

City of St. Pete Beach Code Enforcement
Special Magistrate
Tuesday, October 18th 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 – 10:30 AM

2. PLEDGE OF ALLEGIANCE

3. ADMINISTER OATH

4. NEW CASES:

- A. **Case # 20110087; City of St. Pete Beach v. Smith, Mark G.** Property located at 320 84th Ave., St. Pete Beach, FL 33706. Violation: Section 98-65 (4) unsightly conditions, 98-66 b. (2) exterior walls, (5) exterior doors, (7) exterior surface treatment, (20) grass and weeds and 98-67 (e) and (f) junk vehicle of the Code of Ordinance of the City of St Pete Beach

5. OLD CASES:

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.

- C. **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

- D. **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.

- E. **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.

F. OTHER DISCUSSIONS:

NEXT HEARING:

Tuesday, November 8th 2011 at 9:00am

G. 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.

SPECIAL MAGISTRATE HEARING

TUESDAY, OCTOBER 18, 2011

2:00 p.m.

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 – 2:00 p.m.

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:

A. Case #20110087; City of St. Pete Beach v. Smith, Mark G. Property located at 320 84th Ave., St. Pete Beach, FL 33706. Violation: Section 98-65 (4) unsightly conditions; 98-66 b. (2) exterior walls, (5) exterior doors, (7) exterior surface treatment, (20) grass and weeds and 98-67 (e) and (f) junk vehicle of the Code of Ordinances of the City of St. Pete Beach.

Code Enforcement Officer Hartsock testified that the property has been in violation since July 19, 2011 at which time a Notice of Violation was sent to the owner granting him 30 days to bring the property into compliance. A re-inspection showed that the property was not in compliance and a Notice of Hearing was sent on October 7, 2011. Another inspection on October 14, 2011 showed no compliance.

She testified that upon a re-inspection on October 17, 2011 the repair work was underway and informed Mr. Smith that, if he completed the work by today's hearing she would find the property in compliance.

Ms. Hartsock testified that she inspected the property this morning and found the property to be in compliance. She asked Mr. Elias to find the property in compliance and requested an administrative fee of \$150.00.

Mr. Smith was in attendance and agreed with the testimony.

Based upon the testimony, Mr. Elias ruled that the property is in compliance as of today's date and imposed an administrative fee of \$150.00.

Ms. Hartsock advised Mr. Smith that he has 30 days to pay the fee and she would send him a letter stating that the property is in compliance.

5. OLD CASES:

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 of Ordinances.

No one was present to represent this case.

Ms. Hartsock explained that this case was heard on August 9, 2011 and Mr. Elias granted the owner 14 days to bring the property into compliance. She testified that the hotel has been closed for many years and the building is deteriorating. The soffit, windows, walls and several inside issues need repair. Ms. Hartsock testified that on October 7, 2011 the beach bar "Bongos" was demolished and the lot has been cleared. The owner is either going to sod the area or use it for parking. She testified that based on the last inspection, the hotel has been repaired and is being painted. She requested that Mr. Elias find the property to be in compliance and assess an administrative fee of \$150.00.

Based upon the testimony, Mr. Elias ruled that the property is in compliance and imposed an administrative fee of \$150.00.

**C. 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.**

Ms. Hartsock testified that on August 9, 2011, this property was shown in violation for not having heat in one of the units and the owner was given 30 days to comply. She testified that the unit has heat and the property is in compliance and requested that an administrative fine of \$150.00 be imposed.

Ms. Walczewski, property owner, objected to the fee referencing a letter that stated that if she did not appear at today's hearing a fine may be imposed.

After careful review of the referenced letter, Mr. Elias found the property to be in compliance and waived the \$150.00 administrative fee.

Mr. Elias suggested that the letter be reworded.

**D. 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.**

Ms. Hartsock testified that at the August 9, 2011 hearing, this property was granted a 30 day extension to bring the property into compliance. She reported that she spoke to the owner today and he requested more time to correct the violations. She testified that the issue is an unlicensed boat and trailer. She advised that because there are other violations such as overgrown grass and unlicensed wave runners, she would not find the property in compliance and requested that Mr. Elias assess liens. She provided photos of the property.

Ms. Hartsock advised that no one was present to represent this case, due to a family illness.

Mr. Elias ruled that the property is not in compliance and ordered that fines of \$50.00 per day be assessed beginning on August 22, 2011, the date the order was signed.

**E. Case #2011-0096; 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.

There was no one present to represent this case.

Ms. Hartsock testified that on September 13, 2011 the property was found to be in violation and the owner was granted seven days to bring the property into compliance. Upon a re-inspection on October 4, 2011 the property has been mowed and is being maintained.

Ms. Hartsock requested that the property be found in compliance and that an administrative fee of \$150.00 be imposed.

Mr. Elias ruled that the property is in compliance and imposed an administrative fee of \$150.00.

6. **OTHER DISCUSSIONS**

The next hearing date will be Tuesday, November 8, 2011 at 9:00 a.m.

7. **ADJOURNMENT**

There being no further business, the hearing was adjourned at 9:25 a.m.

ATTEST:


Rebecca C. Haynes, City Clerk


John Elias, Special Magistrate