

MINUTES OF A REGULAR MEETING OF THE CODE ENFORCEMENT BOARD OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 9:00 A.M. ON WEDNESDAY DATE

1. CALL TO ORDER

The meeting was called to order by Chairwoman Minton at 9:00 AM.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Lara Amyx; Alternate Board Member Leon Porter; Al Bernetti; Geraldine Murphy; John George; Chairwoman Mary Padrick Minton

Absent: Vice Chair Roderick Waller; Terry Wolters

Staff Present: Colleen Greer, Board Secretary
Margaret M. Arraiz, Code Compliance Manager
Shaun Coss, Code Enforcement Officer

Attendees: James Walker
Damian Spotts

4. ADMINISTRATIVE BUSINESS

A. CONSIDERATION OF ABSENCES

Motion was made by John George, seconded by Geraldine Murphy to excuse Mr. Waller's absence from today's meeting.

AYE: Alternate Board Member Leon Porter, Al Bernetti, Geraldine Murphy, John George, Lara Amyx, Chairwoman Mary Padrick Minton

Passed

B. APPROVAL OF MINUTES

Motion was made by John George, seconded by Alternate Board Member Leon Porter to accept the minutes of November 12, 2014 after the corrections (typographical & spelling) have been corrected.

AYE: Alternate Board Member Leon Porter, Al Bernetti, Geraldine Murphy, John George, Lara Amyx, Chairwoman Mary Padrick Minton

Passed

Motion was made by John George, seconded by Geraldine Murphy to accept the September 10, 2014 minutes as presented.

AYE: Alternate Board Member Leon Porter, Al Bernetti, Geraldine Murphy, John George, Lara Amyx, Chairwoman Mary Padrick Minton

Passed

C. CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS

5. ADMINISTRATION OF OATH TO DEPARTMENTAL WITNESSES

Code Manager Margaret Arraiz and Officer Shaun Coss were sworn in.

6. IDENTIFICATION OF CASES IN COMPLIANCE

A.

14-1883	3102 Hibiscus Ave	Villanova, Raymond R	Shaun Coss
Case Initiated:	September 11, 2014	Type of Presentation:	Regular

OWNER: Raymond Villanova 199 Tumblin Kling Rd. Fort Pierce, FL 34982	OCCUPIED BY: Rodney Williams 3102 Hibiscus Ave. Fort Pierce, FL 34947
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Section: 5-73 House Numbers
Section: 5-368 (6) Fence Maintenance
Section: 22-17 (13) Landscape Maintenance

B.

14-1704	2003 Okeechobee Rd.	Skyline Realestate Properties LLC	Shaun Coss
Case Initiated:	August 18, 2014	Type of Presentation:	Regular
OWNER: SKYLINE REAL ESTATE PROPERTIES LLC 58 BARLOW DR SOUDERTON, PA 18964	OCCUPIED BY:		

Section 16-46, 16-47, 16-48 Nuisance as a Condition
Complied

C.

14-1705	2005 Okeechobee Rd.	Skyline Realestate Properties LLC	Shaun Coss
Case Initiated:	August 18, 2014	Type of Presentation:	Regular
OWNER: Skyline Real Estate Properties LLC 58 Barlow Dr. Souderton, PA 18964	OCCUPIED BY:		

Section 16-46, 16-47, 16-48 Nuisance as a Condition
Complied

7. PUBLIC HEARINGS - VIOLATION CASES

A.

14-1935	603 S 24th St.	Desir, Benel	Shaun Coss
Case Initiated:	September 18, 2014	Type of Presentation:	Regular
OWNER: Benel Desir PO Box 63 Ft Pierce, FL 34954	OCCUPIED BY: Humberto Lopez Gonzalez 603 S 24th St. Fort Pierce, FL 34950		

Section: 16-46, 16-47, 16-48 (1)(5) Outside Storage
Section: 16-25 (C) Responsibility for Containers

Officer Shaun Coss stated that Mr. Benel had been in attendance; however, he had to go to work. He did tell Officer Coss that he was in agreement with the violations and stated that 15 days was enough time to correct them.

Motion was made by Lara Amyx, seconded by John George that a violation does exist and that Benel Desir is responsible for the violations. It was further moved that the violator be given 15 days to come into compliance or a fine of \$250.00 a day would be assessed.

AYE: Alternate Board Member Leon Porter, Al Bernetti, Geraldine Murphy, John George, Lara Amyx, Chairwoman Mary Padrick Minton

Passed

B.

14-1954	1133 S 7th St.	McKeon, Anna	Shaun Coss
Case Initiated:	September 24, 2014	Type of Presentation:	Regular
OWNER: Anna McKeon 1133 S 7th St. Fort Pierce, FL 34950	OCCUPIED BY:		

Section: 5-368 Property Maintenance

Officer Shaun Coss presented the case. Anna McKeon was sworn in for testimony. She stated that she had been ill but would be able to make the corrections in the given amount of time. Chairwoman Minton reminded her to contact Officer Coss when she had completed the work so he could inspect the property.

Motion was made by Lara Amyx, seconded by John George that a violation does exist and that Anna McKeon is responsible for the violations. It was further moved that the violator be given 60 days to obtain a permit and comply with the conditions of the permit. Failure to comply would result in a fine of \$250.00 per day to be assessed until the violation comes into compliance.

AYE: Alternate Board Member Leon Porter, Al Bernetti, Geraldine Murphy, John George, Lara Amyx, Chairwoman Mary Padrick Minton

Passed

C.

14-0652	1531 Delaware Avenue	Sizemore, Shirley A	Shaun Coss
Case Initiated:	March 21, 2014	Type of Presentation:	Regular
OWNER: SHIRLEY SIZEMORE 1531 DELAWARE AVENUE FORT PIERCE, FL 34950		OCCUPIED BY: PRESTIGE AUTO CLUB 1531 DELAWARE AVENUE FORT PIERCE, FL 34950	

Section: 15-9 Sign Permit Procedures

Case was pulled by Staff prior to meeting.

8. PUBLIC HEARINGS - MASSEY HEARINGS (FINE REDUCTIONS)

9. PUBLIC HEARINGS - LIEN REDUCTION REQUESTS

A.

11-0201	5315 Edwards Road	Mariner Cove Fort Pierce LTD	Peggy Arraiz
Case Initiated:	February 15, 2011	Type of Presentation:	Lien Reduction
OWNER: Mariner Cove Fort Pierce LTD 2379 Beville Road Daytona Beach, FL		OCCUPIED BY:	

Section: 22-187 (13) Description: Landscape Maintenance

Margaret Arraiz read the case into the record. The case was initiated on February 15, 2011 and came before the Code Enforcement Board on May 11, 2011. The Board found the owners in violation and gave them 30 days to remedy the violation or \$100.00 a day would be assessed. On June 14, 2011 an inspection was made; the property was not in compliance and the fines began. On August 12, 2011 the Order Assessing Fines & Imposing Lien was recorded. On February 11, 2013 another inspection was made, the violations were now in compliance, the fines were stopped. On December 18, 2014 Staff received a lien reduction request from Mr. Scott DeLanoy. Staff met with Mr. DeLanoy prior to the meeting and both parties have agreed to accept the administrative costs of \$836.32 as settlement.

Motion was made by John George, seconded by Alternate Board Member Leon Porter based on Rule 17 of the Rules of Procedure the Board recommends to the City Commission that the lien of \$60,840.00 be reduced to \$836.32 payable in 60 days. If not paid in that 60 days, the lien would revert back to the original amount.

AYE: Alternate Board Member Leon Porter, Al Bernetti, Geraldine Murphy, John George, Lara Amyx, Chairwoman Mary Padrick Minton

Passed

B.

03-3968	312 N 12th St.	Mellon, Beracah	Peggy Arraiz
Case Initiated:	October 29, 2003	Type of Presentation:	Lien Reduction

Beracah Estima Mellon
312 N. 12th Street
Ft. Pierce, FL 34950
5-368 Property Maintenance

Margaret Arraiz read the case into the record. Case was initiated October 29, 2003 and came before the Code Board on May 12, 2004. The Code Board found the owners in violation and gave them 90 days to comply the violations. Failure to do so would result in a fine of \$100.00 per day. The date is unknown but the officer at that time, Bob Dusanek, extended them another 90 days to complete the work. On December 13, 2004 an inspection was made, the property was not in compliance and the fines began. On February 17, 2005 the Order Assessing Fines and Imposing Lien was recorded. On May 16, 2009 an inspection was made, the property was now in compliance, the fines stopped. The total amount of lien is \$161,520.00. On September 18, 2014 Staff received a request for lien reduction from Mrs. Mellon. A hearing was scheduled for November 12, 2014 but Mrs. Mellon was not present. Staff learned that she had been in the hospital and rescheduled the meeting for today. Mrs. Mellon is asking that the lien be waived. Mrs. Mellon came forward and was sworn in for testimony. She stated that her husband had been ill and has since passed. She stated she is now having kidney problems and has been in the hospital off and on for the last couple of months. Chairwoman Minton asked if she had plans for the property and Mrs. Mellon stated that the property was being foreclosed on. She asked Ms. Arraiz what the City was proposing and she said the Board had the capability of making any decision but Staff would make a recommendation of at least a portion of the administrative costs be paid. Mrs. Mellon proceeded to explain that the property had come into compliance before the date Staff claims; but she didn't know she was supposed to notify Staff, and it was after all of the 2004 hurricane damage. Ms. Arraiz stated that it was possible that the property came into compliance prior to the date of their inspection as the department had a lot of other work after the hurricanes. Chairwoman Minton asked if she was able to pay the difference of \$819.06 and she stated income was very tight. Ms. Arraiz said she could be given up to 12 months. Chairwoman Minton asked if the Board had any questions.

Lara Amyx asked Mrs. Mellon if she understood correctly that the property was going into foreclosure and they wouldn't negotiate anything with her unless the lien is cleared up. You can then stay and it will be bank owned property. Mrs. Mellon indicated yes.

Al Bernetti asked Mrs. Mellon if this was her homestead and the other piece of property that she owns is for rental income. She said yes, but it makes very little income.

Geraldine Murphy asked about her not contacting the Code Enforcement about the property being fixed and she said it was again after the hurricanes in 2004 but the work was done early 2005. She asked Ms. Arraiz about the code enforcement officer going out monthly doing inspections and she stated this was during the time the department was handling hurricane damages and we do not have access to the computer system that was being used at that time; however, in January 2005 an inspection was made and the damages had not been repaired yet.

Chairwoman Minton closed the questioning and asked what the Board recommended.

After the first motion was not passed. Assistant City Attorney Walker stated that there two different time elements involved. One, the City states it was over 5 years before the property came into compliance. Second, Mrs. Mellon states it was shortly after 2005, but they failed to notify the City. Mr. George asked Ms. Arraiz how do we send the recommendation to the City Commission and she stated it was the way the Board recommends it.

Motion was made by John George, based on Rule 17 of the Rules of Procedure and considering Mrs. Mellon's failing health the Board recommends to the City Commission that the lien of \$161,520.00 be reduced to \$500.00 payable in 12 months. Failure to pay this reduced amount in the 12 month period, would result in the lien reverting back to the original amount. There was no second. Motion failed.

Motion was made by Lara Amyx, seconded by Alternate Board Member Leon Porter based on Rule 17 of the Rules of Procedure and considering her husband is deceased and Mrs. Mellon's failing health the Board recommends to the City Commission that the lien of \$161,520.00 be reduced to \$.00.

AYE: Alternate Board Member Leon Porter, John George, Lara Amyx, Chairwoman Mary Padrick Minton

NAY: Al Bernetti, Geraldine Murphy

Passed

10. NEW BUSINESS

None

11. PUBLIC COMMENT

None

12. BOARD/STAFF COMMENTS

None

13. ADJOURNMENT

Adjourned at 10:00 AM

Respectfully submitted:
