

Mr. Raymond Villanova, the property owner, came in late but wanted to testify. He was sworn in and asked if he was in agreement with the violations and he said he was; but they had been corrected as of the day before. He was asked about the business being run without a tax and Mr. Villanova said he understood Mr. Francois was a mobile mechanic. He has told Mr. Francois that he needs to get his business license and if he needed to do extensive mechanic work he needs to do it somewhere else. Chairwoman Minton told Mr. Villanova if the Board finds these charges are valid, they go against him.

The Board was asked if they had any questions. Mr. Bernetti asked if there were any utilities and Mr. Villanova said there was and that he pays them. Officer Coss said he had not verified this at this time. Mr. George asked about the windows and other outside storage. Mr. Villanova said they were his and he would remove them. Mr. Bernetti asked Mr. Villanova if he knew Mr. Francois was operating a business out of the residence since he's been living there for 4 years. He stated again that he knew about this but it was his understanding that it was a mobile mechanics operation. He was asked how often he goes to the property and he said often. Mr. George asked Officer Coss about the non-operable vehicles in the back and he stated he would have to verify this with an officer or with the owner's permission to go into the back yard.

Officer Coss rebutted Mr. Francois's claim that there was a conspiracy against him by stating there were previous citations issued for the same violation; doing business without a tax. The complaint came from a reputable mechanic in the area who had noticed this business going on for a long time and asked why there hadn't been anything done about it. Margaret Arraiz said they had verified that there were utilities and Mr. Villanova was paying for them. Officer Coss stated that Mr. Francois did not have a business tax with the city of Ft. Pierce and he would probably not receive one because it is illegal to operate a mechanic's shop out of a residence and now that we know there are utilities we will change the charge to include if not complied we will have the utilities turned off.

Mr. Francois was asked if he had any more questions and he stated he would remove the vehicles and take responsibility for what had to be done. He asked for at least 5 days to reassemble the car and get it back in operable condition and move the other cars.

Mr. Villanova stated that he did not know about all the previous charges, but the place has been cleaned up. Margaret Arraiz confirmed that the citations had been issued to Mr. Francois, not the property owner.

Margaret Arraiz summarized the ordinance by reading section 9-27 (B) from the summary sheet.

After discussion between the Chairwoman and Mr. Walker for legal advice on how the motion should be handled as far as cutting off the utilities were concerned, and there being no further discussion between the property owner, Mr. Francois, the City and the Board, a motion was made by John George and seconded by Gerry Murphy that a violation does exist for section 9-27 (B) and that Raymond Villanova is responsible for the violations. He further motioned that the violator be given 48 hours in order to correct the violation and if not corrected Staff will start the process of cutting off the utilities. For section(s) 16-46, 16-47, 16-48 (10) (D) and 16-46, 16-47, 16-48, (1) (5) the violator will have 5 days in which to comply or a fine of \$250.00 per day be assessed until the violator comes into compliance. Officer Coss asked for clarification about the fines and Mr. George motioned the fine of \$250.00 would be for each violation.

Roll was called and Board Members Bernetti, Murphy, George, Amyx, Wolters, Porter and Chairwoman Minton were in favor. None opposed. Motion carried. Chairwoman Minton suggested that Mr. Villanova and Mr. Francois meet with Officer Coss and find out exactly what had to be done to comply.

The next item on the agenda was Lien Reduction Requests.

Item 6B- 11 is case #12-1659; 2729 S US Highway 1, Ft. Pierce, FL. The property is owned by Juan E. Garcia, 4010 62nd Terrace East, Bradenton, FL 34203-7043. The code section(s) in violation were 16-18 (C) (D) responsibility for containers; 16-46, 16-47, 16-48 (12) nuisance as a condition; 16-46, 16-47, 16-48 (1) (5) outside storage.

Margaret Arraiz presented the Facts of the Case explaining that the case was initiated on September 27, 2012. The case came before the Code Board on November 14, 2012. The Code Board gave the property owners 5 days to comply or a fine of \$250.00 per day be assessed. An inspection was made on November 30, 2012; the property was not in compliance and the fines began. On February 11, 2013 the lien was recorded. On February 11, 2014 an inspection was made and the property was now in compliance; the fines stopped. The total amount of fines is \$109,540.00 of which \$40.00 is recording fees. On February 19, 2014, Staff received a request for lien reduction. On March 2, 2014 the request came before the Code Board and after hearing testimony from all parties denied the reduction until the property had been kept in compliance for 6 months. He could then come

before the Board again. On April 7, 2014 the City Commission upheld this recommendation and on August 14, 2014 Staff received another request for reduction. Officer Saucedo has been making random inspections of the property and Mr. Garcia has hired his brother as property manager.

Juan Garcia came forward and was sworn in for testimony.

Chairwoman Minton asked if the property has stayed in compliance for the past 6 months. Officer Saucedo stated that he had been doing random inspections and has found no violations at this time.

Mr. Garcia was asked if he had any questions of the City or if he had anything to add. He thanked the Board and Staff on teaching him the different things he has to do daily to operate a business. He stated his brother was at the property every day and sees that the code ordinances are upheld.

Chairwoman Minton asked if the City or Board had any questions. Board Member Bernetti asked if there were any hard costs incurred by the City. Margaret Arraiz stated that there were administrative costs only. Mr. Garcia was asked what he would like the lien reduced to and he stated \$500. Margaret Arraiz was asked what the City would want to reduce it to and she stated they would be happy with the original reduction amount of \$5,000. (At this time there was an equipment malfunction and secretary completed the minutes using her notes).

John George stated that Mr. Garcia has made a conscientious effort to keep the property in compliance and has hired a property manager to oversee it. He feels \$2,500.00 would be fair. There being no further questions Chairwoman Minton asked for a motion.

Motion by John George and seconded by Geraldine Murphy based on Rule 17 that the lien of \$109,540.00 be reduced to \$2,500.00 payable in 30 days. If not paid in that 30 days the lien would revert back to the original amount.

Chairwoman Minton asked if there was any discussion. There being none, a vote was taken. Board Members Bernetti, Murphy, George, Amyx, Wolters, Porter and Chairwoman Minton were in favor of the motion. There were none opposed; motion carried. Mr. Garcia was reminded that this was the first step; the recommendation would have to be presented to the City Commission for final approval.

Item 6B-10 is Case #3-4635. The location address is 703 N 23rd Street, Ft. Pierce, FL. The previous owner was Garth Mager GWBJ Inc., P. O. Box 233, Jensen Beach, FL. The current owner is Milagros Suarez, 1001 NW 17th Court, Miami, FL 33125. The violations were FBC Section 3401.6 and Standard Unsafe Building Abatement Code, Section 101.6.

Margaret Arraiz presented the Facts of the Case explaining that the case was initiated on December 22, 2003. The case came before the Code Board on April 14, 2004. The Code Board gave the property owners 30 days to comply or a fine of \$150.00 per day be assessed. An inspection was made on July 21, 2004; the property was not in compliance and the fines began. On February 15, 2004 the lien was recorded. On March 24, 2008 an inspection was made and the property was now in compliance by way of demolition; the fines stopped. The total amount of fines is \$201,300.00. On July 21, 2014, Staff received a request for demolition lien reduction. On August 18, 2014 the City Commission continued the request and directed Staff to present all liens against the property including the code violation lien at the next City Commission meeting. Margaret Arraiz noted that there was serious concern that Ms. Suarez was not properly notified of the fine because title was transferred in the middle of code proceedings. Due to Ms. Suarez not being granted her due process, Staff recommends waiving all fines.

Milagros Suarez came forward and was sworn in for testimony. She stated that she was on a limited income and was trying to get a bank loan to pay the \$4,000.00 she has offered the City for the demolition lien.

There being no further discussion or questions Chairwoman Minton asked for a motion.

Al Bernetti made a motion based on the 7 Criteria of Rule 17 to waive the code enforcement lien of \$201,300.00 and reduce it to \$.00. Geraldine Murphy seconded the motion.

Chairwoman Minton asked if there was any discussion and there being none, a vote was taken. Board Members Bernetti, Murphy, George, Amyx, Wolters, Porter and Chairwoman Minton were in favor of the motion. Ms. Suarez was reminded that this recommendation would still have to be presented to the City Commission for final approval.