

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

May 12, 2016

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: Michelle Bilbrey, Code Enforcement Officer; Thad Carroll, Growth Management Director; Carol Osborne, Staff Assistant, and Nancy Slaton, Deputy Town Clerk.

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

PLEDGE OF ALLEGIANCE

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

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

Code Enforcement Officer Michelle Bilbrey reported that two cases on this morning's agenda have come into compliance prior to the meeting: Item #3, Case No. 15-5701; and Item #4, Case No.15-5784.

Approval of December 15, 2015 Minutes

The Special Magistrate signed and accepted the December 15, 2015 meeting minutes into the record as presented.

The Special Magistrate asked that agenda item #2 be heard first as there were people present regarding that case.

NEW BUSINESS:

2. Case No. 15-5766 – 120 Spencers Lane – Marian J. Crank Estate - C/O Merilee Crank – Town of Lake Code of Ordinances Ch. 7-67 - High Grass, Garbage, Trash; and Land Development Regulations Sec. 9-2 (h)(1) - Outside Storage

Code Enforcement Officer Michelle Bilbrey presented the background on this case. She stated that this property is in violation of the Town of Lady Lake Code of Ordinances Sec. 7-67 for high grass, garbage and trash, and Land Development Regulations Sec. 9-2 (h)(1) - outside storage. She reported that former Code Enforcement Officer Aaron Graulau sent a Statement of Violation by certified mail to the property owner on October 10, 2015. The notice was returned as undeliverable on October 31, 2015 with "deceased" hand-written on the outside of the envelope. She stated that there was a subsequent re-inspection by Mr. Graulau on November 18,

2015, and the code enforcement case notes indicate that Merilee Crank was the occupant, and included a phone number.

Ms. Bilbrey reported the re-inspection case notes of December 21, 2015 indicate "slight improvement".

Ms. Bilbrey reported her initial inspection on March 8, 2016 found the property to still be in violation. On March 16, 2016, she stated a Courtesy Notice of Violation was posted at the front door of the residence, providing thirty days for the violations to be corrected. Photos of the property were taken.

Ms. Bilbrey stated a re-inspection was conducted and the property was found to be still be in violation on April 16, 2016. She stated a Notice of Hearing was posted at the front door of the residence. On that day, she stated Merilee Crank came out of the home and she discussed the violations with Ms. Crank, informing her that she has until the hearing date indicated on the notice to correct the issues. Also on April 16, 2016, a Notice of Hearing was sent via certified mail to the address associated with this case. The letter was returned "Not deliverable as addressed" on May 5, 2016.

Ms. Bilbrey stated a pre-hearing site visit was conducted at the property on May 11, 2016. Although some progress has been made, she stated the property is found to be in violation.

Ms. Bilbrey stated that staff's recommendation is to afford the property owner 14 days to comply or a fine of \$25.00 per day be assessed thereafter.

Of the sixteen photographs presented to Special Magistrate Fuchs by Ms. Bilbrey, the photograph showing the above-ground pool with standing water was discussed. Special Magistrate Fuchs questioned the amount of water in the pool.

Ms. Bilbrey stated this photograph was taken on May 11, 2016, and she estimated there was a few inches of water in the pool, with no ladder was in sight.

Special Magistrate Fuchs advised that if staff finds there is sufficient evidence to request this to be a health, safety and welfare issue, the Town can take precautions, if desired. She stated this has not been presented to her in this way thus far. However, if staff finds this property to be a health and safety issue, she will take those recommendations into consideration.

At this time, Special Magistrate Fuchs stated she has heard all of the violations regarding the property, and requested if any member of the public is present for this case to come forward. She stated the photographs of the property are available for viewing.

Merilee Crank stated that she is the daughter of the property owner, who has passed away, and is residing in the house at 120 Spencers Lane, Lady Lake, Florida, 32159. She stated the house and property is currently going through probate court.

The Special Magistrate asked Ms. Crank if she had any further information regarding the violations presented by Ms. Bilbrey, or if she is requesting more time to bring the property into compliance.

Ms. Crank stated that she has had health issues and has been hospitalized.

The Special Magistrate stated the concerns regarding the standing water in the pool.

Ms. Crank stated the pool is to be moved to another property and she had drained the water. She stated there is a trailer on the property and the pool ladder is on the trailer.

The Special Magistrate stated she sees this in one of the photographs.

Ms. Crank stated she was more concerned with cleaning up the property than moving the pool.

Special Magistrate Fuchs asked how much time she felt she would need to come into compliance.

Ms. Crank stated she would need at least two weeks because of her health issues; she has trouble getting around, and does not have anyone to help her clean up the property. She stated that prior to this, she kept the property in good condition.

Special Magistrate Fuchs stated she empathizes with Ms. Crank and appreciates her attending the hearing, and noted her efforts toward bringing the property into compliance. She stated the main concern with the standing water in the pool is health concerns in regard to mosquitos, and she advised Ms. Crank to drain the pool.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 15-5766, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Sec. 7-67 for high grass, garbage and trash; and Land Development Regulations Sec. 9-2 (h)(1) - Outside Storage. The owner has 14 days to come into compliance for the 2015 violation or a fine of \$25.00 per day will begin to accrue on the 15th day. This order will be recorded as a lien on the property if not paid. At this time, the administrative fee of \$87 is waived due to hardship.

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. 15-5701 – 205 Skyline Drive – Michael A. Purk – Town of Lady Lake Land Development Regulations Sec. 9-2(h)(1) - Outside Storage

This case came into compliance prior to the meeting.

4. Case No. 15-5784 – 441 Winners Circle – Fuller Properties, Inc. – Town of Lady Lake Land Development Regulations Sec. 9-2(h)(1) - Outside Storage

This case came into compliance prior to the meeting.

- The original agenda order was then resumed.

OLD BUSINESS:

1. Case No. 15-5788 – 226 Lake Griffin Road – Edward S. Rojewski & Susan Booker – Town of Lady Lake Code of Ordinances Ch. 7-67 - High Grass, Garbage, Trash – Order of Enforcement needs to be signed to create an original for recording purposes.

Code Enforcement Officer Michelle Bilbrey presented the background on this case. She stated that this case was originally heard on December 15, 2015 with former Code Enforcement Officer Aaron Graulau. Ms. Bilbrey reported she inspected the property on March 28, 2016, took photos, and found the property remains non-compliant.

Ms. Bilbrey stated a signature from the Special Magistrate is required to create an original document for recording purposes.

Special Magistrate Valerie Fuchs signed the Order of Enforcement, stating that based on the testimony and evidence presented on Case No. 15-5788, she did find that the owner remained in violation of the Town of Lady Lake's Code of Ordinances Sec. 7-67 for high grass, garbage and trash.

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

Carol Osborne, Staff Assistant to Town Clerk

Valerie Fuchs, Special Magistrate

Transcribed by Carol Osborne, Staff Assistant to Town Clerk