

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

May 9, 2022 - 10:00 A.M.

PRESENT: Thomas Thanas, Esq., Special Magistrate
Matthew McConnell, Assistant City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Peyt Dewar, Code Enforcement Manager
Chuck Newman, Code Enforcement Officer
Jeremy Cottrell, Code Enforcement Officer
Jordan Hoft, Code Enforcement Officer

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

2. Changes to the Agenda – Following the phone call for Case 20220215, cases that had individuals present were heard first.

3. Cases Complied or Continued – None.

4. New Cases

A. Case No. 20220146 - Sec. 46-33 - Enumeration City of St. Pete Beach v. Nemishawn Inc. Address: 300 76th Ave, St Pete Beach, FL

Code Enforcement Officer Jeremy Cottrell presented the case and evidence for the City. The presentation is part of the hearing record. He reviewed the City's recommended fines.

Attorney, William Tieder appeared on behalf of property owner Nemishawn Inc., requesting additional time to come into compliance. Community Development Director Michelle Gonzalez testified to the timeline that had already been established with the owner which was not met; no work has been done to date.

The Special Magistrate found in favor of the City, that the Respondent is in violation of the cited codes. He imposed a fine of \$100 per day from 4/26/22 until compliant plus administrative costs. Respondent must show proof of compliance to the City. The Assistant City Attorney added that since the Special Magistrate reduced the requested fines, the City would likely object to any lien reduction.

B. Case No. 20220220 – Sec. 33.5 - Prohibited uses and structures City of St. Pete Beach v. Family International Home Builders LLC Address: 7210 Gulf Blvd, St Pete Beach, FL 33706

Code Enforcement Officer Chuck Newman presented the case and evidence for the City. The presentation is part of the hearing record. The property is currently compliant.

Property owner Randell Walden appeared on his own behalf, explaining that the property may be grandfathered as it was used for short term rentals prior to the ordinance going into effect, but he provided no proof.

The Special Magistrate found that the City established violation of the cited code and imposed that administrative costs be paid. The owner shall submit a copy of rental logs until the end of the year showing no short-term rentals. Any future violations of the same code will be considered repeat violations and fined as such.

5. Old Cases

A. Case No. 20210646 – Sec. 98-123.1 -Permits Required City of St. Pete Beach v. Sunny Daze Rentals LLC Address: 562 71st Ave , St Pete Beach, FL 33706

Mr. McConnell explained that counsel for the Respondent filed a Motion for Rehearing and Reconsideration with the City Clerk, however he had been informed and noticed of today's hearing but is not present.

The Special Magistrate found that Attorney Driscoll was notified to be here today at last month's hearing on April 11th and was provided notice to appear. Based upon his review, the Special Magistrate denied the Respondent's motion and allowed the pre-existing order to stand.

6. Repeat Violation –

A. Case No. 20220215 – Sec. 36.4 Prohibited uses and structures City of St. Pete Beach v. Teichert, Jacqueline Kay Tre Copestake, Joseph Tre Teichert, Jacqueline & Joseph Copestake Trust Address: 7210 Coquina Way, St Pete Beach, FL 33706

Respondent Joseph Copestake appeared by telephone from overseas to request a continuance, but it was decided to hear the case presently.

Code Enforcement Officer Newman presented the case and evidence for the City. The presentation is part of the hearing record. The evidence included a previous order from September 20, 2019 for violation of short-term rental codes at this property.

The Special Magistrate found that the property was in repeat violation of the cited code and imposed a fine of \$3,000 plus administrative costs. The Respondents shall neither rent nor advertise rentals for less than 30 days from May 9th and will provide the City with a copy of rental logs by email showing same through the end of the year.

B. Case No. 20220251 – Sec. 20.03 Permitted and principal uses and structures City of St. Pete Beach v. Ferguson, Robert H Ferguson, Janice A Address: 100 15th Ave, St Pete Beach, FL 33706

Code Enforcement Officer Jordan Hoft presented the case and evidence of recent short-term rentals at this property for the City. The presentation is part of the hearing record. The evidence included a previous order from December 2, 2021, prohibiting any short-term rentals through October, 2022.

One of the property owners, Robert Ferguson, appeared on the Respondent's behalf. Assistant

City Attorney McConnell reviewed the rental evidence that Mr. Ferguson provided, showing 70 nights of short-term rentals at repeat violation costs of \$500 and calculated fines of \$35,000.

Following deliberations, the Special Magistrate found that the City had proved its case and imposed fines of \$12,000. plus administrative costs. The Respondents must cancel any bookings for less than 30 days between today and May 9, 2023 and provide the City with documentation of rental logs showing same. Mr. McConnell added that since the Special Magistrate reduced the requested fines, the City would likely object to any lien reduction.

7. **Lien Reductions** – None.
8. **Next Meeting:** June 13, 2022.
9. There being no further business, the hearing was adjourned at 11:20 AM.

Attest:



Amber LaRowe, City Clerk