



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

CAPE CORAL CONSTRUCTION REGULATION BOARD

January 27, 2021	6:00 PM	PW Green/Room A200
-------------------------	----------------	---------------------------

- 1. Meeting Called to Order**
 - A. Chair Joseph
- 2. Roll Call**
 - A. Blot, 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. Meeting Minutes - November 18, 2020
- 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 24, 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: 1/27/2021
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Meeting Minutes - November 18, 2020

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▫ Meeting Minutes - November 18, 2020	Backup Material

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

WEDNESDAY, NOVEMBER 18, 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 Members Burgos and Rinko requested to be excused.

Also Present: Hal Eskin, Attorney for the Board
John Naclerio, Assistant City Attorney
James Mulligan, Code Compliance Supervisor
Priscilla Rodriguez, DCD Customer Service Representative

Board Attendance Review

Chair Joseph inquired if there was a motion to excuse Board Member Burgos from the November 18, 2020 meeting.

Vice Chair Litterello moved, seconded by Board Member Gates, to deny the excusal of Board Member Burgos (from the November 18, 2020 meeting).

Chair Joseph informed the Board that Board Member Burgos was excused on March 25, 2020, July 22, 2020, unexcused on September 23, 2020, and November 18, 2020 constitutes the fourth absence in five meetings.

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair voted "aye." All "ayes." Motion carried 10-0.

Chair Joseph inquired if there was a motion to excuse Board Member Rinko from the November 18, 2020 meeting. He informed the Board that Board Member Rinko has not missed any Construction Regulation Board meetings.

Vice Chair Litterello moved, seconded by Board Member Costa, to approve the excusal of Board Member Rinko (from the November 18, 2020 meeting).

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair voted "aye." All "ayes." Motion carried 10-0.

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

APPLICANT	COMPANY NAME	CATEGORY
1. Jason Sanders	Quicksand Sitework Inc	Excavation
3. Kevin Topp	Topps Fence Inc.	Fence

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair voted "aye." All "ayes." Motion carried 10-0.

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

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

APPLICANT	COMPANY NAME	CATEGORY
2. Michael Olsen	Thorfinn Floors LLC	Finish Carpentry

Mr. Olsen was present and sworn in by Attorney for the Board Eskin.

Board Member Litterello questioned the Applicant about payment for work performed as described in his application dated August 19, 2020.

Mr. Olsen responded he did not receive payment.

Discussion held regarding:

- Where the work was performed
- Requirements for letters submitted

Board Member Greco moved, seconded by Board Member Sinclair, to approve two of the letters submitted and approve the license for Mr. Olsen.

Board polled as follows: Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair voted "aye." Blot vote "nay". 9 "ayes", 1 "nay." Motion carried 9-1.

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

APPLICANT	COMPANY NAME	CATEGORY
4. Adley Siverio-Bello	Florida Shutter Installation Corp	Aluminum Non-Structural

Mr. Siverio-Bello was present and sworn in by Attorney for the Board Eskin.

There were no questions for Mr. Siverio-Bello.

Vice Chair Litterello moved, seconded by Board Member Blot to approve the application (for license) for Mr. Siverio-Bello.

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair voted "aye." All "ayes". Motion carried 10-0.

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

APPLICANT	COMPANY NAME	CATEGORY
5. Aldin Fazlic	SWFL MH Services Inc.	Carpentry

Mr. Fazlic was present and sworn in by Attorney for the Board Eskin.

Board Member Colon informed the Applicant and Board that Section 7 – Qualifying Company was not completed.

Discussion held as follows:

- Explanation of Qualifying Company
- Obtaining the signature of the license holder
- Mr. Fazlic has passed the two exams for his license
- References and work history
- Process for working under a licensed carpenter
- Applicant to obtain approved work list from Licensing

Board Member Colley moved, seconded by Board Member Costa to approve the application (for license), contingent upon completing Section A and B, for Mr. Fazlic.

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair voted "aye." All "ayes". Motion carried 10-0.

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

APPROVAL OF MINUTES

Meeting Minutes – September 23, 2020

Board Member Prince moved, seconded by Vice Chair Litterello, to approve the regular Meeting Minutes from September 23, 2020, (as presented).

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair voted “aye.” All “ayes.” Motion carried 10-0.

COMMENTS FROM THE PUBLIC

Resident spoke to the Board regarding Marlin Construction Group as follows:

- Received a proposal from Marlin Construction for roof repair in October 2019
- In February 2020 the insurance company had not received an authorized estimate from Marlin Construction
- Marlin Construction had not done any work to the resident’s roof
- Resident rescinded contract
- Resident is being sued by Marlin Construction
- Resident reported Marlin Construction to the Better Business Bureau
- Resident currently has a lawsuit against Marlin Construction and wanted to notify the City of Cape Coral of Marlin Construction’s practices.

Board Attorney Eskin advised the Board to refrain from providing advice in a civil litigation case. He further stated the focus is what can the Board do regarding Marlin’s license and he believes an investigation by Code Enforcement would need to be conducted and then if there is a code violation the case can be brought before the Board.

Chair Joseph advised the Board, on advice of Board Attorney Eskin, to refrain from asking further questions regarding this case and recommended the resident notify Code Enforcement. If evidence is found, it would then be brought before the Board. The resident was directed to speak with Code Compliance Supervisor James Mulligan.

A second resident spoke to the Board to confirm that he had a similar situation with Marlin Construction Group.

APPROVAL OF 2021 PROPOSED CONSTRUCTION REGULATION BOARD MEETING SCHEDULE

Chair Joseph read the proposed dates of the 2021 meeting schedule and inquired if there were any comments.

Board Member Prince moved, seconded by Vice Chair Litterello, to approve the 2021 Meeting Schedule, as presented, and the meeting in November will be November 17, 2021 in Room A200 (PW Green Room, 815 Nicholas Parkway).

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair voted "aye." All "ayes." Motion carried 10-0.

NEW BUSINESS

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

Code Compliance Supervisor Mulligan was present and sworn in and requested the case be re-noticed to the January 27, 2021 meeting due to Code Compliance Officer being unable to testify. Code Compliance will re-notify Platinum Service LLC.

Board Member Gates moved, seconded by Vice Chair Litterello, to approve Code Compliance address this issue (Disciplinary Action – Stanley R. Spicer, Platinum Service LLC) on January 27, 2021.

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair voted "aye." All "ayes." Motion carried 10-0.

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

Code Compliance Supervisor Mulligan was present and requested the case be re-noticed to the January 27, 2021 meeting due to Code Compliance Officer being unable to testify. Code Compliance will re-notify Divine Air & Property Services, Inc.

Board Member Colon moved, seconded by Board Member Prince, to approve Code Compliance address this issue (Disciplinary Action – Divine Air & Property, Services, Inc.) on January 27, 2021.

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair voted "aye." All "ayes." Motion carried 10-0.

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

Code Compliance Supervisor Mulligan requested the case be dismissed. He further stated Code Compliance Officer Dowd notified SPS Air & Refrigeration.

Board Member Gates moved, seconded by Board Member Colley, to dismiss the case against Scott P. Smith, SPS Air & Refrigeration, Inc.

Board polled as follows: Blot, Colley, Colon, Costa, Gates, Greco, Joseph, Litterello, Prince, and Sinclair voted "aye." All "ayes." Motion carried 10-0.

OLD BUSINESS

Board Member Blot inquired about Land & Sea Air Conditioning.

Code Enforcement moved the matter to the January 2021 Agenda.

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, January 27, 2021, at 6:00 p.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:04 p.m.

Submitted by,

Rose DePaula
Recording Secretary