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

**April 25, 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; Denise Williams, Animal Control Officer; Thad Carroll, Growth Management Director; and Carol Osborne, Staff Assistant to Town Clerk.

**OTHERS PRESENT:**

**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.

**Approval of February 28, 2017 Minutes:** The Special Magistrate signed and accepted the February 28, 2017 meeting minutes into the record as presented.

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

Code Enforcement Officer Michelle Bilbrey stated Case No. 16-6182 has come into compliance.

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, which may include photographs that defendants have a right to see if it pertains to their case, 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.

**OLD BUSINESS:**

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

This case is now compliant.

**NEW BUSINESS**

**2. Case No. 17-6280 – 261 N. Clay Avenue – Marvin O. Smallwood – Town of Lady Lake Land Development Regulations Chapter 16-52 – Building Permit Required; Chapter 9-2(h)(1) – Outside Storage; Chapter 9-3(d) – Home Occupations - Prohibited.**

1  
2 Code Enforcement Officer Michelle Bilbrey presented documentation for this case to the Special  
3 Magistrate. She presented the background summary for this case as follows:  
4

- 5 • Feb. 2, 2017 – While conducting a site visit at an adjacent property (258 N. Clay Avenue), C.E.  
6 Officer Bilbrey reported that she noticed what appeared to be a freshly poured slab next to the  
7 home at 261 N. Clay Avenue. In addition, there were temporary-type carports with a  
8 considerable amount of commercial cooking equipment around and under it. There were also  
9 tables, chairs, coolers and propane tanks present. Photos were taken; she stated that she  
10 researched the property and found there was no permit application on file for the concrete slab.
- 11 • Ms. Bilbrey noted that a few weeks prior to this date, she had received an anonymous complaint  
12 that the occupants of this home were selling food products from this location on the weekends.  
13 She stated that she was unable to see any physical evidence consistent with this claim during a  
14 previous inspection. Based on the commercial cooking equipment present on Feb. 2, 2017, the  
15 violation of “Prohibited Occupations- Retail Sales” was added to this case.
- 16 • February 2, 2017 - A code enforcement case was opened citing the following Land  
17 Development Regulations:  
18
  - 19 • Town of Lady Lake Land Development Regulation Chapter 16-52 - Building Permit  
20 Required
  - 21 • Town of Lady Lake Land Development Regulation Chapter 9-2(h)(1) - Outside Storage
  - 22 • Town of Lady Lake Land Development Regulation Chapter 9-3(d) - Home Occupations-  
23 Prohibited (Retail Sales)
- 24
- 25 • February 2, 2017 - A Courtesy Notice was mailed via certified mail to the property owner,  
26 Marvin Smallwood, as indicated by the Property Record Card. It was returned unopened,  
27 marked, “unclaimed, unable to forward” on March 7, 2017.
- 28 • February 08, 2017 - A copy of the Courtesy Notice was posted to the site and affidavit of  
29 posting was executed.
- 30 • February 20, 2017 - A re-inspection was completed; the property remained non-compliant.
- 31 • February 22, 2017 – Ms. Bilbrey stated that she received a call from a man who advised his  
32 name was Lee Woods and that he was a licensed contractor. He stated he was working with the  
33 property owner and tenant, and would be applying for a permit for the concrete slab. Additional  
34 time was granted to apply for the permit.
- 35 • March 7, 2017 - No permit had been applied for yet. Ms. Bilbrey stated that she contacted Mr.  
36 Woods and he stated that he was waiting on a site plan from the property owner before he could  
37 apply for the permit.
- 38 • March 7, 2017 - A statement of violation was created and hand delivered to an adult female  
39 residing at the home. An affidavit of hand delivery was completed.
- 40 • March 22, 2017 - A re-inspection of the site was completed; the property remained non-  
41 compliant. A Notice of Hearing was mailed to the property owner by certified mail and regular  
42 mail.
- 43 • March 23, 2017 – A copy of the Notice of Hearing was hand-delivered to an adult female at the  
44 subject location. An affidavit of hand delivery was completed.
- 45 • April 17, 2017 - The Notice of Hearing mailed to the property owner was returned unopened on  
46 and marked “vacant, unable to forward”.
- 47 • April 17, 2017 – Ms. Bilbrey stated she received notification from the Town of Lady Lake  
48 building department that a permit application for the concrete slab had been received. The  
49 permit was paid for and issued on April 20, 2017, curing the violation of “Building Permit  
50 Required”.

- 1 • April 20, 2017 - The property owner, Mr. Smallwood, came into the Building Department for a  
2 permit to install a privacy fence on the west side of the property, fronting Clay Ave. He filled  
3 out a power of attorney allowing the current occupant the ability to apply for and obtain the  
4 permit. Later that same day, the occupant of home came in; an over the counter permit was  
5 issued for a privacy fence (Permit # 17-523). Ms. Bilbrey noted that installation of privacy  
6 fencing could cure the violation of “outside storage” if it obstructs the public’s view from the  
7 yard where the violation exists once erected.
- 8 • April 24, 2017 – A re-inspection of the property was conducted and the fencing was not present  
9 at that time. The violation of outside storage remains as the cooking equipment and other  
10 miscellaneous items are still present. Based on the ongoing presence of the commercial cooking  
11 equipment, it is believed the occupant may be conducting retail food sales out of this location.
- 12 • The property is currently assessed at \$42,124 per the Lake County Property Appraiser.

13  
14 Staff’s recommendation is to find the owner/agent in violation of Town of Lady Lake Land  
15 Development Regulation Chapter 9-2(h)(1) - Outside Storage; and Town of Lady Lake Land  
16 Development Regulation Chapter 9-3(d) - Home Occupations-Prohibited (Retail Sales), impose an  
17 \$87 Administrative fee, and afford the property owner or their agent 30 days to successfully bring  
18 the property into compliance or a fine of \$25 per day be assessed thereafter for each day the  
19 violation continues to exist.

20  
21 The Special Magistrate asked Ms. Bilbrey if she had any further evidence of the alleged home  
22 occupation.

23  
24 Ms. Bilbrey stated she based her allegations on the size and the amount of cooking equipment on  
25 the property and the anonymous complaint that she received.

26  
27 The Special Magistrate asked Ms. Bilbrey if she witnessed any food sales or food being cooked at  
28 the time she was on site.

29  
30 Ms. Bilbrey stated no food was being cooked at the time of her visit; she saw an excessive amount  
31 of commercial equipment.

32  
33 The Special Magistrate asked if Ms. Bilbrey saw any advertisement for this property in the  
34 newspaper or on Craig’s List.

35  
36 Ms. Bilbrey stated she has not seen any advertisement.

37  
38 The Special Magistrate asked if there was anyone present to speak on Case No. 17-6280 regarding  
39 property situated at 261 N. Clay Avenue, owner Marvin Smallwood.

40  
41 *Town of Lady Lake Senior Accounting Clerk Debbie Lopez was present to interpret for Antonia*  
42 *Munoz.*

43  
44 Antonia Munoz stated she is in the process of purchasing the property and is currently residing  
45 there.

46  
47 The Special magistrate stated according to the evidence provided, a fence permit has been acquired,  
48 and once the fence is erected, the case will be cleared in regard to blocking the equipment from  
49 public view.

1  
2 Ms. Munoz stated the fence has been ordered, and they would need approximately one week to  
3 complete the project.  
4

5 The Special Magistrate addressed the home occupation violation by asking Ms. Munoz if she is  
6 selling food to the public.  
7

8 Ms. Munoz replied her husband created an outdoor cooking area and eating area with tables outside.  
9 She explained that her husband’s co-workers come to their house on Friday to eat dinner with them.  
10

11 The Special Magistrate stated she has not heard enough testimony to prove staff’s claim of a home  
12 occupation. However, she cautioned Ms. Munoz that there was a complaint regarding this and to be  
13 aware that she cannot sell food out of her house.  
14

15 Ms. Munoz invited the Special Magistrate to her home on Friday to see that she is not selling food.  
16 She stated if the Special Magistrate does not believe her, she will not have her husband’s coworkers  
17 at her home anymore.  
18

19 The Special Magistrate stated she does believe her and that it is not a violation to invite people to  
20 her home.  
21

22 *Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented for*  
23 *the first violation of Case No. 17-6280, she did find that the owner was in violation of the Town*  
24 *of Lady Lake’s Land Development Regulations Chapter 9-2(h)(1) – Outside Storage. The owner*  
25 *has 20 days to come into compliance by erecting the fence or a fine of \$25.00 per day will begin*  
26 *to accrue on the 21<sup>st</sup> day. An administrative fee of \$87 is imposed for costs associated with this*  
27 *case to be paid within ten days of this hearing date. The property owner will get a copy of this*  
28 *order.*  
29

30 *Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented in*  
31 *the second violation of Case No. 17-6280, she did not find the owner in violation of Town of Lady*  
32 *Lake’s Land Development Regulation Chapter 9-3(d) – Home Occupations Prohibited (Retail*  
33 *Sales). The property owner will get a copy of this order.*  
34

35 **3. Case No. 17-002828 – 202 Longview Avenue – Alesha Crogan and Kyle Hugar – town of**  
36 **Lady Lake Code of Ordinances Section 4-4 – At Large Animals; Repeat Violation.**  
37

38 Animal Control Officer Denise Williams presented documentation and photographs pertaining to  
39 this case to the Special Magistrate. She presented the background summary for this case as follows:  
40

- 41 • July 27, 2016 – Officer Williams reported that she was driving on Longview Avenue at  
42 approximately 1520 hours (3:20 p.m.) and as she approached a stop sign at High Street, she  
43 noticed two young minors that were naked standing in the street without a parent or guardian  
44 present. She stated that she stopped and got out of her truck, took custody of the two children  
45 and called dispatch to have a patrol officer in route. Within ten to twelve minutes, Alesha  
46 Crogan arrived and advised that she was the mother of the children and that she had only left  
47 them alone for a few minutes while she chased after her two dogs that ran away. Officer

1 Williams stated that she gave Ms. Crogan a verbal warning for her dogs running at large;  
2 Officer Reyes arrived on scene to address the issue of the children being left unattended.

- 3 • October 27, 2016 – Officer Williams witnessed the red pit mix dog named, Scooby, running at  
4 large on Longview Avenue at approximately 1353 hours (1:53 p.m.). She stated that she chased  
5 the dog back onto the owner’s property and that no one was home at that time. She stated that  
6 she closed the gate and posted a written warning on the gate for 4-4 - At Large Animals, and 4-  
7 36 - Dog or Cat License Vaccination.
- 8 • January 20, 2017 – At approximately 0811 hours (8:11 a.m.), Officer Williams received a  
9 complaint that there were three dogs running at large near 218 Morningside Drive. The  
10 complainant advised that the dogs tried to attack her dog. Officer Williams stated that she  
11 located the three dogs at the intersection of Morningside Drive and Chuck Street. She stated  
12 that she was able to impound two of the dogs at that time, and followed the third dog, Scooby,  
13 back to the owner’s home at 202 Longview Avenue. The owners were not home and a minor  
14 was left in care of the children. She stated that she impounded the third dog and left a courtesy  
15 notice with the babysitter at 0830 hours (8:30 a.m.). Both owners, Alesha Crogan and Kyle  
16 Hugar arrived at the Lady Lake Animal Control Facility at approximately 0930 hours (9:30  
17 a.m.), reclaimed the dogs, and paid in full the first impound fees and the first citation for the  
18 violation for two of the dogs, Scooby and Peggy Sue. They refused to reclaim the third dog as  
19 they advised it belonged to a neighbor, even though the dog had been on their property for the  
20 last few weeks and the rabies vaccination for the third dog was in Alesha Crogan’s name.
- 21 • February 9, 2017 – At approximately 1000 hours (10:00 a.m.), Officer Williams witnessed the  
22 red pit mix, Scooby, at large. She stated that she impounded Scooby; Alesha Crogan reclaimed  
23 Scooby the same day at approximately 1600 hours (4:00 p.m.) after paying the second impound  
24 fees and a repeat citation.
- 25 • March 6, 2017 – At approximately 0815 hours (8:15 a.m.), Officer Williams witnessed the light  
26 tan colored pit mix named Peggy Sue standing in the middle of the roadway of High Street. She  
27 stated as she got out of the truck to approach the dog, she ran back onto the owner’s property.  
28 The baby sitter opened the front door and let the dog in the house. Officer Williams asked the  
29 babysitter if the owners were home, and she advised that they were not. The babysitter stated  
30 that she was not responsible for the dogs, that she was there to watch the kids. The babysitter  
31 told Officer Williams that the dogs jumped out of the window and she did not know where the  
32 other dog was. The babysitter brought Peggy Sue to Officer Williams and Peggy Sue was  
33 impounded. Officer Williams advised the babysitter to have Ms. Crogan call her to reclaim the  
34 dog. Officer Williams stated she then circled the neighborhood looking for the other dog,  
35 Scooby, and witnessed him running between two houses in the direction towards Longview  
36 Avenue. She stated as she approached the intersection of Morningside Drive and High Street,  
37 she saw the babysitter walking up the street looking for Scooby. She stated she then circled the  
38 neighborhood once more and could not find Scooby.
- 39 • March 6, 2017 – Officer Williams stated she spoke with Alesha Crogan; Ms. Crogan stated  
40 Scooby always jumps out of the window, runs out of the fenced yard, and Peggy Sue follows  
41 him. Ms. Crogan also stated Scooby had returned home. Officer Williams explained to Ms.  
42 Crogan that this is the third impound and the third repeat of an At Large violation. Ms. Crogan  
43 advised that the impounded dog, Peggy Sue, was a service dog for her son and she needed it  
44 back. Officer Williams explained to Ms. Crogan that regardless if the dog is a service dog or  
45 not, she still must abide by the Town Ordinances and that the dogs were not allowed to run at  
46 large.
- 47 • March 9, 2017 – Alesha Crogan and Kyle Hugar reclaimed Peggy Sue at approximately 1600  
48 hours (4:00 p.m.). They paid the third impound fee and the citation for the third repeat violation  
49 for the dog named Peggy Sue. Officer Williams stated that she also issued a citation for the

1 second dog's (Scooby) repeat violation. The owners requested that this citation be heard at the  
2 Special Magistrate hearing.

3  
4 Staff's recommendation is to find the owner in violation of the Town of Lady Lake Code of  
5 Ordinances, Section 4-4 - At Large Animal and impose full fines of \$250.00.

6  
7 The Special Magistrate asked Officer Williams if the two pictures of the dogs she presented prior to  
8 her testimony are of Peggy Sue.

9  
10 Officer Williams replied that she is correct.

11  
12 The Special Magistrate asked if there was anyone present to speak on Case No. 17-002828.

13  
14 Alesha Crogan stated she is the owner of Peggy Sue and Scooby.

15  
16 The Special Magistrate asked Officer Williams if the third dog is to be considered in the case.

17  
18 Officer Williams replied that the third dog has been adopted out to a new home.

19  
20 Ms. Crogan stated her dog, Peggy Sue, is not a pit mix and is her son's service dog. She stated part  
21 of Peggy Sue's job is to know where her son is at all times, and if she does not see him, she looks  
22 for him. She stated prior to the third instance and while grocery shopping, she received a call from  
23 a neighbor telling her someone had attempted to enter Ms. Crogan's home. She advised the Special  
24 Magistrate that the front window of her house has been completely removed due to it being broken  
25 more than once from someone trying to break in. Also, there have been windows broken on the  
26 back side of the house and each time her dogs get out. She stated there is drug use next door and  
27 she is currently working with Lady Lake to get it solved. The front window has been boarded and,  
28 at times, chained inside and outside. She stated she and her husband are trying to make repairs yet  
29 her dogs still get out because of the activity in her yard. There is a five-foot chain link fence around  
30 the property; she and her husband have tried reinforcing the fence with block, pallets, electric fence  
31 and a double gate.

32  
33 Regarding the citation for her second dog Ms. Crogan stated she does not understand how Officer  
34 Williams knew it was her dog at large because Officer Williams was driving her vehicle and the dog  
35 was in the distance.

36  
37 The Special Magistrate stated because Ms. Crogan has testified on the record and under oath that  
38 her dog has gotten out of the house on numerous occasions through an open window, she needs no  
39 additional information.

40  
41 Ms. Crogan stated on the date that Officer Williams is trying cite her, her dog was not out of the  
42 house. She stated there is a pit bull nearby that looks like her dog. She stated she has called the  
43 Animal Control Officer when she sees dogs running loose.

44  
45 The Special Magistrate encouraged Ms. Crogan to continue to monitor her neighborhood for dogs  
46 and to report it. She stated it is responsibility of the dog owner to have control over their dog at all  
47 times for the safety of the dog and the residents.

48  
49 Ms. Crogan stated the dogs were attempting to do their job because her son cannot take the dog to  
50 school as she has not been properly certified as a service dog.

1 The Special Magistrate stated it is irrelevant that she is a service dog; dog ownership has  
2 responsibility. She emphasized to Ms. Crogan that because she has testified that she cannot control  
3 the dogs, she must take accountability of her dogs running loose. She stated service dogs typically  
4 do not take off and are well-trained to stay.  
5

6 Ms. Crogan stated her dog is in the process of service training here and she cannot afford to take her  
7 dog to Orlando or to Ocala for training. She stated that she is paying \$2,500.00 in property repairs  
8 because the homeowner, who is her grandmother, is not doing it. The fence was installed in 1972,  
9 the house needs major repairs, and she and her husband are doing the repairs.  
10

11 The Special Magistrate stated it is the property owner's responsibility to ensure the home is in  
12 repair and having no windows is in direct violation of the housing building codes and the Town of  
13 Lady Lake codes.  
14

15 *Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on*  
16 *Case No. 17-002828, she did find that the owner was in violation of the Town of Lady Lake's*  
17 *Code of Ordinances Section 4-4 - At Large Animals. The owner is required to pay a fine of*  
18 *\$250.00 within 30 days of the date of this hearing. The owner will get a copy of this order.*  
19

20 Ms. Crogan stated Officer Williams trespassed on her property three times to retrieve her dog. She  
21 stated she has "No Trespassing" signs posted every 25 feet along her fence per the Town and city  
22 and yet Officer Williams came onto her property to retrieve the dogs when the dogs had come  
23 home.  
24

25 The Special Magistrate stated this is out of her jurisdiction and is a law enforcement matter.  
26

27 Ms. Crogan stated she wanted it on record if her dogs are on her property and Officer Williams  
28 steps on, that she can have a trespass issue warranted.  
29

30 The Special Magistrate stated this case is closed.  
31

32 The Special Magistrate stated she will need to reschedule the September meeting, and will email  
33 Ms. Bilbrey with the available dates.  
34

35 **ADJOURN:** There being no further discussion, the meeting was adjourned at 11:05 a.m.  
36  
37

38  
39 \_\_\_\_\_  
Carol Osborne, Staff Assistant to the Town Clerk

38  
39 \_\_\_\_\_  
Valerie Fuchs, Special Magistrate

40  
41 Minutes transcribed by Carol Osborne, Staff Assistant to the Town Clerk