

City of Port St. Lucie

Special Magistrate Hearing

Meeting Minutes - Final

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

Wednesday, April 17, 2024

9:00 AM

City Hall, Council Chambers

Addition of Item 11A

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 April 17, 2024, at 9:05 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
Jeremy Kashatus, Code Compliance Specialist
Matthew Johantgen, Code Compliance Specialist
Tyler Herzog, Code Compliance Specialist
Greg Bender, Code Compliance Specialist
Evelyn Rojas, Lien Services Specialist
Spencer Scott, Deputy City Attorney
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 the Code Specialists.

4. Approval of Minutes

There was nothing to be heard under this item.

5. Late Abatements and/or Postponements

Administrative Assistant Sara Brown indicated that the following cases were postponed; 23-14514 and 23-19093. She also indicated that the following cases had been abated; 24-00885 and 23-16340.

6. Approval of Agenda

The Special Magistrate approved the agenda, as published.

7. Introduction of Cases

8. Violation Hearing Cases

8.a Hear Violation Hearing Cases and Approve the Staff Recommendation

[2024-375](#)

11. PIERRE / CASE NO. 23-04164 / 396 SW RIDGECREST DR

(Clerk's Note: Code Compliance Specialist Herzog presented on behalf of Code Compliance Specialist Pierre.) 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 noted that he would be taking over this case, and that the Respondent was working with the insurance company.

The Deputy City Clerk swore in Respondent Anne Marie Cooper-Ellis, who informed that the insurance company refused to replace the roof, so she hired an attorney to assist. She stated a lawsuit had been filed and the attorney advised that it would be another 5-6 months.

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 September 18, 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.

13. POLANCO / CASE NO. 21-04197 / 3061 SW BRIDGE ST

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

The Deputy City Clerk swore in Respondents Lila Noel and Fabian Noel, who advised that they had a lawsuit against their insurance company, and there were other issues with the home that they were working on to make it livable. (Clerk's Note: An exhibit was provided to the Special Magistrate at this time.)

The Special Magistrate continued the case to August 14, 2024.

9. Certification of Fines Cases

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

[2024-376](#)

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. The Special Magistrate inquired if there had been any change in the circumstances since the December Violation Hearing, to which Specialist Kashatus responded in the affirmative, noting that some violations had been corrected such as a painted fence, cut grass, fixed driveway, and new roof installation.

The Deputy City Clerk swore in Respondent Kristi Bonsignore, who stated that she was informed that someone would visit the property on Thursday to close out the RV violation, but no one had come. Specialist Kashatus informed that he was out on medical leave for 2 months so another Specialist had filled in and conducted the inspection, and that he had not received correspondence from the Respondents since the notice was posted. Code Compliance Specialist Johantgen stated that he took over this case while Specialist Kashatus was out and he posted the notice on the property, and that the smell in the driveway was horrendous and the Respondent answered when he knocked on the RV door. He discussed the conditions of the area, and Ms. Bonsignore proclaimed that she was working on the property the best she could.

The Special Magistrate found that based on the testimony and evidence, he found that the property remains in violation. He certified the fine and ordered a fine in the amount of \$50/day, not to exceed \$5,000, and \$411 in administrative costs.

10. Vacate Cases

- 10.a** Hear Vacate Cases and Approve the Staff Recommendation

[2024-401](#)

(Clerk's Note: This item was heard first.)

Evelyn Rojas, Lien Services Department, stated that the vacate request on today's agenda, item 17, had come from citizens or City staff, have been found by the City to be invalid, and require Special Magistrate signature.

11. Code Violation Special Request Cases

- 11.a** Hear Code Violation Special Request Cases and Approve the Staff Recommendation

[2024-413](#)

(Clerk's Note: The Respondent was not present.)

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.

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, he found the property remained in violation as cited and that the violation constitutes a threat to public health, safety, and welfare, and ordered a compliance deadline by April 24, 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. He authorized the City to enter the property and abate the violation and assess the costs if not in compliance by the deadline.

12. How Parties are Notified

Administrative Assistant 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.

13. Introduction of Cases Without Parties Present

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

14. Public to be Heard

There were no public comments to be heard.

15. Adjourn

There being no further business, the meeting was adjourned at 9:49 a.m.

Shanna Donleavy, Deputy City Clerk

Typed By: Jasmin De Freese, Deputy City Clerk