

**BUILDING BOARD
MEETING
AUGUST 23, 2011**

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

OTHERS PRESENT: Randy Cole, Chief Building Official
Suzy Russell, Permit Supervisor
John Smith, Plans Examiner
Cody Vaughan-Birch, Board Attorney
Mark Thurston

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. September 27, 2011

APPROVAL OF MINUTES

- A. Meeting of July 26, 2011
 - Mr. Burrage MOVED, Mr. Coccaro SECONDED approval of the July 26, 2011 minutes.
MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

- Recording Secretary Kelly swore in all participants.
- A. Latasha T. Murray, Noah & Tee Construction and Development LLC – Violation of Section 7-11(b), Hiring a subcontractor that does not have a City of Punta Gorda Certificate of Competency (continued from July 26, 2011)
 - Mr. Randy Cole, Chief Building Official, announced this case was first heard by the Board on June 28, 2011, providing a detailed review of testimony presented that date, as delineated in those meeting minutes. He stated the case was continued to the Board's July 26, 2011, so as to be able to hear testimony from the individual who had been supervising the job and determine whether there was a second offense; however, Ms. Latasha Murray, qualifier, had subsequently requested an additional continuance to this meeting due to a personal conflict, reminding members the Board had granted her request. He requested the above mentioned second offense be set aside at this time but recommended the Board move forward on the first offense. He confirmed Ms. Murray was not present.
 - Ms. Suzy Russell, Permit Supervisor, advised Ms. Murray telephoned this date and advised she would not be in attendance at this meeting.

- Ms. Fleenor questioned the basis for staff's recommendation to set aside the second charge.
- Mr. Cole replied he would have preferred to have Ms. Murray present so as to be able to defend herself; however, the Board had the ability to move forward if desired.
- Mr. Burrage confirmed the case status was unchanged from that presented at the June 28, 2011 meeting.
- Mr. Cole mentioned the unlicensed sub-contractor had since obtained his Certificate of Competency (COC); however, Ms. Murray's non-responsiveness relative to the job site continued. He confirmed the permit was open, but work had stopped.
- Mr. Mark Thurston stated he had no additional testimony to present. He explained he also wished to gain a response from Ms. Murray and be paid for his work, which was conducted in April 2011.
- Mr. Sean Howard spoke in favor of proceeding with the charges against Ms. Murray.
- Mr. Burrage questioned staff's recommendation.
- Mr. Cole recommended Ms. Murray's permitting privileges be revoked until such time as she appeared before the Board to request re-instatement.
- Mr. Coccaro confirmed the State would be notified of the Board's action.
- Mr. Cavanaugh asked if there were any legal considerations with regard to the work stoppage put in place by the City.
- Mr. Cole replied the work had been stopped due to permitting issues unrelated to the charges against Ms. Murray. He confirmed the permit would remain valid and open to allow the job to be finished until Ms. Murray took the required action at the County level.
- Mr. Burrage MOVED, Mr. Sean Howard SECONDED to find Ms. Latasha T. Murray, Noah & Tee, guilty of violation of Section 7-11(b) of the City Code and to revoke the permitting privileges of Ms. Latasha T. Murray, Noah & Tee, until the respondent re-applied to the Board for same.
- Mr. Sean Howard asked if the work stoppage could continue until Ms. Murray appeared before the Board.
- Mr. Cole replied he did not believe so, noting the permit was issued legally.
- Mr. Burrage clarified the problem was not associated with the work site.
- Mr. Coccaro confirmed Ms. Murray would be allowed to finish the job.
- MOTION CARRIED UNANIMOUSLY.
- Mr. Sean Howard suggested Mr. Thurston consider placing a lien on the job.

- Mr. Thurston replied this was a State job which could not be liened nor was it bonded. He mentioned he had been speaking with Mr. Jason Russell, State Project Manager, relative to the situation.
- Mr. Sean Howard asked if it would be appropriate for staff to contact Mr. Russell to explain the situation, particularly the unpaid sub-contractor.
- Mr. Cole replied he was hesitant to do so as all parties were licensed individuals, stating he presumed this was a civil matter. He advised Mr. Thurston could file a complaint with the Department of Business & Professional Regulation (DBPR).
- Ms. Fleenor asked if Mr. Cole wished to present the second charge at this time.
- Mr. Cole replied in the negative, concluding he would withdraw those charges.

STAFF COMMENTS

- Mr. Cole asked Mr. Burrage and/or Ms. Fleenor to update the Board on City Council's actions on the Board's recommendation to adopt an ordinance granting the Building Official the authority, in times of emergency, to require Certificate of Competency (COC) numbers to be placed on all contractor's vehicles.
- Mr. Burrage stated Vice Mayor Bill Albers had suggested requiring such identification at all times as opposed to only during times of emergency. He reported other Councilmembers had suggested the public could access the necessary information on the City's web site; however, he pointed out many residents did not have computers or internet access. He concluded staff was directed to draft an ordinance for Council's consideration.
- Mr. Cole advised the ordinance would first be presented to the Board.
- Ms. Fleenor then asked members to consider methods of improving the public's access to Building Division information on the City's web site. She recommended scheduling a discussion of same at a future meeting and eventually making a recommendation to the City.
- Mr. Cole confirmed the Information Technology Division Manager, Ms. Elizabeth Meneely, was working toward accommodating the recommendations made by the Board at their last meeting, albeit within the confines of budgetary restrictions. He reminded members residents had a responsibility to confirm a contractor's licensing was in place when entering into a contract.

COMMITTEE/BOARD COMMENTS

- Mr. Sean Howard asked if staff had encountered a licensing issue at a project on Bal Harbor Boulevard, specifically across from Deborah Drive.

- Ms. Russell replied affirmatively, stating it had been necessary to generate a police report. She explained there were a number of licensing issues, adding she believed everything was in place, including the payment of penalties/fines.
- Mr. Cavanaugh then questioned the status of permitting overall.
- Mr. Cole replied it was somewhat bleak. He mentioned 80 to 100 inspections were being conducted on a weekly basis. He then provided an update on replacement of Chinese drywall at the Vivante development.
- Mr. Cavanaugh noted the Board Attorney, Mr. Cody Vaughan-Birch, was present and had been at the last few Board meetings, asking if a policy was in place regarding same.
- Mr. Burrage replied affirmatively, explaining staff determined if legal counsel should be present dependent upon the agenda.

ADJOURNMENT

- Meeting Adjourned: 9:43 a.m.

Mary Fleenor, Chairman

Mary Kelly, Recording Secretary