

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

February 26, 2019

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; Wendy Then, Town Planner; Thad Carroll, Growth Management Director; Denise Williams, Animal Control Officer; Capt. Jason Brough; and Carol Osborne, Staff Assistant

CALL TO ORDER

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

PLEDGE OF ALLEGIENCE

APPROVAL OF MINUTES

The Special Magistrate accepted and signed the minutes of December 18, 2018 into the record as presented.

SWEARING IN

The Special Magistrate requested that anyone present who planned to speak at today's hearing 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 in 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 stated that Item #2, Case 18-6868, is now compliant, and requested that Item #3, Case 18-6977, be tabled until next month.

The Special Magistrate asked if anyone present was opposed to Item #3, Case 18-6977, being tabled until next month. There were no objections to this request. She verified with Ms. Bilbrey that she would re-notice the case prior to the next hearing.

Ms. Bilbrey stated there are representatives present regarding Item #5, Case 19-7027 and requested that case be heard first.

NEW BUSINESS

5. Case 19-7027 – 38937 Rolling Acres Rd. – CKD Properties, LTD – Town of Lady Lake Land Development Regulations Chapter 3-1(a) Development Order Required

Ms. Bilbrey presented documents regarding her case to the Special Magistrate and presented the case summary as follows:

- November 2017 — Ms. Bilbrey reported that she received a referral from the Lady Lake Police Department that a vacant, undeveloped lot on the corner of Hwy 466 and Rolling Acres Road was being used as a parking lot. She stated that she conducted a site inspection on November 7, 2017; she reported that she observed a cleared area where cars were parked on the lot. Photos were taken.
- Ms. Bilbrey stated that copies of the photos were forwarded to the Town Planner, Wendy Then and Growth Management Director, Thad Carroll for informational purposes. She stated that they advised that they were unaware that this piece of property was being used as a temporary lot as no approvals or applications for this use were in place.
- November 13, 2017 — A code enforcement case was opened. (Case #17-6591)
- The following Land Development Regulation's and Ordinances were cited:
 - Town of Lady Lake Land Development Regulation Chapter 3-1(a) Development Order (Required) Indicating: This property is being used as a parking lot. No approvals for use are in place. Contact the Town of Lady Lake Building Department/Town Planner for additional information.
- Ms. Bilbrey stated that the information on the Lake County Property Record Card indicated that this property is owned by CLD Properties, LTD. She stated that she spoke with a representative for the company by the name of Karl who advised they owned hundreds of properties and did not know which one she was referring to, but he would investigate it. She stated that later that same day she received a phone call from a male by the name of Tracy, with Dinkins Realty. She stated that Tracy advised they owned the property and they were renting it to medical offices in the area for overflow parking. Ms. Bilbrey stated that she informed him that an approved Minor Modification to the site plan would be required for the property to be used in that manner. He was referred to the Town Planner, Wendy Then, for additional information.

- November 15, 2017 — Ms. Bilbrey stated that the Ms. Then sent an email to Drew Anderson (Practice Manager CIO with Robert Boissoneault Oncology Institute) who was an acting representative for the property owner. She stated that the email gave specifications of the requirements to obtain approval for the site under its current use.
- January 22, 2018 — Ms. Bilbrey reported that she spoke with Ms. Then to get an update on the progress. She stated that Ms. Then informed her that no plans or applications had been submitted to date.
- January 22, 2018 — Ms. Bilbrey stated that a Statement of Violation was mailed to the property owner via certified mail; it was delivered and signed for on January 24, 2018. This notification afforded the owner 30 days to bring the property into compliance. Two days later Ms. Then was contacted by Mr. Anderson via email stating Dinkins Realty had forwarded him the statement of violation. In this email Mr. Anderson indicated he was working on finding an engineer to create the plans. In addition, he stated they would be potentially relocating to another office building across the street in November (2018), in which case, this parking area would no longer be needed.
- Ms. Bilbrey stated on this same date, she responded to Mr. Anderson's email informing him that staff needed to see forward progress being made by the February 22, 2018 deadline on the Statement of Violation, and that additional time may be granted for the approval process once the plans and application were received. She stated that she also informed him that even though the property may no longer be utilized as a parking lot soon, the location still required Town approval for its current condition.
- February 15, 2018 — Ms. Bilbrey stated that an email was received from Michael Radcliffe, an engineer hired to work on the plans for the project. She stated that Ms. Then provided him with the information on what was required to approve the current use location for this location. Ms. Bilbrey stated that because the engineering was forthcoming, Mr. Anderson requested, and was granted, an extension to March 8, 2018. She stated that over the next weeks multiple communications occurred between the property owner's representative(s) and Town Staff with no official application submittal or approvals in place.
- April 12, 2018 – Ms. Bilbrey reported that a Notice of Hearing was mailed via certified mail to the owner of record; it was signed for by Carrie Maas on April 18, 2018.
- May 17, 2018 — Ms. Bilbrey contacted the Town Planner for updates on this project. She stated that Ms. Then advised that no official submittal of an application, plans, or fees had been received by the Town.
- Ms. Bilbrey stated that this case had been ongoing since 2017 and due to lack of forward progress towards compliance, it was put on the Special Magistrate agenda in May 2018, only to

be announced as compliant after an application was submitted and paid for on May 21, 2018, one day before the scheduled hearing was to take place. Ultimately, Case #17-6591 was announced as compliant the May 2018 Special Magistrate hearing.

- Ms. Bilbrey stated that during the last week of January 2019, Ms. Then indicated that the property was still being used as a parking lot but had fallen short of the requirements for its use. Ms. Bilbrey stated that after over seven months of attempting to work with the property owner and/or their representative, it was apparent that the lack of progress was deliberate.
- January 30, 2019 – Ms. Bilbrey stated a new code enforcement case was established, Case #19-7027. She stated that a Statement of Violation was sent to the property owner via certified mail on this same date and was signed for by Stacy Head on February 4, 2019.
- January 31, 2019 – Ms. Bilbrey stated that as a courtesy, a copy of the Statement of Violation was emailed to Drew Anderson. This same day Drew Anderson sent an email to Wendy Then stating that they would “vacate the property tomorrow”.
- February 11, 2019 — A Notice of Hearing was mailed to the property owner via certified mail. As a courtesy, a copy was again emailed to Drew Anderson. The Notice of Hearing that was sent certified mail was signed for by Brenda Ortiz on February 13, 2019.
- February 19, 2019 — A site inspection was conducted, and the property did not appear to be used as a parking area on that date. No cars were present. Photos were taken.
- Ms. Bilbrey stated that this case has continued to move forward due to much consideration and extensions given by Town staff in the past to work with the property owner to bring this property into complete compliance. She stated at this point, it is the intent to establish a case history for possible Repeat Offender Status in the event future violations occur or this property is once again used in a similar manner.
- The property is currently assessed at \$203,606 per the Lake County Property Appraiser.
- Staff’s recommendation is to find that the owner/agent did violate the Town of Lady Lake Land Development Regulation Chapter 3-1(a) Development Order (required); establish a case history in the event that any future instances of non-compliance may be cited as a repeat offence, impose a \$100 fine and an \$87 administrative fee to cover costs associated with this case, and that the Order of Enforcement indicate the imposition of a \$250 fine for any future offenses.

The Special Magistrate stated the packet presented to her by Ms. Bilbrey contains several photographs and asked if the property owner/owner’s representative seen these photos.

Ms. Bilbrey stated that the photographs were not included with the notifications that were mailed.

The Special Magistrate asked Ms. Bilbrey to review the photographs and conveyed to the property owner that he has the right to see the photographs.

Ms. Bilbrey stated that the photos in the packet include three pictures from November 2017 that shows the lot is being utilized as a parking area, with multiple cars on the lot, along with an aerial photograph of the subject property. The latest photographs were taken February 19, 2019 showing no vehicles on the subject property.

The Special Magistrate noted that the packet includes the Notice of Hearing and certified mail receipt, application for site modification, and correspondence notices regarding the violation site plan and the applicable code sections.

Ms. Bilbrey stated she also presented the Special Magistrate with a packet from the Town Planner, Wendy Then, showing a timeline of emails and correspondence with the property owner or their representative from 2017 to present date.

The Special Magistrate verified the packet from the Town Planner is to establish the history behind the code violation for the potential repeat offender status.

The Special Magistrate asked if there was anyone present who wished to speak on this case.

Attorney Chris Anderson stated that he is present representing Robert Boissoneault Oncology Institute, the tenant for an office space within a block of the subject parcel, who's were utilizing the subject parcel for parking.

The Special Magistrate clarified that Mr. Anderson represents the tenant that utilizes the lot for parking, not the property owner.

Mr. Anderson replied affirmatively. He stated the practice's manager, Drew Anderson, was the intermediary for a lot of these communications.

The Special Magistrate stated that she generally will give leeway to those who speak in opposition in a quasi-judicial hearing. She stated that only an interested party is permitted to cross examine. She stated that she will allow Mr. Anderson to cross examine because his client was utilizing the subject property, to the extent of that connection; the relevancy.

Mr. Anderson clarified that his cross examination will be only for the cited regulation for the violation.

The Special Magistrate explained that staff is requesting her to find that there was a violation. She stressed that the violation only goes against the property owner as the property owner is responsible for the use of the property. She stated it is ultimately her determination if staff met their burden of proof regarding the violation.

Mr. Anderson stated that his argument is that the regulation being cited does not specifically prohibit this kind of activity. He stated there is a phrase in that code, “developmental activity”, which is undefined, and “development” is not defined as including temporary parking. He referred to other provisions of the regulations where “development” is defined. He argued that “temporary parking” on an undeveloped piece of land is not a development activity that requires a developmental order. He stated that if there is another provision of the code that regulates nuisances, his argument would be that although the Town has the authority to institute those regulations, their activity does not appear to be a violation of the cited provision.

The Special Magistrate verified that Mr. Anderson’s questions are limited to the section of the code that was cited on the violation. She allowed him to continue.

Mr. Anderson asked if “developmental activity” is defined in the code and if it defined as including the use of an undeveloped parcel for parking.

Town Planner Wendy Then verified that she had been sworn in. She explained there are different areas within Land Development Regulations (LDRs) that outline development. One of the regulations under Chapter 3 is that a development order is required for any applicant to develop a piece of property. The particular section that affects the offsite parking space is referenced under Chapter 7, Section 6(d), that outlines grass parking spaces. She explained that the type of improvements required were based on the scope of work proposed by the applicant and required that a minor modification to the site plan be submitted to the Town. This was communicated to the applicant in writing in November 2017.

Mr. Anderson stated this is undeveloped property; the only use was a temporary parking lot.

Ms. Then stated this is vacant commercial land, and in order to establish a parking lot, the applicant must submit all of the required improvements for it to be acknowledged and used as a parking lot. She explained that the applicant was informed of the process by which he could establish this vacant parcel as a parking lot in 2017. She stated the Town never denied the applicant to proceed with this project. She stated the proposed project required 15 parking spaces based on the use by the employees, and the applicant was provided with an outline of application, fees, and submittal requirements. Once the improvements to the parcel were completed, it would be inspected by the fire inspector and ultimately by Growth Management Department staff.

There was further discussion regarding this information.

The Special Magistrate stated all zoning districts have regulations and vacant land cannot be used arbitrarily without proper compliance requirements.

Ms. Then stated the applicant’s development order expired December 28, 2018, and they did not act on the minor modification to site plan process to move forward with the improvements. She

stated the reason this case is being presented today is because the applicant did not vacate the property, nor did the applicant provide their intentions in writing to staff.

The Special Magistrate asked Ms. Then if there was a definition in the LDRs for development order or development.

Ms. Then read the definition of “development” as any significant man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, permanent storage of materials, or the dividing of land in two or more parcels. It includes but is not limited to the following: a reconstruction, alteration of the size or structural change in the external appearance of a structure on land, a change in density or intensity of use of the land — Ms. Then noted this is the provision that pertains to this case. She continued with reading the definition of development.

Mr. Anderson clarified that the conduct violated LDR Chapter 3(1)(a).

Ms. Then replied affirmatively.

Mr. Anderson argued that the basic issue is there must be a violation of the code. Therefore, the conduct must have been a development without a development order for them to be in violation.

Ms. Then stated this is not correct. She stated the applicant applied for a minor modification to the site plan. She explained that the violation began when he utilized the property without the proper improvements in place. She stated that Town staff worked with the applicant to provide adequate time to come into compliance. The applicant did not follow through. Ms. Then explained that the development order is the minor modification approval; it is the medium by which the applicant could continue with the improvements. The improvements were not completed, and the lot was not vacated during the time requested.

Mr. Anderson stated the reason to move forward with the improvements is that they were originally in violation.

Ms. Then replied affirmatively.

Mr. Anderson clarified that they were in violation because parking is a developmental activity.

Ms. Then replied affirmatively. She stated that the use of vacant commercial land must be established through the proper infrastructure such as outlined parking spaces, proper driveway entrances, etc. Parking areas must adhere to all of the elements that any site plan within the Town would.

Mr. Anderson asked where parking is defined.

Ms. Then stated it is defined under Chapter 7, Section 7-6(d), Grass Parking. She stated applicants must adhere to Chapter 7, Section 7-9, which is the site plan development approval process. She emphasized that the applicant submitted the application; therefore, he was fully aware of the process for him to proceed with the parking lot improvements.

The Special Magistrate confirmed with Ms. Then that there are also easement and setback requirements.

Ms. Then replied affirmatively; she stated the plans must be reviewed by the Town's building official and fire inspector. She stressed that one of the main requirements of the temporary parking area must be adequate ingress and egress for emergency response vehicles. The review process verifies that all of the elements of building safety and fire safety is in place and that it meets the minimum requirements for ingress, egress and lighting.

The Special Magistrate confirmed with Ms. Then that the application for temporary grass parking is included in the documents presented today.

Ms. Then stated that is correct.

Mr. Anderson asked for clarification regarding the fines for previous and future violations.

The Special Magistrate stated staff is requesting fines to be imposed. She stated that if a property is brought into compliance prior to the hearing, she can still find there was a violation if is warranted by the evidence presented by staff. She stated that it has been over a year that staff has been working with the owners to bring this property into compliance.

The Special Magistrate stated she does not make determinations based on possible future violations. She explained that when staff issues a violation, it must be properly noticed and brought before her if compliance does not take place.

Mr. Anderson stated he is genuinely confused as to how the Town can define parking on undeveloped land as development activity. He stated he cannot find this in the code to serve as the basis of the initial violation.

The Special Magistrate stated that the cited section, which was read into the record, states no development activity. She confirmed that the section cited did encompass what was testified to as being a violation of the code. She stated this hearing is not the proper forum for a change in the code and understands he is suggesting that the code have better definitions. The Special Magistrate stated that she finds staff met their burden in showing the cited code section given to the property owner is sufficiently broad enough to cover the man-made activity that occurred on the property.

Mr. Anderson stated that allowing for extremely broad, catch-all language for violations would potentially raise serious due-process rights.

The Special Magistrate asked if anyone has anything further to add. She then asked staff for their recommendation regarding fines.

Ms. Bilbrey stated that staff is requesting a \$100 fine, an \$87 administrative fee to cover the costs associated with this case, and a \$250 fine for any future occurrence.

The Special Magistrate advised that she will not impose a fine for future occurrences, as legally, the case must be properly noticed and presented to her. A fine can then be imposed if the burden has been met establishing that a violation of the cited code section did occur. She stated that the amount of the fine staff recommends for this case is minimal as the maximum is \$250 for a first time hearing before the Special Magistrate. She stated that the \$87 administrative fee for the costs incurred in enforcing the case, which is also allowed in Florida Statute Chapter 162, is reasonable in light of the time frame, work and effort by staff to have the property brought into compliance with their adopted codes.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case 19-7027 at this hearing, she did find that the owner was in violation of the Town of Lady Lake Land Development Regulations Chapter 3-1(a), Development Order. The property is hereby established as a Repeat Offender should future violations occur. A \$100 fine is imposed, as well as an \$87 administrative fee, both to be paid within 10 days of this date.

The violator shall contact Code Enforcement to confirm compliance. Upon notification by the code inspector that this Order of Enforcement has not been complied with by the time stated above, the Special Magistrate may execute an Order of Imposing Fine in the amount set forth above. A copy of the Order Imposing Fine shall be mailed to the Violator. A certified copy of the Order Imposing Fine may be recorded as a lien against the property. A hearing is not statutorily required for the issuance of the Order Imposing Fine. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty days of the commencement of the fine. The Order Imposing Fine shall advise the Violator of that right. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.

1. Case 19-000128 — 710 Summit Street — Sandra Curry and Kara Curry — Town of Lady Code of Ordinances, Section 4-4 At Large Animals (Denise Williams, ACO)

- December 11, 2018 — Ms. Williams reported that at approximately 1400 hours, she responded to the intersection of Summit Street and Morningside Avenue where the Town Code Enforcement Officer was standing with a stray dog. She stated that she recognized the dog and opened the gate at 710 Summit Street and put the dog back in its yard. She stated the owner, Sandra Curry, approached her as she was writing the notice to post on the gate. Ms. Williams explained to Ms. Curry that her dog, Goldie, was standing in the road; she stated that she does

know how she got out; although she has jumped the fence when she was younger. Ms. Williams stated that Goldie was loose yesterday, and a gentleman put her back in the yard as she arrived on scene. She explained that the dog needed to be supervised while loose in the yard or put on a leash to prevent her from escaping. Ms. Williams stated that Ms. Curry informed her that Goldie is not current on her vaccinations.

- Ms. Williams issued a written warning to Ms. Curry citing Code of Ordinances Section 4-4, At Large Animals, and Code of Ordinances Section 4-36. She advised Ms. Curry that she had ten days to have Goldie vaccinated against rabies. (18-015001).
- January 3, 2019 — Ms. Williams stated while she was responding to 710 Summit Street to follow up on case number 18-015001, two dogs ran across the street in front of her truck while she was traveling south on Skyline Drive, just before turning onto Summit Street. She stated the two dogs ran into the yard of 204 Skyline Drive and a neighborhood boy was chasing behind them. She stated that she stopped and helped the boy catch the dogs; these dogs belonged to Sandra Curry and Kara Curry at 710 Summit Street. Ms. Williams advised that she leashed both dogs and had the neighborhood kid walk the two dogs back home as she drove her truck to the owners' house. She stated that Sandra Curry and Kara Curry greeted her at the gate and stated that the dogs jumped the fence. Ms. Williams issue a citation to both owners for Code of Ordinances Section 4-4, At Large Animals. (19-000128). Ms. Williams stated one dog, Brownie, has a current rabies vaccination (18-008922); Sandra Curry and Kara Curry both stated that they had not taken Goldie to get her rabies vaccination. Ms. Williams explained that they had ten days in which to accomplish this and that she gave them additional time due to the holidays. Sandra Curry stated that she did not have a vehicle and that she has been waiting on a friend to take her. Ms. Williams issued a citation to both owners for Code of Ordinance Section 4-36; she advised that the citation could be voided if proof of rabies was provided prior to the Special Magistrate hearing on February 26, 2019. (18-015001).
- January 15, 2019 — Ms. Williams stated at approximately 0908 hours while driving on Summit Street, she witnessed Goldie walking on the sidewalk a few houses from her home. She stated that she impounded the dog and honked her horn at the owners' gate. No one came out of the house. She reported that she posted a Courtesy Notice for the owner on the gate.
- January 17, 2019 – Ms. Williams reported that she stopped by the owners' residence at approximately 1425 hours and spoke with Sandra Curry. She asked Ms. Curry if she had received the Courtesy Notice that was posted and if she was aware that Goldie had been impounded. Ms. Curry acknowledged receipt of the notice and was aware the dog had been impounded. Ms. Williams stated that Ms. Curry explained that she did not call in response to the notice because she could not reclaim Goldie, pay the citations or feed the dogs due to financial reasons. Ms. Williams explained that Goldie was not a candidate for adoption due to her aggression issues,

age and overall medical condition. She stated that Goldie will be euthanized if Ms. Curry did not reclaim her. Ms. Curry stated that she understood and filled out and signed over ownership of Goldie on the back of her animal intake form. Ms. Williams stated that Ms. Curry also hand wrote next to the owner surrender release that she understood that Goldie would be euthanized, and she signed the form again next the added verbiage as well. Ms. Williams stated that she explained to Ms. Curry that because Goldie was going to be euthanized, the citation issued for her not producing the proof of rabies vaccination for Goldie would be voided. She further explained that the citation issued (19-000128) for the two dogs running at large could possibly be reduced but that would be presented at the Special Magistrate hearing; she stated that she encouraged Ms. Curry to attend.

Ms. Williams reported that Goldie was euthanized at the Animal Clinic of Lady Lake on Tuesday, January 22, 2019, at a cost of \$43.83, paid by the Town of Lady Lake (19-00646).

Ms. Williams stated because Goldie was euthanized, the citation issued for Code of Ordinance Section 4-36, No Proof of Rabies, was voided (18-015001).

Staff recommendation is to find the respondents, Sandra Curry and Kara Curry in violation of Town of Lady Lake Code of Ordinances, Section 4-4, At Large Animals, reduce the amount of the original imposed fine from \$70 to \$35 because Goldie was euthanized.

The Special Magistrate clarified that this fine is relative to the dog, Brownie.

Ms. Williams replied affirmatively.

The Special Magistrate asked if Ms. Williams foresees Brownie being an issue in the future.

Ms. Williams stated the owner has stated the dog/dogs have jumped the fence and that there is an issue with an open fence gate.

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

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented, including photographs on Case 19-000128, that Sandra Curry and Kara Curry, as owners of the dogs, are found in violation of the Town of Lady Lake Code of Ordinances Section 4-4 – At Large Animals; any future violations will be considered a repeat offense. The Special Magistrate imposed a reduced fine of \$35, as well as an \$87 administrative fee, both to be paid within thirty days of today’s hearing date.

2. Case 18-6868 – 1817 E. Schwartz Blvd, Mark S. Healy and Pamela R. Hayes – Town of Lady Lake Land Development Regulations Chapter 16-52 – Building Permit Required (Michelle Bilbrey, CO)

This case is now compliant.

3. Case 18-6977 – 919 N. Hwy 27/441, RBM Capital Investments, Inc. and Mattress One, Inc. – Town of Lady Lake Land Development Regulations Chapter 17-2 – Sign Permit Required (Michelle Bilbrey, CE)

This case is tabled to March 26, 2019. The owner will be notified.

4. Case 18-6979 – 602 Ray St., Michael Churchman – Town of Lady Lake Land Development Regulations Chapter 9-2(h)(1) Outside Storage (Michelle Bilbrey, CE)

This complaint came in anonymously about miscellaneous items being burned in the front yard, household items scattered around, and an inoperable vehicle.

- December 11, 2018 — Ms. Bilbrey stated that she conducted a site visit; no active burning was taking place at that time, but other violations did exist. Photos were taken.
- December 12, 2018 — A code enforcement case was opened.
- The following LDR was cited:
 - Town of Lady Lake Land Development Regulation Chapter 9-2(h)(1) Outside Storage; detailing “outside storage of large and small appliances is prohibited, remove refrigerator and other small appliances, furniture and debris from the front yard. Make the inoperable Black Chrysler located in the front yard roadworthy and display a valid tag or remove it from the view of the public”.
- December 12, 2018 — Ms. Bilbrey stated that a Courtesy Notice was mailed via USPS to the registered owner of the property as indicated by the Property Record Card.
- January 5, 2019 — Ms. Bilbrey reported that a re-inspection was conducted, and the property remained non-compliant. She stated that there was more debris in the yard during this visit than the initial visit. Photos were taken.
- January 8, 2019 — Ms. Bilbrey stated that a Statement of Violation was mailed to the property owner via certified mail. This notice was signed for by Corey Luke on January 10, 2019.
- January 17, 2019 and January 23, 2019 — Ms. Bilbrey stated that subsequent inspections were conducted, and the property remained non-compliant. Photos were taken.
- January 24, 2019 — Ms. Bilbrey stated that a Notice of Hearing was mailed to the property owner via certified mail. This notice was again signed for by Corey Luke on January 26, 2019.
- February 19, 2019 — Ms. Bilbrey reported that a re-inspection inspection was conducted. She stated that the car had been removed, but there were still miscellaneous appliances and debris present in the yard on this date. A photo was taken. The property remains non-compliant.
- This property is currently assessed at \$39,024 per the Lake County Property Appraiser.

- Staff's recommendation is to find the owner/agent in violation of Town of Lady Lake Land Development Regulations Chapter 9-2(h)(1) Outside Storage; impose an \$87 administrative fee and afford the property owner or their agent 20 days to successfully bring the property into compliance or a fine of \$25 per day be assessed thereafter for each day the violation continues to exist.

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

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case 18-6979 at this hearing, she did find that the owner was in violation of the Town of Lady Lake Land Development Regulations Chapter 9-2(h)(1) Outside Storage, and was served with notice of the cited sections of the Code. The owner has 20 days to successfully bring the property into compliance or a fine of \$25 per day will be assessed thereafter for each day the violation continues to exist. In addition, an administrative fee of \$87 is hereby imposed for costs associated with this case, to be paid within 10 days of this hearing date.

The violator shall contact Code Enforcement to confirm compliance. Upon notification by the code inspector that this Order of Enforcement has not been complied with by the time stated above, the Special Magistrate may execute an Order of Imposing Fine in the amount set forth above for each day the violation continued/continues past the date set herein. A copy of the Order Imposing Fine shall be mailed to the Violator. A certified copy of the Order Imposing Fine may be recorded as a lien against the property. A hearing is not statutorily necessary or required for the issuing of the Order Imposing Fine. The violator has a right to request a hearing on the fine imposition. The Order Imposing Fine shall advise the Violator of that right. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.

6. Case 19-7032 – 568 N Hwy 27/441 – Ranger Financial, LLC (Ronald Wingerter) – Town of Lady Lake Code of Ordinances Chapter 8-26 Business Tax Receipt Required (Repeat Offender) (Michelle Bilbrey, CE)

- Ms. Bilbrey reported that Case #18-6747 was heard for the violation of Business Tax Receipt Required on May 22, 2018. The business was found to be in violation of the offense of Failure to obtain a current Business Tax Receipt. Ultimately, the Order of Enforcement was executed. It afforded the business owner 10 days to bring the business into compliance and imposed an \$87 administrative fee. Although proper notification was given, the business owner did not attend the hearing. A copy of the Order of Enforcement was mailed to the business owner that day after the Special Magistrate hearing via certified mail and was signed for on May 24, 2018.
- The administrative fee was paid and the BTR was renewed on May 29, 2018.

- Ms. Bilbrey explained that Lady Lake Business Tax Receipts are valid October 1- September 30 each year. Renewal notices are mailed July 1st and are delinquent as of October 1st. She stated as of February 2019, Ranger Financial has failed to pay for their 2018-2019 Lady Lake Business Tax Receipt.
- Ms. Bilbrey stated that based on the history of this business, a “Notice of Hearing/Repeat Offender” notification was created and sent via certified mail. It has not been signed for or accepted to date.
- February 25, 2019 — A copy of this notice was also hand-delivered to the business owner, Mr. Wingerter; an affidavit of hand delivery was executed.

The following Town of Lady Lake Ordinance was cited: Town of Lady Lake Code of Ordinances Chapter 8-26 For Failure to Obtain a current Business Tax Receipt

- Ms. Bilbrey stated that at the time the notification was hand-delivered, Mr. Wingerter asked me if it was a subpoena. She stated that it was not a subpoena and strongly urged Mr. Wingerter to be present for the hearing. She reminded him that he was not present for the hearing that occurred on May 22, 2018; therefore, just the Code Enforcement Officer’s testimony was heard by the Special Magistrate. Ms. Bilbrey stated that his was reply was, “I wasn’t there last time, and I probably won’t be there again”.
- Ms. Bilbrey stated as of February 25, 2019, no attempts have been made by the owner or representative to renew their Business Tax Receipt. She reported that Ranger Financial has been consistently delinquent for the past five years in a row.
- Ms. Bilbrey explained that this business is a tenant located in a unit on a large parcel of property. The violation does not pertain to the property in any way, only the business contained within.
- The property is currently assessed at \$16,379,786 per the Lake County Property Appraiser.
- Staff’s recommendation is to find the business owner/agent in violation of Town of Lady Lake Code of Ordinances Chapter 8-26 — Failure to Obtain a Business Tax Receipt; impose a \$87 administrative fee, assess a fine of \$100 for the repeat violation, and afford the business owner or their agent 10 days to successfully obtain a current Business Tax Receipt.

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

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case 19-7032 at this hearing, she did find that the business owner was in violation of the Town of Lady Lake Code of Ordinances Chapter 8-26 – Failure to Obtain a Business Tax Receipt as a repeat offender and was served with notice of the cited sections of the Code. The

Special Magistrate imposed a \$100 fine for the repeat violation and an \$87 administrative fee for costs associated with this case; both to be paid within ten days of this date.

The violator shall contact Code Enforcement to confirm compliance. Upon notification by the code inspector that this Order of Enforcement has not been complied with by the time stated above, the Special Magistrate may execute an Order of Imposing Fine in the amount set forth above. A copy of the Order Imposing Fine shall be mailed to the Violator. A certified copy of the Order Imposing Fine may be recorded as a lien against the property or business. A hearing is not statutorily required for the issuing of the Order Imposing Fine. The violator has a right to request a hearing on the fine imposition. The Order Imposing Fine shall advise the Violator of that right. When requested, such a hearing will be heard by the Special Magistrate. The property or business owner will get a copy of this order.

ADJOURN

There being no further business, the meeting adjourned at 12:10 p.m.

s/ Carol Osborne, Staff Assistant to the Town Clerk

s/ Valerie Fuchs, Special Magistrate

Note: The original signed documents are on file at the Town Clerk's office. Copies are available upon request.

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