

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

May 13, 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

Special Magistrate Augello called the hearing to order at 10:03 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. 20240021 City of St. Pete Beach v. Steven D Lower
Address: 505 67th Ave #10 St. Pete Beach FL 33706

Code Enforcement Officer Cruz stated that this case was continued from the March hearing. The property owner was given 45 days to apply for and secure a permit to come into compliance. At this time no permit was acquired nor applied for. The property is not compliant, and the City is asking for \$250 per day from 2/2/24 until compliant, plus \$325 in administrative fees.

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 fees of \$250 per day from 2/2/24 until compliant, plus \$325 in administrative fees.

B. Case No. 20240043 City of St. Pete Beach v. Thomas J Dillon III
Address: 422 86th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz stated that this case was continued from the April hearing. The property owner was given 30 days to achieve an acceptable landscape plan, secure any necessary permits, and have the plan executed to its completion. Officer Cruz stated the respondent has been working with the City since the last hearing to come into compliance. The City is requesting this case be continued to allow the property owner to come into compliance.

No one was present on behalf of the respondent.

Special Magistrate Augello granted the continuance with a status hearing at the June 10th, 2024 hearing. Any fines will be assessed at that time.

C. Case No. 20240133 City of St. Pete Beach v. Patricia E Little TRE
Address: 85 Corey Cir St. Pete Beach FL 33706

Code Enforcement Officer Cruz stated that this case was continued from the April hearing. The property owner was given a 3-day extension to renew a Business Tax Receipt and a 14-day extension to remove the junked or abandoned vehicle from the property or otherwise have it

registered. At this time the junk vehicle remains on the property and the Business Tax Receipt has not been renewed. He provided photo evidence and permit history which is made part of the record. The property is not compliant and the City is asking for \$250 per day from 3/16/24 until compliant, plus \$325 in administrative fees.

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 fees of \$250 per day from 3/16/24 until compliant, plus \$325 in administrative fees.

D. Case No. 20230685 City of St. Pete Beach v. Billie G Lambert

Address: 7951 Gulf Blvd. St. Pete Beach FL 33706

Code Enforcement Officer Cruz stated that this case was continued from the April hearing. The property owner was given 30 days to apply for and secure a permit to come into compliance. Officer Cruz presented photo evidence of some renovations that were completed at the property. This is made part of the record. He stated the permit was acquired on 4/19/24. The City would like to hear from the respondent with a timeline of completion.

No one was present on behalf of the respondent.

Officer Cruz stated since the property is not in full compliance at this time the City is asking for \$250 per day from 3/6/24 until compliant, plus \$325 in administrative fees.

Special Magistrate Augello found, based on evidence, that the property is not compliant. She will assess fees of \$250 per day from 5/10/24 until compliant, plus \$325 in administrative fees.

E. Case No. 20240090 City of St. Pete Beach v. Franklin L Dockett

Address: 555 Gulf Way #7-N St. Pete Beach FL 33706

Code Enforcement Officer Rivera stated that this case was continued from the April hearing. The property owner was given 30 days to apply for and secure a permit to come into compliance. Officer Rivera stated the respondent is working towards compliance, and the City is requesting \$325 in administrative fees.

Respondent, Franklin Dockett was present and testified to some hardships he has faced to acquire someone to take on the job.

Special Magistrate Augello found, based on evidence, that she would assess \$325 in administrative fees.

3. Repeat Violations – None.

4. New Cases

A. Case No. 20240190 City of St. Pete Beach v. Jeffrey T. Weeks

Address: 535 68th 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. He provided the VRBO policy which is made part of the record. The City is asking for \$1,000 per stay (3) plus \$325 in administrative fees.

Respondent, Jeffrey Weeks was present and testified to being unaware of the restrictions.

Special Magistrate Augello found, based on evidence the property was in violation of the cited code sections; she will assess fines of \$1,000 per stay(3) plus the \$325 in administrative fees.

B. Case No. 20240209 City of St. Pete Beach v. TCO One Reit Turbo LLC
Address: 7305 Bay Street 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 City is asking for \$1,000 per stay (46) plus \$325 in administrative fees.

No one was present on behalf of the respondent.

Special Magistrate Augello found, based on the evidence the property was in violation, she will assess \$1,000 per stay (46) plus the \$325 in administrative fees.

The Magistrate called for a brief recess at 10:27 AM and reconvened the hearing at 10:31 AM.

C. Case No. 20240205 City of St. Pete Beach v. Charles Mackert
Address: 206 58th Ave 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 City is asking for \$250 per day from 4/26/24 until compliant plus, \$325 in administrative fees.

Property owner Charles Mackert was present along with his attorney Mr. Milton who appeared telephonically. Attorney Milton testified to working with Mr. Mackert to repair the damages on the property. He is currently trying to work with his insurance company.

Special Magistrate Augello requested an estimate of time for completion. Attorney Milton stated he estimated 60 days before Mr. Mackert could begin to hire contractors.

Special Magistrate Augello found the property was in violation; the respondent will have 60 days from the date of the order to apply and secure the proper permit, with a status hearing at the July 8th, 2024 hearing. Any fines will be assessed at that time.

D. Case No. 20240141 City of St. Pete Beach v. Gintaras Karosas
Address: 350 72nd Ave. 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 City is asking for \$250 per day from 3/23/24 until compliant, plus \$325 in administrative fees.

Property owner, Gint Karosas was present and testified to some hardships he's faced this year. He stated he has plans to donate the vehicle but cannot locate the title to do so. He requested 30 days to come into compliance.

Special Magistrate Augello found, based on evidence the property is in violation; respondent will have 30 days to have the vehicle removed from the property and come into compliance, with a status hearing at the June 10th, 2024 hearing. Any fines will be assessed at that time.

E. Case No. 20240155 City of St. Pete Beach v. Stephen Boyle
Address: 3672 Belle Vista Dr. E 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 City is asking for \$250 per day from 4/1/24 until compliant, plus \$325 in administrative fees.

Attorney McConnell clarified that the piece of concrete shown in the photos is on the owner's property, however, the basketball hoop hangs over the City's right of way.

Property owner Stephen Boyle was present and testified to having a basketball hoop in that location since 2015. He purchased a newer hoop and added the piece of concrete for stability. He provided the property survey from the Pinellas County Property Appraiser. He stated if a permit was needed for compliance, he would apply for one.

Special Magistrate Augello found the property is in violation. The respondent will have 30 days to apply and secure the proper permit, with a status hearing at the July 8th, 2024 hearing. Any fines will be assessed at that time.

F. Case No. 20240029 City of St. Pete Beach v. Micheal Martin
Address: 2 Alhambra St. 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 City is asking for \$250 per day from 4/2/24 until compliant, plus \$325 in administrative fees.

Property owner Michael Martin and his Attorney Colin Rice were present. Attorney Rice requested clarification from the City in regard to pursuing a violation for Sec. 98-100 for the Seawall. Officer Rivera stated they initially were going to cite him for this section, however, they discovered the City is conducting a seawall survey at this time and decided to hold off until that is complete.

Attorney Rice displayed a series of photos and had Mr. Martin confirm if they were of his property. These are made part of the record.

Attorney Rice showed Officer Rivera a photo of some cleanup efforts that had been made on the property and asked Officer Rivera if the property was in compliance. Officer Rivera stated he would have to do an on-site inspection to make a determination.

Mr. Martin requested 60 days to come into full compliance and schedule an inspection with Code Enforcement.

Attorney McConnell stated the City would request to give the applicant 30 days to come into compliance and notify Code Enforcement.

Special Magistrate Augello found the property was in violation. The respondent will have 30 days to come into compliance and have the site inspected by Code Enforcement, with a status hearing at the June 10th, 2024 meeting. Any fines will be assessed at that time.

G. Case No. 20240081 City of St. Pete Beach v. 4401 Gulf Blvd LLC

Address: 4401 Gulf Blvd. 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 City is asking for \$250 per day from 2/29/24 until compliant, plus \$325 in administrative fees.

No one was present on behalf of the respondent.

Special Magistrate Augello found based on evidence the property is in violation of the cited code sections. Respondent will have 30 days to apply and secure a permit to bring the property into compliance, with a status hearing at the July 8th, 2024 hearing. Any fines will be assessed at that time.

5. Cases Complied – None.

6. Old Cases – None.

7. Lien Reductions

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

Address: Coquina Way St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case for the lien reduction application. He stated the respondent is requesting it be reduced to zero. The City is requesting \$10,092.50 for both the reduction and administrative fees. The lien was \$38,750 and administrative costs were \$405 bringing the total to \$39,155.

Property owner William Carr and his wife were present and testified to the order of events. She stated she thought the property was in compliance in November based on some emails she had with Code Enforcement.

Special Magistrate Augello stated that had she been made aware of the correspondence she would have found the property to be in compliance at the December hearing. They reviewed the December order.

Attorney McConnell stated that he reviewed the November order and the respondents had 7 days to improve the ground cover. Even with the miscommunication, the property was still well past the compliance date given in the order.

Neighbor Bob South was present and testified to watering the property for the respondents while they were away. He stated they had two major floods and did not have reclaim water for 7

weeks due to the flooding. Mr. Carr testified to having to put down sod since the grass seedlings were not fully growing.

Special Magistrate Augello clarified that the lien reduction application states they came into compliance on March 6th.

Attorney McConnell clarified the City is agreeable to a 25% reduction plus the administrative costs.

Special Magistrate Augello will grant the lien reduction request from the original amount to \$3,842.50, which includes administrative fees.

B. Case No. 20240147 City of St. Pete Beach v. Tyler Roshau & Natali Roshau
Address: 460 59th Ave. St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case for the lien reduction application. He stated the property has a lien in the amount of \$28,325 and the City is not agreeable to any reduction due to a zero-tolerance policy on short-term rentals.

Property owners Tyler and Natali Roshau were present and testified to listing the property for sale. They stated they are unable to pay the lien amount and they are currently under contract with a closing date of June 14th.

Special Magistrate Augello will grant the lien reduction request from the original amount to \$7,650, which includes administrative fees.

C. Case No. 20240185 City of St. Pete Beach v. Rebecca Jones
Address: 8125 Boca Ciega Dr. St. Pete Beach FL 33706

Code Enforcement Manager Dewar presented the case for the lien reduction application. He stated the property has a lien in the amount of \$4,325 and the City is not agreeable to any reduction due to a zero-tolerance policy on short-term rentals.

Attorney Bryce Williams was present on behalf of the respondent. He testified to the amount of income the property has made. The property owner plans to sell the property.

Attorney McConnell stated the City is not agreeable to a reduction given that the respondent has made \$22,000 in revenue.

Special Magistrate Augello denied the lien reduction.

8. Adjournment – Next meeting June 10, 2024.

There being no further business, the hearing was adjourned at 11:39 AM.

Attest:



Amber LaRowe, City Clerk