

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MINUTES

March 9, 2020

10:00 A.M.

PRESENT

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

CALL TO ORDER

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

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. 20150180 – Property Maintenance (Sec. 98-66, a, b, 20, 21, 22, 1 & 2)**
City of St. Pete Beach v. Dolphin Watch 1 LLC
Address: 110 15th Avenue, St. Pete Beach, FL 33706

The Special Magistrate will enter an order that the property is now compliant. There are outstanding fines and liens in the amount of \$200,550.00.

- B. Case No. 20180294 Work without Permit (105.1)**
City of St. Pete Beach v. Beth Bentley
Address: 3112 Pass a Grille Way, St. Pete Beach, FL 33706

At the City's request, the Special Magistrate continued the case until August 10, 2020.

4. NEW CASES

**A. Case No. 20190452 – Short-term Rental (Sec. 8.2)
City of St. Pete Beach v. Ling Lei and Xi Ye Address: 135 58th
Avenue St. Pete Beach, FL 33706**

Ling Lei, respondent, appeared and gave comments following Code Enforcement Officer Aaron Marceron's presentation of advertisements and notices on the property.

The Special Magistrate found that the property was in violation on January 26th and 28th, February 6th and March 6th of 2020. He imposed an Administrative Lien of \$250 per violation date plus administrative costs. The respondent may apply for a lien reduction.

**B. Case No. 20190492 – Short-term Rental (Sec. 34.2) and Business tax receipt (Sec. 78-96)
City of St. Pete Beach v. Adel Refai
Address: 6835 Blind Pass Rd. #1, St Pete Beach, FL 33706**

Mr. Marceron presented copies of advertisements and notices relative to the property. He stated that the business tax receipt will be compliant today.

The Special Magistrate found that the property was in violation on March 1st, 5th, 7th and 8th of 2020. He imposed an Administrative Fine/Lien of \$250 per violation date plus administrative costs. The respondent may apply for a lien reduction.

**C. 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**

Mr. Marceron presented photos and violation history of the property.

The Special Magistrate found that the respondent has until March 23, 2020 to obtain a building permit to correct the violations, or a fine will be imposed for each day retroactive to September 12, 2019. The case will be continued until April 13, 2020.

**D. Case No. 20190357 – Enumeration (Sec. 46-33) and Property Maintenance (Sec.98-66)
City of St. Pete Beach v. 8240 Gulf Blvd Land Trust, Lee Heath
Address: 8240 Gulf Blvd., St Pete Beach, FL 33706**

Mr. Marceron presented photos and violation history of the property.

Attorney Russell Cheatham appeared on behalf of interested parties Carl and Nancy Lencse and explained that ownership of the property is in litigation between the Lencse's and the respondent. Nancy Lencse also appeared with comments.

The Special Magistrate found that the property is uninhabitable and a threat to public health, safety and welfare and the City is authorized to enter and make reasonable repairs to abate the threat. An order imposing administrative fines and lien will be imposed, not limited to reasonable abatement costs.

E. Case No. 20190496 – Short-term Rental (Sec. 32.5) and Business tax receipt (Sec. 78-96)
City of St. Pete Beach v. 360 78th Avenue Trust, Southern Investments Associates, LLC
Address: 360 78th Avenue St. Pete Beach, FL 33706

Code Enforcement Officer Marceron gave a summary of the case, violations, and notices. The respondent's representative was present and will obtain the Business Tax Receipt today.

Attorney Beth Cronin of Trenam Law appeared on behalf of the property owner to present her legal arguments regarding violations, code provisions and a State Attorney General Opinion on transient lodging. Exhibits provided were marked one through eight.

Matthew McConnell of Dickman Law Firm responded on behalf of the City.

Shaun Carcary, respondent's representative, appeared with comments.

The Special Magistrate ruled that legal briefs for each party be prepared. The City's brief will be due by March 18, 2020 and the response due by March 27, 2020. The Magistrate's decision will be out by the following week. This matter will be continued to the April 13th, 2020 meeting.

5. OLD CASES

There were no old cases heard.

6. REPEAT VIOLATION

There were no repeat violations heard.

7. NEXT MEETING April 13, 2020

8. ADJOURNMENT

There being no further business to come before the Special Magistrate, the hearing was adjourned at 12:43 p.m.

Attest:


Rebecca C. Haynes, City Clerk