

MINUTES OF THE SPECIAL MAGISTRATE HEARING TOWN OF LADY LAKE, FLORIDA

January 23, 2024

The regular meeting of the Special Magistrate was held in the Town Hall Commission Chambers at 409 Fennell Blvd., Lady Lake, Florida.

TOWN STAFF PRESENT

Lori Crain, Senior Code Enforcement Officer; Denise Williams, Code Enforcement Officer; Lt. Robert Tempesta, Lady Lake Police Department; and Carol Osborne, Deputy Town Clerk

CALL TO ORDER

Joshua Bills, Special Magistrate, called the meeting to order at 10:30 a.m.

PLEDGE OF ALLEGIENCE

All who were present stood and recited the Pledge of Allegiance.

EXPLANATION OF PROCEDURE

Special Magistrate Joshua Bills explained to the public that this is a quasi-judicial hearing, which means that he 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. He explained that staff will present their case and testimony, and he will ask any questions he 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 Respondent(s) have the right to represent and question their own witnesses and any witnesses testifying against them and introduce exhibits. The Special Magistrate is also permitted to ask questions of either party and/or witnesses, if desired.

Evidence submitted as an exhibit to any case, such as pictures and written statements, will become a permanent part of the case and made part of the record. Once part of the record, it is possible that these items will not be returned to the Respondent(s).

Please be aware that electronic submittals, such as pictures on your phone, cannot be made a part of the record. All items included in the record must be in a hardcopy or printed format.

All testifying witnesses shall be sworn in by the Clerk.

The Special Magistrate advised that all testimony is to be directed to him only.

The Special Magistrate has the discretion to continue a hearing at any time and may request additional information from either party. If a hearing is continued, a date certain for the continued hearing shall be announced at the public hearing.

Upon completion of all the evidence the cases will be closed for public comment, and he will render his decision on each of the cases. The Special Magistrate will then immediately deliberate in open session before the public and will render his decision on the case.

Persons demonstrating disruptive or disorderly behavior at meetings or violating established rules of order will be called to order. If such conduct continues, a recess may be called and a request for the removal of such person(s) from the chambers upon a finding of “disorder”, adjourn the meeting if determined to be the appropriate action, or take such other appropriate action as permitted by law.

Although the public is welcome at the meetings of the Special Magistrate, they shall not be allowed to participate in or address the Special Magistrate during deliberation.

Violators shall contact Code Enforcement to confirm compliance. Upon notification by the code inspector that the Order of Enforcement has not been complied with by the time stated in the ruling, the Special Magistrate may execute an Order of Imposing Fine in the amount set forth. 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. In some cases, fines will be recorded as a lien if not paid. The Respondent or business owner will receive a copy of the order regarding their case.

SWEARING IN

The Special Magistrate requested that anyone present who planned to speak at today’s hearing stand and be sworn in.

All individuals who planned to present information during the proceedings were sworn in. Those cases were heard first regardless of their order on the agenda.

A. APPROVAL OF MINUTES

Minutes of the December 14, 2023, Special Magistrate Hearing

The Special Magistrate accepted and signed the minutes of December 14, 2023, into the record as presented.

Senior Code Enforcement Officer, Lori Crain, advised the following amendments to the agenda: Case 23-000501, Case 23-002071, Case 23-002768 will not be presented. She advised that Case 23-002509 and Case 23-002601 will be presented as Order of Enforcement and not Repeat Offender.

B. NEW BUSINESS

1. Case 23-000501 — 214 Skyline Dr., — Robin Guy Van Sant — Minimum Standards, General Structure Specifications Section 20-19(a)(1), Weatherproof & Watertight; Maintenance/Appearance Section 20-20(a)(1), Exterior Surfaces Maintained Adequately; Nuisances Section 7-46, Storage of Junk, etc., Prohibited; Section 7-67, Trash, Weeds, Vegetation; Outside Storage Section LDR 9-2(h)(1), Residential Uses; Order of Enforcement (Denise Williams)

This case will not be presented.

2. Case 23-000552 — 132 south 27/441, Rosan Realty — Building Permit Section LDR 16-52(a), Permit Required; Signs General Regulations Section LDR 17-2, Permit Required; Section LDR 17-3(c), Illumination of Signs; Prohibited Signs Section LDR 17-7(a)(1), No Permit; Section LDR 17-7(a)(8), Flashing; Establish Repeat Offender (Denise Williams)

Ms. Williams presented the background summary for this agenda item stating that in February 2023, Ms. Crain initially observed three large square spotlight lights on the façade of the building. In March 2023, Ms. Williams stated that she observed flashing lights around the doors and windows.

Ms. Williams advised that in May 2023 she observed that a portion of the retaining wall along the parking lot and sidewalk was being replaced. She inquired with the workers if they had a permit for the repairs. She stated that they replied that they did not have a permit yet had permission from the property owner to replace the wall. She stated that they showed her pictures of the damaged wall where a car had backed into the wall. Ms. Williams advised the workers to cease the repairs until a permit was obtained to complete the job. She stated that they immediately came to town hall to obtain the permit and was advised that a licensed contractor needs to apply for the permit. They were also advised of the required documents for the permit.

Ms. Williams reported on several communiques over the remainder of 2023 between her, the tenant, Jay Irshied (Smoke Shop) and the property owners, Miquel Coppola and Rosa Coppola, regarding the property continuing to be noncompliant.

Ms. Williams presented several photos and a video of the unpermitted signage and lights. She advised that the property came into compliance in January 2024.

Staff recommendation: find the Respondent in violation of LDR Section 16-52(a), 17-2, 17-3(c), 17-7(a)(1) & 17-7(a)(8); and assess an administrative fee of \$150 to be paid by 5:00 PM, February 5th, 2024, to the Town of Lady Lake. If the administrative fee is not paid by this date, an Order of Fine will be recommended at the February 27th, 2024, hearing. Further order that due to the number of violations of these sections that the Respondent be established as Repeat Offender and any future violations of LDR Section 16-52(a), or of LDR Chapter 17 will be repeat violations.

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

Rosanna Coppola, property owner, stated that her brother, Michael Coppola (property co-owner), and the tenant for this location are also present.

Ms. Coppola acknowledged the prior issues with this property and asked to not be established as repeat offenders because effective July 2023, she and her brother, Michael, became the new owners of this property. She stated that many of these violations occurred when her parents were the owners. She stated that they are in constant communication with their tenants, and when she was aware of the violations with the Smoke Shop, she contacted the store owner to rectify these issues.

The Special Magistrate asked if she has documentation with her showing that she is the new owner.

Ms. Coppola stated that the company is registered with SunBiz and does not have the documents with her. She advised that she is contacting all of their business' owners informing them to verify if a permit is required prior to any improvements to their structure have begun.

The Special Magistrate asked Ms. Coppola to explain why there have been so many issues in the past and how they will be rectified going forward.

Ms. Coppola stated that she does not know what happened in the past with the previous store owners. She stated that they contacted the Smoke Shop owner various times to remove the lights, and a few months later he again installed new lights. She stated that it has been explained to the store owner that they cannot continue to do that.

Fad Irshied, 11990 NE The Villages, FL – owner of the Smoke Shop

Mr. Irshied acknowledged that the violations were his responsibility, not the property owners. He stated that the initial sign company was to obtain the sign permits and did not. When he was notified of the violation and that a sign permit was required, he hired a new sign company. Mr. Irshied acknowledged that these are his mistakes.

The Special Magistrate asked him if the owners contacted him previously asking him to come into compliance.

Mr. Irshied replied affirmatively.

Ms. Williams added that in Case 19-7279 an Order of Fine was entered on June 23, 2020, and the case notes reflect that both Rosa and Miguel Coppola were present for the hearing. She stated that she had correspondence with Miguel Coppola from the time the case was opened through August 2023.

Michael Coppola clarified that the previous owners were his parents, Miguel and Rosa Coppola.

Ms. Williams stated that per the Lake County property appraiser's website, the owner of the property has not changed and is listed as Rosan Realty, Inc.

Rosana clarified further that the company name is the same; she and her brother purchased the property from their parents in July. She, again, requested not to be established as a repeat offender, as they will work in good faith to rectify any issues with the tenants. She stated that they drove five hours to be at be present for today's hearing. She stated that they care about the issues and do not want to be in a position with an accruing daily fine while waiting for a contractor to contact them with an estimate.

The Special Magistrate clarified that they bought shares of the corporation.

Ms. Coppola replied affirmatively clarifying further that she and her brother, Michael, own 100% of the corporation.

Michael Coppola stated his parents bought the property in 2006. He stated that it has been difficult to find contractors to make repairs and estimates take time. He stated that they are committed to keeping their property compliant.

The Special Magistrate stated that this case has had several individual violations, and all were resolved. He stated that because the Respondents has been resolving the violations all along, he finds it difficult to deem them as repeat violators based on what has been presented today. He stated that it is apparent that these complaints have not been completely ignored.

The Special Magistrate stated that he will enter the Order of Enforcement for the administrative fee and not as repeat violators.

The Special Magistrate stated that based on the evidence and testimony in this case the Respondent shall pay all costs associated with this matter in the amount of \$150. All fines and costs shall be paid by 5:00 PM February 5, 2024. The Respondent shall receive a copy of the full Order.

3. Case 23-001273 — 201 Ann St., Norma Agustin — Nuisances Section 7-46, Storage of Junk, etc., Prohibited; Section 7-67, Trash, Weeds, Vegetation; Outside Storage Section LDR 9-2(h)(1), Residential Uses; Minimum Standards General Structure Specifications Section 20-19(f), Structures Free from Infestations; Fences, Walls in Good Condition; Order of Enforcement; (Denise Williams)

Ms. Williams presented the background summary for this agenda item advising that the initial violations were observed in December 2022 and, due to the case load at that time, a Voluntary Compliance Courtesy letter had been mailed to the property owner in March 2023. This case was opened in May 2023.

Ms. Williams stated that she has observed progress towards compliance upon subsequent site visits, yet the property remains noncompliant.

Staff recommendation: Find Respondent in violation of the Town of Lady Lake's Code of Ordinances, Section 7-46, Section 7-67, Section 20-19(f); and LDR Section 9-2(h)(1); impose an administrative fee of \$150; allow the Respondent until February 5, 2024, to bring the property into compliance or a fine of \$25 per day will begin to accrue until the property comes into complete compliance.

The Special Magistrate stated that no one is present to speak regarding this case.

The Special Magistrate stated that that based on the evidence and testimony in this case the Order of Enforcement is warranted. The Respondent shall pay all costs associated with this matter in the amount of \$150.00; the Respondent shall have until 5:00 PM February 5, 2024, to bring the property into compliance to cure the violation(s), including payment of all costs, or a daily fine of \$25 per day will commence on February 6, 2024, and will continue to accrue at the daily rate until such time as the property comes into compliance. The Respondent will receive a copy of the full Order.

4. Case 23-002071 — 225 Morningside Ave., Gregory's Place property Owners Assn., Inc — Nuisances Section 7-67, Trash, Weeds, Vegetation; Order of Enforcement (Lori Crain)

This case was not presented.

5. Case 23-002509 — 812 Hibiscus Dr., David R. Morelli — Minimum Standards Maintenance/Appearance Section 20-20(c), Yards, Vegetation, Hazards; Nuisances Section 7-67, Trash, Weeds, Vegetation; Right-of-Way General Regulations Section LDR 5-113(i), Restored to Original Condition; Order of Enforcement (Lori Crain)

Ms. Crain presented the background summary for this agenda item. She advised that Lake County Code Enforcement forwarded a letter from the complainant regarding the condition

of this property. Attached was a paid invoice from an exterminator submitted by the complainant. She stated that surrounding neighbors are experiencing rats on their property that are coming from the subject property. She advised that another complainant personally submitted photos to her of the subject property.

Ms. Crain stated that upon initial inspection on October 11, 2023, she observed severe overgrowth that obscured the side of the house so it could not be seen clearly. She also observed discarded items within the overgrowth, and several oil stains on the street in front of the property.

Ms. Crain advised that a Courtesy Notice of Violation was mailed via USPS regular mail on October 12, 2023. Upon reinspection of the property on October 31, 2023, she observed some progress toward compliance. Subsequent inspections of the property did not show any noticeable progress toward compliance, and subsequent violation notices were returned.

Ms. Crain advised that to date, site inspections show the property remains noncompliant.

Staff recommendation: find Respondent in violation of codes and regulation stated, assess administrative fee of \$150 and allow Respondent until February 5, 2024 to bring the property into compliance or a fine of \$50 per day will begin to accrue until such time as property is brought into compliance.

The Special Magistrate verified with Ms. Crain that she has not had any contact with the property owner.

The Special Magistrate stated that no one was present to speak regarding this case.

The Special Magistrate stated that based on the evidence and testimony in this case the Order of Enforcement is warranted. The Respondent shall pay all costs associated with this matter in the amount of \$150.00; the Respondent shall have until 5:00 PM February 5, 2024, to bring the property into compliance to cure the violation(s), including payment of all costs, or a daily fine of \$50 per day will commence on February 6, 2024, and will continue to accrue at the daily rate until such time as the property comes into compliance. The Respondent will receive a copy of the full Order.

6. Case 23-002601 — 924 April Hills Blvd., Marisela Mendez — Right-of-Way General Regulations Section LDR 15-113(i), Restored to Original Condition; Section LDR 15-113(i), (10), Grass and Mulch Replaced; Vehicles, parking & Obstruction Section 17-26(b), Commercial Vehicles prohibited in Residential; Order of Enforcement (Lori Crain)

Ms. Crain presented the background summary for this agenda item stating that in March 2022, she advised the property owner and the tenant verbally to cease from using the right-of-way

to access the side and rear yards. They were advised to install a concrete apron or cease using that area and return it to its original condition. The property owner chose to have the tenants cease from using this access and planted grass that eventually filled in. She reported that in June 2023, she observed this area again being used as access with continued damage to the right-of-way.

Ms. Crain stated that she opened a new case in October 2023 for damage to the Town right-of-way due to vehicles utilizing it to access the side and rear yard of the property. Subsequent site inspections show no progress towards compliance and commercial equipment parked in the side/rear yard visible from the street. To date the property remains noncompliant and there has been no contact from the tenant or the property owner.

Staff recommendation: Find the Respondent in violation of regulations and codes stated, assess an administrative fee of \$150; allow the Respondent until February 8, 2024, to bring the property into compliance or a fine of \$100 per day will begin to accrue.

Ms. Crain advised further that the Order of Enforcement outlines specific instructions regarding returning the right-of-way to its original condition.

The Special Magistrate stated that no one was present to speak regarding this case.

The Special Magistrate stated that based on the evidence and testimony in this case the Order of Enforcement is warranted. The Respondent shall pay all costs associated with this matter in the amount of \$150.00; the Respondent shall have until February 8, 2024, to bring the property into compliance to cure the violation(s), including payment of all costs, or a daily fine of \$100 per day will commence on February 9, 2024, and will continue to accrue at the daily rate until such time as the property comes into compliance. The Respondent will receive a copy of the full Order.

7. Case 23-002707 — 207 Brevard Ave., William K. Maddox — Minimum Standards Maintenance/Appearance Section 20-20(a)(5), Vacant Property Secured; Section 20-20(b), Deficient Property & Blight; Nuisances Section 20-24(b), Property Adjacent to Dwellings; Section 7-46, Storage of Junk, etc., Prohibited; Section 7-67, Trash, Weeds, Vegetation; Unsafe Dwellings Section 20-21(a), Abandoned & Open; Order of Enforcement; Establish Repeat Offender (Lori Crain)

Ms. Crain presented the background summary for this agenda item. She stated that she received complaints of overgrowth and junk again on the property. Upon inspection she observed an abandoned boat and an unlicensed trailer. She stated that there have been previous cases on the property, one of which resulted in an Order of Fine recorded as a lien against the property and was released in November 2022.

Ms. Crain located a new address for the property owner and sent the violation notice via certified mail. She stated that the neighboring property owner provided access from their property to view the rear of the subject property where she observed more junk, unsecured areas, and overgrowth.

Ms. Crain stated that the violation notice was returned as unclaimed. Subsequent site inspections showed the property remained noncompliant.

Ms. Crain stated that she received communiques from Michael Caramanico, resident at 203 Brevard Ave., who stated that he has been in contact with Mr. Maddox. Per Mr. Caramanico, Mr. Maddox stated that he had come to town hall to pay the fees. Ms. Crain reported that she replied to Mr. Caramanico more than once that there are no fees associated with this case currently, yet anticipated an administrative fee.

Ms. Crain advised that the property remains noncompliant.

Staff recommendation: Find Respondent in violation of codes stated, assess administrative fee of \$150; allow Respondent until February 5, 2024, to bring the property into compliance or a \$100 per day fine will begin to accrue until such time as the property is brought into compliance. Further order and establish the property and owner as Repeat Offender.

The Special Magistrate asked Ms. Crain to recite the previous case numbers.

Ms. Crain reported the following case numbers: Case 20-7429; Case 21-8298, resulted in an Order of Fine that was recorded as a lien, which was paid by a prospective buyer and the owner cannot be located to finalize the sale of the property.

Ms. Crain advised that there are neighboring property owners present who would like to testify.

Michael Caramanico, 203 Brevard Ave., Lady Lake, FL.

Mr. Caramanico stated that he has been working with the buyer. He stated that everything was in place for the purchase and the buyer disappeared. He stated that their attorney cannot locate the property owner. He stated that their intention is to clean up the area and asked what they can do regarding the property.

The Special Magistrate clarified with Mr. Caramanico that he was attempting to purchase the property.

Mr. Caramanico replied affirmatively along with another party, Mr. Fonseca. He stated that he drove to the last known address near Georgia and could not locate him.

The Special Magistrate clarified with Mr. Caramanico if he is opposed to what the Town is asking.

Mr. Caramanico stated that he agrees with the Code Enforcement Officer. He stated that this issue has been ongoing for several years.

JoAnn Venn, 205 Brevard Ave.

Ms. Venn stated that they purchased the property in August of 2022, razed the house and built a new house on the property. She advised that they do what they can to keep the foliage from 207 Brevard from encroaching onto their property. Also, they observe stray animals coming and going into the structure. She stated that this property is in such poor condition that, even though they just built their house, they are contemplating selling it due to this unsightly property.

The Special Magistrate clarified for those in attendance that he will enter the Order and cautioned that this is the first step in rectifying the issue. He stated that this will not be an immediate fix, it will be a long process unless it gets the property owner's attention.

The Special Magistrate stated that based on the evidence and testimony in this case and Order of Enforcement is warranted. The Respondent shall pay all costs associated with this matter in the amount of \$150. All fines and costs shall be paid by 5:00 PM February 5, 2024, to bring the property into compliance to cure the violation(s), including payment of all costs. Failure to bring the property into compliance with the cited codes will result in a daily fine of \$100 per day commencing February 6, 2024, and will continue to accrue at the daily rate until such time that the property comes into compliance. It is further Ordered that future violations of the cited sections will be cited as Repeat Violations and the Property Owner as a Repeat Offender. The Respondent shall receive a copy of the full Order.

8. Case 23-002724 — 103 North Clay Ave., Hien D. Nguyen — Nuisances Section 7-67 Trash, Weeds, Vegetation; Order of Enforcement (Lori Crain)

Ms. Crain presented the background summary for this agenda item stating that she observed the overgrown vacant lots and made a courtesy phone call to Mr. Nguyen. She stated that they agreed to have the property in compliance with the code stated by November 20, 2023.

Ms. Crain advised that as of January 17, 2024, the property remains noncompliant. USPS tracking indicates that the violation notices mailed via USPS certified mail have not been delivered. The Special Magistrate hearing notice was posted on the property January 10, 2024.

Ms. Crain noted that the area in the photos showing a mowed area is the Town right-of-way and is maintained by the Town.

Staff recommendation: Find Respondent in violation of stated code; assess \$150 administrative fee and allow Respondent until February 5, 2024, to bring the property into compliance or a fine of \$50 per day will begin to accrue until such time as the property is in compliance.

The Special Magistrate stated that no one was present to speak regarding this case.

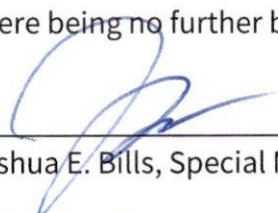
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9. Case 23-002768 — 684 North Hwy 27/441, ARG RALLAFL001 LLC — Commercial Minimum Standards Section 20-51(a), Nuisances & Hazards; Section 20-51(b), Exterior/Interior Conditions; Responsibilities of Owners Section 20-51(a), Commercial Clean and Safe; Signs General Regulations Section LDR 17-3(b), Construction and Maintenance; Building Permit Section LDR 16-52(a), Permit Required; Order of Enforcement (Denise Williams)

This case has come into compliance.

ADJOURN

There being no further business, the meeting was adjourned at 11:47 a.m.



Joshua E. Bills, Special Magistrate



Carol Osborne, Deputy Town Clerk