



Meeting Minutes - Final

Code Enforcement Magistrate

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Tuesday, August 31, 2021

10:30 AM

Community Room

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**(1) Cases**

**r. Case #21-1417- 91 Lamplighter Dr- City of Marco Island v. 91 Lamplighter DR LLC and Blue Marlin Marine Construction- Silt Fence**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Anthony Ferraro*

*Testifying for the Respondent:*

*Findings of the Magistrate: One time fine of \$700 and a \$50 administrative fee for the contractor only*

**f. Case #21-1262- 529 Spinnaker Ct- City of Marco Island v. Jerrold Brian Housfeld/ Sherry Lyn Housfeld & Sunset Builders of SW FLA Inc- Silt Fence**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Anthony Ferraro*

*Testifying for the Respondent: Sunset Builders of SW Florida Inc*

*Findings of the Magistrate: One time fine of \$ 450 and a \$50 administrative fee for the contractor only*

**c. Case #21-1044- 260 Seaview Ct- City of Marco Island v. South Seas West Condo Association- Sea Turtle Protection**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Andy Lindenmuth*

*Testifying for the Respondent: David Thompson for South Seas Condo Association. Additional testimony on behalf of the Respondent, Marshall Arnault for South Seas Condo Association*

*Findings of the Magistrate: Request further examination of the case and it will be continued to next Magistrate hearing*

**a. Case #21-0952- 840 S Collier Blvd- City of Marco Island v. Marbelle Club Condominium- Sea Turtle Protection**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Andy Lindemuth*

*Testifying for the Respondent: Richard Wagoner, unit owner for the Marbelle Club Condominium*

*Findings of the Magistrate: Unit owner identified as Richard Wagner was not found in violation and should not be held liable for these fines. Property owner \$500 and administrative fee \$50*

**e. Case #21-1424- 5000 Royal Marco Way- City of Marco Island v. Royal Marco Point II- Sea Turtle Protection**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Andy Lindemuth*

*Testifying for the Respondent: Jill Freidland, property manager for Royal Marco Point II*

*Findings of the Magistrate: One fine of \$250 and a \$50 administration fee*

**t. Case #21-1352- 794 N Barfield Dr- City of Marco Island v. Sweet Home Richland LLC- Noise General**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Ketih Richter*

*Testifying for the Respondent: Property Owner*

*Findings of the Magistrate: One fine of \$250 and a \$50 administrative fee*

**x. Case #21-0654- 664 Bald Eagle Dr- City of Marco Island v. Island Plaza Investments and Davide Italian Deli**

*Testifying for the City: Patrick Hayman from the Water and Sewer Department*

*Testifying for the Respondent: Velasquez from Davide Italian Restaurant*

*Findings of the Magistrate:*

**w. Case #21-1191- 1100 Edington PI- City of Marco Island v. James Karl II- General Noise Prohibitions**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Keith Richter*

*Testifying for the Respondent: James Karl, property owner*

*Findings of the Magistrate: Case dismissed*

**y. Case #20-0371C- 1147 Edington PI- City of Marco Island v. James L Karl- Certification of Fines**

*Testifying for the City: Code Administrator Katie Hofmeister*

*Testifying for Respondent: James Karl, property owner*

*Findings of the Magistrate: Magistrate order from 02/23/21 shall be certified in the amount of \$1000 and that this order shall become recorded with the public records of Collier County or the property owner shall pay the entirety of the fines by the end of this hearing*

**d. Case #21-1423- 6000 Royal Marco Way- City of Marco Island v. Royal Marco Point III- Sea Turtle Protection**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Andy Lindemuth*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One fine of \$500 and a \$50 administrative fee*

**b. Case #21-1042- 100 N Collier Blvd- City of Marco Island v. Crescent Beach Condo Association- Sea Turtle Protection**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Andy Lindemuth*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One fine of \$500 and a \$50 administrative fee*

**g. Case #21-1264- 700 Partridge Ct- City of Marco Island v. Daniel and Jodi Leja, DSI Marine Construction and Stonebreaker Builders- Staging without a permit**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer John Kovacs*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One fine of \$250 and a \$50 administrative fee jointly and separately Stonebreaker Builders and DSI Marine Construction. Property owner not responsible*

**h. Case #21-1288- 1355 Waikiki Ct- City of Marco Island v. Timothy J Breault & Kathryn Breault and Breault Homes Inc- Silt Fence**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer John Kovacs*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One fine of \$100 and a \$50 administrative fee*

**n. Case #21-1395- 1978 San Marco Rd- City of Marco Island v. Antonio Exposito- Illicit Discharge**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer John Kovacs*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: Case dismissed*

**y. Case #20-0371C- 1147 Edington Pl- City of Marco Island v. James L Karl- Certification of Fines**

*Testifying for the City: Michon Jackson confirms full payment was made before the end of this hearing*

**i. Case #21-1296- 870 N Collier Blvd- City of Marco Island v. Scott & Rex Street and Allied Pavers Systems LLC - Work without a permit and ROW Obstruction**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Anthony Ferraro*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One fine of \$250 for permit violation and \$50 for right of way violation and \$50 administrative fee. Property owner and contractor shall pay \$250 per day until violation is corrected*

**j. Case #21-1297- 870 N Collier Blvd- City of Marco Island v. Scott & Rex Street and Allied Pavers Systems LLC- Work without a permit**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Anthony Ferraro*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One fine of \$500 and a \$50 administrative fee. The property owner also has 30 days to obtain a permit or incur a \$250 per day until violation is corrected.*

**k. Case #21-1346- 227 Polynesia Ct- City of Marco Island v. Danko Holdings LP and APM Homes- Silt Fence**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Anthony Ferraro*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One fine of \$350 and a \$50 administrative fee. Contractor to comply within 10 days or incur a \$75 per day fine until corrected*

**l. Case #21-1348- 313 Rockhill Ct- City of Marco Island v. Brandon David Werning, Werning Construction Inc., and Blue Marlin Marine Construction and Services-Silt Fence**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Anthony Ferraro*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One fine of \$650 and a \$50 administrative fee to Blue Marlin Marine Construction, Brandon David Werning and Werning Construction.*

**m. Case #21-1373- 235 Edgewater Ct- City of Marco Island v. Morton Family Living Trust and Nova Homes of South Florida- Silt Fence**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Anthony Ferraro*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One fine of \$850 and a \$50 administrative fee to contractor Nova Homes of South Florida with 10 days to comply or a \$100 per day until corrected.*

**Recess**

*Meeting went into Recess*

**Resumed**

*Meeting Reconvened*

**o. Case #21-1404- 1666 Rainbow CT- City of Marco Island v. Joseph A Rakofsky- Work without a permit**

*Testifying for the City: Code Administrator Katie Hofmeister, Community Service Officer Keith Richter Chief Building Inspector Raul Perez*

*Testifying for the Respondent: No one*

*Findings of the Magistrate: One time fine of \$250 and a \$50 administrative fee and property owner to comply within 30 days or a \$100 per day*

**q. Case #21-1549- 991 Scott Dr- City of Marco Island v. Brenda J Annett Rev Trust- Litter, Debris and Abandoned Property**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Anthony Ferraro*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One time fine of \$350 and a \$50 administrative fee and property owner to comply within 10 days or a \$100 fine per day until corrected.*

**s. Case #21-1298- 771 S Barfield Dr- City of Marco Island v. Delton Investments LLC- General Noise Prohibitions**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Keith Richter*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One time fine of \$250 and a \$50 administrative fee*

**u. Case#21-1430- 141 Bonita Ct- City of Marco Island v. J & J Development of Marco Island LLC- General Noise Prohibitions**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Keith Richter*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One time fine of \$250 and a \$50 administrative fee*

**v. Case #21-1445- 850 Eubanks Ct- City of Marco Island v. William Brogan-Higgins/ Joanna Brogan- Higgins- General Noise Prohibitions**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Keith Richter*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One time fine of \$250 and a \$50 administrative fee*

**hh. Case #20-1507C-1441 Galleon Ave- City of Marco Island v. Matthew McIlrath & Ashlee D Hanley- Certification**

*Testifying for the City: Code Administrator Katie Hofmeister and Community Service Officer Keith Richter*

*Testifying for the Respondent: No one present*

*Findings of the Magistrate: One time fine of \$300 and a \$50 administrative fee. As of this day 230 days at \$100 per day - \$23,000, which will continue to accrue at \$100 a day until corrected.*

**(2) Mitigations**

**(3) Adjourn**

*Meeting Finished*