



**CODE ENFORCEMENT HEARING
MINUTES**

**Tuesday March 17, 2020
TOWN HALL**

The meeting was called to order at 2:03 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. 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 October 29, 2019 Code Enforcement Hearing

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

Officer Calhoun was then sworn in by the Special Magistrate and asked to bring the first case.

OLD BUSINESS

Case 1 - # CE19-02-002 – 25549 Madison St., Astatula, FL 34705

From the prior hearing, Mr. Watson stated that based on the evidence put forward he found the property was in violation of Sect. 23-4 with regards to excessive junk, the two untagged vehicles and lawnmower. Based on those findings he gave a 30-day notice to cure the issue from that date. As of today, the violation has not been cured.

Officer Calhoun went over the details of the log of events and requested fines to be assessed from the date to cure and February 27, 2020 which totaled 84 days. The owner of record, Mr. Mahendra was sworn in and asked by the magistrate if he understood the issues at hand. He said he was and explained his mitigating circumstances as to why the violation was not cured sooner. Officer Calhoun said that he was willing to work with the fines but insisted that a minimum of 30 days should be assessed.

Based on the case presented, the Special Magistrate found the violation had occurred and ordered that the owner of record pay a fine of \$25.00 per day for 30 days totaling \$750.00. The fine was required to be paid to the Town of Astatula within 45 days from the hearing date.

Case 2 - # CE18-05-005 - 24828 Adams St., Astatula, FL 34705

Violation: Ordinance 2012M – Sec. 23-4 – Accumulation of Junk - Junk, debris, and unregistered vehicles throughout the entire yard. The case has had several extensions from last year and the respondent was present.

From the prior hearing, Mr. Watson stated that based on the evidence put forward he found the property was in violation of Sect. 23-4 with regards to accumulation of junk and the two untagged vehicles. Based on those findings he gave a 30-day notice to cure the violation from that date which includes the removal of the debris and tagging or covering the two vehicles. If the violation was not cured in 30 days, then another hearing will be scheduled where fines of \$25.00 up to \$250.00 per day may be imposed.

Officer Calhoun read the information in the case log and requested that a fine be assessed for \$25.00 per day for 103 days totaling \$2,575.00. The owner of record, Mr. Rocha was sworn in and confirmed that he understood the issue. The magistrate stated that from the last hearing that Mr. Rocha was given a period of time to cure the violation and that it had not been done. Mr. Rocha's sister, Mrs. Guerrero was sworn in and spoke on his behalf as she spoke better English. She explained the difficulties that Mr. Rocha has had and requested that the magistrate give them a break.

Office Calhoun stated that the property has been an eye sore in the town for years and that he had worked with the owner to get it cleaned up. This has not been done and he requested that a fine of \$25.00 be assessed for at least 90 days.

Mr. Watson stated that based on the evidence put forward he found the property was still in violation of Sect. 23-4 with regards to accumulation of junk and the two untagged vehicles. Based on those findings he imposed a fine of \$25.00 per for a period of 90 days which he found to be reasonable in light of the circumstances. He added that a deadline to cure the issue was given and that deadline has not been met. The fine imposed is payable to the Town of Astatula within 45 days from the hearing date.

Case 3 - # CE19-05-002 - 13128 New York Ave, Astatula, FL 34705

Violation: Ord 2012M – Sec 23-4 -Accumulation of junk & Sec 23-2 Abandoned vehicle and Sect. 11-1 unsafe structure. Officer Calhoun said that the owner Mr. Rizzo was not present and was deceased.

Officer Calhoun recalled the outcome of the last hearing where Mr. Watson stated that based on the evidence put forward he found the property was in violation of Sect. 23-4, sect. 23-2 and Sect. 11-1 with regards to accumulation of junk, and the untagged vehicle and an unsafe structure.

Based on those findings and the gravity of the violations, he gave a 10-day notice to cure the violation from that date after which the town will come before the magistrate again if the violations are not cured to have fines and any relief for the town assessed.

The town had boarded up the property to make it safe and cleaned up the yard twice and asked for the maximum fine to be imposed. Mr. Watson stated that based on the evidence put forward he found the property was still in violation from the original order of enforcement and from the hearing date in October through today's date. Notice was given of today's hearing and there is no representation from on behalf of the owner. Based on this he stated that a fine of \$250.00 per day would be assessed back to the hearing date of November 15, 2019 until today plus expenses of \$221.06 in maintaining the property.

The fines and expenses are to be made to the Town of Astatula within 30 day from today's date.

NEW BUSINESS

Case 1 - # CE20-02-004 - 13234 New York Ave. Astatula, FL 34705

Description of Violation: A tent, tarp, bicycles in the southeast corner of property. There was also debris throughout the yard. One white Pontiac vehicle with a tarp over it that looked disabled. Washer & dryer sitting in yard, with washer draining out into yard.

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

02-04-20: Received an anonymous complaint from a neighbor that people were living in the backyard and that there was trash. An inspection was done via drive by and found that there was a tent and tarp in the back-southeast corner of the property, along with an old unregistered trailer. There was also a white Pontiac vehicle in the yard that looked disabled as it had a tarp over the top. It also appeared that someone was living out of the vehicle. There was also a washer and dryer sitting in the yard, and the washer appeared to be draining into the yard.

02-07-20: A notice of violation was sent via certified mail to the address of owner of record, of the Lake County Property Appraisers website. The violation notice was also posted in town hall and on the door of the property. Digital photos were taken. An affidavit of posting was notarized.

The owner had to 03-01-2020 to clear the violation.

02-26-2020: The certified letter was returned unclaimed by the owner of record.

03-03-2020: A re- inspection was done and most of the yard had been cleaned up. However, the washer and dryer were moved up against the residence and it appeared that the owner was building some type of structure around them. There were also pieces of fence placed around the area of where the tent/tarp where the trailer was sitting. No permit had been pulled for the fence; however, it did not look like the fence was permanent. Digital pictures were taken.

A notice of hearing was sent via certified mail, posted in town hall, and placed on the door of the residence. An affidavit of posting was notarized. The notice advised that there would be a magistrate meeting on 3-17-20 at 2:00 PM.

Officer Calhoun stated that most of the debris had been cleared, however the washer and dryer are still there.

The property owner, Mr. Gillis was sworn in and gave mitigating circumstances for the washer and dryer and described the efforts taken to clear the yard up. He stated that all vehicles in the yard now have current tags.

Mr. Watson stated that he found based on the facts presented, that the property was in violation at the point that the violation notice was given and that significant progress had been made to cure some of the issues except for a trailer in the back yard. The property is still in violation and ordered that 30 days be given to the owner to cure all of the remaining issues. If the violation is not cured within that time then a further hearing will be convened.

Case 2 - # CE20-02-001- 13301 South Carolina Ave. Astatula, FL 34705

Description of Violation: 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. A notice of hearing was sent via certified mail, posted in town hall, and placed on the fence post of the residence. An affidavit of posting was notarized. The notice advised that there would be a magistrate meeting on 3-17-20 at 2:00 PM. Officer Calhoun read details from the complaint log shown below and showed photographs of the violation.

02-03-20: Performed an inspection after having told the owner's daughter months prior to that the yard was getting out of hand and needed to be cleaned. There was debris throughout the yard, an unregistered fifth wheel in the back (left side) of the residence, and an unregistered gold passenger car in the driveway. Digital pictures were taken.

02-04-20: A notice of violation was sent via certified mail to the address of owner of record, of the Lake County Property Appraisers website. The violation notice was also posted in town hall and hand delivered to the owner's daughter Patty. Digital photos were taken. An affidavit of posting was notarized.

The owner had to 03-01-2020 to clear the violation.

02-06-2020: The certified letter was returned unclaimed by the owner of record due to no longer having that post office box.

03-03-2020: A re- inspection some of the yard had been cleaned up and the gold vehicle removed. However, fifth wheel along with a large amount of debris still existed throughout the yard.

The respondent was not present but the daughter, Ms. Anderson was and was sworn in by Magistrate Watson. She confirmed that she understood why she was here. She gave an explanation of the difficulties they had in cleaning the property up and what they had accomplished to bring it into compliance.

Mr. Watson asked if 30 days would be enough time to cure the remainder of the debris on the property. She responded that it would be. He added that he found that the property was in violation of the cited code and that he would give 30 days to address the fifth wheel; either to remove or register it and the remainder of the junk in the yard.

If the violation is not cured within that time, then a further hearing will be convened to talk about fines and costs incurred by the town.

Case 3 - # CE19-06-005 - Parcel #29-20-26-1100-001-00800 - Florida Ave

Description of 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.

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

06-25-19: Performed an inspection after having verbally speaking with the owner and owner's daughter about the property needing to be repaired several months prior. The structure has significant damage to the block and has been sitting unoccupied for years. There was overgrowth on the right side obscuring an old travel trailer. Digital pictures were taken.

10-07-2019: A notice of violation was sent via certified mail to the address of owner of record, of the Lake County Property Appraisers website. The violation notice was also posted in town hall and posted on the property. Digital photos were taken. An affidavit of posting was notarized. The letter was returned unclaimed.

The owner had to 10-31-2019 to clear the violation.

02-03-2020: A re- inspection was completed, and the same conditions were present.

02-27-2019: A notice of hearing was sent via certified mail, posted in town hall, and placed on the fence post of the residence. An affidavit of posting was notarized. The notice advised that there would be a magistrate meeting on 3-17-20 at 2:00 PM. Digital photos were taken.

03-02-2020: The certified return receipt was returned to the town showing the letter had been accepted on 02-29-2020

03-17-20: A magistrate hearing 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.

Officer Calhoun showed photographs and requested 15 days to cure. The respondent was not present. Mr. Watson stated that based on the evidence provided, he found the property is in violation of having an unsafe structure and excessive debris. He also found that the notice had been correctly given.

Based on the gravity of the violation of the unsafe structure and the concern for health and welfare, he gave 15 days to make the structure safe and bring the structure up to code and remove the debris and junk from the yard. This order was without prejudice to other procedures that the town has under section 11-1 to remedy the violation. If the violation is not cured within that time, then a further hearing will be convened to review potential fines and costs incurred by the town.

Case 4 - # CE19-11-002 - 13001 Florida Ave. Astatula, FL 34705

Description of 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.

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

11-08-19: Received an anonymous complaint that the property had trash all around the outside of the fence. I drove by and noticed that debris was all along the outside of the fence. I violation letter was sent via certified mail, return receipt on 11-12-2019 with a cure date of 12-10-2019. The letter was also posted in town hall.

11-21-19: Received return receipt indicating that the letter was accepted on 11-20-19.

02-03-20: Another inspection was performed and the trash from along the fence had now been placed into an open utility trailer that was still sitting outside of the fence. It still appeared the debris was inside the fence and the fence was still in disrepair. Digital photos were taken.

02-27-2019: A notice of hearing was sent via certified mail, posted in town hall, and placed on the door of the residence. An affidavit of posting was notarized. The notice advised that there would be a magistrate meeting on 3-17-20 at 2:00 PM. Digital photos were taken. While posting the notice I further noticed an old unregistered vehicle sitting in the yard.

03-04-2020: The certified return receipt was returned to the town showing the letter had been accepted on 03-03-2020.

The respondent was not present, but her son was present. Mrs. Rocha had passed away and Mr. Watson asked what he was going to do with all the debris shown in the pictures. He asked what timeframe he would need to cure the violation.

Officer Calhoun requested 60 days to correct the title with the right ownership and cure the violation. Mr. Watson said he did not have the authority to force someone to correct the title but encouraged them to do so, then they would receive the violation notices.

He went on to state that he did find that the property was in violation and that the statutory notice of the violation and hearing was given. He ordered that the junk and debris on the property be removed within 60 days from today's date. If the violation is not cured within that time, then a further hearing will be convened to review potential fines and costs incurred by the town.

ADJOURNMENT

With no further business the meeting was adjourned at 3:13 pm

Respectfully submitted,



Mr. Grant Watson, Special Magistrate

ATTEST:



Graham Wells, Town Clerk

