

City of St. Pete Beach
Code Enforcement
Special Magistrate
Tuesday, January 18th 2011

Case Docket

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

1. CALL TO ORDER – 9:00AM

2. PLEDGE OF ALLEGIANCE

3. ADMINISTER OATH

4. NEW CASES:

- A. **Case # 20100213; City of St. Pete Beach v. Southern Investment Assoc. LLC.** Property located at 360 78th Ave., St. Pete Beach, FL 33706. Violation: Section 26.4 prohibited signs of the Code of Ordinances.

5. OLD CASES:

- A. **Case # 20100080; City of St. Pete Beach v. Schuman, Edward J and Sumanas, Alfred, property owners.** Property located at 259 42nd Ave., St. Pete Beach, FL 33706. Violation: Section 98-66 (b) (7) exterior surface treatment, 98-66 (b) (22) b. 1. 2. Trees, 98-66 (b) (24) fences and walls and Section 98-66 (b) (17) accessory structures of the Code of Ordinances.
- B. **Case # 20100174; City of St. Pete Beach v. Gorman, Lucille E. TRUST c/o Gorman, Neil TRUSTEE.,** Property located at 4111 Miller Dr., St. Pete Beach, FL 33706. Violation: Section 98-65 (3) and (4) unsightly conditions, 98-66 (b) (7) exterior surface treatment, 98-66 (b) (6) exterior doorframes, 98-66 (b) (5) exterior doors and 98-66 (b) (20) grass and weeds of the Code of Ordinances.
- C. **Case # 20100175; City of St. Pete Beach v. Murphy, Michael S.** Property located at 2692 W. Vina Del Mar Blvd., St. Pete Beach 33706. Violation: Section 98-66 (b) (18) pools of the Code of Ordinances.
- D. **Case # 20100191; City of St. Pete Beach v. Nix, Joseph E and/or Shari T. Property Owners and Cate, Tammy Business Owner.,** Property located at 240 71st Ave., St. Pete Beach, FL 33706. Violation: Section 8.2 permitted principal uses and structures, 8.4 allowable conditional uses and 8.5 prohibited uses and structures of the Land Development Code.
- E. **Case # 20100198; City of St. Pete Beach v. Donovan, Kenneth F. and/or Saunders, Wilma Ann.** Property located at 820 59th Ave., St. Pete Beach, FL 33706. Violation: Section 98-67 ©, (d), (e) junk Vehicles, 98-66 (d) outdoor Storage, 98-65 (3) and (4) unsightly Conditions and 98-64 (a) general maintenance of the Code of Ordinances.
- F. **Case # 20100199; City of St. Pete Beach v. Healthy Hut and Citrus Property Inv. Inc.** Property located at 595 Corey Ave Suite D., St. Pete Beach, FL 33706. Violation: Section 26.4 prohibited signs of the Code of Ordinances.

6. OTHER DISSCUSSIONS:

NEXT HEARING:

Tuesday, February 8th, 2011 at 9:00am

7. ADJOURNMENT:

In accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Steve Hallock at (727) 363-9243 no later than four days prior to the proceeding for assistance.

If any person decides to appeal any decision made at this hearing, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). The City does not furnish verbatim transcripts. Interested parties should make the necessary arrangements for verbatim transcripts.

**CITY OF ST. PETE BEACH
SPECIAL MAGISTRATE HEARING
TUESDAY, JANUARY 18, 2011**

MINUTES

The above-mentioned Public Hearing was held at the City of St. Pete Beach City Hall, located at 155 Corey Avenue, St. Pete Beach, Florida.

1. CALL TO ORDER

The Meeting was called to order at 9:00 am.
Ms. Hartsock read the opening statement.
Copies of the Rules are available upon request.

2. PLEDGE OF ALLEGIANCE

3. ADMINISTER OATH

Mr. Elias swore in those members of the audience who wished to speak regarding any case on the agenda.

4. OLD CASES

A. CASE #20100174, City of St. Pete Beach v, Gorman, Lucille E. Trust. Property located at 4111 Miller Drive, City of St. Pete Beach.

This property came to the Special Magistrate on October 1, 2010 at which time the property was in violation of minimum housing issues. The Special Magistrate had granted the property owner to have 45 days to bring all violations into compliance. A re-inspection upon that 45 days shows that the property is in full compliance. Therefore, Ms. Hartsock requested that \$150.00 in Administration Fees be imposed.

Findings of Fact:

Mr. Gorman was present in the audience, but did not want to discuss this matter. The Special Magistrate issued an order of compliance and assessed a Administrative Fee of \$150.00.

B. CASE # 20100191; City of St. Pete Beach v. Nix, Joseph E. and/or Shari T. Nix, property owners. Property located at 240 71st Avenue, St. Pete Beach, FL 33706.

Ms. Hartsock noted that this violation first came before the Special Magistrate on November 9, 2010 showing the business owner to be Tammy Cate. At that time

Ms. Cate was running her business out of her home. The City requested that she remove the web site advertising and her office. The website has since been removed and upon inspection in December by Building Official Bruce Cooper, the home office has also been removed.

At this time, the violation is in compliance and the City is requesting an Administrative Fee of \$150.00.

Mr. Nix was present to speak to this case. He requested that the City split the Administrative Fee of \$150.00 with him. The Special Magistrate stated that considering the City's recommendation and refusal to reduce the fine, he will still impose the \$150.00 Administrative Fee. Mr. Nix still has the right to pay this fine under protest.

5. NEW CASES

A. CASE #20100175; City of St. Pete Beach v. Murphy, Michael S. Property located at 2692 W. Vina del Mar Boulevard, St. Pete Beach 33706. Violation: Section 98-66(b) (18) stagnant pools, of the Code of Ordinances.

This property came before the Special Magistrate on December 4, 2010 showing the property in violation for a stagnant pool. At that time, they were given seven days to come into compliance. A re-inspection on December 29 found the pool still stagnant.

Ms. Hartsock spoke with Ms. Sanes of *St. Pete Beach Realty*, who informed her that Mr. Murphy is deceased and his children are not going to do anything with the property.

Ms. Hartsock advised the realtor that the property is not in compliance and the pool should be drained.

At this time the City requested daily fines of \$100 per day due to it being a stagnant pool and it could be a health and safety issue.

Discussion ensued regarding mail service as some mail has been returned to the City.

Finding of Fact:

This case was postponed to next month's agenda with the understanding that the City will send a letter to the contact person, Michael S. Murphy, at Coral Gables, Florida.

B. CASE # 20100198; City of St. Pete Beach v. Donavan, Kenneth F. and/or Saunders, Wilma Ann. Property located at 820 59th Avenue, St. Pete Beach, FL 33706.

This property came to the Special Magistrate on December 14, 2010 at which time the property had multiple violations e.g. vehicles, outdoor storage, the condition of the property, general maintenance. The Special Magistrate had granted the owner seven days to bring these violations into compliance. Ms. Hartsock and Mr. Cooper met with the property owner, Mr. Donavan, on his property, and explained these violations and what work on the fence and driveway needed to be completed in order to comply.

Ms. Hartsock and Mr. Cooper verified that all vehicles were operable, had current tags, had all paperwork, information, identification, etc. Ms. Hartsock also explained other matters that needed to be completed.

Ms. Hartsock reported that she has tried to contact Mr. Donavan but there has been no response.

Upon Ms. Hartsock's inspection of January 5, 2011 the violations still present are: trash on the property, the fence still needs to be completed, and outdoor storage needs to be removed. Ms. Hartsock cannot show the property in compliance without proof that these violations have been satisfied. Mr. Donavan spoke to these issues.

Finding of Fact

The Special Magistrate stated that based upon testimony today an order will be entered for imposing fines of \$100.00 day until the situation is rectified. This order goes back to December 14, 2010 the date of the last hearing.

C. CASE # 2010080; City of St. Pete Beach v. Shumana, Edward J. and Alfred, property owners. Property located at 259 42nd Avenue, St. Pete Beach.

This Case first came to the Special Magistrate on June 8, 2010 at which time the property was found to be in violation. The Special Magistrate granted the property owner fifteen days to make some kind of change to the property. Mr. Shumana was also advised to pressure clean the home, cut the yard and see that the tree in the back yard was trimmed from the power and cable lines in the rear alley area. A re-inspection on July 19, 2010 showed no changes to the property.

A second hearing on August 10, 2010 showed the Special Magistrate there were no changes to the property. Mr. Shumana was at this hearing and spoke to

issues he had. The Special Magistrate granted another thirty days to bring the property into compliance.

A re-inspection on September 29, 2010 Mr. Shumana applied for a permit with the Building Department to complete the construction at the rear of the property. The permit was put on hold due to Plan Reviews by Mr. Cooper.

Prior to the October 12, 2010 hearing, the grass was cut and the tree was trimmed, bringing both into compliance.

On October 12, 2010 Mr. Shumana came to the Special Magistrate but there were still no changes to the building. Mr. Shumana was granted a permit. And he was also granted a third extension of thirty days to obtain a permit and thirty days to complete the property beyond the thirty days for the permit. Prior to the thirty days for the permit, Mr. Shumana was granted the permit for construction on the addition at the rear of his house; to date, compliance has not been made.

On December 29, 2010 a re-inspection showed no compliance. Today, January 18, 2011 the property still is not in compliance.

The following is still not in compliance: deteriorating and faded paint, deteriorating soffit and fascia, the home (itself) has not been painted, there is a broken window at the rear of the property, the room construction is not complete.

The Special Magistrate clarified that the room construction at the back of the house is under permit and the work on the room is not a subject of the code violations. The violations are for the deteriorating paint, soffit and fascia, etc. The grass has been cut and the tree has been trimmed. They are not a subject of today's hearing. The code violation extends only to the paint and deteriorating soffit, for exterior surface treatment, which has been in violation since 2009 when this case was first opened.

This case number has been in violation since April 15, and the first hearing was on June 8, 2010. The building has been in violation since June 8, 2010. Ms. Hartsock presented photographs of the violations.

Mr. Shumana noted that he is converting his Florida room into a garage and requested another two weeks extension to work on this room. Ms. Hartsock responded that the City is not interested in granting more time, but is requesting that Mr. Shumana be assessed fines of \$100.00 per day until compliance is made.

Finding of Fact:

The Special Magistrate issued an order that based upon the City's recommendation, a fine of \$100.00 per day will be imposed, retroactive to

the last re-inspection which would have been on December 29, 2010. Mr. Shumama stated that he understood. The City will assess fines of \$100.00 per day as of December 29, 2010 with a Administration Fee of \$150.00.

D. CASE 20100213, City of St. Pete Beach v. Southern Investment Company. Property located at 360 78th Avenue, St. Pete Beach. Violation: Prohibited Signs, Section 26.4.

This property is displaying a banner sign, *Apartments for Rent*. Notice of violation was mailed on December 1, 2010 requesting a two day compliance for removal of the banner. All notices have been sent and posted on the property. A re-inspection of December 29, 2010 showing that the banner has not been removed. No one was present to represent the respondent at this hearing.

Finding of Fact:

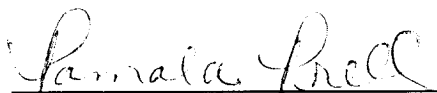
The Special Magistrate entered an order finding that the correct property owner has been served; that the subject violation exists; that a reasonable period of time to remove the sign and bring the area into compliance is two days.

ADJOURNMENT

Time being 10:00 a.m. and no further business, this Meeting stands adjourned to February 8, 2011 at 9:00 a.m.

NEXT MEETING

The next Meeting will be February 8, 2011 at 9:00 a.m.


Pamala Prell, Acting City Clerk


John Elias, Special Magistrate