

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

February 8, 2021 - 10:00 A.M.

PRESENT

Norm Nash, Special Magistrate
Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
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** – The Special Magistrate stated that Case 20210018 would be continued until March 8, 2021. The City Attorney stated that he would have comments on that item when it comes up in the agenda.

3. Cases Complied or Continued

A. **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** - At the December 14, 2020 hearing, The Special Magistrate ruled that the case be continued to the February 8, 2021 hearing.

Mr. Dickman stated that this case remains in litigation. The Special Magistrate continued the case until the March 8, 2021 hearing.

4. New Cases

A. **Case No. 20210002 – Prohibited uses and structures (Sec. 10.5) Short-term Rental City of St. Pete Beach v. Rebecca Rome, David Rome, and Martha Rome Address: 601 77th Ave. St. Pete Beach, FL 33706** - On January 5, 2021, this property was being advertised online on a transient basis and that is prohibited in the RLM-1 Residential District. Property is now compliant.

Mr. Marceron gave a presentation on the details of this violation, including photos as evidence and stated that the property is now compliant.

The Special Magistrate found that notice was proper; there will be no fines imposed; any future violations will be considered repeat violations.

B. **Case No. 20210024 – Permitted principal uses and structures (Sec. 8.2) Short-term Rental City of St. Pete Beach v. Christopher C Spencer Address: 7131 Bay St. St. Pete Beach, FL 33706** - On January 22, 2021, this property was being advertised online on a transient basis and that is prohibited in the RU-1 Residential District. Property is now compliant.

Mr. Marceron gave a presentation on the details of the violation with evidence and noticing. The property is currently in compliance. A previous Notice of Violation, which will become part of this record, was sent March 24, 2020, making this a repeat violation.

Robin Shehu appeared briefly on behalf of the Respondent.

The Special Magistrate found that notice was proper, and the property was in violation for 5 days from January 22-27, 2021; fines of \$250 per day and administrative costs will be imposed.

C. Case No. 20210018 – Docks (Sec. 6.23) City of St. Pete Beach v. 2707 Pass A Grille Way LLC Address: 2707 Pass A Grille Way. St. Pete Beach, FL 33706 - This property constructed a dock that accommodates more than two boats for permanent mooring.

The Special Magistrate reported that the attorney for the Respondent filed a Motion for Continuance on February 3, 2021; the case is continued until March 8, 2021. Per City Code 22-278(2), the Special Magistrate may subpoena alleged violators and witnesses to its hearings. Mr. Dickman requested that in an abundance of caution to ensure preparation and resolution of the case that subpoenas be issued to the Contractor, Respondent, Property Owner and/or Manager.

5. Old Cases – None.

6. Repeat Violations – None.

7. Lien Reductions

A. Case No. 20160057 – Permitted principal uses and structures (Sec. 8.2) Short-term Rental City of St. Pete Beach v. Robert Lauby Address: 9210 Gulf Blvd. St Pete Beach, FL 33706 - Respondent has requested to be put on the agenda for a lien reduction. The lien amount is \$79,000.00 plus administrative costs.

Mr. Dewar explained that this case has been going on for several years, the appeal was recently lost in circuit court, today's hearing is to determine fines. Mr. Dickman clarified that a Motion for Rehearing was filed, so that case is not closed. Considering fines, fees, and administrative costs the total is approximately \$91,000; the City is willing to accept \$50,000 with a Notice of Voluntary Dismissal with Prejudice filed before the Lien Reduction is issued.

Attorney Luke Lirot appeared on behalf the Respondent and summarized the forbearance and mortgage payments due. The City Attorney agreed to a 90-day payment plan with \$25,000 down; no Satisfaction of Lien will be filed until all payments are received within the 90 days and Notices of Voluntary Dismissal filed in all matters; the Special Magistrate will retain jurisdiction, Mr. Lirot will prepare the Order. The Special Magistrate continued the case until March 8, 2021.

8. Next Meeting: March 8, 2021

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

Attest:


Amber LaRowe, City Clerk