

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

November 9, 2020 - 10:00 A.M.

PRESENT

Norm Nash, Special Magistrate
Andrew Dickman, City Attorney (telephonic)
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Community Development Director
Peyt Dewar, Code Enforcement Manager
Aaron Marceron, Enforcement/Assurance Officer

Special Magistrate Nash called the Hearing to order at 10:00 a.m. and performed the Administration of Oath.

2. **Changes to the Agenda** – There were no changes to the agenda.

3. **Cases Complied or Continued**

A. **Case No. 20200235 - Enumeration (Sec. 46-33) Inoperative vehicles**
City of St. Pete Beach v. Bernard Bradford Landers II
Address: 5555 Gulf Blvd. # 418 St. Pete Beach, FL 33706

The City is requesting an imposition of fines and liens in the amount of \$250.00 per day plus administration costs retroactive to September 10, 2020 until the property is compliant.

Mr. Dewar explained that in the Finding of Fact issued on October 12, 2020, the Special Magistrate ordered that the Respondent had until October 19th to take remedial action or fines would be imposed retroactive to September 10th. Per the condominium Board President, the vehicle was towed from the property on November 6, 2020. The City is asking for appropriate fines to be levied. The Respondent was not present. The Special Magistrate ordered fines of \$250 per day for fifty- seven (57) days from September 10th to November 6th - \$14,250.00, plus administrative costs.

4. **New Cases**

A. **Case No. 20200236 – Permitted principal uses and structures**
(Sec. 8.2) Short-term Rental
City of St. Pete Beach v. Bella Bukhar
Address: 6429 2nd Palm Point. St. Pete Beach, FL 33706

On October 7, 2020, this property was being advertised online on a transient basis and that is prohibited in the RU-1 Residential Zoning District. The property is compliant.

Mr. Marceron gave a presentation with photos, detailing the violations at this property. The property is currently compliant since October 26th. The City is requesting fines for the observed violation dates (October 7, 18, 19, 23, 24, 25, 26). Ben Bukhar, the son of the Respondent, appeared telephonically to explain the hardship involved and asked for leniency. Mr. Dickman commented that the City would still like to impose fines. The Special Magistrate found that notice was proper and found the property to be in violation for seven (7) days at \$250.00 per day - \$1750.00 - plus administrative costs. He advised the Respondent of lien reduction procedures.

B. Case No. 20200271 – Enumeration (Sec. 46-33) Inoperative vehicle

City of St. Pete Beach v. Shawn P. Hakl

Address: 327 55th Ave. St Pete Beach, FL 33706

On October 5, 2020, one abandoned vehicle (boat/trailer) without a registered license plate and an expired boat registration sticker was observed on the property.

Mr. Marceron reviewed a presentation of the violation history with photos. The boat trailer is compliant as of this morning, but not the vessel. Tenant Michael Kosterlitz appeared for the Respondent and explained that the vessel is not titled in his name and there is ongoing litigation involved. He indicated that the litigation is nearing a resolution. Mr. Marceron confirmed to Mr. Dickman that the boat is not posing any safety issues and is not in poor condition or appearance. The Special Magistrate continued the case until the December 14th meeting, pending communication on litigation status from the tenant's attorney.

5. Old Cases – None.

6. Repeat Violations

A. Case No. 20190496 - Prohibited uses & structures (Sec. 32.5) Short-term Rental

City of St. Pete Beach v. 360 78th Avenue Trust, Southern Investments

Associates, LLC 2 Address: 360 78th Avenue St. Pete Beach, FL 33706

At the October 12, 2020 hearing, The Special Magistrate ruled that the property was in violation for advertising as transient occupancy. The City is requesting an imposition of fines and liens in the amount of \$500.00 per unit per day plus administration costs retroactive to October 14, 2020 until property is compliant.

Mr. Marceron reviewed the previous order from the October 2020 meeting. He testified that advertisements are now running daily, and the property is in violation each day. Mr. Marceron provided copies of the violations (submitted as evidence in this record) and Sean Colon, attorney for the Respondent reviewed them and had no objections. The City is requesting fines be imposed. Mr. Colon appeared to ask for a Stay as he awaits a legal opinion on a declaratory action he has filed in Circuit Court (20-CA-005100).

The Special Magistrate found that the property was in violation for twenty-seven (27) days from CESM found in violation for 27 days for 4 units from October 14th to November 9th at \$500 per day for a total of \$54,000.00 plus administrative costs.

7. Next Meeting: December 14, 2020

8. Adjournment

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:42 a.m.

Attest:



Amber LaRowe, City Clerk