

City of Port St. Lucie

Special Magistrate Hearing

Meeting Minutes

121 SW Port St. Lucie
Blvd.
Port St. Lucie, Florida
34984

Wednesday, September 18, 2024

9:00 AM

City Hall, Council Chambers

Addition of Items 11A and 12A

1. Meeting Called to Order

A SPECIAL MAGISTRATE HEARING of the City of Port St. Lucie was called to order by Special Magistrate Keith Davis Esq. on September 18, 2024, at 9:07 a.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

Present:

Keith Davis Esq., Special Magistrate
Sara Brown, Administrative Assistant
Aaron Biehl, Code Compliance Supervisor
Wesley Armstrong, Code Compliance Supervisor
Miguel Mendoza, Code Compliance Specialist
Jeremy Kashatus, Code Compliance Specialist
Hamlet Polanco, Code Compliance Specialist
Mishla Pierre, Code Compliance Specialist
Evelyn Rojas, Lien Services Specialist
Spencer Scott, Deputy City Attorney
Jasmin De Freese, Deputy City Clerk

2. Pledge of Allegiance

The Special Magistrate led the assembly in the Pledge of Allegiance.

3. Swearing in Code Specialist and/or Building Investigators

The Deputy City Clerk administered the Oath of Testimony to the Code Specialists.

4. Approval of Minutes

There were no minutes for approval.

5. Late Abatements and/or Postponements

Administrative Assistant Brown indicated that cases 24-10813 and 24-11309 were postponed, and cases 24-11798 and 24-13550 were abated.

6. Approval of Agenda

The Special Magistrate approved the agenda, as published.

7. Introduction of Cases

8. Code Violations

8.a Hear Code Violations Cases and Approve the Staff Recommendation

[2024-919](#)

4. BENDER / CASE NO. 24-13228 / 144 NE FATIMA TER

(Clerk's Note: Code Compliance Specialist Kashatus presented the case on behalf of Specialist Bender.)

Code Compliance Specialist Bender read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations.

The Deputy City Clerk swore in Respondent Justin Rodriguez, who informed that he lost his job and discussed the areas that he had cleaned up. He stated that he would get rid of the boat if required and that the tire for the car had a leak and he was working on that. He stated that he could be in compliance in 2 weeks.

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation as cited and ordered a compliance deadline by October 4, 2024. He stated that the high grass and weeds posed a safety and health risk, and he authorized the City to enter the property and abate that violation if Mr. Hernandez's contractors did not complete the job. He stated that he would accept the City's recommendation and assess a daily fine in the amount of \$50 for every day the violation continues after the compliance deadline, not to exceed \$5,000, as well as the City's administrative cost in the amount of \$411.

6. JOHANTGEN / CASE NO. 24-11810 / 2426 SE PERUGIA ST

(Clerk's Note: Code Compliance Specialist Herzog presented the case on behalf of Specialist Johantgen.)

Code Compliance Specialist Herzog read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations. He stated that there had been no correspondence between himself or the previous Code Compliance Specialist and the Respondent.

The Deputy City Clerk swore in Respondents Rita Anderson and Yasmine Campbell, of whom informed that the front had been fixed. Specialist Herzog advised that the whole fence would be required to be fixed. (Clerk's Note: The Respondents exhibited photographs that were taken on their phones.) It was noted that they may need a permit to fix the fence, but did not need one if they opted to remove the fence.

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation as cited and ordered a compliance deadline by November 20, 2024. He stated that he would accept the City's recommendation and assess a daily fine in the amount of \$25 for every day the violation continues after the compliance deadline, not to exceed \$2,500, as well as the City's administrative cost in the amount of \$411.

10. KASHATUS / CASE NO. 24-07879 / 1670 SE CHELLO LN

Code Compliance Specialist Kashatus read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations. He requested to abate violation 41.09(b) due to replacement of the pool screen, and he noted that the Respondent was making good progress on the corrections.

The Deputy City Clerk swore in Respondent Kurt Dix, who advised that he had gotten almost violations taken care of, and he has a contractor for pool compliance. He noted that the pool was drained. Specialist Kashatus informed that there was a minimal section of overgrowth to be removed from the back and he requested that violation 41.08(g)(4) be abated due to compliance.

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation of the remaining cited Code Sections and ordered a compliance deadline by November 20, 2024. He stated that he would accept the City's recommendation and assess a daily fine in the amount of \$100 for every day the violation continues after the compliance deadline, not to exceed \$10,000, as well as the City's administrative cost in the amount of \$411.

17. POLANCO / CASE NO. 24-09230 / 2166 SE GENOA ST

Code Compliance Specialist Polanco read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and

violations.

The Deputy City Clerk swore in Respondent Sylvester McLean, who stated that the items in the driveway were going to be thrown out, but he could not put it out due to the City's bulk-pickup rules being that they pick up only once a month. Code Compliance Supervisor Aaron Biehl advised that the City had a bulk drop-off location located at Cameo Blvd and Crosstown Pkwy. Mr. McLean informed that his roommate had passed away and most of the items were his. The Special Magistrate inquired if there was anyone Mr. McLean could speak to about getting the items out, to which Supervisor Biehl responded in the affirmative and provided information for 1PSL. Mr. McLean stated that he did not know how to get rid of the vehicle, which was also his former roommate's, and that he was advised that if he moved the vehicle in front of the tent on the side of the house, he would be in compliance. The Special Magistrate advised that this was not correct. Mr. McLean then informed that when people came to work on the drain in the swale, they left a pile of sand, and Specialist Polanco stated that for compliance, it needed to be matched with the rest of the swale. He also noted that he provided Mr. McLean with information on his bulk pickup dates, but the items remained in the driveway.

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation as cited and ordered a compliance deadline by October 16, 2024. He stated that he would accept the City's recommendation and assess a daily fine in the amount of \$75 for every day the violation continues after the compliance deadline, not to exceed \$7,500, as well as the City's administrative cost in the amount of \$411.

15. PIERRE / CASE NO. 24-04880 / 505 SW BRADSHAW CIR

Code Compliance Specialist Pierre read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations.

The Deputy City Clerk swore in the property manager Lynn Marino, who stated that she ordered the parts for the fence and it would be installed soon.

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation as cited and ordered a compliance deadline by October 16, 2024. He stated that he would accept the City's recommendation and assess a daily fine in the amount of \$50 for every day the violation continues after the

compliance deadline, not to exceed \$5,000, as well as the City's administrative cost in the amount of \$411.

18. POLANCO / CASE NO. 24-09289 / 2043 SE BERKSHIRE BLVD

Code Compliance Specialist Polanco read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations.

The Deputy City Clerk swore in Respondent Michelle Thew, who stated that the debris could be moved and that Code Compliance was trespassing on her property to take the photos. She stated that the vehicle was registered, but not plated. The Special Magistrate advised that the vehicle would need the tags on it for it to be in compliance. Code Compliance Supervisor Armstrong explained the privacy laws regarding reasonable expectation, and the Special Magistrate advised that they would not be holding a constitutional debate on this topic. Supervisor Armstrong also advised that the vehicle would need to be enclosed, even with tags on it due to it being classified as a commercial vehicle.

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation as cited and ordered a compliance deadline by October 16, 2024. He stated that he would accept the City's recommendation and assess a daily fine in the amount of \$50 for every day the violation continues after the compliance deadline, not to exceed \$5,000, as well as the City's administrative cost in the amount of \$411.

20. POLANCO / CASE NO. 24-13017 / 2502 SE BERKSHIRE BLVD

Code Compliance Specialist Polanco read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations.

The Deputy City Clerk swore in Respondent Stacey Loy Lawhorn, who advised that the stones had been removed, the trailer is not an oversized trailer, the swale had been repaired multiple times, and he has fixed the driveway and culvert. He advised that due to issues with his neighbor, the police would not allow him back on his property, so he needs more time for compliance. He noted that everything else had been picked up and done, but he needs to get to the dirt pile. Code Compliance Supervisor Biehl noted that they had multiple complaints from the neighbor and that there

had been no contact with the owner since an assault on the complainant. Supervisor Biehl informed that he could go to the property to measure the trailer. The Deputy City Clerk then swore in Carla Lawhorn, who provided testimony on the issues with the neighbor. Mr. Lawhorn requested an extension.

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation as cited and ordered a compliance deadline by October 2, 2024. He stated that he would accept the City's recommendation and assess a daily fine in the amount of \$50 for every day the violation continues after the compliance deadline, not to exceed \$5,000, as well as the City's administrative cost in the amount of \$411.

9. Code Violations Special Requests

- 9.a** Hear Code Violations Special Requests Cases and Approve the Staff Recommendation

[2024-920](#)

21. BENDER / CASE NO. 24-12442 / 461 NW MARION AVE

(Clerk's Note: Code Compliance Specialist Kashatus presented the case on behalf of Specialist Bender.)

Code Compliance Specialist Kashatus read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations. He noted that the grass was being cut in sections so there are certain sections that are very high. (Clerk's Note: The Respondent was not present.)

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation and that violation of City Code 41.08(b) constituted a threat to the public safety and welfare. He granted relief requested by the City including any abatements to correct the violations.

22. HERZOG / CASE NO. 24-15080 / 5423 NW MILNER DR

Code Compliance Specialist Herzog read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations. (Clerk's Note: The Respondent was not present.)

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation as

cites and all violations constituted a threat to the public safety and welfare. He granted relief requested by the City including any abatements to correct the violations.

23. KASHATUS / CASE NO. 24-13356 / 602 SE RON RICO TER

Code Compliance Specialist Kashatus read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations. (Clerk's Note: The Respondent was not present.)

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation and that violation of City Code 41.08(b) constituted a threat to the public safety and welfare. He granted relief requested by the City including any abatements to correct the violations.

24. MENDOZA / CASE NO. 24-13183 / 365 SW TODD AVE

Code Compliance Specialist Mendoza read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations. (Clerk's Note: The Respondent was not present.)

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation and that violation of City Code 41.08(b) constituted a threat to the public safety and welfare. He granted relief requested by the City including any abatements to correct the violations.

25. PIERRE / CASE NO. 24-12106 / 3231 SE PINTO ST

Code Compliance Specialist Pierre read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations. (Clerk's Note: The Respondent was not present.)

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation and that violation of City Code 41.08(b) constituted a threat to the public safety and welfare. He granted relief requested by the City including any abatements to correct the violations.

26. POLANCO / CASE NO. 24-12992 / 1985 SE DRANSON CIR

Code Compliance Specialist Polanco read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations. (Clerk's Note: The Respondent was not present.) Code Compliance Supervisor Aaron Biehl explained that the owner was throwing items into the yard and attempting to get rid of some of the items by creating a bonfire with them, hence why the City requested permission to enter the property and remove the open storage.

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation and that the violation of the high grass and weeds and waste materials constituted a threat to the public safety and welfare. He granted relief requested by the City including any abatements to correct the violations. He ordered a compliance date of September 25, 2024.

10. Certification of Fines

- 10.a** Hear Certification of Fines Cases and Approve the Staff Recommendation

[2024-921](#)

27. MENDOZA / CASE NO. 23-05483 / 652 SW DWIGHT AVE

Code Compliance Specialist Mendoza read the case presentation and Staff's recommendations into the record and presented photos that were taken at the time of the inspections showing the subject property and violations.

(Clerk's Note: Respondent Attorney T.R. Fuller appeared via Zoom.) Attorney T.R. Fuller represented the Respondent and stated that one of the heirs had passed away and they had worked on deciding who would step in on their behalf. She stated that she anticipated the closing would be this month, and the purchasers were aware of the code case. Specialist Mendoza noted that they would need a permit for the roof and fence. Code Compliance Supervisor Aaron Biehl clarified that this case was separate from the property on Del Rio Blvd.

The Special Magistrate granted a compliance date to November 20, 2024 and a new hearing date of December 11, 2024.

11. Modifications

- 11.a** Hear Modifications Cases and Approve the Staff Recommendation

[2024-965](#)

Evelyn Rojas, Lien Services Department, stated that these modifications

are requested by the applicant. They are heard as a matter of City policy and are not mandated by Florida Statute. City Council holds these liens and they are considered to be assets of the City. Per City ordinance, the Special Magistrate has authority to modify these liens, agenda item 1.

12. Vacates

12.a Hear Vacates Cases and Approve the Staff Recommendation

[2024-966](#)

Evelyn Rojas, Lien Services Department, stated that the vacate requests on today's agenda, item 2, have come from citizens or City staff, have been found by the City to be invalid, and require Special Magistrate signature.

13. How Parties are Notified

Administrative Assistant Sara Brown read the following into the record: A Notice of Hearing or Notice of the Certification of Fine was sent to the violator by Certified Mail Return Receipt Requested to the address listed in the Tax Collector's Office for tax notices or to the address listed in the County Property Appraiser's Database. If the green card was returned, it was placed in the file and was either signed, unsigned or unclaimed. Ten days before the hearing, an agenda was posted on the bulletin board in the lobby of Port St. Lucie City Hall. Also, a Notice of Hearing was posted on the property in question, along with an Affidavit of Posting, which included a copy of the notice posted and the date and places of its posting. If the certification card was not returned to the Neighborhood Services Department, then within ten days before the Hearing, posting was completed in the same manner as if the card was returned unclaimed as stated above. The photos shown at the hearing were kept and maintained as public records of the City of Port St. Lucie's Neighborhood Services Department. The Administrative Assistant requested that the Clerk enter the cases into the record and asked the Special Magistrate if he had any questions about any cases with no parties present, to which he responded in the negative.

14. Introduction of Cases Without Parties Present

The cases without parties present were read into the record by the Administrative Assistant.

15. Public to be Heard

There were no public comments to be heard.

16. Adjourn

There being no further business, the meeting was adjourned at 10:56 a.m.

Jasmin De Freese, Deputy City Clerk