



Town of North Redington Beach
CODE ENFORCEMENT – SPECIAL MAGISTRATE HEARING
Minutes of May 17, 2018

Town Staff Present: Special Magistrate Lauren Rubenstein, Town Attorney Tom Trask, Town Code Enforcement Officer/Pinellas County Sheriff's Office Deputy Chris Kohmann and Deputy Town Clerk Renee Schmader.

Special Magistrate Rubenstein called the hearing to order at 2:00 PM.

Case Number: 2018-03 16725 Gulf Boulevard – Sweet Sage LLC

The attorney for John Messmore, owner of 16725 Gulf Boulevard, Tim Weber requested that this case be stayed for 60 days. A suit has been filed with the Pinellas County Circuit Court. Attorney Weber stated that the Town has filed a Motion to dismiss, there is a hearing is set in July with the Circuit Court and for the Special Magistrate to allow the Circuit Court to decide.

Town Attorney Tom Trask stated that the Town did file a Motion to Dismiss the Circuit Court case. Attorney Trask requested to move forward with this Code Enforcement Hearing today to hear whether or not there is a violation of the town code.

Special Magistrate Rubenstein stated that she will take the Motion to Stay under advisement, but still hear the case. Hearing proceeded.

Attorney Tim Weber requested to continue this hearing for a short time. Special Magistrate Rubenstein Denied the request.

Town Attorney Trask reviewed the background of the case and presented his evidence document to Special Magistrate Rubenstein to accept into evidence. Attorney Weber objected to tabbed items 9 and 10 of the document. Special Magistrate Rubenstein received the Town's evidence document.

Deputy Town Clerk Renee Schmader was asked to swear in all witnesses.

Town Attorney Trask called witness Don Lewis. Mr. Lewis is employed at the Town of North Redington Beach, currently in Public Works/Projects. However, between 2009 – 2016 he was the Town Code Enforcement Officer. Attorney Trask questioned Mr. Lewis regarding his responsibilities as Code Enforcement Officer. Attorney Weber questioned Mr. Lewis. Town Attorney Trask redirected Mr. Lewis.

Town Attorney Trask called witness Deputy Chris Kohmann. Deputy Kohmann is employed by Pinellas County Sheriff's Office. Pinellas County Sheriff's Office is contracted with the Town of North Redington Beach for law enforcement and code enforcement. Town Attorney Trask questioned Deputy Kohmann regarding his responsibilities of code enforcement and the evidence document. Attorney Weber then questioned Deputy Kohmann.

Town Attorney Trask stated he had no other witnesses.

Attorney Weber asked to renew his request for a stay in this case. Special Magistrate Rubenstein denied the stay and asked if Attorney Weber was resting and he said no.

John Messmore's other Attorney Joseph Kenny called witness Sheena Cote. Ms. Cote stated she has been employed at Sweet Sage Café since June 2005 as a manager and a server. Attorney Kenny questioned Ms. Cote about the restaurant layout and business practices.

Attorney Kenny called witness Larry Hanger. Mr. Hanger stated he has been employed at Sweet Sage Café for 15 years. Attorney Kenny questioned Mr. Hanger about the restaurant layout and business practices.

Attorney Kenny called witness Greg Green. Mr. Green stated he started in March 2018 organizing and as a personal assistant to Mr. Messmore. Attorney Kenny questioned Mr. Green about the restaurant layout.

Attorney Kenny called witness John Messmore. Mr. Messmore is currently one of the owners of Sweet Sage Café since 2005. Attorney Kenny questioned Mr. Messmore about the restaurant layout and business practices. Attorney Kenny submitted documents for evidence one at a time, which the only objection from Town Attorney Trask was regarding an old building permit. The evidence was received by Special Magistrate Rubenstein. Town Attorney Trask questioned Mr. Messmore. Special Magistrate Rubenstein questioned Mr. Messmore.

Attorney Kenny stated there were no other witnesses and they were at rest.

Town Attorney Trask made his closing statement and requested that Special Magistrate Rubenstein rule on this case and that Sweet Sage Café be found in non-compliance, given 24 hours for compliance, if not in compliance institute the fine maximum fine of \$250 per day. Also, an order for Deputy Kohmann to re-inspect the property since the Town was issued a Trespass Notice by the owner.

Attorney Weber requested the dismissal of this case for the Circuit Court decision.

Special Magistrate Rubenstein stated that she will take all the evidence submitted and testimonies, thoroughly review them and will issue a written ruling in 7 (seven) days.

With nothing further, Special Magistrate Rubenstein adjourned the hearing at 5:06 PM.

Respectfully submitted,



Renee Schmader
Deputy Town Clerk