

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

August 25, 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; Thad Carroll, Growth Management Director; Mary Richichi, Staff Assistant; and Julia Wolfe, Administrative Assistant to 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.

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.

Approval of July 28, 2015 Minutes

Special Magistrate Valerie Fuchs accepted the July 28, 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.

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

Code Enforcement Officer Aaron Graulau reported that there were no changes to the agenda. He asked that Item #4 be heard first as someone was present regarding this case.

4. Case No. 15-5569 – 533 S. US Hwy 27/441 – Jonathan and Princy Fears – Town of Lady Lake Land Development Regulations: Ch. 7-4 – Fire Hazard; Ch. 9-2h(1) – Outside Storage; Porches; Ch. 16-52 – Building Permit Required; Town of Lady Lake Code of Ordinances: Ch. 7-67 – High Grass; Ch. 20-19 – Stairs, Porches; Ch. 20-21(a) – Unsafe Dwellings, Hotel; Ch. 20-23b(4) – Garbage Collection; Ch. 20-23(a) – Maintenance Responsibilities of Owners; Ch. 20-51 – Plumbing Drainage; Ch. 20-52 – Property Maintenance Exterior Appearance; Ch. 20-64 – Property Maintenance Addressing - Porches; Ch. 20-51(a)3 – Property Maintenance – Holes

Code Enforcement Officer Aaron Graulau presented the background on this case. He stated that on July 22, 2015 this property was referred to Code Enforcement was in violation of the Town of Lady Lake's Land Development Regulations Chapter Ch. 7-4 – Fire Hazard; Ch. 9-2h(1) – Outside Storage; Porches; Ch. 16-52 – Building Permit Required; Town of Lady Lake Code of Ordinances: Ch. 7-67 – High Grass; Ch. 20-19 – Stairs, Porches; Ch. 20-21(a) – Unsafe Dwellings, Hotel; Ch. 20-23b(4) – Garbage Collection; Ch. 20-23(a) – Maintenance Responsibilities of Owners; Ch. 20-51 – Plumbing Drainage; Ch. 20-52 – Property Maintenance Exterior Appearance; Ch. 20-64 – Property Maintenance Addressing - Porches; and Ch. 20-51(a)3 – Property Maintenance – Holes.

Mr. Graulau stated that this case was referred to Code Enforcement by the Building/Fire Inspectors for numerous deficiencies and violations of the Florida Building Code and NFPA70. He stated he spoke with the owners at the Town Hall concerning the violations on July 30, 2015. He stated that he had hand delivered a Notice of Hearing to the property owners during this visit, and a written statement and action plan was provided to staff. Mr. Graulau stated that he sent a certified notice to the owner of record on August 10, 2015.

Mr. Graulau stated that staff recommends assessing an \$87.00 administration fee and to allow time for the property owners to bring the property into compliance or to cease operation of the motel by December 1, 2015, as requested by the owners in writing to staff. He stated that if compliance is not gained, then a fine of \$100.00 per day shall be levied against the property owners for each day the violations exist.

The Special Magistrate asked how many units were in the motel.

Ms. Fears replied there are eight units in the motel in front. She stated that they purchased the property and the Town had come in and said they wanted to look at the property, which had not had inspections prior to this. Ms. Fears stated that they had plans to make changes to the property, so they would cease having it as a motel on December 1, 2015.

The Special Magistrate confirmed that the property owners were in agreement with staff's recommendations, and thanked them for attending today's hearing. She asked if anyone else was present regarding this case.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 15-5569, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Chapter 7-4 – Fire Hazard; Ch. 9-2h(1) – Outside Storage; Porches; Ch. 16-52 – Building Permit Required; Town of Lady Lake Code of Ordinances: Ch. 7-67 – High Grass; Ch. 20-19 – Stairs, Porches; Ch. 20-21(a) – Unsafe Dwellings, Hotel; Ch. 20-23b(4) – Garbage Collection; Ch. 20-23(a) – Maintenance Responsibilities of Owners; Ch.

20-51 – Plumbing Drainage; Ch. 20-52 – Property Maintenance Exterior Appearance; Ch. 20-64 – Property Maintenance Addressing - Porches; and Ch. 20-51(a)3 – Property Maintenance – Holes.

The owner has until December 1, 2015 to come into compliance for the 2015 violation or a fine of \$100 per day will begin to accrue on December 2, 2015. This order will be recorded as a lien on the property if not paid. In addition, an administrative fee of \$87 is imposed to be paid within 10 days of today's hearing date. The violator shall contact Code Enforcement to confirm compliance. The property owner will receive a copy of this order, and can contact Code Enforcement if they have any questions.

Mr. Graulau reiterated that the owner does have options to either cease operations or bring the property into compliance if they choose to.

3. Case No. 15-5598 – 502 Rainbow Blvd. – James D. & Barbara A. Sanders – 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 property is in violation of the Town of Lady Lake's Land Development Regulations Chapter 10-5(a) (8) for hat racked tree.

Mr. Graulau stated that an initial complaint of a hat racked tree was made on July 16, 2015. He stated that he spoke with the property owners this same date and discussed that this a prohibited practice. Mr. Graulau stated that he met with the property owners in his office on July 20, 2015 and discussed options and actions that could be taken. He stated a Notice of Hearing was mailed via certified and first class mail to the owner of record on August 10, 2015.

Mr. Graulau stated he would withhold recommendation at this time.

The Special Magistrate reviewed the photographs presented in this case and informed the property owner that she was welcome to view them.

Barbara Sanders introduced herself as the property owner. She stated she and her husband met with Mr. Graulau and he went over the options they had in this case. She stated that the couple has financial and health issues. She stated that she was advised to contact the person who had trimmed their tree and get a copy of the trimmer's license and insurance to verify that he was in fact licensed to do work in Lady Lake.

Ms. Sanders stated that she contacted the tree trimmer and was told that he did not have a license and that he did not need one in Lady Lake. With some additional research, she discovered that he did not have a license or insurance, as was stated on his business card. Ms. Sanders stated that they had lived here in Lady Lake for 21 years and were not aware of the "hat racked tree" regulations. She also mentioned that she contacted Jennifer Parr of The Villages to find out if they were in trouble with The Villages also.

The Special Magistrate stated the property owners may have civil recourse against the tree trimmers, although they are in violation for hat-racking the tree. She asked Ms. Sanders what her plea is.

Ms. Sanders stated her plight, and asked that the \$87.00 administrative fee be waived and to wait a year to see if the tree comes back.

The Special Magistrate asked if anyone else was present regarding this case, and see no one else, asked staff for his recommendation.

Mr. Graulau recommended that one year be afforded to the property owners to cure the violation or a fine of \$50.00 per day be assessed thereafter. He stated the \$87.00 fee is part of the Town's code, but he would defer to the Special Magistrate on this.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 15-5598, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Chapter 10-5(a) (8) for hat racked tree. The owner has one year to come into compliance for the 2015 violation and supply an arborist report on which any further action will depend, or a fine of \$50.00 per day will begin to accrue on the 366th day. This order will be recorded as a lien if not paid. In addition, the administrative fee of \$87 will be waived.

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.

Mr. Graulau offered to answer any further questions from the property owner after the hearing.

The original agenda order was re-established.

1. Case No. 15-5551 – 514 Jason Dr. – Edward Tanza – 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 property is in violation of the Town of Lady Lake's Land Development Regulations Chapter 10-5(a) (8) for hat racked tree.

Mr. Graulau stated that he spoke to the property owners on July 16, 2015 on site and discussed that this is a prohibited practice. He stated that the owner entered a written plea of no contest on July 22, 2015, and that a Notice of Hearing was mailed via certified and first class mail to the owner of record on August 10, 2015.

The Special Magistrate requested that the property owner be sworn in as he was not present earlier. She then explained the process for the violation and asked the property owner to introduce himself.

Mr. Tanza, property owner, stated that he was guilty as charged. He went onto say that he had contracted to have 25% of the tree trimmed as one tree had two trunks, and that he had done so for the safety of his home and the neighbor's home as well. He reported that they went shopping and when they returned home, they were shocked at the amount of trimming that had been done. He went on to state that Mr. Graulau explained their options and they have since had one of the

two trees removed and the stump ground at a cost of over \$2,500, and the other tree seems to be coming back beautifully.

The Special Magistrate confirmed that Mr. Tanza has already had one of the tree removed by permit, as she was unaware of this. She commented that she appreciated the property owners coming in today, and asked if the property owner is now in compliance.

Mr. Tanza stated that they had a family illness and need to leave town and that he wanted to pay the \$87.00 administrative fee prior to their leaving town.

Mr. Graulau replied that there were two hat-racked trees on the property and one has since been removed, and an arborist's report will be required for the second tree. Mr. Graulau recommended that one year be afforded to the property owners to cure the violation or a fine of \$50.00 per day be assessed thereafter.

The Special Magistrate asked if anyone else was present regarding this case.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 15-5551, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Chapter 10-5(a) (8) for hat racked tree. The owner has 365 days to come into compliance for the 2015 violation and present an arborist's report for consideration, or a fine of \$50.00 per day will begin to accrue on the 366th 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.

2. Case No. 15-5427 – 1785 W. Schwartz Blvd. – Allen & Nancy Anderson – 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 property is in violation of the Town of Lady Lake's Land Development Regulations Chapter 10-5(a) (8) for hat racked tree.

Mr. Graulau stated that the initial complaint of a hat-racked tree was received on May 14, 2015, and he was able to speak with the property owners via phone on July 6, 2015, and discussed that this was a prohibited practice. He stated a Notice of Hearing was mailed via certified and first class mail to the owner of record on August 10, 2015.

Mr. Graulau stated that a plea of no contest was entered on August 13, 2015, and that he met with the property owner in his office and discussed options and actions that could be taken.

Mr. Graulau recommended that the property owner be assessed an \$87.00 administration fee, and require that an inspection be performed by a licensed arborist one year after the date of this hearing, affording the property owners the opportunity to cure the violation, or a fine of \$50.00 per day shall be levied against the property owner for each day the violation continues to exist.

The Special Magistrate asked if anyone was present regarding this case.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 15-5427, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Chapter 10-5(a) (8) for hat racked tree. The owner has 365 days to come into compliance for the 2015 violation or a fine of \$50.00 per day will begin to accrue on the 366th 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.

ADJOURN: With no further business to discuss, the meeting was adjourned at 11:06 a.m.

Nancy Slaton
Deputy Town Clerk

Valerie Fuchs
Special Magistrate

Transcribed by Nancy Slaton, Deputy Town Clerk