



CODE ENFORCEMENT/SPECIAL MAGISTRATE MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, June 10, 2019
10:00 a.m.

Call to Order
Pledge of Allegiance

Case Docket

- 1. Changes to the Agenda**
- 2. Administration of Oath**
- 3. CASES COMPLIED OR CONTINUED**

A. Case No. 20190044

City of St. Pete Beach v. Silvio Santana & Annerys Santana

Address: 3550 El Centro St, St. Pete Beach, FL 33706
District 4

Sec. 9.2. - Permitted principal uses and structures.

This property is compliant with no outstanding fines or liens.

B. Case No. 20190107

City of St. Pete Beach v. Rons Holdings LLC

Address: 1907 Gulf Way, St. Pete Beach, FL 33706
District 4

105.1 Required

This property is compliant with no outstanding fines or liens.

4. OLD CASES

A. Case No. 20180294

City of St. Pete Beach v. Beth Bentley

Address: 3112 Pass a Grille Way, St. Pete Beach, FL 33706

District 4

Special Magistrate ordered that the case be referred to June 10, 2019 for an imposition of fines and certification of liens.

B. Case No. 20170105

City of St. Pete Beach v. Scott and Amy Boggs

Address: 1202 Pass a Grille Way, St. Pete Beach, FL 33706

District 3

Case being brought back before the Special Magistrate based on Circuit Court order #17-0060AP-88B to issue Findings of Fact and the imposition of fines and certification of liens.

C. Case No. 20190106

City of St. Pete Beach v. Triple C Investments II LLC

Address: 207 55th Avenue, St. Pete Beach, FL 33706

District 2

105.1 Required.

This property is not compliant as of the ordered date of May 20, 2019, and the City would like an imposition fines and certification of liens. Special Magistrate ordered that the case be referred to June 10, 2019, if not compliant.

D. Case No. 20190086

City of St. Pete Beach v. Keith Hatkevich

Address: 5575 Gulf Blvd #225, St. Pete Beach, FL 33706

District 2

105.1 Required.

The respondent's attorney requested a continuation of this case. This property is not compliant and the City would like an imposition fines and certification of liens.

5. NEW CASES

A. Case No. 20180259

City of St. Pete Beach v. Waterside Property Group LLC

Address: 644 72nd Avenue, St. Pete Beach, FL 33706

District 2

Sec. 36.4. - Prohibited uses and structures.

The Special Magistrate ordered that the case be referred to June 10, 2019 for a final hearing. On or before May 28, 2019, both parties were to exchange witness lists, and other documents or evidence they intend to present.

B. Case No. 20190160

City of St. Pete Beach v. Trust Southern Investment Assc LLC TRE

Address: 360 78th Avenue, St. Pete Beach, FL 33706

District 1

46-33. - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be an constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(1) Vegetation as follows: b. Dead branches or fronds on trees or shrubs. c. Trees and shrubs planted in such a manner as to obstruct vehicular and pedestrian traffic along roadways, sidewalks and public rights-of-way.

(2) Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris or other refuse of any nature.

(3) Any condition which provides harborage for rats, mice, snakes and other vermin.

Sec. 98-65 - Unsightly Conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City;

(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

(4) Property exteriors with trash, litter, debris, packing boxes, lumber, construction material, solid waste, horticulture debris, salvage materials, appliances, machinery, equipment an any furniture, excluding furniture specifically designed for outdoor use. Failure to maintain the premises in a clean, safe and sanitary condition is a violation. The owner and operator shall keep that part of the exterior property subject to its control or occupancy in a clean and sanitary condition.

98-66. - Residential and commercial property maintenance.

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property.

(c) Litter. (3) Accumulation of litter. Any accumulation of litter in or upon any property, vacant or improved, is deemed a nuisance and is prohibited. Failure to remove the accumulation by the property owner, tenant, occupant, agent, manager or other person who owns, maintains, or controls any premises or portion thereof, whether improved or unimproved, is a violation.

C. Case No. 20190151

City of St. Pete Beach v. Fortier Real estate Trust, Robin Fortier, Stephanie Cote and Steve Binette Trustees

Address: 6487 1st Palm Pt, St. Pete Beach, FL 33706
District 2

Sec. 8.5 - Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the RU-1 Residential District.

D. Case No. 20190201

City of St. Pete Beach v. Gentye Dirse

Address: 3614 Gulf Blvd, St. Pete Beach, FL 33706
District 3

Sec. 46-33. - Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitutes a nuisance, provided this enumeration shall not be construed as a designation of all nuisances:

(4) Buildings and structures as follows: a. Any building, dock or other structure which is in such a dilapidated condition that it is unfit for human habitation or use or which is kept in such an insanitary condition that it is a menace to the health of people residing in the vicinity thereof or presents a more than ordinarily dangerous life safety code violation or fire hazard in the vicinity where it is located. b. Any building, structure or other improvement on which the paint or other exterior coating or surface is flaking or has deteriorated to the point that the building, structure or other improvement is unsightly in appearance and thus adversely affects the aesthetic appearance of the area.

Sec. 98-65. - Unsightly conditions.

The following conditions are hereby deemed to be unsightly conditions and are prohibited. The following conditions are prohibited on any real property in the City:

(1) Structures that are: a. Partially destroyed; or b. Left in a state of disrepair;
(3) Building exteriors in a condition of deterioration or disrepair such that the condition causes measurable diminution of surrounding property values.

Sec. 98-66. - Residential and commercial property maintenance. (a) All premises shall be maintained in compliance with the standards in this section. (b) Standards for improved property.

(2) Exterior walls. Exterior walls of buildings shall be: a. Maintained free from holes, breaks, and loose or rotting materials; and b. Maintained, weatherproofed and surfaces properly coated as needed to prevent deterioration. Decorative features such as cornices, belt courses, corbels, trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage. Any graffiti shall be removed or repainted to match existing surfaces.

(3) Windows. a. Every window shall be maintained in sound working condition and good repair to be substantially weather-tight and rodent-proof. b. Openings originally designed as windows shall be maintained as windows, unless approved by the building official for enclosure. The enclosure of a window shall be by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or boarding the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to conform to the other exterior portions of the building. The boarding shall remain in place and be properly maintained.

(7) Exterior surface treatment. All exterior surfaces, including by way of example and not limitation, doors and window frames, cornices, porches, decks, trim, balconies, fences and docks, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective treatment. Peeling paint is prohibited and surfaces shall be repainted. All metal surfaces shall be coated to inhibit rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated.

E. Case No. 20190138

City of St. Pete Beach v. Stewart Enterprises Pinellas County FL Inc.

Address: 555 69th Avenue, St. Pete Beach, FL 33706

District 2

Sec. 46-33. - Enumeration.

(13) The storage of any vehicle, whether motorized or nonmotorized, including but not limited to automobiles, trucks, trailers, campers, recreational vehicles, motor homes, boats, boat trailers, or parts thereof, without a valid license plate or valid vehicle or trailer or boat-trailer or other registration certificate, showing the vehicle or part thereof to be titled in the name of the owner or occupier of the property upon which the vehicle or part thereof is located. Failure to have such license or other registration certificate specifically attached to the vehicle or part thereof shall be prima facie evidence that the property is worn out, scrapped, nonoperative, unusable or discarded, as provided in subsection (12) of this section.

6. LIEN REDUCTION REQUEST

A. Case No. 20100198/20120098/20150196

City of St. Pete Beach v. Kenneth Donovan

Address: 820 59th Avenue, St. Pete Beach, FL 33706
District 2

Respondent has requested to be put on the agenda for a lien reduction. The lien amount is \$8,121.05.

7. REPEAT VIOLATION

A. Case No. 20180249/20190146

City of St. Pete Beach v. Kyle Pozek

Address: 545 78th Avenue, St. Pete Beach, FL 33706

District 1

The respondent was found in violation of advertising or renting the property on a transient/short term basis at the November 5, 2018 hearing. The property was observed being advertised online, from 04/09/2019 through 05/23/2019, and is a repeat violation. The City is requesting the respondent pay \$22,000.00 worth of fines as a repeat violator.

B. Case No. 20180211/20190148

City of St. Pete Beach v. M & D Assets LLC

Address: 356 S Tessier Drive, St. Pete Beach, FL 33706

District 4

The respondent was found in violation of advertising or renting the property on a transient/short term basis at the August 13, 2018 hearing. The property was observed being advertised online, from 04/09/2019 through 05/01/2019, and is a repeat violation. The City is requesting the respondent pay \$11,000.00 worth of fines as a repeat violator. At the May 13, 2019 hearing, the respondent requested that the case be continued, and the Special Magistrate ordered that the case be referred to the June 10, 2019 hearing for an imposition of fines and certification of liens.

8. Next Meeting: July 8, 2019

9. Adjournment

APPEAL: Florida Statutes Chapter 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to

participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

CODE OF ORDINANCES, SECTION 1-15: Award of attorney's fees and other costs. In all instances where a lawsuit is instituted or defended on behalf of the city to enforce any provision of the Code of Ordinances, to collect fees, liens, assessments or fines, or otherwise secure compliance with any provision of the Code of Ordinances, the city shall be entitled to recover all costs incurred, including reasonable attorney's fees and court costs through the trial and appellate levels. This section shall apply to all instances where the city is required to defend an appeal from any order, notice or determination by the city or its officials.

**Electronic media must be submitted a minimum of 24 hours in advance to
cityclerk@stpetebeach.org**

All agenda material is available for review at City Hall.