

City of Port St. Lucie

Special Magistrate Hearing

Meeting Minutes - Final

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

Wednesday, May 8, 2024

9:00 AM

City Hall, Council Chambers

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 May 8, 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, 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

The Special Magistrate approved the minutes as submitted.

5. Late Abatements and/or Postponements

Sara Brown, Administrative Assistant, informed the Special Magistrate that Case 24-02109 was abated and Cases 24-01277, 24-01576, 24-03548 and 23-18987 were postponed.

6. Approval of Agenda

The Special Magistrate approved the agenda.

7. Introduction of Cases

8. Solid Waste Certification of Fines Cases

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

2024-435

(Clerk's Note: No one was present for the Solid Waste Violations.)

Administrative Assistant Brown read the following Solid Waste violations into the record:

24-02320 1898 SW Macarthur Ave
24-01645 522 SE Nome Dr
24-01561 742 SE Academy Lane

9. Code Violations Cases

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

2024-436

Dickerson 24-03436 750 NW Enterprise Dr
(Clerk's Note: A PowerPoint was shown at this time.) Code Specialist Dickerson, previously sworn, stated that he had been sworn in and read the case presentation and staff's recommendations into the record. He presented & explained the photos that were taken at the time of the inspections showing the subject property and violations.

Dan Robinson, Planner III, stated that the Site Plan stated that the open storage would not be allowed in the dumpster corral but there was another small area where open storage would be allowed.

The Deputy City Clerk swore in Matt Murphy who stated that he had resolved most of the violations but he had to wait for the fence contractor to complete everything.

The Special Magistrate found that proper notice was achieved, and that the property remained in violation. He set a compliance date of June 12, 2024, if not in compliance by that date a fine in the amount of \$100/day would be due every day the violation continued, not to exceed \$10,000 along with the administrative costs of \$411. He advised the Respondent to contact the Neighborhood Services Department if the fence would not be installed by June 12th.

Dickerson 24-04569 1401 SE Huffman Rd

(Clerk's Note: A PowerPoint was shown at this time.) Code Specialist Dickerson, previously sworn, read the case presentation and staff's recommendations into the record, and he presented photos that were taken at the time of the inspections showing the subject property and violations. He advised the Special Magistrate that he was removing the Section 158.217(G)(1), Accessory Uses and Structure violation.

Mr. Robinson stated that any food use was denied, the car wash was permitted but all cleaning had to take place within the bays and added that

the property had to meet the 2019 Landscape Plan.

The Deputy City Clerk swore in Brian Gonzalez, the tenant in charge of the property. (Clerk's Note: Pictures were shown at this time.) Staff explained the requirements for the landscape strip. Mr. Gonzalez and staff discussed the fact that any cars on the property had to have tags.

Wesley Armstrong, Code Compliance Manager, previously sworn, informed the Special Magistrate that the food truck violation was on hold at the moment. He stated that the food truck could be parked at the location at the moment, but any items related to the truck/food had to be contained within the truck.

Mr. Robinson stated that he would be available to meet with the tenant and property owner.

The Special Magistrate found that proper notice was achieved, and that the property remained in violation with the exception of Section 158.217 (G)(1). He set a compliance date of June 12, 2024, if not in compliance by that date a fine in the amount of \$150/day would be due every day the violation continued, not to exceed \$15,000 along with the administrative costs of \$411.

Laird 24-02850 651 NW St. Lucie Blvd

(Clerk's Note: A PowerPoint was shown at this time.) Code Specialist Laird, previously sworn, read the case presentation and staff's recommendations into the record, and she presented photos that were taken at the time of the inspections showing the subject property and violations. She informed the Special Magistrate that the container was taking up customer parking and she learned that they were keeping supplies in the container while conducting renovations to the store. She advised the Special Magistrate that the container would be allowed if they had a construction permit but the work being done does not merit the needs for a construction permit & added that the project may be completed in July.

The Deputy City Clerk swore in Kervins Pierre who advised the Special Magistrate that there was a setback to the remodel, which would be completed in July and requested that they be allowed to store the container on the property for 90 days. The Special Magistrate advised the Respondent to come up with another plan or they would incur fines. Code Specialist Laird stated that the Respondent would need to contact the Building Department to obtain a permit.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He required compliance by May 15, 2024, if not in compliance by that date a fine in the amount of \$50/day would be due every day the violation continued, not to exceed \$5,000 along with the administrative costs of \$411.

Owens

24-02425

10330 S US Highway 1

Code Specialist Owens, previously sworn, read the case presentation and staff's recommendations into the record, and 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 tenant continuously left open storage (cardboard) in customer parking spots.

The Deputy City Clerk swore in Kristy Contreras who stated that they acquired the property in mid-January and were unaware of the Code Violations but were in the process of cleaning the property up. She stated that she was having an issue with the current tenant but she was hoping to resolve it within a week.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He required compliance by May 29, 2024, if not in compliance by that date a fine in the amount of \$25/day would be due every day the violation continued, not to exceed \$2,500 along with the administrative costs of \$411.

Knaggs

23-17168

5350 NW Milner Dr

Code Specialist Hertzog, previously sworn, reading for Code Specialist Knaggs, 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. He informed the Special Magistrate that the cars sometimes had fake tags on them.

The Deputy City Clerk swore in Kirk Taylor who felt that the City was harassing him. He informed the Special Magistrate that he was a car dealer/transporter & he used a dealer plate for one of his cars. The Special Magistrate stated that he reviewed multiple cases a month and did not feel that Mr. Taylor was being targeted.

Rachel Knaggs, Code Compliance Officer, previously sworn, advised the Special Magistrate that Mr. Taylor had a business tax license for his business, a home office, but he could not have inoperable vehicles at his

house.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He required compliance by May 15, 2024, if not in compliance by that date a fine in the amount of \$25/day would be due every day the violation continued, not to exceed \$2,500 along with the administrative costs of \$411.

10. Code Violations Special Requests Cases

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

[2024-437](#)

Knaggs 24-0408 118 SW Lancaster Ave

Code Specialist Mendoza, previously sworn, reading for Code Specialist Knaggs, 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. He informed the Special Magistrate that this property was vacant and currently had liens.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He required compliance by May 15, 2024, if not in compliance by that date a fine in the amount of \$100/day would be due every day the violation continued, not to exceed \$10,000 along with the administrative costs of \$411. He authorized the City to enter the property to abate the health, safety and welfare violations and assess the cost.

11. Vacant Lot Violations Cases

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

[2024-438](#)

There was nothing heard under this item.

12. Certification of Fines Cases

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

[2024-439](#)

There was nothing heard under this item.

13. Certification of Fines Special Requests Cases

13.a Hear Certification of Fines Special Requests Cases and Approve the Staff Recommendation

[2024-440](#)

Knaggs 23-14941 755 SE Albatross Ave

Code Specialist Kashatus, previously sworn, for Code Specialist Knaggs. He 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 certified the fine, starting February 21, 2024, in the amount of \$150/day every day the violation continued, not to exceed \$15,000 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.

Knaggs 23-16431 1752 SW Lexington Dr

Code Specialist Knaggs, 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.

The Special Magistrate found that proper notice was achieved and found the property remained in violation. He certified the fine, starting February 21, 2024, 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.

14. Vacant Lot Certification of Fines Cases

14.a Hear Vacant Lot Certification of Fines Cases and Approve the Staff Recommendation

[2024-441](#)

There was nothing heard under this item.

15. How Parties are Notified

The administrative assistant 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.

16. Introduction of Cases Without Parties Present

The cases without parties were read into the record by the administrative specialist:

24-05045	10921 S South Highway 1
24-02436	900 SW Bayshore Boulevard
24-00990	10400 S US Highway 1
24-01989	280 SW Port St. Lucie Boulevard
24-03032	270 SW Port St. Lucie Boulevard
24-03029	938 SW Durham Terr
24-04291	2450 SE Stonecrop St
24-04637	202 SW Cherry Hill Road
23-16619	5473 NW St. James Dr
23-15603	1924 SW Gatlin Boulevard
23-18660	119 SW Cashmere Boulevard
24-00636	10585 S US Highway 1
23-15178	1722 SW Glade St
23-15175	2465 SW Summit St
23-14753	1170 SW Del Rio Boulevard
23-14955	562 NW Selvitz Road
23-15353	2031 SW Cranberry St
23-15391	1465 SW Abingdon Ave

17. Public to be Heard

There were no public comments to be heard.

18. Adjourn

There being no further business, the meeting was adjourned at 10:26 a.m.

Shanna Donleavy, Deputy City Clerk