented.”

B. Flood Damage Prevention Ordinance: Robert Wiley, Principal Project Manager, Watershed Study Project/FEMA

(Copies of the Approved Draft of the Flood Management Prevention Ordinance were distributed to the Committee.)

- The Ordinance will be presented to the Planning Commission in September or October and to the Board of County Commissioners in November/December

In response to Clay Brooker’s question (on Page 30) concerning the type of Appeal, **Mr. Wiley** consulted the County Attorney’s office and was informed the decision to choose either a *Trial De Novo* or *Writ of Certiorari* will be made by the Appellant. In answer to Mr. Brooker’s second question concerning when the 10 days to file an Appeal would start, it was determined the period would begin “upon receipt of a written decision.”

Clay Brooker suggested including the language in the Ordinance.

- It was suggested to review the document on a page-by-page basis
- On Page 4, the reference to the CCCL (Comment #10) was removed, but the removal weakened the Ordinance
- On Page 5, under “Existing Construction,” a question was asked concerning the significance of 1979
 - The County entered into the Flood Insurance Program in 1979
- On Page 7, a question was asked concerning the “Floodway Fringe” – is it one percent of the width?
 - It referred to the one percent annual chance storm event
 - Collier County does not have established Floodways but FEMA will not allow the definition to be removed
- On Page 7, regarding Comment #21 – criteria was added by Staff to clarify the maximum seepage rate over a 24-hour period for a non-residential structure
- On Page 11, regarding Comment #34 – the phrase “repetitive loss” structures was removed from the Model Ordinance as too restrictive upon advice from the State
 - FEMA revised the Model Ordinance for the State of Florida which the State distributed without first reviewing
 - The State does not agree with FEMA’s statement

- On Page 14, a question was asked concerning a “Development Permit” – was it a new or an existing Permit?
 - It is an existing, standard Permit
- On Page 15, a question was asked concerning the meaning of the phrase “liberally construe”
 - The County Attorney’s office directed inclusion of the language as a standard statement

Dalas Disney earnestly objected to the inclusion of the language.

- On Page 15, a question was asked concerning “Permit Procedures” – is this what is being done currently?
 - Yes

A suggestion was made to capitalize the first letters of each defined term throughout the Ordinance, i.e. Development Permit.

- On Page 19, it was noted the language in (2) and (3) was similar.
 - It was worded the same way in the Model Ordinance
- On Page 19, a question was asked concerning FEMA’s “Technical Bulletins” – which specific Bulletins are referenced?
 - There is a series of approximately twenty Technical Bulletins published by FEMA to regulate the National Flood Insurance Program. All are available on FEMA’s website.
- On Page 20, concerning Item 12 (c), a suggestion was made to either be more definitive regarding “adequate drainage” or remove the statement. Since it is covered elsewhere (in the Land Development Code, the South Florida Water Management District), the statement should be removed.
 - Add the phrase, “as provided by the agencies having appropriate jurisdiction” to the end of the sentence.
- On Page 21, concerning 16 (b)(iv), a suggestion was made to clarify the intent of the Mean Sea Level by removing the phrase “above Mean Sea Level (MSL).” The definition will read:
 - Mean Sea Level – eight and one-half (8.5) feet based on the North American Vertical Datum (NAVD) of 1988
- On Page 22, a suggestion was made insert Comment #74 in B.(2).
- On Page 24, a suggestion was made to change (c)(iv) to (d) since the paragraph references FEMA-supplied recreational vehicles and emergency housing.
- On Page 25, concerning (c), “de minimus impact,” Mr. Wiley asked if a maximum length for a single lane access driveway should be specified.
 - It was decided a length would not be specified.

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

- On Page 30, a question was asked concerning (b) and (c) – who determined the figures for the maximum allowable size and maximum allowable value?
 - The Building Department is currently using the referenced figures.

- On Page 30, a question was asked concerning (d) – what is to be done regarding “effects of debris?”
 - The design should show the structure will fragment into 4-ft or smaller sections.
- On Page 31, under (5), a suggestion was made to add the phrase, “*after thirty days advance notice from the Floodplain Administrator*” to the end of the sentence.
- On Page 28, under (6) “breakaway walls,” it was noted there is an exception in the Ordinance currently that allows obstructions up to 20% of the length parallel to the shoreline to be used for sheer walls or elevator enclosures.
 - The existing language will be emailed to Mr. Wiley.

Regan Henry moved to approve the draft of the Ordinance, amended as outlined above, and to include the language for a 20% obstruction allowance for sheer walls. Second by Reed Jarvi. Carried unanimously, 11-0.

VII. New Business:

A. A-128 Requirements for Spot Surveys and Affidavits – Jamie French and Nick Casalanguida:

- The required boundary survey will be no more than one year old
- The “Building Block” will be revised
- No hand drawings will be accepted – a signed, sealed drawing will be required
- Does not apply to sheds or non-permanent structures

Regarding the Affidavit for permit and the language, “the building footprint that legally existed prior to the issuance of this Permit:”

- Who will sign the Affidavit?
 - The contractor

Concern was expressed for who was responsible to conduct the research in order to verify set backs.

*(William Varian left at 5:20 PM.
The Meeting continued under the direction
of Vice Chairman David Dunnivant)*

Discussion ensued. It was pointed out the last sentence of the Affidavit violated insurance coverage and cannot be certified by Architects. Additional questions were asked concerning the County’s responsibility.

It was noted the Affidavit could be utilized in lieu of submitting a spot survey. Staff will contact the County Attorney’s office to review the document and will return with proposed revisions at next month’s DSAC meeting.

(Mario Valle left at 5:30 PM.)

B. Update: Indexing/Transportation Costs and Credits – Nick Casalanguida and Norm Feder

(Slides and graphics were presented.)

- It is an Indexing Year for Road Transportation Impact Fees
- Costs are coming down – Staff determined the proposed reduction could be increased
- Various slides were presented
 - trip lengths and capacity updates are necessary in order to determine true costs

Norman Feder:

- Impact fee rates in Collier County were the highest in the state – 50% was required up front
- Real capacity must be addressed
- 400 lane miles and additional signals have been added
 - Gas tax supports maintenance
- There are only two major road constructions projects slated for the next five years
- There is a concurrency issue with Golden Gate Boulevard
- If Impact Fees are reduced significantly, grant money from the State will be lost
- Proposed reduction: 25 to 30%
- Recommending removal of Utilities costs from Transportation Impact Fees

[Note: Questions to Staff concerning various issues including credits should be submitted to Judy Puig, Staff Liaison, who will forward to the appropriate party.]

- *How will the Utilities portion of the costs be billed?*
Utilities is an enterprise and will bill from the Impact Fees and user fees.

The Transportation Study and results will be presented to the Productivity Committee on September 15th and to the Board of County Commissioners on September 28th.

- *Has Collier County considered using a tiered Impact Fee system?*
The Board of County Commissioners rejected implementation of a tiered system.

Concern was expressed to avoid implementing an artificially low reduction that could be increased next year.

Consensus: More time is needed to review the Study before a recommendation could be made.

C. Subcommittee for EMS/Fire Impact Fee Study – Amy Patterson, Impact Fee Manager and Economic Development Manager

- 11.9% reduction in Impact Fees for Regional Parks
 - Intensively land based
- 4.7% reduction for Community Parks
 - Smaller parcels - more buildings
- Correctional Facilities – the rate will remain constant

The Study will be presented to the Board on September 28th.

Reed Jarvi moved to revise the Study to tie straight land costs for Parks Indexing. Second by Blair Foley. Carried unanimously, 9-0.

VIII. Committee Member Comments:

(None)

Next Meeting Dates:

October 6, 2010 – 3:00 PM
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 6:11 PM.

**DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



William Varian, Chairman

The Minutes were approved by the Board/Committee on 10/6/10,
as presented , or as amended _____.