

**MINUTES
SPECIAL MAGISTRATE
CITY OF FORT PIERCE
100 NORTH U.S. # 1
FORT PIERCE, FL 34950
MAY 7, 2014**

Special Magistrate Ross called the meeting to order at 9:05 AM.

All present stood for the Pledge of Allegiance.

The first item on the agenda was the swearing in of code officers: Code Compliance Manager Margaret Arraiz, and Code Officer Shaun Coss

Staff present was Recording Secretary, Colleen Greer, Assistant City Attorney Steve McCain, and Code Officer Isaac Saucedo.

The next item on the agenda was **Massev Hearing.**

Item 6A-10 is case #13-1969, 3251 S. 7th Street, Ft. Pierce, Florida. The property is currently owned by Bayview Loan Servicing, LLC, 4425 Ponce de Leon Blvd., 5th Floor, Coral Gables, Florida 33146. The code sections in violation were 5-368 (1) property maintenance, 5-369 vacant buildings.

Margaret Arraiz presented the Facts of the Case explaining that the case was initiated on September 19, 2013; came before the Special Magistrate on December 4, 2013 who gave the property owners 30 days to comply or a fine of \$250.00 per day be assessed. An inspection was made on January 13, 2014; the property was not in compliance and the fines began. On April 28, 2014 an inspection was made and the property was now in compliance; the fines stopped. The total amount of fines is \$26,280.00 of which \$30.00 is recording fees. There were no liens recorded. An offer was made to resolve this case for \$1,000.00 and Staff is agreeable.

Special Magistrate Ross went over the 3 criteria required by Rule 16 and agreed to the \$1,000.00 reduction payable within 30 days. If the payment is not received within that 30 days the case will be recalled and re-addressed by the Special Magistrate.

The next item on the agenda is a **Request for Lien Reduction.**

Item 6B-11 is case #13-1013, 1705 Boston Avenue, Ft. Pierce, Florida. The property was owned by Janie D. Guettler, 1705 Boston Avenue, Ft. Pierce, Florida 34950. The current owner is David Bragg, 1706 Boston Avenue, Ft. Pierce, Florida 34950. The code section(s) in violation was 5-368 (4) property maintenance.

Margaret Arraiz presented the Facts of the Case and explained that the case was initiated on June 27, 2013. The case came before the Special Magistrate on September 4, 2013 and he gave the property owner 5 days to comply or a fine of \$200.00 per day would be assessed. An inspection was made on October 15, 2013; the property was not in compliance and the fine began. A lien was recorded on January 29, 2014. Another inspection was made on April 14, 2014 and the property was now in compliance; the fines stopped. The total amount of the lien is \$36,240.00 which includes \$40.00 in recording fees. On April 16, 2014 Staff received a lien reduction request from Mr. Bragg to waive all fines. Staff's recommendation is to reduce the fine to \$1,000.00 to cover administrative costs. Photos were presented and marked as evidence

Clay Yates, attorney for Mr. Bragg presented photos of the work Mr. Bragg did to improve the property. Mr. Bragg does have plans to make more improvements to the property.

David Bragg was sworn in for testimony. Special Magistrate Ross asked him how much money has been spent to make these improvements. He said over \$10,000.00 and that he has plans to continue making improvements when he can. He also stated that he has plans to live there. A letter from former Mayor Dannahower was placed into evidence requesting the City to remove all code enforcement liens on the property.

Special Magistrate Ross asked Margaret Arraiz how much the City had invested in the case. Margaret Arraiz stated that the administrative costs were \$1,074.00 and \$500.00 is easily waived; Staff would be willing to settle for \$200.

Special Magistrate Ross reviewed the 7 criteria required by Rule 17 and recommended the City Commission reduce the lien to \$10.

The next items on the agenda **New Violation Cases Where No One is Present.**

Item 5A-3 is case #14-0096, 2503 Palm Lakes Avenue Ft. Pierce, Florida. The property owner is Stowasser Consulting, % Jurgen Stowasser, Kirchplatz #3, Pioneer, CA 95666. The code violation(s) are 5-368 (4) property maintenance.

Item 5A-4 is case #14-0324, 1815 S 30th Street, Ft. Pierce, Florida. The property owner is Custodio Pereira Jr., 1815 S 30th Street, Ft. Pierce, Florida. The code violation(s) are 5-370 exterior property and landscaping.

Item 5A-5 is case #14-0338, 1116 S 7th Street, Ft. Pierce, Florida. The property owner is Noel Nava, 1116 7th Street, Ft. Pierce, Florida 34950. The code violation(s) are 5-73 house numbers.

Item 5A-6 is case #14-0402, 1609 Citrus Avenue, Ft. Pierce, Florida. The property owner is Thomas Massoni (EST), 1609 Citrus Avenue, Ft. Pierce, Florida 34950. The code violation(s) are 5-73 house numbers, 5-368 (1) property maintenance, and 5-369 vacant buildings.

Item 5A-7 is case #14-0408, 707 Ohio Avenue, Ft. Pierce, Florida. The property owner is Federal National Mortgage Association, 3900 Wisconsin Avenue NW, Washington DC 20016. The code violation(s) are 5-368 (4) property maintenance, 16-46, 16-47, 16-48 (1) (5) outside storage.

Special Magistrate Ross ruled that the violations do exist and the violators who are not present are deemed to have admitted guilt. She further ordered that they be given the number of days recommended by the Code Enforcement Officer on the case summary sheet to come into compliance or they would be fined the amount also shown on the summary sheet.

The next item on the agenda is **New Violation Cases for Continuation.**

Item 5A-2 is case #14-0045, 509 Azalea Avenue, Ft. Pierce, Florida. The property owner is Tonya L. Gittens, 509 Azalea Avenue, Port St. Lucie, Florida 34983. The code violation(s) are 5-368 (6) fence maintenance.

Margaret Arraiz requested that the case be continued for 30 days and Special Magistrate Ross granted the request. This case will be continued for the June 4, 2014 meeting.

The next item on the agenda is **New Violation Case with Stipulation.**

Item 5A-8 is case #14-0419, 520 Tumblin Kling Road, Ft. Pierce, Florida. The property owner is Mary A. Young, 520 Tumblin Kling Road, Ft. Pierce, Florida 34982. The code violation(s) are 16-46, 16-47, 16-48 (1) (5) outside storage, 16-46, 16-47, 16-48 (8) nuisance-stagnant water, 5-369 vacant buildings.

Margaret Arraiz stated that the Staff and Mrs. Young have signed a stipulation that she will correct the violations for the pool within 6 days and the problems with the building within 30 days.

Special Magistrate Ross accepted this stipulation as stated.

There being no further business the meeting was adjourned at 9:37 A.M.

ATTEST:

SECRETARY TO THE SPECIAL MAGISTRATE

CODE ENFORCEMENT MANAGER

A Taped Recording of this Meeting has been saved.