

# City of Clearwater

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



## Meeting Minutes

**Wednesday, December 16, 2020**

**1:30 PM**

**Main Library - Council Chambers**

## **Municipal Code Enforcement Board**

**Roll Call**

**Present** 6 - Board Member Nicole Bray, Vice Chair Kerry Fuller, Board Member David Farrar, Chair Michael Mannino, Board Member Peter Kohut, and Board Member Lina Teixeira

**Also Present** - Andy Salzman – Attorney for the Board, Michael Fuino – Assistant City Attorney, Nicole Sprague – Secretary to the Board

**DRAFT****1. Call To Order**

*The Chair called the meeting to order at 1:30 p.m. at the Main Library, followed by the Pledge of Allegiance.*

**To provide continuity for research, items are in agenda order although not necessarily discussed in that order.**

The Chair outlined procedures and stated any aggrieved party may appeal a final administrative order of the Municipal Code Enforcement Board to the Circuit Court of Pinellas County within thirty days of the execution of the order. Florida Statute 286.0105 requires any party appealing a decision of this Board to have a record of the proceedings.

**2. Approval of Minutes**

- 2.1** Approve the meeting minutes of the November 18, 2020 Municipal Code Enforcement Board as submitted in written summation.

**Member Farrar moved to approve minutes of the November 18, 2020 Municipal Code Enforcement Board meeting as submitted in written summation. The motion was duly seconded and carried unanimously.**

**3. Citizens to be Heard Regarding Items Not on the Agenda:** None.**4. New Business Items**

- 4.1** Continue to January 27, 2021 - Case 116-20 - Find respondent(s) Robert Spartz at 1641 El Tair Trl. in violation of Code for Residential Rental Business Tax Receipt and Roof Maintenance; and issue an order with the compliance deadline and fine if compliance is not met. (Phillips)

*Case 116-20 was continued automatically to January 27, 2021.*

- 4.2** Continue to January 27, 2021 - Case 117-20 - Find respondent(s) Sylvia Burt & Erol Kidd at 900 N Betty Ln. in violation of Code for Fences, Hauling Trailer, Exterior Surfaces, & Exterior Storage; and issue an order with the compliance deadline and fine if compliance is not met. (Jewett)

*Case 117-20 was continued automatically to January 27, 2021.*

- 4.3** Case 118-20 - Find respondent(s) Benjamin Rivas, Sr. at 1450 Court St. in violation of Code for Sign Maintenance; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

*No one was present to represent the Respondent.*

**Member Teixeira moved to find the Respondent in violation of the City of Clearwater Code as referred to in the affidavit in this case. The motion was duly seconded and carried unanimously.**

*Inspector Daniel Knight recommended compliance by January 16, 2021 or a fine of \$100 per day be imposed for the sign maintenance violation. He presented October 30 and December 11, 2020 photos of the violation. He had no contact with the property owner but did receive a signed certified mail receipt.*

*Assistant City Attorney Michael Fuino submitted composite exhibits.*

**Member Bray moved to enter an order requiring the Respondent to correct the violation on or before January 16, 2021. If the Respondent does not comply within the time specified, the Board may order a fine of \$100 per day for each day the violation continues to exist. If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.**

- 4.4** Case 119-20 - Find respondent(s) 1504 N. Garden Ave. at 503 Marshall St. in violation of Code for Signage without Permits; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

*No one was present to represent the Respondent.*

*Inspector Daniel Knight said compliance had been met and requested a declaration of violation.*

*Attorney Fuino submitted composite exhibits.*

**Member Bray moved to find the Respondent was in violation of the City of Clearwater Code as referred to in the affidavit in this case, the violation was corrected prior to today's hearing, and to enter an order that no fine be imposed against the Respondent. If the Respondent repeats the violation, the Board may order a fine of up to \$500 for each day the violation continues to exist. The motion was duly seconded and carried unanimously.**

- 4.5** Case 120-20 - Find respondent(s) E & A Inc. at 741 Bayway Blvd. in violation of Code for Residential Rental Business Tax Receipt; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

*No one was present to represent the Respondent.*

**Member Kohut moved to find the Respondent(s) in violation of the City of Clearwater Code as referred to in the affidavit in this case. The motion was duly seconded and carried unanimously.**

*Inspector Daniel Knight recommended compliance by January 16, 2021 or a fine of \$150 per day be imposed for the Residential Rental Business Tax Receipt violation. The property owner had told him he would meet the deadline.*

*Inspector Knight presented photos of the property and screenshots of Google Map, indicating the onsite business Smoke & Barrel opened at 12 noon, and the City's Accela database, showing no current Business Tax Receipt for the property. The business owner previously owned another onsite business but had not renewed that business' Business Tax Receipt which was more than \$2,000 in arrears. Several weeks ago the property owner said he had applied for the State License required for the Residential Rental Business Tax Receipt. The required background check should take no more than 2 weeks.*

*Concern was expressed that the property owner had been operating the business illegally for a year without a license.*

*Attorney Fuino submitted composite exhibits.*

**Member Bray moved to enter an order requiring the Respondent to correct the violation on or before January 16, 2021. If the Respondent does not comply within the time specified, the Board may order a fine of \$150 per day for each day the violation continues to exist. If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.**

- 4.6** Case 121-20 - Find respondent(s) Douglas Fischer at 10 N Aurora Ave. in violation of Code for Inoperative Vehicle; and issue an order with the compliance deadline and fine if compliance is not met. (Kasman)

*No one was present to represent the Respondent.*

**Member Kohut moved to find the Respondent(s) in violation of the City of Clearwater Code as referred to in the affidavit in this case. The motion was duly seconded and carried unanimously.**

*Inspector Daniel Kasman recommended compliance by January 5, 2021 or a fine of \$150 per day be imposed for the inoperative vehicle violation. September 24, October 27, and December 7 and 16, 2020 photos showed the violation. The subject vehicle had no tag. A tag subsequently attached to the vehicle lacked a current sticker. Photos also showed the property owner working on a vehicle in the garage. Inspector Kasman had spoken with the property owner several times re illegal parking on the property and illegal onsite vehicle repairs.*

*Attorney Fuino submitted composite exhibits.*

**Member Kohut moved to enter an order requiring the Respondent to correct the violation on or before January 5, 2021. If the Respondent does not comply within the time specified, the Board may order a fine of \$150 per day for each day the violation continues to exist. If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.**

- 4.7 WITHDRAWN** - Case 122-20 - Find respondent(s) Odin Enterprises, Inc. at 1421 Rogers St. in violation of Code for Business Tax Receipt and Commercial Vehicle Parking; and issue an order with the compliance deadline and fine if compliance is not met. (Kasman)

*Case 122-20 was withdrawn.*

## **5. Unfinished Business**

### **5.1 Accept the Affidavits of Compliance as listed.**

5.1.1 Case 229-19 Affidavit of Compliance  
Odin Enterprises, Inc.  
1115 Martin Luther King, Jr. Ave.  
Nuisance Abatement - Kasman

5.1.2 Case 256-19 Affidavit of Compliance  
Tori & Timothy Charles  
1115 Martin Luther King, Jr. Ave.  
Unsafe Building - Cantrell

5.1.3 Case 16-20 Affidavit of Compliance  
Wells Fargo Bank Natl Assn  
1001 Pinellas St.  
Abandoned Building/Door & Window Openings/Roof Maintenance/Exterior Surfaces -  
Kasman

- 5.1.4 Case 38-20 Affidavit of Compliance  
Sean Curler & Deniz Beveridge  
810 Lake Forest Rd.  
Roof Maintenance - Della Volpe

**Member Bray moved to accept the Affidavits of Compliance for Cases 229-19, 256-19, 16-20, and 38-20. The motion was duly seconded and carried unanimously.**

**6. Other Board Action:** None.

**7. Nuisance Abatement Lien Filings:** None.

**8. Adjourn**

*The meeting adjourned at 1:50 p.m.*

Attest:

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Chair, Municipal Code Enforcement Board

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Secretary to the Board