Revenue
EDITOR’S NOTE: In the third quarter edition of Ventures Charlotte, an article titled “Revenue vs. Red Tape” highlighted the frustration developers and companies feel regarding the county’s building standards and inspection process. The fundamental premise of that article – red tape delays projects and increases costs – reflects what the Charlotte Chamber hears regularly from members.

However, there are two sides to every story. This edition of Ventures Charlotte shares the perspective of Mecklenburg County Code Enforcement and progress the department has made in improving processes and customer service.

A big part of the Charlotte Chamber’s mission is to serve as a voice for business. We will continue to speak up for members whose experience raises concerns about the competitiveness of our regulatory process in Charlotte and Mecklenburg County. We will also continue to value the kinds of public-private partnerships that have made Charlotte such a good place to do business.
Customer service vs. safe construction

“Mecklenburg County Code Enforcement is customer-service focused to proactively deal with issues,” said John Komisin, chair of the Building Development Commission. The Building Development Commission is an advisory board appointed by the Mecklenburg Board of County Commissioners that advises the county on code compliance topics. As president of Little Diversified Architectural Consulting in Charlotte, Komisin is a customer of Mecklenburg County Code Enforcement and a member of the American Institute of Architects (AIA), the industry's leading professional association. “We partner with Code Enforcement to address any concerns and act as a liaison back to the county and the commissioners. We work on many initiatives through subcommittees and task forces within the department.”

The role of the building inspectors is to make sure that the buildings are safe and accessible. Just as a state trooper enforces a speed limit set by the N.C. legislature, the building inspector enforces a building code approved by the state. Both are designed to keep innocent people safe – on the highway or in a structure.

The inspectors have many years of experience in their trade, whether it is plumbing, electrical, mechanical or building. Each inspector must pass a rigorous state exam and receive 96 hours of continuing education each year to maintain his or her status as an inspector. That far exceeds the state minimum of six hours required to maintain certification. Customer service training is part of that continuing education, including conflict resolution classes. Inspectors who feel challenged in customer service are required to repeat the class, and if necessary, customer service results are entered into their work file as a performance issue.

A recent customer survey showed a marked improvement during the past four years in several customer service areas, including courtesy and professionalism. “But we continue to work on it, especially listening, understanding and communicating what we need,” said Bartl.

However, Bartl notes that the inspectors’ priority is clear; the state code. Any inspector who does not follow the state code can lose his certification, which would spell the end of his job. Legal action can be taken against him if a safety issue arises.

Getting it done on time

Last year Mecklenburg County handled almost 350,000 inspections – building, electrical, mechanical and plumbing. Of all those inspections, more than 93 percent were conducted in the first 24 hours. Although the department is preparing an “inspection by appointment” program to be rolled out in 2007, the current process requires contractors to call for an inspection in before 7 a.m. for service on the same day. Otherwise, a call for an inspector on Tuesday will result in an inspection on Wednesday, based on a priority list agreed upon by the construction community. An open plumbing ditch, for example, is assigned a high priority per input from the industry.

Response times for individual disciplines are similar: Almost 98 percent of building and plumbing inspections and almost 96 percent of HVAC inspections were completed within 24 hours. Electrical is a different animal, with 83.8 percent of inspections completed within 24 hours. “Electrical is one of the toughest areas,
“We are continually looking at our process to make it as effective as possible for all of our customers and our staff.” — Jim Bartl

Inside and Outside North Carolina

North Carolina’s building code is different in many ways than other states. The building code is adopted at the state level by the North Carolina Building Code Council (NCBCC) and applied uniformly across the state. In other words, North Carolina hands the building code to Mecklenburg County and says “use this.” On occasion, reports surface of inspectors in other counties not applying the codes consistently. These are the exception and not the rule, according to Bartl: “These exceptions can prove frustrating and confusing for Mecklenburg builders who also work in other counties.”

The N.C. Building Code Council dictates the process, setting minimum requirements as well as limitations on local authorities. Unlike other states, in North Carolina, local building code amendments are not allowed. Only the N.C. Building Code Council may amend the code. Local inspectors may only interpret and apply the code. North Carolina may be the only state with this restriction on local inspectors.

In other states, local inspectors are permitted to make many more code interpretations and decisions that would not be allowed here. Not only is the code often adapted on a local level or amended locally in the process, there is usually a manner in which to address the peculiar problems. In other states, if a question arises about the application or interpretation of the code, a process to address the issue usually exists – either a formal variance procedure or an appearance before a board of building appeals.

Initiatives to Streamline the Process

Mecklenburg County Code Enforcement is responsible for coordinating all construction...
plan review, permitting and inspection services in Charlotte, Mecklenburg County, and the towns of Davidson, Cornelius, Huntersville, Matthews, Mint Hill and Pineville. Although the county coordinates the review process with Charlotte, separate city inspectors are responsible for code and ordinance issues such as fire, water and sewer, zoning, land development, forestry and other areas.

Ten years ago, Code Enforcement director Jim Bartl was recruited to Mecklenburg County for one primary reason – to streamline this process. Since then, Bartl has been named chair of the AIA – North Carolina Code Committee, which works to streamline the code process statewide.

Since Bartl came on board, Mecklenburg County has implemented 15 initiatives, involving technology, customer service, and training, among other things – all with the goal of getting projects through the system faster and more efficiently.

One of the most successful of these initiatives is Express Review, which allows customers to schedule a commercial plan review in advance for a fee, with the owner’s design team present during the review. Because architects and engineers are given the opportunity to agree to minor changes without redrawing their plans, this increases the likelihood of passing review on the first try and gaining the permit. The pass rate for those using Express Review is 85 percent. The pass rate for the regular review plan is 50 percent.

“In the past, I have asked for a letter outlining a complaint against an inspector to take action, but the customer is often hesitant to provide this. Without the necessary documentation, it is difficult to make a change.” — Jim Bartl
Another successful initiative during the past few years is a concerted effort to make code interpretations more consistent. Bartl acknowledges that, on a complicated project with a complicated design, two different building inspectors may come up with two different interpretations of code. Consistency teams meet regularly to discuss any issues raised by customers or staff. Customers can attend the meetings or even participate anonymously by calling or e-mailing.

Bartl welcomes calls, e-mails or letters, so he can follow up on a complaint or suggestion. But many builders haven’t taken him up on it. “In the past, I have asked for a letter outlining a complaint against an inspector to take action, but the customer is often hesitant to provide this. Without the necessary documentation, it is difficult to make a change.” Chamber staff members have received reports from Chamber members of their reluctance to raise issues for fear of retaliation on ongoing and future projects.

Knowledge of the process is what makes the difference, or knowing where to find that knowledge. Most owners’ team members are well versed in the North Carolina code inspection process. But some are new to the process or are more familiar with the process of other states. “They need to take some responsibility for becoming knowledgeable about the process,” said Bartl. Mecklenburg County conducts 1,300 to 1,400 inspections on a daily basis. In order to take care of everyone, inspectors can’t always take the time to explain in detail each inspection failure.

“Some teams want detailed punch lists to work from. With the daily volume of inspections, our 130 inspectors do not have the time to do this,” said Bartl. There are also building sites that need to be visited two or three times and still do not meet the minimum code requirements.

John Komisin references a 2004 national study conducted by the American Institute of Architects that listed 22 recommendations for cities and counties to streamline the code process. Mecklenburg County was already implementing 20 of those recommendations. Mecklenburg County also received the highest rating possible from the Insurance Services Office, Inc. (ISO), a one on a scale of one to 10, for its enforcement of the commercial building code, plus the department’s policies and procedures related to training and experience. Only three other jurisdictions in the country received this rating. ISO is a national firm that advises the insurance industry and reviews code enforcement agencies nationwide.

From the perspective of the regulators, Mecklenburg County is doing all it can to educate the building industry. The County supports industry training by offering a program that helps building professionals acquire a better understanding of the permitting and inspection process. “Attendees have a much higher success rate with the inspection code process because they have a better understanding of the system” said Bartl. A better understanding of the process will make everyone’s projects go more smoothly and open on time. And that’s everyone’s goal.

If you would like to provide feedback to Mecklenburg County Code Enforcement, contact Jim Bartl at bartljn@co.mecklenburg.nc.us or (704) 336-3827.

Stay tuned for Part III in this continuing series. In 2007, the Charlotte Chamber will host a town meeting of developers, contractors, architects and county officials to discuss the building code enforcement situation. We’ll report the results of the meeting in a future edition of Ventures Charlotte.
Mecklenburg County Code Enforcement

A few key initiatives from the last 10 years

Internet permitting — In 1999, the county began providing Internet permitting to all contractors not subject to plan review (or scope of work verification).

Internet support of inspections — The county introduced electronic support of inspections in 1993, using interactive voice response (IVR). That initial IVR effort has been expanded to include full access to all inspection functions by computer (office based or field laptop) via the Internet, as well as via web enabled phones (WAP Wireless).

Consistency Teams — In 1997, Mecklenburg County introduced “Consistency Teams” in each inspection discipline. These teams deal with any consistency issues from the industry, discuss them in regular meetings attended by the industry, and render decisions on the correct local interpretation of the code. These interpretations are, in turn, distributed to field inspectors and the industry.

Internet access to all documents and records — In 2001, using imaging technology Code Enforcement completed migration to a completely paperless process, and made all records available to customers by Internet. Customers often seek copies of permitting and inspection records on specific addresses, as well as documentation on Certificates of Occupancy.

Express Review — Introduced in 1997-1998, Express Review is a premium service/premium fee program. Customers schedule a Commercial Plan Review slot in advance, with the owner’s design team present during the review. Architects and engineers (A/E’s) are given the opportunity to make and initial minor changes, increasing the likelihood of passing review and gaining the permit, within 24 hours.

Residential Technical Answer Center (RTAC) — Introduced in 1998, this service focuses on residential customers, giving them access to code information, without the need to contact either the trade chief or the area inspector. Customers may walk-in, telephone, fax or e-mail questions to staff.

Code Compliance Task Force (CCTF) re-inspection fee changes — This task force addressed the problem of an extremely high inspection failure rate, which increased both the cost of inspections and inspection response time to customers. Working together, the industry and county developed a number of significant changes (posting contractor failure rates, etc), one of which was the complete overhaul of Mecklenburg’s re-inspection fee system.

Commercial Technical Assistance Center (CTAC) — When Residential Technical Answer Center (RTAC) proved to be successful, the county introduced the equivalent commercial code tool CTAC in 2000.

Third Party inspections/plan review program — In 1999, at the request of the Building Development Commission and through the legislative initiative of Sen. D Clodfelter and Rep. C. Wilson (and in the face of strong opposition from DOI), the N.C. General Assembly revised the General Statutes to allow use of third party code enforcement work, with specified conflict of interest limits. This program allows the customer to contract with the county and pay for “added code enforcement service.” The county can contract with a third party (carrying N.C. Code Official Qualifications) to provide the service on the designated project, with the inspection schedule tailored to specific contractor needs on a day-to-day basis.

Written plan review comments available by internet — Plan reviewers switched from redline markup of drawings to text comments typed into the computer. In 2002, automation made it possible for customers to read plan review comments by Internet on review completion, strengthening communication with A/E’s.

OnSchedule Commercial Plan Review process — Initiated in March 2003, “OnSchedule” gives customers the ability to schedule all reviews months in advance, and submit plans only the day before, so there is not a weeks-long queue to get into the review process. When they use plan review comments available electronically, applicants achieve far more certainty about the permitting schedule, and ultimately, have significant control over their timelines during plan review.
Current Situation
North Carolina’s Department of Insurance has broadly construed language in the National Electrical Code to apply it to industrial machinery. As a result, building inspectors charged with enforcing the building code require businesses to list and label their industrial equipment prior to issuing Certificates of Occupancy.

Interpreting the Code
We believe that the Department of Insurance is using a section of code written for building components, such as air conditioners or escalators, and applying it too broadly to industrial equipment. The Chamber is not alone in this belief: In October 2005 Mecklenburg County Code Enforcement filed a brief with the N.C. Building Code Council saying they believed the Department of Insurance made “an erroneous interpretation of the definition section of the Code.” Further, the vast majority of states enforce the National Electrical Code in the manner we suggest and allow federal OSHA standards to regulate workplace safety issues.

Why it Matters
Listing and labeling is an expensive proposition that can add significant costs – sometimes in excess of $100,000 – to the construction of a new facility. Because the regulation is absent in competing states and loosely enforced in competing North Carolina counties, it serves as a barrier to economic development in Mecklenburg County and artificially increases the cost of doing business in our community.

What’s Next
In the 2006 Program of Work, the Chamber adopted an initiative to lower the cost of doing business for manufacturers in Mecklenburg County. Because the listing and labeling requirement is a significant financial burden for manufacturers, we are working aggressively with a coalition of partners around the state to correct the state’s code interpretation through administrative or legislative means.