

City of St. Pete Beach
Code Enforcement
Special Magistrate
Tuesday, April 12th 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 # 20110015; City of St. Pete Beach v. Hare, Arabella.** Property located at 6461 3rd Palm Point., St. Pete Beach 33706. Violation: Section 98-65 (4) unsightly conditions and 98-66 (b) (18) pools of the Code of Ordinances.
- B. **Case # 20110021; City of St. Pete Beach v. Ferry, Suzanne and Baserap, Mark . (Business Owner)** Property located at 635 Corey Ave., St. Pete Beach, FL 33706. Violation: Section 302.3 hot and cold water supply, 302.4 water heating facilities, 302.5 heating facilities, 302.9 smoke detector systems, 305.11 exterior doors of the Standard Housing Code and Code 101 Chapter 29.3.4.5.1 non working smoke alarms/detection, Code 1019.1.2 building electrical service and F.S. 633.0215 gas service of the Fl. Fire Prevention Code.
- C. **Case # 20110032; City of St. Pete Beach v. Bay Terrace Apt. Owner Bosela, Paulette** Property located at 1706 Pass A Grille Way., St. Pete Beach, FL 33706. Violation: Section 103 (a), (b) and (c) Occupational License of the Code or Ordinances.
- D. **Case # 20110034; City of St. Pete Beach v. Captains Convenience Mart Owner Peters, Michael** Property located at 6880 Gulf Blvd., St. Pete Beach, FL 33706. Violation: Section 103 (a), (b) and (c) Occupational License of the Code or Ordinances.
- E. **Case # 20110037; City of St. Pete Beach v. Enterprise Leasing Comp. #4265** Property located at 297 75th Ave., St. Pete Beach, FL 33706. Violation: Section 103 (a), (b) and (c) Occupational License of the Code or Ordinances.

5. OLD CASES:

6. OTHER DISSCUSSIONS:

NEXT HEARING:

Tuesday, May 10th, 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, APRIL 12, 2011**

MINUTES

PRESENT:

Attorney John Elias, Special Magistrate
Heidi Hartsock, Code Enforcement Officer
Pamala A. Prell, Acting City Clerk
Bruce Cooper, Building Code Administrator

CASE DOCKET

The above-captioned hearing was held in the Commission Chambers at City Hall located at 155 Corey Avenue, St. Pete Beach, Florida.

1. CALL TO ORDER – 9:00 am

The Meeting was called to order at 9:00 am.
Ms. Hartsock read the opening statement.
A copy 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. NEW CASES:

A. Case #20110034; City of St. Pete Beach v. Captains Convenience Mart, Owner Peters, Michael. Property located at 6880 Gulf Boulevard, St. Pete Beach, FL 33706. Violation: Section 103(a), (b) and (c) Occupational License of the Code of Ordinances.

Ms. Hartsock explained that this property is in violation of the Code of Ordinances regarding Section 103, Occupational Licenses. On March 14, 2011 Notice went out to business owner Michael Peters stating he had two days to make compliance of payment for his occupational license. A reinspection took place just before April 1, 2011 showing that no payment had been made. Notice of Hearing was hand delivered to Mr. Peters stating that he needed to make that

payment and even if payment was made prior to today's hearing, Mr. Peters was still required to attend this hearing.

At this time, Mr. Peters made payment and is in compliance with the Code of Ordinance; however, it was made after the required two days to comply.

The City is requesting to show that he is in violation and requests an Administrative Fee of \$150.00.

Findings of Fact: The Special Magistrate entered an order of compliance and imposed a \$150.00 Administrative Fee.

2. Case #20110037: City of St. Pete Beach, Florida v. Enterprise Leasing Comp, #4265. Property located at 297 75th Avenue, St. Pete Beach, FL 33706. Violation: Section 103 (a), (b) and (c) occupational License of the Code Ordinances.

Ms. Hartsock stated that this property violation is the same as Case #20110034. The owner was notified in June 2010 that their license was delinquent. The owners were notified in July 2010 that their business license was due. They were sent a Notice of Violation on March 14, 2011 requesting the two day compliance to make payment for their license. On March 23, 2011 reinspection indicated that payment was not received.

Notice of hearing was sent and the business owner has received this notice. Yesterday, Mr. Gross stated that he has the required amount for payment of his business license. Ms. Hartsock advised Mr. Gross (over voice mail) to show up for today's hearing and bring payment for the license.

At this time, payment has not been made and his license remains in noncompliance.

Ms. Hartsock noted that last November Enterprise Leasing did make an attempt to pay for this license. Unfortunately, the amount was incorrect and the check was returned to Enterprise informing them of the correct amount that was due. A replacement check for the correct amount has not yet been received.

Mr. Robert Gross (Enterprise Leasing) was present to speak with the Board. He apologize for the delay and presented a new check for the correct payment.

Ms. Hartsock requested that Enterprise pay a \$150.00 Administrative Fee and asked Mr. Elias to find the case in compliance.

Findings of Fact. The Special Magistrate entered an order of compliance and imposed a \$150.00 Administrative Fee.

3. Case #20110032; City of St. Pete Beach, FL v. Bay Terrace Apt. Owner Bosela, Paulette. Property located at 1706 Pass-a-Grille, St. Pete Beach, FL 33706. Violation: Section 103 (a), (b) and (c), Occupational License of the Code of Ordinances.

Ms. Hartsock stated that Notice of Violation was sent out on March 11, 2011 giving the business owner two days to come into compliance and make payment of the license.

Upon reinspection on March 22, 2011 indicated that no payment was made. On April 7, 2011, after the Notice of Hearing was mailed, the business owner came in and made payment. At this time, the property owner is in compliance.

No one was present in the audience to represent the property owner Paulette Bosela.

Finding of Fact: The Special Magistrate entered an order of compliance to Ms. Bosela and imposed a \$150.00 Administrative Fee.

4. Case #20110015, City of St. Pete Beach, Florida v. Hare, Arabella. Property located at 6461 3rd Palm Point, St. Pete Beach 33706. Violation: Section 98-65 (4) unsightly conditions and 98-66 (b) (18) stagnant pools of the Code of Ordinances.

There was an inspection on January 12, 2011; Notice of Violation was sent on January 25, 2011. City records and various reinspections indicate that there has been no contact with the home owner and the property is in noncompliance. The mailing address is unknown and undeliverable. On February 15, 2011 the Notice of Violation was posted to the front door of the property. Reinspections on April 1, 2011 and April 11, 2011 indicated that the property remains in noncompliance and there has been no contact with the home owner. It appears that the property is vacant.

No one was present in this audience to represent the respondent.

The City is requesting to give the property owner fourteen days to come into compliance. At numerous times, Ms. Hartsock has tried to contact the home owner, but to no avail. The pool in the back has stagnant water and the gate is unlocked.

Finding of Fact: The Special Magistrate finds the home owner to be in violation. Proper service was obtained by postings. Also, the City will give the respondent fourteen days to rectify this violation and bring the property into compliance. Failure to do so will result in a second hearing before imposition of fines.

Ms. Hartsock noted for the record that Case #20110032 and Case #20110034 respondents were present and paid their occupational licenses tax before their hearing, but after Notice of Hearing and after the compliance time. Case #20110037 (Enterprise) brought payment with them.

4. Case #20110021, City of St. Pete Beach, Florida v. Ferry, Suzanne and Baserap, Mark (Business owner). Property located at 635 Corey Avenue, St. Pete Beach 33706. Violation Section 302.3 hot and cold water supply, 302.4 water heating facilities, 302.5 heating facilities, 302.9 smoke detector systems, 305.11 exterior doors of the Standard Housing Code and Code 101 Chapter 29.3.4.5.1 non working smoke alarms/detection, Code 1019.1.2 building electric service and FS 633.0215 gas service of the Florida Fire Prevention Code.

Upon an inspection on February 3, 2011 with Ms. Hartsock, Building Official Bruce Cooper and Fire Marshall Ernie Hand the property was reviewed and Notice of Violations were made. This Notice of Violation was sent out on February 8, 2011 and hand delivered to property owner Ms. Ferry on February 9, 2011. This same Notice was mailed to Mark Baserap (business owner) on that same date. A phone call confirmed that Mr. Baserap received that Notice on February 11, 2011. Mr. Cooper, Mr. Hand and Ms. Hartsock spoke with Mr. Baserap and advised him that he had seven days to pull a permit and seven days to complete the work.

A reinspection on February 21, 2011 indicated no permit was pulled. Mr. Cooper spoke to Mr. Baserap on February 28, 2011, at which time Mr. Baserap advised Mr. Cooper that a permit will be pulled on March 7, 2011. Mr. Baserap did pull a permit on March 8, 2011; however, the permit was only for smoke detectors and not for the full aspect for what needed to be done.

Several phone calls have transpired between the electricians, Mr. Cooper and Mr. Baserap.

Notice of Hearing was sent to Mr. Baserap and Ms. Ferry on April 1, 2011. At this time, the property is not in compliance.

Finding of Fact:

**The Special Magistrate read the following violations still in effect:
Section 302.3 hot and cold water supply, 302.4 water heating facilities, 302.5 heating facilities, 302.9 smoke detector systems, and 305.11 exterior doors.**

Mr. Cooper was present to discuss the violations. An electrical permit was pulled on March 8, 2011. On March 18, 2011, Kelley Electric did an assessment of all the units and all the work that needs to be done. Work has not been started, but Mr. Kelley has indicated that he can complete everything within seven days.

Mr. Cooper spoke about a permit that was obtained by *Northside Propane* regarding water heaters. Also, they would like to further extend the permit to review the other building and also replace some gas lines. Mr. Cooper spoke to other contractors regarding work that needs to be done.

The owners have decided to go with tankless water heaters which will be sufficient in size to handle all units.

Mr. Cooper spoke with Ms. Ferry and other contractors regarding work that needs to be done. The City is concerned that Ms. Ferry intends to have the necessary work done, but for some reason it doesn't get done.

Fire Inspector Ernie Hand spoke with Ms. Ferry regarding this situation. He urged the City to have these corrections done immediately, especially ten of the eleven smoke detectors. Mr. Hand also expressed his concern for some of the electrical issues as defined in the Florida Statutes, Florida Fire Prevention Code, as well as Life Safety issues. Discussion ensued. Kelley Electric's report of April 8, 2011 indicated that there were ten out of eleven units where smoke detectors needed to be installed.

Mr. Cooper spoke with regard to the amount of work that still needs to be done. This work is based upon a complaint by one of the tenants followed by an inspection.

The violation is that they have failed to submit the report and correct the violations already identified within the allotted period of time. The gas company is going to remove all old existing pipes.

Ms. Ferry responded to the violation concerning the lack of smoke detectors noting that all smoke detectors have been properly installed and are operable today. Mr. Baserap spoke to this issue. The Special Magistrate read Kelley Electric's report regarding the smoke detectors, each respective unit and their respective need.

It was determined that the smoke detectors need to be tied together. Mr. Elias granted Ms. Ferry twenty-four hours (from today at 10:00 a.m.) to have these smoke detectors tied together. Mr. Kelley stated that he will be available to do this work within five days and will do this work Monday morning at 10:00 a.m. Due to a conflict in scheduling, Mr. Hand will do the inspections by April 18, 2011 (the fifth day) by 5:00 p.m.

Mr. Cooper noted that some items on Kelley Electric's assessment are relevant to electrical issues, not smoke detectors, and need to be corrected. Those items as well as the attic area need to be corrected. Kelley Electric indicated that

everything could be corrected in five days. He will schedule this work to be done by Monday morning (April 18, 2011) at 10:00 a.m.

The issue of the water heater and associated gas lines needs to be resolved. Mr. Cooper noted that the propane company could do this work within five to seven days. Gas lines need to be properly removed and also installed for the new tankless water heaters and any associated valves that would be required.

Ms. Ferry stated that she will have tankless water heaters installed. If there is an issue with the water heater and the gas, Ms. Ferry has five days to resolve the issue. If there is no issue, then it doesn't need to be corrected.

Mr. Cooper noted that since Ms. Ferry is going to install the tankless water heaters, the only other issue is that inspections regarding the water heaters and propane gas lines will need to be made.

Mr. Cooper will get in touch with the propane gas company regarding the issue concerning the hot water heater and the gas.

The Special Magistrate entered an order to repair the water heaters within five days.

Audience Comments

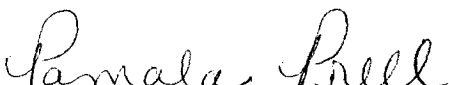
Lisa Amick spoke to the matter of a rental unit not having any heat, water, electric, etc. She vacated the premises on February 13, 2011.

Mr. Cooper stated that the only other issue that needs to be addressed is the lack of heating in the units. This work will be done by the electrical contractor and will be part of their contract. Mr. Cooper would allow fourteen days to have the actual heat items brought into the units. All units will need base board heat.

Finding of Fact: The Special Magistrate issued an order to install heating to those units that need heating and granted fourteen days to have the actual heat items brought into the units. All units must have baseboard heat.

Adjournment

Time being 10:00 a.m. and no further business, this Hearing will stand in adjournment until May 10, 2011.


Pamala Prell, Acting City Clerk


John Elias, Esquire, Special Magistrate