

**CODE ENFORCEMENT SPECIAL MAGISTRATE
PUBLIC HEARING
Tuesday, February 12, 2009**

Case Docket

The above-mentioned public hearing was held at the City of St. Pete Beach City Hall, located at 155 Corey Ave., St. Pete Beach, Florida.

I. CALL TO ORDER – 9:00AM

II. PLEDGE OF ALLEGIANCE

III. ADMINISTER OATH

Ms. Saldana read the rules for the hearing to the audience members.

Mr. Elias swore in the audience members who wished to testify at this hearing.

IV. CASES PENDING:

Case # 2008-0201; City of St. Pete Beach v. Corey Landings Development, LLC, property owner. Properties located at 7345 Bay St., 54 Corey Ave., 10 Corey Ave., 71 Corey Circle and 73 Corey Circle. Violations are as follows:

1. Having a property or properties on which vegetation is in excess of 12 inches in height – sec. 46-33(1a).
2. Having a property or properties on which there is an accumulation of trash, litter, debris, concrete and other refuse – sec 46-33(2).
3. Allowing vacant properties and docks to be unsecured due to missing or damaged security fencing and open gates – sec. 46-33(4a)

Ms. Saldana gave the background of the case and read the violations into the record. She testified that the notices of hearing and violation were returned unsigned. She also

testified that the Finding-of-Fact Notice was also returned unsigned. She testified that the notices were sent to the address that is listed on the Property Appraiser's web site and the envelopes that were returned were marked vacant lot. She asked that this case be continued until the March hearing so that she could provide proper notice to the property owner.

Mr. Elias ruled, based on the testimony, that this case be continued until the March 2009 hearing, pending proper notice has been given to the owner.

Case # 2008-0222; City of St. Pete Beach v. Theodore O. Blauvelt, property owner. Property located at 3672 Belle Vista Dr. E. Violation: Having a vacant lot that has grass and weeds in excess of 12 inches in height; which presents an unkempt appearance and is an eyesore – sec. 46-33 (1a)

Ms. Saldana gave the background of the case and read the violations into the record. She testified that on January 29, 2009 that she attempted to hand deliver (twice) the Notice of Hearing and Violation to the property; and she posted the property and City hall and sent them by regular mail to the owner. She testified that a neighbor of the property told her to contact former Commissioner Ed Ruttencutter for the correct address of the owner. She testified that she did contact Mr. Ruttencutter and sent the notices to the address that he provided her. She testified that the Finding-of- Fact Notice for the January meeting was sent cert mail and no card was returned. She testified that as of February 9; the violation still existed; she requested that Mr. Elias find that there is a violation, so in the future it could be considered a repeat violation; and she suggested no fines at this time. Ms. Saldana entered a photo of the property for the record.

Mr. Elias ruled that, based on today's testimony, that proper notice was given; the violations do exist and he will allow 10 days for the violations to be corrected and for the property to be brought into compliance; if not, it will result in a second hearing in March, at which time fines may be imposed.

Case # 2009-0004; City of St. Pete Beach v. Richard W. McCabe property owner. Property located at 285 42nd Ave. Violation: Having a residential property that has grass and weeds in excess of 12 inches in height; which presents an unkempt appearance and is an eye sore – sec. 46-33(1a).

Ms. Saldana gave the background of the case and read the violations into the record. She testified that she inspected the property on Feb 9, 2009 and it was in compliance. She submitted a photo for the record. She testified that when the notices hearing and violation were sent out the property was in violation. She testified that the certified mail that was sent on January 2nd was returned unsigned. She testified that on January 29, 2009 the property was posted; city hall was posted and notices were sent, by regular mail, to the owner. She requested that Mr. Elias find that there was a violation, for the future so it would be considered a repeat violation. She testified that the Notice of Violation gave the owner 9 days to comply and they did comply within a few days of the time given.

Mr. & Mrs. McCabe both testified that they did not get the certified mail, but when they did get the notices, that were posted, they corrected the violation.

Ms. Saldana stated that after the certified mail was sent there was a change of address on the property appraiser's web site and that was the issue with the certified mailing. Mr. & Mr. McCabe agreed that was the issue.

Mr. Elias ruled that, based on the testimony today, that the property has been brought into compliance; is in compliance as of today's hearing; that he would not find a violation exists, because the owner took action to correct the situation within a few days; and he felt that there was no intent to avoid compliance; and he ruled that the property is in compliance and that the case is closed. Mr. Elias asked that the photos be part of the record.

Case 2008-0218; City of St. Pete Beach v. Jason G. Quallich, property owner. Property located at 9040 Gulf Blvd. Violation: Having a residential property that has grass and

weeds in excess of 12 inches in height; which presents an unkempt appearance and is an eyesore – sec. 46-33(1a)
Accumulation of stagnant water in pool – sec. 46-33(9)

Ms. Saldana provided the background and read the violations. She testified that the certified mail was returned, as refused; that the property and city hall were posted on January 26, 2009; that the notices were sent by regular mail to the owner; that on February 10 when she inspected the property it was still in violation. She submitted photos of the water in the pool and the high weeds and grass into the record.

Mr. Elias ruled that, based on the testimony today, he would find that proper service was given by posting the property and city hall on January 26, 2009; that the inspection on February 10, 2009 found that the violation still exists; that photos of the violations are entered into the record; that he would give the owner 10 days to bring the property into compliance; failure to do so will result in a second hearing in March; and fines may be imposed.

V. NEW CASES:

Case 2008-0029; City of St. Pete Beach v. Jason G. Quallich, property owner. Property located at 9040 Gulf Blvd. Violation: Failure to provide a proper safety barrier around pool. This presents a more than ordinarily dangerous life safety code violation- sec. 46-33(4a).

Ms. Saldana gave the background for the case and read the violations. She testified that as of February 10th a violation did exist; the property and city hall were posted with the notices of hearing and violation, along with a Notice of Nuisance that was requested by the building official, because it was a life safety issue. She testified that all notices were sent by regular mail to the property owner. She testified that this is the same property as Case 20080218, but a separate violation. She testified that the fence around the pool was broken. She requested that Mr. Elias find that there is a violation, so in the future this could be considered a repeat violation.

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Mr. Bruce Cooper, Building Official, testified that the fencing around the yard was acceptable as a barrier, but that it was in disrepair at this time.

Mr. Elias inquired about the Notice of Nuisance referencing a hearing before the building official on February 10, 2009. Mr. Cooper testified that no one showed up for that meeting.

Mr. Elias ruled that, based on the testimony today, that proper service was given; a violation does exist as of the filing of the notice and posting; that there is still in violation; and because of the nature of the violation he will give the owner 3 days to bring the property into compliance; failure to do so will result in a second hearing in March and fines may be imposed.

Case #20090022; City of St. Pete Beach v. Cheryl M. Joyner, Matthew D. Lauderdale, Melissa C. Stallings, Amanda R. Lauderdale & Brian C. Lauderdale property owners. Property located at 2260 E. Vina Del Mar Blvd. Violations: Failure to provide a proper safety barrier around pool. This presents a more than ordinarily dangerous life safety code violation. – sec. 46-33(4a). Having stagnant water in swimming pool. – sec 46-33(9).

Ms. Saldana provided the background of the case and read the violations. She testified that the owner lives in Georgia and that she spoke to Ms. Joyner. She testified that on February 9th a new fence was, up as barrier to pool; the north side of the fence is 6 feet tall and south side is 6 feet tall and it is locked. She submitted photos for the record. She testified that the maintenance man informed her that the pool pump would be fixed on February 13 and that she will do an inspection on February 17th to get an update on the pool/pump issues. She testified that, Ms. Joyner has been very helpful and gave a time-table for getting the violations corrected. She submitted the letter from Ms. Joyner for the record. She requested that the case be closed, pending the pool being taken care of.

Mr. Elias ruled that this case will be continued until next month and an update will be given at that time by Ms. Saldana.

Ms. Saldana stated if the case comes into compliance before next month she will close the case and give an update at the March hearing.

VI. OTHER DISCUSSION:

None

VII. NEXT HEARING:

Tuesday March 10, 2009 at 9:00 am

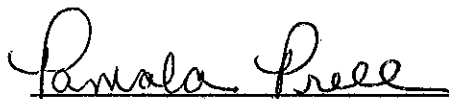
VIII. ADJOURNMENT

There being no further business the meeting was adjourned at 9:30 a.m.



John Elias, Special Master

Attest:



Pamala Prell, Deputy City Clerk