

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

February 13, 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
Peyt Dewar, Code Enforcement Manager
Patrick Hawk, 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** – Code Enforcement Manager Peyt Dewar explained that Case 20220670, agenda item 4.g, was removed from the agenda.

3. **Cases Complied or Continued** – None.

4. **New Cases**

A. Case No. 20220614 City of St. Pete Beach v. Rieli Brothers Property LLC
Address: 445 70th Ave. St. Pete Beach FL 33706
Sec. 33.5. - Prohibited uses and structures.

Mr. Dewar presented the case summary and evidence, including proof of posting. The Airbnb and VRBO policies were put into evidence. The property is currently compliant.

No one was present for the Respondent.

Special Magistrate Augello found that based on the evidence presented, the property was in violation from 11/20 – 11/22/22 and imposed fines of \$250 day plus administrative costs. Additionally, fines of \$250 for each of the five posted reviews that demonstrated short-term rentals will be imposed. 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. 20220664 City of St. Pete Beach v. James and Diane Grimm
Address: 7050 Sunset Way #35 St. Pete Beach FL 33706
Sec. 11.2. - Permitted principal uses and structures.

Mr. Dewar presented the case summary and evidence, including proof of posting, and Airbnb and VRBO policies. The property is currently compliant, and the City asked for administrative costs.

Respondent Diane Grimm testified that she was unaware of the Code but will not repeat.

Special Magistrate Augello found the property was in violation and will assess only administrative costs. Repeat violations within the next five years could be fined up to \$500 per day.

C. Case No. 20220647 St. Pete Beach v. Rodijames Santos & Maria Rica Inton-Santos
Address: 505 66th Ave #4 St. Pete Beach FL 33706
Sec. 36.4. - Prohibited uses and structures.

Mr. Dewar presented the case summary and evidence, including proof of posting. The property is now compliant and is the City requesting only administrative costs.

Respondent Rodijames Santos testified that by 'short-term' in his advertisements meant 30 days or more; he has not rented for less than 30 days and has removed the advertising.

Special Magistrate Augello found that there was no violation based on testimony; she cautioned to make clear that there are no stays of less than 30 days in advertising.

D. Case No. 20220645 City of St. Pete Beach v. Roberto Martinez & Yaneisy Contreras
Address: 505 66th Ave #10 St. Pete Beach FL 33706
Sec. 36.4. - Prohibited uses and structures.

Mr. Dewar presented the case summary and evidence, including proof of posting. The property is currently compliant.

Respondents Roberto Martinez and Yaneisy Contreras testified that they removed the violating advertisements immediately upon notice and never intended rentals of less than 30 days.

Special Magistrate Augello found that there was no violation based on testimony but advised the Respondent to remain aware of the ordinances.

E. Case No. 20220662 City of St. Pete Beach v. Denys Glushkov and Maryna Shevchenko
Address: 2403 W Vina Del Mar Blvd. St. Pete Beach FL 33706
Sec. 8.2. - Permitted principal uses and structures.

Mr. Dewar presented the case summary and evidence, including proof of posting and Airbnb and VRBO policies. The property is still in violation; the City recommended fines of \$250 per day from 11/29/22 until compliant plus administrative costs.

No one was present for the Respondents.

Special Magistrate Augello found the property to be in violation of the cited Code and imposed fines of \$250 per day from 11/29/22 until compliant plus reasonable costs. Respondent is to provide the City with rental logs or other proof demonstrating the property has no active bookings of less than thirty days.

F. Case No. 20220685 City of St. Pete Beach v. Myna Investments LLC
Address: 562 71st Ave. St. Pete Beach FL 33706
Sec. 36.4. - Prohibited uses and structures.

Mr. Dewar presented the case summary and evidence, including proof of posting, online ads and reviews, and Airbnb and VRBO review policies. There are five units at this property; it is currently out of compliance. The City will treat the five units as one parcel.

No one was present for the Respondents.

Special Magistrate Augello found that the property was in violation of City Codes for advertising and rentals and based upon the evidence presented imposed fines of \$250 per day from 12/12/22

until compliant plus administrative costs. Additionally, a \$250 day fine was imposed for each review demonstrating short term rentals. The owner is responsible to inform the City when compliant. Respondent is to provide the City with rental logs or other proof demonstrating the property has no active bookings of less than thirty days.

G. Case No. 20220670 City of St. Pete Beach v. Stephanie Bandur
Address: 316 43rd Ave. St. Pete Beach FL 33706
Sec. 9.2. - Permitted principal uses and structures.

This case was removed from the agenda at the beginning of the meeting.

H. Case No. 20220680 City of St. Pete Beach v. Stephen G Parks
Address: 420 80th Ave St. Pete Beach FL 33706
Sec. 32.5. - Prohibited uses and structures.

Mr. Dewar presented the case summary and evidence, including proof of posting, online ads. The property is currently compliant.

No one was present for the Respondent.

Special Magistrate Augello found that the property was in violation of the cited Code from 12/14 – 12/27/22 and imposed fines of \$250 per day plus administrative costs. Respondent is to provide the City with rental logs or other proof demonstrating the property has no active bookings of less than thirty days.

I. Case No. 20220691 City of St. Pete Beach v. John and Donna Denisco
Address: 2105 Pass A Grille Way St. Pete Beach FL 33706
Sec. 20.03. - Permitted principal uses and structures.

Mr. Dewar presented the case summary and evidence including proof of posting, online ads and reviews, and VRBO listings and review policies. The property's advertising is currently not compliant with City Code. Mr. McConnell summarized that the cited Code allows for rentals of less than 30 days only three times in any 12-month period. No short-term rentals beyond the February and July reviews were permissible. The November ads triggered the violation; the advertisement has been out of compliance since December 18th and as recently as today.

No one was present for the Respondents.

Special Magistrate Augello found the property to be in violation of the cited Code and imposed fines of \$250 per day from 12/18/22 until compliant. Additionally fines of \$250 per day were imposed for the two short-term rentals in November that exceeded the three allowable. No short-term rentals will be permitted until November of 2023. The Respondent is responsible to provide the City with rental logs or other proof demonstrating the property has no active bookings of less than thirty days.

5. **Old Cases** – None.

6. **Repeat Violation** – None.

7. Lien Reductions –

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

Code Enforcement Officer Chuck Newman reviewed the application, and that the Respondent has met the criteria for a lien reduction.

Respondent Christopher Padgett testified on his own behalf. Mr. McConnell indicated that the City is agreeable to a 50% fine reduction plus administrative costs.

Special Magistrate Augello found that the original violation stands and that residents are responsible for knowing the laws of their municipality. The lien was reduced from \$4546 to \$2000 plus administrative costs.

**B. Case No. 20220578 City of St. Pete Beach v. Mark Carlson
Address: 6440 3rd Palm Point St. Pete Beach FL 33706**

Code Enforcement Officer Patrick Hawk reviewed the lien reduction application, and that the Respondent had met the required criteria.

Respondent Mark Carlson appeared telephonically and provided testimony regarding his request. Mr. McConnell inquired about the reservations and indicated that the City would accept \$10,000.

Special Magistrate Augello reduced the lien to \$6500 plus administrative costs.

8. Lien Appeals

**A. Case No. 20220545 City of St. Pete Beach v. Blake and Ivy-Zophia Bevil
Address: 105 17th Ave St. Pete Beach FL 33706**

Code Enforcement Officer testified that Ms. Bevil has withdrawn her motion to appeal.

9. Next Meeting: March 13, 2023

10. Adjournment - There being no further business, the hearing was adjourned at 11:11 AM.

Attest:



Amber LaRowe, City Clerk