

City of Marco Island Florida

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



Meeting Minutes - Final-revised

Tuesday, July 28, 2020

10:30 AM

Community Room

Code Enforcement Magistrate

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

PRESENT:

*Special Magistrate Myrnabelle Roche
City Attorney Joseph Natiello
Marco Island Police Captain David Baer*

POLICE OFFICERS:

*Sergeant Zachary Kirsch
Officer Joseph Belardo
Officer Edward Carey
Officer Will Prigge*

COMMUNITY SERVICE OFFICERS:

*Douglas Andrews
John Kovacs
Andrew Lindenmuth
Keith Richter*

OTHER CITY STAFF:

*Customer Service Manager Michon Jackson
Live Meeting Recording Specialist Kare Hayman*

Special Magistrate Roche advised the public that this is a quasi-judicial hearing. The cases are called and heard sequentially. Each party has the opportunity to present its testimony, with the City going first. The Respondent for the property owner follows with his / her testimony.

All individuals intending to provide testimony before the Special Magistrate during these proceedings were sworn in at the beginning of the hearing.

(It is noted for the record that the cases were not heard in the order listed in these Minutes. Rather, cases where a Respondent was present were heard first. The Minutes are presented in the order in which the cases were listed in the Agenda)

As each case was brought forward, Police Captain David Baer (or the appropriate Community Service Officer) provided testimony, displayed photographs and communicated the following:

- * Testimony regarding the administrative handling of the case*
- * Defense materials that have been attached to the case (if applicable)*
- * The date(s) of the observed non compliance*

- * A photo of the property posted with the violation
- * The number of the violation entered into the record system database
- * Collier County property records consulted to determine ownership
- * The letter describing the violation that was sent to the owner via certified or international mail
- * The affidavit posting, along with the affidavit of the violation, which includes facts and circumstances regarding the violation
- * A list of the inspections that have occurred
- * A five-year look-back of all violations recorded at the address
- * A digital record of all inspections is included for the Magistrate's review, along with the Ordinance(s) associated with the case

(1) Cases

- a. City of Marco Island vs. Madeira on Marco Island and Caloosa Site Development and RR Restoration of Georgia LLC – Case # 19-1720 – 350 S Collier Blvd Marco Island, FL 34145 – Construction Temporary Use Permits (Dismissed by City on 7/31/19), Wheeled Vehicles, Dune Protection, Landscape Certification

Status update. Zachary Heiman, attorney for RR Restoration requested to be removed from the case or not be required to attend status update hearings. Magistrate denied request to be removed from case, approved request to not attend future hearings. Caleb Pringle attorney for Madeira provided updates. Magistrate required next status update for September 2020.

- b. City of Marco Island vs. Paul & Deborah Dittman – Case # 20-0052 – 1280 Laurel Ct, Marco Island, FL 34145 – Public Nuisance

*Testifying for the Respondent: Deborah Dittman, Property Owner
Testifying for the City: CSO John Kovacs
See Magistrate Orders to Follow:*

- c. City of Marco Island vs. Ralph J & Deborah Lynne Gossert Larson and RK Reiman Construction Inc – Case # 20-0075 – 278 Capistrano Ct, Marco Island, FL 34145 – Stormwater pollution prevention for construction

*Testifying for the Respondent: Cheri Bass, Office Manager, RK Reiman Construction, Inc.
Testifying for the City: CSO Douglas Andrews
See Magistrate Orders to Follow:*

- d. City of Marco Island vs. Ralph & Lisa Valvano – Case # 20-0565 – 434 Tarpon Ct, Marco Island, FL 34145 – Public Nuisance

*Testifying for the Respondent: No one
Testifying for the City: CSO Douglas Andrews, Environmental Planner Tonia Selmeski, Captain Dave Baer
See Magistrate Orders to Follow:*

- e. City of Marco Island vs. Ruth Polise – Case # 20-0687 – 2052 Sheffield Ave, Marco Island, FL 34145 – Right of Way Obstruction

Testifying for the Respondent: No one

Testifying for the City: Captain David Baer on behalf of CSO Anthony DeLucia

See Magistrate Orders to Follow:

- f. City of Marco Island vs. William I Carlson – Case # 20-0724 – 1255 San Marco Rd, Marco Island, FL 34145 – Litter & Debris

Testifying for the Respondent: William Carlson, Property Owner

Testifying for the City: CSO Douglas Andrews

See Magistrate Orders to Follow:

- g. City of Marco Island vs. Brandon Anthony Lanhardt – Case # 20-0865 – E Elkcam Cir, Marco Island, FL 34145 – Abandoned or Derelict Vehicle

Testifying for the Respondent: No one

Testifying for the City: CSO Keith Richter for CSO Anthony DeLucia

See Magistrate Orders to Follow:

- h. City of Marco Island vs. Roebert Family USA Rev Trust and Prime Contractors & Assoc Inc – APM – Case # 20-0950 – 826 Banyan Ct, Marco Island, FL 34145 – Stormwater pollution prevention for construction

Testifying for the Respondent: Todd Schneider, Builder, APM Homes

Testifying for the City: CSO John Kovacs

See Magistrate Orders to Follow:

- i. City of Marco Island vs. Gary Reubel and Blue Marlin Marine Construction & Services Inc – Case # 20-0963 – 1730 Hummingbird Ct, Marco Island, FL 34145 – Stormwater pollution prevention for construction

Testifying for the Respondent: (Name not recognized), Owner, Blue Marlin Marine Construction

Testifying for the City: CSO John Kovacs

See Magistrate Orders to Follow:

- j. City of Marco Island vs. Rato International Inc – Case # 20-0967 – 140 Seaview Ct Unit 1706-N, Marco Island, FL 34145 – No Building Permit

Testifying for the Respondent: Karla Thurkettle, General Manager, Admiralty House Condominium

Testifying for the City: Captain David Baer for CSO Lupo

See Magistrate Orders to Follow:

(NOTE: The Magistrate called for a five minute recess at the conclusion of this case)

- k. City of Marco Island vs. 75 Landmark LLC and APM Homes – Case # 20-0974 – 75 Landmark St, Marco Island, FL 34145 – Stormwater pollution prevention for construction

Testifying for the Respondent: No one

Testifying for the City: CSO John Kovacs

See Magistrate Orders to Follow:

l. City of Marco Island vs. South Seas West Condo Assoc Tower 1 – Case # 20-1021 – 260 Seaview Ct, Marco Island, FL 34145 – Sea Turtle Protection

Testifying for the Respondent: No one

Testifying for the City: CSO Andrew Lindenmuth

See Magistrate Orders to Follow:

m. City of Marco Island vs. South Seas West Condo Assoc – Case # 20-1020 – 320 Seaview Ct, Marco Island, FL 34145 – Sea Turtle Protection

Testifying for the Respondent: Katherine Gorman on behalf of South Seas West

Testifying for the City: CSO Andrew Lindenmuth

See Magistrate Orders to Follow:

n. City of Marco Island vs. South Seas Northwest Condominium Tower 3 – Case # 20-1037 – 380 Seaview Ct, Marco Island, FL 34145 – Sea Turtle Protection

Testifying for the Respondent: Kimberly (last name unknown), Property Manager, South Seas Northwest Condominiums

Testifying for the City: CSO Andrew Lindenmuth

See Magistrate Orders to Follow:

o. City of Marco Island vs. Admiralty House – Case # 20-1033 – 140 Seaview Ct, Marco Island, FL 34145 – Sea Turtle Protection

Testifying for the Respondent: Karla Thurkettle, General Manager, Admiralty House

Testifying for the City: CSO Andrew Lindenmuth

See Magistrate Orders to Follow:

p. City of Marco Island vs. Tradewinds Condo Assoc- Case # 20-1030 – 180 Seaview Ct, Marco Island, FL 34145 – Sea Turtle Protection

Testifying for the Respondent: Samantha Castro, Property Manager, Tradewinds Condominium

Testifying for the City: CSO Andrew Lindenmuth

See Magistrate Orders to Follow:

q. City of Marco Island vs. Tradewinds Condo Assoc – Case # 20-1029 – 180 Seaview Ct, Marco Island, FL 34145 – Sea Turtle Protection

Testifying for the Respondent: Samantha Castro, Property Manager, Tradewinds Condominium

Testifying for the City: CSO Andrew Lindenmuth

See Magistrate Orders to Follow:

r. City of Marco Island vs. Tradewinds Condo Assoc – Case # 20-1028 – 180 Seaview Ct, Marco Island, FL 34145 – Sea Turtle Protection

Testifying for the Respondent: Samantha Castro, Property Manager, Tradewinds Condominium

Testifying for the City: CSO Andrew Lindenmuth

See Magistrate Orders to Follow:

s. City of Marco Island vs. Crescent Beach Condo Assoc – Case # 20-1026 – 100 N Collier Blvd, Marco Island, FL 34145 – Sea Turtle Protection

Testifying for the Respondent: No one

Testifying for the City: CSO Andrew Lindenmuth

See Magistrate Orders to Follow:

- t. City of Marco Island vs. South Seas Tower 4 – Case # 20-1023 – 440 Seaview Ct, Marco Island, FL 34145 – Sea Turtle Protection

Testifying for the Respondent: No one

Testifying for the City: CSO Andrew Lindenmuth

See Magistrate Orders to Follow:

- u. City of Marco Island vs. 560 Seagrape LLC – Case # 20-1031 – 560 Seagrape Dr, Marco Island, FL 34145 – Noise General

Testifying for the Respondent: No one

Testifying for the City: Captain David Baer for Police Officer Reyes

See Magistrate Orders to Follow:

- v. City of Marco Island vs. Jamie Sugar and A Plus Construction Group Inc – Case # 20-1035 – 249 Marquesas Ct, Marco Island, FL 34145 – Construction temporary use permits

Testifying for the Respondent: No one

Testifying for the City: Captain CSO John Kovacs

See Magistrate Orders to Follow:

- w. City of Marco Island vs. Femino Family Investment Trust and A Plus Construction Group Inc – Case # 20-1036 – 259 Marquesas Ct, Marco Island, FL 34145 – Construction temporary use permits

Testifying for the Respondent: No one

Testifying for the City: Captain CSO John Kovacs

See Magistrate Orders to Follow:

- x. City of Marco Island vs. Maria Jenith Norena – Case # 20-0749 – Citation No. X 1258 – Prohibited Parking

Testifying for the Respondent: No one

Testifying for the City: CSO Keith Richter for Police Officer Edward Kelly

See Magistrate Orders to Follow:

- y. City of Marco Island vs. Lea Gamble – Case # 20-0811 – Citation No. MI 326 – Prohibited Glass Containers on Beach

Testifying for the Respondent: No one

Testifying for the City: Police Officer Edward Carey

See Magistrate Orders to Follow:

- z. City of Marco Island vs. Gabriel Humberts Gonzalez – Case # 20-0812 – Citation No. MI 327 – Prohibited Glass Containers on Beach

Testifying for the Respondent: No one

Testifying for the City: Captain David Baer for Police Officer DeVito

See Magistrate Orders to Follow:

- Z. (2) City of Marco Island vs. Robert A & Diane F Zinkiewicz - Case # 20-0892 - 1173 Bond Ct., Marco Island, FL 34145 - Public Nuisance

Testifying for the Respondent: No one
Testifying for the City: CSO Keith Richter
See Magistrate Orders to Follow:

- aa. City of Marco Island vs. Mariana Rivera – Case # 20-0813 – Citation No. MI 329 – Prohibited Glass Containers on Beach

Testifying for the Respondent: No one
Testifying for the City: Police Officer Edward Carey
See Magistrate Orders to Follow:

- bb. City of Marco Island vs. Dragan Dubak – Case # 20-0827 – Citation No. MI 232 – Noise Citation

Testifying for the Respondent: No one
Testifying for the City: Police Officer Joseph Belardo
See Magistrate Orders to Follow:

- cc. City of Marco Island vs. Jeffrey Reiland – Case # 20-0828 – Citation No. X 2372 – Prohibited Parking

Testifying for the Respondent: No one
Testifying for the City: Police Officer Zachary Kirsch
See Magistrate Orders to Follow:

- dd. City of Marco Island vs. Jorge Wis Ricovrie Lora – Case# 20-0850 – Citation No. MI 222 – Prohibited Glass Containers on Beach

Testifying for the Respondent: Jorge Wis Rocovrie Lora
Testifying for the City: Captain David Baer on behalf of Police Officer Matt Gallop
See Magistrate Orders to Follow:

- ee. City of Marco Island vs. Brenda Mercedes Palocio – Case # 20-0977 – Citation No. MI 169 – Prohibited Glass Containers on Beach

Case withdrawn by the City.

- ff. City of Marco Island vs. Annette Marie Alfonso – Case # 20-0891 – Citation No. MI 173

The Magistrate granted Continuance on this case.

- gg. City of Marco Island vs. Jennifer Lovestrand – Case # 20-0982 – Citation No. MI 174 – Prohibited Glass Containers on Beach

Case was withdrawn by the City.

- hh. City of Marco Island vs. Claudia Elena Salaverria – Case # 20-0983 – Citation No. MI 175 – Prohibited Glass Containers on Beach

Testifying for the Respondent: No one
Testifying for the City: Police Officer Will Prigge
See Magistrate Orders to Follow:

- ii. City of Marco Island vs. Alexander Ramon Lezama – Case # 20-0984 – Citation No. MI 176 – Prohibited Glass Containers on Beach

Testifying for the Respondent: No one

Testifying for the City: Police Officer Will Prigge

See Magistrate Orders to Follow:

- jj. City of Marco Island vs. Keila Fabiola Boscan Ramirez – Case # 20-0985 – Citation No. MI 177A – Prohibited Glass Containers on Beach

Testifying for the Respondent: Keila Fabiola Boscan Ramirez

Testifying for the City: Police Officer Will Prigge and CSO Douglas Andrews

See Magistrate Orders to Follow:

- kk. City of Marco Island vs. Julio Leganoa – Case # 20-0986 – Citation No. MI 177B – Prohibited Glass Containers on Beach

Testifying for the Respondent: No one

Testifying for the City: Police Officer Will Prigge

See Magistrate Orders to Follow:

- ll. City of Marco Island vs. Oscar Padron Gonzalez – Case # 20-0988 – Citation No. MI 179 – Prohibited Glass Containers on Beach

Testifying for the Respondent: No one

Testifying for the City: Police Officer Will Prigge

See Magistrate Orders to Follow:

- mm. City of Marco Island vs. Dalton Davide Lopez Gusnche – Case # 20-0989 – Citation No. MI 180 – Prohibited Glass Containers on Beach

Testifying for the Respondent: No one

Testifying for the City: Police Officer Will Prigge

See Magistrate Orders to Follow:

- nn. City of Marco Island vs. Khalisha Brewton – Case # 20-1014 – Citation No. X 2373 – Prohibited Parking

Testifying for the Respondent: No one

Testifying for the City: Police Sergeant Zachary Kirsch

See Magistrate Orders to Follow:

(2) Certification Order

None

(3) Mitigation of Fines Request

- oo. City of Marco Island vs. Dean Rock - Case # 18-0736 - 1800 Woodbine Ct, Marco Island, FL 34145 - Request for Mitigation of Fines

Testifying for the Respondent: Dean Rock

Testifying for the City: Captain David Baer

See Magistrate Orders to Follow:

pp. City of Marco Island vs. Dean Rock - Case # 18-0631 - 1800 Woodbine Ct., Marco Island, FL 34145 - Request for Mitigation of Fines

Testifying for the Respondent: Dean Rock

Testifying for the City: Captain David Baer

See Magistrate Orders to Follow:

(4) Code Enforcement Magistrate Orders

Case #

19-1720 MADIERA, CALOOSA & RR, 350 S COLLIER

DECISION: CONTINUANCE UNTIL SEPTEMBER 2020 MEETING

20-0052 DITTMAN, 1280 LAUREL CT

DECISION: \$250 FINE, 30 DAYS FOR DEMO PERMIT, 90 DAYS TO COMPLETE WORK, OR \$100/DAY, W/I 30-DAYS REMOVE ALL PROJECTILES FROM ROOF, PLUS \$50 ADMINISTRATIVE FEE

20-0075 GOSSERT & RK REIMAN, 278 CAPISTRANO CT

DECISION: \$100 FINE - CONTRACTOR ONLY, PLUS \$50 ADMINISTRATIVE FEE

20-0565 VILVANO, 434 TARPON CT

DECISION: \$250 FINE, PLUS \$50 ADMINSTRATIVE FEE. 30 DAYS FOR PERMIT OR \$250/DAY. DUE TO THE HEALTH & SAFETY CONCERNS, THE CITY IS ALLOWED TO ENTER AFTER THE 30 DAYS TO REMEDY & BILL COSTS TO THE HOMEOWNER. THIS RULING IS TO BE RECORDED TO ENSURE THAT ANY FUTURE PROSPECTIVE OWNER(S) ARE ADVISED OF THE CONDITION OF THE PROPERTY.

20-0687 POLISE, 2052 SHEFFIELD AVE

DECISION: \$150 FINE, PLUS \$50 ADMINISTRATIVE FEE; COMPLY W/I 10 DAY OR \$100/DAY, CITY TO ENTER W/I 14 DAYS & CORRECT AT HOMEOWNERS EXPENSE

20-0724 CARLSON, 1255 SAN MARCO RD

DECISION: \$50 FINE, PLUS \$50 ADMINISTRATIVE FEE; COMPLY W/I 30 DAYS OR FINE INCREASES TO \$100/DAY

20-0865 LANHARDT, E ELKCAM CIR

DECISION: \$100 FINE, PLUS \$50 ADMINISTRATIVE FEE; COMPLY W/I 3 DAYS OR \$100/DAY

20-0950 ROEBERT, PRIME CONTRACTORS/APM, 826 BANYON CT

DECISION: \$100 FINE, CONTRACTOR ONLY, AND \$50 ADMINISTRATIVE FEE

20-0963 REUBEL & BLUE MARLIN, 1730 HUMMINGBIRD CT

DECISION: \$50 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0967 RATO INT'L, 140 SEAVIEW CT #1706

DECISION: \$250 FINE, PLUS \$50 ADMINISTRATIVE FEE & COME INTO COMPLIANCE W/I 30 DAY OR \$250/DAY

20-0974 75 LANDMARK & APM HOMES, 75 LANDMARK ST

DECISION: \$100 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-1021 SOUTH SEAS-TOWER 1, 260 SEAVIEW CT

DECISION: \$500 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-1020 SOUTH SEAS WEST, 320 SEAVIEW CT

DECISION: \$500 FINE, PLUS ADMINISTRATIVE FEE

20-1034/7 SOUTH SEAS -TOWER 3, 380 SEAVIEW CT

DECISION: \$500 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-1033 ADMIRALITY HOUSE, 140 SEAVIEW CT

DECISION: \$500 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-1030 TRADEWINDS, 180 SEAVIEW CT

DECISION: \$250 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-1029 TRADEWINDS, 180 SEAVIEW CT

DECISION: \$250 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-1028 TRADEWINDS, 180 SEAVIEW CT

DECISION: \$500 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-1026 CRESCENT BEACH, 100 N COLLIER BLVD

DECISION: \$500 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-1023 SOUTH SEAS-TOWER 4, 440 SEAVIEW CT

DECISION: \$500 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-1031 560 SEAGRAPE LLC, 560 SEAGRAPE DR

DECISION: \$250 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-1035 SUGAR & A PLUS CONST, 249 MARQUESAS CT

DECISION: \$100 FINE EACH TO OWNER & CONTRACTOR & BOTH TO PAY \$50 IN ADMINISTRATIVE FEES

20-1036 FEMINO & A PLUS CONST, 259 MARQUESAS CT

DECISION: \$100 FINE EACH TO OWNER & CONTRACTOR & BOTH TO PAY \$50 IN ADMINISTRATIVE FEES

20-0749 NORENA - X1258

DECISION: \$95 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0811 GAMBLE, 326

DECISION: \$200 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0812 GONZALEZ, 327

DECISION: \$200 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0892 ZINKEVICZ, 1173 BOND CT

DECISION: \$250 FINE, PLUS \$50 ADMINISTRATIVE FEE; COMPLY W/I 30 DAYS OR \$250/DAY, HEALTH & SAFETY ISSUE - CITY AUTHORIZED TO ENTER & CORRECT W/I 60 DAYS & CHARGE OWNER

20-0813 RIVERA, 329

DECISION: \$200 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0827 DUBAK, 232

DECISION: \$250 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0828 REILAND, X2372

DECISION: \$200 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0850 LORA, 222

DECISION: \$200 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0977 PALOCIO, 169

CASE WITHDRAWN BY THE CITY

20-0981 ALFONZO, 173

DECISION: CONTINUANCE

20-0982 LOVESTRAND, 174

CASE WITHDRAWN BY THE CITY

20-0983 SALAVERRIA, 175

DECISION: \$200 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0984 LEZAMA, 176

DECISION: \$200 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0985 RAMIREZ, 177A

DECISION: \$200 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0986 LEGANOVA, 177B

DECISION: \$200 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0988 GONZALEZ, 179

DECISION: \$200 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-0989 GUSNCHE, 180 X

DECISION: \$200 FINE, PLUS \$50 ADMINISTRATIVE FEE

20-1014 BREWTON, X2373

DECISION: \$95 FINE, PLUS \$50 ADMINISTRATIVE FEE

18-0736 & 18-0631 ROCK

DECISION BOTH CASES CLOSED FOR \$2,000 STIPULATED AGREEMENT W/I 30-DAYS OR FULL AMOUNT DUE

(5) Adjourn

There being no further cases before the Magistrate, the Hearing adjourned at 1:53 P.M.