

# City of Marco Island Florida

*51 Bald Eagle Drive  
Marco Island, Florida  
cityofmarcoisland.com*



## Meeting Minutes - Final-revised

**Tuesday, December 17, 2024**

**10:30 AM**

**Community Room**

## **Code Enforcement Magistrate**

***Special Magistrate:  
Robert D. Pritt***

***Police Chief: Tracy Frazzano  
CEO Supervisor: Keith Richter  
CEO Administrative Assistant: Lauree Greene  
CEO Recording Specialist: Susan Scrugham***

**(1) Cases**

- a. 24-2556 1290 Mulberry CT - City of Marco Island vs. The Structure Group LLC & Edward Perez - Silt Fence

*Testifying for the City: Code Enforcement Officer Sullivan*

*Testifying for the Respondent: Ivan, Representative for The Structure Group*

*Magistrate's Order: That the Contractor shall pay \$50.00 for cost of prosecution.*

- b. 24-2571 640 Blackmore CT - City of Marco Island vs. Joseph and Patricia Pensabene & NOVA HOMES of South Florida Inc. - Silt Fence

*Testifying for the City: Code Enforcement Officer Sullivan*

*Testifying for the Respondent: No one*

*Magistrate's Order: That the Contractor shall pay a fine of \$500.00 per day from date of violation until violation is corrected and \$50.00 for cost of prosecution.*

- c. 24-2572 641 Blackmore CT - City of Marco Island vs. NOVA HOMES of South Florida Inc. & Brian and Laurel Ward - Silt Fence

*Removed*

- d. 24-2588 421 S Heathwood DR - City of Marco Island vs. FCI HOMES INC & Dean and Jeanie Murray - Silt Fence

*Removed*

- e. 24-2050 Parcel # 59020132103 - City of Marco Island vs. Penelope & Joseph Gorbach Carly Zagaroli - Noxious Plants

*Removed*

- f. 24-2650 1240 Osprey CT - City of Marco Island vs. Bullard Family Trust & NOVA HOMES of South Florida Inc. - Silt Fence & Right of Way

*Testifying for the City: Code Enforcement Officer Negra*

*Testifying for the Respondent: No one*

*Magistrate's Order: That the Contractor shall pay a fine of \$500.00 per day from date of Silt Fence violation until violation is corrected. That the Contractor shall pay a fine of \$250.00 per day for each violation, Pubic Nuisance and Right of Way Obstruction, from date of violation to date of compliance. That the Contractor shall pay \$50.00 for cost of prosecution.*

- g. 24-2109 South Beach - City of Marco Island vs. David Boggs Marco Island Sharks - Beach Permit Required

*Testifying for the City: Code Enforcement Officer Negra, Police Captain Ennis and Daniel Smith, Director of Community Affairs*

*Testifying for the Respondent: David Boggs*

*Magistrate's Order: That Mr. Boggs shall pay a one-time fine of \$200.00 and \$50.00 for cost of prosecution.*

h. 24-2586 132 Templewood CT - City of Marco Island vs. Templewood Court LLC & Lusso Builders LLC - Litter

*Testifying for the City: Code Enforcement Officer Negra*

*Testifying for the Respondent: No one*

*Magistrate's Order: That the Contractor shall pay \$50.00 for cost of prosecution.*

i. 24-2379 1275 Andalusia TERR - City of Marco Island vs. Lawrence Kersten & Rosemary Wilson - Public Nuisance

*Testifying for the City: Code Enforcement Officer Muldoon*

*Testifying for the Respondent: No one*

*Magistrate's Order: That the Owner shall pay a one-time fine of \$100.00 and \$50.00 for cost of prosecution. That the Owner has 14 days to comply or face a fine of \$100.00 per day until compliance is met.*

j. 24-2438 1275 Andalusia TERR - City of Marco Island vs. Lawrence Kersten & Rosemary Wilson - Public Nuisance

*Testifying for the City: Code Enforcement Officer Muldoon*

*Testifying for the Respondent: No one*

*Magistrate's Order: That the Owner shall pay a one-time fine of \$100.00 and \$50.00 for cost of prosecution. That the Owner has 21 days to comply or face a fine of \$100.00 per day until compliance is met.*

k. 24-2518 757 Orchid CT - City of Marco Island vs. Peter & Anthony Gagliano - Public Nuisance

*Removed*

l. 24-2583 640 Blackmore CT - City of Marco Island vs. Joseph and Patricia Pensabene & NOVA HOMES of South Florida Inc. - Public Nuisance

*Removed*

m. 24-2537 1711 Macao CT - City of Marco Island vs. Osvaldo Olano & Lauren May Lutz REV TRUST - Illicit Discharge

*Testifying for the City: Code Enforcement Officer Negra*

*Testifying for the Respondent: Osvaldo Olano, Contractor*

*Magistrate's Order: That the Contractor shall pay a one-time fine of \$1,000.00 and \$50.00 for cost of*

*prosecution.*

- n. 24-2581 640 Blackmore CT - City of Marco Island vs. Joseph & Patricia Pensabene and NOVA HOMES of South Florida - Illicit Discharge & Stormwater Pollution

*Testifying for the City: Code Enforcement Officer Negra*

*Testifying for the Respondent: No one*

*Magistrate's Order: That the Contractor shall pay a fine of \$500.00 per day per violation from date of violation until compliance was met and \$50.00 for cost of prosecution.*

- o. 24-2560 1282 Mulberry CT - City of Marco Island vs. Mulberry CT LLC and NOVA HOMES of South Florida Inc. - Right of Way

*Testifying for the City: Code Enforcement Officer Sullivan*

*Testifying for the Respondent: No one*

*Magistrate's Order: That the Contractor shall pay a fine of \$250.00 per day from date of violation until compliance is met and \$50.00 for cost of prosecution.*

- p. 24-2474 1650 Heights CT - City of Marco Island vs. Thomas Treutlein - Weeds

*Removed*

- q. 24-2380 1275 Andalusia TERR - City of Marco Island vs. Lawrence Kersten & Rosemary Wilson - Dilapidated Dock

*Testifying for the City: Code Enforcement Officer Muldoon*

*Testifying for the Respondent: No one*

*Magistrate's Order: That the Owner shall pay a one-time fine of \$100.00 and \$50.00 for cost of prosecution. That the Owner has 30 days to apply for permit and 60 days to obtain permit or face a fine of \$100.00 per day until permit is obtained.*

- r. 24-2339 1840 S Inlet DR - City of Marco Island vs. Ralph Esquivel - Work Without a Permit

*Testifying for the City: Code Enforcement Officer Sullivan*

*Testifying for the Respondent: Ralph Esquivel, Owner*

*Magistrate's Order: To be continued to January 28, 2025 Hearing.*

*Meeting went into Recess*

*Meeting reconvened*

- s. 24-2337 1106 Breakwater CT - City of Marco Island vs. Stephen Proctor - Damaged Sidewalk

*Testifying for the City: Code Enforcement Officer Sullivan*

*Testifying for the Respondent: Michelle Proctor, Owner*

*Magistrate's Order: That the Owner shall pay a one-time fine of \$200.00 and \$50.00 for cost of prosecution. That the Owner has 60 days to obtain permit or face a fine of \$100.00 per day until permit is obtained.*

- t. 24-2221 1103 Edington PL- City of Marco Island vs. Michael Muck - Boat Docking Facilities

*Removed*

## **(2) Certification Order**

- u. 24-0910 467 Kendall DR - City of Marco Island vs. Catherine Stites - Certification of Fines

*Testifying for the City: Code Enforcement Officer Leshinger*

*Testifying for the Respondent: No one*

*Magistrate's Order: That the amount of \$17,400.00 is certified.*

## **(3) Mitigation of Fines Request**

## **(4) Adjourn**