

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

SEPTEMBER 12, 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
Deputy Joshua Short, 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. 20160043**
City of St. Pete Beach v. Michael E. Bomar (Gulf Strand)
Address: 4510 Gulf Boulevard, St Pete Beach, FL 33706
Violation: Sec. 25.6 – Tiki huts, (a), (1) (a) (b) (c) (d), (2), (3)

Deputy Joshua Short, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160043.

Special Magistrate Ashton found the following:

- City requested a continuance of 60 days because of current legislation that will address tiki huts.

- The case will be heard again during the November 2016 hearing after the legislation is completed.

B. Case No. 20160046
City of St. Pete Beach v. Michael E. Bomar (Dolphin Beach Resort)
Address: 4900 Gulf Boulevard, St. Pete Beach, FL 33706
Violation: Sec. 25.6 – Tiki huts, (a), (1) (a) (b) (c) (d), (2), (3)

Deputy Joshua Short, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160046.

Special Magistrate Ashton found the following:

- City requested a continuance of 60 days because of current legislation that will address tiki huts.
- The case will be heard again during the November 2016 hearing after the legislation is completed.

C. Case No. 20150141
City of St. Pete Beach v. Paul Dunnan & Linda Standring
Address: 321 41st Avenue, St. Pete Beach, FL 33706
Violations:

Sec. 98-66 (b) (18), Swimming pools
Sec. 98-66 (b) (20), Grass, weeds & uncultivated vegetation
Sec. 98-66 (b) (24), Fences and walls
***Abatement done on property 8/9/16, \$2,350.00**

Deputy Joshua Short, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20150141.

Special Magistrate Ashton found the following:

- Entered an order finding that the City is entitled to a lien on the property in the amount of \$2,350.00, as well as administrative expenses in the amount of \$250.00
- All fines pending on the property will run through the date of abatement, 8/9/16.

D. Case No. 20150004
City of St. Pete Beach v. Carl & Nancy Lensce
Address: 8240 Gulf Boulevard, St. Pete Beach, FL 33706
Violations:

Sec. 46-33 – Enumeration, (1) (a) (b) (c), (4) (a) (b), (9)

Deputy Joshua Short, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20150004.

Special Magistrate Ashton found the following:

- Found that notice was proper.
- Property remains in violation.
- Gave 15 days to bring the property into compliance.
- The fine will begin 9/27/16 at \$200.00 per day until the property is brought into compliance.

5. NEW CASES

A. Case No. 20160087

City of St. Pete Beach vs. Ivica Mirovic

Address: 211 55th Avenue, St. Pete Beach, FL 33706

Violation:

Sec. 46-33 – Enumeration, (1) (a) (b) (c), (2), (3), (4) (a) (b), (9), (12)

In regard to Case No. 20160087, Deputy Joshua Short, Code Enforcement Officer, informed Special Magistrate Ashton that the property was in compliance.

B. Case No. 20160093

City of St. Pete Beach vs. Fatima Chren & Michael Chren

Address: 107 28th Avenue, St. Pete Beach, FL 33706

Violations:

Sec. 98-66 – Residential and commercial property maintenance. (a), (b), (20), (21), (22) (a) (b) (1) (2) (3)

Deputy Joshua Short, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160093.

Special Magistrate Ashton found the following:

- Gave a compliance deadline of 45 days.
- Special Magistrate stated if the property is in compliance within 45 days, the attendance of the property owners will not be required at the hearing on 11/14/16.
- If the property is not brought back into compliance, the matter will go before Special Magistrate Ashton at the next hearing on 11/14/16.

C. Case# 20160043

City of St. Pete Beach vs. Gina Simonaitis

Address: 8920 Gulf Boulevard, St. Pete Beach, FL 33706

Violations:

Sec. 98-66 – Residential and commercial property maintenance, (a), (b), (24)

Deputy Joshua Short, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160043.

Special Magistrate Ashton found the following:

- Found notice was proper.
- Property remains in violation.
- Gave a compliance deadline of 15 days to bring the property into compliance.
- If the property is not brought back into compliance, the matter will go before Special Magistrate Ashton during the next hearing on 10/10/16 for a fine and a lien.

D. 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) - Permitted principal uses and structures.

Deputy Joshua Short, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160057.

Special Magistrate Ashton found the following in regard to Case 20160057:

- Entered a fine of \$500.00 per day.
- Imposed a \$2,000.00 fine for four days of rental.
- Stated if the property is in violation once more, there will be a fine for every single day that the property is rented.

6. NEXT HEARING

Monday, October 10, 2016, 10:00 A.M

7. ADDITIONAL ITEMS

Due to audio difficulties at the beginning of the meeting, City Attorney Dickman suggested that Special Magistrate repeat for the community the information in regard to violations with Tiki huts, Case No. 20160043 and Case No. 20160046. Special Magistrate Ashton complied.

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:36 a.m.

Attest:

A handwritten signature in cursive script, appearing to read "Rebecca C. Haynes", is written over a horizontal line.

Rebecca C. Haynes
City Clerk