

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

August 10, 2020

10:00 A.M.

PRESENT

Norm Nash, Special Magistrate
Matthew McConnell, Esq., Dickman Law Firm
Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Acting City Clerk
Wesley Wright, Community Development Department Director
Peyt Dewar, Code Enforcement Manager
Aaron Marceron, Enforcement/Assurance Officer

CALL TO ORDER

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

1. ADMINISTRATION OF OATH

2. CHANGES TO THE AGENDA

There were no changes to the agenda.

3. CASES COMPLIED OR CONTINUED

- A. 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**

Peyt Dewar, Code Enforcement Manager, informed the Special Magistrate that this property is currently compliant and the respondent has paid the \$4063. fine to satisfy the lien.

- B. 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**

At July 13, 2020 hearing the Special Magistrate ruled that the property was in violation for advertising as transient occupancy. A lien was imposed, and the Magistrate ruled that any future violations would be treated as repeat violations. Aaron Marceron, Code Enforcement Officer, provided evidence showing the property advertising as transient occupancy from July 16th to July 27th.

The respondent or a representative were not present.

The Special Magistrate found that the property was in repeat violation from July 16th to July 27th, advertising as a short-term rental, and imposed a fine of \$6,000 (\$500 per day for 12 days) plus administrative fees. The property is currently compliant.

4. NEW CASES

There were no new cases heard.

5. OLD CASES

There were no old cases heard.

6. REPEAT VIOLATION

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

At the July 13, 2020 hearing, the Special Magistrate ruled that the property was in violation for advertising as transient occupancy. Aaron Marceron, Code Enforcement Officer, showed advertisements from that day after the hearing, in which all four units were compliant. Beginning on July 16th through today, the advertisements showed under 30 days.

Matthew McConnell of the Dickman Law Firm stated that this is the third time this property has been before the Magistrate and testified that after the July 13, 2020 hearing, the respondent and his representative proved that they understood how to advertise correctly by coming into compliance. He clarified that he witnessed non-compliant ads being reposted and removed and reposted within a day, which is indicative of how these kinds of businesses are operating and staff will continue to monitor closely.

Attorney Sean Colon appeared on behalf of Mr. Carcarry asking to dismiss this issue due to violation notices. Mr. McConnell explained the codification of ordinances and indicated that the city is only required to show that the respondent is in violation of the same section.

The Special Magistrate found the property in repeat violation commencing on July 16, 2020, for four units at \$500 per day plus administrative costs until brought into compliance. Mr. McConnell clarified for the Special Magistrate that the current violation is for 26 days at \$2,000 per day. Mr. Dewar added that the property is still in violation and fines will continue to accrue until compliant.

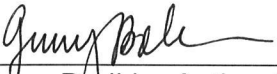
Mr. McConnell stated that the city's Code of Ordinances specifies that the Special Magistrate does have jurisdiction to issue cease and desist notices. That option may be used as these issues continue to present themselves. The public needs to know that the more this happens, the less lenient the city is going to be.

7. **NEXT MEETING: September 14, 2020**

8. **ADJOURNMENT**

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:25 a.m.

Attest:



Ginny Bodkin, Acting City Clerk