

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

OCTOBER 10, 2016

10:00 A.M.

PRESENT

Amber Ashton, Special Magistrate
Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Director
Bruce Cooper, Building Code Administrator
Peyt Dewar, Code Enforcement Officer
Joanne Boland, Zoning & Permitting Administrator
Mary Jo Murphy, Deputy City Clerk

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 # 20150141**
City of St. Pete Beach v. Paul Dunnan & Linda Standing
Address: 321 41st Ave., 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**

Demand for payment of administrative fine/lien letter posted 9/27/16.

Peyt Dewar, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20150141.

Special Magistrate Ashton found the following:

- Found the property was properly posted.
- Notice was provided.
- Property remains in violation.
- Lien remains outstanding.
- Entered an order imposing a fine in the amount of \$2,350.00 which will be recorded against the property as a lien.

B. Case No. 20160092
City of St. Pete Beach v. Gina Simonaitis
Address: 8920 Gulf Blvd, St. Pete Beach, FL 33706

Violations:

Sec. 98-66 - Residential and commercial property maintenance
Sec. 98-66 (b) (24) - Fences and walls

Peyt Dewar, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160092.

Special Magistrate Ashton found the following:

- The property was properly posted.
- Certified mail was sent with the Notice of Hearing.
- Entered a lien on the property.
- Imposed a fine in the amount of \$100.00 a day until the property is in compliance.
- Imposed an administrative fine in the amount of \$250.00.

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

Violations:

Sec. 46-33 - Enumeration

Peyt Dewar, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20150004.

Special Magistrate Ashton found the following:

- Found the property presented a health and safety issue.

- City has permission to enter upon the property to abate the health and safety issues.
- City is entitled to a lien and fine in the amount of the costs incurred to abate the health and safety issues.
- Imposed a daily fine in the amount of \$250.00.
- Imposed an administrative fine for bringing this matter to the hearing In the amount of \$250.00.

D. 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 – Permitted principal uses and structures
Sec. 17.3 – Allowable conditional uses
Sec. 17.4 – Prohibited uses and structures

Peyt Dewar, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160078.

Special Magistrate Ashton found the following:

- Can accept donations as long as it is on the property.
- Strongly encouraged the Pass-A-Grille Community Church to go through the conditional use permit process.
- In regard to the sign, the property is in violation and given 5 days to abate.
- Any indication that a payment is required to park on the property is a violation.

E. Case No. 20160073
City of St. Pete Beach vs. Bank of America
Address: 603 55th Ave, St. Pete Beach, FL 33706

Violation:

Sec. 46-33 - Enumeration

Peyt Dewar, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160073.

Special Magistrate Ashton found the following:

- Found the property presents a chronic nuisance.
- Entered an order imposing a fine of \$250.00 a day until the property is in compliance.

5. NEW CASES

A. Case No. 20160108
City of St. Pete Beach v. James A. Birmingham
Address: 627 78th Ave, St. Pete Beach, FL 33706

Violations:

Sec. 98-27 - Housing codes adopted
Land Development Code Violations
Section 10.5 - Prohibited Uses and Structures
Section 6.13 (a) (2) (c)

Bruce Cooper, Building Official, updated the Special Magistrate in regard to Case No. 20160108.

Special Magistrate Ashton found the following:

- Found the property is in violation of all of the codes listed in the Notice of Hearing and the Notice of Violation.
- Re-iterated the chronic nuisance order previously entered to allow the City to address the chronic nuisance issues.
- These new violations under the chronic nuisance violations will run at an additional \$500.00 a day until they are corrected.
- Fines running with the first violation will continue to run because the property is not in compliance.

B. Case No. 20160117
City of St. Pete Beach v. Roger J. Rovell
Address: 108 31st Ave., St. Pete Beach, FL 33706

Violations:

Sec. 44.3 - Prohibition of activities disruptive to marine turtles
Sec. 94-32 - Storage of watercraft
Sec. 94-33 - Restrictions on use of public property

Peyt Dewar, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160117.

Special Magistrate Ashton found the following:

- The boat is in violation.
- Suggested the boat be moved to a new location.
- Contact the Code Enforcement Officer to inspect the new location to determine if the new location is a boat-approved location.
- Gave two days to find a new location to be inspected by the Code Enforcement Officer and determined as a boat-approved location.

C. Case No. 20160113

City of St. Pete Beach v. Robert A. Williams
Address: 3699 Gulf Blvd, St. Pete Beach, FL 33706

Violations:

Sec. 46-33 - Enumeration.

Peyt Dewar, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160113.

Special Magistrate Ashton found the following:

- The hearing was properly noticed.
- The property is in violation.
- Gave 15 days to bring the property into compliance, which will be October 25, 2016.
- Reset the matter to the November 14, 2016 hearing for imposition of a lien and fine if the property is not in compliance by October 25, 2016.

D. Case No. 20160086
City of St. Pete Beach v. Jeanne Cinotti
Address: 6833 Bay Street, St. Pete Beach, FL 33706

Violations:

Sec. 98-66 - Residential and commercial property maintenance

Peyt Dewar, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160086.

Special Magistrate Ashton found the following:

- Continued to the November 14, 2016 hearing date if the property remains in violation.

6. ADDITIONAL ITEMS

There were no additional items presented.

7. NEXT HEARING

Special Magistrate stated the next hearing will be Monday, November 14, 2016, at 10:00 A.M.

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 11:52 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