

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE
MEETING

November 2, 2011

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 Office, 2800 North Horseshoe Drive, Naples, Florida, with the following Members present:

Vice Chair: David Dunnavant
James Boughton
Clay Brooker
Laura Spurgeon DeJohn
Dalas Disney
Blair Foley
George Hermanson
David Hurst
Robert Mulhere
Reed Jarvi

Excused: Marco Espinar
Reagan Henry
Mario Valle
William Varian, Chairman

Absent: Ray Allain

ALSO PRESENT: Jamie French, Director – Operations & Regulatory Management
Judy Puig, Operations Analyst – Staff Liaison
Jay Ahmad, P.E., Director – Transportation Engineering
Nathan Beals, Project Manager – Public Utilities
Kenneth Rech, P.E., Director – Environmental Health/Engineering
Fred Reischl, Zoning Division

I. CALL TO ORDER:

Vice Chairman David Dunnivant called the meeting to order at 3:01 PM in the absence of Chairman Varian. The Vice Chair reminded the Committee and attendees to change their cell phones to “silent” ring.

A quorum was established. Nine members were present.

II. APPROVAL OF AGENDA:

Blair Foley moved to approve the Agenda as presented. Second by Dalas Disney. Carried unanimously, 10 – 0.

(George Hermanson arrived at 3:05 PM.)

III. APPROVAL OF MINUTES – October 5, 2011 Meeting:

Dalas Disney moved to approve the Minutes for the October 5 2011 meeting as presented. Second by James Boughton. Carried unanimously, 10 – 0.

IV. PUBLIC SPEAKERS:

(None)

SPECIAL ANNOUNCEMENT:

Gary Harrison, Building Code Official, stated he would retire on December 2, 2011, after seventeen years of employment with Collier County. He has been in the construction industry for forty (40) years. He thanked the DSAC Members for their support over the years.

V. GROWTH MANAGEMENT DIVISION – STAFF ANNOUNCEMENTS/UPDATES:

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

- Gravity Sewer: Maximum depth requirement of 10 feet
 - *Correction:* Announcement as “new policy” during October meeting was incorrect
 - Will be reviewed by Utilities Discussion Group on November 15th and at January meeting
 - Feedback was not positive at October meeting
 - Options/alternatives were requested
 - Will be brought back to DSAC at a future meeting for vetting after consensus has been reached concerning maximum depth requirement

Blair Foley suggested convening a meeting of the DSAC/Utilities Subcommittee to discuss possible options.

Vice Chairman Dunnivant noted the Utilities Department had, in the past, provided a copy of changes to the entire Utilities Standards Manual for review by DSAC. There was too much information to review and decisions were made without input from Industry. He stressed the importance for DSAC’s Civil Engineers to participate in the Subcommittee meetings.

Blair Foley volunteered to serve on the subcommittee.

Vice Chairman Dunnivant suggested that Laura De John and George Hermanson request the assistance of the members from their respective firms.

Clay Brooker asked about availability of Staff to schedule meetings.

Judy Puig noted a presentation on the LDC Amendments was scheduled and a subcommittee to hear those changes would also be necessary.

Nathan Beals suggested waiting until the December meeting to discuss the issue and schedule meetings for the DSAC/Utilities Subcommittee in January or February.

James Boughton requested a brief synopsis concerning why the issue was under consideration.

Nathan Beals stated the issue was the creation of requirement for a maximum depth for a gravity sewer. The problem is the shallow water table in Collier County. If a gravity sewer is 20 feet below grade, maintenance may become difficult for staff or a contractor. Currently, a maximum depth has not been specified. The minimum depth for water mains and force mains is 36-inches.

Vice Chairman Dunnivant asked why Industry was concerned about the suggested ten-foot depth.

David Hurst noted the suggest depth of ten feet from finished grade would mandate installing more pump stations – imposing additional costs on a developer and, possibly, on Collier County for maintenance. He noted analysis has not been performed and a specified maximum depth has not been required elsewhere in Southwest Florida. He suggested there may have been an over-reaction to an incident.

Vice Chairman Dunnivant stated there were concerns about how often repairs would be needed and the cost per pump station of approximately \$120,000. The cost of adding more pump stations could significantly impact a project.

David Hurst stated the average depth requirement is approximately fifteen feet. There have been cases where more depth was required, depending on geographic surroundings.

B. Fire Review: Ed Riley, Fire Code Official – Fire Code Office (*Excused*)

- Monthly Activity Report was submitted for September 2011.
 - Plan Reviews conducted: 746 (August total – 899)

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

- *Davis/Collier Project*: The groundbreaking ceremony was held
 - Lanes will be increased (from 4 to 8 and from 2 to 6 on Collier)
 - Collier County advanced funds to begin construction and will be reimbursed by the State (approximately \$20M) in July 2012
 - The total cost is approximately \$28M
- *Golden Gate Blvd. Project*: [Design/build for two bridges] The deadline for submission of bids is November 7
- *White Blvd. Project*: [two bridges] Preparation of bids is in process and will be advertised by the end of November

Vice Chairman Dunnivant requested a status report concerning discussions of a study to consider a fly-over at 951 and South Tamiami Trail.

Mr. Ahmad stated a “PD&E” (Plan Development & Environmental) Re-evaluation Study is in process. An overpass was not recommended initially at the intersection. Widening the intersection was proposed as an interim solution while preparing the intersection for a future overpass (at 951 over US 41). The Re-evaluation has been in process for approximately 1 1/2 years. Final submission will be in February 2012. He noted the projected growth did not occur and developments have not been built.

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

- Will provide permit activity figures via email
- Inspection requests have increased
 - Staffing issues – due to illness and time away from job
 - Budget office has agreed to hire 3 additional inspectors as “job bankers” for the next 6 months (through “season”)
- Interviewing has begun for Gary Harrison’s position
 - Will hire 1 - Structural, 1 – Electrical, and 1 - Mechanical Inspector from the job bank
 - Attempted to hire a Senior Planner from the job bank but the City of Marco offered him a position as a City Planner
 - Chris Scott has been hired from the private sector – he is familiar with the Land Development Codes and will assist with update of Administrative Code
- Re: “CityView”
 - PORTAL is live, functioning at 99% and the application is working

VI. OLD BUSINESS:

A. Update: Audit of CC Health Department by State of Florida – Kenneth Rech, P.E., Director, Environmental Health/Engineering

- The Audit Report was initially discussed at the June 1, 2011 meeting.
- Met with representatives from Tallahassee who were to review the Audit
 - A written report has not yet been received
- Some of the changes discussed during the Audit have been implemented
 - Previously: if the square footage of a house had been increased (“Work by Affidavit”), the existing septic system could not be used
 - Change: If the system is within one time size [adheres to the parameters of the Code] and functional – it can be certified as adequate, or the drain field can be certified and expanded
 - Previously: Could not add onto existing septic tanks
 - Change: Individual cases were referred to the State Variance Committee which either approved the system “as is” or the tanks “as is”

Ken Rech noted there were other issues, such as setbacks from Tidal Influence Waters and from wetlands, different surface bodies of water on properties – the rules have been released and the Mean High Water Lines set by elevation can be approved. There has been additional training in “Soils” and “Wet Season Water Tables” which he stated was beneficial.

Blair Foley noted a number of issues in the Audit were based on individual Inspector’s opinions and sections of the Code had not been specifically cited. He asked if the Health Department had received any assurances that procedures would not be modified again in the near future.

Mr. Rech stated the rules have basically been set regarding operation of the program. He stated more points had been assigned to Collier County. The next Audit will take place in three years. The Code views the State as “uniform” and the Inspectors had not

taken the various regions into account. The Septic Rules are anticipated to be reviewed, revised, and clarified.

Blair Foley asked if a policy statement would be issued to either retract or clarify earlier positions.

Ken Rech noted policies and updates continue to be issued. He referenced Sea Walls in particular – i.e., a surveyor’s report is not necessary to determine the high water line because DEP data may be used. The variance process costs \$200 for residential properties and \$300 for commercial. Under consideration: allowing Regional Health Departments to issue variances, eliminating the additional cost and time delays (approximate 30-day turnaround) of the State’s process.

VII. NEW BUSINESS:

A. Report on Inter-Departmental Charges – Jamie French

Vice Chairman Dunnivant suggested deferring the topic to the December Meeting Agenda. He noted the information for the topic was contained in the packet sent to the Members for their review.

B. LDC Amendment Updates and Subcommittee Formation – Fred Reischl and Caroline Cilek, Zoning Division

- A list of the draft Amendments was distributed to the Committee and is also available on line
- An email will be sent outlining the time line for the review process
- The Amendments will be presented to the various Advisory Committees (Planning Commission, etc.) and to the Board of County Commissioners in 2012
 - DSAC was requested to activate the LDC Subcommittee to begin the vetting process (Committee size: 5)
 - The goal is to meet twice in November and December, then return to the full DSAC Committee in January
 - Volunteers:
 - Clay Brooker (current Subcommittee President)
 - Reed Jarvi
 - Marco Espinar (environmental specialist) *was suggested*
 - David Dunnivant
 - Robert Mulhere

Committee Questions:

Reed Jarvi: Will there be a change to the well fields again this year?

A. (*Caroline Cilek*) It is a GMP (Growth Management Plan) mandated process.

(*Fred Reischl*) It takes approximately three years to complete the Study to map the lines, then another Study begins.

Robert Mulhere suggested removing the maps from the LDC and utilizing a separate instrument. There was a free-standing Well Field Protection Ordinance but it was incorporated. The Zoning maps indicate whether or not a property falls within a well field protection zone.

Clay Brooker: What does “place holder” mean?

A. (*Caroline Cilek*) A draft is in process but was not ready to go online – additional input may be required.

Vice Chairman Dunnivant: Has the CBIA-requested input been incorporated?

A. (Fred Reischl) Some have been incorporated – others required additional research.

(Caroline Cilek) We will meet with the CBIA to discuss the changes and they are working on some changes. A meeting has been scheduled for November 11 to review the Amendments.

Vice President Dunnivant noted he was informed some of CBIA’s initial proposals had been dismissed. Who made the determination – Staff and CBIA or just Staff?

Fred Reischl confirmed the proposed changes were shown to the applicable Staff who offered their opinions.

Caroline Cilek noted the submissions from CBIA have been included for review by the Subcommittee. Staff will also review and make recommendations.

Vice Chairman Dunnivant: What is the status of the Administrative Code?

Fred Reischl: It is on the “back burner” behind the LDC.

Jamie French: We have taken a different approach and are bringing Chris Scott to work with Caroline directly so they are not in conflict with one another. Both are highly visible projects with due dates. As the LDC updates are pushed forward, Chris Scott will collect research and work with groups on the “Admin” side. We want to hear from our customer and the Industry before we move forward.

Caroline Cilek stated a number of the Amendments were from Chapter 10 which will be incorporated into the Administrative Code.

Fred Reischl noted the Planning Commission was promised that the Administrative Code would not contain any substantive changes.

Robert Mulhere stated there is still a problem with the Land Development Code that will not be “fixed” by the Administrative Code, i.e., in changing from the “old” LDC to the “new” LDC, statements were made that there were no substantive changes – it was re-arranged to make it easier to use, yet people revert back to the “old” LDC to find out what to do and then search for it in the new LDC. “We still have a problem.” Things were left out. The LDC is not user-friendly. Creating a completely new LDC is the way to solve the problem.

Clay Brooker noted someone had been hired to “re-do” the “re-do.”

Robert Mulhere confirmed the firm of Tyson-Smith had been hired to work on the Administrative Code.

Fred Reischl stated information in the re-vamped Chapter 10 will be self-contained and checking other areas of the Code will not be necessary.

Robert Mulhere conceded there will be less volume and possibly less of an issue using it.

Vice Chairman Dunnivant summarized after the current LDC Cycle is finished, the Administrative Code will follow during 2012.

It was noted that, if necessary, advertising/press releases of the updates will be done. The proposed Amendments are online at the Collier County website under the Land Development Code link.

Jamie French explained the process: Planning Staff reviews the changes and add comments. Input is obtained from Industry. There will also be an Administrative Review as well. The intent is to accomplish the review as expeditiously as possible with as much active input from the groups as can be collected.

Fred Reischl noted the BCC directed that the process is to be “well noticed” to obtain as much public input as possible. Public meetings will be scheduled for mid-November, December and January.

Suggestions were made to help track the proposed changes to the Amendments, i.e., dating each revision and/or color-code for each Advisory Committee.

Clay Brooker noted the procedure has been chaotic.

VIII. COMMITTEE MEMBER COMMENTS:

• **Schedule July 2012 Meeting Date (First Wednesday is July 4th Holiday)**

Judy Puig suggested changing the July meeting date to July 11, 2012 which is the *second* Wednesday of the month.

Consensus: The date was accepted.

• **David Hurst** suggested the Members recommend to Civil Engineers or General Contractors specializing in underground work to attend the Public Utilities Discussion Group meetings. It is important to obtain their feedback.

Vice Chairman Dunnivant noted one of the issues is the amount of water to be displaced during repairs. The concern is the deeper the County is required to dig after a project has been turned over, the public right-of-way may be exceeded. It may be necessary to request permission to go onto private property to make repairs.

• **Jamie French** noted there are six vacancies for membership on DSAC. The positions have been advertised by the Commissioners’ office and the form to apply/renew is available online.

- The terms for the following members will expire at the end of December:
 - Ray Allain, Marco Espinar, Blair Foley, Laura DeJohn, and Mario Valle
 - Reagan Henry will not renew his membership.
 - Judy Puig will send an email outlining the roster of members and the disciplines represented.
- It was noted the only way to reduce the number of members on the Committee is to petition the Board of County Commissioners who could approve changing the Ordinance.

NEXT MEETING DATES: *(Meetings will commence at 3:00 PM unless noted.)*

December 7, 2011

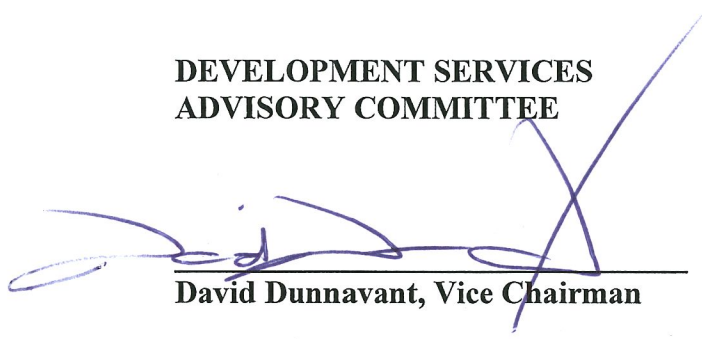
January 4, 2012

February 1, 2012

March 7, 2012

There being no further business for the good of the County, the meeting was adjourned by order of the Vice Chair at 4:12 PM.

**DEVELOPMENT SERVICES
ADVISORY COMMITTEE**

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

David Dunnivant, Vice Chairman

The Minutes were approved by the Board/Committee on 12/7, 2011,
“as submitted” ***OR*** “as amended” .