

**AT A WORKSHOP OF THE BUILDING
DEPARTMENT HELD IN AND FOR GADSDEN
COUNTY, FL ON NOVEMBER 19, 2019 AT 4:00
P.M., THE FOLLOWING PROCEEDING WAS
HAD, VIZ:**

Present: **Dr. Anthony “Dr. V” Viegbesie, Chair, District 2**
 Eric Hinson, District 1
 Brenda Holt, District 4
 Wesley Hall, Interim County Administrator
 David Weiss, County Attorney
 Marcella Blocker, Deputy Clerk

Absent: **Sherrie Taylor, Vice Chair, District 5**
 Gene Morgan, District 3

GENERAL BUSINESS

Chairman Viegbesie welcomed everyone to the workshop and said it was not necessary to have a quorum to hold this workshop.

1. Welcome

2. Overview of the Building Department

Mr. Hall asked Al Smythe to come up and give an overview of the Building Department. Mr. Smythe said he would like to open the floor for questions and Chairman Viegbesie said he would like Mr. Smythe to give his presentation of the Building Department first.

Mr. Smythe read aloud from the hand-out that was presented at the workshop. He then stated this year, 2019, in March, he assumed the responsibilities as Building Official and inherited a back-log. Since then he, and Planning and Zoning (Suzanne Lex) improved the Building Department relations with the adoption of a separate email system to receive and process inspection requests. He was just approved to hire a second building inspector to increase the ability to serve the permit holders and fee owners.

3. General Discussion

Chairman Viegbesie said he wanted to begin with calls he had received from contractors, patrons and citizens. He said he was hearing an inspector would come and approve something and then another would come along and disapprove what the original inspector first approved. He asked Mr. Smythe why he did not have a uniform evaluation to determine, no matter who looks at the property, the same standards used across the board.

Mr. Smythe said that was identified in the Florida Statute as well as Building Code. Unfortunately, the building Inspector does not get to choose his or her work load for the day. One inspector today had 16 inspections to do. They attempt to get as much as they can and identify as much as they can, given the daily load. This conflict would arise during a re-inspection with an Inspector with a little more knowledge in one area or another could easily identify an additional code issue. Everyone is supposed to enforce the same code. He said like today, he

and the other building inspector still have a ½ dozen inspections to do after they leave here. They try to do the best they can given the time they have for the inspections.

Chairman Viegbesie stated he had phone calls from home owners as well as contractors who were building, remodeling, trying to build storage sheds among other things and that was the complaint and asked Mr. Smythe to explain.

Commissioner Hinson said the questions he received was why things were so strict and why it was so hard for them to get into their home. He said a lot of homeowners were losing homeowners insurance because of their roof and other things. He stated a staff member walked right into someone's home without permission and made a comment that was interesting.

Mr. Smythe addressed the comments that Commissioner Hinson made and said the house in question was under construction, and is still under construction after 3 years. (home owner build) He stated the home was incredibly unsafe and was operating in a dangerous capacity. He further stated the HVAC system was not even close and in fact, the home owner attempted to conceal construction deficiencies by putting in false returns. Currently the house was sucking air and bugs and everything else from around the current HVAC system so much so that if you put a piece of paper within 2-3 feet, it will suck it inside that vent. The air conditioning system was completely incorrect. He further stated the person in question was himself, he had been out there 5-6 times and was professional with the woman he had been working with. He said he did walk in but he explained the house had never received a (CO) Certificate of Occupancy and they had moved in already. He stated he told her that she should not be living in the house because it was operating at a dangerous capacity as far as the air exchange. She moved herself and her disabled son and her daughter in.

The house was one of the largest in Gadsden County as well as the in-ground swimming pool and a bedroom that is 1800 square feet. He told the home owner she needed to move back into her house next door until the house was approved. It was not a house yet; it was a job site. Mr. Smythe stated he discussed this issue with Mr. Hall and Mr. Lawson because he did not know how to handle it given that the woman had a disabled son and a daughter and they were moved in. He said he told the homeowner he would give her a couple of weeks and he wanted to, at least, get the air conditioner right. He stated according to the Statute, he was supposed to pull the meter from the house. They were living in something that was not safe, had never been approved, and they had moved in as soon as the power was turned on.

Mr. Hall stated he discussed it with Mr. Lawson before he left and they let them move in because of the disabled son but it was explained to them the house was unsafe and it needed to get completed and pass all codes and inspections and feels they have been treated very fair.

Commissioner Hinson said this was one of the most critical times and asked how it could be resolved without losing their integrity.

Mr. Smythe said it was almost like a vicious cycle. If construction was not done 100% to withstand the loads that will be imposed upon it, the next, even close, catastrophic incident would have a repeat. He said you could go to Mexico Beach right now and pick out houses that were constructed right and the ones that were constructed incorrectly. He further stated there

was no “grey area”. Proper inspections will benefit the County in the long run. People who are complaining are the ones that, unfortunately, are taking a hit in the pocketbook.

Chairman Viegbesie asked if there was anyone in the audience that would like to speak. He also said he would like to be penny-wise rather than dollar foolish. Building cheap without safety and when disaster comes, everything is damaged.

Randy Conn, 1173 Benjamin Chaires Road, Tallahassee, FL. Wanted to make a couple of suggestions. Gadsden County needs a grievance board or a grievance committee to handle these sorts of discussions. The Building Department is charged by statute to do what they do. You build something, you need a building permit and you follow certain procedures and protocol but as a builder or home owner they are allowed to hire independent building code/inspectors from outside of Gadsden County. If this County’s building official has issues with substandard work being done by licensed contractors, they have recourse besides looking at the said home owner and saying, “fix it.” One was to go after the contractor’s license. His issue was not following the normal interpretation of the building code in order to get a CO. He added that Gadsden County, City of Quincy was unique in Florida in that they require a duct leakage test to verify the Air conditioning systems tightness. It is exempted under the typical methodology that most of the air conditioning contractors permit their jobs under and he is concerned about it. This was the only jurisdiction that he works in that require a duct leakage test. Code requires a blower door test. He stated the fact that there is an interpretation of the Florida Energy Code was unique in Gadsden County to the rest of the 66 Counties in the State.

Auburn Ford, 249 Peters Road, Midway, FL appeared before the Board. (residential contractor) He said he has talked before and knows Mr. Smythe was doing his job. His major concern was consistency. He has dealt with Clyde Collins in the past. When one inspector goes out and sees something and then a different inspector comes in behind him, that is frustrating for a contractor because time is money. He thinks the way to resolve is, in the past the County had 3-4 inspectors and 1 inspector dealt with that construction project. He said rehab houses were different than new construction houses.

Chairman Viegbesie stated he was going to break for 5 minutes to get all the speaker forms to be completed and turned in.

Commissioner Hinson left the room at 4:37 p.m.

Miranda Foskey, 339 N. Jackson Street, Quincy, FL, Owner of Southern Design and Renovations appeared before the Board. She stated in the past she had many inspections from other inspectors that were with the County and since Mr. Smythe came on board, she had also had inspections from him along with other general contractors and builders she works closely with. Some inspections were passed and some failed. She said, concerning complaints and grievances, she believed the complaints were contractors feeling like they are wasting time and money and things should be overlooked. The “good ol boys’ system” that was in place before Mr. Smythe came in should be gone from this point forward. She stated Gadsden County needed to move forward in the building code and what is expected of the builders. It is a life safety issue when things are overlooked like letting the lady moving into her home when she did not have a CO to occupy it.

Commissioner Holt appeared at 4:38 p.m.

Katherine Montgomery, 2550 W. Tennessee St., Tallahassee, appeared before the board. She stated she works with Clayton Homes. She would like Suzanne Lex to speak about protocol for requesting inspections and retrieving results.

Chairman Viegbesie said those changes are something that a person needs to schedule a time to meet with the department and let them give the person those changes. Right now, the workshop is just for listening. He further stated she can call the County Administrator and he will call the department she has concerns with and they would meet with them to update on whatever issues they were facing.

Commissioner Hinson returned at 4:41 p.m.

Commissioner Holt said she was one that requested this workshop and asked the protocol in calling for inspections. She would like to know that information before leaving.

Chairman Viegbesie stated in the overview that Mr. Smythe gave, he pointed out to some of the various codes and sections that dealt with each of those.

Commissioner Holt stated that was what she wanted to go over today so it would be known when the workshop was over what the process was for passing inspections and what was protocol. She stated she requested the workshop and it was because after a disaster there are certain things you do and that is what the County was told by the Governor and the Director of Emergency Management in Tallahassee. They said you go into Disaster Emergency Mode and since we are over 1 year after the hurricane, she wanted to know what mode we went into. If we did not, how do we intend to look at what we are doing now. She said she was told sometimes protocol cannot be followed; you just need to get people back on their feet.

Mr. Smythe addressed the Board. He said when he arrived, the inspection system was a bit antiquated and difficult. Six months ago, he said he initiated an email system. He said they do have multiple jurisdictions. Within 30 days they will have an up-to-date system with iWorQ and each individual or contractor will be able to log on and look at the status of their permits and inspections. He was the only inspector when he came on and was able to hire one more and had just been approved and will have interviews for second inspector by end of week. Positive strides are continuing to be made with the Building Department in Gadsden County to provide the best service they can. By December 31st, he believes it will be up and running at 100%.

Commissioner Holt asked what it would cost each individual to log on and use that site and Mr. Smythe said it would not cost anything.

Commissioner Holt asked if they could go the County website to get a permit. Mr. Smythe said as of right now, they must either walk in or call and it could be submitted via the email system as well.

Chairman Viegbesie asked if the electronic permit forms could be accessed through the BOCC website and he also asked while changes were being made, was it being integrated into the County's website and being made user friendly so they would not have to walk in the building.

Mr. Smythe explained that was being integrated but they had to wait until they are 100% up with IWORQ. Certain documents will always have to be hand delivered or mailed.

Chairman Viegbesie said if a citizen wanted to submit an application, could they submit without entering the building and Mr. Smythe said absolutely.

Felicia Redding, POB 356, Quincy, FL appeared before the Board and said she talked with several of her commissioners about her situation with the Building Department. She said she was building several houses in the County and using a private provider. Her concern was to get everything in place and talked with Mr. Smythe because he was a private provider himself. She said many of the older citizens do not have access to email. She said there were houses that have withstood storms way before building codes. Her concern was being able to get into the Building Department so she started chain emailing to make sure someone was getting it and she followed up with Mr. Lawson as well. She said she spoke with several contractors and they knew nothing about this workshop and hoped they opened this up again so other contractors could come speak. She said some things required of Mr. Smythe was not required in other places in the State, like the duct leakage test. She called other jurisdictions and most jurisdictions required a blower door test, not the duct leakage test. She said in other jurisdictions only one inspector went to a project. No one had to go behind them and do another inspection. Everywhere required a blower door test. Mr. Smythe is still a provider for 9 different jurisdictions and she called them and asked what was required to get a certificate of occupancy. If you pass all of your inspections, there are typically 3 things needed, the blower door test, septic and termite and an elevation certification and she feels this should be uniform for all contractors not just a few. She said consistency and respect matter a lot to the consumer and to everyone.

Jessie Kenon, 375 Jack Scott Road, Quincy, FL he said he had been a plumber around here for 40 years. He said lately he had been having trouble with some of the inspectors trying to make him do things he had never done before and he had put in 20-25 boxes you have to wire up and turn over when the power is out. He said he had never been turned down on one until now. Mr. Kenon asked Mr. Smythe what he told him he had to have. Mr. Smythe asked if he was talking about the fuel powered water heater that Mr. Kenon put in under the crawl space and Mr. Kenon said no, he asked if he was talking about the air conditioner that was put in by an unlicensed guy and Mr. Kenon said no but he wanted to talk about that too.

Chairman Viegbesie stated, in most cases, is it not what you say, but how you say it. When we are in a dialog, have the dialog without intent to marginalize one another. This was a friendly dialog, not a contest. If a question is asked and we do not know what it is about, we need to ask in a friendly manner so that we get our differences sorted out and know what each other are talking about.

Mr. Kenon continued and said he did not want to say Mr. Smythe was bad. He was right on what he was saying but he was wrong in what came out of it. He stated Mr. Smythe told him he needed to put something on the water heater but could not tell him what it was and he was waiting on Mr. Smythe to tell him what it was. The water heater has been there for 3 years and this lady wanted an air conditioner man and asked Mr. Kenon if he knew one and he told her he did know one but explained he did not know

the man did not have a license but was working under his brother's license. Mr. Kenon found out he lost his license and said he would not use that man anymore. He further stated that he had worked for everyone in the county and had never had a complaint. He said he tried to get the lady to take the hot water heater out from under the house and she did not want to because all the gas lines would have to be moved. So, he hooked it up just like it was already. Now she is saying she smells sewage coming from under the house.

Mr. Kenon stated he went back there 5 times, at no charge. He told her that her pipes were pulled from under the house when the people put the roof on. Regarding generators, they put the pipe in and now cannot get the stove lit. After purchasing a pipe machine to put in 1 ¼ "pipe, like Mr. Smythe told him he needed and now he is told he has to go back to ¾" pipe. Mr. Kenon said that Mr. Smythe is trying to hit him on everything he can. He stated he had done more work in Quincy than anyone as he turned and spoke directly to Mr. Smythe. Chairman Viegbesie asked Mr. Kenon to direct himself to the Commissioners, not Mr. Smythe.

Commissioner Viegbesie stated he was accepting recommendations and suggestions from Commissioners.

Commissioner Holt asked Mr. Hall if he had spoken with the Building Inspector about the concerns that Ms. Redding had.

Chairman Viegbesie said her concern was more of uniformity. Ms. Redding appeared again before the board and said the blow door test was required and Mr. Conn had spoke to that. She further stated Mr. Conn does more homes than anybody and that was certification that was required by State Statutes.

Commissioner Holt asked if she was speaking of the leaking test and the blow door test and both were not required. Ms. Redding said the leakage test was nor required but the blow door test was and that was \$500-\$700 out of people's pockets.

Mr. Smythe reappeared to address the 2 tests. He said as Ms. Redding indicated, no other county requires a duct leakage test. He said there are times the duct leakage is required and if he saw something that was insufficient, it was his right to request another test.

Commissioner Holt asked which was requested by the State and Mr. Smythe said both were required. She asked how many inspectors we had that go out and inspect a job. Mr. Smythe answered there were 2, himself and Inspector Nitz. Commissioner Holt said if one inspector came in and said everything was good and the other said it was not, she was going to be upset.

Mr. Smythe said with so many inspections some things get missed and it was okay for another inspector to catch it rather than it not being up to code. In the long run the homeowner was better off if the second inspector caught something the first did not see. In the Statute it says an inspector might miss something and if the next inspector identifies an additional problem, it needs to be fixed.

Ms. Holt asked Mr. Smythe if he was good at answering emails and getting back to people and doing inspections on time and Mr. Smythe answered he thought they were doing an outstanding job. He just got two more applications and both applicants are certified inspectors and he was hoping to have interviews and add another person to the Gadsden County Building Department to provide that much better service.

Ms. Holt said kindness is needed and some people do not understand what Mr. Smythe was saying just as they do not understand her when she talks about government.

Mr. Smythe said he did an inspection for one of Mr. Hinson's relatives before he knew he was a Commissioner and spent 45 minutes with that homeowner explaining how to make sure things did not get jammed up and showed and explained to him about many of the tests needed to pass inspection. He stated that he takes his time with people and wants things to pass inspection.

Commissioner Holt asked for Mr. Smythe to address the pipe fitting machine that Mr. Kenon said he had to purchase.

Mr. Smythe said Mr. Kenon came to him saying he bought a pipe machine so he can run bigger pipe and he did not ask Mr. Kenon to put in a larger pipe. When the question of pipe sizing came up, Mr. Kenon came in with the homeowner and he explained and bought up on his computer to show them both the pipe sizing chart. He showed them what it said about starving the heater of fuel then the homeowner called an electrician and the electrician said the gas is on the plumber and the plumber should have made sure the appropriate gas line was used and then the electrician read off the cubic feet per minute. Mr. Smythe stated he was only asking for minimum code.

Commissioner Hinson said since he brought up his name, he had to say something. He stated Mr. Smythe was spot on. He was willing to work with the person there and he must give him credit for that particular situation.

Deborah Hartsfield, 261 Reeves Ln, Havana, FL, addressed the board and said a lot has been addressed. She stated she had never made a complaint about the Inspector. She stated her main complaint was he came in and made a list and gave her 7 days to get everything fixed, mainly the HVAC System, or he said he had the power to shut it down and her son and herself would be put out. The other inspector came in since then, because most stuff had been corrected, and he gave the HVAC guy the green light and when the other inspector came in there were other issues. She said there was a lot of confusion, when she has called for inspection, no-one has shown up. When she has called the number, she cannot get through. She stated she just wants to know what she has to do to complete her house. She stated Mr. Smythe told her he was at another job and would not be able to make it to her place and he does not work on Fridays and she would have to reschedule. She thought a person could only email for an inspection and said every time she tried to call; she could not get through.

Commissioner Hinson asked Ms. Hartsfield if when she called for an inspection if there was a voice message. She replied it gives you the email that you have to send all of your paperwork for the inspection.

Commissioner Hinson said a lot of people do not email or have access to the internet, young and old alike.

Commissioner Hinson said one of the best guys he had met in his life was Mr. Kenon. He further stated Mr. Kenon does a lot for the community. He stands for good and Commissioner Hinson wanted people to know that.

Commissioner Holt said with Ms. Hartsfield calling her, they have spoken before and there were concerns about building inspections and there will be results.

Matthew Jernigan, 1011 Mt. Pleasant Rd., Quincy, FL, appeared before the Board and spoke on behalf of Mr. Smythe. He stated he has been in the construction industry for over 20 years and had built over \$100,000,000 worth of housing. He further stated he had seen some pretty shabby homes get built and Inspector Smythe has to know every building code in the state and keep up with new building codes as they are issued. He is revamping the email system and modernizing it. He is also in disaster management the way it sounds. Mr. Jernigan said it was unfortunate Mr. Smythe had to be here at the worst time in Gadsden County. His number 1 job is safety. He's not a bad guy. He said let a bad electrical job get done and a house burns down, let poor plumbing get done, the house floods and causes property damage, let a shabby roof get put on and it blows off and damages the neighbor's house, he was not a bad guy.

Charles Morris, 23201 Blue Star Highway, Quincy, FL, appeared before the board and said Mr. Smythe sounded like he knew his stuff but based on comments, he needed more workers so we did not have people stepping over each other when talking about inspections being made. It seemed Mr. Smythe was overloaded, particularly if he did not work on Fridays. He felt maybe and that was what Mr. Conn was speaking on the Citizens Review Board and thought maybe they could bring in some seniors to help with the Board or at least to answer the phone to help in the office. They need to streamline the process and give specific chores to specific inspectors.

Brandon Jett, 1220 Scotland Rd, Havana, Owner of Jett Builders, came before the board and said he had done lot of construction in Gadsden County, Leon County, Jackson and Wakulla but mostly Leon and Gadsden County and he thought something said earlier was part of the problem. The problem is with how things are said and miscommunication of codes or interpretation. He first met Mr. Smythe when he called in for a final inspection and when Mr. Jett got the permit, Mr. Roosevelt Morris was working then. He had to call several times. He got his final inspection and he could not be there but the homeowner was there and they were to call with any questions. About an hour and a half later Mr. Smythe called him and started telling him the problems that had to do with roughing inspections that had already been done and completed. Then he stated quoting statutes that were incorrect about a handicap ramp that Jett Builders built. The ramp was not on the original permit plan, it was added by the owner later, which had never been a problem in the past. They wanted him to permit the ramp and an extension on the deck that was requested by the owner as well. Mr. Jett said it was not a problem and he would get it permitted.

The bottom line is he felt it was important for inspectors, building officials, and builders to get along. They are all there to help each other and the community. Everyone is in business to make money but it was important to work together. Mr. Jett stated that Mr. Smythe says he is looking out for the homeowner and if something goes wrong with the homeowner's house that Mr. Jett built, the homeowner is not going to sue the County or Mr. Smythe, he was going to sue the builder. He stated he did not feel like people were working together in Gadsden County. He stated the duct leakage test was not required. As far as the interpretation of the Code, the duct leakage test is not required. There are 2 exceptions when the duct leakage test is not required. What it says is, if the manual J and the energy calculations were done correctly and pass, then you do not have to do a duct leakage test. Mr. Smythe, and others in the past, misinterpreted because when it says duct leakage test on the Statute it says beside it "Mandatory". But if you read down it says there are 2 exceptions where it is not mandatory. He

still had not received, from 6 months ago, a final CO on the addition he built (at Lake Tallavana) and the owners are pretty upset. He was told to submit plans for the ramp and the extra deck and he did. Then he was told he had to give details about how the deck was built and stated all that info was not required. All that was needed is a floor plan with dimensions showing what it was and that is what was sent and he still has not received a final CO and it had been 6 months. Mr. Jett contacted Joe Beltcher who is the FHBA Code Manager (writes codes) and nobody knows codes better than him and he emailed Mr. Smythe about the duct leakage test and Mr. Smythe argued and disagreed with him. He would be glad for Mr. Beltcher come and meet with the BOCC and other builders, but more time to deal with the schedule was needed.

Chairman Viegbesie said he was going to end the comments so they could get ready for the 6:00 p.m. meeting. He said the Interim County Administrator was hearing this and he hoped he would work with that department to begin to improve and not only streamline the process but to expedite the process with the approval of those permits. He stated, from a personal point of view, he was a homeowner, he wanted the inspector to break it down to common language so he could understand what they were saying so he could act accordingly.

Commissioner Holt said they were looking at progress and were not trying to keep people out of their homes. If they cannot meet a certain code on the first of the month, they would not meet it the rest of the month because they would not have the money and was why they need everything written out and ready to go. She further stated we are going to have good bed-side manner around here when it comes to people in this County.

With the previous manager, we had to have client/employee training where they could work with citizens. She said they must get the map straightened out and said they needed some relief. She was still trying to help people with FEMA applications. They need to have another meeting. She said she had people call because they did not know about this meeting.

Commissioner Holt apologized to Mr. Kenon because the County was to provide a service.

Commissioner Hinson thanked everyone for coming. They need, as a Board, to go through the policy line for line so they know what was going on as well with the process. He said it reminded him of a story when he was first Commissioner and there was a big flood in the area and a lady's house was under water because they built everything so fast. Also, customer service training was needed.

MOTION TO ADJOURN

Chairman Viegbesie called the meeting adjourned at 5:55 p.m.

ANTHONY O. VIEGBESIE, PH. D, Chairman

Gadsden County Building Department
November 19,2019 Workshop

ATTEST:

NICHOLAS THOMAS, Clerk