

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

**June 23, 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:** Aaron Graulau, Code Enforcement Officer; and Julia Wolfe, Administrative Assistant to the Town Manager

**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.

**Approval of May 19, 2015 Minutes**

Special Magistrate Valerie Fuchs accepted the May 19, 2015 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.

**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 will 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.

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

Code Enforcement Officer Aaron Graulau reported that no cases on this morning's agenda have come into compliance prior to the meeting.

Special Magistrate Valerie Fuchs noted there was someone in the audience present to speak on a case and asked that it be heard first.

Code Enforcement Officer Aaron Graulau stated that Item #3 will be heard first.

**3. Case No. 15-5372 – 413 Winners Circle – Kenneth and Cynthia J. Carson – Town of Lady Lake Land Development Regulations Ch. 9 (h) (1) – Outside Storage**

Code Enforcement Officer Aaron Graulau presented the background on this case. He stated this property is in violation of the Town of Lady Lake's Land Development Regulations Chapter 9 (h) (1) for outside storage.

Mr. Graulau stated he spoke to the tenant on April 21, 2015 and explained the Town's requirements that vehicles must be tagged and operational. He stated he performed a follow-up inspection on May 13, 2015, and the vehicle remained in an obvious state of non-use with no tag and a flat tire.

Mr. Graulau stated a Notice of Hearing was mailed via certified and first class mail to the owner of record on June 8, 2015. He stated he spoke to Mr. and Ms. Carson via phone on June 11, 2015 and explained the code requirements.

Mr. Graulau stated a re-inspection was conducted on June 22, 2015 which showed the vehicle to be tagged, but did not appear to be operable or road-worthy. He stated he contacted Mr. Carson this same date and he acknowledged the violation via phone, and stated seven days would suffice to bring the property into compliance.

Mr. Graulau recommended allowing 10 days to come into compliance or a fine of \$25.00 per day would be assessed thereafter.

The Special Magistrate noted there were four photos entered into evidence. She asked if there was anyone present to speak on this case.

Martin Glover stated he resides at 413 Winners Circle and the car belongs to him. He stated that he was recovering from triple by-pass surgery and that was the reason the car was not tagged.

The Special Magistrate asked Mr. Glover if ten days will be enough time to come into compliance.

Mr. Glover asked if 20 days could be allowed to give him time to find a good mechanic in the area.

The Special Magistrate asked staff if they had any objection to allowing 20 days.

Mr. Graulau replied staff had no objections to allowing 20 days in light of Mr. Glover's medical hardship.

The Special Magistrate reminded Mr. Glover to contact staff when the property comes into compliance and thanked him for attending the meeting today, and wished him a speedy recovery.

***Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 15-5372, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Ch. 9- (h)(1) – Outside Storage. The owner has 20 days to come into compliance for the 2015 violation or a fine of \$25.00 per day will begin to accrue on the 21st 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 20 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.*

The original agenda order was re-established.

**OLD BUSINESS:**

**1. Case No. 15-5358 – 1411 Meadow View Way – Braxton W. Price Trustee – Town of Lady Lake Land Development Regulations Ch. 10-5(a) (8) – Hat Racked Tree**

Code Enforcement Officer Aaron Graulau presented the background on this case. He stated this case was continued from the last hearing, where the representative for the property owner had discussed the concern with regard to notice.

The Special Magistrate asked if the property owner was properly noticed.

Mr. Graulau replied that the certified notice was sent to the property owner and was hand delivered to Ms. Price on June 8, 2015. The notice was posted on the property this same day.

Mr. Graulau stated that after the previous hearing on May 19<sup>th</sup>, Dr. Price, under the advisement of his attorney, submitted a notarized statement in which he acknowledged the violation and agreed to comply with the regulations set forth by code. Mr. Graulau read the notarized statement into record.

Mr. Graulau stated that staff recommends assessing an \$87.00 administrative fee, and require that an inspection be performed by a licensed arborist one year from the hearing date. He recommended that the arborist's report shall be provided to staff or a fine of \$50.00 per day be levied against the property owner for each day the violation exists. Photos were entered as evidence.

The Special Magistrate asked if there was anyone present 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. 15-5358, she did find that the owner was in violation of the Town of Lady Lake Land Development Regulations Chapter 10-5(a)(8) for excessive pruning of a tree. A re-inspection by an arborist to determine the condition of the tree must be completed in 365 days or a fine of \$25.00 per day will begin to accrue on the 366<sup>th</sup> day. 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.*

**NEW BUSINESS:**

**2. Case No. 15-5386 – 305 Woodland Trail – Kwok Ping Wong – Town of Lady Lake Land Development Regulations Ch. 9 (h) (1) – Outside Storage**

Code Enforcement Officer Aaron Graulau presented the background on this case. He stated this property is in violation of the Town of Lady Lake's Land Development Regulations Chapter 9 (h) (1) for outside storage.

Mr. Graulau reported that an initial inspection of the property was conducted on April 29, 2015 and he observed what appeared to be an inoperable vehicle in the driveway with an expired tag. He stated a courtesy violation notice was mailed to the property owner on April 30, 2015 and several attempts were made to contact the occupant during the month of May with no response. A Notice of Hearing was mailed via certified and first class mail to the property owner on June 8, 2015 and the property was posted on June 9, 2015. Mr. Graulau stated he spoke to a male occupant who advised the vehicle was not his but that of the landlord who resides next door. He stated he attempted to contact the owner at 307 Woodland Trail.

Mr. Graulau stated a re-inspection was done on June 22, 2015 which showed the vehicle remained in the same location with a car cover over it and debris under it. He stated the owner's wife contacted him and stated the owner was in China dealing with a family medical hardship. Ms. Wong stated she would work to remove or relocate the vehicle.

Mr. Graulau recommended allowing 45 days for compliance or a fine of \$25.00 per day would be assessed thereafter.

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. 15-5386, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Ch. 9- (h)(1) – Outside Storage. The owner has 45 days to come into compliance for the 2015 violation or a fine of \$25.00 per day will begin to accrue on the 46<sup>th</sup> 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 10 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. 15-5337 – 811 Summit St. – Kenneth Doyle – Town of Lady Lake Land Development Regulations Ch. 9 (h) (1) – Outside Storage**

Code Enforcement Officer Aaron Graulau presented the background on this case. He stated this property is in violation of the Town of Lady Lake's Land Development Regulations Chapter 9 (h) (1) for outside storage.

Mr. Graulau stated a pro-active inspection was conducted on March 31, 2015 where it was noticed that there were three untagged, inoperable vehicles and the property was overgrown. A courtesy notice was mailed via certified and first class mail to the property owner on April 9, 2015 after several failed attempts to contact the property owner. A re-inspection was performed on April 30, 2015 and the yard had been mowed; however, the vehicles remained inoperative. A re-inspection on May 14, 2015 showed the inoperative vehicles still remained. Photos were entered as evidence.

Mr. Graulau stated the property owner came to Town Hall and met with staff on June 17, 2015. He stated they discussed an action plan and the property owner stated he would provide one to staff for

consideration. The property owner explained to staff that he has limited resources and physical limitations. Mr. Graulau stated he has not provided an action plan to date.

Mr. Graulau recommended allowing 45 days to come into compliance or a fine of \$25.00 per day would then be assessed.

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. 15-5337, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Ch. 9- (h)(1) – Outside Storage. The owner has 45 days to come into compliance for the 2015 violations or a fine of \$25.00 per day will begin to accrue on the 46<sup>th</sup> 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 10 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:**

The Special Magistrate asked if Donald Hoos is still working for the Town.

Mr. Graulau replied that Mr. Hoos has officially retired.

The Special Magistrate commented that Mr. Graulau is doing a fantastic job.

#### **ADJOURN**

With no other business to discuss, the meeting was adjourned at 10:50 a.m.

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Julia Wolfe  
Staff Assistant to Town Clerk

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Valerie Fuchs  
Special Magistrate