

**BUILDING BOARD
MEETING
JUNE 28, 2011**

MEMBERS PRESENT: Mary Fleenor, Chairman
John Burrage, Thomas Cavanaugh, Peter Coccaro,
Alan Grossman, Sean Howard, Keith Towles

OTHERS PRESENT: Suzy Russell, Permit Supervisor
Randy Cole, Building Official
Cody Vaughan-Birch, Board Attorney
Garry Hillman, Mark Thurston,
Latasha Murray, Ralph DiCarlo

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. July 26, 2011

APPROVAL OF MINUTES

- A. Meeting of May 24, 2011
 - Mr. Burrage MOVED, Mr. Cavanaugh SECONDED approval of the May 24, 2011 minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Deputy City Clerk Stewart swore in all participants.
- A. Certificate of Competency Application – Garry M. Hillman
 - Ms. Suzy Russell, Permit Supervisor, announced she had received a Certificate of Competency (COC) application from Mr. Garry Hillman, Elite Electrical Company, but had been unable to approve same at the staff level due to a poor credit report.
 - Mr. Hillman attributed his negative credit history primarily to the bad economy, stating same had caused financial difficulties for his business.
 - Mr. Cavanaugh MOVED, Mr. Burrage SECONDED approval of Mr. Hillman’s COC application with a one year probation period. MOTION CARRIED UNANIMOUSLY.

Note: Item B was heard following Item C.

- B. Latasha T. Murray, Noah & Tee Construction and Development LLC – Violation of Section 7-11(b), Hiring a sub-contractor that does not have a City of Punta Gorda Certificate of Competency
 - Mr. Burrage stated he believed the portion of City Code which was allegedly violated was Section 7-11(a) as opposed to 7-11(b).
 - Mr. Cole explained Ms. Latasha Murray, respondent, held a COC; however, their sub-contractor did not, thus the reason for citing Section 7-11(b).

- Ms. Russell mentioned the respondent was State licensed and thus was not subject to any fine imposed by the Board. She announced the respondent was not in attendance but had contacted her to state she would be present, albeit somewhat late. She suggested moving to another agenda item until the respondent arrived.

Note: The remainder of Item B was heard following Committee/Board Comments.

- Ms. Fleenor announced the respondent was en route.
- Mr. Mark Thurston stated his son was the license holder of Trademark Concrete Inc. and had been hired by Ms. Murray to perform block and masonry work. He explained he and his son had not been aware the job site was located within City limits; however, upon calling for the beam inspection, he then learned the property was located in the City and subsequently took whatever action was necessary to rectify the situation.
- Mr. Cole confirmed Trademark Concrete was currently in compliance and had acted promptly as testified by Mr. Thurston; however, Noah & Tee Construction and Development LLC (Noah & Tee) had permitted the job through the Building Division and therefore realized the job site was within City limits.
- Ms. Fleenor pointed out Noah & Tee also failed to list Trademark Concrete as a sub-contractor.
- Ms. Russell drew members' attention to the sub-contractor's list provided by Noah & Tee, as delineated in the agenda material, stating Noah & Tee were listed as performing the concrete work themselves. She noted Noah & Tee was Workers Compensation (WC) exempt. She then commented on the second, revised sub-contractors list, stating same was received the day after the inspection request was submitted. She continued another list was submitted on June 6, 2011. She displayed a photograph dated May 13, 2011, also provided in the agenda material, asserting the situation was allowed by the respondent to go on for a significant period of time without the City being provided with an accurate list of sub-contractors and without ensuring same were properly licensed by the City.
- Ms. Fleenor requested clarification of what was depicted in the photographs.
- Ms. Russell replied walls which were allegedly erected by Ms. Murray and her husband, Mr. Noah Murray.
- Mr. Howard commented there appeared to be a period of inactivity between June 2, 2011, and June 13, 2011, the latter being the date the City issued a letter notifying the respondent of the alleged violation. He asked when Trademark Concrete actually submitted a COC application.

- Ms. Russell replied a few days after the June 13, 2011 letter; however, there had been some issues with their paperwork which had since been addressed. She confirmed Trademark Concrete took immediate action, including payment of a \$300 penalty.
- Mr. Howard stated it appeared Noah & Tee tried to revise the sub-contractor list immediately after this came to light.
- Ms. Russell concurred; however, she pointed out the work had already been completed, and Trademark Concrete was still unlicensed at that time.
- Mr. Cole asked Ms. Russell to review the dates as they related to this case.
- Ms. Russell reported on the following: December 1, 2010 – original permit application; December 1, 2010 – permit in rejection; February 24, 2011 – permit in rejection; March 6, 2011 – permit in rejection; April 4, 2011 – permit issued.
- Mr. Coccaro asked if a fee was associated with rejections.
- Ms. Russell replied the first rejection did not involve a fee; however, subsequent rejections included a fee of \$75.

Note: The respondent, Ms. Latasha Murray, arrived at 10:41 a.m.

- Mr. Cole advised Ms. Murray she had been charged with hiring an unlicensed contractor, Trademark Concrete, to perform work in the City.
- Ms. Murray responded she was advised the contractor had previously worked in the City.
- Mr. Cole explained the general contractor, Ms. Murray, was responsible for ensuring all of their sub-contractors were licensed to work in the City.
- Ms. Murray reiterated she was informed all credentials were in place.
- Ms. Russell clarified Ms. Murray had not verified same through a review of documentation but rather had simply been informed verbally over the telephone. She pointed out on June 2, 2011, Noah & Tee was still listed as the concrete contractor, requesting an explanation of same.
- Ms. Murray replied Mr. Murray had been scheduled to work at the job site; however, she eventually had other people perform work which she had originally planned to do herself. She reiterated her understanding had been Trademark Concrete had worked in the City in the past.
- Ms. Russell referred to the above mentioned photograph, asking who had performed the concrete work depicted in same.
- Ms. Murray replied Trademark Concrete.
- Ms. Russell asked who was supervising the job.
- Ms. Murray replied Mr. Wise, confirming he was not present this date.
- Ms. Russell asked if Mr. Wise was an employee of Ms. Murray.

- Ms. Murray replied he was not. She explained Mr. Wise performed pest control services and had a history of contracting and supervision.
- Mr. Cole stated it appeared an unlicensed individual was supervising the job.
- Ms. Murray disagreed, stating Mr. Wise was not unlicensed.
- Mr. Cole questioned the type of license held by Mr. Wise.
- Ms. Murray replied he was not required to have a license to be a superintendent.
- Mr. Cole countered a license was required for non-employees.
- Ms. Murray commented there seemed to be a communication problem.
- Mr. Cole asked how Mr. Wise was paid.
- Ms. Murray replied he was paid a lump sum at the end of the month.
- Mr. Cole announced there seemed to be another violation; however, he could not address same without proper notice. He asked if Mr. Wise held a COC.
- Ms. Murray replied Mr. Wise checked the job site and reported on same to her by telephone.
- Mr. Cole suggested this case be continued.
- Ms. Fleenor concurred, asking staff to identify all parties who needed to be present.
- Mr. Cole replied Mr. Wise and Ms. Murray at a minimum, stating he would determine if others should be present.
- Mr. Burrage MOVED, Mr. Towles SECONDED to continue this case to the Board's next meeting.
- Mr. Cavanaugh asked staff to ensure all listed sub-contractors were properly licensed. He asked if work was ongoing at the job site.
- Mr. Cole replied it was not due to the lack of truss engineering to proceed with the tie beams.
- Mr. Cavanaugh asked if construction could continue once the engineering was in place.
- Mr. Cole requested the Board Attorney address same.
- Mr. Cody Vaughan-Birch, Board Attorney, confirmed construction could re-commence once the truss issues were addressed in full and all contractors were in compliance with City Code.
- Mr. Cole interjected no unlicensed sub-contractors could be allowed on the job site, adding Workers Compensation must be provided for any and all employees. He asked Ms. Murray to provide him with Mr. Wise's telephone number and address.
- Ms. Murray replied she would, stating Mr. Wise had supervised the job for 30 days and had not returned to the site since then.
- Mr. Coccaro confirmed Mr. Thurston did not need to be present at the Board's next meeting.

- Mr. Cole agreed, thanking Mr. Thurston for his cooperation.
- Mr. Grossman expressed concern for the delay in completing the job, suggesting staff meet with Ms. Murray to instruct her on the City's requirements.
- Ms. Russell confirmed Ms. Murray had been provided with that information when the application was first submitted.
- Mr. Cole clarified all delays were due to the contractor's actions.
- MOTION CARRIED UNANIMOUSLY.

Note: Item C was heard following Item A.

- C. Ralph DiCarlo, Tropical Pools & Spas of Southwest Florida – Violation of Section 7-13(a)(6), Willful and deliberate disregard or negligent violation of the City Building Code, City Zoning Ordinance or other City Ordinances regulating building or construction.
 - Mr. Cole announced a variance request was considered for the home at 2281 Bayview Road as an extension was added to the pool deck which did not meet setback requirements. He continued records were researched, adding staff determined a plans change was never requested from nor approved by the Building Division for addition of the extension.
 - Mr. Ralph DiCarlo, Tropical Pools & Spas of Southwest Florida (Tropical Pools) license holder, acknowledged responsibility for the violation. He explained during construction he became ill and unable to work. He stated a plans change was submitted with the pool cage permit but not with the permit for the pool itself. He maintained the violation was not willful and deliberate but rather due to negligence, asserting he had always operated his business in accordance with legal guidelines. He confirmed the project has been completed, reiterating his acceptance of all responsibility.
 - Ms. Fleenor confirmed City Council had approved the above mentioned variance, providing members with an excerpt of the minutes attesting to same.
 - Mr. Howard confirmed Mr. DiCarlo had constructed the pool and then had extended the deck another 30 feet without a plans change.
 - Mr. Coccaro commented on two different site plans provided in the agenda material, questioning which set of plans was submitted with the permit package.
 - Mr. Cole replied the set of plans which did not show the deck extension was permitted and approved, adding the other set was submitted with the request for a pool cage.
 - Discussion ensued with regard to discrepancies between the various surveys and the resulting error in the measurement starting point.

- Ms. Fleenor clarified the above mentioned variance was approved after all work was completed. She asked if staff determined whether other permits may be outstanding on a property when a permit application was submitted.
- Mr. Cole replied affirmatively
- Ms. Fleenor questioned staff's recommendation.
- Mr. Cole replied he wished to leave same to the Board's discretion; however, he asked the Board to require a plans change submittal so as to ensure their records were accurate.
- Mr. Howard asked how long Mr. DiCarlo had been licensed as a pool contractor.
- Mr. DiCarlo replied at least ten years, primarily in Charlotte County and south Sarasota County.
- Ms. Fleenor mentioned she had researched guidelines relative to violations and appropriate fines.
- Ms. Russell reminded members the Board did not have the ability to fine a State licensed contractor.
- Mr. Grossman MOVED, Mr. Burrage SECONDED to implement a supervision/probation Order on Mr. DiCarlo for one year, to copy the Department of Business & Professional Regulation (DBPR) on same, to require submission of a plans change and to find the respondent guilty of violating Section 7-13(a)(6) of the City Code. MOTION CARRIED UNANIMOUSLY.
- Mr. Cole asked Mr. DiCarlo to submit either a stake-out survey with the permit application or a letter from the surveyor attesting to same. He confirmed Mr. DiCarlo would also provide a plans change. He then asked if the Board was amenable to holding additional discussions on this case at their next meeting, stating he wished to have a representative from the Zoning Division present in order to address members' concerns.
- Consensus of the Board was approval of same.
- Ms. Fleenor requested copies of all documentation relative to the variance application be provided as well.

Note: Committee/Board Comments were heard following the first portion of Item B, New Business.

COMMITTEE/BOARD COMMENTS

- Mr. Burrage commented on a recent newspaper article regarding a pool cage contractor who had placed signage on his work vehicle indicating he had been approved to work in the City. He noted many contractors provided information relative to their State license on vehicle signage; however, there typically was no way to provide

same for City licensing. He announced Charlotte County had recently implemented a policy where they provided labels to contractors who were authorized to perform work, recommending the City implement a similar procedure.

- Mr. Coccaro stated over ten years earlier, the State licensing board decided pool service companies did not meet the criteria of the Building Code and therefore did not need a license; however, Charlotte County decided to leave their ordinance in place while the City elected to follow State guidelines. He clarified the City currently did not require pool service contractors to have any type of licensure.
- Mr. Burrage clarified the contractors to whom Mr. Coccaro was referring were strictly those who treated pools with chemicals, vacuumed, etc.
- Mr. Coccaro agreed, stating there had been a problem with such contractors overstepping their allowed activities to include pool pump change-outs, for example.
- Mr. Burrage reiterated his recommendation for contractors to be provided with a sticker identifying whether or not they were State licensed.
- Mr. Cole expressed concern with regard to situations where a contractor lost their license some time during the year but would still be in possession of a sticker; however, he asserted his full support of some type of identification system.
- Mr. Coccaro pointed out contractors were provided a competency number by the City, suggesting same could be added to vehicle signage.
- Ms. Russell stated contractors were also provided with a COC card which could be presented to homeowners as proof of licensure. She further noted licensing could be verified on-line as well.
- Mr. Coccaro MOVED, Mr. Burrage SECONDED to recommend the City adopt an ordinance granting the Building Official the authority in times of emergency to require COC numbers to be placed on all contractor's vehicles, further suggesting the ordinance provide for a penalty for non-compliance.
- Mr. Grossman questioned how the sticker would be of benefit.
- Mr. Cole replied it would be an easy method of identification during times of emergency. He explained DBPR representatives operated on site during such times, adding they would also work outside of the office in an effort to discourage unlicensed contractors.
- Ms. Russell then provided a demonstration of how licenses could be verified on-line via the City's web site.
- Mr. Coccaro suggested verification be made available directly from the front page of the City's web site.

- Ms. Russell responded she would contact the Information Technology (IT) Division regarding same.
- Ms. Fleenor then called for a vote on the motion.
- MOTION CARRIED UNANIMOUSLY.
- Mr. Coccaro stated he would attend the Council meeting at which the above mentioned ordinance was considered if staff determined his presence was necessary.

Note: A 10 minute break was called at 10:13 a.m.

Note: Item B, New Business, was heard following Committee/Board Comments.

ADJOURNMENT

- Meeting Adjourned: 10:56 a.m.

Mary Fleenor, Chairman

Sheri Stewart, Deputy City Clerk