CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

September 14, 2020 - 10:00 A.M.

This meeting was conducted utilizing Communications Media Technology in accordance with the Governor's Executive Order.

PRESENT

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

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. Mr. McConnell stated that he would like to add a short discussion at the end of the meeting.

3. CASES COMPLIED OR CONTINUED - None.

4. NEW CASES

A. Case No. 20190163 – Prohibited uses and structures (Sec. 9.5)
Short-term Rental
City of St. Pete Beach v. Brooklyn Mackenna Cole
Address: 340 81st Ave. St. Pete Beach, FL 33706

Mr. Marceron presented a case summary of the violation; the property is currently compliant. Respondents Brooklyn and Greg Cole appeared and added comments. The Special Magistrate imposed a fine of $250 per day from August 11 to August 13th, 2020 ($750) plus administrative fees.

5. OLD CASES - None

6. REPEAT VIOLATION

A. Case No. 20190496 – Prohibited uses and structures (Sec. 32.5)
Short-term Rental
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 had a presentation of photos showing the property in violation from August 15th to the present date. Each day, advertisements were posted online for the four units at night or on weekends.

Mr. McConnell added that this is the fourth time this property has been before the Magistrate in three months; an Order was issued in June when they were found out of compliance. The property owner must comply unless a court of competent jurisdiction finds otherwise. Mr. McConnell requested, per City Code Section 22-280, the Special Magistrate issue a Cease and Desist Order for transient occupancy in addition to liens and fines. He reviewed the code.

Attorneys Sean Colon and Luke Lirot (2240 Belleair Rd., Clearwater) appeared on behalf of the respondent. Notice requirements were discussed. Mr. McConnell said that as a courtesy, the City could email notices to Mr. Lirot in addition to certified mail notices if he files a Notice of Appearance, but the hope is that compliance will make that unnecessary going forward.

The Special Magistrate found that notice was proper and imposed fines for 31 days, from August 15th to today's date at $500 per day x four units for a total of $62,000 plus administrative fees.

Following the case hearings, Mr. McConnell addressed the Special Magistrate regarding repeat violations and what the City should provide in order to limit arguments on the same violations. The Magistrate asked that credible evidence be provided.

Mr. McConnell added a comment to the public that the more a case returns in repeat violation, the less likely the City is to reduce any liens. There are other legal remedies.

7. NEXT MEETING: October 12, 2020 - Special Meeting 9/24/20

8. ADJOURMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:37 a.m.

Attest:

Amber LaRowe, City Clerk