

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

June 21, 2017

The special 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; Denise Williams, Animal Control Officer; Officer Shane Barrett, Lady Lake Police; and Carol Osborne, Staff Assistant to Town Clerk

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

PLEDGE OF ALLEGIANCE

Approval of May 16, 2017 Minutes: The Special Magistrate signed and accepted the May 16, 2017 meeting minutes into the record as presented.

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 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, the Special Magistrate will ask any questions if need be 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.

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 if there were any changes to the agenda.

Code Enforcement Officer Michelle Bilbrey stated Case No. 17-6396 (Agenda Item #4) has come into compliance.

NEW BUSINESS:

Code Enforcement Officer Michelle Bilbrey presented the documents for the cases on today's agenda to the Special Magistrate.

1. Case No. 17-6422 – 106 E. Hermosa Street – Evelyn Ann Padgett, Et Al – Town of Lady Lake Code of Ordinances Chapter 7-46 - Unlawful Storage of Junk and Debris

Code Enforcement Officer Michelle Bilbrey presented the background summary for this case as follows:

- A complaint was received regarding trash and debris accumulating in the yard at this residence, and that someone was living in the Fifth Wheel camper on site.
- May 17, 2017 – A site inspection was conducted. In the front yard, within the view of the public right-of-way, were the following items: chairs, tires, boxes, an entertainment center, fence panels, mattresses, full trash bags, a cooler and other miscellaneous items. A Fifth Wheel RV was located in the yard and it appeared to have a water and sewer connection at that time. A code enforcement case was opened.
- May 29, 2017 – Ms. Bilbrey received a telephone call from Donna Glover; she stated that she is the daughter of the property owner, Evelyn Padgett, who is elderly. Ms. Glover stated no one resides in the RV; it is being used to store personal items and the water was connected for cleaning purposes.
- May 30, 2017 – A site inspection was conducted; much of the debris had been removed from the front yard. Ms. Bilbrey stated that based on the information provided by Ms. Glover and seeing that no electric was connected to the RV during both site inspections, the violation of unlawful occupancy of the RV was removed from this case.
- June 6, 2017 – A Notice of Hearing was sent via certified mail to the property owner, and a copy of the Notice of Hearing was hand-delivered to Donna Glover. A re-inspection of the site was completed at this time and the property was found to be in compliant. Ms. Bilbrey explained to Ms. Glover that this case will still be heard before the Special Magistrate to establish a history of violation of outside storage and a repeat violation status per the Town of Lady Lake LDR Chapter (c) (2) & (3). Ms. Bilbrey stated Code Enforcement Case #16-6232 was opened on December 28, 2016 for outside storage, and was brought into compliance within 14 days. A copy of the notice associated with that case is included in this case file for reference.
- June 21, 2017 – A site inspection was conducted and the property remains compliant.
- The property is currently assessed at \$47, 528 per the Lake County Property Appraiser.

Staff's recommendation is to find that the owner/agent was in violation of the Town of Lady Lake Code of Ordinance Chapter 7-46, Unlawful Storage of Junk/Debris to establish a case history in the event of future instances of non-compliance for outside storage at this site. In that case, the owner may be cited as a repeat offender, and an administrative fee of \$87 will be imposed to cover the costs associated with this case.

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

The Special Magistrate stated for the record that the owner/agent is present and has indicated that she does not need to speak at this time, and she understands that she was guilty of the violations cited.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence on Case No. 17-6422, she did find that the owner was in violation of the Town of Lady Lake Code of Ordinances Chapter 7-46 - Unlawful Storage of Junk and Debris. Because the property is in compliance, no fine is imposed at this time. (The \$87 administrative fee is waived per staff). The property owner will get a copy of this order.

2. Case No. 17-6364 – 209 Longview Avenue – Elizabeth Monagle – Town of Lady Lake Land Development Regulations 9-2 (h)(1) - Outside Storage; Town of Lady Lake Code of Ordinances Chapter 20-19(e) - Property Maintenance Electrical; Chapter 20-19(a)(1) - Property Maintenance General; Chapter 20-17(a) - Property Maintenance Light/Window

Requirements; Chapter 20-21(i) - Property Maintenance Sanitary System; Chapter 20-20(a)(6) - Property Maintenance Window/ Door Maintenance

Code Enforcement Officer Michelle Bilbrey presented the background summary for this case as follows:

- Ms. Bilbrey stated she received a referral from the Lady Lake Police Department in regard to the dilapidated living conditions that were observed during a recent law enforcement-related call at this property.
- March 28, 2017 - An exterior site inspection was conducted with police escort, Officer Barrett. Multiple violations were noted: trash bags and duct tape were covering one of the windows near the entry door; other windows in the home appeared to be broken and/or inoperable; the electrical outlet to the right of the entry door had exposed wires and wire nuts where a light fixture may have been present at one time; air conditioner window units were observed in multiple windows, possibly blocking the only means of ingress/egress for bedroom(s); trash and debris were laying in the yard in various areas; skirting was missing from multiple areas under the home; an open ended drain pipe, possibly sewer, was observed on the ground; an extension cord leading from an exterior outlet went through a hole in the side of the home and tarps on the roof of the home suggest an active roof leak. A code enforcement case was opened.
- The following Land Development Regulations and Ordinances were cited:
 - Town of Lady Lake Land Development Regulations Chapter 9-2(h)(1)-Outside Storage
 - Town of Lady Lake Code of Ordinances Chapter 20-17(a)-Property Maintenance – Residential Light/Window Requirements.
 - Town of Lady Lake Code of Ordinances Chapter 20-17(a)-Property Maintenance – Residential Light/ Window Requirements
 - Town of Lady Lake Code of Ordinances Chapter 20-21(i)-Property Maintenance-Sanitary System Maintenance
 - 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 20-17(f)-Property Maintenance – Window/ Door Screens
- April 5, 2017 – A Courtesy Notice of Violation was mailed via certified mail to the registered owner, Ms. Monagle, as indicated by the Property Record Card. This notice afforded the property owner 30 days to bring the property into compliance. The notice was signed for by Elizabeth Monagle on April 15, 2017.
- May 5, 2017 – Ms. Bilbrey stated that Ms. Monagle left a voicemail message regarding the inoperable vehicle that she said was mentioned in the Courtesy Notice. Ms. Monagle stated the vehicle was not hers. (Ms. Bilbrey clarified the courtesy notice indicated outside storage and did not cite an inoperable vehicle.) Ms. Bilbrey stated she called Ms. Monagle on two separate occasions; there was no answer and there was no voicemail system activated.
- May 10, 2017 – A site inspection was conducted. No changes were noted on the property on this date and no attempts had been made to pull permits for necessary repairs.
- May 11, 2017 – Ms. Monagle attempted to contact Ms. Bilbrey.
- May 14, 2017 – The Lady Lake Police Department recovered a stolen vehicle from the back yard of this property. Photographs of the rear and side yard of the home were taken by Officer Barrett at that time and Officer Barrett provided Ms. Bilbrey with the photographs. They have been added to this case file.

- May 15, 2017 - Ms. Bilbrey stated she contacted Ms. Monagle via telephone and explained in detail each and every violation she was cited for, and that there was no violation for an inoperable vehicle included in this case. Ms. Bilbrey stated that Ms. Monagle was appreciative of the information and had no further questions at that time.
- May 22, 2017 – A Notice of Hearing was sent via certified mail; it was signed for by Elizabeth Monagle on May 25, 2017.
- June 20, 2017 – A re-inspection of the property was completed; progress has been made, however, the property remains non-compliant.
- The property is currently assessed at \$22, 180 per the Lake County Property Appraiser.

Staff recommends to find the owner in violation of the Town of Lady Lake Land Development Regulations Chapter 9-2(h)(1) - Outside Storage; Town of Lady Lake Code of Ordinances Chapter 20-19 (a)(1) & (2) – Property Maintenance Residential- General Maintenance; Chapter 20-17(a) Property Maintenance – Residential Light/Window Requirements; Chapter 20-21(i) – Property Maintenance – Sanitary System Maintenance; Chapter 20-20(a)(6) Property Maintenance – Window/Door Maintenance; Chapter 20-17(f) Property Maintenance – Window/ Door Screens. Staff recommends to afford the property owner or their agent 30 days to successfully bring the property into compliance or a fine of \$100 per day be assessed thereafter for each day the violation continues to exist, and to impose an \$87Administrative fee at this time.

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

Elizabeth Monagle, 209 Longview Avenue, Lady Lake, stated she lives alone, is on a fixed income and is making the necessary repairs. She stated the windows have been repaired, except the two windows in the front that had duct tape on them. She stated those windows will be replaced next month, and the roof will be repaired. She stated the hot water tank had been leaking under the house and has been replaced.

The Special Magistrate confirmed with Ms. Monagle that she is aware of the issues and is in the process of addressing each one.

Ms. Monagle stated the repairs will take time as she is on a fixed income.

The Special Magistrate asked Ms. Bilbrey if the condition of the home constitutes a health, safety or welfare issue for the homeowner or neighbors.

Ms. Bilbrey stated she has not been in the interior of the home.

Officer Barrett with the Lady Lake Police Department stated that when he and the other officers entered the home for the Call for Service, they experienced soft spots on the floor that made them fear the stability of the floor. He stated this needs to be addressed immediately, yet he understands that Ms. Monagle needs time to complete these repairs because of her financial situation.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence on Case No. 17-6364, she did find that the owner was in violation of the Town of Lady Lake Land Development Regulations 9-2 (h)(1) - Outside Storage; Town of Lady Lake Code of Ordinances Chapter 20-19(e) - Property Maintenance Electrical; Chapter 20-19(a)(1) - Property Maintenance General; Chapter 20-17(a) - Property Maintenance Light/Window Requirements; Chapter 20-21(i) - Property Maintenance Sanitary System; Chapter 20-20(a)(6) - Property Maintenance Window/ Door Maintenance. The owner has 30 days to come into compliance or a

fine of \$100.00 per day will begin to accrue on the 31st day. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$50 (reduced from \$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.

3. Case No. 17-6357 – 528 Bonita Drive – Francis Xuereb – Town of Lady Lake Land Development Regulations Chapter 10-5(a)(8) - Hat-Racked Tree

Code Enforcement Officer Michelle Bilbrey presented the background summary for this case as follows:

- A complaint from a citizen was received that a tree was recently hat-racked at this residence.
- April 3, 2017 – A site inspection was conducted and two of the trees located in the back yard appeared to have been recently improperly trimmed by a practice known as hat-racking. A code enforcement case was opened.
- The following Land Development Regulation was cited:
 - Lady Lake Land Development Regulation Chapter 10-5 (a)(8) – Prohibited Tree Pruning, Hat-Racked Tree.
- April 3, 2017 - A courtesy notice of violation was mailed to the property owner via certified mail. It was delivered by USPS on April 7, 2017 as indicated by the certified mail tracking number on the USPS website. The return receipt postcard was not returned to me.
- April 7, 2017 - The property owner, Mr. Xuereb, telephoned to inquire what needed to be done to fix the problem and stated that he was not in Florida at that time. Ms. Bilbrey informed Mr. Xuereb of the violation of improperly pruned/hat-racked trees on his property. She explained if he intended to keep the trees, he needed to obtain an arborist report verifying that the trees were not damaged by the hat-racking. If he did not want to keep the trees, then he needed to obtain a permit to remove them. The deadline for compliance was May 3, 2017.
- Ms. Bilbrey reported that there had been no further communication from Mr. Xuereb.
- May 22, 2017 – A Notice of Hearing was mailed via certified mail; it was signed for by Frank Xuereb on May 30, 2017.
- June 6, 2017 – A copy of the Notice of Hearing was posted to the site and at Lady Lake Town Hall.
- June 12, 2017 – An email was sent to all of the arborists registered with the Town of Lady Lake requesting a quote for an arborist report regarding the health of both hat-racked trees. The lowest and most responsive bidder, Certified Tree Specialist, was contracted to examine and submit a Tree Risk Assessment Report at a cost of \$100.
- June 19, 2017 – Arborist Alan Holbrook, International Society of Arboriculture FL #6460A, Certified Tree Specialist, submitted the tree risk assessment report indicating both of the trees were candidates for removal. A copy of the full report was included in this case package.
- June 20, 2017 – Ms. Bilbrey stated she telephoned the property owner to inquire if he would be attending the Special Magistrate hearing on June 21, 2017. Mr. Xuereb stated he is currently in Michigan and will not be attending. Ms. Bilbrey reviewed the tree assessment

report with Mr. Xuereb and he requested a list of tree companies in the area. Ms. Bilbrey reported that she emailed a list of tree contractors that are currently registered with the Town of Lady Lake Building Department to Mr. Xuereb.

- The property is currently assessed at \$98,107 per the Lake County Property Appraiser.

Staff's recommendation is to find the owner in violation of the Town of Lady Lake Land Development Regulations Chapter 10-5 (a)(8) – Prohibited Tree Pruning – Hat-Racked, impose an \$87 administrative fee and afford the property owner or their agent 30 days to successfully bring the property into compliance by obtaining a permit and removing the trees, or a fine on \$25 per day be assessed thereafter for each day the violation continues to exist.

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

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence on Case No. 17-6357, she did find that the owner was in violation of the Town of Lady Lake Land Development Regulations Chapter 10-5(a)(8) - Hat-Racked Tree. The owner has 30 days to come into compliance or a fine of \$25.00 per day will begin to accrue on the 31st 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 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.

4. Case No. 17-6396 – 128 Mockingbird Lane – Katherine M Kerns, Estate – Town of Lady Lake Code of Ordinances Chapter 20-64 - Property Maintenance Addressing

This case came into compliance prior to the hearing.

5. Case No. 17-6327 – 427 Tarrson Blvd – Brenda S Martin – Town of Lady Lake Code of Ordinances Chapter 20-20(a)(6) - Property Maintenance Window/ Door Maintenance; Chapter 20-20(a)(1) - Property Maintenance Exterior Maintenance

Code Enforcement Officer Michelle Bilbrey presented the background summary for this case as follows:

- March 3, 2017 – Ms. Bilbrey stated she received a complaint from a neighbor of this home. The complainant stated the home needed to be condemned; that it was run down, had a tree growing through it, and that it had broken windows. She stated that she sent an email to the Town of Lady Lake Building Official, Ron Rowe, and requested that he visit the property to determine if the structure was a candidate for posting as condemned/uninhabitable.
- March 4, 2017 – Mr. Rowe reported that he conducted an exterior inspection of the home and found nothing that would warrant it being posted as uninhabitable.
- March 15, 2017 – Ms. Bilbrey stated that she conducted a site visit and found the grass and bushes were at compliant height. The exterior of the home displayed considerable mold growth; one of the glass panes is broken out of the double pane French doors leading to the enclosed carport and there is glass on the ground in front of it. There was no validity to the

claim of a tree growing through the home, although there is a tree close to the exterior of the home and some branches are touching the home.

- March 20, 2017 – A code enforcement case was opened.

- The following Ordinances were cited:
 - 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)(1)-Property Maintenance – Residential Exterior Maintenance

- April 20, 2017 – A Notice of Violation was mailed via certified mail to the registered owner as indicated by the Property Record Card. Photos of the home were included; a copy of this notice was also sent via regular USPS mail. The certified mail was returned unopened, marked as unclaimed, unable to forward. It is worth noting that the notice sent via regular mail has not been returned.
- June 5, 2017 – A re-inspection of the site was conducted and the home remained non-compliant. A Notice of Hearing was mailed via certified mail. To date, it has not been delivered and shows that a notice was left for the intended recipient on June 9, 2017.
- June 6, 2017 – A Copy of the Notice of Hearing was posted at the site and at Lady Lake Town Hall. An affidavit of posting was completed.
- June 19, 2017 – A re-inspection of the property was conducted; there was no change in the condition of the home. The property remains non-compliant.
- The property is currently assessed at \$79, 026 per the Lake County Property Appraiser.

Staff's recommendation is to find the owner/agent in violation of the Town of Lady Lake Code of Ordinances Chapter 20-20 (a)(6)-Property Maintenance-Window/Door Maintenance; and Chapter 20-20(a)(1)-Property Maintenance-Residential Exterior Maintenance; impose an \$87 administrative fee, and afford the property owner 30 days to bring the property into compliance or abate for the aforementioned violations after the 31st day in order to bring the property into compliance.

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

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence on Case No. 17-6327, she did find that the owner is in violation of the Town of Lady Lake's Code of Ordinances Chapter 20-20(a)(6) - Property Maintenance Window/Door Maintenance and Chapter 20-20(a)(1) - Property Maintenance Exterior Maintenance. The owner has 30 days to come into compliance or the Town of Lady Lake will begin the abatement process in accordance with the law for the aforementioned violations on the 31st 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 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.

Animal Control Officer Denise Williams presented the documents for the following cases on today's agenda to the Special Magistrate.

6. Case No. 17-005642 – 202 Longview Avenue – Alesha Crogan – Town of Lady Lake Code of Ordinances Section 4-4, At Large Animals, Repeat Violation

The Special Magistrate confirmed with Animal Control Officer Denise Williams that Ms. Crogan appeared before her at the April 25, 2017 Special Magistrate hearing with this same violation.

Animal Control Officer Denise Williams presented the background summary for this case as follows:

- May 6, 2017 – Officer Williams reported she was traveling on Skyline Drive at approximately 7:45 a.m. when she witnessed two dogs running loose in the street. She stated both dogs belonged to Alesha Crogan. She stated when she got out of her vehicle to approach the dogs, they ran in the direction of their home. She reported that she was able to snap a picture of the dogs at large on High Street.

Officer Williams stated that she met with Alesha Crogan, who advised her that the dogs left her yard and chased after another dog in the neighborhood. Ms. Crogan was issued a citation for the additional repeat violation of Section 4-4, At Large Animals. This citation will be heard at the Special Magistrate hearing.

Staff's recommendation is to find the respondent, Alesha Crogan, is a repeat violator of the Town of Lady Lake Code of Ordinance Section 4-4, At Large Animal, and that the full fine of \$500.00 be imposed, as well as an administrative fee of \$87.

The Special Magistrate confirmed with Officer Williams for the record that Ms. Crogan was given notice of today's hearing date and time, and Ms. Crogan acknowledged it with her signature.

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

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 17-005642, she did find that the owner is in violation of the Town of Lady Lake's Code of Ordinances Section 4-4 - At Large Animals, as a repeat violator, and imposed a \$500 fine. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date. The owner will get a copy of this order.

7. Case No. 17-007082 – 704 Chuck Street – Gavin Dasher – Town of Lady Lake Code of Ordinances Section 4-2 - Keeping of Certain Animals Prohibited

Animal Control Officer Denise Williams stated the case report presented to the Special Magistrate contains information regarding dogs and chickens. Officer Williams advised that she will only address the violations regarding the chickens as there is an on-going investigation regarding the dogs. Officer Williams presented the background summary for this case as follows:

- June 6, 2017 – Officer Williams stated she received a complaint from the Lady Lake Code Enforcement Officer that Mr. Gavin Dasher had chickens. Upon arrival, Officer Williams stated she and Officer Higgins spoke with Mr. Dasher's girlfriend, Elyse Erbaugh, who also resides at this residence. Ms. Erbaugh advised that Mr. Dasher was not home at that time. Officer Williams discussed the chickens with Ms. Erbaugh, and she advised that they belonged to her boyfriend, Mr. Dasher. Officer Williams stated she advised that Mr. Dasher

had been warned twice that he was not permitted to have chickens, that the chickens will be removed and that Mr. Dasher would be receiving a citation.

Officer Williams stated she removed four chickens from the property and issued a citation for violating the Town of Lady Lake Code of Ordinances Section 4-2, Keeping of Certain Animals Prohibited.

Officer Williams reported the following history leading up to this citation:

- October 27, 2016 – Mr. Gavin Dasher and Mr. Cody Blasberg, who was a resident at this address at that time, were given a written warning for having chickens on this property, and they were advised that chickens were going to be removed. (L16013281)
- February 13, 2017 – Officer Williams stated one of Mr. Dasher's chickens was loose and was impounded. A notice was posted for him at that time and upon speaking with Mr. Dasher, he advised that he would not reclaim the chicken. Officer Williams stated she reminded Mr. Dasher of the Town ordinance (prohibiting ownership of chickens) and he advised that he was going to re-home any other chickens on his property. At that time, Officer Williams stated she advised Mr. Dasher that he would receive citations in the future if he continued to own chickens. (L17001936)

Staff's recommendation is to find the respondent, Gavin Dasher, in violation of the Town of Lady Lake Code of Ordinances Section 4-2, Keeping of Certain Animals Prohibited, and impose full fines of \$140.00, as well as an administrative fee of \$87.

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

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence on Case No. 17-007082, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Section 4-2 - Keeping of Certain Animals Prohibited, and imposed a fine of \$140. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date. The property owner will get a copy of this order.

ADJOURN: There being no further discussion, the meeting was adjourned at 11:06 a.m.

Carol Osborne, Staff Assistant to the Town Clerk

Valerie Fuchs, Special Magistrate

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