

# City of Marco Island Florida

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



## Meeting Minutes - Final

**Tuesday, April 30, 2019**

**10:30 AM**

**Community Room**

## **Code Enforcement Magistrate**

**Special Magistrate Myrnabelle Roche called the City of Marco Island's Code Enforcement Hearing to order at 10:30 A.M.**

**PRESENT:**

*Special Magistrate Myrnabelle Roche  
City Attorney Jose Arango  
Marco Island Police Captain Dave Baer  
Marco Island Police Officer John Derrig*

**COMMUNITY RESOURCE OFFICERS:**

*CSO Christopher Acosta  
CSO Doug Andrews  
CSO Andrew Lindenmuth  
CSO Raymond Lupu  
CSO Neal Manha  
CSO John Sellers*

**CITY STAFF:**

*Planner II Jason Smalley  
Code Enforcement Administrative Assistant, James Deathridge  
Customer Service Manager Michon Jackson  
Recording Specialist, Lisa Smith*

*Special Magistrate Roche advised the public this a quasi-judicial hearing. The cases will be called one by one. Each side will have a chance to present their testimony and the City will go first, then the respondent for the property owner will present their argument.*

*All individuals who presented testimony before the Special Magistrate during these proceeding were sworn in at the beginning of the hearing.*

*(It is noted for the record, there was a change in the order of the agenda, to first hear the cases where a respondent is present but are cases are shown in alphabetical order in the minutes.)*

*Before each case is heard, Code Enforcement Administrative Assistant James Deathridge provides testimony, displays photographs and announces the following:*

- \*his purpose is to provide testimony of the administrative handling of the case*
- \*defense materials have been attached to the case file (if applicable)*
- \*the compliance or non compliance date*
- \*property posted with the violation (photo)*
- \*number of the violation entered into the data base system*
- \*Collier County Property Records were consulted to determine ownership*
- \*letter describing the violation is drafted and sent to the owner via certified or international mail*
- \*for today's proceeding, a notice of hearing was prepared, posted on the property and sent to the owner via certified mail*
- \*affidavit posting is prepared along with the affidavit of the violation, includes facts and circumstances*

*regarding the violation*

*\*list of inspections that have occurred*

*\*a five (5) year profile of violations at the address*

*\*digital history of inspections included for the Magistrate's review, along with the ordinance associated with the case*

*\*calls the Community Service Officer associated with the case to testify*

## **(1) Cases**

- a. City of Marco Island vs. Kimberly M Polley and Duane Thomas Marine Construction LLC - Case # 19-0760 - 787 Hull Ct, Marco Island, FL 34145 - Construction temporary use permits

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 787 Hull Court, Marco Island, Florida 34145. Community Service Officer Raymond Lupu testified. Planner II Jason Smalley also provided testimony. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has not been corrected.*

*For the record, Respondent Nancy Sciog, (Office Manager) testified on behalf of Duane Thomas Marine Construction.*

### **DISPOSITION:**

**Case # 19-0760 - 787 Hull Court, Marco Island, Florida 34145 - Construction Temporary Use Permits. Special Magistrate Roche issued a finding of violation, one time fine of \$500.00 (repeat offender), ten (10) days to correct the violation or face a \$100.00 fine per day until in compliance and \$50.00 administrative costs and fee.**

- b. City of Marco Island vs. JBJ NFA LLC c/o J L Thedford Sr Mgr and Nova Homes of South Florida - Case # 19-0753 - 375 Wales Ct, Marco Island, FL 34145 - Construction temporary use permits

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 375 Wales Court, Marco Island, Florida 34145. Community Service Officer Raymond Lupu testified. Planner II Jason Smalley also provided testimony. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has been corrected.*

*For the record, Respondent was not present.*

### **DISPOSITION:**

**Case # 19-0753 - 375 Wales Court, Marco Island, Florida 34145 - Construction Temporary Use Permits. Special Magistrate Roche issued a finding of violation, one time fine of \$250.00 and \$50.00 administrative cost and fees against the contractor only.**

**It is noted for the record, the Magistrate's order shall have no impact on the property owner and will not become a lien against the owner's property.**

- c. City of Marco Island vs. JBJ NFA LLC c/o J L Thedford Sr Mgr and DSI Marine Construction - Case # 19-0657 - 375 Wales Ct, Marco Island, FL 34145 - Construction temporary use permits

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 375 Wales Court, Marco Island, Florida 34145. Community Service Officer Raymond Lupu testified. Planner II Jason Smalley also provided testimony. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has been corrected.*

*For the record, Respondent was not present.*

**DISPOSITION:**

**Case # 19-0657 - 375 Wales Court, Marco Island, Florida 34145 - Construction Temporary Use Permits. Special Magistrate Roche issued a finding of violation, one time fine of \$500.00 (repeat offender) and \$50.00 administrative cost and fees.**

**It is noted for the record, the Magistrate's order shall have no impact on the property owner and will not become a lien against the owner's property.**

- d. City of Marco Island vs. J H Williams Oil Co Inc - Case # 19-0628 - 1095 N Collier Blvd, Marco Island, FL 34145 - Litter and Debris, Public Nuisance

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 1479 Caxambas Court, Marco Island, Florida 34145. Community Service Officer Neal Manha testified. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has not been corrected.*

*For the record, Respondent (Store Manager-Zac) testified on his own behalf,*

**DISPOSITION:**

**Case # 19-0628 - 1095 North Collier Boulevard, Marco Island, Florida 34145 - Litter and Debris, Public Nuisance. Special Magistrate Roche issued a finding of violation, no fine, ten (10) days to correct the violation or face a \$100.00 fine per day until in compliance and \$50.00 administrative cost and fees.**

- e. City of Marco Island vs. H Mohaghegh Rev Tr & E Mohaghegh Rev Tr and Imperial Marine Construction - Case # 19-0754 - 1721 Ludlow Rd, Marco Island, FL 34145 - Construction temporary use permits

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 1721 Ludlow Road, Marco Island, Florida 34145. Community Service Officer John Sellers testified. Planner II Jason Smalley also provided testimony. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has not been corrected.*

*For the record, Respondent was not present.*

**DISPOSITION:**

**Case # 19-0754 - 1721 Ludlow Road, Marco Island, FL 34145 - Construction Temporary Use Permits. Special Magistrate Roche issued a finding of violation, one time fine of \$500.00, seven (7) days to correct the violation or face a fine of \$100.00 per day until in compliance and \$50.00 administrative cost and fees.**

- f. City of Marco Island vs. Roger G Andrzejewski and Duane Thomas Marine Construction LLC - Case # 19-0660 - 171 Post Ct, Marco Island, FL 34145 - Construction temporary use permits

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 171 Post Court, Marco Island, Florida 34145. Community Service Officer John Sellers testified. Planner II Jason Smalley also provided testimony. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has been corrected.*

*For the record, Respondent Nancy Siag (Officer Manager) testified on behalf of Duane Thomas Marine Constructionl.*

**DISPOSITION:**

**Case # 19-0660 - 171 Post Court, Marco Island, FL 34145 - Construction Temporary Use Permits. Special Magistrate Roche issued a finding of violation, one time fine of \$500.00 (Repeat Offender) and \$50.00 administrative cost and fees against the contractor only.**

**It is noted for the record, the Magistrate's order shall have no impact on the property owner and will not become a lien against the owner's property.**

- g. City of Marco Island vs. Denis & Ana Limo-Magras and Nova Homes of South Florida - Case # 19-0594 - 149 Saxon St, Marco Island, FL 34145 - Illicit/Illegal discharges

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 149 Saxon Street, Marco Island, Florida 34145. Community Service Officer John Sellers testified. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has been corrected.*

*For the record, Respondent was not present.*

**DISPOSITION:**

**Case # 19-0594 - 149 Saxon Street, Marco Island, Florida 34145 - Illicit/Illegal Discharges. Special Magistrate Roche issued a finding of violation, one time fine of \$250.00 and \$50.00 administrative cost and fees.**

- h. City of Marco Island vs. B & B Model Investments LLC and Duane Thomas Marine Construction LLC - Case # 19-0548 - 1389 N Collier Blvd, Marco Island, FL 34145 - No Building Permit

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 1389 North Collier Boulevard, Marco Island, Florida 34145. Community Service Officer John Sellers testified. Chief Building Official Raul Perez and Planner II Jason Smalley also provided testimony. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has not been corrected.*

*For the record, Respondent Nancy Sciog (Office Manager) testified on behalf of Duane Thomas Marine Construction.*

**DISPOSITION:**

**Case # 19-0548 - 1389 North Collier Boulevard, Marco Island, Florida 34145 - No Building Permit. Special Magistrate Roche issued a finding of violation, one time fine of \$150.00 (Repeat Offender), thirty (30) days to correct the violation or face a fine of \$100.00 per day until in compliance and \$50.00 administrative cost and fees.**

**It is noted for the record, the Magistrate's order shall have no impact on the property owner and will not become a lien against the owner's property.**

- i. City of Marco Island vs. Frank R & Sandra L Recker - Case # 19-0253 - 1840 S Inlet Dr, Marco Island, FL 34145 - Litter and Debris, Public Nuisance, Fences and Walls

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 1840 South Inlet Drive, Marco Island, Florida 34145. Marco Island Police Captain Dave Baer testified on behalf of Community Service Officer Frank Coto. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has not been corrected.*

*For the record, Respondent was not present.*

**DISPOSITION:**

**Case # 19-0253 - 1840 South Inlet Drive, Marco Island, Florida 34145 - Litter and Debris, Public Nuisance, Fences and Walls. Special Magistrate Roche issued a finding of violation, no fine, fourteen (14) to correct the litter violation, twenty-one (21) days to correct the other two (2) violations or face a fine of \$100.00 per day per violation until in compliance and \$50.00 administrative cost and fees.**

- j. City of Marco Island vs. Kathleen M Kottka Rev Trust and Fabri-Tech Screen Enclosures - Case # 19-0731 - 876 San Marco Rd, Marco Island, FL 34145 - No Building Permit

**THis case was removed from the agenda.**

- k. City of Marco Island vs. Bayshore Marco Island LLC - Case # 19-0324 - 682 6th Ave, Marco Island, FL 34145 - Debris and Abandoned Property

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 682 6th Avenue, Marco Island, Florida 34145. Marco Island Police Captain Dave Baer testified on behalf of Community Service Officer Christopher Acosta. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has not been corrected.*

*For the record, Respondent was not present.*

**DISPOSITION:**

**Case # 19-0324 - 682 6th Avenue, Marco Island, FL 34145 - Debris and Abandoned Property. Special Magistrate Roche issued a finding of violation, one time fine of \$30.00 (Repeat Offender), fourteen (14) days to correct the violation or face a fine of \$100.00 per day until in compliance and \$50.00 administrative cost and fees.**

- l. City of Marco Island vs. James Stewart MacLeod & Jo Deanne McRae - Case # 19-0317 - 527 Bradford Ct, Marco Island, FL 34145 - Public Nuisance Pool, Technical Specification for Seawalls and Revetments

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 527 Bradford Court, Marco Island, Florida 34145. Community Service Officer Christopher Acosta testified. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has not been corrected.*

*For the record, Respondent (Jodi Ann Compton-property owner) testified on her own behalf.*

**DISPOSITION:**

**Case # 19-0317 - 527 Bradford Court, Marco Island, Florida 34145 - Public Nuisance Pool, Technical Specification for Seawalls and Revetments. Special Magistrate Roche issued a finding of violation, no fine, thirty (30) days to conduct an inspection or face a fine of \$100.00 per day until in compliance.**

- m. City of Marco Island vs. Peloquin Living Trust - Case # 19-0423 - 1748 Granada Dr, Marco Island, FL 34145 - Right of Way Obstruction

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 1748 Granada Drive, Marco Island, Florida 34145. Community Service Officer John Sellers testified on behalf of Community Service Officer Anthony Delucia. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has been*

*corrected.*

*For the record, Respondent was not present.*

**DISPOSITION:**

**Case # 19-0423 - 1748 Granada Drive, Marco Island, Florida 34145 - Right of Way Obstruction. Special Magistrate Roche issued a finding of violation, one time fine of \$300.00 (Repeat Offender) and \$50.00 administrative cost and fees.**

- n. City of Marco Island vs. Donald & Dana Bruce and Shoreline Building Company LLC - Case # 19-0743 - 393 Century Dr, Marco Island, FL 34145 - Construction temporary use permits

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 393 Century Drive, Marco Island, Florida 34145. Community Service Officer Andrew Lindenmuth testified. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has been corrected.*

*For the record, Respondent Nicholas Taylor (Representing the contractor) testified on behalf of Shoreline Building Company.*

**DISPOSITION:**

**Case # 19-0743 - 393 Century Drive, Marco Island, Florida 34145 - Construction Temporary Use Permits. Special Magistrate Roche issued a finding of violation, one time fine of \$100.00 and \$50.00 administrative cost and fees against the contractor only.**

- o. City of Marco Island vs. Robert & Vicki Thebeau and Oakbrook Homes Inc - Case # 19-0812 - 846 Elm Ct, Marco Island, FL 34145 - Protection and Taking Procedures

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 846 Elm Court, Marco Island, Florida 34145. Community Service Officer Raymond Lupu testified. Ms. Nancy Richie (Owner of Island Environmental and Marine Services) also provided testimony. There were no witnesses present. Photos and documents were submitted into evidence. To date the violation has been corrected.*

*For the record, Respondent Ed Galli (Owner of Oakbrook Homes) and John Akunto (Landscaper) each testified on their own behalf.*

**DISPOSITION:**

**Case # 19-0812 - 846 Elm Court, Marco Island, Florida 34145 - Protection and Taking Procedures. Special Magistrate Roche issued a finding of violation, \$250.00 fine against both parties and \$50.00 administrative cost and fees against both parties.**

**It is noted for the record, the Magistrate's order shall have no impact on the property owner and will not become a lien against the owner's property.**

**(2) Certification Order**

p. City of Marco Island vs. Maximilian Trost Tr Maximilian Trost Rev/Tr UTD 3/7/91 - Case # 18-1877C - 510 S Barfield Dr, Marco Island, FL 34145 - Order Imposing Municipal Code Enforcement Lien and Administrative Fine

*p. City of Marco Island vs. Maximilian Trost Tr Maximilian Trost Rev/Tr UTD 3/7/91 - Case # 18-1877C - 510 S Barfield Dr, Marco Island, FL 34145 - Order Imposing Municipal Code Enforcement Lien and Administrative Fine*

*JD presented the case 2/26/19 first heard - invoice sent 200.00 - non deliverable - unable to contact the owner - property is complt ..*

*no respondent*

*disp : finding of violation - magistrate 3/19 ..not complied with .. 150.fine and 50 fee .. certify order dated march 15 2019 in the amount of 200 ..*

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

q. City of Marco Island vs. Steven E Jalowiec Rev Trust - Case # 16-0343M - 490 Driftwood Ct, Marco Island, FL 34145 - Request for Mitigation of Fine As Agreed by Parties

*Code Enforcement Administrative Assistant James Deathridge presented the case detailing the City code violation at 490 Driftwood Court. He noted the case was first heard on September 27, 2016. The fines and fees have been recently calculated and the parties have entered into an agreement regarding mitigation.*

*For the record, Respondent Neil Scheinder (Attorney) testified on behalf of Steven Jalowiec Trust.*

#### **DISPOSITION:**

**Case # 16-0343M - 490 Driftwood Court, Marco Island, Florida 34145 - Request for Mitigation of Fine As Agreed by Parties. Special Magistrate Roche granted the agreement stipulation by both parties, the fines related to this case are reduced to \$5,500.00 payable within thirty (30) days otherwise it reverts back to the original amount.**

### **(4) Adjourn**

*There being no further business to come before the Magistrate, the meeting adjourned at 1:08 P.M.*