

CODE ENFORCEMENT BOARD MINUTES  
MARCH 11, 2010

The Code Enforcement Board of the City of Fort Myers, Florida met at City Hall, City Council Chambers, 2200 Second Street, Fort Myers, Florida, its regular meeting place, on Thursday, March 11, 2010 at 1:00 o'clock P.M. Present were Chairman Jon Martina, presiding, Ann Wilke, Ed Howell, William Bailey, Craig Holland, and David Krupick, Code Enforcement Board Members. Absent was Chairman Terry Hall, Code Board Member. Also presiding was Mark Moriarty, Assistant City Attorney.

Chairman Jon Martina stated that the procedures for the Code Enforcement Board are as follows:

Presiding Officers Opening Statement

All parties and their representatives will be allowed full opportunity to be heard on matters relevant to their cases. All parties and witnesses will be asked to swear or affirm that the testimony given is the truth to the best of their knowledge. The Board hears all the new business cases first followed by all old business. Mitigation Hearings are considered old business. Property owners and/or their representatives must be present when their address is called, or they may forfeit their right to be heard. The Clerk will call the case number and the cited address of the violation for all new business only. Those pleading Guilty will be heard first, and those pleading No Contest, or Not Guilty will be heard in the order of their case number on the agenda. As each new business case is called, the Code Violation Officer will present their case evidence to the board and answer any questions. When the Code Violation Officer is finished the alleged violator or their representative will have a chance to respond to the charge(s) and answer any of the board's questions.

Lori Keen, Clerk of the Board, administered the oath to those presenting testimony.

**AGENDA ITEM NO. 1 APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 11, 2010**

It was moved by Mr. Holland, seconded by Mr. Howell, and unanimously carried to approve the minutes of February 11, 2010.

**AGENDA ITEM NO. 1a APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 14, 2010**

It was moved by Mr. Bailey, seconded by Mr. Howell, and unanimously carried to approve the minutes of January 14, 2010.

**AGENDA ITEM NO. 48 CASE NO. 2009-00199 CITY OF FORT MYERS VS. HOME SOLUTIONS PARTNERS II REO/REBECCA NILSEN (CURRENT OWNERS); JEAN JOSEPH (PREVIOUS OWNER)  
CITED ADDRESS: 2222 STELLA STREET**

Attorney Greg Goetz, representative, presented his case. It was moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried to mitigate the fine in the amount of \$9,100.00 to \$907.63 if paid by March 31, 2010 or the fine will revert back to the original lien amount as ordered.

**AGENDA ITEM NO. 6 CASE NO. 2009-10207 CITY OF FORT MYERS VS. PEGGYSUE BAKER  
CITED ADDRESS: 4329 GLENWOOD AVENUE**

Case presented by Officer Maria Morales. Peggysue Baker, property owner of 4329 Glenwood Avenue, stated that the property is in foreclosure. It was moved by Ms. Wilke, seconded by Mr. Krupick, and

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unanimously carried to find the defendant guilty. It was further moved by Ms. Wilke, seconded by Mr. Krupick, and unanimously carried that all violations must be abated by August 12, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$1,000.00.

**AGENDA ITEM NO. 4 CASE NO. 2009-12418 CITY OF FORT MYERS VS. MUZIE BAHARY  
CITED ADDRESS: 3763 EDGEWOOD AVENUE (PRINCIPLE STRUCTURE, ALL  
ACCESSORY STRUCTURES & DOCK)**

Case presented by Officer Richard Scott. Daniel Baydroff, representative, presented his case. It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried that an engineer's report must be obtained by April 8, 2010, that all permits must be obtained by July 8, 2010, and that all violations must be abated by October 14, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010, with no cap, and the city shall abate.

It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to find the defendants not guilty due to compliance on case #2009-10687.

It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to remove agenda item #52 at the request of city staff.

It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to withdraw case #2009-12962 at the request of city staff.

**AGENDA ITEM NO. 5 CASE NO. 2009-12416 CITY OF FORT MYERS VS. MUZIE BAHARY  
CITED ADDRESS: 3771 EDGEWOOD AVENUE (PRINCIPLE STRUCTURE & ALL  
ACCESSORY STRUCTURES)**

Case presented by Officer Richard Scott. Daniel Baydroff, representative, presented his case. It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried that an engineer's report must be obtained by April 8, 2010, that all permits must be obtained by July 8, 2010, and that all violations must be abated by October 14, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010, with no cap, and the city shall abate.

**AGENDA ITEM NO. 27 CASE NO. 2009-11519 CITY OF FORT MYERS VS. JWF  
PROPERTIES, LLC  
CITED ADDRESS: 1136 SHORT STREET (S/F HOME ONLY)**

Case presented by Officer Richard Scott. Jimmy Villarroel, representative, presented his case. It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried that all violations must be abated by April 30, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 with no cap.

**AGENDA ITEM NO. 8 CASE NO. 2009-03829 CITY OF FORT MYERS VS. TEMPLO  
CRISTIANO LAESTRELLA RESPLANDECIENTE  
CITED ADDRESS: 964 ORTIZ AVENUE**

Case presented by Officer Maria Morales. Unknown speaker (inaudible), representative, presented her case. It was moved by Mr. Holland, seconded by Mr. Krupick, and unanimously carried to find the defendant guilty. It was further moved by Mr. Holland, seconded by Mr. Howell, and unanimously

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carried that all violations must be abated by September 9, 2010 with no fine.

**AGENDA ITEM NO. 10 CASE NO. 2009-08261 CITY OF FORT MYERS VS. VILMAR & DONNA RIBEIRO**  
**CITED ADDRESS: 350 VAN BUREN STREET**

Case presented by Officer Ron Giddings. Vilmar Ribeiro, property owner of 350 Van Buren Street, presented his case. It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried that all violations must be abated by May 13, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 14 CASE NO. 2008-07978 CITY OF FORT MYERS VS. RICHARD & SARI LESINSKI**  
**CITED ADDRESS: 1512 CRANFORD AVENUE**

Case presented by Officer Maria Morales. Richard Lesinski, property owner of 1512 Cranford Avenue, presented his case. It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried that all violations must be abated by September 9, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$1,000.00.

**AGENDA ITEM NO. 24 CASE NO. 2009-12127 CITY OF FORT MYERS VS. DEUTSCHE BANK NATL. TRUST CO TR**  
**CITED ADDRESS: 3656 SEMINOLE AVENUE**

Case presented by Officer Ron Giddings. Robert Ecktol, representative, presented his case. It was moved by Mr. Krupick, seconded by Mr. Wilke, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried that all violations must be abated by June 10, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 28 CASE NO. 2009-11065 CITY OF FORT MYERS VS. CAROL WHITE**  
**CITED ADDRESS: 3319 ARMSTRONG COURT**

Case presented by Officer Mark Withers. Carol White, property owner of 3319 Armstrong Court, presented her case. It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried that all violations must be abated by September 9, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$1,000.00.

**AGENDA ITEM NO. 29 CASE NO. 2009-04435 CITY OF FORT MYERS VS. SUNTREG, INC.**  
**CITED ADDRESS: 2601/2621 FOWER STREET/EVANS AVENUE**

Case presented by Officer Tom Smith. Sol Pages, representative, presented his case. It was moved by Mr. Bailey, seconded by Ms. Wilke, and unanimously carried to find the defendant guilty. It was further moved by Mr. Bailey, seconded by Ms. Wilke, and unanimously carried and that all violations must be abated by August 15, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00. It was also further moved by Mr. Bailey, seconded by Ms. Wilke, and unanimously carried that all permits must be obtained by March 18, 2010.

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Lori Keen, Clerk of the Board, administered the oath to those presenting testimony.

**AGENDA ITEM NO. 30 CASE NO. 2009-05830 CITY OF FORT MYERS VS. ST.-PIERRE  
CHERAMI & GERTHA MORENCY  
CITED ADDRESS: 2933 JACKSON STREET**

Case presented by Officer Tom Smith. Gail (pronunciation ?), representative, presented her case. It was moved by Mr. Bailey, seconded by Mr. Krupick, and unanimously carried to find the defendant guilty. It was further moved by Mr. Bailey, seconded by Mr. Krupick, and unanimously carried and that all violations must be abated by August 15, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$1,000.00.

**AGENDA ITEM NO. 33 CASE NO. 2009-11507 CITY OF FORT MYERS VS. BRENDA ILES  
CITED ADDRESS: 2233 CLIFFORD STREET**

Case presented by Officer Richard Scott. Brenda Iles, property owner of 2233 Clifford St., presented her case. It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried that all permits must be obtained by May 13, 2010, and that all violations must be abated by December 9, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010, and capped at \$5,000.00, and the city shall abate.

**AGENDA ITEM NO. 36 CASE NO. 2009-11436 CITY OF FORT MYERS VS. JEAN & MARIE  
CHATELIER  
CITED ADDRESS: 2358 VICTORIA AVENUE**

Case presented by Officer Mark Withers. Evan Graves, representative, presented her case. It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupicik, seconded by Mr. Howell, and unanimously carried and that all violations must be abated by April 8, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,000.00.

**AGENDA ITEM NO. 41 CASE NO. 2007-09304 CITY OF FORT MYERS VS. REAL SWEET  
ESTATE, INC. (CURRENT OWNER); ALETA SUE ADAM (PREVIOUS OWNER)  
CITED ADDRESS: 1453 ALHAMBRA DRIVE/FIRE**

It was moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried to mitigate the fine in the amount of \$46,100.00 to \$1,653.58 if paid by March 31, 2010 or the fine will revert back to the original lien amount as ordered.

**AGENDA ITEM NO. 42 CASE NO. 2008-07254 CITY OF FORT MYERS VS. WINNIE  
WILLIAMS  
CITED ADDRESS: 3056 GUAVA STREET (CARPORT ONLY)**

It was moved by Mr. Bailey, seconded by Mr. Howell, and unanimously carried to mitigate the fine in the amount of \$40,600.00 to \$1,203.58 if paid by December 31, 2010, via a payment plan, or the fine will revert back to the original lien amount as ordered.

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**AGENDA ITEM NO. 43 CASE NO. 2008-00726 CITY OF FORT MYERS VS. KILDARRA, LLC (CURRENT OWNER); WALTER BUTLER SR. (PREVIOUS OWNER)  
CITED ADDRESS: 4545 LUCKETT ROAD**

It was moved by Mr. Howell, seconded by Mr. Bailey, and unanimously carried to mitigate the fine in the amount of \$75,750.00 to \$1,744.02 if paid by April 8, 2010 or the fine will revert back to the original lien amount as ordered.

**AGENDA ITEM NO. 44 CASE NO. 2007-06793 CITY OF FORT MYERS VS. T.D. & DOROTHY MCRAE (CURRENT OWNERS); NCA ENTERPRISES, INC./T.D. MCRAE (PREVIOUS OWNERS)  
CITED ADDRESS: 4243-49 MICHIGAN AVENUE LINK**

It was moved by Mr. Bailey, seconded by Mr. Howell, and unanimously carried to mitigate the fine in the amount of \$55,500.00 to \$5,573.64 if paid by August 12, 2010 or the fine will revert back to the original lien amount as ordered.

**AGENDA ITEM NO. 45 CASE NO. 2008-07315 CITY OF FORT MYERS VS. T.D. & DOROTHY MCRAE (CURRENT OWNERS); NCA ENTERPRISES, INC./T.D. MCRAE (PREVIOUS OWNERS)  
CITED ADDRESS: 4243-49 MICHIGAN AVENUE LINK**

It was moved by Mr. Martina, seconded by Mr. Krupick, and unanimously carried to mitigate the fine in the amount of \$36,000.00 to \$738.46 if paid in six months or the fine will revert back to the original lien amount as ordered.

**AGENDA ITEM NO. 46 CASE NO. 2009-02961 CITY OF FORT MYERS VS. T.D. & DOROTHY MCRAE (CURRENT OWNERS); NCA ENTERPRISES, INC./ABRAUM NABIL (PREVIOUS OWNERS)  
CITED ADDRESS: 4243-49 MICHIGAN AVENUE LINK**

It was moved by Mr. Martina, seconded by Mr. Krupick, and unanimously carried to mitigate the fine in the amount of \$12,000.00 to \$339.12 if paid in six months or the fine will revert back to the original lien amount as ordered.

**AGENDA ITEM NO. 47 CASE NO. 2007-00036 CITY OF FORT MYERS VS. BLUEBIRD TAXI OF LEE COUNTY  
CITED ADDRESS: 3252 PALM AVENUE**

Judy Griffin, property owner of 3252 Palm Avenue, presented her case. It was moved by Mr. Krupick, seconded by Mr. Bailey, and unanimously carried to mitigate the fine in the amount of \$82,200.00 to \$100.00 if paid by March 31, 2010 or the fine will revert back to the original lien amount as ordered.

**AGENDA ITEM NO. 49 CASE NO. 2009-02310 CITY OF FORT MYERS VS. PATRICK MCKENNA  
CITED ADDRESS: 320 UTANA AVENUE**

It was moved by Mr. Martina, seconded by Mr. Howell, and unanimously carried to mitigate the fine in the amount of \$24,900.00 to \$964.12 if paid in thirty days or the fine will revert back to the original lien amount as ordered.

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**AGENDA ITEM NO. 50 ADMINISTRATIVE ITEM: Partial Releases of Lien – February 2010**

Presented by: Mary Enstrom

1829 Grace 33901 from 950 Moody #1400 North Fort Myers 33903  
221/223 Maria 33916 from 950 Moody #1400 North Fort Myers 33903  
626 Marsh 33901 from 950 Moody #1400 North Fort Myers 33903  
2164 Jeffcott 33901 from 2710 Elmwood 33901

Lori Keen, Clerk of the Board, stated that the partial releases of lien are for information purposes only. No action taken by the board.

Lori Keen, Clerk of the Board, administered the oath to Collections Manager Mary Enstrom.

**AGENDA ITEM NO. 51 Code Case Without Lien Cap – COD2009-03910, 2209 Royal Palm**

Presented by: Mary Enstrom

This property is now owned by the Federal National Mortgage Assn. Different title companies have been showing interest in this property selling soon. Code Board at their 12/10/09 hearing set the fine at \$250/day without a cap. Staff is requesting a cap.

Hard costs for this non-complied code case are:

14 officer visits at \$75/each	\$1,050.00	
5 certified mailings	27.70	
1 recording/release	22.50	Total \$1,100.20

Presented by Collections Manager Mary Enstrom. It was moved by Mr. Martina, seconded by Mr. Krupick, and unanimously carried to cap case #COD2009-03910 at \$1,500.00.

**AGENDA ITEM NO. 2 CASE NO. 2009-11668 CITY OF FORT MYERS VS. KENNY & LORRAINE LEPO  
CITED ADDRESS: 3856 BELMONT STREET**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 3 CASE NO. 2009-07188 CITY OF FORT MYERS VS. IBT SOUTH FL, LLC  
CITED ADDRESS: 340 DETROIT AVENUE**

Case presented by Officer Maria Morales. No one in attendance. It was moved by Mr. Bailey, seconded by Mr. Krupick, and unanimously carried to find the defendant guilty. It was further moved by Mr. Bailey, seconded by Ms. Wilke, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 7 CASE NO. 2009-11414 CITY OF FORT MYERS VS. BANKUNITED FSB  
CITED ADDRESS: 765 MARSH AVENUE**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried and that all violations must be abated by

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March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 9 CASE NO. 2009-05527 CITY OF FORT MYERS VS. US BANK NA TR  
FOR SERIES 2005-16HE SPECIALIZED LOAN SERVICING, LLC  
CITED ADDRESS: 1121 ROSE AVENUE**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Bailey, seconded by Ms. Wilke, and unanimously carried to find the defendant guilty. It was further moved by Mr. Bailey, seconded by Ms. Wilke, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 11 CASE NO. 2009-10835 CITY OF FORT MYERS VS. RESA VASQUEZ  
CITED ADDRESS: 3854 WASHINGTON AVENUE**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Holland, seconded by Ms. Wilke, and unanimously carried to find the defendant guilty. It was further moved by Mr. Holland, seconded by Ms. Wilke, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 12 CASE NO. 2009-10836 CITY OF FORT MYERS VS. LESLEY DAVIES  
CITED ADDRESS: 3863 WASHINGTON AVENUE**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Holland, seconded by Mr. Krupick, and unanimously carried to find the defendant guilty. It was further moved by Mr. Holland, seconded by Mr. Krupick, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 13 CASE NO. 2009-03024 CITY OF FORT MYERS VS. WELLS FARGO  
BANK NA/CHRISTINA NICOLE RILEY ESQ.  
CITED ADDRESS: 4043 WASHINGTON AVENUE**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Howell, seconded by Ms. Wilke, and unanimously carried to find the defendant guilty. It was further moved by Mr. Howell, seconded by Ms. Wilke, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$1,000.00.

**AGENDA ITEM NO. 15 CASE NO. 2009-07947 CITY OF FORT MYERS VS. ONEWEST BANK  
FSB  
CITED ADDRESS: 3668 ESTELLE AVENUE**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Holland, seconded by Mr. Krupick, and unanimously carried to find the defendant guilty. It was further moved by Mr. Holland, seconded by Mr. Krupick, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

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**AGENDA ITEM NO. 16 CASE NO. 2009-09864 CITY OF FORT MYERS VS. DAVID W. MERRILL TR FOR DAVID W. MERRILL TRUST  
CITED ADDRESS: 3326 HIGHLAND AVENUE**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Howell, seconded by Mr. Krupick, and unanimously carried to find the defendant guilty. It was further moved by Mr. Howell, seconded by Mr. Krupick, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 18 CASE NO. 2009-11801 CITY OF FORT MYERS VS. NEWELL PROPERTIES III, LLC  
CITED ADDRESS: 704 KARLOV STREET**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Holland, seconded by Mr. Krupick, and unanimously carried to find the defendant guilty. It was further moved by Mr. Holland, seconded by Mr. Krupick, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 19 CASE NO. 2009-11800 CITY OF FORT MYERS VS. NEWELL PROPERTIES III, LLC  
CITED ADDRESS: 710 KARLOV STREET**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Howell, seconded by Ms. Wilke, and unanimously carried to find the defendant guilty. It was further moved by Mr. Howell, seconded by Ms. Wilke, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 20 CASE NO. 2009-11733 CITY OF FORT MYERS VS. EMMA ROSE WALKER EST./DENISE ROSE WALKER  
CITED ADDRESS: 316 LOUISE AVENUE**

Case presented by Officer Maria Morales. No one in attendance. It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$3,000.00.

**AGENDA ITEM NO. 21 CASE NO. 2009-11730 CITY OF FORT MYERS VS. DEBRA & STEVE NEWELL  
CITED ADDRESS: 121-23 LUCILLE AVENUE**

Case presented by Officer Maria Morales. No one in attendance. It was moved by Mr. Krupick, seconded by Mr. Holland, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Holland, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$3,000.00.

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**AGENDA ITEM NO. 22 CASE NO. 2008-09236 CITY OF FORT MYERS VS. NEW LIFE CHURCH OF GOD BY FAITH  
CITED ADDRESS: 2141 MITCHELL COURT**

Case presented by Officer Maria Morales. No one in attendance. It was moved by Mr. Martina, seconded by Mr. Krupick, and unanimously carried to find the defendant guilty. It was further moved by Mr. Martina, seconded by Mr. Krupick, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$100.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 23 CASE NO. 2009-11798 CITY OF FORT MYERS VS. WILLIAM WERDEHAUSEN  
CITED ADDRESS: 702 POLK STREET**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Krupick, seconded by Mr. Holland, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Holland, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$2,500.00.

**AGENDA ITEM NO. 25 CASE NO. 2009-12113 CITY OF FORT MYERS VS. IMPERIAL LENDING, LLC  
CITED ADDRESS: 3857 SEMINOLE AVENUE (REAR PORCH & SIDE SHED ONLY)**

Case presented by Officer Richard Scott. No one in attendance. It was moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Holland, and unanimously carried that an engineer's report must be obtained by April 8, 2010, that all permits must be obtained by July 8, 2010, and that all violations must be abated by August 12, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010, and capped at \$10,000.00, and the city shall abate.

**AGENDA ITEM NO. 26 CASE NO. 2009-12126 CITY OF FORT MYERS VS. IMPERIAL LENDING, LLC  
CITED ADDRESS: 3857 SEMINOLE AVENUE**

Case presented by Officer Ron Giddings. No one in attendance. It was moved by Mr. Krupick, seconded by Mr. Holland, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$5,000.00.

**AGENDA ITEM NO. 31 CASE NO. 2009-12464 CITY OF FORT MYERS VS. CORRINE G. FRANKLIN EST.  
CITED ADDRESS: 2933 ST. CHARLES STREET (CARPORT ONLY)**

Case presented by Officer Richard Scott. No one in attendance. It was moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Holland, and unanimously carried that an engineer's report must be obtained by April 8, 2010, that all permits must be obtained by June 10, 2010, and that all violations must be abated by August 12, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010, and capped at \$5,000.00, and the city shall abate.

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**AGENDA ITEM NO. 32 CASE NO. 2009-11035 CITY OF FORT MYERS VS. US BANK NATL. ASSN. TR FOR STRUCTURED ASSET INVESTMENT LOAN TRUST 2005-5  
CITED ADDRESS: 3017 ST. CHARLES STREET (CARPORT & OVERHANG ONLY)**

Case presented by Officer Richard Scott. No one in attendance. It was moved by Mr. Krupick, seconded by Mr. Holland, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Holland, and unanimously carried that an engineer's report must be obtained by April 8, 2010, that all permits must be obtained by June 10, 2010, and that all violations must be abated by August 12, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010, and capped at \$5,000.00, and the city shall abate.

**AGENDA ITEM NO. 34 CASE NO. 2009-01725 CITY OF FORT MYERS VS. CHRISTINA CARR  
CITED ADDRESS: 1716 FOWLER STREET (CARPORT & OVERHANG ONLY)**

Case presented by Officer Richard Scott. No one in attendance. It was moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Holland, and unanimously carried that an engineer's report must be obtained by April 8, 2010, that all permits must be obtained by June 10, 2010, and that all violations must be abated by August 12, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010, and capped at \$5,000.00, and the city shall abate.

**AGENDA ITEM NO. 35 CASE NO. 2009-09833 CITY OF FORT MYERS VS. VAN TUOI HO TR + HOA T. NGUYEN HOA H/W FOR HO TRUST  
CITED ADDRESS: 2239-65 JACKSON STREET**

Case presented by Officer Tom Smith. No one in attendance. It was moved by Mr. Holland, seconded by Mr. Krupick, and unanimously carried to find the defendant guilty. It was further moved by Mr. Holland, seconded by Mr. Krupick, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$500.00 per day be imposed retroactive to March 11, 2010 and capped at \$10,000.00. Second-half of the motion amended by Mr. Holland, seconded by Ms. Wilke, and unanimously carried that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$10,000.00.

**AGENDA ITEM NO. 37 CASE NO. 2009-07458 CITY OF FORT MYERS VS. DONALD WATTS PER REP FOR LANIER WATTS EST.  
CITED ADDRESS: 1891 WINKLER AVENUE**

Case presented by Officer Steve Meyer. No one in attendance. It was moved by Mr. Krupick, seconded by Mr. Holland, and unanimously carried to find the defendant guilty. It was further moved by Mr. Krupick, seconded by Mr. Howell, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at \$5,000.00.

**AGENDA ITEM NO. 39 CASE NO. 2009-11123 CITY OF FORT MYERS VS. DOMINGO FELICIANO  
CITED ADDRESS: 3401 WINKLER AVENUE EXT. #113**

Case presented by Officer Jermaine Jones. No one in attendance. It was moved by Mr. Bailey, seconded by Mr. Krupick, and unanimously carried to find the defendant guilty. It was further moved by Mr. Bailey, seconded by Mr. Howell, and unanimously carried and that all violations must be abated by March 11, 2010 or a fine of \$250.00 per day be imposed retroactive to March 11, 2010 and capped at

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\$10,000.00.

**AGENDA ITEM NO 40 APPROVAL OF ORDER OF LIEN NO. 10-325, 10-326 & 10-327**

It was moved by Mr. Krupick, seconded by Ms. Wilke, and unanimously carried to approve Order of Lien No. 10-325, 10-326 & 10-327.

Attorney Mark Moriarty stated that releases of lien and hard costs accepted from Kass, Shuler, Solomon, Spector, Foyle & Singer P.A. for foreclosed property 2415 Kennesaw. COD2009-04736, \$586.62 and COD2006-06166, \$2,968.34. It was moved by Ms. Wilke, seconded by Mr. Howell, and unanimously carried to accept the hard costs.

Attorney Mark Moriarty stated that Fred Kobie was present to speak to the board about the right to farm act and he was counseled that he would be better served to talk to the legislature. Mr. Moriarty stated that this board is fact specific and code case specific. Mr. Moriarty stated that Mr. Kobie would regulate his comments (in general) and that he was not going to talk about fact specific cases. Mr. Moriarty stated that the supreme court ruled on March 10, 2010 that just because government meetings are open to the public that doesn't mean residents have a right to speak at them. Mr. Martina stated that he agreed with the new ruling. It was moved by Mr. Martina, seconded by Mr. Krupick, and unanimously carried that public comment will not be taken at these meetings.

Meeting adjourned at 3:20pm.