

City of St. Pete Beach Code Enforcement
Special Magistrate
Tuesday, June 14th 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 # 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 or Ordinances.
- B. **Case # 20110005; City of St. Pete Beach v. Coral Reef Partners LLC.** Property located at 5800 Gulf Blvd., St. Pete Beach, FL 33706. Violation: Section 98-66 (b) (2) exterior walls, (3) windows, (7) exterior surface treatment, (8) structural supports, (10) stairs, (11) roof, (20) grass and weeds, (24) fences, (25) floors, interior walls and ceilings and (26) miscellaneous elements 98-66 (5) exterior doors and 98-66 (20) grass and weeds of the Code or Ordinances.

5. OLD CASES:

- C. **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

6. OTHER DISCUSSIONS:

Case # 20100122 and 20090126 Garcia-Leyva, Gisela, Request for Foreclosure

NEXT HEARING:

Tuesday, July 12th 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.

**CITY OF ST. PETE BEACH
SPECIAL MAGISTRATE HEARING
TUESDAY, JUNE 14, 2011**

MINUTES

PRESENT:

Attorney John Elias, Special Magistrate
Heidi Hartsock, Code Enforcement Officer
Pamala A. Prell, Deputy City Clerk

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

Since no one was present at this hearing to represent these cases, Mr. Elias did not administer the oath to anyone.

4. NEW CASES:

A. Case #201001; City of St. Pete Beach v. Michael S. Murphy.

Property located at 2692 West Vina del Mar Boulevard, St. Pete Beach 33706. Violation: Section 98-66 (b) (18) pools of the Code or Ordinances.

Ms. Hartsock clarified that this case is not a new Case. It came to the Special Magistrate on December 14, 2010, at which time the Special Magistrate found the property in violation granting the owners seven days to bring the property into compliance. Coming back on January 18, 2011 the Special Magistrate was advised that all mailings that were sent to the property owner were returned to the City unsigned. The Post Office informed the City of a different mailing address that was in Coral Gables, Florida. The Special Magistrate then directed the City to try to contact the property owner in Coral Gables. Ms. Hartsock then sent out notices of violations to that address in Coral Gables. Those mailings were also

returned to the City unsigned. The owners were given fourteen days to bring the property into compliance and notices were posted on the front door. At this time, the property still shows no compliance.

The property is being maintained, but the pool water is still stagnant, gates are not secure, etc. The City recommends showing no compliance and assess fines. Ms. Hartsock reviewed the status of this property. The property owner is deceased and the property is going through probate with the children. It is in the hands of an attorney, the mailing address in Coral Gables is the address for the attorney's office. All mailings are returned to the City unsigned. Every notice that has been posted at the front door of the property and at City Hall, has been removed.

Since this could be a safety issue with regard to the pool, the City is requesting a fine of \$250.00/day.

Finding of Fact.

The Special Magistrate finds that service has been perfected by postings based upon photographs and testimony presented today, that the property owner is the correct owner of the property, a fine of \$250.00/day will be imposed along with administration fees of \$150.00.

B. Case #20110005, City of St. Pete Beach v. Coral Reef Partners, LLC.

Property located at 5800 Gulf Boulevard, St. Pete Beach, Florida 33706. Violation: Section 98-66(b)(2) exterior walls (3) windows, (7) exterior surface treatment, (8) structural supports, (10) stairs, (11) roof, (20) grass and weeds, (24) fences, (25) floors, interior walls and ceilings and (26) miscellaneous elements 98-66 (5) exterior doors and 98-66 (20) grass and weeds of the Codes or Ordinances.

Ms. Hartsock explained that this case is a hotel located on the beach at 5800 Gulf Boulevard. This property has numerous violations. There are two separate buildings the front building and a time-share that sits in the center of this property towards the rear.

A notice of violation was hand delivered to the property owner Mr. *Fleeting* who is one of the partners of Coral Reef Partners, LLC. Mr. Holley, Mr. Cooper and Mr. Fleeting met in on January 26, at which time a notice of violation was handed to Mr. Fleeting and he was told to make repairs or demolish the building within sixty days. Mr. Cooper did an inspection of the building at one time finding mold and other issues e.g. missing rotten soffit/fascia, deterioration of the building, etc. All windows are boarded up. The building in the back is in the same condition. Ms. Hartsock presented photographs for review.

On February 10 there was a phone conference with Mr. Marchetti at which time he requested a copy of the notice and plans that were submitted to the City. The information

was sent to him via e-mail and U.S. Postal service. At that time he requested a thirty-day extension giving him time to examine the documents.

The City was to receive an appeal on February 28 but did not. The City did receive an e-mail from Mr. Fleeting on March 14 requesting concessions from the notice of violation. Mr. Cooper responded to Mr. Fleeting noting that there were only a few items that dealt with the interior of the hotel that the City would consider at that time. Ms. Hartsock presented a copy of the e-mail and noted some of the issues.

There was a meeting with City Manager Bonfield a few weeks ago where it was noted that Mr. Fleeting was to satisfy some of those issues. Mr. Cooper gave Mr. Fleeting more time to take care of the issues, but as of March 14 nothing has been resolved. Ms. Hartsock presented a list of things that could be done to bring the property into compliance.

The City requested that the owners of the Coral Reef obtain a permit within seven days to either make all repairs or within thirty days to demolish the front building. She noted that this building has not been occupied for a number of years.

Finding of Fact:

The Special Magistrate finds that proper service has been obtained, that the property owner is as listed on the notice of violation, that the violations do, in fact, exist, he granted the property owner seven days to obtain a permit or thirty-days to repair the existing structure. With regard to the demolition, this will be subject to review by the Special Magistrate and subsequent notification with regard to preparation of the order.

This Case will be placed on the July 12, 2011 Special Magistrate Hearing.

5. OLD CASES:

- C. 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, 98-65(5) exterior doors and 98-66 (20) grass and weeds of the Code or Ordinances.

Ms. Hartsock reported that this case first came to the Special Magistrate on May 10, 2011 at which time the property was found to be in violation, giving the property owner fourteen days to come into compliance. A reinspection took place on June 6, 2011 at which time no compliance had been made. The property owner did receive the notice and is aware of the situation. All postings and mailings have been made. The City is requesting fines on the property that show no compliance.

This home has safety issues e.g. broken windows, broken doors, the two separate buildings in back are accessible by the public. The only contacts are the owners Joseph and Lorrie Walters.

Finding of Facts.

The Special Magistrate finds that the property owner is as listed, service has been obtain through posting, the violation exist, fourteen days is a reasonable time in which to repair and bring the property into compliance and the property owner has failed to do so. Fines of \$250.00/day will be instituted based upon the emergency nature and urgency of securing the property and the testimony that there are vagrants frequenting the premises.

Mr. Elias stated also to let the record reflect that although the Special Magistrate did not indicate on each case discussed, that there are no participants or no witnesses on behalf of any of the respondents in the audience.

6. OTHER DISCUSSIONS:

Case #20100122 and 20090126 Garcia-Leyva, Gisela, Request for Foreclosure.

The Special Magistrate opened these cases for discussion.

Regarding Case #20090126, Ms. Hartsock stated that the City needs to bring this case to the Special Magistrate to proceed with possible foreclosure or collection of fines. She advised that Dr. Garcia has a 2009 fine of \$3,300 placed against the property for a boat issue.

Regarding Case #20100122, Ms. Hartsock stated this is an ongoing fine that has been recorded. These fines have been accruing since August 19, 2010. As of this date, the property owner owes \$75,000 in fines to the City. The City may need authorization from the Special Magistrate to proceed with foreclosure or collection of fines on these properties.

The Special Magistrate stated for the record that there is an issue concerning whether or not the Code Enforcement Department needs permission or authority of the Special Magistrate or City Commission in order to proceed with a foreclosure on the property or on the lien. Currently, this issue is under research by the City Attorney and this Department is waiting a response. The Special Magistrate explained that this order is filed as a lien and according to Florida Statutes 162.09, once an order imposing a fine is recorded, it becomes a lien and that lien runs in favor of the City. It is the City who can authorize the discharge or modification of the fine. The Special Magistrate further explained this issue stating that as soon as a legal resolution of the issue is received, this department will proceed as directed.

Mr. Bill Eckert was in the audience and spoke as a concerned observer.

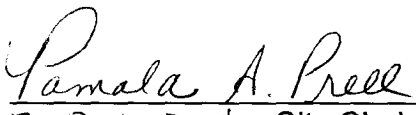
Ms. Hartsock stated that the City Manager gave authorization to proceed with the collections of these fines. The Special Magistrate is waiting to hear from the City Attorney.

7. NEXT HEARING DATE

The next hearing date is scheduled for July 12, 2011 at 9:00 a.m.

8. ADJOURNMENT

Time being 9.30 a.m. and no further business to come before the Magistrate, this Hearing was adjourned.


Pam Prell, Deputy City Clerk


John Elias, Special Magistrate