

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

October 28, 2014

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: Cindy Diemer, Senior Code Enforcement Officer; Donald Hoos, Code Enforcement Officer; and Julia Wolfe, Staff Assistant to the Town Clerk

Also Present: Commissioner Paul Hannan

CALL TO ORDER: Valerie Fuchs, Special Magistrate, called the meeting to order at 11:08 a.m. (Ms. Fuchs stated for the record that no one from the public was there and left because the meeting started late.)

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

Approval of September 23, 2014 Minutes

Special Magistrate Valerie Fuchs accepted the September 23, 2014 meeting minutes into the record as presented.

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

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

Senior Code Enforcement Officer Cindy Diemer reported that one case on this morning's agenda have come into compliance prior to the meeting: Item #4, Case No. 14-5070, and Item #1, Case No. 14-4786 was removed.

OLD BUSINESS:

1. Case No. 14-4786 – 552 S. Hwy 27/441 – BBC Investments II LLC – Town of Lady Lake Land Development Regulations Ch. 16-52 – Permits Required; Town of Lady lake Code of Ordinances Ch. 20-52 – Exterior Appearance Blighting Factor; and Ch. 20-51 – Exterior Appearance Fence and Building

This case was removed.

NEW BUSINESS:

2. Case No. 14-4915 – 1016 Dustin Drive – William P. Scully – Town of Lady Lake Code of Ordinances Ch. 7-67 – High Grass and Weeds; and Ch. 20-20(a)(1) – Property Maintenance Exterior

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by William P. Scully and the property appraiser shows the same address, but the property is vacant. The alternate key number is 2741830.

Mr. Hoos stated this property is in violation of the Town of Lady Lake Code of Ordinances Chapter 7-67 for palm branches piled up next to the house, causing rodent problems; and Chapter 20-20(a) (1) for property maintenance, including access door and other areas of the home open allowing access for rodents and pests, and the roof has a hole in it, allowing rain.

Mr. Hoos reported that an initial inspection of the property was conducted on June 23, 2014 and the violations were noted. On this same date, a courtesy notice was mailed via certified and first class mail to the owner of record, and a courtesy notice was posted when the notice was returned as not deliverable. A re-inspection done on August 7, 2014 showed no work had been done.

Mr. Hoos stated a Notice of Hearing was mailed via certified and first class mail to the owner of record on August 7, 2014, and the certified mail receipt was returned as not deliverable on August 13, 2014. The property was posted on September 25, 2014. Photos were entered as evidence.

Mr. Hoos stated the grass is being mowed so the property owner is on site occasionally and has access to the posting.

The Special Magistrate noted there was no one present to speak on this case. She asked staff for their recommendation on the case.

Mr. Hoos recommended allowing 10 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. 14-4915, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 7-67 – High Grass, and Weeds and Ch. 20-20 (a) (1) – Property Maintenance Exterior. The owner has 10 days to come into compliance for the 2014 violations or a fine of \$25.00 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.

3. Case No. 14-4998 – 312 S. Hwy 27/441 – Lady Lake Dollar LLC - Town of Lady Lake Code of Ordinances Ch. 7-110(3) – Additional Trash Collections Needed; Ch. 7-110(2) – Commercial Solid Waste; Ch. 7-67 – Garbage and Trash in Parking Lot, Dumpster Area and Grass Areas

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by Lady Lake Dollar, LLC of Palm Beach Gardens, Florida. The alternate key number is 1723868. This property is in violation of the Town of Lady

Lake's Code of Ordinances Chapter 7-110 (3) for additional trash collections needed and Chapter 7-67 for garbage and trash in parking lot, dumpster area and grass areas.

Mr. Hoos stated an inspection was conducted on July 31, 2014 based upon a complaint from Lady Lake Public Works that they are unable to keep trash on store property from blowing out onto Hwy 27/441 and South Dixie Hwy. He stated two sets of photos were taken on July 31, 2014 and September 15, 2014 showing cardboard around the dumpsters and litter in the parking lot area. Photos were entered as evidence.

He stated a re-inspection showed the property still is not being maintained free of litter and debris as of September 15, 2014. A Notice of Hearing was mailed September 15, 2014 via certified and first class mail to the property owner's registered agent, and the certified mail receipt was received by registered agent on September 26, 2014. The property was posted on September 22, 2014.

Mr. Hoos stated Dr. Namay is the owner of Lady Lake Dollar, LLC and could not attend the meeting today, but stopped by the office yesterday. He reported he is having a problem with Dollar General following up on these problems and refusing to worry about the issue. He stated Dr. Namay's lease obliges him to do these things, but he will need a lawyer to take care of it, and may require additional time of up to 30 days.

The Special Magistrate noted there was no one present to speak on this case, and 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. 14-4998, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 7-110(3) – Additional Trash Collections Needed; Ch. 7-110(2) – Commercial Solid Waste; Ch. 7-67 – Garbage and Trash in Parking Lot, Dumpster Area and Grass Areas. 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.

4. Case No. 14-5070 – 108 Mark Ave. – Dyanna Alber and Scott Laidlaw – Town of Lady Lake Land Development Regulations Ch. 15-83(j)(1) – Driveway Apron Construction

This case has come into compliance.

OTHER BUSINESS

The Special Magistrate and Senior Code Enforcement Officer Cindy Diemer reviewed the 2015 Special Magistrate agenda schedule. The special meeting dates for February, November and December were agreed upon as Tuesday, February 17, 2015; Wednesday, November 17, 2015; and Tuesday, December 15, 2015.

ADJOURN

With no other business to discuss, the meeting was adjourned at 11:19 a.m.

Julia Wolfe
Staff Assistant to Town Clerk

Valerie Fuchs
Special Magistrate

Transcribed by Julia Wolfe, Staff Assistant to Town Clerk