

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

NOVEMBER 14, 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
Peyt Dewar, 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. 20160017**
City of St. Pete Beach v. Roger J. Rovell
Address: 108 31st Avenue, St. Pete Beach, FL 33706
Violations:

Marine Turtle Protection:

Sec. 44.8 – Enforcement

Sec. 44.2 – Definitions

Sec. 44.3 – Prohibition of activities disruptive to marine turtles, (d), (1) – (3)

Waterways:

Sec. 94-31(a)

Sec. 94-32(1), (2) and (3)
Sec. 94-33(a), (b), (d) and (e)

Peyt Dewar, Code Enforcement Officer, updated the Special Magistrate in regard to Case No. 20160017.

Special Magistrate Ashton found the following:

- Property is in violation
- Proper notice was given
- Imposed a fine of \$100.00 per day starting November 14, 2016
- Imposed an administrative fine of \$250.00
- Can seek a lien reduction once the property is in compliance

B. Case No. 20160113
City of St. Pete Beach v. Robert A. Williams
Address: 3699 Gulf Boulevard, St. Pete Beach, FL 33706
Violations:

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

Affidavit of non-compliance issued, and the City is requesting an imposition of fines and liens as was ordered and adjudged on 10/25/16.

In regard to Case No. 20160113, Mr. Dewar informed Special Magistrate Ashton that the property was in compliance.

C. Case No. 20160092
City of St. Pete Beach v. Gina Simonaitis
Address: 8920 Gulf Boulevard, St. Pete Beach, FL 33706
Violation:

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

Affidavit of non-compliance issued, and the City is requesting an imposition of fines and liens as was ordered and adjudged on 10/25/16.

Mr. Dewar updated the Special Magistrate in regard to Case No. 20160092.

Special Magistrate Ashton found the following:

- Property remains in violation
- Proper notice was given
- Imposed a fine of \$100.00 per day
- Imposed an administrative fine of \$250.00

Case No. 20160043 and Case No. 20160046 were heard together.

- D. Case No. 20160043**
City of St. Pete Beach v. Gulf Strand Resort Condo Assn., Inc. and Michael Bomar
Address: 4510 Gulf Boulevard, St. Pete Beach, FL 33706
Violation:

25.6 Tiki huts, (a), (b), (c), (d), (2) and (3).

Order of continuance was ordered on September 22, 2016, and the City is requesting an imposition of fines and liens as was ordered and adjudged.

- E. Case No. 20160046**
City of St. Pete Beach v. Dolphin Holdings, Ltd. and Michael Bomar
Address: 4900 Gulf Boulevard, St. Pete Beach, FL 33706
Violations:

25.6 Tiki huts, (a), (b), (c), (d), (2) and (3).

Order of continuance was ordered on September 22, 2016, and the City is requesting an imposition of fines and liens as was ordered and adjudged.

In regard to Case No. 20160043, Mr. Dewar informed Special Magistrate Ashton that the property was in compliance.

Mr. Dewar updated the Special Magistrate in regard to Case No. 20160046 and asked for an Order of Continuance until December 12, 2016.

Special Magistrate Ashton found the following:

- Granted an Order of Continuance until December 12, 2016

- F. Case No. 20160073**
City of St. Pete Beach vs. Bank of America
Address: 603 55th Avenue, St. Pete Beach, FL 33706

In regard to Case No. 20160073, Mr. Dewar informed Special Magistrate Ashton that the property was in compliance and that the City was requesting a lien reduction in the amount of \$39,750.00.

Special Magistrate Ashton found the following:

- Entered an order to reduce the lien from \$39,750.00 to \$2,000.00

5. NEW CASES

- A. Case No. 20160098**
City of St. Pete Beach vs. Kaje Properties, LLC
Address: 6502 Gulf Winds Drive, St. Pete Beach, FL 33706
Violation:

Sec. 12.2 – Permitted principal uses and structures, (a).

Mr. Dewar updated the Special Magistrate in regard to Case No. 20160098.

Special Magistrate Ashton found the following:

- In regard to the two short-term rentals in March, provide contracts and names of tenants to the Code Enforcement Officer
- Responsible for tenants' actions during the above-referenced period for the short term rentals.
- Property is in violation of the short term rental policy
- If there is a repeat violation in the future, there will be a fine of \$500.00 per day

- B. Case# 20160110**
City of St. Pete Beach vs. Fred R. Prettenhofer
Address: 3030 Alton Drive, St. Pete Beach, FL 33706
Violations:

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

In regard to Case No. 20160110, Mr. Dewar informed Special Magistrate Ashton that the property was in compliance.

- C. Case No. 20160015**
City of St. Pete Beach vs. Zamora Hospitality Group, LLC
Address: 3701 Gulf Boulevard, St. Pete Beach, FL 33706
Violation:

Sec. 42.6(d) 40 – Development Order #20130008 not being adhered to, as the hotel has increased the density from 50 units to 72 units.

Special Magistrate Ashton found the following:

- Granted six months to bring the property into compliance

7. NEXT HEARING

Monday, December 12, 2016, 10:00 A.M.

6. ADDITIONAL ITEMS

Carl Lencse, spoke in regard to Case No. 20150004. Mr. Lencse stated they were maintaining the subject property and requested eliminating or reducing the fines that had been imposed.

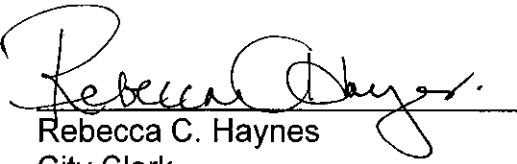
Mr. Dewar inquired about the condition of the pool, and there was discussion between Mr. Lencse, Special Magistrate Ashton and Mr. Dewar. Special Magistrate Ashton informed Mr. Lencse the following:

- Speak with the Code Enforcement Officer and set up a time for Mr. Dewar to come to the property to determine what needs to be accomplished.
- The fines will continue to run until the City states that the property is in compliance.
- If the property is brought into compliance, he could seek a lien reduction during the next hearing on December 12, 2016.
- Will be listed as an Old Case on the December agenda.

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 11:25 a.m.

Attest:


Rebecca C. Haynes
City Clerk