

**MINUTES**  
**Special Magistrate Hearing**  
Fort Myers Beach Town Hall  
2525 Estero Boulevard  
Fort Myers Beach, FL 33931

**Wednesday, October 26, 2016**

Hearing Examiner - Special Magistrate: Mr. Joe Madden  
Mr. Madden swore in those providing testimony.

**CODE ENFORCEMENT – PARKING**

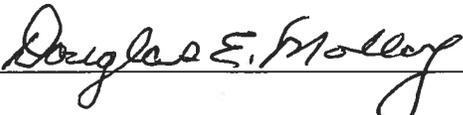
Property Owner:      Roberta Volker  
SUBJECT:                Overtime Meter  
LOCATION                 Old San Carlos  
BASE OFFICER:        Sheila Conroy\*  
REFERENCE NO:        72214516

\*Ms. Conroy was unable to attend. Ms. Volker did not object to Todd Sears providing details. While patrolling on October 1, 2016 at 1:22 p.m., Ms. Conroy observed a silver Kia, FL license CLI R13, parked overtime in space 19. The Town asked for a fine of \$60 plus \$100 in administrative fees. Ms. Conroy provided pictures. Ms. Volker stated that she paid \$6.00 at a kiosk and put the receipt on her dash. She realized that she may have paid at a private kiosk, but she asked for consideration since she did pay. Mr. Madden ordered Ms. Volker to pay \$6.00 within 48 hours and he waived the fine and administrative fee.

Property Owner:      Campo  
SUBJECT:                Parked on Sidewalk  
LOCATION                 First Street  
BASE OFFICER:        James Rediske\*  
REFERENCE NO:        70918831

\*Mr. Rediske was unable to attend. Mr. Sears provided details to Mr. Madden. While patrolling on September 27, 2016 at 11:00 a.m., Mr. Rediske approached a blue Chevy that was parked on the sidewalk on First Street. The Town asked for a fine of \$75 plus \$100 in administrative fees. Mr. Rediske provided pictures. Mr. Madden ordered the owner to pay \$75 and he waived \$100 in administrative fees since Mr. Rediske did not attend the hearing.

Parking citation 72600032 was abated.

Parking Enforcement Signature: 

## CODE ENFORCEMENT

**Property Owner:** First Baptist Church of Fort Myers Beach  
**SUBJECT:** FMB Ord. 16-03 Special Event - Farmers Mkt w/out Permit  
**LOCATION:** 130-138 Connecticut  
**STRAP NO:** 29-46-24-W1-00151.0010  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE16-0549

Ms. Jacobs inspected the property on September 14, 21 and 28, 2016 and October 5, 12, 19 and 26, 2016. She found that a special event, Farmer's Market, was being held without a permit. To correct the violation, cease all Farmer's Market activities, and/or obtain a special event permit. Notice of violation was provided to the property owner on September 14, 2016 and it was claimed. Notice of hearing was provided to the property owner on September 27, 2016 and it was claimed. Ms. Jacobs presented pictures taken on September 14, 21 and 28, 2016 and October 5, 12, 19 and 26, 2016. The pictures accurately reflected the condition of the property. She inspected the property on October 26, 2016 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, submit a completed special event application to the Town by November 11, 2016 to be scheduled for the November 21, 2016 Council meeting, that would obtain a permit by November 23, 2016; otherwise, a fine per day pursuant to code with \$239 in administrative costs.

Thomas Renaldi represented the First Baptist Church. He stated that the Church was in the process of abating previous and current cases. He asked that the Magistrate enter an order to abate the daily accrual of the fine while the Church was taking steps to rectify the issues.

Mr. Madden replied that it was a procedural issue. A procedure will be available to the church in terms of lien mitigation. He encouraged Mr. Renaldi to bring the same presentation for a lien mitigation hearing when the building was demolished.

Mr. Renaldi noted the violation was previously dismissed on August 31, 2016. He stated that the Town recently amended an ordinance and he submitted that the Church was not required to apply for the special event permit because it fell outside the definition of a special event. He noted he was meeting with several departments that day to try to work out all the issues.

Town Attorney Lehnert noted that a Farmer's Market was a special event under section 22-7.

Mr. Renaldi explained, off the record, what he observed at the adoption hearings with the ordinance amendment.

Mr. Madden questioned whether the parties would like the opportunity to get together before he ruled on the case. Mr. Madden continued the matter until November 30, 2016 to allow both parties to reach a resolution.

A handwritten signature in blue ink, appearing to be 'Madden', is located in the bottom right corner of the page. The signature is stylized and somewhat illegible.

**Property Owner:** Island Winds Condo  
**SUBJECT:** LDC Section: 6-111, FMB 105.1 Work w/out Permit - Pool Restoration  
**LOCATION:** 6614 Estero Blvd.  
**STRAP NO:** 34-46-24-W4-02100.00CE  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE16-0488

Ms. Jacobs inspected the property on August 19, 2016 and September 13, 2016. She found that pool restoration was being done without a permit. To correct the violation, secure the required permit and pass associated inspections.

Notice of violation was provided to the property owner on August 26, 2016 and was claimed. It was sent to the registered agent and was lost in the mail. Notice of hearing was provided to the property owner on September 9, 2016 and was claimed. It was provided to the registered agent on September 19, 2016 and was claimed.

Ms. Jacobs presented pictures she took on August 19, 2016 and October 21, 2016. The pictures accurately reflected the condition of the property. She inspected the property on October 25, 2016 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass all subsequent inspections by December 30, 2016; otherwise, a fine per day pursuant to code with \$175 administrative costs. She stated that the property appeared to be occupied and she identified who she had contacted in relation to the violation.

Dennis Dubois stated the contractor told them initially that they did not need a permit to replace pipes. He indicated that he did apply for a permit from the DEP and they sent an email that the permit would be issued. The Town issued the permit <sup>however were</sup> and was waiting for the DEP approval.

Mr. Madden found that a violation existed and ordered the Respondent to pay administrative costs of \$175 by December 30, 2016; otherwise, a \$150 per day fine will be imposed.

Mr. Renaldi did not object to proceeding with the issue despite the fact that notice of violation was lost in the mail.

**Property Owner:** Lighthouse Island Resort Inc.  
**SUBJECT:** LDC Section: 6-111, FMB 105.1 Work w/out Permit(s)  
**LOCATION:** 332 Crescent St.  
**STRAP NO:** 19-46-24-W4-0150E.016A  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE16-0507

Ms. Jacobs inspected the property on August 26, 2016 and September 16, 2016. She found that work was being done without permits. To correct the violation, secure the required permits and pass associated inspections.

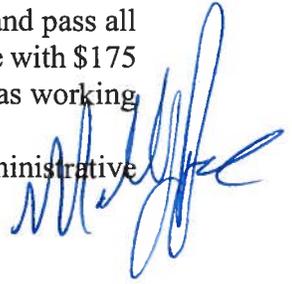
Notice of violation was provided to the property owner and registered agent on August 30, 2016 and was claimed. Notice of hearing was provided to the property owner on September 22, 2016 and was claimed. Notice of hearing was provided to the registered agent on September 23, 2016 and was claimed.

Ms. Jacobs presented pictures she took on August 26, 2016. The pictures accurately reflected the condition of the property. She inspected the property on October 25, 2016 and found the violation still existed.

is ready to issue

If the hearing found a violation, the Town requested a finding of fact, obtain a permit and pass all subsequent inspections by December 2, 2016; otherwise, a fine per day pursuant to code with \$175 administrative costs. The property appeared to be occupied and the property owner was working through a permit.

Mr. Madden found that a violation existed and ordered the property owner to pay administrative costs of \$175 by December 2, 2016; otherwise, a \$250 per day fine will be imposed.



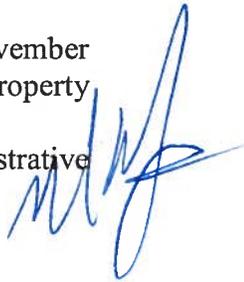
**Property Owner:** Tamiasa  
**SUBJECT:** FMB PMC 302.4 Overgrown Yard  
**LOCATION:** 850 Third St.  
**STRAP NO:** 24-46-23-W3-0030B.0100  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE16-0316

Ms. Jacobs inspected the property on July 13, 2016. She found that the grass was overgrown. To correct the violation, cut the grass with proper landscaping maintenance to avoid further action. Notice of violation was provided to the property owner on August 8, 2016 and was not claimed. It was posted in Town Hall on August 9, 2016 and on the property August 11, 2016.

Notice of hearing was provided to the property owner on September 24, 2016 and was claimed. Ms. Jacobs presented pictures she took on July 13, 2016, September 16, 2016 and October 25, 2016. The pictures accurately reflected the condition of the property. She inspected the property on October 25, 2016 and found the violation still existed.

If the hearing found a violation, the Town requested a finding of fact, cut all grass by November 4, 2016; otherwise, a fine per day pursuant to code with \$175 administrative costs. The property appeared to be unoccupied and she had not had contact with the property owner.

Mr. Madden found that a violation existed and ordered the property owner to pay administrative costs of \$175.00 by November 2, 2016; otherwise, a \$250 per day fine will be imposed.



**MITIGATED LIEN CASES TO BE HEARD:**

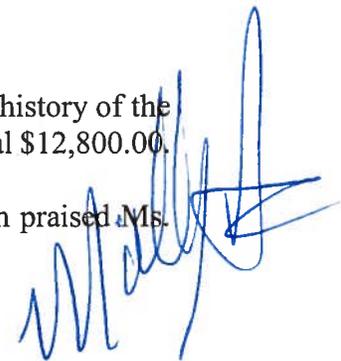
**Property Owner:** Ganim George W + Josephine  
**SUBJECT:** Not obtaining an LDO –Lien Mitigation  
**LOCATION:** 1478 Estero Blvd.  
**STRAP NO:** 19-46-24-W4-0070D.001A  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE16-0123

Ms. Jacobs stated the violation had been abated.

Mr. Ganim presented paperwork to Mr. Madden and Ms. Jacobs. He described the history of the case and explained why it took so long to comply. He asked for mitigation of the total \$12,800.00.

Ms. Jacobs stated that prosecution costs had been paid and she asked for \$355.00.

Mr. Madden mitigated \$12,800.00 to \$355.00, payable within 10 days. Mr. Ganim praised Ms. Jacobs.



**Property Owner:** Nygaard George and Mary Jane  
**SUBJECT:** Work w/out Permit – AC Change Out  
**LOCATION:** 4341 Bay Beach Lane # 542  
**STRAP NO:** 03-47-24-W1-06100.0542  
**CODE OFFICER:** Molly Jacobs  
**REFERENCE NO:** CE16-0276

Mr. Nygaard provided a copy of the permit. Ms. Jacobs stated the amount was \$2,816.00. Mr. Madden mitigated the lien to \$191.00, payable in 30 days.

The following cases were abated or closed: CE16-0287, CE16-0465 and CE16-0429.

Code Enforcement Signature: \_\_\_\_\_

Hearing adjourned at 9:59 a.m.