

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

JUNE 10, 2019

10:00 A.M.

PRESENT

Norm Nash, Special Magistrate
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Wesley Wright, Community Development Department Director
Peyt Dewar, Code Enforcement Manager

CALL TO ORDER

Special Magistrate Nash called the Hearing to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE

1. CHANGES TO THE AGENDA

Peyt Dewar, Code Enforcement Manager, requested that Item 6A. Lien Reduction Request for Case No. 20100198/20150196 be heard first as the individuals are present.

The remaining cases were heard in the following order: 3A, 3B, 4B, 4D, 5A, 5E, 7B, 4A, 4C, 5B, 5C, 5D, 7A.

2. ADMINISTER OATH

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

3. CASES COMPLIED OR CONTINUED

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

- 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.

Peyt Dewar, Code Enforcement Officer, informed Special Magistrate Nash that the property was in compliance with no outstanding fines. The case was dismissed.

- 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

Mr. Dewar informed Special Magistrate Nash that the property was in compliance with no outstanding fines. The case was dismissed.

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

Wesley Wright, Community Development Director stated that Ms. Bentley has obtained Historic Preservation Board approval and has changed contractors. This case will be continued to July 8, 2019.

- 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

City Attorney Andrew Dickman stated that this case went to Circuit Court on appeal and was remanded back to the Special Magistrate. This case will be continued until July 8th.

- 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.

Mr. Dewar reported that Special Magistrate ordered this property to be compliant by May 20, 2019 and it is still not in compliance. Special Magistrate Nash ordered fines of \$250.00 per day in effect from May 20, 2019.

- 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.

Mr. Dewar informed Special Magistrate Nash that this property was in compliance. Case dismissed.

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.

This case was continued to July 8th, 2019.

- B. Case No. 20190160**
City of St. Pete Beach v. 360 78th Avenue Trust/Southern
Investment Assc LLC TRE
Address: 360 78th Avenue, St. Pete Beach, FL 33706
District 1
46-33. - Enumeration.
Sec. 98-65 - Unsightly Conditions.
98-66. - Residential and commercial property maintenance.

Mr. Dewar stated that the property is now compliant, but there are repeated complaints from neighbors. Special Magistrate Nash ordered future violations will be considered repeat violations and will incur fines of \$250.00 per day.

- 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.

Mr. Dewar reported that the property is being advertised for rent on a transient basis in violation of Section 8.5 of the City's Land Development Code. This is a recurring situation. Special Magistrate Nash ordered that fines of \$250 per day be imposed until advertising is removed from internet.

- 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.
Sec. 98-65. - Unsightly conditions.
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.

Mr. Dewar stated that the property is not being maintained and not in compliance.

Special Magistrate Nash ordered the property owner to pull a building permit by July 5, 2019, or fines of \$250.00 per day will accrue from that date.

- 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.

Peyt Dewar, Code Enforcement Officer, informed Special Magistrate Nash that the property was in compliance with no outstanding fines. The case was dismissed.

6. LIEN REDUCTION REQUEST (this case was heard first)

- 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

Mr. Dewar indicated that taxes have been through 2018 and all code violations have been corrected.

Ken Donovan, 820 59th Ave. stated that his taxes are escrowed through his mortgage company and 2019 taxes are not due until November. Original lien was \$13,550. City Attorney Andrew Dickman had no objection to reducing to \$3,000.00 based upon testimony presented.

Special Magistrate Nash ordered that the lien is reduced to \$3,000.00 to be paid within 20 days.

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

Mr. Dewar stated that the property became compliant but advertised again on 4/9/19 and is now in repeat violation. Mr. Dewar presented an email from the property owner to the Special Magistrate.

After review, Special Magistrate Nash found that there is a repeat violation beginning April 9, 2019 through May 16, 2019, for 37 days at \$500 per day for a total of \$18,500.00.

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

These cases were continued until July 8, 2019.

8. Next Meeting July 8, 2019

9. Adjournment

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:50 a.m.

Attest:



Rebecca C. Haynes
City Clerk