



## Meeting Minutes - Final

### Code Enforcement Magistrate

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Tuesday, July 27, 2021

10:30 AM

Community Room

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#### (1) Cases

- a. Case # 18-1318 – 252 N Barfield Dr. – City of Marco Island v. Todd & Karen Crisp – Sidewalk Maintenance

*The Magistrate ruled that her previous order shall be vacated.*

- b. Case # 21-0654 – 664 Bald Eagle Dr. – City of Marco Island v. Island Plaza Investments & Davide Italian Deli – Status Update

*This case came before the Magistrate as a status update to formally request an extension. Patrick Hayman of the City of Marco Island's Water & Sewer Department presented the case and summarized the main points discussed at the previous hearing. A letter was submitted from a contractor (All Septic All Plumbing) stating that they are to commence work today (7/27/2021). The business owners then testified, stating that the work has been postponed due to the recent heavy rain. They also explained that it took time to find a contractor who was willing to do the work. The Magistrate did not grant an extension, but she stated that she ordered that will let the fines run and if the work is completed by the next Magistrate (to take place on August 31st, 2021), she will amend the fines.*

- c. **Case # 18-1346 – 815 Rose Ct. – City of Marco Island v. David & Laura McSweeney – Sidewalk Maintenance**

*Continued*

- d. Case # 19-0964 – 2040 Sheffield Ave. – City of Marco Island v. Marilyn & Seth Taylor – Sidewalk Maintenance

*Continued.*

- e. Case # 20-2559 – 1001 N Collier Blvd. – City of Marco Island v. 1000 Highway 98 East Corp – Signage

*Testifying for the City, Community Service Officer Ira Warder stated the facts of the case. He testified that on 10/2/2020, he posted a notice of violation on the property known as 1001 N Collier Blvd (Alvin's Island) for illegal signage. The sign is larger than the permit allows for and the interchangeable letters are also not allowed on that type of sign. Upon a reinspection, CSO Warder found that the letters were removed. The Magistrate imposed a one-time fine \$250 and a \$50 administrative fee. She also ordered that they must come into compliance within thirty days or otherwise face a fine of 100 dollars per day until the violation is corrected.*

f. Case # 20-2633 – 176 S Collier Blvd. – City of Marco Island v. The Prince Condo – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that he was on sea turtle lighting patrol on 10/20/2020 when he found lights in violation of the sea turtle protection ordinance at The Prince Condominiums. He issued a notice of violation to the condominium association and showed photos of the violation. The Magistrate imposed a one time fine of 500 dollars and an administrative fee in the amount of 50 dollars.*

g. Case # 28-2894 – 997 N Collier Blvd. – City of Marco Island v. 997 Collier Properties LLC – Signage

*Testifying for the City, Community Service Officer Ira Warder stated the facts of the case. He testified that on 12/14/2020, he posted a notice of violation on the property known as 997 N Collier Blvd. for illegal signage. No permit has been applied for as of today. A letter was also submitted from the property owner questioning what they are responsible for and what is wrong with the sign. The Magistrate imposed a one-time fine of \$100 and ordered the property owner to come into compliance within 14 days or face a per diem fine of \$50 until the violation is corrected. She also imposed a fifty dollar administrative fee.*

h. Case # 21-0224 – 748 Seagrape Dr. – City of Marco Island v. Timothy J Heise Family Trust – Public Nuisance

*Testifying for the City, Community Service Officer John Kovacs stated that he initiated this case on 12/23/2020 when he received a complaint from a neighbor. Upon arrival, he found an extremely overgrown lot with trees and vines encroaching LCEC power lines. A vegetation trimming permit was required. He posted the notice of violation on the property. The violation still exists and the owners have provided no correspondence. No permit has been applied for. The Magistrate imposed a one-time fine of \$150 as well as a fifty dollar administrative fee. She gave the owners 30 days to remedy the violation or otherwise face a per diem fine of 100 dollars. She also granted the city permission to contract to correct the violation and bill the owner if not corrected within the 30 days.*

i. Case # 21-0694 – 890 Hyacinth Ct. – City of Marco Island v. Elliot & Hanalie Treiber – No Building Permit

*Dismissed.*

j. Case # 21-0769 – 826 Banyan Ct. – City of Marco Island v. Roebert Family USA Rev Trust and APM Custom Homes – No Staging Permit

*Testifying for the City, Community Service Officer Chris Citarella stated that he was on routine patrol on 4/29/21 when he found APM Custom Homes staging on an empty lot without a construction temporary use permit. Photos of the violation were shown. CSO Citarella stated that he posted a notice of violation on the property and showed documents from the case file. The Magistrate imposed a one-time fine of 250 dollars as well as a fifty dollar administrative fee against the contractor only.*

k. Case # 21-0855 – 1200 Lilac Ave. – City of Marco Island v. Colleen Shefferly and Marco Island Renovations & Home Builders LLC – No Building Permit

*Testifying for the City, Community Service Officer Doug Andrews stated that he visited the address known as 1200 Lilac Ave on 5/7/2021 upon receiving a complaint from a neighbor. He stated that upon his arrival, he found a large renovation taking place without a permit. He issued a notice of violation and stop work order. He then stated that the owners applied for a permit which was obtained on July 7th. He did state that work was still taking place before the permit was obtained. The homeowner then spoke, stating that he was doing work on his pool deck which he did not believe required a permit. The Magistrate stated that a violation did exist but has since been corrected. She then imposed a one-time fine of \$250 and a 50 dollar administrative fee.*

**l. Case # 21-0920 – 960 Cape Marco Dr. – City of Marco Island v. Cozumel A Condominium – Sea Turtle Protection**

*Testifying for the City, Community Service Officer Andrew Lindenmuth that he was on sea turtle lighting patrol on 5/15/21 when he found lights in violation of the sea turtle protection ordinance at the Cozumel Condominium. He issued a notice of violation to the condominium association. Photos of the violation were shown as well as documents from the case file. The building manager appeared on behalf of the respondent and testified that two of the lights in violation that night have since been changed to turtle complaint lights. The Magistrate imposed a one-time fine of \$500 as well as a fifty dollar administrative fee.*

m. Case # 21-0949 – 560 S Collier Blvd. – City of Marco Island v. Marco Beach Hotel – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that he was on sea turtle lighting patrol on 5/15/21 when he found lights in violation of the sea turtle protection ordinance at 10:05 PM. He*

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*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that he was on sea turtle lighting patrol on 5/15/21 when he found lights in violation of the sea turtle protection ordinance at the Hilton Hotel. He showed photos of the violation and stated that this happened at about 10:05 PM. A representative of the hotel then testified, stating that the outside light fixture that was in violation has since been disabled and all the lights were changed to duller bulbs. The Magistrate imposed a one-time fine of \$500 as well as a fifty dollar administrative fee.*

n. Case # 21-0950 – 850 S Collier Blvd. – City of Marco Island v. Sandpiper Condominium Association – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that he was on sea turtle lighting patrol on 05/15/2021 when he found lights in violation of the sea turtle protection ordinance at The Sandpiper Condominiums. He issued a notice of violation to the condominium association and showed photos of the violation. Donald Orr, the condo manager, then testified that the renter had fallen asleep when he received the violation. The Magistrate imposed a one-time fine of \$750 as well as a fifty dollar administrative fee.*

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

*Continued.*

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*Continued.*

- p. Case # 21-0954 – 890 S Collier Blvd. – City of Marco Island v. Sea Winds of Marco Condominium Association – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that he was on sea turtle lighting patrol on 5/15/21 when he found lights in violation of the sea turtle protection ordinance at the Sea Winds of Marco Condominiums. He issued a notice of violation and showed photos of the violation. The president of the condo association then testified and explained the measures they have been taking to prevent this classification of violation. He mentioned that all outside balcony light bulbs were changed to amber lights. The Magistrate imposed a one-time fine of \$250 as well as a fifty dollar administrative fee.*

**q. Case # 21-1024 – 850 S Barfield Dr. – City of Marco Island v. Jimmy W & Patricia D Mays and Leo's Sod – No Building Permit**

*Testifying for the City, Community Service Officer Doug Andrews stated that he reported to 850 S. Barfield Dr. on 5/28/2021, where he found sod being installed in the swale without a permit. The contractor on scene was Leo's Sod. A notice of violation was issued as well as a stop work order. CSO Andrews did state that a permit was issued and that the property is now in compliance. The Magistrate imposed a one-time fine of 250 dollars and a 50 dollar administrative fee to be paid jointly and severally by the owner and contractor.*

- r. Case # 21-1031 – 220 S Collier Blvd. – City of Marco Island v. Duchess Condominium – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that, while on sea turtle lighting enforcement patrol on 5/31/2021, he observed both a balcony and interior light in violation of the sea turtle protection ordinance at the Duchess Condominium. The property manager of the Duchess Condominium then testified, stating that they spoke to the renters, who have been complying since that night. the Magistrate imposed a one-time fine of 250 dollars as well as a fifty dollar administrative fee.*

s. Case # 21-1037 – 176 S Collier Blvd. – City of Marco Island v. The Prince Condominium – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that he was on sea turtle lighting patrol on 5/31/2021 when he found lights in violation of the sea turtle protection ordinance at The Prince Condominium. He issued a notice of violation, which was presented along with photos of the violation and documents from the case file. The manager of the condominium appeared on behalf of the respondent and explained the measures they are taking to prevent future violations. The Magistrate imposed a one-time fine of \$750 as well as a fifty dollar administrative fee.*

t. Case # 21-1038 – 140 Seaview Ct. – City of Marco Island v. Admiralty House Condominium Association – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that he was on sea turtle lighting patrol on when he found lights in violation of the sea turtle protection ordinance at The Admiralty House Condominiums. He issued a notice of violation to the condominium association and showed photos of the violation. The Magistrate imposed a one time fine of 500 dollars and an administrative fee in the amount of 50 dollars*

u. Case # 21-1043 – 180 Seaview Ct. – City of Marco Island v. Tradewinds Condominium Association – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that he was on sea turtle lighting patrol on when he found lights in violation of the sea turtle protection ordinance at The Tradewinds Condominiums. He issued a notice of violation to the condominium association and showed photos of the violation. The Magistrate imposed a one time fine of 750 dollars and an administrative fee in the amount of 50 dollars.*

v. Case # 21-1045 – 380 Seaview Ct. – City of Marco Island v. South Seas Northwest Condo Apts – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that he was on sea turtle lighting patrol on 5/31/2021 when he found lights in violation of the sea turtle protection ordinance at The South Seas Tower 3. He issued a notice of violation to the condominium association and showed photos of the violation. The Magistrate imposed a one time fine of 750 dollars and an administrative fee in the amount of 50 dollars.*

w. Case # 21-1046 – 440 Seaview Ct. – City of Marco Island v. South Seas Northwest Condo Apts – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that he was on sea turtle lighting patrol on 5/31/2021 when he found lights in violation of the sea turtle protection ordinance at The South Seas Tower #4. He issued a notice of violation to the condominium association and showed photos of the violation. The Magistrate imposed a one time fine of 750 dollars and an administrative fee in the amount of 50 dollars.*

x. Case # 21-1083 – 1273 Martinique Ct. – City of Marco Island v. Dennis Bauries – No Building Permit

*Testifying for the City, Community Service Officer Frank Coto stated that he was dispatched to the address known as 1273 Martinique Ct. on 6/5/2021. Upon arrival, he found work being done without a permit, specifically pavers being installed in the driveway. He posted a notice of violation and a stop work order on the property. James Reynolds, licensing investigator for Collier County, determined that no licensed contractor activity could be found on scene. The homeowner then testified that he was unaware that he needed a permit and that James Reynolds had also told him that a permit was not needed. A permit was obtained July 7th. The Magistrate imposed a one-time fine of \$250 as well as a 50 dollar administrative fee.*

y. Case # 21-1084 – 1273 Martinique Ct. – City of Marco Island v. Dennis Bauries – No Building Permit

*See Case 21-1083. Community Service Officer Coto testified that the homeowner violated the stop work order posted on his property on 6/5/21. The next day, on the 6th of June, the work was continued. The Magistrate imposed a one-time fine of \$250 for work on a Sunday, another one-time fine of \$500 for the work without a permit, and a fifty dollar administrative fee.*

z. Case # 21-1097 – 1420 Galleon Ave. – City of Marco Island v. Elizabeth & Jason Algar & Coastal Build LLC – Multiple Violations

*Testifying for the City, Community Service Officer Frank Coto stated that fellow Community Service Officer Anthony Ferraro initiated this case on 6/4/2021 when he posted a notice of violation on the property known as 1420 Galleon Ave for a collapsed silt fence and litter & debris. Upon his latest reinspection, he found that the property was in compliance. The Magistrate imposed a one-time fine of \$100 as well as a \$50 administrative fee.*

aa. Case # 21-1099 – 510 Echo Cir. – City of Marco Island v. Janeth M Calderon-Leon, Yony Avili Vasquez- Monzon, and Jose Donaldo Cano-Vasquez – No Building Permit

*Testifying for the City, Community Service Officer Ira Warder stated that he reported to the address known as 510 Echo Cir on 6/6/2021 and found workers and construction trucks on scene. Upon further inspection, he found pavers stacked on the side of the house. A follow-up inspection conducted on 7/12 showed that a permit was applied for. It was later issued on 7/21/2021 and the case was deemed compliant. The homeowner then testified stating that he was unaware that he needed a permit at the time of the violation. the Magistrate imposed a one-time fine of \$250 and an administrative fee in the amount of 50 dollars.*

bb. Case # 21-1108 – 410 S Collier Blvd. – City of Marco Island v. Eagles Nest on Marco Beach Condominium Assoc Inc Mardap Ltd – Sea Turtle Protection

*Testifying for the City, Community Service Officer Ira Warder stated that he was on routine sea turtle lighting patrol on 6/6/2021 when he found stairwell lights in violation at 410 S Collier Blvd. at 9:44 PM. He issued a notice of violation for the property and showed photos of the violation and documents from the case file. A representative of the condo association stated that he was unaware that the stairwell light was an issue. The Magistrate imposed a one-time fine of \$250 as well as a 50 dollar administrative fee.*

cc. Case # 21-1115 – 400 S Collier Blvd. – City of Marco Island v. Marco Hotel LLC c/o Cornerstone Real Estate Adv – Sea Turtle Protection

*Testifying for the City, Community Service Officer Ira Warder stated the facts of the case. He testified that on 6/6/21, while working sea turtle lighting enforcement, he observed bright lights on at 400 S. Collier Boulevard. He issued a notice of violation for sea turtle protection. Photos of the violation and documents from the case file were shown. A representative from the JW Marriott Hotel then testified on behalf of the respondent, stating the measures that they have been taking to prevent sea turtle violations. The Magistrate imposed a one-time fine of \$500 as well as a \$50 administrative fee.*

dd. Case # 21-1116 – 300 S Collier Blvd. – City of Marco Island v. Royal Seafarer Condominium Association – Sea Turtle Protection

*Testifying for the City, Community Service Officer Ira Warder stated the facts of the case. He testified that on 6/6/21, while working sea turtle lighting enforcement, he observed lights in violation of the sea turtle protection ordinance at the Royal Seafarer Condominium Association. He showed photos of the violation as well as documents from the case file. He then stated that he issued a notice of violation to the condominium association. The general manager of the Royal Seafarer Condominiums then testified, explaining the reason for the violation that night. The Magistrate imposed a one-time fine of \$250 as well as a \$50 administrative fee.*

ee. Case # 21-1117 – 480 S Collier Blvd. – City of Marco Island v. FCC Hotel Tower LLC – Sea Turtle Protection

*Testifying for the City, Community Service Officer Ira Warder stated the facts of the case. He testified that on 6/6/21, while working sea turtle lighting enforcement, he observed bright lights on at 480 S Collier Blvd. (Marco Beach Ocean Hotel) at 10 PM. He explained that he wrote a notice of violation for sea turtle protection and that this was the building's second violation within a year, prompting this hearing. A representative for the hotel appeared and stated that they submitted a packet showing their steps to prevent future violations. The Magistrate imposed a one-time fine of \$250 as well as a fifty dollar administrative fee.*

ff. Case # 21-1132 – 344 Sand Hill St. – City of Marco Island v. Eric Baumbach – Illicit Discharge

*Testifying for the City, Community Service Officer Frank Coto stated that he was dispatched to the cited property by a neighbor who reported grass clippings in the road on 6/9/2021. He presented photos and documents from the case file. The Magistrate imposed a one-time fine of \$50 as well as a \$50 administrative fee.*

gg. Case # 21-1137 – 100 S Bahama Ave. – City of Marco Island v. Anne Tinaglia & Rams Construction General Contractor Inc – No Staging Permit

*Testifying for the City, Community Service Officer Ira Warder stated the facts of the case. He testified that on 6/13/2021, he was dispatched to 100 S Bahama Ave by his supervisor to inspect this possible violation. Upon arrival, CSO Warder found that Rams Construction was staging on the cited property without a construction temporary use permit. A notice of violation was posted on the property and photos of the violation were presented. A letter was submitted on behalf of the new owners, stating that no permission was given by them to use their lot for staging. A representative of Rams Construction testified that the previous owner had given the company permission to use their lot. The lot was restored to pre-staging conditions, remedying the violation. The Magistrate imposed a one-time fine of \$250 and a \$50 administrative fee towards the contractor only.*

hh. Case # 21-1158 – 780 S Collier Blvd. – City of Marco Island v. Somerset of Marco Island – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth that he was on sea turtle lighting patrol on 6/14/21 when he found lights in violation of the sea turtle protection ordinance at the property known as 780 S Collier Blvd. He issued a notice of violation to the association, which was given to the manager of the condominium. Photos of the violation and documents from the case file were shown. The general manager of the Somerset Condominiums then testified, stating that they are taking measures to prevent future lighting violations, including removing the lights that they were responsible for and changing the bulbs, as well as giving residents packets regarding the sea turtle ordinance. The Magistrate imposed a one-time fine of \$500 as well as a \$50 administrative fee.*

ii. Case # 21-1159 – 940 Cape Marco Dr. – City of Marco Island v. Veracruz Condominium Association – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andy Lindenmuth stated that on 6/14/21, he was on sea turtle lighting patrol. During this patrol, after 9 PM, he found interior lights at 940 Cape Marco Dr. to be in violation. He issued a notice of violation to the condominium association. The president of the association then testified on behalf of the respondent, explaining the precautions that they normally take to prevent these sea turtle lighting violations. He stated that on the night of the violation, it was raining and the regular employee that they send to patrol the area for lighting was not out for that reason. The Magistrate imposed a one-time fine of 250 dollars as well as a fifty dollar administrative fee.*

jj. Case # 21-1160 – 850 S Collier Blvd. – City of Marco Island v. Sandpiper Condominium Association – Sea Turtle Protection

*Testifying for the City, Community Service Officer Andrew Lindenmuth stated that he was on sea turtle lighting patrol on 6/14/2021 when he found lights in violation of the sea turtle protection ordinance at The Sandpiper Condominiums. He issued a notice of violation to the condominium association and showed photos of the violation. Donald Orr, the condo manager, then testified that one of the previous violations on their record was determined to be for a neighboring property. He also stated that they are taking various measures to prevent future sea turtle violations. The Magistrate imposed a one-time fine of \$500 as well as a fifty dollar administrative fee.*

kk. Case # 21-1165 – 1641 Barbarosa Ct. – City of Marco Island v. Barry Leo & Kelly Julie Street – MS4 Erosion Control

*Testifying for the City, Community Service Officer Ira Warder stated that on 6/14/2021, while on routine patrol he observed an erosion control violation at the property known as 1641 Barbarosa Court. He posted a notice of violation on the property at that time and took photos of the violation which were presented before the Magistrate. He then stated that the owner emailed him and he performed a reinspection of the property on 7/12/21. On that date, he found the property to be in compliance. The Magistrate imposed a one-time fine of fifty dollars as well as a fifty dollar administrative fee.*

ll. Case # 21-1168 – 1030 Coronado Ct. – City of Marco Island v. MNJR Enterprises LLC – Noise General

*Testifying for the City, Community Service Officer Keith Richter stated that officers were dispatched to 1030 Coronado Ct on 6/12/2021 for a noise complaint. It was determined to be a valid noise violation. The Magistrate imposed a one-time fine of \$500 as well as a fifty dollar administrative fee.*



mm. Case # 21-1169 – 101 Bald Eagle Dr. – City of Marco Island v. JP Investment Two LLC – MS4 Erosion Control

*Testifying for the City, Community Service Officer Frank Coto stated that he was dispatched to the address on 6/16/2021 upon complaints of dirt in the roadway. Upon arrival, he found that the street was already being cleaned. He posted a notice of violation on the property and deemed it compliant the same day. The Magistrate imposed a one-time fine of fifty dollars as well as a fifty dollar administrative fee.*

nn. Case # 21-1170 – 435 Kendall Dr. – City of Marco Island v. Matthew Brian & Teresa Ann White – Noise General

*Testifying for the City, Community Service Officer Keith Richter stated that Officer Alan Reyes was dispatched to 435 Kendall Drive. The Officer determined it was a valid noise complaint. The Magistrate imposed a one-time fine of \$500 as well as a fifty dollar administrative fee.*

oo. Case # 21-1171 – 1030 Coronado Ct. – City of Marco Island v. MNJR Enterprises LLC – Noise General

*Testifying for the City, Community Service Officer Keith Richter stated that officers were dispatched to 1030 Coronado Ct upon complaints of "yelling and screaming" on 6/14/21. Upon arrival, the officer found that there were kids making noise while playing in the pool and determined there to be a valid noise violation. Community Service Officer Richter then stated that this is the homeowner's second violation heard before the Magistrate. The homeowner, Tom Meinert, submitted a defense packet and testified stating that they receive the letters after the fact and that the renters receive letters when they enter which include that they must be cautious of the noise ordinance. The Magistrate imposed a one-time fine of \$500 as well as administrative fees in the amount of 50 dollars.*

pp. Case # 21-1172 – 1083 Old Marco Ln. – City of Marco Island v. Bay Atlas Properties Inc and Blue Marlin Marine Construction & Services Inc. – Silt Fence

*Testifying for the City, Community Service Officer Frank Coto stated that he was on routine patrol when he noticed a silt fence "blowing in the wind" at the property known as 1083 Old Marco Lane. He issued a notice of violation for the damaged silt fence. He stated that at the time of the violation, there was no certificate of completion for Blue Marlin Marine Construction. The Magistrate imposed a one time fine of \$450 as well as a \$50 administrative fee towards the contractor only.*

qq. Case # 21-1181 – 1066 Goldenrod Ave. – City of Marco Island v. Steven A Hollingsworth Trust and Nova Homes of South Florida – Silt Fence

*Testifying for the City, Community Service Officer Frank Coto stated that he was dispatched to the cited property by a neighbor who reported a collapsed silt fence on 6/15/2021. Upon arrival, he took photos of the violation and posted a notice of violation on the property. He presented photos and documents from the case file. Upon a reinspection, the property was found to be in compliance. The Magistrate imposed a one-time fine of \$550 as well as a fifty dollar administrative fee.*

rr. Case # 21-1182 – 1091 Old Marco Ln. – City of Marco Island v. 1091 Old Marco Land Trust and Blue Marlin Marine Construction & Services Inc. – Silt Fence

*Testifying for the City, Community Service Officer Frank Coto stated that he was on routine patrol when he noticed a downed silt fence at the property known as 1091 Old Marco Lane. He issued a notice of violation. He stated that there is no certificate of completion for Blue Marlin Marine Construction. The Magistrate imposed a one time fine of \$500 as well as a \$50 administrative fee towards the contractor only.*

*Meeting went into Recess*

*Meeting Reconvened*

ss. Case # 21-1183 – 960 Cape Marco Dr. Unit 402 – City of Marco Island v. Bonita K Schwan Liv Trust – No Building Permit

*Testifying for the City, Community Service Officer Frank Coto stated that he was dispatched to unit 402 of 960 Cape Marco Dr. upon complaints of work done without a permit. upon entry, Community Service Officer Coto found that a kitchen island had been removed. Photos were shown. The homeowner then testified that she was getting a laminate floor put over her tile and was unaware she needed a permit. the Magistrate stated that she needed a permit for the removal of the island, and the homeowner established that she was unaware at the time. As of now, a demolition permit was obtained and the violation has been corrected. The Magistrate imposed a one-time fine of 250 dollars as well as a fifty dollar administrative fee.*

tt. Case # 21-1191 – 1100 Edington Pl. – City of Marco Island v. James L Karl II – Noise General

*Continued*

uu. Case # 21-1192 – 460 Renard Ct. – City of Marco Island v. Douglas & Cathy Klink and Collier Seawall & Dock LLC – Silt Fence

*Testifying for the City, Community Service Officer Frank Coto stated that he was dispatched to the property known as 460 Renard Ct. on 6/18/2021. Upon arrival, he found that dirt was tracked into the roadway by a vehicle. He issued a notice of violation. The Magistrate dismissed the case due to a lack of evidence.*

vv. Case # 21-1193 – 93 Buttercup Ct. – City of Marco Island v. Christian Todd & Lisa Compton and FCI Homes Inc. – Silt Fence

*This case came before the Magistrate as a stipulated agreement. Testifying for the City, Community Service Officer Chris Citarella stated that he was on routine patrol on 6/18/2021 when he found a collapsed silt fence on the cited property. Documents and photos from the case file were shown. The Magistrate imposed a one time fine of \$150 as well as a fifty dollar administrative fee.*

**ww. Case # 21-1213 – 1030 Coronado Ct. – City of Marco Island v. MNJR Enterprises LLC – Noise General**

*Testifying for the City, Community Service Officer Keith Richter stated that officers were dispatched to 1030 Coronado Ct on 6/21/21 for a noise complaint. It was determined to be a valid noise violation. The Magistrate imposed a one-time fine of \$1000 as well as a fifty dollar administrative fee.*

xx. Case # 21-1224 – 1146 Bald Eagle Dr. Unit D-7– City of Marco Island v. Nelson & Zoila Fabal – Illicit Discharge

*Testifying for the City, Community Service Officer Frank Coto stated that his colleague, fellow CSO Anthony Ferraro was dispatched to the cited address on 6/21/21. Upon arrival, he found that paint had been dumped into the canal behind the property. Community Service Officer Frank Coto then showed photos of the violation as well as the notice of violation. The homeowner then testified that he was the one painting that day and that no paint was dumped in the canal. It was determined that irreparable damaged was caused to the water system. The Magistrate imposed a one-time fine of 5000 dollars as well as a fifty dollar administrative fee.*

yy. Case # 21-1253 – 604 Hernando Dr. – City of Marco Island v. Thomas & Jane McDonagh and Vicente Bautista Lawn Care Inc. – MS4 Erosion Control

*Testifying for the City, Community Service Officer Doug Andrews stated that he was driving down the road when he found grass clippings in the road. He noticed that nearby, the lawn of 604 Hernando Dr. had been freshly cut. He went to go re-inspect the property one week later, and found the lawn company on scene. The Magistrate dismissed the case.*

## **(2) Certification Order**

zz. Case # 20-1507 – 1441 Galleon Ave. – City of Marco Island v. Matthew McIlrath & Ashley D Hanley – No Building Permit

*Continued.*

aaa. Case # 21-0443 – 344 Sand hill St. – City of Marco Island v. Eric Baumbach – No Building Permit

*This came before the Magistrate as a certification. Testifying for the City, Community Service Officer Keith Richter stated that no permit has been applied for as of today (7/27/2021). The fence still exists. The Magistrate certified the order from the April 27th, 2021 hearing. The amount of \$6,400.50 shall be certified and the amount shall continue to accrue at a daily rate as per the previous order until the violation is resolved.*

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

## **(4) Adjourn**