

Everett Wilcox  
2/25/02

Citizen Comment  
Feb. 25, 2002

HONORABLE MAYOR AND COMMISSIONERS:

Hi – my name is Everett Wilcox, a resident of the Glen Springs neighborhood. There is a proposal moving through staff for which we most respectfully and urgently request the Commission's oversight. We really need you on this one. This will affect our lives and neighborhood forever.

During the February 8, 2001 Development Review Board meeting, and the subsequent City Commission meeting for the Walnut Creek project, on more than one occasion, reliance was placed on the St. John's River Water Management District (SJRWMD) for ensuring compliance with stormwater permitting criteria.

However, Mr. Mike Register, SJRWMD Director of Environmental Resource Permitting, swore under oath that SJRWMD does not consider the City of Gainesville's stormwater permitting criteria while reviewing stormwater permit applications they receive.

Furthermore, we have documentation wherein the Supervising Professional Engineer from St. John's states (also under oath) that the retention ponds for Walnut Creek as designed *will discharge stormwater overflow during storm events exceeding the mean annual 24-hour stormwater event*. I am going to provide you with documents that clearly demonstrate that St. John's concerned themselves only with the mean annual 24-hour stormwater event in determining the effects on adjoining or downstream properties. At approximately 4.1 inches, this is obviously less than the mean 25-year or 100-year, 24-hour stormwater event required by City criteria. We are also submitting the results of a preliminary review by a registered Professional Engineer (Bill Reck, P.E.) which raises further questions.

Finally, your Development Review Board voted unanimously for a recommendation that the Walnut Creek project not cause a rise in groundwater table to within 18 inches of ground surface on adjacent properties, but this was dismissed at the subsequent City Commission meeting. We cannot understand why the City would empanel a development review board if it will not pursue its recommendations.

I ask you tonight to please refer this item for review and evaluation to your City Manager and City Attorney to help ensure fairness to everyone and compliance with the City's own rules and recommendations. These issues should be evaluated by a neutral third-party in a public venue. All we ask is that you please help us. Thank you EW

1 MR. MUTCH: Okay. Thank you.

2 BY MR. MUTCH:

3 Q. Now, that was because, Dr. Fang, the  
4 issue of the 50 percent impervious surface. If  
5 there were more than 50 percent impervious  
6 surface, though, you would have had to do that  
7 calculation, would you not, sir?

8 A. The Applicant would have to do that.

9 Q. Oh, I beg your pardon. But it would  
10 have had to have been done?

11 A. Yes.

12 Q. Dr. Fang, under your permitting  
13 requirements and specifically referring to the  
14 Section 40C-42.023(1)(b), which is on Page 7, will  
15 not adversely affect drainage and flood protection  
16 on adjacent or nearby properties not owned or  
17 controlled by the Applicant, you seemed to say in  
18 your cross examination that you only had to  
19 concern yourself with the 24-hour storm.

20 A. The mean annual 24-hour.

21 Q. I beg your pardon. the mean annual  
22 24-hour storm. *See Figures 4-6 attached*

23 Where in the rule or any of the rules  
24 does it say that for this specific subsection of  
25 the rule, you only deal with the mean annual

*IT DOES  
SAY  
IN THE  
RULE*

1 24-hour storm? I can't find anything prior to  
2 this in the rule which says that's the only storm  
3 you worry about for that portion of the rule.

4 A. If I may refer to parenthesis 2 and  
5 parenthesis b, it says, a showing by the Applicant  
6 that the stormwater management system complies  
7 with the criteria of subsections 40C-42.025(8) and  
8 (9), F.A.C., shall create a presumption that the  
9 Applicant has provided reasonable assurance that  
10 the proposed activity meets the requirements in  
11 paragraph (b) above.

12 Q. It says (a) above, sir. I'm sorry,  
13 you're on (b). I beg your pardon.

14 All right. Now --

15 A. Refer to --

16 Q. Yes, sir.

17 A. -- .025 parenthesis 8, that is the  
18 rule that required the attenuation for a mean  
19 annual 24-hour storm event, under (a), parenthesis  
20 a.

21 Q. Thank you. I appreciate that. I was  
22 unaware of that. Thank you.

23 Dr. Fang, you said that there was no  
24 discharge through the pipe as designed or as  
25 designed for the 24-year (sic) event; correct?

1 A. Yes.

2 MR. LOBDELL: 24-hour, sir.

3 MR. MUTCH: I'm sorry, Mean annual  
4 24-hour event.

5 BY MR. MUTCH:

6 Q. But you did say that there would be  
7 discharges through that pipe if in fact you go  
8 beyond that type of a storm? *into our creek*

9 A. Yes.

10 MR. CARPENTER: Objection, your Honor.  
11 The question poses a set of facts which are  
12 outside the permitting criteria, and therefore are  
13 irrelevant to whether or not the permit should be  
14 issued. The question is: Is the Water Management  
15 District following its guidelines and criteria in  
16 the issuance of the permit? If they need not  
17 examine beyond the 24-hour, why are we discussing  
18 that issue?

19 THE COURT: Do you want to respond?

20 MR. MUTCH: Judge, I believe that it's  
21 imperative, as the watchdog for the public, that  
22 the Water Management District ensure that its role  
23 is completely done and that actually, where there  
24 are design issues which may be brought up, that  
25 they should be responsible for reviewing those.

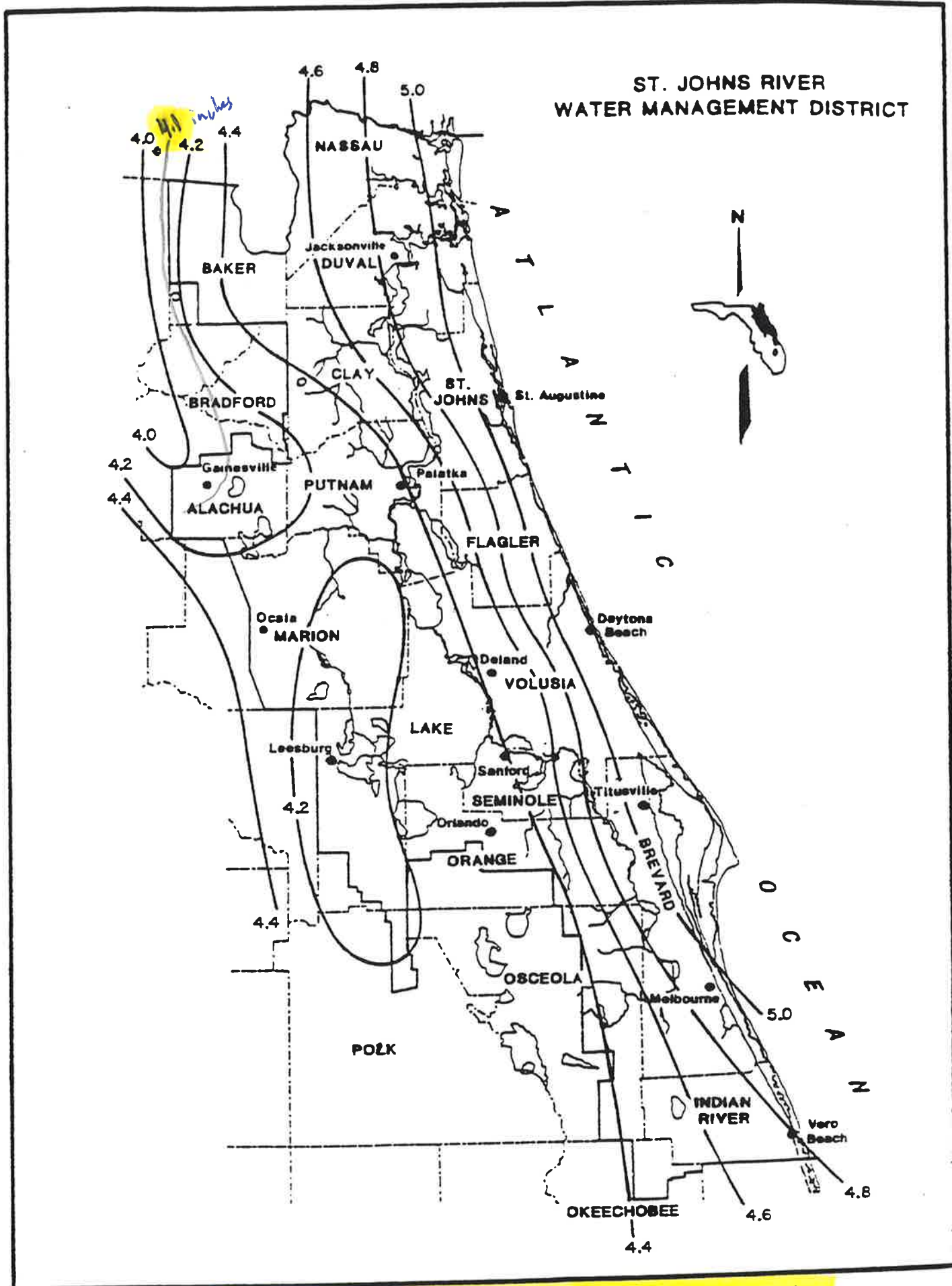


Figure 6.  
Source:

Mean annual 24-hour maximum rainfall for northeast Florida in inches  
Rao 1988a

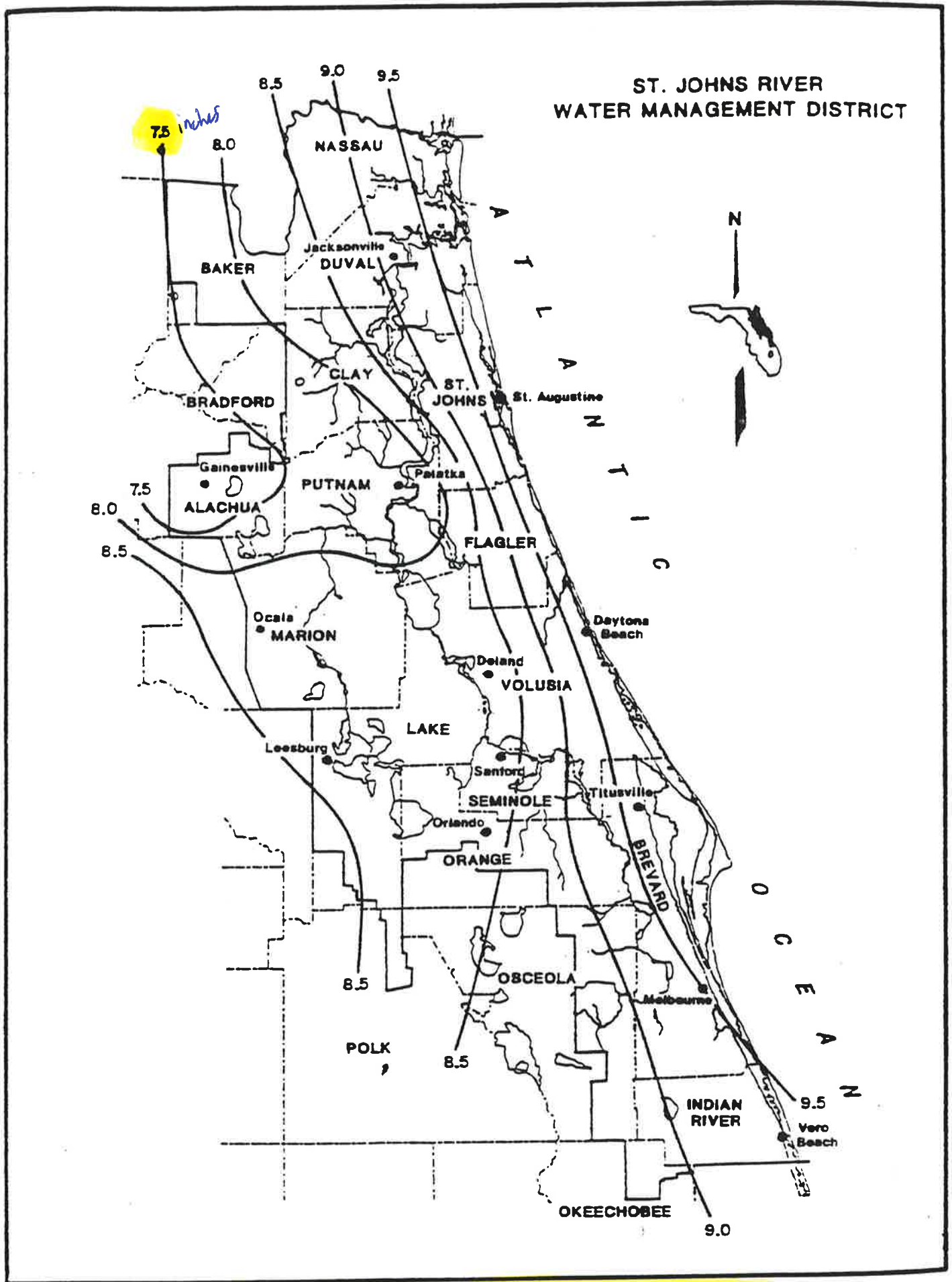


Figure 4. 25-year 24-hour maximum rainfall for northeast Florida in inches  
 Source: Rao 1988a

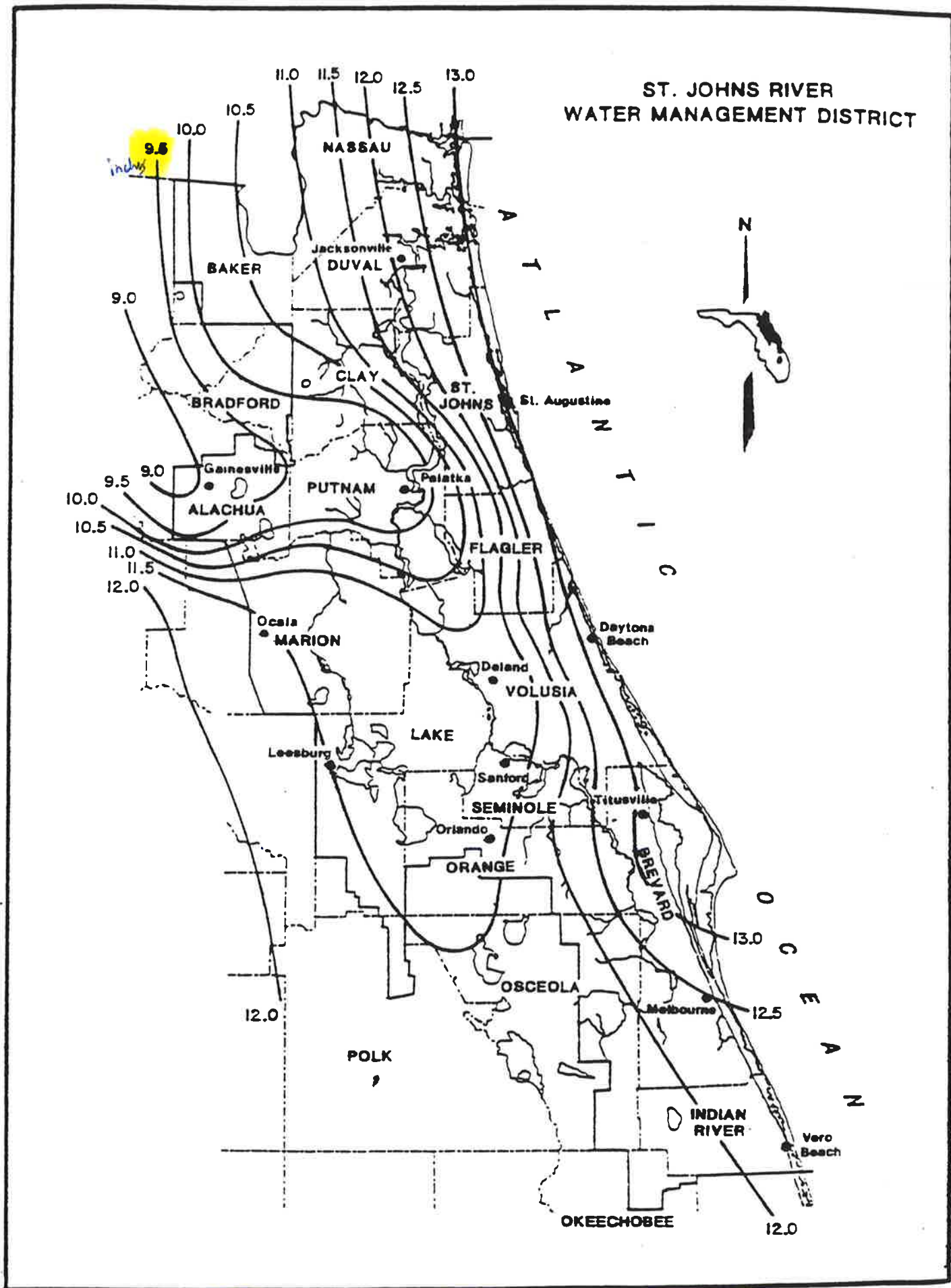


Figure 5. 100-year 24-hour maximum rainfall for northeast Florida in inches  
 Source: Rao 1988a