

# **City of Port St. Lucie**

## **Special Magistrate Hearing**

### **Meeting Minutes - Final**

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

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**Wednesday, April 3, 2024**

**9:00 AM**

**City Hall, Council Chambers**

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**1. Meeting Called to Order**

A SPECIAL MAGISTRATE HEARING of the City of Port St. Lucie was called to order by Special Magistrate Claudette Pelletier Esq. on April 3, 2024, at 9:00 a.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

Present:

Claudette Pelletier Esq., Special Magistrate  
Makenzie Spittler, Administrative Assistant  
Wesley Armstrong, Code Compliance Supervisor  
Aaron Biehl, Code Compliance Supervisor  
Jason McElveen, Code Compliance Supervisor  
Roque Gomez, Code Compliance Specialist  
Brandon Miller, Code Compliance Specialist  
Greg Bender, Code Compliance Specialist  
Anastatia Diaz, Code Compliance 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**

**4.a Hear Approval of Minutes Cases 2/7/2024 and Approve the  
Staff Recommendation**

**2024-314**

The Special Magistrate approved the February 7, 2024, meeting minutes as submitted.

**5. Late Abatements and/or Postponements**

Administrative Assistant Makenzie Spittler informed that there were no late abatements or postponements.

## 6. Approval of Agenda

The Special Magistrate approved the agenda, as published.

## 7. Introduction of Cases

## 8. Code Violation Cases

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

[2024-315](#)

Recommendation

## 10. MILLER / CASE NO. 24-02784 / 2101 SW COLWELL AVE

Code Compliance Specialist Miller 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.

Attorney Ardalan Montazer represented the Respondent and advised that the Respondent was in a current lawsuit against the insurance company. He stated that an engineer had inspected the home, and that the tarp must be placed on the roof to prevent further damage. He requested a 6-month abatement, to which the City stated that they did not have an objection.

The Special Magistrate noted concerns that hurricane season was approaching again, and it could create further issues.

The Special Magistrate granted a 6-month extension.

## 1. BENDER / CASE NO. 24-01226 / 3622 SW DELLAMANO ST

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 Robert Nortelus, who advised that he was having a financial situation and expressed agreeance that the vehicle tags were expired. He stated that he went to the DMV for compliance, of which he was informed that he owed money to West Palm Beach. He requested a 30-day extension, and the City stated that they did not have an objection.

The Special Magistrate granted a 30-day extension.

## 4. DIAZ / CASE NO. 24-02224 / 1986 SW IDAHO LN

Code Compliance Specialist Diaz 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 Adrian Contreras, who advised that he was not aware of the hearing date until the previous day, and requested a 30-day extension, to which the City stated that they were not opposed.

The Special Magistrate granted a 30-day extension.

#### 6. GOMEZ / CASE NO. 24-01626 / 1251 SW WELLINGTON AVE

Code Compliance Specialist Gomez 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 Shlomo S. Zafrany, who stated that he had previously been asked to move the trailer out of the swale, to which he complied, but was later informed that the location that it was moved to per instruction by a Code Compliance Officer was not allowed and it needed to be moved again. Specialist Gomez confirmed that the Respondent was provided with incorrect information and noted that the Code Compliance Specialist that had informed the Respondent no longer worked for the City. Code Compliance Supervisor Jason McElveen advised of the Ordinance in question and discussed conversations held with Mr. Zafrany. Mr. Zafrany stated that Code Compliance informed him that he could receive a parking ticket, so he called the police and was advised by them that a parking ticket could not be issued. He also stated that a phone call with Supervisor McElveen after the police were called was not documented. Specialist Roque confirmed that no parking tickets were issued.

Mr. Zafrany provided a history of interactions with Code Compliance for other violations, to which the Special Magistrate clarified that this hearing was only for having an oversized utility trailer in an incorrect location. Code Compliance Supervisor Wesley Armstrong clarified that the Ordinance states that it cannot be stored on the property unless it is located within a structure with 4 walls and a roof.

The Special Magistrate found proper notice and based on the testimony and evidence reviewed, she found the property remained in violation as cited and ordered a compliance deadline by April 10, 2024. She accepted the City's recommendation and assessed 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.

#### 8. MILLER / CASE NO. 24-00715 / 1819 SW IMPORT DR

Code Compliance Specialist Miller 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 informed them that they would need to convert to city sewer.

The Deputy City Clerk swore in Respondent Michael J. Ponton, who stated that he had spoken to Neighborhood Services of whom was assisting them with obtaining and grant and advised that they would be given an extra 30 days because they were behind on their mortgage and could not move forward until it was taken care of. (Clerk's Note: Mr. Ponton was accompanied by an individual who also lives at the residence.) They requested an extension from the Special Magistrate. Code Compliance Supervisor Wesley Armstrong confirmed that the Respondent had been working with the Neighborhood Services to obtain a grant, and suggested a 30-day extension for the Respondent, noting that the 30 days would need to be utilized to either obtain the grant or sign up for the septic conversion.

The Special Magistrate granted a 30-day extension to either obtain the grant or sign up for the septic conversion.

#### 9. Certification of Fines Cases

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

[2024-317](#)

Code Compliance Specialist Gomez 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 Louis Timmerman, who stated that he reviewed the City's Code and found exceptions, but he had been unable to speak to any of the City's departments for clarification after multiple attempts. He stated that he was not properly notified of the Violation Hearing, and that he had tested positive for COVID-19 and was advised by a City staff member that he not come to the hearing. The Special Magistrate asked for clarification on whether he was noticed or not, to which Mr. Timmerman stated that he never received a certified letter and did not live at the property at the time. Code Compliance Supervisor Aaron Biehl stated that he spoke to Mr. Timmerman prior to the hearing and clarified to him that they were required to post a notice where the Tax Collector has their address listed, and that all the notices were sent to the

house but returned as undeliverable. He also noted that they were going to offer him a Zoom hearing, but he had called at 4 p.m. the day before the hearing so they were unable to facilitate this request, so he did not attend the Violation Hearing.

Supervisor Biehl stated that the yellow truck was still in violation until he obtains a vehicle exemption through the City Manager's Office, and he would then need to submit that paperwork along with insurance for consideration, but the white truck was a fully commercial vehicle and in violation. Mr. Timmerman informed that he may have to sell the truck. The City informed that they would be in favor of a 2-week extension, and Mr. Timmerman requested a 30-day extension, to which the City stated opposition.

The Special Magistrate granted a 2-week extension.

#### 10. Code Violations Special Requests

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

[2024-325](#)

#### 11. MILLER / CASE NO. 24-01537 / 2526 SW DAWN ST

Code Compliance Specialist Miller 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, she found the property remained in violation as cited and ordered a compliance deadline by April 10, 2024. She stated that she 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. The Special Magistrate authorized the City, per Section 162.08(5) of the Florida Statutes, to enter the property to maintain the high grass and weeds if compliance is not met.

#### 11. How Parties are Notified

Administrative Assistant Makenzie Spittler 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 she responded in the negative.

12. Introduction of Cases Without Parties Present

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

13. Public to be Heard

There was no public to be heard at this time.

14. Adjourn

There being no further business, the meeting was adjourned at 10:05 a.m.

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Jasmin De Freese, Deputy City Clerk