

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

October 12, 2020 - 10:00 A.M.

PRESENT

Norm Nash, Special Magistrate
Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Community Development Director
Peyt Dewar, Code Enforcement Manager
Aaron Marceron, Enforcement/Assurance Officer

Special Magistrate Nash called the Hearing to order at 10:00 a.m.

- 1. ADMINISTRATION OF OATH**
- 2. CHANGES TO THE AGENDA** – There were no changes to the agenda.
- 3. CASES COMPLIED OR CONTINUED**

- A. Case No. 20160135 – Prohibited Signs (Sec. 26.4)**
City of St. Pete Beach v. Charles L. Collom
Address: 2381 E Vina Del Mar Blvd. St. Pete Beach, FL 33706

Mr. Marceron stated that the property is currently compliant. He reviewed a presentation including noticing on the property and photo exhibits of the banner. Violation dates were 8/29/20 through 8/31/20 and 9/8/20 through 9/21/20 for a total of 17 days.

Attorney Robert Kapusta appeared for the Respondent and explained some of the circumstances and asked that any fines be waived. Mr. Dewar stated that the property had been in previous violation in 2016 and the respondent was aware of the city code.

The Special Magistrate found that notice was proper, and that the property was in violation for 17 days and imposed fines of \$250 per day for 17 days (\$4,250) plus administrative costs. He stated that a lien reduction may be requested through the City. City Attorney Dickman added comments.

Attorney Kapusta requested a reduction in fines and consolidation of that fine for all four properties (Items 3B – 3D). The Special Magistrate denied the request but will consolidate and incorporate orders since all of the violation dates are the same.

- B. Case No. 20200177 – Prohibited Signs (Sec. 26.4)**
City of St. Pete Beach v. Charles L. Collom
Address: 2102 W Vina Del Mar Blvd. St. Pete Beach, FL 33706

The Special Magistrate incorporated the facts from the previous case, found the property was in violation for 17 days, and imposed fines of \$250 per day for 17 days (\$4,250) plus administrative costs.

- C. Case No. 20200178 – Prohibited Signs (Sec. 26.4)**

City of St. Pete Beach v. Charles L. Collom
Address: 2132 W Vina Del Mar Blvd. St. Pete Beach, FL 33706

The Special Magistrate incorporated the facts from the previous case, found the property was in violation for 17 days, and imposed fines of \$250 per day for 17 days (\$4,250) plus administrative costs.

D. Case No. 20200181 – Prohibited Signs (Sec. 26.4)
City of St. Pete Beach v. TOFORYOU LLC
Address: 2183 W Vina Del Mar Blvd. St. Pete Beach, FL 33706

The Special Magistrate incorporated the facts from the previous cases, found the property was in violation for 17 days, and imposed fines of \$250 per day for 17 days (\$4,250) plus administrative costs.

4. NEW CASES

A. Case No. 20200235 - Enumeration. Sec. 46-33. Inoperative vehicles
City of St. Pete Beach v. Bernard Bradford Landers II
Address: 5555 Gulf Blvd. # 418 St. Pete Beach, FL 33706

Mr. Dewar presented photos and details of the violations at the property. One vehicle is currently compliant, the Volkswagen is not. Respondent Bernard Branford Landers appeared on his own behalf and denied the violations.

The Special Magistrate found the Respondent and property to be in violation and provided seven days, until October 19, 2020 to comply or the matter will be returned to the next meeting and fines imposed.

5. OLD CASES - None

6. REPEAT VIOLATION

A. Case No. 20190496 – Prohibited uses/structures (Sec. 32.5) Short-term Rental
City of St. Pete Beach v. 360 78th Avenue Trust, Southern Investments Assoc.
Address: 360 78th Avenue St. Pete Beach, FL 33706

Mr. Marceron reviewed the most current violations with photos and dates at the property.

The Special Magistrate found the property (four units) in repeat violation for the dates of 9/15 through 9/19/2020 and 10/5 through 10/11/2020 for a total of 12 days at \$500 per day per unit (\$24,000).

Attorney Sean Colon of Luke Charles Lirot, P.A., appeared on behalf of the Respondent. Mr. Dickman, the Special Magistrate and Mr. Colon discussed service of documents and related requirements. Mr. Colon requested that the Magistrate vacate and re-issue his August 10th Order to consolidate cases. Mr. Dickman explained the appeal process.

Mr. Dickman requested a 15-minute recess at 11:10 a.m. to confer with his office regarding correspondence. The meeting was called back to order at 11:25 a.m.

Mr. Dickman reviewed the sequence of Magistrate's orders and filings from Mr. Colon's office up until the previous day. He would be amenable to a phone conference with Mr. Colon, Mr. Wright, and the City's counsel to discuss any reissuance.

The Special Magistrate denied the Respondent's Motion to Vacate the August 10, 2020 Order and Re-Issue.

7. NEXT MEETING: November 9, 2020

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 11:34 a.m.

Attest:


Amber LaRowe, City Clerk