

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

October 14, 2019

10:00 A.M.

PRESENT

Norm Nash, Special Magistrate
Matthew McConnell, Acting City Attorney
Rebecca 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

ADMINISTRATION OF OATH

1. CHANGES TO THE AGENDA

There were no changes to the agenda.

3. CASES COMPLIED OR CONTINUED

Peyt Dewar, Code Enforcement Manager, stated that the following cases would be continued: 4 A. Case No. 201805259 and 5 B. Case No. 20170105.

Attorney Sean Colon from the Offices of Luke Lirot spoke for respondent Castanov (6 A. Case No. 20160062) and would like to request and continuance. Special Magistrate Nash granted a final continuance until November 4, 2019.

4. NEW CASES

- A. **Case No. 20180259 [Short-term Rental] (Sec. 36.4)**
City of St. Pete Beach v. Waterside Property Group LLC
Address: 644 72nd Avenue Pete Beach, FL 33706

Case continued to November 4, 2019.

- B. **Case No. 20190306 [Short-term Rental] (Sec. 9.5)**
City of St. Pete Beach v. Steven E. and Carrie E. Ruch
Address: 89 Lido Drive, St. Pete Beach, FL 33706

Mr. Dewar presented a summary of the case; the property is now compliant.

C. Case No. 20190287 [Short-term Rental] (Sec. 9.2)
City of St. Pete Beach v. Donald L. Smith Jr.
Address: 145 43rd Avenue, St. Pete Beach, FL 33706

The Special Magistrate stated that Mr. Smith had filed a Motion to Dismiss the case, to which the city has responded. Mr. Dewar reviewed a summary of the violations with photographs. The property is currently compliant. Staff recommended a fine of \$250 per day plus administrative costs until compliant.

Attorney Meredith Delcamp of Shutts & Bowen spoke on behalf of Donald Smith.

Donald Smith, 145 43rd Ave. spoke on his own behalf.

Larissa Smith, 2301 Belle Vista Drive, spoke on behalf of Donald Smith.

Collette Beeler, neighbor at 153 43rd Ave. gave comment.

A recess was taken at 11:40 am and the meeting reconvened at 11:50 am.

The Special Magistrate found no violation since the owner had posted that rentals are for a minimum of 30 days.

5. OLD CASES

A. Case No. 20190310 [Short-term Rental] (Sec. 38.5)
City of St. Pete Beach v. Kerri A. and Elizabeth A. Chowns
Address: 5575 Gulf Blvd. #421, Pete Beach, FL 33706

Mr. Dewar stated that there was a previous order with a compliance date of September 10th. The ad was removed on October 4th and the city is requesting an imposition of fines and certification of liens in the amount of \$5,750 plus administrative costs.

Kerri Chowns, owner, spoke on her own behalf.

Dan Berry, president of the condominium's HOA gave comment.

Frank Murray, 5595 Gulf Blvd. gave comment.

Mr. Dewar stated that the ads have been taken down and the property is now compliant.

The Special Magistrate will prepare an order amending the original compliance date, which was not a reasonable amount of time, to the current date of October 14, 2019.

B. Case No. 20170105 - [Short-term Rental] (Sec. 20.03)
City of St. Pete Beach v. Scott and Amy Boggs
Address: 1202 Pass a Grille Way, St. Pete Beach FL 33706

Case continued to November 4, 2019.

6. REPEAT VIOLATION

- A. Case No. 20160062 - [Short-term Rental] (Sec. 10.2)**
City of St. Pete Beach v. Andei and Vera Valeriu Castanov
Address: 454 78th Avenue, St. Pete Beach, FL 33706

Final continuance granted until November 4, 2019.

- B. Case No. 20180226 – Property Maintenance (Sec. 46-33, 98-65, 98-66)**
City of St. Pete Beach v. Gina Simonaitis
Address: 8920 Gulf Blvd., St. Pete Beach, FL 33706

Mr. Dewar presented an invoice for the landscaping maintenance of the property and an abatement order from 2018 in the amount of \$350. He stated that the city would also like to request an imposition of fines and certification of liens in the amount of \$1,955 plus \$250 per day fines retroactive to the compliance date in the original order.

The Special Magistrate will enter an order imposing the fines including \$250 per day retroactive to September 21, 2018 until the property is in compliance.

7. LIEN REDUCTION REQUEST

- A. Case No. 20180306 – Property Maintenance (Sec. 46-33, 98-65, 98-66)**
City of St. Pete Beach v. Paula Cane
Address: 1404 Pass a Grille Way, Pete Beach, FL 33706

Mr. Dewar stated the property has been cleaned up and taxes paid. He showed a request for a lien reduction application.

Paula Cane, owner, spoke on her own behalf.

The Special Magistrate stated that the owner has met the lien reduction requirements and will prepare an order for fines and fees of \$3,398.

8. Next Meeting November 4, 2019.

9. Adjournment

There being no further business to come before the Special Magistrate, the hearing was adjourned at 12:30 p.m.

Attest:


Rebecca C. Haynes, City Clerk