

**BUILDING BOARD
MEETING
MAY 26, 2009**

MEMBERS PRESENT: Mary Fleenor, Chairman
John Burrage, Thomas Cavanaugh,
Peter Coccaro, Al Villalobos, Albert Wiker

MEMBERS ABSENT: James McClary, Larry Sandles

OTHERS PRESENT: Suzy Russell, Permit Supervisor
Randy Cole, Building Official

CALL TO ORDER/ANNOUNCEMENTS

A. Roll Call

APPROVAL OF MINUTES

A. Meeting of February 24, 2009

- Mr. Burrage MOVED, Mr. Villalobos SECONDED approval of the February 24, 2009 minutes. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

- Ms. Fleenor requested an update on past, unresolved cases.
- Ms. Suzy Russell, Permit Supervisor, reported both Weiss Construction and Supreme Contracting were current on all outstanding items.
- Mr. Burrage noted Ms. Russell had provided members with a letter from Mr. Scott Wilbrett, Qualifier under Item A, New Business, stating he believed the correct charge should have been a violation of Section 7-11(a) as opposed to 7-11(b).

NEW BUSINESS

- Recording Secretary Kelly swore in all participants.
- A. Charge against S. Wilbrett Construction, Scott Wilbrett, Qualifier
Violation of City Code of Ordinances Section 7-11(b)
 - Mr. Randy Cole, Building Official, reported the charge had been related to the hiring of an unlicensed contractor; however, the above mentioned correspondence from Mr. Wilbrett explained the circumstances surrounding same involved work done by a family member; thus, he wished to dismiss the charges. He mentioned the charge had been minor in nature.
 - Ms. Russell explained Mr. Wilbrett's father-in-law called in for an inspection, adding she later learned the contractor was Workers Compensation exempt.
 - Mr. Cole clarified a homeowner could have a relative work on their home; however, a contractor could not other than on his own home.

- Mr. Burrage MOVED, Mr. Villalobos SECONDED to dismiss the charge against S. Wilbrett Construction. MOTION CARRIED UNANIMOUSLY.
- B. Certificate of Competency (C.O.C.) Application: UDI Underground, Ander Roth, Qualifier
 - Ms. Russell stated she was unable to approve this application at the staff level as the minimum requirements had not been provided. She explained Mr. Roth utilized heavy equipment on property to perform work for Embarq. She confirmed she advised Mr. Roth of the need to become licensed, adding Mr. Roth asserted he was not required to do so. She mentioned Mr. Roth was not licensed in Charlotte County nor did he hold a State license. She noted Mr. Roth was not present, confirming he had been properly noticed for this hearing. She stated the Building Division recently assumed responsibility for right-of-way (ROW) permitting, explaining Embarq had a franchise agreement with the City wherein they were not charged for ROW permits; however, their subcontractors must be licensed.
 - Mr. Cavanaugh MOVED, Mr. Burrage SECONDED to deny the C.O.C. application of Ander Roth.
 - Ms. Fleenor asked what fines could be imposed.
 - Ms. Russell replied if Mr. Roth obtained his license, he could be charged \$300 for prior work without same.
 - Mr. Cole recommended the Board deny the application until completely submitted, adding the Board could then levy \$300 for working prior to being licensed.
 - Mr. Cavanaugh asserted Embarq should be notified of the Board's action.
 - Ms. Russell responded she had been in contact with Embarq and would report back to them after this meeting.
 - Mr. Cavanaugh asked how staff determined the requirements of certain disciplines or trades, observing Mr. Roth's application did not indicate his line of work.
 - Ms. Russell agreed, stating she had advised Mr. Roth of same. She explained Mr. Roth's work fell under the umbrella of excavator.
 - Mr. Cavanaugh asked if the City had available criteria for contractors to meet.
 - Ms. Russell replied affirmatively, stating contractors were provided with same.
 - MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

- A. Announcements from Randall L. Cole, Chief Building Official
 - 1. Permit Fee Schedule
 - Mr. Cole announced City Council would be reviewing adjustments to the building permit fee schedule on June 3, 2009. He explained these were simply housekeeping measures, providing a few examples of same.

- Mr. Burrage commented he had not realized replacement of a front door required permitting.
 - Mr. Cole explained a permit was not required if only the door itself was replaced; however, a permit was necessary if the work involved both the door and door frame. He noted the permit was available over the counter at a cost of \$25. He then continued his review of other changes to the fee schedule.
 - Ms. Fleenor commented she recently had some work done on her own dock, including replacement of electrical facilities, stating the contractor advised everything had been completed; however, it had not been recognized same was actually two different events. She clarified both aspects of work were not inspected at the same time.
 - Mr. Cole responded at that time the ROW Division would have conducted the dock inspection while the Building Division would have done the electrical portion; thus, synchronization was lost. He clarified the Building Division would now be responsible for ROW and canal permitting which would prevent incidents such as that described by Ms. Fleenor.
 - Mr. Cavanaugh expressed surprise the Board had not been asked to review the fee schedule changes prior to presentation to City Council. He mentioned another recent change to contractor liability insurance requirements had also gone straight to City Council without the Board's review.
 - Mr. Cole responded Board review was normal practice; however, he reiterated the permit fee schedule changes were housekeeping in nature. With regard to liability insurance, the change was required to bring the City's ordinance in line with State minimum requirements. He explained the City's minimums had not been changed in ten years. He clarified the change was not discretionary.
 - Ms. Fleenor asked if the City's ordinance specified a definite dollar value for liability insurance.
 - Mr. Cole replied affirmatively.
 - Ms. Fleenor suggested verbiage such as "must meet State minimum requirements."
 - Mr. Cole responded the Legal Department recommended a specific dollar amount.
2. File Maintenance Fees
- Mr. Cole stated the City registered locally licensed and registered contractors. He explained State law prohibited the City from charging State certified contractors for a local C.O.C.; however, the City had been maintaining their liability and workers compensation insurance, or their exemption from same, in the City's database and not receiving any compensation for same. He clarified this was no longer financially

feasible. He clarified State certified contractors could opt to have the City maintain their license and insurance information for an annual fee of \$25.

- Mr. Coccaro pointed out maintenance of this type of database was standard practice throughout the surrounding areas.
- Ms. Fleenor commented if a contractor opted against participating in the City's database, it seemed another level of work was added to City staff.
- Ms. Russell disagreed, stating whenever a permit package was submitted, front end personnel in the Building Division checked that contractor's license.
- Mr. Cole added the Building Division did not turn away an application package if same was missing a piece of paper. He explained a contractor would be notified of whatever information was missing and asked to bring same when picking up his or her permit.
- Mr. Cavanaugh asked if contractors would be properly notified of this option.
- Mr. Cole replied absolutely.
- Ms. Russell clarified renewal notices would clearly delineate same.
- Mr. Cole then announced Building Division staff would be working on a 32 hour per week schedule commencing June 1, 2009, due to budgetary constraints. He stated Mr. John Smith, Plans Examiner, was attending Ocala Fire College, adding he would eventually be certified to conduct fire inspections, which would allow the City to eliminate a Fire Inspector position. He noted this would also enhance the Building Division's level of service.

3. Green Building Update

- Mr. Cole stated it had been difficult to develop an incentive for green building as there simply was no funding for same; thus, it had been decided green building would have to be market driven. He noted State Statute required all public buildings to meet Florida Green Building Code; however, it was voluntary in the private sector. He mentioned most residential homes were built so well that very little was needed beyond same to become "green certified." He noted Charlotte County was considering the possibility of allowing certain floor area exceptions.
- Ms. Fleenor asked if outside parameters could be exceeded if a structure was built green, thus infringing upon the ROW or easement on both sides of the home.
- Mr. Cole replied setbacks could not be encroached upon. He explained Charlotte County provided for 35% allowable floor area, adding perhaps someone may be allowed to go to 40%.
- Ms. Fleenor asked how same did not infringe upon setbacks.
- Mr. Cole explained the structure must remain inside the setbacks. He stated he was in the process of forming a committee in Punta Gorda with the Urban Design Division and

Fire Department to discuss Charlotte County's ordinance and how to adapt same in the City; however, he reiterated same would be market driven. He mentioned there were other aspects to this issue, citing as an example Charlotte County's fertilizer, watering and landscaping ordinances, which were all tied together.

- Ms. Fleenor commented favorably on staff's efforts.
- Mr. Cole mentioned a green building expo was scheduled for November 2, 2009, at the Events Center.

4. Interlocal Agreement

- Mr. Cole explained the Building Official's Association, Florida Gulf Coast Chapter, had been working on establishing an interlocal agreement to more smoothly provide assistance to communities suffering after an event such as Hurricane Charley in August 2004. He explained the agreement would ease the way for reimbursement through the Federal Emergency Management Agency (FEMA).

MEMBER COMMENTS

- Mr. Burrage questioned the status of permit applications, i.e., were more or less applications being submitted.
- Mr. Cole replied the pace was steady and slow, stating he hoped the bottom had been reached. He noted the Building Division had been running at a \$50,000 deficit for the past few months, requiring a draw on their reserves. He reiterated six of the eight members of the Building Division would be going to thirty-two hours.
- Ms. Fleenor asked how that deficit was being covered.
- Mr. Cole replied he had been able to accumulate a \$1.2 million reserve over the years since Hurricane Charley, stating the Building Division was fully funded through 2011; however, any turn-around was dependent upon the economy.
- Ms. Fleenor asked if Mr. Cole planned on meeting with City Council to gain approval for additional funds if necessary.
- Mr. Cole replied there were no additional funds, explaining the Building Division was an enterprise fund. He then commented on the Robert Adamo lawsuit, stating the courts had remanded the case back to the Board for a procedural issue. He clarified there must be an actual declaration of guilty or not guilty prior to a penalty being levied.
- Ms. Fleenor confirmed the Board was not required to re-hear the case.
- Mr. Cole agreed, stating he hoped the issue would be on the Board's next agenda.
- Mr. Villalobos questioned the current size of the Building Division.
- Mr. Cole replied it was comprised of two plans examiners, two building inspectors, a permitting coordinator, permit supervisor and permit technician at the front desk.

- Mr. Cavanaugh asked if the large number of foreclosures was affecting the Building Division.
- Mr. Cole replied it had been initially, particularly when properties were in flux between the property owner and the mortgage holder. He explained City Council appropriated approximately \$23,000 for the Code Compliance Division to maintain distressed properties, noting such properties were liened for necessary maintenance.

ADJOURNMENT

- Meeting Adjourned: 10:05 a.m.

Mary Fleenor, Chairman

Mary Kelly, Recording Secretary