

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE
MEETING

June 1, 2011 – Naples, Florida

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 (*Excused*)
Clay Brooker
Laura Spurgeon DeJohn
Dalas Disney
Marco Espinar
Blair Foley
Reagan Henry (*Absent*)
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
Jamie French, Director – Operations & Regulatory Management
Jay Ahmad, P.E., Director – Transportation Engineering
Ed Riley, Fire Code Official – Fire Code Office
Nathan Beals, Project Manager – Public Utilities
Kenneth Rech, P.E., Director – Environmental Health/Engineering
Claudine Auclair, Manager – Business Center
Amy Patterson, Impact Fee and Economic Development Manager

I. Call to Order:

Chairman William Varian called the meeting to order at 3:00 PM and read the procedures to be observed during the meeting.

II. Approval of Agenda:

Change:

- **Blair Foley** requested to revise the order of the Agenda to hear Item VII – A., “*New Business*,” first.

Marco Espinar moved to approve the Agenda as amended. *Second by George Hermanson. Carried unanimously, 12 – 0.*

(Clay Brooker arrived at 3:04 PM.)

III. Approval of Minutes – May 4, 2011 Meeting:

Correction:

- David Hurst was inadvertently marked as “excused.” He did attend the meeting.

Reed Jarvi moved to approve the Minutes for the May 4, 2011 meeting as amended. *Second by Marco Espinar. Carried unanimously, 13 – 0.*

IV. Public Speaker:

(Melissa Ahern, CBIA – will be heard when Item is discussed.)

VII. New Business:

A. Report: State Audit of the Heath Department – Kenneth R. Rech, P.E., Director – Environmental Health and Engineering

Blair Foley:

- Subject: Septic system designs, inspections, and permitting procedures in Collier County
- Report/evaluation is approximately 47 pages in length
- Will ask for the topic to be included on next month’s Agenda to enable Committee members to review the document with additional input from Staff

Background information:

- DEP Report was dated May 12, 2011
- May 26, 2011 – Correspondence was sent to Septic Contractors and Site Evaluators concerning revisions to the checklist regarding how permits will be reviewed and inspections conducted.
 - The revisions were effective immediately.

Mr. Foley suggested reviewing the changes in the same manner as changes to the Land Development Code, i.e., vet through the Utilities Subcommittee with input from Industry and Staff.

Blair Foley noted new LDC Amendments are specific concerning the effective date. He expressed concern for permits in the “queue” and clients who are trying to update their septic systems but could not make adjustments because they did not receive proper notification.

Kenneth Rech:

- Collier County’s Health Department is part of the Florida Department of Health
- The audit of the County’s programs was conducted in November, 2010
- Some changes have been put into place
- Copies of the Memorandum dated May 26th outlining a number of changes and the checklist entitled “Onsite Sewage Treatment Disposal System Repair – Residential” were distributed to the Committee.

Chairman Varian noted the Contractors were caught “off guard” by the audit and the required changes.

Mr. Foley stated the Report noted a follow-up report is to be submitted in six months (from the date of issuance) detailing the Health Department’s progress. He asked if this indicated that the Industry had time to phase in the changes.

Dalas Disney requested an overview of the revisions and why the changes were required.

Mr. Rech stated the primary cause was a change in interpretation by the auditor for the State’s Department of Health. He noted audits of the County’s programs are conducted every three years and the November audit was conducted by a different auditor. He further stated there were marked changes in interpretation on a number of items.

Reference was made to the Memorandum, i.e., Site evaluations must utilize specific scientific language to properly document the indicator that identifies the Seasonal High Water Table (“SHWT”). Twenty-four specific points were outlined in the Memorandum.

Discussion ensued concerning the FAC 64E-6 requirements and how to satisfy them. It was noted physical permits going back to the early ‘80s are available. Additional documentation is available in various log books.

Time line:

- April 18: County received a draft of the initial audit
- May 19: County submitted a Corrective Action Plan based on the draft
- May 20: County received the final version of the draft which had been revised by the State on May 12th but not forwarded to the County
- May 24: State sent an email accepting the County’s Corrective Action Plan

Mr. Rech has requested a meeting with representatives from the State’s Program Office to discuss the Audit to determine the best methods to achieve compliance.

George Hermanson cautioned there is very little flexibility or room for negotiation when dealing with the State, and further stated there is limited opportunity for input.

It was noted the last audit took place in 2007 and only four corrections (“findings”) were necessary. It is possible to apply to the State for a variance.

A question was asked if there was an appeal process with the State since it appeared the problem was Auditor’s interpretation.

- Example: the Auditor was in the field with Staff and stated he did not agree with the “Wet Season Water Table” on a particular job, but he did not provide documentation.

Comment: “Is there a standard for interpretation or is it just a ‘moving target’? It seems to be arbitrary and capricious.”

Melissa Ahern, CBIA, stated a concern of the Industry was in regard to the requirements being enforced that were not codified. She requested the FAC or other Code for each requirement being implemented.

Mr. Rech replied some of the policies were twenty years old, but they were not put into a Code.

It was noted the Health Department is not permitted to interpret the Code but can only follow the interpretations provided by the Program Office.

The Permitting Process was explained, including the option to apply for a variance.

There was a discussion concerning enforcement of the Code by the Health Department, including Permits by Affidavit. The Health Department has Citation authority, with fines up to \$500 per day.

Chairman Varian asked to be notified if a meeting is scheduled with the State, and if the State Representative could appear before DSAC.

V. Growth Management Division – Staff Announcements/Updates:

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

- Jim Delony, the Administrator for Public Utilities, resigned on May 27, 2011 and an Interim Administrator, Dr. George Yilmaz, has been appointed.
- Joe Thomas resigned in December; a new Water Distribution Manager will start work in July.
- The Discussion Group met on May 17th and the “Approved Product List” was revised to add more options for meters

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

- Monthly Activity Report for April was submitted.
 - Reviews conducted: 686 (less than in March)
- The move to the new building has been delayed for approximately two weeks due to IT problems.

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

- The Oil Well Road project is approximately 55% complete.
 - A multi-use asphalt pathway has been installed.

- Bids for the Davis/Collier Project were opened; there is a protest due to underbidding of some segments. The Purchasing Department is investigating.

A question was asked concerning the speed limit on Vanderbilt Drive, south of Wiggins Pass Road.

Mr. Ahmad stated the limit is 35.

(Blair Foley left at 4:00 PM.)

D. Planning and Regulation: Jamie French, Director – Operations & Regulatory Management

- “CityView” – more issues were discovered and it is still not online
 - The IVR (“Interactive Voice Recognition”) was not functioning properly and is currently undergoing testing
 - Check validation had stopped working
- A search engine has been created to allow access to flood elevation certificates for properties
- Re: refund of Land Development Fees for Inspections and Plan Reviews:
 - After review of data, it is determined that one percent has been held back for Staff time, i.e., \$250 for administrative fees of \$25,000

Chairman Varian requested that Michael Ossorio and Jim Turner attend the next DSAC meeting to explain Licensing’s time line to obtain a permit after a “Cease and Desist” has been issued.

VI. Old Business:

A. Reconsideration of Previous RPZ Motion (April 6, 2011) – David Dunnivant

B. Review and Approval of Letter to BCC regarding DSAC Recommendation

David Dunnivant, as the motion maker, moved to withdraw the motion made and passed during the April 6, 2011 meeting. Second by David Hurst.

David Dunnivant provided a brief review:

- The Subcommittee reviewed the RPZ requirement on fire systems.
- Resolution #2009-224 was passed in 2009 on a Consent Agenda without Industry input.
- The Subcommittee determined that it did not understand the necessity for implementation of RPZs on fire systems since the incremental safety benefit does not match the cost to the Industry.
- The existing Double Detector Check Valve assembly system has worked for years without an inherent risk to the safety, health and welfare of the citizens of Collier County.
- Recommendation: Request that the BCC remove the stay currently in place on that portion of the Resolution to enforce the Ordinance, which eliminates the Double Detector Check Valve assembly, and to reinstate the DDCs as a suitable backflow device on fire systems.

He noted the text of the Motion was included on Page 4 of the May 4th Minutes. **George Hermanson** stated he would abstain from voting due to a conflict of interest.

Motion carried, 11 – “Yes”/ 1 – “Abstention” (by George Hermanson).

Chairman Varian noted a copy of the formal letter to the Board of County Commissioners had been distributed to the Members.

David Dunnivant stated the letter contained the entire recommendation, as follows:

“After extensive review of the issue and materials, DSAC has determined that the current Double Detector Check assembly system is not inherently dangerous to County’s public water system users. It is the backflow protection device standard for fire systems nationwide of the American Water Works Association (AWWA). Although the safety of the water system would be enhanced by the installation of RPZs, the significant costs versus the nominal benefit of such enhancement does not warrant implementation and the additional expense to our County’s citizens.

Additionally, implementation of RPZs would create an increased friction loss to the system in comparison to the Double Detector Check assembly and will alter fire sprinkler design in the future for buildings that require this new backflow device, adding fire pumps at many locations. Further, implementation of RPZs to future projects provides no additional safety to the system as it is currently built out and to its current users. The possibility of the Utilities Division seeking RPZ assemblies in the future on existing buildings, with its higher friction loss, would render many existing fire protection systems inadequate, forcing significant expense on the citizens who own these buildings and also adding numerous mechanical fire pumps that our Fire Departments would have to rely on in fighting fires.

Last, the requirement in the Utilities Standards Manual that classifies a hydrant or FDC as a downstream connection that would require an RPZ assembly, instead of a Double Detector Check, is an unnecessary cost increase to our County. The Double Detector backflow device provides greater protection than the typical hydrant installation on our County water system.

DSAC’s final recommendation is that the Board of County Commissioners repeal the portion of Resolution #2009-224 which implements RPZs as the only accepted backflow prevention device on fire systems, and return to the original Double Detector Check Assembly Valve system that has effectively been in place for years. And also requests that the Public Utilities Division modify the Utilities Standard Manual in Ordinance 2004-31 to allow the use of Double Detector Check Valve assemblies on fire systems when the only downstream connection is a fire hydrant or a fire department connection.

The Motion was carried by unanimous vote with (1) Abstention of the Development Service Advisory Committee.”

(Note: The changes made on Page 7 have been incorporated above.)

David Dunnivant moved to approve DSAC's final recommendation to the Board of County Commissioners that the Board repeal the portion of Resolution #2009-224 which implements RPZs as the only accepted backflow prevention device on fire systems, and return to the original Double Detector Check Assembly Valve system that has effectively been in place for years. And also, request that the Public Utilities Division modify the Utilities Standard Manual in Ordinance 2004-31 to allow the use of Double Detector Check Valve Assemblies on fire systems when the only downstream connection is a fire hydrant or a fire department connection. Second by Dalas Disney.

Judy Puig will send the Conflict of Interest form to George Hermanson for signature.

Discussion:

David Hurst questioned Nathan Beals concerning the prior requirement for downstream connections.

Nathan Beals replied since 1997, the Standards have stated if there is a dedicated fire line with connections downstream, an RPZ is required. He defined "connections downstream" as *hydrants, etc.*

David Hurst stated he thought the motion was to return the Ordinance to what was in place in 2008.

David Dunnivant noted there are hydrants throughout the County that do not have any backflow prevention devices on them. He stated if Double Detector Checks are installed on hydrants, that provide more protection than is currently in place. He continued that part of the Subcommittee's discussion was that there was no logic to installing RPZs if it involved only a Fire Department connection or a hydrant downstream.

Motion carried, 11 – "Yes"/ 1 – "Abstention" (by George Hermanson).

The letter was reviewed and the following changes were made:

- First Paragraph: Change "added costs" to "significant costs"
- Second Paragraph: remove apostrophe from RPZs
- Second Paragraph: (last line) add "to" between "and" – "its"
- Second Page (continuation of previous paragraph); add "the Utilities Division" prior to "seeking" and change "a" to "an"
- Third Paragraph: change Resolution 2009-22 to 2009-224
- Third Paragraph: (last line) add "or a Fire Department connection." to the end of the sentence.
- Fourth Paragraph: add "with one abstention" to the end of the sentence.
- Signature Line: Remove slash (/) between RPZ and Utilities under title for David Dunnivant

David Hurst moved to approve the letter as revised. Second by Mario Valle. Motion carried, 11 – "Yes"/ 1 – "Abstention" (by George Hermanson).

C. Update: School Board Impact Fee Subcommittee – Amy Patterson, Impact Fee and Economic Development Manager

- A copy of the Executive Summary dated October 12, 2010 was distributed to the Committee. The Executive Summary recommended reducing Impact Fees by 50% with a retroactive effective date of October 8, 2010.
- The Subcommittee met on April 8th
- A copy of the draft of the School Impact Fee Update Study prepared by Tindale-Oliver, dated March 31, 2011, was distributed to the DSAC members.
- There were changes to credit calculations, land values (declined), and construction costs from the 2006 Study.

Reed Jarvi asked what will happen to the reduced rates at the end of the recommended two-year period.

Amy Patterson replied that the Board has several options:

- To keep the 50% rates in effect, or
- To bring to the Study Rates into effect.

She noted by October, 2012, it will be time to conduct a re-study.

It was noted the School Board does not have any reserves in its Impact Fee fund. There was a discussion of land values for future school sites and how the figures were determined.

Reed Jarvi considered the explanation by Tindale-Oliver to be inadequate and too high.

Mario Valle referred to Table B-3 and noted land values for parcels owned by the School District in the eastern portions of the County have decreased according to the Assessed values in the Property Appraiser's Office. He stated land values in the Estates have dropped by approximately 90%.

Mario Valle moved to approve accepting the School Impact Fee Impact Study and to recommend approval to the Board of County Commissioners. Second by Robert Mulhere. Motion carried, 11 – “Yes”/ 1 – “absent.”

(Note: George Hermanson briefly left the conference room during the discussion and did not return until after the vote was taken.)

D. Project Request Application Questionnaire – Nick Casalanguida, Deputy Administrator, GMD Planning & Regulation, and Claudine Auclair, Manager – Business Center

- A copy of the draft of the Project Screening Questionnaire was distributed to the members.
- The Questionnaire has been reduced by several pages.
- An Insubstantial Change can be submitted at the same time as a Building Permit application.
- Two separate fees will still be charged.
- Claudine Auclair asked for volunteers to serve on a Subcommittee to review potential changes to the Land Development Code (by Amendment) and the Administrative Code.

- Reed Jarvi, Robert Mulhere, David Hurst, and Marco Espinar volunteered to serve on the Subcommittee.

VIII. Committee Member Comments:

- **David Hurst** noted his comments on Page 8 of the May 4th minutes were not what he intended to state. He requested to change the word “circumference” to “area,” and to remove “it is dug 2 to 3 inches deeper” and insert “but it may be allowed to stage at approximately two to three inches higher.”

Next Meeting Dates: (Meetings will commence at 3:00 PM unless noted below.)

July 6, 2011
August 3, 2011
September 7, 2011
October 5, 2011
November 2, 2011
December 7, 2011

There being no further business for the good of the County, the meeting was adjourned by order of the Chairman at 5:00 PM.

**DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



William Varian, Chairman

The Minutes were approved by the Board/Committee on July 6, 2011,
“as submitted” **OR** “as amended” .