

MINUTES OF A REGULAR MEETING OF THE SPECIAL MAGISTRATE 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 TUESDAY, DECEMBER 18, 2018.

Present: Fran O. Ross  
 Staff Present: Shaun Coss, Building Department Coordinator  
 Elizabeth Beck, Administrative Asst.  
 Karen Murphy, Executive Asst.  
 Guillermo (Will) Carbonell, Building Department Investigator  
 Iola Mosley, Asst. City Attorney

- 1. **CALL TO ORDER:  
9:10 AM**
- 2. **PLEDGE OF ALLEGIANCE**
- 3. **ADMINISTRATIVE BUSINESS**
  - A. **ADMINISTRATION OF OATH TO DEPARTMENTAL WITNESSES:  
Shaun Coss - Building Department Coordinator**
  - B. **IDENTIFICATION OF CASES IN COMPLIANCE OR RESCHEDULED**

1.	17-1630	1726 Okeechobee Rd	Mustafa, Nazir	Shaun Coss
Case Initiated:		July 24, 2017	Type of Presentation:	Complied
OWNER: Nazir Mustafa 6980 NW Denargo St. Port St. Lucie, FL 34983			OCCUPIED BY:	

**Section(s): 5-1.105.1 Permit Required**

2.	17-2242	304 N 32nd St.	Davis, Virgiline	Shaun Coss
Case Initiated:		November 27, 2017	Type of Presentation:	Complied
OWNER: Virgiline Davis 304 N 32nd St. Fort Pierce, FL 34947			OCCUPIED BY:	

**Section(s): 5-1.105.1 Permit Required**

3.	18-1633	809 S 10th Street	Cox, Laurie	Paul Julin
Case Initiated:		June 12, 2018	Type of Presentation:	Complied

OWNER: Laurie T Cox 809 S 10th Street Fort Pierce, FL 34950	OCCUPIED BY:
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Section 5-1.105.1 Permit Required

4.

17-2514	1513 Thumb Point Drive	McCormick, Reid & Jacqueline	Shaun Coss
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Case Initiated:	April 24, 2018	Type of Presentation:	Complied
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OWNER: Reid & Jacqueline McCormick 1513 Thumb Point Drive Fort Pierce, FL 34949	OCCUPIED BY:
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Section 5-1.105.1 Permit Required  
Section 5-1.105.4.1.2 Expired Permit

4. PUBLIC HEARINGS - CITATIONS

5. PUBLIC HEARINGS - VIOLATION CASES

A.

17-2394	811 N 21st St	Gardner, Earl	Shaun Coss
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Case Initiated:	October 16, 2017	Type of Presentation:	Regular
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OWNER: Earl Gardner 1701 N 35th St. Fort Pierce, FL 34947	OCCUPIED BY:
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- Section 5-1.101.2.1 Unsafe Building**
- Section 5-1.105.1 Permit Required**
- IPMC 304.7 Roofs & Drainage**
- IPMC 304.13 Windows, Doors & Frames**
- IPMC 304.15 Exterior Doors**
- IPMC 305.3 Interior Surfaces**
- IPMC 309.1 Infestation**
- IPMC 506.2 Sanitary Drainage System Maintenance**
- IPMC 603.1 Mechanical Equipment**
- IPMC 605.2 Electrical Receptacles**

Building Department Coordinator, Shaun Coss, read the findings of the case. This case was originally before the Special Magistrate (SM) in August 2018 and was continued to allow a member of staff of meet at the property with Mr. Gardner to verify what violations have been cured. There was also an issue with the Property Appraiser which labeled this property as a 2 bedroom/1 bath. It is now accurately recorded as a 3 bedroom/2 bath house. We were not able to meet at the property, but indicated to Mr. Gardner that a permit was needed for the water heater that had been replaced. Mr. Gardner expressed that based on the previous ruling he thought that the only issue was that it was thought that he added a bathroom illegally, and that no other violations existed. For this reason no other action was taken. Staff asks that a violation be found and time given to comply. SM asks Mr. Gardner if any violations have been addressed. Mr. Gardner responds that everything has been completed. Mr. Gardner expressed that he thought the issue was about the "added bathroom", but

that the house was always a 2 bathroom house, and that he just had to get the record straight, and that there were no issues. He further states that the tenants that were there were in the Section 8 program and that the house passed inspection through the Housing Authority. He feels that the tenants were trying to get back at him because he gave them an eviction notice.

SM asked if a permit was pulled for the water heater. Mr. Gardner said that he had not because it was not brought up at the last hearing. SM continued the case for 30 days to get a permit for the water heater. The SM asks if our department can get to this property within 30 days. Mr. Gardner provides his phone number. Mr. Coss states for the record that Mr. Gardner will have to hire a plumber since this is rental property.

Special Magistrate continued this case for 30 days for owner to obtain a permit.

C.

15-1123	603 N 8th Street	Gilbert, Ronald	Shaun Coss
Case Initiated:	2/15/2018	Type of Presentation:	Regular
OWNER: Roland & Lynrose Gilbert 605 N 8th Street Ft. Pierce, FL 34950	OCCUPIED BY:		

- Section 5-1.105.1 Permit Required
- IPMC108.1.3 Structure Unfit for Human Occupancy
- IPMC 304.6 Exterior Walls
- IPMC 304.7 Roofs and Drainage
- IPMC 304.13 Windows, Doors & Frames
- IPMC 304.13.1 Glazing
- IPMC 304.14 Insect Screens
- IPMC 403.2 Bathrooms and Toilet Rooms Ventilation
- IPMC 504.1 Plumbing Fixtures
- IPMC 602.2 Residential Heat Supply
- IPMC 607.1 Duct Systems
- IPMC 704.2.2 Smoke Alarms

Building Department Coordinator reads the case into the record. Mr. Coss states that the majority of the violations have been addressed with the exception of Section 5-1.105.1 Permit Required for the water heater, and IPMC 304.7 Roofs & Drainage. Inspector Guillermo Carbonell, was able to meet with the tenants and verified that the remainder of the violations have been cured. He did a visual inspection of the roof through the attic, and saw that there were a couple of trusses in need of repair.

Inspector Carbonell gets sworn in. He confirms that he did inspect the building. SM asks what he found with regard to the roofs and drainage. He stated that when he inspected the duct system, he noticed that some of the trusses were very damaged and need repair. He said that when looking at the house from the street, you can see that the roof is belying because of the damaged trusses.

City Attorney asks the date of the inspection. The inspector did not recall the date.

Mr. Gilbert is sworn in. SM asks how he responds. She said it appears that all he needs to take care of is the roof and water heater permit. Mr. Gilbert says it all started when he evicted a tenant in 2014. She tore up the house. Everytime he would repair something the tenant would go back and trash the house. SM asked if he called the police, and he responded that he did many times without much help. He states that at the end of 2016, he decided to fix the property. He fixed everything. He contacted a plumber who wanted \$1400 to replace the water heater. He asks if he can do it himself. Mr. Coss explains that because it's rental property he has to hire a contractor. Mr. Gilbert repeats that it's \$1400. Mr. Coss and the SM say to call other plumbers. Mr. Gilbert said that he will take care of it. He states that regarding the roof, it was replaced in 2007 after the hurricanes, and feels that the problem is cosmetic, and not leaking. The recommendation to him to get an architectural engineer would require him to sell the house since it would be \$2000 just for them to come out to the house. SM asks if he can be provided with a list of contractors, but staff cannot make recommendations of contractors. Mr. Coss states that he can be provided the number to the Treasure Coast Builders Association.

SM is granting a continuance for 30 days to see where he is in the process.

E. 

17-2237	317 N 18th St.	Flores, Raymond	Shaun Coss
Case Initiated:	November 27, 2017	Type of Presentation:	Regular
OWNER: Raymond Flores Guadalupe S Leal (EST) 317 N 18th St. Ft. Pierce, FL 34950	OCCUPIED BY:		

**Section(s): 5-1.105.1 Permit Required**

The named violator has been provided notice of this hearing, but has failed to appear. After consideration of the evidence presented, a default judgment in this matter is hereby entered. In the event the violation is not remedied within 60 days after the date of the Order Determining Violation, there shall be imposed a fine pursuant to Section 162.09, Fla. Stat., at a daily, cumulative rate of \$100.00. The violator has 30 days in which to appeal the decision in the Circuit Court of St. Lucie County.

F. 

17-2318	6780 Samba Street	Konrath, Ty	Shaun Coss
Case Initiated:	November 29, 2017	Type of Presentation:	Regular
OWNER: Ty & Shari Konrath 6780 Samba Street Fort Pierce, FL 34945	OCCUPIED BY:		

**IPMC 305.3 Interior Surfaces**

Building Department Coordinator Coss presented the findings of the case. Extensive damage to the home caused by the flooding of Hurricane Irma. Property is located outside the special flood hazard area and it's believed that it did not have flood insurance. The owner was unable to make repairs and was working with the lender to do a deed in lieu of foreclosure. However, the initiation of this case clouds the title and therefore the lender could not proceed. It's our understanding that the lender is proceeding with regular foreclosure proceedings.

Attorney Annette Newman with the law firm that represents Quicken Loans stated that bids are being obtained to address the violations. She requested a 60 day extension to receive the bids and obtain permitting.

Staff is agreeable to the requested extension.

Special Magistrate continued this case for 60 days so lender could receive bids and obtain permitting to address violations.

G. 

17-2374	2306 Orange Avenue	Mondono, Evodio	Shaun Coss
Case Initiated:	June 4, 2018	Type of Presentation:	Regular

OWNER: Evodio Mondono 1707 Miami Court Fort Pierce, FL 34950	OCCUPIED BY:
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IPMC 304.6 Exterior Walls  
IPMC 304.7 Roofs and Drainage

The named violator has been provided notice of this hearing, but has failed to appear. After consideration of the evidence presented, a default judgment in this matter is hereby entered. In the event the violation is not remedied within 60 days after the date of the Order Determining Violation, there shall be imposed a fine pursuant to Section 162.09, Fla. Stat., at a daily, cumulative rate of \$100.00. The violator has 30 days in which to appeal the decision in the Circuit Court of St. Lucie County.

J.

18-1273	705 Cedar PI (503 N 7th St)	Longshoremen's St Lucie Co Inc.	Shaun Coss
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Case Initiated:	April 19, 2018	Type of Presentation:	Regular
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OWNER: Longshoremen's St Lucie Co Inc. 503 N 7th Street Fort Pierce, FL 34950	OCCUPIED BY:
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Section 5-1.105.1 Permit Required

Building Dept. Coordinator presented the case that the violation is Section 105.1.2 Permit Required. For this address the violation is that the parking lot was re-stripped without a permit. The BDC spoke with a worker from the paving company on the date the case was initiated and informed him that permits were required for the work taking place, The worker indicated that he thought there was a permit. Once it was verified that a permit did not exist for the work, a violation letter was sent to the property owner. BDC spoke with representatives of the owner and the paving contractor; the contractor indicated that he would be in for the permit.

Richard Ross appeared representing Longshoremens of St. Lucie County Inc. He stated that he and the board of his company did what they were supposed to do to the best of their knowledge. They acquired bids, and selected a company that was well established and came well recommended and vetted and had done many jobs in the tri-county area. They were contacted by Mr. Coss and made contact with Precision Paving, who assured them that they would be obtaining permitting. The owner's representative said that he thought everything was taken care of and was surprised and upset to receive the notice to appear, and would like to where to go from here and correct things from their standpoint.

Mr. Coss responds that he spoke with Mr. Ross before the hearing advising him of his right to file a complaint against the contractor, which is dealt with separate from the Special Magistrate. Once a complaint is filed, and processed, the contractor will be scheduled before the Contractor Licensing Board for their review. He recommends continuing this case for 60 days, allowing the Longshoremen to file the complaint. Many times the contractor will take steps to remedy the situation before having to appear before the Licensing Board.

Mr. Ross said he will abide, if that is the acceptable practice. He asks that if there are any alternatives, the parking lot has been paved and it is a beautiful property now and he would hate to see the parking lot ripped up.

The Special Magistrate says that the solution is what Mr. Coss described, and if followed will probably result in a satisfactory solution. The Special Magistrate continues the case for 60 days in order for the

Longshoremen to file the complaint.

Mr. Ross asks if there is any special paperwork that would have to be filled out.

Special Magistrate says to get with Mr. Coss for that information, and stay in touch with him regarding this matter.

K.

17-1274	710 Avenue D	Longshoremen of SLC Inc.	Shaun Coss
Case Initiated:	April 19, 2018	Type of Presentation:	Regular
OWNER: Longshoremen of SLC Inc. 503 N 7th Street Fort Pierce, FL 34950		OCCUPIED BY:	

Section 5-1.105.1 - Permit Required

Building Dept. Coordinator presented the case that the violation is Section 105.1.2 Permit Required. For this address the violation is that the paving of a parking lot was done without a permit. The BDC spoke with a worker from the paving company on the date the case was initiated and informed him that permits were required for the work taking place, The worker indicated that he thought there was a permit. Once it was verified that a permit did not exist for the work, a violation letter was sent to the property owner. BDC spoke with representatives of the owner and the paving contractor; the contractor indicated that he would be in for the permit.

Richard Ross appeared representing Longshoremen of St. Lucie County Inc. He stated that he and the board of his company did what they were supposed to do to the best of their knowledge. They acquired bids, and selected a company that was well established and came well recommended and vetted and had done many jobs in the tri-county area. They were contacted by Mr. Coss and made contact with Precision Paving, who assured them that they would be obtaining permitting. The owner's representative said that he thought everything was taken care of and was surprised and upset to receive the notice to appear, and would like to where to go from here and correct things from their standpoint.

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The Special Magistrate says that the solution is what Mr. Coss described, and if followed will probably result in a satisfactory solution. The Special Magistrate continues the case for 60 days in order for the Longshoremen to file the complaint.

Mr. Ross asks if there is any special paperwork that would have to be filled out.

Special Magistrate says to get with Mr. Coss for that information, and stay in touch with him regarding this matter.

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

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

**8. OTHER CASES**

A.

17-1010 Ext. of Time	906 N 22nd Street	Hicks, Cassandra	Shaun Coss
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Case Initiated:	May 11, 2017	Type of Presentation:	Ext. of Time
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OWNER: Cassandra Hicks 5810 Spanish River Road Fort Pierce, FL 34951	OCCUPIED BY:
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- Section(s): 5-1.105.1 Permit Required**
- IPMC 108.1.3 Structure Unfit for Human Occupancy**
- IPMC 304.13 Windows, Doors & Frames**
- IPMC 304.15 Exterior Doors**
- IPMC 305.3 Interior Surfaces**
- IPMC 504.1 Plumbing Fixtures**
- IPMC 505.3 Water Supply**
- IPMC 506.2 Sanitary Drainage System Maintenance**
- IPMC 605.2 Electrical Receptacles**
- IPMC 704.2.1 Smoke Alarms**

Mr. Hicks is sworn in. Special Magistrate asks Mr. Coss to summarize the case. Mr. Coss summarizes the case. He states that this case was for the interior violations. A permit is required to make some of the repairs. He received a letter from D. Roberts Construction and McLendon Plumbing stating that they've been contracted to make repairs to this property. Staff is agreeable to an extension of 90 days to assess the work that needs to be done and to obtain the permits.

Mr. Hicks agrees to this extension.

The Special Magistrate grants the 90 day extension.

**9. NEW BUSINESS**

**10. OLD BUSINESS**

Respectfully submitted:

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