

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

December 11, 2023 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Matthew McConnell, Assistant City Attorney
Ariana Wilson, Administrative Assistant-Clerk's Office
Peyt Dewar, Code Enforcement Manager
Luis Cruz, Code Enforcement Officer

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

1. Changes to the Agenda – None.

2. Cases Complied or Continued

A. Case No. 20230559 City of St. Pete Beach v. Lake Merritt Partners LLC
Address: 636 Corey Ave. St. Pete Beach FL 33706

Code Enforcement Officer Luis Cruz presented a summary of the case. His presentation included a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking for \$250 per day from 10/17/23 until compliant plus administrative costs.

Attorney Joseph Kenny of Weber, Crabb, and Wein appeared on behalf of the Respondent. Attorney Kenny stated an after-the-fact permit was applied for on 11/6/23 and submitted evidence of a permit packet that was issued from the City's Building Department, which is a part of the record.

Attorney McConnell submitted evidence of an email correspondence with Attorney Kenny on behalf of the City.

Special Magistrate Augello found that the property is in violation of the cited code sections; the property owner will have 60 days from today's date to bring the property into compliance. Any fines will be assessed after a status check at the February 12th, 2024 Code Enforcement hearing.

3. New Cases

A. Case No. 20230571 City of St. Pete Beach v. Collom Properties LLC
Address: 2007 Pass A Grille Way St. Pete Beach FL 33706

Mr. McConnell stated he has been in communication with the respondent and they are requesting a motion to stay since the City was served with a federal complaint related to the Sign Ordinance. Mr. McConnell stated the City is okay with the motion to stay with the understanding that the signs will be removed until the Federal court has ruled on the complaint.

Attorney Kyle Bass of Weber, Crabb, and Wein appeared on behalf of the respondent and testified to requesting the motion to stay granted on these proceedings. He stated the signs will come down

based upon the court's ruling on the injunction motion and that will determine if those signs can go back up or stay down.

Special Magistrate Augello will grant the motion to stay but stated the signs must come down 5 days from the date of the order; there will be a status check at the February 12th, 2024 Code Enforcement hearing.

B. Case No. 20230458 City of St. Pete Beach v. Citrus Property Inv Inc
Address: 7700 Blind Pass Rd. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the evidence for the City's case including a summary of violations, noticing, and dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking for \$250 per day from 9/22/23 until compliant plus administrative costs.

Chuck Flynt, Vice President at Citrus Property Investments appeared on behalf of the property. Mr. Flint stated his original permit application was denied so he resubmitted a new permit. He is requesting 60 days to have it corrected.

Attorney McConnell requested a continuance for this case to allow the property owner to secure a permit in 30 days with a status check at the following hearing.

Special Magistrate Augello found that the property is in violation; the property owner will have 30 days to secure the permit and any fines will be assessed after a status check at the January 8th, 2024 meeting.

C. Case No. 20230541 City of St. Pete Beach v. Wilmington Savings Fund Society
FSB TRE Pretium Mortgage Acquisition Trust
Address: 809 59th 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 dated photographs of the property. The presentation is made part of the record. The property is not in compliance and the City is asking for \$250 from 10/18/23 until compliant plus administrative costs.

Attorney Tyler Mesmer of Topouzis & Associates appeared on behalf of the Respondent. He requested the property be given two weeks to come into compliance.

Attorney McConnell stated the City's position is to have the property owner come into compliance by December 23rd with a status hearing at the January 8th, 2024 meeting.

Special Magistrate Augello found that the property is in violation; the property owner will have until December 23rd, 2023 to come into compliance. Any fines will be assessed after a status check at the January 8th, 2024 Code Enforcement hearing.

4. Old Cases

A. Case No. 20230499 City of St. Pete Beach v. William R Carr

Address: Coquina Way St. Pete Beach FL 33706 Parcel Number: 36-31-15- 77994-045- 0110

Code Enforcement Officer Cruz reviewed a case summary and entered evidence of pictures of the property. These are made part of the record. Mr. Cruz stated this property is not in compliance and the City is asking for fines of \$250 per day from 10/4/23 until compliant.

No one was present on behalf of the respondent.

Special Magistrate Augello found that the property is in violation and will assess fines of \$250 per day from 10/4/2023 until compliant plus administrative costs.

B. Case No. 20230291 City of St. Pete Beach v. Nemishawn INC

Address: 300 76th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz gave a status update. The respondent did apply for a new permit but it is still in review. The property is not in compliance and the City is asking for \$250 from 9/22/23 until compliant plus administrative costs.

No one was present on behalf of the respondent.

Special Magistrate Augello found that the property is in violation and will assess fines of \$250 per day from 9/22/2023 until compliant plus administrative costs

C. Case No. 20220744 City of St. Pete Beach v. Plaza Beach Motel LLC

Address: Gulf Blvd. St. Pete Beach FL 33706

D. Case No. 20220772 City of St. Pete Beach v. Plaza Beach Motel LLC

Address: Gulf Blvd. St. Pete Beach FL 33706

Case No. 20220744 was combined with Case No. 20220772 by Order on August 15th, 2023 by Special Magistrate Thomas Thanas.

Code Enforcement Manager Peyt Dewar gave a status update and stated the property is not in compliance. The permit the respondent has applied for has been denied multiple times and as of 12/4/23 the comments indicate that the survey is not legible. He stated the City is asking for \$250 per day per case.

Attorney Katie Cole of Hill, Ward, Henderson appeared on behalf of the Respondent. Attorney Cole stated there was some confusion so the permit was not applied for by the date of the previous order. She stated the respondent has been informed he will not receive any comments from city staff on his permit application until 12/22/23. She entered evidence of a permit packet she was supplied with from the Building Department which indicates there are no comments on the permit application yet. This is made part of the record. Attorney Cole requested that any fines issued be combined rather than separated since both cases were combined by order by Special Magistrate Thanas.

Attorney McConnell stated the City agrees to consolidate the fees to \$250 per day total but does not want to grant any additional time to secure the fence permit since the fence violation was addressed on 8/14/23.

Special Magistrate Augello found that the property is in violation of the cited code section and will assess fines of \$50 per day from 11/30/2023 until compliant.

Ms. Augello stated the respondent can apply for the permit and secure it or entirely remove what is there to stop the fees.

E. Case No. 20230202 City of St. Pete Beach v. 59th Avenue Properties LLC
Address: 5955 Gulf Winds Dr. St. Pete Beach FL 33706

Code Enforcement Officer Cruz stated the sign was removed by the date listed on the order and entered photographic evidence of the property. This is made part of the record. Mr. Cruz stated this property is now in compliance and the City is asking for administrative costs.

No one was present on behalf of the respondent.

Special Magistrate Augello found that the property was in violation of the cited code section; no fines were assessed, but administrative costs will be.

5. Repeat Violations - None.

6. Lien Reductions

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

Code Enforcement Manager Dewar presented the case for the lien reduction application. The City is requesting \$3,163 for both the reduction and the administrative costs. The lien was \$27,500 and administrative costs were \$413.00 bringing the total to \$27,913.

Mr. McConnell indicated that the City is agreeable to a 90% fine reduction plus administrative costs.

Respondent Blake Bevil testified on his behalf and agreed to the total presented by Mr. Dewar.

Special Magistrate Augello will grant the lien reduction request from the original amount to \$3,163.00 which includes the administrative cost. Respondent will have 10 days from the date of the order to make the payment.

B. Case No. 20170037 City of St. Pete Beach v. John V Leonard
Address: 6600 Gulf Blvd St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case for the lien reduction application. The City is requesting \$1,425.00 plus administrative costs which total \$538.00. The original total amount including administrative costs was \$14,788.

Nancie Mika who appeared on behalf of the respondent submitted a Power of Attorney into evidence. This is made part of the record. She testified to the respondent requesting no fines be assessed.

Mr. McConnell stated the appeal period was missed and reiterated that this lien has been reduced by 90%.

Special Magistrate Augello will grant the lien reduction request from the original amount to \$1,963.00 which includes the administrative cost.

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 Manager Dewar indicated that to apply for a lien reduction, the property must be in compliance. This property is currently not in compliance with the City's Code. He informed Special Magistrate Augello that the permit was issued but not approved.

Property Owner Melissa Fezy was present and gave a brief summary of why the property is not in compliance. She stated she has applied for an after-the-fact permit and shared some hardships she has faced with the application process. The respondent is seeking to reduce the fines to just administrative costs.

Attorney McConnell indicated that the prior order stated that the property came into compliance on October 6, 2023, for this specific matter, and taxes were paid, so he would like to continue with the lien reduction process.

Special Magistrate Augello stated that all initial requirements for the lien reduction application have been met so she agrees to move forward with this case.

Code Enforcement Manager Dewar stated the City is requesting \$3,000 plus administrative costs which total \$403. The original total amount including administrative costs was \$30,403.

Special Magistrate Augello will grant the lien reduction request from the original amount to \$3,403 which includes the administrative cost.

7. **Next Meeting** – January 8, 2024.

8. There being no further business, the hearing was adjourned at 11:09 AM.

Attest:



Amber LaRowe, City Clerk