

City of Marco Island Florida

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



Meeting Minutes - Final

Tuesday, October 26, 2021

10:30 AM

Community Room

Code Enforcement Magistrate

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 Frank Coto
CSO Douglas Andrews
CSO Anthony Ferraro
CSO Andrew Lindenmuth*

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 #21-1519- 730 Kendall Dr- City of Marco Island v. Thomas Strinden- Construction Site Weeds & Litter and Debris

Testifying for the City: CSO Warder

Testifying for the Respondent: No one

Magistrate's Findings: Owner to pay one- time fine of \$50, \$150 to the City for bringing property into compliance and \$50 administrative fee.

b. Case #21-1619- 1701 N Bahama Ave- City of Marco Island v. Damio Enterprise LLC- Overgrown Weeds

Testifying for the City: CSO Andrews

Testifying for the Respondent: No one

Magistrate's Findings: Owner to pay a one-time fine of \$150, a one-time fine of \$200 to reimburse the City to bring property into compliance and a \$50 administrative fee.

c. Case #21-1696- 72 N Barfield Dr- City of Marco Island v. James H Mashey Jr. -Overgrown Weeds & Right of Way Obstruction

Testifying for the City: CSO Kovacs

Testifying for the Respondent: No one

Magistrate's Findings: Owner to pay one- time fine of \$50, \$175 to reimburse the City for correcting the violation and a \$50 administrative fee.

d. Case #21-1076- 214 Rockhill Ct- City of Marco Island v. Kim a Schmitt/ Lynn a Schmitt- Gallagher- Public Nuisance & Litter and Debris

Testifying for the City: CSO Andrews

Testifying for the Respondent: No one

Magistrate's Findings: Owner to pay one-time fine of \$250 and a \$50 administrative fee. Owner shall incur a fine of \$75 per day until brought into compliance

e. Case #21-1938- 462 W Joy Cir- City of Marco Island v. Dave DeRogatis and 462 W Joy Court LLC- Stormwater Pollution Prevention

Testifying for the City: CSO Coto

Testifying for the Respondent: Dave DeRogatis, owner of Dero Roofing

Magistrate's Findings: Case dismissed

f. Case #21-1940-1780 Granada Dr- City of Marco Island v. Vincente & Luz Marina Franco & Ocean Tower Design and Construction Corp- Stormwater Pollution Prevention, Construction Site Litter, Illicit/Illegal Discharges and Right of Way

Testifying for the City: CSO Warder

Testifying for the Respondent: Vincente Franco for Ocean Tower Design and Construction

Magistrate's Findings: One time fine of \$50 for each violation for a total of \$150, \$50 per day until compliance is met and a \$50 administrative fee. This Order shall be towards Owner and Contractor jointly.

g. Case #21-1943-970 Daisy Ct- City of Marco Island v. Coastal Build LLC- Stormwater Pollution Prevention

Testifying for the City: CSO Warder

Testifying for the Respondent: No one

Magistrate's Findings: Contractor to pay a one-time fine of \$50 and a \$50 administrative fee.

h. Case #21-2215- 115 S Bahama Ave- City of Marco Island- City of Marco Island v. Horizon USA Realty Corp and Ultimate Building Innovation LLC- Stormwater Pollution Prevention Construction

Testifying for the City: CSO Andrews

Testifying for the Respondent: No one

Magistrate's Findings: Contractor to pay a one-time fine of \$50 and a \$50 administrative fee. This Order is against the Contractor only.

i. Case #21-1945-498 Landmark St- City of Marco Island v. Jeanette Dodds- Pofahl & Artesian Pool Construction Inc- Stormwater Pollution Prevention

Testifying for the City: CSO Warder

Testifying for the Respondent: No one

Magistrate's Findings: Contractor to pay a one-time fine of \$100 and ordered to come into compliance within 10 days or incur a fine of \$25 per day until compliance is met. This Order is against the Contractor only.

j. Case #21-2203- 1070 Dana Ct- City of Marco Island v. Caferino Machado/ Delfina C Santana & Ubaldo Blanco GC Inc- Stormwater Pollution Prevention and Right of Way

Testifying for the City: CSO Warder

Testifying for the Respondent: No one

Magistrate's Findings: Contractor to pay a one-time fine of \$150 and given 10 days to come into compliance or incur fine of \$25 per day. Contractor to pay \$50 administrative fee. This Order is against the Contractor only.

k. Case#21-2204- 1857 Woodbine Ct- City of Marco Island v. Lynx Properties LLC & Emerald Building Group LLC- Stormwater Pollution Prevention and Construction Site Litter

Testifying for the City: CSO Ferraro

Testifying for the Respondent: No one

Magistrate's Findings: Contractor ordered to pay a one-time fine of \$50 for stormwater pollution, a one-time fine of \$50 for construction site litter and a \$50 administrative fee. This Order shall be against the Contractor only.

l. Case #21-2205-440 Century Dr- City of Marco Island v. Jeffrey & Diane Holmes and NOVA Homes of South Florida- Stormwater Pollution Prevention and Construction on a Sunday

Testifying for the City: CSO Ferraro

Testifying for the Respondent: Jennifer for Nova Homes of South Florida

Magistrate's Findings: Contractor ordered to pay a one-time fine of \$950 for storm pollution prevention and \$250 for noise violation on Sunday for total of \$1200 and a \$50 administrative fee. This Order shall be against the Contractor only.

m. Case #21-2209-1080 Cara Ct- City of Marco Island v. George Niemeyer and Collier Seawall and Dock LLC- Stormwater Pollution Prevention and Construction Site Litter

Continued

n. Case #21-2315-208 Tahiti Rd- City of Marco Island v. Thomas E and Christina M Serrano & NOVA Homes of South Florida- Stormwater Pollution Prevention & Litter and Debris

Testifying for the City: CSO Andrews

Testifying for the Respondent: Jennifer for Nova Homes of South Florida

Magistrate's Findings: Contractor to pay a one-time fine of \$1000 and a \$50 administrative fee. This Order shall be against the Contractor only.

- o. Case #21-2368- 1204 Winterberry Dr- City of Marco Island v. Paul and Sophia Yersin & Oakbrook Homes Inc- Stormwater Pollution Prevention and Illicit/Illegal Discharges

Testifying for the City: CSO Andrews

Testifying for the Respondent: Ed for Oakbrook Homes Inc.

Magistrate's Findings: Owner to pay a one-time fine of \$100 and a \$50 administrative fee. This Order shall be against the Contractor only.

- p. Case #21-2216-1143 Vernon Pl- City of Marco Island v. Val Richey- Klein & Burkhard Klein & Island Lot Services LLC- Illicit/Illegal Discharges

Testifying for the City: CSO Coto

Testifying for the Respondent: Chuck Carr for Island Lot Services

Magistrate's Findings: Contractor to pay a one-time fine of \$500 and a \$50 administrative fee. This Order shall be against the Contractor only.

- q. Case #21-1716- 1161 Cara Ct- City of Marco Island v. Jack Cipriano & Imperial Marine Construction LLC- Staging without a Permit

Testifying for the City: CSO Warder

Testifying for the Respondent: No one

Magistrate's Findings: Contractor to pay a one-time fine of \$750 and a \$50 administrative fee.

- r. Case #21-1783- 1169 Whiteheart Ct- City of Marco Island v. Roland Eberhard & DSI Marine Construction- Staging without a Permit

Testifying for the City: CSO Coto

Testifying for the Respondent: No one

Magistrate's Findings: Contractor to pay a one-time fine of \$500 and a \$50 administrative fee. This Order shall be against the Contractor only.

Meeting went into Recess

Meeting Reconvened

- s. Case #21-2206-1964 San Marco Rd- City of Marco Island v. 1964 SMR Land Trust & General Concrete Corporation- Work without a permit and Staging without a permit

Testifying for the City: CSO Ferraro

Testifying for the Respondent: Jeff Popick, owner of General Concrete Corporation

Magistrate's Findings: Contractor to pay a one-time fine of \$250 for staging without a permit and a \$50 administrative fee. This Order shall be against the Contractor only.

t. Case #21-1543- 910 Beaver Ct- City of Marco Island v. Edih Perez and Yanela Lopez- Work without a Permit

Testifying for the City: CSO Ferraro

Testifying for the Respondent: No one

Magistrate's Findings: Contractor to pay a one-time fine of \$250 and a \$50 administrative fee.

u. Case #21-1939- 1579 S Barfield Ct- City of Marco Island v. Timothy P Dower Rev Trust & Carter Dock & Piling Inc- Work without a Permit

Testifying for the City: CSO Warder

Testifying for the Respondent: No one

Magistrate's Findings: Contractor to pay a one-time fine of \$250 and a \$50 administrative fee. This Order is against the Contractor only.

v. Case #21-1942- 1363 Waikiki Ct- City of Marco Island v. James Karl II- Work without a Permit

Testifying for the City: CSO Coto

Testifying for the Respondent: James Karl

Magistrate's Findings: Owner to pay a one-time fine of \$250 and a \$50 administrative fee. The property owner has 30 days to comply otherwise incur a fine of \$50 per day until compliance is met.

w. Case #21-1583- 840 S Collier Blvd- City of Marco Island v. Marbelle Club Condominium Association- Sea Turtle Protection

Testifying for the City: CSO Warder

Testifying for the Respondent: No one

Magistrate's Findings: Owner to pay a one-time fine of \$600 and a \$50 administrative fee.

x. Case #21-1597- 540 S Collier Blvd- City of Marco Island v. Surf Club of Marco- Sea Turtle Protection

Testifying for the City: CSO Warder

Testifying for the Respondent: No one

Magistrate's Findings: Owner to pay a one-time fine of \$250 and a \$50 administrative fee.

y. Case #21-1724- 176 S Collier Blvd- City of Marco Island v. The Prince Condominium- Sea Turtle Protection

Testifying for the City: CSO Lindenmuth

Testifying for the Respondent: Fred Arce, Manager for The Prince Condominium

Magistrate's Findings: Owner to pay a one-time fine of \$800 and a \$50 administrative fee.

z. Case #21-1725- 300 S Collier Blvd- City of Marco Island v. Royal Seafarer Condominium Assoc- Sea Turtle Protection

Testifying for the City: CSO Lindenmuth

Testifying for the Respondent: No one

Magistrate's Findings: Owner to pay a one-time fine of \$650 and a \$50 administrative fee

aa. Case #21-1726- 350 S Collier Blvd- City of Marco Island v. Madeira Condo Association- Sea Turtle Protection

Testifying for the City: CSO Lindenmuth

Testifying for the Respondent: General Manager for Madeira Condo Association

Magistrate's Findings: Owner to pay a one-time fine of \$250 and a \$50 administrative fee

bb. Case #21-1786- 40 Copperfield Ct- City of Marco Island v. Carlos & Magaly Gonzalez- Noise General

Testifying for the City: CSO Richter

Testifying for the Respondent: No one

Magistrate's Findings: Case dismissed

cc. Case #21-2146- 141 Bonita Ct- City of Marco Island v. J & J Development of Marco Island LLC- Noise General

Testifying for the City: CSO Richter

Testifying for the Respondent:

Magistrate's Findings: Case dismissed

dd. Case #21-2312- Wintergreen Ct.- City of Marco Island v. Johnathan Saporta- Parking Citation

Testifying for the City: CSO Richter

Testifying for the Respondent: No one

Magistrate's Findings: Vehicle owner to pay a one-time fine of \$95 and a \$50 administrative fee.

ee. Case #21-2287-215 Tahiti Rd- City of Marco Island v. Paul & Tammy Marie Gremel- Parking Citation

Testifying for the City: CSO Richter

Testifying for the Respondent: Paul Gremel

Magistrate's Findings: Vehicle owner to pay a one-time fine of \$95 and a \$50 administrative fee.

ff. Case #21-0873- 798 E Elkcam Cir- City of Marco Island v. Lucien Lemelin- Parking Citation

Testifying for the City: CSO Warder

Testifying for the Respondent: No one

Magistrate's Findings: Vehicle owner to pay a one-time fine of \$95 and a \$50 administrative fee.

gg. Case #21-2311- 954 N Barfield Dr- City of Marco Island v. Marc Garwood- Parking Citation

Testifying for the City: CSO Richter

Testifying for the Respondent: No one

Magistrate's Findings: Vehicle owner to pay a one-time fine of \$95 and a \$50 administrative fee.

3 Adjourn