

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

March 11, 2024 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Matthew McConnell, Assistant City Attorney
Ariana Wilson, Admin. Assistant-City Clerk's Office
Peyt Dewar, Code Enforcement Manager
Luis Cruz, Code Enforcement Officer
Steven Rivera, Code Enforcement Officer
Jo Boland, Permitting Administrator

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 – Code Enforcement Manager, Peyt Dewar requested the addition of Case No.20230255 – 400 71st Ave. as Item 6.c. under Lien Reductions.

2. Cases Complied or Continued

A. Case No. 20230602 City of St. Pete Beach v. Ping Pong Partners LLC

Address: 9555 Blind Pass Rd. St. Pete Beach FL 33706

Code Enforcement Officer Luis Cruz gave an update on the case. He stated they are on track to compliance, but they have not obtained the permit yet. The property is still non-compliant. The City is requesting a continuance since the property has been trying to obtain the permit.

Respondent, Adam Harden requested a continuance with a status hearing in April, since he is awaiting building review and approval.

Special Magistrate Augello will grant the continuance until the April 8th, 2024 hearing.

B. Case No. 20230513 City of St. Pete Beach v. April Elliott & David Rybarczyk

Address: 423 Corey Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz provided an update on the case and provided a photo of the dumpster enclosure that still stands. The photo is made part of the record. The City is requesting fines of \$250 per day from 1/5/2024 until compliant, plus administrative costs. He stated the property owners reached out to him early this morning to inform him they would be unable to be present today. They did communicate with a general contractor and received a quote but did not provide that information to Officer Cruz.

No one was present on behalf of the respondent.

Special Magistrate Augello found, based on evidence and the prior order issued, that she would assess fines of \$250 per day from today (3/11/2024) until compliant, plus administrative costs.

C. Case No. 20230590 City of St. Pete Beach v. Gabi 2022 LLC

Address: 350 73rd Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz provided an update on the case. The previous Special Magistrate order stated the respondent had until 2/22/2024 to secure the after the fact permit. Mr. Cruz stated

the respondent did secure a permit but not until 2/29/2024. The property is in compliance and the City is asking for \$250 per day from 2/22/2024 - 2/29/2024 plus administrative costs.

Certified General Contractor Bob Kenne appeared and provided testimony. He is asking for a waiver of fines since he has shown good faith by trying to reach out to the City numerous times.

Special Magistrate Augello found, based on evidence and the prior order issued, that she would assess fines of \$150 per day from 2/22/2024 - 2/29/2024, plus administrative costs.

3. New Cases

A. Case No. 20240101 City of St. Pete Beach v. Jesse Hed

Address: 3510 Casablanca Ave. St. Pete Beach FL 33706

Code Enforcement Officer Steven Rivera presented a summary of this 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 in compliance and the City is asking for \$500 per stay (2) in November plus administrative costs.

Mr. McConnell stated Josh Burnett, representing the property owner, contacted him and admitted to the violation. He agreed to the fees and administrative costs the City was requesting.

No one was present on behalf of the respondent.

Special Magistrate Augello found that the property is in violation of the cited code sections; she will assess fines of \$500 for each of the rentals (2) in November plus administrative costs.

B. Case No. 20240021 City of St. Pete Beach v. Steven D Lower

Address: 505 67th Ave #10 St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented a summary of this 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 2/2/2024 until compliant plus administrative costs.

Mr. McConnell requested to be supplied with the scope of work for the initial permit. Jo Boland, Permitting Administrator testified to the scope of work listed on the permit. She informed the Special Magistrate that the Notice of Commencement was never submitted and an inspection of the property was never completed. She stated the permit expired on 5/1/2023 and the contractor was contacted since his name was on the permit that was initially pulled.

Property Owner, Steven Lower was present and testified to the previous contractor not completing the work and letting the permit expire. He has no knowledge of when the contractor stopped working since he was not in the State at the time.

Special Magistrate Augello found that the property is in violation of the cited code sections; the property owner will have 45 days to apply for and secure the proper permit, with a status check at the May 13th, 2024 meeting.

C. Case No: 20240051 City of St. Pete Beach v. Philip Parsons & Suzan Lambillote
Address: 4043 Belle Vista Dr St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented a summary of this 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 in compliance and the City is asking for administrative costs.

Property Owner Suzan Lambillote was present and testified to receiving the notice two days later than what was listed in the presentation. She stated the overgrown vegetation was cut back and her property is in compliance, however, according to the property survey the trees are not on her property. She displayed the property survey and it is made part of the record.

The Magistrate called for a brief recess at 10:44 AM and reconvened the hearing at 10:49 AM.

Mr. McConnell stated the City would like to withdraw this case.

Special Magistrate Augello stated she would write an order of dismissal.

4. **Old Cases** – None.

5. **Repeat Violations** – None.

6. **Lien Reductions**

A. Case No. 20210517 City of St. Pete Beach v. Kouresh Bakhtiarian
Address: 2606 Pass A Grille Way St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case for the lien reduction application. The City is requesting \$1,442.46 for both the reduction and the administrative costs. The lien was \$9,750 and administrative costs were \$467.46 bringing the total to \$10,217.46.

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

Special Magistrate Augello will grant the lien reduction request from the original amount to \$1,442.46 which includes the administrative costs.

B. Case No. 20210528 City of St. Pete Beach v. Gulf Blvd Holdings LLC
Address: 3503 Gulf Blvd St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case for the lien reduction application. The lien was \$10,500 and administrative costs were \$466.95 bringing the total to \$10,966.95.

Respondent Chris Witts was present and requested to reduce the fines as much as possible.

Mr. McConnell stated the City is agreeable to a 25% fine reduction plus administrative costs. The City is requesting \$3,091.95 for both the reduction and the administrative costs.

Special Magistrate Augello will grant the lien reduction request from the original amount to \$3,091.95 which includes the administrative costs.

C. Case No. 20230255 Address: 400 71st Ave. – *Added*

Code Enforcement Manager Dewar presented the case for the lien reduction application. He displayed the lien reduction application, proof of taxes, and a power of attorney. This is made part of the record. The lien was \$42,500 and administrative costs were \$449 bringing the total to \$42,949.

Susan Nadler appeared and provided testimony. She stated Ms. Jordan is seeking to reduce to \$3,000.

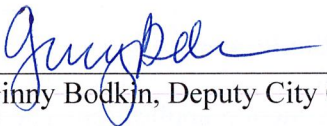
Mr. McConnell stated the City is agreeable to a 10% fine reduction plus administrative costs. The City is requesting \$4,250 plus administrative costs.

Special Magistrate Augello will grant the lien reduction request from the original amount to \$4,699 which includes the administrative costs.

7. **Next Meeting** – April 8, 2024.

8. **Adjournment** – There being no further business, the hearing was adjourned at 11:08 AM.

Attest:



Ginny Bodkin, Deputy City Clerk