



1015 Cultural Park Blvd.  
Cape Coral, FL

## **AGENDA**

### **CAPE CORAL CONSTRUCTION REGULATION BOARD**

<b>March 28, 2018</b>	<b>6:00 PM</b>	<b>Council Chambers</b>
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**1. Meeting Called to Order**

A. Chair Colley

**2. Roll Call**

A. Burgos, Classon, Colley, Herzing, Joseph, Makedonski, Miller, Moomjian, Phillips, Prince, Rist, and Sinclair

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

**4. Approval of Minutes**

A. January 24, 2018 meeting minutes

**5. Comments from the Public**

**6. New Business**

A. Disciplinary Action: Sergei Kornienko, AVS Construction, CBC #63214, Probable Cause: Violating 6-9(a)(12), 9-69(a)(1)b.1 and 9-69(a)(1)b.2

**7. Old Business**

A. Christopher L. Johnson - continued from January 24, 2018 meeting

B. Kyle Taylor - continued from January 24, 2018 meeting

**8. Comments from Assistant City Attorney**

**9. Comments from Attorney for the Board**

**10. Date and Time of Next Meeting**

A. Wednesday, May 23, 2018, 6:00 p.m. 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: 3/28/2018**  
**Item Type: Approval of Minutes**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

January 24, 2018 meeting minutes

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ January 24, 2018 meeting minutes	Backup Material

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

**WEDNESDAY, JANUARY 24, 2018**

**Council Chambers**

**6:00 p.m.**

Meeting called to order by Chair Colley at 6:05 p.m.

Roll Call: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist were present. Classon, Herzing, Makedonski, and Sinclair were excused.

Also Present: John Naclerio, Assistant City Attorney  
Hal Eskin, Attorney for the Board  
Jim Litterello, Code Compliance Officer  
Paul Gates, Code Compliance Officer  
Priscilla Rodriguez, Customer Service Representative  
Carol Rall, Code Customer Service Supervisor

**REVIEW OF LICENSE APPLICATIONS SUBMITTED/APPROVAL OR REJECTION**

***Board Member Rist moved, seconded by Board Member Moomjian, to approve the following license applications as presented:***

Rodolfo A.	Macias	Macias Masonry	Masonry
Rajiv A.	Goldman	Pristine Painting of SWFL, LLC	Painting

***Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.***

Board Members stated they had questions for the following applicants:

Dairo	Llauger	Southwest FL Trim & Millwork LLC	Finish Carpentry
Luke S.	Brett	Lukes Custom Woodworks, LLC	Trim Carpentry
Luke S.	Brett	Lukes Custom Woodworks, LLC	Cabinet & Millwork
Oscar A. Rapalo	Ramos	Starline Painting	Painting
Karen	Landis	Landis Aluminum, Inc.	Aluminum w/Concrete – Name Change

Christopher L.	Johnson	Superior Fence & Rail of SW FL, Inc.	Fence Erection
Kyle	Taylor	Great Appeal Pavers, Inc.	Paver Block
Richard E.	Paul	Gemstar Property Services, LLC	Concrete Coating
Lidia	Bernal	Bernal's Landscaping & Grading, Inc.	Excavation
Juan	Perez	All Star Grading and Sitework, LLC	Excavation

Dario Llauger was present and sworn in.

Discussion held regarding the following:

- Credit History from 2004 to 2009
- Other business licenses held

**Board Member Rist moved, seconded by Board Member Moomjian, to approve the license for Dairo Llauger for Finish Carpentry.**

**Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.**

Luke S. Brett was present and sworn in.

Discussion held regarding the following:

- Living in Texas, moving back to Florida

**Board Member Rist moved, seconded by Board Member Moomjian, to approve the license for Luke S. Brett for Trim Carpentry.**

**Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.**

Assistant City Attorney Naclerio stated there was an application for a second license by Luke S. Brett.

**Board Member Rist amended his motion, seconded by Board Member Moomjian, to approve both licenses for Trim Carpentry and Cabinet and Millwork.**

**Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.**

Oscar A. Rapalo Ramos was present and sworn in.

Discussion held regarding the following:

- Why he did not supply three notarized letters
- Having the Board to change the number of letters required
- Approving a probationary license

***Board Member Joseph moved to approve a provisional license for Oscar A. Rapalo Ramos for Painting provided he supplies the third notarized letter within ten business days. There was no second. Motion failed.***

Discussion held regarding having the applicant supply the third letter before the March meeting and approving a provisional license.

Code Compliance Officer Gates stated staff cannot approve a third letter. It would be up to the Board to approve the letter. Staff needed direction from the Board.

***Board Member Rist moved, seconded by Board Member Phillips, to approve a conditional or probationary license for Oscar A. Rapalo Ramos for Painting until the next meeting and have him produce the letter for Board's approval by the next meeting.***

***Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.***

Discussion held regarding requiring three letters.

Karen Landis was present and sworn in.

Discussion held regarding the following:

- Name Change Request to Incorporated

***Board Member Rist moved, seconded by Board Member Moomjian, to approve the license for Karen Landis for Aluminum W/Concrete – Name Change.***

***Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.***

Gary Locke (on behalf of Christopher L. Johnson) was present and sworn in.

Discussion held regarding the following:

- References from his own company
- Mr. Johnson signing permits
- Other inactive licenses
- Mr. Johnson to get license as qualifier.; once established, he lets the Owner/Operator carry the license beyond that, and he lets his license go.
- Intent was for Mr. Locke to be licensed
- Franchise Agreement

- Mr. Locke oversees the work on a day to day basis.
- Separate Corporation versus Parent Company
- Mr. Locke being in this area for 30 years
- Personal credit report
- Principal in a corporation in order to be the license holder of a corporation
- Workers' Compensation Policy – liability, workers' comp, business insurance
- Have Mr. Johnson be present at the next meeting
- Qualifier versus Franchisee
- Chapter 489 Florida Statutes

***Board Member Phillips moved, seconded by Board Member Rist, to have Mr. Johnson appear at the next meeting to substantiate his application and complete it according to the requirements and to deny the current application for Fence Erection.***

***Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.***

Kyle Taylor was present and sworn in.

Discussion held regarding the following:

- His credit history
- His other business
- Letters of recommendation
- Third letter not notarized

***Board Member Rist moved, seconded by Board Member Phillips, to approve a probationary license for Kyle Taylor for Paver Block until the March meeting when he produces the letter.***

***Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.***

Richard E. Paul was present and sworn in.

Discussion held regarding the following:

- Lapsed License from another jurisdiction due to relocation

***Board Member Rist moved, seconded by Board Member Moomjian, to approve the license for Richard E. Paul for Concrete Coating.***

***Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.***

Lidia Bernal and Joaquin Bernal were present and sworn in.

Code Compliance Officer Litterello was present and sworn in. He provided background about the license applications for Lidia Bernal as well as the next applicant, Juan Perez.

Discussion held regarding the following:

- Unlicensed activity in the City
- Complied when notified

***Board Member Rist moved, seconded by Board Member Moomjian, to approve the license for Lidia Bernal for Excavation.***

***Board polled as follows: Burgos, Colley, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." Joseph voted "nay." Seven "ayes." One "nay." Motion carried 7-1.***

Juan Perez was present and sworn in.

Discussion held regarding the following:

- Different jobs, different contractors
- 11 months on his own, license obtained in three weeks
- Has workers' compensation

***Board Member Rist moved, seconded by Board Member Prince, to approve the license for Juan Perez for Excavation.***

***Board polled as follows: Burgos, Colley, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." Joseph voted "nay." Seven "ayes." One "nay." Motion carried 7-1.***

#### **Approval of Minutes**

The minutes of the meeting of the Cape Coral Construction Regulation Board for November 15, 2017 were presented for approval.

***Board Member Rist moved, seconded by Board Member Prince, to approve the minutes as presented.***

***Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.***

#### **COMMENTS FROM THE PUBLIC**

George Araujo of Argo Construction LLC appeared to apply regarding a name change. He requested to add a fictitious name to his company, Ipon Corporation, which is already licensed with the City. The new name will be Ipon Corporation DBA Heat Stone Specialist.

A folder with his application for a license was passed around to the Board Members.



Discussion held regarding:

- Active License in 2007 in the City
- Reason for Name Change
- Type of Business
- Has State License as a Certified Building Contractor

***Board Member Rist moved, seconded by Board Member Phillips, to approve a probationary license for George Araujo until the March meeting and give the Board a chance to review his application and the credit report.***

***Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.***

### **OLD BUSINESS**

Code Compliance Officer Gates clarified that the Board was requesting staff to make sure they have three letters, and if not, do not accept the application.

Vice Chair Moomjian expressed his opinion about an applicant providing three letters.

Board Member Rist stated if you ask for three you should get three. If they want to try it with two, it would be at their own risk getting approval from the Board.

### **NEW BUSINESS**

#### **Election of Chair and Vice Chair**

***Board Member Moomjian moved, seconded by Board Member Rist, to keep Gary Colley as Chair.***

***Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.***

Discussion held regarding an email received from a member not present at this meeting requesting to be nominated for Chair/Vice Chair.

***Board Member Joseph moved, seconded by Board Member Rist, to have Wayne Moomjian as Vice Chair.***

***Board polled as follows: Burgos, Colley, Joseph, Miller, Moomjian, Phillips, Prince, and Rist voted "aye." All "ayes." Motion carried 8-0.***

#### **Comments from Assistant City Attorney**

None.

**Comments from the Attorney for the Board**

None.

**DATE AND TIME OF NEXT MEETING**

The next meeting of the Construction Regulation Board will be held on Wednesday, March 28, 2018, at 6:00 p.m. in Council Chambers.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:15 p.m.

Submitted by,

Barbara Kerr  
Recording Secretary