

SPECIAL MAGISTRATE HEARING

MINUTES

JULY 14, 2015

10:00 A.M.

PRESENT

Herbert E. Langford, Jr., Special Magistrate
Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Department Director
Bruce Cooper, Building Code Administrator
Mary Jo Murphy, Deputy City Clerk
Joanne Boland, Parking Permits
Chris Lostraglio, Code Enforcement Officer

1. CALL TO ORDER

Special Magistrate Langford called the City of St. Pete Beach Code Enforcement Hearing to order at 10:00 a.m.

Special Magistrate Langford asked City Attorney Dickman to identify himself. City Attorney Dickman complied.

Special Magistrate Langford introduced the first case, Case No. 20110112, and asked the person present for the O'Connell matter to state his name for the record and his relationship to the hearing.

Mr. Edward J. Gayton, III, 770 115th Avenue, Treasure Island, Florida 33706, appeared on behalf of Christopher J. O'Connell in regard to Case #20120012.

City Attorney Dickman stipulated Mr. Gayton was lawfully representing the property owner who applied for the lien reduction. Attorney Dickman informed Special Magistrate Langford he was in possession of a notarized letter, addressed to "Mr. Dickman," that authorized Mr. Gayton to appear on Mr. O'Connell's behalf.

2. ADMINISTRATION OF OATH TO DEFENDANTS AND WITNESSES

Special Magistrate Langford administered the oath or affirmation to Mr. Edward J. Gayton, III.

3. CASES

Case # 20110112: 453 85th Avenue
City of St. Pete Beach v. Christopher J. O'Connell
Request for fee reduction. (E-mail Correspondence)

Mr. Gayton stated three important criteria had not been met at the previous hearing, and the hearing was postponed until today's date. All three of the criteria have been met, but there is a code violation which Mr. Gayton offered to correct himself.

City Attorney Dickman stated there was a Notice of Violation issued on the 10th for the following:

- yard debris
- the garage door needs to be painted
- soffits on the house need to be replaced

City Attorney Dickman asked for there to be a condition that required the above-listed issues to be corrected before the closing occurs.

City Attorney Dickman stated the violations that created the lien on the property have been corrected, and there is a short sale scheduled for this property.

Special Magistrate Langford and City Attorney Dickman reviewed the HUD Statement.

Special Magistrate Langford administered the oath or affirmation to Mr. Daniel Reichard.

Daniel Reichard, Smith & Associates, real estate agent representing the buyer in the short sale transaction, explained that the lien payoff to Pinellas County is an amount held in escrow to pay off water utilities from the proceeds at closing. Mr. Reichard commented that the buyer is contributing funds to the second lienholder's demands and to the short sale attorney's costs. The buyer is also bringing funds to the table for electrical repairs to be made to the house prior to closing in order to meet inspection requirements so the house will be insurable.

There was further discussion in regard to the HUD Statement between the Special Magistrate, the City Attorney and Mr. Reichard.

City Attorney Dickman asked Mr. Reichard to contact the two realtors and the applicant's representative to clean up the house to satisfy the Notice of Violation issues before the closing.

City Attorney Dickman asked Mr. Gayton to arrange to meet a deadline to correct the violations so the property has no violations associated with it at the time of closing. Mr. Gayton agreed.

City Attorney Dickman stated the City is willing to work with the owner and accept a lien reduction but with a condition to not remove the liens unless the property is in good

condition at the time of closing. Also, the City asks the lien reduction amount to be held in escrow by the title company.

Special Magistrate Langford had a discussion with the City Attorney and Mr. Reichard in regard to fees and costs with filing liens, costs of repairs, etc.

Special Magistrate Langford made a ruling that \$5,500.00 will release the lien, but it must be paid on or before the close of business on August 27, 2015. The seller will bring the property into compliance, and when it's finished, the City will go and inspect the property the day before closing. Special Magistrate Langford stated he would write an order accordingly.

City Attorney Dickman mentioned the Notice of Violation that the sheriff's office issued which provides a 14-day window. Special Magistrate Langford asked City Attorney Dickman for the dates. Special Magistrate Langford stated this will generate an affidavit compliance that will satisfy the pending Notice of Violation. There will be one more inspection to ensure there is no blighted condition with the property before closing. City Attorney Dickman stated he would e-mail Special Magistrate Langford the dates.

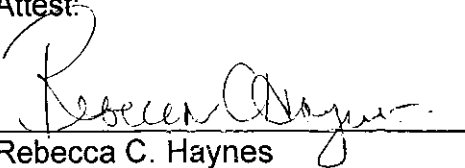
4. OTHER DISCUSSION

There was no discussion.

5. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:56 a.m.

Attest:



Rebecca C. Haynes
City Clerk