

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

February 28, 2017

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; and Carol Osborne, Staff Assistant to Town Clerk.

OTHERS PRESENT: Commissioner Paul Hannan.

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.

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 explained that staff will present their case and testimony, and she will ask any questions she deems necessary. At that time the owner or interested party will be able to present their testimony or evidence, and staff will have an opportunity to rebut. The case will be closed for public comment and she will render her decision on each of the cases.

The Special Magistrate asked if there were any changes to the agenda.

Code Enforcement Officer Michelle Bilbrey reported that Item #1, Case No. 16-6182 came into compliance prior to this meeting.

The Special Magistrate confirmed with Ms. Bilbrey that the property owner for Item #3, Case No. 14-5051 is present and this case will be heard first.

Approval of January 24, 2017 Minutes: The Special Magistrate signed and accepted the January 24, 2017 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.

NEW BUSINESS:

1. Case No. 16-6182 – 447 Winners Cir. – Brent and Barbara Midgett – Town of Lady Lake Land Development Regulations Chapter 16-52 – Building Permit Required.

This case is compliant.

Item #3 on the agenda was then heard out of order as the owner was present to be heard regarding this case.

ABATEMENT/LIEN REDUCTION

3. Case No. 14-5051 – 609 First Avenue – Carole E. Freeman – Town of Lady Lake Code of Ordinances Chapter 20-20(a)(2) – Property Maintenance –Painting; and Chapter 20-20(a)(6) – Property Maintenance –Window/Door Maintenance.

Code Enforcement Officer Michelle Bilbrey presented documentation for this case to the Special Magistrate. She presented the background summary for this case as follows:

- September 4, 2014 – Code Enforcement Officer Don Hoos opened this case after receiving a citizen complaint about junk in the yard.
- Mr. Hoos spoke with the tenant at the time, Stephanie, who advised him that the household items were in the yard due to the home being exterminated for roaches; the items would be back inside the house when finished and the grass would be mowed.
- Subsequent inspections were completed on September 8, 2014, September 16, 2014 and September 23, 2014, in which the aforementioned violations were cured. Additional violations relating to property maintenance were found.
- September 23, 2014 - A Courtesy Notice of Violation was sent to the registered property owners(s), William and Justin Freeman, via certified mail citing the following violations:
 - Town of Lady Lake Code of Ordinances Chapter 20-20 (a)(6) - Property Maintenance- Window/Door Maintenance
 - Town of Lady Lake Code of Ordinances Chapter 20-20 (a)(2) - Property Maintenance- Residential Painting
- October 30, 2014 – A re-inspection of the property was conducted; it remained non-compliant.
- October 30, 2014 – A Notice of Hearing was sent via certified mail to the property owner.
- December 8, 2014 – A re-inspection of the property was conducted, photographs were taken, and the property remained non-compliant.
- December 17, 2014 – This case was heard by the Special Magistrate; the owner was ordered to pay an \$87 administrative fee and bring the property into compliance within 30 days or a fine of \$25 per day would begin to accrue.
- December 17, 2014 – A copy of the Order of Enforcement was mailed to the property owner.
- December 18, 2014 – A copy of the Order of Enforcement was posted to the site. An affidavit of posting was completed.
- February 3, 2015 – A re-inspection of the property was conducted, and the property remained non-compliant. An affidavit of non-compliance was completed.
- February 6, 2015 – The Order of Enforcement was recorded in the Lake County Records in Book 4583, pages 1254-1258.
- October 16, 2015 – The property was sold to the current owner, Carole Freeman, via Quit Claim Deed.
- October 21, 2015 – After coordinating with Code Enforcement Officer Aaron Graulau and Building Official Dallas Foss, Permit #15-1388 was issued to Ms. Freeman for replacement of nine windows and one front door in the home.
- October 21, 2015 – According to the Code Enforcement Officer’s case notes, the property was considered to be compliant. The lien accrual end date is set as October 21, 2015. The lien had accrued for a total of 278 days.

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- February 1, 2017 – Carole Freeman contacted the Building Department requesting information in regard to the lien that exists on this property. Ms. Freeman was provided information on the case being heard today.
- February 2, 2017 – Ms. Freeman provided a written request asking to be placed on the next Special Magistrate agenda for a lien reduction consideration. A property inspection was conducted that same day and the property was found to be compliant. An affidavit of compliance was completed.
- The grand total for this lien including the \$87.00 administrative fee, is \$7, 037.00.
- The property is currently assessed at \$74,033.00.

The Special Magistrate confirmed with Ms. Bilbrey that the new owner purchased the property October 2015 and brought the property into compliance in a timely manner.

Ms. Bilbrey stated Ms. Freeman acquired a permit for the work that needed to be done and the permit finalized within two months. Ms. Bilbrey stated the liens on the property were filed prior to Ms. Freeman purchasing the property.

Carole Freeman, owner of 609 First Avenue, Lady Lake, stated she purchased the house via a quit claim deed from her nephew. Ms. Freeman stated her brother replaced the windows, cleared the trash, and because of that, she felt the fines had been satisfied. Ms. Freeman stated when the quit claim deed was finalized, she knew there was a fine imposed by the Town of Lady Lake, and that Code Enforcement Officer Aaron Graulau visited the site two-three days per week to ensure consistent improvements were being made to the property.

Ms. Freeman stated she began a complete remodel of the inside of the house due to bug and rodent infestations, that included a new air conditioning unit and new air conditioning ducts in the attic, new windows, door, roof and yard clean-up. She stated she has spent approximately \$44,000.00 in renovations and it was not until she applied for a home loan that she was informed of the liens on the property. She stated when she purchased the property, the Code Enforcement Officer at that time told her everything was completed and she did not know there was a lien on the property. Once she was informed there was a lien, she contacted Ms. Bilbrey for direction.

Ms. Freeman stated it is her understanding that her nephew complied with everything except paying the \$87 administrative fee and believes the fine has accrued because of that. She is requesting the liens be reduced to zero due to the fact that she has improved the value of the property.

The Special Magistrate clarified that when the Code Enforcement Officer informed Ms. Freeman that her property was in compliance, it did not have any effect on the lien on the property. She stated when purchasing property with a quit claim deed, a new property owner takes the property subject to any and all problems associated with it; the liens would have been discovered had Ms. Freeman conducted a title search. The \$87.00 administrative fee is a separate charge that covers the expenses associated with site visits and the Special Magistrate hearing, and has no bearing on the accrual of the fines. She stated the fines are imposed for violating the Town's codes and they accrue daily until the property comes into compliance and are paid.

The Special Magistrate stated the Town is appreciative that Ms. Freeman took ownership of the property and brought it into compliance, which is why staff is agreeing to reduce the amount of the

lien. She stated that the Town Commission will make the final decision on the case and will take the Special Magistrate's recommendation into consideration.

Ms. Freeman stated Mr. Graulau told her that the lien could be reduced to \$1,500.00 because she had brought the house into compliance quickly, and she was not informed of a \$7,000.00 amount.

The Special Magistrate stated she weighs each case based on the facts presented to her at the Special Magistrate hearing. She encouraged Ms. Freeman to conduct a title search as there could be additional liens or taxes still owed on the property.

Ms. Freeman stated she hired someone to do a title search when she purchased the property and was given an amount of the lien on the house, and she paid it at the courthouse.

The Special Magistrate stated the liens were recorded, and if a title search had been conducted, the liens would have appeared in the Lake County records. She asked staff if this case took more site visits than usual.

Ms. Bilbrey replied she did not conduct many site visits. Per the notes of the previous Code Enforcement Officer, he conducted several site visits, as did the Building Inspector.

The Special Magistrate asked staff if hearing the homeowner's testimony changes staff's recommendation.

Ms. Bilbrey replied that she is required to request a lien reduction of no less than \$5,000.00 or 25% of the property value, whichever is less.

The Special Magistrate asked if there was anyone else present who wished to speak on this case and no one else was present.

Special Magistrate Valerie Fuchs stated she recommends an abatement of this case's lien amount to \$3,000.00 based the costs associated with the case and because the property owner brought the property into compliance in a timely manner. She stated that although this is her recommendation, this case will to go before the Town Commission for their final determination. The property owner will get a copy of the order.

The original agenda order was then re-established and Item #2 on the agenda was heard next.

2. Case No. 16-6231 – 109 Spencers Loop – Verdot VI, LLC – Town of Lady Lake Code of Ordinances Chapter 7-67 – High Grass.

Code Enforcement Officer Michelle Bilbrey presented documentation and photographs of the case to the Special Magistrate. She presented the background summary for this case as follows:

- A citizen complaint was received in reference to high grass capable of harboring rodents on a vacant lot.
- A site visit was conducted on December 28, 2016 and a code enforcement case was opened.

- A Statement of Violation and photographs of the property were mailed to the registered property owner on December 28, 2016 via certified mail. The Statement of Violation cited violation of the Town of Lady Lake Code of Ordinances Chapter 7-67 for high grass, garbage, trash.
- December 30, 2016 - The certified mail return receipt for the Statement of Violation was signed for by an unknown name (illegible).
- January 19, 2017 – A re-inspection of the property was conducted and the property remain non-compliant.
- January 23, 2017 – A Notice of Hearing was mailed via certified mail to the registered property owner. The certified mail return receipt was signed for by the same unknown name (illegible) on January 26, 2017.
- February 27, 2017 - A re-inspection of the property was conducted, and the property remains non-compliant.

Staff's recommendation is to find the property owner/agent in violation of the Town of Lady Lake Code of Ordinances Chapter 7-67 for high grass, and afford the property owner/agent 15 days to cure the violation or a fine of \$25.00 per day be assessed thereafter for each day the violation continues to exist.

The Special Magistrate asked if there was anyone present to speak on this case. There was no one present regarding this case.

The Special Magistrate reviewed the evidence and photographs presented by the Code Enforcement Officer.

It was noted that Ms. Bilbrey will deliver the Order of Enforcement to the Special Magistrate for signature.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 16-6231, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 7-67 for high grass. The owner has 15 days to come into compliance for the 2016 violation or a fine of \$25.00 per day will begin to accrue on the 16th 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: There being no further discussion, the meeting was adjourned at 10:57 a.m.

Carol Osborne, Staff Assistant to the Town Clerk

Valerie Fuchs, Special Magistrate