

City of Marco Island Florida

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



Meeting Minutes - Final

Tuesday, September 28, 2021

10:30 AM

Community Room

Code Enforcement Magistrate

(1) Present:

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

*Special Magistrate Myrnabelle Roche
City Attorney Joseph Natiello
CSO Supervisor Keith Richter*

COMMUNITY SERVICE OFFICERS:

*CSO Ira Warder
CSO Chris Citarella
CSO John Kovacs
CSO Douglas Andrews
CSO Anthony Ferraro*

OTHER CITY STAFF:

*Customer Service Manager Michon Jackson
Code Enforcement Administrator Katie Hofmeister
Live Meeting Recording Specialist Susan Scrugham*

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

All individuals intending to provide testimony before the Special Magistrate during the proceedings are 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 which the cases are listed in the Agenda.)

As the case is brought forward the appropriate Community Service Officer provides testimony based on the following:

- * Testimony regarding administrative handling of the case*
- * Defense Materials that have been attached to the case (if applicable)*
- * The date(s) observed of non-compliance*
- * A photo of the property posted with the violation*
- * The case number of the violation*
- * 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 of posting, affidavit of violation, and facts and circumstances of the violation.*
- * A list of inspections*
- * A 5- Year History*
- * Ordinances that were violated.*

(2) Cases

a. Case #21-0529- 896 Banyan Ct.-City of Marco Island v. Lawrence S Kalkstein/Rhonda K Kalkstein- Public Nuisance

Testifying for the City: CSO Anthony Ferraro

Testifying for the Respondent: Lawrence S Kalkstein & Rhonda K Kalkstein

Magistrate Orders: The owner shall install a temporary fence within 72 hrs otherwise incur a \$100 fine per day until complied. The owner also has until the end of the permit to correct all violations by installing a permanent fence. The owner will also pay a one time fine of \$100 and \$50 administrative fee.

b. Case #21-1287- 1994 Sheffield Ave- City of Marco Island v. Matthew Melican- Silt Fence

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: No one present

Magistrate Orders: The respondent owes a one time fine of \$100 and \$50 administrative fee

c. Case #21-1405- 647 Bamboo Ct- City of Marco Island v. LS Property Management and Breault Homes- Temporary Use Permits

Testifying for the City: Chris Citarella

Testifying for the Respondent: No one present

Magistrate Orders: The contractor shall pay a one time fine \$250 and \$50 administrative fee. This order will be against the contractor only.

d. Case #21-1412- 711 S Barfield Dr- City of Marco Island v. Francesco Ciotola- Overgrown Weeds

Testifying for the City: CSO Douglas Andrews

Testifying for the Respondent: No one present

Magistrate Orders: The contractor shall pay a one time fine of \$100 and \$50 administrative fee. The contractor shall come into compliance within 21 days or face a fine of \$50 a day.

e. Case #21-1464- 721 Rockport Ct- City of Marco Island v. Lisa Bushnell and Aqua Custom Home Builders- Silt Fence, Public Nuisance and Right of Way Obstruction

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: No one present

Magistrate Orders: The contractor shall pay a one time fine of \$150 and \$50 administrative fee. This order shall be against the contractor only.

- f. Case #21-1465- 530 Mangrove Ct- City of Marco Island v. Willard Bruce & Debra L Cox and Allied Pavers Systems LLC- Silt Fence

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: No one present

Magistrate Orders: The contractor shall pay a one time fine of \$100 and \$50 administrative fee. Contractor to comply within 15 days or incur \$50 in fines per day until complied. This order is against the contractor only.

- g. Case #21-1470- 991 Scott Dr- City of Marco Island v. Brenda J Annett Rev Trust- Overgrown Weeds

Testifying for the City: CSO Chris Citarella

Testifying for the Respondent: No one present

Magistrate Orders: The owner shall pay a one time fine \$100, \$220 for costs incurred by the City in bringing the property into compliance, a \$100 mandatory administrative fee for costs incurred by the City, and \$50 administrative fee for bringing this matter before the Magistrate.

- h. Case #21-1484- 1601 Galleon CT- City of Marco Island v. Aymee Valdivia- Silt Fence & Construction Site Litter

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$50 and \$50 administrative fee

- i. Case #21-1490- 1783 Maywood Ct- City of Marco Island v. William Brian and Mary Amelia McDevitt & NOVA Homes of South Florida- Silt Fence

Testifying for the City: CSO Anthony Ferraro

Testifying for the Respondent: Jennifer from NOVA Homes of South Florida

Magistrate Orders: The contractor shall pay a one time fine of \$950 and \$50 administrative fee. This order will be against the contractor only.

- j. Case #21-1453- 910 Beaver Ct- City of Marco Island v. Raymond C Pander Living Trust & Edih Perez & Yanela Lopez- Work without a permit

Continued

- k. Case #21-1563- 700 Rockport Ct- City of Marco Island v. Charles Schelli/ Paola A Schelli and Marco Custom Builders LLC- Silt Fence and Public Nuisance

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: No one present

Magistrate Orders: The contractor shall pay a one time fine of \$150 and \$50 administrative fee. This order is against the contractor only.

- l. Case #21-1564- 691 Cameo Ct- City of Marco Island v. David & Sara Costello and Aqua Custom Home Builders- Temporary Use Permits

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: No one

Magistrate Orders: The contractor shall pay a one time fine of \$350 and \$50 administrative fee. This order is against the contractor only.

- m. Case #21-1565- 362 Century Dr- City of Marco Island v. Peter S Marek/ Penelope A M Marek- Silt Fence and Right of Way Obstruction

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: Peter Merek

Magistrate Orders: One time fine of \$25 and \$50 Administrative fee

- n. Case #21-1569- 368 Century Dr- City of Marco Island v. Mark and Jaqueline Lebeda- Silt Fence and Right of Way Obstruction

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$50 and \$50 administrative fee

- o. Case #21-1671- 1407 Butterfield Ct- City of Marco Island v. Sakain Revocable Trust- Silt Fence

Testifying for the City: CSO John Kovacs

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$50 and \$50 administrative fee

p. Case #21-1681- 1407 Butterfield Ct- City of Marco Island v. Sakain Revocable Trust- No Building Permit

Testifying for the City: CSO John Kovacs

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$250 and \$50 administrative fee. 30 days to comply or incur \$100 per day until complied.

q. Case#21-1685- 101 Sand Hill St- City of Marco Island v. YMCA of South Collier Inc- Work without a Permit

Testifying for the City: CSO Douglas Andrews

Testifying for the Respondent: No one

Magistrate Orders: One time fine of \$350 and \$50 administrative fee. To comply within 30 days or incur fine \$50 per day until complied.

r. Case #21-1716- 1161 Cara Ct- City of Marco Island v. Jack Cipriano and Imperial Marine Construction LLC- Seawall Staging

Continued

s. Case #21-1717- 1631 N Copeland Dr- City of Marco Island v. Anthony Spadoni and NOVA Homes of South Florida- Silt Fence

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: Jennifer from NOVA Homes of South Florida

Magistrate Orders: The contractor shall pay a one time fine of \$1,000 and \$50 administrative fee. The contractor shall correct all violations within 72 hrs or incur \$50 per day until complied.

t. Case #21-1718- 228 Capistrano Ct- City of Marco Island v. Nuview Trust Company- Silt Fence and Right of Way

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$50 and \$50 administrative fee

u. Case #21-1727- 993 Spruce Ct- City of Marco Island v. Tar Bef #2 LLC and DSI Marine Construction- Silt Fence

Continued

- v. Case #21-1730- 1741 Canary Ct- City of Marco Island v. Duane J and Rose M Ritter & Naples Building Group LLC- Silt Fence and Construction Site Litter

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: No one present

Magistrate Orders: Contractor shall pay a one time fine of \$200 and \$50 administrative fee. The contractor has 72 hrs to comply or \$50 per day for all violations are corrected. This order is against the contractor only.

- w. Case #21-1750- 1741 Canary Ct- City of Marco Island v. Duane J and Rose M Ritter & Naples Building Group LLC- Silt Fence

Testifying for the City: CSO John Kovacs

Testifying for the Respondent: No one

Magistrate Orders: The Contractor shall pay a one time fine of \$250 and \$50 administrative fee. This Order is against the Contractor only.

- x. Case #21-1682- 551 S Barfield Dr- City of Marco Island v. Thompson Family Trust- Illicit Discharge

Testifying for the City: CSO John Kovacs

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$100 and \$50 administrative fee

- y. Case #21-1592- 551 S Barfield Dr- City of Marco Island v. Thompson Family Trust- Trash on Swale and Public Nuisance

Testifying for the City: CSO Chris Citarella

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$250 and \$50 administrative fee

- z. Case #21-1620- 721 S Barfield Dr- City of Marco Island v. AC & JL Holdings Inc- Overgrown Weeds

Testifying for the City: CSO Douglas Andrews

Testifying for the Respondent: No one

Magistrate Orders: One time fine of \$100, \$150 to reimburse for incurred costs by the City, \$100 administrative fee for costs incurred by the City and \$50 administrative fee for bringing this matter before the Magistrate

aa. Case #21-1729- 321 Worthington St- City of Marco Island v. AC & JL Holdings Inc- Illicit Discharges and Litter & Debris

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: No one

Magistrate Orders: One time fine of \$50 and \$50 administrative fee

Recess

Meeting went into Recess

Meeting Reconvened

bb. Case #21-1489- 418 Yellowbird St- City of Marco Island v. Kimberly K Brett et al-Illicit Discharge

Testifying for the City: CSO John Kovacs

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$50 and \$50 administrative fee

cc. Case #21-1684- 531 Fieldstone Dr- City of Marco Island v. Bradley D & Kara L Goddard- Illicit Discharge

Testifying for the City: CSO John Kovacs

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$50 and \$50 administrative fee

dd. Case #21-1738- 748 Milan Ct- City of Marco Island v. Global Fairtrade Invest Corp- Illicit Discharge

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$100 and \$50 administrative fee

ee. Case #21-1763- 748 Milan Ct- City of Marco Island v. Global Fairtrade Invest Corp- Illicit Discharge

Dismissed

ff. Case #21-1770- 70 Buttercup Ct- City of Marco Island v. Karl and Beth Fritchen Rev Tr & Sunshine Lawn Care Inc- Illicit Discharge

Testifying for the City: CSO Douglas Andrews

Testifying for the Respondent: Ralph Ionatta for Sunshine Lawn Care Inc

Magistrate Orders: The contractor shall pay a one time fine of \$50 and \$50 administrative fee. This order shall be against the contractor only.

gg. Case #21-1740- 1660 N Copeland Dr- City of Marco Island v. 1660 N Copeland LLC and Solimini Development LLC- Silt Fence, Construction Site Litter, Right of Way Obstruction

Testifying for the City: CSO Ira Warder

Testifying for the Respondent: Owner of Solimini Development LLC

Magistrate Orders: Contractor shall pay a one time fine of \$50 and \$50 administrative fee. This order is against a contractor only.

hh. Case #21-1454- 1130 Martinique Ct- City of Marco Island v. Jeffrey N & Kelly B Pearsons- Noise General

Testifying for the City: CSO Keith Richter

Testifying for the Respondent: James from Property Management Company

Magistrate Orders: One time fine of \$250 and \$50 administrative fee

Recess

Meeting went into Recess

Meeting Reconvened

ii. Case #21-1561- 250 Bald Eagle Dr- City of Marco Island v. Garen & Susan Meguerian- Noise General

Testifying for the City: CSO Keith Richter

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$250 and \$50 administrative fee

jj. Case #21-1618- 999 Anglers Cove- City of Marco Island v. Anglers Cove Condo Assoc - Noise General

Testifying for the City: CSO Keith Richter

Testifying for the Respondent: Association President and Condo Manager

Magistrate Orders: One time fine of \$250 and \$50 administrative fee

kk. Case #21-1631- 794 N Barfield Dr- City of Marco Island v. Sweet Home Richland LLC- Noise General

Testifying for the City: CSO Keith Richter

Testifying for the Respondent: No one present

Magistrate Orders: One time fine of \$500 and \$50 administrative fee

ll. Case #21-1691- 1279 Balboa Ct- City of Marco Island v. Niden Invest Florida Corp- Noise General

Testifying for the City: CSO Keith Richter

Testifying for the Respondent: No one

Magistrate Orders: One time fine of \$250 and \$50 administrative fee

mm. Case #21-1722- 123 Saxon St- City of Marco Island v. Daniel D & Teresa Lyons- Noise General

Testifying for the City: CSO Keith Richter

Testifying for the Respondent: Teresa Lyons

Magistrate Orders: One time fine of \$250 and \$50 administrative fee

nn. Case #21-1723- 1016 Fieldstone Dr- City of Marco Island v. Todd & Michelle Gibson- Noise General

Testifying for the City: CSO Keith Richter

Testifying for the Respondent: No one

Magistrate Orders: One time fine of \$1,000 and \$50 administrative fee

oo. Case #21-1933- 248 Bass Ct- City of Marco Island v. Richard and Rowena Perna- Parking on Sidewalk

Testifying for the City: CSO Keith Richter

Testifying for the Respondent: Richard Perna

Magistrate Orders: \$50 one time fine and \$50 administrative fee

pp. Case #21-1205- 1257 Winterberry Dr- City of Marco Island v. Casandra Guillen- Parking on Sidewalk

Testifying for the City: CSO Keith Richter

Testifying for the Respondent: Cassandra Guillen

Magistrate Orders: One time fine of \$95 and \$50 administrative fee

qq. Case #21-1614- 292 Edgewater Ct- City of Marco Island v. Yale N & Patricia A Kellman- Prohibited Parking

Testifying for the City: CSO Keith Richter

Testifying for the Respondent: Yale N and Patricia A Kellman

Magistrate Orders: One time fine of \$95 and \$50 administrative fee

(3) Certification Order

(4) Mitigation of Fines Request

ID 21-1809 rr. Case #19-1867 834 Banyan Ct - City of Marco Island v Novotny Land Tr
- Mitigation

Magistrate Orders: \$1125 approved by City agreed by Property Owner to be paid within 30 days or revert back to the full amount

(5) Adjourn

There being no further business to come before the Magistrate, the hearing adjourned.