

**REGULAR MEETING
OF THE SPECIAL MAGISTRATE
TOWN OF LADY LAKE, FLORIDA**

January 27, 2015

The regular meeting of the Special Magistrate was held in the Town Hall Commission Chambers at 409 Fennell Blvd., Lady Lake, Florida. The meeting convened at 10:30 a.m.

TOWN STAFF PRESENT: Donald Hoos, Code Enforcement Officer; Thad Carroll, Growth Management Director; and Julia Wolfe, Staff Assistant to the Town Clerk

CALL TO ORDER: Valerie Fuchs, Special Magistrate, called the meeting to order at 10:30 a.m.

PLEDGE OF ALLEGIANCE: All present stood to recite the Pledge of Allegiance.

SWEARING IN: Special Magistrate Valerie Fuchs requested that anyone present who planned to speak at today's meeting stand and be sworn in.

Approval of December 17, 2014 Minutes

Special Magistrate Valerie Fuchs accepted the December 17, 2014 meeting minutes into the record as presented.

Special Magistrate Valerie Fuchs asked staff if there were any changes to today's agenda.

Code Enforcement Officer Donald Hoos reported that three cases on this morning's agenda have come into compliance prior to the meeting: Item #2, Case No. 14-5159; Item #5, Case No. 14-5183 and Item #6, Case No. 14-5190.

OLD BUSINESS: No old business.

NEW BUSINESS:

1. Case No. 14-5046 – 115 Mockingbird Ln. – Lynda Engelhardt Estate – Town of Lady Lake Code of Ordinances Ch. 7-106(b) – Brush Pile Disposal

Code Enforcement Officer Donald Hoos presented the background on this case. He stated that Lake County records show the property is owned by Lynda Engelhardt Estate of the same address. The alternate key number is 1280231.

Mr. Hoos stated this property is in violation of the Town of Lady Lake Code of Ordinances Chapter 7-106 for brush pile disposal; Chapter 7-67 for large piles of brush on property, dumping from landscape business; Chapter 8-26 for Business Tax Receipt required for landscape business; and Chapter 17-26 (b) for parking of commercial vehicles and trailer in a residential neighborhood.

Mr. Hoos stated he received several complaints for brush being dumped on property along the road on September 3, 2014. He stated a courtesy violation notice was mailed to the property owner on September 3, 2014, and a re-inspection was conducted on September 17, 2014 which showed no compliance. A Notice of Hearing was mailed via certified and first class mail to the property owner on September 17, 2014, and the certified mail was returned as unclaimed on October 15, 2014.

Mr. Hoos stated he spoke with the tenant on October 28, 2014 and she stated she had cleaned up the road and removed some brush piles and was working toward compliance. The case was removed from the Special Magistrate agenda. He stated a re-inspection was done on November 6, 2014 and active dumping was still taking place and a large trailer with tree debris was in the yard. Mr. Hoos stated he spoke with the tenant and she again said she would remove the debris and provide a letter that they will no longer work or dump on the property.

Mr. Hoos stated a second Notice of Hearing was mailed via certified and first class mail to the property owner on November 6, 2014, and the certified mail was returned as unclaimed on December 8, 2014. The property was posted on November 6, 2014. Photos were entered as evidence. He stated a re-inspection on January 26, 2015 showed nothing had changed on the property other than the large pile of mulch in the road had been removed.

The Special Magistrate asked if there was anyone present who would like to speak on this case. There was no one. She asked staff for their recommendation on the case.

Mr. Hoos recommended allowing 30 days to come into compliance and then a fine of \$25.00 per day.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5046, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 7-106(b) – Brush Pile Disposal. The owner has 30 days to come into compliance for the 2014 violations or a fine of \$25.00 per day will begin to accrue on the 31st day. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.

The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.

2. Case No. 14-5159 – 601 Tarrson Blvd. – Frank H. Hansen, Trustee - Town of Lady Lake Land Development Regulations Ch. 10-5(a) – Historic Tree Removal Without a Permit

This case has come into compliance.

3. Case No. 14-5154 – 810 High St. – Marshall H. & Betty L. Gaard – Town of Lady Lake Code of Ordinances Ch. 20-51(d) – Plumbing Maintenance Required; Ch. 20-19(e) - Electrical Maintenance Required; Ch. 20-17(g) – Property Maintenance for Windows & Doors; Ch. 20-23(a)(4) – Responsibility of Owner to Maintain Equipment in Good Working

Order – Including Smoke Detectors, Water Heater, Air Conditioner, and Heating; Ch. 20-23(a) – Owner Responsible to Maintain Property Free of Mold and Mildew

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by Marshall and Betty Gaard of Mt. Dora, Florida. The alternate key number is 1440173.

Mr. Hoos stated this property is in violation of the Town of Lady Lake Code of Ordinances Chapter 20-51(d) for plumbing maintenance required; Chapter 20-19(e) for electrical maintenance required; Chapter 20-17(g) for property maintenance for windows and doors; Chapter 20-23(a)(4) for responsibility of owner to maintain equipment in good working order, including smoke detectors, water heater, air conditioner, and heating; and Chapter 20-23(a) for owner responsible to maintain property free of mold and mildew.

Mr. Hoos stated an inspection was conducted on November 10, 2014 based upon a tenant complaint for no electric in portions of the mobile home. A Notice of Hearing was mailed via certified and first class mail to the owner of record on November 10, 2014, and the certified mail receipt was delivered on November 13, 2014. The property was posted November 18, 2014. Photos were entered as evidence.

The Special Magistrate asked if the tenant was still living in the home.

Mr. Hoos replied that the tenant is still living there, and that it is not in a safe condition. He stated he will have the Building Inspector take a look at the property.

The Special Magistrate stated that if staff deems these violations to be a health, safety and welfare issue, the Town has the ability to go in and take other measures. She stated the proposed order has to be changed if staff is requesting that at this time.

Mr. Hoos stated the problem is the tenant does not want to leave. He stated the property has major safety issues, and staff's concern is making the building safe or condemn it if need be. He stated that Chapter 20-23 (a) states that a dwelling that is not safe or sanitary shall not be occupied.

The Special Magistrate stated the property owner has to be notified if it a health, safety and welfare issue. She asked staff to look under F.S. Chapter 162.06, which states if a Code Inspector thinks there is a threat to the health, safety and welfare, that should be included in the notice.

The Special Magistrate asked if there was anyone present who would like to speak on this case. There was no one. She asked staff for their recommendation on the case.

Mr. Hoos recommended allowing five days to come into compliance and then a fine of \$250.00 per day.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5154, she did find that the owner was in violation of the Town of Lady Lake Code of Ordinances Ch. 20-51(d) – Plumbing Maintenance Required; Ch. 20-19(e) - Electrical Maintenance Required; Ch. 20-17(g) – Property Maintenance for Windows &

Doors; Ch. 20-23(a)(4) – Responsibility of Owner to Maintain Equipment in Good Working Order – Including Smoke Detectors, Water Heater, Air Conditioner, and Heating; Ch. 20-23(a) – Owner Responsible to Maintain Property Free of Mold and Mildew The owner has 5 days to come into compliance for the 2014 violations or a fine of \$250.00 per day will begin to accrue on the 6th day. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.

The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.

4. Case No. 14-5168 – 258 N. Clay Ave. – SPOO Inc. – Town of Lady Lake Code of Ordinances Ch. 7-67 – High Grass, Garbage and Trash; Ch. 20-52 – Exterior Appearance of Property; Ch. 20-51(b) – Property Maintenance

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by SPOO, Inc. of Orlando, Florida. The alternate key number is 1279631.

Mr. Hoos stated this property is in violation of the Town of Lady Lake Code of Ordinances Chapter 7-67 for high grass, garbage and trash; Chapter 20-52 for exterior appearance of property; and Chapter 20-51(b) for property maintenance.

Mr. Hoos stated an inspection was conducted on November 24, 2014 and the property is not being maintained. He stated the property has liens running from 2008: Case No. 08-1213 and Case No. 10-2273; both are accruing daily fines. He stated the property was recently brought by SPOO Inc. and the new owners were made aware of the problems and liens that are still accruing.

Mr. Hoos stated a Notice of Hearing was mailed via certified and first class mail to the owner of record on December 10, 2014, and the certified mail receipt was delivered on December 13, 2014. The property was posted December 15, 2014. Photos were entered as evidence.

The Special Magistrate asked if staff has had any contact with the property owners.

Mr. Hoos replied that staff spoke to the property owners once.

The Special Magistrate asked if there was anyone present who would like to speak on this case. There was no one. She asked staff for their recommendation on the case.

Mr. Hoos recommended allowing 10 days to come into compliance and then a fine of \$100.00 per day.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5168, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 7-67 – High Grass, Garbage and Trash; Ch. 20-52 – Exterior Appearance of Property; Ch. 20-51(b) – Property Maintenance. The owner has 10 days to come into compliance for the 2014 violations or a fine of \$100.00 per day will begin to accrue

on the 11th day. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.

The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.

5. Case No. 14-5183 – 210 N. Hwy 27/441 – 2571 Boggy Creek Rd Assoc. LLC – Town of Lady Lake Code or Ordinances Ch. 20-51(b) – Property Maintenance – Exterior for Mold and Mildew, and Gas Pump Awning has Missing Section of Fascia

This case has come into compliance.

6. Case No. 14-5190 – 923 St. Andrews Blvd. – Hazel L. Cubeta Estate – Town of Lady Lake Land Development Regulations Ch. 9-3(d) – Home Occupation – Golf Cart Repairs and Sales Prohibited

This case has come into compliance.

OTHER BUSINESS

The Special Magistrate confirmed the May meeting has been changed from Tuesday, May 26, 2015 to Tuesday, May 19, 2015.

ADJOURN

With no other business to discuss, the meeting was adjourned at 10:54 a.m.

Julia Wolfe
Staff Assistant to Town Clerk

Valerie Fuchs
Special Magistrate

Transcribed by Julia Wolfe, Staff Assistant to Town Clerk