



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

CAPE CORAL CONSTRUCTION REGULATION BOARD

November 18, 2020

6:00 PM

Council Chambers

1. Meeting Called to Order

A. Chair Joseph

2. Roll Call

A. Blot, Burgos, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair

B. Board Attendance Review

3. Review of License Applications as presented for approval or rejection

4. Approval of Minutes

A. Approval of Meeting Minutes - September 23, 2020

5. Comments from the Public

6. New Business

A. Approval of 2021 Proposed Construction Regulation Board Meeting Schedule

B. Disciplinary Action: Stanley R. Spicer, Platinum Service LLC, License # CAC1815634, Probable Cause: Violating 6-9(a)(12)

C. Disciplinary Action: Jonathan E. Bour, Divine Air & Property Services, Inc., License # CAC1817686, Probable Cause: Violating 6-9(a)(12)

D. Disciplinary Action: Scott P. Smith, SPS Air & Refrigeration, Inc., License # CAC1816625, Probable Cause: Violating 6-9(a)(12)

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, January 27, 2021, 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: 11/18/2020
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Approval of Meeting Minutes - September 23, 2020

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▢ Meeting Minutes - September 23, 2020	Backup Material

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

WEDNESDAY, SEPTEMBER 23, 2020

Council Chambers

6:00 p.m.

Meeting called to order by Chair Joseph at 6:00 p.m.

Roll Call: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair were physically present. Board Member Rinko participated remotely. Board Member Burgos requested to be excused.

REMOTE PARTICIPATION

Board Member Sinclair moved, seconded by Board Member Blot, to allow Board Member Rinko to participate remotely at today's meeting.

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair voted "aye." All "ayes." Motion carried 11-0.

Also Present:

Hal Eskin, Attorney for the Board
John Naclerio, Assistant City Attorney
Roberto Hernandez-Rosales, DCD Code Compliance Officer
Maricel Hernandez, DCD Licensing Senior Customer Service Representative
Diane Oliver, DCD Customer Service Representative
Carol Rall, Code Enforcement Customer Service Supervisor

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

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

Board Member Greco moved, seconded by Board Member Gates, to approve the following license applications for:

APPLICANT	COMPANY NAME	CATEGORY
1. Donald King	King Construction Restoration & Building LLC	Aluminum Structural
2. Thomas Jackson	Contemporary Pools Inc	Paver Block
3. Regla Lastra	All Fences Contracting Inc	Fence Erection
4. Leandro Souza	Continental Tile Solutions Inc	Tile Terrazzo & Marble
5. Roberto Torrez	Prestige Pavers and Designs LLC	Paver Block

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair voted “aye.” All “ayes.” Motion carried 11-0.

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

BOARD ATTENDANCE REVIEW

Discussion held regarding attendance of Board Member Burgos.

Chair Joseph asked for this discussion to be deferred until later in the meeting when information is known.

REVIEW OF LICENSE APPLICATIONS AS PRESENTED FOR APPROVAL OR REJECTION - CONTINUED

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

APPLICANT	COMPANY NAME	CATEGORY
6. Delbert McGhee	Premier Landscapes Organization LLC	Irrigation
7. Andres Jaramillo	Parking Lot Maintenance, Inc.	Paving

Delbert McGhee was present and sworn in by Attorney for the Board Eskin.

Board Member Blot questioned the Applicant about the Letters of Reference. Two of the References were from employees. He questioned if the Letters needed to be from owners or clients of the work performed.

Assistant City Attorney Naclerio stated the applications for contractors was amended after Board discussion. He explained the Board's policy regarding the Applicant providing three notarized letters of experience verification (Verification of Construction Experience).

Discussion held regarding:

- Requirements for the Letters of Reference (Verification of Construction Experience)
- Two of these Letters are from employees

Assistant City Attorney Naclerio read into the record as follows under experience verification: "It is the Board's policy that the Applicant provide three notarized letters of experience verification, signed by construction industry partners, suppliers and/or clientele/customers.

Chair Joseph stated it seemed that two of the letters are from employees.

Mr. McGhee explained Letters of Reference (Verification of Construction Experience).

Board Member Colley moved, seconded by Board Member Prince, to approve Delbert McGhee's license.

Board polled as follows: Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair voted "aye." Blot voted "nay." Ten "ayes." One "nay." Motion carried 10-1.

Chair Joseph informed Mr. McGhee that his license was approved and instructed him to obtain his license on the following day.

Assistant City Attorney Naclerio explained there was no firm rule on the three Letters of Reference (Verification of Construction Experience).

Chair Joseph stated it was experienced people that were now employed by him that provided the letters.

Board Member Blot requested a copy of the Ordinance and the Policy.

Assistant City Attorney Naclerio noted that the statement he read was on the application and not in the Code. He requested that the Clerk's Office send Board Member Blot a copy of the Specialty Contractor's Application.

Assistant City Clerk Castillo responded in the affirmative.

Andres Jaramillo was present and sworn in by Attorney for the Board Eskin.

Board Member Gates questioned the Applicant about his financial stability.

Mr. Jaramillo explained the difference between his personal credit versus his business credit. He noted that the business was financially stable, it's a family business, and he is the license holder.

Discussion held regarding:

- Personal credit score
- Being credit worthy both personal and business as a license holder
- Family business
- License holder since 2008

Board Member Gates moved, seconded by Vice Chair Litterello, to deny the license for Andres Jaramillo.

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair voted "aye." All "ayes." Motion carried 11-0.

Chair Joseph informed Mr. Jaramillo that his request for a license has been denied and he could come back in the future.

BOARD ATTENDANCE REVIEW – CONTINUED DISCUSSION

Chair Joseph stated the Board will return to the item regarding the Board Attendance Review. He noted these were the dates that Member Burgos had previously called in and had been excused: March 25, 2020 and July 22, 2020. Now September 23, 2020 is up to the Board to consider excusing him.

Assistant City Attorney Naclerio stated excused absences do not count. He mentioned there was a section in the Code regarding attendance if the Board wished to discuss that provision.

Chair Joseph stated every time a Member is not present at a meeting, the Board votes to approve whether he is excused or not. He noted that the Board voted to approve the excused absences for Member Burgos on March 25, 2020 and July 22, 2020.

Vice Chair Litterello moved, seconded by Board Member Gates, not to excuse Member Burgos from this meeting.

Board polled as follows: Blot, Colley, Costa, Gates, Joseph, Litterello, Rinko, and Sinclair voted "aye." Colon, Greco, and Prince voted "nay." Eight "ayes." Three "nays." Motion carried 8-3.

Chair Joseph stated this motion puts it on record that Board Member Burgos has missed three out of four meetings. Two were approved to be excused. Now he has missed a third meeting, and it is not excusable.

Discussion held regarding the process as described in the Code for missing meetings.

Approval of Minutes

Meeting Minutes – July 22, 2020

Vice Chair Litterello moved, seconded by Board Member Prince, to approve the July 22, 2020 Meeting Minutes, as presented.

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair voted "aye." All "ayes." Motion carried 11-0.

COMMENTS FROM THE PUBLIC

None.

NEW BUSINESS

**Disciplinary Action – Mark Steven Balasco
Land & Sea Air Conditioning of South Florida, Inc.
License #: CAC1814494
Probable Cause: Violating 6-9(a)(12)**

Mark Steven Balasco of Land & Sea Air Conditioning of South Florida, Inc. was not present.

Assistant City Attorney Naclerio explained that this meeting was changed to a different location. He inquired where Mr. Balasco was noticed to attend this hearing.

Code Compliance Officer Hernandez provided the history of disciplinary action hearing notice to Mr. Balasco.

Discussion held regarding the Notice of Hearing.

Chair Joseph asked if there was anyone at City Hall to redirect attendees for this meeting.

Assistant City Clerk Castillo stated there was a COW meeting in process at the moment in Council Chambers. The meeting was also announced on the public meeting calendar which specifies that the meeting for today was being held in the Public Works Green Room.

Discussion held regarding the procedural process issue and proper notice to licensee.

Assistant City Attorney Naclerio informed the Board that a motion was not necessary, Staff will serve proper notice to the applicant, and this will be heard in the future. He explained no action was necessary tonight.

**Disciplinary Action – Stanley R. Spicer
Platinum Service LLC
License #: CAC1815634
Probable Cause: Violating 6-9(a)(12)**

Stanley R. Spicer of Platinum Service LLC was not present.

Code Compliance Officer Hernandez explained this was the same situation as was just discussed for the prior case.

Chair Joseph stated that Staff will follow the procedure of properly notifying Mr. Spicer.

Assistant City Attorney Naclerio recommended no action be taken, and Staff properly serve Mr. Spicer with a hearing notice.

OLD BUSINESS

Continuation of Disciplinary Action: Jeffery Barde, Mr. Cool Air Conditioning and Heating LLC, License #CAC1815999, Probable Cause: Violating 6-9(a)(12)

Jeffery Barde of Mr. Cool Air Conditioning and Heating LLC was not present.

Assistant City Attorney Naclerio suggested the same procedure be taken for re-notice, but he believed Staff had an update on the situation with the possibility of not having to take any further action.

Attorney for the Board Eskin swore in Code Compliance Officer Hernandez.

Code Compliance Officer Hernandez explained the situation has been resolved, and there was no reason to continue the action.

Chair Joseph confirmed Officer Hernandez's recommendation to the Board that Mr. Barde has more than complied and that the Board should discontinue the disciplinary action because of Mr. Barde's efforts in the last few months.

Attorney for the Board Eskin suggested using the verbiage of dismissal.

Chair Joseph asked for a motion to dismiss this case.

Board Member Prince moved, seconded by Vice Chair Litterello, to dismiss the case against Jeffery Barde of Mr. Cool.

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, Rinko, and Sinclair voted "aye." All "ayes." Motion carried 11-0.

COMMENTS FROM ASSISTANT CITY ATTORNEY

None.

COMMENTS FROM ATTORNEY FOR THE BOARD

None.

DATE AND TIME OF NEXT MEETING

The next meeting of the Construction Regulation Board was scheduled for Wednesday, October 7, 2020, at 6:00 p.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:38 p.m.

Submitted by,

Rose DePaula
Recording Secretary

Transcribed by Barbara Kerr 10/13/20

Subject to Approval

Item Number: 6.A.
Meeting Date: 11/18/2020
Item Type: New Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Approval of 2021 Proposed Construction Regulation Board Meeting Schedule

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▣ 2021 Proposed Meeting Schedule	Backup Material

PROPOSED
CONSTRUCTION REGULATION BOARD
2021 Meeting Schedule

Meetings are held on the 4th Wednesday of every other month at
6:00 p.m. in Council Chambers.

January	27
March	24
May	26
July	28
September	22
November	17*

*Regular meeting would be November 24, 2021, day before Thanksgiving. The Clerk's office can accommodate that date or the alternative date of November 17, 2021 which would be held in the PW Green/Room A200.

Proposed 11/18/2020