

**CODE ENFORCEMENT SPECIAL MAGISTRATE
PUBLIC HEARING
Tuesday, April 14, 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 #20080191; City of St. Pete Beach v. Oakwood Investments Corp, property owner. Property located at 360 78th Ave. Violation: Failure to obtain a permit for interior renovations and window and door replacement – sec. 104.1.4.

Ms. Saldaña gave the background of this case. She stated that the violation was Failure to obtain a permit for interior renovations and window and door replacement – Sec. 104.1.4. She testified that the original notice of violation was sent to the owner by certified mail; on January 29, 2009; the notice of violation was returned February 20, 2009 (without being signed) therefore, proper notice was not served; on April 2, 2009 the notice of violation and notice of hearing were posted at the property, City Hall and sent by regular mail to the owner. She testified that as April 13, 2009 no permit application has been submitted for interior renovations and window replacement; the property is still in violation. She testified that she inspected the property on April 13, 2009.

Mr. Dewayne Roberts stated that he is an owner in Oakwood Investments; that a contractor was hired to do the renovations for the door replacements; he informed the owners that he did pull a permit; the property is going into foreclosure; and he is waiting to see what will happen. He stated that the doors were replaced because they were falling apart; and that he did not know a permit was required to replace doors.

Ms. Saldaña testified that a permit was obtained for the A/C change out.

Mr. Roberts testified that he asked the contractor several times if he pulled the proper permits and he was told "yes".

Mr. Elias asked what work has been done at this point. Ms. Saldaña advised that there were cabinets, doors and windows replaced without permits.

Mr. Roberts testified that he thought that the permits were obtained after being notified of the violations. He stated that he has a new contractor. At this time he can not do anything to the property because of the pending foreclosure and split in the partnership. He stated that the ownership of the property has to be determined.

Ms. Saldana stated that it was the general contractor who is required to get the permit(s).

Mr. Elias pointed out that there is no general contractor at this time according to Mr. Robert's testimony.

Mr. Elias informed Mr. Roberts that he had to get a general contractor to pull a permit for the work that has been done without permits.

Mr. Roberts stated that he would contact a general contractor today to get the permit.

Mr. Elias ruled that there is a violation; that Mr. Roberts is an owner; that the condition exists in violation of the Code of

Ordinances (as of today's date) and that it existed as of the time of the notice of violation; that there has been proper notice given; that the owner has 10 days (from today's date) to bring this case into compliance; failure to comply will result in another hearing next month which may result in daily fines.

Case # 20090019; City of ST. Pete Beach vs. Joseph P. Foronda, property owner. Property located at 334 78th Ave. Violations: Tree growing into soffit and fascia of building – sec. 46-33(4b). Numerous broken windows – sec 46-33(4b). Trash and debris on east side and rear of building – sec 46-33(2). Front façade of building needs painting – sec 46-33(4b). Yard has high grass and weeds that need to be removed – sec. 46-33(1a).

Ms. Saldaña gave the background of this case. She stated that the violations were a tree growing into soffit and fascia of the building – Sec. 46-33(4b). Numerous broken windows – Sec 46-33(4b). Trash and debris on east side and rear of building – Sec 46-33(2). Front façade of building needs painting – Sec 46-33(4b). Yard has high grass and weeds that need to be removed – Sec. 46-33(1a). She testified that the original notice of violation was sent by certified mail on February 10, 2009; the notice of violation was returned March 7, 2009 (without being signed), therefore proper notice was not given; on March 31, 2009 a notice of hearing and violation were delivered to Mr. Joseph P. Foronda, at his place of work, Gulf-to-Bay Bait and Tackle, located at 6920 Gulf Boulevard. She testified that on April 2, 2009 she posted the notice of violation and notice of hearing on the property, City Hall and sent it by regular mail to the owner. She testified that a coordinated effort, took place on March 20, 2009 by the Fire Department, Police Department and Code Enforcement to conduct a minimum housing inspection resulted in the following Fire Code Violations. She provided a report regarding this inspection to Mr. Elias for his review. She stated that the Fire Marshall, Ernie Hand, was in attendance at this hearing.

Ms. Saldaña summarized the report as follows; within Unit #3 there were issues regarding storage, disposal and proper handling of the ignition; exit facilities; smoke detector;

electrical equipment; unsafe storage; unsafe housekeeping; no electrical service; use of candles; doors were broken; windows blocked; no smoke detectors; and an open junction box with exposed wiring. She testified that within the overall complex there were issues with storage; disposal; improper handling of ignition source; exit facilities; smoke detectors; storage and unsafe housekeeping; fire hazards; and the secondary means of escape was blocked.

Ms. Saldana testified that this building consists of a four unit apartment complex and that the Fire Code violations were a separate report. She stated that Fire Marshall Hand placed a placard stating that unit #3 was unsafe to occupy because of electrical, life safety and water issues. She testified that as of April 13, 2009 Calvin Foronda (Mr. Foronda's son) and his friend Sean were weeding the property; she showed a photo to Mr. Elias of the weeding; all the trash, debris and storage containers for gasoline have been removed; the trash in the back of the building has been removed; the property is not in total compliance; Mr. Foronda and his family are make an effort to clean up the property; the property is scheduled to go to auction some time this week; and that Mr. Foronda provided a letter from his attorney regarding the auction. She stated that Mr. Foronda is present at this hearing. She stated that the high grass and weeds have also been removed.

Mr. Foronda testified that the property has been in foreclosure for almost one year; an auction date has been set; and it currently is under contract and they are waiting for a closing date, so the outcome will be whatever happens first. He stated that was the main reason he has not put any money into the building because of the pending foreclosure or sale of the property.

Mr. Elias informed Mr. Foronda that he is responsible for the property until he is no longer the owner. The new owners may be subject to any fines and/or notices of violation regarding this property.

Mr. Elias inquired what the current violations were as of today's hearing. Ms. Saldaña testified that the violations

are a tree growing into the soffit and fascia of the building; broken windows; and the painting of the front façade. She testified that Mr. Foronda agreed to paint the front of the building. She stated that the trash and debris have been removed from the property.

Fire Marshall Ernie Hand testified that Unit #3 is being occupied by "squatters" and that Mr. Foronda was notified by the Fire Department and that he placard the building as unsafe (Unit #3); the placard was removed by someone other than City officials; Unit #3 was not boarded up to make it a safer building, as requested by the Fire Department. Mr. Hand stated that the Fire Codes are now part of the Technical Codes of St. Pete Beach, which is the reason he was bring these issues to the Special Master. He requested that Mr. Foronda board up Unit #3 and make the rest of the property safe until the other occupants can be relocated and/or the building is sold and brought into compliance. He testified that on March 30, 2009 the building was placard. He testified that the Fire Department Staff actually removed the glass from all the broken windows so no children could get cut; they cleaned up the glass and disposed of it properly; they taped off all of the broken windows and the broken door; they put banner tape around the doors; fire line tape with a placard and all of them were removed. He stated that he felt the people who were living in unit #3 may have re-entered that unit after the tape and placard were put up.

Mr. Foronda testified that the placards were either moved by his son and/or appraisers who have been in the building. He stated that his son was going into unit #3 to remove items that were in there. He testified that some one was to board it up yesterday and they did not show up. He stated that they should have it boarded up today. He stated that he would still need access to the building.

Mr. Hand testified that Mr. Foronda agreed to board up the building right after their meeting, but he has not as of today's hearing. The placards stated on them "do not remove by penalty of law", and they were removed. He stated that he informed Mr. Foronda that when he needed access to the building to contact himself, the building official or the code

enforcement officer as they are authorized to remove the placard and allow people inside the unit. He stated that at this time he wants the property boarded up to make it safe so children will not go in there and get hurt. He stated that he would like to see the building boarded up today.

Upon inquiry, Mr. Hand stated that the water was turned off, but the individuals living in the building turned the water on illegally; there is no electrical service; the danger is when the electric is turned on because of the exposed wiring and outlets that are broken; outlets that are exposed in the bathroom section of the house; and there are no smoke detectors. He pointed out that these violations are outlined in the Technical Codes and Florida Fire Prevention Code.

Mr. Elias ruled that the property is owned by Mr. Foronda; proper notice was given; the conditions concerning the tree and the damaged fascia; the broken windows; and lack of painting are violations that exist as of today and at the time of the notice of violation. He ruled that the owner will be given 10 days to correct the violations as outlined; failure to correct them will result in a second hearing next month; and fines may be imposed.

Mr. Elias advised Mr. Foronda, that until the property is sold he is responsible for the current violations and the correction of them. He ruled that the owner will be given 2 days to board up the property, as requested by the City's Fire Marshall. He stated for the record this would be a voluntary concession by the owner and he has agreed that the property should be boarded up and he will take immediate steps to get this accomplished. He stated that he is concerned that there has not been a notice of violation for the Fire Codes, as it relates to the procedures for this hearing.

Mr. Foronda stated that he understood the ruling.

V. NEW CASES:

None

VI. OTHER DISCUSSION:

Code Enforcement Minutes April 14, 2009

None

VII. NEXT HEARING:

Tuesday May 12, 2009 at 9:00 am

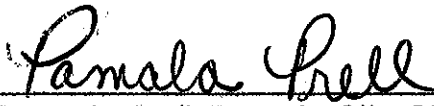
VIII. ADJOURNMENT

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



John Elias, Special Master

Attest:



Pamala Prell, Deputy City Clerk