



**OFFICE OF THE CITY COUNCIL
RESEARCH DIVISION**

117 WEST DUVAL STREET, SUITE 425
4TH FLOOR, CITY HALL
JACKSONVILLE, FLORIDA 32202
904-255-5137

**SPECIAL COUNCIL TO ASSESS THE CITY'S
BUILDING AND DEVELOPMENT PERMITTING PROCESSES**

Meeting Minutes

**September 20, 2021
12:00 p.m.**

Location: City Council Chamber

In attendance: Council Members Randy White (Chair), Michael Boylan, Garrett Dennis

Also: Tommy Carter – Council Auditor's Office; Jeff Clements – Council Research Division; Kealey West – Office of General Counsel; Bill Killingsworth, Ellyn Cavin, Tanja McCoy, Josh Gideon, Charles Gibson – Planning and Development Department; Steve Cassada – Information Support Services; Jesse Spradley and Curtis Hart – Northeast Florida Builders Association

Meeting Convened: 12:02 p.m.

Council Member White convened the meeting and the attendees introduced themselves for the record. Mr. White said that he is considering suspending further committee meetings until after the new calendar year to give the Planning and Development Department time to perform reviews and take actions for the next several months to see what progress can be made in resolving the issues discussed to date.

The Chair recognized Hilton Meadows of Diversified Environmental Planning Inc. to make a brief presentation. Mr. Meadows referenced Sec. 558.002 of the Florida Statutes and said that the Certificate of Use process offered as an option by the state has been adopted as mandatory in Jacksonville with little or no room for deviation, which causes problems. He encourages the City Council to look at the implications of the COU process and the impact it has on property use and therefore tax revenues when properties are forced to sit idle because of COU issues. Sometimes Jacksonville incorrectly interprets who is a "design professional" in contradiction to a provision in the Florida law. He has challenged the City's interpretation of his right to perform certain tasks on two occasions and has prevailed before administrative law judges. He urged that City processes and procedures be looked at in the context of the totality of Florida law and the state constitution with regard to the rights of design professionals. He also noted Chapter 2019-155 Laws of Florida that states clearly that a local government may not apply fees, charges or otherwise restrict a certified arborist or registered landscape architect from making decisions

on the removal of dangerous trees, although the City has administratively ruled otherwise. Mr. Meadows said he has challenged the City's rulings on several occasions and his positions have been upheld. He urged the City Council to examine these issues and weigh in on the proposed revisions to the Florida Building Code.

Private plan reviews

Bill Killingsworth, Director of the Planning and Development Department, said that he had met with industry representatives and they talked about the City having 3 private plan reviewers on contract whom developers could use for plan reviews by paying the full cost of those reviews. Curtis Hart representing the Northeast Florida Builders Association said the industry agrees with that option. Mr. Killingsworth said implementation will likely require legislation to allow the department to charge that fee.

Pre-application conferences and documentation

Ellyn Cavin, Chief of the Development Services Division of the Planning and Development Department, said her division does hold pre-application conferences but they don't take minutes of those meetings. She recommends that private companies take minutes of those meetings if they want a permanent record of the discussion and submit them for departmental review.

Sidewalk requirements

Mr. Killingsworth quoted from the Ordinance Code regarding sidewalk requirements and noted that there used to be a sidewalk deferral request process that has since been removed from the Code. The department is working on re-establishing a deferral process and an ordinance to restore it to the Code. The intent is to permit deferral of installation in some situations and in-lieu-of payments in other cases. He said that several council members are interested in being sponsors of that legislation.

Planning Department employee cap

Mr. Killingsworth said he has met with the industry representatives on this issue. He is considering requesting approval of a Mayor's Budget Review Committee (MBRC) process that would allow the department to hire personnel up to 10% above the departmental employee cap without need for Council approval in justified circumstances. The problem currently isn't employee cap space – the department has sufficient employee slots but can't find good people to hire. Kealy West of the Office of General Counsel said she would have to investigate to see how that employee cap exception would work legally.

Landscape plan review process

Ms. Cavin said the fundamental problem is that the department has been getting more applications than they have staff to review them. They are looking at getting tablet computers for field personnel to speed up their reviews. The division currently has 3 openings in the landscape review areas and has received only 1 application in the last 6-8 months. Curtis Hart asked if it would be possible to temporarily transfer licensed landscape architects into the Planning Department from other City departments to handle landscape plan reviews.

Council Member Dennis asked about the scope of the current plan review backlog, how long are reviews taking before permits are approved, and noticeable trends, if any. Mr. Killingsworth said they have been performing an average of 700 plan reviews per week instead of 500-550 average reviews done a couple of months ago and the backlog is decreasing. Joshua Gideon, Chief of Building Inspection, said that reviews are typically taking 25-30 days on commercial reviews and 5-15 days on residential projects, depending on the nature of the project. The division is now doing resubmission reviews within 10 days as required by the state. Mr. Dennis asked about the source of the most errors that cause resubmissions – whether they are attributable to the contractor, the architect/engineer, or some other cause. Mr. Gideon said the division has started doing sufficiency reviews of the application package on the front end of the process before reviews even begin to ensure application completeness. Resubmissions are generally due to

insufficiencies or errors. Council Member Dennis asked about the possibility of restoring walk-in small plan reviews, perhaps in a virtual format. Mr. Gideon said they have looked at that option but with the COVID surge they haven't restarted that option because they need everyone reviewing plans as fast as possible to deal with the volume. Face-to-face meetings are slower and the staff can't meet their overall plan review targets if some are diverted to that type of more intensive service. He said they may try to have one staff person available each day per week to perform that function. Mr. Dennis suggested that having the face-to-face reviews available might actually speed up the overall process by having better submissions that don't take as much time to review when they're finally submitted.

Council Member Boylan said a huge number of development proposals are moving through LUZ Committee and that may be good justification for the department to make the request to the MBRC for hiring more people. Mr. Killingsworth said a lot depends on timing; getting projects entitled doesn't mean they'll be built quickly. It could be the second fiscal year out from when LUZ and the Council approve a project before it's actually ready for plan reviews, permitting and construction. Mr. Boylan said he hears a perception in the development community that the City is a roadblock and not designed to be helpful. There doesn't appear to be anyone whose job it is to help developers navigate the City's processes. Mr. Gideon said customer service should be the top priority. They look at reviewers as project managers who farm out pieces of the review to various agencies. He likes the concept of "navigators" facilitating a smooth review process. Mr. Boylan asked if helpfulness of staff members and an ability to get projects moving plays into employee performance reviews. Mr. Gideon said it does, including feedback from clients about employee performance.

Curtis Hart said he sees landscape plan reviews as the biggest current sticking point. Landscape reviews that used to be done in the Planning Department are now done in another office and that is slower. He believes there has to be a quicker way to get reviews done when newly platted subdivisions come in with lots laid out where the number of trees per lot is known. Mr. Gideon said easy landscape reviews often take only a short time, but the fact that there is a 3- to 4-day line of accumulated plans in front of that easy review that accounts for much of the delay. They review landscape plans at the end of the development review process after other reviews are completed. Mr. Hart the NEFBA hears from its members that landscape reviews take weeks and maybe even months, not just a few days. Mr. Gideon said plan review for infill lots take much longer than the review for new subdivisions.

Jessie Spradley of the NEFBA said that inconsistent comments made on plans that are not related to code issues are problematic and asked how they are handled in the review process. Mr. Gideon said those comments get referred to a supervisor for resolution. He has told his staff to be more concise with their comments and to give specific code references to back up the comment, not just the reviewer's personal preference. Mr. Spradley asked if the Planning Department is field auditing projects more than the usual 4 times a year. Mr. Charles Gibson, Building Inspection Manager, said they are not, but if they identify a deficiency during inspections then those have to be corrected if they are substantial enough.

Public Comment

Carnell Oliver said he has 2 concerns. The Planning Department is fundamental to the City's growth and it appears that employees aren't being paid enough if they can't hire sufficient personnel to fill the jobs. Changing the defined benefit pension to a defined contribution plan has made the City's salary deficiency worse compared to the private sector. The Sheriff's Office absorbs more than 40% of the overall city budget. He advocated for a People's Budget, raising property taxes on properties valued over \$1.5 million to provide the revenue to pay City employees better. He wants sustainability and growth and \$100 million in new revenue from increased taxes on the wealthy would help pay for that.

Thomas Martin talked about a City land swap at Old Middleburg Road and Argyle Forest Blvd. that was approved by Ordinance 2011-295. The City and a private developer had an agreement to exchange parcels

and some land was swapped but another 22 acres that was supposed to have been conveyed to the City by the developer has never been provided. The ordinance terms were not completed but the City nevertheless allowed the commercial development to continue. He asked who is responsible for seeing that the ordinance terms are complied with. He also said that the Villages of Argyle development on Blanding Blvd. (approved via Ordinance 1999-804) was built with the premise that Branan Field Chaffee Road would be widened to accommodate the additional traffic the development would generate. Now that Branan Field Chaffee Road has been made into a toll road, nearby streets are overcrowded because drivers use them to avoid paying the tolls. Chairman White said that someone would contact Mr. Martin to discuss his concerns.

Hilton Meadows said registered landscape architects are permitted by Florida law to do civil plan work, which the City doesn't recognize. Landscape reviews used to take as long as 3 months to complete before the landscape architect position was moved to the Development Services office; reviews now happen much more quickly.

Jean Yoder of American Classic Homes asked about the official defined timeline for landscape reviews – she has some still pending from as far back as April and May and wants to know how soon they can expect things to move. She noted that Josh Gideon talked earlier about a new sufficiency check process and asked if that can apply to landscape review early in the process so the rest of the plan review isn't waiting on an insufficiency in the landscape plan.

Chairman White said the next committee meeting will be on the first NCSPHS Committee meeting day in January at noon. He said landscape review seems to be the high priority topic coming out of this meeting. Curtis Hart said Mr. Killingsworth seems to have some good ideas and they will keep meeting with him in the interim to see what improvements can be made.

Meeting adjourned: 12:59 p.m.

Minutes: Jeff Clements, Council Research Division

jeffc@coj.net 904-255-5137

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