

# City of Port St. Lucie

## Special Magistrate Hearing

### Meeting Minutes

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

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**Wednesday, March 6, 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 at 9:00 AM on March 6, 2024, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

Present:

Claudette Pelletier, Special Magistrate  
Aaron Biehl, Code Compliance Supervisor  
Wesley Armstrong, Code Compliance Manager  
Jason McElveen, Code Compliance Supervisor  
Gregory Bender, Code Compliance Specialist  
Anastasia Diaz, Code Compliance Specialist  
Steve Owens, Code Compliance Specialist  
Sara Brown, Administrative Assistant  
Spencer Scott, Deputy City Attorney  
Camille Wallace, Deputy Director, NSD  
Traci Mehl, Deputy City Clerk

2. Pledge of Allegiance

Special Magistrate Pelletier led the assembly in reciting the Pledge of Allegiance.

3. Swearing in Code Specialist and/or Building Investigators

The Deputy City Clerk administered the Oath of Testimony to City staff.

4. Approval of Minutes

There were no minutes to be approved.

5. Late Abatements and/or Postponements

Sara Brown, Project Coordinator, indicated Cases #23-19135, #24-00646, and #23-17279 were abated.

6. Approval of Agenda

Special Magistrate Pelletier approved the agenda as submitted.

7. Introduction of Cases

## 8. Code Violations Cases

**8.a** Hear Code Violations Cases and Approve the Staff Recommendation[2024-214](#)

## #1. BENDER / CASE NO. 23-18364 / 1272 SW MINYO AVE

Code Compliance Specialist Gregory Bender read the Case Presentation and Staff's recommendations into the record. He presented photos - of the subject property with a failed septic tank, posting of property, a hole in the pipe, pump truck, and raw sewage flowing in the yard - taken at time of the inspections. He stated the septic tank has not been fixed and was failed by the St. Lucie County Health Department. He indicated letters were sent from the Health Department to the owner of the property with no response.

The Deputy City Clerk swore in Respondent Leidy Tactuk, who explained the plumbing repairs were made, but they did not know they had to convert to City sewer. She asked for a 60-day extension to pull a permit and contact a vendor to connect to the City's service. Code Compliance Specialist Bender explained that Respondent Tactuk needs to contact Utilities to be put on the list for the City to pump out the septic tank until the City can install the sewer connection. Special Magistrate Pelletier granted a 60-day extension for the Respondent to come into compliance.

## #3. BENDER / CASE NO. 24-00235 / 1058 SW McCRACKEN AVE

Code Compliance Specialist Gregory Bender read the Case Presentation and Staff's recommendations into the record. He presented photos - of the subject property including the high grass and weeds, mildew, and missing patio screens - taken at time of the inspections.

The Deputy City Clerk swore in Respondent Steve Peters, who explained he needed more time to take care of the issues and requested a 30-day extension. Special Magistrate Pelletier granted a 30-day extension from today for the Respondent to come into compliance.

## #12. OWENS / CASE NO. 23-14938 / 9100 S US HIGHWAY 1

Code Compliance Specialist Steve Owens read the Case Presentation and Staff's recommendations into the record. He presented photos - of the subject property including the back side of the store, dumpsters not corralled, open storage, garbage not contained, residential garbage can - taken at the time of the inspections.

The Deputy City Clerk swore in Respondent Steven Darby, who explained

the original site plan for the plaza has only one corral designated for the property. He stated they are currently in site review for new construction and will be compliant with the corrals at that time. He requested a 90-day extension, as they are working with Code Enforcement and Site Plan Review. Special Magistrate Pelletier granted a 90-day extension for the Respondent to come into compliance.

**#13. OWENS / CASE NO. 23-18392 / 247 SW PORT ST. LUCIE BLVD**

Code Compliance Specialist Steve Owens read the Case Presentation and Staff's recommendations into the record. He presented photos - of the subject property including a grease trap in a parking spot, U-haul truck, garbage around dumpster area, mold and mildew on exterior, open storage, dumpsters not corralled, posting of the property, freezer sitting outside, driveway, etc. - taken at the time of the inspections.

Respondent Steven Darby inquired about temporary construction containers, to which Code Compliance Specialist Owens explained a permit was needed to have the containers on site. Respondent Darby explained the budget for the driveway, status of new corral being built, repaving behind Winn-Dixie, etc., and requested a 90-day extension. Special Magistrate Pelletier granted a 90-day extension for the Respondent to come into compliance.

**9. Code Violations Special Requests Cases**

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

**[2024-215](#)**

**#14. DIAZ / CASE NO. 24-02643 / 2273 SW PHYLLIS LN**

Code Compliance Specialist Anastasia Diaz read the Case Presentation and Staff's recommendations into the record. She presented photos - of the subject property including the torn screens around the pool area, unsecured pool, and posting on the front door - taken at the time of the inspections.

The Deputy City Clerk swore in Respondent Joel Lopez, who explained the house was under contract to be sold on March 20, 2024, and he just received the notices. Aaron Biehl, Code Compliance Supervisor, stated this was a life/safety issue with an unsecured pool and recommended keeping the date certain.

Special Magistrate Pelletier stated the Respondent has until March 7, 2024, to secure the pool, otherwise the City is authorized to come in and secure it. Respondent Lopez reiterated that he just received the notices,

as he does not live at the subject property. He indicated the pool has no water in it, to which Code Compliance Supervisor Biehl requested access to the pool to verify same and the Respondent agreed.

Special Magistrate Pelletier, staff, and the Respondent discussed how the violations will affect the title of the property and how the violations will remain with the property and be passed on to the new owners. Respondent Lopez stated it was an "as is" offer. Special Magistrate Pelletier indicated the buyers should be made aware of the violations.

Special Magistrate Pelletier found Respondent Lopez in violation and stated the compliance date of 3/7/2024 remains. She stated if the City finds water in the pool, they have the right to go in and fix the situation under Chapter 162.08(5), F.S. She indicated the violation is \$50.00/day, up to a maximum of \$5,000.00, if not corrected, including the \$411.00.

Respondent Lopez inquired if he had to pay \$50.00/day until the closing of the property, to which Special Magistrate indicated it would have to be paid by him or the new owner. City Attorney Spencer Scott indicated that was true, unless the violations were fixed. Code Compliance Supervisor Biehl explained repairing the screens would fix both issues, as it would secure the pool as well.

#### 10. Certification of Fines Cases

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

[2024-216](#)

#15. BENDER / CASE NO. 23-11444 / 1018 SW ALCANTARRA BLVD

Code Compliance Specialist Gregory Bender read the Case Presentation and Staff's recommendations into the record. He presented photos - of the subject property including the overgrowth with the trees against the house and missing pool screens - taken at the time of the inspections.

The Deputy City Clerk swore in Respondent Matthew Jackson, who explained he was heading to the Building Department after this hearing, to get a permit to remove the screen enclosure, as he does not have the funds to make repairs. He stated he will also have Code Compliance Specialist Bender come to the subject property today, so that he can indicate what needs to be trimmed in the yard. Respondent Matthew Jackson requested an extension of 30 days to remove the screen enclosure. Code Compliance Specialist Bender stated the City does not object to an extension, as the pool is secured with a fence. Special Magistrate Pelletier granted the Respondent 30 days to come into compliance.

## 11. How Parties are Notified

Administrative Assistant Brown read the following into the record: A Notice of Hearing or Notice of 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, the 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 within ten days before the Hearing, posting was completed in the same manner as if the card was returned unclaimed as stated above. Any photos shown at today's hearing are kept and maintained as public records of the City of Port St. Lucie's Neighborhood Services Department.

## 12. Introduction of Cases Without Parties Present

Administrative Assistant Brown asked that the City Clerk enter the cases into the record and inquired if Special Magistrate Pelletier had any questions regarding the cases where the party was not present, to which Special Magistrate Pelletier responded in the negative.

Administrative Assistant Brown read the cases without a party present into the record:

## CODE VIOLATION CASES:

#23-18641 - 836 SW McComb Ave

#23-18610 - 4242 SW Tumble St

#23-18894 - 4401 SW Cacao St

#24-00119 - 4333 SW Masefield St

#24-00420 - 1882 Sw Lennox St

#24-00065 - 1025 SW Bianca Ave

## 13. Public to be Heard

Special Magistrate Pelletier indicated there was no one from the public to be heard.

## 14. Adjourn

There being no further business, the hearing was adjourned at 9:42 AM.

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Traci Mehl, Deputy City Clerk