

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

June 13, 2022 - 10:00 A.M.

PRESENT

Erica Augello, Special Magistrate
Matthew McConnell, Assistant City Attorney
Amber LaRowe, City Clerk
Michelle Gonzalez, Community Development Director
Peyt Dewar, Code Enforcement Manager
Jeremy Cottrell, Code Enforcement Officer
Chuck Newman, Code Enforcement Officer

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

2. Changes to the Agenda – Attorney McConnell asked for cases 4.A and 4.B to be swapped.

3. Cases Complied or Continued - None

4. New Cases

B. Case No. 20220350 – Sec. 9.5 . -Prohibited uses and structures
City of St. Pete Beach v. Pires-Marques, Eva Jussara
Address: 154 42nd Ave St. Pete Beach FL 33706

Chuck Newman, Code Enforcement Officer, made a presentation on the case; a copy of the presentation is made a part of the record. Proper notification was made. He displayed a listing from June 9, 2022 and June 13, 2022 which were not a part of the presentation; those listings have been made a part of the record.

Attorney McConnell informed the Magistrate that the City is seeking a fine of \$250/day from May 23, 2022 until in compliance and administrative costs. He is also asking for proof of rentals to the end of the year to show there are no rentals for less than 30 days. Mr. McConnell stated that this property is 100% homestead and cannot have homestead on this property when renting.

Walter Sowa, Attorney for respondent, questioned Mr. Newman as Code Enforcement Officer. Attorney Sowa presented exhibits on the case which are made a part of the record.

Ms. Pires-Marques was questioned by Attorney Sowa. He provided a copy of an owner statement from Tech Travel and a copy of a review made by a renter of the property in March to April; a copy is made a part of the record.

Attorney McConnell questioned the property owner.

Closing arguments were made by both the Attorney for the Respondent and the City Attorney. Mr. Sowa asked for the case to be dismissed based on evidence provided.

Magistrate Augello read the definition for transient occupancy. She found the property in

violation due to the property being advertised and made allowance for the Respondent to cure this advertisement by 11:00 AM tomorrow, June 14, 2022. Administrative costs are assessed on the property and if the property does not come into compliance, then she will be assessing a \$250/day fine beginning on May 23, 2022 until in compliance. A written order will be provided. The Respondent is to provide the City with proof of compliance.

A. Case No. 20220291 – Sec. 9.5 . -Prohibited uses and structures
City of St. Pete Beach v. Anderson, Linda D
Address: 323 80th Ave St. Pete Beach FL 33706

Code Enforcement Cottrell made a presentation on the case; a copy of the presentation is made a part of the record. Proper notification was made.

Respondent appeared and stated that she is in compliant and has no rentals less than 30 days to the end of the year.

Magistrate Augello found in the property in violation and assessed no fines or administrative costs. She informed the respondent that she will need to provide proof of rentals to the City from today until the end of the year showing no rentals for less than 30 days. A written order will be provided.

5. Old Cases – None.

6. Repeat Violations

A. Case No. 20220366 – Sec. 34.5. - Permitted Uses and Structures
City of St. Pete Beach v. Refai, Adel Address: 6835 Blind Pass St. Pete Beach FL 33706

Code Enforcement Officer Cottrell presented the case, stating that an order was issued on March 13, 2020. A copy of the evidence submitted on this case is made a part of the record.

Mr. Refai appeared to speak on behalf of the case. He is unsure what transpired and did not intend for this to happen.

Magistrate Augello did not find this to be a repeat violation because of the different Code sections of violation. She associated no costs with this case.

B. Case No. 20220340 – Sec. 9.2. - Permitted principal uses and structures
City of St. Pete Beach v. Smoky Mountain Ventures LLC Address: 429 86th Ave St. Pete Beach FL 33706

Code Enforcement Officer Cottrell presented the case, stating that an order was issued on February 21, 2018 for the same property and Code section.

James Fleeting, Property Manager, provided copies for the record which are made a part of this case. This property is now in compliant and is unsure how the non-compliant advertising occurred.

Attorney McConnell would like to conclude that this is a repeat violation despite the property being in compliance and would therefore extend the 5-year violation period from 2023 (from original order date of 2018) to 5-years from today which would be 2027.

Michelle discussed an inspection in 2019 and then in 2021 with courtesy notices for each incident. A copy of the notes from Code Enforcement are made a part of the record.

Magistrate Augello found the property in violation with no fees or fines assessed at this time. She will provide a written order stating same.

**C. Case No. 20220091 - Sec. 12.2. - Permitted Principal Uses and Structures
City of St. Pete Beach v. Betty Lo Address: 6790 Gulf Winds Dr St. Pete
Beach FL 33706**

Code Enforcement Officer Cottrell presented the case, stating that an order was issued on March 14, 2022 for the same property and Code section. There are five separate units on the parcel and a copy of the advertisement was provided for each unit; those advertisements are made a part of the record. The Code does state that violations are for the entire parcel not for each individual unit.

Betty Lo, Respondent, recognizes the advertisement on the property for the non-compliant properties. Once made aware of the violation, she corrected it and noted that currently there are no tenants in the property for less than 30-days.

Attorney McConnell requested proof of bookings to show that there are no tenants for less than 30-days since the order was entered in March. He asked follow up questions to Ms. Lo and then addressed the rental advertisements that Mr. Cottrell displayed as part of the record. It was also addressed that Ms. Lo has not paid her fines as ordered in March and there is a lien recorded on the property.

Attorney McConnell identified all five units advertised from May 14, 2022 to May 30, 2022 as:

#4921158

#32872709

#53351147

#505038067

#331993077

Mr. McConnell asked for fines assessed at \$500/day for each advertisement from Airbnb which equates to three printouts for each property for a total of fifteen; at \$500/day equates to a fine amount of \$7,500 plus administrative costs.

Ms. Lo displayed a short-term rental agreement showing a rental for not less than 30-days. A copy of that is made a part of the record. She agreed that removal from Airbnb will occur.

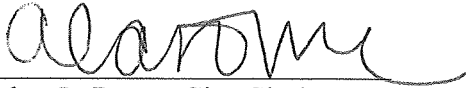
Magistrate Augello found the property in violation and will assess a fine of \$250/day for 15 days and administrative costs. She requested that bookings from now until the end of the year to be provided to the City. A copy of the order stating such will be mailed out to address in New Jersey and emailed to her at the email address provided to the City Clerk.

7. **Lien Reductions** – None.

8. **Next Meeting: July 11, 2022.**

Magistrate Augello adjourned the hearing at 11:44 a.m.

Attest:



Amber LaRowe, City Clerk