

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

August 12, 2024 - 10:00 A.M.

PRESENT: Erica Augello, Special Magistrate
Matthew McConnell, Assistant City Attorney
Amber LaRowe, City Clerk
Peyt Dewar, Code Enforcement Manager
Luis Cruz, Code Enforcement Officer
Steven Rivera, Code Enforcement Officer

Special Magistrate Erica Augello called the hearing to order at 10:07 AM, explained the hearing process, and administered the oath to all those parties who would be testifying.

2. **Changes to the Agenda** – Code Enforcement Manager Dewar requested item 5.E., Case No. 20240381 be continued to September 9, 2024; Special Magistrate Augello will issue an order of continuance.

Attorney McConnell requested two additions for lien reductions, both for David Green, Case No. 20180146 4 Alhambra Drive, and Case No. 20180145 3408 E. Debazan Avenue.

3. Cases Complied or Continued

A. Case No. 20240292 City of St. Pete Beach v. Myna Investments LLC Address: 562 71st Ave St. Pete Beach FL 33706

Code Enforcement Officer Luis Cruz testified that the property has come into compliance by paying their Business License Tax Receipt (BTR) and recommended administrative costs in the amount of \$325.

Attorney Joseph Kenny, representing the Respondent, is not opposing the \$325 administrative costs.

Special Magistrate Augello found that the Respondent complied and assessed \$325 in reasonable administrative costs.

B. Case No. 20240305 City of St. Pete Beach v. Family International Home Builders LLC Address: 4210 Gulf Blvd. St. Pete Beach FL 33706

Code Enforcement Officer Luis Cruz testified that there has been no contact made by the owner and no payment for the BTR. No one was present for the Respondent.

Special Magistrate Augello found that the Respondent failed to comply and assessed fines of \$250 per day beginning 5/28/2024 until compliant plus \$325 in reasonable administrative costs.

C. Case No. 20240014 City of St. Pete Beach v. Stephen G. Parks Address: 420 80th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz testified that the property is in compliance as of 7/8/2024 and requested fines be assessed at \$250 per day beginning 4/26/2024 until 7/8/2024 plus \$325 administrative costs. No one was present for the Respondent.

Special Magistrate Augello found the property to be in violation of the Code of Ordinances and assessed fines of \$250 per day beginning 4/26/2024 to 7/8/2024 plus \$325 for reasonable administrative costs.

D. Case No. 20240168 City of St. Pete Beach v. Family International Home Builders LLC

Address: 7210 Gulf Blvd. St. Pete Beach FL 33706

Code Enforcement Officer Cruz testified that the property is still non-compliant and has been non-compliant since 4/24/2024. No one was present for the Respondent.

Special Magistrate Augello found the property to be in violation of the Code of Ordinances and she assessed a fine of \$250 per day from 4/24/2024 until compliant plus \$325 for reasonable administrative costs.

E. Case No. 20240205 City of St. Pete Beach v. Charles Mackert

Address: 206 58th Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz stated that the Respondent came into the City last week, but a permit has not been secured. The property is still non-compliant.

Mr. Mackert was present, and Attorney Milton Gray appeared via telephone.

Attorney Gray addressed the hardship that the Respondent has had in securing a permit as well as the funds to hire contractors to do the work. Mr. Mackert stated that he dropped his permit application off to the City on Friday.

Special Magistrate Augello found the property to be in violation of stated code sections and assessed a fine of \$250 per day from 8/12/2024 until compliant plus \$325 for reasonable administrative costs.

F. Case No. 20240275 City of St. Pete Beach v. Hasani Capital LLC

Address: 3505 Gulf Blvd. South St. Pete Beach FL 33706

Code Enforcement Officer Steven Rivera stated that the Respondent has not come into compliance by securing their BTR and there has been no communication from the Property Owner/Respondent. No one was present for the Respondent.

Special Magistrate Augello found the property to be in violation of the City's Code of Ordinances and assessed a fine of \$250 per day from 5/14/2024 until compliant plus \$325 for reasonable administrative costs.

G. Case No. 20240247 City of St. Pete Beach v. Sungold LLC
Address: 3815 Gulf Blvd. St Pete Beach FL 33706

Code Enforcement Officer Rivera stated that the property came into compliance during the 14-day extension that was given at the last hearing. No one was present for the owner.

Special Magistrate Augello found that the Respondent complied and assessed \$325 in reasonable administrative costs; the Order will be emailed to Attorney Luke Lirot.

H. Case No. 20240280 City of St. Pete Beach v. William W. Adams
Address: 1805 Pass-A-Grille Way St. Pete Beach FL 33706

Code Enforcement Officer Rivera reviewed photographs dated July 23rd showing the property is non-compliant with vegetation and construction fencing. There has been no communication from the property owner. No one was present for the Respondent.

Special Magistrate Augello found the property to be in violation of stated code sections and assessed a fine of \$250 per day from 5/22/2024 until compliant plus \$325 for reasonable administrative costs.

I. Case No. 20240089 City of St. Pete Beach v. Patrick Thomas McNulty & Annette Weis-McNulty
Address: 104 46th Ave. St. Pete Beach FL 33706

Code Enforcement Office Rivera explained that this was part of the June hearings; however, it was continued due to technical difficulties – no evidence was presented at that time. Mr. Rivera reviewed a case summary presentation detailing the violations, including proof of posting and noticing, and photographs; the presentation is part of the meeting record. He reviewed the necessary corrective actions and requested fines.

Patrick McNulty was present and stated that he has met with Mr. Rivera and with Planner Brandon Berry regarding compliant vegetation as well as the driveway. He displayed receipts from his purchase of landscape materials and stated that within a week or so after purchase, the vegetation was planted, and it is currently thriving. He discussed parking and prior property usage.

Special Magistrate Augello asked that the City reinspect the property regarding compliance with plant material and that the Property Owner must work with the City on obtaining a driveway permit or what the City deems necessary.

Special Magistrate Augello found the property has come into compliance with Sec. 22.4 with the caveat that the City will go and inspect to verify the Impervious Surface Ratio (ISR); the property is still non-compliant with Sec. 23.11 due to no City approval. The Respondent has 90 days to come into compliance with a status hearing scheduled for December 9th.

J. Case No. 20240278 City of St. Pete Beach v. Blagoje Savic & Ljubomir Savic & Slobodan Gojkovic
Address: 6901 Gulf Winds Dr. St. Pete Beach FL 33706

Code Enforcement Officer Cruz stated that this case was continued from last month. He reviewed a case summary presentation detailing the violations, including proof of posting and noticing, and photographs; the presentation is part of the meeting record. He reviewed the necessary corrective actions and requested \$1,000 per stay (identified 9) in fines. Mr. Cruz displayed Air BnB listings and those are made a part of the record; he also spoke with the Respondent and told him that he cannot have short-term rentals.

Slobodan Gojkovic was present and discussed the conversations he had with Officer Cruz.

Special Magistrate Augello found the property to be in violation of the stated Code section and assessed a fine of \$250 per stay plus \$325 for reasonable administrative costs.

4. Repeat Violations -- None.

5. New Cases

**A. Case No. 20240342 City of St. Pete Beach v. B R E Mariner Dolphin Village LLC
Address: 4665 Gulf Blvd. St. Pete Beach FL 33706**

Code Enforcement Officer Rivera reviewed a case summary presentation detailing the violations, including proof of posting and noticing, and photographs; the presentation is part of the meeting record. The property complies as of today. No one was present for the Respondent.

Special Magistrate Augello found that the Property Owner was in violation of the cited code sections and assessed a fine of \$250/day from 7/7/2024 to 8/12/2024 plus \$325 for reasonable administrative costs.

**B. Case No. 20240368 City of St. Pete Beach v. 3511 Gulf Blvd. LLC
Address: 3511 Gulf Blvd. LLC St. Pete Beach FL 33706**

Code Enforcement Officer Rivera reviewed a case summary presentation detailing the violations, including proof of posting and noticing, and photographs; the presentation is part of the meeting record. He reviewed the necessary corrective actions and requested fines. No one was present for the Respondent.

Special Magistrate Augello found there was a violation of City Codes and granted 28 days for the Property Owner to come into compliance; a hearing was set for 9/9/2024 to determine compliance and assess any authorized fines and costs.

**C. Case No. 20240382 City of St. Pete Beach v. Nicolas Brian Kirsch & Stephanie Kirsch
Address: 2130 E Vina Del Mar Blvd. St. Pete Beach FL 33706**

Code Enforcement Officer Rivera reviewed a case summary presentation detailing the violations, and including proof of posting and noticing, and photographs; the presentation is part of the meeting record. He stated that the property is now compliant and requested administrative costs.

Nicolas and Stephanie Kirsch were present.

Special Magistrate Augello found that the Respondent complied and assessed \$325 in reasonable administrative costs.

**D. Case No. 20240157 City of St. Pete Beach v. 1008 Airport Road
Address: 8010 Blind Pass Road St. Pete Beach FL 33706**

Code Enforcement Officer Cruz reviewed a case summary presentation detailing the violations, including proof of posting and noticing, and photographs; the presentation is part of the meeting record. He reviewed the necessary corrective actions and requested fines. No one was present for the Respondent.

Special Magistrate Augello found there was a violation of City Codes and granted 28 days for the Property Owner to come into compliance; a hearing was set for 9/9/2024 to determine compliance and assess any authorized fines and costs.

**E. Case No. 20240381 City of St. Pete Beach v. Jason Gabay & Janelle Gabay
Address: 6 Mangrove Point SPB, FL 33706**

This Case was continued to September 9, 2024.

**F. Case No. 20240281 City of St. Pete Beach v. Richard Allen Long Revocable Trust
& Richard Allen Long TRE
Address: 6800 Gulf Blvd. St. Pete Beach FL 33706**

Code Enforcement Officer Cruz reviewed a case summary presentation detailing the violations, including proof of posting and noticing, and photographs; the presentation is part of the meeting record. He reviewed the necessary corrective actions and requested fines. No one was present for the Respondent.

Special Magistrate Augello found there was a violation of City Codes and granted 28 days for the Property Owner to come into compliance; a hearing was set for 9/9/2024 to determine compliance and assess any authorized fines and costs.

**G. Case No. 20240265 City of St. Pete Beach v. Barbara McMahon EST
Address: 500 79th Ave. St. Pete Beach FL 33706**

Code Enforcement Officer Cruz reviewed a case summary presentation detailing the violations, including proof of posting and noticing, and photographs; the presentation is part of the meeting record. He reviewed the necessary corrective actions and requested fines.

Erin McMahon who has Power of Attorney for Respondent, and Philip Padron, stated that the vehicle has been sold, their working on continued maintenance of the property. The letters/notices were mailed to the Estate Attorney which caused a week's delay for her obtaining the information. The property will be compliant very quickly, well within 28 days.

Special Magistrate Augello found the Property Owner to be in violation and granted 28 days from the date of her order to come into compliance; the case will be heard on 9/09/24 to determine

compliance and to assess any authorized fines and costs. The Respondent must notify the City when in compliance.

H. Case No. 20240150 City of St. Pete Beach v. Russell W. Zimmerman
Address: 327 72nd Ave. St. Pete Beach FL 33706

Code Enforcement Officer Cruz reviewed a case summary presentation detailing the violations, including proof of posting and noticing, and photographs; the presentation is part of the meeting record. He reviewed the necessary corrective actions and requested fines. The Respondent left a voicemail that was received by Mr. Cruz this morning, requesting a continuance; nothing was received by the City in writing. The Respondent was not present.

Special Magistrate Augello found the property owner to be in violation and granted 28 days from the date of her order to come into compliance; the case will be heard on 9/09/24 to determine compliance and to assess any authorized fines and costs.

6. Cases Complied – None.

7. Old Cases

A. Case No. 20240081 City of St. Pete Beach v. 4401 Gulf Blvd LLC
Address: 4401 Gulf Blvd. St. Pete Beach FL 33706

Code Enforcement Manager Peyt Dewar stated that this is a fine challenge at the request of the Respondent. Notification of this challenge was received by the City within the 20-day timeframe as required.

Jackie and Mike Bates of 4401 Gulf Blvd LLC explained that they have been trying to work with Walgreens (their tenant) on coming into compliance. After months, they were finally able to ascertain that an engineer has been hired to complete the survey finish the drawings, and then submit them to the City for permits.

Attorney McConnell stated that the property is not in compliance and cannot challenge the fine amount until fines have been paid.

Special Magistrate Augello encouraged the Respondents to review with the City other options they may have such as a lien reduction once the property complies.

8. Lien Reductions

A. Case No. 20230190 City of St. Pete Beach v. Jeffrey T. Weeks
Address: 535 68th Ave. #10 St. Pete Beach FL 33706

Code Enforcement Manager Peyt Dewar testified that the City does not accept any lien reduction in this case.

Owner Jeffrey Weeks testified on the lien violation, that he no longer rents short-term and that it was family that stayed, no profits were gained from their rentals as the money was refunded to them.

Special Magistrate Augello granted a lien reduction of 10% to \$2,700 plus \$325 in reasonable administrative costs, payable within 30 days, or the order will become void.

B. Case No. 20190452 City of St. Pete Beach v. Ling Lei & Xi Ye
Address: 135 58th Ave. St. Pete Beach FL 33706

Mr. Dewar testified that an application for a lien reduction to \$100 was received. The Property Owner did not show up for the first lien reduction hearing that was scheduled at their request. This is the same application as their last request; Special Magistrate Augello stated that there is nothing new here for her to consider and has already ruled on this.

Representative Christopher T. (*last name not easily identified*) stated that the Respondent did not receive notice of the last hearing. Special Magistrate Augello stated that this is the Respondent's application, not the City asking for the hearing, and she is not inclined to consider this same application for lien reduction that was ruled on at the last hearing.

C. Case No. 20230685 City of St. Pete Beach v. Billie G. Lambert
Address: 7951 Gulf Blvd. St. Pete Beach FL 33706

Mr. Dewar testified that the City received an application to reduce the lien amount to \$0. The City is agreeable to a 75% lien reduction of \$2,437.50 plus \$325 in administrative costs.

Billie Lambert spoke regarding the timeline on the initial case to compliance.

Special Magistrate Augello granted a lien reduction of 75% to \$2,437.50 plus \$325 in reasonable administrative costs, payable within 30 days, or the order will become void.

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

Mr. Dewar testified that the City received an application to reduce the lien amount to \$325. The City is agreeable to a 75% lien reduction to \$6,500 plus \$325 in administrative costs.

Patricia Little and Jackie Smit were present and discussed the current lease for the tenant at the Blue Parrot and the difficulty working with him to pay the fine as outlined. Ms. Smit is working with Ms. Little to sell the Blue Parrot as soon as possible.

Special Magistrate Augello granted a lien reduction to the amount of \$1,000 for the fines plus \$325 in administrative costs to be paid within 30 days or the order will become void.

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

Mr. Dewar testified that the City received an application to reduce the lien amount and is agreeable to a reduction to \$9,437.50 which is 75% of the original amount.

Attorney McConnell stated that this case was put into abatement because of appeal; the parties have stipulated the requested reduction.

Attorney Kenny, representing Lake Merritt Partners LLC stated that the Respondent agrees and will issue a voluntary dismissal on the appeal.

Special Magistrate Augello granted a lien reduction to the amount of \$9,437.50 to be paid within 30 days or the order will become void and dependent upon the issuance of the voluntary dismissal.

**F. Case No. 20180146 and 20180145 City of St. Pete Beach v. David Green
Addresses 4 Alhambra Dr. and 3408 E. Debazan Ave. St. Pete Beach FL 33706
(cases added)**

Attorney McConnell explained that there is a settlement agreement on tomorrow's City Commission meeting [as approved at the July 23, 2024, Executive Session]. Both parties have agreed on a reduced amount from \$33,328.00 (combined amount for both cases) to a combined amount of \$15,000.00 which is inclusive of the administrative costs.

Special Magistrate Augello granted the lien reduction dependent upon the City Commission's acceptance of the settlement agreement at tomorrow's City Commission meeting to be paid per the agreement for \$15,000.00. Attorney Augello will issue the Order today and send it to Attorney Luke Lirot who is representing the Respondent and the City.

9. Adjournment – Next meeting September 9, 2024.

There being no further business, the hearing was adjourned at 12:42 PM.

Attest:



Amber LaRowe, City Clerk