

**CODE ENFORCEMENT SPECIAL MAGISTRATE
VIRTUAL HEARING**

MINUTES

July 13, 2020

10:00 A.M.

PRESENT

Norm Nash, Special Magistrate
Matthew McConnell, Esq., Dickman Law Firm
Andrew Dickman, Dickman Law Firm
Keri Ferenc-Nelson, Administrative Assistant
Peyt Dewar, Code Enforcement Manager
Aaron Marceron, Enforcement/Assurance Officer
Wesley Wright, Community Development Director

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

- 1. ADMINISTRATION OF OATH**
- 2. CHANGES TO THE AGENDA**

There were no changes to the agenda.

- 3. CASES COMPLIED OR CONTINUED**

- A. Case No. 20190359 – Unsightly Conditions (Sec.98-65) and Property Maintenance (Sec.98-66)
City of St. Pete Beach v. Robert J and Catherine Corsetti
Address: 6420 3rd Palm Point. St Pete Beach, FL 33706**

No one appeared on behalf of the respondent. Code Enforcement Officer Aaron Marceron explained that the property is now compliant for this case. Any further violations will be repeat violations.

- 4. NEW CASES**

- A. Case No. 20190451 – Short-term Rental (Sec. 8.2)
City of St. Pete Beach v. IKIM Consulting LLC
Address: 6462 1st Palm Point. St. Pete Beach, FL 33706**

Igor Skubitsky, owner/respondent appeared on behalf of IKIM Consulting and gave comments following Code Enforcement Officer Aaron Marceron's presentation of advertisements and notices on the property. The property is compliant as of this date. Any further violations will be repeat violations.

B. Case No. 20200096 – Short-term Rental (Sec.36.4)
City of St. Pete Beach v. Bernardus A. Kleynhans
Address: 627 70th Ave. St Pete Beach, FL 33706

Mr. Marceron gave details of the violations and notices. No one appeared on behalf of the respondent. The property is compliant as of this date. Any further violations will be repeat violations.

C. Case No. 20200124 – Short-term Rental (Sec 8.2)
City of St. Pete Beach v. Paul and Putu Blanco
Address: 2742 W Vina Del Blvd. St Pete Beach, FL 33706

Mr. Marceron reviewed the history of the violations and noticing. No one appeared on behalf of the respondent. The property was in violation from May 7, 2020 to July 10th and is currently compliant. Attorney Matthew McConnell spoke on behalf of the city. The Special Magistrate will prepare an order imposing a fine and lien in the amount of \$12,250.00 (\$250.00 per day/49 days) plus administrative costs.

D. Case No. 20190498 – Short-term Rental (38.5)
City of St. Pete Beach v. Mark Allen
Address: 55 51st Ave. E. St. Pete Beach, FL 33706

Mr. Marceron presented photos and violation history of the property. The property was found in violation. The Special Magistrate will prepare an order imposing a fine and lien in the amount of \$2,000.00 plus administrative costs.

5. OLD CASES

A. Case No. 20190496 – Short-term Rental (Sec. 32.5)
City of St. Pete Beach v. 360 78th Avenue Trust, Southern Investments Associates, LLC
Address: 360 78th Avenue St. Pete Beach, FL 33706

Mr. Marceron explained that at the March 9th hearing, the Special Magistrate ordered the case to the July hearing for the imposition of fines and certificate of lien if violations were not corrected by June 15, 2020. The property (four units) is non-compliant and has been for 28 days. Attorney McConnell showed documentation of ownership changes since that meeting. Attorney Sean Colon and Respondent Shawn Carcary appeared via Zoom and gave comment.

The property was found to be in repeat violation. A fine and lien will be imposed in the amount of \$28,000. (\$250.00 per day per unit/28 days) and administrative fees.

6. REPEAT VIOLATION

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

Peyt Dewar, Code Enforcement Manager provided documentation of repeat violation. Respondent Andrei Castanov appeared by telephone on his own behalf. The Special Magistrate will impose a fine of \$500.00 and lien as a result of repeat violation for the date of June 9, 2020.

- B. Case No. 20170085 – Conditional Uses (Sec.33.4)
City of St. Pete Beach v. John V. Leonard Address:
6600 Gulf Blvd, St. Pete Beach, FL 33706**

Mr. Dewar reviewed the information on the commercial parking/parking space rental violations. The Respondent has an outstanding lien of over \$14,000.00 and this is a repeat violation. Mr. McConnell suggested withholding the Business Tax Receipt until the outstanding fines and liens are satisfied. Attorney Scott McKay appeared telephonically on behalf of the Respondent and spoke about city codes on conditional use. Community Development Director Wesley Wright appeared for clarification on commercial parking regulations and definitions. Attorney Andrew Dickman added comments on behalf of the city.

Following discussion, the Special Magistrate asked both parties to file a brief, due by July 20, 2020. A Scheduling Order will be prepared.

- C. Case No. 20190153 – Short-term Rental (Sec. 8.2)
City of St. Pete Beach v. Robert C. Schmidt Jr.
Address: 3580 Belle Vista Dr, St. Pete Beach, FL 33706**

Mr. Dewar explained that this case has been in litigation and repeat violation was found. Fines for repeat violation are requested for the city. Respondent Robert Schmidt and friend Eric Leanos appeared by phone with comments. Mr. McConnell and Mr. Dickman provided comments on behalf of the city.

The Special Magistrate found that the property was in violation and imposed fines and lien of \$7,000.00 (\$500/day/14 days) plus administrative costs and explained that there is a lien reduction procedure.

- D. Case No. 20160078 – Permitted principal uses and structures (Sec. 17.2), Allowable Conditional Uses (Sec. 17.3), and Prohibited Uses and structures (Sec. 17.4) City of St. Pete Beach v. Pass-A-Grille Beach Community Church Inc. Address: 1606 Pass A Grille Way, St. Pete Beach, FL 33706**

The Special Magistrate explained that he received volumes of documents, including a Memo in Opposition from counsel for the church late on Friday for this morning's hearing. Mr. Nash issued an Order of Continuance to allow time to allow adequate time to review the motion and exhibits. Attorney Lee Rightmeyer appeared via telephone on behalf of the Respondent regarding scheduling a continuation. The hearing will be continued to Thursday, July 16th at 1:00 PM.

7. NEXT MEETING July 16, 2020

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 1:16 p.m.

Attest:



Rebecca C. Haynes, City Clerk