

# City of Clearwater

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



## Meeting Minutes

**Wednesday, May 26, 2021**

**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

**Absent** 1 - Board Member Greg Brown

**Also Present** – Mariana Gallastegui – Attorney for the Board, Matt Smith – Assistant City Attorney, Matthew Mytych – Assistant City Attorney, Nicole Sprague – Secretary to the Board

Awaiting approval

**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 March 24 and April 28, 2021 Municipal Code Enforcement Board as submitted in written summation.

**Member Farrar moved to approve minutes of the March 24, 2021 Municipal Code Enforcement Board meeting as submitted in written summation. The motion was duly seconded and carried unanimously.**

**Member Farrar moved to approve minutes of the April 28, 2021 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** Continued from Jan. 27, Feb. 24, and April 28, 2021 - Case 05-21 - Find respondent(s) Antonio De La Cruz, Greg De La Cruz, and Nori-Ann De La Cruz at 900 S Highland Ave. in violation of Code for Permitted Uses; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

*Attorney William Malloy, representing the property owners, said he had not reviewed the interpretation letter. Assistant City Attorney Matt Smith said staff also had not reviewed it and recommended continuing this*

*item to June 23, 2021.*

**Member Kohut moved to continue Case 05-21 to June 23, 2021. The motion was duly seconded and carried unanimously.**

- 4.2** Continued from March 24, 2021, Continue to June 23, 2021 - Case 33-21 - Find respondent(s) EQUIALT QOZ FL Holdings LLC at 403 Jasmine Way in violation of Code for Exterior Surfaces and Lot Clearing; and issue an order with the compliance deadline and fine if compliance is not met. (Dixon)

*Case 33-21 was continued to June 23, 2021.*

- 4.3** Case 50-21 - Find respondent(s) Moshe Weisblum at 2886 Green Meadow Ct. in violation of Code for Short Term Rental; and issue an order with the compliance deadline and fine if compliance is not met. (Phillips)

*No one was present to represent the Respondent.*

*Inspector Julie Phillips said compliance had been met and requested a declaration of violation.*

*Attorney Smith 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.**

- 4.4** Continue to June 23, 2021 - Case 51-21 - Find respondent(s) Michael Loverde & Alexandra Ferrara at 607 Lime Ave. in violation of Code for Short Term Rental; and issue an order with the compliance deadline and fine if compliance is not met. (Phillips)

*Case 51-21 was continued to June 23, 2021.*

- 4.5** Case 52-21 - Find respondent(s) Tonie Burgos at 1487 Drew St. in violation of Code for Residential Rental Business Tax Receipt and Short Term Rental; and issue an order with the compliance deadline and fine if compliance is not met. (Phillips)

*No one was present to represent the Respondent.*

*Inspector Julie Phillips said compliance had been met and requested a declaration of violation.*

*Attorney Smith 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.**

- 4.6** Continue to June 23, 2021 - Case 53-21 - Find respondent(s) Luis Gomez at 2984 St. Croix Dr. 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. (Phillips)

*Case 53-21 was continued to June 23, 2021.*

- 4.7** Case 54-21 - Find respondent(s) Edward Adly at 1261 Cleveland St. in violation of Code for Prohibited Signage; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

*Attorney Lisa Westberry, representing property owner Edward Adly, said Mr. Adly was working with the Planning Department to see if the sign could be brought into compliance. She requested continuing the case for 60 days.*

*Attorney Smith requested the board hear the case today. Staff would support providing the respondent additional time to obtain permits for a different use. He said Inspector Daniel Knight had been patient; the property owner was notified of the violation more than 18 months ago.*

*Attorney Westberry expressed concern the compliance deadline could pass and fines assessed in the middle of Mr. Adly's efforts. She said in 30 days, he would know if his plan for the sign was realistic.*

**Member Farrar 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 July 26, 2021 or a fine of \$150 per day be imposed for the prohibited signage violation. He provided photos of the nonconforming sign and reviewed the Code; the sign face was blank for more than 180 days (the last onsite business was operational around 2014). The freestanding sign did not conform to current downtown standards; the structure was too tall, too close to the property line, lacked vegetation around its base, and the sign's face was too large.*

*Attorney Westberry said Mr. Adly had stated the \$4,000 cost to remove the sign was prohibitive. She said Mr. Adly was trying to open a new business on site and wanted to delay replacing the sign until a new one is needed.*

*She said the sign was installed when the building was constructed in the 1950s. She said Mr. Adly was not notified re the violation when he inherited the property in 2015.*

*Attorney Smith submitted composite exhibits.*

**Member Farrar moved to enter an order requiring the Respondent to correct the violation on or before July 26, 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.**

- 4.8 Case 55-21 - Find respondent(s) Dhaval LLC at 22996 US Highway 19 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 Smith 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.**

- 4.9 Case 56-21 - Find respondent(s) Kimnect Holdings LLC at 536 Phoenix Ave. in violation of Code for Fences and Walls, Exterior Surfaces, Abandoned Building, and Door and Window Openings; 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 Farrar 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 provided a PowerPoint presentation. Neighbors had brought the property to the City's attention. The abandoned property could be an attractive nuisance. The entire inside had been stripped of dry*

*wall and a large hole was in the front window. The property did not have water service. It appeared a rehab project had been abandoned.*

*In response to a question, Attorney Smith said the Building Official, who can declare buildings unsafe, followed a different process than Code Enforcement. The City was seeking compliance and liens.*

*Inspector Kasman said a Stop Work Order had been issued. He had no contact with the property owner. He recommended compliance by June 26, 2021 or a fine of \$150 per day per violation be imposed for the 1) Fences and Walls; 2) Exterior Surfaces; 3) Abandoned Building; and 4) Door and Window Openings violations.*

*Attorney Smith submitted composite exhibits.*

**Member Farrar moved to enter an order requiring the Respondent to correct the violations on or before June 26, 2021. If the Respondent does not comply within the time specified, the Board may order a fine of \$150 per day per violation for each day each 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.**

- 4.10** WITHDRAWN - Case 57-21 - Find respondent(s) Arben Hashani, Zinet Hashani, Murat Hashani, & Diturie Hashani at 1680 Harvard St. 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. (Kasman)

*Case 57-21 was withdrawn.*

- 4.11** WITHDRAWN - Case 58-21 - Find respondent(s) Joyce & John Hunter at 315 S Hillcrest Ave. 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. (Kasman)

*Case 58-21 was withdrawn.*

- 4.12** Case 59-21 - Find respondent(s) Ilda Sinjari at 1424 Cleveland St. 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. (Kasman)

*No one was present to represent the Respondent.*

**Member Bray 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 June 26, 2021*

*or a fine of \$150 per day be imposed for the Residential Rental Business Tax Receipt violation. The property owner had applied for the Business Tax Receipt but did not pay for it.*

*Attorney Smith submitted composite exhibits.*

**Member Farrar moved to enter an order requiring the Respondent to correct the violation on or before June 26, 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.**

- 4.13**Case 60-21 - Find respondent(s) Florida First Properties Inc Tre., Ferrer Land Trust 1468 at 1468 Cleveland St. in violation of Code for Business Tax Receipt Required; and issue an order with the compliance deadline and fine if compliance is not met. (Kasman)

*Property owner Don Lineham did not admit to the violation. He said he owned the property and had paid the Residential Rental Business Tax Receipt. He said he had requested his tenant to license the sober house operated on the property; he could not register the business himself.*

*Inspector Daniel Kasman provided a PowerPoint presentation. There were no real issues with the property but the Fire Inspector reported a sober home was operating onsite. People outside at the property provided him the phone number of the business' proprietor, Pamela Dickson.*

*Inspector Kasman reviewed his research on Ms. Dickson and the business, New Direction for Women and Men, which operated residential facilities for drug and alcohol recovery at 1468 Cleveland Street and 2365 5th Ave N, St. Petersburg. He called Ms. Dickson and told her that every business in the City was required to have a Business Tax Receipt and that Code limited this type of business to Institutional zoning; the subject property was zoned downtown. Ms. Dickson did not respond to further calls. As of May 25, 2021, the business' website and utilities remained active. In response to a question, he said property owners were responsible for their tenants having current Business Tax Receipts.*

*Assistant Planning and Development Director Lauren Matzke said the subject and surrounding properties were zoned downtown; staff would not support a spot zoning change. The business announced its opening in 2020. Development standards adopted in August 2018 restricted uses on the subject block to detached and duplex residential dwellings; a commercial residential home did not meet the Code definition of a detached dwelling. Properties to the east were zoned LMDR (Low-Medium Density Residential).*

*In response to questions, Ms. Matzke said any property owner could request a zoning change; the process required multiple hearings. Staff preferred that business owners did their due diligence and consult with staff re authorized uses before opening a business.*

*Mr. Lineham said he had nothing to do with the business. He said he could not discriminate against people with disabilities. He said it was not up to him to ask about his tenant's business. He said none of his properties had generated complaints.*

*It was commented that Mr. Lineham had every right to know if the business his tenant operated on his property violated Code.*

*Mr. Lineham said he would request his tenant, Pamela Dickson, to apply for a Business Tax Receipt. He said if the City refuses to issue the document, Ms. Dickson can decide what to do. He said he needed a copy of the City's denial. He said he did not know if 30 days would be sufficient to comply.*

**Member Bray moved to continued Case 60-21 to Jun 23, 2021. The motion was duly seconded and carried unanimously.**

- 4.14** Case 61-21 - Find respondent(s) M N S F II W I LLC at 1473 Cleveland St. in violation of Code for Residential Grass Parking; and issue an order with the compliance deadline and fine if compliance is not met. (Kasman)

*No one was present to represent the Respondent.*

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

*Attorney Smith 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.**

- 4.15** WITHDRAWN - Case 62-21 - Find respondent(s) Gilberto & Milagros Marte at 1650 Cleveland St. 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. (Kasman)

*Case 62-21 was withdrawn.*



- 4.16** Continue to June 23, 2021 - Case 63-21 - Find respondent(s) Adam & Dana McGrady at 104 N Meteor Ave. 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. (Kasman)

*Case 63-21 was continued to June 23, 2021.*

- 4.17** Case 64-21 - Find respondent(s) Douglas E 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 Farrar 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 presented photos of the violation. He recommended compliance by May 31, 2021 or a fine of \$150 per day be imposed for the inoperative vehicle violation.*

*Attorney Smith submitted composite exhibits.*

**Member Teixeira moved to enter an order requiring the Respondent to correct the violation on or before May 31, 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.**

- 4.18** Continue to June 23, 2021 - Case 85-21 - Find respondent(s) Robert Spartz at 1651 Misty Plateau Trail in violation of Code for Unsafe Building; and issue an order with the compliance deadline and fine if compliance is not met. (Cantrell)

*Case 85-21 was continued to June 23, 2021.*

- 4.19** Case 77-21 - Find respondent(s) Marjorie Connelly, Kevin Kincaid, & Maris Leineweber at 151 Devon Dr. in violation of Code for Permits; and issue an order with the compliance deadline and fine if compliance is not met. (Swinton)

*Property owner Kevin Kincaid said he needed clarity on the violation.*

*Inspector Sam Swinton provided a PowerPoint presentation of the violation. On January 23, 2019, the board found the property to be in violation of Code because construction work was done without permit: the wall on the property's east side was built too tall and stairs and a slab also were installed. As of yesterday, the wall had been sized down and*

*recapped and the stairs and slab remained. The permit for work required by the board's order had expired without inspections; the respondent could have had the permit reinstated and then requested required inspections.*

*Mr. Kincaid said he previously removed the dilapidated wall and built a new one on the existing footing; he built the new wall too high without a permit. He said he was told he had to travel here to reinstate the permit. He said he should have better handled his efforts to lower the wall's height. He said he wanted to resubmit for the permit and have the wall inspected.*

*Assistant Building Official Dana Root said the fee to activate an expired permit was \$200; Mr. Kincaid could have activated it remotely prior to today's meeting. When work is done without permit, the property owner has to go through all inspection steps as if the structure is not there. The project must conform to approved plans. The wall's height was measured from grade.*

*Mr. Kincaid hoped the City could inspect the footing from the abutting property which was under construction.*

*Inspector Swinton recommended compliance by June 26, 2021 or a fine of \$150 per day be imposed for the permit violation.*

*It was recommended the case be continued for 60 days.*

**Member Teixeira moved to continue Case 77-21 to July 28, 2021. The motion was duly seconded and carried unanimously.**

- 4.20**Case 78-21 - Find respondent(s) Anthony Vitucci & Maccarn, William Est at 2317 Nash St. in violation of Code for Permits; and issue an order with the compliance deadline and fine if compliance is not met. (Swinton)

*Property owner Anthony Vitucci admitted to the violation.*

**Member Farrar 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 Sam Swinton provided a PowerPoint presentation of the violation. He recommended compliance by June 26, 2021 or a fine of \$150 per day be imposed for the permit violation.*

*Mr. Vitucci said he would obtain a permit and make necessary repairs to his garage door. He said he had not gone out in a long time due to COVID but felt safer after recently receiving his second vaccine dose.*

*Attorney Smith submitted composite exhibits.*

**Member Teixeira moved to enter an order requiring the Respondent to correct the violation on or before June 26, 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.**

- 4.21** Continue to June 23, 2021 - Case 84-21 - Find respondent(s) Shannon Mello at 1435 Ambassador Dr. in violation of Code for Permits; and issue an order with the compliance deadline and fine if compliance is not met. (Cantrell)

*Case 84-21 was continued to June 23, 2021.*

## **5. Unfinished Business**

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

#### **5.1.1 Case 114-19 Affidavit of Compliance**

Anton Bociek  
912 N Garden Ave/509 Cedar St  
Door & Window Openings/Exterior Surfaces/Abandoned Bldg. - Dixon

#### **5.1.2 Case 238-19 Affidavit of Compliance**

Greenpoint Mtg Funding Trust  
904 ½ Turner St.  
Unsafe Building - Cantrell

#### **5.1.3 Case 45-20 Affidavit of Compliance**

Chestnut & Mrytle LLC  
708 Chestnut St.  
Abandoned Bldg. - Kasman

#### **5.1.4 Case 111-20 Affidavit of Compliance**

James Rutherford  
2720 Morningside Dr.  
Exterior Surfaces - Brown

#### **5.1.5 Case 07-21 Affidavit of Compliance**

Clearwater Chestnut Associates LLC  
818 Chestnut St.  
Signage without Permits - Knight

**Member Bray moved to accept the Affidavits of Compliance for Cases 114-19, 238-19, 45-20, 111-20 and 07-21. The motion was duly seconded and carried unanimously.**

- 5.2** Continue to June 23, 2021 - Case 116-20 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Robert Spartz at 1641 El Tair Trail for Residential Rental Business Tax Receipt and Roof Maintenance. (Phillips)

*Case 116-20 was continued to June 23, 2021.*

- 5.3** Continue to June 23, 2021 - Case 22-21 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Sixteen Red LLC at 610 S Betty Ln. for Exterior Surfaces. (Kasman)

*Case 22-21 was continued to June 23, 2021.*

- 5.4** Continue to June 23, 2021 - Case 23-21 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Sixteen Red LLC at 616 S Betty Ln. for Exterior Surfaces. (Kasman)

*Case 23-21 was continued to June 23, 2021*

- 5.5** Case 36-21 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Giordan Advisors Inc. at 909 Beckett St. for Unsafe Building. (Cantrell)

**Member Bray moved to accept the Affidavit of Non-Compliance and issue an order that states 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.**

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

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

**8. Adjourn**

*The meeting adjourned at 2:45 p.m.*

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Chair, Municipal Code Enforcement Board

Attest:

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Secretary to the Board