

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

December 17, 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

Denise Williams, Animal Control Officer; Lori Crain, Code Enforcement Officer; Christie Gosneigh, Growth Management Technician; Keith Randich, Systems Analyst; 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 ALLEGIANCE

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.

D. 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.

E. APPROVAL OF MINUTES

1. Minutes of the November 19, 2019 Special Magistrate Meeting

The Special Magistrate accepted and signed the meeting minutes of November 19, 2019 into the record as presented.

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

Ms. Crain advised that cases 19-7185, 19-7220, 19-7226 and 19-7257 are now in compliance or near compliance and will not be presented.

F. NEW BUSINESS

Animal Control Officer Denise Williams (ACO) presented documents relative to her case (on file in the Clerk's Office) to the Special Magistrate.

2. Case 19-014274 — 145 E. Lemon Street — Latasha Freeman and Dominique Pinkard — Town of Lady Lake Code of Ordinances, Section 4-36 Dog or Cat License, Vaccination, and Section 4-40 — Animal Cruelty (Denise Williams)

The case summary was as follows:

- October 22, 2019 – Ms. Williams reported that she responded to an anonymous complaint regarding a dog that is tied up and without shelter. Upon arriving, Ms. Williams stated that she observed a brown and white pit bull tied to an oak tree in the front yard. The cable that the dog was tied to was tangled around a four-wheeler that was parked next to a tree; a five-gallon water bucket was tipped over and there was a large pile of dog food directly on the ground. Ms. Williams stated that she spoke with the co-owner, Latasha Freeman, who stated that the dog belonged to the other resident, Dominique Pinkard. Ms. Williams reported that she explained to Ms. Freeman that the dog had to have proper shelter while outside, could not be tied to an object that could cause it to potentially get tangled around. She stated that she suggested that they move the vehicle and provide a dog house or tie the dog near the porch for the dog to use as a form of shelter. She stated that she also advised that the dog food needed to be off of the ground and that the water bucket needed to be placed in such a way so that the tether could not tip the bucket over, such as burying half of the water bucket in the ground to prevent it from being tipped.

Ms. Williams stated that she issued a written warning to the owners for Sections 4-36 and 4-40 and advised in addition to having the dog vaccinated against rabies, corrections to the shelter,

food and water would also need to be secured within the next ten days. She reported that Ms. Freeman stated that she understood, and that she would like to have her dog inside the house but could not because she was staying with Mr. Pinkard temporarily. Ms. Williams reported that she advised Ms. Freeman to contact her if she or Mr. Pinkard have any questions.

- November 4, 2019 — A site visit was conducted. Ms. Williams reported that the dog, Snow, was tied to the side of the front porch. Her water bucket was turned over and she did not have access to water at that time. Ms. Williams stated that she spoke with Dominique Pinkard and explained her concern regarding where Snow had been relocated, noting that the dog was jumping on one side of a post and jumping down on another and could possibly hang herself. Ms. Williams asked Mr. Pinkard about the proof of rabies vaccination; he replied that paperwork was in Ms. Freeman's car and that she was at work.

Ms. Williams reported that she heard a dog barking in the back yard and asked Mr. Pinkard if he would show her the dog. She stated that in the back yard she observed a dog with a short tether to a log that was laying on the ground. She stated the dog had a five-gallon bucket of water; an empty food bowl and no form of shelter. She observed a large pile of dog food directly on the ground that was out of reach of the dog. Ms. Williams stated she explained to Mr. Pinkard that she discussed with Ms. Freeman proper tethering and providing shelter for the dog or dogs and explained this with him as well. She stated that there was a large shed and shade tree next to it and suggested to Mr. Pinkard to tie the dog to the tree, prop the shed door open to give the dog access to shelter. Ms. Williams stated that Mr. Pinkard seemed accepting of her suggestions and would implement them by the following day when Ms. Freeman would be home. Ms. Williams advised Mr. Pinkard that she will return the following day at approximately 12:00 p.m.

- November 5, 2019 — Re-Inspection of the property was conducted; Ms. Williams stated that three minor children were present, yet Mr. Pinkard and Ms. Freeman were not home; Ms. Freeman arrived shortly thereafter.

Ms. Williams reported that the water bucket in the front yard for Snow was upright and filled with water, yet none of the other corrections on the property for the dogs had been made. Ms. Freeman was able to provide proof of rabies for Star, on file with the ACO, but not for Snow. Ms. Williams stated that she explained to Ms. Freeman that she had been given ample time to provide this documentation. She reported that Mr. Pinkard then got out of the car and yelled

that he was not going to make any changes or use the shed as a form of shelter as that would be cruel to the animal, entered the house and refused to cooperate.

Ms. Williams stated that Officer Sanford responded to the scene for support. She stated that she issued two citations to Ms. Freeman for both owners, 4-36, Proof of Rabies Vaccination, which could be voided prior to the Special Magistrate hearing if Ms. Freeman could present the rabies certificate. The citation 4-40, Animal Cruelty, for the dogs not having proper shelter or any of the other corrections being made. Ms. Williams explained that if the corrections were made, they could call her and request that she conduct a site visit and take updated photos for the case file, or that they can provide their photos to the Special Magistrate at the hearing. She stated this case will be presented at the hearing, regardless if they come into compliance, to establish repeat violation status in the event of a future incident.

Staff's recommendation is to find the respondents, Latasha Freeman and Dominique Pinkard, in violation of the Town of Lady Lake Code of Ordinances, Section 4-36, Proof of Rabies Vaccination, a \$35 fine, and Section 4-40 — Animal Cruelty, a \$250 fine, and impose full fines of \$285.

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

Latasha Freeman stated that even though she is named on the citation, these are not her dogs yet ACO Williams had her sign the citation. She requested to be removed from the citation. She stated one dog, Star, belongs to her daughter, who is present, and the other dog belongs to Mr. Pinkard. She stated that she is present on his behalf as he could not leave work to attend today's hearing.

The Special Magistrate asked Ms. Freeman if the dogs are at the same residence as her and her daughter.

Ms. Freeman replied affirmatively. She stated that because it is not her property, the dogs have to be outside.

Special Magistrate advised that regardless of who owns the dogs, if they are at the same residence as Ms. Freeman and her daughter, they are responsible to ensure the dogs are properly cared for.

Tatiana Ellis testified that Star is her dog and that she has moved the dog to the front porch, along with the water and food bowls. She stated that even though Ms. Williams suggested

partially burying the dog's water bucket, the property owner does not like the dogs digging in the yard and would not like to have a hole dug for the water bucket.

The Special Magistrate advised Ms. Ellis to inform Mr. Pinkard that dog owners are to be in control of their dogs and that both parties are currently in violation of the Town's code.

Ms. Ellis stated that she had not taken Snow for a rabies vaccination because she is not familiar with the dog and is afraid of getting bit while the vaccination is being administered. She stated that nevertheless she will make sure the dog does receive the rabies vaccination.

The Special Magistrate advised Ms. Ellis to contact Ms. Williams once the dog is vaccinated. She also advised Ms. Ellis to contact Ms. Williams when the dogs have proper shelter and that their food and water bowls are in an area where they cannot be turned over.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented, including photographs on Case 19-014274, that Tatiana Ellis and Dominique Pinkard, as owners of the dogs, are found in violation of the Town of Lady Lake Code of Ordinances Section 4-36 Section 4-40 Animal Cruelty. The Special Magistrate imposed an \$87.00 administrative fee to be paid within 10 days of today's hearing. Both parties have until January 6, 2020 to come into compliance or full fines of \$285 will be imposed. The owners will receive a copy of this order.

3. Case 19-7185 — 317 W. Hermosa St. — Imagine Properties of Lake County, Inc. — Town of Lady Lake Development Regulations Chapter 3-1(a) — Development Order Violations; and Chapter 10-5(a) — Tree Removal Permit Required

This case has come into compliance.

4. Case 19-7220 — 212 Morningside Ave. — Ronald Orr Life Estate — Town of Lady Lake Land Development Regulations Chapter 15-83(j)(1) — Driveway Apron

In process to come into compliance.

5. Case 19-7226 — 317 W. Hermosa St. — Imagine Properties of Lake County, Inc. — Town of Lady Lake Land Development Regulations Chapter 16-52 — Building Permits and Fence Permit Required

This case has come into compliance.

6. Case 19-7237 — 321 Orange St. — Jennifer M. Mullan — Town of Lady lake Land Development Regulations Chapter 9-4(c)(2)(b)— Fence Height

- October 17, 2019 — Ms. Crain reported that she observed the front setback of white vinyl fence installed on the property to be over four feet in height. She stated that she confirmed with the Growth Management staff that a permit had been issued for installation of six-foot vinyl fence; Permit 17-1428 was issued November 8, 2017 to Jennifer Girtman of 321 Orange Street, Lady Lake. GM staff also advised that the required front setback of the fence parallel to Orange Street is to be four-feet in height. Currently the installed fence is six-feet in height. She noted that a wooden fence was previously on the property. A Courtesy Notice of Violation was prepared and mailed by USPS first class mail to the property owner of record per the Lake County Property Appraiser's information, advising to comply by October 31, 2019.
- November 05, 2019 — A site visit was conducted; the property remained non-compliant. Ms. Crain stated that at Notice of Violation with the compliance date of November 30, 2019 was sent via certified mail to the property owner. The violation included Town of Lady Lake Land Development Regulations Chapter 9-4(c)(2)(b), fence height, as well as the corrective action to obtain a variance for the current fence height or replace the front setback with fencing at the required four-foot height per the code. Ms. Crain advised that to date per USPS tracking, this notice has not been delivered or received by the respondent or returned to her.
- December 02, 2019 — A re-inspection of the property was conducted. No variance request was applied for; no communication from anyone regarding this case. This case is scheduled for presentation at the December 17, 2019 Special Magistrate hearing. Ms. Crain stated that she prepared and sent the Notice of Hearing to the property owner via certified mail. To date per USPS tracking the notice has not been delivered or received by the respondent, nor has it been returned. Ms. Crain advised that the property was posted with the Notice of Hearing at 1:04 PM; Affidavit of Posting was completed and signed.
- December 11, 2019 — A re-inspection of the property was conducted; the property remained non-compliant. Ms. Crain stated that a variance application has not been submitted. Ms. Crain stated that Growth Management Technician, Christie Gosneigh, stated that she remembered the facts regarding the application for permit and the interaction with the applicant, Jennifer Girtman.

- December 16, 2019 — A re-inspection of the property was conducted; the property remained non-compliant. Ms. Crain stated that to date no variance application has been submitted and there has been no communication from anyone regarding this case.

The property is currently assessed at \$56,364 per the Lake County Property Appraiser.

Ms. Crain stated that Ms. Gosneigh is present.

The Special Magistrate asked if the applicant was aware of the four-foot height restriction and verified with Ms. Crain that she has had no communication with the homeowner.

Ms. Crain stated that the homeowner has not contacted her and deferred the permit application information to Ms. Gosneigh.

The Special Magistrate confirmed that Ms. Gosneigh has been sworn in to testify.

Ms. Gosneigh, Growth Management Technician for the Town of Lady Lake, stated that she issued the permit to Ms. Girtman. She stated that she recalls the conversation with Ms. Girtman regarding the frontage of her residence which faces the road. She stated that the driveway to this property is actually an easement to the property to the rear of Ms. Girtman's property. Ms. Gosneigh stated that she explained to Ms. Girtman that the six-foot high fence section can be installed along the side and rear of the property, and the front fence sections could not exceed four-feet in height.

The Special Magistrate asked if there was anyone present who wished to speak on this case. Seeing no one, the Special Magistrate asked Ms. Gosneigh to approach and clarify her information on the backup documents for this case.

Ms. Gosneigh explained that when a site plan is not submitted with an application, she will print a picture of the property from the Property Appraiser's website. She pointed out the outlined areas on the picture of the property and where she clearly wrote "front" on the picture.

Ms. Crain advised that staff's recommendation is to find the owner/agent in violation of the Town of Lady Lake Land Development Regulations Chapter 9-4(c)(2)(b) — Fence Height, impose an \$87 administrative fee and afford the property owner or their agent until December 31, 2019, approximately 14 days, to successfully bring the property into compliance or a fine of \$25 per day be assessed thereafter for each day the violations continue to exist.

Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented, including photographs on Case 19-7237, that the property owner is found in violation of the

Town of Lady Lake Land Development Regulations Chapter 9-4(c)(2)(b), Fence Height. The Special Magistrate stated the property owner, or their agent has until December 31, 2019, to successfully bring the property into compliance or a fine of \$25 per day be assessed thereafter for each day the violations continue to exist. An \$87.00 administrative fee is imposed, to be paid within 10 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. 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.

7. Case 19-7257 — 412 Bay Oak Lane — Daphne Roupas and Mary Ann McDermott — Town of Lady Lake Code of Ordinances Chapter 7-37 — High Grass

This case has come into compliance.

G. ADJOURN

There being no further business, the meeting adjourned at 11:15 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