



# CITY OF FORT PIERCE, FLORIDA

## City Commission Meeting

Agenda Item # \_\_\_\_\_

Commission Meeting 01/06/2014

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**To** : The Honorable Mayor and Members of the City Commission

**Through** : Robert J. Bradshaw, City Manager

**From** : Margaret M. Arraiz, Code Compliance Manager

**Re** : **Request to Reduce/Rescind Code Enforcement Lien**  
**2405 Avenue D, Ft. Pierce, FL**  
**Cases #07-4509**

**Date** : December 12, 2013

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**ISSUE (S):** Request by Gayle F. Jones, 3414 Sloan Road, Ft. Pierce, FL 34947 for reduction of code enforcement lien in the amount of \$422,270.00 to \$500.00.

**SUMMARY:** The Special Magistrate determined there was cause to grant a reduction of lien.

**FISCAL IMPACT:** Will produce revenue of \$500.00 to the General Fund.

**RECOMMENDATION:** Staff recommends approving the reduction from \$422,270.00 to \$500.00.

**ALTERNATIVES:** Deny the request.  
Make alternative recommendations.

**RESPONSIBLE STAFF:** Colleen Greer, Executive Assistant.

**COORDINATED WITH:** Margaret M. Arraiz, Code Compliance Manager.

**ATTACHMENTS:** Breakdown of Lien dated 12/06/2013.  
Letter and Reduction Request with attachments from Gayle F. Jones.  
Property record from SLC Property Appraiser.  
Minutes from 12/04/2013 Special Magistrate hearing.

# MEMORANDUM

TO: The Honorable Mayor and Members of the City Commission  
THROUGH: Robert J. Bradshaw, City Manager  
FROM: Colleen Greer, Executive Assistant to Special Magistrate  
SUBJECT: **LIEN REDUCTION REQUEST – 2405 Avenue D, Ft. Pierce, FL**  
DATE: January 6, 2014

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The following is a breakdown of the above property:

	Code Enforcement Fines	Interest & Penalties	Administrative Fees	Filing Fees
	\$422,250.00	.00	.00	\$20.00
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Totals:	\$422,250.00	.00	.00	\$ 20.00
Amount that can be waived including filing fees				\$ 422,270.00
Amount that cannot be waived				<u>.00</u>
			TOTAL	\$ 422,270.00
Amount requested to be waived				\$ 421,770.00
Amount being offered for settlement				<u>\$ 500.00</u>
			TOTAL	\$ 422,270.00

LETTER OF ACKNOWLEDGEMENT  
& PERMISSION TO SPEAK ON MY  
BEHALF.

THIS LETTER GOES AS FOLLOWS:

I GAYLE F. JONES, GIVES MY BROTHER ANTHONY ALLEN FREEMAN, THE AUTHORITY TO SPEAK TO THE AUTHORITIES CONCERNING THIS MATTER. I AM UNABLE TO MAKE IT <sup>TO</sup> SPEAK FOR MYSELF AT THIS TIME. THANKS YOU FOR YOUR TIME AND UNDERSTANDING!

Gayle Jones  
GAYLE F. JONES

Ph. (772) 882-1023

DATE: 12-04-13



# CITY OF FORT PIERCE

## DIVISIONS OF CODE ENFORCEMENT & ANIMAL CONTROL

MARGARET M. ARRAIZ, CODE COMPLIANCE MANAGER

### REQUEST FOR A REDUCTION OR RESCINDMENT OF CODE ENFORCEMENT FINES / LIENS

Date:		11-18-13	
Property address:		2405 AVE D. Fort pierce, FLA 34950	
Owner(s) of record:		Gayle F. Jones.	
Mailing address:		3414 Sloan Rd. fort pierce, FLA 34947	
Property tax ID #:		2409-603-0004-000/0	
Original purchase date:		11-13-00	Original purchase price: 6000.00.
Other Information:		<input type="checkbox"/> Inherited Property	<input type="checkbox"/> Purchased at Tax Sale
		<input type="checkbox"/> Adjoining Property Owner	
Property is used for:		<input checked="" type="checkbox"/> Single Family	<input type="checkbox"/> Multi-family
		<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial
		<input type="checkbox"/> Vacant Lot	
Name of person requesting reduction:		Gayle F. Jones.	Relationship to owner(s): SELF.
Telephone #:		(772) 882-1023.	Mobile phone #: (772) 882-1023
E-mail:		sloanboy@yahoo.com	Preferred contact method: CELL PHONE.
What are owner(s) intentions for property:		Rental.	
Amount of Fine:		421,500.00	Date Fine Initiated:
Are there current code violations?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
		Explain: (please attached notice) <input checked="" type="checkbox"/>	
Is a lien filed against the property?		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
		If yes, what is the lien amount? 421,500.00	
Is property listed for sale?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
		If yes, what is listing price? <input checked="" type="checkbox"/>	
Is property under contract for sale?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
		If yes, what is the sale price? <input checked="" type="checkbox"/>	

AMOUNT OF FINE / LIEN

\$ 421,500.00

DOLLAR AMOUNT REQUESTING TO BE WAIVED

\$ 421,500.00

DOLLAR AMOUNT I AGREE TO PAY

\$ ~~421,500.00~~ 500.00

If the city waives any fees, interest, penalties, fine or lien amount, the undersigned does hereby agree to pay the remainder within sixty (60) days from the date of the Board, Magistrate or Commission's decision unless an alternate time frame is specified in the motion.

Gayle Jones  
(Signature of Owner or Representative)

Gayle Jones  
(Printed Name)



**CITY OF FORT PIERCE**  
DIVISIONS OF CODE ENFORCEMENT  
& ANIMAL CONTROL  
MARGARET M. ARRAIZ, CODE COMPLIANCE MANAGER

**REQUEST FOR REDUCTION OF PENALTY**

By completing this form, you are making statements under oath. Failure to be truthful is a violation of Fort Pierce City Code and Florida Statutes pertaining to perjury, which is a felony punishable by up to fifteen (15) years imprisonment.

**INSTRUCTIONS:**

1. Please fill in blanks completely.
2. Be specific when writing your statement. Use additional pages if necessary.
3. If you are claiming medical or financial hardship, attach supporting documentation (i.e. doctor's statement or proof of income).
4. Complete either the application for Waiver of Penalties (lot clearing / demolition) or Request for Reduction / Rescindment (code enforcement fines).
5. For lot clearing or demolition liens, contact Kathy D'Arton in the Finance Department (772-467-3076) for cost / fees breakdown.
6. For code enforcement liens (those imposed by a Special Magistrate or Code Enforcement Board), contact Colleen Greer (772-467-3149) for cost / fees breakdown.
7. If you do not have access to a Notary of the Public, one will be provided to you by the Department at no charge. All forms must be signed in the presence of the Notary to be valid.
8. Return this form, the application and any other pertinent documentation to the Code Enforcement Department.
9. Requests for Reduction / Rescindment of code enforcement liens must be heard before either the Code Enforcement Board or Special Magistrate prior to being heard before the City Commission.

Property Address: 2405 AVE D Fort Pierce, FLA 34950

Property Owner: Gayle F. Jones

Mailing Address: 3424 Sloan Rd. Fort Pierce, FLA. 34947

Telephone #: (772) 882-1023 Cell Phone #: (772) 882-1023

E-Mail Address: Sloanboy@yahoo.com

Is the property in compliance? YES If no, please explain N/A

The fencing has been completely removed as of Monday 11-18-13.



# CITY OF FORT PIERCE

## DIVISIONS OF CODE ENFORCEMENT & ANIMAL CONTROL

MARGARET M. ARRAIZ, CODE COMPLIANCE MANAGER

I, Gayle F. Jones, do hereby submit this Petition in request for a reduction in the total amount of the penalty imposed and in support offer the following statement:

I am seeking and praying to have the outstanding fee and lien of 2405 Ave D. to be brought to a balance of \$500.00. My specific hopes and reasonings are based on the facts into which I know come to learn and acknowledge. I cannot afford any amount of this \$421,500.00. Lien. I was also told that this problem started back in 2007. And I was contacted by a code enforcement officer - "Delphine" (Fence repair). This was corrected and satisfied by code enforcement to my understanding. And never heard anything further about it. Delphine no longer works for the city. When call from the 11-18-13, I had no idea about this problem.

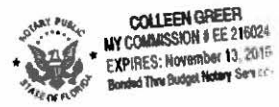
I have since that time contacted Lynn the fence out company. I also don't have extra money to pay this lien because also seeking grant money to help me renovate property up to code. I am very very sorry, for any problems caused.

Date: 11/18/13 Signed: Gayle Jones  
Print Name: Gayle Jones

STATE OF FLORIDA Anthony Freeman  
COUNTY OF ST. LUCIE Authority A. Freeman Gayle Jones

PERSONALLY APPEARED before me, the undersigned authority Anthony Freeman who acknowledged before me that the information contained herein is true and correct. He/She is not personally known to me and has produced FL DR LIC F655-001-65-246-0 as identification.

SWORN TO AND SUBSCRIBED before me this 21st day of November, 2013.



Colleen Greer  
Notary Public, State of Florida

**PROPERTY RECORD CARD**

Gayle F Jones Record: 1 of 1

<<Prev Next >> Spec.Assmnt Taxes Exemptions Permits Home Print

**Property Identification**

Site Address: 2405 Avenue D  
 Sec/Town/Range: 09 :35S :40E  
 Map ID: 24/09N  
 Zoning: C3

ParcelID: 2409-603-0004-000-0  
 Account #: 21924  
 Use Type: SF Res  
 City/Cnty: Fort Pierce



**Ownership and Mailing**

Owner: Gayle F Jones  
 Address: 3414 Sloan Rd  
 Fort Pierce FL 34947

**Legal Description**

REVISED PLAT OF ALAMANDA VISTA BLK B LOT 4 (OR 1346-1668)

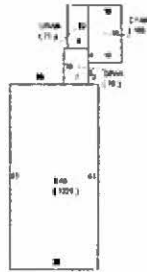
**Sales Information**

Date	Price	Code	Deed
11/13/2000	6000	01	QC
9/29/1998	10000	01	QC
3/4/1998	11000	01	WD
12/1/1984	0	01	CV
10/1/1984	0	01	CV

Book/Page	Assessment 2013
1346 / 1668	2013 Final: 25800
1175 / 1929	Assessed: 25800
1131 / 2024	Ag.Credit: 0
0450 / 1237	Exempt:
0447 / 1639	Taxable: 659.43
	Taxes:

Total Land and Building	
Land Value:	1400 Acres: 0.1
Building Value:	24400
Finished Area:	1326 SqFt

**BUILDING INFORMATION**



**Exterior Features**

View:	-	RoofCover:	SD - Dim Shingle	RoofStruct:	HP - Hip
ExtType:	HD- - HD-	YearBlt:	1960	Frame:	-
Grade:	D- - D-	EffYrBlt:	1965	PrimeWall:	BS - CB Stucco
StoryHght:	0010 - 1 Story	No.Units:	1	SecWall:	-

**Interior Features**

BedRooms:	2	Electric:	AV - AVERAGE	PrmIntWall:	PN - PN
FullBath:	1	HeatType:	-	AvgHt/Ft:	
1/2Bath:	0	HeatFuel:	-	Prm.Flors:	DP - Double Pine
%A/C:	0	%Heated:	0	%Sprinkled:	0

**Special Features and Yard Items**

Type	Y/S	Qty.	Units	Qual.	Cond.	YrBlt.	No.	Use Type	Type	Measure	Depth
FEN4 - CHAINLINK 4'	Y	1	260	AV	AV	1990	1	0100-SF Res	215 -Front Ft	45	100

**Land Information**

THIS INFORMATION IS BELIEVED TO BE CORRECT AT THIS TIME BUT IT IS SUBJECT TO CHANGE AND IS NOT WARRANTED.

LIEN REDUCTION REQUESTItem #2      **2405 AVENUE D**

Case #      07-4509

Officer:     Shaun Coss

Section(s):    5-368 (6), 22-67 (b) (4) Fence Maintenance

Owner:        Gayle F. Jones  
3414 Sloan Road  
Ft. Pierce, FL 34947

Shaun Coss:            This is Case No. 07-4509. The property is located at 2405 Avenue D. The property is owned by Gayle F. Jones, 3414 Sloan Road, Ft. Pierce, FL 34947. The code sections that were in violation were 5-368 (6), 22-67 (b) (4) for fence maintenance. The case was initiated on November 8, 2007 and came before the Special Magistrate on September 25, 2008. The Special Magistrate signed an Order Approving Stipulation and Determining Violation providing 90 days to comply or a fine of \$250.00 per day. An inspection was made on April 7, 2009. The property was not in compliance and the fine began. A lien was recorded on May 8, 2009. Following up on a request from the violator an inspection was made on November 18, 2013. The officer found the property to be in compliance and the fine was stopped. The amount of the lien is \$422,270.00 which includes recording fees of \$20.00. We received a Request for a Reduction or Rescindment on November 21, 2013. I've had a chance this morning to speak with Anthony Freeman who is the brother of the owner. He is authorized to speak on behalf of Gayle Jones. We've spoken, they've made an offer of \$500.00 which Staff is agreeable to and it's to be paid within 6 months.

Frank Blandino:      Mr. Freeman if you wish to offer any testimony you just have to get sworn in.

**Anthony Freeman was sworn in for testimony.**

Anthony Freeman:    We found out about this lien last month. My sister wanted me to speak on her behalf because I believe he said in 09 or 08 she was contacted by a City Code Officer by the name of Delphine. I believe she doesn't work there anymore. When she was contacted, she corrected the violations. She called Delphine who came out and said everything was good. This property is in an area where people run over your property so after what she did they may have screwed it up by jumping the fences and breaking them again. It was a fence violation, but she was never contacted again. The only reason she found out this lien existed is because she's thinking about renovating the property and possibly try to apply for a city grant so she can get the renovations done. She has maintained the taxes and insurance on this property for many years. She has a mortgage that she pays every month. She's kept up the lawn maintenance. From 2005 to date she's paid out close to \$7,000 just in the mortgage, insurance, taxes and everything else that's current on the property. As for that lien she wasn't aware there were any violations going on because she does pay her mortgage and the bills. There's also, I think a meter situation because the property has been vacant all this time. She pays \$120.00 a month for that. So she's been paying and if she had known about this violation she would have tackled the problem sooner. When I came down to find out why she didn't know the lien existed or why no one had sent her any letters or contacted her we found out they had an address that she no longer lived and hadn't been there for at least 15 years. Her current address is 3414 Sloan Road and she is appalled and had no idea of the violation. When she became aware of it she corrected the violation at that time and because the property was vacant the people in the area along Avenue D just over time ...

Frank Blandino:      I think there's a little bit of confusion here and based on what I'm reading in the record just for clarification maybe she thought she corrected it but as far as the inspection in 2009 states, it wasn't in compliance and that is when the fines began. Be that as it may, we need to go forward and that's to try and short circuit things to help you out. What happened was because it was on the books for so long any fine eventually gets recorded and becomes a lien. The previous case didn't get to the lien stage because it hadn't been that long after the violation was issued that it came into compliance. Here we're dealing with a lien and just looking at the amount we know it's a ridiculous number \$422,000. No one would intentionally let it ride for 6 years. That number is for prime property; you know ocean front property. Be that as it may, actually with the negotiations you made with Staff, it makes my job much easier. \$422,000 and something; you have to be practical about. Those numbers are not practical number, absolutely not. You or your sister requested the proper paperwork for a reduction bringing it down to \$500.00 and Staff has agreed to that. But before I can agree to that reduction I need to do a little house cleaning and go through the 7 criteria set forth in Rule 17. I'll go ahead and do that now. It still has to go in front of the City Commission where they'll determine whether or not they're going to agree to this reduction. What controls this is Rule 17. I'm just going to go through those

7 criteria real quick and then give you my determination. Number 1, the gravity or seriousness of the violation; it was minor. I believe it was a fence maintenance issue. Number 2, the length of time necessary to bring the property into compliance was 6 years and 10 days. But, once they realized the fines were running they tore down the fence. That's why the fine is so high but you're saying it was misunderstanding and it was a vacant property. I'm beyond that. I'm just glad it's in compliance right now. Number 3 the number of prior violations committed by the violator; eight. What does that mean? Every home owner is going to have a violation at one point or another. Eight violations is not really a lot. I don't know what they are as they are not in front of me and it's just there to aid me in making my determination. Number 5 the number of violation notices that the violator has received in the past; six. Again, that's kind of related to Number 4. You have a home. When things aren't perfect you're going to get a notice from the City. Did you take care of it? Probably did. Number 6 whether or what were the extenuating facts preventing timely compliance such as unavoidable hardship? It's not applicable here or none was presented, but you gave me good justification as to why it wasn't done. In this situation the property was vacant; the area of where it's located was susceptible to possible vandalism on the property. I'm aware of that and number 7 does not apply here. **Looking at these 7 criteria I am going to agree to the reduction of the lien from \$422,270.00 down to \$500.00 with the stipulation that the party pay it within 6 months. That's the recommendation I will make to the City Commission. Then it's up to them whether they will agree with it or not.**

Shaun Coss: It should be on the January 6 agenda. And Special Magistrate Blandino, if the violator doesn't pay within the 6 months what happens with the lien?

Frank Blandino: Okay this is the standard procedure that the City follows. If it is not paid within the 6 months it will revert back, regardless of what the Commission does, to the original amount. So be mindful of that. It needs to be paid within the 6 months because that's what has been agreed to. I don't want it to revert back. I guess you can attend the January 6 Commission meeting and they may not even ask you to come forward. It will just be on their consent agenda and they just go through and take a roll call on it and they move on.

Anthony Freeman: Yes sir. Is that in the morning or the evening?

Shaun Coss: 6:00 PM.

Frank Blandino: So you're free to go Mr. Freeman.

Anthony Freeman: Thank you gentlemen and thank you Colleen.

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MASSEY HEARING

Item # 3 115 S 20<sup>TH</sup> STREET

Case No. 12-0616  
Officer: Shaun Coss

Section(s): 5-369 Vacant Building, 5-368 (6) Fence Maintenance, 16-46, 16-47, 16-48 (1) (5) Outside Storage, 5-370 exterior Property & Landscaping.

Owner(s): Marva Hayling  
3006 Avenue L Apt. B  
Ft. Pierce, FL 34950

Shaun Coss: This is Case No. 12-0616. The property violation location is 115 S 20<sup>th</sup> Street. The property is owned by Marva Hayling, 3006 Avenue L, Apt. B, Ft. Pierce, FL 34950. The code sections that were in violation were 5-369, 5-368 (6), 16-46, 47, 48 (1) (5) and 5-370. The case was initiated on April 10, 2012 and came before the Special Magistrate on December 5, 2012. The Special Magistrate provided the property owners 10 days to comply or a fine of \$150.00 per day. An inspection was made on March 4, 2013 and the property was not in compliance; the fine began. On June 24, 2013 the secretary learned of a new address and mailed a notice to Marva Hayling. On June 26 a letter was mailed to Marva Hayling acknowledging her new address and enclosing a copy of order with a Massey letter referring to the amount of fines accruing on the property. Shortly after we received a phone call from Marva Hayling stating she had no knowledge of the violations or fines. The amount of the fines is \$39,030.00 which includes \$30.00 in recording fees. The Massey hearing was held on August 7, 2013 and Special Magistrate Ross continued the case for 30 days to allow Ms. Hayling to comply the violations. Another hearing was held on September 4, 2013 and Special Magistrate Blandino continued the case an additional 30 days. After receiving a phone call from Ms.