

**MINUTES OF THE SPECIAL MEETING
OF THE LADY LAKE TOWN COMMISSION
LADY LAKE, FLORIDA
January 8, 2010**

The Special Meeting of the Lady Lake Town Commission was held in the Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake, Florida with Mayor James Richards presiding. The meeting convened at 10:00 a.m.

CALL TO ORDER: Mayor James Richards

ROLL CALL: Tony Holden, Commissioner Ward 2
Ty Miller, Commissioner Ward 3
Paul Hannan, Commissioner Ward 4
Ruth Kussard, Mayor Pro-Tem/Commissioner Ward 1
James Richards, Mayor/Commissioner Ward 5

STAFF MEMBERS PRESENT: Kristen Kollgaard, Interim Town Manager/Town Clerk; Chief Ed Nathanson, Police Department; Marilynn Nesbitt, Library Director; and Jayne York, Staff Assistant to Town Clerk

1. Discussion/Direction Concerning Construction Inspector Services for the New Library

Kris Kollgaard, Interim Town Manager, stated that, at the previous Commission meeting, the Commission elected not to utilize Mr. Senatore's services for the CEI services in the amount of \$280,000. Heart Construction is ready to start on the Library construction project on Monday and there are 2 issues that need to be decided prior to Monday. She stated that the first issue is that the Commissioners have to decide if they want a building inspector on site full-time during the construction and the second issue is utilizing a threshold inspector. It has been brought to her attention that a threshold inspector is required for this building and that has to be done before the building permit can be issued. Ms. Kollgaard stated that Mr. Frankvonfrankenstein, Lady Lake Building Official, will be presenting a proposal and then the Commission can ask questions and make their decision on both issues.

Ron Frankvonfrankenstein, Lady Lake Building Official, stated that he had sent the Commissioners an e-mail earlier in the day proposing a fee of \$155,000 for a full-time fully-licensed Building Inspector and \$20,000 for the utilization of a Threshold Inspector for the Library project. He stated that he had just recently become involved in this matter as he was not allowed by the previous Town Manager to stay on top of what was needed for this project so he is now trying to hurry and bring everything together. He has not received a response from Mr. Senatore in regards to getting a threshold inspection plan and by State Statute, he is not allowed to issue the building permit without the threshold inspection plan. Mr. Frankvonfrankenstein stated that, in the absence of a threshold inspection plan from Mr. Senatore, his structural engineer who is also a state-licensed threshold engineer inspector can create one.

Ms. Kollgaard asked the pros and cons of having a building inspector on site full-time.

Mr. Frankvonfrankenstein stated that there are a lot of things that happen on construction sites and pointed out some examples including the use of lower grade steel in order to cut costs or substituting copper wire with aluminum wire. One concern he has is that the Architect has said that “the Contractor has bid this and is basically making no money.” That is a concern for the Town to be more vigilant to make sure that nothing is substituted in order for the sub-contractors to make more profit; that is the underling situation – it’s a safety factor of the building and also to be sure everything moves forward at a rapid pace.

Mr. Frankvonfrankenstein stated that he doesn’t think it would be a good idea to not have a full-time inspector on a job site of this complexity. If there is a delay on the project, the Town’s Building Official cannot wait there for hours because he has other inspections to do.

Mayor Richards asked if the Contractor has submitted a construction schedule to which Ms. Kollgaard answered no.

Mr. Frankvonfrankenstein also commented that, at this time, he has not met with the Contractor at all.

Commissioner Kussard asked if it is as important to have a building inspector more towards the end of the project as opposed to the beginning of the project.

Mr. Frankvonfrankenstein stated that many inspections are done throughout the whole project on a continuing basis; the bigger the building, the more partial inspections there are that need to be taken care of in a timely manner. On a building project of this size, there is really no time when there is not a need for an inspector. In many cases, a construction schedule is dragged out because the contractor has to wait for an inspector.

Mayor Richards asked how many inspectors Mr. Frankvonfrankenstein has in his company and how many of those are employed in Lady Lake on an average day.

Mr. Frankvonfrankenstein stated that he has 3 inspectors and that he is the only one in Lady Lake.

Ms. Kollgaard stated that the Town has a Continuing Services Contract with Mr. Frankvonfrankenstein; he is not with the Town on a full-time basis so he only does morning inspections. She stated that Staff does not want delays in this Library project. If the Town goes with this proposal, Mr. Frankvonfrankenstein would have a full-time state-licensed inspector on site; she also commented that the Building Inspector has to be the one that signs off for the Building Official.

Mayor Richards stated that he had previously asked for the number of inspections that would be needed for a normal building and that Mr. Frankvonfrankenstein couldn’t give him a guideline on that.

Mr. Frankvonfrankenstein stated that this is not a normal building and that there are many partial inspections on a building of this size so there is really no finite number.

Mayor Richards stated that he was just asking for an average number of inspections.

Mr. Frankvonfrankenstein stated that it would be easier if the Mayor gave him a specific building that he wanted numbers for and then he could give the Mayor a better idea. The numbers are different for a Home Depot versus a bank building.

Mayor Richards asked how the building permit cost is figured because it used to be determined by the amount of square footage.

Ms. Kollgaard stated that it is still figured by square footage.

Mayor Richards asked what the square footage included when pulling a building permit.

Mr. Frankvonfrankenstein stated that it includes plumbing, mechanical, electric and structural and that the number of inspections done on each varies.

Ms. Kollgaard stated that when a building permit is pulled, it includes the basic inspections but a re-inspection fee of \$50 is charged if the building inspector has to go back to the site.

Mr. Frankvonfrankenstein stated that on a large project, it is almost impossible to not have re-inspections and that is understood by the contractor in order to keep the project moving. With a full-time inspector, that is all eliminated.

Commissioner Hannan stated that there can't be enough inspections and he thinks that the Commission is doing a disservice to the Town if there are not enough inspections every step of the way. He stated that he agrees with Mr. Frankvonfrankenstein.

Mayor Richards stated that the Town has a relationship with Mr. Frankvonfrankenstein as the Building Official and that the Town should take advantage of this relationship since he works for the Town every morning every day of the week. Mr. Frankvonfrankenstein has someone who can come by the job site every day of the week to ascertain what inspections are needed and can call for certain inspections when needed. He stated that he can't imagine someone being on site full-time waiting for something that might or might not happen.

Mr. Frankvonfrankenstein stated that inspections happen all the time and that he strongly disagrees with the Mayor. He stated that what the Mayor is suggesting is that there are no other building inspections in Lady Lake and that he can just go out there whenever. He also mentioned that when he goes out to a construction project of that size, there are always people wanting him to look at numerous things but he also has other people scheduled and waiting for their timely inspections.

Mayor Richards stated that he sees no advantage in going with Mr. Frankvonfrankenstein's company even though the Town has an open-ended contract with

him as the Town's Building Official than it would be to go with an architect or anybody else.

Mr. Frankvonfrankenstein stated that the inspector has to be a state-licensed inspector and that there are so many inspections that need to be made on a consistent basis.

Mayor Richards stated that if Mr. Frankvonfrankenstein is going to do this on a full-time basis, there won't be a need for the normal building permit costs since a certain amount of inspections are done on a normal basis.

Ms. Kollgaard stated that the Town has to pay the permit fee; State Statute does not allow the Town to waive any building permit fees. She stated that the Commission needs to decide if they want a full-time state-licensed building inspector on site to sign off on the different steps of the project. The Town does not have a full-time Building Official on Staff and the Town contracts with Mr. Frankvonfrankenstein's company to do morning inspections.

Mayor Richards stated that the Town would then just need to hire a state-licensed building inspector for the afternoon because all of the other inspections could be done in the morning.

Ms. Kollgaard stated that it would depend on Mr. Frankvonfrankenstein's work load with the Town. She stated that the Town does not have to have someone there all the time but the project could have delays. This is a Town-owned facility and Staff wants to do everything it can or down the road, it could cost the Town a lot more than this if something happens to that building and the Town ends up in court. She added that this is a protection for the Town.

Commissioner Kussard stated that she agrees that a full-time inspector is needed and that the Commission is responsible for seeing that the project is done right.

Mayor Richards stated that he is looking at the dollar cost and trying to save the Town what it can where it can so there is nothing open-ended to the extent that somebody just sits out there.

Marilynn Nesbitt, Library Director, stated that she thought there was a schedule from the Contractor in the last AIA Contract that was signed.

Ms. Kollgaard stated that it has to be a formulated schedule that is turned into the Building Department.

Ms. Nesbitt also mentioned that, at the groundbreaking, the contractors found that the inlet that Rainey installed is cracked and that Rainey is already working on that. She stated that she doesn't want to hold the Contractor to the Monday date because the inlets have to be redone so they may not start on Monday after all. She doesn't want the start date until the Contractor is actually on the site.

Ms. Nesbitt also stated that, under the contract, Mr. Senatore is only required to be at the job site once a week; if he is required to come out in addition to that, then his additional services rate is \$200 per hour or \$100 per hour for one of his technical people.

Ms. Kollgaard stated that if the Commission decides to have a full-time building inspector on the job site and Mr. Frankvonfrankenstein's services are not utilized, this will have to be put out to bid. According to the Town's procurement manual, anything over \$5,000 has to be put out to bid.

Mayor Richards stated that there is another option and that is to use the Continuing Engineering Services Contracts with Public Works.

Ms. Kollgaard stated that Staff has checked with them and none of them have a Threshold Inspector so the Town would still have to do the Threshold Inspector.

- Phil Mathias asked why the Town doesn't have a full-time Building Inspector who could be on the site whenever it was needed and for a lot less than \$155,000 a year.

Ms. Kollgaard stated that the Town also has to have a Building Official which is different than a Building Inspector. The Building Official is the only person who can issue the Certificate of Occupancy.

- Mr. Mathias stated that, under the Town Code, this has to be bid out because the services will be over \$5,000.

Ms. Kollgaard stated that the Town already has a Continuing Services Contract in place with Mr. Frankvonfrankenstein. If the Commission decides not to utilize Mr. Frankvonfrankenstein's services, then these services would have to be bid out if the full-time Building Inspector is wanted. She also mentioned that Mr. Frankvonfrankenstein has a Threshold Inspector with his company.

Ms. Kollgaard confirmed with Mr. Frankvonfrankenstein that a full-time inspector at the work site would handle all of the inspections.

Mr. Frankvonfrankenstein stated that was correct.

Mayor Richards stated that if the Town goes with a full-time inspector, the Town should get some consideration if the Town will have already paid for a certain number of inspections as part of the building permit fee. To be fair, the cost of the building permit should be deducted from the proposed \$155,000 for building inspector services.

Ms. Kollgaard checked with the Building Department and the building permit fee will be approximately \$18,000 and that includes the electrical, plumbing and mechanical inspections.

Commissioner Holden suggested deducting the \$18,000 from the \$155,000 proposed fee which would decrease the fee for a full-time fully-licensed inspector to \$137,000.

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Ms. Kollgaard asked about the fee for the Threshold Inspector.

Mayor Richards stated that would be an additional \$20,000 as originally proposed by Mr. Frankvonfrankenstein.

It was the consensus of the Commission to move forward with a not-to-exceed \$137,000 fee for the full-time fully-licensed Building Inspector and a not-to-exceed \$20,000 fee for the Threshold Inspector with both being provided by Mr. Frankvonfrankenstein's company.

Ms. Kollgaard stated that Staff will go ahead and prepare a contract that will have to come back before the Commission for formal approval.

There being no further discussion, the meeting was adjourned at 10:53 p.m.

Kristen Kollgaard, Town Clerk

James Richards, Mayor

Minutes transcribed by Jayne York, Staff Assistant to Town Clerk