

City of Clearwater

*Main Library - Council Chambers
100 N. Osceola Avenue
Clearwater, FL 33755*



Meeting Minutes

Wednesday, September 18, 2024

1:00 PM

Main Library - Council Chambers

Civil Citation Appeal Hearings

Roll Call

Present - Special Magistrate Nancy Mag
Also Present – Melissa Isabel – Senior Assistant City Attorney, James Perz – Police Officer, Stephanie Beruvides – Paralegal, and Nicole Sprague – Deputy City Clerk

1. Call To Order

The Special Magistrate called the meeting to order at 1:00 p.m.

2. Approval of Minutes

2.1 Accept the minutes of the July 17, 2024 Civil Citation Appeal Hearings as submitted in written summation.

The Special Magistrate accepted the minutes of the July 17, 2024 Civil Citation Appeal Hearings as submitted in written summation.

3. Citizens to be Heard Regarding Items Not on the Agenda: None.

4. New Business Items

4.1 Case CW24-120545 - Violation of Code for Prohibitive Mooring: Respondent Brian Hudson.

Officer Perz said on August 21, 2024 a derelict vessel was found underwater in the Mandalay Channel east of 69 Bay Esplanade and was identified as a 1991 21' white Gulfstream bow rider vessel with Florida registration FL8826GX. He said the vessel was fully submerged in the vertical position with the stern touching the bottom of Mandalay Channel and the bow barely reaching the surface. The sank vessel was attached by two lines to a sailboat with Florida registration FL0845GJ. Both vessels are registered to Service Pro Marine LLC. After checking ACISS, it was discovered that the sank vessel was attached to Brian Hudson. He said he contacted Mr. Hudson who confirmed he owned both vessels. Mr. Hudson said the bow rider vessel sank during Hurricane Debby and that he would have it out of the water in five days. Officer Perz said he was unable to place a five-day removal sticker because it is fully submerged. He said vessel is in a derelict wrecked condition and would be able to extricate itself from the bottom of Mandalay Channel without mechanical assistance. The sank vessel creates a navigational hazard, especially at night.

In response to a question, the Deputy City Clerk said the Notice of Hearing was mailed certified and first-class mail on August 27, 2024. The certified green card was signed for on September 4, 2024.

Photos of the vessel attached to the citation and provided to the City Clerk's office were submitted as composite exhibits.

In response to a question, Officer Perz confirmed these events occurred within the City of Clearwater.

Based on the evidence and testimony given, the Magistrate declared the vessel derelict under City of Clearwater code Article VII Sec 33.055 and awarded the City fees and costs of \$4,200.00 for the vessel removal, \$93.00 for civil penalty, \$116.56 for investigative cost, and \$150.00 for administrative fees totaling \$4,559.56.

4.2 Case CW24-117698 - Violation of Code for Prohibitive Mooring: Respondent Jamal Al Raggad.

Officer Perz said on August 16, 2024 a derelict vessel was found run aground in the mangroves south of 31 Island Way and was identified as a 28' white cabin cruiser with Florida registration FL8950JM. He placed a five-day removal sticker and contacted owner Jamal Al Raggad by phone who said the vessel was sold a year ago and he went to the tax collector to declare the vessel sold. After discussing the issue with the City Attorney's office, it was determined to issue the citation to the last documented registered owner, Jamal Al Raggad. He said the vessel is in a derelict wrecked condition and would not be able to extricate itself from the shore/mangroves without mechanical assistance.

In response to questions, Officer Perz said the Mr. Al Raggad told him he took the bill of sale to the Department of Motor Vehicles (DMV) but no documentation was found. Mr. Al Raggad did not have details of who purchased the vessel. He said he told Mr. Al Raggad about today's hearing when he spoke to him on the phone. Officer Perz stated the registration showed that the vessel was sold, but not who it was sold to. He said the purchaser never took the title to get the vessel registered in their name. He said the cost and fees associated with this case are \$5,600.00 for the vessel removal, \$93.00 for civil penalty, \$116.56 for investigative cost, and \$150.00 for administrative fees.

In response to a question, the Deputy City Clerk said the Notice of Hearing was mailed certified and first-class mail on August 28, 2024. The certified green card was not returned.

Photos of the vessel attached to the citation and provided to the City Clerk's office were submitted as composite exhibits.

Based on the evidence and testimony provided, the Magistrate took the decision under advisement and would provide a ruling at a future time.

5. Adjourn

The meeting adjourned at 1:21 p.m.

Attest:

Special Magistrate

Deputy City Clerk