

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

April 25, 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; Officer Josh Redmond, Lady Lake Police Department; Thad Carroll, Growth Management Director; 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 ALLEGIANCE

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. Please keep comments courteous.

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 case will be closed for public comment. 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 hearings 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”. The hearing will be adjourned if it is determined to be the appropriate action, or another appropriate action as permitted by law will be undertaken to restore order.

Although the public is welcome at the hearings 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 full 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.

APPROVAL OF MINUTES

1. Minutes of the March 28, 2024, Special Magistrate Hearing

The Special Magistrate accepted and signed the minutes of March 28, 2024, into the record as presented.

OLD BUSINESS

2. Case 23-001758 – 1220 Zapata Pl., Shanitia D. Brown & Cynthia M. Davis — Minimum Standards General Structure Specifications Section 20-15, Compliance Required; Minimum Standards General Structure Specifications Section 20-19(a)(1), Weatherproof & Watertight; Minimum Standards General Structure Specifications Section 20-19(f), Structures Free From Infestations; Fences, Walls in Good Condition; Minimum Standards Maintenance/Appearance Section 20-20(a)(1), Exterior Surfaces Maintained Adequately; Minimum Standards Maintenance/Appearance Section 20-20(a)(6), Windows & Doors; Minimum Standards Maintenance/Appearance Section 20-20(b), Deficient Property & Blight; Unsafe Dwellings — Section 20-21, Unsafe; Unsafe Dwellings – Section 20-21(d), Falling, Hanging, Loose Material; Minimum Standards Repairs Section 20-22, Repair and Installations Responsibilities of Owners Section 20-23(a)(2), Stagnant Water Responsibilities of Owners Section 20-23(a)(3), Extermination; Order of Fine (Lori Crain)

Senior Code Enforcement Officer Crain presented the background summary for this case stating that this case was presented at the February 27, 2024, Special Magistrate hearing. No one was present for the Respondent. The Special Magistrate entered an Order of Enforcement adding that the Town building official and the CEO Crain were permitted to inspect the interior of the home to determine if it is safe for occupancy.

Ms. Crain stated that subsequent site inspections showed the property remained noncompliant. She stated that a neighbor informed her that someone keeps the grass cut and does not believe anyone lives in the house.

Staff recommendation: Find Respondents in violation of the Order of Enforcement dated 2/27/2024; assess \$150.00 administrative fee for today's hearing in addition to the outstanding \$150.00 administrative fee from the Order of Enforcement hearing; impose a fine of \$2,500.00, which is the total amount of the \$100.00 daily fine accrued to date from March 31, 2024, and will continue to accrue until such time as the property is brought into compliance. Further order that the unpaid administrative fees along with the accruing fine may be recorded as a lien against the property.

The Special Magistrate stated that there is no one in attendance to speak regarding this case.

The Special Magistrate executed the Order of Fine based on the evidence and testimony presented. The Respondent shall pay a fine in the amount of \$100.00 per day commencing on March 31, 2024, for each day the property is not in compliance and shall continue to accrue at the daily rate until such time as the property is brought into compliance. The current total fine at the date of this Order is \$2,500.00. Respondent shall pay all costs

associated with this case in the amount of \$150.00, in addition to the outstanding \$150.00 administrative fee due from the February 27, 2024, Order of Enforcement hearing. Respondent shall have until 5:00 PM Wednesday, May 25, 2024, to bring the property into compliance to cure the cited violation(s), including payment of all costs. The Respondent will receive a copy of the full Order.

3. 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 15-113(i), Restored to Original Condition; Order of Fine (Lori Crain)

Senior Code Enforcement Officer Crain presented this case stating that the Special Magistrate entered an Order of Fine at the February 27, 2024, hearing. She stated that no one was present for the Respondent.

Ms. Crain stated that she received two voicemails from Dave Morelli inquiring about the fine as he felt he had cured the violations. She stated that she met with Mr. Morelli at the property and noted great improvement yet there were remaining violations needing attention. She stated that she discussed the accrued fine and the process for Mr. Morelli to request a reduction or waiver of the fine.

Staff recommendation: Find Respondent in compliance with the violations stated in the Order of Enforcement; dismiss the accrued fine of \$1,500.00 and enter an Order of Fine in this matter in the amount of \$300.00, which is the total of the outstanding administrative fee from February 27, 2024, hearing, and this Order of Fine hearing. Further order that the Respondent shall pay the amount in full by 5:00PM, Wednesday May 15, 2024, or the entire fine amount of \$1,500.00 in addition to the \$300.00 administrative fees will be imposed and assessed. Fees and fine to be recorded as a lien against the property if payment is not received.

David Morelli, 812 Hibiscus Dr.

The Special Magistrate confirmed with Mr. Morelli that he agrees with Ms. Crain's recommendation.

The Special Magistrate executed the Order of Fine based on the evidence and testimony presented. The Respondent shall pay a fine in the amount of \$300.00, the total of the outstanding administrative fees which is a reduced amount from the originally accrued fine amount of \$1,500.00 that accrued at \$50.00 per day, commencing on February 6, 2024, through March 7, 2024, for each day the property was not in compliance. Respondent shall pay the full amount of \$300.00 by 5:00 PM Wednesday, May 15, 2024, or the entire fine

amount of \$1,500.00 in addition to the \$300.00 will be imposed and assessed. The Respondent will receive a copy of the full Order.

4. Case 23-002556 – 540 St. Andrews Blvd., Stephen P. McNeil — Minimum Standards Light/Ventilation, Section 20-17(g), Windows Weathertight, Good Repair; Nuisances Section 7-46, Storage of Junk, etc., Prohibited; Nuisances Section 7-67, Trash, Weeds, Vegetation; Outside Storage — Section LDR 9-2(h)(1), Residential Uses; Order of Fine (Lori Crain)

Senior Code Enforcement Officer Crain presented this case stating that the Respondent was found in violation of the cited codes at the February 27, 2024, Special Magistrate hearing. No one was present for the Respondent and an Order of Enforcement was executed.

Ms. Crain stated that recent site inspections have shown some effort toward compliance. She stated that a neighbor, Todd Conroy, informed her that he is helping the disabled owner with repairs. Ms. Crain discussed the history of this case with Mr. Conroy and stated that a fine has begun to accrue due to noncompliance, and the case will be presented at the April 25, 2024, Special Magistrate Hearing. She stated that she gave Mr. Conroy her business card and he stated that the Respondent or his representative will attend the hearing.

Ms. Crain stated that on April 16, 2024, she received an inaudible voicemail from “McNeil”. She left a voicemail for Mr. Conroy regarding this and informed him that she will be at the Respondent’s house that day. She stated when she arrived at the Respondent’s house, Mr. Conroy and Mr. McNeil were working on the property. Ms. Crain noted significant improvements with all violations. She talked at length with Mr. Conroy regarding not receiving any communication with the Respondent and, therefore, did not know the severity of his situation. She stated that she is willing to work with him regarding compliance.

Ms. Crain advised that the site inspection on April 24, 2024, showed the property is in compliance, and she ceased the daily fine from accruing, effective April 23, 2024.

Staff recommendation: Find Respondent in compliance with the violations stated in the Order of Enforcement; waive the \$150.00 administrative fee for this hearing along with the accrued fine of \$525.00; enter an Order of Fine in the amount of \$150.00, for the outstanding administrative fee from the Order of Enforcement hearing on February 27, 2024. Further order that Respondent shall pay the amount in full by 5:00PM Thursday, May 30, 2024, or the amount will be recorded as a lien against the property.

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

The Special Magistrate executed the Order of Fine based on the evidence and testimony presented. The Respondent shall pay a fine in the amount of \$150.00, the same as the

administrative fee for this Order of Fine hearing and a reduced amount from the originally accrued fine amount of \$575.00, that accrued at \$25.00 per day, commencing on March 31, 2024, through April 23, 2024, for each day the property was not in compliance. The Respondent shall pay the full amount of \$150.00 by 5:00 PM, Thursday, May 30, 2024, or the total amount of \$300.00 for administrative fees will be imposed and assessed. The Respondent will receive a copy of the full Order.

NEW BUSINESS

5. Case 23-002958 — 1225 Padgett Cir., Eulises G. Tirado — Vehicles, Parking & Obstructions Section 14-1, Right-of-Way Obstructions; Minimum Standards Maintenance/Appearance, Section 20-20(a)(3), Off-Street Parking Surfaces; Order of Enforcement (Denise Williams)

Code Enforcement Officer Denise Williams presented the background summary for this case stating that she observed a vehicle parked in the right-of-way on November 28, 2023. She stated that Mr. Tirado contacted her inquiring about the violation notice, and wanted to know if a neighbor made the complaint, as he would be confronting them. Ms. Williams advised Mr. Tirado that she observed the violation while she was in the neighborhood and that several houses within the neighborhood were sent a letter regarding the same type of violation.

Ms. Williams stated she explained that the Town has ordinances that regulate off-street parking and advised that his vehicle needs to be parked on the driveway or another designated area. Mr. Tirado stated that he should be able to park his car anywhere on his property, and he will destroy the grass in the right-of-way because he did not want it.

Ms. Williams stated that she advised Mr. Tirado that the Town has regulations requiring vegetation coverage in yards if it was within public view. Mr. Tirado stated then he would no longer pick up trash or mow that area, to which Ms. Williams explained that he is still required to maintain that part of the ROW. She stated that Mr. Tirado was upset and stated that he was not going to refrain from parking in the grass or the ROW. Ms. Williams stated that she advised him that this case could go before the Special Magistrate, and he could be fined. Mr. Tirado stated that he was a veteran and that he would continue to park where he wanted.

Ms. Williams stated that subsequent site inspections from January 23, 2024, through April 8, 2024, showed the property remained noncompliant.

Ms. Williams advised that she observed a sectional couch in the front yard during two inspections and opened a separate case.

Staff recommendation: Please find the Respondent in violation of the Town of Lady Lake's Code of Ordinances, Section 14-1 and Section 20-20(a)(3); impose an administrative fee of

\$150.00, and allow the Respondent until May 7, 2024, to bring the property into compliance or a fine of \$25.00 per day will begin to accrue until the property comes into complete compliance. If the property is not brought into complete compliance by this date or if the administrative fee is not paid by this date, an Order of Fine will be recommended at the May 23, 2024, Hearing.

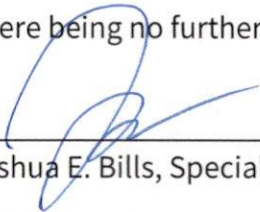
The Special Magistrate stated that there is no one in attendance to speak regarding this case.

The Special Magistrate stated that based on the evidence and testimony in this case and Order of Enforcement is warranted. The Respondents shall pay all costs associated with this matter in the amount of \$150.00; Respondent shall have until 5:00 PM May 7, 2024, to bring the property into compliance to cure the cited violation(s), including payment of all costs. Failure to bring the property into compliance with the cited codes shall result in an Order of Fine being entered at the rate of \$25.00 per day to commence on May 8, 2024, and will continue to accrue at the daily rate until such time that the property comes into compliance. The Respondent shall receive a copy of the full Order.

Senior Code Enforcement Officer stated a Special Magistrate hearing is scheduled for May 9, 2024, for a reduction of fine.

ADJOURN

There being no further business, the meeting was adjourned at 11:05 a.m.



Joshua E. Bills, Special Magistrate

Carol Osborne, Deputy Town Clerk