

Motion was made by Frank M. Blandino found that the violations did exist 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.

5. PUBLIC HEARINGS - MASSEY HEARINGS (FINE REDUCTIONS)

1.

14-1697	2014 Delaware Avenue	Montano, Pierina	Peggy Arraiz
Case Initiated:	August 15, 2014	Type of Presentation:	Massey Hearing Reduction of Fines
PREVIOUS OWNER: Pierina Montano 15751 SW 139th Street Miami, FL 33196		OCCUPIED BY: Simon P. Castor 207 Dixieland Drive Ft. Pierce, FL 34982	

Section(s): 16-46, 16-47, 16-48 (1) (5) Outside Storage

Margaret Arraiz read the facts of the case and went over the 3 criteria of Rule 16 used in making a decision on whether or not to reduce the fines. She explained that there are no liens recorded on this case; however, there is a lien recorded against the property and it is being presented in the next case. Staff is agreeable to waiving the \$33,630.00 fines.

Motion was made by Frank M. Blandino after reviewing the 3 criteria required by Rule 16 and after considering the facts that the fines of \$33,630.00 be waived leaving a balance due of \$.00.

6. PUBLIC HEARINGS - LIEN REDUCTION REQUESTS

1.

10-1266	2014 Delaware Avenue	Montano, Pierina	Peggy Arraiz
Case Initiated:	September 22, 2010	Type of Presentation:	Lien Reduction Request
PREVIOUS OWNER: Pierina Montano 15751 SW 139th Street Miami, FL 33196		CURRENT OWNER: Simon P. Castor 207 Dixieland Drive Ft. Pierce, FL 34982	

Section(s): 5-369 Vacant Buildings

Margaret Arraiz read the facts of the case and went over the 7 criteria of Rule 17 used in making a decision on whether or not to reduce the fines. She stated that Staff had received notice of a tax deed sale where there was excess funds in the amount of \$512.01. The new owner, after he found out about the fines and lien, contacted the office to find out what had to be done to correct the violations. He did this right away and then submitted the request for lien reduction. Staff is asking for an additional \$1,000.00 to cover administrative costs.

Mr. Simon Castor was sworn in for testimony. He stated regarding the lien that he did not know anything about it until after he purchased the property. After he received the letter stating this fact he contacted

the department and corrected the violations as requested. He wanted to make the property ready to rent.

Motion was made by Frank M. Blandino after reviewing the 7 criteria required by Rule 17 and to recommend to the City Commission to reduce the lien to \$1,512.01 payable in 60 days. The City has already received \$512.01 as excess funds of a tax deed sale which leaves a balance of \$1,000.00 payable in 60 days if approved. If the Commission approves the reduction and if it is not satisfied within the 60 days the lien would revert back to its original amount of \$108,530.00.

2.

14-1236	3204 Ohio Avenue	Pitt, Charles	Peggy Arraiz
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Case Initiated:	June 13, 2014	Type of Presentation:	Lien Reduction Request
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OWNER: Systec LLC 1175 NW 17th Avenue Delray Beach, FL 33445	OCCUPIED BY: Charles Pitt 5303 Palmetto Avenue Ft. Pierce, FL 34982
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Section(s): 5-368 (6) Fence Maintenance.
 Section(s): 16-46, 16-47, 16-48 (1) (5) Outside Storage.
 Section(s): 22-187 (13) Landscape Maintenance.

Margaret Arraiz read the facts of the case and went over the 7 Criteria of Rule 17 used in making a recommendation for reduction or rescindment of the lien. She stated that when the case was initiated in 2014 by Officer Coss the Special Magistrate found the owner's Systec LLC was responsible for the violations and gave them 30 days to comply or they would be fined. Mr. Charles Pitt, the tenant-operator was present at this hearing and testified to the violations. Before the 30 days expired Mr. Pitt approached Mr. Coss for additional time and he was granted another 90 days to comply.

During this time the area was transferred to Officer Avery. When he inspected the property on February 10, 2015 the violations were not in compliance so he started the fines. A letter was mailed to Systec LLC advising them that the fines were accruing. On February 18 an inspection was made; the violations were now in compliance so the fines stopped. Another letter was mailed to Systec LLC advising them the fines had accrued to a total of \$2,030.00 and gave them 20 days to appeal before a lien was issued.

Staff did not receive any further communication from Systec LLC nor Mr. Pitt so a lien was recorded on October 15. A letter with a copy of the lien was mailed to Systec LLC. It was after this that Mr. Pitt came into the office wanting to know why a lien was placed on the property. He was under the impression that he was in compliance and did not know anything about the fines until he was notified about this letter. Staff gave him a copy of the file and afterwards he acknowledged that proper notice was sent. He then asked that the fines be waived. Staff explained that he would have to present his case to you and the City Commission for any reduction or to have the fines waived.

A day or so later we received a letter from the attorneys representing Systec LLC appealing the lien, but once they received a copy of the file, they filled out a reduction request form also.

Staff is recommending to the Special Magistrate to reduce the fines to administrative costs of \$1,200.00.

Charles Pitt came forward and was sworn in for testimony. He stated that he thought he was in compliance before the 90 days extension was up and did not know anything about the fines until after he was notified about the lien. He stated that he understands that the proper notice was sent but that they were still asking that the fines be waived. Ms. Arraiz entered the request from Systec LLC into the records for review.

Mr. Pitt asked, "if there is a lien being recorded doesn't the city have to serve them or does a regularly mailed letter suffice?" Assistant City Attorney McCain stated that the Massey letters sent out giving notice of the lien and that they have 20 days to appeal is appropriate.