

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, NOVEMBER 18, 2015.

1. CALL TO ORDER:
9:10 AM

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Al Bernetti; Geraldine Murphy; Chairwoman Mary Padrick Minton; Vice Chair Roderick Waller; Terry Wolters; Lara Amyx; Alternate Jim Flynn

Absent: John George

Staff Present: Margaret Arraiz, Code Compliance Manager
Colleen Greer, Secretary to the Code Enforcement Board
Terry Denmark, Code Enforcement Officer
Isaac Saucedo, Code Enforcement Officer
Shaun Coss, Building Dept Investigator (BDI)
James Walker, Asst. City Attorney

Attendees: Officer McWilliams - Sgt of Arms

4. ADMINISTRATIVE BUSINESS

A. CONSIDERATION OF ABSENCES: Lara Amyx was absent from the Sept. 9 meeting.

Ms. Amyx stated that she did not notify Staff that she wouldn't be at the September 9. She stated that an emergency had come up at work that she had to take care of and did not call in. Mr. Walker stated that the Board should defer excusing her absence until the next meeting.

Staff stated that Mr. George had called in first thing that morning. He said he wasn't feeling very good so he wouldn't be there today.

Motion was made by Al Bernetti, seconded by Geraldine Murphy to defer Lara Amyx absence until the next meeting.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton, Vice Chair Roderick Waller

Passed

Motion was made by Lara Amyx, seconded by Geraldine Murphy to excuse Mr. George's absence.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton, Vice Chair Roderick Waller

Passed

B. APPROVAL OF MINUTES

Chairwoman Minton said there was an error in the minutes. In Section 6.1 of the lien reduction motion the part about recommending to the City Commission to approve the reduction is missing.

Motion was made by Al Bernetti, seconded by Geraldine Murphy to approve the minutes of September 9 providing the changes are made.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton, Vice Chair Roderick Waller

Passed

C. CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS:

Chairwoman Minton welcomed Mr. Flynn to the Board. As the alternate, he was invited to sit in for Mr. George. He is also qualified to make comments and vote on the different cases being presented.

D. ADMINISTRATION OF OATH TO DEPARTMENTAL WITNESSES:

Margaret Arraiz, Isaac Saucedo, Terry Denton, and Shaun Coss were sworn in.

E. IDENTIFICATION OF CASES IN COMPLIANCE

1.	14-2155	2905 Dunbar Street	Simonson, Franca & Robert	Isaac Saucedo
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Case Initiated:	October 23, 2014	Type of Presentation:	Regular - COMPLIED
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OWNER: Robert & Franca Simonson 1273 NW 11th Street Boynton Beach, FL 33426	OCCUPIED BY:
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Section(s): 5-368 Property Maintenance

2.	15-0681	107 S 18th Street	Dantilus, Jean R	Shaun Coss
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Case Initiated:	May 6, 2015	Type of Presentation:	Regular - COMPLIED
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OWNER: Jean R Dantilus 555 NW Twylite Terrace Port St. Lucie, FL 34983	OCCUPIED BY:
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Section(s): 5-1.105.1 Permit Required

3.	15-1011	1206 Avenue D	Joseph, Marie M	Shaun Coss
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Case Initiated:	June 30, 2015	Type of Presentation:	Regular - CONTINUED
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OWNER: Marie M Joseph 301 N 19th Street Ft. Pierce, FL 34950	OCCUPIED BY:
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Section(s): 5-1.105.1 Permit Required

4.	15-1473	4603 - 4611 S US Hwy 1	Easy Livin' RV PK White City	Shaun Coss
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Case Initiated:	September 2, 2015	Type of Presentation:	Regular - COMPLIED
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OWNER: Easy Livin' RV PK White City 4611 S US Highway 1 Ft. Pierce, FL 34982	OCCUPIED BY: Advance Auto Sales 4603 S US Highway 1 Ft. Pierce, FL 34982
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OCCUPIED BY: Window Tinting or current occupant 4603 S US Highway 1 Ft. Pierce, FL 34982

Section(s): 5-1.105.1 Permit Required

5.

15-1537	913 N 18th Street	Brown, Marcus L	Isaac Saucedo
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Case Initiated:	September 10, 2015	Type of Presentation:	Regular - CONTINUED
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OWNER: Marcus L Brown 913 N 18th Street Fort Pierce, FL 34950	OCCUPIED BY:
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Section(s): 22-187 (13) Landscape Maintenance

5. PUBLIC HEARINGS - VIOLATION CASES

2.

15-0671	4531 - 4611 S US Hwy 1	Easy Livin' RV PK White City	Shaun Coss
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Case Initiated:	April 30, 2015	Type of Presentation:	Regular
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OWNER: Easy Livin' RV PK White City 4611 S US Highway 1 Ft. Pierce, FL 34982	OCCUPIED BY:
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Section(s): 5-1.105.1 Permit Required

Margaret Arraiz asked Mr. Waller to recuse himself from the vote as he is the contractor for this case. Mr. Waller stepped aside as the motion was being read and voted on.

Motion was made by Lara Amyx, seconded by Terry Wolters that the Board finds a violation does exist and the violators that are not present are deemed to have admitted guilt. It was further moved 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.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton

Other: Vice Chair Roderick Waller (RECUSE)

Passed

4.

15-0811	1302 N 16th Street	Bell Sr., David	Terry Denmark
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Case Initiated:	May 29, 2015	Type of Presentation:	Regular
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OWNER: David Bell Sr. 1304 N. 16th St. Ft. Pierce, FL 34950	OCCUPIED BY:
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Section(s): 16-46, 16-47, 16-48 (1) (3) Nuisance as an Object.

Chairwoman Minton asked if 15 days was enough time to comply for these violations and Code Compliance Manager Arraiz said it was. It sounded like a lot but really wasn't.

Motion was made by Al Bernetti, seconded by Alternate Jim Flynn that the Board finds a violation does exist and the violators that are not present are deemed to have admitted guilt. It was further moved 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.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton, Vice Chair Roderick Waller

Passed

5.

15-0819	917, 919, 921 Avenue J	Ormit & Gal Omer	Shaun Coss
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Case Initiated:	June 1, 2015	Type of Presentation:	Regular
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OWNER: Ormit & Gal Omer PO BOX 600086 N Miami Beach, FL 33160	OCCUPIED BY:
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Section(s): 5-1.105.1 Permit Required

Motion was made by Al Bernetti, seconded by Alternate Jim Flynn that the Board finds a violation does exist and the violators that are not present are deemed to have admitted guilt. It was further moved 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.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton, Vice Chair Roderick Waller

Passed

6.

15-0846	1905 Okeechobee Road B	Herbert Rochester Holdings LLC	Shaun Coss
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Case Initiated:	June 7, 2015	Type of Presentation:	Regular
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OWNER: Herbert Rochester Holdings LLC 5514 Palmetto Drive Ft. Pierce, FL 34982	OCCUPIED BY:
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Section(s): 5-1.105.1 Permit Required

BDI Shaun Coss read the facts of the case and presented photos which were marked as Exhibit 1. He stated that the violator was not contesting the charges and they were working on getting the permit.

Mr. Sam Wolkowsky, Property Manager for Rochester Holdings LLC was sworn in for testimony. He agreed with the violations and said he thought he could get them corrected within 60 days.

Mr. Bernetti asked if a survey was done and Mr. Walker stated that only came into effect if the violator requested an extension.

Motion was made by Al Bernetti, seconded by Lara Amyx that a violation does exist and that Herbert Rochester Holdings LLC has committed or is responsible for the violations. The violator has 60 days in which to apply for the permit and comply with the conditions of the permit. In the event the violations are not cured or complied within the time period given, a fine of \$100.00 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 their decision in the Circuit Court of St. Lucie County.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton, Vice Chair Roderick Waller

Passed

8.	15-1158	1230 Avenue B	Delva, Wilnor	Terry Denmark
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Case Initiated:	July 21, 2015	Type of Presentation:	Regular - STIPULATION
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OWNER: Wlnor Delva Marie P Louis 1230 Avenue B Ft. Pierce, FL 34950	OCCUPIED BY:
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Section(s): 16-46, 16-47, 16-48 (1)(5) Outside Storage
Section(s): 16-46, 16-47, 16-48 (11) Outside Storage-Indoor Furniture
Section(s): 16-46, 16-48 Hanging Clothes on Fence

9.	15-1414	912 N 13th Street	Hubbard, Georgina M (Est)	Isaac Saucedo
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Case Initiated:	August 25, 2015	Type of Presentation:	Regular
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OWNER: Georgia M Hubbard (Est) 912 N 13th Street Fort Pierce, FI 34950	OCCUPIED BY:
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Section(s): 5-369 Vacant Buildings

Motion was made by Al Bernetti, seconded by Alternate Jim Flynn that the Board finds a violation does exist and the violators that are not present are deemed to have admitted guilt. It was further moved 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.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton, Vice Chair Roderick Waller

Passed

6. **PUBLIC HEARINGS - MASSEY HEARINGS (FINE REDUCTIONS)**

7. **PUBLIC HEARINGS - LIEN REDUCTION REQUESTS**

0.	11-1440	2020 S 3rd Street	Nazario, Rachel	Peggy Arraiz
Case Initiated:		September 15, 2011	Type of Presentation:	Lien Reduction
PREVIOUS OWNER:		CURRENT OWNER:		
Rachel Nazario		Cariann D. Martin		
2020 S 3rd Street		374 NE Genesee Avenue		
Ft. Pierce, FL 34950		Port St. Lucie, FL 34983		

Section(s): 22-187 (13) Landscape Maintenance.

Margaret Arraiz read the facts of the case and went over the 7 Criteria of Rule 17 of the Rules of Procedure. Staff received a notice of tax deed sale and that there was excess funds. After sending in the required documents, the City has received the money. Staff notified the new owners of the excess funds and informed them that there was a lien on the property. On November 10th Staff received the Request of Lien Reduction from Cariann Martin, the new owner.

Motion was made by Lara Amyx, seconded by Terry Wolters based on the 7 Criteria of Rule 17 to recommend to the City Commission that they approve reducing the code enforcement lien in the amount of \$134,840.00 assessed against Rachel Nazario to \$21,510.58.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton, Vice Chair Roderick Waller

Passed

8. **PUBLIC HEARINGS - REQUEST FOR EXTENSION OF TIME**

1.	14-2512	637 N 2nd Street	Trujillo, Dio	Shaun Coss
Case Initiated:		December 30, 2014	Type of Presentation:	Extension of Time
OWNER:		OCCUPIED BY:		
Mr. Dio Trujillo				
Seaway Complex Inc.				
8213 Butler Greenwood Drive				
West Palm Beach, FL 33411				

Section(s): 5-1.105.1 Permit Required.

BDI Shaun Coss read the facts of the case. Mr. Waller was asked to recuse himself as he is the contractor on this job. He was reminded by Mr. Walker to fill out the required form(s) that are in the City Clerk's office. Mr. Waller was then sworn in for testimony. Mr. Coss stated that the permit is ready to pick up and it does address all of the violations. Margaret Arraiz advised him that after the permit is picked up, if they have a valid inspection made within 6 months, it will keep the permit active.

Mr. Waller stated that the plumber has been out of town and they are waiting for his signature. He was asked when the plumber will return and he said he was expected by Friday, no later than Monday. They were requesting additional time to come into compliance.

Motion was made by Al Bernetti, seconded by Terry Wolters that the request for an extension of time within which to comply with the requirements of the Code Enforcement Board's Order Determining Violation be granted and extend the time for 30 days from today's date. If not complied within that time a fine there will be imposed of \$100.00 per day.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton

Other: Vice Chair Roderick Waller (RECUSE)

Passed

9. NEW BUSINESS

A. Election of Officers for 2016

Motion was made by Al Bernetti, seconded by Lara Amyx to nominate Misty Minton to continue as Chairwoman for the upcoming year.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton, Vice Chair Roderick Waller

Passed

Motion was made by Al Bernetti, seconded by Lara Amyx to nominate Rod Waller as Vice Chair for the upcoming year.

AYE: Alternate Jim Flynn, Al Bernetti, Geraldine Murphy, Lara Amyx, Terry Wolters, Chairwoman Mary Padrick Minton, Vice Chair Roderick Waller

Passed

10. PUBLIC COMMENT

11. COMMENTS FROM STAFF

A. **Discussion of items presented to the City Manager at the request of the Code Board:**

Peggy Arraiz stated that she had taken the Board's request for changes, specifically their fence concerns, to the City Manager and he has asked that each member submit their concerns in writing.

13. ADJOURNMENT:

Meeting adjourned 9:55 AM.

Respectfully submitted:

Colleen Greer

Secretary for the Code Enforcement Board