

**CODE ENFORCEMENT SPECIAL MAGISTRATE
PUBLIC HEARING
Tuesday, June 9, 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**
- IV. NEW CASES:**

Case #20090069; City of St. Pete Beach v. Joseph E and Shari T Nix property owners. Property located at 240 71st Ave.
Violation: Renting home for less than 30 days – sec. 8.2(a). –
Land Development Code

Ms. Saldana testified that a compliant was received on March 31, 2009, regarding a residence being rented out on a weekly basis; a web site advertisement submitted regarding this allegation; and a voluntary compliance request was sent out on that same day requesting the owner to immediately discontinue advertising and rental of the property for less than thirty days. She testified that both the owner and his attorney received proper notice; on May 18, 2009, a letter from the owner's attorney was received asking for the case to be continued to the July hearing; on that same day she checked the web site and the rental advertisement had been removed; and that no further complaints have been received regarding the property since May 18th. She submitted for the record the letter from Mr. Nix's attorney asking for a continuance. She stated that she did not think that the continuance was necessary since there has been no further complaints and the advertisement was removed from the web site.

Ms. Saldana testified that the violation was renting out a single-family residence for less than 30 days. She testified that a neighbor brought in the web site advertisement. She submitted the advertisement and a photo of Mr. Nix's home into the record. She stated that when she sent Mr. Nix the Voluntary Compliance Request she received a phone call from his attorney requesting a continuance until the July meeting; on May 18 she looked at the web site and the advertisement had been removed.

Mr. Joseph E. Nix 3901 Coquina Drive, S.E., St. Petersburg (Owner) testified that the advertisement was removed the same day that he received the letter from Code Enforcement. He testified that his new leases would not violate the code.

Mr. Elias ruled that the property is now in compliance and that the case is closed. Ms. Saldana and Mr. Nix were both in agreement. Mr. Elias asked that an Order of Compliance be prepared.

V. 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. – Building Code

Ms. Saldana testified that on June 8, 2009, a representative of Southern Investment Association, LLC (current property owner) came to her office with a contractor to pull an after-the-fact permit for the work that was already done; he spoke with Mr. Cooper (building official). Mr. Cooper told the contractor that he needed to submit all the technical data for the windows and doors; as of today, a permit application has been submitted for the work that was done by the previous owner; the new owner Mr. Virgil McMillan just purchased the property (closed on May 28th) and because he was very quick at getting the issues resolved she requested that the case be closed.

Mr. Elias ruled that based upon the testimony the case is closed.

Case #2009-0019; City of St. Pete Beach v. 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). Front facade of building needs painting – sec 496-33(4b).

Ms. Saldana testified that a notice of hearing was received and signed on June 2nd; proper notice was served; the property and City Hall were posted on May 22nd; as of yesterday, none of the remaining violations have been addressed; the owner is trying to sell the property; and the last time she checked Mr. Foronda was the property owner. Ms. Saldana recommended that fines be imposed.

Mr. Elias ruled that based on the testimony, the property has been found to be in violation; a reasonable time to comply was given; and that he will impose a fine of \$25 per day until the property is brought into compliance. Mr. Elias stated for the record that Mr. Joseph P. Foronda is the registered property owner.

Case #20090064: City of St. Pete Beach v. Earnest R. Fullerton, Jr., property owner. Property located at 7225 Boca Ciega Dr., Unit #8. Violation: Having a broken garage door that is in need of replacement – sec. 46-33(4b). - Code of Ordinances

Ms. Saldana testified that the notice of hearing was received and signed on May 22, 2009, by the current property owner; proper notice has been given; as of yesterday, the violation still exists. She testified that on a previous case Mr. Fullerton paid the City over \$5,000 for a lien on his property.

Mr. Elias ruled that the property is owned by Earnest R. Fullerton, Jr.; the violation existed on the date of the Order to Comply; the violation still exists today; that a reasonable time to correct the issues and bring the property into compliance will be 10 days to submit the permit application. If the case is not resolved within the 10 day period the case will be heard at the July hearing.

VI. NEW CASES:

None

VII. OTHER DISCUSSION:

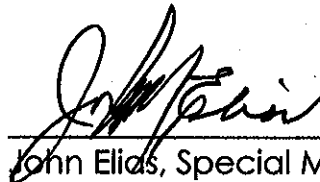
None

VII. NEXT HEARING:

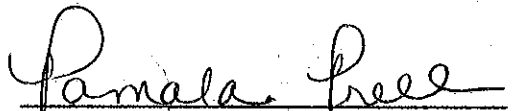
Tuesday July 14, 2009 at 9:00 am

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:15 a.m.


John Elias, Special Master

Attest:


Pamala Prell, Deputy City Clerk