

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

January 9, 2023 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Matthew McConnell, Assistant City Attorney
Michelle Gonzalez, Community Development Director
Ginny Bodkin, Deputy City Clerk
Patrick Hawk, Code Enforcement Officer
Luis Cruz, Code Enforcement Officer
Chuck Newman, Code Enforcement Officer

Special Magistrate Augello called the hearing to order at 10:00 AM and swore in all those present who would be testifying.

2. Changes to the Agenda – None.

3. Cases Complied or Continued –

A. Case 20220584 SPB v. Anhlan Trinh
Address: 6705 Gulfwinds Dr. St. Pete Beach, FL

Code Enforcement Officer Patrick Hawk stated that this case was continued from the December hearing. The Respondent was to provide evidence of leases and identify which of his tenants was acting as host for the short-term rentals. Assistant City Attorney Matthew McConnell asked for fines of \$250 per day from 10/10 to 11/15/22

The Respondent testified that he spoke to his tenants and advised them to cease all short-term rentals.

Special Magistrate Augello found that there was a violation of the cited Code; no fines were assessed, but administrative costs will be. The Respondent should immediately cease rentals for under 30 days; if found to be in violation of the same provision within twelve months, it may be considered a repeat violation subject to a fine of up to \$500 per day.

4. New Cases

A. Case No. 20220589 City of St. Pete Beach v. Darcie Goodman and Janna Goachee
Address: 333 83rd Ave St. Pete Beach, FL 33706

Code Enforcement Officer Luis Cruz presented the case summary and evidence, including proof of posting. The Airbnb and VRBO policies were put into evidence. Per City Code, this property can only be rented for 30 or more days; it is now compliant.

Respondents Darcie Goodman and Janna Goachee testified that they were not aware of the policies and did rent short term but contacted the City and changed the rental ads immediately upon receiving notice.

Special Magistrate Augello found there was a violation of the cited Code section and imposed fines of \$250 per day for 6 days in November, plus administrative costs. Respondents are to provide the City with rental logs or other proof of no active bookings of less than thirty (30) days.

B. Case No. 20220585 City of St. Pete Beach v. Josias Guzman Alcantara
Address: 131 72nd Ave St. Pete Beach, FL 33706

Code Enforcement Officer Hawk presented the case summary and evidence, including proof of posting. The property is currently compliant.

Respondent Josias Guzman testified that he immediately asked the tenant to remove the short-term rental ads when he became aware.

Special Magistrate Augello found that the property was in violation of the cited Code section and will impose administrative fees but no fines. Respondent is to provide the City with rental logs or other proof demonstrating the property has no active bookings of less than thirty days.

C. Case No. 20220648 City of St. Pete Beach v. Josias Guzman Alcantara
Address: 131 72nd Ave. St. Pete Beach, FL 33706

Code Enforcement Officer Hawk presented the case summary and evidence, including proof of posting. There is an unpermitted pergola in the yard with setback violations. The property is not compliant.

Mr. McConnell requested to continue the case for 30 days for the Respondent to meet with staff and decide how he will move forward.

Special Magistrate Augello continued the case to the March 13, 2023 hearing.

5. Old Cases –

A. Case No. 20220577 City of St. Pete Beach v. Christopher J. Padgett
Address: 544 72nd Ave. St. Pete Beach, FL 33706

Code Enforcement Officer Check Newman presented the case summary that Mr. Padgett is challenging the fine amount in the Magistrate's order from December 2022. The fine had been reduced. The City contended that there was a violation and already a reduction of \$5500.

Respondent Christopher Padgett testified that he changed the websites after he received the notice and that he did have a rental already scheduled for November, which he changed to 30 days.

Special Magistrate Augello found that no new evidence was brought forth and she was lenient by reducing fines in the last hearing and will not overturn her last order. He can apply for a lien reduction.

6. Repeat Violation – None.

7. Lien Reductions –

A. Case No. 20220554 Bruce R. Beyer and Martha A. Scharchburg
Address: 1001 Gulf Way St. Pete Beach, FL 33706

Code Enforcement Officer Hawk presented the case for the lien reduction application.

Mr. McConnell initially asked for a continuation as the property is again in violation but agreed to move forward as they met criteria at the time that they submitted the reduction package.

Respondents Scharchburg and Beyer presented clarification for what was contained in the lien reduction packet.

The Special Magistrate denied the lien reduction request based upon the representations of Respondents and the City, and the documents submitted.

8. **Next Meeting:** February 13, 2023

9. There being no further business, the hearing was adjourned at 11:20 AM.

Attest:

A handwritten signature in cursive script, appearing to read 'Ala Rowe', written over a horizontal line.

Amber LaRowe, City Clerk