

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

March 14, 2022 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Matthew McConnell, Assistant City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Peyt Dewar, Code Enforcement Manager
Jeremy Cottrell, Code Enforcement Officer
Jordan Hoft, Code Enforcement Officer

Special Magistrate Augello called the hearing to order and performed the Administration of Oath.

2. Changes to the Agenda – Code Enforcement Manager Peyt Dewar reported that Item 6c., Case 201904988 for Mark Allen, has complied and will become Item 3b.

3. Cases Complied or Continued

A. Case No. 20210654 – Sec. 20.03. - Permitted principal uses and Structures City of St. Pete Beach v. Pineapple House @ PAG LLC Address: 105 21st Ave, St Pete Beach, FL 33706

Code Enforcement Manager Peyt Dewar presented the case and evidence for the City; the advertisements are now compliant with City Codes. Vivian Hearld appeared on behalf of the Respondent indicating that she had authority to do so.

Following testimony, the Special Magistrate found that the property had been in violation of the cited Code, but currently compliant. No fines will be assessed, but administrative costs will be. Any violation of the same provision within five years may be considered a repeat violation, subject to those fines. The property may not be rented for less than 30 days until March 2023.

B. Case No. 20190498 – Sec. 38.5. - Permitted principal uses and Structures City of St. Pete Beach v. Mark Allen Address: 55 51st Ave, St. Pete Beach, FL 33706 Advertising

Mr. McConnell reported that the property is currently in compliance and fees have been paid. The Special Magistrate will issue an order reflecting compliance. Any further violations of the same provision within five years may result in repeat violation fines.

4. New Cases

A. Case No. 20210091 – Sec12.2 -Permitted principal uses and Structures City of St. Pete Beach v. Lo, Betty Address: 6790 Gulf Winds Dr, St Pete Beach, FL 33706

Code Enforcement Officer Jeremy Cottrell presented the case and evidence for the City. One of the units is still not in compliance with the cited City Code. No one was present on behalf of the Respondent.

The Special Magistrate Augello found the property and Respondent in violation of the cited provision. The property owner has five days or until March 19th to become compliant or will be assessed \$250 per day for each day until in compliance beginning February 14, 2022, plus administrative costs. The Respondent must notify the City when they have become compliant. Any violations of the same provision within five years may be subject to repeat violation fines.

B. Case No. 20220052 – Sec 9.2 -Permitted principal uses and Structures City of St. Pete Beach v. Mark H. Foster Address: 445 80th Way, St Pete Beach, FL 33706

Code Enforcement Officer Jordan Hoft presented the case and evidence for the City. The advertisements are now compliant. Owner Mark Foster appeared on his own behalf.

The Special Magistrate found that the property and Respondent were in violation of the cited provision. No fines will be assessed but administrative costs will be. Should the Respondent violate the same provision within five years, repeat violation fines may be assessed.

C. Case No. 20220051 – Sec 42.5 - Prohibited uses and structures City of St. Pete Beach v. Massimo and Adele Molinaro Address: 4103 Gulf Blvd # 108, St Pete Beach, FL 33706

Code Enforcement Hoft presented the case and evidence for the City. The advertisements are currently compliant. The Respondents were present and represented themselves.

The Special Magistrate found that the property and Respondents were in violation of the cited provision. No fines will be assessed but administrative costs will be. Should the Respondent violate the same provision within five years, repeat violation fines may be assessed.

D. Case No. 20220111 – Sec 8.2 - Permitted principal uses and structures City of St. Pete Beach v. Ty Jacob Leaf, Bradley J. Leaf, Karen S. Leaf Address: 3917 Belle Vista Dr E, St Pete Beach, FL 33706

Code Enforcement Officer Hoft presented the case and evidence for the City. The advertisements are currently in compliance. Mike Wheaton with Casa Concierge appeared on behalf of the Respondents.

The Special Magistrate found the Respondents and property in violation of the cited provision. No fines will be assessed but administrative costs will be. Should the Respondent violate the same provision within five years, repeat violation fines may be assessed.

E. Case No. 20220113 – Sec 9.2 -Permitted principal uses and Structures City of St. Pete Beach v. Richard Thomas Kessler Address: 746 Boca Ciega Isle Dr, St Pete Beach, FL 33706

Code Enforcement Officer Hoft presented the case and evidence for the City. The advertisements are currently in compliance. Mike Wheaton with Casa Concierge appeared on behalf of the Respondents.

The Special Magistrate found that the property and Respondents were in violation of the cited provision. No fines will be assessed but administrative costs will be. Should the Respondent violate the same provision within five years, repeat violation fines may be assessed.

5. **Old Cases – None.**

6. **Repeat Violation**

A. Case No. 20180145 – Sec. 9.2. - Permitted principal uses and Structures City of St. Pete Beach v. David Green Address: 3408 E De Bazan Ave, St. Pete Beach, FL 33706

Mr. Dewar presented the case and evidence for City including VRBO content guidelines and a Finding of Fact issued by the Special Magistrate in 2018 for the same Case/Respondent. He reviewed Florida Statute 162.06 regarding code enforcement procedures on repeat violations. He presented evidence of repeat violations of the stated City Code by this Respondent/property since 2018. Assistant City Attorney Matthew McConnell added comments on the violations.

Attorney Luke Lirot appeared on behalf of the Respondent, with Power of Attorney. He distributed a notebook of exhibits which will become part of the meeting record and reviewed the contents. Mr. McConnell provided responsive comments.

The Special Magistrate will issue a written opinion within the next few days after review of supplemental authority from Mr. Lirot and any counter by the City.

B. Case No. 20180146 – Sec. 9.2. - Permitted principal uses and Structures City of St. Pete Beach v. David Green Address: 4 Alhambra St, St. Pete Beach, FL 33706

Mr. Dewar presented case and evidence for the City, including an order issued in 2018. He explained that property owners sometimes change advertisements on weekends. Mr. Lirot asked for a point of order for VRBO Content and Eligibility Guidelines that were shown and read a portion regarding reviews submitted within one year into the record for his court reporter. That document is part of the meeting record. Mr. McConnell read a portion of the VRBO guidelines that reviews cannot be edited. Mr. Lirot asked to incorporate by reference an issue with certification of notice. Mr. McConnell read from Statute 162.09 regarding certified copies.

The Special Magistrate will issue a written opinion within the next few days after review of supplemental authority from Mr. Lirot and any counter by the City.

7. **Imposition of Fines** – None.
8. **Lien Reductions** – None.
9. **Next Meeting:** April 11, 2022.
10. There being no further business, the hearing was adjourned at 11:24 AM.

Attest:



Amber LaRowe, City Clerk