

MINUTES
FORT MYERS BEACH
Code Enforcement - Parking
Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931
Wednesday, March 29, 2017

Hearing Examiner - Special Magistrate: Mr. Joe Madden

Mr. Madden swore in those providing testimony.

Property Owner: Richard Smith
SUBJECT: Parking Violation –Taking up two spaces
CODE SECTION: Sec.28-20(2) N
LOCATION: Estero Blvd.
BASE OFFICER: Nello Cernoia
REFERENCE NO: 71736490

PAID 4-3-17
\$50.00 DM

While patrolling the area on February 14, 2017 at approximately 7:27 p.m., Mr. Cernoia approached a gold Dodge, FL license Z5SPP parked on Estero Blvd. He issued a citation for taking up two spaces. He asked for a \$75.00 fine and \$175.00 for administration fees. Mr. Cernoia provided pictures.

Mr. Smith stated that when he pulled in next to two other cars, he did not realize that he had parked on the line. He asked the court if he could perform community service in lieu of a fine. Mr. Madden noted that community service was not an option. Mr. Smith asked if Mr. Madden would dismiss it. Mr. Madden replied in the negative. Mr. Cernoia did not disagree with adjusting the fines.

Mr. Madden found that a violation did exist and ordered Mr. Smith to pay a \$50.00 fine within 10 days and he waived the administrative fees.

Property Owner: Pamela Nagel
SUBJECT: Parking Violation – Not a legal Space
CODE SECTION: Sec. 28-20 (2) R
LOCATION: 2nd St
BASE OFFICER: Todd Sears
REFERENCE NO: 72218694

PAID 4-7-17
\$50.00 DM

Mr. Cernoia noted that he was representing Base Officer Todd Sears.

Mr. Sears was patrolling the area on March 2, 2017 at 5:59 p.m. when he approached a green Volkswagen, Florida license plate EUE 144, that was not parked in a legal space on 2nd Street. He issued a parking citation for parking in an illegal space. He asked that a fine of \$75.00 be paid plus \$175.00 in administrative fees. Mr. Sears provided photos.

Ms. Nagel stated that she parked on dirt in front of an unoccupied triplex. She indicated there were no signs posted and she provided a map of where she parked. Mr. Madden showed her pictures. She approached the dais to discuss with Mr. Madden and Mr. Cernoia.

Mr. Madden ordered Ms. Nagle to pay a fine of \$50.00 within 10 days and he waived the administrative fees.

Property Owner: Eric Baker
SUBJECT: Parking Violation – Overtime (Sign displayed)
CODE SECTION: Sec. 28-51 (B)
LOCATION: Center St. Space 85
BASE OFFICER: Nello Cernoia
REFERENCE NO: 71737864

While patrolling the area on March 12, 2017 at about 3:02 p.m., Mr. Cernoia observed a gray Ford, FL license plate CLU Y28, parked overtime on Center Street. He issued a citation and asked for a \$70.00 fine and \$175.00 in administrative fees. Mr. Cernoia provided pictures of the sign limiting parking to two hours.

Mr. Baker stated he was visiting his family during the Shrimp Fest and he paid for two hours. Before the two hours was up, he paid for another two hours. He was not aware that he could not stay for longer than two hours at a time. He stated that he did leave the spot for a minute and he had to return to the same spot. Mr. Baker reported that he backed in the first time he parked and pulled in the second time he parked in the space. Mr. Cernoia commented that he was not allowed to park in the same spot despite the fact that he paid for it.

Mr. Madden dismissed the case.

Citation 72500486 was abated.

Vote: _____ Signature: Deey Mollay 4-11-17

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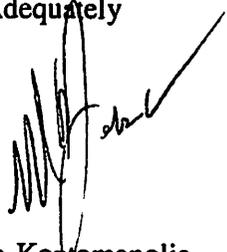
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Wednesday, March 29, 2017

Hearing Examiner - Special Magistrate: Mr. Joe Madden

Mr. Madden swore in those providing testimony.

Property Owner: Terra Mar Condo
SUBJECT: FMB Town Code: 308.4 Dumpster/Recycling Areas Not Adequately
Shielded
LOCATION: 7102 Estero Blvd.
STRAP NO: 03-47-24-W1-04200.00CE
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0554



Ms. Jacobs inspected the property on September 16, 2016 and Code Officer Joe Kontomanolis inspected the property on January 31, 2017. She found the following condition: Dumpster/recycling areas not adequately shielded. The action necessary to correct the violation is to screen the trash recycling area. If applicable, obtain a permit and all required inspections. Notice of violation was provided to the property owner via certified mail on October 24, 2016 and was claimed. It was sent to the registered agent on February 8, 2017 and it was claimed. Notice of hearing was sent to the registered agent via certified mail on February 8, 2017 and it was claimed.

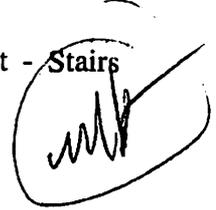
Ms. Jacobs presented pictures she took on September 16, 2016 and by Mr. Kontomanolis on January 31, 2017. The pictures accurately reflected the condition of the property. Ms. Jacobs inspected the property on March 28, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain required permit and pass all subsequent inspections by April 14, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs.

Connie Spataro, President of the Board of Directors for Terra Mar, approached the dais to view photos. She was not aware a screen was required for the recycling dumpster but she did relocate it. She was told to put a fence up and she received two proposals from fencing companies for roughly \$3,000.00. At the same time, her asphalt parking lot was being replaced with pavers and she met with engineers to determine where to place the dumpster. The Board of Directors did not approve spending \$3,000.00 to install a fence that would have to be moved eventually. They decided to remove the dumpster and use the blue pails instead. She left several messages with Dean from Advanced Disposal but he had not returned her calls. She finally received a new contract from Dean last night. Ms. Jacobs commented that Ms. Spataro had been keeping her informed along the way.

Mr. Madden gave the Respondent until April 14, 2017 to have the dumpster taken away; otherwise a fine of \$100.00 per day will be charged. Mr. Madden waived \$175.00 in administrative fees.

Property Owner: Dreim Time Properties LLC
SUBJECT: LDC Section: 6-111 FBC 105.1 Required Work w/out permit - Stairs
LOCATION: 291 Flamingo St.
STRAP NO: 34-46-24-W1-00701.0120
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0674



Ms. Jacobs inspected the property on December 13, 2016 and Mr. Kontomanolis inspected it on January 31, 2017. She found the following condition: work without a permit - stairs. The action necessary to correct the violation is to secure required permits and pass all inspections.

Notice of violation was provided to the registered agent on February 8, 2017 and it was claimed. The notice of violation was posted at Town Hall on December 13, 2016 and at the property on December 14, 2016. Notice of hearing was sent to the property owner on January 10, 2017 and it was claimed. It was sent to the registered agent on February 8, 2017 and it was claimed.

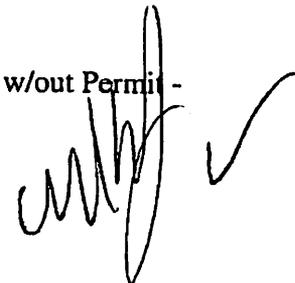
Ms. Jacobs presented pictures she took on December 13, 2016 and pictures from Mr. Kontomanolis on January 31, 2017 that accurately reflected the condition of the property. She inspected the property on March 28, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain permits and pass subsequent inspections by April 14, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs. An application was submitted on December 13, 2016 and it was working through the process. Ms. Jacobs noted that it was resubmitted on March 24, 2017.

Jeff Halverson represented Mr. Dreim. He indicated they tore down the stairs without a permit. He expected to have the permit by now but the department was running behind.

Mr. Madden gave Mr. Dreim until April 14, 2017 to comply; otherwise a fine of ~~\$100~~^{\$150} per day plus \$175 in administrative fees will be assessed.

Property Owner: Le Blanc Martin G
SUBJECT: LDC Section: 6-111 FBC 105.1 Required Work w/out Permit -
Replacing Railing on Deck
LOCATION: 230 Bahia Via
STRAP NO: 34-46-24-W4-00027.0000
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE17-0027



Ms. Jacobs inspected the property on January 10, 2017 and on January 31, 2017. She found the following condition: work without a permit - replacing railing on deck. The action necessary to correct the violation is to secure required permits and associated inspections.

Notice of violation was provided to the property owner on January 17, 2017 and it was claimed. Notice of hearing was sent to the property owner on February 6, 2017 and it was claimed.

Ms. Jacobs presented pictures she took on January 10, 2017 and pictures from the property appraiser from October of 2013 that accurately reflected the condition of the property. She inspected the property on March 28, 2017 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass subsequent inspections by April 14, 2017; otherwise, a fine per day pursuant to code with \$175 in administrative costs will be charged.

Mr. Le Blanc stated that no attempt had been made to replace the railing because his home was under an adaptive housing by the Veteran's Administration (VA). He was working with an architect and once he hired a contractor, he would apply for a permit. Mr. Le Blanc noted the area was condemned by the VA and was not being used. He discussed changes to be made.

Mr. Madden found that the deck required a railing and gave Mr. Le Blanc until June, 16 2017 to comply; otherwise a fine of \$100 will be charged. Mr. Madden waived the administrative fee of \$175.00.

MITIGATION CASE TO BE HEARD:

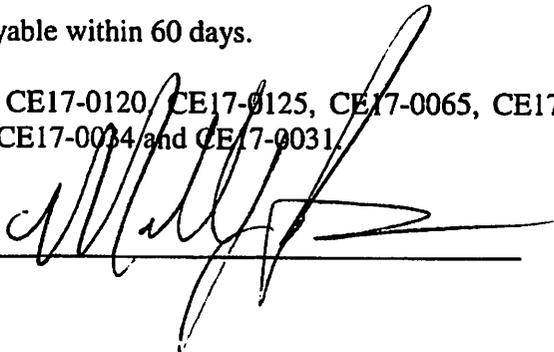
Property Owner: Nappo Joseph C + Christine M
SUBJECT: LDC Section: 6-111 Remodel w/out a Permit (21562) Adoption of Florida Building Code 105.1 Required
LOCATION: 21560/562 Indian Bayou Dr.
STRAP NO: 33-46-24-W2-01100.0050
CODE OFFICER: Molly Jacobs
REFERENCE NO: CE16-0431

Ms. Jacobs noted the case was bought before the Magistrate and Code Officer on September 28, 2016. She received a request for mitigation due to the amount of the lien, which stood at \$16,600.00. She stated that they had pursued the required permit. Ms. Jacobs recommended \$1,000.00.

Ms. Camara reported that they secured a permit on September 20, 2016 and the job was finalized on February 21, 2107. Mr. Nappo described the condition of the property and explained why it took so long.

Mr. Madden mitigated the fine to \$750.00 payable within 60 days.

Cases continued: CE17-0066, CE17-0013, CE17-0120, CE17-0125, CE17-0065, CE17-0030 and CE17-0006. Cases abated: CE16-0610, CE17-0034 and CE17-0031.

Vote: 4/11/17 Signature: 

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