

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

September 9, 2019

10:00 A.M.

PRESENT

Norm Nash, Special Magistrate
Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Deputy 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

ADMINISTRATION OF OATH

1. CHANGES TO THE AGENDA

Peyt Dewar, Code Enforcement Manager brought the following cases to the Special Magistrate first:

Item 4C, Case 20190287, City of St. Pete Beach v. Donald L. Smith Jr., was continued by the Special Magistrate to October 14, 2019.

David Scott, 4213 Belle Vista Dr. asked why this case is still being continued after several months. City Attorney Dickman stated that this arrangement was made with the respondent's attorney at the last meeting. The Special Magistrate stated that no further continuances will be granted.

Item 6B, 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

Since the respondent's attorney was present, this case was heard first. Code Enforcement Manager Peyt Dewar summarized the history of the case.

Attorney David Delrahim of Englander & Fisher, 721 1st Avenue N., St. Petersburg spoke on behalf of the respondent. Mr. Delrahim requested that the Special Magistrate find that this is not a repeat violation as his client did not place the advertisement as

shown; it was automated action by VRBO. If fines are imposed, he asked for a significant reduction due to mitigating circumstances.

City Attorney Dickman stated that provided there is an order of repeat violation, the city would be amendable to a reduction in fines due to mitigating circumstances.

The Special Magistrate found that there was a repeat violation and imposed a fine of \$1500.00 payable no later than September 17, 2019.

3. CASES COMPLIED OR CONTINUED

- A. A. Case No. 20190228 [Property Maintenance]**
City of St. Pete Beach v. Hashim Lakhani
Address: 442 46th Avenue, St. Pete Beach, FL 33706
District 1

Mr. Dewar stated that this property has not been brought into compliance as expected. The Special Magistrate found that the property is in violation and imposed fines of \$250.00 per day beginning August 31, 2019 until the property is brought into compliance.

4. NEW CASES

- A. Case No. 20190323 [Short-term Rental]**
City of St. Pete Beach v. Jacqueline Kay Teichert & Joseph Copestake
Address: 7210 Coquina Way, St. Pete Beach, FL 33706
District 1

There was no one present on behalf of the respondents. The Special Magistrate found that although previously in violation, the property is now compliant.

- B. Case No. 20190130 [Short-term Rental]**
City of St. Pete Beach v. David P. Ambler and Margaret A. Auer
Address: 7209 Coquina Way, St. Pete Beach, FL 33706
District 1

Mr. Dewar reviewed a presentation of the case summary and stated that the property is now in compliance.

Respondent David Ambler, 7209 Coquina Way, appeared on his own behalf and stated that he purchased this for property as a business for short term rentals. Mr. Ambler indicated that the business tax receipt says 'apartment, hotel, motel, guesthouse' which he assumed meant short-term rentals. Mr. Dewar showed the certificate of occupancy for that address, which specifies 'apartment'. Development Director Wesley Wright directed the Respondent to refer to the Land Development Code for the term of rentals for that property.

The Special Magistrate found that the property is now in compliance.

- C. Case No. 20190287 [Short-term Rental]**
City of St. Pete Beach v. Donald L. Smith Jr.
Address: 145 43rd Avenue, St. Pete Beach, FL 33706
District 3

Continued to October 14, 2019.

- D. Case No. 20190310 [Short-term Rental]**
City of St. Pete Beach v. Kerri A. and Elizabeth A. Chowns
Address: 5575 Gulf Blvd #421, St. Pete Beach, FL 33706
District 2

Mr. Dewar reviewed a presentation of the case summary and stated that the property is in violation of section 38.5 of the Land Development Code. Notice of violation was sent to the respondent in April.

The Special Magistrate found that the property is in violation and set a compliance date of September 10, 2019. If the property is not brought into compliance, this matter will be returned to impose fines at the October 14, 2019 hearing.

Frank Murray, 5575 Gulf Blvd., commented that he has spoken to various renters who stated that their rental agreement was for one week or less.

Dan Berry, 5575 Gulf Blvd., commented that the rental is still up on Home Away and VRBO and showed the ads.

5. OLD CASES

6. REPEAT VIOLATION

- A. Case No. 20180249/20190146 [Short-term Rental]**
City of St. Pete Beach v. Kyle Pozek
Address: 545 78th Avenue, St. Pete Beach, FL 33706
District 1

Mr. Dewar stated that the attorneys are negotiating the outstanding fines for this case and requested a continuance. The Special Magistrate continued the case until October 14, 2019.

- B. Case No. 20180211/20190148 [Short-term Rental]**
City of St. Pete Beach v. M & D Assets LLC
Address: 356 S Tessier Drive, St. Pete Beach, FL 33706
District 4

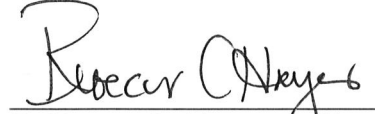
See **Changes to the Agenda** Item 1.

7. **Next Meeting** October 14, 2019.

8. **Adjournment**

There being no further business to come before the Special Magistrate, the hearing was adjourned at 11:15 a.m.

Attest:



Rebecca C. Haynes, City Clerk