

City of St. Pete Beach Code Enforcement
Special Magistrate
Tuesday, May 10th 2011
Case Agenda

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 # 20110048; City of St. Pete Beach v. Tipton, Andrew** Property located at 400 85th Ave., St. Pete Beach 33706. Violation: Section 103 (a) (b) and (c) Occupational License of the Code or Ordinances.
- B. **Case # 20110052; City of St. Pete Beach v. Walters, Joseph Owen and/or Lorrie** Property located at 7220 Coquina Way., St. Pete Beach, FL 33706. Violation: Section 98-64 general maintenance, 98-65 (4) unsightly conditions, 98-66 (3) windows, 98-66 (5) exterior doors and 98-66 (20) grass and weeds of the Code or Ordinances.

5. OLD CASES:

- C. **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.
- D. **Case # 20100208; City of St. Pete Beach v. Ferry, Suzanne.** Property located at 618 73rd Ave., St. Pete Beach 33706. Violation: Section 302.9 smoke detectors 305.3 roof, 305.16 interior floors, walls and ceilings of the Standard Housing Code.
- E. **Case # 20100215; City of St. Pete Beach v. Blakes Ventures Inc.** Property located at 601 Corey Ave., St. Pete Beach, FL 33706. Violation: Section 302.5 heating facilities, 302.6 kitchen facilities, 302.9 smoke detector systems, 303.4 electric lights and outlets and 305.21 interior door hardware of the Standard Housing Code.
- F. **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.

6. OTHER DISCUSSIONS:

NEXT HEARING:

Tuesday, June 14th 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, MAY 10, 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 #20110048; City of St. Pete Beach v. Tipton, Andrew.**
Property located at 400 85th Avenue, St. Pete Beach, FL 33706.
Violation: Section 103(a), (b) and (c) Occupational License of the Code of Ordinances.

No one was present at this hearing to represent the respondent.

Ms. Hartsock explained that this property is in violation of the Code of Ordinances regarding Section 103, Occupational Licenses. This occupational License has not been paid which was due in July of last year for the year 2011.

Notice of Violation was sent on March 28, 2011, giving Mr. Tipton two days to bring the matter into compliance. Ms. Hartsock has not heard anything from the property owner. This property is a house with two apartments attached to it.

Ms. Hartsock spoke with someone who has been living on the property and who stated that the property is going through a short sale and has not been a rental in over three years. If this is the case, it would not need a business tax license.

Ms. Hartsock suggested that this case be dismissed..

Finding of Fact:

Based upon the suggestion of the City, the Special Magistrate ordered dismissal of Case #20110048. If information develops that the property owners are operating a business, the City may re-file.

- B. Case #20110052, City of St. Pete Beach v. Walters, Joseph Owen and/or Lorrie.** Property is located at 7220 Coquina Way, St. Pete Beach, FL 33706. Violation. Section 98-64 general maintenance, 98-65 (4) unsightly conditions, 98-66 (3) windows, 98-66 (5) exterior doors and 98-66 (20) grass and weeds of the Code of Ordinances.

Notice of Violation was sent out on March 30, 2011; documentation was received on April 4, 2011 indicating that the property owners received the certified mailing. They were given fourteen days to come into compliance. A reinspection took place on April 29, 2011 at which time there was no change to the property. The property owners live in Kentucky.

The house is abandoned with broken windows, broken doors, etc. The police have become involved and are watching it for vagrancy. Ms. Hartsock suggested giving the owner another fourteen days for the owners to correct the violations.

Finding of Fact:

The Special Magistrate noted that no one was present to represent the respondent and he would find that violations do exist on the property; the property owners were properly served with notice of this hearing by certified mail and a reasonable time to bring the property into compliance would be fourteen days. Failure to bring the property into compliance within fourteen days will subject the property owner and the property to a future hearing before the Special Magistrate where the impositions of fines are possible.

5. Old Cases:

- C. 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.

No one was present to represent the respondent.

Ms. Hartsock reported that this property first came to the Special Magistrate on April 12, 2011 at which time the property was found to be in violation. The owner was ordered to bring the property into compliance within fourteen days. A reinspection on April 29th indicated that nothing had been done. Ms. Hartsock presented photographs of the property showing the house vacant, not secure or safe, stagnant pool, debris on the property, overgrown grass, etc.

Finding of Fact:

The Special Magistrate stated that the record reflect the respondent has failed to appear at this hearing, the property is in violation, that fourteen days to rectify the problem was a reasonable period of time in which to bring the property into compliance, the property is not in compliance as of the date of this hearing, and fines of \$150.00/day with administration fee of \$150.00 will be imposed from the signing of the Order dated April 15, 2011.

- D. Case #20100208, City of St. Pete Beach v. Ferry, Suzanne.** Property located at 618 73rd Avenue, St. Pete Beach, FL 33706. Violation: Section 302.9 smoke detectors 305.3 roof, 305.16 interior floors, walls and ceiling of the Standard Housing Code.

Ms. Hartsock reported that this property came to the Special Magistrate on March 8, 2011 at which time the Special Magistrate found the property to be in violation and gave Ms. Ferry thirty days to bring the property into compliance. This property has multiple apartments. The fallen ceiling and air vent in the bathroom have been brought into compliance. Unit 130 has not been touched. At the hearing on March 8, 2011 Ms. Ferry was given thirty days to bring the property into compliance – April 17, 2011. The work completed on the one unit was done on April 21, 2011 along with Unit 135 that needed repairs to the bathroom for tile issues. Unit 135 has a fallen ceiling and roof damage. A proposal to have this repaired has been received. At this time, Unit 139 is not in full compliance; the ceiling and bathroom in Unit 135 is in compliance, but was satisfied after the thirty day requirement.

There was discussion concerning Unit 139. Robert Perkins, contractor, who is working for Ms. Ferry, spoke to this matter.

Considerable discussion ensued between the City, the contractor and Ms. Ferry. Ms. Hartsock commented that the case now under discussion is 618 73rd Avenue (a separate building in the back of the property). The Special Magistrate noted that there was a discrepancy with regard to Unit 139 as to whether or not the Contractor was aware of what needed to be done as a result of the previous hearing. The Contractor is now aware of the problems and/or conditions that need to be addressed with regard to Unit 139 and will take care of this.

With regard to Unit 135, the Contractor stated that he gave a proposal to do a re-roof. Mr. Cooper noted that the roof issue is still not corrected within the time frame allotted. It should be repaired or replaced.

Mr. Hartsock noted that there are four separate buildings on the property and this matter pertains to the roof over Units 135, 136 and other units. Case #20100208.

Finding of Fact:

The Special Magistrate noted that the issues before him are with regard to the interior of Unit 135 which is in compliance; the exterior, which would include the roof, is not in compliance. Unit 139 is not in compliance, but there may have been a discrepancy or misunderstanding as to the issues to Unit 139. The fact still remains, however, that the record indicates subject received Notice of Violation and the previous month's hearing and that nothing has been done with regards to Unit 139.

The Special Magistrate noted that the City is dealing with the violations of Unit 139 and the exterior of Unit 135. The date of compliance would have been April 17, 2011 and as of today, it is not in compliance.

Ms. Hartsock stated that the City would like to assess daily fines of \$250.00/day along with an administration fee of \$150.00. The last order was signed on March 17, 2011 from the March 8, 2011 hearing.

Ms. Ferry commented to the work that she was instructed to have done at Unit 139.

Finding of Fact:

The Special Magistrate will follow the recommendation of the City and impose fines of \$250.00/day and an administrative fee of \$150.00 pursuant to the date of the Special Magistrate signing.

E. Case #20100215, City of St. Pete Beach v. Blakes Ventures Inc. Property located at 601 Corey Avenue, St. Pete Beach, FL 33706. Violation Section 302.5 heating facilities, 302.6 kitchen facilities, 302.9 smoke detector systems, 303.4 electric lights and outlets and 305.21 interior door hardware of the Standard Housing Code.

Ms. Hartsock advised that this property was brought before the Magistrate on March 8, 2011 at which time the Magistrate found the property to be in violation and gave Ms. Ferry 30 days within which to bring the property into compliance.

The only issues at 601 was one of the units had some interior wall issues that were removed. That has now been taken care of. Ms. Hartsock requested that the owner be found in compliance.

Finding of Fact:

The Special Magistrate finds that the respondent is in compliance with regard to the property at 601 Corey Avenue, Case No. 20100215.

Ms. Hartsock added that the City would like to request administration fees on this case in the amount of \$150.00.

The Special Magistrate further ordered payment of administration fees in the amount of \$150.00

Ms. Ferry was asked if she had anything to say with regard to what's listed on the Agenda as "Blakes Ventures Inc." to which she replied no.

F. Case #20110021, City of St. Pete Beach v. Ferry, Suzanne and Mark Baserap (Business Owner). Property located at 635 Corey Avenue, 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 Florida Fire Prevention Code.

Ms. Hartsock advised that this property was brought before the Magistrate on April 12, 2011, at which time the property was found to be in violation. At that time, Ms. Ferry was ordered to bring the property into compliance with the smoke detectors within twenty-four hours; Ernie Hand performed an inspection the following day and found that the smoke detectors had been completed.

As to the electrical, gas and plumbing issues, Ms. Ferry was given five days to bring those issues into compliance, along with the heating of the unit which extended that time out to thirty days.

The heating issue has not been brought into compliance although Ms. Ferry has two more days within which to comply.

Mr. Cooper advised he had met with the electrical contractor and as of April 26, 2011 they have concluded that all of the electrical was completed however, he has not received the report from the electrician to identify the extent of all work that was done for the City's records and specifically also to insure that he did inspect the attic areas; he received a report via email on May 8, 2011 (Sunday) which was received May 9, 2011 from Kelly Electric indicating that all work has been done and also identifying his recommendation to change out the panels for the electrical heat facilities.

Ms. Hartsock reported that she inspected the "weather tight" May 9, 2011 and it has been completed.

Mr. Cooper went on to say that all the work has been completed. As far as the water heater facility, that has been completed but he has not finalized that but he will not take that against the property owner; the facility is working and they do have hot water and it's just a minor issue that the gas company needs to fix but it is in operation.

At this point, Mr. Cooper stated he would show that portion has been completed as of April 26, 2011. Again, the heating facility issue is open until May 12, 2011.

Finding of Fact:

The Special Magistrate would show with respect to the violations that, except for the heating violation (which is not required to be completed until Thursday, May 12, 2011), everything is in compliance.

Ms. Ferry advised that she is aware of the heating issue.

The Special Magistrate reminded her that she has until Thursday to be in compliance.

Ms. Ferry doesn't feel the issue can be resolved by the deadline as the heaters are on order.

Mr. Cooper asked how she was going to deal with the electrical; *Kelly Electric* has indicated that the sub-panels need to be replaced with breaker panels instead of fuses.

Considering the situation at this point, Mr. Cooper has no problem with extending an additional 30 days to come into compliance.

The issue concerning the heat is extended for thirty days, otherwise, the rest of the property is in compliance.

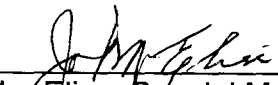
6. Other Discussion

Larry Meyer, owner of Live Waters Motel, 636 Corey Avenue, addressed the panel regarding the property owned by Ms. Ferry. He stated that these problems have been going on for 25 years.

7. Adjournment

There being no further business to come before this Special Magistrate Hearing, it will stand adjourned until June 14, 2011.


Pamala Prell, Acting City Clerk


John Elias, Special Magistrate