

City of Port St. Lucie

Special Magistrate Hearing

Meeting Minutes - Draft

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

Wednesday, August 14, 2024

9:00 AM

City Hall, Council Chambers

Addition of Items 14A and 15A

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 on August 14, 2024, at 9:00 a.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

Present:

Keith Davis, Special Magistrate
Sara Brown, Administrative Assistant
Spencer Scott, Deputy City Attorney
Various Code Compliance Specialists
Shanna Donleavy, 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 staff.

4. Approval of Minutes

4.a Hear Approval of Minutes for 6/12/2024, 6/19/2024 and
7/3/2024 Cases and Approve the Staff Recommendation

[2024-781](#)

The Special Magistrate approved the minutes as submitted.

5. Late Abatements and/or Postponements

Sara Brown, Project Coordinator, informed the Special Magistrate that Cases #24-10406, #24-06318, #24-07339 & #23-18814 were abated and Case #24-09848 was postponed.

6. Approval of Agenda

The Special Magistrate approved the agenda.

7. Introduction of Cases

8. Solid Waste Certification of Fines

- 8.a** Hear Solid Waste Certification of Fines Cases and Approve the Staff Recommendation

[2024-782](#)

(Clerk's Note: This item was heard after Item 6. No one was present for the Solid Waste Violations.)

Ms. Brown read the following Solid Waste violations into the record, as well as how the Respondents were notified:

24-08165	1690 SW Angelico Ave
24-06885	2550 SE Hamden Ln
24-08341	2721 SW Pierson Rd

The Special Magistrate stated that proper notice was achieved & he would sign the orders.

9. Code Violations

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

[2024-783](#)

Kashatus	24-13210	674 SE Starfish Ave
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The Deputy City Clerk swore in Code Specialist Kashatus who read the case presentation and staff's recommendations into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations. Aaron Biehl, Code Compliance Supervisor, stated that the overgrowth covered the house from view and the pool was unmaintained. He informed the Special Magistrate that they needed to secure the pool & would give a week to correct the overgrowth but if not, the City was requesting to go in and maintain it. He clarified that they didn't have contact with the homeowner and because it was a unique case, staff sent it straight to a hearing.

The Deputy City Clerk swore in Aileen Palmer & Linton Charleton. Ms. Palmer stated that she had health issues and Mr. Charleton stated that he had to focus on his mother's health but was trying to maintain the house. He stated that they hired a new lawn company to maintain the house.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He authorized the City to enter the property to abate Violations 41.08(b), 154.05(c), 41.09(a) & 41.09(b) and assess the cost. He stated that the City could work together with the Respondent to abate the overgrowth but felt that the pool should be abated immediately. He set health, safety and welfare violations for a Certification of Fine Hearing, as needed, after the 60 days. He required compliance for

all other violations by October 16, 2024, if not in compliance by that date a fine in the amount of \$250/day would be due every day the violation continued, not to exceed \$25,000 along with the administrative costs of \$411.

Mendoza 24-07544 268 SW Crescent Ave

Code Specialist Mendoza, previously sworn, read the case presentation and staff's recommendations into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations.

The Deputy City Clerk sworn in Jerald Lockhart who stated that he had resecured the screens.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He required compliance for Violation 41.09(b) by August 15, 2024, and if not in compliance by that date he authorized the City to enter the property to abate the health, safety and welfare violations and assess the cost. He required compliance for all remaining violations by September 18, 2024. He set health, safety and welfare violations for a Certification of Fine Hearing, as needed, after September 18, 2024.

Wesley Armstrong, Code Compliance Manager, explained that there could be no tears or rips on the pool enclosure.

10. Code Violations Special Requests

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

[2024-784](#)

There was nothing heard under this item.

11. Vacant Lot Violations

- 11.a** Hear Vacant Lot Violations Cases and Approve the Staff Recommendation

[2024-785](#)

Huckstable 24-11271 602 SW Hoffenberg Ave

Code Specialist Huckstable, previously sworn, read the case presentation, staff's recommendations, and the previous Special Magistrate's ruling into the record, and she presented photos that were taken at the time of the inspections showing the subject property and violations. She clarified that she was most concerned about the side with the neighbor. Mr. Armstrong stated that it would not be cut before early-mid September as the vendor

had a schedule.

The Deputy City Clerk sworn in Waseem Qamar (Walter), manager, who stated that the lot would be cleared on September 18th and if it was not cleared by that date, he would clear up the side abutting the neighbor.

The Special Magistrate found that proper notice was achieved, and that the property remained in violation. He set a compliance date of September 18, 2024, if not in compliance by that date he authorized the City to enter the property to cut & maintain the high grass and weeds & assess the cost. He set a Certification of Fine Hearing to assess the cost & fines if needed.

12. Certification of Fines

12.a Hear Certification of Fines Cases and Approve the Staff Recommendation

[2024-786](#)

Dickerson 23-12873 2732 SW Casella St

Code Specialist Dickerson, previously sworn, read the case presentation, staff's recommendations, and the previous Special Magistrate's ruling into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations. He stated that he was unsure of any Site Plan submittals.

Mr. Robinson clarified that no Site Plan was submitted to the City but the variance and rezoning were approved.

The Deputy City Clerk sworn in James Freese who stated that he terminated the lease with the tenant but the tenant hasn't complied, he added that he would evict the tenant but it would take months. He inquired if the City had the authority to issue parking tickets, to which Mr. Armstrong responded in the negative but added that he had no objection extending the compliance date.

He continued the case to the October 9, 2024 hearing.

Owens 23-14938 9100 S. U.S. Highway 1

Code Specialist Owens, previously sworn, read the case presentation, staff's recommendations, and the previous Special Magistrate's ruling into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations. He informed the Special Magistrate that the Respondent either had to move the dumpsters or go through the Site Plan process to build a carrel.

The Deputy City Clerk swore in Steven Darby who stated that there was not enough carrels built in the original plan, but they were remodeling the entire plaza. He stated that it was in Site Plan review.

Mr. Robinson stated that if it was in redevelopment, he would have to check with the Plan reviewer since nothing came to his attention. The Special Magistrate found that proper notice was achieved and found the property remained in violation. He certified the lien in the amount of \$75/day, not to exceed \$7,500 along with the administrative costs of \$411.

Owens 23-18392 247 SW Port St. Lucie Blvd

Code Specialist Owens, previously sworn, read the case presentation, staff's recommendations, and the previous Special Magistrate's ruling into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations. He informed the Special Magistrate that the driveway work was completed.

Mr. Darby stated that the dumpster carrel was in permit review, but he was unaware of the mildew violations and requested time to remedy the violations. He stated that the trash was an ongoing issue but they were trying to address it with the tenant. Code Specialist Owens informed the Respondent that if they were working with the Building or Planning & Zoning Department, they could freeze the case.

The Special Magistrate continued the case to September 11, 2024 if needed.

Owens 24-03379 1984 SW Biltmore St

Code Specialist Owens, previously sworn, read the case presentation, staff's recommendations, and the previous Special Magistrate's ruling into the record. He presented photos that were taken at the time of the inspections showing the subject property and violations. He informed the Special Magistrate that the wooden fence was being removed & added that the Respondent had an issue with illegal dumping.

The Deputy City Clerk sworn in Joe Sardo who requested more time, to which staff replied that they would allow an extension since the Site Plan/Landscape Plan needed approval.

The Special Magistrate continued the case to November 13, 2024 if needed.

Williams

24-02587

1751 SW Dove Ln

Code Specialist Wise, reading for Code Specialist Williams & previously sworn, read the case presentation, staff's recommendations, and the previous Special Magistrate's ruling into the record, and he presented photos that were taken at the time of the inspections showing the subject property and violations. Code Specialist Williams informed the Special Magistrate that the only outstanding violation was the fence which had a permit expiration date of October 10th.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He set a compliance date of October 10, 2024, if not in compliance by that date a fine in the amount of \$25/day, every day the violation continued, not to exceed \$2,500 along with the administrative costs of \$411.

Williams

24-10095

307 SW

Belmont Cir

Code Specialist Wise, reading for Code Specialist Williams & previously sworn, read the case presentation, staff's recommendations, and the previous Special Magistrate's ruling into the record, and he presented photos that were taken at the time of the inspections showing the subject property and violations.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He set a compliance date of August 21, 2024, if not in compliance by that date a fine in the amount of \$75/day, every day the violation continued, not to exceed \$7,500 along with the administrative costs of \$411. He authorized the City to enter the property to cut & maintain the high grass and weeds & assess the cost.

Williams

24-10376

1681 SW Clover St

Code Specialist Wise, reading for Code Specialist Williams & previously sworn, read the case presentation, staff's recommendations, and the previous Special Magistrate's ruling into the record, and he presented photos that were taken at the time of the inspections showing the subject property and violations.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He set a compliance date of August 21, 2024, if not in compliance by that date a fine in the amount of \$50/day, every day the violation continued, not to exceed \$5,000 along with the

administrative costs of \$411. He authorized the City to enter the property to cut & maintain the high grass and weeds & assess the cost.

Williams
Rio Blvd

24-11751

731 SW Del

Code Specialist Williams, previously sworn, read the case presentation, staff's recommendations, and the previous Special Magistrate's ruling into the record, and he presented photos that were taken at the time of the inspections showing the subject property and violations.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He set a compliance date of August 21, 2024, if not in compliance by that date a fine in the amount of \$25/day, every day the violation continued, not to exceed \$2,500 along with the administrative costs of \$411. He authorized the City to enter the property to cut & maintain the high grass and weeds & assess the cost.

13. Vacant Lot Violations Certification of Fines

- 13.a** Hear Vacant Lot Certification of Fines Cases and Approve the Staff Recommendation

[2024-787](#)

There was nothing heard under this item.

14. Modification Requests

- 14.a** Hear Modification Requests Cases and Approve the Staff Recommendation

[2024-805](#)

(Clerk's Note: This item was heard after Item 14.)

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 items 4 through 7 were agreed upon and required Magistrate signature. The Special Magistrate stated that he would sign the modification requests.

She stated that that vacate requests came from citizens and/or staff, agenda items 8 & 9, were found by the City to be invalid and required Magistrate signature. The Special Magistrate stated that he would sign the vacate requests.

15. Vacate Requests

- 15.a** Hear Vacate Requests Cases and Approve the Staff

[2024-806](#)

Recommendation

There was nothing heard under this item.

16. How Parties are Notified

Ms. Brown stated that 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. She requested that the Clerk enter the cases into the record. She asked if the Special Magistrate had any questions regarding the cases where a party was not present, to which the Special Magistrate responded in the negative and found that proper notice was achieved.

17. Introduction of Cases Without Parties Present

The cases without parties were read into the record by Ms. Brown:

24-03160	2002 SW Kimberly Ave
24-09165	0 SE Westmoreland Boulevard
24-10098	2100 SE Hillmoor Dr
24-00631	2001 SE Port St. Lucie Boulevard
24-01516	2450 SW Lafayette St
24-06786	2532 SW Warwick St
24-11746	731 SW Del Rio Boulevard
24-09851	5492 NW Dabney Ct
24-10099	511 NW Grenada St
24-10100	551 SE Wallace Terr
24-10471	5085 NW Aljo Cir
24-04385	1309 SW Gatlin Boulevard
24-05105	3062 SW Yale St
23-15683	126 SW Tulip Boulevard
23-18987	2457 SW Hinchman St
24-07521	2417 SW Hinchman St
23-16123	4941 NW Foxworth Ave
23-16665	345 SW Hollyhock Dr
23-16916	1167 SW Addie St

23-17942 761 SE Albatross Ave
24-02554 1430 SW Bartell Ave

The Special Magistrate stated that he would sign the orders for the above cases.

18. Public to be Heard

There were no public comments to be heard.

19. Adjourn

There being no further business, the meeting was adjourned at 11:19 a.m.

Shanna Donleavy, Deputy City Clerk