

**BUILDING BOARD
MEETING
JANUARY 26, 2021**

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

MEMBERS ABSENT: Charles Brox

OTHERS PRESENT: Randy Cole, Chief Building Official
Suz Russell, License & Permit Supervisor
David Jackson, Board Attorney
Thomas Macy, Engineering Technician II
Nicholas Santini, Cathy Getz

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Masters called the meeting to order at 9:00 a.m., followed by the Pledge of Allegiance.
- A. Roll Call
- Recording Secretary Pues swore in all participants for Violation - Affordable Sod Trucking, LLC and Violation - Santini's Lawn Care.
- B. Next Scheduled Meeting
- 1. February 23, 2021

CITIZEN COMMENTS ON AGENDA ITEMS ONLY

- None.

APPROVAL OF MINUTES

- A. November 24, 2020
- Ms. Mueller MOVED, Mr. Thornberry SECONDED approval of the November 24, 2020, minutes. MOTION CARRIED UNANIMOUSLY.

REPORTS

- Mr. Randy Cole, Chief Building Official, confirmed all violations by Greenscape Innovations, Inc. heard at the November 24, 2020, meeting were corrected.
- Ms. Suz Russell, License & Permit Supervisor, drew attention to the Economic Trends handout and provided a brief review of same. She reported renewal notices received 1,267 responses from licensed contractors, noting 145 new contractors registered with the City, which brought the total to 1,412 contractors.

NEW BUSINESS

- A. Violation – Affordable Sod Trucking LLC, Stephen Young, Qualifier
- Board Attorney David Jackson verified members had no conflicts of interest and had not engaged in ex parte communication regarding this violation.
 - Mr. Thomas Macy, Engineering Technician II, briefly reviewed the violations committed by Affordable Sod Trucking LLC (AST) at 425 Capri Isles Court, as delineated in the agenda material, which included the installation of sod on top of the existing soil in the right-of-way (ROW) of the property without a permit. He stated the contractor questioned whether the homeowner could obtain the permit; however, the homeowner refused, concluding there appeared to be miscommunication with the contractor.
 - Ms. Russell verified the contractor obtained a Certificate of Competency once the notice of violations were received; however, neither the contractor nor the homeowner had obtained the necessary permit.
 - Mr. Macy noted the contractor was advised that sod installed on existing soil created additional layers which caused water to store in the valley drives, indicating he believed the contractor understood his directions regarding same.
 - Mr. Hoff verified removal of the sod was no longer an option.
 - Ms. Russell confirmed there had been no contact with the homeowner and repercussions of the violations for the homeowner could include drainage issues in the ROW.
 - Mr. Cole recommended members suspend AST's Certificate of Competency (COC) along with permitting privileges until the contractor obtained a permit, required inspections, corrected the jobsite issues and appeared before the Board. He explained the intent was for the contractor to come into compliance and for the homeowner to avoid any further consequences; however, if same was not possible any drainage issue created by the violation would need to be addressed.
 - A brief discussion ensued regarding staff's processes for resolving violations.
 - Board Attorney Jackson confirmed there were no citizen comments for this violation.
 - Mr. Master verified the public hearing was closed.
 - Mr. Thornberry MOVED, Mr. Gotfredson SECONDED to suspend the COC for AST as well as revoke their new permitting privileges until such time as the violation was corrected or AST appeared before the Board. MOTION CARRIED UNANIMOUSLY.
 - Mr. Cole clarified AST would need to appear before the Board to request reinstatement of the COC even if the issues were resolved.

- B. Violation – Santini’s Lawn Care – Nicholas Santini, Qualifier
- Board Attorney Jackson verified members had no conflicts of interest and had not engaged in ex parte communication regarding this violation.
 - Mr. Thomas Macy, Engineering Technician II, briefly reviewed the violations committed by Santini’s Lawn Care (SLC) at 901 Messina Drive, as delineated in the agenda material, which included work completed by a subcontractor not registered in the City. He verified Mr. Nicholas Santini, qualifier, obtained a permit within a day of receiving the notice of violation, confirming the job was completed and passed final inspection.
 - Mr. Santini stated he completed multiple jobs with the subcontractor and was unaware they were not licensed in the City. He briefly reviewed his efforts to resolve the violations, noting he had not asked the subcontractor to start work before a permit was pulled. He stated the subcontractor registered with the City and he pulled the necessary permit and resolved the issues at the jobsite so that final inspection was passed.
 - Ms. Russell verified the City had no previous concerns with SLC, confirming the subcontractor registered on January 12, 2021, and SLC obtained the permit that date.
 - Discussion ensued regarding Mr. Santini’s efforts to correct the violations and ensure same did not occur again.
 - Ms. Russell concluded staff recommended the Board determine how to proceed, reiterating the violations were corrected soon after Mr. Santini was notified.
 - Mr. Masters verified the public hearing was closed.
 - Mr. Thornberry opined Mr. Santini’s appearance before the Board was enough warning and the violations seemed to be circumstantial.
 - Ms. Mueller added Mr. Santini resolved the issue in less than 48 hours, commenting positively on his workmanship.
 - Mr. Thornberry MOVED, Ms. Kellythorne SECONDED to dismiss the case. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

- No items.

STAFF COMMENTS

- No items.

COMMITTEE/BOARD COMMENTS

- Mr. Thornberry inquired as to the protocol for reporting non-licensed contractors.
- Ms. Russell replied staff was in agreement same was a crime and should be reported to the Police Department.

- Mr. Cole added the Police Department also functioned as Code Compliance Officers, particularly after hours and on weekends. He explained state licensed contractors who completed work in the City without a COC were required to appear before the Board whereas contractors not licensed in the State of Florida were considered criminals and the State Attorney's Office could pursue same. He stated Sarasota's State Attorney's Office recently became proactive in pursuing cases; however, Charlotte County was reluctant to bring charges forward. He anticipated same would change with the assistance of the Charlotte-Desoto Building Industry Association.
- Mr. Thornberry spoke positively on the Sarasota County Police Department's task force, explaining a model was created to train municipalities on how to investigate and build proper cases as well as prosecute same. He suggested the City's Police Department be contacted for information relating to their protocol for investigating complaints, expressing concern stronger enforcement in surrounding jurisdictions might cause unlicensed contractors to focus on the City.
- Discussion ensued regarding the City's authority to regulate and penalize unlicensed or unpermitted contractors as well as cases which might warrant an appearance before the Board.
- Mr. Cole stated written complaints should be submitted to the Building Division when unpermitted work was witnessed, noting same would assist staff with pursuing corrective action.
- Mr. Thornberry opined the solution was to begin by contacting the Police Department, expressing uncertainty as to the next step. He explained State Attorneys had considered contractor complaints as civil matters or victimless crimes, reiterating a task force would train municipalities on building and prosecuting cases.
- Mr. Cole agreed, noting staff would assist where they could. He then verified the City issued COCs based on licensing from other municipalities, explaining Charlotte County issued licenses and therefore had license investigations.
- A brief discussion ensued regarding the City's process for issuing COCs.
- Ms. Mueller inquired as to how homeowners were made aware a permit was required for certain work completed at their property, suggesting education for the public be considered.
- Ms. Russell replied same could be included in the information presented at the Citizens' Academy.
- Mr. Aprahamian commented any job which cost over \$500 required a permit in California.

CITIZENS' COMMENTS

- Ms. Cathy Getz stated four councilmembers distributed newsletters each week, noting same as well as the Weekly Highlight Reports could be used to provide citizens and homeowners with information on the permitting process.
- Mr. Cole agreed, noting the Building Division would include information on contactors and permitting in the Weekly Highlights Report to the City Manager. He concluded same could also be included on the City's website and Facebook page.

ADJOURNMENT

- Meeting Adjourned: 10:07 a.m.

Jeffery Masters, Chairman

Leah Pues, Recording Secretary