

**BUILDING BOARD
MEETING
SEPTEMBER 22, 2020**

MEMBERS PRESENT: Jeffery Masters, Chairman
Ara Aprahamian, Charles Brox,
Lawrence Gotfredson, Perry Hoff,
Wendy Mueller, Thomas "TJ" Thornberry

MEMBERS ABSENT: Lisa Kellythorne

OTHERS PRESENT: Kristen Simeone, Finance Director
Randy Cole, Chief Building Official
Suz Russell, License & Permit Supervisor
Thomas Macy, Engineering Technician II
Kevin Cheek, Building Inspector
David Jackson, Board Attorney
Jaime Tovar-Gomez, Marco Calderon

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
 - Recording Secretary Pues opened the floor for nominations for Chairman.
 - Mr. Thornberry NOMINATED Mr. Masters.
 - As there were no other nominations, Mr. Masters was appointed Chairman by acclamation.
 - Recording Secretary Pues opened the floor for nominations for Vice Chairman.
 - Mr. Masters NOMINATED Mr. Thornberry.
 - As there were no other nominations, Mr. Thornberry was appointed Vice Chairman by acclamation.
 - Recording Secretary Pues swore in all participants.
- B. Next Scheduled Meeting
 - 1. October 27, 2020

CITIZEN COMMENTS ON AGENDA ITEMS ONLY

- None.

APPROVAL OF MINUTES

- A. November 26, 2019
 - Mr. Brox MOVED, Mr. Thornberry SECONDED approval of the November 26, 2019, minutes.

REPORTS

- No Items.

NEW BUSINESS

- A. Discussion of Building Division Reserves and 2021 Budget
- Ms. Kristine Simeone, Finance Director, reported beginning and ending operating reserves for FY 2021 were \$1.5 million and \$1.3 million respectively, noting FY 2021 was balanced with the use of reserves and no change in fees was proposed. She stated operating reserves were currently being maintained for future stabilization, adding staff was seeking a recommendation from the Board to maintain those levels of reserves at this time.
 - Mr. Thornberry questioned the projected ending reserves for FY 2025.
 - Ms. Simeone responded activity levels and revenues as well as operating expenditures contributed to variations in projected revenues, verifying staff reviewed the 5-year proforma annually and adjusted same according to the activities from the prior year and what was known going forward.
 - Mr. Cole noted projections for revenue were conservative to allow security in case of an economic downturn, noting the 2020 election and COVID-19 pandemic contributed to same.
 - A brief discussion ensued regarding budget development for FY 2021.
 - Mr. Thornberry MOVED, Mr. Brox SECONDED to approve maintaining the Building Division reserves and FY 2021 budget as presented. MOTION CARRIED UNANIMOUSLY.
- B. Greenscape Innovations Inc. - Matthew Cavalieri, qualifier
- Ms. Suz Russell, License & Permit Supervisor, announced Mr. Matthew Cavalieri, qualifier, was unable to attend the meeting this date and requested his case be continued to the October 27, 2020, meeting.
 - Messrs. Thornberry and Hoff recused themselves from voting on this case, disclosing they conduct business with the qualifier. (See Form 8B – Voting Conflicts attached).
 - Mr. Brox MOVED, Ms. Mueller SECONDED to table the case to the October 27, 2020, meeting. MOTION CARRIED UNANIMOUSLY.
- C. Violation - Unique Stone and Pressure Wash USA LLC - Jaime Tovar-Gomez, qualifier
- Ms. Russell reported Mr. Jamie Tovar-Gomez, qualifier, held a Certificate of Competency (COC) in the trade of painting but performed work on a driveway at 1001 Lucia Drive which was within the City, noting photographs and additional information relating to the violation were in the agenda material.
 - Mr. Tovar-Gomez stated the property owner requested his assistance with his damaged driveway, noting he did not perform the work but rather hired a subcontractor who verbally confirmed he was licensed to perform work in the City. He explained he discovered the subcontractor was not licensed within the City after work had already

commenced, at which time the work was halted. He stated at that point he had reached out to another contractor to complete the work, noting he did not make any money from the work but rather he was trying to assist his client. He apologized for the error.

- Ms. Russell confirmed the contracted work was between Mr. Tovar-Gomez and the homeowner.
- Mr. Masters asserted Mr. Tovar-Gomez had misrepresented himself with the homeowner as he was not licensed to do the work in the City, adding the burden was on Mr. Tovar-Gomez since he held the contract but was not in a position to hire a subcontractor nor was he in a position to do the right-of-way work.
- Mr. Tovar-Gomez clarified he did not sign a contract with the subcontractor but rather it was a verbal agreement, reiterating he was attempting to help the homeowner. He stated he had been working in the City for a long time and did not want to do a bad job. He confirmed the driveway was complete and he had been reimbursed by the homeowner for Mr. David Pinder's work. He stated Mr. Pinder had pulled the necessary permit.
- Mr. Masters questioned who pulled the permit.
- Ms. Russell stated she found no record of Mr. Pinder.
- Mr. Tommy Macy, Engineering Technician II, explained after the stop-work order had been issued, staff discovered the worksite was a mess and needed a box culvert, adding they set grades for the contractor whose name was I Build Florida.
- Ms. Russell confirmed the qualifier for that company was Mr. Kenneth Lowe.
- Mr. Macy confirmed the permit had been finalized.
- Mr. Thornberry pointed out contract should have been between I Build Florida, who finished the job, and the homeowner.
- Mr. Tovar-Gomez reiterating he was trying to do a favor for the homeowner.
- Mr. Masters verified Mr. Tovar-Gomez had no other infractions against him and had worked in the City since 2009.
- Mr. Thornberry verified the first subcontractor had removed the driveway without a permit, noting same aligned with Charge 1. He stated there had been no inspections as there was no permit at that time. He then inquired as to when the second contractor became involved.
- Mr. Tovar-Gomez replied it was right after the notice was posted.
- Mr. Thornberry questioned whether a right-of-way permit had been obtained.
- Mr. Kevin Cheek, Building Inspector, verified he had witnessed the driveway removed and no permit posted, confirming a right-of-way permit was required but no inspections were needed up to that point.

- Mr. Thornberry opined Charge 2 was questionable since a final inspection could not be done up to that point. He stated Charge 3 was valid, opining Charge 4 (committing fraud or deceit) was not Mr. Tovar-Gomez' intent.
- Messrs. Masters and Brox agreed.
- Mr. Thornberry then questioned what staff suggested since the qualifier had no prior violations.
- Mr. Brox recommended dismissal.
- Mr. Cole stated staff had no recommendation; however, they did not want a repeat of this activity.
- Mr. Russell confirmed the homeowner was made whole. She then pointed out the advertisement for Unique Stone and Pressure Wash stated they specialized for driveways, walkways, patios, pool decks and epoxy garage floors.
- Mr. Tovar-Gomez verified it was for concrete overlay.
- Mr. Thornberry stated that description could be misleading. He opined this situation should be noted on his record; however, leniency should be granted due to his good work record.
- Mr. Thornberry MOVED, Mr. Brox SECONDED to find Mr. Tovar-Gomez GUILTY of Violations 7-13(30), 7-13(20), 7-13(34) and NOT GUILTY of 7-13(27) and no further action was required at this time. MOTION CARRIED UNANIMOUSLY.
- Ms. Russell verified these violations would be on his record if a citizen were to call.
- D. Complaint - Service Medics LLC, - Michael Meadors, qualifier
 - Ms. Russell announced staff had been notified there was an active case in civil court related to this complaint, explaining same would not be heard until same was settled.
- E. ***Certificate of Competency - King of Kings Construction LLC, Marco Antonio Calderon, qualifier
 - Ms. Russell stated as of September 11, 2020, the Florida Department of Business and Professional Regulations (DBPR) database showed Mr. Marco Calderon's, qualifier, license was suspended, noting after he was notified the City's case could not be heard, he reached out to the DBPR and the license returned to probation, which required approval from the Board.
 - Mr. Calderon explained he was on probation for collecting over 10% of a contracted amount without pulling a permit within 30 days in Sarasota County, noting same had occurred a long time ago. He then explained King of Kings Construction installed hurricane roll down shutters; however, the majority of their work involved window and door replacements with hurricane rated materials.

- Ms. Russell explained that if the Board chose to approve the COC, staff recommended same be on probation in the City for as long as it was on probation at the State level.
- Mr. Hoff questioned whether the qualifier had 4 different times his license was suspended since 2014.
- Ms. Russell replied with uncertainty.
- Mr. Calderon explained there two cases each on two jobs, explaining all issues had been dealt with regard to the first occurrence. He stated at that time, he was already under contract with a new client when his license went inactive due to the first case, adding the new client was being impatient and so he completed the work and the client reported him to the DBPR afterward. He stated he was then violated for contracting outside the scope of his license because of suspension and not pulling a permit. He stated he had paid a \$25,000 fine; however, the DBPR incorrectly listed him as inactive, adding he contacted them and was able to resolve same. He stated he also required to complete a 7-hour continuing education course, explaining while on probation he must do a probationary appearance and send in comprehensive permit packages of all work he completed in the previous 6 months. He stated all appearances had been satisfactory. He acknowledged his mistakes, noting he was learning from same. He stated he had been licensed for 6 years under the specialty structure contractor trade and was pursuing a higher license in the future; thus, his intent was to keep his record clean.
- Ms. Russell questioned whether Mr. Calderon had employees.
- Mr. Calderon replied in the negative, explaining he completed all the work himself. He acknowledged he occasionally hired subcontractors.
- Mr. Thornberry MOVED, Mr. Brox SECONDED to accept the King of Kings Construction LLC application to coincide with being on probation concurrent with the State. MOTION CARRIED UNANIMOUSLY.
- Ms. Russell suggested Mr. Calderon fill out another registration form since his email was incorrect on the original.

UNFINISHED BUSINESS

- Mr. Thornberry requested an update on past cases which had come before the Board.
- Ms. Russell confirmed there were no active cases at this time.

STAFF COMMENTS

- Mr. Cole explained members could be provided with information relating to their terms on the Building Board by the next meeting, adding the City Attorney had opined that although terms were limited, members served at the pleasure of City Council; thus, City Council could approve members to continue to serve if they desired.

- Ms. Russell confirmed members could serve 3 consecutive 3-year terms and then a break between terms would be necessary before being appointed for another term.
- Mr. Brox opined the Chairman and Vice Chairman should have building experience.
- Mr. Thornberry added it was imperative for all members to put their expertise to work, speaking in favor of a diverse mix. He stated a non-contractor could serve as Chair and would be supported by the remaining members.

COMMITTEE/BOARD COMMENTS

- Mr. Master commented on the process for the Police Department to address alarm system calls.
- A brief discussion ensued regarding notifying homeowners of alarm violations, with members confirming there was a procedure in place for same going forward.

CITIZENS' COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 9:15 a.m.

Jeffery Masters, Chairman

Leah Pues, Recording Secretary