

MINUTES OF THE COLLIER COUNTY  
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, October 5, 2022

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 P.M. in REGULAR SESSION at the Collier County Growth Management Department Building, Conference Room #609/610, 2800 Horseshoe Drive North, Naples, Florida, with the following members present:

Chairman: William J. Varian  
Vice Chairman: Blair Foley (via Zoom)  
David Dunnavant  
James E. Boughton  
Clay Brooker  
Chris Mitchell  
Robert Mulhere (excused)  
Mario Valle  
Norman Gentry (via Zoom)  
Marco Espinar  
Laura Spurgeon-DeJohn (via Zoom)  
Jeremy Sterk (via Zoom)  
Jeff Curl  
John English (via Zoom)  
Mark McLean

ALSO PRESENT: Jamie French, Deputy Department Head, GMCD  
Rich Long, Director, Building Department  
Chris Mason, Interim Director, Community Planning and Resiliency, GMD  
Fred Clum, Chief Building Official, GMD  
Timothy Crotts, Contractor Licensing Compliance Supervisor  
Jay Ahmad, Director, Transportation Engineering Division  
Matt McLean, Director, Public Utilities Division  
Jaime Cook, Director, Development Review  
Linda Simmons, Plans Reviewer, N. Collier Fire & Rescue  
Patricia Mill, Senior Operations Analyst/Staff Liaison

**1. Call to Order - Chairman**

**Chairman Varian** called the meeting to order at 3:04 p.m. A quorum consisting of eight members was convened in the conference room (five more participated via Zoom); another member arrived three minutes later in the conference room.

Prior to calling the meeting to order, **Chairman Varian** told those in attendance that Jamie French is interested in hearing feedback from committee members and the audience who can help us figure out where we're at, what we're up against and any pitfalls we're seeing.

**2. Approval of Agenda**

*Mr. Valle moved to approve the agenda. It was seconded by Mr. Curl. The motion was carried unanimously, 8-0.*

**3. Damage Assessment**

**GMD Deputy Department Head Jamie French reported that:**

- All other community or public meetings were canceled this week, but this one is important and will help us manage expectations going forward by reporting on what we've seen in the field and to brag about our county teams.
- When the all-clear is given, the Building Division's responsibility is for a preliminary damage assessment. We saw flooding from a great deal of surge on Plantation Island, Everglades City, Ten Thousand Islands, Chokoloskee, all the way up the coastline and all of Collier County. There was significant flooding, about 5 feet of water, into Everglades City and into the islands.
- He looked at the DaRuMa restaurant property (241 Center St. N.) earlier today and estimated water was at 9 feet, so there were differences in flooding. There wasn't a lot of wind behind the water that went into southern areas of Collier County.
- When you get up to Clam Pass, there was more flooding and water was moving faster, like a scouring.

*[Mr. Boughton joined the meeting at 3:07 p.m.]*

- We saw electrical boxes ripped off, automobiles washed from underneath vehicles. A man who lost a brand-new McLaren hypercar made national news after losing about \$3 million in cars under one garage. A McLaren was in the mangroves, next to his Rolls Royce Phantom and his Tesla, which was upside down.
- Building Division staff completed all damage assessments on the preliminary levels for the hardest hit areas where homes were flooded. That was completed Saturday. There was a very quick turn-around Saturday morning by 10 crews. We didn't need everybody else and did everything we could to rest staff over the weekend.
- He watched Rock Creek come over its banks throughout the area behind the bowling alley, where there were boats floating.
- Davis Boulevard was impassable due to 3-5 feet of water.
- Flamingo Estates looked like rapids coming over Airport Road and about 3-4 feet of water flooded their homes.
- As of October 1st, Fred Clum is our full-time Building Official.

- Chris Mason, our Floodplain Coordinator, is now our interim Director of Community Planning and Resiliency. Resiliency and floodplain go together, so that's a good start, a good test. He's interim because we'll be interviewing Chris and he'll be interviewing us over the next six months.
- Potential storm surge warnings: Low-lying areas are identified on flood maps. Most of the time with these storms, either something shifts and we don't get hit by the storm or the wind. But we were hit on a high tide. It was perfect, as far as storm conditions go, and we got storm surge.
- It appears FEMA, the U.S. Army Corps of Engineers and (D.A. Davidson Analyst) Michael Baker got it wrong. That's because the hurricane didn't hit certain areas that should have flooded and they just got lucky. Conditions just weren't right. This hurricane was big and different. There were no buildings collapsing or roofs ripped off, but there are some roof leaks and damage to some homes.
- At Barefoot Beach, where cars were flooded, water was moving at about 30-40 miles an hour, on top of the winds and high tide, so the Florida Building Code worked.
- Thanks to all of you for doing the right thing because other than some single-family homes that are dated and built on grade, we didn't have a lot of damage, but there will be a lot of reconstruction.
- The county has damage maps.
- The cities of Marco Island and Naples did a great job and were always in communication. It's a great government partnership. He was on the phone with Craig Molé when the storm was passing over his house.
- Accounting management staff was great and told him what he needed to do and he reported to Ed Finn, who was amazing.
- While assessing damage in a county F-350, he got three flat tires and continued driving.
- The county uses Crisis Track (Damage Assessment Software), which enabled us to give the federal and state governments real-time data as it was being collected in the field. That helped escalate getting Collier County declared (a State of Emergency) so we get emergency relief and programs.

**Mr. French used an overhead projector to show areas that were damaged:**

- Red areas were most impacted, a concentration of data.
- The cities of Marco Island and Naples also use Crisis Track and the county was able to take all of their valuations to compare against the known improvements on the property. We're at about \$1.6 billion for residential countywide.
- We thought this was a bad time to be in construction, but you're all going to be needed.
- The county's primary focus will be getting residents returned to homes and getting businesses open.
- There are renters living among property owners who may not want to follow the Building Code. We've run into several.
- We were out cleaning up a non-county owned community playground (Harmony Shores Trailer Park) that had a lot of raw sewage on the ground because staff cares about this community and the kids. That's the county culture.

**Mr. French** asked Rich Long to talk about emergency permits (see 4 below) and Chris Mason to speak about substantial improvement and substantial damage and how the federal government calculates that.

*[see Item 4 below for emergency permitting information.]*

**Mr. French reported that:**

- The county left CityView up, not knowing we were going to have all the flooding we endured. We took CityView down for new inspections because we had to manage expectations.

- The county sent staff home early on Tuesday. During Tuesday's BCC meeting, we thought Hurricane Ian was headed toward Venice and we didn't expect anything. As a result, we took CityView down, but we were open for business at the GMD building on Thursday, even though they were putting out announcements.
- We've done everything we could to support the local economy and anyone who was impacted. More than 20% of our staff comes from Lee County and many didn't get a chance to see their own homes after the hurricane because they were working, so we gave staff a rest.
- Staff isn't trained on the human side of this and are seeing displaced children, damaged belongings. As a result, there's PTSD on this job that they aren't trained to handle.
- This showed county staff how state and federal governments do and don't work together.
- Building inspectors, code enforcement and other staff are handing out water, tarps and MREs.
- We've asked for a stay on code-enforcement violations that are disaster-related.
- There are newer homes by the bowling alley at Brookside that are elevated and look pristine, but if you drive down the street, you'll see they're in peril and are hurting.
- He begged FPL and LCEC to restore power to dry out homes.
- The county needed road sweepers to get behind demolition vehicles picking up debris, so they could clean up drywall nails and sharp metal. He got three flat tires driving through those communities.
- Gov. DeSantis and Sen. Scott are working with Lowe's and other suppliers to put together contractors to help needy families. The Community Foundation of Collier County is involved and Commissioner Taylor spearheaded this effort. He's advised her to stay out of homes the county can't rebuild; some are repetitive-loss structures.
- We lost the Cape Romano Dome Homes, which were repetitive-loss structures. They're finally off the county list and the county doesn't have to report them as a repetitive loss.
- The county will probably have about 300-400 repetitive-loss structures show up again. That will completely change the landscape on how the county does business.
- We're looking at immediate need and must ensure county staff is rested and can care for their own personal properties.
- Lee County reached out to today to ask if Collier could send building inspectors. We have not used (Nova Engineering and Environmental LLC Executive Vice President) Jason Hill on this because it wasn't a wind event and we didn't bring in a truckload of Nova staff. He provided Lee County with Nova's number. Ultimately, we're probably going to have to send staff to Lee County to help and that will impact business and slow us down.
- We're doing everything we can to manage and have foresight. Five years from now, when FEMA audits us on this process, if we fail, you will all pay the price through higher insurance rates and possible reduced federal assistance for future events.
- We have to put the community back together, but need to be measured in our efforts.

**A discussion ensued and the following points were made:**

- If there's a Section 1316 declaration and a property owner wants to waive their right to flood insurance under the NFIP, the county doesn't have any way to force them. It's at the property owner's discretion.
- When they don't purchase flood insurance, they affirmatively waive NFIP and the county leaves them alone. There's no recourse.
- Code Enforcement: If there's an elevated home and a resident has elevated it above Base-Flood Elevation, but they have a storage/parking access area below and convert it to a living area, they will come in to get permits and that puts them in non-compliance. If they don't have flood

insurance, it doesn't matter. They're not going to be reimbursed for any type of loss, but that is non-compliant. If the county doesn't see it or know it's there, they won't know, but if they know it's there, the homeowner will be told the property is non-compliant because it jeopardizes the county's participation in the NFIP.

- The City of Naples has sent a Section 1316 declaration to woman who lives on the beach. She doesn't care and says to get her off the list. Code Enforcement knows about it, but has agreed not to pursue it in exchange for her acknowledging that she's no longer eligible for flood insurance. FEMA takes a hard look at that because it's starting to compromise the integrity of an entire program that gives discounts to the county community.
- There may be certain cases where the county would be willing to help a property owner with Section 1316. Is it habitable space or uninhabitable space where they want to add living quarters on the ground floor? There are cases, such as a house on the beach with a rec room below FEMA, but it's not considered a bedroom or habitable space. Then the question is whether it's a clear code violation. But the property owner acknowledges it's a code violation and asks Code Enforcement to back off. The county then sends a Section 1316 under the National Flood Insurance Act, saying the property owner won't comply and asks to remove the homeowner from the list of eligible property owners to get flood insurance and the property owner is fine with that. But they would be barred from any further permitting.
- When a property owner sells a property like that, the new property homeowner inherits that and is unhappy after learning they're barred from further permitting. If they want to put in new hurricane-impact glass windows or other upgrades and provide us with plans and we notice that area is reserved for storage because parking access has been converted, it should be utilized for storage or parking access. Once you start introducing plumbing, that's when it exceeds storage and parking access, so they'd automatically be flagged and Code Enforcement would be notified about a Section 1316.
- The county's experience is that people have not made the correct adjustments to come back into compliance.
- Revision Plan: Requirements and details will be reduced. Structural things need to be tidied up. Electrical may not be required in much detail because an electrician can come in after-the-fact and do it, like a special permit, or rehabilitating electrical will be part of the scope of a general permit.
- When an owner, builder or contractor applies for a permit to repair and replace damaged drywall and damaged electrical outlets, they're going to need to be specific about the scope of work and to make sure it's not a remodel or changing space. It must be put back to its original condition. The county won't expect more than a good description that it's being returned to its original condition.
- After emergency removal of debris in the areas where sand makes them impassable, the county will work on vegetation removal.
- Storm debris will be pulled to the curb by contractors who have the right of entry into communities and it will be picked up. If it's related to the storm, that's reimbursable.
- Naples beach residents are hiring independent contractors to do cleanup themselves and are getting their own Dumpsters and taking them to the county landfill. The county can't control that. Our Waste Management team is working through that with us when we are out at the landfill. They're paying tipping fees. Some people don't care and just want it gone.
- The county deployed AshBritt Environmental Inc., which has more than 80 trucks and will have more than 100 by tomorrow. We're managing that internally through our emergency contract.
- The county's first push is C&D locations . Residents have debris all over and in their front yards, so we're trying to get that cleaned up first.

- The county is staging locations for horticultural debris drop-off. Information is on the county Solid & Hazardous Waste website, which is being continuously updated as new locations open and new information becomes available.
- The Sheriff's Office Marine Unit did safety and asset protection patrols over the weekend. Many vessels were pushed into the waterways, with a lot of C&D and horticultural materials intermixed in some of the back bays, especially at the north end.
- There are two county group missions being run in conjunction with the Solid & Hazardous Waste groups, with one handling waterways and the other focusing on beaches. They're cleaning up beaches and putting debris that's being washed up in strategic locations. The AshBritt team then picks that up at drop-off points along the beach.
- Mr. French praised Growth Management Deputy Department Head Trinity Scott for her work in Naples Park, which experienced very little flooding due to those improvements.
- Contractor licensing is extremely important because we're already seeing illegal contractors coming in. The state Department of Business & Professional Regulation has one employee that handles Southwest Florida. The DBPR is posting signs.
- The county also will post signs about illegal contractors, with a phone number to report illegal activity and is working with the Sheriff's Office on prosecution.

**Licensing Compliance Supervisor Timothy Crotts provided a report about contractor licensing and compliance:**

- We've tasked our investigators to search for unlicensed contractors, who tend to cause the most harm to homeowners and business owners by not following the rules and not knowing what they're doing. For most trades, they must take an exam to ensure they know what they're doing.
- Out-of-state unlicensed contractors cause the most issues and harm.
- On the Tuesday before the hurricane hit, he held an emergency meeting of the Contractors' Licensing Board, which authorized him to issue licenses for tree-trimming and removal and roofing. That was based on what happened after Hurricane Irma.
- When the CLB meets again in a couple of weeks, we're going to expand that temporary licensing to add drywall and carpentry and to allow RCs, BCs and GCs to be able to come in, but limit them to carpentry and drywall.
- The secretary of DBPR issued an emergency order at the beginning of the week, allowing state-certified RCs, BCs and GCs to do roofing. That expands licenses to those registered with DBPR and those locally licensed in other counties. The DBPR secretary is allowing them to come in and do the same trade and has waived county boundaries.
- If you're a registered RC, BC or GC contractor within the state of Florida, you can come into any jurisdiction and do roofing. That scope might be broadened.
- The county's job is to get out in the field because outside contractors are coming in. We'll be canvassing the county and posting signs to let them know that under the Florida statute, unlicensed contracting is a felony. We will cite those contractors and turn over that information to the Sheriff's Office for prosecution.

**Mr. French provided a report about traffic lights:**

- Traffic lights were an issue. There were historic rainfalls here, with about 9 inches more annually, so poles came down due to saturated ground and the surge. The surge caused telephone poles along U.S. 41 to come down and it was impassable.

- U.S. 41 went completely underwater. Going toward Everglades City was impassable, a first. This became a very large rainmaker in Central Florida, causing a watershed out of LaBelle and other areas. Plus, there was a storm surge.
- Systems performed well, but Everglades was met by the ocean on the other side of the road and then the water came back, so there wasn't much scouring, but it was very wet and caused poles to fall.
- LCEC worked to upright poles. DOT did a great job getting vegetation out of the road. Roads weren't shut down Wednesday because the winds weren't here, just water rushing.

**Transportation Engineering Director Jay Ahmad provided a report:**

- On Thursday after the hurricane, about 70% of the county's 225 signals were down due to no FPL power or damage to traffic lights. All are now active, with 11 on generators. They're flashing due to some power issues.
- The teams did amazing work throughout the storm.
- We had a major traffic day after the storm because the community really doesn't understand that if it's a dark signal, you must stop like it's a four-way stop. The rules of the road were ignored and it's scary to see drivers on both sides going 50 mph on Pine Ridge Road through the lights.
- Chokoloskee Bridge wasn't damaged, but water eroded up to the shoulder. Luckily, it's not under the pavement, so we closed the shoulders and the roads are still open.
- Goodland Bridge suffered minor erosion on its sides but it wasn't closed.
- The remainder of county bridges suffered minimal to no damage.
- Many street lights are down. It will take a long time to replace some circuits and street lights that fell, especially by the shore. Water was up to 6-7 feet by Vanderbilt Drive, so they'll need a major replacement. Lights are on flashing now and two signals will continue to be dark for a while.
- All county construction sites are active and county contractors are working, with Quality Enterprises on Whippoorwill, Thomas Marine Construction and CA Zepp on the bridges east of 29, and Quality Enterprises on Vanderbilt and Veterans Memorial. County construction sites suffered minimal damage.

**Mr. French reported that:**

- You're going to start seeing a cycle through. If you've got questions over the weekend, Mike Bosi and Ken Kovensky will be covering for him.
- Next week will probably be busier than this week, now that contractors are arriving and supplies and logistics are being located.
- He walked through the Ritz-Carlton for about two hours today. Large employers have asked staff to stop by because their teams are there, so we try to accommodate them. They've got truckloads of staff, people and materials coming down.
- Some staff members don't get home until 12:30 a.m. after starting at 7 a.m., so we don't want to burn out staff.
- We're still more than 10% down on staffing levels. We don't have enough staff for this, so we're doing our best to make the best use of the staff we have without burning them out. Every time he's spoken with Lee County, he's asked them to promise they won't recruit Collier County staff, but they haven't agreed to that.

**Public Utilities Director Matt McLean provided a report:**

- One of the big failures after Hurricane Irma was lift stations. This time, there were only three SSOs (Sanitary Sewer Overflows), small spills that were confirmed and reported to FDEP.
- Collier County was able to manage its nearly 1,000 lift stations through pumper trucks and generators.
- There was significant damage west of U.S. 41, along the coast.
- About 40 suffered major damage or the control panels were submerged, so we're in the process of finalizing diesel-bypass pumps for installation on those for long-term, temporary measures. In the meantime, we've been running pumper trucks 24/7 to handle those loads.
- It's been a successful mission with staged gas facilities sporadically throughout the county to continue to keep county contractors moving. At one point, there were over 80 pumper trucks on that mission. We've cut that to less than 40 now because FPL has done a fantastic job restoring power.
- We're lucky we didn't have a wind event because it would have been more difficult to manage.
- Where we started was terrible, but we were able to manage it and with FPL's partnership, we were able to restore power to the majority of undamaged stations that were maintaining it, but we've decommissioned a lot of that mission.
- Horticultural update: As of 4 p.m., residents who don't want to wait for AshBritt pickup can take residential horticultural debris to four locations: Tim Nance Recycling Drop-Off center by the County Fairgrounds; Immokalee Transfer station on Stockade Road; Marco Island Recycling Drop-Off center on Chalmer Drive; or Naples Recycling Center at Naples Airport on Corporate Flight Drive. There's no commercial use there and there's no charge for residents and contractors won't be allowed in.
- There were 80 C&D haulers today and there will be more tomorrow.
- Haulers are first hitting Gulfshore Boulevard, Isles of Capri and the Marco, Goodland and the Pelican Bay area. After that, they'll go to Everglades City, Bayshore, Lely and Barefoot Beach.
- So far today, they've brought in almost 7,000 cubic yards of C&D (145 loads) and are increasing that mission.

**Mr. French reported that:**

- As work continues, damage is assessed and that data goes directly to our server in Public Utilities. It's a very coordinated effort compared with previous years.
- There was raw sewage on the ground in the City of Naples, at Harmony Shores Trailer Park, which is behind a shut-down Pizza Hut, an area serviced by the city. There was 5 feet of water there, so they were bound to have sewage backup through manholes. The systems kept up as best they could under their designs, but there was bound to be overflow.
- This is going to be a long-term mission. The community is counting on us. We're not paid by county taxpayers, but by permit fees.
- We're going to do everything we can to expedite disaster-related permits.
- If you have a job that's hanging, costing money and you need to get people in homes, let's talk about it and we can look at those independently.

**A discussion ensued and the following points were made:**

- If you're outside of 75 feet or closer to the edge of a preserve, you can pull out horticulture and remove it.
- A day after the hurricane, you could almost get through Clam Pass. Wiggins Pass is OK.



- The Sheriff's Office, which was conducting safety and coastal protection patrols, has a NOAA aerial map of the northern boundaries and back areas that identifies more than 100 vessels all over mangroves and other areas.
- Controlling waterways was difficult, so we should encourage boaters to be careful because there's a lot of construction and horticultural debris floating around, as well as a bale of insulation floating out to the Gulf of Mexico.
- Marco Island instituted a boating moratorium and lifted it soon afterward so people who are able could assist northern neighbors at the county's North Naples boat launch, which took on about 3 feet of water.
- Facilities Project Manager Camden Smith was out there on Saturday pushing everybody to get out there to clean it up.
- The hurricane lifted floating docks above pier levels and distributed boats in a haphazard way, with some boats upside down on top of pilings.
- There was damage to channel markers and sand was redistributed; markers will have to be re-installed.
- People can report any damage they see to 311, or self-report on Crisis Track, which goes into the county system and is provided to the state and federal government.
- If you're missing a boat, you can call the Sheriff's non-emergency number. The CCSO has a list of vessels, vessel numbers and descriptions.
- The county is still assessing beach facilities for damage.
- At the former Naples Grand/The Registry, it's not gone, but the pilings are still there and it appears old construction was damaged in the surge and scouring due to water velocity.
- At Lely Barefoot Beach, the Education Center is still there, but the parking lot had about 4 feet of beach sand, causing trucks to get stuck.
- Most sand was pushed inland.
- At the county's Pelican Bay facility, all windows were blown out and walkways disintegrated.
- In Park Shore, a concrete walkway in the park is completely full of sand.
- There appeared to be no damage at Venetian Village stores, but there's a condo community east of it with a 35-foot Grady White boat in its pool. That will require a crane for removal.
- Garland Transport has been helping on Marco Island with pilings, docks and boats.
- The county doesn't waive permit fees; it reduces fees. Insurance covers permitting fees; FEMA doesn't.
- The building code did what it was designed to do. Roofs and structures remained intact, but some homes got wet up to the roof.
- Exemptions under the county ordinance are still in effect, so 200 square feet for roofing doesn't require a permit, while anything more does. No county policies are being changed.
- The FEMA standard is 18 inches. Anything 18 inches and below is calculated as minor damage, while 18 inches and above is major damage. The county allows an exemption from a permit for 12 inches and below because it doesn't extend to electrical outlets and covers baseboard.
- Cabinets are in the county's exemption ordinance for a single-family detached home.
- The exemption ordinance for Hurricane Ian Recovery is listed on the county website.
- Permits issued for work prior to the hurricane are being looked at on a case-by-case basis and are being expedited.
- Homeowners should bring homes up to the prior condition to remain under the building code; upgrades can be done later.

- A pending pool-cage replacement that's holding up a house's CO can be sent in as a full revision and permitting will be expedited if it's related to the disaster.
- 50% Rule: If there's a mortgage involved, sometimes insurance companies will write a check to the mortgage company and then the mortgage company is responsible for ensuring that the work was done. There could be an inspection by the mortgage company after the first phase and after 50% completion, so homeowners with mortgages must use insurance money for repairs to bring homes back to their prior condition.
- What's turned in for a permit must be calculated by Chris Mason's office under the 50% Rule. A calculation will be made that's based on the contractor's Opinion of Probable Cost.
- City of Naples Building Official Craig Molé tendered his resignation and is going to Sanibel.
- Engineering Inspections Supervisor Joe Bianchi wants two more full-time staffers because land development inspections are getting more difficult to complete. He's had many inexperienced temporary staff through Nova and a lot of turnover, which makes consistency in inspections difficult.

#### 4. Emergency Permitting

##### **Building Department Director Rich Long provided hurricane permitting updates:**

- There was mostly flood and very little wind damage, so as we rebuild, we've made the cleanup process permit-free.
- Once the cleanup is done and drywall is removed, we're going to require permits because we must capture that data for FEMA and ensure we're within the 50% value forms.
- Permits that are labeled a Disaster Permit will be expedited through intake and to plan reviewers. That will be a priority. We will continue normal construction reviews and will balance staff/resources to prioritize recovery efforts while keeping normal construction moving.
- Electrical: We're good at this now. Once electrical contractors get involved and start repairs, they'll contact us directly. We do emergency permitting, which allows them to start work. They call us to say they're repairing this address and they'll be in for a permit tomorrow, so we've coordinated with FPL and we'll send an inspector there immediately to get that done. We'll systematically get as many residents' power restored as possible, as soon as FPL fixes it.
- That's summarizes our recovery effort process for a storm.

**Chairman Varian** asked if most electrical involves service issues, such as the mastheads and other issues.

**Mr. Long** said this storm was really different because we didn't get the wind. Most was flooding. He wasn't certain how much there will be because FPL will go in and if everything is intact, FPL may go ahead and re-energize without us. They may contact us, but when we went through hurricanes Wilma and Irma, FPL contacted us on many properties to say they had a crew there and wanted to re-energize and asked us to send an inspector out.

**Chairman Varian** asked about homes that were flooded. What is on the electric side? What's the scope of work that's required? Can we just change out devices? Do we have to change out wiring? Is there any C-Code on this or what happens with those?

**Mr. Long** said you do not have to change out wiring, although the outer sheath of wiring in a home is water-resistant, so the design and devices are going to be needed because they're not made to be

inundated with saltwater. Our website says you don't need a permit to demo wet drywall and cabinets and all of that, but we remind people to demo the minimum. Don't get crazy because you will impact the 50% rule. You know an electrical system is going to be an extra \$8,000, so you really don't need to replace that or plumbing.

What we saw with Hurricane Irma was that a lot of out-of-town restoration companies came in. They were sent by insurance companies or property management companies. They gutted everything and by the time we knew what was going on, it was too late. We had to do some creative figuring for Glades to get them back whole because they gutted all systems and drywall, everything. It was down to bare bones. We've tried to make that message clear in our website language.

**Chairman Varian** said once we get a permit, we are going to be triggered with arc fault and breakers and other factors, and maybe some of the panels don't work, so we'll probably end up replacing panels. Is that going to be part of it?

**Mr. Long** said you're probably going to be replacing panels, depending on how much water inundation there was. If you're not extending circuits and are just putting things back the way they were, that's almost like a Level-1 alteration, but he said to confirm that with Fred Clum. If people want to take advantage of a gutted home and upgrade to what they've always wanted to do, they need to be careful about that dollar sign.

**Chairman Varian** said he has two different clienteles, such as Barefoot Beach residents and other affluent communities that want upgrades, and others who want to return homes to the way they were.

**Mr. Long** said the driving factor is elevation and the 50% Rule. If you're living floors above 1-foot Base-Flood Elevation, you can do what you want.

**Chairman Varian** said that what he's seen in the last four days is that most homes have three or four feet of water, so it's basically drywall 4 feet. We want to keep within that range, so cabinets and flooring will be removed. That's why he's telling everybody about 8 inches above the water line, at least that – insulation and some exterior walls. He's heard comments that the entire electric system must be redone. He's also run into this with the arc-fault breakers, which won't fit some older panels. If we're required to put the arc-fault in, now it's the panel or we have to put in arc-fault devices as we go along.

**Mr. Long** said you're dealing with the existing building code. We're not going to be in the new building code, so it depends on the level of the alteration and what you're doing. If you're going to reconfigure space, remodel and extend circuits, add all new lighting and all of that, that throws you automatically into the new building codes.

**Mr. McLean** said that FEMA Tech Bulletin 13-0-25A, the flood restoration bulletin, is what his insurance company gave him and advised: "Follow this bulletin."

**Mr. Long** said he'd defer to Chris Mason, the county's new director of resiliency, on that.

**Mr. Valle** said his understanding is that if you're below the baseline of that and you're going to comply with the 50% rule, you're either getting the value out of the tax appraiser, plus 25% divided by 2, or you're getting a new FEMA appraisal to determine the property's value. But what happens if the

vertical construction value of that residence does not allow you to rebuild that home back to even a Level 1 restoration? Are we going to condemn the building? Or are you going to say, OK, give me a shell permit because we have closed out a permit and then we have to wait to be able to go open up a new permit, if you're following that same 50%-rule guideline?

**Mr. Long** said that unfortunately, it's either the property appraiser or a private appraisal. FEMA doesn't get into the appraisal business.

**Mr. Valle** said it's a private appraisal for FEMA.

**Long** said during a post-event, you can't stage the work by permitting like we do when there's not an event. It's storm damage. You have to mitigate all that storm damage back to its original state before the storm came.

**Mr. Valle** asked what happens to a home that doesn't have the vertical-construction value and they don't have the value at the 50% rule to restore it back to its original condition? Is that then a condemnation at that point?

**Mr. French** said we can't issue a permit. You never lose your occupancy, but the bottom line is we can't issue a permit, so if you do the work, you're doing it unlawfully. The right way to do it is to elevate the structure.

**Mr. McLean** said he can't advise that to a client. He has people in line waiting for answers. He's supposed to tell them if you're going to exceed the 50% rule, you're going to do it illegally? That's the advice we're told to give clients?

**Mr. French** said he's not giving that advice. We're telling you we won't issue a permit because that would be unlawful.

**Mr. McLean** said if you're following the FEMA Tech Bulletin for storm damage, all we're doing is mitigating storm damage. No permit is required.

**Mr. Long** said for some things, a permit won't be required, but FEMA will still need the 50% document to clear that storm damage from that residence. It's called substantial. They have the ability to waterproof, they can do flood panels. The water would dry, so the value of those structures is usually big enough to be a problem.

**Mr. Valle** said the homeowner is essentially left to raze their home or raise their home if they're on some kind of a stilt-type situation. Those are the only two alternatives if you don't have the 50% value to take it all the way back and you can't stage the property. That's how he understands what he read.

**Mr. Long** said that's why it's important that you crunch those numbers before reconstruction, so you know what's needed going into it. What we ended up doing with the Glades, which was built in 1974, was that they didn't have granite countertops back then. They had mica countertops. Homeowners had to bring it back to the prior condition. If they want to go back in and upgrade, that's a normal permit. Then you can start phasing it in.

**A discussion ensued and the following points were made:**

- If a client chooses a private appraisal, the property can be evaluated prior to its storm condition by validating it through pre-storm photos.
- Mr. French just visited the Turtle Club and its project management team. They did exactly that and hired Ray Carroll to get an appraisal on the Turtle Club and Vanderbilt Beach. It's going to be pre-storm. Ray is very well versed in this and the federal SI/SD (substantial improvement/substantial damage) policy, which a building official must follow.
- There are going to be structures that we can't issue permits on unless they meet the current condition of the code, which is predominantly elevation.
- As a result, mobile homes are going to get destroyed. Some that are set on grade and have been here since the '50s and '60s.
- There are homes in the Bayshore Triangle from the '50s and '60s that are built on elevated. They were great elevation but went 5 feet under. The county can't do much because it's restricted by the code.
- It may be hard to stop people from running to Home Depot and rebuilding it that way. We can't enforce what we don't know.
- Because there wasn't a wind event, most windows and roofs weren't impacted, so you've got no structurals. Frame walls would be fine. It's drywall, paint and cabinets. The most expensive portion of a structure is usually the structure. There are \$350,000 half-baths in Port Royal, so the most important thing is knowing that number going into it. Work within that parameter and the county is good at trying to work within FEMA guidelines.
- The county is trying to stay consistent with the City of Marco Island and the City of Naples. Mr. French spoke with their building officials, Raul Perez and Craig Molé, who advised the limit was 4 feet. He wasn't certain where Craig got 4 feet. When he talked to him as the storm was passing over his house, he said 18-24 inches. Four feet is a stretch because FEMA rules say 18 inches and anything above 18 inches is considered major damage. Now the City of Naples has changed its message back to the county's guidance, which is 18 inches, per the code.
- If the water level is more than 18 inches, a permit is required for repairs.
- If you file an insurance claim, FEMA will know if you did the repairs. That shows up as a repetitive-loss property for the county. We've marked that we already know, the high watermark in that neighborhood, so if there was unlawful construction that occurred, it likely would show up through the deed process, which would show the home suffered damage and they would go back and check for a permit.
- Real-estate brokers have an obligation to disclose any material fact that that can adversely affect a property, so that would have to be disclosed, so a potential buyer can have an opportunity to look for a permit of restoration.
- The application the county uses tracks everywhere staff has been, the activity, frequency and date and time through geo trackers.
- That data is public record through the federal Freedom of Information Act once it gets to FEMA. That information, the flat file, will be added to CityView, so when someone comes in, we know there was 5 feet of water in the house. If they're just doing a remodel on a bathroom, we'll question it.
- Direct questions on the 50% rule to Chris Mason, the county's new director of community planning and resiliency.
- If residents and contractors don't comply with FEMA regulations, that threatens the county's participation in NFIP (National Flood Insurance Program) and could result in suspension.

- Residents say flood insurance is very difficult to deal with. Claims are \$250,000 max, which, in many cases, is pennies to residents, so they don't care and question why they should participate in NFIP.
- If they don't participate in NFIP, it jeopardizes the county's disaster funding. A flood-insurance policy will cover \$250,000 for the structure and \$100,000 for contents. A homeowner can get surplus insurance through the NFIP, but it's expensive, so some people in more affluent communities are using the private market, which is tricky. We don't know that much about the private market. We're dealing with the federal product.
- You don't want to be considered a non-participating community due to non-compliance because it's a tough road back.
- Most federally backed mortgage-lender products are not going to provide a loan without flood insurance if you're in a flood zone. If you're not a community that participates in NFIP, you won't be able to get a loan.
- Years ago, if many communities did not participate, then flood insurance was exceptionally expensive when it was required by the mortgage lender. Under the Florida Building Code's 2017 revision, NFIP was dropped, so that falls on the licensed building official, whose license is at stake for personal liability if there are willful code violations. NFIP language is in the Florida Building Code.
- You're almost forced as a community to be at a minimum, a 10, which is entry level. Collier County is currently at 5 for NFIP.
- For residents with flood insurance whose homes didn't flood, they get a 5% discount for every point the county drops.
- Next to Miami-Dade, Collier County has the most enforced policies nationwide. More than 90% of Collier County is considered a special flood-hazard district, which is almost unheard of. We're severely audited. It's a three-year process that Mr. Mason handles.
- Those numbers total about \$8.3 million, a savings that stays in the community. There are over 60,000 flood-insurance policies, with an average savings of \$142 per policy.
- If someone has NFIP and suffered flooding, but they don't want to rebuild, they can collect \$250,000, as long as there's no mortgage on the property and there are no non-compliance issues. If they have a mortgage, the lender will make sure the money is used for restoration.
- There are a lot of rental homes in the Estey Avenue area that were built in the 1960s. Mr. French spoke with a man with month-to-month and week-to-week leases for workforce housing. He owns them, he has no flood insurance and wants to put them back together without permits, despite admitting there was 5 feet of water. Mr. French sent Rich over to speak with him.
- Re expediting of permitting, there's a box for applicants to check. The scope of the work can be captured in the description.
- When a disaster is declared, there are significant fee reductions for any disaster construction that requires permitting. The application fee is about half-price. You recover the cost, but FEMA does not pay.
- FEMA is the funder of last resort, so if someone says they didn't have insurance or is underinsured, they're need to exhaust all insurance options and then they push the applicant/property owner to the Small Business Administration for an SBA loan. If they don't qualify for an SBA loan, they may qualify for some federal funding, but it won't be enough to rebuild. It could be enough for relocation, a hotel, shelter, food or water for a short period if they don't have housing. Caseworkers are assigned, but rarely does FEMA cut a check in these disasters for homeowners, and certainly not for businesses. FEMA funding typically requires a federal act.

- Collier County has been qualified to receive funding based on how fast we turned everything in, the severity of damage, what we've witnessed and the damage assessment. That's what's most important. It's identified in the Stafford Act (Public Assistance Program).
- The definition of dry beach: The City of Naples has a pretty dry beach. Vanderbilt has a wet beach because there's about 4-6 feet of sand that's gone because it went inland. If you drive down Vanderbilt, you'll see piles of beach sand throughout communities.
- Hurricane Ian is going to be different, very impactful, long-range. We're getting bad news stories, but are taking it one step at a time.
- The Building Department must use the Property Appraiser's improved value. On top of that, FEMA allows the county to add 30% to that value; It used to be 20%. The reason we're going from 20% to 30% is based on the 2022 tax-assessment adjustment. That's a term Ray Carroll put forth to us, so 30% will be added to the improved value, which gives a homeowner more wiggle room for improvements and repairs.
- Equation: Improved value + 30% ÷ 2.
- Pool cages are exempt. Focus on the bones of a structure. Design and permit fees are exempt.
- FEMA has a Substantial Improvement, Substantial Damage Desk Reference. That's what the county follows in the storm process.
- For permitting, follow the 50% worksheet with all the attachments. Submit it for the department's plan reviewers. The county's FEMA group will be reviewing permits.
- For low-rise, two to three-story condominiums, where the ground floor is at grade and ground-floor units were demo'd, the county will look at the cumulative value of the structure over the building's footprint. Those homeowners, if they all agree, can share in the 50% savings. Condos are tricky, but as permits come in, the county will have that information to advise them.
- Under FEMA rules, whatever a building footprint is, the building structure must be all on top. You can borrow money from residents in that one structure. You can't take another structure nearby and have them loan you money. In the past, Ray Carroll has gone in and appraised an entire building. He went into every individual unit, created an appraisal for the entire building and submitted that as a construction value. Then the homeowners all signed a letter saying they agreed to provide that value.
- 50% Rule: FEMA language is that it must equal or exceed.
- In the City of Naples, there's a building structure where two ground-floor units were completely wiped out. The storm surge took out drywall, framing and everything all the way to the back wall, so those two ground-floor units are in trouble. Two unit-owners above those two ground-floor units could realistically say, "We'll evaluate the entire building and give the value to do the build-out for those two." When June 2023 arrives and there's an early storm and wind, they won't have FEMA money to rebuild those units above them because the ground floor units used that money in October. It's per calendar year and each unit owner must give permission.
- Over the past two years, residents have said they want to have something in writing that allows them to do that because they don't want to hear secondhand that the owner later changed his mind and there's nothing to go back to.

## 5. Committee Member Comments

## 6. Adjourn

**Future Meeting Dates:**

**Nov. 2, 2022, 3 p.m.**

October 5, 2022

*Mr. Valle made a motion to adjourn the meeting. It was seconded by Mr. Mitchell. The motion passed unanimously, 9-0.*

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 4:48 p.m.

**COLLIER COUNTY DEVELOPMENT SERVICES ADVISORY COMMITTEE**



\_\_\_\_\_  
**William Varian, Chairman**

These minutes were approved by the Committee/Chairman on 12/7/22, as presented  
(choose one)  , or as amended \_\_\_\_\_.