

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

May 9, 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; and Carol Osborne, Deputy Town Clerk

CALL TO ORDER

Joshua Bills, Special Magistrate, called the meeting to order at 10:37 a.m.

PLEDGE OF ALLEGIANCE

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

EXPLANATION OF PROCEDURE

Special Magistrate Joshua Bills dispensed with the explanation of procedure as this hearing is at the request of the Respondent.

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.

OLD BUSINESS

1. Case 23-001524 — 1199 Kenton St., ROIB SFR Lake Ella, LLC — NDPEs Stormwater Regulations Section LDR 13-54, Required Use of BMPs; NDPEs Stormwater Regulations Section LDR 13-7(f), Property Owner/Agent Responsible; Request for Reduction of Fine/Lien (Lori Crain)

Ms. Crain presented the background for this case stating that this special hearing is at the request of the Respondent's attorney, Bret Jones. The Respondent is seeking a reduction or waiver of a lien that had accrued to \$176,300.00. The lien was the result of an Order of fine entered by the Special Magistrate on August 22, 2023, imposing a daily fine of \$1,500.00 for fourth Repeat Violation. Due to non-compliance, the daily fine continued to accrue until October 31, 2023. At that time, the fine ceased accruing at the discretion of the Code Enforcement Officer. Final compliance was not obtained until January 3, 2024.

Ms. Crain advised that the Respondent requested a reduction of the fine at the February Special Magistrate hearing. Town staff was opposed to a reduction for several reasons that were addressed and presented to the Special Magistrate. Attorney Bret Jones requested that the amount and expense the Respondent incurred for the addition of a large retaining wall be accepted in lieu of paying the same towards the total accrued lien. She reported that the retaining wall had not been completed or inspected, nor was any evidence of Respondent's expenses submitted to the Town or to the Special Magistrate. The Special Magistrate advised that it was premature to request a reduction or waiver of the lien and the case was continued until the May 23, 2024, Special Magistrate hearing. Attorney Jones and Ms. Crain were in mutual agreement and would communicate after the hearing.

Ms. Crain advised that the retaining wall passed its final inspection on April 19, 2024, by the Town of Lady Lake Building Inspector. Through a series of emails and phone conversations a separate Special Magistrate hearing was scheduled for May 9, 2024. Mr. Clapp requested a final inspection of the site on May 1, 2024.

Ms. Crain advised that the property passed its stormwater inspection on May 1, 2024, and was in complete compliance at that time. She stated that she discussed future work along the Hidden Oaks HOA property and Lake Ella Estates with Mr. Clapp. She stated that she confirmed with Mr. Clapp that the removal of the silt fencing and hay bales is acceptable. Mr. Clapp is to notify Ms. Crain when the work has begun in the event that she receives complaints or questions.

Ms. Crain stated that she spoke with Attorney Jones regarding the Respondent's request for a reduction or waiver of the lien based on the expenses incurred with the new retaining wall and submitted the invoices for her review. She advised that after reviewing the documents she emailed Attorney Jones with her recommendation. She stated that Attorney Jones agreed with the negotiated amount. She explained that the amount suggested by the Special Magistrate will be presented to the Town Commission for their final decision.

Ms. Crain stated that Attorney Jones agrees to have this case presented to the commission at the May 20, 2024, meeting.

Staff recommendation: Enter an Order reducing the original lien of \$176,300.00 to \$5,000.00; assess an administrative fee of \$150.00. The total amount of \$5,150.00 will be due and payable to the Town of Lady Lake by 5:00 PM, Monday June 3, 2024, subject to the final approval of the Town Commission of Lady Lake.

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

Attorney Brett Jones, 700 Almond St., Clermont, FL

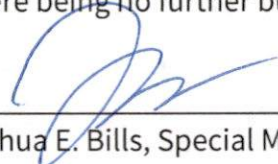
Attorney Jones thanked the Special Magistrate for accommodating this special hearing. He stated that the Respondent agrees with Ms. Crain's recommendation.

Special Magistrate advised that it is the recommended Order of the Special Magistrate that the accrued lien for the above detailed case that shows \$176,300.00, as previously Ordered on August 22, 2023, be hereby reduced to the amount of \$5,000.00, The reduction of the lien granted as requested by the Property Owner. It is further Ordered that the administrative fee of \$150.00 be assessed; both the administrative fee and the \$5,000.00 fine shall be due and payable to the Town of Lady Lake by 5:00 p.m. Monday, June 3, 2024, pending final approval of the Town of Lady Lake Commission.

This item is on the agenda for the May 20, 2024, Regularly scheduled commission meeting.

ADJOURN

There being no further business, the meeting was adjourned at 10:47 a.m.



Joshua E. Bills, Special Magistrate

Carol Osborne, Deputy Town Clerk