

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

October 22, 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

Lori Crain, Code Enforcement Officer; Thad Carroll, Growth Management Director; and Carol Osborne, Staff Assistant to the Town Clerk

OTHERS PRESENT

Commissioner Paul Hannan

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIENCE

All present stood and recited the Pledge of Allegiance.

C. 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 stated she will dispense with the explanation of procedure as there is no one from the general public in attendance.

D. APPROVAL OF MINUTES

1. Minutes of the September 24, 2019 Special Magistrate Meeting

The Special Magistrate accepted and signed the meeting minutes of September 24, 2019 into the record as presented.

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

Code Enforcement Officer Lori Crain advised that Case 19-1739 and Case 19-7144 under Old Business are now in compliance; Case 19-7185 under New Business will not be presented today.

E. OLD BUSINESS

2. Case 19-7139 — 524 Rainbow Blvd. — Joyce Brinson Estate — Town of Lady Lake Code of Ordinances Chapter 7-67 — High Grass (Lori Crain)

This case is currently in compliance.

3. Case 19-7144 — 454 Winners Circle — Kenneth J. LaFrate — Town of Lady Lake Code of Ordinances Chapter 7-67 — High Grass (Lori Crain)

This case is now in compliance.

F. NEW BUSINESS

Code Enforcement Officer, Lori Crain (CEO), presented documents relative to her cases to the Special Magistrate (on file in the Clerk's Office).

4. Case 19-7065 — 209 Longview Ave. — SEALTY, LLC — Town of Lady Lake Land Development Regulations Chapter 16-52 — Building Permit Required (Lori Crain)

The case summary was as follows:

- March 19, 2019 — Original complaint of junk.
- March 21, 2019 — Courtesy notice sent via certified mail to the property owner, SEALTY, LLC At Tampa, Florida, per the address of the Lake County Property Appraiser's website.
- April 9, 2019 — Certified mail returned and marked "refused"; a check of the Lake County Property Appraiser's website showed a different address for the property owner, SEALTY, LLC. A re-inspection of the property was conducted; the property remained non-compliant. It was observed to also now have a fence installed for which no permit had been obtained. The building permit required violation was added to the courtesy notice which was then updated with the new property owner address and sent to the address in Leesburg via certified mail. Photos of the property violations that were taken by former Code Enforcement Officer Bilbrey were included.
- April 17, 2019 — The certified mail receipt received and signed for by unknown name on March 23, 2019. This was for the same return mail marked "refused" as previously stated. The notice was still in the envelope and unopened.

- April 23, 2019 — Compliance date in updated courtesy notice.
- April 25, 2019 — A re-inspection of the property was conducted; the property remained non-compliant.
- May 9, 2019 — Return mail, certified updated courtesy notice marked “unclaimed”.
- July 22, 2019 — A re-inspection of the property was conducted; the property remained non-compliant. Ms. Crain reported that she spoke to the tenant, Jerry Tracy and his wife, about the violations. Ms. Crain reported that Mr. Tracy stated that he understood and would need some time to work on it and to obtain a fence permit. Ms. Crain stated that she afforded Mr. Tracy a one-month extension and would conduct a re-inspection of the property in four weeks. She stated that she advised Mr. Tracy that he could remove the fence and that would bring the property into compliance.
- August 20, 2019 — A re-inspection of the property was conducted; the property remained non-compliant. A Notice of Violation was sent via certified mail to SEALTY, LLC and also hand-delivered to the tenant, Jerry Tracy. An Affidavit of Hand-Delivery was completed. Ms. Crain stated that she spoke to Ms. Tracy who advised that Mr. Tracy had a stroke three weeks earlier and was still having health issues. Ms. Crain reported that she advised them that she had also sent the Notice of Violation to the property owner as required by law. Ms. Crain stressed that Mr. and Mrs. Tracy have been very cooperative every time she has spoken to them.
- September 4, 2019 — Ms. Crain reported that she located the SEALTY, LLC, website and sent an email regarding the property and the violations, and requested they discuss working toward compliance. She advised that to date, she has not received a reply. Ms. Crain stated that she checked that Lake County Property Appraiser’s website for the property owner and found the contact information had changed again to an address in Maine.
- September 5, 2019 — An updated Notice of Violation with the latest address for SEALTY, LLC was sent via certified mail. The compliance date was extended to September 21, 2019.
- September 12, 2019 – The certified Notice of Violation that was sent to SEALTY, LLC’s Leesburg address was returned marked “Return to Sender (RTS), Unable to Forward (UTF), Unclaimed”.
- September 16, 2019 – Certified mail receipt received from SEALTY, LLC in Maine signed by unknown person.

- September 18, 2019 – Returned mail from SEALTY, LLC unopened envelope with the updated Maine address, “moved, no forwarding address”, RTS.
- September 21, 2019 – The compliance date is updated to November.
- September 23, 2019 – A re-inspection of the property was conducted; the property remained non-compliant.
- October 1, 2019 – Ms. Crain stated that she checked the Lake County Property Appraiser’s website for the property owner and found another new address in Grand Island, Florida. She stated that she scheduled the case for the October 22, 2019 Special Magistrate hearing, sent the Notice of Hearing to the new address, posted the property, completed the Affidavit of Posting, and posted at Town Hall. She reported that she received a telephone call from Mr. Tracy inquiring about the violations listed that are in compliance. She stated that she advised Mr. Tracy that she would be asking for findings for the building permit required violation only. Mr. Tracy stated that he would get the permit as soon as he could, but it is difficult when his income is limited.
- Ms. Crain noted that Mr. Tracy cannot apply for the fence permit since he is a tenant and not the property owner; that is a requirement of the property owner. Therefore, the fence must be removed for the tenant to be in compliance.
- October 15, 2019 – Returned mail from SEALTY, LLC with the label, “RTS, Not Deliverable as Addressed, RTS”. Ms. Crain stated that she called Mr. Tracy and left a voicemail explaining that he cannot apply for the fence permit and would need to remove the fence to be in compliance.
- October 17, 2019 – Ms. Crain stated that she visited Mr. Tracy at the subject property. He conveyed to Ms. Crain that he had not received her voice mail message. She explained to him that he would have to remove the fence to comply with this violation. Mr. Tracy accepted that and said that he would try to start removing it. He invited Ms. Crain to return the following Monday to see how much of the fence he was able to remove.
- October 21, 2019 – A re-inspection of the property was conducted; the property remained non-compliant.
- October 22, 2019 – Ms. Crain reported that she received a phone call from Jerry Tracy who stated that he spoke to the property owner who advised that he had taken care of the permit. She stated that per the Growth Management staff, no permit has been applied for to date.

- The property is currently assessed at \$26,213 per the Lake County Property Appraiser.

Staff's recommendation is to find that the owner was in violation of the Town Lake Land Development Regulations Chapter 16-52 — Building Permit Required; impose an administrative fine of \$87 to be paid within ten days of today's hearing, and afford the property owner or their agent 30 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 stated for the record that there is no one in attendance other than staff and an elected official. Seeing there was no one present who wished to speak on this case, the Special Magistrate continued with her ruling.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented, including the case file and photographs on Case 19-7065, the property owner is found in violation of the Town of Lady Lake Land Development Regulations Chapter 16-52 — Building Permit Required. The Special Magistrate stated the property owner has 30 days to come into compliance or a fine of \$25 per day will begin to accrue each day that the violation continues to exist. The fine will be recorded as a lien if not paid. An \$87.00 administrative fee is imposed, to be paid within ten days of today's 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. 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 and or business. 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.

5. Case No. 19-7185 — 317 W. Hermosa St. — Imagine Properties of Lake County — Town of Lady Lake Land Development Regulations Chapter 3-1(a) — Development Order; Chapter 10-5(a) — Tree Removal Permit Required (Lori Crain)

Withdrawn from the agenda.

6. Case No. 19-7192 — 994 Hibiscus St. — Robert W. Levandoski — Town of Lady Lake Code of Ordinances Chapter 7-67 — High Grass (Lori Crain)

The case summary was as follows:

- September 11, 2019 — Ms. Crain stated that she observed the violations of high grass and junk; photos were taken. A Courtesy Notice of Violation was sent via first class mail.
- September 22, 2019 — Compliance date in courtesy notice.
- September 23, 2019 — A re-inspection of the property was completed, and the property remained non-compliant. A Notice of Violation was sent via certified mail.
- October 6, 2019 — Compliance date in Violation Notice.
- October 7, 2019 — A re-inspection of the property was conducted; the property remained non-compliant. A Notice of Hearing was sent via certified mail, the property was posted, and an affidavit of posting was completed and posted at town hall.
- October 14, 2019 — A re-inspection of the property was conducted; the property remained non-compliant.
- October 21, 2019 — A re-inspection of the property was conducted; the property remained non-compliant.
- The Property is currently assessed at \$57,795 per the Lake County Property Appraiser website.

Staff's recommendation is to find that the owner is in violation of the Town Lake Code of Ordinances Chapter 7-67 — Certain Conditions, Accumulation Deemed Public Nuisance; Impose an administrative fee of \$87 and afford the property owner or their agent ten 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. Seeing no one, the Special Magistrate continued with her ruling on this case.

Special Magistrate Valerie Fuchs stated that based on the sworn testimony and evidence presented, including documents and photographs on Case 19-7192, the property owner is found in violation of the Town of Lady Lake Code of Ordinances Chapter 7-67 — High Grass. The Special Magistrate stated the property owner has ten days to come into compliance or a \$25 per day fine will accrue for each day the violation exists. The fine will be recorded as a

lien if not paid. An \$87.00 administrative fee is imposed, to be paid within ten days of today's 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. 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 and or business. 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.

ADJOURN

There being no further business, the meeting adjourned at 10:44 a.m.

s/ Valerie Fuchs, Special Magistrate

s/ Carol Osborne, Staff Assistant to the Town Clerk

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