



**CODE ENFORCEMENT HEARING
MINUTES**

**Tuesday October 19, 2020
TOWN HALL**

The meeting was called to order at 4:02 pm by Special Magistrate for the Town of Astatula, Grant Watson. Also present was John Calhoun, Code Enforcement Officer for the Town and Graham Wells, Town Clerk. Deputy Clerk Jane Whaley replaced Mr. Wells at the beginning of new business. Mr. Watson outlined that the Town would bring its case forward and the respondent would have the opportunity to provide any evidence that would help to make a decision in their case.

Approval of Minutes from March 17, 2020 Code Enforcement Hearing

Attorney Watson stated that he had reviewed and approved and signed the minutes.

Town representatives were then sworn in by the Special Magistrate and then all residents planning to speak at the hearing. Ofc. Calhoun was asked to bring the first case.

OLD BUSINESS

Case 1 - # CE19-06-005 – Parcel # 29-20-26-1100-001-00800 – Florida Ave

Violation: The structure is damaged and has been vacant for many years. There was also excessive overgrowth on the right side of the structure that was obscuring an old travel trailer that appeared unregistered.

Owner(s) of Record Name(s): Alberto Zamora

Owner(s) of Record Address: 1549 Ormand Ave, Apopka, FL 32703

Ofc. Calhoun gave an overview of the case and stated that Mr. Zamora's daughter Victoria was present. Her address was 1549 Ormand Ave, Apopka, FL 32703.

03-17-20: A magistrate meeting was held at town hall at 2 PM. The magistrate heard the case and found the property to be in violation. The magistrate ordered that the violation be cured within 15 days of the signed order. The order was signed on 03-20-20 and a certified copy was sent to the owner of record.

09-02-20: I re inspected the property and found that other than the grass being kept cut the building and old travel trailer remained in the same condition. Digital pictures were taken.

09-19-20: A Notice of Hearing - Order of Fine letter was sent to the owner of record by certified mail, return receipt requested. A copy of the letter was posted in the town hall lobby bulletin board.

09-29-20: I posted the notice on the property and took a digital picture of the posting.

10-07-20: The return receipt was received back at town hall indicating that the owner signed for the certified letter on 10-02-20.

10-18-20: I re-inspected the property and found no changes to the structure. An affidavit of non-compliance was completed and notarized.

Magistrate Watson asked Ms. Semora to come forward and plead her case which she did. Following her testimony, Ofc. Calhoun requested a daily fine of \$25.00 per day for four months. The property is still not in compliance.

Mr. Watson stated that based on the evidence put forward he found the property was in violation of Sect. 23-3, 23-4 and 11-1 of the towns code back from when the original enforcement order was entered and that there has been no substantial change to the property. Compliance was required within fifteen days of the order and based on those findings he imposed a fine of \$25.00 per day from the date of the order and would continue until the violation is corrected.

Case 2 - # CE19-11-002 – 13001 Florida Ave., Astatula, FL 34705

Violation: There was trash and debris along the fence, and it appeared that on the inside of the fence there was debris throughout the yard. The fence on the Florida Ave side is also in disrepair.

Owner(s) of Record Name(s): Conception Morales

Owner(s) of Record Address: PO Box 379, Astatula, FL 34705

From the prior hearing, Mr. Watson was the magistrate and heard the case. The registered owner's son, Pablo Rocha was present at the hearing. Mr. Rocha stated that his mother had passed away and he was working on cleaning up the property. Mr. Watson found merit in the case and gave Mr. Rocha sixty (60) days to comply with the violations. Ofc. Calhoun read from the log.

09-19-20: A re inspection of the property was completed and the property was still in violation. There was now a woman at the property who claimed to be renting the property from Pablo and was cleaning it up. There were now two unregistered vehicles in front of the wooden fence and debris still inside the fence. Digital pictures were taken.

09-23-20: I spoke to Mr. Rocha's sister, Luz "Lucy" Guerrero, via the telephone. She told me that her brother had rented the property out and they were now in the process of evicting the woman. I explained to her that there was going to be a hearing. I also posted a copy of the Notice of Hearing - Order of Fine on the property. A copy of the Notice was placed in the Town Hall bulletin board. I further sent the notice via certified mail, return receipt requested, to the owner of record, which still showed it titled to Mr. Rocha's mother. Lucy also requested that I send her a copy and it was sent via certified mail. The return receipt for Lucy was received back at Town Hall on 09-30-20 and showing it was signed for on 09-25-20.

10-18-20: I re inspected the property again and met with the tenant's father. He said they had done a lot of cleaning and allowed me to look in the yard. On the vey right side of the yard there was still debris, and the derelict vehicle was still present. An affidavit of Non-Compliance was completed and notarized.

Mr. Watson asked if the property owner was present and heard testimony from Ms. Lucy Guerrero and Larry Evans, both of 12111 Howey Cross Road, Clermont FL 34715. Magistrate Grant heard testimony from this officer that the code violations had not been cured as per his previous Order on 03-17-20. Magistrate Watson ordered that a fine of \$20.00 a day, accruing from 30 days from the fine order date, be levied against the property, and until the violation(s) is cured.

Case 3 - # CE20-02-001 – 13301 South Carolina Ave, Astatula, FL 34705

Violation: Ord 2012M – Sec 23-4 - Trash and debris throughout yard. A fifth wheel that was unregistered in the backyard, and a gold Mitsubishi in the front. The fifth wheel was being occupied by a friend of the owner's daughter, Patty.

Owner(s) of Record Name(s): Annie Barnes

Owner(s) of Record Address: PO Box 4, Astatula, FL 34705

Officer Calhoun recalled the outcome of the last hearing where the owner of record was not in attendance, however, her daughter, Patty was. The magistrate heard the case and found the property to be in violation of Ord. 2012M - Sec 23-4 (Accumulation of Junk). The magistrate ordered that the owner cure the violation(s) within 30 days of the signed order of enforcement. The Order of Enforcement was signed 03-20-20 and a certified copy was mailed to the owner of record. He continued with notes from the log.

09-03-20: I re-inspected the property and found that there was still debris on the left side of the residence and piles of debris tucked behind the fence and behind the storage shed in the front yard. Digital pictures were taken.

09-15-20: A certified Notice of Hearing was sent to the owner of record per the Lake County Property Appraisers website, return receipt requested. I also placed a copy in the town hall lobby's bulletin board.

09-19-20: I further posted the notice on the property and a digital picture was taken.

09-20-20: The owner reached out to the town and spoke with the Police Chief and voiced her concern that the yard had been cleaned up she thought the case was closed. This officer never received any communication from the owner or daughter that the violations had been cured.

10-13-20: I re-inspected the property and there was still debris about the front and back yard. Digital pictures were taken.

Magistrate Watson asked if the property owner was present and Mrs. Ann Barnes whose current address is 67 Willow Drive, Tavares FL 32778 gave testimony. He also heard testimony from her daughter Penny Anderson, who lives at the property, and another family member. At the conclusion of the testimony, Mr. Watson found that the code violations had not been cured as per his previous Order on 03-17-20. Magistrate Watson ordered that a fine of \$25.00 per day, accruing from 30 days from the fine order date, be levied against the property, and until the violation(s) are cured.

NEW BUSINESS

Case 1 - #CE20-02-007 – 24911 Carson Lane, Astatula, FL 34705

Violation: Recreational trailer parked on right away with someone residing inside.

Owner(s) of Record Name(s): Victor Badillo & Tammy Hopkins

Owner(s) of Record Address: 24911 Carson Lane, Astatula, FL 34705

As the property owner was not present at the beginning of the hearing, Mr. Watson reiterated that the Town would bring its case forward and the respondent would have the opportunity to provide any evidence that would help to make a decision in their case. He then swore in all respondents that wished to speak during the remainder of the hearing.

Officer Calhoun read details from the complaint log shown below and showed photographs of the violation.

02-20-20: Complaint received of a travel trailer parked on the edge of the road that was occupied.

02-21-20: An inspection was done, and I found an unregistered white (with gray and maroon markings) parked on town right away. The trailer was hooked up to the residence with both water and power. There was no license plate attached to the trailer (VIN #5VGF503XKL005578). I took digital pictures of the trailer.

I then knocked on the door of the trailer and a young man came to the door. He told me that he was staying in it and belonged to his in-laws. There was also a small child in the trailer as well.

02-27-20: A Notice of Violation was sent to the registered owners of the property via certified mail, with return receipt. I also posted the notice in the public bulletin board in town hall as well as a copy was posted on the front gate of the property. The owners had till 03-15-20 to remedy the violation.

Approximately a week later I received a phone call from one of the owners, Tammy Hopkins. She told me that her son-in-law was only staying in the trailer to make sure everything worked. I explained to her that the town's land development regulations do not allow for someone to reside in the trailer and if it's going to be stored on the property it has to be properly registered to not be in violation. She told me that she would take care of it. I asked her to reach back out to me when it was completed so I could come out and take a look to be sure no one was residing in the trailer, and it had been property registered. I also explained that if it remained on public right away that it would be towed as well.

05-11-20: I went by the property and the trailer had been moved inside the fenced in part of the backyard, on the southwest side of the property. The unit still not appear to be registered and foil had been placed over the front (drivers) side of the travel trailer. Digital pictures were taken.

09-19-20: Another inspection was done, and I found the same travel trailer parked in the same spot as last time. The trailer was again hooked up to water and power. There was gray water coming out of the main sewage pipe, and a window air conditioner unit had been installed in the second window on the left (drivers) side of the trailer. Digital pictures were taken.

A notice of hearing was mailed to the owner of record via certified mail, return receipt requested. I also posted the notice in the bulletin board of the town hall lobby. I posted the notice of the hearing on the front gate and a digital picture was taken. The notice advised of the magistrate hearing on October 19th, 2020 at 4:00 PM.

Magistrate Watson asked if the property owner was present and Tammy Hopkins and Victor Badillo whose current address is 24911 Carson Lane Astatula, FL 34705 gave testimony. Mr. Watson reviewed the certificate of title registered to Mr. Badillo on September 25, 2020. The issue remained that there were conflicting opinions as to whether the vehicle was being lived in or not. Based on the photographs taken, Mr. Watson stated that there was someone living in the trailer when the photographs were taken and ordered the respondent to advise the town within fifteen days that the violation has been cured and that the town can inspect and verify that no one is living in the trailer. In that event the case would be closed. If someone is living in the property, then a further hearing would be necessary and a potential fine imposed.

Case 2 - #CE20-02-002 - 13326 Orange Blossom Street, Astatula, FL 34705

Violation: Section 24-4 - Accumulation of Junk

Owner(s) of Record Name(s): Brittney Church

Owner(s) of Record Address: 13326 Orange Blossom Street, Astatula, FL 34705

The property owner was present. Ofc. Calhoun went over the notes in his log.

02-04-20: Anonymous complaint received in reference to the property have trash and debris throughout the yard and under the carport. An inspection was done the same day and digital pictures taken to show that there was debris in the yard, driveway, and under the carport. A notice of violation was sent to the owner of record via certified mail, return receipt requested. A posting was also done in the lobby of town hall. The letter gave the owner until 03-01-20 to remedy the violation.

02-06-20: The signed return receipt was received back at the town.

05-10-20: A drive by was done and most of the debris remained, some debris had been moved from the yard to the carport. No pictures were taken.

09-18-20: A follow up inspection was done, and more debris had been accumulated, to include four tires and an unregistered boat trailer. Digital Pictures were taken of the property. A Notice of Hearing was sent to the owner of record via certified mail. A posting was done in town hall and a posting was done on the property.

09-21-20: I went back to the residence to post the notice on the property. While posting the notice of the hearing on the front door, the owner, Brittney Church, came out of the residence and we discussed the ongoing issue and I verbally notified her of the hearing on October 19th, 2020 at 4:00 PM. She also removed the posting from the front door. More digital pictures were taken.

Mr. Watson asked the property owner to give an update on the curing of the violation and Ofc. Calhoun requested a thirty-day period to remove the remainder of the debris. Mr. Watson stated that based on the evidence put forward, he found the property was in violation of Sect. 23-4 and granted a thirty-day period to cure the violation. Once the town has verified that the violation has been cured the case will be closed with no further action required. If the violation is not cured in the thirty-day period, a further hearing will be scheduled with a potential fine being imposed.

Case 3 - # CE19-05-003 - 24745 CR 561 Astatula FL 34705

Violation: Ord. 2012L - Sec 11-1 - Certain buildings considered unsafe, Sec. 10-2 - Permit and inspection fees.

Owner(s) of Record Name(s): James & Rosemary Love

Owner(s) of Record Address: 906 Kentucky Blvd, Eustis, FL 32726

Officer Calhoun presented the details of the complaint and the violation log:

05-06-19: An anonymous written complaint was received at town hall in reference to property being worked on without permits.

05-31-19: At 6:55 PM I inspected the property and found a red dumpster in the yard and debris on the right side of the front yard. I checked with town hall, and it did not appear that the residents had pulled any permits for work to be done on the home. It appeared that the residence was in disrepair and did not appear safe. Digital pictures were taken.

07-03-19: A certified Notice of Violation letter was sent to the owners of record per the Lake County Property Appraisers website, return receipt requested. The letter gave the owners to 05-31-19 to remedy the violations. I also posted the notice in the town hall bulletin board.

07-15-19: The return receipt was received back at town hall and was signed by Rosemary Love on 07-10-19.

09-19-20: A re-inspection of the property was done, and the property had more debris in the yard and the structure was still in disrepair and appeared unsafe. Digital pictures were taken. A notice of hearing was sent to the owners of record via certified mail, return receipt requested. The notice was also posted in the town hall bulletin board. The property was posted as well.

Magistrate Watson asked if the property owner was present and James & Rosemary Love whose current address is 906 Kentucky Blvd, Eustis, FL 32726 gave testimony. They acknowledged that the property was unsafe and needed to be torn down. Magistrate Watson stated that the property was and is still in violation of Section 11-1, unsafe structures and permits for demolition will need to be pulled within a sixty-day period. The respondent agreed to apply to the town for a demolition permit. The permit placed the violation period on hold for six months.

ADJOURNMENT


With no further business the meeting was adjourned at 5:42 pm

Respectfully submitted,



Mr. Grant Watson, Special Magistrate

ATTEST:



Graham Wells, CMC Town Clerk

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