

City of St. Pete Beach Code Enforcement
Special Magistrate
Tuesday, August 9th 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 # 20110029; City of St. Pete Beach v. Ruhlman, Robert E.** Property located at 401 Gulf Way., St. Pete Beach, FL 33706. Violation: 305.7, 8 and 9 windows of the Standard Housing Code of the City of St Pete Beach
- B. **Case # 20110058; City of St. Pete Beach v. Walczewski, Elaine** Property located at 6650 Gulf Winds Dr., St. Pete Beach, FL 33706. Violation: 302.5 Heating facilities of the Standard Housing Code of the City of St Pete Beach
- C. **Case # 20110074; City of St Pete Beach v. Seyler, Cathy. Tre** Property located at 335 80th Ave., St Pete Beach, FL 33706. Violation: Section 98-67 (c), (e) junk vehicle/vessels/trailers, 98-66 (d) outdoor storage of the Code of Ordinances of the City of St Pete Beach.
- D. **Case # 20110078; City of St Pete Beach v. Holehouse, Ronald F.** Property located at 113 12th Ave., St Pete Beach, FL 33706. Violation: Section 104.5.1 permit intent of the Code of Ordinances of the City of St Pete Beach.

5. **OLD CASES:**

- E. **Case # 20110005; City of St. Pete Beach v. Coral Reef 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.

6. **OTHER DISCUSSIONS:**

NEXT HEARING:

Tuesday, September 13th 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**

**August 9, 2011
9:00 AM**

MINUTES

PRESENT:

John Elias, Special Magistrate
Heidi Hartsock, Code Enforcement Officer
Bruce Cooper, Building Code Administrator
Jim Lang, Attorney
Rebecca C. Haynes, 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

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

Special Magistrate Elias announced that he will hear Case No. 20110005, Item 5 (E) out of order.

5. Old Cases:

**E. Case No. 20110005; City of St. Pete Beach v. Coral Reef
Case No. 20110005; City of St. Pete Beach v. Coral Reef
Partners, L.L.C.**

Property located at 5800 Gulf Boulevard, 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 of Ordinances.

Building Code Administrator Bruce Cooper stated that at a hearing on June 14, 2011, the property owners were found in violation and were given 30 days to comply. Orders were prepared, mailed to the Special Magistrate for signature, received by the City on June 27, 2011 and mailed to the property owners on June 29, 2011.

Robert Fleeting testified that after a lengthy delay, they have now received authorization from their lender to move forward with the demolition; they will request an update. He will make application for a permit in the next week. The work can be completed in about two weeks.

Mr. Cooper recommended granting an additional fourteen (14) days to comply. If the property owner fails to obtain a permit and start construction, a \$250 a day fine be imposed.

Finding of Fact:

Based upon the suggestion of the City, the Special Magistrate granted an extension of fourteen (14) days to pull a permit and commence work. If a permit is not issued and work started within said fourteen (14) days, fines will commence at the rate of \$250 per day.

4. New Cases:

D. Case No. 20110078, City of St. Pete Beach v. Holehouse, Ronald F.

Property located at 113 12th Avenue, St. Pete Beach, FL 33706.

Violation: Section 104.5.1 permit intent of the Code of Ordinances of the City of St. Pete Beach.

Mr. Cooper advised that he received correspondence from Mr. Holehouse's attorney, Bacon & Bacon, requesting a continuance.

Finding of Fact:

Based upon the recommendation of the City, Case No. 20110078, City of St. Pete Beach v. Holehouse, Ronald F. is hereby continued for a period of thirty (30) days after which time it may be rescheduled, if necessary, on the September 13, 2011 agenda.

- A. Case No. 20110029, City of St. Pete Beach v. Ruhlman, Robert**
Property located at 401 Gulf Way, St. Pete Beach, FL 33706.
Violation: Section 305.7, 8 and 9 windows of the Standard Housing Code of the City of St. Pete Beach.

Ms. Hartsock explained that this property is in violation under Section 305.7, 8 & 9 for windows. The property consists of a hotel and it was inspected on January 21, 2011.

Re-inspections were performed in March, April and May. Another inspection was done on July 28th, at which time Ms. Hartsock spoke with the manager advising him that this violation was before the Special Magistrate this month.

William Curtin noted that he completed the required work.

Finding of Fact:

The Special Magistrate finds that the respondent is in compliance with regard to the property at 401 Gulf Way, Case No. 20110029 and ordered payment of administration fees in the amount of \$150.00.

- B. Case No. 20110058, City of St. Pete Beach v. Walczewski, Elaine**
Property located at 6650 Gulf Winds Drive, St. Pete Beach, FL 33706.

Violation: 302.5 heating facilities of the Standard Housing Code of the City of St. Pete Beach.

Ms. Hartsock stated that this property is in violation of Section 302.5 for heating of the Standard Housing Code. An interior inspection took place on April 4, 2011 at the request of the tenant. Correspondence was received by the property owner on May 16, 2011, giving the property owner thirty (30) days to bring the property into compliance.

Elaine Walczewski, owner of the property, stated that she had a contractor look at installing baseboard heaters. She presented a letter from the contractor that stated the unit has adequate heat for the 500 square feet space.

Finding of Fact:

The Special Magistrate granted a thirty (30) day extension to investigate the situation; this case will be re-scheduled for next month.

C. Case No. 20110074, City of St. Pete Beach v. Seyler, Cathy, Trustee.

Property located at 335 80th Avenue, St. Pete Beach, FL 33706.
Violation: Section 98-67 (c), (e) junk vehicle/vessels/trailers, 98-66(d) outdoor storage of the Code of Ordinances of the City of St. Pete Beach.

Ms. Hartsock inspected the property on May 19, 2011 and the Notice of Violation was mailed on June 14, 2011.

A re-inspection of the property on July 28, 2011, shows no compliance. A Notice of Hearing was mailed to the property owner.

At this time, the property owner is not in compliance.

Finding of Fact:

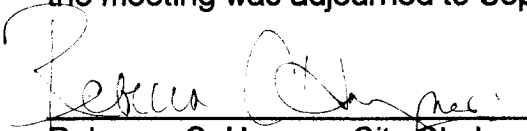
Based upon the City's representations, the Special Magistrate will grant a thirty (30) day continuance and move Case No. 20110074 to the September calendar.

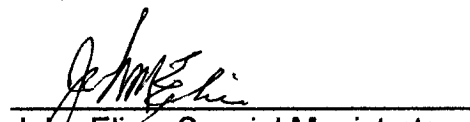
6. Other Discussions:

There were none.

7. Adjournment

There being no further business to come before this Special Magistrate Hearing, the meeting was adjourned to September 13, 2011, at 9:00 am.


Rebecca C. Haynes, City Clerk


John Elias, Special Magistrate