

City of Marco Island Florida

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



Meeting Minutes - Final

Tuesday, June 29, 2021

10:30 AM

Community Room

Code Enforcement Magistrate

(1) Cases

- a. Case # 19-0964 - 2040 Sheffield Ave - City of Marco Island v. Marilyn & Seth A Taylor- Right of Way Sidewalk

Continued.

- b. Case # 21-0327- 260 Marquesas Ct- City of Marco Island v. Peter J Holler Revocable Trust C/O Diane Wojtaszek- Failed Seawall

Testifying for the City, Community Service Officer Frank Coto stated that he posted a notice of violation on the property known as 260 Marquesas CT for a failed seawall on 2/10/2021. As of now, the property has been sold and new owners have applied for 3 permits. None of the permits are for the seawall. The utilities have been changed, however, the property appraiser still lists the Peter J Holler Revocable Trust as the owner. The Magistrate imposed a one-time fine of 250 dollars as well as administrative fees in the amount of fifty dollars. She also ordered that the property owner shall have 90 days to apply for the permit, 120 days to obtain the permit, and the lifetime of the permit to complete the work. If the property owner does not comply within the provided time, he/she shall face a per diem fine of \$100 until the violation is corrected. She also ordered that the City shall record this order in the official records of Collier County.

- c. Case # 21-0459- 482 Balsam Ct- City of Marco Island v. James R Tessmer Family Trust and Imperial Marine Construction- Protection and Permitting Procedures

Dismissed.

- d. Case # 21-0483- 482 Pepperwood Ct.- City of Marco Island v. Lynn Varie- No Building Permit

Testifying for the City, MIPD Captain David Baer stated that the City and the owner want to enter a stipulated agreement for a 250 dollar fine and 50 dollars in fees. The Magistrate approved the agreement, ordering a \$250 one-time fine and a \$50 administrative fee.

- e. Case # 21-0509- 1062 Hartley Ave.- City of Marco Island v. Marco Manor Club Condominiums- Noise General

Testifying for the City, Community Service Officer Frank Coto stated that on 3/23/2021, he was dispatched to 1062 Hartley Avenue. He established that this address is in a condominium complex, and stated that upon arrival, he found a pile of abandoned furniture including a mattress and box spring. After seeing this, he posted a notice of violation for litter and debris on the property. On the notice of violation CSO Coto also mistakenly also checked noise but that was dismissed as an accident. He stated that upon multiple reinspections, he found that the pile of abandoned furniture continued to grow, and is still not in compliance. The Magistrate ordered that the property owners shall pay a one time fine of \$250 plus a \$50 administrative fee, and that they shall have 3 days to come into compliance or otherwise face a per diem fine of \$100. She also ordered that the City may have permission to enter the property to correct the violation if not fixed within the allotted time at the expense of the property owner.

- f. Case # 21-0628- 825 Bald Eagle Dr.- City of Marco Island v. Centro MM LLC- Litter and Debris

Testifying for the City, Community Service Officer Frank Coto stated that he and supervisor Keith Richter were dispatched to the address upon a citizen complaint on 4/7/2021. Upon arrival they found

overgrown weeds in the swale and litter and debris strewn about the property. Upon the most recently conducted re-inspection, CSO Coto found that the property still has not come into compliance. The Magistrate imposed a one-time fine of 50 dollars as well as a 50 dollar administrative fee. She also ordered that the property owners shall have 7 days to comply or face a fine of 100 dollars per day..

g. Case # 21-0647- 1271 Orange Ct. - City of Marco Island v. 1271 Orange Ct LLC and Earth Works of Naples- Stormwater Pollution Prevention for Construction

Testifying for the City, Community Service Officer Ira Warder stated that he posted a notice of violation at 1271 Orange Ct upon noticing a lack of erosion control. Upon a re-inspection of the property, CSO Warder found that the contractor established a silt fence and the property is now in compliance. The Magistrate imposed a one-time fine of 100 dollars as well as a 50 dollar administrative fee.

h. Case # 21-0674- 458 Capri Ct.- City of Marco Island v. Jorge E & Beatriz Lopez- General Noise Prohibitions

Testifying for the city, Community Service Officer Keith Richter stated that on 4/19/2021, MIPD Officer McElroy was dispatched to the address known as 458 Capri Ct twice in one night. He first arrived at the property at 8:56 PM, and issued a warning. He was dispatched again at 11:04, where he issued a citation. The Magistrate imposed a one time fine of 250 dollars as well as fees in the amount of fifty dollars.

i. Case # 21- 0683- 435 Kendall Dr.- City of Marco Island v. Matthew Brian & Teresa Ann White- General Noise Prohibitions

Testifying for the City, Community Service Officer Keith Richter stated that this was a noise case and that MIPD Officers were dispatched to the cited address on 4/24/2021. The noise complaint was deemed valid. The Magistrate imposed a one-time fine of 250 dollars as well as a fifty dollar fee.

j. Case # 21-0690- 100 Templewood Ct.- City of Marco Island v. William E & Laurie A Johnson and All Building and Maintenance LLC- Stormwater Pollution Prevention for Construction

Testifying for the City, Community Service Officer Ira Warder stated that he posted a notice of violation on the property known as 100 Templewood Ct. on 4/18/2021 upon finding code violations for a lack of erosion control and construction site litter. He showed documents and photos from the case file. CSO Warder returned to the property on 5/16/21, finding that the silt fence was fixed, but there was still some litter. When he returned again to post the NOH, he found the silt fence down again, making them not in compliance. the Magistrate said to deem the first violation compliant and issue a new violation for the second collapsed silt fence. For this case, the Magistrate imposed a one-time fine of \$50 for the silt fence, another one-time fine of \$50 for the debris as well as fifty dollars in administrative fees towards the contractor only.

k. Case # 21-0691- 263 Polynesia Ct.- City of Marco Island v. Robert Flugger Trust and Duane Thomas Marine - Stormwater Pollution Prevention for Construction

Testifying for the City, Community Service Officer Ira Warder stated that he initiated this case on 4/19/2021. Upon arrival to the cited property, CSO Warder found a barge belonging to Duane Thomas Marine Construction. Upon a check of the Energov system, he found that no staging permit existed on the property. He took photos of the violation and posted a notice of violation on the property for staging. Duane Thomas of Duane Thomas Marine Construction then testified, stating that the homeowner gave him permission to use the lot. He then stated that to do his work he needs space for his equipment, and that he has no solution for the problem. The Magistrate imposed a one-time fine of \$600 and assessed administrative fees in the amount of fifty dollars towards the contractor only.

l. Case # 21-0693- 201 Dan River Ct. - City of Marco Island v. Steven & Linda Henell- No Building Permit

Testifying for the City, Community Service Officer Ira Warder stated that he was dispatched to 201 Dan River Ct on 4/19/2021. Upon Arrival, he found the house in an unsightly, abandoned condition, with a retrofit AC unit near the pool. Upon seeing this, CSO Warder searched Energov for a permit to install it, which did not exist at the time. As of now, the permit has been obtained. The Magistrate imposed a one time fine of 250 dollars and assessed administrative fees in the amount of fifty dollars.

m. Case # 21-0695- 757 N Barfield Dr.- City of Marco Island v. Darrell B Johnson and DSI Marine Constrution- Stormwater Pollution Prevention for Construction

Testifying for the City, Community Service Officer Ira Warder stated that he was dispatched to 757 N Barfield Dr on 4/19/2021. Upon arrival, he found an erosion control violation, including dirt covering the site. No silt fence was established. Upon a re-inspection, he found the property to be in compliance. The Magistrate imposed a one-time fine of 100 dollars as well as an administrative fee of 50 dollars towards the contractor only.

n. Case # 21-0698- 448 Capri Ct.- City of Marco Island v. Jack Cipriano and DSI Marine Construction- Staging without a Permit

Testifying for the City, Community Service Officer Ira Warder stated that he was dispatched to 448 Capri Ct. on 4/26/2021. Upon arrival, he observed staging without a permit. A check of Energov revealed that DSI Marine Construction had an open permit at the time for some other work. The Magistrate imposed a one time fine of 750 dollars as well as a fifty dollar fee towards the contractor only.

o. Case # 21-0701- 1655 Ludlow Rd.- City of Marco Island v. Christine Mendala Trust and APM Homes - Stormwater Pollution Prevention for Construction, Construction Site Litter

Testifying for the City, Community Service Officer Ira Warder stated that he went to 1655 Ludlow Rd. on 4/26/2021. Upon arrival, he found litter, uncapped rebar, and a lack of erosion control. He stated that upon a re-inspection, he found the property to be in compliance. The Magistrate imposed a one time fine of 250 dollars and assessed administrative fees in the amount of 50 dollars. She also imposed another 100 dollar fine for the MS4 violation and specified that all of the fines are towards the contractor only.

p. Case # 21-0749- 826 Banyan Ct.- City of Marco Island v. Roebert Family USA Revocable Trust and APM Homes- Stormwater Pollution Prevention for Construction

Testifying for the City, Community Service Officer Anthony Ferraro posted a notice of violation on the property knwon as 826 Banyan Ct on 4/25/2021 for a collapsed silt fence and lack of erosion control. He showed photos and documents from the case file. Upon a re-inspection, he found the property to be in compliance. The Magistrate imposed a one-time fine of \$150 as well as an administrative fee of 50 dollars towards the contractor only.

q. Case # 21-0768- 787 Hull Ct.- City of Marco Island v. Kimberly Polley and Duane Thomas Marine Construction LLC- Staging without a permit

Testifying for the City, Community Service Officer Keith Richter stated that on 4/29/2021, he was dispatched to 787 Hull CT. Upon arrival, he found equipment on the lot belonging to Duane Thomas Marine Construction. He provided photos of the violation as well as documents from the case file. He then stated that the homeowner sent in a letter in her defense stating that she did not give Duane Thomas Marine Construction permission to use her lot. The Magistrate imposed a one-time fine of 650

dollars as well as administrative fees in the amount of fifty dollars.

r. Case # 21-0776- 941 Beaver Ct.- City of Marco Island v. Ralph Iannuzzi and DSI Marine Construction- Stormwater Pollution Prevention for Construction

Testifying for the City, Community Service Officer Anthony Ferraro posted a notice of violation on the property known as 941 Beaver Ct for a collapsed silt fence and lack of erosion control on 5/2/2021. He showed photos of the violation and documents from the case file. He then stated that he re-inspected the property on 6/13/21, and found the property to be in compliance. The Magistrate imposed a one-time fine of 500 dollars and assessed administrative fees in the amount of fifty dollars towards the contractor only.

s. Case # 21-0777- 1055 Bald Eagle Dr.- City of Marco Island v. C.R. Henderson LLC and DSI Marine Construction- Stormwater Pollution Prevention for Construction

Testifying for the City, Community Service Officer Anthony Ferraro posted a notice of violation on the property known as 1055 Bald Eagle Dr upon observing a code violation of a collapsed silt fence and absence of erosion control. He showed photos and documents from the case file. He then stated that he conducted a re-inspection of the property on 6/19/2021, in which he found the property to be in compliance. The Magistrate imposed a one-time fine of \$500 as well as 50 dollars in administrative fees towards the contractor only.

t. Case # 21-0779- 990 E Inlet Dr. - City of Marco Island v. Coccinelle Legacy Trust- Protected Species

Testifying for the City, Community Service Officer Keith Richter stated that he reported to this address after receiving an email of concern from an FWC volunteer on 5/3/21. On the property, there were three gopher tortoise burrows, one of which the volunteer argued was active. Photos of the violation were shown as well as documents from the case file. It could not be confirmed if the burrow was active or not. The Magistrate imposed a one-time fine of \$250 and assessed administrative fees in the amount of 50 dollars.

u. Case # 21-0780- 940 Dolphin Ct.- City of Marco Island v. Marcos Getaway Inc and JCM Door Improvements Inc.- No Permit, Construction on a Sunday

Testifying for the City, Community Service Officer Ira Warder stated that he initiated this case on 5/2/21 for work without a permit and work on a Sunday at the address known as 940 Dolphin Ct. CSO Warder showed photos that he took of the violation and stated that they are not pursuing the work on a Sunday at this time due to it being their first (warning) violation. Warder went on to state that the owner of JCM Door Improvements Inc. called him stating that some workers that were doing other joint work with them took their trucks to do personal work that day, and that they as a company had no affiliation with the job. As evidence, she showed the contract with the property owner that they had actually worked for that day. The property owner then testified, stating that he hired some independent contractors to fix his door and windows, and confirmed that he had no affiliation with JCM Door Improvement LLC. These contractors did not pull a permit, but the permit has since been obtained. The Magistrate ordered a one-time fine of \$100 with no administrative fees towards the homeowner only.

v. Case # 21-0783- 556 5th Ave.- City of Marco Island v. MCD Capital LLC - Work without a Permit

Testifying for the City, Community Service Officer Frank Coto stated the facts of the case. He established that it was a case for work without a permit initiated on 5/4/2021. Upon entering the property, CSO Coto stated that the property was abandoned and that a wall was removed without a permit. He also stated that a neighbor reported that a broken window had allowed neighborhood

children to get in the house. Photos were provided. CSO Coto then mentioned that a permit had been applied for in December of 2020 for a kitchen renovation/alteration, but that the permit was never obtained. The property owner, Maria Gomez, then testified. She first stated that no work has been done since they bought the property. She went on to explain that they are planning to pull all required permits and renovate the whole house. She also noted that she will fix the window immediately. Upon questioning, she stated that she has already hired licensed contractors, including a plumber and engineer, and that they plan to commence work in the next few weeks. The homeowner then showed the most recent plans for the house. She also provided a permit number and documents emailed to her by the contractors. The Magistrate imposed a one-time fine of \$250 and assessed administrative fees in the amount of 50 dollars. She also ordered that the property owner shall have 72 hours to tear down the fence and board up the house, making it inaccessible to others. She stated that if the house is not boarded within 72 hours, the City shall have permission to enter the property and correct the violation at the expense of the property owner. She also ordered that the owner shall have 30 days to obtain the remodel permit. Finally, she ordered that if the owners do not comply with any of the listed conditions within the allotted time, they shall face a per diem fine of 100 dollars for each violation separately.

- w. Case # 21-0800- 756 Orchid Ct.- City of Marco Island v. M & M Rentals of Charlotte and Collier Counties LLC, Panorama Home Services Inc (LIC) and S Mendoza Complete Lawn Care Inc.- No Staging Permit

Testifying for the City, Community Service Officer Frank Coto stated that he was dispatched to the address in question on 4/28/21. Upon arrival, he found construction equipment including pavers and a dumpster. He showed photos of this as well as the contractor signs on the lot. A representative from Panorama Homes Services stated that their company was not responsible for the pavers, but that they had ordered a dumpster to a neighboring site. Upon delivery, there were cars in the driveway so the delivery people put it on the lot next door (756 Orchid Ct). The company stated that Panorama Home Services did not find out until the following day. The Magistrate imposed a one-time fine of 250 as well as a 50 dollar fee towards Mendoza Complete Lawn Care. She also imposed a \$150 fine towards Panorama Home Services.

- x. Case # 21-0864- 584 Yellowbird St.- City of Marco Island v. Lloyd & Artis Bridge- No Building Permit

Testifying for the City, Community Service Officer Anthony Ferraro stated that he and a fellow CSO were dispatched to this address on 5/9/2021. Upon arrival, they found workers on scene doing work without a permit. Photos of the violation were shown as well as a statement submitted by the owner. The permit was obtained on 5/18/21 as revealed per a check of Energov. The Magistrate imposed a one-time fine of 250 dollars and assessed administrative fees in the amount of 50 dollars.

- y. Case # 21-0879- 156 Landmark St.- City of Marco Island v. Brian & Deborah Henry and Dun- Rite Pools Inc- Stormwater Pollution Prevention for Construction

Testifying for the City, Community Service Officer Anthony Ferraro posted a notice of violation on the property known as 156 Landmark St. for a collapsed silt fence and lack of erosion control on May 10th, 2021. Photos of the violation were shown as well as documents from the case from the case file. Upon a re-inspection, he found the property to be in compliance. The Magistrate imposed a fine of 150 as well as 50 dollars in fees towards the contractor only.

- z. Case # 21-0880- 393 Century Dr.- City of Marco Island v. Donald & Dana Bruce and FCI Homes Inc- Stormwater Pollution Prevention for Construction

Testifying for the City, MIPD Captain Baer stated that the owner of FCI Homes Inc. asked to enter into a stipulated agreement for the usual amount of a 100 dollar fine as well as a 50 dollar fee. The Magistrate approved the agreement and ordered it towards the contractor only.

aa. Case # 21-0907- 818 Hyacinth Ct- City of Marco Island v. James L Karl II- General Noise Prohibitions

Testifying for the City, Community Service Officer Keith Richter stated that Officer Melanie Lopez was dispatched to the address in question on May 15th, 2021 at 11:24 PM. Upon arrival, she determined that a valid noise violation existed and issued a citation towards the tenants. The homeowner, James L. Karl, then testified stating that the tenants complied right away. The Magistrate imposed a one-time fine of \$3500 and assessed administrative fees in the amount of 50 dollars.

bb. Case # 21-0927- 755 Amber Dr.- City of Marco Island v. Scott Ingham & D Alexandria Stried and Compact Pavers Inc.- No Building Permit

Testifying for the City, Community Service officer Ira Warder stated that he posted a notice of violation on the property known as 755 Amber Dr for work without a permit on 5/17/2021. On the scene, he found that there were piles of dirt and clear evidence of building. He showed photos of the violation. He then stated that a permit has since been applied for but it has not been obtained. The homeowner, Scott Ingham, then spoke stating that they hired Compact Pavers Inc and they came to install pavers. The same day, CSO Warder cited the property. The homeowner showed evidence of the permit application. The Magistrate imposed a one-time fine of 250 dollars as well as an administrative fee of fifty dollars towards the contractor only. She gave the homeowner 30 days to obtain the permit as well, or otherwise shall face a fine of \$50 per day until the violation is corrected and a permit is obtained.

cc. Case # 21-0964- 6000 Royal Marco Way- City of Marco Island v. Royal Marco Point III- Sea Turtle Protection

Testifying for the city, Community Service Officer Ira Warder stated that on 5/24/21, he was on sea turtle protection duty. At 9:15 on that night, he found that the property located at 6000 Royal Marco Way was in violation for having bright lights on after 9 PM. He posted a notice of violation at the management office the next day. The notice of hearing was also posted on the manager's office and sent via certified mail. Officer Warder provided photos of the violation taken that night. He then stated that he met with a representative from the condominium association. During this meeting, they spoke about the "turtle glass" not being strong enough to completely shield the lights to a sea-turtle compliant standard. This was tested using a special filter. The building manager as well as the president of the association testified on behalf of the respondent. The building manager stated that all three units that were cited on that night had "turtle glass" to shield the lights. He showed documentation of this and stated that a letter was submitted by the association's attorney. The president of the association argued that all the "sea turtle" glass was permitted and inspected by the City, which should mean that they meet the standard of the code. The Magistrate then discussed the potential variables that could have caused the violation. She suggested changing light bulbs or using shades or curtains. The Magistrate imposed a one-time fine of \$250 and imposed administrative fees in the amount of fifty dollars.

dd. Case # 21-0975- 409 Century Dr.- City of Marco Island v. Victor & Marlene Liriano and NOVA Homes of South Florida- Stormwater Pollution Prevention for Construction

Testifying for the City, Community Service Officer Frank Coto stated that he initiated this case following a citizen complaint on 5/18/2021. Upon arrival, he found that a code violation existed regarding a lack of erosion control. Photos were provided. He then stated that a silt fence was established the following day. A project coordinator from Nova Homes of South Florida then spoke, stating that it is true that work was started without establishing a silt fence, but that they did it immediately after receiving the violation. She showed photos of the established silt fence both on that day and this morning. She also stated the actions that they have been taking to prevent these violations. The Magistrate imposed a one-time fine of \$550 as well as fifty dollars in administrative

fees.

ee. Case # 21-1005- 206 Seahorse Ct.- City of Marco Island v. Christopher Sked- General Noise Prohibitions

Testifying for the City, Community Service Officer Richter stated that on 5/28/2021, MIPD officers were dispatched to the cited address upon a noise complaint, which was deemed valid. CSO Richter then stated that this is the first noise repeat for the property. The homeowner then spoke and addressed the measures he is taking to prevent future violations. The Magistrate imposed a one-time fine of 250 dollars and assessed administrative fees in the amount of 50 dollars.

ff. Case # 21-1056 - 206 Seahorse Ct.- City of Marco Island v. Christopher Sked - General Noise Prohibitions

Testifying for the City, Community Service Officer Richter stated that on 6/1/2021, MIPD officers were dispatched to the cited address upon a noise complaint, which was deemed valid. CSO Richter then stated that this is the second noise repeat for the property. The Magistrate imposed a one-time fine of \$500 and assessed administrative fees in the amount of fifty dollars.

gg. Case # 21-1059- 1575 Ludlow Rd. - City of Marco Island v. Susan Morris & Kenneth Looney - General Noise Prohibitions

Testifying for the City, Community Service Officer Keith Richter stated that this was a noise case in which an MIPD Officer was dispatched and determined that there was a valid noise violation. The Magistrate imposed a one-time fine of \$2000 as well as 50 dollars in administrative fees.

hh. Case # 21-1075 - 445 N Barfield Dr. - City of Marco Island v. John & Jennifer Davis and Aqua Marine Construction - Illegal Dumping

Testifying for the City, Community Service Officer Frank Coto stated that on 6/3/2021, he and supervisor Keith Richter were inspecting a case across the canal from this location when they observed a white substance in the water. Upon seeing this, they went over to the house located at 445 N. Barfield Dr. where they took photos of the violation. They established that it was concrete dust and they also found litter in the water. They issued a notice of violation for illegal dumping. A representative from Aqua Marine Construction then testified, stating that they did not illegally dump, but rather that the wind blew this litter into the water. The Homeowner, John Davis, then testified, stating that the contractors cleaned up the site every day before leaving. The Magistrate addressed the photos, stating that they should have been further away from the canal when they cut, and that they should have cleaned up equipment. The Magistrate imposed a one-time fine of \$350 and assessed administrative fees in the amount of fifty dollars towards the contractor only.

(2) Certification Order

ii. Case # 19-1279 - 470 Elk Cir.- City of Marco Island v. Gail A Buckman - Sidewalk Maintenance

This case came before the Magistrate as a certification. The fine as of today is \$18,600 which will continue accruing at 150 dollars per day until the violation is corrected. No permit has been applied for sidewalk maintenance as of today. The Magistrate ordered that the fine shall become a lien on the property, recorded in the official records of Collier County.

jj. Case # 21-1712 - 434 Tarpon Ct. - City of Marco Island v. Ralph and Lisa Valvano - Stagnant Pool and Failing Seawall

This case came before the Magistrate as a certification. The fine as of today is \$22,800 and will

continue to accrue at a rate of 250 dollars per day until the violation is resolved. The Magistrate ordered that the fine shall become a lien on the property, recorded in the official records of Collier County.

(3) Mitigation of Fines Request

(4) Adjourn