

December 5, 2018

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

Naples, Florida, December 5, 2018

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 Dunnivant
James E. Boughton
Clay Brooker
Chris Mitchell
Robert Mulhere (Excused)
Mario Valle
Norman Gentry
Marco Espinar
Laura Spurgeon DeJohn
Jeremy Sterk
Jeff Curl
(Vacancy)
(Vacancy)

ALSO PRESENT: Judy Puig, Operations Analyst, Staff Liaison
Eric Fey, Sr. Project Manager, Public Utilities
Jeremy Frantz, LDC Manager
Jay Ahmad, Director, Transportation Engineering
Matt McLean, Director, Development Review
Rich Long, Director, Plans Review and Inspections
Ken Kovensky, Director, Operations and Regulatory Management
Marlene Messam, Sr. Project Manager

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.

I. Call to Order - Chairman

Chairman Varian called the meeting to order at 3:00 p.m.

II. Approval of Agenda

Mr. Boughton moved to approve the Agenda. Second by Mr. Valle. Carried unanimously 10 - 0.

III. Approval of Minutes from November 7, 2018 Meeting

Mr. Curl moved to approve the minutes of the November 7, 2018 Meeting as presented. Second by Mr. Foley. Carried unanimously 10 - 0.

IV. Public Speakers

None

V. Staff Announcements/Updates

A. Code Enforcement Division update – [Mike Ossorio]

Mr. Ossorio provided the report “Code Enforcement Division Monthly Report October 22, – November 21, 2018 Highlights” for informational purposes. He noted:

- The new nuisance abatement policy is complete.
- The Division has suspended enforcement of the requirements for prohibition of rental periods of 6-months or less for private homes in certain single family residential zones.
- Ordinance 2018-55 will be effective in January of 2019 where the County will be regulating the gas stations in the County including provision of certification stickers on the site.
- Neighborhood sweeps continue to ensure the appearance of the community is at an acceptable standard.

Mr. Sterk arrived at 3:04 p.m.

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

Mr. Fey submitted the monthly report on response time for “Letters of Availability, Utility Deviations and FDEP Permits” for information purposes. He noted:

- Staff continues to monitor response times for letters of availability.
- Staff is working on guidelines for the response time for utility deviations.
- There will be a public meeting at North Collier Regional Park on 12/6/18 for the Immokalee Road/Randall Blvd. Intersection PD & E study.

Mr. Dunnavant arrived at 3:10 p.m.

The Committee requested Mr. Fey research the status of the new fire line assessment changes including the history of the program and the current requirements for charges and report back to the Committee.

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

Mr. Ahmad reported:

- White Blvd. Bridge – construction ongoing with contractor subject to liquidated damages of \$240,000 to date.

- Golden Gate Blvd., 20th to Everglade Blvd. – clearing and grubbing underway and work on utility relocations, some delays by FPL due to Hurricane Michael remediation efforts in the panhandle.
- Tree Farm Road – connection to Immokalee Road with traffic signal proposed for the intersection.
- City Gate Blvd. – extended ½ mile to County recovery center.
- Pine Road Blvd. – local participation grant awarded to provide 3 lanes at the intersection including right turn lane east of Santa Barbara.

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

Ms. Beddow reported turnaround times are as follows: Building Plan review – 447 for the month – 4 days; Site Plan – 54 reviews for month – 2 days; Inspections – 1 - 2 days.

The last fire alarm class will be held in December.

E. North Naples Fire Review update – [Todd Riggall or Dale Fey]

Mr. Riggall reported turnaround times are as follows: Building Plan review – 432 for the month; Site Plan reviews – 55 for the month; Inspections – 1 to 2 days.

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

Mr. Kovensky submitted the “*Collier County November 2018 Monthly Statistics*” which outlined building plan and land development review activities. The following was noted during his report:

- Application related to electronic submittal is at 49% of total.
- Permits related to Hurricane Irma activity is at 18%.
- The new call center has proven successful with substantially decreased wait times for those seeking assistance.
- Work continues on implementing the credit card payment system in the City View portal.
- The Green Building Coalition Subcommittee is anticipated to begin meeting over the next 30 – 60 days.

G. Development Review Division update [Matt McLean]

Mr. McLean reported:

- Application activity has increased 15 – 20% year over year.
- Kirsten Wilke has temporarily assumed Summer Araque’s position who left to become the Coordinator for Conservation Collier.
- Staff is considering implementing additional requirements for clearing of land for construction of single family homes (other than filing an affidavit) due to concerns on environmental impacts from improper clearing of sites and is seeking input from the Committee on the concept.
- Staff continues to review the requirements for addressing impacts on the bonneted bat.

Clearing Plans

The Committee noted:

- The FDEP wetlands permits do incorporate limits of clearing and fill on their approved plans which may aid in some cases.
- The concept is favorable for all involved as improper activity has large financial consequences on the landowner in the form of remediation and generally this form of replanting is unsuccessful over time due to the lack of irrigation water, ongoing care to establish the plantings, lack of follow up inspections, etc.

- Construction of homes in these areas requires a site and/or drainage plan and the clearing plan could be incorporated into this document.
- A drawing is easier to interpret for all those involved in the process as opposed to determining the limits from a written affidavit filed by the owner.

Mr. Valle left at 4:00 p.m.

VI. New Business

A. Transportation policy for private bridges [Marlene Messam]

Ms. Messam provided the “*Policy on Privately Owned Bridges*” for consideration. She presented a PowerPoint “*Privately Owned Bridges, A Policy*” for information purposes highlighting:

- The County is considering a policy for acceptance of private bridges in the County and requiring an inspection program for those remaining in private control.
- The program would include identifying the ownership of the structures, their structural integrity and requesting a voluntary transfer of ownership upon the owner addressing any deficiencies.
- An MOU would be executed whereby the private party would maintain architectural, aesthetic or landscaping features for the bridge, while the County maintains the structural integrity for public safety purposes.
- There are 3 forms of the private bridges, those serving: a public to public roadway (i.e. Goodlette-Frank Road over Pelican Marsh Blvd., Strand Blvd. over Cocohatchee Canal, Livingston Road over Pelican Marsh golf cart path, Bellaire Bay Drive over Cocohatchee Canal, Goodland Bay Drive over Cocohatchee Canal); public to private; and private to private roads.
- The concept is for the County to accept the public to public structures and instituting some form of inspection program for the others.

Committee discussion occurred including:

- Does the County have any legal authority to impose requirements on privately owned bridges?
- Concern the private owner may have to abide by a new set of FDOT standards requiring removal or non installation of architectural features, retrofitting existing bridges to meet requirements, etc. and the potential cost of any retrofitting.
- Should the privately owned requirements be enacted for those structures proposed in the future and not retroactively imposed?
- If the County assumes the ownership of a structure, coordination with other parties would be required (LDC amendments, removal of the asset from the tax assessor value, etc.).

The Committee provided the following input for the bridges:

1. Public to Public - Given the public safety aspects and potential liability the public to public connections should be transferred to the County.
2. Public to Private – Undertake measures to prioritize the structures to determine if any are in need of repair so a determination may be made on the most beneficial avenue to proceed to address any issues.
3. Private to Private – An inspection program would be beneficial, however the standards required need to be clearly identified and concern there could be a substantial cost burden to a homeowners association if the policy is mandated (inspections are \$15,000 - \$20,000 to begin). It was noted poor maintenance of these bridges is a safety/financial concern, if a structure

becomes impassable and owners or emergency vehicles cannot access a property, the County would potentially remediate the issue in an emergency action and charge the costs to the owners.

B. Plantation Island Overlay LDC Amendment [Jeremy Frantz]

Ms. DeJohn reported a conflict of interest in the item and would not be casting a vote as the company she works for assisted in preparation of the policy.

Mr. Brooker reported he had to leave the meeting but expressed concern on the 30 foot height limitation of the building and recommended consideration be given to increasing the requirement to 35 feet.

Mr. Brooker left the meeting at 4:25 p.m.

Mr. Frantz presented the proposed Amendment

LDC SECTION TO BE AMENDED 2.03.07 Overlay Zoning Districts

He noted:

- The Board of County Commissioners directed staff to draft an ordinance to allow single family homes in the Mobile Home (MH) Zoning District within the area known as Plantation Island in part to provide new options for rebuilding after storm damage with more resilient structures in an area vulnerable to storm hazards.
- The height requirement is measured from the first floor elevation of the structure as required under the FEMA regulations, not from existing ground level.
- A Neighborhood Information Meeting was held in November to garner input from the public.
- The program is an “opt in” and not a requirement for those in the zone. The County is not imposing the regulation creating a financial burden on those who choose to construct under the existing zoning regulation.
- The County Attorney’s Office reviewed the proposal and found it acceptable.

Mr. Curl moved to recommend the Board of County Commissioners adopt the proposed Land Development Code Amendment. Second by Mr. Foley. Carried unanimously 10 – 0. Ms. DeJohn abstained.

VII. Old Business
None

VIII. Committee Member Comments – Discuss the January 2nd Meeting
The Committee cancelled the January 2, 2019 Meeting.

IX. Adjourn
Next Meeting Dates
February 6, 2019 - GMD conference Room 610 – 3:00 p.m.
March 6, 2019 - GMD conference Room 610 – 3:00 p.m.

December 5, 2018

There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 4:50 P.M.

**COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



Chairman, William Varian

These Minutes were approved by the Board/Chairman on 2/6/19, as presented , or as amended _____.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Dejohn - Laura Spurgeon		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Development Services Advisory Committee	
MAILING ADDRESS 2350 Stanford Ct		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Naples	COUNTY Collier	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 12/5/18		NAME OF POLITICAL SUBDIVISION: Collier County	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Laura Spurgeon DeJohn, hereby disclose that on December 5, 20 18 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Collier County, by _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.


(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The item considered for recommendation by the DSAC was an LDC Amendment sponsored by Collier County. I am retained by Collier County to assist with the preparation and processing of said LDC Amendment. Therefore, I abstained from voting on the matter.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

12/7/18

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.