

**MINUTES
CITY OF EUSTIS CODE ENFORCEMENT BOARD (CEB)**

FEBRUARY 23, 2009

**COMMISSION ROOM - CITY HALL
TEN NORTH GROVE STREET**

Regular Meeting

ROLL CALL: Robert LaValle, Chairperson
Joyce Evans-Norcross, Vice Chairperson
Charlie Bagg
James Cohen
Manhar Jadav sat on Board at 3:11 p.m.
Darrin Williams

MEMBERS ABSENT: Philip Latta

STAFF PRESENT: Eric Martin, Code Enforcement Supervisor
Margaret E. Morton, Code Enforcement Officer
Marcia Arnold, Recording Secretary

OTHERS PRESENT: Ilmers Arsts
Roger Clark
Robert Jones, City Attorney
Kay Lawson
Jason Merritt, Code Board Attorney
Heidi Savage
Kenneth Savage
Lane Savage
Robertha Smart

CALL TO ORDER: Chairperson LaValle called the Regular Meeting to order at 3:07 p.m. Roll call was taken.

APPROVAL OF MINUTES:

MOTION by Ms. Evans-Norcross / SECOND by Mr. Williams to approve the January 26, 2009 organizational and regular meeting minutes as written.

Roll Call:

Mr. LaValle	Aye	Mr. Cohen	Aye
Ms. Evans-Norcross	Aye	Mr. Williams	Aye
Mr. Bagg	Aye		

Motion approved 5-0

ADMINISTRATION OF OATH: Jason Merritt, Code Board Attorney, administered the oath to all those present that would testify.

CERTIFICATION OF FINE

Case 07-341 – Eva L. Turner Et. Al.: Mr. Martin reminded the Board that this case is for a residential structure posted unsafe by the City of Eustis Building Department located at 1125 East McDonald Avenue, Eustis, FL. The remedy is for the owner to obtain a permit to repair/rehabilitate or demolish the structure. At the June 2008 CEB meeting Ms. Turner testified and the board granted a 90 day extension to obtain the permit. The extension was continued to November 14, 2008 due to a clerical error.

Ms. Turner submitted a building permit application for the renovation of the building to the City of Eustis Building Department on November 12, 2008 that was subsequently denied by the reviewing agency, Lake County Building Department, for no product approval information provided with the application. Eustis Building Department notified Ms. Turner December 22, 2008 that her application was denied and how to remedy, but there has been no response.

Mr. Martin identified method of service, displayed photographs, and recommends that the Board certifies the fine as the property is still in violation.

MOTION by Ms. Evans-Norcross / SECOND by Mr. Williams, I move to certify the previously imposed fine of \$250 per day after November 14, 2008 for Case 07-341, as the property is still in violation.

Roll Call:

Mr. LaValle	Aye	Mr. Cohen	Aye
Ms. Evans-Norcross	Aye	Mr. Jadav	Aye
Mr. Bagg	Aye	Mr. Williams	Aye

Motion approved 6-0

Case 08-200 - El Bethel Enterprises Inc.: Mr. Martin reminded the Board that this case is for a six foot wooden privacy fence constructed along the north and west property lines that has not been maintained in good condition, located at 1011 East Orange Avenue, Eustis, FL. Mr. Martin identified method of service, displayed photographs, identified that the fence is quite aged, and that he has been working with the property manager, Kay Lawson, on the situation. Fines of \$2,650 have accrued to date. Staff recommendation is to allow 14 days to finish repairs and clean discoloration off fence at a minimum, from the Magnolia Street side.

Mr. Martin introduced Ms. Lawson and Mr. Clark, property owner. Ms. Lawson identified some of the social problems with the prior tenants in Mr. Clark's property and the rental house to west of his property, and how she and Mr. Clark have been taking care of the situations. They have repaired the fence to make it stable. Their 12 unit property has four units leased, and their plans are to lease four additional units to get an income flow so that they can afford to put in a new fence. Mr. Clark requested a 30 day extension to bring the existing fence to City code.

Discussion ensued between the Board and Mr. Clark regarding the accrued fines and replacement of the aged fence. They came to an agreement to rescind the accrued fines if Mr. Clark replaces the existing fence within two (2) years.

MOTION by Ms. Evans-Norcross / SECONDED by Mr. Bagg in Case 08-200, EL BETHEL ENTERPRISES, INC., I move to grant a 30 day extension from today's date to bring the fence into compliance. If the fence is not removed or adequately repaired, and free of discoloration within 30 days of today's date all accrued fines will be certified and recorded in public record as a lien against the property. Additionally, if the fence is brought into compliance, the Board will agree to rescind any accrued fines on the condition that the property owner agrees to replace the aging fence within 24 months from today's date, to keep the fence maintained in the future, and to periodically report to the Code Enforcement office on the replacement fence status.

Roll Call:

Mr. LaValle	Aye	Mr. Cohen	Aye
Ms. Evans-Norcross	Aye	Mr. Jadav	Aye
Mr. Bagg	Aye	Mr. Williams	Aye

Motion approved 6-0

Case 08-229 – First Union National Bank of Florida #6900 Corporate Real Estate Division: Mr. Martin reminded the Board that this case is for an overgrown property located at the vacant lot east of 201 East Orange Avenue, Eustis, FL and that the Board gave until February 5, 2009 for compliance. Mr. Martin identified method of service, identified that fines to date have accrued to \$3,400, and recommends that the Board certifies the fine as the property is still in violation.

MOTION by Mr. Bagg / SECONDED by Mr. Jadav, I move to certify the previously imposed fine of \$200 per day after February 5, 2009 for Case 08-229, as the property is still in violation.

Roll Call:

Mr. LaValle	Aye	Mr. Cohen	Aye
Ms. Evans-Norcross	Aye	Mr. Jadav	Aye
Mr. Bagg	Aye	Mr. Williams	Aye

Motion approved 6-0

Case 08-253 – Marion M. Lintz: Mr. Martin reminded the Board that this case is for storage of an unused van, and objects or items of a personal nature placed or left outdoors located at 810 Edgewater Drive, Eustis, FL, and the Board gave until February 5, 2009 for compliance. Mr. Martin identified method of service and recommends that the Board certifies the fine as the property is still in violation.

MOTION by Mr. Bagg / SECONDED by Ms. Evans-Norcross, I move to certify the previously imposed fine of \$50 per day after February 5, 2009 for Case 08-253, as the property is still in violation.

Roll Call:

Mr. LaValle	Aye	Mr. Cohen	Aye
Ms. Evans-Norcross	Aye	Mr. Jadav	Aye
Mr. Bagg	Aye	Mr. Williams	Aye

Motion approved 6-0

NEW CASES

Case 08-239 – Superior Services Corp of Lake County Inc.: Mr. Martin stated that this case is for an overgrown conditions and unkempt landscaping at 301 West Doane Avenue, Eustis, FL. He identified method of service, displayed photographs, and described issues with identifying the property's owner. Staff recommends that the Board allow 10 days for compliance or a \$50 per day fine be imposed.

MOTION by Mr. Jadav / SECONDED by Mr. Bagg that after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 08-239, SUPERIOR SERVICES CORP OF LAKE COUNTY INC. did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that if this violation continues after 10 days from today, a fine of \$50 per day of occurrence be imposed.

Roll Call:

Mr. LaValle	Aye	Mr. Cohen	Aye
Ms. Evans-Norcross	Aye	Mr. Jadav	Aye
Mr. Bagg	Aye	Mr. Williams	Aye

Motion approved 6-0

Case 09-001 – Select Homes Design & Construction Inc.: Mr. Martin stated that this case is for an overgrown property located at the vacant lot north of 828 Butch Cassidy Lane, Eustis, FL. He described method of service, displayed photographs, and described issues with identifying the property's owner. Staff recommends that the Board allow 10 days for compliance or a \$25 per day fine be imposed.

MOTION by Mr. Cohen / SECONDED by Ms. Evans-Norcross that after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 09-001, SELECT HOMES DESIGN & CONSTRUCTION INC. did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that if this violation continues after 10 days from today, a fine of \$25 per day of occurrence be imposed.

Roll Call:

Mr. LaValle	Aye	Mr. Cohen	Aye
Ms. Evans-Norcross	Aye	Mr. Jadav	Aye
Mr. Bagg	Aye	Mr. Williams	Aye

Motion approved 6-0

CONSIDERATION FOR REDUCTION OF FINE

Case 08-209 – East Central District Florida Annual Conference United Methodist Church: Mr. Martin reminded the Board that this case is for an overgrown property located at a vacant lot at the southeast corner of Bates Avenue and Glover Street, Eustis, FL. At the December 1, 2008 CEB meeting the Board allowed the East Central District Florida Annual conference United Methodist Church until December 11, 2008 to bring the property into compliance or a fine of \$25 per day of occurrence be imposed for a current total \$1,650. Mr. Jerry Cobb, church

volunteer, met with Mr. Martin on January 29, 2009 and explained that he was mowing the wrong lot. On February 18, 2009 staff saw that the property was in compliance, and Mr. Martin stated that the violator has never notified the code office that the property is in compliance. Staff recommends rescission of fines as the church does good deeds within the community, and that Mr. Cobb stated that the church does not have the funds to pay the fines.

The Board discussed violator accountability and recommends lowering the fine rather than rescinding it. Board consensus was made to reduce the fine to \$5/day starting from the original fine initiation date of December 11, 2008 to January 29, 2009, the date Mr. Cobb met with Mr. Martin, for a total fine of \$245.

MOTION by Ms. Evans-Norcross / SECONDED by Mr. Bagg, I move that the penalty previously imposed in Case 08-209, now accrued in the amount of \$1,650 is hereby reduced to \$245, if paid within 30 days from today's date, and if such reduced penalty amount is not paid within the time specified, then and in that event the original full penalty imposed shall be certified and recorded in public record; if said reduced penalty amount is paid within the time specified, the case will be considered closed.

Roll Call:

Mr. LaValle	Aye	Mr. Jadav	Aye
Ms. Evans-Norcross	Aye	Mr. Latta	Aye
Mr. Bagg	Aye	Mr. Williams	Aye

Motion approved 6-0

AUDIENCE TO BE HEARD

Kenneth Savage and Lane Savage: Mr. Martin introduced Kenneth Savage and Lane Savage and identified that they wished to address their concerns regarding a violation notice they received in the mail.

Mr. Merritt asked Mr. Martin if he is ready to present a case. Mr. Martin stated he is not ready because service and notice is not finished, but if the property owners were willing state that they are in violation he could proceed. Mr. Merritt asked Mr. LaValle if he wants the Board to hear the case. Mr. LaValle does not wish to have the Board hear a case that is not properly noticed and ready for presentation.

Mrs. Savage stated that she does not understand the violation, and Mr. Merritt explained that the CEB is not the appropriate place within the City to answer their questions as this entity's authority is to pass judgment whether a violation has occurred or not. He recommends that the Savages contact the City Commission, or to make an appointment with the City Manager.

OTHER BUSINESS

Cancelation of March 9, 2009 Code Board Meeting: Mr. Martin stated that he would like the Board to cancel the March CEB meeting due to lack of case processing time, and budget constraints.

Mr. Merritt explained that according to statute, the Chairperson has the authority to cancel any

advertised meeting. What cannot occur is holding meetings that have not been advertised.

Mr. Jones will get back to staff regarding whether or not meeting cancellations must be advertised in the newspaper.

MOTION by Mr. Bagg / SECONDED by Ms. Evans-Norcross, I move that the March 9, 2009 Code Enforcement Board meeting be cancelled.

Roll Call:

Mr. LaValle	Aye	Mr. Jadav	Aye
Ms. Evans-Norcross	Aye	Mr. Latta	Aye
Mr. Bagg	Aye	Mr. Williams	Aye

Motion approved 6-0


ADJOURNMENT

There was no further business and Chairperson LaValle adjourned the meeting at 4:26 p.m.

Respectfully submitted,



Margaret E. Morton
Code Enforcement Officer



Robert LaValle
Chairperson