

City of St. Pete Beach Code Enforcement
Special Magistrate
Tuesday, September 13th 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 # 20110049; City of St. Pete Beach v. Mara Mare Corp.** Property located at 3680 Bella Vista Dr., St. Pete Beach, FL 33706. Violation: Section 104.5.1 permit intent, 98-65 (3) unsightly conditions and 98-66 b. (2) exterior walls of the Code of Ordinance of the City of St Pete Beach
- B. **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.
- C. **Case # 20110080; City of St Pete Beach v. RAIT Partnership LP** Property located at 71 Corey Ave St Pete Beach, FL 33706 (vacant Lot) Violation: Section 6.23 docks of the Land Development Code of the City of St Pete Beach.
- D. **Case # 20110081; City of St Pete Beach v. RAIT Partnership LP** Property located at 7345 Bay St. St Pete Beach, FL 33706 (vacant Lot) Violation: Section 6.23 docks of the Land Development Code of the City of St Pete
- E. **Case # 20110092; City of St Pete Beach v. Gonz Enterprises LLC** Property located at 6305 Gulf Blvd., St Pete Beach, FL 33706. Violation: Section 98-66 (b), (11) roofs of the Code of Ordinances of the City of St Pete Beach.
- F. **Case # 20110096; City of St Pete Beach v. Tyack, Michael J.** Property located at 3211 E. DeBazan Ave., St Pete Beach, FL 33706. Violation: Section 98-65 (4) unsightly conditions and 98-66 (b) (20) grass and weeds of the Code of Ordinances of the City of St Pete Beach.

5. **OLD CASES:**

NONE

6. **OTHER DISSCUSSIONS:**

NEXT HEARING:

Tuesday, October 11th 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, SEPTEMBER 13, 2011

MINUTES

PRESENT:

Attorney John Elias, Special Magistrate
Heidi Hartsock, Code Enforcement Officer
Jim Lang, City Attorney
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 is available upon request.

2. PLEDGE OF ALLEGIANCE

3. ADMINISTER OATH

Mr. Elias swore in the audience members who intended to testify.

4. NEW CASES:

Mr. Elias heard these cases in the following order.

- B. *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*

Attorney Jim Lang advised Mr. Elias that a Declaratory Action is being filed with the Circuit Court regarding the use of this property and requested that the case be continued with the following conditions:

That the non-conforming use will not be permitted during the pending Court action and that the Declaratory Action must be filed with the Circuit Court within 30 days.

Attorney Bacon who was representing Mr. Holehouse agreed to the conditions.

Mr. Elias ruled that the case be continued as requested by Attorney Lang including the conditions.

- E. Case #20110092; City of St. Pete Beach v. Gonz Enterprises LLC Property located at 6305 Gulf Blvd., St. Pete Beach, FL 33706. Violation: Section 98-66 (b) (11) roofs of the Code of Ordinances of the City of St. Pete Beach

Mr. Elias asked if there was anyone in attendance to represent this case. Attorney Justin Zinzow advised that he was here to represent the mortgage holder. Also in attendance was Bruce Caplan who has a pending contract to purchase the property.

Ms. Hartsock testified that the property has been in violation since August 3, 2011 and the owner was mailed a Notice of Violation which was returned unsigned. The property was posted on August 8, 2011 and upon a re-inspection on August 24, 2011 she found that no changes were made to the property. Ms. Hartsock reported that the building is vacant, there is a hole in the roof and debris is coming loose from the building. She advised that Mr. Caplan informed her that he is in the process of purchasing the building. She then asked Attorney Zinzow to give the status of the repairs.

Attorney Zinzow provided Mr. Elias with a copy of an Emergency Motion that was filed. He testified that a foreclosure action was filed last week. The Emergency Motion is presently in the Judges' chamber being reviewed and a decision should be made within a few days. He testified that they need Court action to gain access to the building and reported that they have been unable to contact Mr. Gonz.

Attorney Zinzow testified that Mr. Caplan has a contract to purchase the property following the foreclosure proceeding and he is ready to resolve the code enforcement issues; however nothing can be done until the Court takes the appropriate action. He requested that all fines be waived for 30 days and if the Court does not make a ruling within that time, an extension may be required.

Ms. Hartsock reported that there are no fines accumulating on this property other than the administrative fee of \$150.00.

Mr. Elias granted 30 days of abatement and asked Attorney Zinzow and Mr. Caplan to keep the Code Enforcement Department informed of the status of the foreclosure action and if additional time is needed that can be worked out administratively or a hearing can be scheduled on next month's docket.

- A. *Case #20110049; City of St. Pete Beach v. Mara Mare Corp. Property located at 3680 Belle Vista Dr., St. Pete Beach, FL 33706. Violation: Section 104.51 permit intent, 98-65 (3) unsightly conditions and 98-66 b. (2) exterior walls of the Code of Ordinances of the City of St. Pete Beach*

Mr. Kurt Knuth was present to represent the property owner.

Ms. Hartsock testified that a Notice of Violation was sent to the property owner on February 22, 2011 and upon an inspection it was discovered that a solar system (including copper wiring) was installed without a permit.

Ms. Hartsock reported that the City became aware of some open permits where the work was never completed. Ms. Hartsock testified that she sent letters to the listed contractors and received one back from Mr. Feldman who did some construction on the property. Mr. Feldman sent a letter to the City releasing himself from the permit. Another letter was sent to Prawl Construction who provided some dock work and according to Pinellas County they are no longer in business.

Ms. Hartsock testified that a Notice of Violation was mailed to the owner on May 11, 2011 granting 14 days to renew the permits and have the work completed. All mailings were signed. She testified that on June 3, 2011 she received a phone call from Mr. Eric Hannah who informed her that he was hired to get all the permits corrected and to apply for a permit for the solar system. At that time he was advised that a plumber would be required to apply for the solar system and the installation of the copper wiring. Ms. Hartsock advised that there has been no further contact with Mr. Hannah.

Ms. Hartsock reported that on August 26, 2011, Mr. Kurt Knuth informed her that the solar panels were removed but the copper wiring still needed to be removed.

Mr. Knuth testified that he was hired to complete the repairs and to get the permits in order to bring the property into compliance. He testified that one wall needs painting and the garage needs new shingles and some electrical work. He testified that the work should be completed within 30 days.

Ms. Hartsock recommended granting seven days to obtain the permits and to have all the work completed within 21 days.

Mr. Elias granted seven days (from today's date) to obtain the permits and twenty-one days to complete the work.

Mr. Knuth provided photos showing that the copper wiring was removed.

- C. *Case #20110080; City of St. Pete Beach v. RAIT Partnership LP Property located at 71 Corey Avenue, St. Pete Beach, FL 33706 (vacant lot) Violation: Section 6.23 docks of the Land Development Code of the City of St. Pete Beach.*

Ms. Hartsock testified there are two properties on the agenda for this company and both are vacant. She advised that one is located on Corey Avenue and one on Bay Street. She testified that that both properties have docks that are corroding and debris is falling into the waterways. She presented photos to Mr. Elias showing the condition of the docks.

Ms. Hartsock testified that a Notice of Violation was sent July 3, 2011 requesting a permit be obtained within 14 days and the docks be repaired within 30 days. She reported that on August 9, 2011 a re-inspection showed no permits were issued. She testified that there has been no contact with the owner. Ms. Hartsock further testified that she sent a copy of the Notice of Violation to an attorney who was on file regarding the property. Ms. Hartsock reported that on August 26, 2011 a re-inspection again showed no action was taken and a Notice of Hearing was sent out.

Ms. Hartsock testified that on September 7, 2011 she received a phone call from Mr. Greg Tocco, the owner of the property, and he stated that he was getting proposals on the docks repairs. She informed Mr. Tocco that the biggest concern was to remove the debris that had fallen into the waterways. She reported that the City requested a copy of the paperwork that he had regarding the repairs and nothing was received.

Ms. Terri Skapik, Woods Consulting, testified that her company was hired to repair the docks. They are seeking bids for the work which are due on September 30, 2011. She advised that the owner is requesting 90 days to get the repairs completed and obtain the proper permits. She testified that they will immediately begin removal of the material that has fallen into the waterways.

Ms. Hartsock advised that the City granted 14 days to get the debris removed from the waterways at both properties. Ms. Skapik agreed to get this accomplished.

Mr. Elias granted 14 days to remove the debris from the waterways at both properties and 90 days to repair the docks.

Ms. Hartsock asked Ms. Skapik to keep her informed of the status of the removal of the debris and the permitting process for the dock repairs.

- D. *Case #2011-0081; City of St. Pete Beach v. RAIT Partnership LP Property located at 71 Corey Avenue, St. Pete Beach, FL 33706 (vacant lot) Violation: Section 6.23 docks of the Land Development Code of the city of St. Pete Beach.*

See minutes for above Case 2011-0080 testimony which also applies to this case.

Mr. Elias granted 14 days to remove the debris from the waterways at both properties and 90 days to repair the docks.

- F. *Case #20110096; City of St. Pete Beach v. Tyack, Michael J. Property located at 3211 E. DeBazan Ave., St. Pete Beach, FL 33706. Violation Section 98-65 (4) unsightly conditions and 98-66 (b) (20) grass and weeds of the Code of Ordinances of St. Pete Beach.*

Ms. Hartsock testified that a Notice of Violation was sent on August 5, 2011 and all mailings were returned to the office unsigned. She reported that on August 16, 2011 the Notice was posted at the property and City Hall. She stated that an inspection on August 26, 2011 showed no compliance and a re-inspection on September 12, 2011 showed no action.

Ms. Hartsock stated that she spoke to other property owners in the neighborhood who informed her that the property was abandoned. She testified that no foreclosure action was pending and there has been no contact with the owner.

Ms. Hartsock requested the property be found in violation and that seven days be granted to bring the property into compliance.

Mr. Elias ruled that the property is in violation and granted seven days to abate the condition and if no action is taken to schedule the Case for next month's docket.

5. OLD CASES:

NONE

6. OTHER DISCUSSIONS:

The next meeting is scheduled for October 11, 2011 at 9:00 a.m.

Mr. Elias stated that he would not be available on October 11, 2011 and he would contact Ms. Hartsock regarding the date of the next hearing.

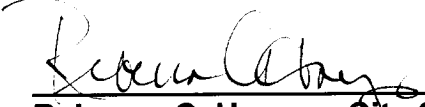
7. ADJOURNMENT

Being no further business, the meeting was adjourned.



John Elias, Special Master

Attest:



Rebecca C. Haynes, City Clerk