



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

CAPE CORAL CONSTRUCTION REGULATION BOARD

January 22, 2020	6:00 PM	Council Chambers
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- 1. Meeting Called to Order**
 - A. Chair Sinclair
- 2. Roll Call**
 - A. Burgos, Colley, Colon, Costa, Joseph, Litterello, Prince, Rist, and Sinclair
- 3. Review of License Applications as presented for approval or rejection**
- 4. Approval of Minutes**
 - A. Meeting Minutes - November 20, 2019
 - B. Approval of Amended September 25, 2019 Minutes
- 5. Comments from the Public**
- 6. New Business**
 - A. Election of Chair and Vice Chair
- 7. Old Business**
- 8. Comments from Assistant City Attorney**
- 9. Comments from Attorney for the Board**
- 10. Date and Time of Next Meeting**
 - A. The next meeting of the Construction Regulation Board will be held on Wednesday, March 25, 2020, at 6:00 p.m. in Council Chambers.
- 11. Adjournment**

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Item Number: 4.A.
Meeting Date: 1/22/2020
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Meeting Minutes - November 20, 2019

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▢ Meeting Minutes - November 20, 2019	Backup Material

**MINUTES OF THE CAPE CORAL
CONSTRUCTION REGULATION BOARD REGULAR MEETING**

WEDNESDAY, NOVEMBER 20, 2019

Council Chambers

6:00 p.m.

Meeting called to order by Chair Sinclair at 6:07 p.m.

Roll Call: Chair Sinclair, Burgos, Colley, Costa, Joseph, Litterello, Prince, and Rist were present. Board Members Moomjian and Phillips were not present.

Also Present:

Hal Eskin, Attorney for the Board
John Naclerio, Assistant City Attorney
Robert Hernandez, DCD Code Compliance Officer
Priscilla Rodriguez, DCD Customer Service Representative
Diane Oliver, DCD Customer Service Representative

Recording Secretary Castillo read into the record the Disclosure of Local Officer's Interest – Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers that was submitted by Chair Matthew Sinclair on September 25, 2019.

Board Attendance Review

Vice Chair Rist moved, seconded by Board Member Litterello, to allow their excused absences (Board Members Moomjian and Phillips).

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 8-0.

**REVIEW OF LICENSE APPLICATIONS AS PRESENTED
FOR APPROVAL OR REJECTION**

Chair Sinclair performed the roll call of all the applicants and stated that the Board will identify which applicants would be further questioned.

Vice Chair Rist moved, seconded by Board Member Joseph, to approve the following license applications for:

APPLICANT	COMPANY NAME	CATEGORY
1. Robert F. Johnson	Individual	Painting
5. Saurlin Archila	Southwest Aluminum Contractor LLC	Aluminum Structure
7. Jason Punyahotra	True Clean Pressure Washing LLC	Painting
8. Barry Williams	Jenbar Services & Installations LLC	Cabinet & Millwork

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 8-0.

Chair Sinclair informed the above-mentioned applicants that their licenses were approved and instructed them to obtain their licenses on the following day.

Board Members stated they had questions for the following applicants, and they were interviewed as follows:

APPLICANT	COMPANY NAME	CATEGORY
2. Silver L. Cochran	Cochran Concrete & Masonry LLC	Concrete Forming & Placing
3. Ronald Akers	Akers Painting & Decorating Inc	Painting
4. Ronald Bright	Coastal Canvas & Awing Company Inc	Registered Aluminum w/Concrete – Name Change
6. James Ciamillo	Landscape Pros Management LLC	Irrigation
9. Trevor Reiland	Suntec Outdoor Living Inc	Aluminum Structure – 2 nd company
10. Juan Linares	Elite 1 Flooring Installation LLC	Tile, Terazzo, and Marble – Name Change
11. Alberto Garcia-Toledo	Toledo's Maintenance LLC	Painting
12. John Lee	John Lee Custom Painting, LLC	Painting

Silver L. Cochran was present and sworn in by Attorney for the Board Eskin.

Vice Chair Rist inquired about the Applicant's previous license and why it was relinquished.

Discussion held regarding:

- License history
- Written information and language listed on the application
- City Staff verified that Applicant's license was active
- Applicant informed that his license was never relinquished
- What was listed on the application was an error
- Applicant requesting license for concrete forming and placing for higher altitudes

Board Member Joseph moved, seconded by Board Member Costa, to approve Silver L. Cochran (Concrete Forming & Placing) license.

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 8-0.

Ronald Akers was present and sworn in by Attorney for the Board Eskin.

Vice Chair Rist inquired about the third Letter of Verification that was not included in the application packet.

Discussion held regarding:

- Third Letter presented by the Applicant at the meeting
- Error on the notarization was corrected
- Applicant licensed in Charlotte County since 1992

Vice Chair Rist suggested that there should be sufficient copies for each Board Member of any Letters presented at the meeting in order to save time and streamline the process.

Discussion held regarding:

- Setting parameters for accepting the Letters of Verification at the meeting
- Board's discretion on the suggested process and procedures
- "Used as needed" verbiage listed on the application
- Painting background, employment history, and contractor work
- Vagueness of the Letter – experience and expertise not clearly specified

Attorney for the Board Eskin suggested that the Letter pertaining to Mr. Akers be shared among the Board Members and reviewed as they address the other Applicants present to avoid any other delay.

Consensus agreed to postpone the review of Mr. Akers' application until after the review of the remaining applications.

Ronald Bright was present and sworn in by Attorney for the Board Eskin.

Board Member Litterello inquired about the three Letters submitted in the packet that was provided by the same company.

Discussion held regarding:

- Applicant's past employment history
- Board Members suggestion to see other Letters
- If needed, Applicant voiced that he could obtain other Letters
- Application before the Board was for a Name Change only
- Letters of Verification required in new application vs. name change application
- Judgements satisfaction
- Reason for Name Change
- Applicant informed that he no longer runs business through Inside Out Aluminum

Vice Chair Rist moved, seconded by Board Member Litterello, to approve the name change of Ronald Bright (Registered Aluminum with Concrete) license.

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 8-0.

Ronald Akers returned before the Board and there were no further questions.

Board Member Joseph moved, seconded by Vice Chair Rist, to approve Ronald Akers (Concrete Forming & Placing) license.

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 8-0.

James Ciamillo was present and sworn in by Attorney for the Board Eskin.

Board Member Litterello questioned the Applicant's disciplinary history and information listed on the application.

Discussion held regarding:

- Prior citation history and financial obligation paid
- Personal financial history and difficulties
- Application completed by the Office Manager
- Reason why response on application did not coincide with the verbal responses
- Suggestion that Applicant review any and all future applications and documents
- Past working history, hiring of subcontractors, and quoting/bidding of jobs
- Specific job issue and completion of the job

Vice Chair Rist moved, seconded by Board Member Litterello, to deny James Ciamillo (Irrigation) license. No vote taken and motion withdrawn by motion maker and second.

Discussion held regarding:

- Other considerations and/or avenues for a temporary or probationary license
- Reinspection of open permit
- Suggested probationary approval and length of probation
- Permit control and pulling process
- Bidding on jobs with Naples license
- License application process

Board Member Litterello moved, seconded by Board Member Burgos, to issue a probationary license to the Applicant, James Ciamillo, (Irrigation) for six (6) months, and then (Applicant) return before the Board with copies of application, and the job in question with the irrigation have permit pulled, closed, completed, and in good standing.

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, and Sinclair voted "aye" and Rist voted "nay." Seven "ayes" and one "nay." Motion carried 7-1.

Trevor Reiland was present and sworn in by Attorney for the Board Eskin.

Vice Chair Rist inquired about the Letters of Verification and the length of time the persons that completed the Letters knew the Applicant.

Applicant Reiland responded that he did not submit any Letters with his application. He applied for a license for a second branch, as he already had a license.

Discussion held regarding:

- Credit report – identity theft watch list
- Using same license to license a second company – another branch
- Legal issues with prior business associate and accountant

Board Member Burgos moved, seconded by Vice Chair Rist, to approve Trevor Reiland (Aluminum Structure – 2nd Company) license.

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 8-0.

Juan Linares was present and sworn in by Attorney for the Board Eskin.

Chair Sinclair inquired about the name change application.

Discussion held regarding:

- Reason for name change – opening his own installation company
- Rules for Name Change
- Letters of Verification not included in application
- Letters not required for Name Change and Contractor in protective status
- Applicant currently licensed in City of Cape Coral since 2012
- Name change vs. status change or new business license
- Applicant was the qualifying agent for the previous owner of Carpet Concepts
- Name Change to Elite 1 Flooring Installation, LLC
- Clarification for Name Change – existing license making a Name Change
- State licensing and issuance of the new FEIN number classifies a new business
- City license already issued – no judgments against the license since 2012

Board Member Costa moved, seconded by Board Member Colley, to approve the Name Change of Juan Linares (Tile, Terazzo, and Marble – Name Change).

Board polled as follows: Burgos, Colley, Costa, and Sinclair voted “aye” and Joseph, Litterello, Prince, and Rist voted “nay.” Four “ayes” and four “nays.” Motion failed 4-4.

Discussion held regarding the Name Change application, previously issued license, Letters of Verification, explanation of FEIN issuance, and license assignment.

Attorney for the Board Eskin and Staff provided clarification on the Name Change application process and requirements.

Board Member Joseph moved, seconded by Vice Chair Rist, to reconsider the vote.

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 8-0.

Discussion held regarding Board's reconsideration to approve license based on the requirements. Applicant applied for a license for his own business under his previously issued license.

Attorney for the Board Eskin provided clarification on the criteria.

Board Member Colley moved, seconded by Vice Chair Rist, to approve Juan Linares (Tile, Terrazzo, and Marble – Name Change) license.

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 8-0.

Alberto Garcia-Toledo was present and sworn in by Attorney for the Board Eskin.

Dennis Soto was present to translate on behalf of the Applicant, Alberto Garcia-Toledo, and was sworn in by Attorney for the Board Eskin.

After consideration, the Board did not have any questions for the Applicant.

Board Member Litterello moved, seconded by Vice Chair Rist, to approve Alberto Garcia-Toledo (Painting) license.

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 8-0.

John Lee was present and sworn in by Attorney for the Board Eskin.

Chair Sinclair voiced that he would be abstaining from the vote for this Applicant and he submitted the completed Form 8B after the meeting to the Clerk's Office.

Vice Chair Rist inquired about the missing third Letter of Verification.

Applicant presented the third Letter as it arrived after he submitted the application.

Vice Chair Rist read into the record the Letter of Verification.

Discussion held regarding financial history and financial difficulties.

Board Member Litterello moved, seconded by Board Member Colley, to approve John Lee (Painting) license.

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, and Rist voted "aye." Chair Sinclair abstained from the vote. Seven "ayes" and one abstained. Motion carried 7-0.

Approval of Minutes
Meeting Minutes – September 25, 2019

Vice Chair Rist moved, seconded by Board Member Prince, to approve the (September 25, 2019 Meeting) Minutes.

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 8-0.

COMMENTS FROM THE PUBLIC

None.

NEW BUSINESS

Board Member Litterello suggested that the Board’s policy be amended as follows:

- Any Name Change application would not require Letters of Verification
- If Letters of Verification are not submitted with the packet, then enough copies for each Board Member must be provided to review at the meeting, if copies not provided, then the packet would not be accepted.

Discussion held regarding policy of accepting Letters at the meeting and taking each case on an individual basis.

Customer Service Representative Rodriguez informed that the Letters were hand-delivered at today’s meeting due to the timing of availability right before the meeting.

Board Member Litterello moved, seconded by Vice Chair Rist, that the Letters submitted (at the time of the meeting) be read here (into the record) or that there is enough (copies provided) for each of us (Board Members) to read, so that we are not taking time passing it (the Letter of Verification) around.

Board polled as follows: Burgos, Colley, Costa, Joseph, Litterello, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 8-0.

OLD BUSINESS

Board Member Costa inquired about the status of the probationary licenses granted at the last CRB meeting.

Discussion held regarding prior probationary license granted and follow-up if applicant provided requested information.

The Staff agreed to follow-up on the probationary license granted for Anthony Parise (Hurricane Shutters), as he was to provide updated financial obligation.

Vice Chair Rist left at 7:23 p.m. and returned at 7:25 p.m.

Comments from Assistant City Attorney

None.

Comments from the Attorney for the Board

Attorney for the Board Eskin wished everyone a Happy Thanksgiving and Happy Holidays.

DATE AND TIME OF NEXT MEETING

The next meeting of the Construction Regulation Board was scheduled for Wednesday, January 22, 2020, at 6:00 p.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:26 p.m.

Submitted by,

Betty Castillo
Recording Secretary

Item Number: 4.B.
Meeting Date: 1/22/2020
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Approval of Amended September 25, 2019 Minutes

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
□ Approval of Amended September 25, 2019 Minutes	Backup Material

**AMENDED
MINUTES OF THE CAPE CORAL
CONSTRUCTION REGULATION BOARD REGULAR MEETING**

WEDNESDAY, SEPTEMBER 25, 2019

Council Chambers

6:00 p.m.

Meeting called to order by Chair Sinclair at 6:10 p.m.

Roll Call: Chair Sinclair, Members Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, and Vice Chair Rist were present. Board Members Burgos and Classon were not present.

Also Present:

Hal Eskin, Attorney for the Board
John Naclerio, Assistant City Attorney
Paul Gates, DCD Code Compliance Officer
Sean Dowd, DCD Code Compliance Officer
James Mulligan, DCD Code Compliance Officer
Robert Hernandez-Rosales, DCD Code Compliance Officer
Maricel Hernandez, DCD Code Compliance Customer Service Representative

Board Attendance Review

Board Member Joseph moved, seconded by Vice Chair Rist, to find that Board Member Classon is not excused from the (September 25, 2019) meeting.

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

Board Member Litterello moved, seconded by Vice Chair Rist, to find that Board Member Burgos is not excused from the (September 25, 2019) meeting.

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

**REVIEW OF LICENSE APPLICATIONS AS PRESENTED
FOR APPROVAL OR REJECTION**

Chair Sinclair performed the roll call of all the applicants and the Board identified which applicants would be further questioned.

Vice Chair Rist moved, seconded by Board Member Prince, to approve the following license applications for:

APPLICANT	COMPANY NAME	CATEGORY
1. Michael Weaver	Solid Pave LLC	Concrete Placing & Finishing
2. Renata Garcia Dos Santos	Rems Pavers Inc	Paver Block

4. Alicia Guzman Rojas	Palma Quality Painting LLC	Painting
6. Olger A. Vargas	Vargas Painting Corp	Painting
7. Steven Romanelli II	Allied Doors West Florida LLC	Garage Door – Name Change
8. Scott Rockwell	Rockwell Painting LLC	Painting
10. Fabian Afanador	Royal Pavers LLC	Paver Block – Name Change
11. Anthony Faiella	Class Act Painting and Pressure	Painting
15. Veronica Lorena Garcia De Noy	El Enlosado LLC	Tile & Marble
16. James R. Nipper	James Nipper Tile Installation LLC	Tile & Marble
17. Kimberly Myers	Florida Painters of Lee County Inc	Painting

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 9-0.

Chair Sinclair informed the above-mentioned applicants that their licenses were approved and instructed them to obtain their licenses on the following day.

Board Members stated they had questions for the following applicants, and they were interviewed as follows:

APPLICANT	COMPANY NAME	CATEGORY
3. Armando Hernandez Sanchez	Home Goods Cabinets Corp	Cabinet & Millwork – Resubmittal
5. Kevin Babesh	Coast to Coast Fencing LLC	Fence Erection – Name Change
9. Robert Botthof	Onyx Asphalt USA Inc	Paving
12. Jessica Zielinski	P & T Lawn and Tractor Service Inc	Irrigation Sprinkler
13. Alfredo Morris	Alpha Pro Services Inc	Fence Erection
14. Gunar Veigsding Jr	Hardville Enterprises Inc	Tile & Marble
18. Anthony Parise	All Around Shutter Services, LLC	Hurricane Protection

Armando Hernandez Sanchez was present and sworn in by Attorney for the Board Eskin.

Chair Sinclair stated that this was a resubmittal applicant as at the last Board meeting the Board approved a probationary license pending the submission of an acceptable letter of verification.

Board Member Litterello questioned if the applicant submitted the letters since they were not in the packet. He inquired if he worked for the previous contractor through a company.

Discussion held regarding the applicant's working history with and without his Cape Coral license and where he worked with other companies.

Assistant City Attorney Naclerio clarified that Mr. Hernandez Sanchez received his temporary license issued by the Board at the last meeting.

Customer Service Representative Hernandez verified that the applicant submitted two additional letters of verification before this meeting and that he was licensed in Lee County.

Code Compliance Officer Dowd stated that the Staff had not found or filed any violations against the applicant.

Board Member Litterello moved, seconded by Board Member Costa, to approve Armando Hernandez Sanchez (Cabinet & Millwork – Resubmittal) license.

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted “aye.” All “ayes.” Motion carried 9-0.

Kevin Babesh was present and sworn in by Attorney for the Board Eskin.

Chair Sinclair stated that he would abstain from this applicant’s licensing procedures.

Board Member Phillips questioned the applicant about his credit reporting issues.

Discussion held regarding:

- Financial challenges
- Prior working relationship with Chair Sinclair
- Capability of pulling permits under his business name vs. individual name
- Suncoast Credit Union

Board Member Colley mentioned that in the past meetings, the Board had not questioned the applicant in depth for a name change request.

Discussion held regarding:

- Personal financial issues that may or may not affect applicant’s business
- Past working relationships
- Being forthright with information
- Reasons for changing name

Board Member Joseph moved, seconded by Board Member Prince, to approve Kevin Babesh (Fence Erection – Name Change) license.

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, and Rist voted “aye.” Chair Sinclair abstained from the vote. 8 “ayes” and 1 abstained. Motion carried 8-0.

Roberto Rojas appeared on behalf of applicant **Robert Botthof**, and he was sworn in by Attorney for the Board Eskin.

Board Member Litterello questioned if the applicant did any work in the City.

Mr. Rojas responded in the negative.

Discussion held regarding:

- Two letters submitted and one not notarized
- Conditional license for two months
- Permit license with two weeks period to submit the notarized letters

Board Member Litterello moved, seconded by Vice Chair Rist, to approve that Robert Botthof (Paving) license be subject to the notarized Letter of Verification being submitted upon pick up of the license with Ms. Rodriguez (DCD Customer Service Representative).

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

Jessica Zielinski was present and sworn in by Attorney for the Board Eskin.

Board Member Phillips questioned the applicant about the recommendation letters and name of the business.

Discussion held regarding:

- Ability for applicant to produce a non-relative letter of verification
- Licenses in other Cities and Counties

Board Member Phillips moved, seconded by Vice Chair Rist, to approve that Jessica Zielinski can pick up her license once she drops off the third notarized Letter of Verification.

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

Alfredo Morris was present and sworn in by Attorney for the Board Eskin.

Board Member Litterello questioned the applicant if the letters submitted were from his current employment.

Mr. Morris stated those letters were from a previous employer.

Discussion held regarding:

- Possibility of producing additional Letters of Verification
- Applicant's experience and past working history in fencing
- Letters of Reference for work experience covering three different areas
- Time limitation in the Ordinance or Code regarding submission of letters

Vice Chair Rist moved, seconded by Board Member Moomjian, to approve Alfredo Morris (Fence Erection) license.

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

Gunar Veigsding, Jr. was present and sworn in by Attorney for the Board Eskin.

Board Member Phillips questioned the applicant about the suspension of his license since 2009.

Discussion held regarding:

- Applicant returned to Brazil
- Lee County license lapsed history
- Letters of Verification submitted – Board reviewed the third submitted letter
- Visa category issued L-1A
- Explanation for license lapse not listed in application
- Applicant's specialty with working with stone and marble
- Description of L-1A Visa
- Review of reference documentation

Board Member Joseph moved, seconded by Board Member Prince, to approve Gunar Veigsding, Jr. (Tile & Marble) license.

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

Anthony Parise was present and sworn in by Attorney for the Board Eskin.

Vice Chair Rist stated that the Board had not been given the time to review the application prior to the meeting. The Board reviewed the packet.

Discussion held regarding:

- Number of years working in the industry
- Employment history
- Licenses held in other Cities and Counties
- Working history with Storm Smart (Vice Chair Rist's company)
- Three Letters of Verification submitted
- Rolling Shields and suppliers
- Longest company employed
- Lee County violation
- Self-employed in Lee County
- Temporary license not to exceed six months

~~*Board Member Litterello moved, seconded by Vice Chair Rist, to grant a probationary license for sixty (60) days to Anthony Parise (Hurricane Shutters) license until he can provide an updated financial obligation.*~~

Board Member Litterello moved, seconded by Vice Chair Rist, to grant a six (6) months probationary license for the return of financial obligation to be done (Anthony Parise - Hurricane Shutters).

Board polled as follows: Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." Colley voted "nay." Eight "ayes." One "nay." Motion carried 8-1.

Approval of Minutes

Meeting Minutes – July 24, 2019

Board Member Phillips moved, seconded by Board Member Moomjian, to approve the July 24, 2019 Meeting Minutes.

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

COMMENTS FROM THE PUBLIC

Code Compliance Officer Gates appeared and noted that Jeff Taubes attended the last CRB meeting where he discussed with the Board the use of a spray on a roof with a soy-based plant-based product. He stated the Board had suggested that Mr. Taubes submit testing of this product. Mr. Gates stated he received the information which seemed to be in order. The only question would be the application of the product.

Discussion held regarding whether the use of this product required a painting license.

Jeff Taubes was present and sworn in by Attorney for the Board Eskin.

Mr. Taubes provided some background information on this product. He stated that he was not sure why a low-pressure sprayer required a painting license.

Chair Sinclair inquired if the applicant would need to go on the roof.

Mr. Taubes responded in the affirmative.

Chair Sinclair inquired how the product would be applied.

Mr. Taubes explained that this product enhances the roofing material. It does not seal it, but it would improve the age of the shingles.

Discussion held regarding the following:

- Five-year warranty and roof would maintain pliability
- No warranty against leaks
- Application process and type of product
- Liability of going on a roof and safety
- License should not be needed for spraying a product for enhancement
- Due diligence
- Sealant would require a painting license
- Pressure washing would require a maintenance license tax receipt

Attorney for the Board Eskin suggested that the motion should include that the application of the materials that was described by the person before us does not require a painting license.

Vice Chair Rist moved, seconded by Board Member Litterello, to instruct staff that the exact material that is described (Roof Maxx® is a scientifically formulated, and 100% safe, plant-based roof rejuvenating spray treatment that was developed by Battelle Labs) to us in that form does not require a painting license.

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

NEW BUSINESS

2020 Meetings Schedule

Chair Sinclair read the 2020 meeting dates into the record as follows: January 22, 2020; March 25, 2020; May 27, 2020; July 22, 2020; September 23, 2020; and November 18, 2020.

Discussion held regarding the November meeting being scheduled on the third Wednesday due to the Thanksgiving holiday falling on the fourth Thursday of the year.

Board Member Litterello moved, seconded by Board Member Joseph, to approve the 2020 Meetings Schedule, as presented.

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

OLD BUSINESS

Officer Gates reviewed information regarding Campbell Roofing. He reminded the Board that the Chair would be required to sign the final order.

Discussion held regarding the time it took for the paper work to be completed.

Assistant City Attorney Naclerio stated the Board should make a motion and vote if this was acceptable or if there were any changes.

Vice Chair Rist moved, seconded by Board Member Prince, to finalize this deal with Campbell Roofing and to direct the Chair to sign the final order.

Board polled as follows: Colley, Costa, Joseph, Litterello, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." All "ayes." Motion carried 9-0.

Comments from Assistant City Attorney

Assistant City Attorney Naclerio discussed how the Code stated that a Board Member missing two of three consecutive meetings could forfeit their seat on a Board. He noted that the Board would take a vote, a letter would be written by the Chair to the City Council, and the Council would take final action on removal of a Board Member.

Discussion held regarding meeting attendance of Member Classon.

Comments from the Attorney for the Board

None.

DATE AND TIME OF NEXT MEETING

The next meeting of the Construction Regulation Board was scheduled for Wednesday, November 20, 2019, at 6:00 p.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:38 p.m.

Submitted by,

Betty Castillo
Recording Secretary

Please see attached Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers that was submitted by Chair Matthew Sinclair regarding his conflict with Applicant Kevin Babesh (Fence Erection – Name Change). The form was received by the Recording Secretary on September 25, 2019 and has been incorporated into the minutes as Exhibit “A.”

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SINCLAIR MATTHEW STEWART		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CONSTRUCTION REGULATION BOARD	
MAILING ADDRESS 221 SE 21ST LN.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY CAPE CORAL	COUNTY LEE	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 9/25/2019		NAME OF POLITICAL SUBDIVISION: CAPE CORAL	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MATTHEW SINCLAIR, hereby disclose that on SEP 25, 20 19:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Applicant Kevin Babesh (Fence Erection - Name Change)

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

9/25/2019
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

OBSTAIN