

City of St. Pete Beach Code Enforcement
Special Magistrate
Tuesday, July 12th 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. **Parking Citation # 00312603; City of St. Pete Beach v. Bilecki, Joe** Violation: Section 316.1945 parking within 15 feet of a fire hydrant.
- B. **Parking Citation # 00312791; City of St. Pete Beach v. Kikoler, Jeffrey Stuart**
Violation: Section 82-137 No parking anytime

5. OLD CASES:

- C. **Case # 20110021; City of St. Pete Beach v. Ferry, Suzanne** 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 FI. Fire Prevention Code.

D. OTHER DISSCUSSIONS:

NEXT HEARING:
Tuesday, August 9th 2011 at 9:00am

E. 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, JULY 12, 2011**

MINUTES

PRESENT:

Attorney John Elias, Special Magistrate
Heidi Hartsock, Code Enforcement Officer
Neal Phillips, Parking Enforcement Officer
Donna Draper, Secretary

CASE DOCKET

The July 12, 2011 Special Magistrate 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 a.m. by Mr. John Elias, Special Magistrate. The Special Magistrate dispensed with the reading of the formalities as there was no one in the audience and witnesses were not expected.

2. PLEDGE OF ALLEGIANCE

3. OLD CASES

A. Case #20110021, City of St. Pete Beach v. Ferry Suzanne. 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 alarm/detection, Code 1019.1.2 building electrical service and F.S. 633.0215 gas service of the Florida Fire Prevention Code.

Heidi Hartsock, Code Enforcement Officer, reported that this property came to the Special Magistrate on May 10, 2011 which was a second hearing for *The Lakes Venture*, bringing the property into compliance. At that time, the City gave the property owner a thirty day extension for installation of heating units. The City extended Ms. Ferry an extra thirty days to have those units installed. A reinspection two weeks ago showed that all violations have been taken care of and Ms. Ferry's property is in total compliance.

At this time, the City would like to show that the property is in compliance and Administration Fees of \$150.00 are imposed.

Finding of Fact:

The Special Magistrate ordered the record to show that the property is now in compliance and the City will impose \$150.00 administrative fees.

4. NEW CASES

- A. Parking Citation #00312603, City of St. Pete Beach, vs. Bilecki, Joe.** Violation: Section 316.1045, parking within 15 feet of a fire hydrant.

Mr. Neal Phillips, Parking Enforcement Officer for the City of St. Pete Beach, Florida, explained that on Saturday, June 4, 2011 he wrote a citation for a Mazda 4-door that was parked within 10' to 12' of the 15' limit for parking to the fire hydrant. The owner of the vehicle, Mr. Bilecki, was not present to receive the citation. The citation was mailed to the owner.

Mr. Bilecki has protested this citation and requested to meet with the Special Magistrate on July 12, 2011 at 9:00 a.m.

The Special Magistrate stated that he needs more evidence that Mr. Bilecki is aware of this hearing. Without that, the Special Magistrate cannot proceed.

This hearing recessed for five minutes giving Ms. Hartsock time to obtain more information from the office so the Special Magistrate can proceed.

Ms. Suzanne Ferry entered the hearing at this time. The Special Magistrate informed her that her case had been addressed and an order of compliance was entered.

Ms. Hartsock returned to the hearing stating that Mr. Dan O'Connor verified that the letter was mailed regular mail on the proper date. The vehicle owner, Mr. Bilecki, requested and is aware of today's hearing. There has been no other contact with this owner.

Mr. Phillips noted that the fine for violation of this ordinance is \$100.00 and is \$115.00 after June 19, 2011.

Finding of Fact:

The Special Magistrate did not make any ruling today, but instructed the City and/or the Traffic Division to obtain service of process on Mr. Bilecki, the owner of the vehicle, and will hear this matter at another time when there is proof of service.

B. Parking Citation #00312791, City of St. Pete Beach vs. Kikolor Jeffrey Stuart, Violation: Section 82-137, No Parking Anytime Zone.

Mr. Phillips noted that the City has "No Parking at Any Time" on the concrete poles. Upon researching, it was discovered that the signage did not cover the whole avenue and the citation was written in error. Therefore, it is requested that this case be dismissed.

Finding of Fact:

The Special Magistrate entered an order of dismissal on Case #00312791.

5. OTHER DISCUSSION:

There were no other matters to be discussed at this time.

6. ADJOURNMENT:

There being no further business to come before the Special Magistrate, the Hearing stands adjourned until August 9, 2011 at 9:00 am.



John Elias, Special Magistrate