



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

CAPE CORAL CONSTRUCTION REGULATION BOARD

May 23, 2018	6:00 PM	Council Chambers
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1. Meeting Called to Order

A. Chair Colley

2. Roll Call

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

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

4. Approval of Minutes

A. March 28, 2018 meeting minutes

5. Comments from the Public

6. New Business

A. Full, formal disciplinary hearing: 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

8. Comments from Assistant City Attorney

9. Comments from Attorney for the Board

10. Date and Time of Next Meeting

A. Wednesday, July 25, 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: 5/23/2018
Item Type: Approval of Minutes

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

March 28, 2018 meeting minutes

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
□ March 28, 2018 meeting minutes	Backup Material

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

WEDNESDAY, MARCH 28, 2018

Council Chambers

6:00 p.m.

Meeting called to order by Chair Colley at 6:01 p.m.

Roll Call: Classon, Colley, Joseph, Miller, Moomjian, and Sinclair were present. Burgos, Makedonski, Phillips, and Prince were excused. Rist arrived at 6:04 p.m. Herzing was absent.

Also Present: John Naclerio, Assistant City Attorney
Jim Litterello, Code Compliance Officer
Paul Gates, Code Compliance Officer
Mari Hernandez, Senior Customer Service Representative
Carol Rall, Code Customer Service Supervisor

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

Vice Chair Moomjian moved, seconded by Board Member Sinclair, to approve the following license applications as presented:

Gregory	Nardella	TNT Craftsmen LLC	Finish Carpentry
George	Araujo	Ipon Corp DBA Heat Stone Specialist	Tile, Marble and Terrazzo
Oscar A.	Rapalo Ramos	Starline Painting Inc.	Painting
William K.	Copenhaver	Contract Builders Inc. DBA Contract Painting Inc.	Painting
Jason	Ficklin	LF Systems LLC DBA Superior Surfacing	Concrete Coatings
Jeremy	Keeran	Quality Painting of SW FL LLC	Painting
David	Johnson	Decorative Coatings LLC	Concrete Coatings
Frank E.	Espinoza	Frank's Painting Service LLC	Painting

Board polled as follows: Classon, Colley, Joseph, Miller, Moomjian, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.

Board Members stated they had questions for the following applicants:

Hernando Velasquez	Epcon Garage Door Services, Inc.	Garage Door
Ricardo Teixeira	Rick's Design LLC	Paver Block
Ricardo Teixeira	Rick's Design LLC	Tile, Marble and Terrazzo
Ricardo Teixeira	Rick's Design LLC	Cabinet and Millwork
Leanabel Torres	Adequate Garage Door Services Inc.	Garage Door

Hernando Velasquez was present and sworn in.

Discussion held regarding the following:

- Credit history
- Qualifying two businesses, some difficulty with just one business

Board Member Rist moved, seconded by Vice Chair Moomjian, to approve the license for Hernando Velasquez for garage door.

Board polled as follows: Classon, Colley, Joseph, Miller, Moomjian, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.

Ricardo Teixeira was not present.

Vice Chair Moomjian moved, seconded by Board Member Rist, to deny the licenses for Ricardo Teixeira for: 1) Paver Block, 2) Tile, Marble, and Terrazzo, and 3) Cabinet and Millwork.

Board polled as follows: Colley, Joseph, Miller, Moomjian, Rist, and Sinclair voted "aye." Classon voted "nay." Six "ayes." One "nay." Motion carried 6-1 for denial.

Leanabel Torres was present and sworn in.

Discussion held regarding the following:

- Application requests three letters of references, only one was provided
- Working with the same company for six years, no one else can give her a reference
- Credit history struggle

Board Member Classon moved, seconded by Vice Chair Moomjian, to approve the license for Leanabel Torres for Garage Door.

Board polled as follows: Classon, Colley, Joseph, Miller, Moomjian, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.

Approval of Minutes

The minutes of the meeting of the Cape Coral Construction Regulation Board for January 24, 2018 were presented for approval.

Board Member Rist moved, seconded by Vice Chair Moomjian, to approve the minutes as presented.

Board polled as follows: Classon, Colley, Joseph, Miller, Moomjian, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.

COMMENTS FROM THE PUBLIC

Code Compliance Officer Litterello stated that applicants need three letters. If they qualify to take the test and they have the required minimum number of years and one letter suffices all, does that become an issue with the Board? He noted that Lee County does not require a minimum.

Discussion held regarding

- The State requires three letters.
- Whether the time of experience counts instead of how many letters are provided
- This would be at the discretion of the Board.

Officer Litterello stated they would accept whatever the applicants provide and it would be up to the Board to decide. Staff will tell the applicants that three letters are expected.

Discussion held regarding Applicant Ricardo Teixeira was present now and whether or not to reopen his request for the three licenses.

Assistant City Attorney Naclerio stated the motion maker and the second for the previous vote on Ricardo Teixeira needed to be rescinded.

Vice Chair Moomjian moved, seconded by Board Member Rist, to rescind the motion for denial for the licenses for Ricardo Teixeira for: 1) Paver Block, 2) Tile, Marble, and Terrazzo, and 3) Cabinet and Millwork.

Board polled as follows: Classon, Colley, Joseph, Miller, Moomjian, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.

Ricardo Teixeira was present and sworn in.

Discussion held regarding the following:

- Name change on licenses for 1) paver block and 2) tile, marble and terrazzo
- Credit problems due to divorce

Board Member Classon moved, seconded by Vice Chair Moomjian, to approve the three licenses for Ricardo Teixeira for 1) Paver Block, 2) Tile, Marble, and Terrazzo, and 3) Cabinet and Millwork.

Board polled as follows: Classon, Colley, Joseph, Moomjian, and Sinclair voted "aye." Miller and Rist voted "nay." Five "ayes." Two "nays." Motion carried 5-2.

Code Compliance Officer Litterello stated staff was requesting that Old Business to be heard before New Business to address two licenses and then address the Disciplinary item.

Consensus agreed.

OLD BUSINESS

Christopher L. Johnson – continued from January 24, 2018 meeting

Christopher L. Johnson was present and sworn in.

Code Compliance Officer Gates explained the issue from the last meeting when Gary Locke appeared on his behalf. The question came forward to provide a third letter which was hand delivered as requested by the Board. Mr. Johnson was present to discuss the business arrangement.

Discussion held regarding the following:

- Business arrangement
- Financial responsibility

Board Member Rist moved, seconded by Vice Chair Moomjian, to approve the license for Christopher L. Johnson for Fence Erection.

Board polled as follows: Classon, Colley, Joseph, Miller, Moomjian, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.

Kyle Taylor – continued from January 24, 2018 meeting

Kyle Taylor was present and sworn in.

Discussion held regarding the following:

- Probationary license because he was missing one of the three required references
- Two licenses show over five years' experience

Board Member Rist moved, seconded by Vice Chair Moomjian, to approve the license for Kyle Taylor for Paver Block.

Board polled as follows: Classon, Colley, Joseph, Miller, Moomjian, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.

NEW BUSINESS

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

Code Compliance Officer Litterello was present and sworn in.

Sergei Kornienko was present and sworn in.

Officer Litterello explained the findings of facts and noted that the Board had backup information regarding this item.

Discussion held regarding the following:

- What mediation has been done by the City to find out what the underlying problem was and look for a solution?
- Phone calls have been made to Mr. Kornienko; He is a State-licensed contractor; therefore, the City's hands are tied.
- Only solution: citations

Assistant City Attorney Naclerio stated the purpose today is whether the Board finds reasonable cause to bring him back for a full, formal disciplinary hearing at the next meeting. After a disciplinary hearing, the Board can revoke or suspend permitting privileges he has for the City of Cape Coral. The Board can also make a recommendation to the State.

Mr. Kornienko apologized for the situation and discussed the issue.

Board Member Rist moved, seconded by Vice Chair Moomjian, to find probable cause to bring Mr. Kornienko back for a full, formal disciplinary hearing at the next meeting.

Discussion held regarding:

- How Mr. Kornienko does not apply for a water meter until the house is almost ready for a C.O.
- Multiple Code Officers have contacted Mr. Kornienko to get issues fixed.
- Is Mr. Kornienko trying to save money?
- Does he not understand due to a language barrier?
- Is there a lack of knowledge of rules and regulations, or is he purposely skirting the system?

Board polled as follows: Classon, Colley, Joseph, Miller, Moomjian, Rist, and Sinclair voted "aye." All "ayes." Motion carried 7-0.

Comments from Assistant City Attorney

None.

Comments from the Attorney for the Board

Not present.

DATE AND TIME OF NEXT MEETING

The next meeting of the Construction Regulation Board will be held on Wednesday, May 23, 2018, at 6:00 p.m. in Council Chambers.

ADJOURNMENT

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

Submitted by,

Barbara Kerr
Recording Secretary