

**BUILDING BOARD  
MEETING  
NOVEMBER 26, 2019**

**MEMBERS PRESENT:** Jeffery Masters, Chairman  
Charles Brox, John Bothwell,  
Lawrence Gotfredson, Robert Haynes,  
Lisa Kellythorne, Thomas "TJ" Thornberry

**OTHERS PRESENT:** Randy Cole, Chief Building Official  
Suz Russell, License & Permit Supervisor  
David Jackson, Board Attorney  
David McCarty, Code Compliance Supervisor  
Eric Williams, Police Officer  
Bob Nikula, Project Manager  
Martha Bireda, Matthew Meacock, Matthew Foster

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting
  - Mr. Randy Cole, Chief Building Official, confirmed there would be no meeting scheduled for December 2019.

**CITIZENS COMMENTS ON AGENDA ITEMS ONLY**

- None.

**APPROVAL OF MINUTES**

- A. September 24, 2019
  - Mr. Brox MOVED, Mr. Thornberry SECONDED approval of the September 24, 2019 minutes. MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- Recording Secretary Pues swore in all participants.

**NOTE: Violation - Aqua Doc Pool Clinic LLC was heard following False Alarm Appeal - Martha Bireda**

- A. Violation - Aqua Doc Pool Clinic LLC - Matthew J. Meacock, qualifier
  - Mr. Bob Nikula, Project Manager, reported on October 3, 2019, he witnessed unpermitted work commencing within the right-of-way of the driveway at 65 Ocean Drive, noting the building inspector posted a Stop Work Order at the location that same date. He reported he found the work was completed and the Stop Work Order was removed without approval from the Chief Building Official on October 14, 2019. He then displayed photographs of the subject property, providing a detailed overview of the work completed and his interactions with the homeowner and construction workers.

- Ms. Suz Russell, License & Permit Supervisor, stated the property owner expressed she was unaware a permit was required. She explained Aqua Doc Pool Clinic LLC (ADPC) applied for a Certificate of Competency (COC) after work had commenced and a permit application was never submitted, noting ADPC would not be granted a permit since driveway swales were not within the scope of their State license. She confirmed the homeowner contacted her after this matter was brought to staff's attention.
- Mr. Thornberry verified the property owner could be held responsible for any violations related to the driveway if not corrected.
- Mr. Matthew Meacock, qualifier, acknowledged ADPC's mistakes, noting he was unaware of the City's permitting process. He explained ADPC was working on obtaining a permit for the general contractor hired to correct the swale.
- A lengthy discussion ensued regarding the process for resolving the violation and whether ADPC should be prohibited from working within the City before the violation was resolved.
- Mr. Meacock stated ADPC had begun another job in the City which was within the scope of their State license. He then verified Riedel Construction was hired to correct the driveway swale of the subject property.
- Mr. Thornberry MOVED, Mr. Brox SECONDED to find ADPC guilty on all five charges (as delineated in the agenda material), to place Mr. Meacock on probation for one year and to require a status update at the next meeting. MOTION CARRIED UNANIMOUSLY.

**NOTE: False Alarm Appeal - Martha Bireda was heard following Approval of Minutes**

B. False Alarm Appeal - Martha Bireda

- Mr. David McCarty, Code Compliance Supervisor, announced a request was submitted to appeal the validity of 18 false alarm violations brought against the property owner, denoted in the agenda material, noting the total fees were \$6,400.
- Mr. Eric Williams, Police Officer, reviewed the processes the Police Department followed when responding to security alarms.
- Ms. Marth Bireda, property owner, opined the issues with the security alarm were caused by negligence of the security company, noting she had requested they not contact the Police Department while they determined the issue with her alarm. She explained the security company eventually found one of the alarms had a battery issue, adding the replacement batteries were not received until the end of October 2019.
- A question and answer session with Ms. Bireda and members took place.
- Mr. Thornberry opined the fees were significant; however, the number of false alarm violations were as well.

- Ms. Bireda stated she was unaware of the violations until she received a letter notifying her of same.
- Mr. Williams confirmed the Police Department did not mail property owners notices of false alarm violations.
- A lengthy discussion ensued regarding the responsibilities of homeowners, the Police Department and the City when handling false alarms violations, with members agreeing there was miscommunication within the process which needed to be addressed.
- Mr. Brox MOVED, Mr. Thornberry SECONDED to grant the appeal and reduce the fine to \$500.
- VOTING AYE: Brox, Kellythorne, Masters, Thornberry.
- VOTING NAY: Bothwell, Gotfredson, Haynes.
- MOTION CARRIED.
- Mr. Brox MOVED, Mr. Gotfredson SECONDED to authorize the Chairman to write a letter to City Manager Howard Kunik which would address improving the process for notification of false alarms. MOTION CARRIED UNANIMOUSLY.
- Mr. Randy Cole, Chief Building Official, requested the letter be directed to him or Ms. Russell before forwarding to City Manager Kunik.

**Note: Certificate of Competency - CMR Construction & Roofing LLC was heard following Violation - Aqua Doc Pool Clinic LLC**

- C. Certificate of Competency - CMR Construction & Roofing LLC, Steven Matthew Soule, Qualifier
  - Ms. Russell announced the COC for Mr. Steven Soule, qualifier, could not be approved administratively since the Department of Business and Professional Regulations' (DBPR) database indicated his account was sent to a Collections Agency on September 4, 2019. She stated staff recommended denial of the COC until Mr. Soule appeared before the Board.
  - Ms. Kellythorne MOVED, Mr. Thornberry SECONDED to deny the COC until Mr. Soule appeared before the Board. MOTION CARRIED UNANIMOUSLY.
  - Discussion ensued regarding the false alarm process, with members expressing concern homeowners were not being notified properly regarding same.
  - Board Attorney David Jackson suggested Mr. Masters draft a list of the Board's concerns and present same at the next meeting.

**UNFINISHED BUSINESS**

- A. Unresolved Complaint and Violation - Fast AC SWFL
  - Ms. Russell provided a brief review of her attempts to contact Foster Air Supplies & Technical Services, Inc. (FAST AC) regarding unpermitted work completed at two

properties located on Deborah Drive. She explained the DBPR opened a case against FAST AC as well, adding permits had not been applied for as of this date.

- Mr. Matthew Foster, qualifier, asserted he was unaware his previous employee had not applied for the permits. He stated a Charlotte County representative had informed him on October 10, 2019, that a hold required release before the permit application could be submitted.
- Ms. Russell clarified the permit applications would need to be submitted to the City.
- Mr. Foster indicated a permit application was sent to the City on October 10, 2019, and a follow-up email was sent on October 14, 2019, noting he had never received a response. He then explained during July 2019 he was in the process of closing FAST AC and transitioning to Healthier Home Solutions (HHS), opining HHS should have been able to obtain the permits since he was still the owner. He then stated he was informed by Ms. Russell to submit the permit applications through email and staff would push same through to complete the inspections.
- Ms. Russell pointed out the applications were submitted to an incorrect email address.
- Mr. Cole noted the main concern was the lack of communication from FAST AC.
- Ms. Russell added that although FAST AC and HHS were owned by Mr. Foster, each had different State License numbers and the homeowners had contracted with FAST AC.
- Discussion ensued regarding the permitting process and Mr. Foster's responsibility for resolving the complaints and violations.
- Mr. Foster agreed to meet with the Building Department this date to apply for the permits.
- Mr. Cole advised the quadruple fees for the permits were still in effect.
- Ms. Russell stated the City would withhold issuing a COC for HHS until she heard from the State.
- Mr. Foster noted he would return on December 2, 2019 to obtain the permits if he was unable to pay for them this date.
- Ms. Russell recommended the Board refrain from any further action against FAST AC or HHS until after the permits were obtained.

#### **ADJOURNMENT**

- Meeting Adjourned: 10:50 a.m.

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Jeffery Masters, Chairman

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Leah Pues, Recording Secretary