

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING
Naples, Florida
May 1, 2024

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 Community 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
James E. Boughton (excused)
Clay Brooker
Jeff Curl
David Dunnavant
John English
Marco Espinar
Norman Gentry (excused)
Mark McLean
Chris Mitchell
Robert Mulhere
Laura Spurgeon-DeJohn
Jeremy Sterk
Mario Valle
Hannah Roberts–AHAC non-voting

ALSO PRESENT:

Jamie French, Department Head, GMD
Brett Rosenblum, Supervisor, Project Management, Development Review
Thomas Iandimarino, Director, Code Enforcement
Christopher Mason, Director, Community Planning & Resiliency
Drew Cody, Supervisor, Project Management, Public Utilities
Cormac Giblin, Director, Housing Policy & Economic Development
Lorraine Lantz, Interim Manager, Transportation Management Services
Linda Naples, North Collier Fire Review
Michael Stark, Director, Operations & Regulatory Management
Jason Badge, Supervisor, Project Management, Ops & Regulatory Management
Richard Long, Director, Building Plan Review & Inspection, GMCD
Diane Lynch, Management Analyst II/Staff Liaison GMCD
Rey Torres Fuentes, Ops Support Specialist I, GMCD

Any persons needing the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Community Department.

1. Call to Order – Chairman

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

A quorum of 10 was present in the boardroom; three members joined later.

2. Approval of Agenda

Mr. Foley moved to approve the agenda. Mr. Curl seconded it. The motion passed unanimously, 10-0.

3. Approval of Minutes

a. DSAC Meeting – April 3, 2024

Mr. Foley made a motion to approve the April 3, 2024, DSAC meeting minutes. Mr. Curl seconded it. The motion passed unanimously, 10-0.

4. Public Speakers

(None)

5. Staff Announcements/Updates

a. Development Review Division – [Brett Rosenblum, Supervisor]

Mr. Rosenblum said the DSAC subcommittee had a productive meeting with staff on the Right-Of-Way Handbook updates recently. Staff has a few more items we need to work on, and we hope to meet again within the next few months.

Mr. Curl said an issue that came up with Cecilia a year or two ago was sight distances relating to rotaries and FDOT standards. He was wondering if it's in the Right-Of-Way handbook. It was fairly new at the time and he doesn't know if it was locked down.

Mr. Rosenblum said he didn't believe they'd discussed that much but he added it to their list of things to look into.

Mr. Curl said the project was Lintree Medical Center. She had me add a detail to the plan to put those on there. It makes sense because it's in the right-of-way.

Mr. Rosenblum said OK.

b. Code Enforcement Division – [Thomas Iandimarino, Director]

Mr. Iandimarino provided an April update:

- Contract Licensing issued 14 citations for unlicensed contract or working outside the scope of their license, the two most common violations.
- Code Enforcement has been opening up cases on expired permits that haven't been CO'd. There are some outstanding fees on those old permits.
- Operations & Regulatory Management is doing a lot of the pre-work, contacting contractors who need to pay the last fee or complete a final inspection. They've done a lot of work. If they can't get further movement, they turn it over to Code Enforcement for us to issue a notice of violation. They've given us about 10 cases in the past week,

and that's just a small percentage of the old, expired permits out there. That's going to be a long, ongoing process.

[Ms. Roberts joined the meeting at 3:04 p.m.]

- We had interviews this past week for three vacant code positions. Hopefully, they will go to HR and by the end of the week, we'll send some names forward.

Chairman Varian said two to three years ago, when Jonathan Walsh was still here, the number of expired permits was about 20,000.

Mr. Iandimarino said they've only handled a small percentage.

Chairman Varian asked if they were going all the way.

Mr. Iandimarino he'd let Mr. Stark speak about that, but they're going back to the most recent ones that are possible to reach and will slowly move backward into what we can get. It's going to end up going to the property owner many times if the contractor doesn't exist anymore.

[Ms. DeJohn joined the meeting at 3:05 p.m.]

Chairman Varian said he remembered the vast majority were HVAC change-outs, purchasing heaters, and single inspections.

Mr. Iandimarino said yes and no. Some of them are simple, while some involve one violation but there are three inspections that are still there so it may be three cases but it's only one case, so it depends. They said there are 24 or 26 elements but it turned out to be 10 individual cases out of all those permits.

Mr. Brooker said a few years ago, they decided those efforts were too much to take on and the county decided to let the home resale process cure it over time. In other words, you try to sell a house and the buyer says there are permits you need to close out before buying the house, and they're going to let the process mature itself over time. So why are we thinking this is too much because John Walsh was looking at 20,000?

Mr. Iandimarino said he can't answer why houses aren't turning over fast enough.

Mr. Long told the board:

- At one point, we had 150,000-170,000 combined with both software systems. We started working through them and the task of going after those would require a building department four times our size so we try to let property sales and transactions clear that up. It was easier for us to be reactive and let the property sales clear them up.
- Since then, the state enacted several statutes that have made it easier to clear those up.
- He believes Mr. Stark is moving from the most current and going backward to try to clear up some cases so that 10 years from now, we're not looking at another.
- 20,000 is kind of accurate for CD, plus we've worked through many and administratively closed many so we're doing it the easiest way possible.
- What's left is the past six years and it's substantially complete. No life-safety elements are involved. The building official can close it, but there's a built-in fee and he can't waive the fees.

Mr. Dunnivant said they come to a building owner and the tenant and contractor are gone and you can't close it. Because it's expired, you have to reactivate the permit. You have to change the contractor, you pay the fees, then work your way out of it and it often holds up current permits, so it's very painful.

Mr. Long responded:

- Commercial is definitely more complicated. When we issue permits, we will issue it as an informational condition and tell them they have old permits open, but we usually don't hold up COs for it.
- We had a case with a theater with a 15-ton AC unit that was changed out on the roof that had fire inspections and fire system control hooked up. It was never inspected, it was part of the new theater and owner, so we had to get it cleared up before issuing a CO. Those are some of the complications.

Chairman Varian noted that the new legislation triggered this. We thought the property changeover would deal with it.

Mr. Long said we deal with the majority of them. We'd like to hit net zero, move forward, close things out, and develop a program to alert people about permits they need to close out. Through awareness and education, homeowners, and contractors, especially homeowners, are more attuned to what they need to close the door on.

Chairman Varian said Realtors had their eyes on it and were hot about that for a while.

[Heard after 5.d]

c. **Community Planning & Resiliency Division [Chris Mason, Director]**

Mr. Mason reported:

- He told DSAC last month about Lee County and its partnering jurisdictions within Lee County's borders and the struggles they were facing. That's still going on but Collier is holding steady.
- This isn't over with and he expects further FEMA requests. We're ready to answer any requests.
- About three weeks ago, we had a community-assisted visit with the state and went to Lee County for their EOC event with state floodplain management officials. We spent about three hours going over processes for substantial damage determinations and what we do for floodplain management. That went very well.
- He, our floodplain coordinator, and William Lang were at the Florida Floodplain Managers Conference last week and two Lee County employees came to our presentation and asked questions about substantial change. We're well versed in it.

Mr. McLean said he's done a waiver to the 50% rule in the past on a historic project. He's got a historic project and knows he's going to exceed the 50% rule, so we've done a waiver process or a variance process to get the 50% rule waived. Is there a methodology that if he has an existing building that he can't get within the 50% rule, a building with a substantial amount that the owner doesn't want to demolish that building and start over. Is there any waiver process, an appeals process? Maybe it's a contributing factor to a historic district or something that's not a designated building, is there another avenue to get a waiver?

Mr. Mason said Collier County doesn't have many historic structures, so staff hasn't faced that scenario. FEMA has provisions for reviewing historic structures. Puerto Rico is a participating NFIP (National Flood Insurance Program) community and has tons of historic Spanish colonial structures in the floodplain, so there's obviously a method. He wouldn't call it a waiver, maybe a variance process. They're not going to alter or lift a 16th-century Spanish colonial structure, so there is something in place. He can look it up for him.

Mr. McLean said that in the city, we did it on a historic house through the Zoning Board of Appeals, a City Council subcommittee. He feels FEMA has a variance process. What if it was a non-historic structure?

Mr. Mason said that the community could issue a variance, but it would go against NFIP compliance standards.

Mr. McLean asked if it would affect our NFIP.

Mr. Mason said absolutely.

Mr. Mulhere said he's done about three (variances) over the years and they were always for something that was a public benefit project, like bathrooms near the beach, and even those are hard to get. It must be 24 feet above, handicap accessible, with a ramp that goes for miles. Years ago, we could get them, but it's gotten hard because of the risk to the Community Rating System (CRS). They're checking to see if you're granting these variances.

Mr. Mason said that technically, in Collier County, we have not granted any type of floodplain variance since 1994.

Mr. Mulhere said oh my God. He said he did a few.

Mr. Mason said there are some from the late '70s up, about 100 because he's reviewed that information, but the variance process is something we're not involved in when it comes to floodplain management standards.

Action Item: Mr. Mason will look up the FEMA variance process for historic and non-historic structures and provide that information to Mr. McLean.

d. Building Review & Permitting Division [Richard Long, Director]

Mr. Long reported:

- We're still doing 1,000 inspections a day.
- We performed 8,230 reviews last month on the building side.
- There are 1,546 reviews pending on the building side.
- We're 10 days out for residential and structural reviews.
- We're 20 days out for floodplain.
- Permitting staff processed more than 50,000 activities in CityView last month, processing permits from intake to issuance. That's an extensive amount of work.

Chairman Varian said that on the building permit application, there's a section on the description of work asking, "How detailed do you want it?" He got kicked out on one involving a shower being changed out. The description was: "changed tile, including drywall, minor plumbing," and it got kicked out because that wasn't enough for the description. What's the policy?

Mr. Long responded:

- The policy is to try to identify what reviews will be needed and if a design professional will be needed.
- An Alteration Level 2 requires a building or a design professional unless it's minor and you seek the building official's opinion. He may waive that.
- We're trying to determine who needs to look at it, what are you really changing?
- It doesn't need to be a 100% description, but it needs to be a really good description of what you're doing, what trades will be involved, if you're opening up floors, etc.

Chairman Varian said we have all that on the plans, plumbing work, electrical work, etc. It's clearly written on the plans and on the application, he always says minor electric and plumbing will be done.

[Mr. McLean joined the meeting at 3:13 p.m.]

Mr. Long said that's awesome, but the intake staff needs to figure out who needs to review it. They don't open plans up to look at them. They're not licensed as plan interviewers, so they don't go into that depth. We're still working on getting rid of that application form so that may solve that but you'll still need to write a description.

Chairman Varian said this is the first one that got bumped out, but it's the same as what we've been doing all along, so that surprised him.

Mr. Long reminded him there was a roughly 50% turnover in staff, so it's always a training exercise.

Mr. Mulhere said he looked at an older motel on the East Trail for rehab for someone and he sent me an email from an architect who asked a question. It said it may have to do with the dollar amount of the permit or the 25% rule, that you can't replace more than 25% of the value of the entire property or the entire property has to be upgraded. I thought it was 50%.

Mr. Long said it is 50%. We use 20 for our CRS rating and of those points, we use 25% to require the 50% documents.

e. Public Utilities Department [Drew Cody, Supervisor-Project Management]

Mr. Cody provided an update:

- FDEP permit numbers are average, a bit clustered down.
- We're having deviation system issues again, so we don't have that chart. It's at the point where it's hobbling along and we're working with IT for an in-house option to get away from our vendor because our vendor has consistently been unable to not only fix the things that are breaking but stop more things from breaking.
- We hope to have better news in the next two months. He doesn't expect a quick turnaround but we're still processing them.
- We still have the ability to pull records but our ability to report on them isn't great.
- If you're not getting your deviations, let us know. There's more than just two employees putting them in. The two of us got used to compensating for the vendor.
- If you're not getting approvals, objections or providing resubmits, let us know. One of the utility planning team members will go in and clear comments and get a disposition for you.

- There are several things that are intermittently breaking, including our notifications to you, to us, to everyone.

f. Housing Policy & Economic Development [Cormac Giblin, Director]

Mr. Giblin provided several updates:

- Last month, he provided an update on the Live Local Law and the upcoming community forum.
- The forum took place and was well attended, and we got some good ideas.
- At the last Board of County Commissioners meeting, the County Attorney's Office asked staff to have the board issue guidance on how to interpret the use of the Live Local Act, and the board was presented with two questions.
- Where can you use Live Local? It can only be used in straight zoning, commercial, industrial, mixed-use, straight zoning, or can it be used in a PUD zoning that contains commercial use and industrial use or mixed-use.
- The board issued guidance to staff that says we can only apply Live Local in straight-zoned areas. An Attorney General opinion was issued last summer to the City of Delray Beach and it concurred that they could only apply it in straight zoning because the statute says "properties zoned commercial, industrial and mixed-use."
- The second question was: How do you determine the highest density and the highest height that a Live Local Act project qualifies for? Using that same logic, the board determined that densities and heights related to PUDs should not be applied. You refer to the LDC and Growth Management Plan to determine the highest height and density in the county, which is 25 units per acre.
- That's the board's latest guidance on how to apply the Live Local statute.
- At the end of the last board meeting, Commissioner Hall discovered it might cause issues with some previous approvals, so there might be more to come on that issue.
- The nuance is that when the statute outlines where you can use it, it says property zone. When it outlines how to apply it, it says any property within the county where residential is allowed, which, using the same logic, includes PUDs, so there may be more to come on that.

Mr. Brooker said Live Local says you don't have to go through any public hearing process and it's automatic administrative approval. A question he's heard around the state is what if you're in a district that requires public-use hearings for things other than building height or density, architectural standards, or special historical standards that do require you to go through a public hearing process? Has the county encountered that? If so, what is the county's position regarding whether a public hearing process is needed?

Mr. Giblin said we have not encountered that yet. The way he reads the law is that it seems to exempt you from all of that.

Mr. Mulhere said that from a density perspective, he doesn't think the previously referenced 92 units per acre on the Mini Triangle PUD dropping to 25 will have any real impact because unless you're building a very tall building on a very small lot – in which case he doesn't think you're agreeing to do 40% of the units at 120% or below the median income – 25 units is probably more than enough. He doesn't see that being an issue.

Mr. Giblin said the hindering factor in the application of the Live Local Act has been other site design regulations, setbacks, parking, water management, etc. So it could have been 1 million units per acre, but there's only so much you can fit on a piece of property that meets those other standards. It might be a bit on the lower side because we've got site-specific companies and plans that have been approved recently that include affordable components that have been in the 30-unit range.

Mr. Mulhere asked if they were approved.

Mr. Giblin said yes.

Mr. Mulhere said he'll have to research that.

g. GMD Transportation Engineering Division

[Lorraine Lantz, Manager-Transportation Planning]

Ms. Lantz answered a question asked last month about Whipoorwill Lane:

- Our traffic operations group has not received any complaints regarding the operations connecting Whipoorwill and Marbella Lakes.
- Initially, they received some complaints about the signal timing on Livingston and Marbella, but that was addressed.
- If there are specific issues regarding gate maintenance, etc., that's more for the HOAs and maybe Code Enforcement to address, but they are not aware of anything else.

Mr. Curl thanked her for looking into that.

Mr. Mulhere said he's working with someone who owns property on the Wilson Boulevard-Immokalee Road intersection and we're under review. He knows somebody, probably Jacobs, is working on an updated design for that intersection.

Ms. Lantz said two projects are going on, the design of Wilson Boulevard, going from Immokalee Road down to Golden Gate Boulevard, and that project is through Jacobs, which is working on the design. She doesn't know the specific time frame.

Mr. Mulhere asked how many miles it was.

Ms. Lantz said it's long, but HNTB Corp. is working on Immokalee at Randall and that includes the corner of Wilson, so two consulting firms are looking at it.

Mr. Mulhere said we understand there may be some need to look at stormwater and also, depending on how that intersection is designed, we don't want to wait 10 months. He'll send her an email.

Ms. Lantz said you can coordinate with us. Dennis McCoy is the project manager working on the Wilson project and the Immokalee project.

Mr. Mulhere thanked her.

Mr. Brooker said Commissioner Saunders and the board recently requested that traffic signals on Immokalee Road be desynchronized, where that section was terrible. He's started to see some changes. Has that work commenced?

Ms. Lantz said there has been some signal optimization on Immokalee Road and some restriping. They've restriped Valewood to I-75 on the westbound side so you can drive straight or make a right turn instead of it being a right-turn-only lane. That's optimized some of the pavement that's already there so people can make the move to I-75.

Mr. Brooker asked if she was aware of any traffic signal resynchronizing.

Ms. Lantz said they were looking at that but she doesn't know where it is in the process.

h. Collier County Fire Review [Linda Naples]

Ms. Naples provided an update for April:

- We reviewed 581 building plans for an average of three days.
- There were 44 planning reviews 44 for an average of two days.

h. North Collier Fire Review [Bryan Horbal, Captain]

(No report)

i. Operations & Regulatory Management Division – [Michael Stark, Director]

Mr. Stark provided April updates:

- In CityView, we don't have any flags but staff are rotating to different sites and had 4,979 permit applications.
- We're between 400-500 daily and it takes about 1½ days for the intake process.
- We are seeing a slight increase from last month with customer calls and the number of customers, 1,334 to the Business Center and satellite offices.
- We're using staff from different locations to do reviews.
- At Orange Blossom, we haven't had many customers and it's been close to zero over the past couple of months. Most of that is attributed to online applications, improvements to CityView, and other enhancements.
- We're currently working on our version testing and Mr. Badge has an update on your text messaging request.

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Mr. Badge told the DSAC:

- We began version testing, which we were starting when he last updated the DSAC.
- We found a few problems and are now on our third service pack of fixes from the vendor for the issues we fixed.
- We started trying to test the text notifications this past week with the latest service pack, and it didn't even allow us to schedule an inspection, so it's not working at all yet and we have a ticket into the vendor.
- We're hoping they can get that turned around soon so we can retest.
- We've still got a few bugs we're working out.
- We're about three weeks behind schedule with what we projected originally because of the different fixes we needed.
- Staff will come in this weekend to finish testing that we need for the current service pack, and we hope to find out if we need another service pack or need to wait for some internal bug changes that need to be made by the vendor to solve the issues.
- We'll keep you posted.

Mr. Stark said Mr. French would speak about some quick items. We want to provide information to the industry as quickly and compliantly as possible. You've heard from intake and Rich Long's group that we try to seamlessly move things as quickly as possible through

the pipeline and CityView. We're going to talk about our fees, the fee structure and where we're headed next.

Mr. French told the DSAC:

- The Productivity Committee was here last month and asked him and Mike many questions about the financial structure. They're focusing on fees and don't understand how he continues to operate and what he's done.
- The baseline is inspectors. A few years ago, we fought hard to stop the attrition of employees to other communities. The Board of County Commissioners under former County Manager Mark Isaacson was able to secure board authorization to provide enough raises to remain competitive with the market. That came at a cost.
- Although he's proud of not raising fees over 14 years and lowering them instead, inspector costs now are about \$58 for an inspection, and he's charging \$45. We have bled down and we're in our final year of reserves. He's bled reserves down smartly.
- Through the budget process, he'll be able to demonstrate where he's taken the remainder of the capital fund that we set aside for this building, the hardening and maintenance that was long overdue. Those projects will be completed shortly.
- Between the building shutters and ensuring the building is always open, we had to get a generator and an AC replacement. We went from the old Decks cooling units to a chiller system. All of this was budgeted out over the years, a 10-15 year process.
- There's a little over \$3 million left in that fund, which will carry him into next year. After that, we're done. There is zero overtime that he will approve. We've been mandated to do a 10% cut against our budget countywide due to the Board of County Commissioners and the budgeting process. They want to see where we can save money.
- Unfortunately, he was probably the only one who was doing it for the last 10 years, so the rest of the county is feeling the effects of what was left over, decisions that were made when the former administration relied on a strong reserve fund balance, as well as avoiding a rollback in tax rates.
- He often cites the Paradise Coast Sports Complex. The county spent over \$120 million on a beautiful facility but budgeted nothing for maintenance. We never have. We've always relied on the next tax year to carry us forward so we have shifted positions.
- He's no longer paid out of Fund 113 and Fund 131. He's pretty much solely Code Enforcement and Fund 131 now because he wants to keep people employed, so we're moving around positions to try to find funds. It's a good budget exercise and we have enough reserve fund balance from the past to carry us for the next 18-20 months.
- If there's a spike, we've got only one plumbing reviewer.
- If you're not in a revenue-generating position with this organization, he's freezing positions as staff leaves. That includes employees who answer the phone, help at the counter and review permits online. We won't end up shutting down. We will always meet the state law, but state law gives him 30 days, which he doesn't want to do.
- He's established a level of service. You've trusted him and he's always tried to be forthright. He's at the point now where he had a discussion with the Collier Building Industry Association (CBIA). We're probably going to have to back those fees, at least on the inspection side.

- What he'll propose to the board is that they allow him to hire another consultant to conduct a fee study and to make the gap into next year to secure some of that rollover for future years.
- We're probably looking at rolling the inspection fee back because at one time in 2009, it was set at \$65 and we rolled it to \$45. His intention is to start by rolling it back to \$65 per inspection.
- The next one is that in 2017, the Florida Building Commission updated the Florida Building Code. We don't charge for FEMA reviews and have seven employees doing FEMA reviews, which are their biggest holdup and cause the most work.
- It's a required review that we don't charge for. It's not in the fee schedule so that needs to be addressed. This isn't as much about refilling the bank as having enough to secure confidence going forward for the industry. The last thing we want you to do is compare us to Lee County and for Lee County to be better.
- It's about offering a reasonable level of service at a reasonable price, so he'll be bringing an item back to the DSAC next month that provides a further description.

Mr. French provided an update on a unified countywide code enforcement model:

- It's a force multiplier, a cost savings.
- Domestic Animal Services' animal control officers will probably be coming under Code Enforcement as of June 1. That will go to the board.
- We blended and still have the separation between Contractor Licensing that's paid by the industry and Code Enforcement but we want to provide a full-force multiplier by bringing in Domestic Animal Services (DAS).
- If we show up to a dog case and it's a puppy mill or they've got illegal kennels, right now, Animal Control Officers go in, evaluate, and may remove the animal and then they leave. What does the person do? They just refill the unlawfully permitted cages. That's a misuse, a zoning violation, an illegal business.
- Our shelter is 30-40 animals over capacity. It's a big deal, so we're trying to be smarter about the way we work forward, much like we do with affordable housing, resiliency, and economic development. There's an added advantage to taking a force-multiplication approach through education, much like we do with code.
- Domestic Animal Services prosecutes all those cases. Six to eight months ago, Special Magistrate Pat Neal was throwing out 60-80 percent of cases because they lacked substantial competent evidence, so we took over the administrative end of the investigation process. For the last four months, we've had a 100% conviction rate.
- Tom Iandimarino, who heads Code Enforcement, has a federal law enforcement background and Tim Crotts, who heads Contractor Licensing, is a former chief executive officer and was a police chief in the New Hampshire area.
- This is due to the shift from Brenda Garretson to Patrick Neale. Brenda was amazing and did a great job for many years. She was a good judge but Pat Neale has done a phenomenal job. We've had greater response with less staff effort and we're able to utilize and find efficiencies based on how we've tried to model this.
- We recognize that for every dollar we have to consume on the enforcement side, that takes programs away from seniors, kids, daycare, parks, the sports complex, etc., because there's only so much annual taxpayer money and the board sets policy. But when a rollback year occurs, your service level will drop.

Mr. French outlined issues and future plans:

- He will return to the DSAC again. He's already had a discussion with Dom Amico, Amelia Vasquez, and Kathy Curatolo of the CBIA and they support the fee increases. We have to do something because next year we'll be in a bad spot.
- Volume is picking up, the burn rate is high and he's not going to add staff.
- He's only going to address the FEMA review and inspection costs and it will cost money.
- PRMG, Rob Roy's group, does rate studies for Public Utilities. He's been before the DSAC before and is doing other fee studies for the county. It's already a county contractor, so he doesn't have to put it out to bid. We can go through continuing services, hire them, and work with the Productivity Committee.
- We're balancing a budget, our burn rate is high, and our employment, gas, and vehicle costs are up. The electric bill went from about \$17,000 monthly to \$23,000-\$25,000. These are overhead costs we don't consider. That's why he took on Conservation Collier here. He's offering to help the County Manager's Office and the board because it's the right thing to do. But he's hitting them up for rent to try to offset the costs.
- We upped the rent for Code Enforcement and increased Contractor Licensing costs from \$2,000 to \$2,500. We can defend that per license.
- You use CityView and are pumping out work for us and we can't find employees. We're at a point where we're trying to reduce overtime costs. We had unlimited overtime at one point during COVID.
- All the work we do on permit extensions since Hurricane Irma, then COVID and Hurricane Ian, all of these have been tolled. They never expire. We did about \$500,000 in inspections and plan review work on Hurricane Ian and people are still coming in today from Immokalee and Orange Tree, saying this is hurricane-related damage, "I lost a roof tile, so I'm getting a new roof." He can't charge them a fee. When he finally gets to charge the fee, it's half. The board reduced it by 50% to help people, which is non-refundable to us. Residents get refunded on their insurance, but FEMA doesn't give us that money.
- We can't collect the money because all the fees were held in abeyance until a certificate of completion or certificate of occupancy. If you've homesteaded, what can he do? He can't foreclose on a home. He'll use Code Enforcement and get a lien but they'll come in and settle it at 10% of the property's value, but that's free money. He's got no enforcement on that.
- They're smart. They pull owner-builder permits so there's no contractor involved but the good news is that we're shaking down everybody who owes us money.
- These are permits, generator contractors, shutter contractors, roofers who don't call in the final and there's money they still owe us so we're going after them. We don't want to go after their license or livelihood, but they have an obligation to close out the permit. Often the homeowner has no idea they didn't get a CO and it pops up when they go to refinance, do a title search, or get insurance and want a new roof. It shows up as permitted, but it never got a final inspection.
- Every time he went to the BCC to ask for more help, he had to reduce fees to get help.
- That's the only way he could get help. It didn't make sense, so we bled down the reserves.

- We're always balancing up against what the state law says – he can have 50% reserves to his total budget. We used to monitor that years ago but stopped monitoring it for the last four years because we're nowhere near it.
- So he wants the DSAC to know he has to get an item to the Board of County Commissioners or we'll start to see a degradation of service because there won't be money to pay people.

Mr. Mulhere told Mr. French:

- When you go to the BCC for a fee study, we should authorize the DSAC chairman to support that in a letter.
- It would be helpful to look at Enterprise Fund revenue by department to see what's paid by *ad valorem* taxes.
- Some county fees are ridiculously inexpensive. For example, a zoning verification letter is \$100. It says it can be more if you have to do a lot of research, but he guarantees it's costing the county \$500 minimum to produce that, so \$100 is not a lot. You do a fair number of them. There are quite a few things that can be looked at.
- You need to charge what's fair to recoup the cost because that's fair to everybody sitting here, no matter who you represent.
- Mike's and Rich's department heads could probably provide a list of things that you could seriously consider for a different fee.

Mr. French responded:

- That's what his intentions are. We would start with Fund 113 and then Fund 131, which will be much more complex. He agrees with you. We've looked at that and more research needs to be done.
- If you go to the records room to look for history on a site, the first hour is free. Beyond that, you pay the weighted cost. He established that model over 20 years ago and it made sense then. It's not a win, but it's certainly not a loser.
- We'd like to find a way to pay the overhead from the building. Any group that comes into the building that's not related to enterprise funds needs to pay rent.
- The board sees a big windfall due to site development activity, but it's a slow draw. You could start a project and we could be talking about it for more than two or three years under the same site development plan and if it expires, we just renew it anyway, so Fund 131 is quick money up-front, while Fund 113 on the building side is slow money up-front until you go to work and then we're drawing down because you've typically got a bond, a construction loan and a client who wants to get it done and out of the ground.
- The drawdown there is much faster. But just because you're looking at this activity on plats, on Site-Development Plans, zoning interpretations, pre-ops. That means nothing to the Building Department until you apply for a permit and it's issued. That's how it works.
- We could be sitting in limbo for two years from the time a Site-Development Plan is issued to the time you went to construction, a common occurrence. He cited the building on Santa Barbara that sat empty for years or the one Randy Johns is working on now by Restaurant Row, where the tenant is \$2 million in arrears to Phoenix Associates. Randy is putting a lien on the building and subs. Now an attorney and

banks are involved and there's a permit hanging out there. There's no guaranteed income so it's hard to schedule against that for an inspection.

- Nova has been a great partner. We're glad we helped them be successful because they took the business model they established here and ran with it.
- As good as Berco is, you guys pay a lot more money to Berco and Jason Hill than we do because we have them locked into a contract at \$75-\$85 an hour when you're paying more for a private provider, probably \$100-\$150 per hour. When we call them, they might be able to provide someone in a week or two. Meanwhile, you're waiting.
- These are things we always felt comfortable with because we had enough reserve fund balance that it didn't matter what the cost was for overtime, it was worth it for the customer service. You probably won't see a degradation of service for a while.
- We built this to where we could have avoided what we went through in 2009-2010 and always talked about it so there's enough money to carry us for the year. But going forward into that next year, that's where he's skeptical, especially with the increased costs, contracting costs, employee costs, and operating costs. That's where we're thankful that the Productivity Committee came in and they wanted to know and we wanted to tell them. Thanks to Jeff for bringing them here.

Mr. Brooker generally agrees with what Bob said. You mentioned pre-application conferences. It's a pretty cheap, inexpensive process, especially if you go in and the developer says he's not going to move forward because you can have eight people sitting around a room. That's a lot of time so in general, he agrees. But there's one example he's never understood in the fee schedule because he thought the county doesn't charge anything more than what it costs them. It's cost-driven. For an after-the-fact variance, the fee doubled. That's punitive.

Mr. French said we got rid of it on the building side unless you had a finding. You had to go to court. He agrees. It's just one line item.

Mr. Brooker said he always thought you're doing the same amount of work.

Mr. French said we haven't really touched Fund 131 as much as Fund 113 because 113 is easier.

Mr. Mulhere said you could look at the pre-app. There are many. You're crediting someone who submits the cost of that, so if that's higher, you get the credit if you go ahead and apply.

Mr. Brooker said credit it at 50% of the cost because arguably, legitimately, they're not being educated in the depth that we ultimately need. Pre-app is an area where you could see more money coming in.

Mr. French said we're not going to leave any stone unturned. It was a third-party independent. We tried it before with Steve Tindall, back when Joe was here, and it was a disaster, the way he approached it. We're going to take a much different approach. And that was back in Gary Mulley and Schmidt days. He's different. We can bring in a third party to look at it or use a DSAC subcommittee. He'd strongly urge DSAC to get a subcommittee together to review the findings before we take the fee schedule to the board.

A discussion ensued and the following points were made:

- The time it takes will be industry driven. If we see a spike in service, you'll see a change in service.

- Rich Long is here until Nov. 1, when he retires, and Mr. French is uncertain if his position will be filled. When John left, he could only negotiate to a certain point because then it would be fiscally irresponsible of Mr. French to throw around this money like it was endless.
- We're stretching the money.
- You've seen building improvements and things on the capital side that we're finishing up now that were approved four years ago. It took that long to get the clerk to pay a contractor.

Mr. French said he'll bring this back to the DSAC next month and he plans to get it on the board agenda. He believes he has the support of most commissioners, except Commissioner McDaniel. But he's hoping the DSAC will help by supporting this.

Chairman Varian asked when the last time a fee study was done.

Mr. French believed it was about seven years ago with a third-party contractor that recommended increasing fees and we reduced them.

Chairman Varian said it's always irked him that we're an enterprise fund. We pay for it and are willing to pay for it, and we shouldn't be cut 10%. It always irks me whenever it's across the board, but we are paying for this. We're willing to pay for it. We want to make sure everybody in this building gets paid properly.

Mr. French said he can't be the only voice championing that message, but he always champions it. He appreciates the chair reminding him.

Mr. Mulhere noted that it goes back to Neil Dorrill.

Mr. French responded:

- Thanks to everyone on the DSAC for believing in and trusting him. He won't let you down.
- We're the only county group that's taken on more affordable housing policy. Hannah, on the AHAC, and Bob Mulhere are now volunteering for that. It used to be monthly fighting and Mark Strain dropped off and so did Schmitt because the AHAC was just arguing. This is the best AHAC he's ever seen and now they're meeting every other month and we've dedicated staff to them. They enjoy being here and we love having them because we're able to answer questions to avoid more work and can explain what was said in a meeting.
- Tom Iandimarino is now getting help with Code Enforcement after cases were being kicked out of court. We brought them in-house because we can adjust it and fix it. We're the only group in the County Manager's agency doing this. This isn't about making more money for staff. This is about getting the right people in the right jobs and training people to replace them.
- He tried to leave once, works at the pleasure of the community, and needs to do something.
- Your fee schedules went through on the fire district. If not for our staff, Cheryl Soter, this wouldn't have happened. Working with the CBIA, we took a unified fee structure approach so Greater Naples is no different from North Naples. That way, when you're quoting your contract, it's there and covers their bill. We went back and corrected all

the interlocals' work, presented it to their board and they accepted it. The only signature we're waiting for now is Immokalee.

- We changed the fee schedule so you no longer pay half of Shawn Hanson's (Greater Naples Fire District) salary, you pay 100%. The fees went up enough based on our calculations and activity on the fire side for Greater Naples so it should cover that, as well as staff within that area, including Tom Mastroberto (county Fire Plan Review) and other employees there so that's been a good model. He spoke with Ricardo Eloy (North Collier Fire Control & Rescue District) about it last night and everybody seems happy about what we did. It's coming to the board at this meeting or the next because they're already asking for money and currently, he can't pay her more than half.

Mr. Curl said about nine months ago, he and Jim Boughton brought to his attention the difficulties getting information about older plans that were scanned. He requested a plan two weeks ago, waited a few days, and didn't get what he requested, a county-stamped site plan. He got a survey with no county stamp that didn't even show the whole property. It was worthless. Records staff isn't getting what's needed, but Diane Lynch found it in about three hours and apologized that it took so long. He didn't pay any money for his request so maybe that's the problem, it's free.

Mr. Stark apologized.

Mr. Curl said he didn't need an apology. There are tags and ways to search.

Mr. Stark said they'll do better. He'll look into what's causing the problem. Maybe more training is needed.

j. Zoning Division – [Mike Bosi, Director]

(No report)

6. New Business

(None)

7. Old Business

A discussion ensued about state 404 environmental permits being transferred from the state DEP to the federal ACE:

- The 404 mess has been in the paper.
- The same criteria about water that was applied by the state that was found unconstitutional is now being handled by the Army Corps of Engineers.
- There was a 9-0 ruling last week.
- When the DEP assumed that responsibility, they were not using the same criteria. That's probably not going to change even with an appeal.
- When Mr. Valle was doing work in Golden Gate Estates, they were applying it that way, where you had a drainage ditch from an ag field that connected to the end of the canal. All of a sudden that became water of the state and it's clearly not what the final court decided. He thought those ag ditch permits that people were having to go through from DEP were now going to away.
- Mr. Espinar said you're talking about two different things. One of them is what the Supreme Court rules were and changed to the current one. That's where connectivity

comes in. That's the definition of changes. What you're referring to is the pending court case. The judge ruled that the DEP had not been enforcing the law as it should have been, specifically for the Endangered Species Act. That's where the hang-up has been. There are some law firms he can talk to.

- Mr. Espinar said the latest ruling from Tallahassee was appealed by the state. On April 23, the appeals judge said they didn't make their case. As of now, applications and everything went back to the Army Corps. They didn't like that the workload was being delegated to the state. The state employees are easier and faster. He believes the DEP shot themselves in the foot. He believes they were enforcing the law more stringently than the feds.
- Mr. Sterk said not everybody is resubmitting to the Corps. They sacrificed species for wetlands.
- They hung their hat on the Endangered Species Act and demolished the program the state had in place. Mr. Espinar said they shot themselves in the foot because environmentally, DEP was claiming farm fields, anything, and everything. By returning 404 permits to the Army Corp, it may alleviate some of that. The Corps downsized their work stack because DEP was handling it and now it's all going back to the Corps.
- Mr. Espinar has an application that's been pending since June. He just sent an email to them and can't get anything out of them.
- Mr. Sterk said you're going to have people in Utah reviewing your application and they're not going to step foot here, so you're not going to have site visits.
- Mr. Espinar said some of the applications are being forwarded to Jacksonville for review.

8. Committee Member Comments

Chairman Varian noted that the DSAC usually doesn't hold a meeting around the July 4th holiday.

[A discussion ensued and the DSAC decided not to meet on July 3.]

Mr. Valle told the DSAC:

- The U.S. Supreme Court handed down a 9-0 decision about impact fees, calling it a taking. He wonders how that's going to be viewed in Florida because there's some language with a direct proportional rate.
- Maybe at the next meeting County Manager Amy Patterson could talk to us about what they see from that standpoint, if they've got any thoughts on it yet. He's sure county attorneys statewide are looking at that.
- It's us and California. Let's say the Supreme Court case came out of California and they've reverted it back, but they've said that you have to have a direct nexus, not just a rational nexus, and it has to be proportional. So the guy was buying a 1,400- 1,600-square-foot mobile home and was getting charged \$23,000 in road impact fees and fought it over the last five years, which ended in a 9-0 decision.

Action Item: Staff was asked to see if County Manager Amy Patterson could address the impact of the unanimous U.S. Supreme Court ruling about impact fees.

9. Adjourn

Future Meeting Dates:
3 p.m. June 5, 2024
3 p.m. July 3, 2024 – CANCELLED
3 p.m. August 7, 2024

Mr. Mulhere made a motion to adjourn. The motion passed unanimously, 13-0.

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 4:18 p.m.

**COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE**



Blair Foley, Vice-Chairman

These minutes were approved by the Committee/Chairman on 6/5/24, as presented
(choose one) , or as amended _____.