

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

Naples, Florida, February 3, 2016

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee in and for the County of Collier, having conducted business herein, met on this date at 3:00 P.M. in REGULAR SESSION at the Collier County Growth Management Department Building, Conference Room #609/610, 2800 N. Horseshoe Drive, Naples, Florida, with the following members present:

Chairman: William J. Varian  
Vice Chairman: Blair Foley  
David Dunnavant  
James E. Boughton  
Clay Brooker  
Dalas Disney  
Chris Mitchell (Excused)  
Robert Mulhere  
Mario Valle  
Stan Chrzanowski  
Norman Gentry  
Marco Espinar  
Ron Waldrop  
Laura Spurgeon DeJohn  
Jeremy Sterk

ALSO PRESENT: Jamie French, Deputy Department Head  
Nathan Beals, Project Manager, Public Utilities  
Danny Condomina, Code Enforcement  
Matt McLean, Manager, Development Review  
Ken Kovensky, Director, Operations and Regulatory Management

*Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Department – Contact Mr. Evy Ybaceta at 239-252-2400.*

**I. Call to Order - Chairman**

**Chairman Varian** called the meeting to order at 3:00pm

**II. Approval of Agenda**

*Mr. Foley moved to approve the Agenda. Second by Mr. Chrzanowski. Carried unanimously 12 - 0.*

*Mr. Gentry arrived at 3:05pm*

**III. Approval of Minutes from January 6, 2016 Meeting**

*Mr. Disney moved to approve the minutes of the January 6, 2016 meeting subject to the following change:*

- Page 6, paragraph 2, line 1 – from “...before Option 3 can be formerly...” to “...before Option 3 can be *formally*...”

*Second by Mr. Dunnivant. Carried unanimously 13 - 0.*

**IV. Public Speakers**

**Brooke Hollander, Tropical Environmental Consultants, LLC** addressed the Committee and expressed concern during the construction of single family homes, owners and builders are not required to obtain permits for wetland impacts before issuance of County permits. Many times they begin clearing land, destroying the resource before they are notified or become aware of permitting requirements. She noted when this occurs, the resource is permanently damaged and cannot be returned to its original state and the activity has a negative impact on the regions water supply, stormwater treatment and quality of estuary waters.

Staff noted applicants are made aware they may need other approvals when they ascertain their County permits, however the County does not mandate all other permits outside their jurisdiction must be acquired before issuance of permits. The applicant also files an affidavit which states they will obtain all necessary permits before initiating construction.

The Committee noted:

- One option may be for the County to ascertain a General Wetlands permit from the Florida Department of Environmental Protection for the Golden Gate Estates area, a Program in use in another part of the State (Jupiter Farms).
- There is a logistics concern for Staff when the issuance of a County permit needs to be delayed until all other Agency permits are acquired.
- A Subcommittee could be established to review the issue and provide recommendations to the full Committee.
- No action may need to be taken as the violations in question are not under County jurisdiction and the ultimate responsible for conformance with any land use requirements for improving land, (County, State or Federal) falls on the landowner.

**V. Staff Announcements/Updates**

**A. Code Enforcement Division update – [Danny Condomina]**

**Mr. Condomina** provided the report “*Collier County Code Enforcement Department Blight Prevention Program - Cumulative Code Enforcement statistics - 7/2009 – 1/24/16*” for information purposes noting the goal of the County is to seek voluntary compliance when violations have occurred.

*Mr. Mulhere arrived at 3:30pm*

**B. Public Utilities Division update – [Tom Chmelik or designee]**

**Mr. Beals** reported the Preliminary Utilities Acceptance Subcommittee has recommended changes to the Ordinance and Utilities Standards.

**Mr. Foley** provided an overview of the changes which include requirements for Bac-T (Bacteria Tests), review of sewer videos and use of backfill materials when laying service lines.

*Mr. Foley moved for the Development Services Advisory Committee to recommend the Board of County Commissioners:*

- 1. Amend Section 13511 – “Televising and Inspection of Gravity Sewer Systems” of Article III of the Collier County Utility Standards Manual to allow the Engineer of Record, or other individual certified by the NASSCO (National Association of Sewer Service Companies) to review the “sewer videos” and provide the necessary certifications to the County.*
- 2. Amend the language in Section 10.5 of Ordinance 2004-31 (Collier County Utility Standards and Procedures) from “...test results submitted in writing to the Engineering Review Services Department Director (County Engineer) or designee before forty five (45) days of being placed in service for transmission and/or distribution lines” to “...test results submitted in writing to the Engineering Review Services Department Director (County Engineer) or designee before sixty (60) days of being placed in service for transmission and/or distribution lines.”*
- 3. Amend the language in Section 9.12.iv of Ordinance 2004-31 (Collier County Utility Standards and Procedures) from “...certification by a geotechnical engineer licensed to practice in the State of Florida that the native or existing soils to be encountered during the construction of the underground utility will be suitable for use as bedding and fill material” to “...certification by the Engineer of Record licensed to practice in the State of Florida that the native or existing soils to be encountered during the construction of the underground utility will be suitable for use as bedding and fill material” or similar language.*
- 4. Direct Staff to prepare the above referenced proposed amendments to Ordinance 2004-31 and bring them forth to the Board of County Commissioners for official consideration.*

*Second by Mr. Waldrop. Carried unanimously 14 – 0.*

**C. Growth Management Department/Transportation Engineering and/or Planning – [Jay Ahmad or designee]**

None

**D. County Fire Review update – [Shar Hingson and/or Shawn Hanson]**

**Ms. Hingson** reported:

- Inspections related to permits are occurring within 5 days of request.
- The organization has added an additional plan reviewer to Staff.
- As of 2017, hard line telephone for fire alarm systems will no longer be allowed unless the devices have the capability of transmitting a cell phone or radio signal.

- Voice Over Internet Protocol (VOIP) devices do not conform to the new requirements.
- Any existing systems that cannot meet the new requirements will have to be converted to wireless systems.
- The requirement is a mandated Federally and not instituted by the County.

**E. North Naples Fire Review update – [Eloy Ricardo]**

None

**F. Operations & Regulatory Mgmt. Division update [Ken Kovensky]**

**Mr. Kovensky** submitted the “*Collier County January 2016 Monthly Statistics*” which outlined the building plan and land development review activities. The following was noted during his report:

- Permit applications decreased in January of 2016 over December of 2015.
- There was a 25 percent increase in applications from the month of January 2015 as compared to January 2016.
- The number of inspections performed related to permits decreased from December 2015 to January 2016.
- The number of inspections also decreased from the month of January 2015 vs. January 2016.
- The NOVA contract for outside services was extended for 6 months as it expires on February 26, 2016. Staff anticipates the new contract (which was bid out and currently under review by the Selection Committee) will not be executed until March of 2016.
- The Division leased a building to house County Staff and the facility will be ready for occupancy in approximately 2 – 3 months as the necessary improvements need to be made to the space.
- The CityView platform for electronic plan review for building permits went “live” this week and Staff intends to phase out application by fax or email over the next 90 days.

*The Committee requested Staff to:*

1. *Ensure all necessary Staff members are trained on the requirements for permits by affidavit.*
2. *Review the requirements for “sign in” at the various stations, given you need to sign in individually at each station you visit.*

**G. Development Review Division update [Matt McLean]**

**Mr. McLean** reported:

- The number of applications for subdivisions is decreasing at this point in time.
- The Development Review Task Force continues to meet to review issues and recommend any changes as necessary to streamline the processes.
- Staff continues to review the measures necessary to implement electronic plan review for land use applications.

**Subcommittee for Review of Single Family Home Construction/Wetland requirements**

**Mr. McLean** queried the Committee if it is their wish to convene a Subcommittee for the issue raised by Ms. Hollander regarding single family home construction/wetlands violations?

*Mr. Valle moved to establish a Subcommittee to review County wetlands requirements for building applications for single family residences with Mario Valle and Marco Espinar being appointed to the Subcommittee. Second by Mr. Espinar. Carried unanimously 14 – 0.*

**VI. New Business**

**A. Simultaneous Review Process [Claudine Auclair/Mike Levy]**

**Mr. Levy** provided “*Bulletin #9: Simultaneous Review Process*,” dated January 24, 2016 which was provided to all Staff. He noted the Memo is intended to clarify the process.

**B. Staff and Fee Policy Changes [Jamie French]**

**Staff Changes**

**Mr. French** presented a Draft proposal for changes in Staffing as follows:

- Converting 5 job bank positions to full time employees in the planning department: Planner (1), Planning Technician (3) and Planned Unit Development Coordinator (1).
- Establishing 11 new Staff positions for current employees: Sr. Building Inspectors (4), Plan Reviewer (1), Fiscal Technician (1), Site Plan Reviewer (1), Sr. Operations Analyst (1), Planner (1), Senior Project Manager (1) and Permitting Supervisor (1).
- Reassigning 6 Code Enforcement personnel to: Development Review (1), Engineering and Natural Resources (1), Zoning (1), Operations and Regulatory Management (1), Facilities Management (2).
- Reclassification of the Building Division Senior Manager to Building Director.

He noted there will be no fiscal impact on the Division if the proposed changes are implemented and the position of “Chief Building Inspector” will remain as is and not be the responsibility of the Building Director.

**Fee Policy Changes**

**Mr. French** noted:

- Staff has been reviewing options to address approximately 58,000 outstanding permits that have not been “closed out” over the past years.
- The permits have a financial liability attached to them as a fee for services has been paid to the County without them being finalized.
- Staff resources will need to be dedicated to addressing the issue and Section 11B and 11C “*Collier County Growth Management Department Development Services Fee Schedule*” of the adopted fee policy states if the Division retains funds of more than six months of operating expenses, a fee reduction is required to be instituted by the County.
- Concern has arisen as the Division may reach a point where more than 6 months of reserve funds for operating are held, however there is a financial liability attached to the outstanding permits that is not accounted for in the policy.
- A reduction in the fee schedule would negatively impact the Divisions ability to provide service given the Reserve funds are encumbered by previous liabilities and cannot be solely dedicated to operating expenses.
- He requested consideration be given to amending the fee policy so the six month reserve account balance incorporates outstanding liabilities.
- Staff intends to address the item and develop a recommendation for the Board of County Commissioners and he requested the DSAC provide a recommendation.

The Committee discussed the issue noting options could include adjusting the balance sheet for the liability, having Staff submit periodic reports on the account so a determination could be made if the

operating reserves actual exceed 6 months of reserve funds, reclassifying any “pre paid services” out of the Reserve Account, etc.

**Mr. French** noted it would be beneficial to amend the language in the fee policy to eliminate any future confusion.

He requested a recommendation from DSAC on both items (Staff changes and Fee Policy Amendment), should they so desire.

*Ms. Spurgeon-DeJohn left the meeting at 4:31pm*

**Staff Changes**

*Mr. Foley moved for the Board of County Commissioners to approve the Staff changes as proposed by Staff. Second by Mr. Disney. Carried unanimously 13 – 0.*

**Fee Policy Change**

*Mr. Mulhere moved to recommend the Board of County Commissioners amend any and all sections of the “Collier County Growth Management Department Development Services Fee Schedule” that requires fee adjustments when “reserves exceed 6 months of budget operating expenses” to state “reserves exceeding 6 months of operating expenses as adjusted for liabilities” or similar language. Second by Mr. Disney. Carried unanimously 13 – 0.*

*The Committee requested Staff to provide a monetary figure for the amount of funds required to address the outstanding permits issue.*

**VII. Old Business**

None

**VIII. Committee Member Comments**

None

**IX. Adjourn**

**Next Meeting Dates**

**March 2, 2016 GMD Conference Room 610 – 3:00 pm**

**April 6, 2016 GMD Conference Room 610 – 3:00 pm**

**May 4, 2016 GMD Conference Room 610 – 3:00 pm**

**June 1, 2016 GMD Conference Room 610 – 3:00 pm**

**July 6, 2016 GMD Conference Room 610 – 3:00 pm**

**There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 4:45PM.**

**COLLIER COUNTY DEVELOPMENT SERVICES  
ADVISORY COMMITTEE**

February 3, 2016

  
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**Chairman, William Varian**

These Minutes were approved by the Board/Chairman on 3/2/16, as presented X, or as amended \_\_\_\_\_.