



1015 Cultural Park Blvd.  
Cape Coral, FL

## **AGENDA**

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

<b>September 26, 2018</b>	<b>6:00 PM</b>	<b>Council Chambers</b>
---------------------------	----------------	-------------------------

**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. July 25, 2018 meeting minutes

**5. Comments from the Public**

**6. New Business**

**7. Old Business**

A. Formal Disciplinary Hearing: Nella K LLC, Lic #63600

**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, November 14, 2018, 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: 9/26/2018**  
**Item Type: Approval of Minutes**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

July 25, 2018 meeting minutes

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ July 25, 2018 meeting minutes	Backup Material

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

**WEDNESDAY, JULY 25, 2018**

**Council Chambers**

**6:00 p.m.**

Meeting called to order by Chair Colley at 6:03 p.m.

Roll Call: Burgos, Classon, Colley, Joseph, Moomjian, Phillips, Prince, Rist, and Sinclair were present. Miller arrived at 6:10 p.m.

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

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

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

Peter	Houlihan	Peter Houlihan, LLC	Carpentry
Marty	Thompkins	Thompkins Contracting, Inc.	Paving
Brett	Heier	3G Seamless Gutters Siding & Trim, Inc. DBA 3G Home Exteriors	Aluminum Structural
Brett	Heier	3G Seamless Gutters Siding & Trim, Inc. DBA 3G Home Exteriors	Painting

***Board polled as follows: Burgos, Classon, Colley, Joseph, Moomjian, Phillips, Prince, Rist and Sinclair voted "aye." Nine "ayes." Motion carried 9-0.***

Board Members stated they had questions for the following applicants:

Silver	Cochran	Cochran Concrete Masonry, LLC	Concrete Placing & Finishing
Leanabel	Torres	A & Rick's Garage Door Services, LLC	Garage Door

Silver Cochran was present and sworn in.

Discussion held regarding the following:

- Working in Cape Coral
- Primary residence
- How long he had been in business

***Board Member Miller arrived at 6:10 p.m.***

***Board Member Moomjian moved, seconded by Board Member Classon, to approve the license for Silver Cochran for Concrete Placing and Finishing.***

***Board polled as follows: Burgos, Classon, Colley, Joseph, Miller, Moomjian, Phillips, Prince, Rist and Sinclair voted "aye." Ten "ayes." Motion carried 10-0.***

Leanabel Torres was present and sworn in.

Discussion held regarding the following:

- How she planned on handling the financial needs of the business.
- The need to be financially responsible for the business.
- How she will be responsible in the future.
- She has partners and she stated she is not the only one.
- What is the plan to be financially responsible?
- Questioned how the company is structured.
- The business is family owned.
- The City Ordinance changed and required a specialty license.
- Why do you have two companies?

Adriana Deleon was sworn in.

Ms. Deleon stated she and her husband have been in business for 10 years. She explained Adequate Garage Door had a license, and they are both family run businesses.

***Board Member Joseph moved, seconded by Vice Chair Moomjian, to Deny the license for Leanabel Torres for Garage Door.***

***Board polled as follows: Burgos, Classon, Colley, Joseph, Miller, Moomjian, Phillips, Prince, Rist and Sinclair voted "aye." Ten "ayes." Motion carried for Denial 10-0.***

Discussion held regarding the applicant to obtain a corporate agreement with financial officers and include three business references next time.

### **Approval of Minutes**

The minutes of the meeting of the Cape Coral Construction Regulation Board for May 23, 2018, were presented for approval.

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

***Board polled as follows: Burgos, Classon, Colley, Joseph, Miller, Moomjian, Phillips, Prince, Rist and Sinclair voted "aye." Ten "ayes." Motion carried 10-0.***

### **COMMENTS FROM THE PUBLIC**

None

Code Compliance Officer Gates requested that Old Business to be heard before New Business. **Consensus agreed.**

### **OLD BUSINESS**

#### **Sergei Kornienko, AVS Construction, CBC #63214**

Code Compliance Officer Gates was present and sworn in.

Officer Gates requested the disciplinary action against Mr. Kornienko be removed. He stated Mr. Kornienko is in compliance with all applicable Building Codes in the City.

Assistant City Attorney Naclerio noted there are no current violations.

Attorney for the Board Eskin stated Mr. Kornienko has come into compliance. If there are future violations, they will be brought forward.

Assistant City Attorney Naclerio stated on March 28, 2018 there was a probable cause meeting. The Board found probable cause, and there was good service. The next meeting was on May 23, 2018, there was full formal disciplinary hearing, no evidence that the respondent was served.

Board Member Joseph asked what happened to the scheduled special meeting in June that was canceled?

Assistant City Attorney Naclerio stated we could not get a quorum to hold the special meeting.

Discussion held regarding:

- There was an error because there was no proper notice of hearing.
- The certified letter was sent out, but it was never received and signed for.

- There should be a record to indicate the certified letter was sent.
- A verbal is not sufficient notice.

Assistant City Attorney Naclerio stated the intent of tonight 's hearing would have been to review the order and sign it. He explained if the City Attorney's office did not find good service, we would not allow the order to go forward.

Officer Gates announced that the initial letter went out on 2-28-2018 for the probable cause hearing which was signed on 2-24-2018 another one was mailed on 4-5-2018, and there was no green card. (Certified mail return receipt)

Assistant City Attorney Naclerio announced that the Clerk verified from her note in the file that the respondent complied and that a quorum could not be reached.

***Board Member Rist moved, seconded by Board Member Prince, to vacate the suspension.***

***Board polled as follows: Burgos, Joseph, Miller, Prince, and Rist voted "aye." and Classon, Colley, Moomjian, Phillips, and Sinclair voted "nay." 5 "ayes." 5 "nays." Motion failed 5-5.***

Discussion held regarding what happens if the suspension is not vacated; if there are violations of the Code of Ordinances, staff could bring forward a case before the Board.

Discussion held if a motion can be made that basically the Board is in agreement that we are going to dismiss it.

Code Compliance Customer Service Supervisor Carol Rall was sworn in.

Ms. Rall stated we cannot charge him with something when the violations have been taken care of.

***Board Member Rist moved, seconded by Board Member Classon, that we postpone ruling on this until our next meeting so that staff can research whether service was done.***

Discussion held if we find service was perfected but, yet the respondent has come into compliance in the meantime what would be the point of the meeting?

Chair Colley recognized the attorney of the respondent.

Kevin L Jursinski, Attorney, representing Mr. Kornienko, explained how he had requested the special meeting in June. He distributed the letter to the Board that was sent to the chair. He received the issues that came before the respondent. If there is no violation in front of you, there is no need to continue.

***Board member Rist withdrew his motion seconded by Classon agreed.***

***Board Member Rist moved, seconded by Board Member Joseph, to vacate the oral order from May 23, 2018 and take no further action.***

***Board polled as follows: Colley, Burgos, Joseph, Miller, Prince, Rist voted "aye." and Classon, Moomjian, Phillips, Sinclair voted "nay." Six "ayes." Four "nays." Motion carried 6-4.***

### **NEW BUSINESS**

#### **Disciplinary Action Nella K LLC, Lic #63600**

Code Compliance Officer Gates was present and sworn in.

Officer Gates distributed information regarding this item. He read into the record the reasons that a probable cause does exist.

Mr. Gates handed out information regarding this case. He read the information into the record. He stated there was a formal disciplinary hearing to be scheduled before the board. He was assured he would receive a check for one Thousand dollars. He shared the timeline that he had been waiting for the license owner to comply.

Board Member Phillips asked what type of license they held?

Officer Gates stated it is a paver license.

Discussion held that Ms. Krekic received a license more than a year ago; was on probation for a year.

Nella Krekic was present and sworn in.

Mrs. Krekic stated she was not aware of the situation and she realizes she is responsible. She recognizes that it was wrong. This was an insurance claim and the job needed to be done right away.

***Board Member Joseph moved, seconded by Board Member Rist, to find probable cause to set up for a disciplinary hearing scheduled for September.***

***Board polled as follows: Burgos, Classon, Colley, Joseph, Miller, Moomjian, Phillips, Prince, Rist, and Sinclair voted "aye." Ten "ayes." Motion carried 10-0.***

**Comments from the Attorney for the Board**

None.

**Comments From Assistant City Attorney**

Assistant City Attorney Naclerio stated he strongly anticipated that will not happen again.

**DATE AND TIME OF NEXT MEETING**

The next meeting of the Construction Regulation Board will be held on Wednesday, September 26, 2018, at 6:00 p.m. at 815 Nicholas Parkway, Conference Room A200.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:00 p.m.

Submitted by,

Patricia Sorrels  
Recording Secretary