

**MINUTES REPORT  
BUILDING INDUSTRY OVERSIGHT COMMITTEE (BIOC)  
THURSDAY, APRIL 8, 2021**

**Committee Members Present**

Bobby Lyons  
Steve Wojcechowskyj  
Steve Gabor  
Matthew Johnson

**Committee Members Absent**

none

**Lee County Government Representatives**

Glen Salyer, Assistant County Manager  
David Loveland, Director, Community Development  
Shawn McNulty, Building Official  
Antia Richards, Sr. Planner  
Debbie Carpenter, DCD Administrative Services, Recorder  
Jennifer Harden, Permitting Chief

**Members of the Public**

Dan Beiter, Lee BIA  
Savannah Phillips, LBIA  
Phillip Ford, Exec. Vice President, LBIA

**Call to Order/Affidavit**

Mr. Steve Gabor called the meeting to order at 8:35 a.m. Debbie Carpenter, recording secretary, said the County Attorney's office advised that the Affidavit of Posting was sufficient as to form and content and the meeting could proceed.

**Approval of Minutes**

**Mr. Bobby Lyons made a motion to approve the February 11, 2021 minutes. Mr. Steve Wojcechowskyj seconded. The motion was called and carried unanimously.**

**Revenue/Expense/Fund Balance Reports**

Ms. Antia Richards reviewed the fiscal reports. March expenses were \$714,000 making the year-to-date total \$4,855,200. Revenue for March came in at \$831,100 for a gain of \$117,000 for the month. Revenue year-to-date was \$4,906,700. A review of the Fund Balance Report showed a substantial gain for October, followed by losses for November through February and a gain in March. As a result, the fund balance, \$14,419,700 as of 9/30/20, increased to \$14,470,900 through March. She then reviewed the report showing a breakdown of the proposed expenditures and discounted fees intended to reduce the fund balance from \$14,687,471 to \$10,255,800 to comply with State statutes. Of the approximate \$2M proposed expenditures for reconfiguration, technology and vehicles, \$312,201 has been spent to date. Discounted fees to date (25% permit fee reductions initiated 12/1/20) amounted to \$1,004,434 for a combined reduction of fees to date of \$1,316,635. There remains \$3,115,033 of the fund balance to be reduced. Mr. Loveland said that for planned expenditures, activity has been happening but not billed yet. Only a portion of the technology upgrades has been billed, none of the big software items. The fund balance increased because of permit activity, however he was going to review a proposal to spend more money out of the reserves for more staffing.

### **Fee Study**

Mr. Loveland reminded the committee that a 25% fee reduction was instituted in December 2020 with the expectation that a new fee schedule would be in place by the time that reduction was set to expire in December, 2021. The County hired a consultant to do an in-depth fee study and at October's BIOC meeting preliminary fee study information was provided. Since then the consultant, MGT Consulting, has been working to complete the fee study and was present, via Zoom, to review a PowerPoint presentation. Mr. Mark Carpenter, Project Director, introduced the project team followed by a review of the Project Understanding. He said the County had not updated their fee schedule in about 10 years and wanted a fee study that reflected the actual cost of doing business. Fee studies are driven by Florida Statute 166.22 which states that reasonable inspection fees may be charged but must be based on costs, with calculations based on a valid cost analysis. Mr. Brett Swendig, Sr. Project Consultant reviewed the Project Methodology and Approach from the initial stages of planning and data collection through the preparation of the final report. This was a very comprehensive process with MGT analyzing more than 200 fees. The Summary of Findings reported that some fees generate more revenue than the services cost, while other fees do not recover the full cost. There may be instances when it would not be advisable for pricing to be billed at full cost. In some cases, an alternative such as a flat fee was proposed. Comparative surveys with other jurisdictions place Lee County somewhere in the middle of the fee range. Best practices recommend a periodic review of fees and to that end, the models will be turned over to Mr. McNulty and staff so the county can update those models in coming years.

The Committee asked when the final figures would be available for review. Mr. Loveland said that any fee increases would need to go to the Board in September in order to take effect in December. The thought was to go through a portion of the recommended changes, perhaps residential and then commercial, with the committee and get their recommendations. Since there are only two committee meetings before September, Mr. Gabor suggested that ahead of the June meeting staff email the fee analysis along with staff recommendations for review and Mr. Loveland agreed to do that. Mr. Salyer suggested looking at everything in June, get the Committee's recommendations, have the Consultant make any changes as a result, and then do a final review in August.

### **Staffing Levels/Levels of Service**

Mr. Gabor said the BIA meeting, preceding this one, had a discussion about plan review times, currently at 64 days, and talked about options to get review times back to a reasonable timeframe. Mr. Salyer said discussions with Building Industry representatives indicated that the recent spike in activity was probably going to continue for the indefinite future. Mr. Loveland said that December's numbers were attributed to the change in the Florida Building Codes, permits in January and February went down to the 3000+ level, but March jumped to 4700 permit submittals. Because of these increases, Mr. McNulty looked at staffing levels and using a 20% increase over prior levels as a guide, calculated 16 additional fee supported positions were needed. Mr. Loveland distributed an Org Chart and pointed out current vacancies, positions that have been filled and are to start soon, and the additional positions being requested which included 4 inspectors, 5 plan reviewers, 3 customer service specialists in permitting; 3 customer service specialists and 1 Technician I position for regulatory review. With the committee's approval, these positions will be requested at the Board meeting of 4/20/21.

Mr. McNulty said that for some time now current staff has been shifted around to try and address some of the "pinch" and that with no formal experience they had done a good job. Mr. Gabor asked about private providers and there was a short discussion, but essentially they are doing very little right now also due to staffing issues, and are only doing a small number of electronic permits. Mr. Gabor questioned how long it would take to hire and get people on board and start getting the numbers down. Mr. Salyer said that HR was already creating the positions now and that once they are approved there may already be an applicant pool to choose from. It does take a significant amount of time before a plan reviewer is fully productive unless they have a lot of experience. A customer service specialist takes less time to be productive but still it would probably be a few months.

**Mr. Lyons made a motion to approve the 16 new positions as recommended. Mr. Wojcechowskyj seconded. The motion passed unanimously.**

There was a discussion about getting creative to be more efficient. Masters would help, but with everyone being so busy, masters are not a priority since it does take a lot of work to get mastered, then to re-certify those masters with each code change. The goal with having masters was to allow technicians, rather than certified plan reviewers, verify the master plans. More discussion followed that 50 or 60% of the permits are being submitted by 5 or 6 of the top builders using the same plans over and over again so the question was whether there was a way to treat some of those plans like a "pre-master" plan to expedite the process, like a "fast lane". Mr. Bieter said that there are currently 2700 permits in the system that need to be processed and that number will keep growing.

Discussion followed about the lobby which re-opened on 4/5/21. Committee members commended staff on the changes and the queuing system. The deadline for electronic submittals for all but mom & pop concerns or owner/builders will take effect 4/19 and that should help with the lobby traffic. Ms. Jennifer Harden, Permitting Chief said there's also a phone app allowing people to sign up remotely and she went over some of the benefits, which included scheduling appointment times up to 7 days in advance.

Mr. McNulty talked about the plan review status report and how it is now possible to see what date the reviewers are working on for a particular type of permit, or to find a specific permit to see where it is in line and how many are in front of it.

He also said that because of the extremely low rejection rates, plan reviews for pool cages was being temporarily suspended, and that building inspectors will essentially be doing field reviews, saving 17,800 plan reviews in a 12 month period. He was also going to be looking at doing the same with pools, but will need to look at rejection rates and the impact of rejections in the field after a pool is built.

There was a brief discussion about serial offenders that submit inadequate plans and clog the system. It is not fair to those that are doing the right things and there should be penalties. All agreed the biggest penalty is time.

Mr. Bieter suggested publishing a list of the 5 most missed items and Mr. McNulty said that staff has been working on checklists.

### **Adjournment**

There was no further discussion and no new business. Mr. Lyons made a motion to adjourn. Mr. Gabor adjourned the meeting at 9:20 a.m.

The next meeting was tentatively scheduled for June 10, 2021.