

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

December 17, 2014

The special 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; Thad Carroll, Growth Management Director; Kris Kollgaard, Town Manager/Town Clerk; Chief Chris McKinstry, and Michele Herbster, Community Service Aide, Police Department; and Julia Wolfe, Staff Assistant to the Town Clerk

Also Present: Commissioner Dan Vincent, and Commissioner Tony Holden

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.

Explanation of Procedure

Special Magistrate Valerie Fuchs explained to the public that this is a quasi-judicial hearing, which means that she has not seen or heard any evidence or testimony from staff or outside parties, other than cases that have been continued from a public meeting, as this would be a violation of ex-parte rules. She stated that if any pictures or other evidence are presented this morning, the interested party will be able to review it in order to accept or refute it and be able to present their own evidence and testimony prior to the Special Magistrate making her ruling.

The Special Magistrate also explained that Code Enforcement staff would present their case and testimony, then the owner or interested party will be able to present their testimony or evidence. After that, staff will have the opportunity to rebut or refute any evidence that is presented. The Special Magistrate will then ask any questions that she deems appropriate and relevant during the testimony of each party before making her ruling. The order will be entered and the interested party will receive a copy of the order whether it is dismissed, or time granted in order to come into compliance, and whether a fine or lien will be imposed.

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 November 19, 2014 Minutes

Special Magistrate Valerie Fuchs accepted the November 19, 2014 meeting minutes into the record as presented.

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 has come into compliance prior to the meeting: Item #2, Case No. 14-5062.

OLD BUSINESS: No old business.

NEW BUSINESS:

1. Case No. 14-5051 – 609 First Ave. – William & Justin L. Freeman – Town of Lady Lake Code of Ordinances Ch. 20-20(a)(2) – Front Door and Trim Needs Painting; Ch. 20-20(a)(6) – Windows and Doors Have Broken Glass and Are Not Working Properly

Code Enforcement Officer Donald Hoos presented the background on this case. He stated that Lake County records show the property is owned by William and Justin Freeman of Fruitland Park, Florida. The alternate key number is 2505150. He stated this property is in violation of the Town of Lady Lake Code of Ordinances Chapter 20-20 (A) (2) for front door and frame needs painting; and Chapter 20-20 (A)(6) for broken windows and doors that are not working correctly.

Mr. Hoos stated an inspection was conducted on September 4, 2014 based upon a citizen complaint for junk in the front yard. He stated he spoke with the tenant who stated they had moved the furniture to the exterior as the house was being exterminated. He stated a re-inspection was conducted on September 8, 2014 which confirmed a rug and couch on the front lawn and water leaking from a washing machine running out from the front of the garage. Another re-inspection on September 16, 2014 confirmed piles of garbage next to the house with a strong odor, and brush in the rear yard. Another re-inspection on September 18, 2014 confirmed garbage removed, and rear yard was cleaned up.

Mr. Hoos stated that a courtesy violation notice was mailed to the property owner for the windows and painting on September 23, 2014 and a re-inspection was conducted on October 28, 2014; it showed no compliance. A Notice of Hearing was mailed via certified and first class mail to the property owner on October 30, 2014. A Notice of Hearing was posted on December 1, 2014. Photos were entered as evidence. Mr. Hoos stated it did not appear that the broken windows and doors had been repaired on an inspection done on December 16, 2014, although the property was cleaned up.

The Special Magistrate clarified with staff that the only violations to make a decision on today are regarding Code of Ordinances Chapter 20-20 (A) (2) for painting and Chapter 20-20 (A)(6) for broken windows and doors.

Mr. Hoos replied that was correct. He stated all the furniture and garbage has been cleaned up and it seems it is being kept in an orderly manner.

The Special Magistrate asked if there was anyone present who would like to speak on this case.

William Freeman, property owner, stated his son lives in the home, but his name is on the title. He stated he fixed the window with Plexiglas and you cannot see it because it is so clear. He stated he is working on the issue with the door as a front framed door is very expensive to buy.

The Special Magistrate asked Mr. Freeman how much time he needed to fix the issue.

Mr. Freeman asked what was the longest he could receive.

The Special Magistrate asked staff for their recommendation on the case and if there was a health, safety or welfare issue regarding the door.

Mr. Hoos replied the glass has already been broken out and the door is boarded up. He stated there are young children in the house and you would want to keep it as tight as possible for heat, etc.

The Special Magistrate commented that the photograph depicted the plywood coving the opening.

Mr. Freeman stated he nailed a piece of plywood over the inside of the door to keep the cold out until he can afford an exterior door, and that he bought heaters to place in the home. He stated the door will cost around \$400 - \$500 dollars unless he can find a contractor that has a bunch lying around. He stated he has another couple of windows and the door to fix and the painting of the shed door.

The Special Magistrate asked staff for their recommendation on a timeframe.

Mr. Hoos stated the front door is an exterior door and requires a permit from the Town of Lady Lake prior to doing any work. He stated the property owner will need to make sure the glass and screens are installed in the windows properly as well.

The Special Magistrate asked staff how long it would typically take to get a permit.

Mr. Hoos replied it is an over-the-counter permit that could be obtained within 10 days.

The Special Magistrate stated Mr. Freeman could discuss with staff what is needed to come into compliance. She asked if there was anyone else present who would like to speak on this case, and then stated that due to the holidays and the property owner's circumstances, and since there is no threat to anyone or the neighborhood, she will give him 30 days to come into compliance.

The Special Magistrate asked staff for their recommendation on a fine.

Mr. Hoos recommended a fine of \$25.00 per day.

The Special Magistrate reminded the property owner to contact staff when the property comes into compliance. She thanked Mr. Freeman for attending the meeting today.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5051, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 20-20(a)(2) – Front Door and Trim Needs Painting; Ch. 20-20(a)(6) - Windows and Doors Have Broken Glass and Are Not Working Properly. 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. 14-5062 – 626 Fourth Ave. – John M. Marko – Town of Lady Lake Land Development Regulations Ch. 9-2(h) – Outside Storage of Household Items, Garbage Cans, trailer, and Work Equipment Visible from the Street and Neighboring Properties; Town of Lady Lake Code of Ordinances Ch. 20-19(f) – Fence Along Edwards Road is Deteriorated And Not Being Maintained

This case has come into compliance.

Special Magistrate Valerie Fuchs asked was there someone in the audience present to speak on Agenda Item #3 for 329 Ivanhoe Circle, and as there was no one, so she moved the case to the end of the agenda.

4. Case No. 14-5150 – 613 Spruce Dr. – Lori S. Jackson – Town of Lady Lake Land Development Regulations Ch. 16-52 – No Building Permit on File for Renovations Being Done to Mobile Home

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by Lori Jackson of the same address. The alternate key number is 2904780. He stated this property is in violation of the Town of Lady Lake Land Development Regulations Chapter 16-52 for no building permit on file for renovations being done to mobile home.

Mr. Hoos reported that an initial inspection of the property was conducted on November 6, 2014 and the violations were noted. He stated photos were taken of the exterior showing renovations to the home. Mr. Hoos stated that when he returned to the property to post it on November 6, 2014, workers were on site from Cape Signature Homes, the same firm that is doing work on other properties for Water Oak. He stated he was allowed in to view the renovations that were taking place and photos were taken showing electrical and plumbing work being done inside with no permits pulled. The property was posted and a 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 not deliverable. Mr. Hoos stated he met with the property owner at the club house and she stated she is aware of the problem, but was waiting for her son to return from vacation to obtain a permit. Photos were entered as evidence.

Justin Wolcott introduced himself as Vice President of Cape Signature Homes. He stated his mother tried to surprise him with the work being started while he was on vacation, and he requested ten days to come into compliance as he has the drawings completed to turn into the Building Department for the permits.

The Special Magistrate thanked Mr. Wolcott for attending the hearing today. She asked staff if ten days was a reasonable amount of time to obtain a permit.

Mr. Hoos replied that is was.

The Special Magistrate asked if there was anyone else present who would like to speak on this case.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5050, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Ch. 16-52 – No Building Permit On File for Renovations Being Done to Mobile Home. 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.

Senior Code Enforcement Officer Cindy Diemer stated she has received a letter written by the Dufresne's for the Special Magistrate's consideration in regard to the next two cases. Ms. Diemer stated it is not relevant to the Town's case, but she will have the Special Magistrate make the determination on whether it is relevant to the cases at all.

The Special Magistrate stated she will hear staff's presentation on the case first, and then address the letter afterward.

5. Case No. 14-5152 – 106 Evergreen Ln. – Sun Communities Finance LP – Town of Lady Lake Land Development Regulations Ch. 16-52 – No Building Permit on File for Renovations Being Done to Building

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by Sun Communities Finance LP of Southfield, MI. The alternate key number is 1279461.

Mr. Hoos stated this property is in violation of the Town of Lady Lake's Land Development Regulations Chapter 16-52 for building permit required for renovations to building, which is the Pro Shop.

Mr. Hoos reported that an initial inspection of the property was conducted on November 6, 2014 to confirm a stop work order issued by the Building Inspector on October 30, 2014. He stated at the time of the inspection, workers were on site and they were aware a stop work order had been issued. The workers stated to Mr. Hoos that the contractor had told them to continue working.

Mr. Hoos stated a Notice of Hearing was mailed via certified and first class mail to Sun Communities Finance LP on November 10, 2014. The certified mail was delivered to the registered agent on November 17, 2014. Photos and e-mails were entered as evidence. He stated that at the time of his inspection, the work was well toward completion, and since the second stop work order was issued, he has not found anyone at work on site.

The Special Magistrate asked Mr. Hoos to explain the photos entered into evidence.

Ms. Hoos explained what was shown in the photos.

Senior Code Enforcement Officer Cindy Diemer stated that staff has had an update on these cases since inception. She stated permit issues have gone back and forth for both the Pro Shop and the restaurant, and additional corrections were needed. She stated that permits have been submitted and are in plan review for the final time, and permits are ready to be issued. Ms. Diemer stated the contractor will have to adhere to anything regarding missed inspection policies or work that may need supplemental engineering documentation before final approval is completed.

The Special Magistrate asked for a timeframe to complete the process, and if the owner has been cooperative.

Ms. Diemer replied that it could be completed in a day or two, as several submissions and revisions have been done, but final revisions have been completed and approved, with the permit ready to be issued.

The Special Magistrate asked about the letter dated 12/17/14. She stated she would review it, and asked if someone wanted to present it.

Ms. Diemer replied that the letter from the Dufresne's was handed in this morning by one of the representatives. She stated she received an update that the final review of the latest revisions was handed in by the building official this morning.

The Special Magistrate clarified for the audience that her jurisdiction is limited to hearing the evidence and testimony and deciding if a violation existed, and if so, determining a reasonable timeframe to come into compliance and then impose a fine if the timeframe is not met. She reminded the audience to turn off any type of mobile or cellular phone to silent or vibrate so the proceedings are not interrupted. She asked if anyone would like to speak on this item, and if so, to be sure that it is relevant to this case only.

Justin Wolcott, Vice President of Cape Signature Homes, stated he is the general contractor on the project. He stated it started as a small project that turned into something greater, and agreed that the work should have been stopped and the permits pulled. Mr. Wolcott stated that the building official did give his workers permission to work on some items even with the stop work order; such as painting, etc., that did not require permits. He stated that everything was handed in yesterday to finalize things with the engineer; he had a meeting yesterday with the Fire Marshall, and he understood that the plans have been accepted and the permits are ready to be picked up.

The Special Magistrate asked if five days would be sufficient time to come into compliance, and Mr. Wolcott agreed that it would be. She asked if anyone else in the audience would like to speak to this issue.

Sandy Sterner of 504 Palmer Drive in Water Oak stated she has been listening to these proceedings and wondered how a Vice President of a corporation is using ignorance of the law to not get proper permits for his mother's job and for the job at the club house.

The Special Magistrate replied that she has already heard testimony and an admission that there is a violation and she will rule on that, not any other issues.

Ms. Diemer recommended a timeframe of five days to pick up and pay for the permit(s), or a fine of \$250.00 per day would begin to accrue.

The Special Magistrate clarified for the audience that she has a right under state statute to issue fines up to \$250.00 per day for first time offenders, based upon the circumstances of the case.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5052, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Ch. 16-52 – No Building Permit On File for Renovations Being Done to Building. The owner has five days to come into compliance for the 2014 violations or a fine of \$250.00 per day will begin to accrue on the sixth 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.

6. Case No. 14-5151 – 415 Water Oak Blvd. – Sun Communities Finance LP – Town of Lady Lake Land Development Regulations Ch. 16-52 – No Building Permit on File for Renovations Being Done to Building

Code Enforcement Officer Donald Hoos presented the background on this case. He stated Lake County records show the property is owned by Sun Communities Finance LP of Southfield, MI. The alternate key number is 1698570.

Mr. Hoos stated this property is in violation of the Town of Lady Lake's Land Development Regulations Chapter 16-52 for renovations to recreation center, pool and tennis court without a permit.

Mr. Hoos reported that an initial inspection of the property was conducted on November 10, 2014 based on a referral from the Growth Management Department that a stop work order issued on this project was being violated. He stated he observed workers doing landscaping, irrigation work, work inside the buildings, and photographs were taken as evidence.

Mr. Hoos stated a Notice of Hearing was mailed via certified and first class mail to Sun Communities Finance LP on November 10, 2014. The certified mail was delivered to the registered agent on November 17, 2014. Photos and e-mails were entered as evidence.

Mr. Hoos stated he received a phone call from Justin Wolcott on November 13, 2014, who stated he has been on the job for four months with no issues until the time that Code Enforcement and the fire inspector got involved. Mr. Hoos stated a re-inspection of the job site showed work being done on the tennis courts with a stop order in effect on November 18, 2014.

Mr. Hoos stated he checked the site again on December 2, 2014 and workers from Sunrise Rail were on site working on the rear deck railings. He advised them that there was a stop work order on the building, and he also called their company and spoke with Courtney who stated she would tell them to leave. Mr. Hoos stated he returned to the property yesterday and the deck railings had been completed; he stated a substantial amount of work has been done on this property without a permit being applied for prior to November 10th. Photos were entered as evidence.

The Special Magistrate stated she can see from the photos the magnitude of the work that has been done without a permit. She stated she understands the reason for the audience attending today, but reminded them that she can only rule on whether a violation exists and impose a fine for not correcting the violation.

Ms. Diemer stated that she has received an update that the plans and revisions have been approved for the club house, and the permit should be ready in the next couple days, but there has been no plans submitted or permit requested for the pool and pool house, etc. She stated it would be staff's recommendation that the ruling be that for all permitting or permissible instances on the property, the permit be picked up and paid for within five days or a fine of \$250.00 per day would begin to accrue.

The Special Magistrate stated she read the letter from the Dufresne's, the president of the Water Oak's Veteran's Club, and she understands the negative impacts of not being able to operate the food banks, etc., but it would be a civil matter between them and the property owner, and is not within her purview to rule on in this matter. She stated it will be a matter of record since it was turned in at this meeting. She asked if anyone else needed to speak on this case.

Growth Management Director Thad Carroll was sworn in and he stated he has a point of correction regarding the pool house. He stated the Town has received a plan submission for it and it has gone through fire review, but has not been reviewed by the building official. He stated there is still a permit outstanding on this.

George Starner, President of the Water Oak Homeowners Association, stated they have been meeting with the Sun Management Company and the people in charge. He stated construction started July 1st and in their meeting, they were told everything was in compliance regarding permits, and this has been going on for six months. Mr. Starner stated they feel the contractor has been ignoring the appeals from the Town of Lady Lake and the residents, and that the management of Sun Homes has been turning a blind eye to it. He stated the residents of Water Oak want this project finished as they have been without amenities for six months, and share a small club house and have been told to use the little pool which only holds 15 people.

The Special Magistrate stopped Mr. Starner at this point, stating she has no jurisdiction over promises or representations between residents and the contractor or anyone else, but that they may have civil issues that can go before the courts.

Mr. Starner stated the homeowners association has contacted their own attorney to see if they have any legal foot to stand on.

Mr. Wolcott stated he feels there has been some misinformation. He stated Gary Wolcott, his father and the owner of Cape Signature Homes, came to Town Hall and had a talk with the building inspector back in May, and told him the projects coming up and submitted all the

information with the Town. He stated he has been a general contractor in the State of Florida since 2002 and there are no complaints on record. He stated a set of design prints for the project was submitted at the end of July along with the permit application and things were looked at in the beginning of August.

The Special Magistrate stopped Mr. Wolcott at this point, stating for the record that it was still done after the construction was begun. She stated the comments from the audience will not be on the record unless they come up to the podium and state their name and address. She stated because it is a public hearing everyone has the right to be there and to speak, but they do not have the right to interrupt, and she will have people removed after two warnings.

Mr. Wolcott stated the official start date was July 7, 2014.

The Special Magistrate asked Mr. Wolcott if construction started before permits were applied for.

Mr. Wolcott replied that they started their demolition and no construction was done.

The Special Magistrate asked Mr. Wolcott if he was disputing that there is a violation.

Mr. Wolcott replied he was not disputing this, but there is a lot of history that is not being taken into consideration.

The Special Magistrate asked if Mr. Wolcott had a different recommendation than five days to come into compliance, including finalizing the pool permit.

Mr. Wolcott replied that he did not as everything was completed. He stated the pool permit was signed off by the fire inspector yesterday and the building official has not reviewed it yet. He stated it was said that nothing was done or submitted on this project until November 10th and a stop work order was issued, but they were told by the building official that they were allowed to do certain things. He stated there were some life/safety issues such as the handrail that had to be addressed and not putting the handrails back would have been a major liability. He stated things were left very vague and should have been put in writing on both sides, but they were not. He stated they met with the Growth Management Director, building official and the fire inspector, and they put together a list of things that were allowed to be done after the stop work order was issued and the list was posted.

The Special Magistrate asked if anyone else wanted to comment.

Eunice Tipaldi of 506 Spruce Creek Drive in Water Oaks stated for the record that the clubhouse was closed on June 23rd and the pool was closed on August 11th.

The Special Magistrate stated she has no jurisdiction over any injuries or damages sustained, if any, regarding the Homeowners Association and residential rights.

The Special Magistrate asked if there was anyone else present who would like to speak on this case. There was no one.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5151, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Ch. 16-52 – No Building Permit On File for Renovations Being Done to Building. The owner has five days to come into compliance for the 2014 violations or a fine of \$250.00 per day will begin to accrue on the sixth 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. 14-5090 – 329 Ivanhoe Circle – Michael Ferriell & Stephen Ferriell Jr. – Town of Lady Lake Code of Ordinances Ch. 20-20(a)(1) – Exterior Property Maintenance; 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 Michael Ferriell and Stephen Ferriell, Jr. of Carlton, GA. The alternate key number is 1723906. He stated this property is in violation of the Town of Lady Lake Code of Ordinances Chapter 20-20 (A) (1) for mold and mildew on the exterior on the home.

Mr. Hoos reported that an initial inspection of the property was conducted on September 25, 2014 and the violations were noted. A courtesy notice for the high grass will be done by abatement and was mailed via certified and first class mail to the owner of record on October 7, 2014.

Mr. Hoos stated 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 has not been delivered as of December 4, 2014. The property was posted on November 13, 2014. Photos and a copy of the letter to Code Enforcement from the HOA were entered as evidence.

The Special Magistrate asked if there was anyone else present who would like to speak on this case. There was no one.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5090, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 20-20(a)(1) – Exterior Property Maintenance; Mold and Mildew. 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.

OTHER BUSINESS

ADJOURN

With no other business to discuss, the meeting was adjourned at 11:28 a.m.

Julia Wolfe
Staff Assistant to Town Clerk

Valerie Fuchs
Special Magistrate

Transcribed by Julia Wolfe, Staff Assistant to Town Clerk