

**MINUTES
CITY OF EUSTIS CODE ENFORCEMENT BOARD**

February 19, 2007

COMMISSION ROOM - CITY HALL - TEN NORTH GROVE STREET

Regular Meeting

ROLL CALL: Robert LaValle
Joyce Evans-Norcross
Charlie Bagg
Michael Holland

MEMBERS ABSENT: Martin Ferry
Billy Fowler
Robert Warren
Thomas Fernandez

STAFF PRESENT: Eric Martin, Code Enforcement Officer
Henry Sneed, Code Enforcement Officer
Christina Selage, Recording Secretary

OTHERS PRESENT: Katrina Thomas, City Attorney
Jim R. Myers, Jr., Acting City Manager
Steve Greene, Development Services
Geoff Norcross, 3051 Westgate Drive, Eustis
Charles Korten, 424 Osceola Avenue, Eustis
Ron Chapman, Post Office Box 2446, Umatilla
Dan Cordle, Post Office Box 147, Eustis
John & Jane Dunkin, Post Office Box 525, Mount Dora
Richard Street, Post Office Box 964, Altoona
Scharone Deaton, 14 East Washington Street, Ste 200, Orlando
Andrew Sellers, 300 Morin Street, Eustis
John Butler, 333 North Center Street, Eustis
Gary Hoenig, "Appliance Direct"
Vimal Okhas, "Appliance Direct"

CALL TO ORDER: Chairman LaValle called the Regular Meeting to order at 3:00 p.m. Roll call was taken.

APPROVAL OF MINUTES:

Upon a motion to approve the minutes of the January 22, 2007 Regular and Organizational meetings, by Ms. Evans-Norcross and seconded by Mr. Holland, the Board voted to approve the motion as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

ADMINISTRATION OF OATH

Katrina Thomas, City Attorney, administered the oath to all those present that would testify.

POSTPONED CASES

Case #06-393 Mount Dora 44/44B LLC: Mr. Martin reminded the Board that this case (postponed from the January meeting) is for tree removal without a permit on vacant property at the southwest corner of SR 44 and CR 44-B. Discussion ensued regarding the permit process. Mr. Greene was asked if the submitted permit *would have* been approved by staff, to which Mr. Greene replied that no, it was too early in the development process (prior to the submittal of construction plans) for the tree removal application to have been submitted, and that more research would have to be done before it would even be considered, as is standard operating procedure. It was noted that Mr. Dunkin had previously developed property within the City limits (Findlay's restaurant), so this was not his first time dealing with the process, but was his first time doing a residential development. Mr. Martin reported that a meeting was held with Lewis Stone (City Attorney), Mr. Greene, Mr. Dunkin, the City Manager, and himself attending, where the matter of the Board's ability to deviate from the code was discussed. Mr. Dunkin submitted an overlay that includes the trees' locations overlaid with the proposed infrastructure, to determine which trees were not to be removed for buildings (not in footprint). 13 of those were determined to exist. A proposed Landscape Plan was reviewed by the Board, which depicted the trees that would be planted as part of the subdivision project.

Ms. Evans-Norcross made a motion that in Case #06-393, Mount Dora 44/44B LLC, were in violation of code, and it is found that 13 trees were removed without a permit totaling 172 inches, therefore it is hereby ordered that 344 inches of trees be replaced totaling 137 trees, it is also recognized that 126 trees will be credited towards the total and will be planted on site in accordance with the submitted common area enhancement plan which is to be incorporated into the HOA documents, leaving 11 trees to be replaced which must to be incorporated into the plan or the cash value is to be donated to the city within 30 days from today's date or a fine of \$250.00 per day of non-compliance will be imposed. Additionally, it is hereby ordered that a fine of \$2,500.00 be imposed as the violation is found to be irreversible or irreparable in nature. If the fine is not paid within 30 days a lien will be recorded in public record. Mr. Holland seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Ms. Evans-Norcross made a motion that in Case #06-393, Professional Dirt Services, Inc. did were in violation of code and that the violation has been found to be irreparable or irreversible in nature; therefore it is hereby ordered that a fine of \$2,500.00 be imposed. If the fine is not paid within 30 days a lien will be recorded in public record. Mr. Holland seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

CERTIFICATION OF FINE

Case #06-319 Diamond Construction: Mr. Martin reminded the Board that this case was for mounds of dirt that had become overgrown on Lot 16 of Lake Dot Estates. Photographs were distributed, and Mr. Martin noted that upon inspection on February 6, 2007, most of the dirt had been moved to another lot where it would be used for construction of a new house, and that the rest had been smoothed/graded. Discussion ensued regarding the installation of a silt fence down towards the lake, to which Mr. Chapman agreed.

Ms. Evans-Norcross made a motion that in Case #06-319, a \$15.00 per day fine from 2-2-07 to 2-5-07 be imposed, totaling \$45.00 to be paid in thirty days or original fine amount will be recorded as a lien in public record. Reduced amount contingent on the remaining overgrown areas at the front of the lot being cut by February 26, 2007. Additionally, that a silt fence be installed at the lake. Mr. Holland seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Case #06-320 Diamond Construction: Mr. Martin reminded the Board that this case was for mounds of dirt that had become overgrown on Lot 15 of Lake Dot Estates. Photographs were distributed, and Mr. Martin noted that conditions were the same as Case #06-319.

Ms. Evans-Norcross made a motion that in Case #06-320, a \$15.00 per day fine from 2-2-07 to 2-5-07 be imposed, totaling \$45.00 to be paid in thirty days or original fine amount will be recorded as a lien in public record. Reduced amount contingent on the remaining overgrown areas at the front of the lot being cut by February 26, 2007. Additionally, that a silt fence be installed at the lake. Mr. Holland seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Case #06-323 Diamond Construction: Mr. Martin reminded the Board that this case was for overgrown conditions on Lot 13 of Lake Dot Estates. Photographs were distributed, and Mr. Martin noted that there were still some minor areas of overgrowth near the mailbox and utility boxes.

Mr. Holland made a motion that in Case #06-323, the compliance date be extended until February 26, 2007. Mr. Bagg seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Case #06-324 Diamond Construction: Mr. Martin reminded the Board that this case was for overgrown conditions due to low-hanging tree branches on Lot 17 of Lake Dot Estates. Photographs were distributed, and Mr. Martin noted that one of the adjacent property owners had “raised the trees”, but had left the limbs and debris on the lot. Mr. Chapman stated that he would remove what was left.

Ms. Evans-Norcross made a motion that in Case #06-324, to impose a \$10.00 a day fine from 2-1-07 to 2-19-07, totaling \$180.00 and to grant an extension to February 26, 2007 to clean up the lot. If new compliance date is not met and the imposed fine paid within 30 days, the original fine will be certified retroactive to original compliance date and a lien recorded in public record. Mr. Holland seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

NEW CASES

Case #06-351 Richard & Connie Street: Mr. Martin reported that this case involves 121 South Mary Street and is for construction of two roof additions on the south and east side of the building, altering the front of the building to install a double entry door and installing new windows without first obtaining permits from the City of Eustis Building Department. The exterior wood that was used to frame in the new windows is not protected from the elements and decay by painting or other protective covering or treatment. Mr. Martin reported that as of today, a permit application has been submitted for replacement of windows, installation of new door and for roof addition at the rear of the building, and that it has been decided that the roof addition on the south side of building is to be removed. Mr. Martin distributed photographs, including "history pictures" that showed previous conditions (lack of additions, old windows). Discussion ensued regarding Mr. Street's timeline for completing the work needed on this structure (painting the exterior window frames and removing the roof addition).

Ms. Evans-Norcross made a motion that Richard & Connie Street are in violation of City Code, and to allow 10 days for compliance in Case #06-351 or a fine of \$100.00 per day of occurrence will be imposed. Mr. Holland seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Case #06-352 Richard & Connie Street: Mr. Martin reported that this case involves 518 & 520 East Citrus Avenue and is for the following: 1) Permit #900513 that was issued on January 4, 2005 for alterations made to the front of the residential building (which was cited in Violation Notice Case # 04-263) has not been inspected; therefore it has been voided by the Building Official. 2) A hole remains in the building's east exterior wall where a small window was installed then removed, there is a hole in the west exterior wall along with some missing siding and a piece of siding missing on the east exterior wall near the southeast corner of the building. 3) The new window that was installed on the north side of the building has not been properly sealed at the top; Mr. Martin distributed photos including “history pictures”, and noted that the Building Official has decided to honor the old permit, and now the property

owner is ready for an inspection.

Ms. Evans-Norcross made a motion that Richard & Connie Street are in violation of City Code, and to allow 10 days for compliance in Case #06-352 (to call for an inspection and get the permit finalized) or a fine of \$25.00 per day of occurrence will be imposed. Mr. Holland seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Case #06-353 Richard & Connie Street: Mr. Martin reported that this case also involves 518 & 520 East Citrus Avenue and is for the following: installing new windows on the residential building without first obtaining a permit from the City of Eustis Building Department. The windows that were installed on the west side of the building were smaller than the windows that they replaced, leaving areas of the exterior walls without any siding or small gaps around the new windows. Mr. Street testified that he wishes to wait to obtain a permit for the windows until he receives plans from his architect for some porches he wants to build. He will then apply for one permit to do both improvements.

Ms. Evans-Norcross made a motion that Richard & Connie Street are in violation of City Code, and to allow 20 days for compliance in Case #06-353 (to obtain a permit) or a fine of \$50.00 per day of occurrence will be imposed. Mr. Bagg seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Case #06-354 Richard & Connie Street: Mr. Martin reported that this case also involves 518 & 520 East Citrus Avenue and is for the following: 1) The exterior building surfaces do not meet the minimum requirements of the City of Eustis Façade Code. The paint is chipping and peeling, some of the windows are missing screens and some of them are torn (Repeat Violation). 2) Several areas of the roofing fascia and soffit are showing signs of deterioration. He distributed photographs. Mr. Street reported that this building is scheduled to be painted within 30 days, and that he will try to be working on several buildings at a time.

Mr. Holland made a motion that Richard & Connie Street are in violation of City Code, and to allow 30 days for compliance in Case #06-354 (to obtain a permit) or a fine of \$250.00 per day of occurrence will be imposed. Mr. Bagg seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Case #06-362 Richard & Connie Street: Mr. Martin reported that this case involves 113 South Grove Street and is for the following: 1) The exterior building surfaces do not meet the minimum requirements of the City of Eustis Façade Code (Repeat Violation). 2) Some sections of the roofing fascia on the building are missing and showing signs of deterioration. 3) Some of the residential units that do not have a central air conditioning system are missing screens on the windows that are used or required for ventilation. He distributed photographs. Mr. Street reported that he has had minimal work done, as this property is on the bottom of his list. He testified that the tenant who was cutting the screens was being evicted, and that this building is to be painted after the Citrus Avenue property because it must be sanded and have some new wood put on. He stated that he will get permit to put siding on cottage, but that he would take care of the main building first and then the cottage last.

Ms. Evans-Norcross made a motion that Richard & Connie Street are in violation of City Code, and to allow 75 days for compliance in Case #06-362 or a fine of \$250.00 per day of occurrence will be imposed. Mr. Holland seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Case #06-364 Richard & Connie Street: Mr. Martin reported that this case involves 105 South Grove Street and is for the following: 1) The exterior building surfaces do not meet the minimum requirements of the City of Eustis Façade Code (Repeat Violation). 2) Some sections of the roofing fascia on the building are showing signs of deterioration. 3) Some of the residential units are missing screens on the windows that are used or required for ventilation. 4) The gazebo in the front yard has not been maintained and kept in good repair or sound structural condition. Mr. Street testified that this building has termites, and he will replace probably about 65% of the exterior wood, and that this project was the last on his list. Photographs were distributed.

Mr. Holland made a motion that Richard & Connie Street are in violation of City Code, and to allow 115 days for compliance in Case #06-364 or a fine of \$250.00 per day of occurrence will be imposed. Mr. Bagg seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Case #07-009 L.T. Newmons Life Estate: Mr. Martin stated that this violation is for displaying business signs on a van in a Suburban Residential Land Use district, as well as operating a business without an Occupational License at 333 North Center Street. He distributed photographs and noted that this was the second time this has happened at this property. He testified that the signs are down now, and although no license has been obtained, a tax preparation business such as this probably wouldn't be permitted in this location. Mr. Butler, the business owner, inquired about getting a rezoning/ land use change, but it was explained to him that that request would have to go through the Planning Department for a Comprehensive Plan Amendment. It was recommended to him that if he wanted to continue his business, that he find a suitable commercial location.

Ms. Evans-Norcross made a motion that L. T. Newmons, Life Estate was in violation of City Code, but that the violation is now cleared. Mr. Holland seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

REQUEST FOR RE-HEARING & EXTENSION OF COMPLIANCE DATE

Case #06-223 NJL Holdings, LLC: Mr. Martin reminded the Board that this case was for issues with a retention pond behind the Appliance Direct store at 15821 US Highway 441. He reported that since the last meeting, some fill dirt has been placed in the eroded areas at the top of the retention pond and the section of the paved road has been repaired. The south slope erosion has not been repaired and the dirt has not been removed from the bottom of the pond, nor have the inlet pipes been repaired or unobstructed. Also, the existing permit and stormwater plan (from 1986) was found by the property owner, and was submitted to the Planning Department, which was accepted in lieu of a new plan. He distributed photographs and the Board reviewed the applications that were submitted. Ms. Deaton, attorney for the property owner, reported that there was a dispute between the owner and the tenant regarding the repairs, but that progress was being made (pond has been mowed, etc.). She asked the Board for a time extension to allow for the repair of the inlets. It was discussed that approximately 10 feet of a swale that was indicated on the 1986 plan has been eroded away and washed into the pond, and will need to be repaired.

Ms. Evans-Norcross made a motion to: 1) accept the stormwater plan that was submitted, 2) to revoke the previous extension date, 3) impose a fine of \$5.00 per day of non-compliance from 1/4/07 to 2/19/07 totaling \$230.00, 4) grant a new extension of 45 days to bring the pond into compliance with "old" plan, if not, then a fine of \$250.00 per day be imposed, retroactive to today's date. Mr. Holland seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Ms. Deaton asked the Board to waive the \$230.00 fine against the property owner, but was denied.

REQUEST FOR REDUCTION OF FINE

Case #06-264 Andrew Sellers: Mr. Martin reminded the Board that this case was for an overgrown vacant lot on the north side of East Orange Avenue. He distributed photographs and noted that the property was out of compliance for 41 days past the deadline and had accrued a fine of \$3,075.00. Mr. Sellers testified that he did his best to correct the problem, and also learned that he did not own some of the property originally thought to be within his parcel. He further reported that he has spent several thousand dollars to take care of this situation and has been maintaining the conditions ever since and hopes to develop the property in the near future. Mr. Martin mentioned that this fine has not yet been

recorded, and allowed the Board to review Mr. Sellers' application.

Mr. Holland made a motion to reduce the fine in Case #06-264 to \$10.00 per day x 41 days, totaling \$410.00 if paid within 30 days. Ms. Evans-Norcross seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

CERTIFICATION OF FINE, CONT'D

Case #06-429 Arooba Management Co. LLC: Mr. Martin reminded the Board that this case at 6-22 Herrick Drive was for failure to maintain the premises in a clean, safe and sanitary condition, an accumulation of solid waste piled behind the complex's dumpster, an accumulation of loose trash scattered all over the property, household furniture and other miscellaneous items left or placed outdoors. Some of Unit 6's wooden siding is rotten and falling off the exterior wall and the four foot chain link fence in front of the house is damaged and missing hardware. He distributed photographs and reported that the rotten wood siding remains, the fence is still not repaired properly, and that there are still piles of trash and debris and yard waste at the site of the dumpster.

Ms. Evans-Norcross made a motion to certify the fine for Case #06-429, in the amount of \$50.00 per day, beginning on February 1, 2007, as the property is still in violation. Mr. Holland seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

Case #06-434 Ishwar Patel & Anil Valbh: Mr. Martin reminded the Board that this case at 4 Herrick Drive is for windows screens on the residential structure that have broken or damaged frames, or are missing or torn. He reported that all but one of the window screens have been repaired or replaced. He stated that he has an upcoming meeting scheduled with the property owner's attorney to discuss the matter.

Mr. Holland made a motion to certify the fine for Case #06-434, in the amount of \$10.00 per day, beginning on February 1, 2007, as the property is still in violation. Ms. Evans-Norcross seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

NEW CASES, CONT'D

Case #06-441 Michael Sabella & Charles Korten: Mr. Martin testified that this case is for construction without a Building Permit at 420 Osceola Avenue. He distributed photographs and reported that Mr. Korten has obtained a permit for the windows, and will be back in for a permit for the rest of the work.

Ms. Evans-Norcross made a motion that Michael Sabella & Charles Korten are in violation of City Code, and to allow 10 days for compliance in Case #06-441 or a fine of \$10.00 per day of occurrence will be imposed. Mr. Bagg seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

REQUEST FOR REDUCTION OF FINE, CONT'D

Case #04-259 David Poe: Mr. Martin reminded the Board that this case was for **1)** Automotive parts and other items placed or left outdoors, which is unsightly and an eyesore from adjoining properties or from the public right of way. **2)** An accumulation of trash on property and in the public right-of-way. **3)** Waste receptacles and household garbage are not being kept in a side or rear yard or in a location where they cannot be seen from the street, they are being kept in the front yard near the public right-of-way, at 62 Glover Street. He distributed photographs and testified that a fine was imposed of \$50.00 per day starting on December 25, 2004. Compliance was reached on November 13, 2006 (after receiving a “final notice”, 686 days past deadline) and that the lien total is \$34,300.00. He reported that there is currently trash on the property again, and that the property is once again overgrown.

Mr. Holland made a motion to deny the reduction request for Case #04-259 as there are current code violations on the property. Ms. Evans-Norcross seconded, and the motion was approved as follows:

Mr. LaValle	Aye	Mr. Ferry	Absent
Ms. Evans-Norcross	Aye	Mr. Bagg	Aye
Mr. Fowler	Absent	Mr. Warren	Absent
Mr. Holland	Aye		

OTHER BUSINESS

None

ADJOURNMENT

There was no further business and the meeting was adjourned at 4:58 p.m.

Respectfully submitted,

Christina Selage
Recording Secretary

Robert LaValle
Chairman