

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

AUGUST 15, 2016

10:00 A.M.

PRESENT

Amber Ashton, Special Magistrate
Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Department Director
Mary Jo Murphy, Deputy City Clerk
Joanne Boland, Zoning & Permitting Administrator
Chris Lostriaglio, Code Enforcement Officer

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Special Magistrate Ashton invited everyone present to recite the Pledge of Allegiance.

3. ADMINISTER OATH

Special Magistrate Ashton administered the oath or affirmation to witnesses present.

4. OLD CASES

Special Magistrate Ashton heard the following cases and entered the following orders:

- A. Case No. 20110159**
City of St. Pete Beach vs. Joseph & Elizabeth Foronda, Property Owners
Address: 231 Lido Drive, St. Pete Beach, FL 33706
Violations:

Sec. 23.3, (a)
Sec 23.4, (a), (e)
Non-Compliant

In regard to Case No. 20110159, Chris Lostriaglio, Code Enforcement Officer, informed Special Magistrate Ashton that the property was in compliance.

- B. Case No. 20150204**
City of St. Pete Beach v. Mae A. Colwell
Address: 152 44th Avenue, St. Pete Beach, FL 33706
Violations:

Sec. 46-33 - Enumeration (1), (a), (b), (c), (2)

- C. Case No. 20150205**
City of St. Pete Beach v. Mae A. Colwell
Address: 161 44th Avenue, St. Pete Beach, FL 33706
Violations:

Sec. 46-33 - Enumeration (1), (a), (b), (c), (2)

- D. Case No. 20160028**
City of St. Pete Beach v. Marlyne A. & Allen E. Smith
Address: 157 44th Avenue, St. Pete Beach, FL 33706
Violation:

Sec. 46-33 - Enumeration (1), (a), (b), (c), (2), (3), (4), (a), (b)

Chris Lostraglio, Code Enforcement Officer, informed the Special Magistrate that Case No. 20150204, Case No. 20150205 and 20160028 are grouped together and updated the Special Magistrate that the three cases were in compliance.

In regard to the three above-mentioned cases, Special Magistrate Ashton was submitted documentation referencing the status of the probate, and Ms. Ashton stated she would keep the information on file.

- E. Case No. 20160078**
City of St. Pete Beach vs. Pass-A-Grille Beach Community Church, Inc.
Address: 1606 Pass-A-Grille Way, St. Pete Beach, FL 33706
Violations:

Sec. 17-2, (a), (b), (c)

Sec. 17-3, (g)

Sec. 17-4

In regard to Case No. 20160078, Chris Lostraglio, Code Enforcement Officer, informed Special Magistrate Ashton that the property was in compliance.

City Attorney Dickman asked for clarification about the parking on the property as far as a commercial venture. Special Magistrate Ashton stated there shall be no fee exchanged for the parking on the property, and that it will be a repeat violation for taking fees to park on the property. Ms. Bryla added they can use the parking lot as overflow

parking for events that take place at the church. Furthermore, in regard to donations, people cannot be turned away for not donating.

- F. Case No. 20150184**
City of St. Pete Beach v. Carolyn Marie Hodgson/Lee Clews Allen
Address: 650 59th Avenue, St. Pete Beach, FL 33706
Violations:

Sec. 8.2, (a)

In regard to Case No. 20150184, Chris Lostriaglio, Code Enforcement Officer, informed Special Magistrate Ashton that the property was in compliance.

- G. Case No. 20160069**
City of St. Pete Beach v. Don and Terry Plumeri
Address: 471 Belle Point Drive, St. Pete Beach, FL 33706
Violations:

Sec. 46-33 – Enumeration (1), (a), (b), (c), (3), (4), (a), (b)

Chris Lostriaglio, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160069.

Special Magistrate Ashton found the following:

- Imposed a fine of \$250.00 for an administrative fee.
- Imposed a fee of \$250.00 a day until compliance.
- Found the property remains in violation.
- Found the property owner received proper notice.

- H. Case No. 20160073**
City of St. Pete Beach v. Bank of New York Mellon F/K/A The Bank of New York
Address: 603 55th Avenue, St. Pete Beach, FL 33706
Violations:

Sec. 46-33 – Enumeration (1), (a), (b), (c), (2), (3), (4), (a), (b), (9)
Sec. 98-66, (5), (9), (11), Non-Compliant

Chris Lostriaglio, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160073.

Special Magistrate Ashton found the following:

- Found the property is in violation.
- Granted 30 days to bring the property into compliance.

- Verify with Code Enforcement and the building department what needs to be accomplished to bring the property into compliance.

5. NEW CASES

- A. Case No. 20160080**
City of St. Pete Beach vs. Krysztof Czyszczonek & Maria
Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706
Violations:

Sec. 6-12

- B. Case No. 20160072**
City of St. Pete Beach vs. Krysztof Czyszczonek & Maria
Address: 4506 Gulf Boulevard, St. Pete Beach, FL 33706
Violations:

Sec. 104.6.2

Chris Lostriaglio, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160080 and Case No. 20160072, which references the same property.

In regard to Case No. 20160072, Chris Lostriaglio, Code Enforcement Officer, informed Special Magistrate Ashton that the property was in compliance regarding the fence.

Special Magistrate Ashton found the following in regard to Case No. 20160080:

- Stated she would review the case and issue an order within 10 days.

- C. Case No. 20160071**
City of St. Pete Beach vs. Beth Morean
Address: 620 70th Avenue, St. Pete Beach, FL 33706
Violations:

Sec. 46-33 – Enumeration (1), (a), (b), (c), (2), (3), (13)

In regard to Case No. 20160071, Chris Lostriaglio, Code Enforcement Officer, informed Special Magistrate Ashton that the property was in compliance.

Mr. Lostriaglio informed Special Magistrate that the following property was not listed on the agenda but stated the property located at 110 15th Avenue, Ms. Morean's property, did come into compliance on August 12, 2016.

- D. Case No. 12-11115-CI-8**
City of St. Pete Beach vs. Birmingham, James A., Property Owner
Address: 627 78th Avenue, St. Pete Beach, FL 33706

Violations:

- (1)Sec. 10.5, In Compliance**
- (2)Sec. 98-65**
- (1)Sec. 98-66, (c)**
- (3)Sec. 98-66, (d)**
- Sec. 46-33, (2)**
- Sec. 46-33, (12)**

Chris Lostraglio, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 12-11115-CI-8.

Special Magistrate found the following:

- Found the property remains in violation.
- Found the property remains a public nuisance and that the City may take whatever steps are necessary to abate the code enforcement concerns on the property.
- Found the building department may enter upon the property to do a health and safety inspection on the interior based upon the concerns with the exterior of the property.
- Read a letter from Gregory S. Wilson that was addressed To Whom It May Concern into the record to show that the property is impacting the neighbors and the neighborhood.
- Found the City may take whatever action it deems necessary to bring the property into compliance.

E. Case No. 20160057
City of St. Pete Beach vs. Robert Lauby
Address: 9210 Gulf Boulevard, St. Pete Beach, FL 33706
Violations:

Sec. 8.2, (a)

Chris Lostraglio, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160057.

Special Magistrate found the following:

- Found the property was in violation but is now compliant.
- Found there will be no lien.
- Stated if the property is ever rented for a period of less than 30 days in the future, the property will be subject to fines for each and every instance with a daily fine.
- Found the notice was proper.

6. ADDITIONAL ITEMS

There were no additional items.

7. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 11:20 a.m.

Attest:


Rebecca C. Haynes
City Clerk