

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.

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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.

Special Magistrate Blandino considered the amount being requested by the City and decided to reduce it to \$750.00. He asked Mr. Pitt if this was reasonable and Mr. Pitt stated that he thought it was an estoppel situation; that if he corrected the violations and spent his own money doing so, he was under the impression that there would be no fines. SM Blandino stated that he could only make a recommendation and it would be the City Commission to make the final decision. Mr. Pitt was advised of the City Commission meeting date and if he wished to address the Board to arrive early and put his name on the list to speak.

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Motion was made by Frank M. Blandino Special Magistrate Blandino reviewed the 7 criteria required by Rule 17 and recommended the City Commission reduce the lien to \$750.00 payable in 60 days. If not paid within that time the lien would revert back to its original amount.

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7. REQUEST FOR EXTENSION OF TIME

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8. NEW BUSINESS

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9. OLD BUSINESS

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Adjourned at 10:18 AM.

Respectfully submitted:

Colleen Greer

Secretary to the Special Magistrate