CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING MINUTES

September 9, 2024 - 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
Luis Cruz, Code Enforcement Officer
Steven Rivera, Code Enforcement Officer

Special Magistrate Erica 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 stated that Item 4.d., Case 20240475, was continued to the 11/4/2024 hearing. Assistant City Attorney McConnell stated that this does not preclude the City from adding evidence. Mr. Dewar verbally corrected the address for Case 20240712, Item 2.c. to 369 41st Avenue. Special Magistrate Augello reported three undeliverable orders were returned to her; she will provide those to the City.

2. Cases Complied or Continued

A. Case No. 20240011 City of St. Pete Beach v. Colonnades Apt Condo Assn
Address: Sunset Way St. Pete Beach FL 33706 Parcel 36-31-15-17525-000-0001

Code Enforcement Officer Luis Cruz presented the City's status hearing for the extension to secure a fence permit; a permit has not been secured and the City requested fines and costs.

Colonnades HOA President Greg Gierl testified that the after-the-fact permit had been applied for and was denied. The Respondent is trying to secure a new survey to resubmit for the permit.

Special Magistrate Augello found the property to be in violation of her previous order and imposed fines of $50 per day beginning 8/7/2024 until compliant plus administrative costs.

B. Case No. 20240287 City of St. Pete Beach v. Thomas M. Cuddihy REV Trust & Thomas M. Cuddihy TRE
Address: 7801 Boca Ciega Dr. # 5 St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the status of this extension for an after-the-fact permit. The property is not compliant, and the City requested fines and costs.

Respondent Tom Cuddihy testified that he applied for the after-the-fact permit over 2 months ago and has a receipt; he never heard anything further indicating he did not get the permit.

Special Magistrate Augello granted an extension on securing the permit until the 10/14 hearing. The Respondent should contact the City to see if anything further is needed.

C. Case No. 20240172 City of St. Pete Beach v. NXT Acquisitions Corp
Address: 369 41st Ave. St. Pete Beach FL 33706

Code Enforcement Officer Steven Rivera presented the City's status report on this 30-day extension. Permits have not been secured. The City notified the Respondent on 8/8/2024 what was required; there has been no additional communication.

No one was present for the Respondent.

Special Magistrate Augello found the property to be in violation and imposed $250 per day in fines from 8/7/2024 until compliant, plus $325 in administrative costs.

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

Code Enforcement Officer Rivera presented the City's status report on this 28-day extension. The property is currently in compliance.

Special Magistrate Augello found the property to be compliant and imposed $325 in administrative costs.

E. Case No. 20240157 City of St. Pete Beach v. 1008 Airport Rd LLC
Address: 8010 Blind Pass Rd. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the City's status report on this 28-day extension for a dumpster enclosure; the property is not compliant.

Jonathan Finch, General Manager at the property, provided a Power of Attorney and testified to his own fault in the matter; he thought it was taken care of and provided a printout of an online application.

Special Magistrate Augello allowed for an additional 30-day extension to the 10/14/2024 hearing, since the permit has been applied for. Fines or costs may be imposed at that time.

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

Code Enforcement Officer Cruz presented the City's status report and testified that the property is still out of compliance. The City requested fines and fees. He showed photos taken today. No one was present for the Respondent.

Special Magistrate Augello found that the property was out of compliance and imposed $50 per day in fines from 9/9/2024 until compliant plus $325 in administrative costs.

G. 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 presented the City's status report on this 28-day extension to remove or fix the sign, which has not been done. The City requested fines and costs.

No one was present for the Respondent.

Special Magistrate Augello found that the property was not compliant and assessed fines of $250 per day from 9/9/2024 until compliant plus $325 in administrative costs.

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 presented the City's status report on this 28-day extension to clean up the property; the property is not compliant. The City asked for fees and costs. There has been no communication with the Respondent since prior to the last hearing.

No one was present for the Respondent.

Special Magistrate Augello found that the property was not in compliance and imposed fines of $250 per day from 9/9/2024 until compliant plus $325 in administrative costs.

I. Case No. 20240381 City of St. Pete Beach v. Jason Gabay & Janelle Gabay
Address: 6 Mangrove PT. St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented the City's status report with a presentation, which is part of the meeting record. The property is currently in compliance.

Attorney Charles Gerdes testified for the Respondent and asked for a waiver of costs as he reached out to the City immediately and the property is compliant.

Special Magistrate Augello found the property to be compliant and imposed $325 in administrative costs.

3. Repeat Violations – None.

4. New Cases

A. Case No. 20240429 City of St. Pete Beach v. Cast Holdings LLC
Address: 3612 Gulf Blvd. St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented the City's case. His presentation is part of the meeting record. The City requested fines and costs.

John Castellana of Cast Holdings testified that he made changes and took corrective actions accordingly, immediately upon learning of the ordinance.

Special Magistrate Augello found the property was in violation and assessed $1,000 for each of the five violations plus $325 in administrative costs. Attorney McConnell informed the Respondent of the lien reduction process.

B. Case No. 20240358 City of St. Pete Beach v. Babette W Simon
Address: 305 Gulf Way St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented the City's case, which is part of the meeting record. The property is currently in compliance.

No one was present for the Respondent.

Special Magistrate Augello found the property to be compliant and assessed $325 in administrative costs.

C. Case No. 20240430 City of St. Pete Beach v. Christopher & Briana S. Smith Address: 7700 Boca Ciega Dr. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the City's case, which is part of the meeting record. The City asked for fines and costs.

Respondent Christopher Smith testified to ignorance of the City code when the property was purchased. Once alerted, he took corrective action. He asked for leniency as a first-time offender.

Special Magistrate Augello found that the property was in violation and explained that property owners need to know the law in their city. She assessed $1000 per each of the 20 violations plus $325 in administrative costs. She informed the Respondent of the lien reduction process.

D. Case No. 20240475 City of St. Pete Beach v. Bayside Shops LLC Address: 5501 Gulf Blvd. St. Pete Beach FL 33706

This case was continued to the 11/4/2024 hearing.

E. Case No. 20240409 City of St. Pete Beach v. Alberto Espinoza Address: 5960 Bahama Way N. St. Pete Beach FL 33706

Code Enforcement Officer Cruz presented the case for the City; his presentation is part of the meeting record. The property is currently compliant; he showed photos.

Respondent Alberto Espinoza testified to repairing the violation immediately upon being informed.

Special Magistrate Augello found the property to be compliant and imposed $325 in administrative costs.

F. Case No.20240391 City of St. Pete Beach v. Diana Street Properties LLC Address: 3614 Gulf Blvd St. Pete Beach FL 33706

Code Enforcement Officer Rivera presented the City's case; his presentation is part of the meeting record; the property is currently compliant.

Respondent Representative Gita Dassani testified to a 7/12/2024 request to her landscaper, and a 7/24/2024 compliance date.

Special Magistrate Augello found no violation and imposed no fines or costs.

5. **Cases Complied** – None.

6. **Old Cases** – None.

7. **Lien Reductions**

A. Case No. 20220487 City of St. Pete Beach v. Damce, Linda & Koste Limbevski
Address: 7100 Bay St. St. Pete Beach FL 33706

Code Enforcement Manager Peyt Dewar summarized the lien reduction request; the City is agreeable to a 90% reduction. He testified that the property became compliant on 10/23/2023.

Respondent Koste Limbevski testified as to his lien reduction application and some of the history of the case. Some of the previous Special Magistrate orders were reviewed.

Attorney McConnell read into the record City Ordinance 98-65 Unsightly Conditions 1(c) The following conditions are hereby deemed to be unsightly conditions and are prohibited: (1) Structures that are (c) left in a state of partial construction beyond the valid timeframe of the permit.

Special Magistrate Augello adjourned for an intermission at 11:57 AM and called the hearing back to order at 12:03 PM.

Mr. Dewar presented a letter from former City Building Official Julie Anderson dated 10/10/2022, which is part of the meeting record, and the meeting minutes from 9/12/2022 mentioning a Certificate of Occupancy.

Special Magistrate Augello found that it is the Respondent's responsibility to prove compliance and the date of compliance. She allowed an extension of the case to the 10/14/2024 hearing.

8. **Adjournment** – Next meeting October 14, 2024.

There being no further business, the hearing was adjourned at 12:14 PM.

Attest:

Amber LaRowe, City Clerk