

Development Services Organizational Review

Cape Coral, Florida

By

Zucker Systems
Paul Zucker, President
Brad Remp, CBO, Senior Associate
Mary Blais, Planner, Senior Associate



3038 Udall St.
San Diego, CA 92106
(619) 260-2680
www.zuckersystems.com
paul@zuckersystems.com

April, 2013

Table of Contents

I. EXECUTIVE SUMMARY	1
A. BACKGROUND	1
B. KEY PRIORITY AREAS	1
1. City Attorney	1
2. Finances/Fees	1
3. LUDR.....	3
4. Organization.....	4
5. Performance Standards/Timelines	5
6. PPD/Site Plans	6
7. Technology	6
II. INTRODUCTION AND SUMMARY	9
A. BACKGROUND AND PURPOSE	9
B. METHODOLOGY	9
C. FINDINGS AND RECOMMENDATIONS	10
Areas of Strength	10
Opportunities for Improvement	11
III. ISSUES RELATED TO ENTIRE DEPARTMENT OF COMMUNITY DEVELOPMENT AND RELATED FUNCTIONS.....	23
A. OVERVIEW	23
B. BILLABLE HOURS	23
C. BUSINESS CARDS.....	24
D. CITY ATTORNEY	25
E. CITY HALL.....	25
F. ECONOMIC DEVELOPMENT.....	26
G. FINANCE/BUDGET/FEES	26
H. HANDOUTS	29
I. NOTARIZING DOCUMENTS.....	30
J. ORGANIZATION	30
K. PHONE CALLS AND EMAILS.....	30
L. PROCESS REVIEWS	31
M. SURVEYS	32

N. TECHNOLOGY	32
Digital Plan Review	33
Graphical Information System (GIS).....	33
On-line Permitting	34
Permit User Groups.....	34
Web Site.....	35
O. TRAINING	39
IV. BUILDING SAFETY DIVISION.....	41
A. PROFILE	41
Overview.....	41
Authority.....	41
Basic Functions.....	42
Organization.....	42
B. POSITIVE FINDINGS/AREAS OF STRENGTH	45
C. ORGANIZATIONAL ISSUES	46
Building Division Management.....	46
Communications	47
Customer Handouts.....	48
Customer Support Division	49
Department Administration	50
Job Descriptions.....	51
Organization.....	51
Records Management.....	51
Staffing/Activity Levels.....	52
Training.....	57
D. POLICY ISSUES.....	59
Codes.....	59
E. PROCESSING ISSUES.....	60
Building Permits Counter	60
Expeditor's Role	63
Inspection Activities	64
Plan Review	67
Plans Examination	69
V. CODE COMPLIANCE DIVISION	73
A. PROFILE	73
Overview.....	73
Authority.....	73
Organization.....	74

Code Enforcement Division Activity	80
B. POSITIVE FINDINGS	82
C. ORGANIZATION ISSUES.....	83
Annual Work Program.....	83
D. POLICY ISSUES.....	97
Contractor's Regulatory Board (CRB)	98
Special Magistrate (SM)	99
Overview	99
Fines, Prosecutorial Fees and Liens.....	101
E. PROCESS ISSUES	103
VI. FIRE DIVISION OF LIFE SAFETY	115
A. PROFILE	115
Overview	115
Authority	115
Activity Levels.....	115
B. POSITIVE FINDINGS	119
C. FIELD INSPECTION	120
Field Inspection Quality Control	120
D. PLAN REVIEW	121
E. TECHNOLOGY	122
VII. PLANNING DIVISION (PD)	123
A. PROFILE	123
Overview	123
B. POSITIVE FINDINGS	131
C. ORGANIZATION ISSUES.....	132
D. POLICY ISSUES.....	147
Overview	147
Staff Reports & Recommendations	148
Planning & Zoning Commission/Local Planning Agency	157
Overview	157
Agenda Packets.....	157
Joint Study Sessions with the City Council	158
Staff Presentations	158
Staff Support	159
Training/Roles and Responsibilities	159
Policies & Procedures Manuals	160

Pre-Advisory Meetings	161
Variances/Deviations	164
E. PROCESS ISSUES	165
Overview	165
Decision Making Authority	165
VIII. PUBLIC UTILITIES DEPARTMENT.....	195
A. PROFILE	195
B. POSITIVE FINDINGS/AREAS OF STRENGTH	195
C. FIELD INSPECTION STAFF	195
D. SITE DEVELOPMENT REVIEW	195
IX. PUBLIC WORKS DEPARTMENT	197
A. PROFILE	197
Authority	197
Overview	198
B. POSITIVE FINDINGS/AREAS OF STRENGTH	198
X. EMPLOYEE PERCEPTIONS.....	205
Permit Process.....	206
Planning	206
Zoning Ordinance	207
Building Division.....	207
Code Enforcement Division.....	207
Economic Development.....	208
Engineering/Public Works	208
Fire Department	209
Managers.....	209
Planning Division.....	210
Utilities.....	210
XI. CUSTOMER PERCEPTIONS.....	211
A. MAYOR AND CITY COUNCIL	211
B. FOCUS GROUPS.....	213
C. CUSTOMER SURVEYS	216

List of Appendices

APPENDIX A PERSONS INTERVIEWED	221
APPENDIX B EMPLOYEE SHORT QUESTIONNAIRE	225
APPENDIX C EMPLOYEE LONG QUESTIONNAIRE.....	231
APPENDIX D CUSTOMER SURVEY RESPONSES	239

List of Tables

TABLE 1 TABLE OF RECOMMENDATIONS	11
TABLE 2 BILLABLE HOURS ANALYSIS	24
TABLE 3 DEVELOPMENT SERVICES RELATED DEPARTMENTS PROPOSED WEB FEATURES	36
TABLE 4 BUILDING DIVISION STAFFING	44
TABLE 5 BUILDING PERMIT ACTIVITY	53
TABLE 6 SINGLE FAMILY DWELLING PERMITS AS PERCENT OF TOTAL	54
TABLE 7 RECOMMENDED PLAN REVIEW TURNAROUND TIMES IN BUSINESS DAYS	68
TABLE 8 EXISTING CODE COMPLIANCE DIVISION STAFFING	77
TABLE 9 CODE COMPLIANCE DIVISION ACTIVITY	81
TABLE 10 CODE COMPLIANCE DIVISION STAFFING LEVELS	92
TABLE 11 CODE WEB PAGES CODE COMPLIANCE DIVISION WEB PAGE FEATURES	96
TABLE 12 DIVISION OF LIFE SAFETY ACTIVITIES	116
TABLE 13 LIFE SAFETY DIVISION STAFFING	119
TABLE 14 EXISTING PLANNING DIVISION STAFFING	126
TABLE 15 CURRENT PLANNING ACTIVITIES	128
TABLE 16 COMPREHENSIVE PLANNING ACTIVITY	129
TABLE 17 HOUSING PROGRAM FUNDING RECEIVED	130
TABLE 18 HOUSING PROGRAM ACTIVITIES COMPLETED	131
TABLE 19 PLANNING DIVISION FTE STAFFING LEVELS	140
TABLE 20 PLANNING DIVISION WEB PAGE FEATURES	144
TABLE 21 DECISION MAKING AUTHORITY FOR PLANNING DIVISION APPLICATIONS	166
TABLE 22 LAST FOUR APPLICATIONS PROCESSED	191
TABLE 23 EXISTING & SUGGESTED PERFORMANCE STANDARDS FOR PLANNING APPLICATIONS	193
TABLE 24 CAPE CORAL PERMIT HISTORY	201
TABLE 25 NUMBER OF EMPLOYEES RESPONDING TO QUESTIONNAIRES	205
TABLE 26 RESPONSES TO CUSTOMER EMAIL SURVEY EXCEEDING 35% NEGATIVE	218

List of Figures

FIGURE 1 METHODOLOGY OVERVIEW	9
FIGURE 2 BUILDING DIVISION ORGANIZATIONAL STRUCTURE.....	43
FIGURE 3 SINGLE FAMILY BUILDING PERMITS AS A PERCENT OF TOTAL.....	55

FIGURE 4 EXISTING CODE ENFORCEMENT ORGANIZATION WITHIN DEPARTMENT OF COMMUNITY DEVELOPMENT.....	73
FIGURE 5 EXISTING CODE COMPLIANCE DIVISION ORGANIZATIONAL STRUCTURE....	75
FIGURE 6 EXISTING CODE VIOLATION PROCEDURE.....	105
FIGURE 7 EXISTING CODE VIOLATION ADMINISTRATIVE PROCEDURE.....	106
FIGURE 8 EXISTING HEARING CASE PROCESS.....	107
FIGURE 9 EXISTING LIEN REDUCTION MITIGATION PROCEDURE (LRMP)	109
FIGURE 10 EXISTING CONTRACTOR’S REGULATORY BOARD (CRB) SPECIALTY CONTRACTOR’S LICENSING PROCESS FLOW	112
FIGURE 11 EXISTING CONTRACTOR’S REGULATORY BOARD (CRB) LICENSING DISCIPLINARY HEARING PROCESS FLOW	113
FIGURE 12 FIRE LIFE SAFETY DIVISION	118
FIGURE 13 EXISTING PLANNING DIVISION ORGANIZATION WITHIN DEPARTMENT OF COMMUNITY DEVELOPMENT.....	123
FIGURE 14 EXISTING PLANNING DIVISION ORGANIZATION	124
FIGURE 15 EXISTING BOARD OF ZONING ADJUSTMENTS & APPEALS BASIC PROCESS FLOW	148
FIGURE 16 TYPICAL OVER-THE-COUNTER ADMINISTRATIVE APPROVAL PROCESS .	168
FIGURE 17 EXISTING BOARD OF ZONING ADJUSTMENTS & APPEALS APPLICATION APPROVAL PROCESS.....	172
FIGURE 18 EXISTING P&Z AND CC PERMIT CURRENT PLANNING PERMIT APPROVAL PROCESS	180
FIGURE 19 PROPOSED P&Z AND CC PERMIT APPROVAL PROCESS	189
FIGURE 20 PUBLIC WORKS ORGANIZATION.....	197
FIGURE 21 SITE PLAN REVIEW PROCESS.....	199
FIGURE 22 CAPE CORAL PERMIT HISTORY	202

I. EXECUTIVE SUMMARY

A. BACKGROUND

This study was initiated by the Cape Coral City Manager for an assessment of the Department of Community Development and related development approval functions.

B. KEY PRIORITY AREAS

This report includes 243 recommendations for improving development services in Cape Coral. While all the recommendations are important, we believe there are seven key areas or groupings that need the highest priority as follows:

1. City Attorney

Findings

Our contract did not include a review the City Attorney's office; however, numerous issues were raised by staff and customers in surveys and focus group meetings that suggested that the role of the City Attorney's office was a significant contributor to the perception that the City's development review process is unnecessarily protracted. While the City Attorney indicates that the office is often blamed for slow timelines when an item is still with another department or the documents given to the attorney are incomplete, a long list of items pending attorney review and input suggest that a reallocation of resources or assignment modifications should be implemented. Implementing the recommendations in this report will require a commitment to provide a timelier and higher level of legal support.

Recommendations

- Appoint a special attorney to work directly with the Department of Community Development, Recommendation 3.
- Establish five day performance standard for Title and Resolution preparation, Recommendation 219.

2. Finances/Fees

Findings

The City Council has historically promoted a philosophy of reducing expenditures rather than raising revenue through increased development related service fees. Most jurisdictions nationwide have adopted a philosophy of having development pay the full cost of the service demands they create. Not charging the full cost of these

services eventually leads to the point where the level of service customers expect can no longer be provided. In the case of permit related services this frequently takes the form of excessive waiting time at the public counter, delays in receiving plan review comments and failure to receive an inspection on the date requested. While these delays can be frustrating on residential projects, for commercial projects it has the added negative impact of delaying the economic growth of the community and thereby conveying an image that City is not business-friendly. Our surveys and interviews have indicated that these types of service impacts are now being experienced by Cape Coral customers. Building Permit fees were increased several years ago but not to the level that would provide full cost recover. The City Council has not authorized other departments to increase fees for at least ten years.

Recommendations

The City is currently performing an internal financial review to determine long-term sustainability. A critical component to the City's financial future will be establishing the actual cost of services and developing a philosophy to pay for required services. Requiring developments to pay the full cost of the service demands they create is an appropriate philosophy to consider. The report's recommendations reflect this philosophy.

- Review fees to eliminate the need for any General Funds to support the programs and review the current formula to internally distribute permit fees, Recommendation 5;
- Adjust Building Permit fees to cover equipment replacement, Recommendation 6;
- Reduce time between final inspection and assessment of property, Recommendation 7;
- Track lot splits and lot combinations for proper tax assessment, Recommendation 8;
- Adopt non-refundable plan review fees, Recommendation 9;
- Determine actual time to process applications and use information to set staffing levels and fees, Recommendation 47;
- Update Business, Contractor & Special Contractor fee schedule, Recommendation 94;
- Create penalty fee for late licensing registration, Recommendation 95;
- Review Prosecutorial Fee, Recommendation 116;
- Update Planning fee schedule, Recommendation 140.

3. LUDR

Findings

We heard repeated concerns in our surveys and interviews that the LUDR is difficult to navigate and contains antiquated and/or unclear language making it difficult for customers to understand and staff to administer. In addition, the LUDR has been amended incrementally in an attempt to fix issues as they have arisen, which has created other unintended issues related to cross-referencing and consistency.

However, because the City is in the process of completing an Evaluation Appraisal Report (EAR) of the Comprehensive Plan, which will be completed in the next several months, we recommend that only immediately necessary amendments to the LUDR occur prior to the completion of the EAR. Once EAR is adopted the LUDR should be systematically reviewed and updated to ensure that it is consistent with the Comprehensive Plan.

Recommendations

- Review the LUDR Codes relating to parking trucks and RV's, Recommendation 112;
- The Planning Division should complete the revisions to the LUDR that are immediately necessary and/or are currently in progress to facilitate consistent administration, recommendation, 165;
- The Planning Division should formally documents all interpretations in the LUDR and written policy, recommendations 167, 168;
- The Planning Division should systematically update the LUDR, when the budget permits, following the completion of the Comprehensive Plan EAR Update and include the work effort in the annual work program, which will ensure the LUDR is consistent with the Comprehensive Plan, recommendations 166, 169;
- The City should consider hiring a consultant to conduct a code diagnosis of the LUDR to determine the major areas that are interfering with administration, recommendation, 170 and the also consider hiring a consultant to computerize the document, when the budget permits so that it is more user-friendly and provides a high interface with the City's GIS, recommendation 171.
- Refine Variance Criteria and reduce number of Variances, Recommendations 193, 194, 195 and 196;
- Amend LUDR to establish administrative regulations for subdivision, Recommendation 223.

4. Organization

Findings

The City's Development Services functions are organized under five departments including Community Development, Fire, Public Works, Utilities and City Attorney. Providing development services is a primary responsibility of the Community Development Department which includes planning, building and code compliance. This is an excellent grouping of functions. However, this large department is being managed by an Interim Director who is also the Building Official which creates too large a span of control. The level of development services related functions performed by the other departments is incidental to their primary areas of responsibility. We support the concept of combining development services related functions within a single organizational structure or at least collocating the staff assigned to perform those duties. We also believe that the organizational structure should support a strong leadership style that promotes rapid response to changes in the new economic environment.

Recommendations

We believe the current configuration of the Community Development is a step in the right direction and would recommend further consolidation of development service related functions with the following recommendations:

- Recruit and fill the Community Development Director position as soon as possible, Recommendation 14;
- Interim Community Development Director to balance workload between sections, Recommendation 30;
- Consider consolidating customer support functions, Recommendation 38;
- Create a Business Manager position in the Community Development Department, Recommendation 41;
- Add parts of Fire and Engineering Plan Review services to Community Development, Recommendation 43;
- Define roles of staff assigned to plan review functions in Public Works and Fire, Recommendation 67;
- Evaluate work of the Expeditors, Recommendation 68;
- Relocate Fire Plan Review to Development Services, Recommendation 130;
- Empower current planners to be true Project Managers, Recommendations 148 and 159;
- Consider moving some P&Z responsibilities to the Special Magistrate or Hearing Examiner, Recommendation 164;

- Modify DRC process, Recommendations 208, 209, 210, and 214;
- Transfer Utilities plan review to Site Development Review staff, Recommendation 226;
- Transfer stormwater plan review to Site Development Coordinator, Recommendation 228;
- Expand role of Public Works Site Development and move unit to Community Development, Recommendations 228, 229, and 230.

5. Performance Standards/Timelines

Findings

A primary issue that surfaced over and over from customers was slow processing. Data collected indicated that Cape Coral met some of its pre-set performance standards for completeness and first cycle reviews; however, most projects require more than three review cycles and that may be where some project review times break down. To improve efficiency and overall effectiveness, we believe existing performance standards need to be modified and additional performance standards need to be established for up to three review cycles, City Attorney reviews and overall processing timeframes for planning permit processes, recommendation 220. Inspections standards also need to be established for the building division.

Recommendations

- Set a base level of staff for plan check and inspectors and augment plan check and inspection staff with contract plan checkers and inspectors as needed to meet performance standards or increased workload, Recommendation 49 and 83.
- Monitor FAX applications daily, Recommendation 66.
- Adopt target plan check times in Building and publish for the customers, Recommendation 81 and 82;
- Monitor performance standards using CRW, Recommendation 84;
- Expand over-the-counter plan review, Recommendation 85;
- Create and publish submittal deadlines for all applications, Recommendation 203;
- Revise performance standards for planning applications, Recommendation 224;
- Set a base level of staffing for Planning and supplement as needed with consultants, Recommendation 225.

6. PDP/Site Plans

Findings

It was widely reported that the Planned Development Project (PDP) instrument is an onerous, unpredictable and lengthy process that presents too much risk for the development community. Since PDP provisions were enacted, the City's goals and vision has changed. The City is now moving beyond its bedroom community history and seeking additional economic development and redevelopment opportunities to create a more balanced mix of land uses and help revitalize underutilized areas in the community, which necessitates streamlining permitting process to create predictability, minimizes risk and attract high-quality economic development and redevelopment opportunities.

Recommendations

Although the existing PDP instrument is no longer functioning in a way that meets the City's new objectives, it can still be an excellent tool for both new development and redevelopment because it provides for a mechanism to ensure that new land uses and their external effects are reviewed. We suggest that the current PDP process remain; however, it should be modified. Suggested changes are made throughout this study and include:

- Revamping the Pre-Advisory meeting so that is effective and efficient and provides staff and developer's with real value and direction so that submittals meet City Standards, recommendations, 181-192;
- Revise Development Review Committee, recommendations 205-214;
- Revising PDP submittal requirements so that they are geared towards the review and approval of a preliminary plan, rather than a detailed plan, which will reduce cost and risk to developer's, facilitate quicker reviews and streamline the process, recommendation 217;
- Transfer Site Development Review to Community Development Department, Recommendation 230;
- Separate the Site Plan process from the PDP process, recommendation 231.

7. Technology

Findings

Cape Coral has done a good job of creating an automated permitting system that integrates the functions of all effected departments. The permitting system; however is not fully integrated with other systems such as GIS and Finance. We also believe

there are opportunities to gain significant staff efficiencies by expanding the permitting system to include on-line permits and digital plan reviews. It is a significant benefit to have field inspection staff from Building, Public Works and Utilities utilize laptop or tablet computers that have on-line access to the permit system. This capability does not currently include the Fire inspection staff.

Recommendations

- Establish digital plan review, Recommendation 22.
- Create on-line permitting program, Recommendation 25;
- Consider providing field staff with portable printers, Recommendation 78;
- City cell phones for Code Compliance Officers, Recommendation 90.
- Replace outdated Code Compliance computers, Recommendation 91;
- Provide opportunity to obtain Business Tax Receipts aka BTR's and contractor specialty licenses on-line, Recommendations 118 and 119;
- Purchase tablet computers for Fire Inspectors, Recommendation 135;
- Resolve GIS issues, Recommendation 162 and add parcel permit data, Recommendation 163;
- Up-date all online application, Recommendation 10;
- Certificate of Use applications online, Recommendation 200;
- All BOA and Planning applications to submitted electronically, Recommendation 202;
- Route files electronically, Recommendation 204.

II. INTRODUCTION AND SUMMARY

A. BACKGROUND AND PURPOSE

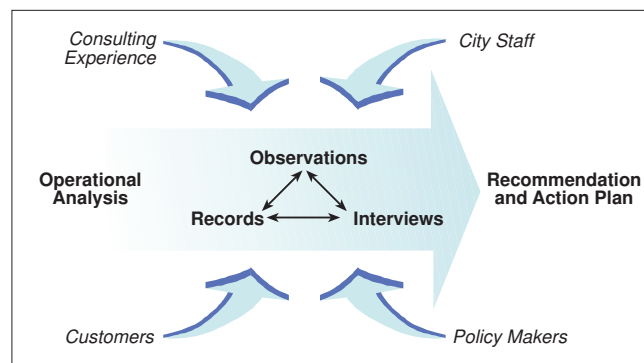
This study was initiated by the Cape Coral City Manager for an assessment of the Department of Community Development and related development functions.

Zucker Systems President, Paul Zucker, presented the approach to the project to the City Council on November 19, 2012 and the contract was approved late November. Zucker Systems staff spent time in Cape Coral on January 9, 10, 28, 29, 30, and 31, 2013.

B. METHODOLOGY

Zucker Systems used a proprietary well-tested, integrated methodology for this study, as shown in Figure 1. We brought our extensive experience to the study, worked closely with City staff, and solicited input and observations from customers and policy makers. The methodology is built on interrelating records, observations, and interviews. Each is necessary for valid studies. National research has shown that each one of these three—if relied upon exclusively—can be subject to substantial error. For example, record systems are often found to be as high as 50% in error, or the wrong things are measured. We used observations and interviews to verify records. Records and interviews were used to verify observations. Records and observations were used to verify interviews. Each group of people, shown in Figure 1, was an important part of the process.

Figure 1
Methodology Overview



Specific activities conducted for this study included the following:

- Two customer focus groups of 19 people.

- A mail survey to 780 applicants for development approvals or permits.
- One-on-one interviews with the Mayor and seven City Council members.
- Interview with two members of the Planning Commission.
- Seventy five employees completed a short anonymous questionnaire.
- Fifty three employees completed a long confidential questionnaire.
- Extensive interviews with 67 people, see Appendix A.
- Review of numerous reports, documents and printouts.

C. FINDINGS AND RECOMMENDATIONS

This assessment found many exemplary features within the Department of Community Development and related as well as a number of areas where improvement is possible.

Areas of Strength

Specific strengths include:

- Building, Code Compliance, and Planning & Growth Management are all within one department (Department of Community Development) and collocated in City Hall.
- Code Compliance Division and Division Manager are well respected and a leader in the industry.
- 70% of Code Compliance Officers are certified through the Florida Association of Code Enforcement.
- Many Planning staff have advanced degrees or are AICP certifies and long tenures.
- Class 5 rating for the National Flood Insurance Rating System.
- Use of combination inspectors for some inspections.
- First building reviews for commercial projects are good.
- Customers can check status of permits online.
- Good plan check and inspection times for Division of Life Safety.
- All functions using CRW system.
- Public Works next day inspection and first plan check in eight days.

Opportunities for Improvement

Problem areas and opportunities for improvement are described throughout this report. What we consider to be seven key areas, or themes, are discussed in the Executive Summary, the first chapter in this report.

Table 1 summarizes the 243 recommendations and opportunities for improvement made throughout this study. To assist the reader, each summarized recommendation is cross-referenced to the page on which the supporting text appears. Although all of these recommendations are important, each was given a priority number in order to help the City with implementation. There are 79 priority number one recommendations, 140 priority number two recommendations and 24 priority number three recommendations. We assume that existing staff will implement many of the recommendations and the cost, except for new staffing, generally should be absorbed through greater efficiency.

To further help the City and departments in implementation, we have also coded all the recommendations. “Phase One Actions” are recommendations, which we believe should be completed in the first nine months. “Phase Two Actions” we believe should be completed within 18 months.

There are 194 Phase One Action recommendations. Some of these are given priority 1, 2 or 3. However, that does not mean that only the priority 1 recommendations should be addressed. There are 49 Phase Two Action recommendations. The departments should develop a detailed implementation plan with time targets for these recommendations.

For each recommendation, we also indicate a responsible party for implementation.

While the above priorities and action schedules should help the City with its implementation plan, it’s essential to initially focus on the seven key priorities discussed in the Executive Summary.

Table 1
Table of Recommendations

#	Recommendation	Responsibility	Page	Priority	Phase One Actions	Phase Two Actions
1.	Agree on an implementation plan	City Manager	21	1	X	
ISSUES RELATED TO ENTIRE COMMUNITY DEVELOPMENT DEPARTMENT AND RELATED FUNCTIONS						
2.	Design uniform Business Cards and freely distribute	Relevant Managers	24	2	X	
3.	Appoint a special attorney to work directly with the Department of Community Development	City Manager	25	1	X	
4.	Conduct a design review of City Hall	City Manager	26	3		X

#	Recommendation	Responsibility	Page	Priority	Phase One Actions	Phase Two Actions
5.	Review Community Development Department fees to eliminate need for General Fund appropriations and review the current formula to internally distribute permit fees	Finance Department	27	1	X	
6.	Adjust Building Permit fees to cover equipment replacement	Building Official	27	1	X	
7.	Reduce time between final inspection and assessment of property	Building Official	28	1	X	
8.	Track lot splits and lot combinations for proper tax assessment	DCD Director and Technology Department	28	1	X	
9.	Adopt non-refundable plan review fees	Building Official	29	1		
10.	Up-date all on line applications	DCD Director	29	1	X	
11.	Review and revise all handouts	Relevant Managers	30	2	X	
12.	Prepare flow charts for all processes	Relevant Managers	30	2	X	
13.	Reduce the number of required notarizations	DCD Director	30	2	X	
14.	Fill the Community Development Director position	City Manager	30	1	X	
15.	Return all phone calls and emails the same day received	Relevant Managers	31	1	X	
16.	Create phone bank for incoming calls	DCD Director	31	2	X	
17.	Accept only complete plans	CSRs	31	2	X	
18.	All first reviews of applications to be comprehensive	Relevant Managers	31	1	X	
19.	Projects to proceed if reviewers don't meet timelines	Project Managers	32	2	X	
20.	Develop and use customer service forms	DCD Director	32	2	X	
21.	Any new software needs to integrate with existing	Information Technology Department	33	2	X	
22.	Establish digital plan review	DCD Director	33	1	X	
23.	Expand GIS training program	Information Technology Department	34	2	X	
24.	Integrate GIS with CRW	Information Technology Department	34	2	X	
25.	Create online permitting program	Information Technology Department	34	1	X	
26.	Establish internal CRW user group	Information Technology Department	34	2	X	
27.	Web pages to include an "I Want To..." section	DCD Director	35	2	X	
28.	Revise and expand web pages	All Departments	38	2	X	
29.	Establish training budgets for all function of 2% of personnel budget and 5% of employees time	All Managers	39	1	X	
BUILDING DIVISION						
Organizational Issues						
30.	Interim Community Development Director to balance workload between sections	DCD Director	47	1	X	
31.	Hold periodic staff meetings with agendas	DCD Director	47	2	X	

#	Recommendation	Responsibility	Page	Priority	Phase One Actions	Phase Two Actions
32.	Distribute activity reports to all staff	DCD Director	47	2	X	
33.	Establish program to encourage input from staff	DCD Director	47	2	X	
34.	Memorialize significant program decisions	DCD Director	48	2	X	
35.	Update procedure manual and code interpretation manual	DCD Director	48	2	X	
36.	Display forms and handouts in lobby	DCD Director	49	2	X	
37.	Include contact information on all forms and handouts	DCD Director	49	2	X	
38.	Consider consolidating customer support functions	DCD Director	49	2	X	
39.	Encourage CSRs to become Certified Permit Technicians	DCD Director	50	2		X
40.	Purchase appropriate printers for counter	DCD Director	50	1	X	
41.	Consolidate Administrative Secretary and Administrative Specialist II into Management Analyst position	DCD Director and Human Resources Department	50	1	X	
42.	Consolidate job classifications	DCD Director and Human Resources Department	51	2		X
43.	Add Fire and Engineering Plan review services to Community Development	City Manager	51	1	X	
44.	Improve reliability of Sire system	DCD Director and Information Department	52	2	X	
45.	Eliminate most paper back-up copies	DCD Director	52	2	X	
46.	Access all permit related information via CRW	DCD Director and Information Department	52	2		X
47.	Determine actual time to process applications and use to set staffing levels and fees	DCD Director	55	1	X	
48.	Use inspection routing software	DCD Director	56	3		X
49.	Set a base level of inspectors and augment inspection staff with contract inspectors as needed to meet performance standards or increased workload	DCD Director	56	1	X	
50.	Establish workload units and use to assign inspector workloads	DCD Director	57	2	X	
51.	Financially support code training classes	DCD Director	58	2	X	
52.	Cover cost of State mandated certification renewals	DCD Director	58	2	X	
53.	Monitor Inspector and Plan Reviewers qualification and training	DCD Director	58	2	X	
54.	Purchase copy of e-codes	DCD Director	58	2		X
55.	Weekly training for inspectors and plans examiners	DCD Director	59	2	X	
56.	Reestablish manager and supervisors training programs	Human Resources Department	59	2		X
57.	Building managers and supervisors to participate in manager/supervisor training	DCD Director	59	2		X
Policy Issues						
58.	Purchase copies of 2012 code editions	DCD Director	60	2	X	
59.	Develop training program for new codes	DCD Director	60	2	X	

#	Recommendation	Responsibility	Page	Priority	Phase One Actions	Phase Two Actions
60.	Develop public education program for new codes	DCD Director	60	2		X
61.	Revise handouts to be consistent with new codes	DCD Director	60	2		X
Processing Issues						
62.	Upgrade customer counter registration program	Information Technology Department	61	2	X	
63.	Re-configure public counter	DCD Director	62	2		X
64.	Develop cross training program for CSRs	DCD Director	62	2		X
65.	Develop fast track application process for some applicants	DCD Director	62	2	X	
66.	Monitor FAX applications daily	DCD Director	62	1	X	
67.	Define roles of any staff in Public Works and Fire that review plans	Public Works and Fire	63	1	X	
68.	Evaluate the work of the Expeditors	DCD Director	64	1	X	
Inspectors						
69.	Establish performance standards to evaluate inspectors	Chief Inspector	64	2	X	
70.	Establish inspector auditing program	Chief Inspector	64	2		X
71.	Use audit information in employee evaluation system	Chief Inspector	65	2		X
72.	Remove some inspection sequencing limitations	DCD Director	65	2	X	
73.	Monitor inspection request to avoid rollover	DCD Director	65	3	X	
74.	Expand options for inspection requests in CRW	DCD Director and Information Technology	65	2	X	
75.	Expand inspection requests for AM or PM inspections	DCD Director and Information Technology	66	2	X	
76.	Consolidate permits	DCD Director and Public Works Director	66	2	X	
77.	Replace inspector field computers	DCD Director and Information Technology	66	2		X
78.	Consider portable printers for field use	DCD Director	67	1	X	
79.	Establish phone and voice mail return policy	DCD Director	67	2	X	
80.	Add cell phone greeting re obtaining information online	DCD Director	67	2	X	
Plan Review						
81.	Adopt target plan check turnaround times	DCD Director	68	1	X	
82.	Publish turnaround times	DCD Director	68	1	X	
83.	Set a base level of staffing and use plan review consultants as needed to meet performance standards	DCD Director	68	1	X	
84.	Monitor turnaround times on CRW	DCD Director	69	1	X	
85.	Expand over-the-counter plan review	DCD Director	70	1	X	
86.	Set performance standards to evaluate Plans Examiners	DCD Director	70	2		X
87.	Develop plan review auditing program	DCD Director	71	2		X

#	Recommendation	Responsibility	Page	Priority	Phase One Actions	Phase Two Actions
88.	Incorporate audit information into employee evaluation program	DCD Director	71	2		X
CODE COMPLIANCE DIVISION						
Organization Issues						
89.	Prepare annual Code Compliance work program	Code Compliance Division Manager	83	2		X
90.	Provide City-issued cell phones for Code Compliance Officers	Code Compliance Division Manager and Finance Department	85	1	X	
91.	Replace outdated computers	Code Compliance Division Manager and Finance Department	85	1		X
92.	Provide official uniforms for Code Compliance Officers	Code Compliance Division Manager and Finance Department	85	2		X
93.	Create additional work spaces for Code Compliance Officers	Code Compliance Division Manager	87	2	X	
94.	Update Business, Contractor & Special Contractor fee schedule	Code Compliance Division Manager and Finance Department	87	1		X
95.	Create penalty fee or late licensing registration	Code Compliance Division Manager and Finance Department	87	1		X
96.	Provide for garage sale permits online including online payment	Code Compliance Division Manager	88	2		X
97.	Establish nominal fee for garage sale permits	Code Compliance Division Manager and Finance Department	88	2		X
98.	Develop user-friendly online Temporary RV parking permit	Code Compliance Division Manager and Information Technology Department	88	2	X	
99.	Establish fee for temporary RV permits	Code Compliance Division Manager and Finance Department	88	2		X
100.	Provide for online payment for temporary RV permit fee	Code Compliance Division Manager and Finance Department	88	3		X
101.	Reinforce filing system policies	Code Compliance Division Manager	89	3	X	
102.	Post all handouts on website	Code Compliance Division Manager	89	2	X	
103.	Update all pamphlets/brochures/handouts	Code Compliance Division Manager	89	2	X	
104.	Use agenda for bi-weekly staff meetings	Code Compliance Division Manager	90	3	X	
105.	Meet with Building and Public Works to better identify coordination issues	Code Compliance Division Manager	91	2	X	
106.	Change Section Manager title to Code Compliance Supervisor	Code Compliance Division Manager and Personnel Department	92	3		X
107.	Create detailed staffing model	Code Compliance Division Manager	94	2		X
108.	Ensure and reinforce overall Officer training	Code Compliance Division Manager	95	2	X	

#	Recommendation	Responsibility	Page	Priority	Phase One Actions	Phase Two Actions
109	Provide additional training for licensing and permitting rules and regulations	Code Compliance Division Manager	95	2	X	
110	Include additional features for Code Compliance web Page	Code Compliance Division Manager	97	2	X	
Policy Issues						
111	Clarify that Contractor's Regulatory Board hears and decides licensing issues	Code Compliance Division Manager	97	3		X
112	Review LUDR re parking trucks and RV's	Code Compliance Division Manager	98	2	X	
113	Group related items together on the Special Magistrate Docket	Code Compliance Division Manager	101	3	X	
114	Building Division staff that attend Special Magistrate hearings to be thoroughly trained	Code Compliance Division Manager and Building Division Manager	101	2	X	
115	Reduce need for City Attorney at Special Magistrate hearings	Code Compliance Division Manager and City Attorney	101	2	X	
116	Review Prosecutorial Fee	Code Compliance Division Manager and Finance Department	102	1	X	
117	Up-date Policies and Business Practices Manual	Code Compliance Division Manager	103	2		X
Process Issues						
118.	Allow Business Tax Receipt, aka BTRs) applications online.	Code Compliance Division Manager and IT Department	110	1	X	
119.	Provide for contractor and Specialty Contractor licensing online	Code Compliance Division Manager and IT Department	111	1	X	
120.	Add flow chart to Contractor Regulatory Board handout	Code Compliance Division Manager	112	3		X
121.	Establish 45-calendar day for Hearing Case process	Code Compliance Division Manager	114	2		X
122.	Proactively monitor Performance Standards in TRAKiT system	Code Compliance Division Manager	114	2	X	
FIRE DIVISION OF LIFE SAFETY						
123.	Use temporary staff re workload increases	City Manager and Fire Chief	117	2	X	
124.	Use civilians for inspector and plan review positions	City Manager and Fire Chief	117	2		X
125.	Provide good management oversight to Life Safety Division	Fire Chief	118	2	X	
Field Inspections						
126.	Set performance standards for inspectors	Fire Marshal	120	2	X	
127.	Create inspection auditing program	Fire Marshal	120	2		X
128.	Use audit program for employee evaluations	Fire Marshal	120	2		X
Plan Review						
129.	Provide access to Fire Plan Review staff at Permit Center counter	Fire Marshal	121	2	X	
130.	Relocate Fire Plan Review to Department of Community Development	Fire Marshal	121	1	X	
131.	Revise job description for Fire Plans Examiner	Fire Marshal and Human Resources Department	121	2	X	

#	Recommendation	Responsibility	Page	Priority	Phase One Actions	Phase Two Actions
132.	Set performance standards for Plan Reviewers	Fire Marshal	122	2	X	
133.	Create Plan Review auditing program	Fire Marshal	122	2		X
134.	Use audit program for Plan Review employee evaluations	Fire Marshal	122	2		X
Technology						
135.	Purchase tablet computers for Fire Inspectors	Fire Marshal	122	2	X	
PLANNING DIVISION						
Organizational Issues						
136.	Provide desktop scanning at front counter workstations	Planning Division Manager	132	2	X	
137.	Update front counter computers	Planning Division Manager	133	2	X	
138.	Communicate that all planning functions to have access to SIRE	Planning Division Manager	133	2	X	
139.	Larger computer screens for planners	Planning Division Manager	133	2		X
140.	Update Planning fee schedule	Planning Division Manager and Finance Department	134	1		X
141.	Pay planning fees online	Planning Division Manager and Finance Department	134	2	X	
142.	Enforce out-card policy for files	Planning Division Manager	134	2	X	
143.	Scan old files	Planning Division Manager	135	2		X
144.	Hold three weekly meetings	Community Development Director and Planning Division Manager	136	2	X	
145.	Planning Division Manager to limit attendance at City Manager executive staff meetings	Planning Division Manager and Community Development Director	136	3	X	
146.	Establish regular schedule for CRA meetings	City Manager	137	3	X	
147.	All Planning meetings to include action items and summary notes	Planning Division Manager	137	2	X	
148.	Empower current planners to be true Project Managers	Planning Division Manager	139	1	X	
149.	Develop a staffing model	Planning Division Manager	141	2		X
150.	Consistently name Division the Planning Division	Planning Division Manager	142	2	X	
151.	Cross training between Zoning Assistant and Planning Technician functions	Planning Division Manager	142	2	X	
152.	Identify additional training needs	Planning Division Manager	142	2	X	
153.	Improve Planning Division web pages	Planning Division Manager	146	2	X	
154.	Develop annual planning work program	Planning Division Manager	147	1	X	
Policy Issues						
155.	Provide coffee or other beverages to BPAP&Z members at meetings	Planning Division Manager	147	3	X	
156.	Utilize standard templates for all staff reports	Planning Division Manager	148	2	X	

#	Recommendation	Responsibility	Page	Priority	Phase One Actions	Phase Two Actions
157.	Look for opportunities to condense staff reports	Planning Division Manager	148	2	X	
158.	Planners to better edit staff reports	Planning Division Manager	149	2	X	
159.	Planners to make recommendations on all items	Planning Division Manager	150	1	X	
160.	Agree on direction for Comprehensive Plan	Planning Division Manager, P&Z, and City Council	151	1	X	
161.	Purchase Economic Development software	Planning Division Manager and Economic Development staff	152	2	X	
162.	Resolve GIS technical issues	Planning Division Manager and IT Department	152	1	X	
163.	Add parcel permit data to GIS system	Planning Division Manager and IT Department	152	1	X	
164.	Consider moving some P&Z responsibilities to a Special Magistrate or Hearing Examiner.	Planning Division Manager and P&Z	153	1	X	
165.	Complete revisions to LUDR	Planning Division Manager	154	2	X	
166.	Update LUDR after completion of Comprehensive Plan	Planning Division Manager	155	1		X
167.	Memorialize formal code interpretations	Planning Division Manager	155	2	X	
168.	Memorialize informal code interpretations	Planning Division Manager	155	2	X	
169.	Include comprehensive revision of LUDR as part of annual work program	Planning Division Manager	156	2		X
170.	Conduct Code Diagnosis of LUDR	Planning Division Manager	156	2	X	
171.	Computerize LUDR	Planning Division Manager	156	2	X	
172.	Review P&Z agenda packets	Planning Division Manager and P&Z	157	3	X	
173.	Bi-annual joint meetings between the P&Z and City Council	P&CZ and City Council	158	2		X
174.	Develop written presentation protocols	Planning Division Manager	159	2	X	
175.	Planning staff to be accessible to P&Z members	Planning Division Manager	159	3	X	
176.	Training sessions for P&Z members	Planning Division Manager and City Attorney	159	2	X	
177.	Orientation session for new P&Z members	Planning Division Manager	160	2	X	
178.	Provide funds for P&Z training	Planning Division Manager	160	3	X	
179.	P&Z members after training sessions to present ideas to the P&Z member	P&CZ	160	3		X
180.	Create policies and procedures manual	Planning Division Manager	161	1	X	
181.	Pre-Advisory Meeting to be mandatory for any non- simple Site Plan process	Planning Division Manager and Site Plan Manager	161	1	X	
182.	Update Pre-Advisory submittal guidelines	Planning Division Manager	161	1	X	
183.	Consider fee for Pre-Advisory meetings	Planning Division Manager and Finance Department	161	1		X
184.	Create simplifies Pre-Advisory application form	Planning Division Manager	162	2	X	
185.	Put Pre-Advisory schedules and information online	Planning Division Manager	162	3	X	
186.	Schedule Pre-Advisory meetings at least one week after receipt	Planning Division Manager	162	1	X	

#	Recommendation	Responsibility	Page	Priority	Phase One Actions	Phase Two Actions
187.	Schedule Pre-Advisory meetings in one-hour time blocks	Planning Division Manager	162	2	X	
188.	Schedule Pre-Advisory meetings online	Planning Division Manager	162	3	X	
189.	Pre-Advisory meetings to be staffed by senior-level staff	Planning Division Manager and relevant departments	163	1	X	
190.	Assigned planner to be lead at Pre-Advisory meetings, unless totally addressing a Site Plan	Planning Division Manager	163	1	X	
191.	Create Pre-Advisory Meeting worksheet	Planning Division Manager	164	1	X	
192.	Log and track Pre-Advisory Meetings in permit system	Planning Division Manager	164	1	X	
193.	Refine Variance Criteria	Planning Division Manager	164	1	X	
194.	Amend LUDR to reduce the number of variance requests	Planning Division Manager	164	1	X	
195.	Revise LUDR to allow minor variances and deviations	Planning Division Manager	165	1	X	
196.	Process Administrative Variances over-the-counter	Planning Division Manager	165	1	X	
Process Issues						
197.	Establish processes for over-the-counter approvals	Planning Division Manager	168	2	X	
198.	Establish 20 minute time for front counter transactions	Planning Division Manager	169	2	X	
199.	Re-enforce policy of requiring complete applications	Planning Division Manager	169	2	X	
200.	Create Certificate of Use applications on line	Planning Division Manager and Information Technology	170	1	X	
201.	Revise flow chart for Board of Adjustments process	Planning Division Manager	171	3	X	
202.	All BOA and Planning applications to submitted electronically	Planning Division Manager	172	1	X	
203.	Create and publish submittal deadlines for all applications	Planning Division Manager	173	1	X	
204.	Route files electronically	Planning Division Manager	173	1	X	
205.	Create a Development Review Committee (DRC) function	Planning Division Manager	175	1	X	
206.	Create standardized Development Review Committee schedule	Planning Division Manager	175	2	X	
207.	Determine which types of application should go to DRC	Planning Division Manager	175	2	X	
208.	Proactively manage DRC meetings	Planning Division Manager	175	2	X	
209.	Assigned Planner to lead DRC meeting	Planning Division Manager	176	2	X	
210.	DRC to have one senior level staff from all functions	Planning Division Manager and all functions	176	1	X	
211.	Post DRC agenda on website	Planning Division Manager	176	3	X	
212.	Encourage applicant to attend DRC meeting	Planning Division Manager	176	1	X	
213.	Create checklist for DRC discussion	Planning Division Manager	176	2	X	
214.	Planning Division Manager of Assigned Supervising Planner to attend every DRC meeting	Planning Division Manager	176	1	X	
215.	Review and revise staff reports electronically	Planning Division Manager	176	2	X	

#	Recommendation	Responsibility	Page	Priority	Phase One Actions	Phase Two Actions
216.	Provide computers or iPads for P&Z members	Planning Division Manager	177	3		X
217.	Revise submittal requirement for PDP process	Planning Division Manager	182	1	X	
218.	Revise PDP brochure re the process	Planning Division Manager	182	2	X	
219.	Establish 5 day performance standard for City Attorney review to complete the Title and Resolution preparation	Planning Division Manager and City Attorney	183	1	X	
220.	Provide draft DO to applicant prior to finalizing	Planning Division Manager	184	2	X	
221.	Create policy for recordation of resolutions and ordinances	Planning Division Manager	185	2	X	
222.	Revise P&CZ and CC process flowcharts with recommended process changes	Planning Division Manager	190	1	X	
223.	Amend LUDR to establish administrative regulations for subdivision	Planning Division Manager	190	1	X	
224.	Set and revise performance standards for Planning applications	Planning Division Manager	194	1	X	
225.	Set a base level of staffing for Planning and supplement as needed with consultants	Planning Division Manager	194	1	X	
PUBLIC UTILITIES DEPARTMENT						
226.	Transfer utilities plan review to Site Development Coordinator	Public Utilities Director and Public Works Director	196	1	X	
227.	Review designs for long-term system maintenance	Public Utilities Director	196	2	X	
PUBLIC WORKS DEPARTMENT						
228.	Transfer stormwater plan reviews to Site Development Coordinator	Public Works Director	199	1	X	
229.	Relocate Site Development Review staff to Community Development Department	Public Works Director	200	1	X	
230.	Transfer Site Development Review unit to Community Development Department	City Manager	200	1	X	
231.	Separate site plan approval from Planned Development approval	DCD Director	203	2	X	
232.	Site Development Coordinator and Public Works inspectors to coordinate	DCD Director and Public Works Director	203	2	X	
233.	Site Development counters staff to reject incomplete submittals	Site Development counter staff	204	2	X	
234.	Conduct staff audit program	DCD Director and Public Works Director	204	2		X
EMPLOYEE PERCEPTIONS						
235.	Discuss 5 questions in Building Division	CBO and managers in Building Division	207	2	X	
236.	Code Enforcement Manager to address question 19 in staff meeting	Code Enforcement Manager	208	3	X	
237.	Engineering/Public Works to address four questions	Public Works Director	209	2	X	
238.	Use outside facilitator to address Fire Department issues	Fire Chief	209	2	X	
239.	Managers to address delegation issues	All relevant managers	210	1	X	
240.	Discuss Planning training needs	Planning Manager	210	2	X	
CUSTOMER SURVEYS						

#	Recommendation	Responsibility	Page	Priority	Phase One Actions	Phase Two Actions
241.	Respond to Customer Concerns	Relevant Managers	218	1	X	
242.	Share results of customer survey with City Council and Planning Commission	City Manager	219	3	X	
243.	Planning and Engineering to review coordination issues	Planning and Public Works Managers	219	2	X	

Before the City begins implementing this study, we suggest that it take the following action.

1. Recommendation: The City Manager and the Director of the Department of Community Development should review the study and agree on an implementation plan, which should include:

- An agreed-upon timetable and work program
- Costs estimates and method of funding
- Confirmation by the Mayor and the City Council

The Department of Community Development and related departments already have many important tasks they are undertaking and may find the 243 recommendations overwhelming. However, as improvements take place and staff becomes empowered to change, the City may be surprised at how fast implementation can occur.

III. ISSUES RELATED TO ENTIRE DEPARTMENT OF COMMUNITY DEVELOPMENT AND RELATED FUNCTIONS

A. OVERVIEW

Many City staff have low moral which can impact staff productivity as well as customer service. This issue also impacted many of the findings in this report. Some of the factors that have impacted low moral are listed below.

- Few salary increases
- Reduction in pay and benefits
- Layoffs
- Buy outs
- City Manager turnover
- City Council turnover

B. BILLABLE HOURS

A normal approach to staffing analysis starts with the calculation of billable hours. These are the actual hours employees are available for work as shown in Table 2. A 40-hour work week, which is the norm in Cape Coral, results in 2080 hours. Holidays, vacation, and sick leave are deducted from this along with two 15-minute breaks per day. Additionally, since virtually no one is 100% efficient we normally use 80% of the resulting hours. As can be seen in the table, this means that the employees working in development review functions are available from a low of 1296 hours per year to a high of 1344. These numbers can be used for detailed staffing analysis recommended elsewhere in this report.

Table 2
Billable Hours Analysis

Item	0 to 5 yr. Employee	6 to 10 yr. Employee**	11yr. + Employee
Base Hours (40/week)	2080	2080	2080
Holidays (11 per year)	88	88	88
Vacation (varies by longevity)	200	240	249 to 280* use 264
Sick Leave (part of vacation time)	-	-	-
Net	1792	1752	1728
Breaks, two 15 minutes per day	112	110	108
Second Net	1680	1642	1620
80% of Second Net, likely actual productive hours.	1344	1314	1296

*11 to 15 or more years.

** Most employees are in this category. Rough average years of employment are 11 for Building, 9 for Codes, 8 for CSRs and 8 for Planning.

C. BUSINESS CARDS

Customers often come in contact with staff and then later can't recall who they talked with. A good policy is that any customer who is in contact with staff is always given a business card. These business cards can also contribute to the City's image as a professional organization. During our site visit we collected business cards that represented at least ten different design schemes. Many of the designs were dramatically different and therefore conveyed a perception that these individuals did not work for the same organization. In addition, some staff in key positions had still not obtained business cards. In the future an effort should be made to develop a standardized format for business cards and employees should have their business cards available when they start work. Whenever an employee talks to a customer, that customer should leave with a business card.

- 2. Recommendation:** The basic design of City business cards should be consistent and be available to all staff when they begin employment. Whenever an employee talks to a customer, that customer should leave with a business card.

D. CITY ATTORNEY

Although we were not under contract to review the City Attorney's office, it became obvious during the study that issues exist related to this function and solving the City's development review issues. Both focus groups indicated that this is the number one issue. Similar comments were received from the City's development review managers as well as several City Council members. The perceived issues included opinions being too conservative or cautious, lack of delegation to attorneys, and processing taking too long with issues cycling multiple times.

The City Attorney indicates that the office is often blamed for slow timelines when an item is still with another department or the documents given to the attorney are incomplete. This is likely an issue that also needs to be addressed.

Lacking a full study, we are not in a position to determine all the issues. However, it appears that there are currently a long list of items pending attorney review and input such as Administrative Amendments to PDPs, CRA issues, RV Park ordinance, Sandoval Phase III PDP amendment, HICI District, and other ordinances including CIAC, Fire Prevention, Fire Sprinklers, News Racks, and Signs. Additionally, implementing this study will require major efforts from legal advice including key changes to the zoning ordinance and development approval documents amongst others. If the City wishes to move aggressively on these items, then it would appear appropriate to bring in special council to work directly with the Department of Community Development for one or two years. In addition to handling the legal issues, this attorney could also help to make all the operating functions totally accountable and to complete the documents or research as needed.

3. *Recommendation: A special attorney should be appointed to work directly with the Department of Community Development for one or two years.*

E. CITY HALL

City hall is an unusual building that evidently received design awards when constructed. However, the building and office spaces present a bureaucratic flavor to customers. Although we are not under contract to make specific recommendations, our observations include:

- Better signage, way finding, is needed both on the exterior and interior of the building.
- Some of the bureaucratic feel could be helped by adding some interior colors, perhaps even color coding the banners to functions?
- The office spaces have all uniform height partitions. Maybe some variety of both height and location could help as well as occasional color.

- The public seating and front counter areas become uncomfortably hot during afternoons in the summer. Window shades have been provided but staff has been instructed to not lower the shades to their full length.

4. *Recommendation: A design review of City Hall should be completed with the aim of creating a less bureaucratic feel and customer service orientation.*

F. ECONOMIC DEVELOPMENT

The City has created a three person Economic Development function that reports to the City Manager. This organizational pattern can work well so long as there is good coordination and communication with the Community Development Department, Public Works, and Utilities Departments. Some communities have accomplished this by having the function within Community Development. We believe the function can work well under either organizational pattern and should simply rest with the style and approach of the City Manager.

G. FINANCE/BUDGET/FEES

The City of Cape Coral has a history of not adjusting their permit-related fees on a regular basis to reflect the cost of the services they are providing. The City Council has historically promoted a philosophy of reducing expenditures rather than raising revenue through increased fees. Eventually this philosophy leads to the point where the level of service customers expect can no longer be provided. In the case of permit related services this frequently takes the form of excessive waiting time at the public counter, delays in receiving plan review comments and failure to receive an inspection on the date requested. While these delays can be frustrating on residential projects, for commercial projects it has the added negative impact of delaying the economic growth of the community and thereby conveying an image that City is not business-friendly. Our surveys and interviews have indicated that these types of service impacts are now being experienced by Cape Coral customers.

The Departments that provide development services are funded from a variety of sources including the General Fund. To the extent that these type of service are being funded from the General fund versus permit fees reflects a reduction in the amount of revenue available to support other City services such as Police and Fire protection. Certainly not all functions in development services related departments can be supported by fees, such as city-wide general planning activities and code enforcement efforts, but it reasonable to assume that developers that generate the need and anticipate the ability to profit from their efforts should also be expected to fund the cost of the services demands they generate. These service demands impact all the Departments that provide permit processing, plan review and inspection services. Those Departments include Community Development, Public Works, Fire and

Utilities. It is our belief that none of these Departments are currently charging the amount sufficient to cover the cost of the services they are being asked to provide.

The City staff is currently engaged in an internal audit that is intended to help identify the overall financial health of the City and its prognosis for future sustainability. The results of this study will help the City determine the level of development related services it is willing to provide in the future based on the fees it is prepared to charge its customers.

Development services related Departments receive permit revenue based on both the permits they issue and a percentage of the permit fee generated by permits issued by other Departments based on the department's level of participation in that permit process. Staff interviews suggest that the formula for distributing revenue from these permits that require multi-department review have not been adjusted in many years and are not appropriate. Normally a formal fees study would include this level of review, but it is our understanding that the City has not committed to performing an updated fee study at any time in the near future. Therefore, it is appropriate for internal staff to at least undertake a review of the current formula for internal distribution of permit revenue and to make adjustment as appropriate.

5. *Recommendation:* City Finance Staff should undertake a review of the current fees in the Community Development Department to eliminate any need for General Fund allocation. Additionally, the current formula used to internally distribute permit fee revenues should be adjusted as appropriate.

The Building Division of the Department of Community Development is operated as a Special Revenue Fund that is intended to be self-supporting based on the revenue collected from building and other related permit fees. Discussions with Finance Staff indicate that the Division is currently operating based on revenue sufficient to cover personnel costs and the city-wide overhead, but insufficient to fund needed equipment replacement. The shortfall to cover needed equipment replacement is approximately \$100,000 or 3.5% of the annual operating budget of the Division. Given that the Division is already experiencing difficulty in consistently meeting established performance standards due to reduced staffing, it would not be appropriate to consider further staffing reductions to capture cost reductions to apply to equipment replacement.

6. *Recommendation:* The Building Official should consider recommending an adjustment to the current permit fee schedule sufficient to cover the on-going cost of equipment replacement.

The ability of the Building Division to operate successfully as a Special Revenue Fund is highly dependent on the type of permits being issued. It is recognized

nationally that a broad scope of permit activity that includes an appropriate mix of commercial, residential and minor permits will provide sufficient revenue to support a Building Division. This is based on an underlying assumption that the economy of scale realized from building tract homes or large commercial facilities will help generate sufficient revenue to subsidize the cost of providing services for minor permits. The reality of the situation indicates that the practice of charging the true cost of providing services for minor permits would be so high that it would drive the business underground and few permits would actually be issued. This can create both a safety problem for the community and an increased demand on Code Enforcement to identify and correct this non-permitted work. As identified in the Activity section of this report, during the peak construction period of 2005-2006 the Building Division was issuing new home permits at a rate representing 9.1% of total permit activity. That figure is now 2.1% of total permit activity and very little commercial construction is underway. In essence, the Division's Special Revenue Fund is underperforming because the fees collected for the majority of permits being issued do not cover the cost of providing the service. With an improving economy and an anticipated increase in both new commercial and residential construction then it is conceivable that the current fee structure would be adequate to support the Building Division's personnel, overhead and equipment replacement revenue needs in the future.

The City depends on revenue from not only permit fees but also annual property tax. Staff reports that currently it takes approximately 18 month from the time a project receives a Certificate of Occupancy before it is added to the tax rolls. One of the common results of a City's efforts to address budget cutbacks is to focus on only those activities that are highly visible to the public. Unfortunately, this practice contributes to public perception that the budget cuts were fully absorbed without any impact on overall service. Failing to also focus efforts on those program components that are not visible to the public, such as quickly processing final inspection results and updating property tax and utility billings, can have an impact on the City's financial health. This issue is also impacted by the fact that the current CRW permit system is not always capable of properly processing lot-splits and lot combinations. This problem has resulted in properties not being adequately billed for the services they are receiving.

7. Recommendation: The Building Official should direct staff to implement steps to ensure that time between final inspection and assessment of property and utility taxes is as short as possible.

8. Recommendation: The Community Development Department should work with IT and the CRW vendor to implement software changes to

properly track lot splits and lot combinations to ensure that properties are being appropriately taxed.

The current procedure only collects 15% of the permit fee at the time of plan submittal. Most jurisdictions nationally collect a non-refundable plan review fee that is approximately equal to 65% of the building permit fee. This national practice helps ensure that the City is compensated for the staff time dedicated to perform the plan review. According to staff, it is fairly common for applicants to request that their permit be voided within 30 days of issuance and thereby qualify for a permit fee refund of 85%. The procedure does not allow the City to recover the cost of the plan review and administrative service that have already been provided. The City should establish a non-refundable plan check fee that covers the cost of the services provided and any fees to be refunded for permits voided after issuance should consider the cost of service already provided on the permit.

- 9. *Recommendation:* The Community Development Department should collect a sizable non-refundable plan review fee and refunds of permit fees should deduct for service already provided.**

H. HANDOUTS

There are numerous applications, handouts, forms and other information sheets available for permit processes that are available through the website. However, they are not categorized by Process Type, which would be a more intuitive format for locating needed applications, etc. In addition, not all have been updated. Further, the number of applications and handouts available can be overwhelming and confusing for users, as well as difficult for the Department to keep current. There are also handouts that should be generated to explain long-range planning concepts, such as growth management, the comprehensive plan, and regulations such as shoreline regulations.

The Department should consider reviewing all of its handouts and applications and consolidate them where possible. Many best practice communities use a single application packet that uses a checkbox system to distinguish the type of permit(s) requested.

All handouts should be kept up-to-date and contain a revision date so that users know they have the most current version of the document. In addition, all guides and forms should include a contact phone number to use when additional assistance is needed.

- 10. *Recommendation:* The Departments should update all online applications in a format that allows them to be filled in on line, and post them**

under their respective process type category under the “Applications and Forms” tab.

11. *Recommendation:* The Departments should review all of its handouts and applications to ensure they are written in clear concise language, consolidate them where possible, and include a revision date and contact number so that customers know they have the most current version and where to call for assistance.

12. *Recommendation:* The Departments should prepare simple, accurate flow charts for permit processes, which should be posted on the website to help users understand how processes work.

I. NOTARIZING DOCUMENTS

Many of the Cape Coral processes require documents and even multiple documents to be notarized. Many communities have eliminated or at least reduced the number of notarization requirements. There may be a few special requirements in Florida that we are not aware of. An attempt should be made to remove as many notarizations as possible.

13. *Recommendation:* The City should reduce the number of notarizations required in the development process.

J. ORGANIZATION

There are a variety of organizational recommendations throughout this report. The key recommendation is to immediately fill the vacant Community Development Directors position. The current Interim position results in too large a span of control for the Building Official. The new Director can give needed direction to the management and integration of Building, Code Enforcement and Planning and will be a central position for implementing this report. This position will also be needed to integrate the functions being transferred from Fire and Public Works.

14. *Recommendation:* Fill the Community Development Director position as soon as possible.

K. PHONE CALLS AND EMAILS

We received major complaints from customers that it is difficult to have phone calls picked up by a live person and calls left on answering machines are not returned in a

timely way. We are in the information age and customers expect more instantaneous service. Nothing could improve the image of the City's development processes faster than correcting the telephone problem. In addition to rapid phone response, the same should be true for emails. We suggest that one or more phones be staffed to be answered at all times. If there is a backlog of calls, the phone should be programmed to take a number, keep the caller in the queue, and call back in the order received. Additionally, we recommend that all phone calls and emails be returned the same day received.

Staff often complain that they just don't have time to return the calls and emails the same day. We then ask if it takes less time to answer them the next day or two. The answer is that it takes the same amount of time. In that case, why not answer them today?

15. *Recommendation:* Staff should return all phone calls and emails the same day received.

16. *Recommendation:* One or more phone banks should be staffed to receive phone calls with a call waiting, call back system.

L. PROCESS REVIEWS

Customers complain that when they bring an item in for a second review, staff will add new items or make corrections that contradict first round reviews. If the second submittal is typically providing information that should have been included in the original submittal then staff should be more aggressive about rejecting original submittals that don't include basic information. The approach should be to have a complete first round review. Then the rule should be to not add new items the second or subsequent rounds unless there is a major change in the project or a serious health safety issue is discovered. Additionally, if review agencies do not meet review timelines, the project should move along without their review. This is sometimes referred to as "if you snooze you lose."

17. *Recommendations:* Staff should plan submittal completeness reviews and not accept original submittals that don't include sufficient information to allow for a comprehensive plan review.

18. *Recommendations:* First reviews should be comprehensive and new items should not be added on subsequent reviews.

19. *Recommendation:* If reviewers do not meet pre-agreed timelines, the project should proceed without that review.

M. SURVEYS

Best management practices include being sensitive to customer needs and actively soliciting their feedback regarding the quality of services being provided to them. One of the most frequently utilized tools for gathering this type of information is customer comment cards and/or website customer service surveys. Gathering a customer's comments regarding their specific experience working with City staff can provide great insights into opportunities for enhancing customer service and can also help identify and recognize incidents of outstanding employee performance. The City is not currently using any form of a survey to inquire on a customer's satisfaction with the services they have been provided. We believe that the City should develop such a form and direct staff to encourage customers to utilize the form as a means of helping the City improve service in the future. These customer survey forms should be available at each public counter and on the City's website. Information gathered from these surveys should be compiled in a form that can be shared with staff.

20. *Recommendation:* The customer survey form should be developed, staff should be directed to encourage customers to participate in the survey, results of the customer surveys should be compiled and shared with staff, and the customer survey forms should be available to the customer at each counter and via the City's website.

N. TECHNOLOGY

Overview

The City of Cape Coral has generally done a good job of incorporating technology into most functions performed by the various Departments. It is apparent that many new technologies were introduced during the period of time when the City enjoyed substantial revenues. Since the downturn in the economy, and particularly the dramatic reduction in construction permit activity, the ability to continue to pursue technology enhancements has suffered. Some systems are now in need of upgrades and/or replacement. Some of the best practice features we observed include:

- All development related functions have been using the same application permitting system, CRW.
- Many Departments are actively using the GIS System.
- The City is pursuing the reintroduction of a digital plan review process.

- Information Technology (IT) staff appear well qualified to perform their duties.

The biggest technology issue we observed was the difficulty staff sometimes experiences when attempting to access information located in different systems. In 2007 many functions, including permitting, land management, financial reporting and payroll, were integrated into a single enterprise program designed and supported HTE. A decision was subsequently made to allow Departments to seek out the “Best of the Breed” for their particular application. Ultimately this resulted in numerous new programs being purchased by Departments with little consideration as to how these separate programs, from separate vendors, could be integrated. While IT staff has made major strides in getting these systems to communicate more seamlessly, challenges still exist. One staff member reported that she has to utilize nine (9) different passwords in order to access all of the various systems she needs to perform her assigned duties. We strongly believe that systems need to be integrated as much as possible in order to discourage the practice of duplicating data entry and to promote data integrity.

21. *Recommendation:* Future Department-wide software systems purchases should include confirmation that they can be easily integrated with existing systems.

Digital Plan Review

It is our understanding that the City previously launched a digital plan review program using Projects Doc, but the program was suspended after a short period due to budgetary considerations. We also understand that efforts are underway to re-launch a digital plan review program utilizing software being provided by SIRE. As this is the digital records management program currently being used the City, it is quite conceivable that the new digital plan review software should be readily compatible with that proposed system. It is also essential that this system has a good interface with CRW. We strongly encourage jurisdictions to pursue the use of digital plan review as a means of expediting the plan review process and saving valuable resources.

22. *Recommendation:* A digital plan review program that is fully integrated with CRW and the SIRE digital records management system should be developed.

Graphical Information System (GIS)

The City’s GIS system is generally regarded as being a very useful tool for staff use, however, it is not being utilized to it full capabilities. Many staff members report that

they are aware of the GIS System, but have not received sufficient training to feel comfortable in its use. Additionally, the GIS System is not fully integrated into the CRW System to the extent that a parcel can be selected and the permit history be obtained. The GIS is managed by staff in the Information Technology Department.

23. *Recommendation:* The City should consider expanding its GIS training program to include a larger group of staff members from all departments.

24. *Recommendation:* The IT Department should continue to work with the CRW vendor to explore methods to more fully integrate the GIS System into the program.

On-line Permitting

The City of Cape Coral does not currently offer customers the opportunity to apply for minor permits such as electrical, plumbing, mechanical, and low-voltage electrical and re-roofing permits online through the CRW System. These types of permits typically require no plan review and therefore are prime candidates for such a program. Given that the current volume of permit activity for these types of permits represents approximately 80% of the total volume of issued permits, there is no other single program that could have as great an impact on the operational efficiency of the DCD as implementing an on-line permitting program.

25. *Recommendation:* The IT Department should work with CRW to aggressively pursue creating an on-line permitting program to facilitate the issuance of building permits that do not require plan review.

Permit User Groups

Many communities have purchased permit processing software only to find that the program was difficult to implement and the vendor's support was lacking or very expensive. To overcome some of these issues employees from communities utilizing the same software programs have created local or state-wide User Groups that share technical resources to solve problems and to exert collective pressure on the vendor to implement enhancements that benefit all members of the Group. There are currently eleven (11) jurisdictions in Florida that are using the CRW permit system software. This type of forum also helps bring in-house resources together on a periodic basis to exchange ideas on product improvements and check on the status of scheduled upgrades. Staff should also take advantage of the training provided at the national User Group Conferences that are sponsored by CRW. (Example: St. Petersburg, FL – April 2013)

26. Recommendation: The IT Department should work with the internal Departments using the CRW system to create a User Group that can share resources with other jurisdictions also using the CRW system.

Web Site

Overview: The home page of the City’s website, while attractive, is difficult to navigate to retrieve information about various Departments and development processes. We find there are generally two avenues that a customer may take to retrieve information. A customer either attempts to identify the Department or Division that might provide the service or they look at the section that includes “I Want To ...” information. Our attempts to find information using the first approach, by identifying the Department, was met with frustration because it appears that little effort was applied to direct the customer to the needed information through this portal. The second approach, however; was more productive in the case of locating information such as how to obtain a building permit. Numerous forms, guides and other helpful information were available through this avenue. The Department and Division pages should include a direct link to the types of information that customers may be seeking by going to the department web page.

27. Recommendation: Each Department web page should include a conspicuous reminder to utilize the “I Want To ...” section to inquire about obtaining specific services.

Table 3 below shows a list of the typical features that Best Practice Communities include on their website. The Table indicates whether all of the development services related Departments (Community Development, Public Works and Fire) include, partially include, or do not include typical features. Specific recommendations follow the Table.

Table 3
Development Services Related Departments Proposed Web Features

Typical Best Feature Features	Included	Partially Included Link Provided	Not Included
Announcements, News/Events			X
Automated Email contact feature			X
Comprehensive List or Link to all planning & development related fees		X	
Comprehensive Information page for Hearing Examiner, Planning Commission, including Members, Hearing Schedules/Calendars Agendas, Minutes, Agenda Packets/Reports, including staff contact for project inquiries		X	
Comprehensive Staff Contact List with Automated email Contact Feature			X
Credit Card Payment Options	X		
E-government online application completion			X
Forms and Handouts		X	
Frequently Asked Questions Related to Development Process			X
Functional Statement, Mission Statement		X	
Handouts/Applications for Land Use Mgt, Policy Planning	X		
How to Guides and flow charts			X
Links to State & Regional Planning, Zoning & Building related agencies		X	
Links to Municipal Code, Zoning, Subdivision Ordinance, Comprehensive Plan, other related regulations, plans, policies		X	
Major Project List (i.e., recently approved, on-going projects) for both Land Use Mgmt. (Current) and Policy (Future) Planning		X	
Office Location, Hours, Map/Directions to Offices			X
Online Submittal of Land Use Management Plans/Permits, Applications			X
Organization Structure Chart			X
Permit Tracking	X		
Work Program for Department Posted			X
Zoning Map/GIS	X		

As the above Table shows, the City has included a few important Best Practice features on their web pages. However, as observed and uncovered in interviews and staff surveys, the website is generally difficult to navigate for first-time users due to the type and volume of content posted and its overall format. In addition, the search

engines are limited and don't provide sufficient search assistance for users trying to locate information that may be placed in other locations on the websites.

Below are recommendations that should be included in any future website overhaul project.

Announcements, News/Events. The Home page should include a section for announcements pertinent to the entire community and links to announcements relevant to specific audiences such as builders or businesses.

List of Application and Permit Fees. There is no readily apparent link to a web page that contains all of the information regarding fees for the various Planning, Building, Fire and Public Works applications and permits. Some fee information has been provided on one of the linked Building Division pages, but it is incomplete.

Boards and Commissions Information: The Home page includes a link to a page that summarizes the duties of the various Boards and Commissions but does not include the membership lists and the schedule of future hearings or minutes from past minutes.

Comprehensive Staff Contact List with Automated Email Contact Feature, Staff Photo. The Departments should consider including a tab for "Staff Directory," so that the information is easy to locate. In addition, many of the Best Practice Communities that we have worked with include a staff photo next to the contact information.

Frequently Asked Questions: Traditionally the FAQs page has been the most frequently visited site for development services departments. By providing a user friendly and comprehensive FAQs page, customers are afforded an opportunity to get their information immediately 24/7 without requiring staff intervention and the information is always consistent. The information on the page should be geared towards users looking for quick answers to basic building-related questions. There is currently no location on the web site that includes FAQs.

Functional Statements, Vision, Mission, Goals: Most Department web pages contain some general information about the nature of the services they provide and occasionally their mission, but no specific statements identified as visions, missions or goals are identified. The Public Works Department has made the best effort to capture this type of information on its main Department page. This information would provide an excellent opportunity to express each Department's commitment to work cooperatively with other staff throughout the City system to deliver excellent service to the customer.

How to Guides and Flow Charts: One of the complaints expressed in the customer surveys and Focus Group meetings was the lack of predictability in the development process utilized in the City of Cape Coral. We find that one of the ways to introduce

predictability is to have all parties using the same road map. In this case, the use of process flow charts give all parties a sense of the overall number of steps that must be completed and a sense of where they are in the process at any given time. We find that the use of process flow charts benefit both staff and customers as they navigate through the permit process.

Links: The Departments should add links to information on growth management laws and practices and links to other organizations that can assist customers with needed information. The Building Division page contains a good example of links appropriate for building related issues but their links to municipal code requirements are outdated.

Major Projects List: The City's eTrakiT program allows customers to access information about individual projects being constructed but gaining access to that information can be a cumbersome process. Periodically publishing a list of high profile projects under review or construction will help keep the community better informed and may help reduce the number of calls directed to staff to seek this information.

Map/Directions to Offices: The City's website does not include a link for directions and a map of City Hall. This information may be particularly important to permit applicants needing to come to City Hall to obtain a permit, especially if they are pulling a construction trailer and need to know where to park.

On-line Application Forms. While various application forms are available to be downloaded, they cannot be completed on-line and submitted. As stated previously under on-line permitting, we believe this is a feature that the City should provide for not only on-line permits but also other applications. Giving the public the ability to complete and submit applications without coming to the Permit Center is a benefit for both the applicant and staff.

Organization Structure Chart: The City has apparently chosen to not include Organization Structure Charts within the individual Department web pages. We believe this basic information is necessary in order for users to understand the structure of each Department. A logical place to include this information would be on a page that provides direct links to contract information for the individuals on the chart.

Work Program for Department Posted: Each Department's web site should include a description of their annual work program along with periodic updates that demonstrate progress.

28. Recommendation: The development related websites should be revised to include the features listed in Table 3 and described above.

O. TRAINING

The general rule of thumb is to set aside at least 2% of any function's Personnel Budget for annual training of employees. In addition to the training budget, we typically suggest that about 5% of staff's time be devoted to training.

29. *Recommendation:* The budget for the development related function should include a line item for training, which is equal to 2% of the function's annual personnel budget, and 5% of staff's time.

IV. BUILDING DIVISION

A. PROFILE

Overview

The Building Division is a portion of the Department of Community Development (DCD) that serves the City of Cape Coral by providing permit, plan review and inspections service through the enforcement of local and State mandated Codes. All jurisdictions in Florida must enforce the minimum construction standards adopted by the State but have the option of adopting additional local amendments that are at least as restrictive as the State Codes. Cape Coral has traditionally avoided adopting numerous amendments to the building codes.

The Building Division has undergone tremendous change since the collapse of the residential construction market after 2008. Staffing has been dramatically reduced in an effort to match the resources with the anticipated demands through the painful process of transferring staff to other positions elsewhere within the City. Given the size of this task, the City deserves to be commended for the results they achieved. One of the benefits of this type of approach has been the retention of skilled and experienced staff within the City. As construction activity increases in the future, the ability to quickly transfer experienced staff back into their previous positions will be an asset to the development community and the individual employees.

Authority

Per Article 12 of the Cape Coral Municipal Code, the City adopted the State mandated Florida Building Code with minor administrative amendments. These Codes include:

- *Florida Building Code 2010*
- *Florida Building Code 2010 - Residential*
- *National Electric Code – 2008 Edition*
- *Florida Building Code 2010 - Mechanical*
- *Florida Building Code 2010 - Plumbing*
- *Florida Building Code – 2010 Fuel Gas*
- *Florida Building Code – 2010 Existing Building*

The base codes for the 2010 edition of the *Florida Building Code* include: the *International Building Code*®, 2009 edition; the *International Plumbing Code*®, 2009 edition; the *International Mechanical Code*®, 2009 edition; the *International Fuel Gas Code*®, 2009

edition; the *International Residential Code*®, 2009 edition; the *International Existing Building Code*®,

Basic Functions

The Building Division employs 29 full-time equivalent positions supporting the permit counter, plan review and field inspection activities. The primary function of this group is to support the overall development review and inspection process. This process is designed to protect the public and property by ensuring that the minimum health and life safety standards are incorporated into all new construction. This is achieved by working in cooperation with other Divisions within DCD and other Departments including Public Works and Fire. In addition, the staff works daily with members of the commercial development community and homeowners to identify and resolve construction code related deficiencies.

Organization

This Division reports to the Building Official, who has also been designated as the Acting Director of the Department of Community Development. The day-to-day activities are managed by a Chief Inspector that oversees both building inspection (10 positions) and plan review (5 positions) and a supervisor of the counter functions that supervises the ten (10) Customer Service Representatives and Expeditors. The Building Official, two supervisors and an Administrative Secretary comprise the administrative section of the group.

Figure 2
Building Division Organizational Structure

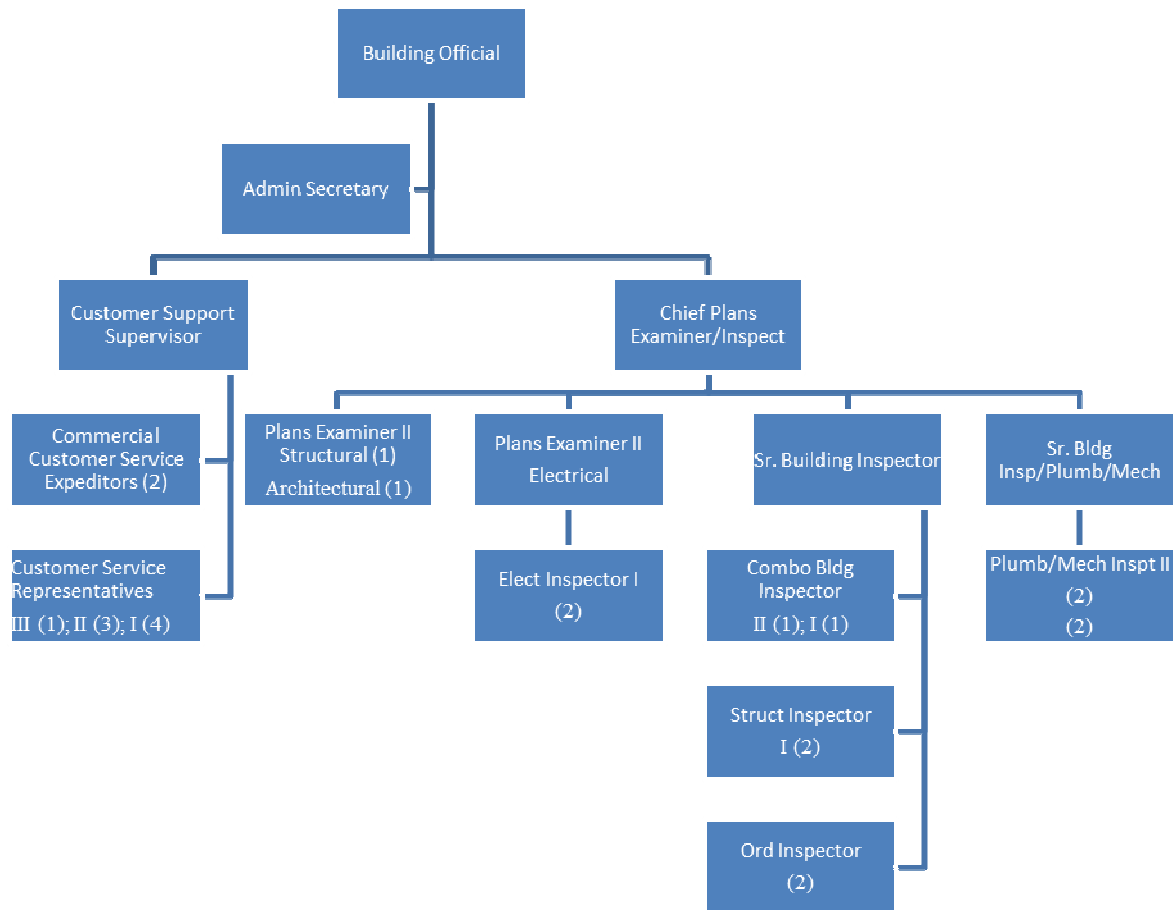


Table 4
Building Division Staffing

Classification	# of Positions (FTEs)	Responsibility
Community Development Director/Building Official	1	Oversees the Community Development Department and serves as Chief Building Official. Reports to City Manager Chief
Administrative Secretary	1	Provides secretarial and administrative support to Building Division. Reports to Director of community Development/Building Official
Chief Inspector/Chief Plans Examiner	1	Supervises plan review and all field inspection activity. Reports to Building Official
Sr, Bldg Inspector- Plumb/Mech	1	Supervises and performs plumbing and mechanical plan review and inspections. Reports to Chief Plans Examiner/Chief Inspector.
Sr. Bldg Inspector - Roofing	1	Supervises staff that performs combination, structural, and City Ordinance inspections and performs inspections. Reports to Chief Plans Examiner/Chief Inspector.
Customer Support Supervisor	1	Supervises Expeditors and Customer Service Representatives. Reports to Building Official
Plans Examiner II - Electrical	1	Supervises Electrical Inspectors and performs electrical plan reviews and field inspections. Reports to Chief Plans Examiner/Chief Inspector.
Plans Examiner II - Structural	1	Performs structural building plan reviews. Reports to Chief Plan Examiner/Chief inspector
Plans Examiner II - Architectural	1	Performs architectural building plan reviews. Reports to Chief Plan Examiner/Chief inspector
Building Inspector I - Electrical	2	Performs electrical field inspections. Reports to Plans Examiner II - Electrical.
Building Inspector II - Plumb/Mech	2	Performs plumbing/mechanical field inspections. Reports to Sr. Building Inspector Plumb/Mech.
Building Inspector II - Combination	1	Performs combination inspections for commercial and residential construction. Reports to Sr. Building Inspector
Building Inspector I - Combination	1	Performs combination inspections for commercial and residential construction. Reports to Sr. Building Inspector
Building Inspector I - Structural	2	Performs structural building inspections for commercial and residential construction. Reports to Sr. Building Inspector.

City Ordinance Inspector	2	Performs less complicated inspections on seawalls, boat docks, etc. Reports to Sr. Building Inspector.
Commercial Expeditor	2	Provides assistance to commercial permit applicants and tracks plan review turnaround times per targets. Reports to Customer Support Supervisor
CSR III	1	Oversees Private Provider documentation, performs senior level permit processing and acts as liaison with IT Department. Reports to Customer Support Supervisor
CSR III	3	Provides customer support at counter to intake permit applications and plans and respond to customer inquiries. Reports to Customer Support Supervisor.
CSR I	4	Provides basic office support functions including data entry and assisting the public at the counter. Responds to voicemail inquiries. Reports to Customer Support Supervisor.
Total FTE's	29	

B. POSITIVE FINDINGS/AREAS OF STRENGTH

- Minimum plans examiner and inspector qualifications established by State with requirement for on-going CEUs.
- Some use of Combination Inspectors.
- Turnaround times for 1st Plan Review are good for commercial projects.
- Inspectors route inspections to minimize impact on customers.
- Staff encourages use of pre-application meetings.
- Inspectors will call in advance of arrival if specifically requested.
- Currently adopted Florida State Code Edition 2010 based on the 2009 IBC with few amendments and plans to update to 2012 per State in 2014.
- Staff meets frequently with Building Industry to solicit feedback and discuss proposed policy changes.
- Customer Service Representatives are considered helpful and friendly.
- Building Official considered knowledgeable and willing to apply intent of Codes.
- IT is working with Building to implement electronic plan review by expanding existing SIRE records management program.
- Expeditor positions have been created to assist customers navigate through permit process.

- Few inspections rejected in field (9%) due to consistent imposition of re-inspection fee for failed inspections – improves quality of work.
- The City transferred experienced building staff to other departments during the construction decline with the intent to return them when construction increases.
- The Permit System allows customers to check the status of their inspection request immediately after the result is posted by the inspector in the field.
- The plan check fees and the building permit fees are very low and affordable for the community. However these fees do not cover the actual staff costs to provide these services.
- Utilizes Private Provider Program to meet customer demands and reduce staffing requirements.

C. ORGANIZATIONAL ISSUES

Building Division Management

The Building Division is managed by the Building Official who is also performing in the capacity as the Acting Director of the Community Development Department. The Building Official has over 12 years of experience with the City, 6 ½ years in the position of Building Official and 3 years with the additional responsibilities as the Acting Director of Community Development. The Building Official possesses all of the certifications appropriate for the position, including a certification from the State of Florida as a Building Code Administrator and the International Code Council as a Certified Building Official (CBO). He also has field construction experience that further demonstrates his qualifications to perform the responsibilities of a Building Official. Based on his many years of government service, he will be eligible for retirement within the near future.

In our surveys throughout the country it is rare to find a community development department that is being managed by the Building Official. This seems mostly attributable to the fact that performing the duties of the position of community development director rarely affords sufficient time to fully function as the hands-on Building Official that most communities expect. Interviews with staff suggest this may be the case in Cape Coral. Many staff members believe that the Building Official is not as available to staff as required due to his time commitments to planning, code enforcement and other Director responsibilities. While the Building Official appears very qualified to make building related decisions, his formal background in planning is as not well defined. The first-line Planning staff appears to have the experience and educational qualifications to perform their assigned duties if given adequate direction.

This issue highlights the recommendation made elsewhere that the Community Development Director position should be filled.

- 30. *Recommendations:*** The Interim Community Development Director should work to balance his workload to assure his activities in support of the Planning Division do not diminish his responsibilities to the Building Division.

Communications

With highly reduced staffing levels it is common for organizations to make adjustments that are intended to provide efficiencies that help preserve those programs most visible to the public. Unfortunately, some of the critical activities frequently cut from the operation during these challenging times are the periodically scheduled staff meetings and the general sharing of information regarding the accomplishments of the section. These staff meetings provide opportunities to help confirm that all staff is utilizing the same set of procedural standards in performing their assignments. Meetings and the act of sharing activity reports with staff also helps highlight how their individual contributions contribute to accomplishing the goals established by the Department Head, City Manager and City Council. Some informal meetings occur within individual sections, such as Inspectors meeting briefly before leaving in the morning, however formal organized meetings are very rare and an entire Department-wide meeting has not been conducted for many years.

- 31. *Recommendations:*** Periodic staff meetings with pre-published agendas should be conducted for meetings within sections and Division wide.

- 32. *Recommendations:*** Management should prepare and distribute activity reports to all levels of staff.

As situations change and new programs are introduced it is essential that those staff members most directly impacted by the changes be given as much notice as possible prior to implementation. Staff reports that programs, particularly software revisions to the permit system, are frequently implemented without prior notification resulting in serious disruptions in service delivery. It is also reported that staff is rarely solicited for comments regarding changes to processes that impact their jobs. We find that first-line staff frequently provides excellent suggestions for program enhancements once given the opportunity to participate in the process. Establishing a policy to solicit input from impacted staff on program changes and notifying staff prior to implementation will help solidify a team approach and help ensure all staff becomes willing and informed participants in the process.

- 33. *Recommendations:*** Department Management should establish a communication policy that encourages input from affected staff and ample prior notice on program changes.

Frequently issues are discussed at great length and over an extended period of time. A decision on the subject is eventually reached but often that decision is not adequately documented for future reference. In the future many employees will remember portions of the discussion but fail to recall the final decision. Having an established location for documenting these decisions, such a designated intranet page for the section, will help ensure such decisions are memorialized and available to all staff in the future.

34. *Recommendations:* Management should establish a communication policy that memorializes all significant program decisions in a location readily accessible to all impacted staff.

One of the communication devices routinely utilized by regulatory agencies to help ensure uniform and consistent application of rules and regulations is the use of comprehensive procedure and interpretation manuals. According to staff, there is no currently updated comprehensive procedure manual available to assist staff in performing the tasks necessary to issue building permits. Nor is there an updated interpretation manual to assist plan review and inspection staff in their application of the technical code requirements.

35. *Recommendation:* The Building Official should direct staff to prepare an updated procedure manual for issuing permits and update a code interpretation manual for staff and customer use.

Customer Handouts

Professional builders, as well as homeowners, frequently rely on the availability of informational handouts to assist them in navigating through the permit process and understanding how code provisions are interpreted within the local jurisdiction. The number of customer handouts available on the Department of Community Development web site is fairly comprehensive; however, very few handouts are readily available to customers in the lobby of the Permit Center. The Building Official has indicated that the Department has discontinued stocking handouts in the public lobby in response to the belief that some individuals take too many of the handouts, particularly the permit applications, and therefore it is difficult to maintain an adequate supply.

We find that the public's use of available handouts contributes greatly to their ability to be fully informed about the permit process and thereby helps streamline the process. The time that staff must use to provide and explain the contents of these handouts at the counter is time that could be better spent on actual permit processing activity with customers already having had access to this information. A well-organized handout display in the public lobby area will allow waiting customers to

become more aware and prepared for the steps they will be required to navigate as part of the process. The display will also allow the City to package pertinent forms and applications into sets that are relevant to the customer's specific request. The current website contains many guides and handouts; however, they are arranged alphabetically rather than grouped by areas of interest making it difficult for customers to determine which handouts and applications they actually need for their proposed work.

36. *Recommendations:* The Building Official should ensure that forms, applications and guides are readily available in a display located in the Permit Center lobby.

The current forms and applications available on the website utilize a standard format and include form numbers and revision dates but do not include Department contact information. This information is useful to customers that might need additional assistance in understanding information in the applications and forms.

37. *Recommendations:* The Building Official should direct staff to include relevant contact information on all forms and applications.

Customer Support Division

The organization chart for the Department indicates there are approximately 21 positions within the broad classification of customer support or administrative support within the three Divisions. With our recommendation to create a consolidated counter and provide CSR cross-training, it is appropriate to consider a modification to the management structure that would bring all of the CSRs and other customer service and administrative support positions under a single management structure. A Customer Support Division that encompasses all of the CSRs would provide considerable flexibility in assigning staff based on changing priorities. A manager designated specifically to oversee customer service will also enhance uniformity and consistency in service delivery and provide a management and supervisory structure that reflects an appropriate span of control. CSRs could continue to be assigned specific support tasks for other sections, but their reporting chain would be to a manager focused on providing customer support throughout the Department.

38. *Recommendation:* The DCD Director should consider establishing a Customer Support Division that encompasses all of the customer support positions under a single management structure.

The State of Florida has established minimum qualifications for various positions, including Building Official, Plans Examiner and Inspector that mandate both experience and certifications as a means of helping to ensuring quality performance

by individuals performing these services. Though not mandated by the State, the role of the Customer Service Representative, when acting as a permit technician, has similar performance expectations. The International Code Council (ICC) has established a certification program to recognize the unique skills and knowledge required of a competent permit technician. The City should encourage staff performing as permit technicians to achieve ICC recognition as a Certified Permit Technician and compensate them at a higher level than non-certified individuals.

39. Recommendation: The DCD Director should encourage the Customer Service Representatives to acquire recognition as a Certified Permit Technician and compensate them accordingly.

The volume of permit activity at the counter is very high so it is essential that staff operate as efficiently as possible. One of the key components to achieving staff efficiency is the proper use of equipment. The act of printing permits and building inspection cards is critical to the operation but the equipment is insufficient to efficiently accomplish this task. The current printers seem ill suited for the function on the other one is not operational. These printers need to be repaired or replaced with units more suitable for the task.

40. Recommendation: The Customer Support Supervisor should acquire counter printers that are more appropriate for the intended use.

Department Administration

The combined position of Building Official and Acting Director of Community Development is provided with administrative support from an Administrative Secretary and Administrative Specialist II. The trend in the City of Cape Coral has been the eventual elimination of secretary positions as managers utilize technology to assume a greater role in performing their own administrative support functions. We support this trend and would further encourage such positions to be upgraded in the future to encompass the role of a management analyst. A position that operates as a staff analyst would provide a significant resource to all of the managers in the Department. Such a position would be the primary contact for preparation and monitoring of both the General Fund and Special Revenue Fund budgets and act as a key resource in collecting and analyzing department related data for future management use.

41. Recommendations: In the future the Department should consider consolidating the Administrative Secretary position and the Administrative Specialist II positions into a single Management Analysts position.

Job Descriptions

The City of Cape Coral has a comparatively large number of job descriptions when compared with other jurisdictions of similar size. Further review indicates that, at least within the Building Division, many of these job descriptions appear necessary in order to distinguish the various categories of plan review and inspection types that have been established by the State of Florida. While the overall recommendation for the Department would be to review the volume of individual job classifications and to consolidate them where possible to facilitate the ability to assign employees a wider range of duties, this may not be readily achievable in those categories with minimum State mandated qualifications.

- 42. *Recommendations:*** The Department Head should work with the Human Resources Department to consolidate job classifications where possible to promote the ability to assign staff to a broader range of assignments.

Organization

The City of Cape Coral has adopted an organization structure that is similar to many other progressive communities by combining many of the development related functions into a single department. As noted elsewhere in this report, there are other opportunities that exist to further consolidate development related functions into a single department that would include incorporating the Engineering and Fire Plan Review services into the Community Development Department. We believe that co-locating the various development related functions and providing them with a single point of management oversight helps reinforce the importance of the functions and enhances customer service.

- 43. *Recommendations:*** The City should continue to operate a combined Community Development Department that includes Planning, Building, Code Enforcement and Permit Services and expand the Department to include Fire and Engineering Plan Review and Permitting Services.

Records Management

The City of Cape Coral utilizes the SIRE digital records management system. The program is still relatively new to the staff and therefore its full capabilities have not been realized. General feedback from staff during interviews indicates they are satisfied with the program's operation, however; it has been prone to numerous crashes in the past. The IT staff reports that they are continuing to make progress in reducing the number of system crashes.

We are a strong supporter of the need for communities to move toward a paperless office. While this may not be completely achievable for Cape Coral, there are abundant opportunities to better utilize electronic media for plan review and document storage. Staff interviews suggest a strong reluctance to rely on digital copies of information which has led to the continued printing of documents that are already available in an electronic form in the permit system and on their filed computers. An example of this problem is the practice of printing out every inspection request and handwritten inspection result after the project has been finalized and then sending them to the Customer Service representatives to bundle and send to the City Clerk to digitize every sheet in the package. A closer review reveals that all of the previous inspection requests and results are contained on the last inspection request thereby negating the need to digitize every one of the previous inspection requests. This appears to create unnecessary additional work for both the CSRs and the City Clerk's Office.

44. *Recommendations:* The IT Department should continue to improve the reliability of the SIRE system.

45. *Recommendation:* The DCD Director should instruct staff to aggressively seek ways to promote the use of electronic media and eliminate the practice of making paper back-up copies of information already stored electronically.

The conversion of the permit system from HTE to CRW in September of 2009 resulted in numerous upgrades; however, one of the continuing difficulties has been the ability to retrieve permit-related history into the CRW system. There should be a continuing effort to ultimately have all permit-related records retrievable into the CRW system.

46. *Recommendation:* The DCD Director should direct staff to work with IT to continue to explore ways to access all permit related history through the CRW system.

Staffing/Activity Levels

We believe that a variety of activities should be measured in order to evaluate appropriate staffing levels. Table 5 below provides a cross section of activities both currently and historically performed by Building Division staff and the available staff during the same time period.

The total number of permits issued over the last six years has fluctuated consistent with the dramatic economic downturn experienced in this region. The permit activity level for 2012 of 12,657 is 58% below the 2007 permit levels and 85% below the

peak levels of FY 2005. In FY 2007 staff handled roughly 190.2 activities per staff. In 2012 that number rose to 460.2 per staff, a +142% increase in the number of permits issued per staff. Thus, the total number of staff available to support the 2012 level of permit activity is significantly less than that provided during 2007.

Table 5
Building Permit Activity

Type	2007	2008	2009	2010	2011	2012	Prev. 6 Yr. Avg.
Res – SFD	1170	191	159	223	237	329	384.8
Res – SFD Adds/Rem	303	195	286	442	440	372	339.7
Res - Townhomes	0	10	12	0	0	0	3.7
Res - Duplexes	22	5	0	0	0	0	4.5
Res- Multi-Family	5	0	0	0	2	0	1.2
Commercial	96	59	21	3	13	8	33.3
Comm – Add/Rem	191	181	102	106	139	131	141.7
Industrial	2	7	2	0	0	1	2.0
Religious	2	1	2	0	0	0	.8
Misc. Elec, Plum, Mech	28,635	11,895	9,132	11,800	11,911	11,816	14,198
Totals	30,426	12,544	9,716	12,574	12,742	12,657	15,110
Percent Change	-45.7	-58.8	-22.5	+29.4	+1.3	+6	
Effective FTEs	158	150	28	25.5	26.5	27.5	83.1
Total per FTE	190.2	83.6	347	493	480	460.2	218.2

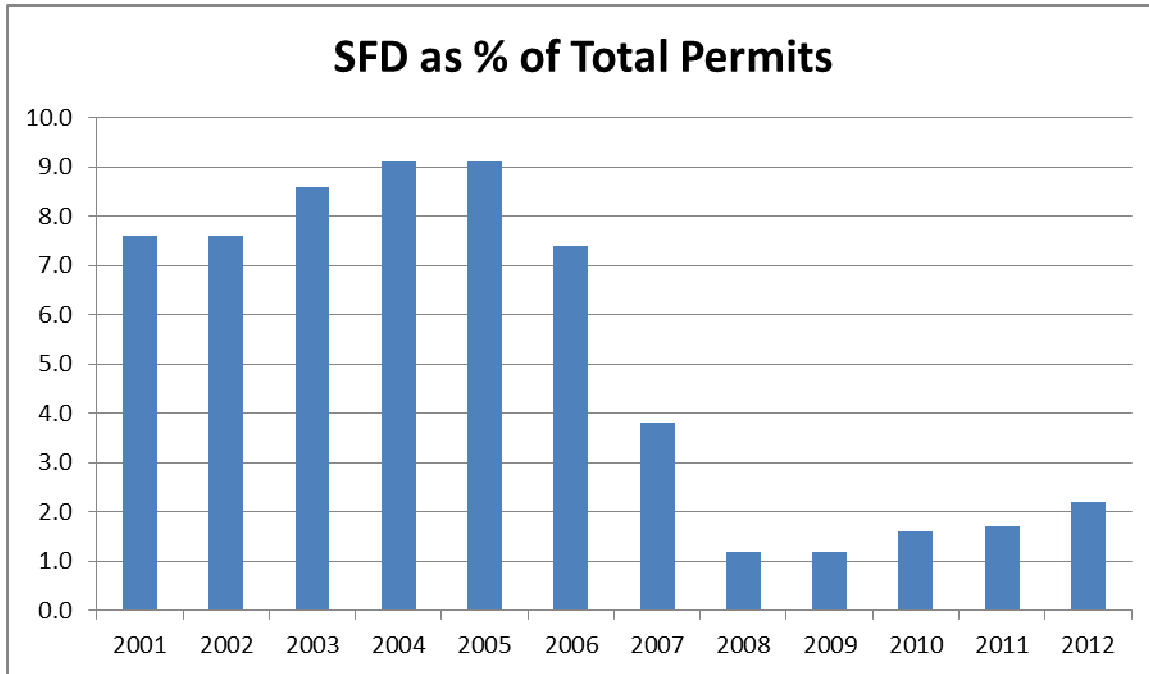
A closer review of the permit activity data indicates that the current rate of new single family development still lags substantially behind the peak periods between 2001 and 2006 as reflected in Table 6 below. This point is important because the workload for single family dwellings is considerably more than the typical minor permit that now constitutes the vast majority of permit activity. The volume of single family dwelling permits as a percentage of the total permits is now only 2.2 %, this is down from a high of 9.1% during the peak years of 2004 and 2005. (See Figure 3 below) The

Building Official reports that the typical single family dwelling in Cape Coral requires approximately 26 different inspections. Other minor permits, which represent 81% of the total permit activity in 2012, usually only requires one or two inspections to complete the project. The change in the nature of the workload helps explain how at least the inspection and plan review staff has been able to accommodate such a dramatic increase in the number of permits issued per staff. Perhaps a better indicator of the need for staffing adjustments for plan review and inspections is the ability for staff to meet the target performance standards. This subject is discussed in more detail below.

Table 6
Single Family Dwelling Permits as Percent of Total

Fiscal Year	SFD Permits	Total Permits	SFD % of Total
2001	2,019	26,472	7.6 %
2002	2,783	36,478	7.6 %
2003	3,819	44,445	8.6 %
2004	5,392	58,913	9.1 %
2005	7,694	83,921	9.1 %
2006	4,313	57,978	7.4 %
2007	1,170	30,426	3.8 %
2008	191	15,615	1.2%
2009	159	13,164	1.2 %
2010	223	13,966	1.6 %
2011	237	14,218	1.7 %
2012	329	14,600	2.2 %
Total	28,329	352,218	8.0 %
Average	2,361	29,352	8.0 %

Figure 3
Single Family Building Permits as a Percent of Total



This trend toward issuing fewer single family dwelling permits can explain a reduced workload for inspection and plan review staff, however, the ability of the Customer Service Representatives (CSR) to process the increased number of permits per staff members is not as easily explained. It is appropriate that the average number of permits processed per CSR should be reduced by either adding staff or incorporating technology enhancements that will further increase their efficiency. In very simple terms, a CSR's can issue more permits if they reduce the amount of time spent with each customer. This is not intended to imply that customer service should suffer, but rather that customers should be given an opportunity to be better prepared when they approach the permit counter and measures should be taken to eliminate the need for some customers to come to the Permit Center to obtain a permits by obtaining their permits on-line. Recommendations on this subject are provided elsewhere in this report. This is only an overview type of analysis since we do not have actual staff time required for each permit type. It is proposed that these numbers be developed as part of any proposed future fee study.

47. Recommendations: The Department should undertake a study to determine actual time used to perform various functions and utilize this information to establish appropriate staffing levels and cost-recovery fees.

The number of average inspections per day per inspector has generally been a good indicator of overall inspection workload. The total inspection workload for 2012 was 34,055 which averages to about 10.7 inspections per day per inspector when equally distributed among all of the inspectors. We recommend that the average number of inspections per day per inspector fall within a range of between 10 and 15 per day. This recommendation assumes the inspectors are focusing all of their attention on conducting field inspections. In the case of Cape Coral, there are other considerations that impact the time available for inspection staff to complete their daily inspections. One of the factors to be considered is that several of the inspectors are also assigned plan review duties for their specific trade. This can reduce the amount of time they have available to perform field inspections by as much as 50% when activity levels are high. An additional consideration is the amount of time that each inspector consumes in driving to the widely dispersed field inspection sites. Not only is the community large in size (121 sq. miles), but the development pattern has contributed to extremely large inspector districts. In more typical communities, inspectors spend most of their day actually conducting inspections rather than driving considerable distances between inspections. While it is possible that some efficiencies could be gained by utilizing computer aided routing software, the above factors suggest that the number of inspections that can be conducted per day per inspector is currently within a reasonable range and may be slightly high given the number of inspections that are being rolled over per day.

48. *Recommendations:* The Building Official should investigate the use of computer aided inspection routing software to maximize inspector's ability to complete daily inspection workload.

One of the most basic performance expectations for inspection services is to perform the inspection on the day requested. We believe this should be achieved at least 90% of the time. A review of the inspection results for 2012 indicates that most days included inspections that needed to be rolled-over to the following day with some days experiencing a roll-over rate in excess of 20%. This indicates that the level of inspection staffing needs to be augmented in order to consistently deliver inspection services on the day requested. Inspection staffing could be augmented by adding full-time staff, using temporary contract staff or reassigning the plan review component away from inspectors. We recommend establishing a base level of inspection staffing and adding contract inspectors as work load increases or inspectors cannot meet the suggested performance standards.

49. *Recommendation:* The Building Official should set a base level of inspection staffing and augment inspection staff as needed through use of contract inspectors or reassigning plan review responsibilities in order to meet customer inspection requests.

Similar to establishing staffing levels for inspections, the staffing levels to provide plan review services should be based on the ability of the City to meet established turnaround times. Those timelines are discussed in more detail in the Plan Review Section of this report. In general, we believe the turnaround times for plan review should be reduced and even shorter times should be established for 2nd and subsequent reviews. This will likely require augmenting plan review staff, however, currently no detailed information is available to confirm that current staff in performing per expectations. It is our understanding that a previous study conducted for the City (Kaizen Study) included information that established performance standards for completion of plan reviews based on project scope. We don't believe that the information from that study is currently being used to establish work assignments. While we are not in a position to confirm the accuracy of the information in that previous study, we do encourage the Department to establish units of workload and utilize them in assigning work and establishing staffing levels.

50. *Recommendation:* The Building Official should establish workload units for plan review and utilize them in assigning workload and determining staffing levels to meet established turnaround times.

Training

Unlike many other municipal services, the building, fire and other related codes adopted by the State and local jurisdiction change frequently, which requires the Building Official to apply constant vigilance to ensure that the most current adopted code provisions are being properly enforced. One of the methods to obtain the needed training on these new codes is through attendance at outside training classes. Technical code classes are made available locally by such organizations as International Code Council (ICC), Florida Building Officials Association (FBOA), National Fire Protection Association (NFPA), and the International Association of Plumbing and Mechanical Officials (IAPMO). The City of Cape Coral and the State of Florida have established minimum certification requirements for the Building Official, Building Inspectors and Plans Examiners. These requirements have been incorporated into the Job Descriptions for these positions in the Building Division. Maintaining certifications generally requires obtaining a prescribed number of Continuing Education Units (CEUs) every few years. If budget is not available for travel, many of these classes are available on-line from these same organizations. It is appropriate that the City continue to pay for attendance at outside training classes and reimburse staff for the cost of processing their Certification renewals for the Florida State Certifications. However, the Chief Plans Examiner/Inspector Job Description also mandates Certifications by the International Code Council (ICC) but the City does not reimburse the employee in this position for maintaining his Certifications.

51. *Recommendation:* The City should continue to financially support attendance at local and State code training classes for all members of the inspection and plans review staff.

52. *Recommendation:* The City should continue to cover the cost of State mandated certification renewals for inspectors and plan reviewers and should also reimburse the Chief Plans Examiner/Inspector for required ICC Certification renewals.

53. *Recommendation:* The Building Official should actively monitor the status of both their Inspector's and Plans Reviewer's qualifications and establish a program to confirm they are accumulating the necessary CEUs to maintain their qualifications.

A critical component of an appropriate training program is the existence of a well-stocked technical library. Staff indicates they are generally satisfied with the content of their existing technical library with the exception that they would appreciate having access to a digital copy (e-codes) of the next set of Codes to be adopted. We support this request because we believe having a copy of the e-codes available can greatly facilitate code research based on word searches.

54. *Recommendation:* The Building Official should purchase a copy of the e-codes appropriate for Cape Coral in conjunction with adoption of the new State mandated codes in 2014.

We understand that, due to budget constraints, the City may need to curtail outside training expenditures; however, we believe that 2% of this function's personnel budget should be set aside for annual supervisory training and other training of employees. In addition, employees should continually receive in-house training and mentoring from supervisors and other designated trainers. We typically suggest that 5% of staff's time be devoted to training. This is an overall recommendation we have made earlier to apply to all functions.

The Building Division does not conduct weekly in-house training sessions for their inspection, plan review or permit technician staff. Conducting weekly training sessions typically provides an opportunity for staff to share their experiences gained while conducting field inspections, performing plan reviews or processing permits. This sharing process contributes to more consistent interpretations among the staff. Weekly training sessions are particularly important when a new set of codes are adopted every three years. Tracking these training sessions gives supervisors the opportunity to confirm that all appropriate subjects are being covered during training and helps ensure that all staff has had access to the training. In addition, a specific

training program for new employees is essential to establish not only a basic understanding of the technical code requirements enforced by the City, but also as a means of determining if new employees are familiar with the policies and procedures unique to the jurisdiction.

55. *Recommendation:* The Building Official should ensure that all inspection, plans examination and permit technician staff participate in some form of a weekly training session that is recorded for both subject matter and attendance. Opportunities to lead the classes should be given to all staff as a means of encouraging the development of technical expertise and identifying staff for potential future promotional opportunities.

In addition to the technical training needed to ensure continued competency within the individual discipline, there is also a continuing need for additional basic supervisory training for managers and supervisors. As stated elsewhere in this report, the lack of performance standards, work product audits and failure to administer meaningful performance evaluations tends to encourage a wide range of employee performance. Inevitably, this leads employee's to feel there is an inconsistent or unfair distribution of workload and breeds concerns of favoritism. It is our understanding that the Human Resources Department no longer offers any form of on-going Manager/Supervisor Training Program. We strongly recommend such a program be established in the future.

56. *Recommendation:* The City Manager should encourage the Human Resources Department to reestablish a City-wide training program for Managers and Supervisors.

57. *Recommendation:* Building Official should strongly encourage full participation by all of his Managers and Supervisors in either an in-house Manager/Supervisor Training Program or similar off-site training opportunities.

D. POLICY ISSUES

Codes

The City of Cape Coral is required to enforce the minimum standards adopted in the Florida State Building Code. The State is currently enforcing the 2009 editions of the various building related codes. It is anticipated that the State will move to adopt the 2012 editions of the codes in 2014. Ensuring that staff and the building community

are aware of the impending changes to the codes should be a priority for the Building Official. Securing an adequate number of copies of the new codes and beginning the process of training staff to be familiar with the new requirements should begin as soon as practical. As the enforcement date approaches, the Building Official should also initiate a public education program for local builders and homeowners to alert them to the new provisions of the codes and how they will be interpreted for local enforcement. With the adoption of the new codes, a review of current customer handouts should be undertaken to confirm they do not conflict with the new code provisions. This would also be an appropriate time to develop additional customer handouts to draw attention to provisions specific to the new codes and make other handout suggestions covered in other parts of this report.

58. *Recommendation:* The Building Official should immediately secure sufficient copies of the 2012 editions of the various codes anticipated to be adopted by the State of Florida.

59. *Recommendation:* The Building Official should begin developing a comprehensive training program to familiarize the inspection and plans reviewer staff with those requirements that will be changed with the adoption of the new codes.

60. *Recommendation:* The Building Official should develop a public education program to familiarize local builders with the new provisions of the codes and how they will be interpreted for local enforcement.

61. *Recommendation:* The Building Official should review all existing customer handouts to confirm the information is consistent with newly adopted codes and generate additional handouts that will assist the customers in transitioning to the new codes.

E. PROCESSING ISSUES

Building Permits Counter

The Building Division's Permit Center Counter is staffed by eight (8) Customer Service Representatives, two (2) Commercial Customer Service Expeditors and a Customer Support Supervisor. The group's primary responsibility is to receive and process permit applications and provide general and applicable technical information to the public. Duties include initial review of applications and plans to determine completeness, calculation of permit fees and routing of permits to appropriate departments.

The intake process at the Permit Counter begins with customers registering to meet with a Customer Service Representative. The registration process is initiated when a customer signs-up on the computer terminal located on the permit counter. The intent of the sign-in process is to track the amount of time an applicant waits until they are met at the counter. The goal is to see each person within 15 minutes of signing in. We support the concept of tracking this information as a performance standard and believe that 15 minutes is not an unreasonable time for a customer to wait. However, staff indicates that this process can frequently result in customers waiting for a longer period of time because the process frequently results in the applicant selecting the wrong service which then requires them to reinitiate the process. This is very frustrating for the customer because it can add significant time to their visit. Staff reports that the sign-in program can be very confusing to customers and is the likely cause of the problem. We have been advised that the software program is being revised in an effort to reduce confusion and is expected to be introduced in the near future.

62. *Recommendation:* The Customer Support Supervisor should work with IT to ensure the proposed upgrades to the customer counter registration program fully addresses the issues previously identified by staff.

The computer designated for customer registration (sign-in) is located on a standard-height counter. As was observed during our site visit, this configuration is very difficult to use for individuals using a wheelchair. The registration computer(s) must be placed at a location that is accessible for all customers. Consideration should be given to providing a high-low configuration with dual registration computer terminals that would better accommodate the needs of all customers.

The current configuration of the Permit Center counter is reminiscent of the numerous boat docks located in the community. The three main fingers seem to be designated for the three main sections in the Department (Code Enforcement, Building and Planning). This physical configuration seems to help reinforce a sense of individual silos within the Department. We believe in the concept of sharing resources whenever possible in order to ensure balanced workload and to provide employees with promotional opportunities through cross-training. Consideration should be given to reconfiguring the counters to a single straight counter and making the stations at the counter more generic. Unlike the current arrangement, this change would allow assigned staff the ability to fully unroll a set of plans on the counter. CSRs would be assigned an individual desk space that is away from the counter and be assigned to the counter based on customer traffic demands. Providing CSRs with individual desk space away from the counter also provides them an opportunity to complete assignments that don't mandate direct interaction with customers and helps avoid the public image of staff being at the public counter but not accepting customers. This

type of configuration will likely also result in a benefit to the public by expanding the often crowded Permit Center public lobby area.

63. *Recommendation:* The DCD Director should consider reconfiguring the public counter to a single, long counter, accessible to all customers that could be staffed by CSRs on a rotating basis.

64. *Recommendation:* The DCD Director should establish a cross-training program for all CSRs to provide flexibility to address changing customer traffic demands.

A frequent complaint expressed in the customer service surveys was from contractors frustrated over the amount of time it took to submit and receive corrections for minor permits. They cited excessive wait times because many permit applicants were unfamiliar with the process and required extensive personal assistance by counter staff. We believe that applicants that demonstrate the effort to become familiar with the process should be given special consideration when submitting and processing permits. When applicants arrive at the counter with completed applications in hand they can significantly reduce staff's workload and allow them to provide service to an increased number of applicants. Creating a fast-track permit line will help reward those contractors and other well-prepared applicants that demonstrate familiarity with the process and would also help relieve some of the criticism currently directed at the City.

65. *Recommendation:* The Customer Support Supervisor should create a fast-track option for those contractors and other applicants that require minimal staff intervention.

One of the by-products of the focus on seeing each customer that signs-in within 15 minutes is an apparent lack of attention to permit applications that are received through an alternate channel, such as by fax. Customer surveys report that permit applications that are submitted by fax frequently sit for 5 days or more before someone begins to process them. These are typically permit applications for very small projects that should qualify for over-the-counter permitting. Staff needs to establish a procedure that ensures permits received by fax are checked at least once a day and are processed no later than the next business day.

66. *Recommendation:* Applications for Permits by Fax should be monitored daily and processed no later than the next business day.

Expeditor's Role

A challenge frequently faced by regulatory agencies that conduct plan and permit review functions utilizing staff under the direction of multiple supervisors assigned to separate Divisions or Departments is the issue of accountability. In many situations the relative importance of performing a permit review function can differ greatly dependent upon whether it is an employee's primary responsibility or just another task to be completed after other, more important tasks, have been finished. In the case of Building Plans Examiners, completing quality plan reviews on time is critical to receiving a good overall performance evaluation. Other employees for whom plan review is an incidental portion of their job may not place as much emphasis on completing the assignment on time.

To address the issue of accountability for timely completion of permit processing functions, the City of Cape Coral has instituted a program that utilizes Commercial Expeditors to monitor the progress of permit applications through the process and help advance the interests of the applicant. As stated elsewhere, we were not able to fully evaluate the effectiveness of this approach due to limited reporting capabilities, however, the designated employees seem to enjoy a very good working relationship with the technical staff in each department and seem capable of expediting the process when the need arises. The system currently seems to be operating primarily on the good will generated by the two Expeditors and the way they approach their assignments. Unfortunately, these systems are highly dependent on the personalities of the individuals in the critical Expeditor positions. A well-defined process that clearly articulates the roles and responsibilities of all participants in the process (Agreement) is needed as a foundation that the Expeditors can use to help further their mission. Under such an arrangement, the need to intercede to keep a project moving is nothing more than enforcing the terms of the agreement and not an attempt to circumvent an employee's supervisor.

67. *Recommendation:* The DCD Director should work with the PW Director, Utilities Director and Fire Chief to establish an Agreement that defines the roles and responsibilities for any staff that review permits or plans.

Frequently we recommend the designation of project managers to assume responsibility for coordinating plan corrections and confirming projects are moving forward to meet the established time lines. We would normally recommend the assigned plans examiner act as the project manager for a building permit project and that a planner perform those duties for planning related permits. Under the current configuration, it appears that the Expeditors are performing many of these tasks. In the future it may be beneficial to consider assigning project manager responsibilities to plans examiners and planners if the need for higher levels of technical

qualifications becomes apparent in order to adequately coordinate the plan corrections.

- 68. Recommendation:** The DCD Director should work with the Customer Support Supervisor to monitor the work of the Expeditors to determine if they have the capability to perform in the role of project managers for building and planning permits.

Inspection Activities

Inspection Consistency. A frequent complaint heard in focus group discussions is the lack of consistency between inspector interpretations in the field. While in-house group training can contribute to increasing the knowledge of inspection staff and give the Building Official and Inspection Supervisor the opportunity to give specific direction on how the code should be interpreted in the field, this must be followed up with a comprehensive in-field audit program. Currently there is no such program in place. Such a program should consist of a periodic ride-along program whereby the Chief Inspector accompanies the inspector during a day of inspection activity and confirms performance against a standardized check list of established performance standards. Deficiencies should be immediately identified and also noted as performance goals in future performance evaluations. The audit program should also include independent visits by the Chief Inspector to job sites to solicit feedback from construction site supervisors regarding the performance of the assigned inspector. These visits also afford the Chief Inspector or his designee the opportunity to confirm that all required paperwork is on-site and properly completed to reflect the current status of the project. Due to an inherent reluctance by contractors to complain about an inspector while their project is still being inspected, the audit program should also include a component to mail a customer satisfaction survey form to contractors and homeowners after the project has received final inspection. This approach will not only provide the Building Official and Chief Inspector an opportunity to gather more reliable feedback regarding the performance of the inspector, but also can provide an opportunity for the contractor or builder to provide valuable feedback and suggestions regarding the entire permitting process.

- 69. Recommendation:** The Building Official should work with the Chief Inspector and inspection staff to establish a set of performance standards for evaluating inspector performance in the field.

- 70. Recommendation:** The Chief Inspector should establish a comprehensive inspection auditing program that includes ride-alongs, independent site visits by the Chief Inspector and a post-final inspection customer satisfaction survey.

71. Recommendation: The Chief Inspector should review all reports gathered during field audits and confirm that appropriate information from those reports is incorporated into employee performance evaluations as future performance goals.

Inspection Requests. Inspection requests are currently received through the eTRaCKiT program that interfaces directly with the CRW Permit System. Inspections can be requested as late as 9:00 PM the previous day and can be schedule several days in advance. The City has chosen to place certain limitations on the sequence of inspections that can be requested and the number of inspection requests that will be accepted for the day. This procedure is unlike other neighboring jurisdictions and has been the source of some complaints from customers that feel they have been unnecessarily delayed in completing their projects because they must wait between inspection requests instead of requesting multiple inspections on the same day. These procedures do provide a quality control measure to help ensure that all inspections are being performed and that staff is not being overwhelmed with an unreasonable number of inspection requests on any given day. The Building Official has created the opportunity to exercise some flexibility in the program by allowing the restrictions to be overridden on a case-by-case basis; however, this must be requested by the contractor in advance.

72. Recommendation: The Building Official should investigate removing some of the inspection request sequencing limitations for those customers that have demonstrated a history of compliance.

73. Recommendation: The Building Official should closely monitor and adjust the limitation on daily inspection requests to achieve balance between conducting the maximum number of inspections without incurring roll-over inspections.

Staff reports that frequently the type of inspection requested via the eTRACKiT program is not the inspection the contractor desired (ex: difference between an AC rough and AC replacement). Additionally, the ability to group related inspections into a single request would save both inspector and contractor time in the field.

74. Recommendation: The Building Official should work with IT to expand the options for inspection requests to more closely reflect the customer's needs.

Discussions with inspection staff indicate that they exercise great effort to schedule their inspections in a manner that has the least impact on residents and contractors. Generally morning inspections are scheduled for contractors that have scheduled

concrete pours and for residential customers that must take off work to be available to let the inspector inside the house. We support this effort and would like to also recommend that customers be given the option of requesting an AM or PM inspection and a phone call with an anticipated time of arrival. Some inspectors are already in the habit of calling in advance of the inspection, but this is not a consistent practice throughout the inspection ranks.

75. Recommendation: The Building Official should work with IT to expand the options for inspection requests to highlight the option to request AM or PM inspections and a phone call prior to arrival.

Critical to property owners is the ability to accurately predict the day they will be able to assume occupancy of a project. Coordinating final inspections is an important component of the process. Problems have been identified in the past when all required inspections have been completed by not adequately signed-off in all of the appropriate areas of the permit inspection record. For example, landscape inspections are required to be signed-off in both the building permit record and the site development permit record before the project can be approved. History has shown that projects have been delayed when the sign-offs have not been completed in both locations. A similar example exists when a trash enclosure requires permits from two different Departments. These types of situations should be further analyzed and solutions developed to streamline the process.

76. Recommendation: The Building Official should work with Public Works to consolidate permits where possible to streamline the final inspection process.

Field Computers. The inspection staff currently uses Toughbook computers in the field that are approximately seven years old. These computers will need to be replaced in the near future due to both their excessive wear and outdated technology. The field staff can access the permit system database from the field through the use of recently purchased aircards which has improved the reliability of connections.

77. Recommendation: The Building Official should begin the evaluation process to replace the aging inspector field computers.

When the field computers were originally purchased, portable printers were also purchased to allow the inspector to write correction notices directly into the permit system and also provide a copy for the job site. Unfortunately, these printers did not prove to be appropriate for use in the field and therefore inspectors were forced to duplicate their efforts by also handwriting correction notices. The subject of providing field printers to inspectors should be revisited in conjunction with the evaluation of replacements for the aging Toughbooks.

78. Recommendation: The Building Official should reconsider the use of portable printers for inspectors to use in the field.

Telephone Inquiries. The most frequently stated complaint about inspection services from the customer surveys was the lack of telephone access to inspectors. During interviews, inspection staff indicated that they make an effort to return phone calls several times a day, but generally don't answer their phones because they are either conducting an inspection or are driving to the next site. There is a City policy in place to not answer the cell phone while driving.

79. Recommendation: The Building Official should establish a formal policy directing staff to retrieve and return phone calls from voice mail at least once every morning and afternoon.

Many of the calls placed to inspectors during the day are related to information about the status of an inspection they recently conducted. One of the advantages of the CRW Permit System is that inspection results are immediately available to customers once entered into the computer by the inspector in the field. This feature may not be known to all customers so in an effort to remind them of this feature and to reduce the volume of calls to inspectors it is recommended that the inspector's cell phone greeting message include that reminder.

80. Recommendation: The Inspection staff should include a reminder in their cell phone greeting that inspection results can be obtained on-line as soon as the inspection has been completed.

Plan Review

One of the primary indicators for plan review performance is the length of time required to complete the plan review process. This turnaround time was as much as 30 days during the peak construction period of 2007. The current turnaround time for the initial plan review quoted to permit applicants is eight (8) business days. There is no differentiation between small projects and large projects nor is there a shorter time target for 2nd and subsequent reviews. These target turnaround times are not published in handouts or posted on the web site.

In our studies we recommend that plan review turnaround times be prominently posted and that extraordinary efforts be taken to confirm these targets are consistently met. Further, we believe that it is appropriate to establish different plan review turnaround targets for projects based on their size and complexity so as to avoid having small projects unnecessarily wait behind large projects. Also, we support a position that would establish turnaround times for subsequent plan review to be approximately one-half the original submittal target time. Table 7 identifies our

recommended plan review turnaround times for projects based on their size (valuation).

Table 7
Recommended Plan Review Turnaround Times in Business Days

Item	First Cycle	Second Cycle	Third Cycle
New residential construction	5 days	3 days	1 days
Residential remodels	5 days	3 days	1 day
New commercial construction, less than \$1,000, 000 valuation	10 days	5 days	2 days
New commercial construction, more than \$1,000, 000 valuation	15 days	10 days	5 days
Tenant improvements	5 days	3 days	1 day

81. Recommendation: The Building Official should adopt the target turnaround times in the table above.

82. Recommendation: The Building Official should publish the revised turnaround times at the public counter and on the City web site.

83. Recommendation: The Building Official should set a base staffing level for plan check staff and use consultant plan reviewers as needed for increased workload and to address modified target turnaround times if current staffing levels are insufficient.

We were not able to confirm staff's ability to consistently meet the turnaround times they stated due to the lack of historical reports on the subject. Very recently strides have been made to better identify the reporting capabilities of the CRW system to accurately track this type of information. When we recommend a specific performance standard it is with the expectation that the standard will be achieved at least 90% of the time. Reports that generate data based on average performance frequently fail to draw adequate attention to the individual cases that warrant special intervention to ensure they continue to progress through the process. A review of some recently prepared reports indicated that the quality of data input was suspect and resulted in reporting averages that were distorted. The current system of tracking the progress of plans through the process is heavily dependent on the efforts of the two

Customer Service Commercial Expeditors who manually retrieve information from the system on a permit-by-permit basis. Their efforts could be greatly enhanced by better utilization of the reporting capabilities of the CRW system. The Public Works' plan review turnaround time reports currently being generated by the Site Development Coordinator should be consulted as examples to be considered. A report should be created that specifically identifies projects that are near or past the established processing deadlines.

84. *Recommendation:* The Customer Support Supervisor should work with the Expeditors and Chief Plans Examiner to more fully utilize the capabilities of the CRW system to report on plan review turnaround times.

Plans Examination

The Plan Review Section is under the supervision of the Chief Plans Examiner/Inspector. The individual in the position has been with the City of Cape Coral for 10 years and has been supervisor of both Plan Review and Inspections for the last three years. His prior work experience and professional certifications indicate he is well qualified to provide the technical support appropriate for the position. As the Chief Plans Examiner/Inspector he is responsible for supervising the Plans Examiners, organizing and prioritizing work activities, providing technical guidance and coordinating the plan review needs of permit applicants and staff in other Divisions and Departments. As identified in the Division Organization Chart, the responsibilities for plan review are distributed among both full-time plan review staff and staff that split time between plan review and inspections. All staff members performing the plan review function meet the minimum experience and certification requirements established by the State of Florida. This organizational configuration, though not typical, seems to be working relatively well for Cape Coral because it provides great flexibility in assigning staff while still meeting the requirements to ensure plan reviews are performed by appropriately qualified employees.

The type and volume of the plan reviews currently being conducted are substantially different than those performed during the peak construction periods when both new commercial and new residential activity were very high. While trending upward recently, few new commercial projects and houses are being submitted for plan review. Based on a review of recent monthly permit activity, it is apparent that the vast majority of building permits required little or no plan review. These types of projects would be candidates for either over-the-counter plan review and permitting or on-line permitting with no plan review. The list of projects that could qualify for an over-the-counter review should be periodically reviewed and expanded whenever possible. Permit types to be considered for over-the-counter review would include

residential additions, commercial tenant improvements, pools, decks, docks and all minor electrical, plumbing and mechanical permits that require plan review.

85. *Recommendation:* The Building Official should utilize an over-the-counter plan review process to the greatest extent possible.

Current workload does not suggest an immediate need to hire additional full-time plan review staff to meet high workload demands or to supplement specialized technical skills. In the past, the Department has obtained the services of outside plan review consultants to address these needs but staff reports that the quality of services provided by these outside plan review consultants proved inconsistent. We believe that the use of outside plan review consultants can add value to an organization under the right circumstances. Hiring consultants makes sense when construction activity has increased but it is still premature to hire full-time staff. Best Practices suggest that a core level of City staff be retained and consultants be used to supplement staffing levels during cycles of increased construction activity. Key to the success of such a program is the ability to adequately monitor the quality of the product being produced and the willingness on the part of staff to terminate the contract when performance standards are not being met.

Comments provided from both customer survey responses and Focus Group meetings indicate that customers perceive the plan review process to frequently yield correction comments on 2nd and subsequent submittals that they believe should have been identified during the initial plan review. Commenters suggest that this situation contributes to an overall belief that the plan review process is “unpredictable”. Our experience suggests multiple potential sources for this type of problem. First, plan reviewers that are placed under pressure to complete plan reviews within a designated time period may choose to reject the plans at the first identified correction in order to meet their deadline for review. Secondly, it is not uncommon for designers who are under time constraints imposed by owners to submit plans that are incomplete and therefore cannot be adequately checked until additional information is provided. The first issues can be addressed through implementation of a plan review auditing program, the second issue requires a more thorough counter plan review at initial submittal and the ability to reject a submittal if grossly incomplete.

A plan review audit program is intended to confirm that similar plans are reviewed in a consistent and uniform manner by each Plans Examiner. The City of Cape Coral does not currently employ a program to periodically audit the performance of the plans examiners.

86. *Recommendation:* The Building Official should work with the Chief Plans Examiner/Inspector to establish a set of performance standards for evaluating Plans Examiner performance.

87. *Recommendation:* The Chief Plans Examiner/Inspector should establish a comprehensive Plan Review auditing program that includes periodic review of completed plan reviews performed by both in-house staff and any reviews that may be conducted by outside consultants.

88. *Recommendation:* The chief Plans Examiner/Inspector should review all reports gathered during the plan review audits and confirm that appropriate information from those reports is incorporated into employee performance evaluations as future performance goals.

V. CODE COMPLIANCE DIVISION

A. PROFILE

Overview

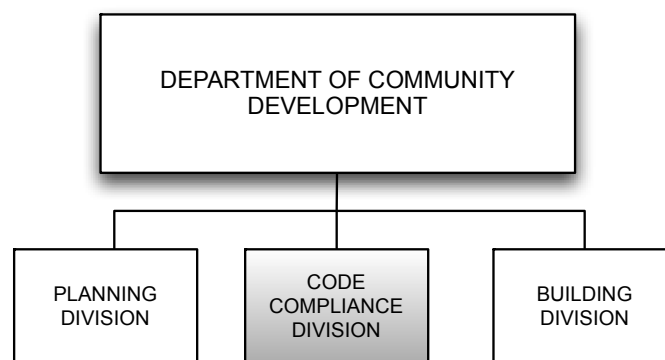
The Code Compliance Division (CCD) is one of three (3) Divisions that make up the Department of Community Development (DCD). The CCD is responsible for enforcement of various City Codes, such as the Land Use and Development Code. They also develop and establish standards and ordinances that are designed to protect the health, safety and welfare of the community and ensure positive effects on property values, community appearance and community pride. CCD partners with other departments and agencies (e.g., police department), community organizations and associations in carrying out their enforcement activities.

In addition to Code enforcement activities, the Division handles the Business, Contractor and Specialty Contractor Licensing functions. Licensing Activities include issuing and renew business, contractor and specialty contractor licenses.

The Division is also responsible issuing Garage Sale Permits and RV storage permits.

All Code Enforcement Staff are housed on the first floor of the City Hall Building located at 1015 Cultural Park Blvd.

Figure 4
Existing Code Enforcement Organization within Department of Community Development



Authority

The enforcement function of the CCD is charged with enforcing various Chapters and regulations in the City's Code of Ordinances, such as Articles 1 & 2, provisions in the Land Use and Development Regulations and the Florida Building Code and other

issues as directed by City Management in accordance with Article 5, Division 3 of the City's Code of Ordinances and the Florida State Statutes, Chapter 162, et seq.

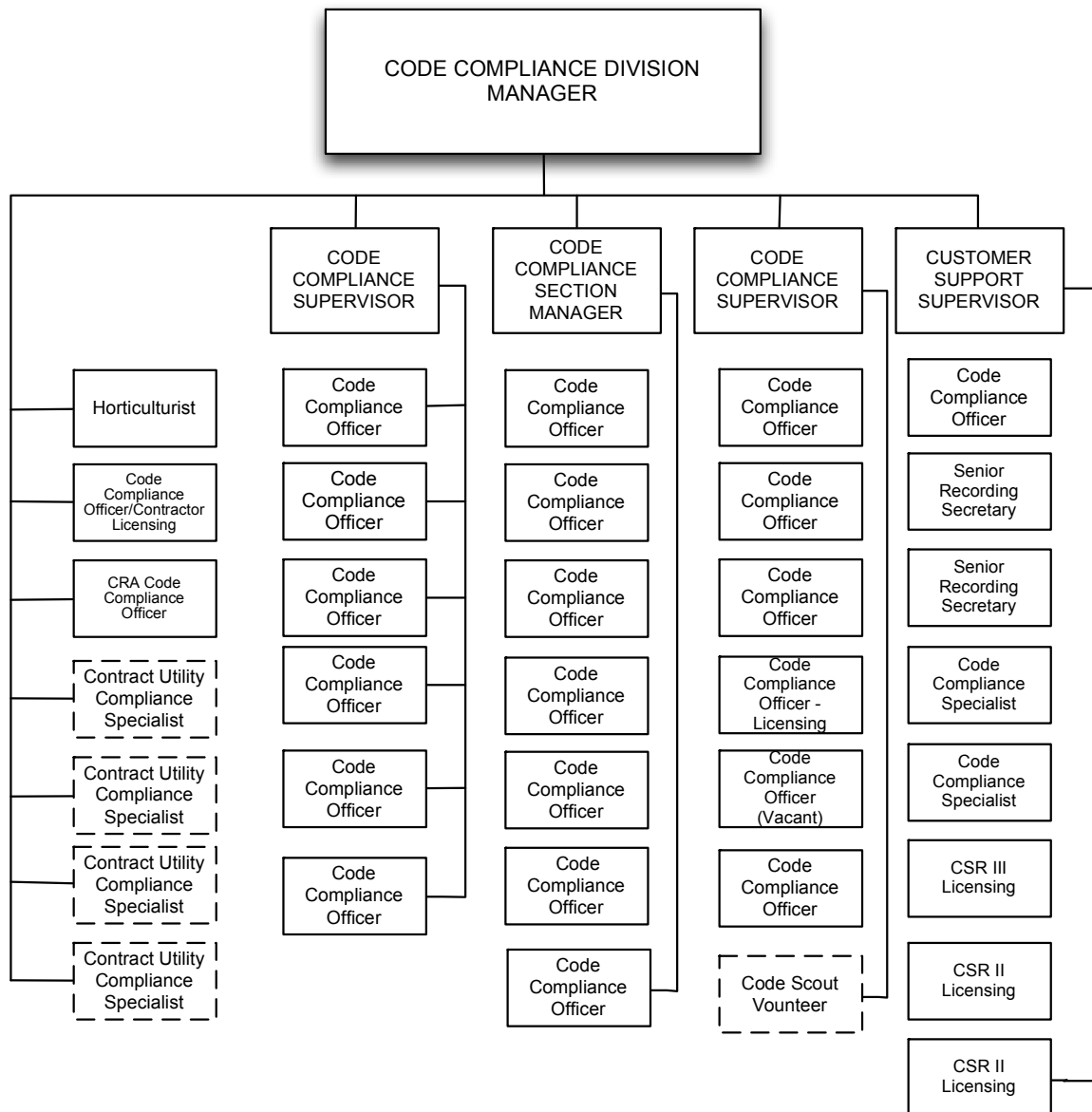
The licensing function of the CDD is charged with administering business, contractor, specialty contractor and other licensing in accordance with city policies, rules and regulations, such as Chapters 6, 11, 13 & 18 of the City's Code of Ordinances.

Garage sale and RV storage permits are administered by the Customer Service Representative Staff in accordance with city policies, rules and regulations, such as Article III of the Land Use and Development Regulations.

Organization

The organizational structure for the CCD is shown in Figure 5 below.

Figure 5
Existing Code Compliance Division Organizational Structure



Staffing

The Code Compliance Division currently consists of 35 FTE positions, including the Code Compliance Manager, three Code Compliance Supervisors and a Code Compliance Section Manager, Code Compliance Officers, Code Compliance Specialists Customer Service Representatives (CSR's) and Recording Secretaries as shown in Figure 5 and Table 8 below. In addition to 35 FTE's the Division utilizes the services of four contract Compliance Specialists to investigate and resolve utility

compliance issues, as well as Code Scout Volunteers, (e.g., Scout members that volunteer to assist the Division with cleanup programs) which is excellent.

As the Table indicates, the majority of Code Enforcement Officers, as well as other line staff report to a Code Compliance Supervisor or Section Manager, who acts as a team leader. The Code Compliance Supervisors, the Section Manager, Contract Compliance Specialists, the Horticulturist, the Contractor Licensing Code Compliance Officer and the CRA Code Compliance Officer report to the Code Compliance Manager.

Table 8
Existing Code Compliance Division Staffing

Position Title	# of Positions	Responsibilities	Reports To
Code Compliance Division Manager	1	Planning, directing, and supervising the activities of the municipal Code Compliance Division, implementation of the Division's operating policies and procedures, ensuring the accommodation of new legislation, establishing program goals and objectives and adopting strategies for evaluating operational effectiveness.	Community Development Director
Code Compliance Section Manager	1	An upper level management position requiring performance of supervisory code compliance functions within the Code Compliance Division under the direction of the Code Compliance Division Manager. Primary functions include, but are not limited to: managing and supervising Code Compliance Officers and administrative staff, assisting in planning, directing, and supervising the activities of the municipal Code Compliance Division, implementation of the Division's operating policies and procedures, etc.	Code Compliance Manager
Code Compliance Supervisor	2	Supervises officers in the field with responsibilities for the work of all Code Officers problems, schedules shifts, performs research, investigative, enforcement, and follow up duties on various code and ordinance violations for the city. Position issues notices of violation and citations for non-compliance to both the public and private sector in reference to local ordinances, codes, and permits, and prepares cases for judicial process, etc.	Code Compliance Manager
Code Compliance Officer	19	Performs research, investigative, enforcement, and follow s up duties on various code and ordinance violations for the City and CRA district; Issues notices of violation citations for non-compliance, certificates of competency, occupational licensure, certificates of use, proper permitting of signage, and related zoning compliance matters to both the public and private sector in reference to local ordinances, codes, and permits, and prepares cases for judicial process. Acts as a public information resource.	Code Compliance Section Manager/Supervisor

Position Title	# of Positions	Responsibilities	Reports To
Customer Support Supervisor	1	Supervises officers in the field with responsibilities for the work of all Code Officers problems, schedules shifts, performs research, investigative, enforcement, and follow up duties on various code and ordinance violations for the city. Position issues notices of violation and citations for non-compliance to both the public and private sector in reference to local ordinances, codes, and permits, and prepares cases for judicial process, etc.	Code Compliance Manager
Code Compliance Officer/Contractor Licensing	1	Performs research, investigative, enforcement, and follows up duties on various code and ordinance violations for the City and CRA district; Issues notices of violation citations for non-compliance, certificates of competency, occupational licensure, certificates of use, proper permitting of signage, and related zoning compliance matters to both the public and private sector in reference to local ordinances, codes, and permits, and prepares cases for judicial process. Acts as a public information resource.	Code Compliance Manager
Code Compliance Officer/Licensing	1	Performs research, investigative, enforcement, and follows up duties on various code and ordinance violations for the City and CRA district; Issues notices of violation citations for non-compliance, certificates of competency, occupational licensure, certificates of use, proper permitting of signage, and related zoning compliance matters to both the public and private sector in reference to local ordinances, codes, and permits, and prepares cases for judicial process. Acts as a public information resource.	Code Compliance Supervisor
CRA Code Compliance Officer	1	Performs research, investigative, enforcement, and follows up duties on various code and ordinance violations for the City and CRA district; Issues notices of violation citations for non-compliance, certificates of competency, occupational licensure, certificates of use, proper permitting of signage, and related zoning compliance matters to both the public and private sector in reference to local ordinances, codes, and permits, and prepares cases for judicial process. Acts as a public information resource.	Code Compliance Manager

Position Title	# of Positions	Responsibilities	Reports To
Code Compliance Specialist	2	Paraprofessional work providing support for the code compliance division and code compliance officers. Work involves many duties as performed by Customer Service Representative I and Code Compliance Officers. The important difference between the Code Compliance Officer and the Code Compliance Specialist lies in enforcement responsibilities. Code Compliance Specialists will not be authorized to conduct interior IPMC inspections, unlicensed contractor investigations and/or targeted projects, board ups and securing buildings, and will not issue citations to County Court.	Customer Support Supervisor
Customer Service Representative (CSR) III Licensing	1	Under the general supervision provides specialized clerical work, information on Business License Tax Receipts (previously referred to as Occupational Licenses), Contractor Licenses and Specialty Contractors Licenses, as well as the issuance of these licenses. Follow up on status of Specialty Contractors requirements prior to Board meeting date. Review, provide status information to interested parties, identify problems and help applicants to resolve problems. Employees in this class perform specific functions requiring specialized knowledge of construction industry practices, local licensing requirements, as well as applicable state statutes, etc.	Customer Support Supervisor
Customer Service Representative (CSR) II Licensing	2	Under the general supervision provides specialized clerical work, information on Business License Tax Receipts (previously referred to as Occupational Licenses), Contractor Licenses and Specialty Contractors Licenses, as well as the issuance of these licenses. Follow up on status of Specialty Contractors requirements prior to Board meeting date. Review, provide status information to interested parties, identify problems and help applicants to resolve problems, etc.	Customer Support Supervisor

Position Title	# of Positions	Responsibilities	Reports To
Horticulturist	1	Performs administrative duties in the inspection and enforcement of city landscaping ordinances. Employees in this class possess considerable knowledge of landscape management principles and methods, and have responsibility for maintaining current knowledge of local ordinance pertaining to both new and existing landscape constructions. Responsible for considerable report and record maintenance duties. Represents the Community Development Department at various committee and city meetings in all matters pertaining to horticultural/landscape management. Reports to the Deputy Building Official/Chief Inspector. Performs related work as required. Must be able to read blue prints regarding landscape for Commercial and Residential construction.	Code Compliance Manager
Senior Recording Secretary	2	Under limited supervision of the Administrative Supervisor, provides skilled administrative support in the accurate reporting, recording, and coordinating of various commission, committee, and municipal board meetings. Considerable secretarial and legal experience, knowledge of municipal policy and procedure, and have excellent organizational and clerical/keyboard skills, etc.	Customer Support Supervisor
TOTAL	35		

Code Enforcement Division Activity

The Code Enforcement activity levels compiled by staff for the last five years are shown in Table 9.

Table 9
Code Compliance Division Activity

Activity by Type	2008	2009	2010	2011	2012	Five-Year Average
Code Enforcement Activities						
Code Compliance Complaints	Not Available	Not Available	36,840	34,214	34,409	-
TOTAL	N/A	N/A	36,840	34,214	34,409	-
% Change	N/A	N/A	N/A	-7%	.6%	-
Code Compliance Referral Complaints¹	Not Available	2,291	9,333	11,081	10,426	N/A
TOTAL	N/A	2,291	9,333	11,081	10,426	-
% Change	N/A	N/A	307%	19%	-6%	-
Code Compliance Special Magistrate Hearing Cases	2,641	2,285	1,373	1,098	856	1,651
TOTAL	2,641	2,285	1,373	1,098	856	-
% Change	N/A	-14%	-40%	-20%	-22%	-
Garage Sale Permit Issuance Activities						
TOTAL	6,424	6,492	6,925	7,087	7,136	6,813
% Change	N/A	1%	7%	2%	.7%	N/A
Licensing Activities (Business Tax Receipts/Occupational License)						
New BTR	3,382	1,623	2,669	2,880	2,413	2,593
Renewed BTR	10,651	8,548	7,293	6,259	6,698	7,890
TOTAL	14,033	10,171	9,962	9,139	9,111	10,483
% Change	N/A	-28%	-2%	-8%	-0.3%	-

¹ Includes referred complaints from other departments, such as building, public works, fire, utilities (e.g., water/sewer)

The five-year averages for code compliance and compliance referral complaints have not been shown since five years of data was not available for these activities. The activity levels for code compliance complaints for the three-year period shown decreased by 7% from 2010 to 2011 and slightly increased in 2012.

The compliance referral activity levels fluctuated dramatically from 2009 to 2010, which is likely the result of the code compliance division taking on additional enforcement responsibilities from the building, public works, fire and utility departments and divisions. For example, interviews with staff indicated that the Code Compliance Officers (CCO's) were assigned with the responsibility for resolving 100's of building permits that did not receive a final inspection. In addition, the CCO's were assigned the responsibility for posting signs for zoning hearing cases.

The referral activity continued to increase by nearly 20% from 2010 to 2011 and then decreased slightly from 2011 to 2012.

The five-year average for garage sale permit issuance activities for the period shown was 6,813. Garage sale activity has remained fairly constant, with only minor fluctuations in activity annually.

There were an average of 1,651 Code Compliance Special Magistrate Hearing cases annually over the five-year period shown. Case activity has experience a decline every year since 2008. From 2008 to 2009, case activity decreased by 14%. The most significant decrease in case activity occurred between 2009 and 2010 (-40%). The steady decline in Special Magistrate Hearing case activity is likely the result of Division's success in using more proactive informal compliance methods to bring properties into compliance without the need for a Special Magistrate hearing combined with the increase use of the County Court system to achieve compliance (note: Case activity levels for the County Court process was not available).

Licensing (Business Tax Receipts) activities, which include new and renewed licenses, had an annual average of 10,483 for the five-year period shown. Annual activity was its highest in 2008 and then decreased each year thereafter, which is likely related to the declining economy during the years shown.

B. POSITIVE FINDINGS

The following are some of the noteworthy positive findings for the Code Compliance Division:

- The Division Manager is well respected by staff, holds numerous certifications and is a leader and trainer in the industry;
- The Code Compliance Division has an adopted "Policies and Business Practices" Procedures Manual for Division employees, which supplements the City's Administrative Regulations, guides decision-making, aides in training new employees and facilitates continuity, which is excellent;
- The average staff tenure in the Division is over 9 years, thus staff are very knowledgeable about Division operations and processes and work well as a team;
- The Division utilizes contract Compliance Specialists and volunteer groups, such as the Code Scout Volunteer group, as well as volunteer programs, such as "Clean-up Days," to assist them in bringing properties into voluntary compliance, which is good;

- The Division has developed specialized programs and functions to curb chronic enforcement issues, such as the “foreclosure registry program,” and the contractor licensing investigator function;
- Approximately 70% of the Code Compliance Officers are certified through the Florida Association of Code Enforcement (F.A.C.E) and the Division has established a reward-based “Career Progression Certification Matrix,” which provides for pay increases for officers completing progressive certification levels, which is excellent.

C. ORGANIZATION ISSUES

Annual Work Program

Interviews with staff, as well as our observations, indicated that the Code Compliance Division does not have a Program-Specific Annual Work Program, which includes all annual projects along with an estimate of the amount of labor hours and projected date of completion for each project. However, Management actively manages programs, activities and labor needs through other means. For example, management staff continually monitors the enforcement needs of the City by conducting research, coordinating with other divisions and agencies, and tracking trends (e.g., RealtyTrac Reports) and staff resources are adjusted accordingly. A good example of this practice is when the Division created the “foreclosure registry program,” to deal with the enforcement issues created by foreclosures. Management monitored the number of foreclosures and identified the specific enforcement issues that were created by foreclosures. Staff then researched how other communities were effectively dealing with foreclosure issues and worked with stakeholder (e.g., realtors, property managers, banks, community members) to develop a registry and tracking system. Once the needed system was identified, resources were reallocated accordingly.

Given that fact the Division’s CCD staff resources were reduced during 2007/08/09 Reduction In Workforce (RIF) an Annual Work Program could be an effective tool to further assist with budgeting, programming and focusing the annual work efforts of Division staff (e.g., setting work priorities, timelines for implementing improvements, etc.)

89. *Recommendation:* The Code Compliance Division Manager should consider developing a comprehensive Annual (Program-specific) Work Program for the Code Compliance Program to outline annual projects and activities, guide resource budgeting and focus staff work efforts.

Data Collection/Reporting

In conducting our review of the Code Compliance Division, we were not able to collect all of the annual data desired for Code Compliance Activities over a five-year period due to a change in the data collection and reporting systems that occurred when the Code Compliance function was transferred from the Police Department (PD) to the Department of Community Development in 2009/10. The PD collected different types of data and used a different case tracking system, which collated data differently, so the data the old system collected does not correlate to the data collected by the new system.

However, Staff indicates that the current data collection and reporting system used by the Division (i.e., eTRAKiT by CRW Systems) is equipped with a Code Compliance Module that allows for the collection, tracking and reporting of activity data. The Division is now able to collect data regarding staff processing timeframes so that performance standards can be monitored, allowing management to evaluate activities and make adjustments to respond to new conditions, which is good.

Currently, the Division generates various types of reports through the CRW system to monitor workflow and performance, such as the number of closed cases per individual and per team over various time periods, identify trends, patterns and workflow issues, as well as the most common cited violations and performance reports. The Division should continue to collect annual activity data on complaint volumes and permitting, licensing, customer service calls, inspection calls and court and hearing cases so that activity trends and workflow can be tracked and evaluated as this is a good practice.

Equipment

Our interviews revealed that Code Compliance Staff generally has the equipment needed to complete their assigned work; however, there is a need for additional or upgraded equipment to improve job safety, efficiency and productivity.

Cell Phones

Staff interviews indicated that CCO's were previously provided with police band radios and cell phones to conduct code related work in real time. However, City issued cell phones were eliminated and replaced with "Push-to-Talk" communication systems that only allow two-way communication between staff, as well 911 emergency communications. In addition, CCD staff has the option of obtaining a cell phone through the City's cell phone provider, however the employee must agree to a service contract and the City will only pay for a portion of the monthly service cost. Moreover, employees believe that a cell phone used for both personal and business use leaves the employee at risk of having personal calls monitored or subject to open record laws, so they are reluctant to participate.

Because CCO's are not provided with City-issued cell phones, they cannot conduct necessary telephone business while out in the field, which hinders efficiency. For

example, CCO's currently can't make immediate telephone contact with a code violator, while out in the field investigating complaints. Instead, they must drive back to the City office during their scheduled office hours to conduct needed phone communication, which is inefficient. This practice also results in more wear and tear on vehicles and increases fuel costs.

90. *Recommendation:* The City should provide each Code Compliance Officer with a city-issued cell phone.

Computers

Computer equipment is currently being updated, however some staff are still using out-of-date computers that have hardware and/or software issues, which malfunction regularly, interrupting workflow and reducing productivity.

91. *Recommendation:* The Division Manager should continue to budget for and replace outdated computers.

Uniforms

Staff indicated that Code Compliance Officers (CCO's) used to wear city-issued official COO uniforms, so that the public could readily recognize Officers; however, uniforms were eliminated a few years ago. As a result, CCO's are no longer readily recognizable by the public when conducting field inspection and other work, which can put them in jeopardy. Providing CCO's with some type of Uniform that allows for easy and immediate recognition could improve Officer safety in the field. The City should consider providing COO's with a basic uniform, consisting of an official hat, lightweight jacket and/or shirt so that the public can readily identify their official status, when officers are out in the field.

92. *Recommendation:* The City should consider providing Code Compliance Officers with an official uniform.

Vehicle Maintenance

It was also widely reported that Code Compliance Officers (CCO's) are reluctant to schedule their vehicles for regular oil change maintenance and/or non-routine maintenance through the City's Fleet Management Division because, at times, work is not completed expeditiously, which leaves CCO's either without a vehicle or requires them to share a vehicle for extended periods of time, which hinders their performance. Management staff indicated that Code Compliance Vehicles are aging and requiring more maintenance, so it is critical to have vehicles services efficiently.

In response to these issues, Fleet Management recently revised their operations and most of the delays have been corrected with regard to basic service requests (e.g., oil changes, etc.), which is good.

Compliance Vehicles are slated for replacement and that money has been budgeted to replace vehicles, which is good.

Work Space

COO staff currently shares a large office space, which is internally referred to as “The Bull Pen.” The “Bull Pen” (BP) office space is set up with the intent to effectively provide the resources needed for one complete field team at one time. (i.e., up to 8 team members). The BP provides for eight (8) “work stations,” which consist of plug in stations for laptop computers (as opposed to typical desktop computer stations, where individual computer stations are provided). When needed, additional plug-in stations are available to accommodate extra laptop users. The BP also contains one “local” printer and two other printers located at different stations within the Department of Community Development (DCD), including one near the front area of DCD and another in the recording secretary’s area of the DCD. The BP is also equipped with two landlines for conducting telephone communication activities.

To ensure efficient and effective utilization of the BP, each field team is assigned an office work time in the BP. Teams are also granted additional access to the BP as needed, as long as it doesn’t interfere with another team’s ability to use the BP area effectively. Staff indicates that other cubicles are available for temporary use within the DCD, when needed.

We applaud the Division’s ingenuity in trying to create a functional shared-office space for COO’s in an effort to reduce costs; however it does not appear to be an effective long-term solution from an operational perspective, given the simultaneous reduction in equipment expenses (e.g., cell phones). For example, staff indicated that the lack of cell phones and/or radios, coupled with the limited number of available landlines and restricted office hours makes it very difficult to meet return phone call policies and conduct sensitive telephone communications. In addition, if any of the shared equipment provided in the BP is out of service, which can occur from time to time, staff productivity is impeded.

While walking around the DCD facility, we observed numerous empty and/or under-utilized cubicle spaces throughout the first floor area that could be utilized for at least some of the COO staff. If an adequate number of empty cubicles are not available to accommodate each COO, cubicle space could be shared. Alternatively, there may an opportunity to create two additional BP-type stations (one BP team station for each of the 3 teams, rather than 3 teams sharing one station). This alternative arrangement would still provide COO’s with more functional office time and greater access to office equipment so that internal customer service policies are easier to meet and

office task productivity is increased. COO cubicles should be grouped together to promote coordination, communication, teamwork and efficiency, which may require staff from other Divisions to be relocated and regrouped into nearby cubicles.

93. *Recommendation:* The Division Manager should work with the Acting DCD, IT and City Management Staff to acquire available empty cubicle spaces in order to create additional individual and/or shared work spaces for COO.

Fees

Most Best Practice communities have a full cost recovery approach to licensing processing fees. In interviewing staff about licensing fees, we found that some of the existing fees do not accurately reflect staff's time. For example, staff indicated that the Contractor's Licensing fee has not been updated in many years is currently only \$10.00. In addition, the City has not established a penalty fee for late registration. The fee for Specialty Contractor Licensing is also likely below actual costs of services and should be reviewed and updated to reflect actual labor costs.

94. *Recommendation:* The City should update its Business, Contractor and Special Contractor fee schedule.

95. *Recommendation:* The City should establish a penalty fee for late licensing registration.

Staff also indicated that the residents are required to obtain temporary RV Parking and garage sale permits to conduct these activities. Currently, these permits are free of charge.

The City used to charge a fee to issue garage sale permits and provided the permittee with an official garage sale sign. However, the permit process was modified to an online permit process and the fee was eliminated and applicants' no longer received a sign.

Staff, as well as our observations, indicates that the online permitting process is not user friendly and requires staff assistance to successfully navigate. Moreover, the system is chronically down due to technical issues. As a result, staff estimates that at least 50% of users come to the Customer Service Counter for assistance in obtaining a garage sale permit.

96. Recommendation: The Division Manager should work with the IT Department so users can successfully obtain a garage sale permit online including online payment of any fees.

97. Recommendation: The City should consider establishing a nominal fee for garage sale permits to defray the cost of administering the process.

Currently, residents can obtain a temporary permit to park their R.V. on their property for three days before and three days after a trip. Permits are issued by Code Division Customer Service Staff through a telephone process, which usurps staff time.

98. Recommendation: The Division Manager should work with the IT Department to develop a user-friendly online Temporary RV parking permit so that users can obtain these permits more efficiently without staff's assistance.

99. Recommendation: The City should consider establishing a nominal fee for temporary RV permits to defray the cost of administering the process.

100. Recommendation: If the City establishes a temporary RV permit fee, an online payment option should be provided.

Filing Systems/Records Management

The Code Compliance Division is not yet paperless; however, files are now being created electronically through the TRAKiT software, which furthers the overall goal of going paperless.

However, paper files are still created for Code Compliance hearing cases and must be stored and retained according to the Records Management policies and state and federal law. Staff indicates a typical compliance case that culminates into a Board hearing action contains various paper documents including, a warning ticket, two first class letters, two certified letters and a recorded document, which is retained in the paper case file. These types of paper case files are stored in filing cabinets along the back wall of the office, until the violation is corrected and the lien has been released.

Compliance Case files that do involve Board hearing actions are stored onsite for one year then boxed and forwarded to the City Clerk's Office.

Staff indicated that that files are unsecured (not locked or guarded); however, staff is required by policy to check files out. Files are periodically monitored by the Customer Support Supervisor and recording secretaries to ensure that they are checked out properly and returned promptly, which is a good practice.

Files that are boxed up and forwarded to the City Clerk are managed by the City Clerk through the SIRE system (e.g., information management software system). Generally, cases that don't involve a board hearing are stored for three years. Cases that are heard by the special magistrate are stored for seven years in accordance with state and federal record keeping laws.

Our interviews with staff indicated that files occasionally go missing and that there is a need to reinforce the Division's policies concerning the file check out and handling processes.

101. *Recommendation:* The Division Manager and Supervisors should reinforce filing system policies, which requires staff to check files out and return them promptly, so that files can be tracked and maintained more easily, until they are archived and/or scanned and converted to an electronic format.

Handouts/Brochures

The Code Compliance Division has created some informative pamphlets, such as a pamphlet that outlines the most common code violations, which is good. However, the pamphlets/handouts/brochures are not currently posted on the Division's web page. All informational and educational pamphlets/brochures/handouts created by the Division should be posted on the Division's web page so that they are immediately accessible to web site users. In addition, all informational and educational pamphlets/brochures/handouts should be up-to-date at all times, written in clear language and contain a similar format so that they are easy to follow and understand.

102. *Recommendation:* The Division Manager should ensure that all informational and educational pamphlets/brochures/handouts created by the Division are posted on the Division's web page.

103. *Recommendation:* The Division Manager should ensure that informational and educational pamphlets/brochures/handouts are up-to-date at all times, written in clear language and contain a similar format.

Meetings/Communication/Coordination

Staff indicates that communication within the Code Compliance Division is generally good, in that staff is informed about Division goals, upcoming events, new policies, and decisions that affect the function. To facilitate communication, and coordination, there are of number of reoccurring and regularly scheduled, agenda-driven meetings

within the Division, and between the Division and related Community Development Department functions, including the following:

- A regularly scheduled weekly meeting between the Acting Director of Community Development and the three Division Managers (e.g., Planning, Building, and Code Divisions) to discuss City-wide issues, Division issues and policies and exchange information;
- A regularly scheduled bi-weekly Staff meeting between the Division Manager and staff, which occurs the day before scheduled hearings to discuss cases, issues and problem-solve;
- A regularly scheduled Team Supervisor meeting between the Division Manager and four Supervisors to discuss policies and Division issues, exchange information and problem-solve; and
- A regularly scheduled Team meeting between the Team (Field) Supervisors and their staffs to discuss team issues, case status, exchange information and problem-solve.

Staff indicates that meeting agendas are prepared and distributed in advance of all scheduled meetings to help focus discussions. In addition, the Division Manager has established an “open door policy” for all managers and supervisors so that line staff has immediate access to a supervisor to assist with day-to-day issues and decisions, which is a good practice.

However, despite the existence of multiple levels of regularly scheduled meetings, which are aimed to communicate with and inform staff, some line staff reported that they do not always feel fully informed about city-wide goals, issues and decisions that affect their function or other functions within the Department of Community Development, and that communication silos persist within the related functions of the Department.

104. *Recommendation:* The Division Manager should include an agenda item for the bi-weekly staff meeting to discuss City-wide policy and management changes, upcoming events and other issues and decisions that affect the Department and City organization as a whole.

Staff also indicated that there are coordination issues between the Code Compliance Officers (COO's), and inspectors for related functions, such as building and public works, concerning the COO's expanded responsibilities relating to these functions. For example, it was reported that building inspectors and COO's are not coordinating inspection work efforts to try to close out the backlog of final building inspections, which is creating confusion, frustration, inefficiencies and customer service issues. It

was also reported that there are times when there is confusion between Public Works and COO's as to responsibilities for public right-of-way enforcement.

105. *Recommendation:* The Code Compliance Division Manager should meet with Division and Department Managers of related functions, such as Building and Public Works to identify coordination issues related to the Code Divisions expanded role in enforcement in related functions and develop strategies and protocols to resolve issues to reduce confusion, and improve efficiency and customer service.

Organizational Structure

The current organizational structure for the Code Compliance Division appears to work well, in that there is a defined chain of command, a team service delivery concept and a rational span of control given the expertise of management, tenure of staff, available training and volume and nature of the work. In addition, the current structure is intended to reduce service delivery fragmentation, reduce redundancy and improve team synergy and communication.

However, in reviewing the organizational structure and corresponding job descriptions for each position in the structure, we do not see a compelling or rational basis for the Code Compliance Section Manager position/title in the organization.

According to the Division's Organization Chart, the Code Compliance Section Manager position is situated at the same level as the Code Compliance Supervisors and actually performs the same duties. A review of the job description for the Code Compliance Section Manager indicated that this position is distinguishable from the Code Compliance Supervisor position by the additional responsibility as "an upper level management position," which assists in the planning, directing, and supervising activities of the Division. The Division's "Policies and Business Practices" Manual indicates that this position is "evolving" and has primary responsibility for assisting in the implementation of the Division's policies and procedures, etc. However, it appears that this position does not currently engage in these activities, nor is it positioned to do so within the organization chart.

Given the current size and composition of the Division, the Code Compliance Section Manager position title does not appear necessary, particularly since it actually functions as a Code Compliance Supervisor. We recommend that the Code Compliance Section Manager title be changed to a Code Compliance Supervisor; until such time that the organization expands or otherwise demonstrates a need for a higher classification Section Manager.

106. *Recommendation:* The Code Compliance Section Manager title should be changed to a Code Compliance Supervisor, (which may affect the current pay grade) until such time that the organization expands or otherwise demonstrates a need for a higher classification Section Manager.

See our other recommendations regarding proposed organization structure changes to the overall Department of Community Development under the “Department of Community Development,” section.

Public Outreach/Education

Because the Code Compliance Division’s primary goal is to obtain “Voluntary Compliance,” resources are allocated to engage and educate the community through various means. For example, staff prepares and presents formal PowerPoint presentations to neighborhood watch groups, civic associations, realtor associations and the Cape Coral Construction Industry Association (CCCIA) to train and educate these groups about the program, common violations, etc. In addition, the Division has created brochures/pamphlets about their Program and regularly publishes code-related articles in the City’s Newsletter. Division staff also organizes community cleanup events regularly to help bring attention to code enforcement issues. All of these functions are excellent and should be continued.

See our recommendations under “Handouts” regarding making handouts/brochures available online on the Code Compliance Division’s web page, and under “Website,” regarding considering adding a web page on the Division’s website that is dedicated to public education.

Staffing

The Code Compliance Division currently has 35 FTE’s. Twenty-two (22) of the FTE’s are code compliance officers that are responsible for conducting both proactive and reactive code enforcement for the City’s 120 square mile area.

Table 10 below, shows the staffing levels in the Division since 2007.

Table 10
Code Compliance Division Staffing Levels

Function	2007	2008	2009	2010	2011	2012	2013
Code Compliance	38.5	41.5	37	35	37	35	35

As the table above shows, staffing levels were the highest in 2007 and 2008. The Table shows that staffing levels have remained fairly constant, during this 7-year period; fluctuating between 37 and 35 FTE's. However, the staffing levels in the Table are misleading because there was actually a loss of eleven (11) code-enforcement positions in the Division during this 7-year period (e.g., 1 Customer Service Representative, 1 Field Supervisor, and 9 CCO's), due to a number of events, including a Reduction in Workforce (RIF), budget cuts, retirements and attrition.

At the same time that Code positions were being lost in the Division, several positions from other functions and departments (and their corresponding functions) were transferred to the Code Division. For example, the licensing staff and function were transferred to the Code Compliance Division 2011. In addition, two building inspectors were transferred to the Code Compliance Division and now provide specialized contractor licensing investigation activities. The Horticulturist position and its related functions were also transferred to the Code Compliance Division. The net result is that the Code Compliance Division's staffing levels appear to have remained relatively constant since 2008, when they actually experienced a net loss of specialized code compliance staff.

To compensate for the net loss in specialized staff and the gain in additional duties and functions from transferred personnel, the Division adjusted their service delivery methods and overall service levels. For example, Code Compliance staff now places a greater emphasis on obtaining voluntary compliance through informal mechanisms, which has helped to reduce their Special Magistrate caseload. They also utilize the County Court system more frequently. In addition, they have gained some efficiency through technological advances (e.g., TRAKiT system). To manage spikes in activity levels, the Division uses contract Compliance Specialists. They also use volunteers and "light duty" (e.g., injured staff) staff to assist with Customer Service duties. Finally, the Division upgraded two CSR's to Code Compliance Specialist, so that they could spend 50% of their time in the field assisting Code Compliance Officers. In 2012, the 22 Code Compliance Officers field staff handled about 1,500 complaints each, which is a significant volume.

Because of the above described service and staffing modifications, the Division is currently able to meet work demands and no backlogs have been created.

While a detailed staffing analysis is beyond the scope of this study, it appears that staffing in this function is currently sufficient to meet the demands of adjusted service levels. However, if any additional Division staff members are lost or service level expectations are adjusted upwards, it is likely that additional staff will be needed to meet workload demands. The Division Manager should complete a detailed staffing analysis at that time to determine precise staffing needs.

107. Recommendation: The Division Manager should complete a detailed staffing analysis if any additional staff are lost in the Division or if Service Level Expectations are increased.

Telephone & Emails

The Division has an internal policy requiring staff to return telephone and emails as soon as possible, in accordance with the priority standards outlined in the Policies and Business Practices Manual. However, in reviewing the Manual, we were unable to locate the specific reference to telephone and email policies. While the existence of an informal telephone and email policy is good, the policy should be reinforced in writing through the Division's Manual to ensure that it is understood and followed by all staff. Additionally, the policy of "as soon as possible" leaves the policy too vague. The written policy should specify that telephone calls and emails be to be returned as soon as possible but also within the same day received. We like to say that no one should go home at night until all phone calls and emails are returned. This is a policy applying to all divisions as set forth in an earlier chapter.

Training/Cross Training

Code Compliance Staff indicated that they receive training once hired, and occasional on-going training through internal and external sources, which has allowed some staff to attend annual conferences and/or obtain or renew code certifications. However, due to budget constraints training funding has been very limited or non-existent in recent years. Management staff indicated that training funds were recently restored for the Division this fiscal year, which will allow up to four staff to attend the annual code conference and four staff to obtain/renew F.A.C.E. certifications, which is good.

Management Staff also indicated that the current fiscal year Division Budget allocates about \$12,000 for training, which amounts to less than 0.4% of the Code Compliance Division Personnel Budget, which is around \$3 million. There is an internal process to determine which staff members receive training funds and if training is warranted it may be granted.

As indicated in an overall policy suggested earlier in the report, the general rule of thumb is to set aside at least 2% of the Division's Personnel Budget for annual training of employees, which equates to \$60,000.00 (2% of \$3million). In addition to the training budget, we typically suggest that about 5% of staff's time be devoted to annual training. Given that minimal funds are available for staff training, it is unlikely that 5% of staff's time is currently being devoted to training.

In addition, some staff indicated that there is a need for additional and/or continual training on code related statutes and statutory amendments to ensure that all officers

have current knowledge about statutes that affect their function, foster professional growth, and raise competency and work efficiency.

108. *Recommendation: The Division Manager and Supervisors should ensure and reinforce Officer training.*

The Code Compliance Officers' role in compliance efforts for related functions has expanded over recent years, due to work force reductions. For example, CCO's are now assisting the Building Division with final inspection issues (e.g., working with property owners that never obtained a final inspection as required) and building permit compliance activities and handling business tax receipts for the licensing function. However, adequate training has not been provided to CCO's to support their expanded role in these activities, which is causing frustration and confusion, efficiencies and customer service issues. Staff reported that there is a need for additional internal training on licensing and permit requirements so that they are able to perform the duties related to these expanded roles confidently, competently and efficiently.

109. *Recommendation: The Division Manager and Supervisors should determine training needs and immediately provide training to CCO's on licensing and permitting rules and regulations. .*

The Customer Service Representatives (CSR'S) in the Code Compliance Division are responsible for incoming calls, mailing Notices of Violations, filing return receipts on certified letters, data entry and updates, case file maintenance, call referrals from other City Departments/Divisions and walk-in reception. Staff indicates that CSR's are cross-trained to perform all duties and can fill-in for each other when needed, which is good.

Website

Overview: The web pages for the Code Compliance Division provide only minimal information concerning the code compliance function, under a "Code Compliance Division," tab. In reviewing the web page, we were unable to locate the Division's mission and functional goal statements, organization chart or a reference and map to the physical location of the Division's office. Many Best Practice communities provide this type of information on their web sites, as well as links to educational pamphlets, brochures and process and procedure handouts and related agencies.

Table 11 below outlines the typical features found in Best Practice communities that should be included on the Code Compliance Division web pages, along with our comments concerning the features.

Table 11
Code Web Pages Code Compliance Division Web Page Features

Feature	Included	Partially Included	Not Included	Comment
Announcements, New s/New sletter, Events for including Code Enforcement & Licensing and permitting functions		X		Announcements, New s, Events should be posted for each Program.
Automated email contact feature for Main Number			X	Add automated email contact for Main Contact.
Citizen Support Center Portal, TRAKIT	X			Need a links to these portals on the Division Web pages for related programs (e.g., TRAKit link on the Licensing function page, etc.)
Calendar of upcoming events for all functions			X	Provide calendar or link to calendars for licensing & code enforcement. programs
Comprehensive Staff Contact List, w ith Automated email, including Title, Direct Line Number and staff photo for Code Compliance and Licensing Programs			X	Include for each Staff Member and area code, so out of tow n ow ners, users can readily contact staff.
Code Compliance Process and Procedures Link and Licensing Processes and Procedures Link		X		Code Enforcement Process Link not operational. Additional process and procedures links needed to explain the Voluntary Compliance Process as well as the Special Magistrate, Contractor's Regulatory Board and County Court Processes.
Frequently Asked Questions		X		Include a link to a comprehensive FAQ list that is arranged in alphabetical order for Licensing. Add FAQ for Code Enforcement (Licensing has FAQ but no link on Code Compliance Division Page).
Hearing Schedule for Special Magistrate, County Court and Contractor's Regulatory Board			X	Provide link to hearing schedules for related boards, commissions and Magistrate.
Mission & Functional Statements Outlining all Services Provided for Division including licensing			X	Need to Include Mission and Functional Statements for code enforcement, licensing, garage sale, RV permitting, etc. Move all licensing information from City Clerk page to Code Compliance.
Handouts, Brochures, Forms, Licensing Fees, Fines/Public Education		X		Not all are handouts, brochures are available online and if available are difficult to find. Provide links to all Brochures, Pamphlets and Handouts, w hich should be up-to-date, free or errors and produced in a similar format. Provide a link to all licensing fees and enforcement related fines. Consider creating a "Public Education" page and post all education material on the page. Create handouts for CRB processes with basic process flow charts. Handouts outlining Code Enforcement Process should include flow charts.

Feature	Included	Partially Included	Not Included	Comment
Links to City Ordinances Related to Code Enforcement and Licensing			X	Provide links to all relevant Ordinances and Codes the Division is responsible for enforcing and administering (e.g., licensing, enforcement. Permitting activities)
Links to Related State and Federal Regulations			X	Provide links to all relevant state and federal agencies involved in enforcement and licensing activities.
Organization chart			X	Provide Organization Chart for Division.
Online fillable Application and form Submittals for all permits and licensing and Credit Card Payment Option		X		Add online fillable applications and submittal and payment options for all permitting and licensing activities w hen available.
Permit Tracking Link		X		Provide link on Division web page.
Reports			X	Activity Reports should be posted.

110. *Recommendation:* The Code Compliance Division Web Pages should include the features listed in Table 11.

D. POLICY ISSUES

Land Use and Development Regulations - Parking of Stored Vehicles/Parking of Vehicles and Trucks within the City

As discussed in the Planning Division Section, the Land Use and Development Regulations (LUDR) are largely outdated and there are various provisions administered by the Code Compliance Division that should be updated. In addition there are provisions in the City's Code of Ordinances that are administered by the Code Compliance Division that are unclear and appear to be inconsistent with actual practice. For example, when conducting our research concerning the Contractor's Regulatory Board and Special Magistrate roles and responsibilities, Chapter 6 of the City's Code of Ordinances, which is entitled "Contractors and Contractor's Regulatory Board," appears to establish the Special Magistrate as the body that hears and makes decisions on contractor licensing violations, rather than a Contractor's Regulator Board. We had to interview staff and conduct additional research to determine that the Contractor's Licensing Board does in fact hear and decide on contractor licensing violations.

111. *Recommendation:* The City should revise Chapter 6 of the City's Code of Ordinances to clarify and establish the Contractor's Regulatory Board as

the body that is established to hear and decide on Contractor licensing violations, and eliminate all references to the Special Magistrate to reflect actual practice and eliminate confusion.

In addition, our interviews indicated that the LUDR provisions governing the Parking of Stored Vehicles and the Parking of Vehicles and Truck within the City (i.e., RV's, Trailers, Boats and Commercial Vehicles, etc.) create chronic code compliance issues for enforcement staff. For example, the provisions prohibit residents from parking commercial vehicles/trucks in residential zones, which forces some owners of these vehicles to pay for off-site storage or violate regulations in order to park these vehicles on their property. In addition, the provisions pertaining to boats and boat trailers are so limiting that canal lots are rarely able to meet the regulations, which often results in off-site storage costs and enforcement issues.

In addition, it was reported that RV regulations allow property owners to obtain a free temporary RV parking permit that can be obtained over the telephone, to allow RV's to be parked in residential areas for up to 72 hours before and after a scheduled trip. After 72 hours, the RV must be removed for a minimum of 24 hours to avoid citation. Properties owners have learned to get around these regulations by simply relocating their RV for a 24-hour period. Then bring the RV back and park it for another 72 hours. The result is that RV's are perpetually parked in residential areas in violation of the LUDR provisions and staff time and city resources are being usurped to monitor RV parking, rather than on more serious enforcement issues.

112. Recommendation: The City should hold community meetings to review the LUDR Codes relating to parking trucks and RV's in the City to determine if the existing provisions still meet community philosophies or whether they should be modified.

See additional recommendations concerning the LUDR under the "Planning Division" section below.

Contractor's Regulatory Board (CRB)

Overview

Chapter 2, Article V, Division 6 of the City's Code of Ordinances established the Contractor's Regulatory Board (CRB). The CRB is charged with review and approving or denying Specialty Contractor license applications, along with hearing disciplinary actions and entering written decisions (Chapter 6 of the City's Code of Ordinances).

The CRB has the power to develop and adopt minimum standards for licensure of registered contractors that are to be kept and made available through the Licensing

Division; determine qualifications of applicants for the various types of registered contractors' licenses and approve or deny the issuance of licenses; promulgate rules and procedures for the conduct of its meetings and hearings; hold and conduct hearings to determine the validity of alleged violations against licensed contractors; issue subpoenas; compel the attendance of witnesses and documents; discipline a registered contractor found in violation of this code or any requirements by revoking, suspending or denying the issuance or renewal of his or her license; Imposing an administrative fine (not to exceed \$5,000); revoking or suspending permit pulling privileges; reprimanding; requiring re-examination or restitution or any combination; and discipline a certified contractor found guilty of a fraud or a willful building code violation by denying the issuance of a building permit or permits

The Board consists of 12 members that are appointed by a majority vote of the City Council for two-year terms. Members must be residents of the city or have their principal place of business within the city at the time of appointment. Membership consists of a licensed Architect or Engineer, a Licensed Contractor, B Certificate or higher, Licensed Electrical Contractor, Licensed Plumbing Contractor, Class A Air Conditioning Contractor, Licensed Pool Contractor, a Roofing Contractor, one member of any of the above categories, and three Consumer Representatives who are not a member or practitioner of the profession regulated by the Board. The CRB is scheduled to meet the fourth Wednesday of each month at 6:00 p.m. in Council Chambers.

We did not receive any comments concerning the CRB and it appears to function well at this time.

See our previous recommendation in this section, under “website” concerning posting CRB information on the Division’s web pages.

Special Magistrate (SM)

Overview

The City uses a Special Magistrate (SM) for their Code Compliance Hearings, which is established by the City’s Code of Ordinances, Chapter 2, Article 5 Division 3. The SM hears code violation cases and assesses fines, fees, and liens upon properties that do not comply with the Cape Coral Code of Ordinances. The SM process is intended as a last resort for resolving violations where property owners have refused or have been are resistant to City compliance efforts. It is also utilized for unlicensed contractor violations and property owners that are repeat violators, after all informal enforcement methods have been exhausted.

The City Council appoints one or more persons to act as the Special Magistrate, as well as an alternate, who must be attorneys licensed to practice law in the State of

Florida. Special Magistrates are appointed for one-year terms, however they are subject to removal, with or without cause, from their positions at any time during their term by the City Council in its sole discretion.

The SM has all powers outlined in the City's Code of Ordinances, which includes: Adopting rules for the conduct of the hearings; subpoenaing evidence and alleged violators and witnesses to its hearings; taking testimony under oath; issuing orders having force of law to command violations into compliance; giving notices of hearing and conduct hearings; and imposing disciplinary penalties against any person found to have violated any provisions under their purview.

SM hearings were scheduled twice a month, on the first and third Thursday of each month, at 9:00am; however, meetings frequency was reduced to one meeting per month due to budgetary constraints and need. However, additional hearings are held when needed. Meetings are open to the public and staff and interviewees indicated that the number of regularly scheduled meetings is typically sufficient to handle the number of cases heard by the SM, which averages around 55 per meeting.

The Rules of Procedure and public participation protocols have been established by the City's Code of Ordinances and are also outlined in the Division's Policies and Business Practices Manual, which is good. Generally, the hearing protocol entails a presentation of facts by the CCO who issued the citation, testimony from the alleged violator and from any other person whose testimony the SM deems necessary. At the conclusion of the hearing, the SM issues findings of fact based on evidence of record and conclusions of law as to whether there has been a violation. If a violation is found to exist, the SM imposes fines based upon various special considerations outlined in the City's Code of Ordinances.

The alleged violator or the city may petition the SM for a rehearing within ten (10) days of the execution of any such order or decision of the Special Magistrate. Decisions (e.g., Final Orders) of the SM can be appealed to the Circuit Court.

SM hearings are no longer televised, however they are recorded and agendas and audio recordings are kept for each meeting and available for public review. Summary minutes are also prepared for each meeting by a Recording Secretary and minutes stored by the City Clerk and are available on line. We were unable to locate SM agendas, minutes, audio recording, calendars or other general information on line on the City's website.

See our previous recommendation in this section, under "website" concerning posting Special Magistrate information on the Division's web pages.

Interviewees indicated that Code Compliance Division staff has done a good job streamlining the SM hearings so that they are more efficient. For example, Final Orders are pre-printed prior to the hearing so that they are ready for the SM signature

and can be immediately transmitted to the respondent in the hearing room. In addition, the Docket Sheet has been condensed so that it easy to follow and the SM actively manages the Docket to ensure that more the routine cases and heard and disposed of first, which is excellent. However, it was suggested that Dockets could be further streamlined by grouping multiple related cases together.

113. *Recommendation:* The Division Manager should direct staff to group multiple related items together on the SM Dockets.

Interviewees also indicated that the SM is well served by Division staff and that they are accessible, professional and prepared at hearings. However, interviewees indicated that staff from other Divisions, such as Building, that are, at times, required to testified are not always prepared or properly trained on SM proceedings, which can impede efficiency.

114. *Recommendation:* The Director of Community Development and Building Division Manager should ensure that all Building Division staff that attend and testify at SM hearings are thoroughly trained on meeting protocols and prepared to present testimony professionally and concisely.

Additionally, it was reported that an Assistant City Attorney is present for each hearing, despite that fact that the Attorney is not needed for every Docket item, which unnecessary usurps City Attorney resources and is inefficient. In other parts of this report we discuss timeline issues impacting the City Attorney's office.

115. *Recommendation:* The City Attorney's Office should revise their Special Magistrate Hearing Coverage policy from requiring the Assistant City Attorney to be present for each Docket item at each SM hearing, to only attend the SM hearing for certain Docket items.

Fines, Prosecutorial Fees and Liens

Generally, a Prosecutorial fee is a cost that is assessed to cases that require Special Magistrate action in order to cover the costs associated with the Special Magistrate process. The fee is currently set at \$94.00. According to staff, the Prosecutorial fee was historically assessed to all cases that required Special Magistrate action. Now, the fee is only assessed for cases that are not in compliance at the time of the scheduled hearing, even though City resources have already been expended to bring the case to a Special Magistrate hearing action.

Prosecutorial fees are currently being waived for Special Magistrate cases that are brought into compliance at the time of the scheduled hearing because the fees were

not being paid and became small dollar amount liens, which were not cost-effective to administer or collect.

Staff indicated that they re-evaluate this Prosecutorial Fee issue annually because it remains a concern for the City. However, the City's overarching goal for the Code Compliance program is voluntary compliance. As such, once compliance is gained, fees and fines are secondary. The current Fee policy rests under the notion that Code Compliance service costs are paid for through taxes and that the courts have restricted the City's ability to raise compliance related costs and fees. Moreover, raising the Prosecutorial Fee will still result in creating a backlog of small dollar amount liens that will be too costly to administer and collect.

The City has a long term financial problem that is currently under review by the City Manager and a special consultant. As such, it is likely appropriate to examine additional revenue sources. The City should reevaluate the actual labor hour costs associated with the Special Magistrate process, which is currently estimated by staff to be around \$500.00, and consider increasing the fee to reflect actual labor costs.

116. *Recommendation:* The City should reevaluate the actual labor costs associated with the Prosecutorial Fee and consider increasing the fee to reflect actual labor costs.

Because the Special Magistrate (SM) process is used only as a last resort tool for resolving Code Compliance cases, maximum fines and civil penalties are sought in Special Magistrate proceedings.

If the SM finds the violator guilty and imposes disciplinary civil penalties against a violator, an Order is issued. Fine amounts continue to accrue until they are paid. The City has established a capping policy for fines. For first time residential violations, fines/fees are capped at \$2,500. Repeat residential violations are capped at \$5,000. The Special Magistrate has the right to assess higher fines/fees for major health safety, crime-related or irreversible irreparable violations. First time commercial violation fines/fees are capped at \$5,000 and repeat violations are capped at \$10,000. The Special Magistrate has the right to assess higher fines/fees for major health safety, crime-related or irreversible irreparable violations. Staff indicated that the City makes a concerted effort to set reasonable fines/fees based on actual costs incurred by the City, which is a good policy.

If fines and fees are not paid within the specified time period, they may be recorded in the public records, and become a lien against any real or personal property owned by the violator.

Civil penalties/liens that are imposed continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed,

whichever occurs first. According to the City Code, after three months from the filing of a lien, which remains unpaid, the SM may authorize the City Attorney to foreclose on the lien (unless homesteaded under § 4, Article 10 of the State Constitution).

Policy & Procedures Manual

The Division has an adopted “Policies and Business Practices” Procedures Manual in order to create a consistent processing and decision-making framework for line staff, which is excellent. The Manual is comprehensive and provides Division staff with information about the mission, purpose, goals, scope of work, organizational structure, tactics and practices, as well as standards for dress and appearance and employee safety. It also outlines work hours and performance standards for each position and case management standards and describes processing, lien mitigation and hearing and court procedures in written and graphic form (e.g. flow charts) and hearing protocols.

A Policy & Procedure Manual is an excellent means to help train new staff, specify work hours, break schedules, establish return phone call and email policies, etc., and we support Management’s efforts in developing the Manual.

However, it is important to keep the Manual up-to-date to reflect new and modified policy, procedural and workforce changes. Staff indicates that changes to the Manual generally occur annually, which is a good practice; however, the current version of the manual should be updated to reflect recent changes in the organization and workforce (e.g. currently, there are only three field teams, etc.).

117. *Recommendation:* The Division Manager should revise the Policies and Business Practices Manual” to reflect recent organizational and workforce changes (e.g., absorbed new personnel and duties) to ensure that it is up-to-date and remains an effective management tool.

E. PROCESS ISSUES

Code Compliance Processes

Overview

The City of Cape Coral encompasses approximately 120 square miles and is the most populated city between Tampa and Miami (e.g., 157,000+ population). The City is generally divided into three geographic regions for Code Compliance purposes, including the North, Central and South Regions. Currently, the South region is the most active region. Each CCO has been assigned a “zone” area within one of the three

geographic regions and is responsible for proactive and reactive enforcement is their assigned zone. CCO's work four-ten schedules and provide 6-day a week coverage.

The use of Proactive measures is an important initiative that stresses cooperation through education and helps the Division stay at the forefront of enforcement. Proactive methods of enforcement are outlined in the Divisions Policies and Business Practices Procedure Manual and include such measures as patrolling streets and neighborhoods to identify specific violations before they become a complaint. In addition, every Code Compliance Officer is required to identify neighborhood watches, neighborhood associations, action groups, or other community groups in their zone and establish a working relationship with these groups by establishing an educational outreach program designed to educate the community and establish a working relationship with all stakeholders of the community. This may include speaking at public meetings, holding workshops, conducting targeted sweeps of areas, establishing work teams to address specific issues in the area, distributing educational information, attending seminars, and many other events that may present themselves in the area and participating in special community events in the Officer's zone (e.g., trash clean ups, task forces, or other special projects).

The Code Compliance Division's primary goal is to obtain Voluntary Compliance through a team approach. The program is both proactive and reactive, meaning that Code Officers both initiate and respond to complaints. Staff indicates that up to 70% of Code Compliance is currently handled proactively. Staff collects monthly data on the number of practice and reactive cases, which they provided to us that substantiates this statistic.

Compliance Complaints can be made anonymously, by any means (e.g. called in, emailed, in-person, etc.,) and by anyone. The majority of the complaints received are called in anonymously since complainants are not required to fill out a signed complaint form in order for complaints to be investigated. Because complainants can remain anonymous, some complaints turn out to be false. Normally we do not suggest communities receive anonymous complaints. However, since Cape Coral has a proactive enforcement program, these anonymous complaints can be viewed as simply one more set of eyes for the Code Compliance Officers.

The existing Code Compliance Violation Administrative Procedure is outlined in the City's Code of Ordinances, (Chapter 2, Article V, Division 3, §2-85), and further detailed in written and graphic form the Division's Policies and Business Practices Manual, which is excellent. Chapter 162 of the Florida State Statutes governs code enforcement practices.

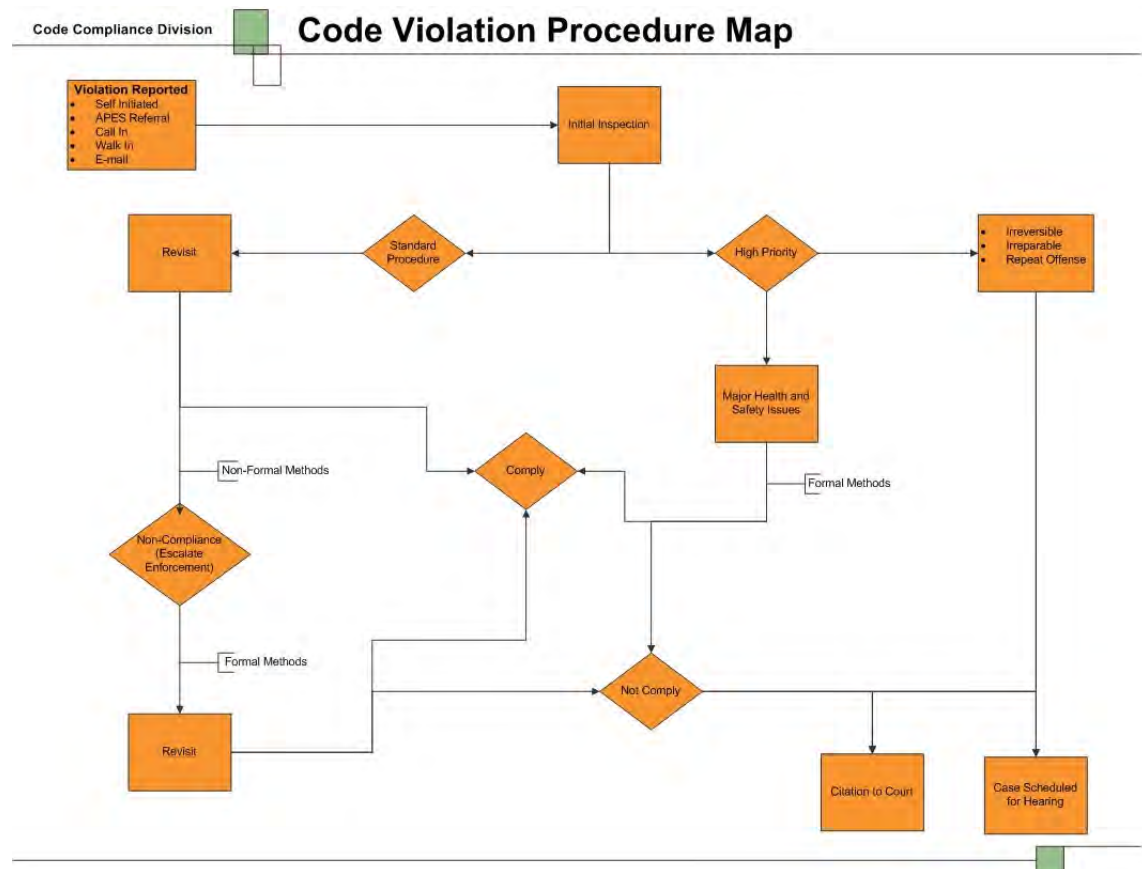
Once a complaint is received it is logged into the CRW (TRAKiT) system and the case is automatically assigned to a CCO based on the address, which is an efficient process. The Division has developed a policy to guide CCO's in prioritizing cases.

Cases that involve major health and safety violations are given the highest priority and require immediate attention. Depending on the type of violation, the CCO will employ either “Informal” or “Formal” compliance methods or a combination of the two. Informal Methods include personal contact, education, etc. Formal Methods include written warnings and official notices, must meet due process requirements and are governed by the Florida Statutes.

The Code Compliance Violation Procedure, Administrative Procedure, Hearing Procedure and Lien Reduction Mitigation Procedures have been mapped out and integrated into the Code Compliance Module of the CRW program, so that they are efficient, which is very good. We received very little feedback from our interviews and focus groups concerning the procedures or processing times for procedures. As such, they will only be briefly summarized.

The general Code Violation Procedure, which is outlined graphically in the Division’s Policies and Business Practices procedure manual is shown in the flow chart in Figure 6 below.

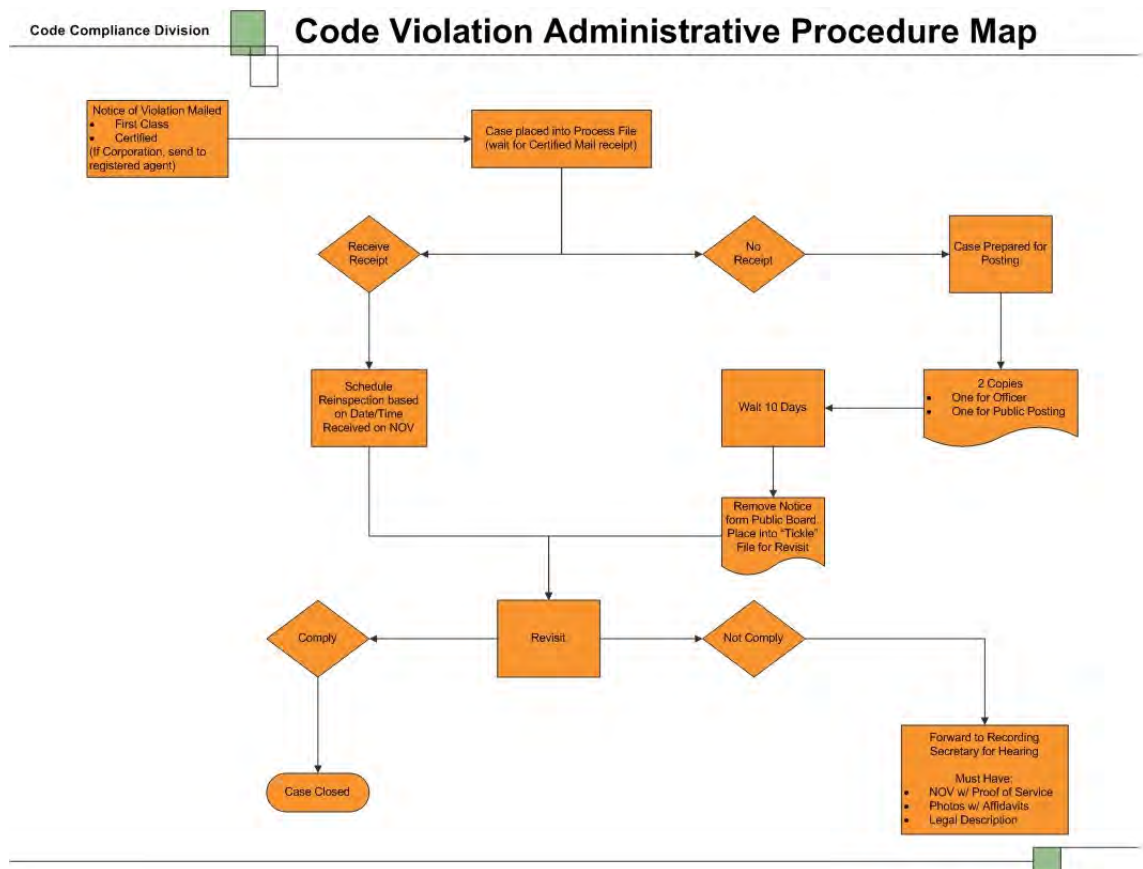
Figure 6
Existing Code Violation Procedure



The assigned Code Compliance Officer (CCO) inspects the property to confirm the violation and photographs of the site are typically taken and uploaded into the CRW system. The case is prioritized according to established Division Policies. If it is a standard case, the CCO revisits the site and attempts to obtain Voluntary Compliance employing Informal methods. Informal Methods are used whenever possible at the initiation of a case. If compliance can't be obtained through Informal methods, Formal Compliance methods are initiated. If the violation is determined to be a High Priority involving a major health and safety issue, or involves a repeat offender and/or irreversible, irreparable issues, Formal Methods are immediately applied to bring about compliance.

The Code Violation Administrative Procedure is also outlined in the Division's Policies and Business Practices Manual, and is shown in Figure 7 below:

Figure 7
Existing Code Violation Administrative Procedure

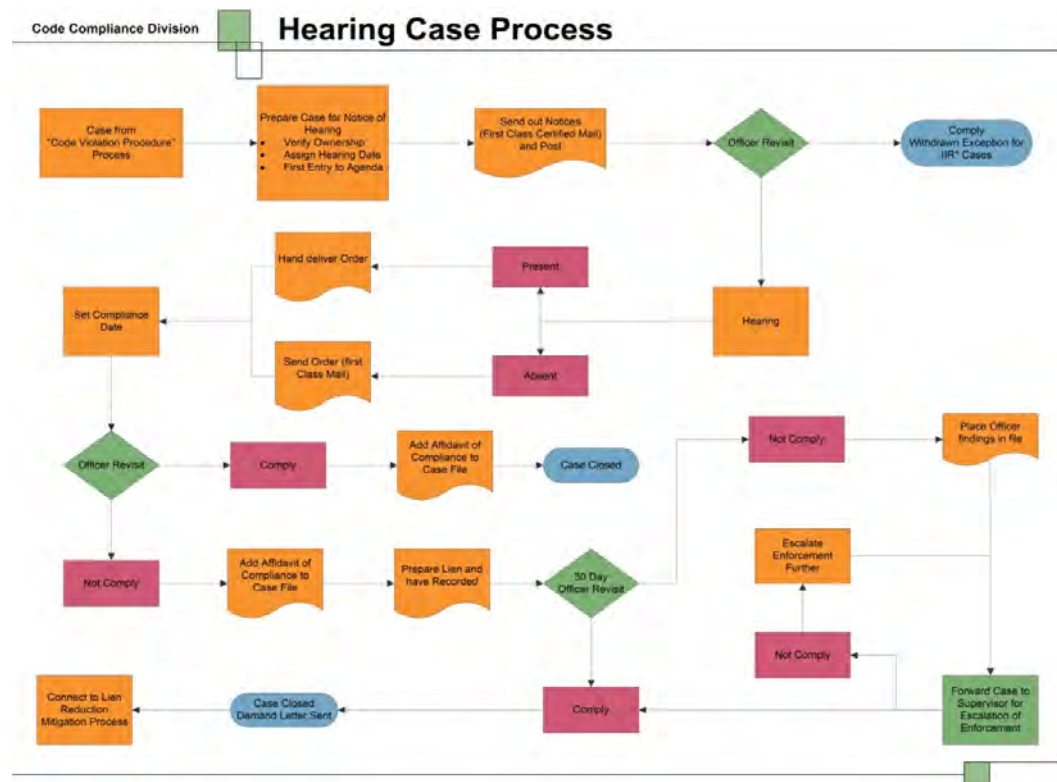


Once Formal Methods are initiated, the case is forwarded to the Recording Secretary and becomes a Hearing Case. The Recording Secretary's responsibility is to ensure all cases forwarded to the Special Magistrate have all required paperwork and

documentation. They are also responsible for ensuring that all evidence and documentation presented at the hearing are properly filed and maintained and that all due process requirements outlined by the Florida State Statutes (e.g., Chapter 162) are met.

The Hearing Case Process is outlined in the Division's Policies and Business Practices procedures manual and shown in Figure 8 below:

Figure 8
Existing Hearing Case Process



Each step of the hearing process procedure has been outlined by the Division to ensure consistency and efficiency. Generally, the Recording Secretary begins the Hearing Process by preparing the case for the Notice of Hearing (e.g., verifying ownership, assigning a hearing date and adding the item to the Hearing Agenda/Docket). A hearing notice is generated by the CRW system and sent to the property owner via certified mail. Notes are added to the CRW system to alert the CCO when to conduct a follow-up site visit to determine if compliance has been achieved. If the CCO finds that the property has been brought into the Compliance, the case can be withdrawn from the Hearing schedule, unless it is an irreversible, irreparable or repeat offense (IIR). IIR cases must proceed through the hearing process.

If compliance has not been achieved, the case proceeds to a hearing with the Special Magistrate. The hearing is conducted according to the rules of order (see Special Magistrate section for hearing protocol details). The property owner is given an Order that specifies a period of time to correct the violation. If the property owner appears at the hearing (only about 15% appear at hearings), the Order is hand delivered to the property owner at the hearing. If the Property owner does not appear, the Order is sent via certified/first class mail, using a template created in the CRW system.

Notes are added to the CRW system to alert the CCO when the ordered compliance period expires, so that a follow-up site visit can be conducted to confirm compliance. If compliance has been achieved the CCO prepares an affidavit of compliance, which is generated by the CRW system and adds it to the file. The case is then closed.

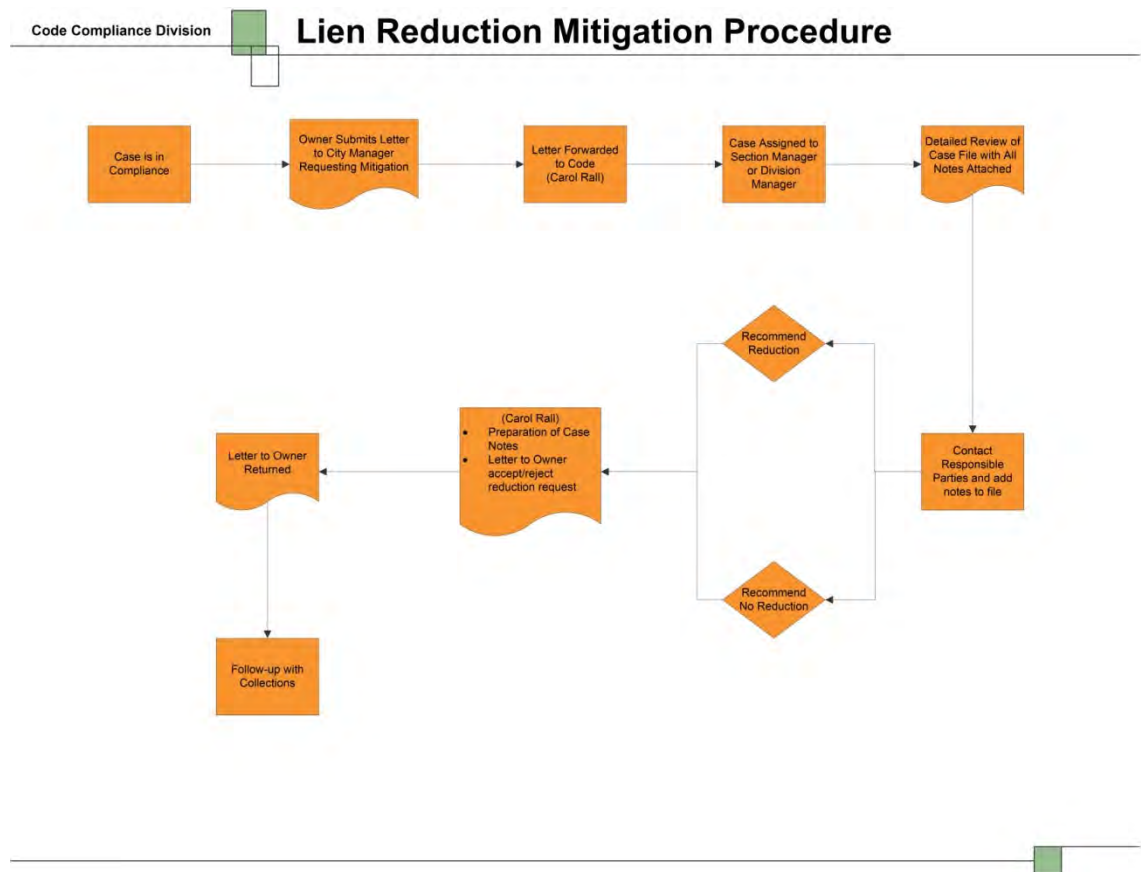
If compliance has not been achieved an affidavit of non-compliance is prepared and added to the file and a subsequent compliance hearing is held with the Special Magistrate. Fines and fees are tabled and a lien is prepared by the Recording Secretary and recorded against the property. Properties that remain out of compliance at this stage are forwarded to Supervisors for escalated enforcement (i.e., county court citations, re-hearings, demand letters, demolition orders, etc.).

Interviews with staff indicated that the overall Hearing Case process was originally designed to be completed within 45 calendar days from the time the CCO requests a hearing to the Special Magistrate decision. However, due to budget cuts, which resulted in a loss of CCO personnel, and a reduction in the number of scheduled hearings each month (e.g., reduced from 2 meetings per month to 1 meeting per month), the 45-day timeframe was extended to 60 calendar days. Staff indicates that they monitor the 60-day processing performance standard and currently meet it 100% of the time.

After a property with a lien recorded against it has been brought into compliance, the property owner may request mitigation to reduce the amount of the recorded lien, through the City's established Lien Reduction Mitigation Procedure (LRMP), if it falls within established program criteria.

The LRMP has been outlined by the Division in the Policies and Business Practices procedure manual and is shown in Figure 9 below.

Figure 9
Existing Lien Reduction Mitigation Procedure (LRMP)



Generally, the process entails a written request by the property owner to the City Manager for a reduction (mitigation) in the lien amount and outlines the reasons for such. The letter is forwarded to the Customer Support Supervisor in the Code Compliance Division, who then forwards case and the letter of request to the assigned Code Supervisor or Division Manager for review, who reviews the case to ensure that all information related to the file (i.e., due process requirements met, file is complete, lien amount verified, etc.).

The Supervisor or Manager contacts the requesting party to obtain any additional information needed, completes a review and recommendation form that includes for the City Manager's review and signature. If the recommendation is accepted by the City Manager, it is signed and returned to the Code Enforcement Customer Service Representative and the matter is scheduled for a final decision at a City Council hearing, following a public hearing notice. A final determination will be made by the City Council at the hearing, which is forwarded to the Customer Service

Representative to track payment to ensure that it is made within the prescribed time, which is typically 30 days from the date of the decision.

The CCD has also developed a program for lien releases on properties involved with foreclosures. This was out of the need to expedite the transfer of ownership of these properties to address code violations more efficiently and expeditiously while removing the barrier of a code lien that interferes with the sale of the property. These are stand alone programs that expedite the process and don't involve council as they were created by resolutions.

Staff indicates that the typical LRMP is intended to be accomplished within a two-week time frame (e.g., 14 calendar days) from the time of submittal of the request to final City Council decision. However, in pressing situations (e.g., crucial for sale of property), staff can complete the process within 1-2 working days. The two-week performance standard is tracked and monitored to ensure it is achieved.

Staff indicates that a fee has been established for the LRMP, which captures actual costs of staff time to process these requests, which is good.

Licensing Processes

The CSR Licensing staff administers the licensing functions, which includes issuing and renewing BTR's (i.e., home businesses and commercial business), contractor licenses, home businesses licenses, etc.

Two licensing staff are designated within the Customer Service Representative function to process new and renewal BTR's.

Business licensing activities were shown in a Table at the beginning of this section and include home and commercial business (including subcategories of commercial businesses) licenses.

Forms are available online for home and commercial BTR's along with special instructions and checklist for each type of license, which is good. The forms include a space for an email address. The forms are available by mail, at the counter, or can be printed out from the Internet. However, application and required affidavits forms were not fillable by the applicant online.

118. *Recommendation:* The Customer Support Supervisor should work with IT to create an online process for BTR applications, affidavits, etc.

Licensing Staff checks to ensure that all required forms are submitted for new home and BTR applications. New BTR's are required to obtain a Business Tax Receipt and obtain approval through zoning to confirm that proposed home and commercial

businesses are an allowed use prior to issuing licenses. The payment is made at time of application. All applications are logged and tracked through the CRW system.

BTR's are valid for one year and expire on September 30th. A renewal letter is generated by CRW and sent out three months prior to expiration advising license holders that their license is expiring and must be renewed.

Staff indicates that currently, the only licenses that cannot be processed on line are new licenses because they require the applicant to produce proof of identity in person.

Overall, this process appears to work well and we received no negative comments about this process during our interviews.

The licensing function also administers the licensing issuance process for new Specialty Contractor's, as well as the Licensing Disciplinary Hearing Process, which are handled by the Contractor's Regulatory Board.

We did not receive any negative feedback concerning the CRB processes for the issuance of Specialty Licensing or Disciplinary actions from our focus groups or interviews. As such, these processes are only briefly summarized below.

Contractor's Regulatory Board – New Specialty Contractor's License Process

The CRB Specialty Contractor's new licensing hearing process is straightforward. The applicant must first take and pass the Thomson Prometric Exam. After passing the exam, the applicant can submit an application for a Specialty Contractor's license to the Licensing Customer Service Representatives in the Code Compliance Division. Currently, applications cannot be filled out, submitted or paid for online. New licenses are typically submitted in person because proper ID (e.g., driver's license) must presented/submitted. They can also be Faxed and or e-mailed. New licenses can't be paid on line currently; however payment can be made over the phone. Renewals can be paid for online through the City's TRAKiT system.

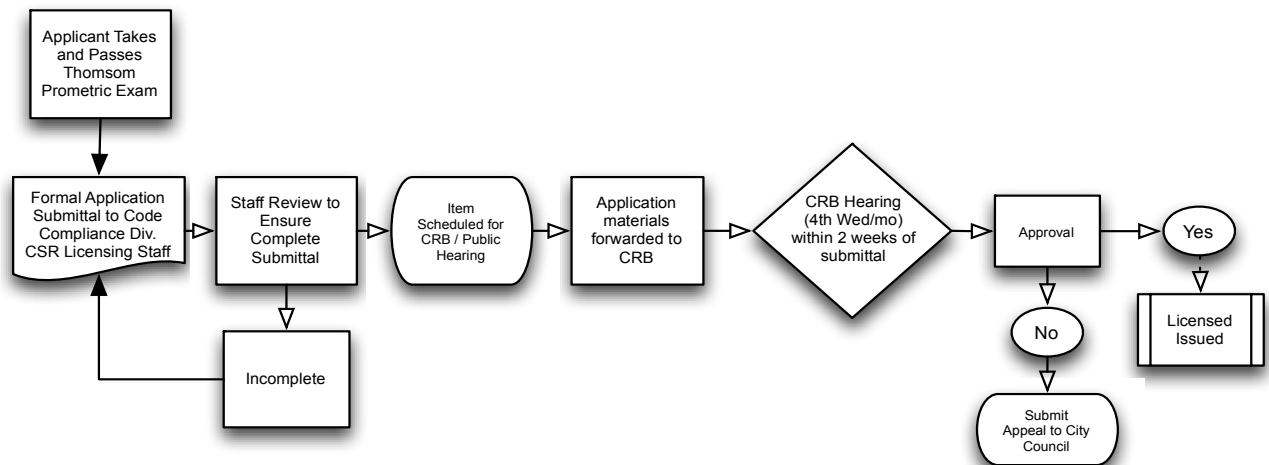
119. *Recommendation:* The Division Manager should work with IT to establish an online submittal and payment process for new contractor and Specialty Contractor licenses.

The applicant must also submit credit reports for the company and the individual, 3 notarized letters of recommendation and the exam results. Once all the information is received, staff schedules the applicant for a hearing before the CRB. The application is typically heard approximately 2 weeks after all required application materials have been submitted, which is efficient.

Division 6 of the City’s Code or Ordinances specifies the decision-making criteria for the CRB. If the CRB determines that the applicant fails to meet one or more qualifications and criteria necessary for issuance of a Specialty Contractor’s license, it can deny the license or issue a 6-month probationary license. The applicant must then reappear before the CRB for re-evaluation of the applicant’s qualifications. At that time the Board can grant, deny or extend the probationary license.

Figure 10 below outlines the existing basic flow of the CRB Specialty Contractors Process.

Figure 10
Existing Contractor’s Regulatory Board (CRB) Specialty Contractor’s Licensing Process Flow



120. Recommendation: The Division Manager should include the above flowchart in the CRB handout once the handout is created (as recommended earlier in this study).

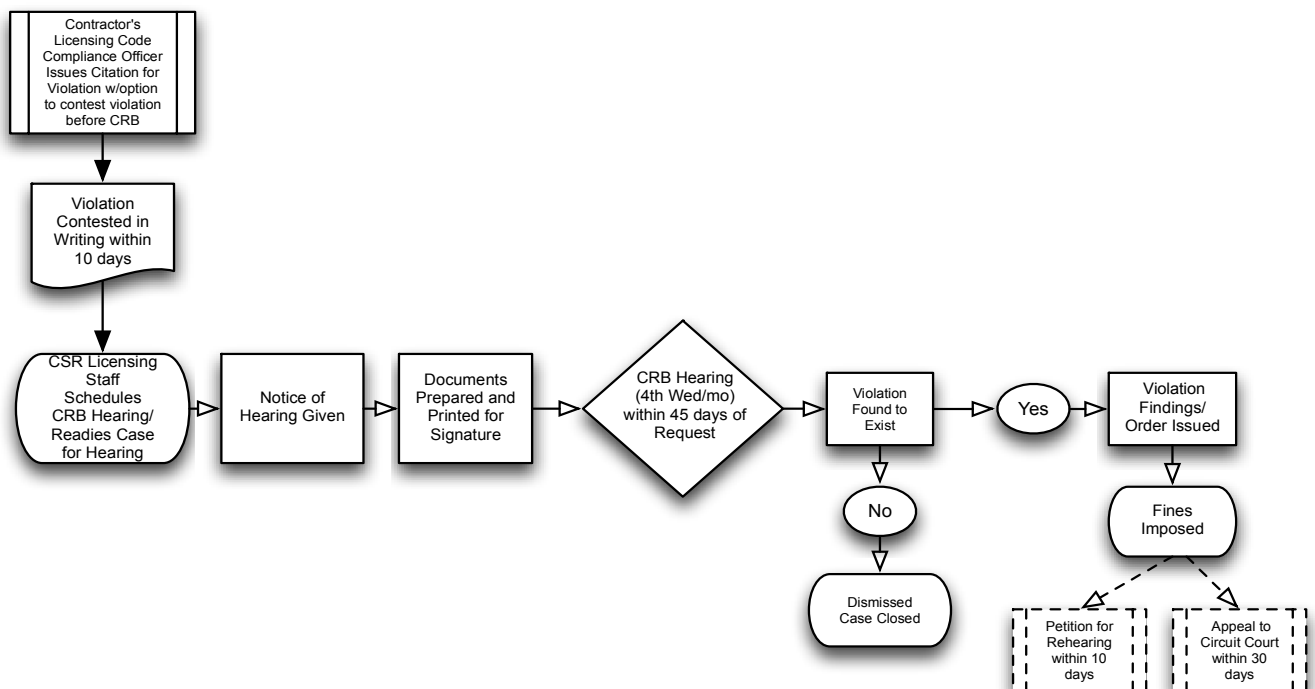
Contractor’s Regulatory Board - Licensing Disciplinary Hearing

Chapter 6 of the City’s Code of Ordinances outlines the process for CRB Licensing Disciplinary Hearings. The process is fairly simple. A Contractor’s Licensing Code Compliance Officer issues a citation for the licensing violation requiring the alleged violator to pay a fine or request to appear before the CRB to contest the violation within ten days of receipt of the violation. Once the request to appear before the CRB is received, the assigned Licensing Customer Service Representative (CRS) within the Code Compliance Division schedules a hearing date, provides public notice and

readies the case for hearing. The CSR ensures that all case information is scanned and uploaded into the SIRE system and required documents requiring signature are printed and ready to be signed at the hearing, which is good. The Code Compliance Officer that issued the violation presents the case to the CRB on the day of the hearing. Following testimony from all parties, the CRB will make a determination based on findings of fact. If a violation is found to exist, fines are ordered. If a violation is not found to exist, the case is dismissed and closed.

Figure 11 below outlines the existing basic flow of the CRB Licensing Disciplinary Hearing Process.

Figure 11
Existing Contractor's Regulatory Board (CRB) Licensing Disciplinary Hearing Process Flow



Performance Standards

Performance Standards have been established for the Code Compliance Division Hearing Case (Special Magistrate) and Lien Reduction Mitigation processes in order to assist management staff with gauging the overall effectiveness and efficiency of these processes and we support staff's efforts in establishing Standards. Currently, the Hearing Case Process Performance Standard is set at 60 calendar days and the LRMP process is set at 14 calendar days. We are not suggesting any modifications to these Performance Standards at this time. However, when the budget permits, the 45-

calendar day Performance Standard should be reestablished for the Hearing Case process.

121. *Recommendation:* Once the City Budget permits, the Division Manager should re-establish the 45-calendar day Performance Standard for the Hearing Case process.

Staff indicates that the established Process performance standards are tracked and monitored in the TRAKiT system, and adjusted when necessary to ensure that they are met over 90% of the time, which is excellent.

122. *Recommendation:* The Division Manager should continue to proactively track, monitor and manage Performance Standards for the Hearing Case and LRMP processes in the TRAKiT system to ensure that they are met 90% of the time.

VI. FIRE DIVISION OF LIFE SAFETY

A. PROFILE

Overview

The Fire Division of Life Safety of the Cape Coral Fire Department serves the public and the City by providing local enforcement of City adopted Fire Codes and State Mandated Regulations. All jurisdictions in Florida must enforce the minimum standards adopted by the State but have the option of adopting additional local amendments that are at least as restrictive as the State Codes.

Authority

The City of Cape Coral Municipal Code Chapter 8, Article II, Section 8-10 establishes the City of Cape Coral Fire Prevention and Protection Code. The Codes are adopted by the rules of the Division of State Fire Marshal or referenced by the most current editions of NFPA 1 or NFPA 101 as published by the National Fire Protection Association. These Codes are further identified as the Florida Fire Prevention Code, 2010 Edition and adopt by reference the 2009 Editions of NFPA 1 and NFPA 101.

Activity Levels

The Fire Division of Life Safety is responsible for a variety of activities including plan review, field inspection of new and existing commercial construction, business license inspections, fire investigations and public fire prevention education. The Division's implementation of the adopted codes is achieved through a plan review process and inspection of the work performed by the development community on private and public construction projects. This process is designed to protect the public and property by ensuring that the minimum Fire Code standards are incorporated into all new construction. The Bureau's staff is the primary contact with the designers and installers of fire protection systems. The designers of these fire protection systems are required to be certified by the State of Florida.

The primary focus of this report is the plan review and inspection services provided for new construction permits. Comments from staff and customers indicate that overall the services provided by the plan review and inspection staff meets the public's expectations. The primary indicators of a successful program are the quality and timeliness of plan reviews and inspections. Plan reviews are targeted to be completed within one week but rarely take more than one day and inspection requests are routinely honored on the day requested.

Table 12
Division of Life Safety Activities

Activity	2010	2011	2012
Annual Inspections	4280	3064	2572
Annual Re-Inspections	2497	1836	1648
Certificate of Use	724	769	689
CU Re-Inspections	151	138	96
Complaint Investigations	632	715	861
Construction Inspections	836	870	900
Other	1128	868	956
Violations	7359	5449	4846
Abated Violations	6090	4098	3895
State License Inspections	19	47	60
School Inspections	62	20	40
School Violations	345	128	124
School Abated Violations	6	119	70
Night Inspections	69	150	129
Fires	86	75	97
Public Education	108	127	133
Pub Ed - No. of People	11400	17430	12244
Total	24392	18473	17116
Plans Approved	679	776	845
Plans Rejected	403	363	398
Total Plans Reviewed	1082	1139	1243
New Construction Valuation	\$ 2,751,235.00	\$ 3,523,000.00	\$ 6,940,000.00
Misc. Fire Permits - Fees	\$ 1,337,201.26	\$ 1,806,565.00	\$ 2,421,229.80
Total Estimated Construction Valuation	\$ 3,908,436.26	\$ 5,329,565.00	\$ 9,361,229.80

A review of the information in the table above indicates there has been a significant increase in the overall valuation of construction related activities over the last three years. The number of construction related inspections has generally been consistent over this time frame; however, the annual inspection program seems to have experienced a significant decline. The increase in valuation would suggest that the projects being reviewed and inspected are more complex than those previously permitted and therefore take more time to inspect. As a result, the amount of time available for staff to perform the routine fire prevention inspections has been reduced. This fact is further confirmed by the staff surveys and interviews that indicate it has become very difficult to conduct the traditional fire prevention inspections within even an eighteen (18) month frequency.

The logical response to this problem would be to add additional staff in order to meet the public expectation of annual fire prevention inspections. Aside from the need to charge fees appropriate to provide this service, the question arise regarding the type of

additional staff support that should be added. As stated elsewhere in this report, adding full-time permanent employees to the City payroll can be a very expensive proposition that should not be undertaken without consideration of the long-term effects. The City has endured the painful process of staffing reductions and reassignments and therefore would undoubtedly like to avoid such actions in the future if possible. We traditionally recommend that increases in workload be initially addressed by the use of temporary staff until such time as there is a high confidence level that the workload increase is not temporary in nature. Best Practices suggest that a core level of City staff be retained and consultants or temporary staff be used to supplement staffing levels during cycles of increased construction activity

123. *Recommendation:* The City Manager and Fire Chief should consider addressing future workload increases in the Division of Life Safety with temporary staff until a sustained increase in workload has been demonstrated.

In the case of the Division of Life Safety, which consists of both safety and civilian staff, a legitimate question arises as to what is the best method for adding full-time staff when the need develops in the future. The cost of long-term benefit packages for safety personnel must be considered when determining if future plan review or inspector positions should be a safety or civilian position. Nationally the trend is clearly in support of providing fire inspections and plan review by qualified civilian staff. In many jurisdictions the entire Fire Prevention Bureau consists of civilian staff and in some cases they are part of a Development Services Department.

124. *Recommendation:* The City Manager and Fire Chief should consider filling future full-time inspector and plan review positions in the Life Safety Division with qualified civilian staff in order to reduce the long-term costs of the positions.

Management

Staffing levels in the Division have been significantly reduced in the last several years due to reduced revenue. The Division was previously managed by a very experienced Fire Marshal and Lieutenant. Now the Division is managed by a less experienced Support Division Chief with limited prior experience in the Life Safety Division. The Acting Division Chief has considerable experience within the Department, but staff and customer comments suggest that the Acting Division Chief lacks strong experience and knowledge in application of the technical code requirements contained in the Life Safety Codes adopted by the City. There appears to be a general sense that the Acting Division Chief is not sufficiently available to provide the level of daily direction needed by the Division's staff. It is reported that much of the day-to-day problem solving had been previously addressed by the employee in the Lieutenant

position. That void has not been filled since the elimination of that Lieutenant position. For the Life Safety Division to be more effective, the individual in the Acting Division Chief position will need to adopt a more hands-on approach to providing technical support and supervision.

125. Recommendation: The Fire Chief needs to ensure the Life Safety Division is provided with management oversight that provides a high level of hands-on technical support and supervision.

Organization and Staffing

The Fire Department consists of a total of 205.57 employees, including contract employees. The Division of Life Safety is one of several sections that report to the Support Services Division Chief and subsequently to the Fire Chief as depicted in the organization chart below. The Division of Life safety consists of ten (10) positions; a Fire Marshal/Acting Division Chief, seven (7) safety inspector positions, two (2) civilian Plans Examiners and a civilian Customer Service Representative I. Nine of these ten positions have a direct role in supporting the development and permitting process.

Figure 12
Fire Life Safety Division

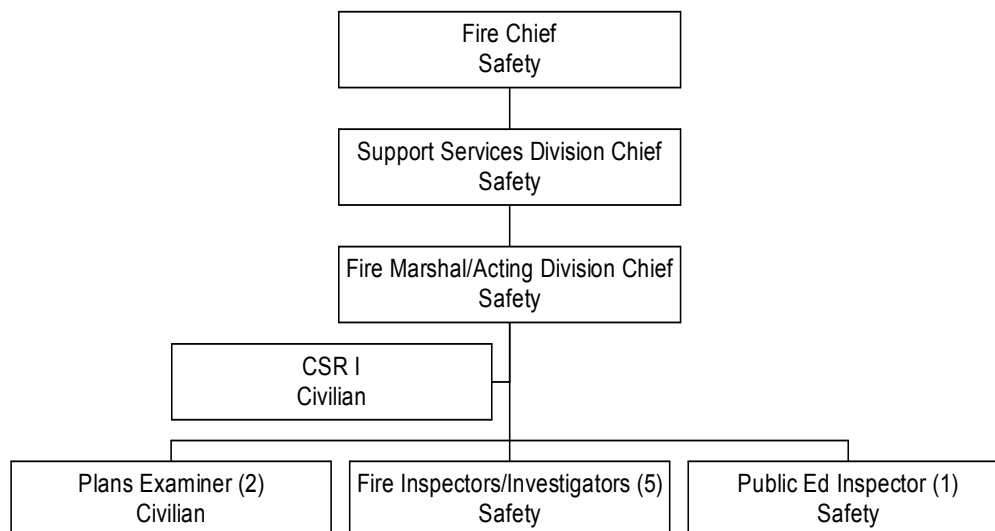


Table 13
Life Safety Division Staffing

Classification	# of Positions	Responsibility
Acting Division Chief/Fire Marshal	1	Oversees the Life Safety Division functions for plan review and inspections, fire investigations, BTR inspections and public fire prevention education; reports to Support Services Division Chief.
Fire Inspectors	5	Performs new construction inspections, periodic fire prevention inspections on commercial structures. Also responsible on a rotating basis to conduct fire investigations; reports to Fire Marshal.
Fire Inspector – Public Education	1	Promotes fire prevention education programs to the public, does not participate in development review process; reports to Fire Marshal.
Plans Examiners	2	Performs plan review for fire protection related systems including fire sprinklers, alarms and hood systems. Approves location of hydrants and access roads. Civilian positions that report to Fire Marshal.
Customer Service Rep I	1	Provides administrative support including posting daily inspection results to CRW system,; reports to Fire Marshal.

B. POSITIVE FINDINGS

- The plan review process for reviewing building plans is integrated into CRW system and inspections are recorded in the system.
- The staff in the Division of Life Safety who provides inspection services are well qualified based on experience and certifications.
- The Acting Division Chief/Fire Marshal actively participates in the Lee County Fire Marshals Association.
- The plan review staff consistently completes plan reviews within the target turnaround times.
- The inspection staff consistently provides field inspections on the days requested.
- The Division of Life Safety staff is located within the same building as the Permit Center which facilitates greater levels of communication.
- The fire plan check fees and related permit fees are very low and affordable for the community. However these fees do not appear to cover the actual staff costs to provide these services.

C. FIELD INSPECTION

Field Inspection Quality Control

A frequent complaint heard in focus group discussions is the lack of consistency between Fire Inspector interpretations in the field. Establishing a weekly training session is recommended as one method to enhance uniformity and consistency in field inspection activities, however, the effectiveness of such training can only be accurately assess through a field audit program. Currently the Fire Marshal does not have such a program in place. A field audit program would consist of a periodic ride-along program whereby the Fire Marshal or designated supervisor accompanies the inspector during a day of inspection activity and confirms performance against a standardizes check list of established performance standards. Deficiencies should be immediately identified and also noted as performance goals in future performance evaluations. The audit program should also include independent visits by the Fire Marshal to job sites to solicit feedback from construction site supervisors regarding the performance of the assigned inspector and to confirm that the job site record is complete and up to date. History has shown that contractors are very reluctant to complain about their inspectors while a project is still underway for fear of reprisal. Unfortunately, this reluctance makes it more challenging for supervisors to get honest feedback from customers when their projects are still open. To help overcome this challenge, departments should give customers the opportunity to provide feedback not only during the project, but more specifically, once the project has been completed. We have been advised that the Fire Marshal intends to initiate a program to survey customers for their feedback subsequent to the completion of their projects. We support establishment of such a program. Such a survey form should include not only questions about individual inspector performance, but also comments about the plan review and overall permit process.

126. *Recommendation:* The Fire Marshal should work with the staff to establish a set of performance standards for evaluating their performance in the field.

127. *Recommendation:* The Fire Marshal should establish a comprehensive inspection auditing program that includes ride-alongs, independent site visits by the Fire Marshal or designated supervisor and a post-final inspection customer satisfaction survey.

128. *Recommendation:* The Fire Marshal should review all reports gathered during field audits and confirm that appropriate information from those reports is incorporated into employee performance evaluations as future performance goals.

D. PLAN REVIEW

Colocation

As stated elsewhere in this report, we are strong believers in the benefits of having staff assigned to development services related functions located in close proximity to each other. We believe this facilitates the type and frequency of communication that foster a strong team approach to providing a high level of customer service. The staff providing plan review services for the Division of Life Safety is currently located on a separate floor from the Permit Center. We support the concept of having plan review staff representing each plan review discipline immediately available to assist staff at the main public counter. Providing Fire Plan Review services at the main Permit Center Counter could take the form of relocating the Fire Plans Examiners to permanent stations at the Permit Center or providing Fire Plan Review services at the counter on a rotating assignment basis. With the potential for creating a Development Services Department in the future, it would be appropriate to consider transferring these civilian Fire Plans Examiner positions into such a Department.

129. *Recommendation:* The Fire Chief should evaluate methods of providing immediate access to Fire Plan Review staff at the Permit Center counter.

130. *Recommendation:* The City Manager should consider relocating the Fire Plan Review function to a potential future Development Services Department.

Plans Examiner Qualifications

Fire Plan Review services are provided by two civilian plan examiners in the Life Safety Division. A review of the job description for the Plans Examiner I/Fire position identifies the need to have a Florida State Certification as a Fire Inspector but does not include any reference to certification as a fire plans examiner. Fire Plans Examiner Certification is offered by both the National Fire Protection Association (NFPA) and the International Code Council (ICC). The City enforces the provisions of the NFPA Life Safety Code for existing buildings but enforces the provisions of the ICC Codes for new construction. As the minimum qualifications for the Chief Plans Examiner/Inspector in the Building Division requires ICC Plans Examiner Certification, it is recommended that the job description for the Plans Examiner I/Fire be modified to include a requirement for ICC Certification as a Fire Plans Examiner.

131. *Recommendation:* The Fire Marshal should work with Human resources to revise the job description for the Plans examiner/Fire to include a requirement for Certification as a Fire Plans Examiner.

Plans Examiner Quality Control

Similar to the arguments stated above for the need for a quality control program for inspections, the same types of issues exist in the plan review function and therefore we recommend a similar auditing program be implemented for plan review.

132. *Recommendation:* The Fire Marshal should work with the plan review staff to establish a set of performance standards for evaluating their performance in conducting plans reviews and communicating with the public.

133. *Recommendation:* The Fire Marshal should establish a comprehensive plan review auditing program that includes periodic review of recently completed plan checks to confirm adherence to performance standards.

134. *Recommendation:* The Fire Marshal should review all reports gathered during plan review audits and confirm that appropriate information from those reports is incorporated into employee performance evaluations as future performance goals.

E. TECHNOLOGY

The primary complaint expressed by customers is the lack of timely information regarding the outcome of a requested fire inspection. Unlike the Building and Public Works inspectors who utilize field computers that instantly post the results of the inspections so customers can view them via the internet site, the Division of Life Safety still use a paper based inspection process. This process requires administrative staff to receive the paper copy of the inspection results and then type the information into the permit system before it can be available to the customer. This usually results in an additional day delay in calling for subsequent inspections for the project. This lack of computer access for field inspectors also hinders their ability to perform permit research while in the field. Providing tablet computers in the field would enhance not only the effectiveness of the Fire Inspectors performing new construction inspections, but would provide great benefit to those inspectors conducting the routine annual fire prevention inspections.

135. *Recommendation:* The Fire Chief should purchase tablet computers for Fire Inspectors to use in the field to access the CRW Permit System

VII. PLANNING DIVISION (PD)

A. PROFILE

Overview

The Planning Division (PD) is one of three divisions that make up the Department of Community Development (DCD). The PD is comprised of three (3) functional Programs, including Comprehensive Planning Program, Current Planning Program and the Housing (CDBG/SHIP/NSP) Program.

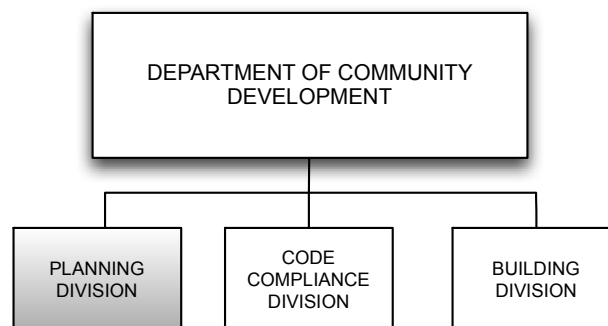
The Current Planning Program is responsible for administering the City's Land Use and Development Regulations and the City's Development Review processes, including processing zoning, subdivision, planned development project (PDP), special exception permits, site plan reviews, variances and other land use related applications. This program is also responsible for providing information to the public on various land use, development and zoning matters.

The Comprehensive Planning Program is responsible for preparing, maintaining, monitoring and implementing the City's adopted Comprehensive Plan, which guides land use decision-making and Master Plans, as well as conducting and completing compliance reviews and Evaluation Appraisal Reports (EAR's), and annual revisions and amendments.

The Housing Program is responsible for administering and coordinating the City's state and federal Housing Programs, such as the Community Development Block Grant Program (CDBG), the State Housing Initiatives Partnership (SHIP) Program and the Neighborhood Stabilization Program (NSP).

The Planning Division is located on the first floor of the City Hall Building.

Figure 13
Existing Planning Division Organization within Department of Community Development



Authority

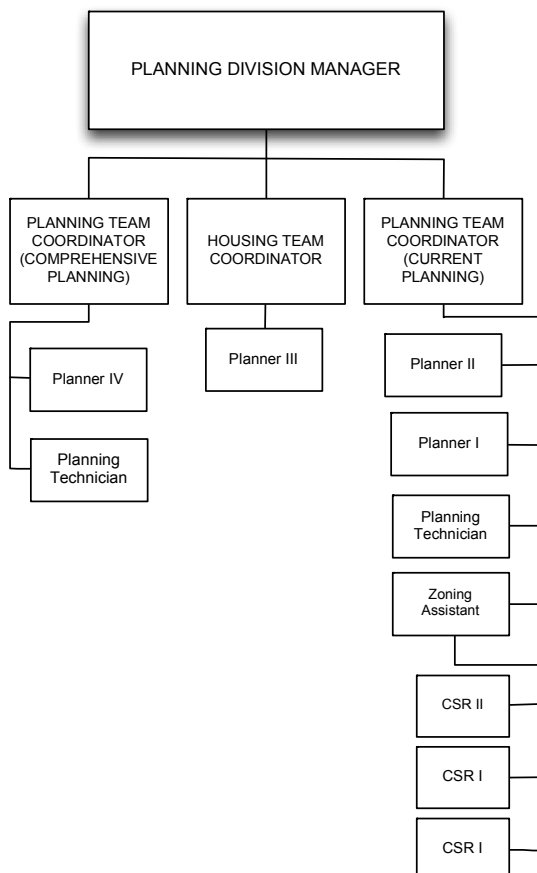
The Current and Comprehensive Programs of the Planning Division derive their authority from various state and local regulations, such as the City's Code of Ordinances, the Land Use Development Regulations, and numerous provisions contained in the Florida Statutes, such as the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. §§ 163.3161 et seq., and § 163.3220 and the Special Acts of 1970, etc.

The Housing program of the Planning Division takes its authority from various federal, state laws and local policies, such as Chapters 14 & 16 of the City's Code of Ordinances, the Community Development Block Grant (CDBG) Program with the passage of the Housing and Community Development Act of 1974, William Sadowski Affordable Housing Act of 1992, the Florida Housing Finance Corporation (FHFC), Title III of the Housing and Economic Recovery Act of 2008.

Organization

The existing organizational structure for the Planning Division is shown in Figure 14 below.

Figure 14
Existing Planning Division Organization



Staffing

The Planning Division currently consists of 14 FTE positions, including a Division Manager, three Team (Program) Coordinators, four Planners, two Planning Technicians, a Zoning Assistant and Customer Service Representatives (CSR's) as shown in Table 14 below. As the Table indicates, Team Coordinators supervise line staff.

Table 14
Existing Planning Division Staffing

Position Title	Number of Positions	Responsibilities	Reports To
Planning Division Manager	1	The Planning Division Manager performs administrative work in planning, directing, and controlling all functions, activities and special projects within the Planning Division by directing the preparation of the City Comprehensive Plan and other plans to ensure all city ordinances, rules and regulations are consistent with the City Plan. Prepares the divisional budget, performs specific surveys and studies and represents the division to the public. Supervision is exercised over a large staff of professional, technical and administrative support personnel including state and Federal grant programs. Required to exercise initiative and independent judgment in developing and establishing planning programs and in providing administrative direction to subordinates.	Community Development Director
Team Coordinators	3	Incumbent performs supervisory planning functions within the Planning Division. Primary planning functions within these job classifications include but are not limited to: review of planning and zoning applications, implementation, monitoring of the City's Comprehensive Plan, and Planning and Zoning ordinances, preparation of City initiatives e.g., land use and zoning ordinance amendments, planning studies and affordable housing programs. Employees in this class specialize in the administration and supervision of areas assisting in the identification of issues/problems, research and data gathering, analysis of alternatives, implementation of regulations. Such areas include, but are not necessarily limited to, land use and zoning, transportation, natural resources, future land use parks and recreation, conservation and coastal management and Federal and State housing programs, etc.	Planning Division Manager
Planner IV	1	Primary planning functions of this position also include: review of planning and zoning applications, administration of the City's Comprehensive Plan, land use and development regulations and zoning ordinances, preparation of city initiatives, land use and zoning amendments, planning studies, grants management and affordable housing programs. Employees in this class assist in the identification of issues/problems, research and data gathering, analysis of alternatives, and implementation of plans. Such areas include, but are not necessarily limited to, transportation, land use and development regulations, natural resources, parks and recreation, long range planning, current planning, state and Federal grant programs, affordable housing, code writing, architectural and design functions, use and knowledge of geographic information systems to create maps and graphic displays of information and data, etc.	Team Coordinator (Comprehensive Planning Program)
Planner III	1	Primary planning functions of this position also include: review of planning and zoning applications, administration of the City's Comprehensive Plan, land use and development regulations and zoning ordinances, preparation of city initiatives, land use and zoning amendments, planning studies, grants management and affordable housing programs. Employees in this class assist in the identification of issues/problems, research and data gathering, analysis of alternatives, and implementation of plans. Such areas include, but are not necessarily limited to, transportation, land use and development regulations, natural resources, parks and recreation, long range planning, current planning, state and Federal grant programs, affordable housing, code writing, architectural and design functions, use and knowledge of geographic information systems to create maps and graphic displays of information and data, etc.	Team Coordinator (Housing Program)

Position Title	Number of Positions	Responsibilities	Reports To
Planner II	1	Primary planning functions of this position also include: review of planning and zoning applications, administration of the City's Comprehensive Plan, land use and development regulations and zoning ordinances, preparation of city initiatives, land use and zoning amendments, planning studies, grants management and affordable housing programs. Employees in this class assist in the identification of issues/problems, research and data gathering, analysis of alternatives, and implementation of plans. Such areas include, but are not necessarily limited to, transportation, land use and development regulations, natural resources, parks and recreation, long range planning, current planning, state and Federal grant programs, affordable housing, code writing, architectural and design functions, use and knowledge of geographic information systems to create maps and graphic displays of information and data, etc.	Team Coordinator (Current Planning Program)
Planner I	1	Performs planning functions for the Planning Division Primary planning functions of this position also include: review of planning and zoning applications, administration of the City's Comprehensive Plan, land use and development regulations and zoning ordinances, preparation of city initiatives, land use and zoning amendments, planning studies, grants management and affordable housing programs. Employees in this class assist in the identification of issues/problems, research and data gathering, analysis of alternatives, and implementation of plan, etc.	Team Coordinator (Current Planning Program)
Planning Technician	2	Under direction, performs technical work involving gathering, primary evaluation and reporting of data for planning purposes and the preparation of this material in graphic form. Employees in this class undertake varied assignments in the field of city planning which requires skills in research, planning survey and graphics, etc.	Team Coordinator (Current Planning Program)
Zoning Assistant	1	Under the direct supervision of the Zoning Technician II, performs specialized administrative. Considerable knowledge of established municipal and land use regulations, applies such to essential functions of the Planning Division, and performs plans review for construction permits. Position is responsible for disseminating accurate information to support staff, the public, supervisors, and city administrators. Reviews all work processed by subordinate division clerical personnel for accuracy, and is accountable for researching municipal zoning issues for public hearings and administering any modifications and notifications. Performs related work as directed.	Team Coordinator (Current Planning Program)
Customer Service Representative II	1	Under the general supervision of the Zoning Assistant or designated supervisor, provides information, follows up on status of permit and zoning applications under review, provides status information to interested parties, identifies problems and helps applicants to resolve problems. Act as a backup to the Zoning Assistant, as needed. Requires specialized knowledge of construction industry practices and in coordinating the Certificate of Use (CU) process to ensure timely turnaround of business applications, etc.	Zoning Assistant
Customer Service Representative I	2	Under general supervision of a designated departmental supervisor, performs diversified office support and administrative functions requiring specialized departmental knowledge. Considerable organizational skill and excellent clerical/keyboard skills, etc.	Zoning Assistant
TOTAL	14		

Current Planning Program Activity

The Current Planning activity levels for the last five years are shown in Table 15.

Table 15
Current Planning Activities

Activity by Function	2008	2009 ¹	2010	2011	2012	5-yr Average
Planning Permit Applications ²	112	71	203	92	94	114
Pre-application Meetings	37	10	18	19	27	22
Building Permit Application Reviews	Not Available	81	127	306	497	N/A
TOTAL	149	162	348	417	618	339
% Change	N/A	9%	115%	20%	48%	-

1 Building permit data 9/30/2009 to 12/31/2012 (pre-CRW system not available for query).

2 Includes, all planning application types (e.g., PDP's, Special Exceptions, Rezoning, amendments, street vacations, variances, etc.,)

The five-year average for planning permit applications was 114 applications and 22 for Pre-application meetings. There was a Total of 149 Planning Division activities recorded for 2008; however Building Permit Application Review activities levels were not included in this data because the data was not available. In 2009, Total activity levels increased by 9% and in 2010, they jumped up by 115%. During this year, both Building Permit Application Reviews and Planning Permit Application levels increased significantly. In 2011, total activity levels increased by another 20%, largely due to a significant increase in Building Permit Application Review activities. From 2011 to 2012, total activity levels increased again by nearly 50%, as a result of significant increases in Pre-application meeting and Building Permit Application Review activities.

Comprehensive Planning Program Activity

The Comprehensive planning activity levels from 2008 to 2012 are shown in Table 16 below.

Table 16
Comprehensive Planning Activity

Activities by Function	2008	2009	2010	2011	2012	5-year Average
Comprehensive Planning						
Text Amendments Large and small-scale Future Land Use Map Amendments ¹	32	10	37	6	5	18
TOTAL	32	10	37	6	5	18
% CHANGE	N/A	-69%	270	-84%	16%	-

¹ Both City and Privately Initiated

In addition to the above Comprehensive Planning Activities, staff is also in the process of drafting the Evaluation and Appraisal Report (EAR), which is a comprehensive report required by the Florida State Statutes requiring the Comprehensive Plan to be evaluated and updated every seven years. The EAR is currently being considered by the Planning Commission and will be presented to and adopted by the City Council in the next several months.

Housing Program Activity

The Housing Program is responsible for the financial and programmatic management of the City's state and federal housing and community development grants, including the Community Development Block Grant (CDBG), the State Housing Initiatives Partnership Program (SHIP), and the Neighborhood Stabilization Programs One and Three (NSP1 and NSP3). Table 17 below is an overview of the funding received by the Housing Program over the last five years.

Table 17
Housing Program Funding Received

Program Source Funding	2008/09	2009/10	2010/11	2011/12	2012/13
State Housing Initiative Partnership Program (State of FL)	\$1,595,890	\$165,516	-	\$165,326	-
Community Development Block Grant (Entitlement -Federal US HUD)	\$686,710	\$704,165	\$758,139	\$624,423	\$736,738
Community Development Block Grant – ARRA ¹ (Formula -Federal US HUD)	-	\$186,513	-	-	-
Neighborhood Stabilization Program 1 ¹ (Formula -Federal US HUD)	-	\$7,065,484	-	-	-
Neighborhood Stabilization Program 3 ¹ (Formula -Federal US HUD)	-	-	\$3,048,214	-	-
TOTAL	\$ 2,282,600	\$8,121,678	\$3,806,353	\$789,749	\$736,738
% CHANGE	N/A	256%	-53%	-79%	-7%

¹ One Time Allocation

As Table 18 indicates, funding levels have fluctuated significantly over the five-year period shown, which is the result of the receipt of one-time allocations received by the city in 2009/10 and 2010/11, as well as grant allocation adjustments by state and federal agencies.

Table 18 below is an overview of the housing program activities that were completed in conjunction with local not-for-profit housing developers over the last five years.

Table 18
Housing Program Activities Completed

Activities All Funding Sources	Program Source Funding	2008/09	2009/10	2010/11	2011/12	2012/13	5-Yr. Total
New Construction	CDBG, SHIP	8	5	-	-	-	13
Down Payment/Purchase Assistance	SHIP, NSP1	24	7	52	0	0	83
Acquisition of Properties for Rehabilitation /Resale	CDBG, SHIP, NSP1 and NSP3	4	1	49	19	25	98
Rehabilitation /Resale of the above Properties	CDBG, SHIP, NSP1 and NSP3	0	4	1	9	49	63
Owner Occupied Rehabilitation	CDBG, SHIP	32	35	31	19	11	128
Rental New Construction	NSP1, NSP3	-	-	-	-	8	8
TOTALS		68	52	133	47	93	-
% CHANGE		N/A	-24%	156%	-65%	98%	-

As indicated by Table 18 above, activity levels for all funding sources have fluctuated considerably over the five-year period shown as a result of significant variations in available funding.

B. POSITIVE FINDINGS

The following are positive findings for the Planning Division:

- The average staff tenure in the Division is about 8 years; thus many staff members are very knowledgeable about development-related regulations, Division operations and processes;
- Staff has created guides and flow charts, such as “the non-residential design standards user-guide,” and PDP flow chart, which explains planning permit processes;
- The Division has created a comprehensive list of Frequently Asked Questions about Zoning, which is posted on line, along with links to more detailed information;
- The management and supervisory staff have either an advanced degree are AICP certified or both;

- The Division has made a consistent and focused effort to go beyond minimum floodplain management standards, which has allowed the community to obtain a Class 5 rating for the National Flood Insurance Community Rating System program, resulting in millions of dollars of savings to the community through premium discounts, which is excellent.

C. ORGANIZATION ISSUES

Data Collection/Reporting

In conducting our review of the Planning Division, we were able to obtain the data we requested related to permitting and processing activities, including the data corresponding to the number of staff reviews, applicant revision periods, and overall approval timeframes, which is great. Data such as this is an excellent tool that can help management monitored, track and evaluate application processing systems.

Data is currently collected on the amount of time an applicant has an application, versus the amount of time staff has an application for every application type throughout the application process so that the Department can identify and respond to processing complaints.

In addition, data is also collected on the number of days it takes each staff reviewer to review an application, as well as the number cycles each reviewer reviews an application, which is good. Staff has automated weekly reports through the CRW system to evaluate performance standard data.

Equipment

Planning Division staff generally indicated that they have adequate equipment to conduct assigned work efficiently. However, there is a need to continue to budget for the replacement of outdated computers, particularly at the front counter where staff needs quick access to multiple databases to take in and process certain applications. In addition, there is a need for desktop scanning equipment at the front counter workstations to facilitate scanning and uploading of documents onto the City's S.I.R.E. and CRW permit tracking systems. Finally, some staff indicated that they believe they do not have access to the City's S.I.R.E system, which is essential for streamlining workflow. However, this is not the case and additional communication to staff is needed.

136. *Recommendation:* The Planning Division Manager should budget for and secure desktop scanning equipment for all front counter workstations.

137. *Recommendation:* The Planning Division Manager should budget for and update computers for all front counter workstations.

138. *Recommendation:* The Planning Division Manager should communicate to all staff that they have access to the City’s S.I.R.E system.

Once the City transitions to an electronic submittal (e.g., paperless) process, the Division should budget for and secure larger computer screens to facilitate review of electronic submittals.

139. *Recommendation:* Once the City completes the transition to a paperless submittal process all current planners in the Planning Division should be provided with larger computer screens to review electronic plans that are submitted on line.

Fees for Planning Division Applications

Staff provided us with a copy of the draft “Planning Division Fees Audit,” prepared by the City Auditor’s Office in January 2013. Although the Audit is still a draft and has not been finalized, the preliminary conclusions were that the Planning Division fees were too low and did not cover the underlying costs associated with providing related services, which further burdens the general fund.

The Audit indicated that the current fee structure was established through a Study completed in 2000/01 by DMG-Maximus that was based on 1998 costs and that since that time, responsibilities within the Division have been reallocated and shifted and processes have changed, which has significantly affected the established cost-basis for the DMG-Maximus fee structure (e.g., labor based structure that included direct labor operating expenses and indirect costs).

The Audit also noted that in 2009, City Ordinance 23-09, which authorizes the collection of a schedule of fees, was updated; however it did not include a schedule of public hearing or administrative review fees; thus some fees are not being captured for services provided.

The findings of this Audit support the feedback we garnered through our interviews, in that it was widely reported that Planning-related fees are too low and do not adequately reflect the cost of providing services. For example, staff believes that the time required to process many applications, such as the Special Exception application, is greater than the application fee that is charged.

Given the City's budget constraints, it is important that the City attempt to capture costs for all application services provided by the Planning Division based on actual direct labor costs and indirect costs.

140. Recommendation: The City should update its Planning Division Application fee schedule to reflect the actual direct and indirect costs associated with providing the service.

Staff indicated that planning application fees can be processed over the phone with a credit card; however, they can't be paid for online.

141. Recommendation: The payment of Planning Division Application fees, should be available online through the City's website.

See our recommendations under the "Process Issues Section" concerning the City establishing fees for the "Pre-application" and "Administrative Review" processes.

Filing Systems/Records Management

Staff indicates that the on-site paper filing system is functional and adequate in that large, metal filing cabinets are in use and additional filing space is available. In addition, staff indicated that a policy is in place requiring staff to use "out cards" when removing files for filing cabinets, which is good; however, some staff members do not consistently adhere to the "out card" use policy.

142. Recommendation: The Planning Division Manager should re-establish/reinforce the "out card" use policy, which requires the use of an "out card" (e.g., log out system), that documents the staff person using the file and the date it was checked out.

Staff reported that the attachments and/or exhibits that are referenced in older Development Order (DO) have not all been scanned into the S.I.R.E System and as a result it is difficult to conduct research on older projects – particularly when the paper copy of the DO no longer exists.

To eliminate the storage, management and inefficient researching activities associated with the paper files, the City should set aside funding to allow for the continued scanning of paper files, by address and/or parcel number, into the S.I.R.E document management software system, through the use of temporary administrative staff and/or college interns (for college credit) so that permit data can readily be integrated with other permitting systems and easily retrieved by staff.

It was also reported that paper copies of newer site plans are archived in the Public Works building, located across the street from City Hall. As a result, planning staff has to walk across the street to review recently approved site plans, which is inefficient. Site plans should be scanned and archived electronically as noted above so that they are accessible immediately to all relevant staff.

Staff indicated that they had been testing and trying to implement ProjectDox, which is an electronic plan check system to expedite the review process and facilitate easier access and storage. However, it was determined that the software did not meet the City's needs.

IT staff indicated that a purchase request has been issued to purchase the Sire Active Review system and the purchasing group is currently performing final contract review prior to releasing the request for the City Manager's approval.

It agrees that migrating to an electronic submittal and review system is a key strategic priority. The Sire Active Review system would allow for electronic submittal and review, which is the goal.

143. *Recommendation:* The City should set aside funding to allow for the continued scanning of older and new paper files, by address and/or parcel number into the S.I.R.E system.

Meetings/Communication/Team Work

There are of number of reoccurring and regularly scheduled agenda-driven meetings in the Planning Division, which are aimed at enabling communication and coordination between the Division and related Community Development Department functions, including the following:

- A regularly scheduled weekly meeting between the Acting Director of Community Development and the three Division Managers to discuss City-wide issues, Division issues and policies and exchange information, however this meeting has not been held over the last year and a half;
- A regularly scheduled weekly meeting between the Division Manager and Team Coordinators (supervisors) on Thursdays, prior to the regularly scheduled Staff meeting, to discuss big projects, policy and technical issues, interpretations (e.g., definitions) and day-to-day operational issues;
- A regularly scheduled weekly staff meeting with line staff and the Division Manager on Thursday afternoon to problem-solve, discuss general issues, code interpretations, and processing matters;

All three meetings are important and should continue to be held. The Division Managers meeting should be re-activated.

144. *Recommendation:* The three weekly meetings should be continued and the Division Managers meeting re-activated.

In addition to the above regularly scheduled meetings, the Planning Division Manager also attends the following meetings:

- A regularly scheduled weekly Wednesday meeting with the city attorney's office to coordinate and discuss LUDR and processing issues;
- Regularly scheduled Directors' Meeting held on Tuesdays and Fridays each week with the City Manager and Director-level staff to discuss Department and city-wide issues;
- An intermittently scheduled Core CRA (e.g., Community Redevelopment Agency) Team Meeting, to discuss and strategize CRA opportunities and constraints. Staff indicates that the meeting is intended as a weekly meeting; however, a regular schedule has not yet been established for these meetings;
- A regularly scheduled Monday night City Council Meetings;
- A regularly scheduled Planning Commission meetings on the first Wednesday of each month;
- A regularly schedule Tuesday night CRA Board Meetings.

It is not clear why the Division Manager is attending Director-level meetings with the City Manager and executive team two times a week. The Division Manager's attendance may be necessary, at times, to address planning-related issues raised by the City Manager and/or executive team. However, the Acting Director of Community Development should attend the Director-level meetings without the need for the Planning Division Manager's regular attendance. The Acting Director should review Director-level meeting agendas in advance and solicit information from the Planning Division Manager, as needed, prior to the meeting so that the Division Manager can allocate more time to day-to-day administration of the Division. The Planning Division Manager should only be called into Director-level meetings to answer unforeseen complex planning-related issues that the Acting CDD is unable to address.

145. *Recommendation:* The Planning Division Manager should only attend Director-level meetings with the City Manager and executive staff when called in to the meeting to answer unforeseen planning-related issues that the Acting CDD is unable to address, so that the Division Manager can allocate more time to day-to-day administration of the Division.

146. *Recommendation:* The City Manager should establish a regular weekly schedule for CRA Team meetings so that participants can manage their meeting calendars more effectively.

Staff indicated that the above-described meetings were helpful in bridging communication and coordination gaps within the Division; however within the Department of Community Development as a whole, silo's still exist. For example, some staff reported that Department-wide issues are not also filtered down immediately and as such, some staff doesn't feel adequately informed about Department-wide and/or Citywide issues that affect their function.

Due to time constraints, we were not able to observe any of these meetings. Our interviews with staff indicated that all meetings are agenda-driven; however, summary notes and action items are not recorded and/or pursued. In order for meetings to be efficient and serve their intended purpose, they need to be structured and should include action items and summary notes along with the agenda, which can be distributed electronically to participants in advance of and following the meetings. Any decisions coming out of meetings should be formally documented so that all participants are equally informed. These can be informal notes and are not intended to be full minutes. In addition, plans and policies discussed in meetings should be also be communicated to all staff through meeting summary notes. In addition, weekly staff meetings should include a scheduled time in each meeting to discuss the mission and direction of the Division and Department as a whole, particularly as related to customer service issues. Evidently some of the items noted above are already being done but we were not able to document them and include them here as a general guideline or reminder.

147. *Recommendation:* All reoccurring meetings held with the Planning Division Staff should include action items and summary notes that can be distributed electronically to all staff in advance of and following the meeting whether in attendance or not.

Project Managers

Staff indicated that they function as Planning Project Managers, which is commonly referred to as a "Cradle-to-Grave," system. In traditional "Cradle-to-Grave" project management systems, the assigned current planner manages the project from pre-application through development review and permitting and works directly on the project. We advocate this system because it promotes processing consistency, coordination and communication in the permitting Process. In addition, we have

found this system to be generally more fulfilling for planning staff because they are elevated from processors and regulators to problem-solvers.

However, in our interviews with focus groups and others, it was reported that the Planners do not always function as true project managers, despite the fact that planners' manage projects from submittal through building permit review. Some of the feedback we received indicated that current planners need to provide more help to applicants on the Preliminary Development Project (PDP) review and other more complex permitting processes so that they can understand and successfully permitting processes efficiently.

We believe that a true Planning Project Manager permitting system includes having the Planning Project Managers perform the following functions:

- Conduct (e.g., leading) pre-application meetings.
- Conduct a qualitative review of formal applications to ensure they are complete prior to processing.
- Coordinate and track plan routing to other reviewing agencies.
- Drive (e.g., be an advocate during the review process) the interdepartmental review process to ensure reviews are completed on time.
- Coordinate input from regional, state or federal agencies and collect and integrate all review comments.
- Challenge other department conditions of approval when they appear inappropriate.
- Resolve interdepartmental project-level problems/issues (e.g., act as the single point of contact for the applicant to resolve issues).
- Analyze the project for compliance with regulations, policies and long-range plans.
- Coordinate with key decision-makers.
- Write and sign staff reports that provide decision-makers with a recommendation.
- Present formal PowerPoint presentations of the project at public meetings.
- Sign off, along with the Site Plan Coordinator, on Site Plans prior to issuing building permit and Certificates of Occupancy.
- Conduct field reviews of the project to verify required improvements and within six months or a year after construction to determine if approvals were satisfactory or if unintended impacts have occurred.

Currently, planning staff appears to perform several of these functions, but not all of them on a consistent basis. In particular, it was reported that planning staff is not

consistently leading permit-related meetings as the project manager. In addition, planning staff does not always act as the lead in resolving interdepartmental project review issues. For example, our interviews indicated that applicants often have to challenge and deal with interdepartmental review agency comments on their own during the development review and permitting process, without project management assistance from planning staff to help them resolve problems. In addition, our interviews indicated that planning staff doesn't consistently perform field inspections to ensure that required improvements have been constructed and within six months or a year after construction to determine if approvals were satisfactory or if unintended impacts have occurred.

148. *Recommendation:* The Planning Division Manager should empower current planners to perform all of the functions described above through formal policy and interdepartmental agreement (e.g., agree planners are the lead, and act as projects managers, etc., with other departments involved in the permitting process.

Staffing

The Planning Division planners process various current and comprehensive planning permit applications, such as zoning text amendments, subdivisions, building permit reviews (site plans), and zoning applications, through various processes that have been established, which are described in the "Process Issues" section below. Currently, there are four (4) full-time planning positions at various levels in the Division, as well as two, "working" Planning Team Coordinators that work on cases, as well as supervise the work of the staff planners. One of these 6 full-time positions (4 planners plus two supervisors) one of the Planners spends up to 75% of their time managing the housing program activities, which leaves little time for current or advanced planning work activities.

The Team Coordinators indicated that they spend up to 50% of their time working on current and/or comprehensive planning cases –which is equal to 1 FTE. Thus, there are roughly 4.0 FTE planners (including supervisors) available to work on current and comprehensive planning projects. As indicated in the "training section" the majority of the planners are cross-trained and are generally able to work on both comprehensive and current planning projects, when needed, which is an efficient use of staff resources.

Table 19 below shows the full-time equivalent (FTE) staffing levels for the entire Planning Division over the last five years.

Table 19
Planning Division FTE Staffing Levels

Function	2009	2010	2011	2012	2013
Planning Division	14	14	14	14	14

The staff level has remained constant over the five year period.

It was reported that staffing in the Division is currently inadequate. Currently, the Division does not have administrative support staff to assist with routine tasks, so professional staff are handling administrative tasks as well. In addition, staff indicates that there are work backlogs in some areas, such as the completion of certificate of use permits. For example, staff noted that certificate of use permit applicants are not calling to schedule fire inspections as required and they do not have time to follow-up with applicants to ensure the completion of fire inspections. As a result, a backlog of incomplete certificate of use applications has occurred.

In addition, some staff reported that they are unable to meet application processing workload demands, which has led to a lengthening in some processing time frames. At times, calls received at the front counter go unanswered because available staff is too busy to field calls. Staff indicated that when a staff member is out for more than a few days it significantly disrupts workflow and creates processing delays. Staff also indicated that in order to accomplish the state mandated EAR project, management staff has had to split one current planner's workload so that they could work half time on the project.

Finally, Staff indicated that they have not had time to create various process handouts that are needed or develop and/or update some of the Division's standard operating procedures and that the limited staffing resources in the Division has created a culture of "can't do," instead of "can do."

According to data provided by staff, the Division received 94 Planning Permit Applications, conducted 27 pre-application meetings and completed 497 Building Permit Application Reviews in 2012. In addition, staff received numerous requests for research and other activities from City Management Staff and City Council. Building Permit Application reviews are more routine and require less labor hours to process that discretionary planning permit applications. On the other hand, there are few Planning Permit Application processes that can be approved by staff administratively. As such, the majority required significant work hours to complete, including the labor

of three full-time planners, plus 50% of both of the Planning Team Coordinators' time. Currently, each planner has an average of 16 cases, which we feel is a fairly typical caseload for planners.

Although a detailed staffing analysis was not performed for this function, it appears that staffing in the Planning Division is likely insufficient to meet the existing workload demands, in that staff does not have time to create and/or update needed standard operating procedures or procedure manuals, workload backlogs exist for some functions and processing times for planning applications are lengthier.

We understand that a fee study is being considered, which will use a labor-based methodology (e.g., calculating staff time for various types of permits, indirect costs, etc.) to establish an updated fee schedule. Once a fee study is completed, it will be possible to design a more precise staffing model for the Division by determining the billable hours available for staff, the average number of hours required to process each type of permit, the available number of full-time staff and other factors.

149. *Recommendation:* The Division Manager should create a staffing model using application labor hours derived from the Division fee study to conduct a staffing analysis to determine appropriate staffing levels for the Division.

Telephone, Emails

An earlier recommendation in this report established that all phone calls and emails are to be returned the same day received. Staff indicated that an informal policy exists for the Division for returning emails and phone calls within 24 hours. Staff and focus group interviews indicated that, at times, there have been issues returning calls within 24 hours due to competing workload demands. We recommend that all staff in the Planning Division be required to return all phone calls and emails before the end of the day through a formal written policy to facilitate the City's overall goal of providing excellent customer service. The Division Manager should establish a formal policy and monitor and reinforce the policy within the Division.

Terminology

As is often the case when an organization has undergone recent organizational changes (e.g., layoffs, retirement, etc.), the name of the Division is referred to inconsistently in communication materials, including the website, codes, handouts, organizational charts, the budget document, etc. In this case, there are communication materials (e.g., applications, handouts, budget documents, organization charts, website, etc.) that still refer to the Division as the Planning and Growth Management Division, rather than the Planning Division. In fact, we had to confirm the official name of the Division due to these communication inconsistencies.

The use of varying names for the Division can be confusing to new users. The official name of the Division's should be consistently labeled in all city communications.

150. *Recommendations:* The City should consistently label the name of this Division as the Planning Division in all city communications and media,

Training/Cross Training

Staff indicated that very little formal training has occurred outside of the office in recent years due to budgetary constraints. It was reported that there is a need for additional supervisory training for managers and supervisors and for additional cross training between the Zoning Assistant function and the Planning Technician function in the area of in-take, so that back-up staff is readily available when needed.

151. *Recommendation:* The Division Manager should ensure that adequate cross training is provided between the Zoning Assistant and Planning Technician functions in the area of in-take.

A review of the Fiscal Year (FY) 2012 budget indicated that \$1,150 has been set aside for training in the Planning Division Budget. The Personnel Budget is approximately \$644,000. The general rule of thumb as described earlier in this report is to set aside at least 2% of the Division's Personnel Budget for annual training of employees, which equates to \$12,880 (e.g., 2% of \$644,000). The training budget that has been allocated may be adequate to send one or two planners to the State APA conference annually, but it would not be sufficient for AICP planners in the Division to maintain their certifications.

In addition to the training budget, we typically suggest that about 5% of staff's time be devoted to annual training.

152. *Recommendation:* The Director of Community Development should identify additional line staff training needs and schedule necessary internal and external training to help staff grow professionally, raise competency and work efficiency in the Division.

See also our recommendations under "Policy & Procedures Manual" regarding creating/completing a Policy Manual to assist with training of new employees and cross training of existing employees.

Website

Overview: The information posted on the Division's web pages is located under the "Community Development" tab.

It was widely reported by interviewees that the Division’s web pages are not user friendly. We agree with these reports as we found it difficult to locate basic information, such as the planning application fee schedule, staff contact information etc.

Listed in Table 20 below are web page features that are generally found in Best Practice Communities. The Table indicates whether the Planning Division web pages include, partially include or do not include these features. Our comments concerning these features are also noted in the Table. The City should ensure that these Best Practice Website Features are included on the Division’s webpages.

Table 20
Planning Division Web Page Features

Website Feature	Included	Partially Included	Not Included	Comments
Announcements, New s/Events			X	Announcements, New s, Events should be posted for each Program within the Division (e.g., current planning, comprehensive planning, housing).
Comprehensive List or Link to all planning & development related fees			X	Provide Link on Current Planning Web Page.
Comprehensive page(s)/links to Cape Coral Public Access Portal for Planning & Zoning Commission, Board of Zoning Adjustments & Appeals, City Council, including Members list and contact information, Hearing Schedules/Calendars Agendas, Minutes, Agenda Packets/Reports, including staff contact for project inquiries		X		Provide link to existing Public Access Portal.
Comprehensive Staff Contact List with Automated email Contact Feature			X	Provide list of all staff, title and direct number with area code and auto -email feature.
Credit Card Payment Options		X		Provide when online submittals are available.
E-government online fillable applications	X			
Fee Schedule			X	Post comprehensive Planning Application Fee Schedule on Division web page
Frequently Asked Questions (FAQ's) Related to Planning and Housing In Alphabetical order		X		FAQ's for Zoning and Housing provided; However need visible link to improve accessibility. Put in alphabetical order.

Website Feature	Included	Partially Included	Not Included	Comments
Functional Statement, Mission Statement		X		Add Mission Statement heading so that mission and functional statements are clear to users.
GIS (online) and Planning Maps		X		Re-title "planning/zoning maps" tab to "GIS/Planning/Zoning Maps, and put all maps under this tab so they are in one place and easy to find.
Handouts/Applications and Process Guides with flow charts for Planning		X		Ensure all are up-to-date (e.g., environmental brochures, applications). Create handouts for the each application process with flow charts to outline all hearing processes.
Links to State & Regional Planning related agencies, state and federal housing agencies		X		Links to housing program agencies provided. Add links to all state and regional planning agencies
Links to County Codes, Zoning, Subdivision Codes, Comprehensive Plan, other related regulations, plans, policies	X			Provided, but multiple clicks required. Revise to one click link.
Major Project List (i.e., recently approved, on-going projects) for Current & Long-range Planning and Housing Programs			X	Provide major project activity lists for current and comprehensive planning and housing programs.
Office Location, Hours, Map/Directions to Offices			X	Post office hours. Address, map and directions to office.
Online Submittal of Planning & Zoning related Plans/Permits, Applications			X	Provide when available.

Website Feature	Included	Partially Included	Not Included	Comments
Organization Structure Chart			X	Add Org. chart for Division.
Permit Tracking (on-line) TRAKiT	X			Add link to improve accessibility.
Public Notifications Displayed	X			
Reporting for Planning and Housing Programs		X		Housing reports are posted. Create and post planning activity reports.
Work Program for Division Posted			X	Create and post Division Work Program for all functions
Zoning Map/Future Land Use Map	X			

As the above Table shows, the existing web pages do contain many of the features typically found in Best Practice Communities, however, the features are not easy to find because the website is difficult to navigate. In addition, some of the features that have been provided do not contain sufficient level of detail and need to be expanded to improve accessibility. Our suggested improvements and recommendations are noted in the above Table.

153. Recommendation: The Planning Division web pages should include the features in Table 20 above.

Work Program

Staff indicated that “Accountability Sheets” are utilized by the Division to identify and outline a list of medium and long-term projects that need to be accomplished annually, which is good. However, a comprehensive Work Program should be developed annually for the Planning Division, which includes all the Division’s current and comprehensive planning projects, along with an estimate of the amount of labor hours and projected date of completion for each project, to further assist the Division with managing workflow. An Annual Work Program is an essential tool for budgeting, programming and focusing the annual work effort of the Section. This is particularly important in a time of limited resources so the City Council can comment on work program priorities.

154. *Recommendation:* The Planning Division Manager should develop a comprehensive Annual Work Program for the Planning Division

D. POLICY ISSUES

Board of Zoning Adjustments & Appeals

Overview

The Board of Zoning Adjustments (BOA) is authorized by Article IX (§ 9.2)) of the City's Land Use and Development Regulations (LDR). The BOA is also the Planning & Zoning Commission/Local Planning Agency (P&Z). After adjourning, the P&Z reconvenes and acts as the City's BOA. It is a seven-member Board comprised of residents of the City that are appointed by a majority vote of the City Council for three-year terms. In addition, the Council appoints two alternate board members to serve as alternates for the term of one year. Alternates must also be residents of the city and function to substitute for absent members on a rotating basis.

BOA members of the Commission do not receive a salary for their services; however, per the LUDR (Article IX §9.1) may receive such travel and other expenses while on official business for the City.

Interviewees indicated that the Board members do not presently receive reimbursement for travel expenses, and are no longer provided with coffee or other beverages during meetings.

We understand that the City is experiencing budget constraints and has elected not to reimburse P&Z Commission members for travel expenses. However, the City should consider providing members with coffee and/or other beverages during the course of their meetings, which is common practice and courtesy for volunteers who give up their evenings to provide a needed service for the community. We understand that this is likely the responsibility of the City Clerk's office.

155. *Recommendation:* The City should consider providing the BOA/P&Z members with coffee and/or other beverages during the course of their meetings.

Meetings are held monthly on the first Wednesday of each month at 9:00 a.m. in the City Council Chambers. Additional meetings are held when deemed necessary.

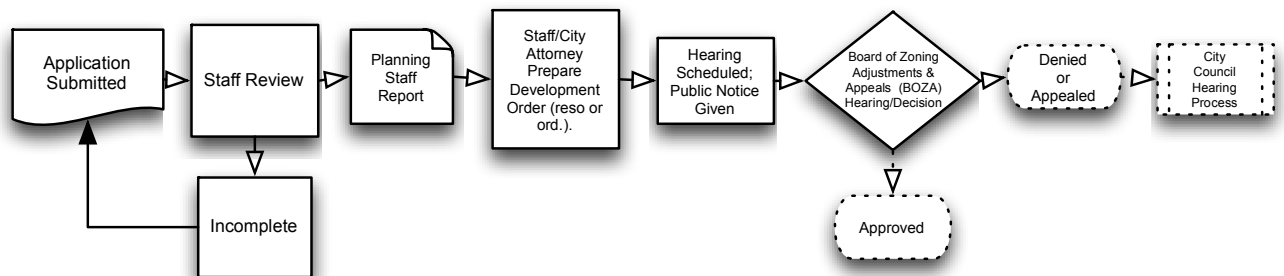
Currently audio and video recordings are made of each meeting and summary minutes are prepared. Minutes are up-to-date and available to the public online via the Cape Coral Public Access Portal.

See previous recommendation regarding providing a link to the Cape Coral Public Access Portal so that users can easily find minutes, agendas and audio recordings for all development-related Boards and Commissions under the Planning Division webpages.

Staff interviews, as well as our observations, indicate that the number of agendas items vary monthly, however, the meeting schedule is adequate to meet the caseload.

Figure 15 below shows the existing basic BOA application process.

Figure 15
Existing Board of Zoning Adjustments & Appeals Basic Process Flow



Staff Reports & Recommendations

Interviewees indicated that staff reports are generally comprehensive, however there is a need for all staff planners to utilize report templates that have been created to create more streamlined staff report. In addition, there is an opportunity to further streamlined templates for routine applications, such as Variances, through the use of checklist formats, which is a report structure that Best Practice communities often utilize.

156. Recommendation: The Division Manager should ensure that standardized templates are utilized for all staff reports.

157. Recommendation: The Division Manager should determine whether there are opportunities to condense staff reports for more routine applications, such as variances, into a simplified, standardized checklist format and if so, convert them accordingly to improve preparation efficiently and readability.

In addition, interviewees reported a need for staff to be more vigilant about quality control to ensure that reports do not contain grammatical or spelling errors and are concise to ensure reports are more readable. We understand that staff does not currently have administrative staff, which could further assist staff with quality

control. However, it should still be possible to reduce grammatical and spelling errors through the use of editing software that is readily available through the Microsoft Word Program and supervisor reviews.

158. Recommendation: The Development Review Manager should ensure that planner review and edit their staff reports using Microsoft Word Track Changes Feature and continue to implement the quality controls measures under the “Process Issues” section of this Study.

Historically, Planning Staff reports have included a professional recommendation for decision-makers based on a detailed staff analysis. Recently, however, it was suggested by City Administration that the Planning Division maintain “professional neutrality,” with regards to Variance Application requests located within the City designated Community Redevelopment Area (CRA). Under the philosophy of “professional neutrality,” planning staff was advised to empirically identify elements in the variance process, but not render an opinion/recommendation. Instead staff was to let the Board of Zoning Adjustments and Appeals make the determination about whether to grant a variance without a recommendation from planning staff.

We disagree with this approach. We always recommend that planning staff include a professional recommendation based on finding in every staff report. The practice of providing a staff recommendation in a staff report is the norm throughout much of the United States and Canada and is an integral part of the decision-making process. Staff is charged with analyzing proposals against complex city regulations, policies, criteria and findings and rendering their recommendation based on this analysis.

This approach is supported by the existence of references in the City’s LUDR concerning the requirement for Community Development Department staff to provide recommendations to decision-making bodies. For example, a cursory scan of Article VIII (Administration) of the City’s LUDR revealed that there is at least one citation concerning the requirement for the Department of Community Development Director to provide a recommendation to the Board of Zoning Adjustments and Appeals (see §8.8, 6 c.1).

The intent of the City for planning staff to provide decision-makers with recommendations is further supported by the existing job description that was adopted for the Planning Manager, which states:

“Presents analysis of alternatives and recommendations on land use cases to the Planning and Zoning Commission and City Council based on consistency with the Comprehensive Plan and other ordinances...”

159. Recommendation: Planning Staff should continue to provide decision-makers with a professional recommendation for application types within staff reports.

See our recommendations under “Variances,” and “LUDR,” concerning modifications to the LUDR to create more flexibility to reduce reliance on Variances.

See our recommendations below under the Planning & Zoning Commission section concerning staff presentations.

Comprehensive Plan

According to the City’s LUDR (e.g., Article IX, §9.1), and the Florida State Statutes, the City has interpreted that the P&Z Commission is the lead decision-making body that is responsible for reviewing and making recommendations to the City Council on the adoption of and updates to the City’s Comprehensive Plan.

In addition, the Florida Statutes include a consistency doctrine (e.g., §.163.3202), which requires local regulations and regulatory programs to be consistent with and further the City’s Comprehensive Plan.

Staff indicated that they completed the draft EAR in June of 2012. The Evaluation and Appraisal Report (EAR), is a comprehensive report required by the Florida State Statutes that obliges the City to evaluate and update its Comprehensive Plan every seven years. Amendments to the Future Land Use Map (FLUM) and other implementation regulations are anticipated as a result of the EAR. The EAR is currently being studied and considered by the Planning Commission and will be presented to and adopted by the City Council in the next several months.

Staff indicates that they are on track to accomplish the EAR by the state’s deadline, which is good.

Interviews with staff indicated that they generally believe that the EAR will not result in significant changes to the Comprehensive Plan and that only minor adjustments are needed, such as adding new statutory requirements, and addressing portions of the Plan to reflect changed conditions.

However, our interviews with focus groups and elected and appointed officials indicate that they believe major adjustments are needed to the Comprehensive Plan because it is “no longer useful as a decision-making tool.” In addition, we received comments about the perceived need to “overhaul” the existing Plan so that it reflects current philosophies about growth and economic development.

The divergent perspectives between staff, members of the community and decision-makers about the Comprehensive Plan EAR project are an indication that the groups are not in alignment with their vision for the Plan.

Staff indicates that they have been holding workshops with the P&Z to get agreement on the scope of the EAR so that they can proceed in a coordinated and cooperative manner, which is good.

160. ***Recommendation:*** The Planning Division should get agreement with the P&Z and City Council about the scope of the EAR to ensure that staff and the P&Z are in alignment with the direction of the Comprehensive Plan EAR project so that EAR addresses current issues adequately and the appropriate staff resources can be budgeted in order to complete the project by the due date as required by state law.

Economic Development/Cape Coral Community Redevelopment Agency (CRA)

Interviews with Division staff indicated that City Planning is involved in economic development and redevelopment activities in the City and is actively working toward establishing a supportive relationship with the Economic Development which is a separate department. The CRA is a special dependent district of the City of Cape Coral, which supported through funding from a portion of the ad valorem taxes paid by property owners within the district and City and County tax revenue.

The Economic Development staff is working on stimulating positive change in the CRA by enhancing the downtown area and developing programs to assist existing businesses, incentivize new businesses, work with developers and bring higher education and business education programs to the community.

Currently, the Division Manager is an active participant in local economic development and redevelopment efforts and regularly attends CRA Team Meetings to discuss and strategize CRA opportunities and constraints, which is good.

The Division Manager should continue to be an active participant in regional and local economic development and redevelopment efforts, including attending meetings, providing data, and assisting with business retention efforts by steering applicants with project of economic importance through the planning approval process efficiently.

Interviews with staff indicated that there is a need for integrated economic development program software to facilitate data collection and reporting, research and marketing efforts, which would help give the city a strategic advantage in soliciting needed economic development. Currently, limited staff relies on collecting and

reporting data via spreadsheets, which is inefficient and less effective than using software programs designed for these tasks. While this issue directly relates to the Economic Development Department, we do not have a separate chapter for a specific review of that function. Given the City's new emphasis on economic development, we believe Planning should continue to expand its activities in this area and thus have included this discussion in the Planning chapter of this report.

161. *Recommendation:* The City should consider purchasing economic development software, when the budget permits, that can be integrated with existing software systems to facilitate data collection, reporting and research efforts associated with economic development activities.

GIS System

The City's GIS Map is located under the "Information Technology Services" (ITS) Tab in the City's webpage, which is not intuitive for users seeking GIS information related land use and development. A link to the interactive GIS system should also be located on the Planning Division webpage as noted above to improve accessibility.

Interviews with staff indicated that the public GIS system is chronically unavailable due to technical glitches, which results in increased customer service requests for GIS information and assistance. In addition, it was reported that the Internal GIS system runs very slowly on older computers, which impedes workflow efficiency. The GIS system was modified last year without advance notice to staff or staff training, which left staff unable to assist users in navigating the system.

162. *Recommendation:* The Planning Division Manager should coordinate with the IT Department to identify public GIS access technical issues and resolve them so that GIS is accessible to the public.

Staff and focus group interviews indicated that the GIS system is largely up-to-date and contains relevant layers that are important to users, which is good. The GIS system also does not provide parcel permit data so users can't readily locate permits that have been issued on a particular parcel.

163. *Recommendation:* The IT Department should add parcel permit data to the GIS system.

Hearing Examiner (HE)/Special Magistrate

Currently, the City does not use a Hearing Examiner or Special Magistrate to review and make decisions on Variance, Special Exception and Non-Conforming Structure applications. Instead, this decision-making authority has been delegated to the Board

of Zoning Adjustments & Appeals (BOA), which also sits as the Planning & Zoning Commission.

Some Focus Group participants and others we interviewed suggested that the City should replace the BOA's land use related functions with a Hearing Examiner or Special Magistrate, like other communities in the region have done (e.g., Lee County). Interviewees indicated that they believed a Hearing Examiner would bring more predictability and continuity to the Variance, Special Exception, and Non-Conforming application processes and appeals because the Hearing Examiner would be required to be an attorney with a substantial background in Florida land use and growth management law. In addition, the Hearing Examiner would be required to conduct meetings in a quasi-judicial manner (e.g., participants must testify under oath, etc.), and render decisions, based on the facts of the case, as well as the ordinances and the records compiled in the public hearings, without political considerations and may be prohibited by Ordinance from discussing cases with anyone, except in a public hearing.

The use of a Hearing Examiner or Special Magistrate to decide Variance, Special Exception and Non-Conforming applications and appeals is a good option for the City, if the City desires to further condense the decision-making process for these types of planning permit applications.

The BOA function would be eliminated; however the Planning Commission could remain, with a modified role and responsibility whose principle responsibility is to act as a planning advisory commission for all legislative matters relating to land use, comprehensive planning and zoning, including but not limited to, such things as adopting or amending the zoning code text and map and other regulations. The Planning Commission would only deal with legislative issues (no permit applications) by reviewing and making recommendations to the City Council on plan and code changes.

Given that the City already uses one or more appointed licensed attorneys to act as the Special Magistrate for Code Enforcement matters, the Code of Ordinances could be more readily modified to shift BOA permit application responsibilities to either another Special Magistrate or a Hearing Examiner.

164. *Recommendation:* The City should consider shifting the BOA's permit approval and appeal responsibilities to a Special Magistrate or a Hearing Examiner to further streamline the decision-making process for Variance, Special Exceptions and Non-Conforming Applications and Appeals.

Land Use and Development Regulations (LUDR)

Our interviews as well as a brief review of the City's Land Use and Development Regulations (LUDR), revealed that it is generally outdated and contains many provisions that were adopted decades ago and should be updated to reflect current industry standards, political philosophies and actual practice. For example, we observed that the LUDR does not have a user-friendly table/matrix that lists allowable uses by zone. Instead, it references the 1997 North American Industry Classification System (NAICS) numbers, which are utilized by the city as a reference in determining the land use classification of a specific use. Moreover, it appears that some of the permitted uses are too narrowly defined within Zoning Districts and don't allow sufficient flexibility to permit new development by right, without the need for a Special Exception, Planned Development Project (PDP) or other mechanisms.

In addition, the LUDR is difficult to navigate and provides few illustrations to help explain principles and standards. For example, the pool and yard requirements are outdated and unclear making them difficult to administer effectively. Interviewees also reported that the Definitions section (Article XI) contains antiquated and/or unclear definitions, which also create issues for staff and users. For example, staff noted that the Florida Building Code (FBC) is currently being used to determine whether a structure should have a setback instead of the LUDR because the LUDR has a more restrictive definition of a structure than the FBC. As a result, ramps and decks are being permitted with zero (0) setbacks in some locations, which is causing inconsistency and compatibility issues.

Finally, the PDP provisions are unclear and create confusion and interpretation and processing issues for staff and applicants.

Due to a lack of funding for professional services, planning staff indicated that they recently attempted an in-house re-write of the LUDR. Staff indicated that they drafted amendments to update various provisions including the Uses section, Signage, Canal Visibility, and various definitions, which is a good start. However, progress was impeded due to competing work priorities and the update project has been put on hold.

However, earlier in this report, we noted that the City is in the process of completing an Evaluation Appraisal Report (EAR) of Comprehensive Plan, which will be completed in the next several months. Because the State of Florida has a consistency doctrine that requires local regulations and regulatory programs to be consistent with and further the Comprehensive Plan, we recommend that only immediately necessary amendments to the LUDR occur prior to the completion of the EAR. Once EAR is adopted the LUDR should be systematically reviewed and updated to ensure that it is consistent with the Comprehensive Plan.

165. *Recommendation:* The Planning Division staff should complete the revisions to the LUDR that are immediately necessary and/or are currently in

progress to facilitate consistent administration. All LUDR revision work efforts should be included in the Annual Work Program so that staff and budget resources can be allocated for this work effort.

166. *Recommendation:* The Planning & Zoning Division should systematically update the LUDR, following the completion of the Comprehensive Plan EAR Update to ensure the LUDR is consistent with the Plan and include this work effort in the Annual Work Program for the Division.

The Director of Community Development makes decisions on zoning interpretations, which can be appealed to the Board of Zoning Adjustments & Appeals and ultimately, the City Council. In addition, staff indicated that at times, informal interpretations are made at the staff level as well. Staff indicated that there have been instances where formal and/or informal interpretations have not been documented effectively, which can lead to inconsistent interpretations and frustrated applicants.

167. *Recommendation:* The Planning Division Manager should ensure that all formal code interpretations made by the Director, Board of Adjustments & Zoning Appeals and the City Council are formally listed in a section at the beginning of the LUDR to document.

168. *Recommendation:* The Planning Division Manager should ensure that all informal interpretations are memorialized through an internal written policy that is electronically accessible, and searchable by Planning Division staff.

Contemporary zoning and land use codes, such as Cape Coral's LUDR can be difficult to use and administer because they have been incrementally amended, without adequate cross-referencing, contain unclear provisions and legal and technical jargon and/or include outdated principles and philosophies that may no longer be desirable in the community.

Ideally, the City should hire a consultant to complete a comprehensive rewrite of the LUDR following the completions of the Evaluation Appraisal Report (EAR) of the Comprehensive Plan. However, this is a costly endeavor that may not be financially feasible at this time. Should this be the case, there are a few other alternatives to consider:

1. If Budget constraints prevent a comprehensive update of the LUDR as a single project, the Division should get agreement on which codes should be amended, prioritize them according to need and budget for them in

consecutive budget cycles to completion. For example, the City should consider modifications to the PDP regulations and establishing additional Administrative approval process provisions as high priority revisions.

2. The City could hire a Consultant to conduct an analysis of the LUDR (e.g., A Code Diagnosis), to identify the major issues that are interfering with effective and efficient administration of the code, as well as the goals and objectives of the Comprehensive Plan, and the policy direction of the city in order to facilitate streamlining the review and permit processes. A Code Diagnosis typically costs between \$40,000 and \$50,000, depending on the scope of the project. Such an analysis could help the staff to prioritize its work on updating the LUDR.
3. The City could also hire a consultant to computerize the LUDR (i.e., on-line or electronic zoning and land use code) so that it is can be cross-referenced and more easily searchable via hyperlinks. It can be annotated by staff (e.g., note sections in margins) and color coded, and be set up to interface with the City's GIS system. This work typically costs \$30,000 to \$50,000. Modern codes that provide a high interface with GIS can be very beneficial for fostering economic development, among other things, providing users with the capability to easily locate available properties, etc.

There could be a major advantage in the City pursuing both of these options with one consultant, which could reduce the cost and increase the effectiveness.

169. *Recommendation:* When the budget permits, the Planning Division should include a comprehensive update of LUDR as part of the Annual Work Plan, so that staff and budget resources can be allocated for this work effort. If Budget constraints prevent a comprehensive update of the LUDR as a single project, the Department should get agreement on which codes should be amended, prioritize them according to need and budget for them in consecutive budget cycles to completion.

170. *Recommendation:* The City should consider hiring a consultant to conduct a Code Diagnosis to identify the major issues that are interfering with effective and efficient administration of the code, as well as the goals and objectives of the Comprehensive Plan, and the policy direction of the city in order to facilitate streamlining the review and permit process.

171. *Recommendation:* The City should consider computerizing the LUDR so that it more user friendly and provides a high interface with GIS.

Planning & Zoning Commission/Local Planning Agency

Overview

The Planning & Zoning Commission/Local Planning Agency (P&Z) is authorized by Article IX (§ 9.2)) of the City's Land Use and Development Regulations (LUDR). The P&Z is also the Board of Zoning Adjustments & Appeals (BOA). After adjourning, the P&Z reconvenes and acts as the City's BOA. It is a seven-member Board comprised of residents of the City that are appointed by a majority vote of the City Council for three-year terms. In addition, the Council appoints two alternate board members to serve as alternates for the term of one year. Alternates must also be residents of the city and function to substitute for absent members on a rotating basis.

Generally, the P&Z Commission is charged with preparing, reviewing and providing recommendations on the Comprehensive Land Use Plan, and corresponding preparing periodic reports, such as the Evaluation and Appraisal Report (EAR). The P&Z is also responsible for reviewing and making recommendations on new and amended land development regulations (e.g., zoning, subdivision, etc.) and petitions for rezoning and vacation of plats to the City Council. The P&Z also has decision-making authority on Planned Development Projects (PDP's) that do not require City Council approval.

Meetings are held monthly on the first Wednesday of each month at 9:00 a.m. in the City Council Chambers. Additional meetings are held when deemed necessary. Currently audio and video recordings are made of each meeting and summary minutes are prepared. Minutes are up-to-date and available to the public online via the Cape Coral Public Access Portal. The P&Z meeting schedule is adequate to meet the caseload, and when necessary, special meetings can be held to accommodate special projects.

Agenda Packets

Interviews with Commission members indicated that paper agenda packets contain too much extraneous information and need to be distilled down to a concise "decision-making packet," that includes only such items as the staff report, letter of intent, and site and landscaping plan.

172. Recommendation: The Planning Division Manager should meet with the Planning & Zoning Commission and determine the contents of Planning & Zoning Commission and Board of Zoning Adjustments and Appeals

agenda packets to eliminate unnecessary copying and facilitate swift review of agenda packets.

Joint Study Sessions with the City Council

Interviews with staff and P&Z members indicated that the P&Z does not have periodic Joint Study Sessions with the City Council to discuss issues and facilitate trust and ensure that objectives and goals are in alignment, which is a typical practice in Best Practice Communities. Interviewees felt strongly that Joint Study Sessions are needed at regular intervals.

173. *Recommendation:* The Director of Community Development should schedule bi-annual joint study session meetings between the P&Z and the City Council.

Staff Presentations

Staff members present their own cases to the P&Z, which is a good practice. Staff indicated that they strive to provide a comprehensive review of development proposals in their staff reports so that they produce consistent analysis of projects to decision-makers.

However, it was reported by some interviewees that presentations are not consistent among staff members and there is a need for clear written direction and/or presentation templates that can be used by staff as a guide when preparing PowerPoint presentations, so that they are produced efficiently and contain consistent format and content and are delivered concisely at all hearings.

Staff indicated that they recently changed their protocols for PowerPoint presentations at the P&Z and provide a comprehensive presentation in a consistent format. For City Council meetings, where Ordinances are being introduced (i.e. set the public hearing date), staff provides an abbreviated PowerPoint presentation consisting of a maximum of four (4) slides (e.g., applicant, location, request, and Staff and P&Z recommendation(s)). For City Council Public Hearings, staff provides a comprehensive presentation in a consistent format that includes any P&Z recommendations.

Management staff should ensure that the PowerPoint presentation protocols, format, content and length are established as a written policy (if they are not already) so that staff has clear direction on expectations for the format, content and length of power point presentations. In addition, a presentation template should be prepared for staff to use as a guide in preparing power point presentations.

174. Recommendation: The Division Manager ensure that presentation protocols, format, content and length are established as a written policy and that staff is provided with a template for presentations.

Staff Support

The Commissioners we interviewed indicated that staff is generally cooperative and helpful; however, there is a need for staff to be more accessible and responsive to the P&Z to facilitate better communication and coordination.

175. Recommendation: The Division Manager should ensure that staff is accessible and responsive to P&Z members.

Training/Roles and Responsibilities

Interviews indicated that Commission Members have not received regular on-going training in recent years, except for a slideshow. Members' felt strongly that additional ongoing training is needed for new, as well as existing members to help emphasize their roles and responsibilities (e.g., scope of review, etc.) and keep them abreast of the latest trends, and issues in the industry and the region.

Our interviews revealed that staff and commission members are currently unclear as to the Commission's role and responsibility in the community. For example, there has been recent internal debate as to whether Division staff is intended to support or serve (e.g., take direction from) the Commission. There has also been debate about whether the Commission is the lead on all Comprehensive Planning matters, including the EAR. We believe that Division staff's role is to report to and take overall direction from the Director of Community Development and Planning Manager and that the Division staff provides support to the Planning Commission.

Internal on-going annual training for P&Z members should be provided by Planning Division and City Attorney Staff annually with P&Z to outline and reinforce roles and responsibilities, scope of review, etc., and keep members abreast of local, regional and national planning and development trends and legal issues, city code and policy changes, etc.

176. Recommendation: The Planning Division and the City Attorney's Office should conduct annual training sessions for the Commission to outline and reinforce both the Commission and Staff's roles and responsibilities.

New P&Z members should receive a comprehensive orientation session to introduce them to staff, show them around City offices, and educate them about their roles, responsibilities, scope of review, or the pressing development-related issues facing the

community. The orientation packet should include copies of the P&Z meeting schedule, Rules of Order, Bylaws, relevant LUDR Codes, Comprehensive Plan and Maps, monthly development reports, Planning Case List, and other relevant information, which would provide necessary background for their role.

177. *Recommendation:* The Planning Division should schedule an orientation session and prepare an orientation packet for distribution to new P&Z Members.

Best Practice Communities provide Commission Members with on-going internal training, as well as external annual training through seminars/classes designed for Planning Commissioners through the American Planning Association (APA) and/or Urban Land Institute (ULI) Seminars to keep them abreast of the latest trends and legal issues.. If budgetary constraints do not permit all members to attend APA or ULI sponsored seminars at one time, one or two members could be sent annually and then present what they learned to the remaining members.

178. *Recommendation:* The Planning Division should budget training funds for one or two P&Z members to attend annual Planning Commission training programs sponsored by the APA and/or ULI.

179. *Recommendation:* P&Z members that attend annual Planning Commission training Programs should present what they learned to the remaining members during a work session.

Policies & Procedures Manuals

Staff indicated that the Division does yet have an adopted Policies and Procedures Manual for the Division that documents internal policies or substantive policies to create a consistent decision-making framework for line staff that can guide them in everyday decision-making. However, staff has been creating standard operating procedures (SOP) for some functions. For example, staff managing the PDP process has created SOP's for processing PDP applications. In addition, some SOP's are currently being drafted to outline Intake procedures for public hearing applications, which is good.

Planning Division Management Staff should create a Policy and Procedures Manual, which outlines procedures for managing and processing each type of development project; establishes a formal return phone and email policy; application screening protocols and policies; a policy requiring incomplete submittals to be rejected; customer service protocols, and other processing protocols and policies to ensure that all line staff have a clear and consistent understanding of performance expectations including work quality, accountability, professional demeanor, customer service, etc.

180. Recommendation: The Planning Division Manager should create a comprehensive Policy and Procedures Manual.

Pre-Advisory Meetings

Currently, Pre-Advisory Meetings are mandatory for certain types of planning permit applications, such as PDP's, which is excellent. We often recommend that communities require Pre-Advisory Meetings for certain types of applications (e.g., more complex) because, when structured properly, they can be invaluable to staff, and developers during their due diligence period. Pre-advisory meetings help developer's understand all applications required, clarify the development review process, outline the timing and costs involved, including impact fees, (if any) and identify potential major "deal killer" issues. While more routine in nature, we also recommend that a Pre-Advisory Meeting also be required for any non-simple Site Plan process due to existing communication and coordination issues among the development-related functions.

181. Recommendation: Pre-Advisory Meetings should be mandatory for any non-simple Site Plan process to promote communication and coordination among the development-related functions, such as building, planning and public works.

We were able to locate guidelines for a Pre-advisory Meeting submittal on line, which is good. However, we did not see information as to how soon the Pre-Advisory meeting would be held following the submittal, details concerning the location of meetings, staff participants and the type of feedback provided or how meetings are conducted.

182. Recommendation: Planning Division Staff should update the Pre-Advisory submittal guidelines.

Currently, the Pre-Advisory process is a free service provided by City staff. Given, the City's budgetary constraints, and the time and effort involved in administering the service, the City should consider a fee that covers the actual cost of the service. If desired, the fee can be credited toward the formal application fees, if it is made within 4-6 months of a Pre-Advisory Meeting.

183. Recommendation: The City should consider charging a fee for Pre-Advisory meeting.,

A simplified application form should be created and attached to the Pre-Advisory Submittal Guidelines so that the process can be tracked. Staff should create a Pre-Advisory Meeting Schedule with submittal deadlines to guide applicants in the

submittal process. Submittal materials should be required to be submitted at least one week in advance of the scheduled meeting, in order to allow staff time to review the proposal, schedule the meeting and provide informed feedback.

184. *Recommendation:* Planning Division Staff should create a simplified Pre-Advisory application form that should be attached to Pre-Advisory Submittal Guidelines.

185. *Recommendation:* A Pre-Advisory meeting schedule include submittal materials and be posted online, shows the date and time that Pre-Advisory meetings will be held, as well the deadline for submittals.

186. *Recommendation:* The Planning Division should require that pre-application meetings be scheduled at least one week after receipt of the information required above, to provide staff with adequate review and feedback time.

187. *Recommendation:* Applicants should be scheduled for a specific one-hour time frame and meet with Staff in a private session.

Currently, Pre-Advisory meetings can't be submitted or scheduled online. This is a relatively straightforward process and is a good candidate for online submittal, scheduling. If the City adopts a fee for Pre-Advisory meetings an option for online payment should also be provided.

188. *Recommendation:* If possible, the Pre-Advisory meetings should be scheduled on-line through the Division's website, and application materials should be submitted on-line, whenever possible. If a fee is adopted, an Internet payment option should be established.

Our interviews with staff indicated that Pre-Advisory meetings are attended by designated Planning staff; however staff from other development-related functions do not consistently attend.

We recommend that Pre-Advisory meetings be attended by key, designated senior-level staff representatives from all relevant development-related functions, including but not limited to the Planning, Public Works, Fire, Environmental, and Building functions, so that critical development issues that have the potential to create delays in the approval process can be outlined by key staff during the meeting. The assigned planner should act as the lead at the meeting and ensure that an agenda is distributed

in advance of the meeting along with submittal materials (electronically if possible) and that attendees come prepared and actively participate.

189. *Recommendation:* To promote consistency, each Pre-Advisory meeting should be staffed by a designated senior-level representative from each of the relevant development services functions, including the Planning, Public Works, Parks, Fire and Building. If particular expertise in one area is not needed on a project, the designated staff representative can be excused from attending.

190. *Recommendation:* The assigned planner should act as the lead at the Pre-Advisory meeting preparing and distributing agendas and submittal materials (electronically, if possible) one week in advance of the meeting and ensuring that all staff participants are prepared and actively participate so that meaningful feedback is given to the applicant. For meetings only addressing site plan, it may be appropriate for the meeting to be led by the Site Plan Coordinator.

Staff interviews indicated that “Pre-Advisory Comment Worksheets,” is not currently used at meetings to ensure that the same topics are consistently discussed and communicated in each meeting, and staff feedback is documented.

We believe a Worksheet is essential for creating a valuable meeting for both staff and the applicant, and always recommend this tool be used in Pre-Advisory meetings.

At a minimum, the Worksheet should determine whether the location of the project is appropriate; the existing and/or proposed zoning and uses are suitable; and that there are no outstanding code compliance issues (e.g., including zoning, building, public works and fire) on the property. In addition, the Worksheet should outline staff’s initial determination as to whether the existing zoning is suitable for the intended uses; whether the proposal is consistent with the Comprehensive Plan and other Policies or Policy documents; provide the applicant with a list of all development applications/processes required for the proposal and fees (e.g., application and impact fees), including the need for any variances, special exceptions, demolition, subdivision process, etc.

The Worksheet should also indicate whether special design review overlays or development standards apply to the property or will be needed to mitigate known issues; an approximate time line to complete the required processes; an initial analysis of potential community issues, as well as circulation, drainage, erosion control, lighting, landscaping, access, utility service, and storage issues; and anticipated required public improvements. The assigned planner should be responsible for ensuring that the Worksheet is completed at the close of the meeting and that a copy is

transmitted to the applicant in person if the applicant is in attendance, or electronically if not in attendance.

191. *Recommendation:* The Planning Division should create a “Pre-Advisory Meeting “Worksheet,” that covers the information noted above, and the assigned planner should be responsible for ensuring that the Worksheet is completed at the close of the meeting and transmitted to the applicant.

192. *Recommendation:* Pre-Advisory Meeting should be logged and tracked in the City’s permit tracking system so that a record of the submittal and staff comments is preserved. Once a formal application is made, the Pre-Advisory meeting data can be added to the tracking data for the formal planning application submittal.

Variances/Deviations

Staff indicated that the City routinely processes and approves Variance and Deviation application requests through the Board of Zoning Adjustments & Appeals (BOA). A cursory review of the past several P&Z/BOA Agenda revealed the Variances and Deviations accounted for a significant volume requests.

The continued Variance and Deviation activity, coupled with the fact that the majority of requests are approved, is an indication that the existing LUDR and development standards and adopted Variance criteria are too rigid and/or no longer consistent with current practice. We understand from our interviews with staff that the City’s adopted Variance Criteria is largely based on Florida State Statutes criteria; however, there may be opportunity to further refine criteria based on local conditions.

193. *Recommendation:* The City should review the adopted Variance Criteria to determine whether there is opportunity to further refine criteria based on local conditions.

Planning Division Staff should identify which LUDR code provisions applicants are routinely requesting relief from, and make modifications to those provisions (e.g., height, sheds, fences, parking, marine improvements, etc.), with the goal of bringing code provisions into alignment with current policy and practice and reducing the volume of Variances and Deviations in the City.

194. *Recommendation:* The Planning Division staff should identify the types of Variances and Deviations that are routinely requested and approved, and amend those LUDR provisions accordingly.

In addition, the City should adopt provisions in the LUDR, which would allow for Administrative Approval (e.g., staff approval) of minor Variances and Deviations to further reduce the volume of Variances and Deviations requiring BOA approval, which will help streamline approval processes. Typical Administrative (e.g., Minor) Variance and Deviation processes allow 10 to 25% dimensional adjustments at the Staff level based on defined criteria. Maximum thresholds and approval criteria should be established for Minor or Administrative Variances and Divisions to guide staff decision-making.

195. *Recommendation:* The Planning Division staff should amend the LUDR to establish provisions, thresholds and approval criteria for Administrative (Minor) Variances and Deviations, which can be approved at the staff level.

196. *Recommendation:* The Planning Division should process Administrative Variances and Deviations over-the-counter as outlined below.

E. PROCESS ISSUES

Overview

Planning Division application processes vary depending on the type of application submitted, as shown in the following section, applications are reviewed and approved by several different entities, including, staff, the Board of Zoning Adjustments & Appeals, the Planning & Zoning Commission and the City Council.

Decision Making Authority

Table 21 shows the Decision Making Authority for planning applications.

Table 21
Decision Making Authority for Planning Division Applications

Action	Staff/ Director	City Manager	Board of Zoning Adjustment & Appeals (BOA)	Planning & Zoning Commission (P&Z)	City Council (CC)
Planning Division Applications					
Amendments -Comp. Plan or Future Land Use Map	R	R	N/A	R	D
Amendments - Zoning Code Text or Map	R	R2	N/A	R	D
Certificate of Use	R/D	N/A	A	N/A	N/A
Final Development Plan/Final Plat (with PDP)	R	N/A	NA	N/A	D
Rezoning	R	R2	N/A	R	D
Planned Development Projects (PDP) /Subdivisions	R	R2	N/A	R/D	D1/A
Signs	R/D	N/A	A	N/A	N/A
Site Plan Review	R/D	N/A	A	N/A	N/A
Special Exceptions	R	NA	R/D	N/A	A
Temporary Use Permit	D	N/A	A	N/A	A
Zoning Interpretations	D	N/A	A	N/A	A
Vacations of Plat	R	N/A	N/A	R	D
Variances & Deviations	R	NA	R/D	N/A	A

R = Review/Recommendation D=Decision A=Appeal N/A= Not Applicable

1 PDP's that include a rezoning, vacation of plat or easement, subdivision, borrow pit, TOD, etc., require City Council Approval

2 City initiated only

As the above table shows, Staff has been delegated decision making authority for certificates of use (e.g., required prior to opening new business, relocating or expanding, etc.), sign permits and site plan review. The Board of Zoning Adjustments & Appeals (BOA) has Appeal authority over staff decisions and decision-making authority for Special Exceptions, Variances and Deviations, which is common.

The P&Z Commission has been delegated decision-making authority for PDP's and Subdivisions (preliminary) that do not require City Council approval and the City Council is the Appeal body for BOA decisions and decision-making authority for

Zoning Text and Map Amendments, Comprehensive Plan or Future Land Use Map Amendments, Final Development Plans and Final Maps, Rezoning, certain types of PDP's and Plat Vacations.

Administrative Application Approval Processes

Staff has been given limited authority to approve various types of planning applications administratively and/or over-the-counter. Currently, a few types of planning permits can be issued by Customer Service Representatives over-the-counter, such as POD storage permits, sign permits, temporary use and special event permits.

See our recommendations under “Variances/Deviations” and “LUDR” concerning amending LUDR to allow Administrative (minor) Variances and Deviations through the adoption of thresholds and approval criteria.

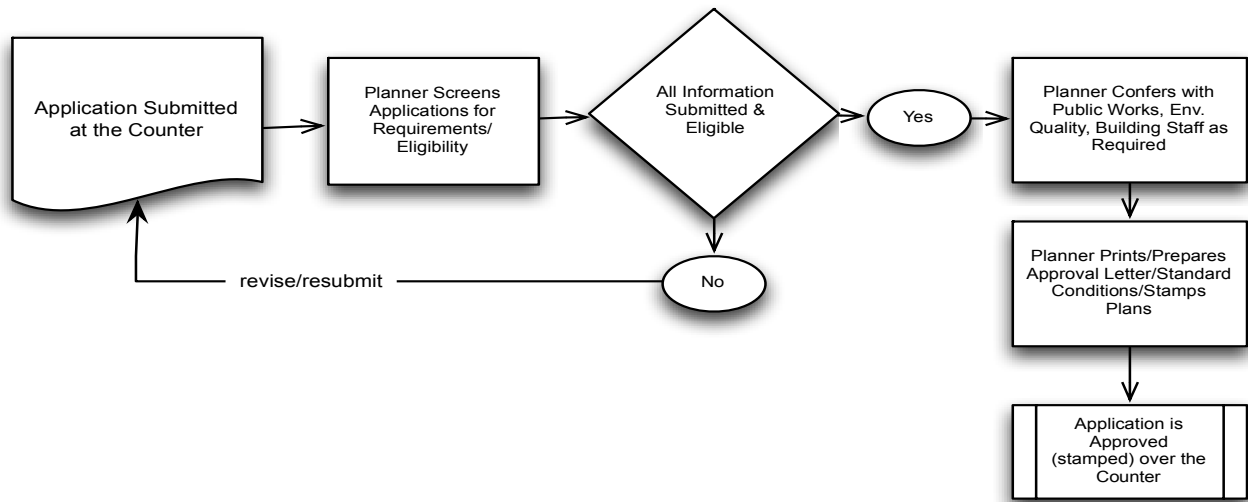
Best Practice communities have generally embraced the philosophy of allowing administrative approvals for routine types of applications. Moreover, there has been a trend towards establishing broad threshold criteria and simplified submittal requirements and approval criteria for administrative processes so that they can be approved, by trained staff over-the-counter. We are advocates of over-the-counter processes because they expedite approvals for applicants, and free up staff time to focus on more complex applications.

Once the LUDR has been amended to establish administrative processes for variances, deviations and minor PDP amendments, the Planning Division should establish a formal over-the-counter process for planning applications that are administratively approved by staff.

The Over-the-Counter (same day approval) processes could be carried out by the CSR's and/or Planning Technician(s). Staff from the Engineering and Fire Departments should be designated to go to the counter as necessary to review and approve Over-the-Counter applications. Once the City transitions to allow digital plan submittals, Over-the-Counter applications should be submitted, reviewed and approved on-line by Planning Technicians and designated staff through the City's CRW permitting system.

Figure 16 below, shows the process flow of a typical over-the-counter process for administrative approvals.

Figure 16
A Typical Over-the-Counter Administrative Approval Process



The process should not take more than 20 minutes and works as follows:

- The applicant makes a submittal at the Planning Division counter to any available planner of the day or planning technician;
- The Planner reviews the submittal to make sure it is complete, meets code requirements and is eligible for over-the-counter approval;
- The Planner logs the project into the Permit Tracking System and takes in the fee;
- The planner then calls other departments or divisions as needed (e.g., fire, public works) to review and approve.
- The planner prints out a receipt and document verifying that the application/plans have been approved and a permit has been issued

The Planning Division should establish an over-the-counter process for administrative amendments and create a brochure that includes a flow chart so that users know that the process is available, how it works and the timing and cost, and to ensure that the process is completed by staff consistently.

197. Recommendation: The Planning Division should establish an over-the-counter process for administrative amendments, including Deviations and PDP amendment.

Front Counter

Currently, three Planning Division Customer Service Representatives (CSR), including two CSR I positions, and one CSR II position) have primary responsibility for handling Division phone calls, processing Certificate of Use Applications, Public Hearing application In-take, POD storage permits, and reviewing and approving over-the-counter permits and building plans (e.g., commercial, residential, tenant improvements, signs permits, temporary use permits, temporary off-site vehicle storage permits, etc.) for compliance with zoning regulations.

Planning Division staff provides front counter coverage continuously to ensure maximum accessibility to customers, which is good. According to staff, the CSR's are the first line of defense for counter coverage, followed by a "planner of day," then the most experienced available planner and finally any available planner.

The front counter area is equipped with a queuing system (e.g., Customer Registration System). A customer walks into the front counter reception area, signs in and is put in the queue for the next available CSR, according to their stated business.

There are two Planning Division front counter workstations that are set up with computers equipped with the City's CRW permit tracking system, so that applications, inquiries, etc., can be logged and tracked, which is good.

See our recommendations under "Equipment" concerning the need for updated computers and desktop scanning equipment at front counter workstations to improve processing efficiency at the front counter.

CSR's strive to complete all transactions within 20 minutes, which is good.

198. Recommendation: The Division Manager should establish a formal performance standard of 20 minutes for Front Counter transactions.

Staff reported that incomplete applications are occasionally accepted for various political reasons; however a Division policy is place to reject incomplete applications, which is good.

199. Recommendation: The Division Manager should re-enforce the policy of rejecting incomplete applications/plans through a formal written policy.

See additional recommendations in the beginning of the study concerning establishing a centralized entrance, with signage, a centralized reception function that can assist with customers with signing in, etc.

Certificate of Use Permits

A Certificate of Use Permit (CU) is required before opening a new business, relocating or expanding and existing or upon a change of ownership of a commercial business. A CU is issued by Front Counter Planning Division CSR staff to indicate that the business location is consistent with zoning regulations (e.g., parking, use, etc.), inspections have been completed and the structure in which the business is being conducted is habitable. All businesses require a Fire Department inspection before opening for business, regardless of whether they had work done inside the space. In addition, if modifications have been made to the interior a building permit and building inspection are also required prior to occupancy.

Generally, the process involves submitting a completed application and fee to Front Counter CSR staff. Application data is reviewed for completeness and then logged into the CRW computer system. Currently, applications are available on line on the City's website, but are not fillable. In addition, CU applications can't be paid for online. However, staff indicated that applications could be faxed or emailed and paid for via the telephone.

A paper file is created and copies of the application are handed to the customer (e.g., walk in customers), placed in the file and faxed to relevant staff in the Fire & Police Departments and the Licensing function so that the applicant Departments are aware that a new permit has been accepted and the applicant needs a Fire Department Inspection before it can be finalized. Staff indicates that they are unable to transmit application materials via the computer system because it is not programmed to accept and/or transmit paper or electronic materials or put applicants into an inspection queue with the Fire Department.

Additionally, staff indicated that they do not have scanning equipment at their desk that would allow the materials to be uploaded and transmitted efficiently; although, they do have access to the printer/copier/scanner located by the front desk, nearby. Thus, for convenience information is faxed to other departments rather than scanned and as a result, eight (8) pieces of paper are generated and filed in a paper filing system for each CU, which is time consuming and inefficient.

See our recommendation under "Equipment" concerning providing Front Counter staff with desktop scanners so that application materials can be scanned and electronically transmitted to inspection departments without the need to fax information and create multiple paper copies of application materials.

200. Recommendation: The Division Manager should work with the IT department to program the CRW system to accept electronic CU Permit applications, transmit them automatically to all relevant Departments,

including Fire, Police, Building and Licensing and automatically schedule them for an inspection with Fire and/or other required inspections.

Staff indicated that applications and checklists for CU Permits are fairly straightforward, but need to be updated.

See our recommendations under the Website Section regarding ensuring that all applications, handouts and brochures are up-to-date.

Board of Zoning Adjustments & Appeals Application Approval Process

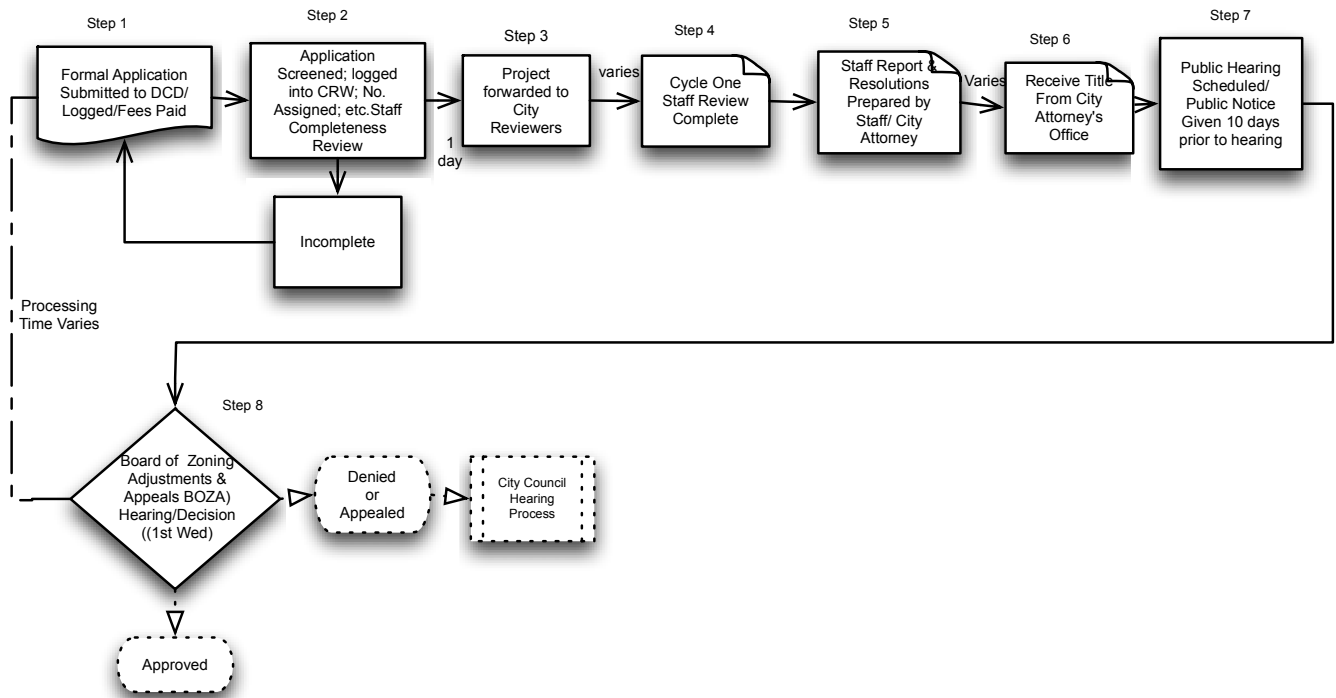
The Board of Zoning Adjustments and Appeals (BOA) is charged with reviewing and approving special exceptions, variances and deviations (e.g., marine improvement areas, landscape ord., non-conforming structures) application requests. They also hear appeals of Zoning Interpretation decisions made by the Director of Community Development.

Staff created a flow chart to show the basic steps of the BOA process, which has been reproduced in greater detail in Figure 17 below. We were unable to locate the flow chart on the Division's web pages, which would be a useful tool to help users understand the process.

201. Recommendation: The Planning Division should revise the flow chart to provide more detail as shown below and post a copy of the flow chart for the Board of Zoning Adjustments & Appeals Process.

The text that follows Figure 17 summarizes our recommendations for modifying the process to improve processing efficiency.

Figure 17
Existing Board of Zoning Adjustments & Appeals Application Approval Process



1. The first step in the process is the formal submittal to the Planning Division to the Zoning Assistant. No appointment is necessary, and application/appeal materials can be submitted anytime in person. The Fees can be paid in person or by telephone with a credit card. Fillable applications have been created for these processes and are available on-line, which is good. However, applications cannot yet be submitted electronically or paid for online.

202. Recommendation: The BOA and all Planning applications should be submitted electronically through the City’s website and paid for online.

We were unable to locate a submittal schedule online, which provides applicants with submittal deadline dates and corresponding BOA hearing dates. Many Best Practice Communities create and publish, “application submittal deadlines and hearing schedule” for all planning application types to guide applicant submittals as well as staff review and processing timeframes. Submittal deadlines are established by factoring in staff review, staff report and public notice requirements and are typically within 30 to 60 days before a regularly scheduled hearing, depending on the application type.

203. Recommendation: The Planning Division should create and publish an “an application submittal deadlines and hearing schedule” for all planning application types (e.g., BOA, Planning & Zoning Commission and City Council).

Submittal requirements for BOA applications vary depending on the application type, but generally include a completed, signed application, application fee, a scaled development plan showing various detailed information, a landscaping plan, a survey, and a list of property owners within a 500’ radius of county properties (if any). In addition, site photos, building elevations and other detailed information may be required. If any required information is submitted on paper larger than 11”x17”, the applicant is required to submit between 17 and 20 copies of each (depending on the application type) for distribution purposes. Copies are needed for files, distribution to staff reviewers, and board members.

Interviews with staff indicate that the Division requires paper copies of the plans because copies are distributed to various staff reviewers, including the county attorney, public works, building, and others, as well as BOA Members.

As an interim step towards furthering the City’s goal of becoming paperless, the Division should consider revising submittal requirements to require a CD of all submittal materials for use in PowerPoint presentations at public meetings, and electronic agenda packet creation and permanent storage, which will also reduce scanning efforts. Should the City purchases iPads or Laptops for use by decision-makers at hearings and larger screens for city reviewers, electronic submittal materials can be reviewed electronically without the need to collect and distribute paper copies. The electronic submittal materials will also be used in the future to make electronic submittals.

2. The Zoning Assistant (or other staff handling intake) screens the application for completeness (e.g., quantitative check). If it is incomplete, it is rejected, which is a good policy. Accepted BOA applications are logged into the City’s CRW system and an application number is assigned. Materials are date stamped, scanned and uploaded. The Zoning Assistant creates a paper file and forwards the file to the Planning Team Coordinator for assignment to a planner. Application materials are also routed with a routing sheet template to Public Works, Building and Fire for an 8-business day review.

204. Recommendation: When possible, the BOA applications and all types of Planning Applications should be routed electronically through the CRW system and reviewed electronically rather than routing paper files for review.

3. City review staff, such as public works, environmental, horticulturist, building, and fire, etc. (e.g., reviewers depend on application type), complete their review and record their review comments in the City's CRW permit tracking system. If any reviewer rejects the plans/notes issues, the applicant is instructed via one combined letter prepared from a template to revise and resubmit to address all issues. This step is repeated until all staff approves the proposal.

See our recommendations under the “Performance Standards Section” regarding establishing formal review performance standards for completeness reviews and up to three (3) review cycles.

Interviews with staff indicated that the City does not currently have a Development Review Committee (DRC), which meets on a regular basis to review more complicated projects, PDP's, Rezoning, etc. We recommend that the Department create a DRC and structure the so that it functions as a forum for the applicant and City review staff to identify, discuss and resolve development-related issues early in the application review process, before a project is scheduled for BOA, P&Z or City Council. This type of forum is often provided by agencies that adhere to “Best Practices” because it facilitates early problem solving, so that projects are not unnecessarily delayed by repeated reviews with individual reviewers and/or deferrals/continuances by the decision-makers.

The DRC should be a standing committee comprised of one senior level decision-maker) City staff member from each development-related disciplines including: Planning, Public Works (e.g., transportation, utilities, drainage, etc.), Building, Horticulturist, Environmental, Fire and CRA and Police when needed. DRC meetings should be led by the Planner assigned the case, who will act as the Project Manager, and within one week of the submittal in order give staff adequate review time to identify any “deal breaker issues,” as well as potential design and regulatory concerns. Each designated DRC member should be required to come to the DRC meeting with a list of written comments/issues to be discussed.

For example, designated Public Works staff should have all comments collated from relevant public works disciplines, such as traffic, transportation, flood, and drainage, and have all public improvements identified before the DRC meeting. Occasionally, it may be necessary to invite other Public Works disciplines for complex issues. DRC staff that are unsure about their scope of review should be educated accordingly so that they are accountable for providing thorough reviews.

The lead Planner should steer and focus the DRC discussion by using an agenda and computer aids to display project plans, where possible. The lead Planner should present each project to DRC members, highlight known issues, and solicit feedback

and discussion from each discipline. To guide this discussion, Planning Staff should consider creating a DRC review checklist to ensure that projects are consistently reviewed to cover the full scope of review of each discipline. The applicant should be invited to attend the meeting and be allowed to discuss identified issues with staff reviewers with the goals of developing potential solutions to issues. Written comments by DRC Members should be collated by the lead planner in advance of the meeting, and a copy given to the applicant at the close of the meeting.

Planning Staff should determine which of the more complex planning project types should be subject to DRC review, such as certain Special Exceptions, PDP's Rezoning, and Amendments, and routinely schedule those project types for DRC review. We understand that Special Exceptions, Rezoning and Amendments are not routed to other divisions, with the exception of Special Exceptions for a traffic review. However, it may be desirable for a few of the more complex projects to have additional review.

In the long-term, instead of routing paper plans and project materials to designated DRC staff, all materials should be sent digitally to DRC members, through the CRW system to provide staff with as much time as possible to review project materials before the meeting.

205. *Recommendation:* The DRC function should be established to so that it serves as a meaningful case review function for more complex projects, as described herein to help eliminate the need for multiple review cycles.

206. *Recommendation:* The Planning Division Manager should create a standard "DRC Schedule," which outlines the dates that the DRC meetings will occur on an annual basis.

207. *Recommendation:* The Department should determine which types of Planning Applications should be routinely scheduled for DRC, due to their complexity, so that they can be automatically scheduled by the front counter at submittal (in-take), through the CRW Permit Tracking system (if possible).

208. *Recommendation:* The Planning Manager should proactively manage the DRC meetings to ensure that designated staff attend regularly, are prepared, and thoroughly outline issues, which encompass their entire scope of review.

209. *Recommendation:* The assigned Planner should lead the DRC meetings and discussions, as a project manager, using the agenda and computer aids to display project plans, if possible.

210. *Recommendation:* The DRC should be comprised of one senior level county staff member, with decision-making authority from each development-related discipline including: Planning, Building, Public Works, Environmental, Fire and others.

211. *Recommendation:* A DRC Agenda should be prepared once all projects for the week have been scheduled, and posted on the Division web page, as well as sent to the applicant via email.

212. *Recommendation:* All applicants whose projects appear on the DRC Agenda should be encouraged to attend the meeting to discuss the project with staff.

213. *Recommendation:* The Planning Division Manager should create a checklist of discussion items for use by the lead Planners for each project scheduled for DRC..

214. *Recommendation:* The Planning Division Manager or Assigned Supervising Planner should attend every DRC meeting.

4. Staff strives to complete reviews in 8 calendar days, however Performance Standards have not been established for review times.

See our recommendations under the “Performance Standards” section concerning establishing Performance Standards for all planning permit processes.

5. The assigned planner then prepares a staff report and resolution or Ordinance electronically, with guidance from the City Attorney’s Office, which incorporates the review comments received by staff reviewer. As a quality control measure, reports are reviewed by the immediate supervisor and the Division Manager. Reports are printed and forwarded for the review process.

Staff indicates that collaboration with the City Attorneys’ Office is necessary on the preparation of Development Orders because they are Ordinances, which are law. Collaboration is also necessary on “Titles,” which are a summary of the ordinance. Staff indicated that Development Orders contain very important legal information and the City’s policy is to require the City Attorney’ Office to sign off on legal documents. For example, if “Titles” are prepared incorrectly, the Ordinance can be voided. Once the City Attorneys’ Office signs off on these legal documents, they affirm that they are correct and valid.

215. ***Recommendation:*** To expedite the staff report preparation, review and finalization process, reports should be prepared and transmitted directly in electronic format to the Supervisor and Division Manager for review and edit using the Track Changes feature in Word. Alternatively, draft electronic reports could be placed on a shared drive for review and edit in Track Changes by Supervisors and the Division Manager.

6. Once a final draft of the Resolution is agreed upon by Planning Staff and the City Attorney's Office, it is emailed to the City Attorney's paralegal to finalize and the City Attorney's Office forwards the project Title to the CSR so that public notice can be prepared.
7. After the Title is finalized, the hearing is scheduled and public notice is prepared by the Zoning Assistant. The Zoning Assistant prepares a vicinity map and list of surrounding property owners through the City's GIS system for use in the notice of public hearing. Depending on the type of application, public hearing notice is published in the local paper, posted on a sign on the property, and/or mailed to surrounding property owners. In addition, hearing notices are posted on the Division's web pages, which is good. Staff indicated that post cards are mailed first class to property owners, rather than letters, which expedites the noticing process. The applicant is responsible for the costs associated with public noticing, which is also a good practice. A 10-day notice is provided, depending on the type of application.

The Planner prepares a PowerPoint presentation, which is reviewed by the Supervisor and Division Manager for quality control purposes and Zoning Assistant prepares the agenda packets, which are uploaded into the S.I.R.E. system and posted online at least two weeks before the scheduled hearing. The City Clerk's office distributes paper copies of the agenda and distributes to the BOA at least 7 days prior to the hearing date.

See our recommendation earlier concerning distilling agenda packets down to concise "decision-making packets" for all planning application types to facilitate speedier review of packets and reduce copying costs, etc.

Currently, the BOA/Planning & Zoning Commission members do not have laptops available to review electronic agenda packets at the hearing.

216. ***Recommendation:*** The Department Director should budget for laptop computers or iPads for use at the hearing daises for each BOA/Planning & Zoning Commission member, so that agenda packets can be

transmitted and viewed electronically without the need for preparing and distributing paper agenda packets.

8. The BOA Hearing is held on the 1st Wednesday of the month and the BOA can approve, approve with conditions, or deny the project. The BOA decision can be appealed to the City Council.

Following the hearing, the Zoning Assistant sends a copy of the recorded resolution or ordinance to the applicant via email (if email available).

P&Z Commission and City Council Planning Current Planning Permit Approval Process

The P&Z Commission has decision-making authority over certain types of PDP's, otherwise; they are generally charged with reviewing and providing recommendations on amendments, PDP's, Plat Vacations and Rezoning applications to the City Council (CC). The steps involved in the permit application process, vary, depending on whether the final decision-making authority for the planning application is the P&Z Commission or the City Council.

The following discussion details the existing P&Z Commission and the City Council approval process used for a PDP, and provides recommendations for improving the processes.

Planned Development Project (PDP) Process:

According to Article IV of the LUDR the purpose of the PDP procedure is to provide a more intensive review, through the public hearing process, of certain types of complex developments. The PDP is not a zoning district and may encompass more than one zoning district, requests for subdivision, rezonings, special exceptions, variances, vacations of plat and deviations that can be considered simultaneously, or bundled with the PDP application. The PDP may also encompass an innovative design scheme that departs from standards in the LUDR through the use of the deviation permitting process.

The LUDR stipulates that the PDP process is mandatory for numerous types of development proposals including the following:

- Any subdivision of land in the City;
- Proposed development projects that are located in the Urban Services Reserve Area of the City (except for one Single family residence;

- Proposed new or expanded development projects within a commercial, professional, industrial, mixed-use or industrial zoning district, which are located adjacent to property that contains a residential use classification (unless a buffer is provided);
- Any new development that is not a single family home that falls within the Reserve.
- Proposed development projects located within the Commercial Activity Center (CAC) or Mixed Use Preserve (MUP);
- Existing or proposed non-residential use constructed, enlarged, or expanded on properties located adjacent to a residential land use classification or to a property with Pine Island Road future land use classification that is not zoned Village or Corridor, except by means of either the PDP, or by an enhanced buffer.
- Projects greater than one acre within a Mixed Use Future Land Use;
- Projects involving a borrow pit, mobile home park, or subdivision;
- Projects proposing or requiring more one or more deviations from the LUDR; except that both architectural (non-residential design standards) and landscaping can request deviations outside the PDP process, and
- Projects involving one or more proposed amendment to the existing PDP.

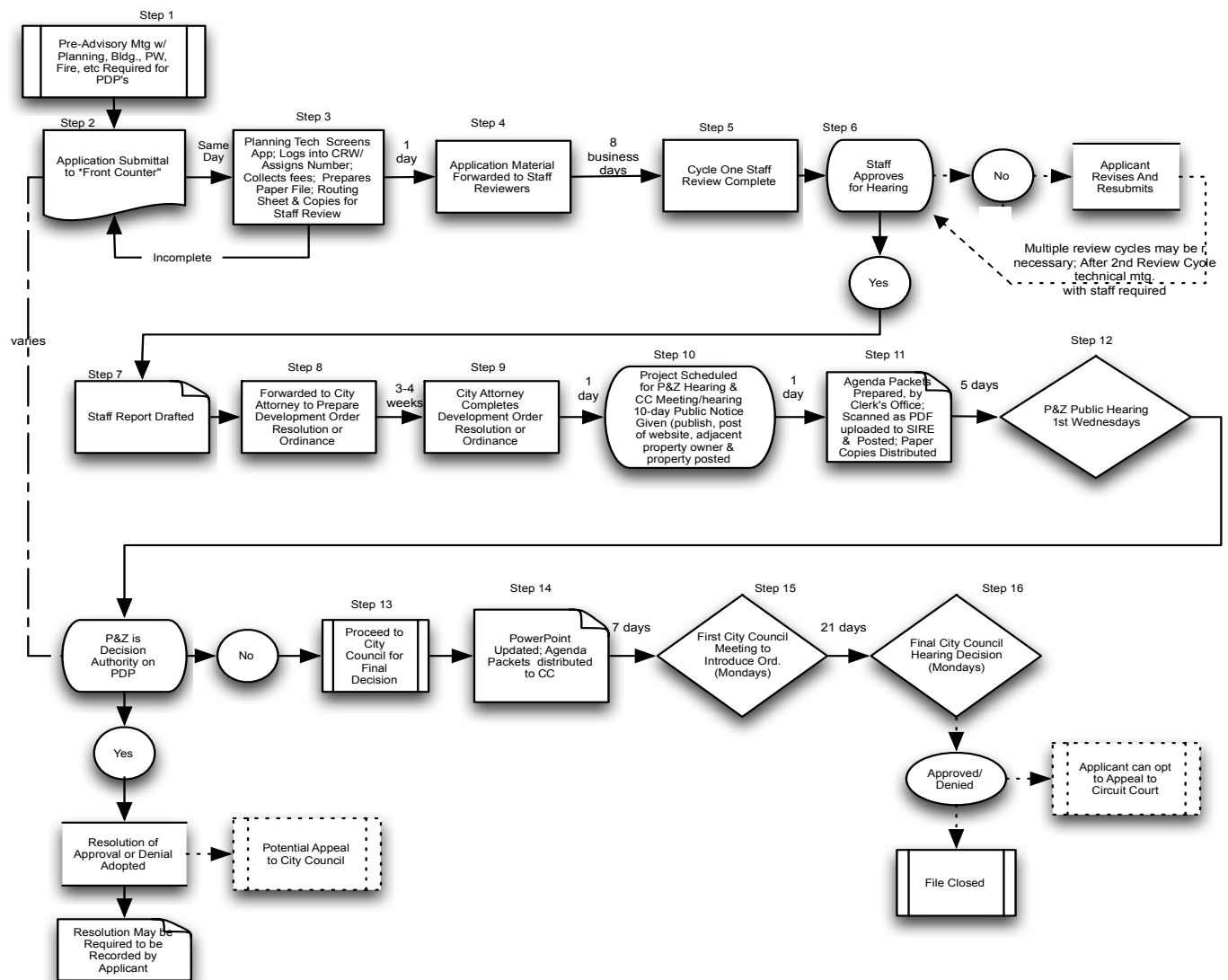
Staff describes the PDP process as a three (3) Step Process, involving:

1. A mandatory Pre-Advisory Meeting with City Staff from various disciplines to informally review the proposals and discuss required processes and potential issues;
2. A Staff (Administrative) Review process, which entails a formal submittal of the project in accordance with a submittal checklist and fee and a formal review by City staff, including planning, building, fire, public works (e.g., engineering, surface water, utilities, transportation, surveying, emergency management and the horticulturist. Staff reviews culminate into a Development Order that either grants, grants with conditions or denies the application and spells out any and all conditions of approval.
3. A Public Hearing Process that may include both the Planning & Zoning Commission and the City Council (depending on the project).

Once a PDP is approved, the development is also required to prepare and submit and Annual Monitoring Report, in accordance with city guidelines, which includes traffic monitoring no later than one (1) year from the effective date of the Development Order until the project is completely built-out. At build-out, a Final Monitoring Report is prepared and submitted to the City.

A detailed flow of the process is presented in Figure 18 below. Generally, this process is also used for processing and approving Rezoning and Vacations of Plats.

Figure 18
Existing P&Z and CC Permit Current Planning Permit Approval Process



1. As the above figures depicts, PDP applications are required to attend a Pre-Advisory Meetings with Planning, Public Works (e.g., transportation, surface water, utilities, etc.), Environmental, Building and other Staff, as their first step in the approval process.

See our recommendations under the “Policy Section” above concerning improving the pre-Advisory meeting process.

2. The formal application is submitted to the Front Counter. PDP applications are generally submitted to an assigned Planning Technician. Submittal requirements for PDP’s consist of seventeen (17) collated packets containing the following:
 - Completed Application;
 - Fee;
 - Letter of Intent;
 - 24”x36” engineered plans, including landscape plans and building elevations, etc.;
 - Certified Boundary Survey within the last six months;
 - Environmental Survey;
 - Warranty or Quit Claim Deed;
 - Article of Incorporation (if applicable);
 - Traffic Impact Study;
 - Vacation of Plat (if applicable);
 - Notarized Property Owner Agent Authorization;
 - Signed Affidavits

A review of the Article IV, which outlines the PDP process and submittal requirements, indicated that the PDP is intended as a two-step approval process that involves the approval of general Development Plan by the Planning & Zoning Commission and City Council (when applicable), followed by the separate approval of an engineered site plan at the staff level. The PDP is a broader plan, showing the general land uses and site design, existing conditions, preliminary lot configurations, phasing plan, etc., of a project. Staff described the first step of the PDP process as more of a “bubble plan.” The second step in the process is approval of an engineered site plan, also referred to as a Final Development Plan/Site Plan. The second step allows the Applicant to defer producing costly detailed, engineered site plans before they have City assurance of the intended zoning and site restrictions (in the form of an approved Preliminary Development Plan).

We discussed our interpretation of the PDP provisions in the LUDR and staff acknowledged that it is a two-step process, which the development community can combine into one process at their own risk.

However, the Division's submittal requirements listed above, require engineered drawings to be submitted for a PDP, whether or not it is bundled with a (Final) Site Plan. Requiring engineering level details at the first step in the PDP process is very costly, time consuming, confusing and risky for the development community. It also requires much more staff time and decision-maker time to conduct reviews, which lengthens the approval process. We recommend that the submittal requirements be revised to only require the "applicable data," outlined in § 4.2.6 of Article IV of the LUDR, rather than engineered drawings, unless the applicant specifically requests to submit an (Final) engineered Site Plan for approval as part of the PDP application.

217. *Recommendation:* The Planning Division should revise the submittal requirements for the PDP to required only "applicable data" outlined in the LUDR, rather than engineered drawings (unless the developer specifically requests approval of a site plan as part of the PDP) to reflect the intended general nature of the PDP and reduce costs and risks, and streamline the approval process.

218. *Recommendation:* The Planning Division should revise its PDP brochures to explain that the PDP process has two options to a developer. One is to combine the PDP with a site plan, and the second is to run separately the PDP with a master development plan and submit the site plan as a separate, independent application.

See our previous recommendations under "the Board of Zoning Adjustments & Appeals Process" above regarding creating submittal schedules for all application types, requiring CD's of electronic data and all plans eventually being submitted and reviewed electronically, etc.

3. The Planning Technician (or other staff handling intake) screens the application for completeness (e.g., quantitative check). If it is incomplete, it is rejected, which is a good policy. Accepted applications are logged into the City's CRW system, an application number is assigned and fees are collected. Materials are date stamped, scanned and uploaded. The Planning Technician creates a paper file. Application materials are also routed with a routing sheet template to Public Works, Building and Fire for an 8-business day review.

Staff created a detailed Standard Operating Procedure (SOP) for the CRW intake process for PDP's, Plats, Site Plans, etc., complete with screen snap shots, which is an excellent tool to assist staff in completing this process.

4. The assigned Planner conducts a qualitative review of the application within 1-2 business days of the review period, which is an established Performance Standard,

See our recommendations under the "Performance Standards Section" regarding completeness review performance standards.

5. City review staff, such as public works, environmental, horticulturist, building, and fire, etc. (e.g., reviewers depend on application type), complete their review and record their review comments in the City's CRW permit tracking system. If any reviewer rejects the plans/notes issues, the applicant is instructed via one letter prepared from a template to revise and resubmit to address all issues. Staff has created an SOP to instruct planners how to compile reviewer comments in CRW, which is good.
6. The staff review cycle normally continues until all staff approves the project to proceed through the hearing process. However, at times the Planning Division manager has moved projects to public hearing and provided notification to the rejecting reviewer to be present at the public hearing to present testimony and reason for their denial. In addition, staff recently enacted a procedure that requires the applicant to attend a Technical Review Committee meeting with staff after the project is rejected for the second time, which is good. Staff indicates that this meeting is helping applicants resolve issues and get back on track to complete the approval process. Staff has also created a "re-submittal checklist" to guide the intake process for resubmittals, which is great.
7. Planning staff prepares a staff report and Development Order (DO) (e.g., resolution or ordinance) electronically, with guidance from the City Attorney's Office, which incorporates the review comments received by staff reviewer. As a quality control measure, reports are reviewed by the immediate supervisor and the Division Manager. Reports are printed and forwarded for the review process.

Staff indicates that that a Performance Standard has not been set for the City Attorney and/or Planning Staff to complete the DO preparation process, and as a result, the time required to complete this step varies greatly. A review of recent BOA processing timelines compiled by staff confirmed that the City Attorney's office took from 4 to 30 business days (e.g. 42 calendar days) to complete this step in the process for BOA applications.

219. Recommendation: The City should establish a 5-business day performance standard for the City Attorney's Office to complete the Title and Resolution preparation to increase predictability and streamline the process. Performance Standards should be tracked and monitored to ensure that they are met 90% of the time.

As recommended elsewhere in this report, the City should assign a single, experienced attorney to deal with land use issues to increase attorney response times and provide development-related staff with a single point of contact for land use issues.

Focus Group interviews indicated that Staff does not consistently provide the applicant with a copy of the draft Development Order (DO) prior to the public hearing, which can be at cross-purposes with the Applicants' project objectives.

220. Recommendation: The Planning Division should always ensure that the applicant is provided with a copy of the Draft DO before it is finalized so that the Applicant has an opportunity to review conditions in advance, resolve any issues, and adequately prepare to respond to the DO at hearings.

8. The final draft of the DO is forward City Attorney's Office.
9. The City Attorney's paralegal puts the DO into final form for hearing purposes and a Title for the publication is issued.
10. The planner schedules the project for Planning & Zoning Commission hearing and City Council, when applicable. Depending on the type of application, public hearing notice is published in the local paper, a Code Compliance Officer posts a sign on the property, and/or a notice is mailed to surrounding property owners. In addition, hearing notices are posted on the Division's web pages, which is good. Staff indicated that post cards are mailed first class to property owners, rather than letters, which expedites the noticing process. The applicant is responsible for the costs associated with public noticing, which is also a good practice. When the application requires both Planning & Zoning Commission and City Council approvals, a combined notice is provided to give all concerned parties ample notice of the hearing and reduce costs. The Director also signs an affidavit of posting. An SOP has been created to guide staff in completing the public hearing process successfully, which is good.
11. Agenda Packets are prepared by Clerk's Office, scanned as a PDF and uploaded to SIRE and posted on the City Web page, at least one week prior to the scheduled hearing. In addition, the Planner prepares a PowerPoint presentation for the upcoming hearing.

See previous recommendation under the “Policy Issues” section concerning the need to distill agenda packets down into a decision-making packet.

12. The Planning & Zoning Commission hearing is held on the 1st Wednesday of each month. The Planner presents a PowerPoint Presentation to the Commission. Following testimony, the Commission either makes a recommendation or decision on the project (depending on the type of application). If the Commission has decision making authority a resolution is adopted.

See previous recommendation under the “Policy Issues,” section concerning staff presentations.

13. If required, the application proceeds to City Council approval.
14. Planners do not prepare an updated Staff Report for the City Council meeting. Instead, they update the PowerPoint presentation to inform the City Council about the Planning Commission proceedings and recommendation at the first City Council hearing (e.g., workshop to Introduce the Ordinance).
15. The first City Council workshop meeting is held to set the public hearing date required by Florida State law.
16. Approximately three weeks later, the proposal is heard by council at a subsequent City Council Hearing and a final decision on the application is rendered. City Council Hearings are held on Monday and Council can approve, approve with conditions or deny the project.

Following the hearing process, planning staff updates CRW, prepared refunds or an invoice related to advertising costs, obtains copies of approved resolutions/ordinances and completes administrative tasks to close out the file. All of the post-hearing processes are outlined in an SOP, which is good.

Staff indicated that the City does not have an established policy on when resolutions or ordinances should be recorded and as a result some are not recorded.

221. ***Recommendation:*** The City should establish a written policy for the recordation of resolutions, ordinances and other documents, to eliminate confusion and create consistency.

It was widely reported that the Planned Development Project (PDP) instrument is onerous, unpredictable, lengthy process that presents too much risk for the

development community. Our interviews indicated that the original PDP process was more conventional, but was revised in the late 1980's to incorporate the City's subdivision ordinance, since the city was largely pre-platted and there were few requests for new subdivisions and two PUD zoning districts, including an industrial, commercial and other districts.

Since revision of the PDP provisions, the City's goals and vision has changed. The City is moving beyond its bedroom community history and is now seeking more economic development and redevelopment opportunities to create a more balanced mix of land uses and help revitalize underutilized and blighted areas in the community. Redevelopment and economic development often involves replatting and consolidating larger tracts of land. It also requires a streamlined permitting process that is predictable and minimizes risks in order to attract high-quality economic development and redevelopment opportunities.

The existing PDP instrument is no longer functioning in a way that meets the City's new objectives. However, PDP's can be an excellent tool for both new development and redevelopment because it provides for a mechanism to ensure that new land uses and their external effects such as traffic, signage, and parking, etc., are developed in a manner that minimizes any potential negative effects on adjacent properties.

Given that the City is in the process of completing an EAR for the City's Comprehensive Plan, which will likely result in significant changes to the Comprehensive Plan, we suggest that the current PDP process remain; however, it should be modified as suggested so that it provides more predictability. Suggested changes to improve the existing PDP are outlined throughout this Study and process, include:

- Revamping the Pre-Advisory meeting so that is effective and efficient and provides staff and developer's with real value and direction so that submittals meet City Standards;
- Establishing a Planning Project Manager system, where planners are empowered to lead meetings, make certain decisions and drive the approval process;
- Revising PDP handout material so that it is clear that the PDP process is a two-step process, unless the applicant chooses to combine Site Plan approval with the PDP, which adds cost, time and risk;
- Establishing a Development Review Committee, comprised of senior-level staff that meet within the first week of the application submittal so that major issues can be identified early in the process and staff and the applicant are communicating immediately to resolve issues;

- Establishing Performance Standards for up to three (3) review cycles that are tracked and monitored by Project Managers and Management Staff to ensure that they are being met;
- Establishing Performance Standards to ensure that the Development Order is completed in a predictable time frame to reduce unnecessary delays;
- Establishing Performance Standards for overall processing timeframes for all planning applications so that they can be tracked and monitored and adjusted when needed.
- Enacting Administrative Amendment Provisions for Variances, Minor Deviations and PDP Amendments that can be approved at the staff level, without the need for a lengthy public hearing process;
- Enacting local regulations to allow subdivisions to be approved independently of a PDP application, and in some cases administratively, without the need for a public hearing.

Once the EAR is complete and the Comprehensive Plan has been modified, the PDP provisions should be completely overhauled so that they are linked to the City's Comprehensive Plan's goals and objectives, and provide a clear explanation of the purpose and intent, submittal requirements and procedures, so that the provisions can be administered appropriately and consistently by staff and it is less risky and onerous for the development community. At that time, the City should also consider broadening the uses allowed in the conventional zoning districts, so that there is less reliance on the PDP process.

Site Plan Process (SP)

Currently, the SP process is submitted to and administered by the Public Works Department through a designated Site Plan Coordinator, unless SP is submitted as part of a PDP. If the SP is part of a PDP it is submitted to and administered by the Planning Division of the Community Development Department.

This bifurcated process causes obvious confusion for applicants, as well as coordination and communication problems for the staff responsible for reviewing and administering the process.

A review of the Site Plan provisions in the LUDR (Article IV, § 4.4) revealed that the LUDR requires the SP to be submitted to the Community Development Department. It states that, "an application for a site plan review shall be made to the Director..." Staff indicates that the language in the LUDR was not properly revised to reflect the organizational changes that occurred, which moved the SP process to the Public Works Department causing further confusion for unfamiliar applicants.

We believe that the SP Plan process should be moved back to the Community Development Department for several reasons including:

- It provides applicant's with one portal to submit planning permit applications, which will eliminate the bifurcated process;
- Site Plans would be administered by the same function that has the same priorities, performance standards and systems, regardless of whether it was part of a PDP;
- Planners would be able to actively manage SP applications as project managers and drive the process so that interdepartmental issues are addressed quickly;
- Approved SP's can be signed quickly by the Director who is physically located in the same office space as the Planning Division;

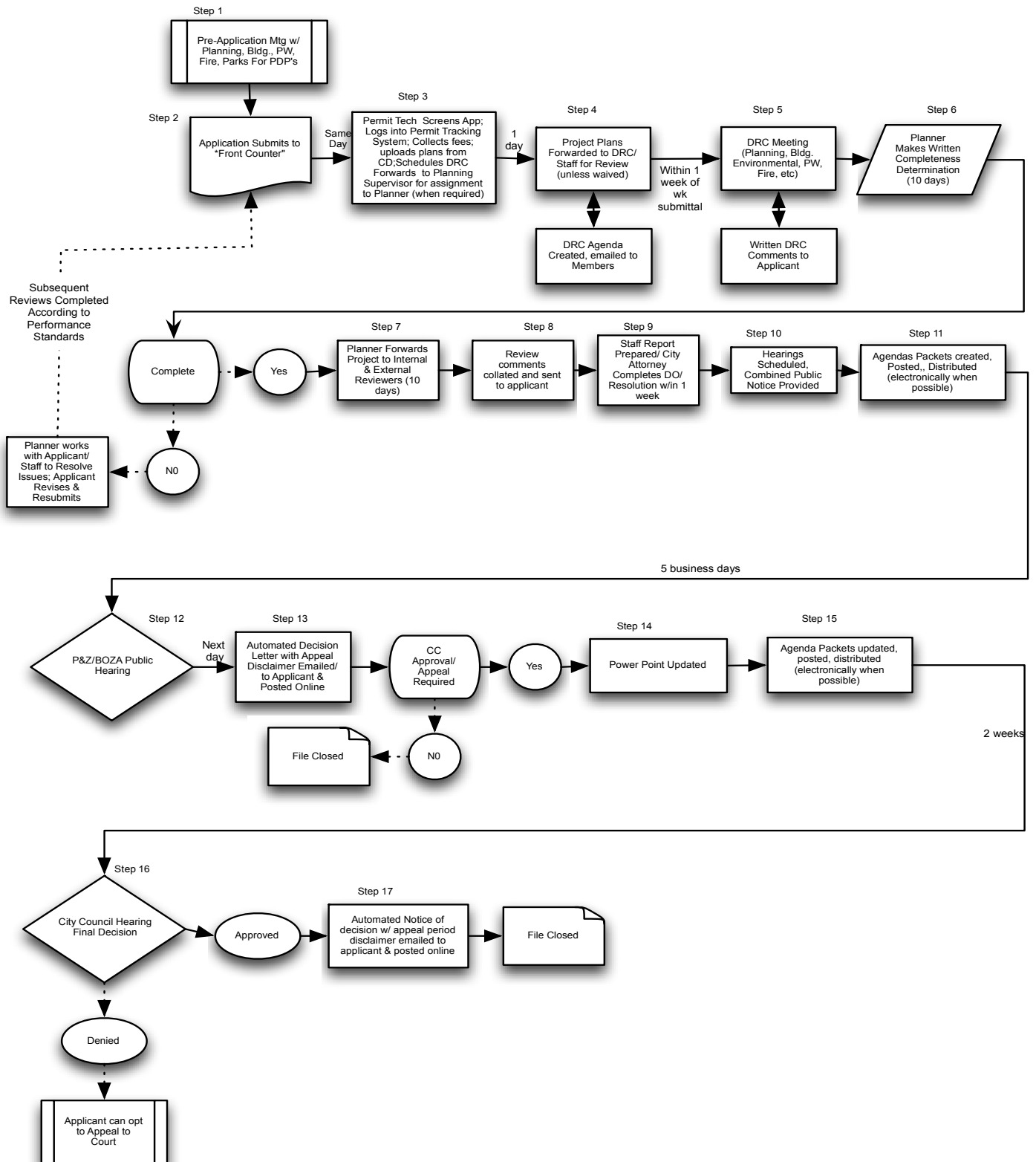
In order for this process change to be effective, the roles and responsibilities of Planning staff and the Site Plan Coordinator would need to be outlined clearly. For example, Planning Staff would be responsible for in-take, managing and processing the SP, however, the Site Plan Coordinator would remain an essential reviewing agency and retain their purview over engineering related issues. Planning Staff and the Site Plan Coordinator staff would have to communicate, coordinate and solve problems as a team. In addition, process handouts and flowcharts would need to be revised to show users how the process works. The Site Plan function could be a separate Division within Community Development or could report to Planning. This organizational decision should rest with the new Director of Community Development.

See our recommendations under the "Public Works" section for additional details on the Site Plan process.

Figure 19 below shows our proposed P&Z and CC Permit Approval Process that incorporates our recommended process changes. It provides for:

- A DRC review with written comments to the applicant;
- A completeness check within 10 days, according to established Performance Standards;
- A staff review timeframe according to established Performance Standards;
- Electronic agenda preparation and distribution (when possible);
- An automated decision letter following hearings; and

Figure 19
Proposed P&Z and CC Permit Approval Process



222. *Recommendation:* The Planning & Zoning Division should revise the P&Z and CC project approval process flowcharts to incorporate our recommended process changes as shown in Figure 19 above.

Subdivisions

Our Focus Group interviews revealed that the development community feels strongly that the City be able to process subdivision without the application being bundled as part of a Planned Development Project, as the City of Bonita Springs and Lee County, Florida have done.

Interviews with Staff indicate that the City Attorneys' Office has determined that subdivision plats cannot be signed by City Council except at a duly noticed Public Hearing, as per the LUDR, Article IV, § 4.1), which requires a PDP application when a subdivision is requested. As such, subdivisions are required to be bundled with PDP's (e.g., subdivisions is permitted only as part of a PDP application), which requires a Public Hearing, so that the City Council can sign the subdivision plat. The LUDR indicates that the City intends to exercise a greater level of review over subdivisions, thus a public hearing is required.

In researching this issue with Lee County, we found that the County enacted an Administrative Code (AC 13-19), which sets forth standards and procedures that give County staff authority to approve plats administratively, without the need for a public hearing. Staff we spoke with indicated that they believe that state law allows cities to enact similar rules and regulations to allow plats to be processed administratively, without the need for a public hearing.

223. *Recommendation:* The City should consider amending the LUDR to establish administrative approval regulations for subdivisions so that they can be processed separately, outside of a PDP application, through an administrative process, similar to Lee County, Florida's process, without the need for a public hearing.

Planning Application Processing Times

Table 22 shows four (4) Applications that were recently processed by the Planning Staff.

Table 22
Last Four Applications Processed

Project Type	Case #	Date Submitted	Date Staff Deemed complete 1	Total # of Bus. Days for 1st review	Total # of Bus. Days for Staff Review	# of Bus. Days with Applicant	Total No. Of Staff reviews	P&Z Date	CC Date	# of Bus. Days from Staff Approval to CC	# of calendar days from submittal to Approval
PDP (included Subdiv., Platting & Deviations)	11-0008	9/20/11	9/21/11	8	29	81	4	5/2/12	6/11/12	78	265
Plat2	12-0001	4/26/12	4/27/12	11	19	95	5	N/A	10/22/12	12	179
PDP (included Subdiv., platting, sire plan review, special exception & deviations)	11-0010	11/21/11	11/22/12	12	33	126	4	10/3/12	11/5/12	88	350
PDP	12-0002	4/6/12	4/7/12	7	25	69	3	11/7/12	N/A	57	215

1 One bus. day per staff

2 Requires a council meeting to Introduce prior to hearing

As the above table shows, all of the four projects were reviewed for completeness within one business day, consistent with the established Performance Standard, which is good. In addition, half of the applications sampled were reviewed within 8 business days, which is the established Performance Standard for first reviews. However, all of the applications sampled were reviewed a minimum of three times, and as many as five times by staff, which is excessive. Once staff reviews were completed, the two more complex PDP applications were approved within 78 and 88 business days, the plat within 12 business days and the simpler PDP within 57 business days, which seems reasonable. However, when calculating the total calendar days from submittal to approval, processing timeframes are extremely lengthy –taking just under a year in one case. The need for multiple staff review cycles, coupled with lengthy overall processing time frames are likely factors that are contributing to dissatisfied customers/applicants and are inconsistent with the City’s economic development goals.

Performance Standards

Performance Standards are an effective way to gauge the effectiveness and efficiency of planning permit processes. The Planning Division has established Performance Standards for completeness reviews and the first staff review cycle to help manage the planning approval process, which is good. We support staff's efforts in establishing Standards. However, to more effectively gauge processing effectiveness, Performance Standards also need to be established for up to three review cycles (e.g., each review following the initial review, until the project is accepted for final decision-making), as well as for the overall processing timeframe for each application type.

All Performance Standard review time frames should be set up in the City's CRW Permit Tracking System software (if possible) and proactively monitored and managed by the Division to ensure that they are met 90% of the time.

Table 23 below shows the Division's existing Performance Standards, as well as out suggested Performance Standards, which are intended to help streamline the planning application review and approval process.

Table 23
Existing & Suggested Performance Standards for Planning Applications

Application Types	Existing Completeness Review Performance Standard in Bus. Days	Suggested Completeness Review Performance Standard in Bus. Days	Existing Cycle One, Two, Three Staff Review Performance Standard in Bus. Days	Suggested Staff Review Cycle Performance Standard in Working Days			Existing Overall /Total Timeframe Processing in Work Days	Suggested Overall Processing Standard in Bus. Days/Weeks	Suggested Goal for % Time Met
				Cycle One	Cycle Two	Cycle Three			
Administrative Amendments for Variances, Deviations, PDP's	N/A	At Counter	N/A	-	-	-	At Counter	At Counter	90%
Amendments -Comp. Plan or Future Land Use Map	2	10	Not Established	10	5	3	Not Established	40 bus. days/8weeks	90%
Amendments - Zoning Code Text or Land Use Map	2	10	Not Established	10	5	3	Not Established	40 bus. days/8weeks	90%
Certificate of Use	At Counter (1)	At Counter	5	At Counter	-	-	5	At Counter	90%
Deviations	2	5	Not Established	5	3	1	Not Established	30 bus. days/6weeks	90%
Final Development Plan/Final Plat	1	5	8	5	3	1	Not Established	30 bus. days/6weeks	90%
Rezoning	2	10	Not Established	10	5	3	Not Established	60 bus. days/12weeks	90%
Planned Development Project/Subdivisions	1	10	8	10	5	3	Not Established	60 bus. days/12weeks	90%
Signs	At Counter (1)	At Counter	5	At Counter			5	At Counter	90%
Site Plan Review	1	5	8	5	3	1	Not Established	30 bus. days/6weeks	90%
Special Exceptions	2	10	Not Established	10	5	3	Not Established	30 bus. days/6weeks	90%
Vacations of Plat	2	5	Not Established	5	3	1	Not Established	30 bus. days/6weeks	90%
Variances	2	5	Not Established	5	3	1	Not Established	30 bus. days/6weeks	90%

Our suggested completeness reviews have been lengthened so that the proposed DRC meeting can be held and utilized to help determine completeness. More complicated processes, such as PDP and Rezoning applications have longer review and overall approval times than more routine applications, such as variances and deviations. Creating a more structure Pre-Advisory meeting, as well as establishing a DRC meeting and staff review Performance Standards for up to three review cycles should help applicant's prepare requested revisions timely.

By formally establishing the above suggested Performance Standards for Completeness Reviews, Three Cycles of Staff Review and overall processing

timeframes for all planning applications the City will be better able to gauge the efficiency and effectiveness of planning application by tracking monitoring and evaluating the success of Performance Standards, and ensuring that they are met 90% of the time.

224. *Recommendation:* The review times for Planning applications should be set as shown in Table 23.

Staffing

We suggest that the Planning Manager should set a base staffing level for the planning function and then as workload increases or if it is not possible to meet performance standards, supplement staff by consultants. This should be set as needed to make it cost neutral.

225. *Recommendation:* Set a base level of staffing for the Planning function and as workload dictates or it is not possible to meet performance standards, supplement staff with consultants.

VIII. PUBLIC UTILITIES DEPARTMENT

A. PROFILE

The City's Utilities Department is generally responsible for producing water that meets or exceeds all Safe Drinking Water Act standards, distributing that water and collecting wastewater. It represents the largest capital improvement budget and the largest operating budget in the City. The Department is currently managing a major expansion of the potable water system that is intended to promote growth in the northern areas of the City.

B. POSITIVE FINDINGS/AREAS OF STRENGTH

- The plan review staff reviewing site development plans enter and track project status using CRW system.
- The inspection staff consistently provides field inspections on the days requested.
- Staff performing plans review and inspection appear qualified to perform duties based on experience and certifications
- Turnaround times for 1st Plan Review are good for commercial projects (8 business days).

C. FIELD INSPECTION STAFF

The primary responsibility of the field inspection staff in the Utilities Department is to respond to inspection requests to confirm the separate potable and irrigation systems are connected to the proper meter and that no other cross-connections exist. The volume of inspections to be performed daily for three inspectors averages 90 but can be as high as 200 per day. Despite these large numbers, staff reports that they are normally able to complete these inspection requests on the day requested and they receive few complaints from contractors.

D. SITE DEVELOPMENT REVIEW

Those areas of responsibility most relevant to this report involve the Department's involvement with the development review process. Comments received through customer surveys urge the City to make an effort to reduce the number of employees that must "touch" a set of plans before they can be approved. Our interviews with staff suggest that the plan review function performed by staff in the Utilities Department are to a great extent a duplication of reviews conducted by staff in other Departments. While staff from Utilities indicated that there are overall benefits for the

City to ensure that the interests of the Utilities Department are represented in the overall design and approval, the current level of redundant review does not appear warranted. It appears that the current Utilities Department review that is performed as part of the standard site plan review process could be adequately addressed by appropriately trained staff in the Site Development Group. Long –term issues about including design features that will enhance the ability to properly maintain these infrastructure systems should continue to be a collaborative process that could be accomplished through periodic meetings between the staff that approves designs and the staff that maintains the systems.

226. *Recommendation:* The Utilities Director and Public Works Director should coordinate the transfer of plan review responsibilities for currently performed by Utilities to the Site Plan Coordinator.

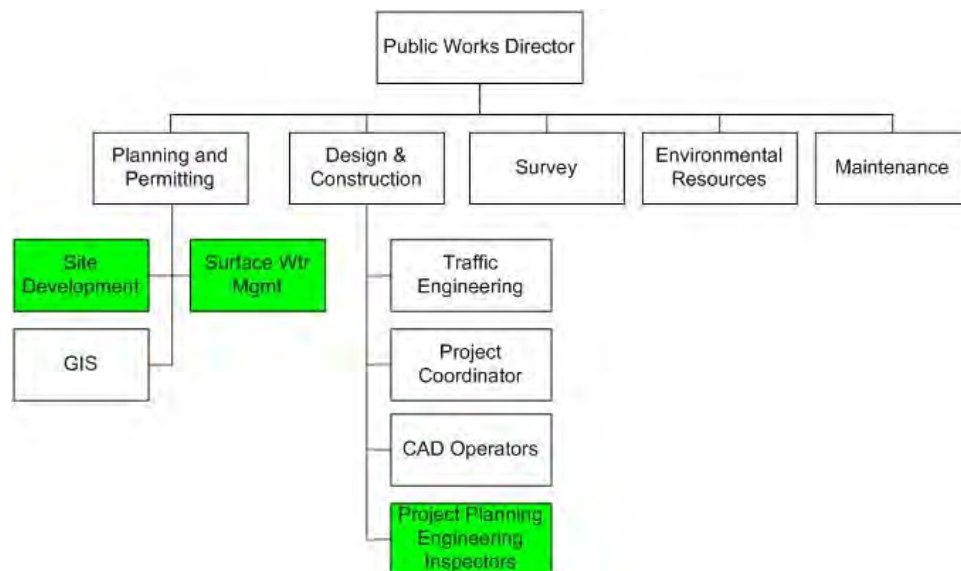
227. *Recommendation:* The Directors from Utilities and Public Works should ensure that staff approving utilities design periodically meets with Utilities staff to receive their input on design features that enhance long-term system maintenance.

IX. PUBLIC WORKS DEPARTMENT

A. PROFILE

The Public Works Department represents a diverse group of divisions that are primarily responsible for maintenance, operations and engineering support for Cape Coral's infrastructure. These systems generally include the roads, canals and stormwater systems. The five (5) Divisions that comprise the Public Works Department include Planning and Permitting, Design and Construction, Survey, Environmental Resources and Maintenance. The primary focus of this report is on the services provided to support the development process that includes plan review and inspections of site development related construction. The Public Works Director estimates that only about 15% of the Department's resources are dedicated to these efforts. Most of these duties are performed by plan review staff in the Planning and Permitting Division and inspection staff in the Design and Construction Division. Those units are highlighted in the organization chart below.

Figure 20
Public Works Organization
(Development Review & Inspection Highlighted)



Authority

The Director of Public Works serves at the pleasure of the City Manager and within the framework established by the Cape Coral Municipal Code. As a registered

professional engineer (PE) in the State of Florida the City Engineer has certain statutory authority mandated by State Law. That statutory authority pertains to a Florida Registered Professional Civil Engineer (PE) being in responsible charge of approval of legal subdivision maps, surveys, and parcel maps as well as approval of infrastructure plans for various public works in the City Cape Coral. The current Director has been with the City of Cape coral for 28 years and has served as the Director of Public works for the last 1 ½ years.

Overview

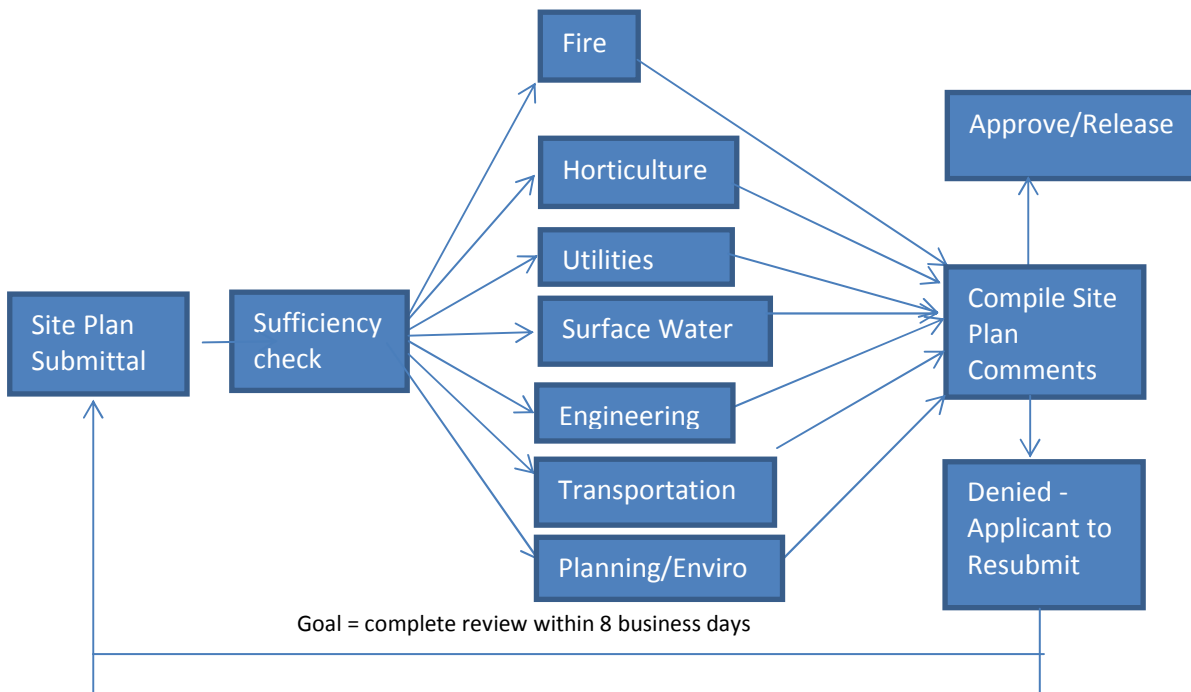
The Site Development Review function is the area most relevant to the purpose of this report. This group has undergone significant organizational changes in the last eight (8) years, migrating from a Section in the Community Development Department that consisted of a Manager (P.E.), Engineering Plans Examiner (P.E.), (3) Plans Examiners and (6) Inspectors to a group in Public Works that currently includes a Site Development Coordinator (P.E.) and a Customer Service Expeditor with inspections provided by a separate group in Public Works. This dramatic reduction in staffing has been necessary due to the overall reduction in permit activity experienced over that period and the City’.

B. POSITIVE FINDINGS/AREAS OF STRENGTH

- The plan review process for reviewing site development plans is integrated into CRW system and inspections are recorded in the system.
- The Site Development Coordinator utilizes reports from CRW to confirm target turnaround times are being achieved.
- The inspection staff consistently provides field inspections on the days requested.
- Staff performing plans review and inspection appear qualified to perform duties based on experience and certifications
- Turnaround times for 1st Plan Review are good for commercial projects (8 business days)
- Site Development Coordinator assumes responsibility to confirm consistency of corrections before they are sent to applicant
- The Customer Service Expeditor is considered knowledgeable and helpful.
- Site Development Coordinator has demonstrated commitment to implement system changes to improve customer service.

The Site Development Review function can best be described by the process flow chart below.

**Figure 21
Site Plan Review Process**



The Site Development Coordinator performs quality control on overall comments while performing engineering/transportation reviews. The Department has expressed intent to expand the duties of this position to include also performing stormwater and reviews in the future. The stormwater reviews are currently being performed by staff in the Design and Construction Division of Public Works. Interviews with staff indicate that this transfer of responsibilities would not impose a significant additional workload on the Site Development Coordinator due to the relatively small volume of work that would be associated with that activity. We support this concept of consolidating review functions. One of the complaints voiced in customer surveys was the need to contact so many different employees in order to resolve plan review issues. Our review of the process and interviews with staff indicated that this is one opportunity to streamline this process by modifying assignments. We believe that reducing the number of employees who must “touch” the plans prior to approval will help make the process less confusing for applicants and provide internal efficiencies.

228. Recommendation: The Public Works Director should transfer the responsibility for conducting stormwater plan reviews from the Design and Construction Division to the Site Development Coordinator.

As stated in the beginning portion of this report, we strongly believe that staff performing similar functions should be located in the same area. This provides an

increased opportunity for individuals to communicate closely with other staff performing similar duties on the same projects. Our experience suggests that this single factor can pay major dividends to both the City and the customer by encouraging daily problem-solving opportunities that would not otherwise be available. Currently the staff providing site development review services is located in multiple satellite buildings, with the counter for Public Works Site Development Review having recently moved to a newly remodeled building across the street from the Permit Center. Customers must come to this location to submit their plans and pay site development plan review fees rather than submit those plans and pay fees at the Permit Center. We believe all development related permit applications should be submitted at the Permit Center and that staff that provide the plan review and permit processing service should be readily available at the Permit Center.

229. *Recommendation: The Public Works Site Development Review staff should be relocated to the Permit Center.*

Previously the site development review operation was incorporated into the organizational structure of the Community Development Department. That arrangement worked for approximately three years before it was abandoned and Site Development Review became a unit in the Transportation Division under the leadership of the former Deputy Building Official who became the Site Development Coordinator. That structure has now evolved into a Professional Engineer in the Site Development Coordinator position and a single Customer Service Expeditor that constitutes the Site Development Review unit of the Public Works Planning and Permitting Division. With the recommendation to relocate this unit's staff to the Permit Center it is also appropriate to consider revisiting the concept of having the group report to the Community Development Department. To further advance the concept of a fully integrated development services process, it is appropriate to have all of the key functional areas reporting through the same management structure. We believe that the site development review function is a major component of the development review process and therefore should be assigned to the same organizational unit.

230. *Recommendation: The Public Works Site Development Review unit should be transferred to the Community Development Department.*

We believe the inspector's functions for both Public Works and Utilities should remain in Public Works. However, as an alternative, we would not object to these functions also being transferred to the Community Development Department.

Activity Levels and Staffing

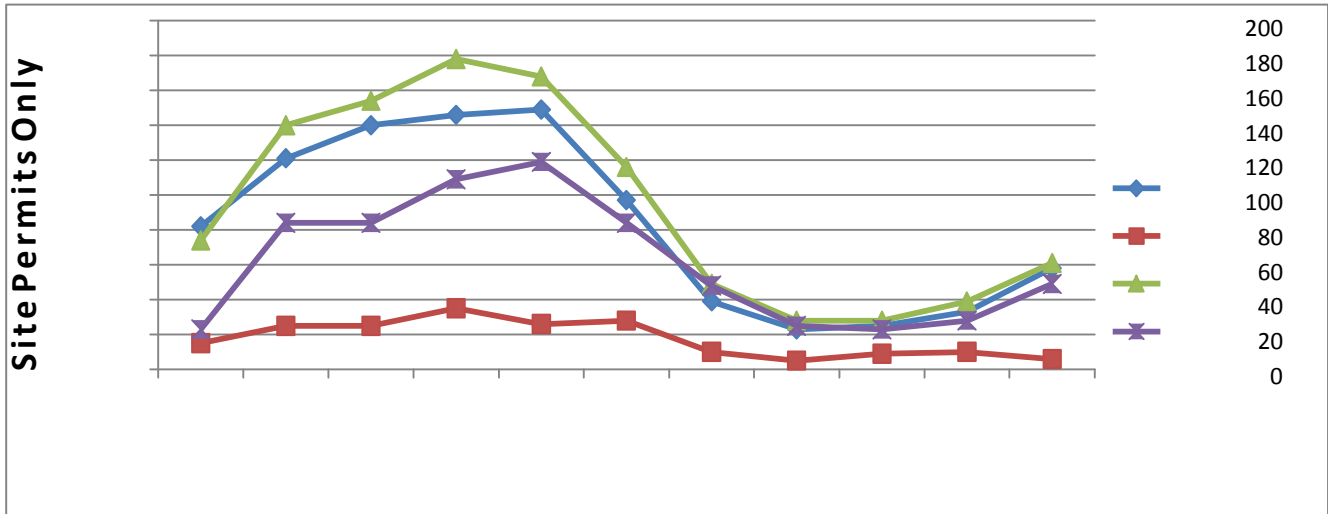
The Table 24 and Figure 22 below help illustrate the dramatic decrease in development related activity that the City has experienced in the last eleven (11) years.

Table 24
Cape Coral Permit History

	Project Applications Processed			Site Development Permits				Other Permits	
	Site Plan	PDP's	Total	Total Permits Applied For	Total Permits Issued	Voided, Expired or Never Issued	Not yet Picked Up	R/W, Demo, Spot Dredge, Fill, Clearing, UGFL, & Parking Lot Issued	
Year									
2002	82	15	97	74	23	5		78	101
2003	121	25	146	140	84	5		85	169
2004	140	25	165	154	84	9		118	202
2005	146	35	181	178	109	29		166	275
2006	149	26	175	168	119	47		99	218
2007	97	28	125	116	84	31		113	197
2008	39	10	49	49	48	4		83	131
2009	23	5	28	28	25	3		99	124
2010	25	9	34	28	23		2	243	266
2011	33	10	43	39	28		3	285	313
2012	58	6	64	61	49		6	284	333
Totals	913	194	1107	1035	676	133	11	1653	2329

All information was obtained directly from CRW (Trakit) and was not checked for errors. Permit tracking system shifted to Trakit in 2009, prior to that Right of Way (R/W) permits were not in the system.

Figure 22
Cape Coral Permit History



Planned Development Project (PDP) Reviews

One of the complaints expressed by both staff and customers is the length of time required to complete approvals for projects that undergo the Planned Development Project (PDP) process. While it is recognized that such a process is needed to address those types of proposed projects that do not readily fit within the existing set of land use regulations, it does appear that the process is sometimes being unnecessarily extended by including the site development review process in the same application. The major time-consuming aspect of the site development review process is the creation of detailed construction plans and the process of undergoing several reviews with City staff prior to approval. Including the site development review as part of the PDP application requires the site development review to be approved before the public hearing component of the PDP process can be scheduled. The time lag between scheduling the public hearing and conducting the hearing can be considerable and therefore costly to the applicant. If the site development review were processed separately then the site development review could proceed concurrently with the PDP process and reduce the time needed to schedule a public hearing on the application. The level of detail required in the plans for a PDP review is substantially less than that required of a formal site development review and would therefore not delay the processing of the PDP application. The goal would be to have the PDP process and the formal site development plan approval process be completed at approximately the same time.

231. Recommendation: The practice of incorporating the site development plan approval process into the Planned Development Project process should be discouraged in order to streamline the approval process.

Public Works Inspectors

The Public Works Inspectors are responsible for performing underground inspections including curbs and gutters primarily with most of the work being performed within the public right-of-way. Staff typically refers to these as the horizontal components of projects while Building Inspectors focus their activities primarily on the vertical construction portions of the project. The Public Works staff performing inspections is well qualified and experienced in performing these duties. The customer surveys did not indicate any specific problems in obtaining timely inspections and inspection results are provided in the field and posted in the CRW permit system on the same day.

Public Works Inspection staff has reported field coordination problems occurring in the past due to inconsistent requirements established through the plan review process. The specific example that was provided identified two different standards for driveway slopes established by the Fire Department versus Public Works. The Fire Department standards mandate a driveway slope not to exceed 1:20 while the Public Works standards allow a 1:12 maximum slope. When this conflict is discovered by Inspectors when the project is nearing completion it can have a significant impact on the cost and completion date for the project. It is critical that these types of conflicts be resolved internally before plan corrections are provided to the applicant. The recent hiring of the Site Development Coordinator should help address this issue.

232. Recommendation: The Site Development Coordinator should work with the Public Works Inspectors to identify and resolve conflicting standards before corrections are provided to the applicant.

Stormwater Plan Review

Currently the stormwater plan review conducted as part of the site development permit review is performed by staff in the Design and Construction Division of the Public Works Department. As recommended above, this function should be transferred to the Site Development Review Unit of the Planning and Permitting Division. This effort will reduce the number of separate staff members that must review the plans and should help streamline the process for the applicant.

One of the most common complaints expressed in customer surveys and by focus group attendees was the belief that the storm water plan review process was inconsistent and frequently resulted in significant additional costs to the project when

additional requirements were added subsequent to receipt of the initial plan review corrections. Commenters also questioned the qualifications of the staff performing the stormwater plan reviews because the interpretations frequently differed significantly from those provided to the applicant from their highly experienced professional designers.

Our experience has suggested that complaints from applicants that additional requirements are identified after the initial review has been completed are often due to the lack of detailed information provided with the initial submittal. This can be at least partially addressed by authorizing staff to be more assertive in rejecting incomplete plan submittals during the sufficiency check step in the plan submittal process.

233. *Recommendation:* Site Development Review counter staff should be trained to recognize incomplete plan submittals and be authorized to reject them for review.

Concerns about the qualifications of those individuals performing stormwater plan review can be addressed through implementation of a periodic audit program. Additional staff training should be provided if the audits indicate such a need.

234. *Recommendation:* The Community Development Director and the Public Works Director should implement a periodic audit program of the plan review services and authorize training to address any audit identified deficiencies.

X. EMPLOYEE PERCEPTIONS

Two confidential questionnaires were completed by many of the employees in the Department of Community Development and related departments.

A short, closed-ended questionnaire (shown in Appendix B) was completed at a staff meeting by 75 employees and collected by the consultants. The raw scores and tallies of this survey are also shown in Appendix B.

A longer, thirteen-page questionnaire (shown in Appendix C) was completed by 53 employees and mailed or emailed to the consultants in San Diego to assure confidentiality. In most of our studies, only half of the employees that complete the short questionnaire take the time to complete the long questionnaire. Information obtained from these questionnaires was essential to our analysis.

Table 25
Number of Employees Responding to Questionnaires

Function	Number of Short Questionnaires	Average Response to Short Questionnaire	Number of Responses With Averages Under 3.0	Number of Long Questionnaires
Building Division	21	3.37	9	6 +1
Code Enforcement Division	22	3.52	11	17 +1
Economic Development	2	3.64	9	2
Engineering/Public Works	6	3.45	9	6 +1
Fire Department	5	3.41	9	4 +1
Management	7	3.84	4	5 (see the +s)
Other	2	-	-	1
Planning Division	8	3.71	4	12 +1
Utilities	2	3.64	5	0
Total	75			53

The short questionnaire also asked employees to list pet peeves and give suggestions for improvements. These comments were used as part of our analysis for this report and are shown in Appendix B.

The short, closed-ended questionnaire consisted of a series of statements to be rated by the respondents. Responses were tallied and averaged and the raw scores are displayed in Appendix B. The statements were designed to elicit the mood and feelings of each employee about overall division or department excellence. For each of the 33 statements, the employee was asked to respond as follows:

- | | |
|-----------------------|--------------------|
| 1 – Strongly Disagree | 4 – Somewhat Agree |
| 2 – Somewhat Disagree | 5 – Strongly Agree |
| 3 – Neutral | 6 – Not Applicable |

Generally, the higher the rating (i.e., 4's and 5's) the better the employee perceives the subject area and the more excellent the division or department.

We've conducted this survey in many planning and building departments and divisions. Generally, a score below 3.0 is an indication of issues that need to be addressed. We like to see average scores in the high 3's and 4's. We believe that the scores give a reasonably accurate assessment of the employee's view of their division or department. The seven managers scored the highest with an average score of 3.74. It is common the managers believe their organization is performing better than do the employees. The average score for the Building Division was the lowest at 3.37. The highest score was 3.84 my managers. It is not unusual that managers feel the organization is doing a better job than do the employees.

Questions with average scores below 3.0 are discussed below.

Permit Process

Four of the seven groups indicated problems with the permit process.

- #22. *Permit and development processes in the City are not unnecessarily complex nor burdensome on the applicant.*

These findings match other research we have conducted and are clearly issues that the City needs to address as discussed elsewhere in this report.

Planning

Either four or five of the seven groups scored low on three questions addressing planning issues including:

- #27. *We are doing the right amount of long range planning.*
- #28 *The Planning Commission works well and is effective.*

- *#30 The Comprehensive Plan is good.*

These findings match other research we have conducted and are clearly issues that the City needs to address as discussed elsewhere in this report.

Zoning Ordinance

All seven groups except Fire had scores below 3.0 for question 31.

- *#31 The Zoning Ordinance is good.*

This finding matches other research we have conducted and is clearly an issue the City needs to address as discussed elsewhere in this report.

Building Division

Other Questions scored below 3.0 for the Building Division included 6, 7, 8, 11, and 18.

- *#6. Managers in our Department encourage and advance new ideas from employees. (2.67)*
- *#7. We have a strong emphasis on training in our department. (2.05)*
- *#8. Management in our Division discusses objectives, programs and results with employees regularly. (2.52)*
- *# 11. Our Department encourages practical risk-taking and supports positive effort (2.79).*
- *#18. There is good teamwork and communication between the different departments, division, or organizations conducting development review, plan checking and inspection in the City (2.95).*

All of these five questions should be a major concern of Division management and point to major issues that need to be addressed.

235. Recommendation: Management and supervisors in the Building Division should meet to discuss why employees feel so strongly about five management related questions and develop a methodical approach to addressing these concerns.

Code Enforcement Division

Other Questions scored below 3.0 for the Code Enforcement Division included 18, 19, 21, 23, 32, and 34.

- #18. *There is good teamwork and communication between the different departments, division, or organizations conducting development review, plan checking and inspection in the City (2.18).*
- #19. *I am aware of standard turnaround times in our Division for processing plans and Permits as communicated by my supervisor. (2.56)*
- #21. *The City has a clear and coordinated development review and plan checking process. (2.89)*
- #23. *Application review in the City is undertaken in a consistent manner. (2.91).*
- #32. *Building permits are reviewed in a short and timely way. (2.64)*
- #34. *Public work permit applications are reviewed in a short and timely way. (2.64)*

These responses match other research we have conducted in this study and are addressed elsewhere in this report. Question 19 concerning turnaround times could relate to the code enforcement process and should be addressed.

236. ***Recommendation: The Code Enforcement Manager should address Question 19 in a staff meeting and make any necessary adjustments or clarification to the process.***

Economic Development

Since scores reflect only two people and an analysis is not useful. However, overall the responses indicate problems with the City's development process which matches other findings in this study.

Engineering/Public Works

Other Questions scored below 3.0 for the Engineering/Public Works Department included 4, 6, 18, and 23.

- #4. *The concern for employees in our Division is sincere. (2.67)*
- #6. *Managers in our Department encourage and advance new ideas from employees. (2.83)*
- #18. *There is good teamwork and communication between the different departments, division, or organizations conducting development review, plan checking and inspection in the City (2.17).*
- #23. *Application review in the City is undertaken in a consistent manner. (2.67)*

These four questions all relate to management issues within Engineering/Public Works as well as relations with other review divisions.

237. **Recommendation:** Engineering/Public Works management should meet with the development review employees to discuss four of the employee survey questions and develop an approach to address employee issues.

Fire Department

Other Questions scored below 3.0 for the Fire Department included 4, 6, 7, 8, 14, 15, and 17.

- #4. *The concern for employees in our Division is sincere. (2.40)*
- #6. *Managers in our Department encourage and advance new ideas from employees. (2.20)*
- #7. *We have a strong emphasis on training in our department. (2.60)*
- #8. *Management in our Division discusses objectives, programs and results with employees regularly. (2.20)*
- #14. *We have an efficient records management and documentation system in our Department. (2.40)*
- #15. *I am satisfied with the type of leadership I have been receiving from my supervisor in our Division. (2.60)*
- #17. *I am kept abreast of changes that affect me. (2.20)*

These seven questions all relate to management issues within the Fire Department and suggest a need for considerable discussion within the Department or Division. It may be helpful to use an outside facilitator to assist in addressing these issues.

238. **Recommendation:** The Fire Department should use an outside facilitator to assist in addressing employee management issues.

Managers

Other Questions scored below 3.0 for the Managers included 16.

- #16. *I have enough time to do my work as it needs to be done. (2.71)*

It is interesting that none of the other groups had low average scores below 3.0 for this question. Generally, when managers answer low to this question it is a sign of a delegation problems. Managers should be to delegate adequately to not be stressed with workload. This is particularly true in organizations where staff are not

complaining about workload. This issue is further highlighted since we have seen the need for managers to address a variety of issues within their functions. The Human Resources Department or an outside trainer should be used to help managers address this issue.

239. ***Recommendation: Either the Human Resources Department or and outside trainer should work with managers to address delegation issues.***

Planning Division

Other Questions scored below 3.0 for the Planning Division included 7, and 18.

- #7. *We have a strong emphasis on training in our department. (2.60)*
- #18. *There is good teamwork and communication between the different departments, division, or organizations conducting development review, plan checking and inspection in the City (2.17).*

The concern for training was primarily raised by four of the eight employees. As such, the issue may relate to how training funds or time is allocated.

240. ***Recommendation: The Planning Manager should have a detailed discussion of the Divisions training approach as part of one or more staff meetings.***

Question 18 is a central question related to the City's development process. We believe Planning should be in a lead and stronger coordination role than they have exercised. This is discussed in the Planning chapter.

Utilities

Since scores reflect only two people and an analysis is not useful. However, overall the responses indicate problems with the City's development process which matches other findings in this study.

XI. CUSTOMER PERCEPTIONS

In today's environment, governmental performance is measured by customer satisfaction. In order to determine performance in Cape Coral, we used several techniques consisting of interviews with the Mayor and City Council members, two customer focus groups, and an email survey to applicants.

This Chapter includes customer comments for improving the City's Department of Community Development and related functions. The intent of this customer input was to elicit views and opinions on positive and negative aspects of activities and to seek ideas for change that will improve and enhance the Department or Division. However, as would be expected, the focus was on perceived problems.

In considering the results, the reader must bear in mind that, unlike documents and statistics, the views expressed by individuals are subjective and may reflect personal biases. Nonetheless, these views are at least as important as objective material because it is these people, with their feelings and prejudices that work with or are often affected by City activities. A second important consideration is that in analyzing the material, it may not be as important to determine whether a particular response is "correct" as it is to simply accept a response or try to determine why customers feel the way they do. Tom Peters, the noted management consultant, has said that in relation to customer service, "Perception is everything." In other words, perception is reality to the person holding the perception.

It should be noted that the purpose of this chapter is to report on the customer input so that the reader of the report can view the comments as customer perceptions without our editing. These comments are not the conclusions of the consultants. Using our methodology as described in Figure 1 and Section B of Chapter II, the customer comments are taken as one form of input to be merged by input of others and our own judgment. Our specific response is in the form of the various recommendations included in this report.

A. MAYOR AND CITY COUNCIL

We met the Mayor and City Council members in individual confidential meetings in order to gain a perspective on the governmental direction for the City. There was not unanimous opinion on all topics but a few points of interest follow.

City Attorney

Many see issues with the City Attorney as related to the development process.

Code Enforcement

Code Enforcement does a good job but it is not pro-active. If the City has regulations they need to be enforced or else eliminated. The City is very large and more staff may be needed. The Council is very supportive of Code Enforcement.

Commercial Development

The City needs more commercial development but some of the community does not want it. Businesses are reluctant to come to Cape Coral because permitting is so unpredictable. Staff is afraid to make a decision so it is easier to say no.

Counter

Counter staff may not be properly trained and some clerks have unprofessional private dialogue out front.

Electrical Permits and Inspection

Better guidelines are needed.

Employees

The pensions will need to be brought under control. Some feel the employee buy-outs were a mistake.

Some feel increased staff needs should be covered by contractors with a core staff. Some would increase staff.

Inspectors

Some see lots of issues with the inspectors. Customers fear the inspectors.

Planning Commission

Some items going to the Planning Commission should instead go to a hearings officer. The Commission tends to rule too much by emotion.

Pre-applications

Advice given is not adequate. Staff don't have the guts to say something won't work.

Processes

The City's permit and inspection process is too complicated.

Public Works

The engineers should be in the City Hall and possibly merged with DCD,

Reputation

The City has a poor business reputation, too hard to do business here.

B. FOCUS GROUPS

Two groups of people who had been applicants in the City's development and permitting process met on January 9 or 10 for two hours at City Hall. The meeting was held in confidence and no staff members were present. The groups included an association director, attorneys, business owners, contractors, developers, engineers, and realtors. Focus group comments are included below. Topics are arranged in alphabetical order.

Building Division

The Building Division is too narrow focused, negative, and does not address the bigger issues. Inspections should be made next day but are taking 3 to 5 days. Additionally, the Division will not allow scheduling a number of inspections all at once. There are also too many required inspections. Inspectors in the field are very negative.

Certificate of Occupancy (CofO) and Certificate of Use (CofU)

Both the C of O and C of U can be difficult.

City Attorney

The City Attorney's office is considered a "black hole." This is the number one and highest priority that needs correction. There are inconsistencies between the City Attorney and her staff and timelines for review are way too long. There are particular problems with the Development Orders. It is suggested that the DCD should have its own attorney.

City Council

The City Council tends to micro manage. They should delegate more items and address major issues. There is some good staff but the Council second guesses all staff. If the Council is pro-business, it hasn't told the staff.

Code Enforcement

The City doesn't always follow its own regulations.

Counter

Counter staff give inconsistent answers.

Culture

The staff culture is to say no. Needed is a culture to say yes. The climate is not business friendly. Cape Coral started as a residential community that had a no growth or slow growth attitude. Historically, it has been negative to development.

Economic Development

Economic Development has good staff but no authority.

Expeditors (Ombudsman)

The idea of this position was good but all they do is identify issues rather than solve them.

Fire Department

The Fire Department is not accepting construction that meets the plans.

Notice of Commencement

This document is too complicated.

Notarizations

There are too many documents that need to be notarized.

Organization

There is need for a Community Development Director. Things were better when there was one head. Everything comes back to leadership. Needed is someone with experience in all of the functions. There are management needs in both DCD and in Public Works.

Other Communities

Cape Coral is the worst of other communities focus group members work in. Better communities include Ft. Myers, Lee County and Naples. Things are better than they were seven years ago but some still feel Cape Coral is the worst in Florida.

Planned Development Process (PDPs)

There is a major problem in changing approved PDPs. What is needed is an administrative amendment process. They currently require 8 to 10 months to process at best. Most of the other communities do not have the PDP process.

Planning

Planners look at the applications and the code and then run up to the City Attorneys' office rather than make decisions. The planners do not work to solve issues across departments.

Planning and Zoning Commission

Many of the items before the Planning and Zoning Commission should be handled by staff or by a Hearings Officer. Fences are a typical example. In Lee County the directors can make many of the calls.

Power Company (LCEC)

The relations with the power company is very bad. The City relations expire next year.

Pre-applications

Pre-applications are too cookie cutter and not site specific. They are simply generic responses.

Process

After each review, staff will continue to add new items or change their mind. Staff may have 10 comments on the first review. When these are corrected they add 10 more. Staff should do a one-time comprehensive review and not be allowed to add new items. Also, staff won't tell you what parts of the ordinance relate to their comments.

The big issue in Cape Coral is the lack of predictability.

Plans are often lost and Cape Coral requires more copies than most communities, 23 copies for a PDP. The City started to accept electronic plans but a former City Manager stopped it.

For some commercial projects, staff use the residential standards.

Public Works

For part of the process the City requires use of its own survey but then won't accept the construction that meets the survey. A solution is to let the private engineer working on the site do all of it. This is one of the few cities that use city surveyors.

There are 10 reviewers for site plans and a lack of decision making.

Engineering design standards are adopted by City Council but this should be a technical staff decisions. These should be standards, not an ordinance.

Staff

City staff is gun shy because the City Council has beat up staff on television. Many staff seem to live in fear and are looking over their shoulders.

Engineering technicians without degrees or registration are telling private engineers what to do.

Stormwater

This review and approval process is a major problem.

Timelines

Some items in Cape Coral require 12 to 18 months when elsewhere it is 3 to 4 months.

Zoning

Decision makers want site planning type details in order to approve rezoning. This creates both timing and cost issues.

C. CUSTOMER SURVEYS

An email survey was used in this study to obtain applicant customer input. The survey was sent to 780 applicants for development approvals or permits. Sixty two surveys were returned with bad addresses so 718 surveys actually went to applicants. One

hundred eighteen surveys were returned for a return rate of 16.4%. This is within our normal return rate of 15 to 25 %.

The survey and responses to the surveys are shown in Appendix D. Question 4 through 24 were designed so that checking a “Strongly Agree” or “Agree” category is a sign of a satisfied customer. A “Disagree” or “Strongly Disagree” is a sign of a dissatisfied customer.

Normally, when negative responses of “Disagree” or “Strongly Disagree” exceed 15%, the responses indicate an area of possible concern. Less than 15% normally indicates this category of question is satisfying the customers. Percentages higher than 15% but at or below 30% are areas that should be examined for possible customer service concerns. Negative percentages exceeding 30% indicate areas needing early attention since roughly a third or more of the customers have concerns about service.

Some believe that only customers who have problems will return a survey of this type. While it is likely that customers with problems may be more likely to return the surveys, our experience with this and dozens of similar surveys indicate that they still produce valid information. For example, we’ve worked in other communities where the negative responses seldom exceeded 15%.

It should also be noted that a survey of this type is not a scientific, statistically controlled sample. Nevertheless, when high numbers of respondents express concerns, they are indications of problems that need to be addressed.

A summary of the responses that exceed 30% negative are shown in Table 26. The percentages are based on adding together the “Disagree” and “Strongly Disagree” responses. The “Not Applicable” category was excluded from this calculation. All but one of the question responses exceeded our 15% negative threshold. This indicates major customer service concerns in all the functions. Nine questions exceeded 30% negative six questions for Building, eight questions for Engineering and seven questions for Planning. **These are some of the most negative responses we have seen in our many similar studies.**

On the positive side, scores for Fire were generally better and no negatives exceeded 30%. Staff from all four functions was also seen as courteous in Question 15.

Table 26
Responses to Customer Email Survey Exceeding 35% negative

Question	Building	Engineering	Fire	Planning
4. I understand the City's Development Review and Plan Check processes. They are straightforward and not unnecessarily cumbersome or complex	33.7%	40.0%		39.5%
8. In general, the City staff anticipated obstacles early on and provide options where they were available.	38.8%	40.3%		40.8%
9. Development plan checking is complete and accurate. Additional problems did not surface later that should have been caught in the initial review.		31.6%		
10. Plan checking turnaround time is acceptable	35.4%			31.3%
11. Codes and policies are applied by staff in a fair and practical manner.		30.5%		32.1%
12. The turnaround time for review and approval or disapproval of my applications was not any longer with Cape Coral than other cities or counties where I have filed applications	41.4%	40.0%		40.0%
13. If project processing is delayed, the delay is typically justifiable. Projects are not delayed over minor issues.	36.7%	35.9%		37.2%
14. Cape Coral is just as fair and practical in its application of regulations as other neighboring cities or counties.	42.6%	40.2%		39.5%
17. The City staff was easily accessible when I needed assistance in resolving problems	47.2%	30.4%		

241. *Recommendation:* The development related functions should review the customer questionnaire and determine areas where they can be responsive to customer concerns.

The Questionnaire also addressed the Planning and Zoning Commission and City Council. Both bodies appeared to treated applicants fairly and were courteous during the hearings. However, when asked if the input from the hearing was useful 60% the responses were negative for the City Council and 57.4% were negative for the Planning and Zoning Commission. This could be an indication that both bodies could do a better job of explaining their actions to applicants.

242. *Recommendation:* The City Manager should share the results of the customer survey with the City Council and the Planning and Zoning Commission.

The questionnaire also asked if there were communication problems between the four development functions. Seven of the respondents indicated problems between Engineering and Planning.

243. *Recommendation:* Planning and Engineering should review the customer questionnaire and determine areas where they can be responsive to customer concerns.

Appendix A

Persons Interviewed

Building Division

Paul Dickson, CBO
Abel Mendoza, CSR II
Bob Candelet, Building Inspector II
Brad Moore, Building Inspector I
Diana Jamaica, Permitting CSR III
Ed Fischer, City Ordinance Inspector – Wells
Ed Prince, Building Inspector I
Frank Moreno, CSR I
Janine Crawford, Permitting CSR I
Jim Chaney, City Ordinance Inspector
Joe Marconi, Building Inspector II
John McConnell, Chief Plans Examiner
Jonathan Peer, Plans Examiner II
June Riola, Administrative Secretary
Kent Liebegott, Building Inspector I
Michelle Miller, Comm Cust Service Expeditor
Paul Spiak, SR Building Inspector
Richard Wheeler, Building Inspector I
Roger Smith, Building Inspector I
Sheri Bundsen, Permitting Supervisor
Steve Rohde, Building Inspector II
Tammy Whitaker, Comm Cust Service Expeditor

City Attorney

Dolores Menendez, City Attorney

City Management

John Szerlag, City Manager

Code Compliance Division

Frank Cassidy, Manager
Carol Rall, Supervisor
Doreen Peterson, Code Officer
Hal Eskin, Code Hearing Officer
Jacki Halbisen, SR Recording Secretary
John Stachowski, Code Officer
Kristy Clifton, Code Officer
Maricel Perna, Licensing CSR II
Martin Murray, Code Supervisor

Millie Nunez, Licensing CSR II
Paul Gates, Code Officer/Contractor Licensing

Community Development Department

Linda Kurzmann, Administrative Specialist II

Economic Development Department

Dana Brunett, Director

Finance Department

Melanie Purcell, Assistant Director

Fire Department

Alan Carter, Fire Marshall

Human Resource Department

Scott Slusser, Acting Director

Information Technology Department

John MacLean, Director

Fran Marior, Business Applications Analyst

Stacey Diglacomo, Associate Programmer Analyst

Planning and Zoning Commission

Patty Martin, Commission Chair

Max Forgey, Commissioner

Planning and Growth Management Division

Derek Burr, Manager

Alex Padilla, Planning Technician

Amy Yearsley, Housing Coordinator

Anne Blakesley, SR Recording Secretary

Chad Boyko, Planner II

Danielle Handy, PlannerI

John Williams, CSR II

Lori Blydenburgh, Planning Technician

Mike Struve, Planning Team Coordinator

Millie Babic, PlannerIII

Norma Munez, Zoning Assistant

Rick Sosnowski, Planning Team Coordinator

Shawn Baker, CSR I

Wyatt Daltry, Planner IV

Public Works Department

Steve Neff, Director

David Hyyti, Site Plan Coordinator

George Phillips, Engineering Inspector II

Persides Zambrano, Planning Manager

Randy Scott, Chief Engineering Inspector

Stephanie Smith, Design & Construction Mge.

Tom Chernesky, Registered Surveyor

Utility Department

John Metcalf, Utility Engineering Inspector II

Appendix B

Employee Short Questionnaire

**City of Cape Coral, Florida
Organizational Review
EMPLOYEE QUESTIONNAIRE**

Please check your **function**:

- ☐ Building
- ☐ Code Enforcement
- ☐ Economic Development
- ☐ Fire
- ☐ Planning
- ☐ Engineering/Public Works
- ☐ Other (list) _____

In the boxes below, enter the appropriate number for each statement according to this guide.

- | | |
|---------------------|------------------|
| 1 Strongly Disagree | 4 Somewhat Agree |
| 2 Somewhat Disagree | 5 Strongly Agree |
| 3 Neutral | 6 Not Applicable |

-
- | | | |
|---|-----|-----|
| 1. Our Division seeks to identify problems quickly. | [] | [] |
| 2. When problems are identified, our Division moves quickly to solve them. | [] | [] |
| 3. Our Division has an effective process for listening to citizen or client concerns. | [] | [] |
| 4. The concern for employees in our Division is sincere. | [] | [] |
| 5. Good service is the rule rather than the exception in our Division. | [] | [] |
| 6. Managers in our Division encourage and advance new ideas from employees. | [] | [] |
| 7. We have a strong emphasis on training in our Division. | [] | [] |
| 8. Management in our Division discusses objectives, programs and results with employees regularly. | [] | [] |
| 9. There is free and open communication in our Division between all levels of employees about the work they are performing. | [] | [] |
| 10. Employees in our Division treat citizens with respect. | [] | [] |
| 11. Our Division encourages practical risk-taking and supports positive effort. | [] | [] |

**City of Cape Coral, Florida
Organizational Review
EMPLOYEE QUESTIONNAIRE**

- | | |
|---------------------|------------------|
| 1 Strongly Disagree | 4 Somewhat Agree |
| 2 Somewhat Disagree | 5 Strongly Agree |
| 3 Neutral | 6 Not Applicable |

-
- | | |
|---|--------|
| 12. Our Division has a clear sense of what its programs are trying to accomplish. | [] |
| 13. We do our jobs very well in our Division. | [] |
| 14. We have an efficient records management and documentation system in our Division. | [] |
| 15. I am satisfied with the type of leadership I have been receiving from my supervisor in our Division. | [] |
| 16. I have enough time to do my work as it needs to be done. | [] |
| 17. I am kept abreast of changes that affect me. | [] |
| 18. There is good teamwork and communication between the different departments, divisions or organizations conducting development review, plan checking and inspection in the City. | [] |
| 19. I am aware of standard turnaround times in our Division for processing plans and permits as communicated by my supervisor. | [] |
| 20. I am able to meet standard turnaround times for processing plans and permits in our Division as communicated by my supervisor. | [] |
| 21. The City has a clear and coordinated development review and plan checking process. | [] |
| 22. Permit and development processes in the City are not unnecessarily complex nor burdensome on the applicant. | [] |
| 23. Application review in the City is undertaken in a consistent manner. | [] |
| 24. Applications are reviewed in the City in a timely manner. | [] |

**City of Cape Coral, Florida
Organizational Review
EMPLOYEE QUESTIONNAIRE**

1 Strongly Disagree
2 Somewhat Disagree
3 Neutral

4 Somewhat Agree
5 Strongly Agree
6 Not Applicable

-
- | | | |
|---|---|---|
| 25. It should be the policy of the City and its employees to assist any applicant in completing his/her application, see that it is complete as soon as possible, and process it without undue delay. | [|] |
| 26. It should be the policy of the City to make the development and permit process as pleasant and expeditious as possible. | [|] |
| 27. We are doing the right amount of long range planning. | [|] |
| 28. The Planning Commission works well and is effective. | [|] |
| 30. The Comprehensive Plan is good. | [|] |
| 31. The Zoning Ordinance is good. | [|] |
| 32. Building permits are reviewed in a short and timely way. | [|] |
| 34. Public work permit applications are reviewed in a short and timely way. | [|] |
| 35. The Code Compliance program is effective. | [|] |

Please briefly answer the following:

36. Please list any "pet peeves" or concerns about your Department, Division, or the City as related to the City's planning and development functions.

**City of Cape Coral, Florida
Organizational Review
EMPLOYEE QUESTIONNAIRE**

37. Please provide at least one suggestion or recommendation for improvement related to your Department, Division, or the City as related to the City's planning and development functions.

38 What are you most proud of in relation to your Department or Division?

Appendix C

Employee Long Questionnaire

**City of Cape Coral, Florida
Organizational Review**

EMPLOYEE QUESTIONNAIRE

Employee Name _____ **Job Title** _____

Department _____ **Division** _____

The following questionnaire is an important and essential part of the City's Organizational Review being conducted by Zucker Systems. The study is aimed at improving effectiveness and efficiency. Your ideas and thoughts are essential to the study. This questionnaire will supplement other work being undertaken by the consultants.

Please complete this questionnaire and return it to us **within one week**. You can do this in one of two ways:

1. The best way to complete the questionnaire is on line at www.zuckersystems.com. You will find the questionnaire under "links" on our web site. If you have any problems call us at 619-260-2680. Note: the program does not save your work until you submit. If you want to do it in more than one sitting, submit the questionnaire. Then when you want to continue, open a new file, include your name, and complete the rest of the questions, and again submit.
2. You can also mail the questionnaire in a sealed envelope to Zucker Systems, 3038 Udall St. San Diego, CA 92106. If you want to work on a word file, you can obtain this from Linda A. Kurzmann, Administrative Specialist II, IKurzman@capecoral.net or 239-574-0566.

Take your time in answering the questions and be as thorough as possible. You are encouraged to include attachments or examples. Note that all questions may not apply to you. In that case, simply skip that question.

Your comments may be merged with others and included in our report; however, the consultants will not identify individuals in relation to specific comments. Your responses and comments will be held in confidence. We have a specific clause in our contract with the City that says that the raw questionnaires and confidential data will not be seen by the City.

Thank you for your help.

Paul C. Zucker, President, Zucker Systems

1. What do you see as the major **strengths** of your Department or Division, the things you do well?
2. What do you see as the major **weaknesses** of Department or Division, and what can be done to eliminate these weaknesses?
3. What important policies, services or programs are no longer pursued or have never been pursued in relation to your Department or Division that you feel should be added?
4. Do you feel any of the City's ordinances, policies, plans, or procedures related to your Department or Division should be changed? If so, list them and explain why.
5. Are there any programs, activities or jobs related to your Department or Division that you would eliminate or reduce and why?
6. How would you describe the goals or mission of your function, Department, or Division?
7. What would help you perform your specific duties more effectively and efficiently?
8. What problems, if any, do you experience with your records or files and what should be done to eliminate these problems? (Please be specific.)

9. Are there any problems in providing good service to your customers? If so, please list them and give recommendations to solve these problems.
10. Do you feel that the processing of applications and permits should be shortened, sped up or simplified? If so, what do you suggest? Or conversely, do you feel that you try to move development applications through the permit process too quickly? In either case, how would you suggest it be improved?
11. What suggestions do you have for improving communication in your function, your Department, Division or the City?
12. Do you have any difficulty in carrying out your function due to problems with other departments or divisions? If so, please explain and provide suggestions on how to correct these problems.
13. Have you received sufficient training for your responsibilities? If not, please comment and indicate areas you would like more training.
14. What functions are you currently handling manually that you believe could or should be automated? (Please be specific.)
15. What functions that are currently computer-automated need improvement? List your suggested improvements.
16. What problems, if any, do you have with the telephone system and what would you suggest to correct the problems?

17. What problems, if any, do you have with the email system and what do you suggest to correct these problems?
18. Do you have all the equipment you need to properly do your job? If not, please list what you need.
19. Please provide comments concerning good or bad aspects of the City's organizational structure for the planning and development and your department or division. Provide any suggestions for improvement or changes.
20. Do you use consultants or should consultants be used for any of the functions in your department or division?
21. If you use consultants for any of the functions in your department or division what problems, if any, do you experience with these consultants and what would you recommend to correct this problem?
22. What changes, if any, would you recommend in relation to the City Council processes in relation to your department or division functions?
23. What changes, if any, would you recommend in relation to the Planning Commission processes in relation to your department or division functions?
24. What changes, if any, would you recommend in relation to the Code enforcement processes in relation to your department or division functions?

25. What changes, if any, would you recommend in relation to the Engineering and Public Works processes in relation to your department or division functions?
26. What changes, if any, would you recommend in relation to the Comprehensive Plan or the Evaluation and Appraisal Process?
27. What changes, if any, would you recommend in relation to the Land Use and Development Regulations?
28. What changes, if any, would you recommend in relation to the Engineering/Public Works construction standards?
29. If you are short of time to do your work, what changes would you recommend to correct this problem?
30. Please list the major tasks or work activity you undertake and provide a rough estimated percentage of your time for each task. The percentages should total 100%.

<u>Task</u>	<u>Percent</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
	100%

31. What additional handouts to the public or changes to existing handouts to the public would be helpful?

32. What changes if any would you recommend for the City's web page or e-government applications?

33. What changes, if any, would you recommend in relation to the City's GIS program?

34. What changes, if any, would you recommend in relation to the City's computer permitting system?

35. Do relations between the office staff and inspectors work well? If not, what do you recommend to improve the relations?

36. Who is your direct supervisor?

37. List the names of the staff that you supervise.




38. List any other topics you would like the consultants to consider, or other suggestions you have for your function, department, division, or the City. Take your time and be as expansive as possible.

Note: We will interview many, but possibly not all, staff. If you would like a confidential interview we will try to do so. Let us know by phone, email or in person. Also, feel free to call us at 1.619.260.2680 or email to paul@zuckersystems.com to discuss any concerns or provide recommendations. When calling, ask for Paul.











Appendix D

Customer Survey Responses



1. Please check off the types of development actions you have applied for through the City during the past 12 months.

		Response Percent	Response Count
Building Permit		92.8%	103
Planning Applications		15.3%	17
Engineering/Public Works Applications		21.6%	24

2. Please indicate what the permit or approval was for.

		Response Percent	Response Count
New commercial or industrial building		33.7%	29
New multifamily dwelling/condo		10.5%	9
New single family		33.7%	29
Remodel or addition to multifamily dwelling/condo		14.0%	12
Remodel or addition to single family		55.8%	48
Remodel or tenant improvement to commercial or industrial building		31.4%	27
Planned Development Permit (PDP)		19.8%	17
Plat		7.0%	6
Rezoning		10.5%	9
Variance		15.1%	13

3. Please indicate how often you work with the City's development review and plan checking process.

		Response Percent	Response Count
One time user of the development review and plan checking process		5.9%	6
More than one time user of the development review and plan checking process		94.1%	95

4. I understand the City's Development Review and Plan Check processes. They are straightforward and not unnecessarily cumbersome or complex in the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	9.5% (11)	36.2% (42)	12.1% (14)	17.2% (20)	13.8% (16)	11.2% (13)	116
Engineering	5.1% (5)	26.5% (26)	17.3% (17)	14.3% (14)	20.4% (20)	16.3% (16)	98
Fire	3.1% (3)	24.7% (24)	32.0% (31)	9.3% (9)	8.2% (8)	22.7% (22)	97
Planning	4.1% (4)	29.6% (29)	17.3% (17)	16.3% (16)	17.3% (17)	15.3% (15)	98

5. When making an application, I have generally found the City staff to be responsive and helpful in the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	28.2% (33)	41.0% (48)	7.7% (9)	11.1% (13)	6.0% (7)	6.0% (7)	117
Engineering	18.6% (18)	28.9% (28)	13.4% (13)	14.4% (14)	8.2% (8)	16.5% (16)	97
Fire	11.3% (11)	27.8% (27)	27.8% (27)	5.2% (5)	5.2% (5)	22.7% (22)	97
Planning	13.1% (13)	34.3% (34)	16.2% (16)	8.1% (8)	11.1% (11)	17.2% (17)	99

6. Staff provides prompt feedback on incomplete submittals in the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	15.7% (18)	38.3% (44)	11.3% (13)	13.9% (16)	8.7% (10)	12.2% (14)	115
Engineering	10.3% (10)	32.0% (31)	16.5% (16)	14.4% (14)	8.2% (8)	18.6% (18)	97
Fire	7.2% (7)	20.6% (20)	34.0% (33)	9.3% (9)	5.2% (5)	23.7% (23)	97
Planning	9.2% (9)	32.7% (32)	20.4% (20)	11.2% (11)	7.1% (7)	19.4% (19)	98

7. In general, the City staff has provided good customer service in the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	18.8% (22)	42.7% (50)	6.8% (8)	17.9% (21)	7.7% (9)	6.0% (7)	117
Engineering	13.5% (13)	29.2% (28)	19.8% (19)	11.5% (11)	9.4% (9)	16.7% (16)	96
Fire	11.5% (11)	26.0% (25)	28.1% (27)	7.3% (7)	4.2% (4)	22.9% (22)	96
Planning	13.9% (14)	31.7% (32)	17.8% (18)	10.9% (11)	7.9% (8)	17.8% (18)	101

8. In general, the City staff anticipated obstacles early on and provided options where they were available in the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	11.5% (13)	21.2% (24)	20.4% (23)	18.6% (21)	16.8% (19)	11.5% (13)	113
Engineering	7.5% (7)	12.9% (12)	25.8% (24)	15.1% (14)	18.3% (17)	20.4% (19)	93
Fire	6.3% (6)	15.8% (15)	38.9% (37)	6.3% (6)	8.4% (8)	24.2% (23)	95
Planning	5.2% (5)	18.8% (18)	22.9% (22)	17.7% (17)	16.7% (16)	18.8% (18)	96

9. Development plan checking is complete and accurate. Additional problems did not surface later that should have been caught in the initial review in the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	10.6% (12)	30.1% (34)	22.1% (25)	10.6% (12)	11.5% (13)	15.0% (17)	113
Engineering	7.4% (7)	24.2% (23)	23.2% (22)	13.7% (13)	13.7% (13)	17.9% (17)	95
Fire	8.4% (8)	16.8% (16)	34.7% (33)	7.4% (7)	8.4% (8)	24.2% (23)	95
Planning	8.0% (8)	27.0% (27)	25.0% (25)	12.0% (12)	11.0% (11)	17.0% (17)	100

10. Plan checking turnaround time is acceptable in the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	10.6% (12)	35.4% (40)	11.5% (13)	21.2% (24)	10.6% (12)	10.6% (12)	113
Engineering	10.5% (10)	31.6% (30)	18.9% (18)	13.7% (13)	10.5% (10)	14.7% (14)	95
Fire	7.3% (7)	24.0% (23)	30.2% (29)	8.3% (8)	8.3% (8)	21.9% (21)	96
Planning	8.2% (8)	32.7% (32)	15.3% (15)	16.3% (16)	11.2% (11)	16.3% (16)	98

11. Codes and policies are applied by staff in a fair and practical manner in the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	9.5% (11)	41.4% (48)	14.7% (17)	10.3% (12)	18.1% (21)	6.0% (7)	116
Engineering	8.2% (8)	24.7% (24)	25.8% (25)	11.3% (11)	16.5% (16)	13.4% (13)	97
Fire	6.3% (6)	18.8% (18)	37.5% (36)	5.2% (5)	10.4% (10)	21.9% (21)	96
Planning	7.1% (7)	28.6% (28)	21.4% (21)	12.2% (12)	15.3% (15)	15.3% (15)	98

12. The turnaround time for review and approval or disapproval of my application was not any longer in Cape Coral than other cities or counties where I have filed applications for the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	9.5% (11)	32.8% (38)	6.9% (8)	21.6% (25)	19.0% (22)	10.3% (12)	116
Engineering	7.3% (7)	27.1% (26)	15.6% (15)	14.6% (14)	20.8% (20)	14.6% (14)	96
Fire	6.3% (6)	21.9% (21)	27.1% (26)	8.3% (8)	13.5% (13)	22.9% (22)	96
Planning	6.1% (6)	27.3% (27)	15.2% (15)	17.2% (17)	17.2% (17)	17.2% (17)	99

13. If project processing is delayed, the delay is typically justifiable. Projects are not delayed over minor issues in the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	8.8% (10)	24.6% (28)	21.1% (24)	19.3% (22)	14.0% (16)	12.3% (14)	114
Engineering	8.5% (8)	19.1% (18)	25.5% (24)	11.7% (11)	20.2% (19)	14.9% (14)	94
Fire	5.4% (5)	17.2% (16)	35.5% (33)	6.5% (6)	11.8% (11)	23.7% (22)	93
Planning	6.3% (6)	19.8% (19)	25.0% (24)	12.5% (12)	19.8% (19)	16.7% (16)	96

14. Cape Coral is just as fair and practical in its application of regulations as other neighboring cities or counties in the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	11.3% (13)	27.8% (32)	13.0% (15)	19.1% (22)	22.6% (26)	6.1% (7)	115
Engineering	7.2% (7)	20.6% (20)	22.7% (22)	10.3% (10)	25.8% (25)	13.4% (13)	97
Fire	7.3% (7)	14.6% (14)	35.4% (34)	6.3% (6)	15.6% (15)	20.8% (20)	96
Planning	7.1% (7)	20.2% (20)	22.2% (22)	13.1% (13)	21.2% (21)	16.2% (16)	99

15. Staff was courteous from the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	32.5% (38)	41.0% (48)	7.7% (9)	6.0% (7)	6.8% (8)	6.0% (7)	117
Engineering	21.5% (20)	37.6% (35)	15.1% (14)	4.3% (4)	8.6% (8)	12.9% (12)	93
Fire	13.8% (13)	29.8% (28)	27.7% (26)	2.1% (2)	6.4% (6)	20.2% (19)	94
Planning	19.6% (19)	40.2% (39)	14.4% (14)	5.2% (5)	5.2% (5)	15.5% (15)	97

16. The conditions of approval or plan check corrections applied to my project were reasonable and justified from the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	12.3% (14)	37.7% (43)	20.2% (23)	9.6% (11)	7.0% (8)	13.2% (15)	114
Engineering	10.6% (10)	27.7% (26)	26.6% (25)	9.6% (9)	10.6% (10)	14.9% (14)	94
Fire	7.4% (7)	21.3% (20)	37.2% (35)	3.2% (3)	7.4% (7)	23.4% (22)	94
Planning	8.2% (8)	27.8% (27)	28.9% (28)	9.3% (9)	8.2% (8)	17.5% (17)	97

17. The City staff was easily accessible when I needed assistance in resolving problems in the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	12.9% (15)	31.0% (36)	5.2% (6)	17.2% (20)	28.4% (33)	5.2% (6)	116
Engineering	6.3% (6)	29.5% (28)	22.1% (21)	11.6% (11)	15.8% (15)	14.7% (14)	95
Fire	7.4% (7)	25.3% (24)	31.6% (30)	4.2% (4)	10.5% (10)	21.1% (20)	95
Planning	7.1% (7)	32.3% (32)	18.2% (18)	7.1% (7)	17.2% (17)	18.2% (18)	99

18. I found the handouts supplied by the City to be useful and informative in explaining the requirements I must meet for the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	7.7% (9)	24.8% (29)	37.6% (44)	9.4% (11)	7.7% (9)	12.8% (15)	117
Engineering	3.2% (3)	16.8% (16)	42.1% (40)	9.5% (9)	9.5% (9)	18.9% (18)	95
Fire	4.2% (4)	15.6% (15)	46.9% (45)	3.1% (3)	6.3% (6)	24.0% (23)	96
Planning	5.0% (5)	17.0% (17)	43.0% (43)	8.0% (8)	6.0% (6)	21.0% (21)	100







19. Inspectors rarely found errors in the field during construction that should have been caught during the plan checking process for the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	12.9% (15)	37.9% (44)	13.8% (16)	10.3% (12)	14.7% (17)	10.3% (12)	116
Engineering	7.2% (7)	33.0% (32)	20.6% (20)	9.3% (9)	11.3% (11)	18.6% (18)	97
Fire	7.2% (7)	23.7% (23)	33.0% (32)	5.2% (5)	8.2% (8)	22.7% (22)	97
Planning	7.0% (7)	31.0% (31)	26.0% (26)	7.0% (7)	7.0% (7)	22.0% (22)	100







20. The City's website provides comprehensive and useful information for the functions of:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Not Applicable	Rating Count
Building	15.4% (18)	34.2% (40)	23.9% (28)	12.0% (14)	9.4% (11)	5.1% (6)	117
Engineering	6.3% (6)	25.0% (24)	33.3% (32)	11.5% (11)	8.3% (8)	15.6% (15)	96
Fire	5.2% (5)	18.8% (18)	39.6% (38)	7.3% (7)	6.3% (6)	22.9% (22)	96
Planning	9.0% (9)	25.0% (25)	32.0% (32)	13.0% (13)	5.0% (5)	16.0% (16)	100






21. The Planning and Zoning Commission treated me fairly.

		Response Percent	Response Count
Strongly Agree		7.8%	9
Agree		28.7%	33
No Opinion		22.6%	26
Disagree		0.9%	1
Strongly Disagree		5.2%	6
Not Applicable		34.8%	40







22. The Planning and Zoning Commission members were courteous during the hearing.

		Response Percent	Response Count
Strongly Agree		6.1%	7
Agree		20.0%	23
No Opinion		26.1%	30
Disagree		1.7%	2
Strongly Disagree		1.7%	2
Not Applicable		44.3%	51



23. The City Council treated me fairly.

		Response Percent	Response Count
Strongly Agree		4.3%	5
Agree		16.5%	19
No Opinion		32.2%	37
Disagree		0.0%	0
Strongly Disagree		2.6%	3
Not Applicable		44.3%	51


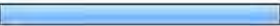
24. The City Council members were courteous during the hearing.

		Response Percent	Response Count
Strongly Agree		3.5%	4
Agree		14.8%	17
No Opinion		32.2%	37
Disagree		1.7%	2
Strongly Disagree		0.9%	1
Not Applicable		47.0%	54



25. I found the input from the City Council useful in the hearing process.

		Response Percent	Response Count
Yes		40.0%	20
No		60.0%	30

26. I found the input from the Planning and Zoning Commission useful in the hearing process.

		Response Percent	Response Count
Yes		42.6%	23
No		57.4%	31

27. Was your application ultimately approved?

		Response Percent	Response Count
Yes		95.1%	58
No		4.9%	3