

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

**September 29, 2015**

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 1:00 p.m.

**TOWN STAFF PRESENT:** Aaron Graulau, Code Enforcement Officer; Thad Carroll, Growth Management Director; C.T. Eagle, Public Works Director; and Nancy Slaton, Deputy Town Clerk

**CALL TO ORDER:** Valerie Fuchs, Special Magistrate, called the meeting to order at 1:00 p.m.

**PLEDGE OF ALLEGIANCE:** All present stood to recite the Pledge of Allegiance.

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

**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.

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

Code Enforcement Officer Aaron Graulau reported that one case on this afternoon's agenda has come into compliance prior to the meeting: Item #1, Case No. 15-5582.

**Approval of August 25, 2015 Minutes:** Special Magistrate Valerie Fuchs stated that she requested a minor change to the August 25, 2015 meeting minutes and they will be on the agenda for approval at the October 27, 2015 meeting.

**1. Case No. 15-5582 – 114 Mark Ave. – Elizabeth Foster – Town of Lady Lake Code of Ordinances Ch. 7-67 – High Grass, Garbage, Trash**

This case has come into compliance.

The Special Magistrate asked that agenda item #4 be heard first as there were people present regarding that case.

**4. Case No. 15-5648 – 229 S. U.S. Highway 27/441 – Super Wash Holdings Inc. – Town of Lady Lake Code of Ordinances Sec. 7-104 – Mandatory Collection**

Code Enforcement Officer Aaron Graulau presented the background on this case. He stated that this property is in violation of the Town of Lady Lake Code of Ordinances Sec. 7-104 for mandatory collection relating to solid waste. He reported that he spoke to Agent Jeff Pringle and discussed the ordinance as it relates to this property. He stated that Mr. Pringle reported he had been in touch with Steven Fisher, Territory Manager with Waste Management, and with C.T. Eagle, Public Works Director of the Town of Lady Lake.

Mr. Graulau stated a Notice of Hearing was sent by certified mail on September 8, 2015 to the registered agent of record. He stated that Mr. Pringle of Super Wash Holdings has not obtained the required minimum services to date, and he verified that with Mr. Fisher as of this morning. Mr. Pringle has advised that he would like to be heard at the Special Magistrate meeting, and was scheduled at the first available date.

Mr. Graulau stated that staff's recommendation is to afford the property owner ten days to comply or a fine of \$250.00 per day be assessed thereafter. He stated that Mr. Eagle is present to provide further information.

The Special Magistrate asked if there is currently any trash collection for the property.

Mr. Graulau replied that there is trash collection taking place, although is not in accordance with the Town's regulations.

Jeff Pringle of 11954 Gennaro Lane, Orlando, FL 32827, introduced himself as the principal officer of the corporation and was sworn in. He stated his position is that the company is exempt from Sec. 7-104(5) of the code because it states there is a provision allowing them to have outside collection service for recyclable materials. He produced a letter from their provider of recyclable collection, Progressive Waste Solutions of FL, Inc. In the letter it states that all of their output meets the requirements of their recycling program, and Mr. Pringle stated that they therefore have no other output.

The Special Magistrate clarified that Mr. Pringle is stating that his business has no other solid waste other than recyclable material.

Mr. Pringle confirmed that this is his position. He further stated that he had previously contacted Waste Management, and they would not provide him with a recycling container at all.

The Special Magistrate asked how the Town determines what a bonafide recycling program is.

Mr. C. T. Eagle stated that he would assess bonafide recycling as the Public Works Director, and he does not see how all the solid waste generated by this business is recyclable. Mr. Eagle reviewed the letter from Progressive Waste Solutions, Inc.

The Special Magistrate read the letter into the record.

Mr. Eagle stated it is his opinion that the business' waste may match Progressive' recycling requirements, but it does not match the Town's recycling requirements through their contracted hauler, Waste Management. He stated that Waste Management did not deny Mr. Pringle a recycling container; they stated he must have minimum service for solid waste and can then also have a recycling container if he so wishes. Mr. Eagle stated that there is currently an open container at the business with public access, and they cannot guarantee that only recyclable material goes into it.

Mr. Graulau presented the code book to Mr. Eagle and he read the definition of *recyclable material* per the code (Art. IV, Sec. 7-102) as "means those materials which are capable of being recycled or composted and which would otherwise be processed or disposed of as solid waste". He further read that "*recycling* means any process by which solid waste or materials which would those become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products".

After further testimony and discussion, the Special Magistrate ruled as follows:

*Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 15-5648, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Sec. 7-104 for mandatory collection.*

*The owner has 30 days to come into compliance for the 2015 violation or a fine of \$250.00 per day will begin to accrue on the 31<sup>st</sup> day. 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 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. 15-5452 – 208 Ann St. – Adam J. Stone – Town of Lady Lake Code of Ordinances Ch. 20, Sec. 20-23(b) (4) – Garbage Collection/Disposal**

Code Enforcement Officer Aaron Graulau presented the background on this case. He stated that this property is in violation of the Town of Lady Lake Code of Ordinances Ch. 20-23 for garbage collection/disposal of tree debris and yard waste that is being imported onto the property from various job sites and is considered to be commercial waste. He reported that a courtesy notice was sent to the property owner on June 17, 2015 with no response from the owner, and several subsequent inspections showed the property remains in violation.

Mr. Graulau stated a Notice of Hearing was sent by certified mail on September 14, 2015, and was signed for on September 18, 2015. He stated he was in contact with the property owner on

September 23, 2015, and the owner had burned some of the brush pile, although the property remains in violation to date.

Mr. Graulau stated that staff's recommendation is to afford the property owner ten days to comply or a fine of \$150.00 per day be assessed thereafter.

The Special Magistrate reviewed the evidence and stated for the record that there was no one present in the audience regarding this case.

***Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 15-5452, she did find that the owner was in violation of the Town of Lady Lake's Code of Ordinances Ch. 20, Sec. 20-23(b) (4) for garbage collection/disposal.***

***The owner has 25 days to come into compliance for the 2015 violation or a fine of \$150.00 per day will begin to accrue on the 26th day. 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 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. 15-5599 – 127 Spencer's Lane – Sarah Walters – Town of Lady Lake Land Development Regulations Sec. 9-2 (h) (1) – Outside Storage**

Code Enforcement Officer Aaron Graulau presented the background on this case. He stated that this property is in violation of the Town of Lady Lake Land Development Regulations Sec. 9-2(h)(1) for outside storage. He stated staff received numerous complaints regarding vehicles and junk being stored on the property. He reported that a courtesy notice was sent to the property owner on August 11, 2015 with no response from the owner, and several subsequent inspections showed the property remains in violation.

Mr. Graulau stated a Notice of Hearing was sent by certified mail on September 14, 2015, and was signed for on September 17, 2015. He stated he met with the property owner, Mrs. Walters, on site on September 28, 2015 and discussed the violations. The property owner has entered a plea and asked for ten days to remedy the violations.

Mr. Graulau stated that staff's recommendation is to afford the property owner ten days to comply as requested or a fine of \$25.00 per day be assessed thereafter.

The Special Magistrate reviewed the evidence and stated for the record that there was no one present in the audience regarding this case.

***Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 15-5599, she did find that the owner was in violation of the Town of Lady Lake's Land Development Regulations Sec. 9-2 (h) (1) for outside storage.***

*The owner has ten days to come into compliance for the 2015 violation or a fine of \$25.00 per day will begin to accrue on the 11th day. 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 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 1:33 p.m.

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Nancy Slaton  
Deputy Town Clerk

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Valerie Fuchs  
Special Magistrate

Transcribed by Nancy Slaton, Deputy Town Clerk