

**MINUTES
SPECIAL MAGISTRATE
CITY OF FORT PIERCE
100 NORTH U.S. # 1
FORT PIERCE, FL 34950
September 3, 2014**

Special Magistrate Blandino called the meeting to order at 9:10 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, Code Officers Shaun Coss and Janey Singer.

Staff present was Recording Secretary Colleen Greer, Assistant City Attorney Steve McCain, City of Ft. Pierce Police Officer Damian Spotts and Code Officers Isaac Saucedo, Andy Avery, and Terry Denmark,

The next item on the agenda was **New Violation Cases with A Party Present**:

Item 5A-10 is case #14-1040, 611 S 13th, Ft. Pierce, FL. The property is currently owned by Nationwide Health Property Finance, % Marvin F Poer & Co., 2530 Piedmont Road NE, Suite 410, Atlanta, GA 30305. The code section violation(s) are 5-368 (4) property maintenance, 5-1.105.1 permit required, 22-22 (A) (B) (C) basic zoning district-allowed uses, 22-27 (C) (9) single-family intermediate density zone (R-4). Officer Shaun Coss presented the case summary. He requested review & determination on section 5-368 (4). The other charges are related to two storage units that are on the property and have no permits. They also need additional zoning approval. He spoke to property representative prior to hearing and they have agreed to remove the storage units and asked for 60 days to do this. Pictures were presented and marked as exhibit 1.

Special Magistrate Blandino found that a violation for 5-368 (4) did exist but has been cured as of the date of this hearing but the violator shall be warned that if this violation reoccurs, pursuant to Florida Statute 162.09, the code officer may notify the Special Magistrate and request that a fine be entered.

Special Magistrate Blandino found that a violation does exist for section 5-1.105.1, 22-22 (A) (B) (C), 22-27 (C) (9) and that Nationwide Property Finance has committed or is responsible for the violations. He ordered that the violator has 60 days in which to comply with the city code of ordinances. In the event the violations are not cured or complied within the time period, a fine of \$250.00 per day will be assessed for each day the violation continues past the date set for compliance. The violator has 30 days in which to appeal Special Magistrate Blandino's decision in the Circuit Court of St. Lucie County.

The next two items on the agenda are **Lien Reductions**.

Item 6B-15 is case #11-1592, 407 S 24th Street, Ft. Pierce, FL. The property was owned by Dewey Melhado, 5240 NW 76th Terrace, Ft. Lauderdale, FL 33351. The property is currently owned by Benjie Sperling, 3661 N 47th Avenue, Hollywood, FL 33021. The code section violation was 22-187 (13) for landscape maintenance.

Margaret Arraiz presented the Facts of the Case. The case was initiated on October 13, 2011. The case came before the Special Magistrate on January 4, 2012 who gave the property owner 15 days to comply or a fine of \$100.00 per day would be assessed. An inspection was made on January 31, 2012; the property was not in compliance and the fine began. Another inspection was made on July 24, 2012 and the property was in compliance and the fines stopped. A lien was recorded on September 10, 2012. The total amount of the lien is \$17,540.00 which includes \$40.00 in recording fees. On June 9, 2014 Staff received notice that a tax deed sale with excess proceeds had been received. The amount of this excess proceeds is \$9,935.48. On July 10, 2014 Staff notified Mr. Sperling, the current owner, of the recorded lien and explained that we would be agreeable to accepting the excess proceeds in settlement of the lien. On August 1, 2014 Staff received a lien reduction request from Mr. Sperling.

Sandra Soazze, Mr. Sperling's business partner came forward and agreed that they accepted this payment as settlement of the lien.

Special Magistrate Blandino reviewed the 7 criteria required by Rule 17 and recommended the City Commission reduce the lien from \$17,540.00 to \$9,935.48. The City Commission meeting will be October 6.

Item 6B-16 is case #03-3078, 1104 Jasmine Avenue, Ft. Pierce, FL. The property is owned by Frank Gentile & St. Lucie County, 1104 Jasmine Avenue, Ft. Pierce, FL 34982. The code section violation(s) are 5-368 property maintenance, 16-48 (10) (d) unlicensed and/or non-operable vehicle and 16-48 (4) parking on grass.

Margaret Arraiz presented the Facts of the Case. The case was initiated on August 14, 2003. The case came before the Special Magistrate on January 21, 2004 who gave the property owner 60 days to comply or a fine of \$100.00 per day would be assessed. An inspection was made on April 26, 2004; the property was not in compliance and the fine began. On July 16, 2004 Staff received a letter from Mr. Gentile requesting a Massey hearing. The hearing was held on September 1, 2004. Mr. Gentile was not present; however, the Special Magistrate reduced the fine of \$12,800.00 to \$371.58 to cover the administrative costs. He further ordered that Mr. Gentile be given 15 days to comply or a fine of \$25.00 per day would be assessed. An inspection was made on October 29, 2004; the property was in compliance for all but section 5-368 and the fines began. The administrative fees were not paid. A lien was recorded on December 13, 2004. An inspection was made on October 1, 2008; the property was now in compliance and the fines stopped. The total amount of the lien is \$36,216.58 which includes \$20.00 in recording fees and administrative fees of \$371.58. On August 13, 2014 Staff received the request for reduction from Mr. Gentile and the St. Lucie County Community Services.

Item 6B-17 is #08-1186. The property address is the same, 1104 Jasmine Avenue and the owners are Frank Gentile and St. Lucie County. The code sections in violation were 5-368 property maintenance, 5-73 house numbers, 16-46, 16-47, 16-48 (1) (5) outside storage, 22-187 (13) (B) landscape maintenance. The case was initiated on April 8, 2008 and came before the Special Magistrate on October 1, 2008. The Special Magistrate gave the property owner 30 days to comply or a fine of \$100.00 per day would be assessed. An inspection was made on November 24, 2008; the property was not in compliance and the fines began. A lien was recorded on February 24, 2009. An inspection was made on February 25, 2010; the property was in compliance and the fines stopped. The total amount of the lien is \$45,810.00 which includes \$10.00 in recording fees. On August 13, 2014 Staff received a request for reduction of lien from Mr. Gentile and the St. Lucie County Community Services.

The property was taken by the county for unpaid taxes. Staff has been working with St. Lucie County Community Services and Mr. Gentile to help him get the ownership of his property back. He still resides in the house. Because Staff is working with the community services, they are agreeable to deleting all fines. They are willing to pay the recording fees of \$30.00.

Special Magistrate Blandino reviewed the 7 criteria required by Rule 17 and recommended the City Commission reduce both liens which totaled \$82,026.58 to \$30.00 for recording fees. The City Commission meeting will be October 6.

The next items on the agenda are for **Review & Determination.**

Item 5A-06 is case #14-0880, 117 S 13th Street, Ft. Pierce, FL. The property owner is MCRM Limited Partnership, %Corporation Service Co., 2711 Centerville Road, #400, Wilmington, DE 19808. The code sections in violation were 22-67 (B) (5) fence maintenance-permit required and 22-67 (C) (1) (2) fences-height restrictions.

Item 5A-08 is case #14-0929, 906 Delaware Avenue, Ft. Pierce, FL. The property owner is Jeri L. Batsche, 2503 Lazy Hammock Lane, Ft. Pierce, FL 34981. The code section in violation was 15-9 sign permit procedures.

In these cases Special Magistrate Blandino found that violations existed but has been cured as of the date of this hearing. The violators shall be warned that if these violations reoccur, pursuant to FL Statute 162.09, the Code Officer may notify the Special Magistrate and request that a fine be entered.

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

Item 5A-01 is case #14-0371, 1117 Orange Avenue, Ft. Pierce, FL. The property owner is Stately Dolphin LLC, 4261 13th Street, Wyandotte, MI 48192. The code section violation(s) are 5-368 (4) property maintenance, 5-369 vacant buildings.

Item 5A-05 is case #14-0876, 2506 Delaware Avenue, Ft. Pierce, FL. The property owner is Jesse L. Holden Jr., 531 Birchwood Road, Nahunta, GA 31553. The code section violation(s) are 5-368 (1) (3) (4) property maintenance,

Item 5A-09 is case #14-1019, 1601 Florida Avenue, Ft. Pierce, FL. The property owner is Francisco Valtierra, 1601 Florida Avenue, Ft. Pierce, FL 34950. The code section violations are 5-1.104.5 unsafe building, 5-368 (4) property maintenance.

Item 5A-14 is case #14-1363, 2402 Oleander Avenue, Ft. Pierce, FL. The property owner is Nicholas G. Austgen, 2402 Oleander Avenue, Ft. Pierce, FL 34982. The code section violations are 16-46, 16-47, 16-48 (1) (5) outside storage, 16-46, 16-47, 16-48 (11) outside storage-indoor furniture, 220187 (13) landscape maintenance.

Item 5A-18 is case #14-1370, 2808 Oleander Avenue, Ft. Pierce, FL. The property owner is RWLS V Holdings LLC, P. O. Box 8451, Mesa, AZ 85214. The code section violations are 16-46, 16-47, 16-48 (1) (5) outside storage, 2008 NEC temporary lighting, 5-368 (6) fence maintenance.

For these cases, Special Magistrate Blandino ruled that the violations do exist and the violators who are not present are deemed to have admitted guilt. He 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 meeting will be October 1, 2014.

There being no further business the meeting was adjourned at 9:36 A.M.

ATTEST:

SECRETARY TO THE SPECIAL MAGISTRATE

CODE ENFORCEMENT MANAGER

A Digital Recording of this Meeting has been saved.