

July 31, 2018

To: Guillermo Polanco, Acting City Manager

From: Daniel J. Smith, AICP, Director of Community Affairs

Re: Council request regarding roofing permits

At the July 16, 2018 Council meeting, Council directed staff to look into comments made by Moore Roofing, a local roofing contractor, claiming:

- the Building Department was unresponsive to Mr. Moore's requests for communication
- permit inspections were untimely; and
- other government agencies had waived their inspections in the pursuit of satisfying the volume of permits.

Because Mr. Moore made statements that Collier County had waived inspections, I personally met with the Collier County Chief Building Official John Walsh, P.E., and Chief Structural Inspector Myron Jacobs. Both stated:

- In-progress inspections were not waived but moved to "after underlayment had been applied." Unfortunately, the County had determined that contractors were:
 - Using a different, inferior product than specified on their permit; and
 - Not following installation instructions of the underlayment product, causing new roof failure.

Collier County was also accepting affidavits from engineers, certifying the work in lieu of inspection. This included the engineers seal, date of inspection, and pictures during inspection. Mr. Walsh stated he would be more than happy to attend a Council meeting if asked.

It must be noted that Building Services allows for time certain inspections for a fee of \$70.00. Some contractors use this service to eliminate any delay or uncertainty in their roofing schedule.

I asked our Building Official, Raul Perez, to address the Council's concerns. He provided the following below:

The In-Progress Inspection

- The roofing in-progress (#111) inspection dates to at least 2001, statewide. This is not a new inspection as Mr. Moore indicated at the council meeting.
- This is a mandatory inspection per the Florida Building Code section 110.3(4). The following roofing inspections are required:
 - Dry-in
 - Insulation
 - Roof Covering
 - Flashing

- The required roof covering inspection listed in FBC 110.3(4) is performed at what we call the in-progress roofing inspection. It's called an in-progress inspection as we inspect while they are installing the roof covering.
- The roofing in-progress inspection is critical as it's the only opportunity that we have to verify how the roof covering is being installed as the fasteners/adhesives are typically concealed once the work is completed.
- Collier County and the City of Naples have not waived these inspections as Mr. Moore claimed.
- Per **F.S. 553.73(4)(a)** "Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations of this paragraph. Local amendments *shall be more stringent than the minimum standards described herein*" and **F.S. 553.73(4)(b)** "Local governments may, subject to the limitations of this section, adopt amendments to the technical provisions of the Florida Building Code which apply solely within the jurisdiction of such government and which provide for *more stringent requirements than those specified in the Florida Building Code*". We can only adopt amendments that are more stringent than the minimum requirements of the Florida Building Code.
- It is very important that I mention that although we have experienced a huge increase in our inspection workload, we are still scheduling inspections for the next day. This is thanks to our hard-working staff and the amount of overtime that they've had to put in and the help we've had from the private providers that have assisted us post storm. We have prioritized Irma damage related inspections. Thus, we have not rolled over any roofing inspections whatsoever and hardly ever have we had to roll over any other inspection. When we have we've made sure to contact the contractor and that it is not an inspection that will hold back their progress, e.g. a work complete inspection.
- In the past and currently, we do as councilman Reed suggested regarding the sequencing of inspections.
 - If the roofing contractor calls in their dry-in inspection while they request for the roof to get loaded with the roof covering from their supplier, we will complete our inspection without holding them back at all for the dry-in inspection.
 - If the contractor requests the in-progress inspection while they schedule their crew to install the roof coverings we will be out there at the time of installation. Thus, not slowing down the roofing contractor at all. The roofer does not have to stop and pull off of the job at all. That is why the inspection is called an in-progress inspection. We want to be out there when the roof is being installed.
- In my opinion waiving the in-progress inspection would not only violate state statutes, but it would do a disservice to the community. Just knowing that their work will be inspected causes contractors to follow the manufacturer's installation instructions. We run into improperly installed roofs on a regular basis. I'd hate to see what the outcome would be if contractors work is let go, uninspected. The residents may have to pay out of pocket to re-roof later because of issues caused by improperly installed roofs that could have been prevented, but we chose not to.

Inspection Affidavits

- Per FBC 110.5 “It shall be the duty of the holder of the building *permit* or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and a means for inspections of such work that are required by this code.”
- Per FBC 107.6, F.S. 471.045 and F.S. 481.222 registered architects and professional engineers are allowed to inspect and provide us with inspection affidavits. Design professionals assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances when they provide us an inspection affidavit. This is an option available to all contractors. This is typically the preferred way for contractors to have their work inspected if the contractor did not request inspections and work has been concealed. Typically, these professionals have training and tools that allow for them to verify if building codes were properly adhered to with nondestructive testing methods.

Level of Service

- Regarding Mr. Moore’s comments regarding a lack of communication. This is incorrect. At the Council meeting, after mentioning that he had received no communication from the Building Services Division, Mr. Moore went on to state that we had requested an inspection affidavit from a design professional in lieu of inspection. This is correct, as this is their only option other than removing a section of the roof. I can say that I personally met with Mr. Moore on at least two separate occasions.
- We were a direct hit from a natural disaster. Thus, our level of service has been impacted. Not only has our permitting and inspection workload increased, but so has all other aspects of our responsibilities. For example, last week alone our division received 1,402 phone calls, 1,559 emails and 215 walk-ins. We have 10 staff members available to take the calls and respond as the other staff member are out performing inspections. This equals an average of 63.52 calls, emails or walk-ins per day per staff member to respond to all, while still carrying out their other responsibilities. Some other examples are new contractor registrations, homeowners with various questions needing direction, complaints, submitting requested information to DBPR, workers compensation and other agencies, etc.
- In our May monthly report to Council we included the damage investigation report from Dr. David Prevatt, Dr. Kurtis Gurley and Chris Ferraro from the University of Florida. Page 25 indicates in their investigation that they assessed home construction in Marco Island to be of high quality. We were the only municipality from the report in which they made that remark. It's a testament to the effectiveness of the building codes, the quality of many of the contractors we work with and the great job staff has done over the years with inspections and plan reviews.
- When Irma hit our island, we had 2 vacant inspector/plans examiner positions and 1 inspector/plans examiner position became vacant right after the hurricane hit. Leaving us 3 inspectors/plans examiners down ahead of this increase in workload.
- We had 3 inspectors/plans examiner’s total at the beginning of this hurricane Irma workload vs the City of Naples’ 14.5 (I’ll go into more detail regarding this comparison later).

- We focused our attention in filling these vacancies as soon as possible, which was a huge challenge. Prior to the hurricane there was a house bill that was proposed loosening the prerequisites for inspector's licensure as there was a huge need statewide prior to the storm. The storm only has made matters worse. However, we did finally fill the last pending position a little over 2 months ago.
- Although I can't say enough good things about our new staff, training has consumed a large portion of time.
- We're in the process of implementing a visitor management software named QLess. This software will give the public the option to sign in remotely without having to physically wait in our waiting area for service.
- We have three email addresses that the public can use to email us permit applications, permit documents, contractor info, etc. Prior to the storm these were much easier to manage. However, due to the increased workload we now have multiple staff working out of these email ques, which has caused some challenges. Thus, we're working with our IT dept. to implement their same IT ticketing system to better manage these email ques and avoid having emails slip through the cracks because a staff member thought another handled it.
- We've implemented inspection zones so that each project has continuity with the same inspector being there from start to finish, minimizing the amount of travel time for each inspector and giving the public one point of contact instead of randomly sending different inspectors out to their home.
- With our IT Dept's help, we've integrated ESRI's auto routing feature into our inspector's inspection app. This feature with a push of a button creates the inspector's route for the day automatically. This has helped save our inspectors time as this was all done manually in the past.
- Right now, our greatest need is for temp permit clerks/admin. staffing. We've reached out to multiple temp. staffing agencies with not much luck so far. The time that it has taken from our staff to train people that have only stayed with us for a few days or weeks at most has set us back as well. Being that we're so short staffed for the current workload means that when we have staff that is out sick as we recently did with one of our key members, it really impacts our level of service significantly.
- Just this week I was informed that one of the inspectors assigned to us from the private provider firm that has been supplementing our inspection staff, has taken another job offer. Friday, August 3rd, will be his last day with us and they do not have a replacement for him.
- Aside from all these challenges, I am proud of the hard work our staff has done to maintain next day inspections, whereas the County is currently out 10 days.
- Because of the items listed above, our ability to quickly respond to the needs of the community have been greatly challenging causing our staff to work an inordinate amount of overtime to keep up with the workload. Our staff has worked approximately 4,259 hours of overtime since hurricane Irma made landfall. Thus, the slow response times is not a staff issue as they're giving it all they've got, but a staffing issue pre and post hurricane.

Comparison to The City of Naples Building Department

- Our building department is very similar to City of Naples for the following reasons:
 - Both municipal boundaries are approximately 12 square miles
 - Our permitting numbers are very close too. We issued 6,320 permits last year and Naples issued 5,175.
- Staffing – below is a comparison by position for both municipalities. This does not take into account temp staffing or additional staffing brought on because of hurricane Irma for both municipalities.

Position	Naples	Marco Island
Building Official	1	1
Deputy Building Official	1	0
Plumb/Mech Inspector	3	1
Electrical Inspector	2	0.5
Building Inspector	3	2.5
Plumb/Mech PX	1	0.5
Electrical PX	1.5	0.5
Building PX	3	1.5
Sub Total	15.5	6.5
Permitting Manager	0	1
Permit Coordinators	2	0
Permit Clerks	7	5
Permit Clerk Supervisor	0	1
Admin Assistant	0	1
Land-management/Records manager	1	0
Records clerk	3	0.5
Site construction Inspectors	3	1
Sub Total	16	9.5
Grand Total	31.5	17

- As you can see, Naples has almost twice the amount of staff that we have.
- This not only provides a greater level of service for their community, but it allows their staff to be proactive instead of reactive to issues. Just like fire and the floodplain management's CRS program, ISO rates building departments based off the B.C.E.G.S (Building Code Effectiveness Grading Schedule). This directly impacts the amount that residents pay for property insurance. Right now, we are rated a class 4 for both commercial and residential structures. Naples is rated a class 3 for both residential and commercial structures (the lower the class number the better). This means that Naples residents can purchase property insurance for less.

In conclusion, it is up to the Council to decide whether they wish to provide a quality level of service in the Building Services Division. There are no perceived short-cuts. To bring in quality, tough decisions must be made in funding levels and allowing the Division to maintain its mission, providing assurances that building is done to a quality this community expects using its codes and ordinances. Waiving inspections undermines this mission.

The Division is currently undertaking a review of our fees, which have not been adjusted since 2011. Our permit fees are currently amongst the lowest, if not the lowest in SW Florida. These fees determine how we recruit and retain a quality workforce, which has been problematic.