

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

Naples, Florida, August 4, 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
Blair Foley
Regan Henry
George Hermanson (Excused)
David Hurst (Excused)
Reed Jarvi (Excused)
Robert Mulhere
Mario Valle

ALSO PRESENT: Judy Puig, Operations Analyst – Staff Liaison
James French, Director – Operations & Regulatory Management
Nathan Beals, Project Manager, Public Utilities Division
Ed Riley, Fire Code Official, Fire Code Office
Jack McKenna, Manager – Engineering Review Services
Michael Greene, Transportation Planning Manager
Robert Wiley, Principal Project Mgr., Watershed Study Project/FEMA

I. Call to Order:

Chairman Varian called the meeting to order at 3:02 PM and read the procedures to be followed during the meeting.

II. Approval of Agenda:

Clay Brooker moved to approve the Agenda as submitted. **Second by Blair Foley.**
Carried unanimously, 11-0.

III. Approval of Minutes – July 21, 2010 Meeting:

Marco Espinar moved to approve the Minutes as amended. **Second by Robert Mulhere.**
Carried unanimously, 11-0.

IV. Public Speakers:

(None)

V. Growth Management Division Staff Announcements/Updates:

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

(Copies of a map and directions to the Utilities Discussion Group Meeting was distributed to the Committee.)

- The Discussion Group will meet on August 17th at 2:00 PM

It was noted Paul Mattausch is unable to attend the first meeting of the Utilities/RPZ Subcommittee to be held on August 13, 2010.

(Laura Spurgeon DeJohn arrived at 3:07 PM.)

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

- Monthly Report was submitted in Committee's information packet
 - Number of reviews increased in June – total 801
- The contract with DeAngelis-Diamond was signed and construction of the Fire Code building will begin in approximately six to eight weeks

C. Transportation Planning Division Update: Michael Greene, Transportation Planning Manager

- Santa Barbara Boulevard Extension is open
- Bids for Davis (from Radio to 951) and for 951 (from Davis to Golden Gate Canal) will be sent out by the end of the year
- Sidewalks and shoulders are being widened in the Naples Park area (15 block project)

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

- Jack McKenna was hired as the County Engineer and Manager of Engineering Review Services

- The position of Building Manager will be posted in the next week
 - The position will be primarily administrative and the Manager will run the day-to-day operation
 - Gary Harrison remains as the Building Official
- Remodeling continues
- The next *Kaizen Event* (Process Improvement Event) will focus on Building Inspections
 - Where do redundancies exist?
 - Where does waste exist?
 - Goal: cost savings and quicker inspections
- 14 new laptops were purchased for the Building Inspectors from “found money” (from 111 Fund)

VI. **Old Business:**

A. **Utilities Subcommittee Status and Action Item (July 27th BCC meeting) Update: David Dunnivant (for David Hurst)**

- Commissioner Halas thought the “Health/Safety/Welfare” issue meant imminent danger until David Hurst explained there were back-flow prevention devices in places and the system was not breaking down
- He informed the BCC that DSAC created a Subcommittee to vet the issue and requested 90 days to complete the assignment
- The BCC directed the Subcommittee to make a determination regarding the Health/Safety/Welfare component of the RPZ issue and present a report at the BCC’s September 14th meeting
- It was suggested to add an additional meeting to the Subcommittee’s schedule of August 13th and August 27th

Discussion:

- It was noted the monthly cost for a six-inch meter is \$700 while an 8-inch meter is \$1,200 in addition to the installation costs.
- Concerning the *Boil Water Alerts/Notices Log*, a request was made for the document to note the cause for each incident, i.e., a break, or a contamination, or a found down-stream connection.

It was suggested the first Subcommittee meeting should focus on the Health/Safety and Welfare issue and examine the metering component at a later meeting.

- A Committee member noted the Water Department did not offer a basis for its claim of “Health/Safety/Welfare” issues and additional information is necessary in order to make a determination.

Comments:

- “If there is no retrofit of RPZs for older projects, how can the issue be an “imminent danger?”
- “If it’s truly a problem, RPZs should be installed everywhere – not just on new projects.”

Ed Riley asked for the following information to be supplied:

- What is proposed to be adopted in the Ordinance?
- What is currently being enforced under the Ordinance?
- What particular regulations are in place?

Judy Puig will schedule a third meeting and email the date to the Subcommittee members. All information is to be submitted to Ms. Puig and she will distribute it to DSAC members as well as to the Subcommittee members.

It was suggested evidence in the form of research should be presented regarding nationwide “best practices” (concerning RPZs) to determine what is prudent and practical as well as safe.

B. Multiple Inspections, Stats, Discounts Update: James French, Director – Operations & Regulatory Management

- The issue is multiple inspections for a single trade
 - It was noted only three Inspectors are capable of performing multiple inspections
 - Other factors include the size of the property and location of the site
- The cost of doing business will determine whether or not it is feasible to offer a discount for multiple inspections conducted at the same time
- Less than 15% of the client base will be eligible for any type of discount
- Another concern is to re-establish a small (reasonable) amount of Reserves
- The question is being examined in order to make a fiscally responsible decision using a Cost-Base Model
 - Options will be presented to DSAC in the near future

Suggestion: Offer a re-inspection fee credit

Re: “CityView” – anticipated “go live” date is January, 2011

- 95% of the IVR has been paid

C. 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.)

Issues to be considered:

- There has been controversy concerning a facility proposed to be built in a beach park due to the cost to comply with flood elevation levels and handicapped accessibility regulations.
- Does the Ordinance provide some flexibility regarding the definition of “hardship” and/or granting of a variance for public facility projects.

Jamie French stated FEMA indicated it would re-evaluate the County’s Community Rating System if a variance had been granted to the project.

Robert Wiley confirmed FEMA reviews and approves the Ordinance. If an Ordinance does not comply with FEMA's basic principles, it will be rejected and a County will lose discount points for flood insurance premiums.

Comments:

- (Page 30) The last sentence of Paragraph B, Section 6: Variance and Appeals Procedures, notes an appeal may be made to the Circuit Court.
 - *Suggestion:* Contact the County Attorney's Office for clarification since other sections in the LDC are specific regarding which type of appeal can be made, i.e., either for a full trial or a review ("De Novo" or "Certiorari.").

[Definitions:

Trial De Novo – refers to a new trial on the entire case conducted as if there had been no trial in the first instance. "De novo" is a Latin expression meaning "anew ... from the beginning." A trial de novo is usually ordered by an Appellate Court when the original trial fails to make a determination in a manner dictated by law.

Writ of Certiorari – an order a higher court issues in order to review the decision and proceedings in a lower court and determine whether there were any irregularities.]

- (Page 30) (Paragraph C-1, under Appeals Procedure) There is a 10-day deadline to file an appeal.
 - How will notification be made? When does the 10 days start to run?
Suggestion: The process should be explained/clarified.

Mr. Wiley reviewed the following:

- ***Flood proofing*** – the recommendation was to place flood proofing at the Base Flood Elevation ("BFE"). The building will be rated at one-foot below BFE. Flood proofing to the BFE is the minimum criteria for insurance.

Suggestion: Insert a clause in the Ordinance advising the lowest flow in a non-residential building can be built to a level one-foot ABOVE the BFE.

Example: In an *AE Flood Zone* (Coastal surge, wave heights less than 3 feet), if a non-residential building is flood proofed to one-foot above the BFE (Note: the building will be rated at the BFE), the premium for \$100,000 of insurance coverage will cost \$1,100.

If the same building is flood proofed at the BFE (the building will be rated at one-foot below the BFE), the same policy will cost approximately \$4,300.

- (Page 11) Regarding "Repetitive Loss," the reference to "substantial damage" and "cumulative substantial improvements" was removed from the definition in the Ordinance to allow owners to add to the value of the structure (with an addition) during a 12-month period without reducing its risk.

- (Page 25) There are some interior areas of the County along the canals that will be designated as “AE Flood Zones.” The current map does not (and the new map will not) identify “flood ways.” Criteria for “de-minimus impact” has been inserted to protect the single build applicant. Without it, an applicant must demonstrate that the work performed within a riverine *plus* any other possible work that may ever occur within the AE Flood Zone will not raise the Base Flood Elevation by more than one foot, and a detailed Engineering Analysis for the entire AE Flood Zone must be submitted.
- (Page 21) The entire page, “Building Pad, Building Floor and Slab Minimum Elevations,” returns to the Ordinance the language contained in the Building Code Ordinance which was inadvertently deleted when the new Building Code was adopted last year. The BCC approved the reinstatement under a Consent Agenda. The language was revised to include local building criteria.

Judy Puig noted the August 5th meeting of the Planning Commission was cancelled and it may not meet on August 19th. The next scheduled meeting is in September.

Consensus: Defer any decision until DSAC’s September 1st meeting to allow Committee members to read the Ordinance and research/obtain information from other professionals regarding specific issues.

(Added Issue) New Preliminary Flood Zone Maps

Public meetings will be held every evening during the week of August 16th.

Representatives from FEMA and County Staff will be present to answer questions concerning the impact to flood insurance policies. Homeowners can view the existing and proposed Flood Zones for their property. After the Ordinance is drafted, there will be a 90-day period for homeowners to file comments, protests, and/or appeals. The schedule and location of meetings is on the County’s website.

(Blair Foley left at 4:05 PM.)

VII. New Business:

A. Welcome to Jack McKenna, Manager – Engineering Review Services

Jamie French introduced and welcomed Jack McKenna as the County Engineer.

Mr. McKenna gave a brief background of his education and work experience. He had been the Resident Engineer for the County during the early ‘80s and was replaced by Stan.

B. “800 Inspections:” Daryl Hughes, Jack McKenna

- Inspections include right-of-way, landscaping, irrigation, handicapped accessibility issues
- What is the anticipated turn-around time? How many re-inspections are necessary?
- The process is under review to determine what inspections are needed and if efficiencies can be designed into the system.

Suggestion: Identify the top five site-related issues/areas of concern that necessitate re-inspections to help eliminate the problems and create more first-time approvals by developing an educational process (i.e., workshops) for applicants.

VIII. Committee Member Comments:

- *Subject:* Public Utilities and comments made at BCC Meeting
DSAC was derided for “abandoning” the Utilities Subcommittee.
Suggestion: Public Utilities will notify DSAC of its meeting schedule so DSAC’s (Civil Engineer) members can attend the Utilities Subcommittee meetings on a rotating basis. Also suggested: appoint an Industry Representative to attend the meetings and report to DSAC.

Discussion:

- Public Utilities has an obligation to bring policy changes to DSAC for review
 - DSAC will make a recommendation to the BCC
- Materials are to be provided in advance for review by Members
 - Not the day before or the day of the DSAC meeting
- Utilities can present its changes to DSAC in an intelligible manner – all of the technical specifications do not need to be outlined – for DSAC members to make a well-informed decision.
 - If Utilities recommends changes that are not currently implemented by other municipalities, justification must be presented (in lay-men’s terms) why such changes are necessary and the costs for same.

- Robert Mulhere will not attend the September 1st meeting.

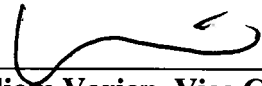
Next Meeting Dates:

September 1, 2010 – 3:00 PM
October 6, 2010 – 3:00 PM
November 3, 2010 – 3:00 PM
December 1, 2010 – 3:00 PM

There being no further business for the good of the County, the meeting was adjourned by order of the Chairman at 4:56 PM.

August 4, 2010

**DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



William Varian, Vice Chairman

The Minutes were approved by the Board/Committee on 9/1/10,
as presented ✓, or as amended _____.