

City of Marco Island Florida

*50 Bald Eagle Drive
Marco Island, FL
cityofmarcoisland.com*



Code Advisory Committee

Meeting Minutes

Thursday

February 25, 2016

2:00 PM

City Hall Conference Room

Code Advisory Committee Members

***Chuck Kiester, Phil Kostelnik, Ray McChesney, Marv Needles,
Theresa Rejrat, Ron Rutledge, Denny Verbance***

1. ROLL CALL

Present: 5 Phil Kostelnik, Ray McChesney, Marv Needles, Theresa Rejrat, and Denny Verbance

Absent: 2 Chuck Kiester and Ron Rutledge

ALSO PRESENT

Laura Litzan, City Clerk
Dave Baer, Police Captain
Steve Stefanides, Marco Island Suntimes

2. APPROVAL OF AGENDA

The agenda was approved by tacit agreement.

3. APPROVAL OF MINUTES

MOTION by Ray McChesney, second by Denny Verbance, approving the January 28, 2016 Code Advisory Committee meeting minutes, amended to remove a questionable comment made by a citizen.
MOTION CARRIED UNANIMOUSLY 5-0.

Following approval of the minutes, Chairman Needles provided information about the results of the presentation he made to City Council at their February 16th meeting regarding Council's consideration of Code Advisory Committee recommendations for changes to Chapter 18, Article II (Nuisance, Litter, Weed, Plant, and Right-of-Way Control) of the City's Code of Ordinances. He reported that Council made a few comments, but gave no direction at that time to City staff or to the Committee to look into the issues identified. Chairman Needles suggested committee members pursue the matter further with their respective Council appointees.

4. COMMUNITY FORUM

Ms. Ada Assenza, 711 Elkcam Circle West, commented that because there is no fence between Progressive Auto Repair and residential property owners in that area, noise generating from Progressive is affecting their quality of life.

Police Captain Dave Baer reported that per code, a fence is not mandatory because the two properties are not abutting.

City Clerk Laura Litzan added that this issue may come under the category of required buffers and that a change in the ordinance is something the Code Advisory Committee can look into. Ms. Litzan noted that she will keep Ms. Assenza informed regarding follow-up.

Mr. Gene Burson, 1865 Apataki Court, and Chairman of the Beach Advisory Committee, informed members of the Code Advisory Committee that several months ago he came before them regarding a fertilizer ordinance, and reported that City Council is now in the process of moving towards adopting a fertilizer ordinance.

Mr. Dale Roble, 1133 Whiteheart Court, commented about the proximity of his neighbor's boat dock to his dock, impeding his ability to navigate his boat out. He came to the meeting today to see if anything can be done to change the process of issuing boat dock permits.

Ms. Litzan reported that she will bring ordinances relating to the fence and dock issues presented during Community Forum today to the next Code Advisory Committee meeting for discussion.

5. **REPORT FROM CODE ENFORCEMENT – POLICE CAPTAIN DAVE BAER**

Police Captain Dave Baer provided the following report:

- In 2015 there were 1,220 code cases, and 1,900 code violation calls.
- Not all code calls result in a case.
- Code enforcement activities can be self-initiated or dispatched.
- Environmental cases include protection of burrowing owl nests; protection of tortoises; noxious plants; and sporadically a broken hydraulic hose caused by a construction vehicle.
- Code violations as a group was the single highest group (not numerically), followed by medical calls, parking violations, noise, alarms, legal advice, etc. Out of approximately 44,000 CAD (computer aided dispatch) events, 1,900 represented the largest dispatched group. Code violations do not include parking or noise, with parking being the fourth most common and noise not breaking the top ten.
- Code calls average about 220 calls per month, with no difference in or out of season.

Captain Baer answered questions, as follows:

- What percent of time do code enforcement officers spend on code enforcement issues?

The three primary duties of code enforcement officers include code enforcement, beach and special area patrols such as schools and parks, and law enforcement support. Ninety percent of their time is dedicated to code enforcement (dispatch or proactive code complaints).

- How long has Marco Island had the Community Service Program and what has been the biggest change?

A year and a half to two years. The biggest difference is that code calls continue to increase numerically and in complexity, and because of this, it takes time away from other things, such as proactive patrolling of the beach.

- What is the increase in code calls attributed to?

More people, and expectations of residents for a higher quality of life on Marco Island.

- How much time elapses between the time violations are reported and follow-up before it goes before a magistrate?

The point of code enforcement is to achieve voluntary compliance. Depending on the violation, the period of time given for correction is dependent on the complexity of the violation. Code enforcement officers not only have day to day follow-up, but special projects as well that are more complex and require more time to attain compliance. Time can range from ten, thirty, sixty, or ninety days, depending on the complexity of the issue.

- What should the Code Advisory Committee be looking at to help improve the quality of life for residents?

The sidewalk ordinance. The City has an ordinance stating that everyone shall have a sidewalk in front of their property, including vacant lots. The Committee may want to look into whether the community is in favor of this, i.e. is there a value or public safety necessity.

6. **ADJOURN**

The meeting adjourned at 2:46 p.m.

The next meeting is scheduled for March 24, 2016, at 2:00 p.m.

Prepared by:

Sandra Schildhorn

Administrative Assistant