

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

October 9, 2023 - 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
Steven Rivera, Code Enforcement Officer
Luis Cruz, Code Enforcement Officer

Special Magistrate Augello called the hearing to order at 10:00 AM and administered the oath to all those parties who would be testifying.

Changes to the Agenda – None.

2. Cases Complied or Continued

A. Case No. 20230255 City of St. Pete Beach v. Kimberly Anne Jordan Address: 400 71st Ave. St. Pete Beach FL 33706

Respondent Kim Jordan testified that the sale contract she provided to staff after the last meeting was actually a broker contract; offers are still being taken. Mr. McConnell asked for clarification on the contract; the property is still in violation, and he requested that fines begin. Code Enforcement Officer Cruz testified that the condition of the property is deteriorating and that he found no evidence of a sale pending.

Special Magistrate Augello found, based on evidence presented today and the July Order, that she would assess fines of \$250 per day from the original violation date of 5/23/23 until compliant as there is still no contract in hand.

B. Case No. 20230331 City of St. Pete Beach v. JG Holdings of Pinellas LLC Address: 8001 Blind Pass Rd. St. Pete Beach FL 33706

Code Enforcement Cruz testified that the concrete pad had been repaired but the wall had not yet been pressure washed or painted; the owner has not found anyone to do this for a reasonable price. The property is not in compliance. No one was present for the Respondent.

Having reviewed the testimony provided, Special Magistrate Augello assessed fines of \$250 per day from the compliance date of 9/29/23 until the Respondent notifies the City that the property is compliant.

C. Case No. 20230311 City of St. Pete Beach v. Sapphire Real Estate Management LLC Address: 618 73rd Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the evidence for the City's case including a summary of violations, noticing, and photographs. The property became compliant with a permit opened on 10/6/23. The City requested fines for the period of 6/9/23 to 10/6/23. The presentation is part of the meeting record.

Property Manager Melissa Fezy (Power of Attorney on the permit) testified that there had been issues with obtaining contractors for the work, however the property is now compliant.

Special Magistrate Augello found that the property was in violation of the cited City Code and assessed fines of \$250 per day from 6/9/23 through 10/6/23 plus reasonable administrative costs.

3. New Cases

A. Case No. 20230511 City of St. Pete Beach v. Randall Rutter, Rutter Living Trust
Address: 2504 Sunset Way St. Pete Beach FL 33706
Sec. 25.5 - Prohibitions; Sec. 25.9. - Permit required; Sec. 98-123.1. - Permits req.

Code Enforcement Officer Rivera presented the City's evidence for the case including a summary of violations, noticing, and photographs of the deck constructed in the dune system. His presentation is part of the meeting record. The property is not currently compliant. He reviewed the recommended actions. Mr. McConnell opined that the damage was irreversible and irreparable and he did not see that the State would have approved what was done. The City has a zero-tolerance policy of violation of the cited Codes. The State Department of Environmental Protection will need to be consulted prior to any remediation being attempted and the owner should not take any action until the City advises them.

Special Magistrate Augello confirmed, for the record, that the City is not asking for daily fines as the damage is irreparable and that the City has concerns regarding who will be able to remediate the damage.

Respondent Randall Rutter testified that there were no plants in the area before he started; it was used for garbage and there was an older plywood deck already there; he testified to removing sea grapes; he felt that he was enhancing the area. He testified that he would do whatever the City requests.

Special Magistrate Augello found that the property was in violation of the three cited City Code sections and assessed a fine of \$5,000, per Section 162, plus reasonable administrative costs. The Order will specify that there will be coordination between the City, the property owner, and the Florida Department of Environmental Protection for the safest manner of removal of the platform and will state that the owner will have 60 days to replace plants.

Mr. McConnell requested a two minute recess at 10:29 AM. The Special Magistrate reconvened the hearing at 10:31 AM.

B. Case No. 20230340 City of St. Pete Beach v. Paradise Caprice LLC
Address: 521 71st Ave. St. Pete Beach FL 33706
Sec. 98-123.1. - Permits required.

Code Enforcement Officer Cruz presented the evidence for the City's case including a summary of violations, noticing, and photographs. His presentation is part of the meeting record. The owner has been given ample time to comply. A Stop Work Order was posted at the property. A permit was applied for but not issued. The property is not compliant. No one was present for the property.

Special Magistrate Augello found that the property was in violation of cited Code section and allowed the property owner 30 days from the date of her order for a permit to be issued. If a permit has not been issued, the property owner will appear at the November 13, 2023 hearing and fines may be imposed at that time.

C. Case No. 20230302 3 City of St. Pete Beach v. Stanley & Joanne Jablonski
Address: 235 71st Ave. St. Pete Beach FL 33706
Sec. 22.4. - Type, quality and size of plant material; Sec. 98-66. - Residential and commercial property maintenance

Code Enforcement Officer Cruz presented the evidence for the City's case including a summary of violations, noticing, and dated photographs of the property. His presentation is part of the meeting record. Some progress is being made in adding vegetation. He reviewed the recommended corrective actions. The property is not compliant. He spoke with the property owner this morning, who did not want to appear. No one was present for the owner.

Special Magistrate Augello found that the property was in violation; the property owner will have 14 days from the date of her order to bring the property into compliance. Any fines will be reserved until after a status check at the November 13, 2023 Code Enforcement hearing.

4. Old Cases

- A. Case No. 20220744 City of St. Pete Beach v. Plaza Beach Motel LLC**
Address: Gulf Blvd. St. Pete Beach FL 33706 and
- B. Case No. 20220772 City of St. Pete Beach v. Plaza Beach Motel LLC**
Address: 46th Ave. St. Pete Beach FL 33706

Mr. McConnell testified that at the August 14th hearing Special Magistrate Thanas consolidated the two cases into one and entered an order that no decision would be made until after an anticipated conditional use permit (CUP) hearing with the City Commission. The hearing has not yet happened and is set for October 24th. In subparagraph 5 of the order, the parking was restricted to registered guests of the motel and contractors working there. Mr. McConnell went on to reference a ribbon cutting event (photographs of the parking area during the event were included in the meeting packet) at which citizens were directed to park there in violation of the order. The City had not changed its position that the property had been in violation prior to the order; this is a status hearing.

Attorney Clayton Bricklemeyer of Hill, Ward, Henderson appeared on behalf of the Respondent. He testified that the CUP was delayed from September by the City, not his client. He explained that registered guests were invited to the ribbon cutting event and provided sign in sheets, which are part of the meeting record. Everyone who attended the event was wrist-banded and given parking passes.

Special Magistrate Augello found that the case would be continued to the November 13, 2023 hearing, provided that the CUP has been heard.

5. Repeat Violations - None.

6. **Lien Reductions** – None.
7. **Next Meeting** – November 13, 2023.
8. There being no further business, the hearing was adjourned at 10:53 AM.

Attest:



Amber LaRowe, City Clerk