

MINUTES OF THE COLLIER COUNTY  
DEVELOPMENT SERVICES ADVISORY COMMITTEE  
MEETING

August 3, 2011

LET IT BE REMEMBERED that the Collier County Development Services Advisory Committee, having conducted business herein, met on this date at 3:00 PM in REGULAR SESSION in Conference Room #610, Collier County Growth Management Division/Planning & Regulation Office, 2800 North Horseshoe Drive, Naples, Florida, with the following Members present:

CHAIRMAN: William Varian  
Vice Chair: David Dunnavant  
Ray Allain  
Clay Brooker  
Marco Espinar  
Blair Foley  
George Hermanson  
Reed Jarvi  
Robert Mulhere  
Mario Valle

*Excused:* James Boughton  
Reagan Henry  
David Hurst  
Laura Spurgeon DeJohn

*Absent:* Dalas Disney

ALSO PRESENT: Jamie French, Director – Operations & Regulatory Management  
Judy Puig, Operations Analyst – Staff Liaison  
Jay Ahmad, P.E., Director – Transportation Engineering  
Ed Riley, Fire Code Official – Fire Code Office  
Nathan Beals, Project Manager – Public Utilities  
Tom Wides, Operations Director – Public Utilities  
Joe Bellone, Manager – Billing & Customer Service, Public Utilities

**I. Call to Order:**

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

A quorum was established. Eight members were present.

**II. Approval of Agenda:**

*Change:*

- Item “B” – originally under *New Business* – was moved to “A” under *Old Business*.
- The topic is Fire Line Meters, not “existing meters”

*Blair Foley moved to approve the Agenda as amended. Second by Ray Allain.*

*Carried unanimously, 8 – 0.*

**III. Approval of Minutes – July 6, 2011 Meeting:**

*Change:*

- Page Four – first paragraph: Remove the words “no” and “not” from the last sentence as follows: “If there is *a* possibility of mixing, i.e., installing a foam fire protection system on a non-potable water line, an RPZ will be required.”

*Ray Allain moved to approve the Minutes for the July 6, 2011 meeting as amended.*

*Second by David Dunnivant. Carried unanimously, 7 – 0.*

*(Note: Marco Espinar did not vote because he did not attend the July meeting.)*

**IV. Public Speakers:**

*(None)*

**V. Growth Management Division – Staff Announcements/Updates:**

**A. Public Utilities Division: Nathan Beals, Project Manager – Public Utilities**

- Changes to the Standards Manual were forwarded to the Board of County Commissioners, approved, and became effective on August 1, 2011.

*(3:05 PM – Clay Brooker arrived.)*

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

- Monthly Activity Report for June was submitted.
  - Reviews conducted: 783 (less than in May – 794)
- Move to the new building has been completed

A question was asked if any “trending” or statistical analysis was used concerning review of training procedures for inspectors.

**Ed Riley** replied the statistical analysis referred to problems with plan review training.

If a field inspector or a Fire Marshall detected a problem, he would request that a particular class is conducted on a specific item or topic.

Additionally:

- Training classes will be expanded because the new building contains a dedicated training facility. For example, there is a “wet room” which will enable sprinkler heads to be set off, showing various spray patterns.
- It can be set up to show obstruction rules – how things should be arranged in the field.
- Functional fire alarm equipment will be installed in the room for training.
- Other types of equipment will be installed such as a Mass Notification System which is new in the Code. It has been used primarily by the military but will be used in civilian applications.
- In the other room, cut-away versions of hoods will be installed.
- The room will be set up to handle different types of training on short notice.
- Regarding “trending,” there does not appear to be any issues evolving from the field.

**Q.** The training is for building department fire inspectors – the ones who inspect new construction for permits and occupancy?

**A.** Any of the fire inspectors are able to come to any of the training classes that are provided.

**Q.** Are you responsible for training or do you assist in training?

**A.** It’s a combination. Part of the Inter-Local Agreement requires that we provide training. They have to request what kind of training they want. We are also trying to put training programs together for the Building Industry as well for contractors, architects, etc. We have conducted several of those in the past six months but not within in the building – we have gone to the architects’ group meeting or to the roofing contractors. In the meeting, we answer their questions – it is not really a class. Those are the types of things will generate classes to better define or address questions and concerns.

*(3:10 PM – George Hermanson arrived.)*

**Q.** I don’t understand the exact hierarchy. I know the Inspectors work for the Fire Marshalls in their respective Districts. But if the Inter-Local dictates that you control the training and administration of those – if there is an issue or a trend or a problem, where does somebody go?

**A.** The Inter-Local does not dictate – they answer to me or I control. We are to provide training when requested. We do not require attendance – I don’t have that authority. What we have is the responsibility to provide training if training is requested.

**Q.** Is there anyway that we can obtain any data on what kinds of issues – specifically I am referring to an article I read in the newspaper a couple of weeks ago regarding responses by the Fire Department. I was surprised by the low percentage of fires that were responded to – approximately 96% was non-fire related.

**A.** That information is available from the independent Districts.

- Q.** I think it's critical to you as well because if you are doing fire review, fire inspections, training for fire inspections, and training Fire Inspectors for occupancy inspections – those responses are pretty relevant to what is a trend – of what you are looking at – right? I mean – if there's one thing that is causing all the fires, I would think that's important to know what that is.
- A.** That would be something that the Fire Investigators would bring back to the Fire Inspectors and request particular data or information. We have not seen any particular trending of types of fires. They have been all over the place – mostly accidental in nature.
- Q.** My specific question is if you are responsible for training at their request, how do you know how to prepare if you don't obtain that information?
- A.** It's based on – as I said before – what they request for training. If they have a particular issue or item they want specific training on, we provide that. We don't train firefighters. I train the Inspectors.
- Q.** I am talking about the cause of the fires. If you are going to focus on a particular area of inspection or a particular area of review, it seems to me to be only prudent that you identify areas that have the predominant problems. There is no point in over reviewing something that has never presented a problem in the history –
- A.** I don't understand ---
- Q.** is what I'm saying.
- A.** I don't understand that – “over review” something that is not causing a problem today. We review what the Code requires as far as on Plan Reviews. It's irrelevant to me what types of fires are occurring. The Code is set as to what we need to have in place today. What starts the fire is generally not an inanimate object. In the building that we have control of on the Fire side, some electrical fires are what you have. I have no control over an electrical fire. That's the Building Code and the Building Department's responsibility on the electrical portion. We look at separation walls, construction – they don't start fires – they help to control a fire or stop the advance of that fire.
- Q.** So your Inspectors wouldn't be dealing with issues of an electrical nature and structural nature unless it pertains to a fire separation or containment?
- A.** Most of the time. If they see something that they are knowledgeable about, they will notify the Building Department to go out and look at. They cannot enforce the Building Code. They can only enforce the Fire Code. If it's an item or an issue that is under Gary (Harrison)'s purview, they forward that information to the Building Department or through Code Enforcement for someone else to go out and review it to see if it is an issue, and to enforce it.
- Q.** It wouldn't be proper for one of them to come in and tell somebody that they were going to reject an Occupancy Permit because of something that it wasn't in their purview to inspect or comment on? They would have to forward that to someone else?
- A.** That is correct.

**C. Transportation Planning Division: Jay Ahmad, P.E., Director – Transportation Engineering**

- Oilwell Road Update: traffic was switched to the north side that has been completed. Construction has begun on the south side of the roadway.
  - The project is 60% completed. It is on time and within budget.
- The contract for the Davis/Collier Project has been signed. The Notice to Proceed will be issued after a Dewatering Permit is obtained to build the retention ponds.
  - The project should begin by the end of September or early October.
- There is a Design/Build contract for the two bridges and to construct two lanes on Golden Gate Blvd.

**D. Planning and Regulation: Jamie French, Director – Operations & Regulatory Management**

- New permit requests for July:
  - Single-family homes – 92
  - Multi-family – 5
  - Commercial – 3
  - Other (single trade/multi-trade/build-outs) – approximately 1,700
- Administrative change has been initiated
  - Designated two Permitting Techs to assist Permit Runners or Contractors with 5+ permit applications – must call in advance for an appointment
  - During the last week of June, the average wait time was 17 minutes
- RFP – (“Request for Proposal”) for the Temporary (contract) Inspector position was posted but only one vendor submitted a bid
  - Contact is \$100,000
  - Will be brought to the BCC for approval
- CityView: there are 91 issues to be tested and corrected
- PORTAL: anticipated to “go live” on the Building Department side by the end of August
- Trade Permits are going through CityView while new home/construction permits are still going through CD-Plus

**VI. Old Business: (per amended Agenda)**

**A. Rate Study on Fire Line Meters – Tom Wides, Operations Director – Public Utilities and Nathan Beals, Project Manager – Public Utilities**

**Chairman Varian** asked Nathan Beals to update the Committee on the topic for discussion.

**Nathan Beals** stated he and Tom Wides were available to answer questions on the fire line metering requirements and billing requirements.

**David Dunnivant** stated the question is – if fire meter requirements are being eliminated from fire lines, why is Utilities continuing to bill customers who incurred the expense of installing meters in the past?

**Tom Wides** stated the real topic revolves around two previously-discussed items:

- #1 – Utilities has lost water – it is disappearing from the system – it was documented
  - Alternatives were offered to the Subcommittee but none has been agreed upon
- #2 – If the water being lost is unidentified, someone else is paying for it rather than the actual user
  - That is, the residential customers and the building community are paying for the lost water
- If water is being lost in the system and Utilities doesn't attempt to find the source of the leak(s), it becomes a conservation issue

He continued there are two sources of raw water: from the Tamiami Aquifer which requires much less treatment, and from the Hawthorne and lower aquifers which require more intensive, costly treatment. He stated the more water that is not tracked, the more users will pay for it.

**Chairman Varian:** The Ordinance was recently changed/adjusted and does not require meters on any projects going forward.

**Nathan Beals:** Line size meters are not required. It does require a leak detector meter on the backflow preventer. It does register flow.

**Chairman Varian:** Those meters that are on – if they go over an excess amount, Utilities charges the customer for that usage. How does that work – charge-wise?

**Nathan Beals:** The meters only register the first three gallons of usage – anything higher than three gallons per minute would not register on the by-pass meter. It would go straight through the assembly itself. That's the difference between the line-size and the detector meter.

**Chairman Varian:** If Utilities saw something on that meter, the customer would be charged?

**Nathan Beals:** On the detection meter – yes.

**David Dunnivant:** If it stops at a certain rate, how do you know what to charge?

**Nathan Beals:** We would charge based on .....

**Joe Bellone, Utility Billing & Customer Service Manager, Public Utilities:** Utilities would charge only what the meter read. If it registered 1,000 gallons, the customer would be charged for the 1,000 gallons without an availability fee. If it registered more than 5,000 gallons, the customer would be charged the full availability fee plus the consumption.

**Chairman Varian:** The little by-pass meters ... how do they register....?

**Nathan Beals:** They register three gallons per minute. If there is a leak or someone using 3.5 gallons per minute, you can surpass 5,000 gallons in a day and one-half.

**Chairman Varian:** You wouldn't know ...

**Nathan Beals:** We wouldn't know – no. If it's above 3 gallons per minute, we would not know.

**Chairman Varian:** How could you charge a customer if you wouldn't know after 3 gallons per minute? If a customer happens to use 5,000 gallons but the system can only register 3 gallons per minutes, how do you figure that out?

**Joe Bellone:** If the reading on the small register was 2 this month and next month it's 7, then we know 5,000 gallons has gone through it. If the register today was 2 and next month it's 4, but because more water went through the assembly than through the detector, there would be no charge. I can only charge for what I see or read on the meter.

**Chairman Varian:** Is that different than a line-size meter – charge-wise?

**Joe Bellone:** A line-size meter would – all the flow would go through the line-size meter and all the flow would then be metered and accounted for.

**Chairman Varian:** Somebody who put a meter on because of the Ordinance and then the neighbor who didn't --- could get nailed for a higher percentage of dollars than the new guy.

**Joe Bellone:** If they are running more than 5,000 gallons every month, it is probably more than just fire service.

**Chairman Varian:** Agreed. David – am I on the right track?

**David Dunnivant:** This is so disappointingly disingenuous, I can hardly stand it. The fact that this isn't a water loss issue – the water loss on the fire meters never was the issue. You always had rates that covered your water loss which is below the standard for the Industry. You haven't shown at all how much of the water recaptured in fire line meters relates to the perceived water loss. The fact is you're billing a monthly service rate to people who have 8 or 10-inch meters – which you no longer are going to charge – and I think it is ludicrous to continue charging these people when it is no longer a requirement – a monthly service. If they go over 5,000 gallons – just like a by-pass meter, that's a whole other issue – if you're going to go to the trouble to check each of those. But to leave them on a continuous billing cycle when it is no longer a requirement is just amazingly unfair to those people and not right. Because 90% of your existing customer base, and now your future customer base, won't have a fire line meter. I just can't believe that you can sit there and defend the practice.

**Tom Wides:** The water loss has averaged over the last couple of years around 5%. The national average is around 15%. Go back a couple more years before we started focusing on line loss and other issues, we were up closer to 12%. We have done a number of things to improve our processes, and to minimize water loss.

**He continued:** When we talk about a 15% national average, you have systems that are 100 years old with old pipes, old treatment systems, etc. For a system that's as relatively young as ours – should it be 5% or should it be 1%? I think the important thing is to identify where the water is going. If it's 10% and we know where it's going and there's a good reason – flushing, for example – at least we can measure it, but we're not going to bill it to the customer.

**He stated:** We recently looked at a couple of examples. Look at the School Board – month after month on their fire line, they are running 19 to 20 to 25,000 gallons of water usage, and they were being charged for it. Did they do anything about it? Yes, they did. On 111<sup>th</sup> Avenue, they found the source causing the water loss – they remediated it – and now their bills are down to around zero. They did something – unfortunately, as a financial incentive, but they did something. They went back and looked at it and tried to work it.

Dave, you have talked about the Mercato repeatedly. The Mercato has water that is running somewhere in that system that is not going into the fire system, and they are looking at it. They want to get rid of that bill – and they can. We have one situation where they, in fact, *have* minimized the bill because they realize there is an incentive to

do it. And you have another group in the Mercato that is, in fact, doing similar – as I understand it. So, is there an incentive here – yes. There is something that you can do about it. And what should it be – should it be 5% -- should it be zero – I think we can do things ... we can help ourselves to reduce the use.

**Chairman Varian:** If they have a meter but don't have any water use, are they charged?

**Joe Bellone:** No.

**David Dunnivant:** That means you're changing something in your Billing Statute because, currently, they do have a monthly service charge. What Nathan indicated last week – or last month – was the only thing being changed was the Utilities Standards Manual and no changes were occurring in billing.

**Chairman Varian:** I don't think any of use would question a charge for water usage. I think the question is that if a meter is in place and there is a monthly service fee for that meter without water usage – that's the bigger problem. That's the question that DSAC is bringing up. The customers who have meters are being charged \$100 to \$300 a month with no water usage while the neighbor isn't charged. That's the issue to be clarified.

**Tom Wides:** Please listen closely to Joe's answer as he reads from the Ordinance.

**Joe Bellone:** Here is the clause from the Ordinance that describes the situation:

*“On fire service meter connections that have consumption in excess of 5,000 gallons in any one billing period are deemed to have provided domestic or other water usage and shall be billed according to regular water monthly availability and usage charges.”*

**He continued:** If you don't reach that regular consumption, there are no charges.

**Tom Wides:** To answer David's question, using the School Board as an example, once they fixed the problem – the last two billing periods have been zero – no availability and no user. They fixed the problem. We recognize some testing has to be done on the fire systems. Maybe the 5,000 gallons a month is not the right number – we acknowledge that, but we need your help to – we've talked about this before – what is the appropriate number.

**Chairman Varian:** Is there something that can be set up where, if we are doing multiple build-outs where we have to drain a system on a regular basis, is there a way that we could work with Utilities – maybe 10,000 gallons is too high – but is there an exemption that could be applied due to the work being done? It is something to consider. If we have to drain a system specifically for a remodel or expansion, if Utilities knows about it – the owner may not “get nailed” but you will charge for the usage.

**Tom Wides:** We will consider it. What I don't want to get into is adding 10 people to Utility Billing. If you have something that is a pretty good size and we can see a way clear and we can write something into the Ordinance, I don't have a problem with that. But it has to be reasonable. If you're coming at me for a couple thousand gallons every month, I'm going to have a problem with that.

**Mr. Wides** noted that a single family residence uses approximately 6,000 gallons per month.

**David Dunnivant:** When you have to size a meter, you size it for 10,000 gallons even if you only use 6.

**Tom Wides:** It seems to work because we have found incidents where – it may not be intentional, but we've found situations where people have said, “It's a fire line and I



don't have to pay for it, so I'm going to tap into it." To ask the Water Department to go find them is not fair either.

**David Dunnivant:** My understanding is that there was a service charge – even if it was a monthly as opposed to the annual rate which – the annual kicks in. If you run over 5,000 gallons in a month, you get charged the annual rate for a meter.

**Joe Bellone:** There is a monthly rate. For a 10-inch meter, it's \$1,100.00. If you go over 5,000 gallons, you are charged \$1,100 in availability charges. That's the availability charge assigned to that fire line size.

**David Dunnivant:** And the flaw that has occurred in at least two instances that I know of – once you hit that threshold, Billing has not corrected it – and even when people don't use 5,000 the next month, they were still charged the \$1,100. I know we have doubled back and had a couple of those corrected, but I don't know that you have looked at all of them.

**He continued:** You are telling me that if Fire Services uses under 5,000 gallons, they have no monthly service fee charged.

**Joe Bellone:** That's correct.

**David Dunnivant:** And it's been that way?

**Joe Bellone:** This Ordinance has been in effect for three years.

**Nathan Beals:** We had talked in the Subcommittee about an option to what is currently in the billing – we talked about possibly going to a 1/12<sup>th</sup> flat monthly fee – that was never implemented. While it was something we talked about, we received poor feedback on it – so we left it off the table and haven't talked about it since. Throughout this entire process, if you use less than 5,000 gallons – there is no charge for availability.

**Chairman Varian:** Is a Rate Study going to be conducted next year?

**Tom Wides-** We are likely to start it at the end of the calendar year – or Fiscal Year 2012 and it will go into Fiscal Year 2013 – it will begin in October or so of next year.

**Chairman Varian:** That's a year out. Maybe we can talk between now and then about some of these build-outs to make sure that the customer isn't unfairly charged for something that he has to do.

**Tom Wides:** That's reasonable.

**David Dunnivant:** What you have right now, which still isn't quite fair to the people who have the expense of a fire meter – unlike their neighbor who doesn't have a fire meter – who will be charged for whatever shows up on the by-pass, they are going to get not only the usage charge plus the \$1,100 still, even though future commercial projects will not require a fire meter. If you fell into that unfortunate time period when a meter was required, not only did you have to pay for it but you have an on-going penal effect of use of fire water for any reason.

**Tom Wides:** We can circle back around now and talk about whether we should have fire meters on every fire line. That would be fair because then you would be measured on what you are using and if you're using far beyond what you need ....

**David Dunnivant:** It's not practical. We went through it for months because the bulk of your system was built without fire meters – to do so now would create complete chaos in every sprinkler calculation that's been done in this County. To go under that premise is useless. The fact is, you have 30 years of systems out there *without* meters, so why keep referring back to that as fairness.

**Tom Wides:** Because I gave you another alternative when you didn't like that one. And I gave you the availability charge which is used in other communities – the 1/12<sup>th</sup>.

**David Dunnaant:** Where they have fire meters.

**Tom Wides:** Not always.

**David Dunnivant:** Fire Services.

**Tom Wides:** We have given you alternatives. I don't have other alternatives. I don't feel it's going to be fair to the residential folks and to the other folks who don't have fire services to pay for lost water because we don't have an incentive to find the lost water.

**David Dunnivant:** You are not making any sense. People who have fire meters are the only ones in the system that you will understand if there is lost water and you're charging them not only for the usage – as you do everybody else – but now you are also charging them for a service charge for the meter for that month.

**Tom Wides:** Yes.

**David Dunnivant:** So you are penalizing the customer who has the meter. You can sit there and talk about the residential all you want – it can be leaking into a residential service and you won't know that.

**Tom Wides:** But we do – they are metered. We do know.

**David Dunnivant:** Unless you have replaced those meters, you are right. They could have leakage somewhere.

**Tom Wides:** They absolutely do and we do replace the meters because we have a meter replacement program for the residential side. So, the whole thing goes back to who is being metered and who is not. If you are being metered, you are paying for what you are using.

**David Dunnivant:** You started 30 years too late on this. The balance of your system doesn't have it – the bulk of your system doesn't have it.

**Tom Wides:** So, therefore, are you saying that all the residential folks should pay for any lost water? That's what you are saying.

**David Dunnivant:** They get their minor percentage like everybody else does – as it has been for years and years.

**Tom Wides:** Sorry, we don't agree.

**Ray Allain:** I wasn't really clear about what you were saying about renovations – are you suggesting that there should be a certain amount that a client doesn't have to pay – or just not pay the penalty?

**Chairman Varian:** I guess I was looking at the penalty. I don't have a problem with the usage – if you happen to have a strip mall – you could use up that kind of water and somebody would be penalized for building out.

**Ray Allain:** Right. Obviously, they shouldn't be penalized unless it's a Code requirement, but they still should have to pay for the water because ....

**Chairman Varian:** I am not denying that.

**Ray Allain:** There are two reasons for that: (1) based on what Tom has said, they need to know where it is going because that all goes into the equation, and (2) because the Ordinance states that those who use, pay – they should pay. That is kind of a slippery slope because – I drive past fire hydrants every day that are being flushed and there is no meter on that. We have no idea if that thing is open for 30 seconds or 1-½ hours. If you are going to go to the “nth degree,” you have to justify why you are not looking at one area and why you are looking at another.

**Tom Wides:** With transportation, with the Fire Districts, we are trying to measure the flushing they are doing. We are trying to do the flushing with our people where we can.

**Ray Allain:** It may not be practical, I understand.

**Tom Wides:** I'm saying we are trying to.

**Ray Allain:** That's a completely undetermined volume of water that has gone out of the system.

**Tom Wides:** What I am saying is that in some cases, we are measuring the flow and they are reporting to us what their estimate of the flow is. We are not ignoring the hydrants –we are trying to get to all. We are trying to measure all. It's not like it's a dormant program – it's an active program. We are trying to find where all of our water is going.

**Ray Allain:** I also see David's point. Why can't these people just go to the regular detector? It still detects the flow, it still has a penalty, it still is an incentive for them to change – but the additional monthly charge just for the line-size meter doesn't seem to be commensurate.

**Reed Jarvi:** Can the meters be removed?

**Nathan Beals:** There were comments at the last meeting – you can submit a permit for an SDP Amendment – go through Fire Review and pull off the assembly as it is with the old line-size meter and the backflow and put in a Double Detector Check backflow, if it's U/L or FM rated and meets the requirements of the Fire Code and the Utilities Standards. That can be done.

**David Dunnivant:** Ray, you alluded to one of the objections to the whole fire meter concept was – it's not about water loss, it's about revenue. The fact is we were going to spend lots of money in the Industry and generate a lot of revenue for potential metering of these fire meters. You haven't even quantified the loss through the fire lines – it's insignificant compared to the cost that the Industry was going to have to pay.

**He continued:** Nathan, we have addressed 75% of the issue. Last month, you said you were going to go to the BCC with the Utilities Manual in July or September.

**Nathan Beals:** It went in July. Those are the changes that went into effect on August 1<sup>st</sup>. They are in effect now. The changes that we discussed at the last meeting.

**David Dunnivant:** The fact is – it was an issue of – there were significantly more costs going into fire meters and the potential billing for fire meters than the actual loss. I don't think you have indicated at any point, how much of that 5% or between 5 and 12% was associated with the fire meters. And you still can't do it on the fire line services that have been in place for 30 years.

**Tom Wides:** You have to look back, but I believe that one of the activities we did during the Subcommittee meeting was to give you an estimate of that loss. Nathan just told you that there are a couple ways to approach this. If you want to remove the meter and go to a Detector Check, you have a way to do that. It's still going to preserve what I'm trying to accomplish which is saying there is an economic incentive that if those Detector Checks continue to pass over the 5,000 gallons, we'll still have a way to give incentive to conserve water and to use it for fire service – not for other services.

**David Dunnivant.** That incentive has always been there – to use the Detector Check. You've always had a leak on the fire lines. It is the line-size meter that is the issue and the punitive charges for it. The fact that people had to do it – it was a very punitive Ordinance as written and passed in 2008. You had no incentive to modify it which I think is – not really in light of what this discussion has been. So now, people have to pay money to come back through Horseshoe Drive to do another SDP and come through Fire Review to remove a meter that was, I think, ramrod down in a sly way, several years ago.

**Tom Wides:** Those are your terms. I don't agree with the terms [terminology] you use.

**David Dunnivant:** You can describe it in other terms, but that's the way it happened.

**Tom Wides:** If that's your view – that's fine. What I can tell you is that now we have given you three alternatives.

**Chairman Varian:** Thank you, all, very much.

**VII. New Business:**

**A. New Procedures: Short-Form Permit Application – Brian Jones, Tamiami Builders and “Mr. Metal” Steel Buildings, Steel repairs and construction**

**Mr. Jones** stated:

- I have talked to many people who are affected by the new procedures for the short form. It was a shock to us.
- We did not receive advance notification of the new forms and were not able to talk to our customers to advise them about the new forms, time durations, and costs. All have been changed.
- I tried to research what this assembly had discussed about the new procedures. I was not able to find anything and was hoping you could enlighten me.
- For the service industry that is doing A/C replacements or roof repairs, if your A/C goes out in Collier County and it's commercial, it can take a long time to replace the A/C under the current standards. It took me 3-1/2 weeks to repair a man's roof. His ceiling tiles had collapsed and he had buckets, wet computers. This is the state of the way it is in Collier County right now.
- Essentially, the short-form permit is extinct. There may be some exceptions that I am not aware of – I was trying to educate myself by calling other people in the Industry – they are behind me – they said somebody has to stand up and be our voice.
- It is a mess -- it's catastrophic.
- I was a two-term member on this Board. Part of it was oversight and to give suggestions -- and every once in a while, there is something glaring and you say, “That doesn't sound right.” And that was what I felt my function was as a volunteer on a Committee to make sure nothing like that impacts the community.
- Everybody who has an air-conditioner – everybody who has a roof – they are affected. And that is unconscionable.
- The system we have doesn't work. It's broken. I am asking if you have the authority to rescind it and put back the Permit that wasn't broken in the first place.
- There may have been exceptions and I understand with exceptions, that some things may slip through and there was a hazard. There was a checklist – an identified checklist which is no longer included. But that should have been hashed out before something was instituted – there could have been some forethought to it. You let customers – you implement – you go through a due process – that's the American way.
- Our Industry is on life support. I'm reduced from a General Contractor – I'm now doing service work. I've got a 60-year old company my great grandfather founded and hanging on by a thread – and this is about to put me under. I've got people who can work and I can't get them to the job because I can't get the Permit.

*(Note: There were some comments off-microphone that were not recorded.)*

**Chairman Varian:** I know that we were streamlining the application forms. As a remodeler, a lot of those forms didn't make a lot of sense to me. I know that Jamie and Claudine were streamlining the forms. I did hear from the HVAC point of view, again, if it's a commercial building – going through Fire, etc. – that there were some changes as far as what was required so that the Fire Department can do their review properly.

**Brian Jones:** If your air-conditioner gets stolen or hit by lightening, how long do you want to wait? If you have a restaurant and you serve customers, how long do you want to wait? How long can you afford to wait? If you've got a bucket in your roof –

**Chairman Varian:** I know that the forms were changed to make them easier. There were too many forms. The review process – Ed has certain requirements when it comes to commercial buildings and he always had. As far as air-conditioning – I believe that if a unit goes out over a weekend, it has to be replaced. The Contractor can come in on Monday and obtain an after-the-fact Permit.

**Robert Mulhere:** It seems as if there are two issues. one is the typical Permit process that is a planned thing and the second is the emergency situation.

**Chairman Varian:** I know, Ed, that there are certain trigger points where you need more information but if it's a change-out in an emergency – how does that work?

**Ed Riley:** On an emergency on A/C change-outs, the Building Department does allow emergency change-outs to come in the next business day to start the Permit process. We're not telling people that they can't put an air-conditioner in – whether it's commercial or residential – because of a time frame to obtain a Permit.

**He continued:** The issue here is what was called a “walk-through” Permit – where you could come in and sit/wait for your Permit. Those don't exist anymore because of the process of moving them back and forth between my office and this office. Before the paperwork could be handed to us when we were here – now, we come over three times a day to pick up plans and take them back. We have worked out with the Building Department that if plans get to us by 2:00 in the afternoon, it's back here by twelve o'clock the next day. It's the best we can do and that has to do not with our ability to get the Plan Reviews done, but the times when they want us to come back and forth to the Building Department as well as the length of time it takes to that they need – lead time – to get the final typing done. When we were here, we could get to it and get it out that day. But you still had to come in during the morning. If you came in at 2:00 in the afternoon, you didn't get a “walk through” because it still took time to get through the process before it got out. You would get it the next morning. We have tried to keep it as short as we possible could.

The issue with the Roofing Permit that Mr. Jones had was because it was mis-marked when it came to us. We had it eight days before we knew because it wasn't marked as a “priority Permit.” When Mr. Jones came over, we showed him the paperwork. It wasn't marked properly. It is to go through a certain process and is marked and we are notified – they are to be packaged differently and handed to us so we know we have to review those and get them back. But that one wasn't. It went through the normal review process as a “first review” – it took 8 to 10 days to review. The Tech who brings it in is to mark the different categories. But when you have so many different categories of permitting – something will be dropped. There are so many different types of permits to run through that those mistakes are made.

**Robert Mulhere:** If it was very important to get it through, wouldn't you make sure that the Tech marked it properly? I wouldn't leave until I knew.

**Brian Jones:** The Building Director has indicated they are already starting to back up – that they are overburdened with work. This is adding more work – it's not helping the situation for him and if you ask the people who are being regulated – we did not need, nor did we ask for it. If you ask the consumer – absolutely did not need one or ask for it.

**Robert Mulhere:** It seems to me that what we have is an underlying failure to communicate.

**Chairman Varian:** What you must keep in mind is – we had been for so many years, doing projects that were \$80 – 90 – \$100,000 – \$200,000 projects and they were weeks long. Now we are doing projects that are \$5,000 or \$2,000 which are much quicker.

**Ray Allain:** I disagree. I don't think it is a communications problem. The problem is that some of these changes were instituted and made by Staff without understanding the consequences of the changes. It is frustrating to learn, Ed, that you are now working on a plan to deal with this change – because of your moving – a month after you moved. Why didn't we think about this ....?

**Ed Riley:** We did. The Building Department was notified at least two months before we left that the "walk through" Permits would not and could not work.

**Ray Allain:** I understand but why wasn't Industry informed?

**Ed Riley:** You have to talk to the Building Department. I don't dictate to them how they do business. There are things that are continually changing that affect Fire and affect Industry that I can't do anything about.

**Ray Allain:** But we're talking about Fire Review.

**Ed Riley:** How can I – if they won't bring the plans over and take the plans back – I can't be two places at one time.

**Ray Allain:** It just sounds as if it was a bad idea to move to a separate building because the Industry is suffering as a result of it. You said yourself that most of this is a logistics issue – getting the plans back and forth.

**Robert Mulhere:** Maybe what we could do is ask Jamie French to expeditiously review this issue and report back to next month. I don't want to wait that long, but I don't know how DSAC can resolve this issue.

**Jamie French:** From an operations point of view, Ed has logistically created an extra step for us. We understand that, we understand the reasons why, and he gave us plenty of notice. But that doesn't change Brian's situation – that he can't get an "over the counter" Permit any longer. That's what this comes down to. There have also been some additional requirements that Ed has identified. Ed is the Fire Official and under the National Fire Prevention Code, he is to review certain things. Ed and I have met and decided what makes the best sense – I can use operating dollars to hire a courier. The monies paid for Building Permits will fund that position. But it was something that was not built into our business model. But there's a cost associated with it. I am not going to come back and ask for more permitting fees but something has to give.

Another example is CityView. Ed decided to use a system that would best serve Fire and their customers. In our business model, we had already budgeted that Fire would share in the cost of this system – CityView is now a system that we own.

Please tell me if you want one less cashier so I can hire a courier and I will certainly consider it. I have limited Staff and – it's not an excuse – but there is only so much I can do.

**Ed Riley:** We make three trips a day from – back and forth.

**David Dunnivant:** It sounds as if we had a same-day Permit and now, at worst, with the transferring – it's a 36 to 48-hour permit and it should be a 24-hour permit. If you can come in for an emergency situation the next business day, I don't quite understand why the 24-hour permitting time is problematic.

**Clay Brooker:** The 3 ½ week delay was a mistake. It sounds as if what we are dealing with now is a change from an over-the-counter “walk through” permit to a 24 or 36-hour process. In the court system, everything is e-filed digitally.

**Jamie French:** We are still working on -- we are working on CYRAC to review. Most municipalities have not gone over to an active review type of software where you can submit digitally. If we can transfer that image directly to Ed's office, we'll do it.

**He continued:** We currently offer Single-Trade Permits that can be emailed or faxed as noted on the website. We can certainly send those to Fire. I don't know in Brian's case – the roof repair – I don't know the complexity of the plan, I don't know the reviews that were necessary for the project – but, generally, for Single-Trade Permits, we do still have a number of Contractors who will fax them in and then come in either the next morning, or within 24 hours and pick up the Permit. Within the next 3 to 4 months, you will be able to submit digitally and, other than your jobsite card, get your results digitally. But it doesn't fix the issue right now, and Brian has a very valid point.

*(4:20 PM – Marco Espinar left.)*

**Reed Jarvi:** Let me understand – in the previous Permitting process, you brought in the application, and left it and ...

**Brian Jones:** No – you walked in and you walked out.

**Reed Jarvi:** You walked in, handed it in, and waited while it went around and around and it came back out to you. That was approximately how long?

**Brian Jones:** A couple of hours.

**Reed Jarvi:** From a user's standpoint – you didn't see what was going around – you just filed it – you input it and got an output. Is there a reason why Brian couldn't get it from Fire by walking it across to the Building Department? By walking it back here to get it finalized? Since he was going to sit there for an hour or two anyway, walking it across the street was better than waiting a day.

**Brian Jones:** The hope is to get a system that works for everybody – not for just some – it's to get something that works all the time for everybody.

**Reed Jarvi:** The problem I am hearing is it's the relocation of Fire and their coming three times a day which maybe should be four or maybe two – it does not sound unreasonable to me. So, it's really the transfer of data between the Building Department and Fire and back again that has caused this delay. Rather than charge for a courier, just walk across the street – have it signed and give it back.

**Ed Riley:** It would be handled the same way it was with the walk-ins before. The paperwork comes back to us – if we are in the middle of something, it has to wait until we have a break. For example, if we are doing a big Plan Review, it will wait until that is done. There is merit to bringing it over because the sooner we get it, the sooner we can get it out.

**David Dunnivant:** I don't care what we have been using, I don't quite understand – if we are allowed to do emergency work and follow-up with a next day Permit – I can't

understand why it is necessary to have a Permit in two hours when a Contractor can wait 24.

**Chairman Varian:** In Brian's case with the roof, it was a little different.

**David Dunnivant:** But if he were to proceed, he takes the risk of doing it improperly. But he can double-back if it's an emergency situation – he can temporarily – he can get the Permit the next day. I'm not understanding the uproar of the change. If anything, it may have been unrealistic to obtain a Permit in a couple of hours. If it's at the end of the day, it may take several hours or until the next day. I don't understand that 24 hours is unreasonable.

**Ed Riley:** Remember, just a few months back last year, we were down to 450 to 550 Plan Reviews. We're up to almost 800 again. Our workload has increased without additional staff. Now you take a 50% increase in your workload that we already have and try to maintain some of those quick turnarounds which we were able to do when we were slow. We knew it would come back to haunt us someday but you provide the best service you can while you can. We're still willing to provide the best service we can but it may not be what people are used to.

**Chairman Varian:** Brian, what would you consider – what would work for the service business in that respect.

**Brian Jones:** The 24-hour may be the best that we can come up with – I would love to believe that – but I don't know that I have faith that it will really happen to be honest with you.

**Chairman Varian:** You work in other municipalities, too? Is it ....

**Brian Jones:** You can still do the "walk-ins" in other places – it's simpler.

**Chairman Varian:** The one thing we don't need is to hinder Industry.

**Brian Jones:** I solicited some positive input – didn't just come to gripe. One suggestion was to create a checklist for the different types of permits – another was an affidavit for Contractors – let the Contractor put his integrity on the line and sign an affidavit that it has a fire wall or a chimney which would or would not be a concern. Then, yes, it goes into the review pile. If a Contractor signs an affidavit and there are no problems, then here is the Permit. Just detain the ones that need to be looked at and let the free-flow go through the system without a needless burden to anyone.

**Ray Allain:** That seems to be really practical – especially when you consider that for all of these items, an inspection follows up. I'm at a loss to understand why there needs to be a review for an A/C change-out or a re-roof on an existing building when there aren't any structural changes or modifications. You still have the inspection process.

**Brian Jones:** I understand there are certain exceptions that can be noted as exceptions. That's fine – let's deal with the exceptions. But don't penalize everybody and everything for the exceptions. Let's be wiser than that.

**David Dunnivant:** Except for the Fire Code, if it's signed and sealed from a design engineer or a Metro Dade system stamp of approval, the reviewer is not doing anything anyway. He is checking to see if it is there. If it's a system that already has certification, we ought to be able to ...

**Ray Allain:** There are two levels: there's Plan Review and then there's Fire Review.

**David Dunnivant:** Fire is the only one that throws that out.

**Ray Allain:** That's the issue now that Fire is reviewing all A/C change-outs and commercial roofs which is not something that has always been done. It has not always been reviewed the way it is now. That's changed.



**Ed Riley:** It's been an ongoing attempt to change for a number of years – especially the A/C change-out. They were being done over-the-counter without our knowledge or review. We knew A/C change-outs were happening because that's how the Industry operates. Air-conditioners break down. The problem is they weren't being routed to Fire. It's been a long time coming – trying to get those change-outs to be routed to us so that we could do the reviews that are required. The equipment that was being installed in commercial buildings and the ancillary equipment – whether it's wiring or piping – has to meet certain requirements. That's what we review for – to make sure that fire-rated materials are used. If the A/C change out is within a unit that serves only that unit and is less than 2,000 CFMs, we aren't reviewing it. We let that go to the Building Department. If it is an assembly that we need to review – if it's commercial – we're only making sure that what is installed as new equipment is being done correctly. Eventually the other equipment will be replaced and when it is, it will be required to be brought up to Code. We've tried to be as gentle as possible on the enforcement of what we're doing. Just because we're reviewing something, it doesn't mean that we send an inspector. We send an "FYI" to the District and they send an inspector if they want – but they are not being paid for it.

**He continued:** It is the same thing for the roofing permits that we are getting. Most of the time, we are not sending an inspector – we're looking at them, we're taking information and we're telling them what they need. We haven't turned down a Permit yet. We're giving stipulations. Frankly, some of the roofing contractors that we have talked to didn't realize what was required. They are not architects and don't know the design of the system and the plywood under it. They do know their job – but it's a combination of what goes in that rated wall – they don't know if it is a rated wall or it isn't. They are learning. That's one of the things that we have talked about. We are going to a roofing industry meeting to try to give them this information and we're working now on developing a checklist for them to understand the kind of things that may be a trigger that they will have issued with. But again, we have been reviewing roofing for years. Not everything has come to us. I can't control what doesn't get sent back to us. Not everybody has a rated wall in a commercial building but these are the types of things that we look for. I understand what Brian is saying. In those cases, we don't have to send an inspector.

**Brian Jones:** It's a waste of resources and everyone is dealing with limited budgets these days. Perhaps the A/C group and the roofing group can get together, but it would have been much better to have done this before the system went in – instead of an after the fact train wreck.

**Chairman Varian:** Brian, if suggestions could be made ...

**Brian Jones:** A list of exemptions – of things that don't need to be reviewed – that's a no-brainer. It needs a little bit of tweaking and some overhaul. That's what I'm voicing – to minimize some of the unnecessary review for everybody's benefit. At least this Committee is now aware that this was a primary issue within the service industry and for the consumer. We need to make it work for everybody.

**Jamie French:** I will go back and revisit this with Ed and if we can determine a time line – there is going to be a period of time when we can't get through the system without sacrificing. I understand that the provisions of the Code are constantly being updated. If it's a matter of sending someone over – to add 5 trips between us – that's fine. We'll work with Ed and make a determination and come back to DSAC as long as Ed agrees.

**David Dunnivant:** I have not worked with the service aspect of it – but I just cannot fathom a Permit being issued in less than 24-hours for a commercial project .

**Chairman Varian:** Again, it was something that was there. But I understand Brian – if he had to wait 8 days for a roofing permit that should have taken 24 hours.

**David Dunnivant:** 30 hours into it – he should have questioned. If I need a permit to do a job and it's been lost in the system, I'd go find it. It was in his best interest to watch how the Tech set it up, also, if it was that critical to him.

**Ray Allain:** Wouldn't it be possible to allow a complete after-the-fact permit and the responsibility be on the Contractor to correct whatever deficiencies existed in a situation like that?

**Ed Riley:** You can have a field inspection and everything is done after the fact. But 90% of the time, all you get is an argument about what Code requires and what it doesn't.

**Chairman Varian:** The understanding here in Collier County is if an A/C has to be changed out, within 24 hours or the next business day, you should apply for a permit.

**Jamie French.** Yes. Gary Harrison has been more than reasonable with the Industry.

**Ed Riley:** It's a reality – those things happen.

**Chairman Varian:** The other side to it – I don't think you're going to install a 10-ton roof-top unit installed on a Friday night and those are the ones that have a lot of the issues Ed was talking about. The smaller units are not as complicated for Ed or anyone else to look at.

**Jamie French:** Just so you realize, on the penalty phase, if they choose not to come in the next business day, the fee is two times the cost of the Permit. If Code Enforcement is involved and there's a finding – there could be a fine. If it's willful and it goes before the Contractors' Licensing Board, they can assess a fine as well.

#### **VIII. Committee Member Comments:**

- *Blair Foley* requested a follow-up on the Health Department issue concerning septic systems presented at the June meeting.
  - **Judy Puig** stated the Health Department was still waiting for a meeting with the State representative. It is scheduled for next month.

#### **Next Meeting Dates: (Meetings will commence at 3:00 PM unless noted below.)**

**September 7, 2011**

**October 5, 2011**

**November 2, 2011**

**December 7, 2011**

**January 4, 2012**

**February 1, 2012**

**March 7, 2012**

**There being no further business for the good of the County, the meeting was adjourned by order of the Chairman at 4:40 PM.**

August 3, 2011

**DEVELOPMENT SERVICES  
ADVISORY COMMITTEE**



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**William Varian, Chairman**

The Minutes were approved by the Board/Committee on 9/7, 2011,  
“as submitted”  **OR** “as amended” .