

**BUILDING BOARD
MEETING
JULY 24, 2018**

MEMBERS PRESENT: Jeffery Masters, Chairman
Suzy Hackett, Robert Haynes,
Lisa Kellythorne, Thomas "TJ" Thornberry

MEMBERS ABSENT: Sean Howard, Timothy Meyer

OTHERS PRESENT: Randy Cole, Chief Building Official
Suzy Russell, License & Permit Supervisor
Kelly Fernandez, Board Attorney
Milt Watts, Pretreatment Coordinator
Luis Garza, Jeraldo Garza, Valmira Betje, Steven Segrue

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting

CITIZENS COMMENTS ON AGENDA ITEMS ONLY

- There were none.

APPROVAL OF MINUTES

- A. June 26, 2018 Minutes
- Mr. Thornberry MOVED, Mr. Haynes SECONDED approval of the June 26, 2018, minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. Violations - Casas del Sol
- Mr. Randy Cole, Chief Building Official, announced Casas del Sol had been charged with numerous violation at 3400 St. Croix Court.
- Ms. Suzy Russell, License & Permit Supervisor, announced the following violations: expired permit; improper documentation of plumbing subcontractor; failure to schedule final inspection; four Stop Work Orders (SWOs).
- Mr. Masters inquired as to the status of the job and the structure.
- Ms. Russell replied the driveway and final inspections had not been completed, adding the SWOs concerned an overflowing dumpster, two silt screen issues and debris.
- Mr. Cole noted there were repeated jobsite violations over the past two years.
- Mr. Luis Garza, respondent, replied SWOs were usually addressed within two days, suggesting rains were responsible for the silt screen failures. He announced the driveway was complete; however, the homeowner was renegotiating the layout of the

driveway and pavers. He indicated the final grade was completed the previous week, stating additional sidewalk supplies were due this date.

- Mr. Masters inquired as to measures taken to address the SWOs.
- Messrs. Luis Garza and Jeraldo Garza replied they complied with the requirements of same.
- Mr. Cole opined the number of SWOs indicated a lack of supervision on the jobsite. He noted the most recent inspection was done in August 2017 for the driveway's box culvert, adding inspection of the insulation was completed on March 17, 2017.
- Mr. Luis Garza maintained inspections alone were not indicative of progress, drawing attention to work at the site which did not require same. He asserted the interior of the home was approximately 95% complete. He concluded the final inspection was all that remained, asserting legal proceedings regarding changes to the contract's terms had affected the project's timeline.
- Mr. Masters confirmed this home was not speculative, questioning the frequency of communication with the property owner.
- Mr. Luis Garza responded at least weekly.
- Ms. Hackett inquired if all Change Orders had been submitted to the City.
- Mr. Luis Garza responded in the negative as many of the changes were not structural.
- Ms. Hackett opined the time elapsed between the last home inspection and this date was significant.
- Mr. Thornberry confirmed permits expired six months after issuance, questioning if contractors were notified of upcoming permit expirations.
- Mr. Cole replied in negative.
- Mr. Thornberry questioned whether renewal of the home's permit had been requested.
- Mr. Cole replied in the negative, noting the pool permit had also expired. He confirmed the respondents were not in litigation with their client, questioning whether the respondents had any liens on the property.
- Mr. Luis Garza responded there was a lien filed by the roofing contractor related to work the homeowner wanted remedied, opining the lien was not valid.
- Mr. Thornberry inquired as to inaccuracies on the subcontractor worksheet.
- Mr. Luis Garza acknowledged he had not completed the Subcontractor Change Sheet in a timely manner; however, same was now up to date.
- Ms. Russell provided a detailed review of subcontractor changes, noting Universal Air and Heating (Universal) had not been registered with the City but did register by the time the job was completed.

- Mr. Luis Garza contended the expired permits would have been addressed if he had been aware of same, recognizing the Building Division was not responsible for notifying contractors when their permits expired.
- Mr. Masters acknowledged contractors sometimes needed the Building Division's assistance, opining the degree to which the Building Division was required to intercede was excessive.
- Mr. Milt Watts, Pretreatment noted the sewer connection was not inspected at the proper time, recounting difficulty in scheduling a time for its inspection. He confirmed the inspection had passed the previous day; however, the reaching that point was challenging.
- Discussion ensued with regard to scheduling issues.
- Mr. Cole voiced concern as the community was dissatisfied with the status of the jobsite, expressing displeasure SWOs had to be issued to keep the jobsite appropriately maintained. He stated the respondents began another job on Macedonia Drive, noting the timing of inspections had been slow. He questioned the respondents' ability to handle a second job, further inquiring as to the number of jobs throughout Charlotte County.
- Mr. Luis Garza replied approximately 25.
- Mr. Thornberry suggested Casas del Sol be allowed 30 days to address the outstanding issues.
- Mr. Cole requested the site work be completed to improve aesthetics and reduce erosion at a minimum.
- Ms. Kelly Fernandez, Board Attorney, advised the four charges brought forward today required a determination as to whether competent and substantial evidence was presented. She explained action could then be taken to address the charges, noting some testimony did not pertain to the charges. She stated the expired building permits could not be addressed as they were not included in the notice.
- Mr. Thornberry MOVED, Ms. Hackett SECONDED to accept Charge 1 as there was competent and substantial evidence. MOTION CARRIED UNANIMOUSLY.
- Mr. Thornberry MOVED, Ms. Hackett SECONDED to accept Charge 2 as there was competent and substantial evidence. MOTION CARRIED UNANIMOUSLY.
- Mr. Thornberry MOVED, Ms. Hackett SECONDED to accept Charge 3 as there was competent and substantial evidence. MOTION CARRIED UNANIMOUSLY.
- Mr. Thornberry MOVED, Ms. Hackett SECONDED to accept Charge 4 as there was competent and substantial evidence. MOTION CARRIED UNANIMOUSLY.

- Ms. Fernandez then advised the Board could suspend or revoke permitting privileges or place the respondent on probation.
 - Mr. Thornberry questioned if Casas del Sol could address the expired permits and charges by August 28, 2018, advocating for application of erosion control and hurricane proofing measures.
 - Mr. Luis Garza opined 30 days might not be sufficient time to address landscaping.
 - Mr. Thornberry MOVED, Ms. Kellythorne SECONDED to defer determination of corrective action to August 28, 2018. MOTION CARRIED UNANIMOUSLY.
 - Mr. Masters confirmed the respondents agreed to appear at the Board's next meeting.
- B. Complaint Filed Against A.U.E. Const. Grp. LLC - George Thomas Groves II, Qualifier
- Mr. Cole announced receipt of a complaint from Ms. Valmira Betje against A.U.E. Construction Group (AUE).
 - Mr. Steven Segrue announced he was representing Mr. George Groves, qualifier, providing Ms. Fernandez with a letter attesting to same.
 - Ms. Betje announced she paid a \$100 deposit on September 29, 2017, explaining the balance was due upon the job's completion. She advised she had refused to provide final payment until she examined the lanai after the final inspection, indicating she found the gaps between the gutter and lanai to be unsatisfactory. She noted Mr. Segrue voiced uncertainty as to how to better seal the lanai, expressing dissatisfaction with the work's quality. She continued the panels began leaking within a year. She noted Mr. Segrue failed to meet with her, adding he agreed \$300 would be withheld until the problems were addressed.
 - Mr. Thornberry questioned if Mr. Cole had examined the job.
 - Mr. Cole replied in the negative, expressing concern regarding the caulking of the composite panels and the bolt heads. He stated this was a warranty-workmanship issue, opining caulking composite panels was not standard.
 - Discussion ensued with regard to contract specific and Ms. Betje's attempts to rectify the workmanship issues with Mr. Segrue.
 - Mr. Cole suggested the engineer of record examine the structure and recommend corrective action.
 - Mr. Thornberry MOVED, Ms. Kellythorne SECONDED to find the workmanship to be subpar in relation to the warranty. MOTION CARRIED UNANIMOUSLY.
 - Mr. Thornberry MOVED to require the engineer of record inspect the work and return a report regarding the as-built specifications and any recommended corrective action.

- Ms. Fernandez confirmed the intent of the motion was to defer action to the next meeting. She reminded members restitution was beyond the Board's purview; however, action could be taken regarding permitting privileges.
- Mr. Cole confirmed Mr. Segrue was speaking on behalf of Mr. Groves and had the authority to enter an agreement on his behalf, questioning if Mr. Segrue agreed to the Board's proposal.
- Mr. Segrue stated an engineer entailed an additional expense cost, requesting permission to test the roof for leaks.
- Mr. Thornberry suggested the roof be filled with water in the engineer's presence, confirming the latter was local.
- Mr. Segrue stated the engineer had charged \$300 for a similar request, which was acceptable.
- Ms. Fernandez suggested the penalty phase be continued to the next meeting.
- Mr. Thornberry MOVED, Ms. Hackett SECONDED to defer determination of corrective action to August 28, 2018 to enable the contractor to work with the property owner toward a resolution. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- Mr. Cole reported Mr. Morgan Randolph corrected deficiencies regarding expired permits; however, he had not provided requested documents concerning his suspected contribution to unlicensed activity. He announced a formal charge would be brought to the August 28, 2018, meeting.

ADJOURNMENT

- Meeting Adjourned: 10:31 a.m.

Jeffery Masters, Chairman

Sara Welch, Recording Secretary