



**MINUTES  
CITY OF EUSTIS CODE ENFORCEMENT BOARD (CEB)  
JUNE 13, 2011  
COMMISSION ROOM - CITY HALL  
TEN NORTH GROVE STREET**

.....

**REGULAR HEARING**

**ROLL CALL:** Joyce Evans-Norcross, Chairperson  
James Cohen, Vice Chairperson  
Ilmars Arsts  
John Friess  
Randolph Scott  
Darrin Williams

**MEMBERS ABSENT:** Thomas Tookey (excused)

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

**OTHERS PRESENT:** Vanessa Oliver, City Attorney  
Kevin Stone, CEB Attorney

**CALL TO ORDER:** Chairperson Evans-Norcross called the Regular Hearing to order at 3:00 p.m. Roll call was taken.

**APPROVAL OF MINUTES: MOTION by Mr. Cohen / SECOND by Mr. Arsts to approve the May 9, 2011 regular hearing minutes as written.**

Roll Call:  
Ms. Evans-Norcross      Aye                      Mr. Friess                      Aye  
Mr. Cohen                      Aye                      Mr. Scott                      Aye  
Mr. Arsts                      Aye                      Mr. Williams                      Aye  
Motion approved 6-0

**ADMINISTRATION OF OATH:** Mr. Kevin Stone, Code Board Attorney, administered the oath to all those present that would testify.

Mr. Martin testified that all respondents listed on today's agenda have been notified in accordance with law and that a power point presentation will be presented for each case being presented today that are true and exact representations of what I, or Margaret E. Morton observed while inspecting the properties. Each case will be presented individually and entered into record.

### CERTIFICATION OF FINE

**Case 11-006 Thomas Earl Waters:** Mr. Martin reminded the CEB that this case is for violations of Sec. 34-96 Prohibited acts(a)(4)., Sec. 34-97 Duty of property owners generally., Sec. 34-113. - Conditions of residential property (1)(3), for the property located at 307 West Key Avenue, Eustis, FL. He described remedies, displayed photographs, and stated that on April 11, 2011 the CEB ordered that 1) all objects or items, and any other accumulations that have been placed or left outdoors, be moved inside the residence, or other suitable enclosed structure where items are concealed and will not become a breeding place for insects or vermin, or be unsightly and an eyesore from adjoining properties or the public right-of-way, or remove it all from the property, 2) the building's exterior surfaces be painted or resurface to eliminate any chipping, pitting, cracking, peeling, fading or discoloration, 3) to completely remove, repair or replace the dilapidated fencing, and to contact the City of Eustis Building Department at (352) 483-5462 to obtain a permit if they choose to replace the fencing, all by May 11, 2011 or a fine of \$50 per day of occurrence be imposed. On May 16, 2011 an Affidavit of Non-Compliance and Notice of Hearing for Certification of Non-Compliance/ Assessment of Fine was issued. Mr. Martin made contact with the occupant, the property owner's daughter, asking if there is anything that needs clarification, and she indicated she wasn't interested, that the City's request is unreasonable, that it's not her property, and the items and accumulations are not hers, but her husband's. To date fines have accrued to \$1,600 and staff recommends certification of fine.

**MOTION by Mr. Arsts / SECONDED by Mr. Cohen, I move that the Board certify the previous imposed fine of \$50 per day after May 11, 2011 for Case 11-006, as the property is still in violation.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-009 Gloria Ann Kelly:** Mr. Martin reminded the CEB that this case is for violations of 1) Sec. 34-3 Storage or abandonment of inoperative motor vehicles or other equipment for transporting goods, passengers, or equipment; trailers; and vessels, 2) Sec. 34-96. Prohibited Acts (a)(1)(4), 3) Sec. 34-97 Duty of property owners generally. Sec. 34-113. Conditions of residential property (3)(4), for the property located at 1305 Jean Court, Eustis, FL. He described remedies, displayed photographs, and stated that on April 11, 2011 the CEB ordered that the fence be repaired with the required or needed hardware that gives it structural support where it is damaged or missing, or remove the fence, 2) to finish removing dead tree and any fallen branches from rear of the property and dispose of the debris at the Lake County Landfill, or package it appropriately for trash service pick-up, 3) to move all objects or items, and any other accumulations that have been placed or left outdoors, inside the residence, or other suitable enclosed structure where items are concealed and will not become a breeding place for insects or vermin, or be unsightly and an eyesore from [adjoining properties or] the public right-of-way, or remove it all from the property, and 4) to repair and license vehicle or remove it from the property, or store it behind a fence-like structure or

enclosure which will conceal such vehicle from public view by May 11, 2011 or a fine of \$25 per day of occurrence be imposed. On May 16, 2011 an Affidavit of Non-Compliance and Notice of Hearing for Certification of Non-Compliance/ Assessment of Fine was issued. Mr. Martin spoke with Ms. Kelly, and she stated that it is taking longer than she anticipated to clean up the property, and that the person she bought the vehicle from has lost the title so she hasn't been able to get it licensed. To date fines have accrued to \$800 and staff recommends certification of fine.

**MOTION by Mr. Friess / SECONDED by Mr. Arsts, I move that the Board certify the previous imposed fine of \$25 per day after May 11, 2011 for Case 11-009, as the property is still in violation.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-011 Clark Braugher:** Mr. Martin reminded the CEB that this case is for violations of Sec. 34-1 Requirements Generally, Sec. 118-2 Florida Building Code – Residential, Chapter 3 Building and Planning, Sec. R310 Emergency Escape and Rescue Openings, R310.1 Emergency and rescue required, for the property located at 821 Edgewater Drive, Eustis, FL. He described remedies, displayed photographs, and stated that on April 11, 2011 the CEB ordered 1) that the property be brought into compliance with the standards contained in the 2009 edition of the International Property Maintenance Code, and 2) a permit be obtained from the City of Eustis Building Department to repair or replace the roof, and 3) obtain a permit to repair all deteriorated structural members, and 4) install smoke alarms in each sleeping room and on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of the bedrooms, and 5) perform mold remediation by either removing the affected building materials or clean the contaminated areas with a detergent formulated to physically remove the mold, and 6) repair the heater, and ensure that all habitable spaces are capable of maintaining a room temperature of 65 degrees, and 7) obtain a permit to replace all windows that are not in sound condition, good repair and weather tight, or do not meet the minimum size requirements for emergency escape openings, and 8) obtain a permit to repair any defective electrical wiring within the dwelling, OR 9) vacate the structure and obtain a permit to demolish it and all other improvements by May 11, 2011 or a fine of \$150 per day of occurrence be imposed. On May 16, 2011 an Affidavit of Non-Compliance and Notice of Hearing for Certification of Non-Compliance/ Assessment of Fine was issued, and on May 19, 2011 Mr. Braugher came to the office to report that the tenant has not allowed him access to make repairs. Also, he obtained a permit March 29, 2011 to replace two windows, two doors and the sun porch rafters. To date fines have accrued to \$4,800 and staff recommends certification of fine.

**MOTION by Mr. Cohen / SECONDED by Mr. Williams, I move that the Board certify the previous imposed fine of \$150 per day after May 11, 2011 for Case 11-011, as the property is still in violation.**

## Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-015 Discovery Real Estate Holdings, Inc.:** Mr. Martin reminded the CEB that this case is for violations of Sec. 50-26 International Property Maintenance Code, Sec. 301.3 Vacant structures and land, Sec. 604.3 Electrical system hazards, Sec. 605.1 Installation, Sec. 115-9.2 Xeriscaping standards (j) for the property located at 1601 South Bay Street, Eustis, FL. He described remedies, displayed photographs, and stated that on April 11, 2011 the CEB ordered that a permit to repair the electric service mast and weatherhead and any damage caused to the roof be obtained from the City of Eustis Building Department by May 11, 2011 or a fine of \$50 per day of occurrence be imposed. On May 16, 2011 an Affidavit of Non-Compliance and Notice of Hearing for Certification of Non-Compliance/ Assessment of Fine was issued, and on May 24, 2011 a permit was obtained and the work passed inspection. To date fines have accrued to \$600 and staff recommends certification of fine and for the CEB to review the three suggested motions.

**MOTION by Mr. Cohen / SECONDED by Mr. Arsts, I move that the Board certify a reduced fine of \$16 per day from May 12, 2011 to May 24, 2011 totaling \$192 for Case 11-015 payable within 30 days or the original total fine of \$600 will be reinstated.**

## Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Nay
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 5-1

**Case 11-017 John S. Steinke:** Mr. Martin reminded the CEB that this case is for violations of Chapter 109 Land Use Districts and Design District Overlays, Sec. 109-4.1. Accessory uses, Sec. 118-2 Florida Building Code – Building (Latest Edition), Sec. 104 Permits, 104.1 Permit Application, 104.1.1 When required, for the property located at 1691 Hollywood Avenue, Eustis, FL. He described remedies, displayed photographs, and stated that on April 11, 2011 the CEB ordered that If the metal carport has been attached to primary structure to 1) Submit engineered drawings showing how the carport is attached to the primary structure, and 2) Submit a site plan showing that the carport meets the 25 foot street yard setback requirement (LDR Section 110-4.2), and 3) Obtain a permit from the City of Eustis Building Department (352) 483-5464, OR 4) Remove the metal carport from the property; AND If metal carport is **not** attached to the primary structure to 1) Move the carport 25 feet behind the building frontage (LDR Section 110-4.2), and 2) Obtain a permit from the City of Eustis Building Department, OR 3) Remove the metal carport from the property by May 11, 2011 or a fine of \$100 per day of occurrence be imposed. On May 16, 2011 an Affidavit of Non-Compliance and Notice of Hearing for Certification of Non-Compliance/ Assessment of Fine was issued. To date fines have accrued to \$3,200 and staff recommends certification of fine.

**MOTION by Mr. Cohen / SECONDED by Mr. Williams, I move that the Board certify the previous imposed fine of \$100 per day after May 11, 2011 for Case 11-017, as the property is still in violation.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-019 Victoria M. Gosselin:** Mr. Martin reminded the CEB that this case is for violations of Sec. 34-1 Requirements Generally, Sec. 118-2 Florida Building Code – Residential, Chapter 3 Building and Planning, Sec. R310 Emergency Escape and Rescue Openings, R310.1 Emergency and rescue required, for the property located at 719 Summit Street, Eustis, FL. He described remedies, displayed photographs, and stated that on April 11, 2011 the CEB ordered that the property 1) Be brought into compliance with the standards contained in the 2009 edition of the International Property Maintenance Code, and 2) Obtain a permit from the City of Eustis Building Department to repair or replace the roof, and 3) Obtain a permit to replace handrails and guards, and 4) Install smoke alarms in each sleeping room and on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of the bedrooms, and 5) Obtain a permit to replace all windows that are not in sound condition, good repair and weather tight, or do not meet the minimum size requirements for emergency escape openings, OR 6) Obtain a permit to demolish the building and all other improvements by May 11, 2011 or a fine of \$150 per day of occurrence be imposed. On May 16, 2011 an Affidavit of Non-Compliance and Notice of Hearing for Certification of Non-Compliance/ Assessment of Fine was issued. To date fines have accrued to \$4,800 and staff recommends certification of fine.

**MOTION by Mr. Friess / SECONDED by Mr. Williams, I move that the Board certify the previous imposed fine of \$150 per day after May 11, 2011 for Case 11-019, as the property is still in violation.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-021 John C. Moore, Trustee:** Mr. Martin reminded the CEB that this case is for violations of Sec. 34-96 Prohibited acts., Sec. 34-97 Duty of property owners generally, for the vacant property located behind 1119-1121 South Mary Street, Eustis, FL. He described remedies, displayed photographs, and stated that on April 11, 2011 the CEB ordered that the property be 1) Mowed and trimmed and removal of all accumulations of vegetation, weeds, plant matter, excluding any protected trees six inches in diameter or greater, from around the trees and along the east side of the property., 2) Remove all construction and demolition debris from the property, and 3) Remove all dead tree branches from the property by May 21, 2011 or a fine of \$50 per day of occurrence be imposed. On May 5, 2011 the property owner of 1119-1121 South

Mary requested that code enforcement view the property, as the owner of the vacant lot, the day before, buried accumulations on the property. We observed where the ground was disturbed, but cannot confirm what if anything was buried. On May 24, 2011 an Affidavit of Non-Compliance and Notice of Hearing for Certification of Non-Compliance/ Assessment of Fine was issued for the remaining accumulations and violations. Before compliance is certified we will request that the owner give us evidence that the debris is not buried on the property. To date fines have accrued to \$1,100 and staff recommends certification of fine.

**MOTION by Mr. Williams / SECONDED by Mr. Arsts, I move that the Board certify the previous imposed fine of \$50 per day after May 21, 2011 for Case 11-021, as the property is still in violation.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-051 Susan J. Young:** Mr. Martin reminded the CEB that this case is for violations of Sec. 34-5 - Iceboxes, refrigerators, deep-freeze lockers, clothes washers, clothes dryers, or airtight units; abandonment, discard, Sec. 34-96 Prohibited Acts. (a)(1)(4) for the property located at 602 North Center Street, Eustis, FL. He described remedies, displayed photographs, and stated that on May 9, 2011 the CEB ordered that 1) The airtight appliances/household appliances be moved inside the residence, or other suitable enclosed structure, or 2) Remove the doors and place them at the curbside for collection by waste services, or 3) Remove them from the property by May 19, 2011 or a fine of \$50 per day of occurrence be imposed. On May 23, 2011 an Affidavit of Non-Compliance and Notice of Hearing for Certification of Non-Compliance/ Assessment of Fine was issued. To date fines have accrued to \$1,200 and staff recommends certification of fine.

**MOTION by Mr. Arsts / SECONDED by Mr. Scott, I move that the Board certify the previous imposed fine of \$50 per day after May 19, 2011 for Case 11-051, as the property is still in violation.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-052 Susan J. Young:** Mr. Martin reminded the CEB that this case is for violations of Sec. 86-222. Business tax required for the property located at 602 North Center Street, Eustis, FL. He described remedies and stated that on May 9, 2011 the CEB ordered that the property owner obtain a Business Tax Receipt for the duplex apartments from the City of Eustis Business Tax Receipt Department by May 19, 2011 or a fine of \$5 per day of occurrence be imposed. On May 23, 2011 an Affidavit of Non-Compliance and Notice of Hearing for Certification of Non-Compliance/ Assessment of

Fine was issued. To date fines have accrued to \$120 and staff recommends certification of fine.

**MOTION by Mr. Williams / SECONDED by Mr. Scott, I move that the Board certify the previous imposed fine of \$5 per day after May 19, 2011 for Case 11-052, as the property is still in violation.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-062 Brandon Pennington and Joshua A. Pennington:** Mr. Martin reminded the CEB that this case is for violations of Sec. 34-96 Prohibited acts (a)(1), Sec. 34-97 Duty of property owners generally, for the property located at 524 Lemon Avenue, Eustis, FL. He described remedies, displayed photographs, and stated that on May 9, 2011 the CEB ordered the property and the adjoining public right-of-way be mowed and trimmed by May 19, 2011 or a fine of \$10 per day of occurrence be imposed. On May 23, 2011 an Affidavit of Non-Compliance and Notice of Hearing for Certification of Non-Compliance/ Assessment of Fine was issued. On May 25, 2011 both property owners stopped by the office to request a re-inspection and paid \$60 cash towards the fine. To date fine has accrued to \$50 and staff requested the CEB to discuss suggested motions.

**MOTION by Mr. Williams / SECONDED by Mr. Scott, I move that the Board certify the previous imposed fine of \$10 per day from May 20, 2011 to May 25, 2011 totaling \$50 for Case 11-062.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

### **NEW CASES**

**Case 11-022 Brothers Plaza Inc.:** Mr. Martin stated that this case is for improper pruning of approximately 21 live oaks and maple trees by being severely topped in conflict with accepted horticultural methods established by the International Society of Arborists (ISA), and dead or missing shrubs (Sweet Viburnum) along the access road from the Food Mart to Cardinal Street for the property addressed 2137 East Orange Avenue, Eustis, FL. He identified required remedies, displayed photographs identifying trees on the property that were not improperly trimmed and retain their appropriate pyramidal shape, and pruned trees that now look like round topiaries due to excessive sprouting and will never again be Florida rated #1 trees. The property owner is in contact and relayed that Aaron's Tree Service stated that there is nothing wrong with the trees. Mr. Martin left a message at the tree service and has not received a return call. He recommends the CEB find the respondent to have been in violation and allow

30 days to comply with the required remedies or a fine of \$75 per day of occurrence be imposed.

**MOTION by Mr. Williams / SECONDED by Mr. Arsts, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-022, BROTHERS PLAZA INC. did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that if the violation continues after 30 days from today, a fine of \$75 per day of occurrence be imposed.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-050 Ramon A. Tavarez and Mirian M. Tavarez:** Mr. Martin stated that this case is for the yard and landscaping not being maintained in good condition at the property located at 2028 Meadowside Drive Eustis, FL. Staff is in contact with the mortgage servicer and recommends the CEB find the respondent to have been in violation and allow 30 days to comply with the required remedy or a fine of \$25 per day of occurrence be imposed.

**MOTION by Mr. Arsts / SECONDED by Mr. Scott, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-050, RAMON A. TAVAREZ AND MIRIAN M. TAVAREZ did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that if the violation continues after 30 days from today, a fine of \$25 per day of occurrence be imposed.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-070 Andres Garcia and Georgina Elizabeth Hernandez:** Mr. Martin stated that this case is for waste receptacles being stored in front yard, and for address numbers not displayed on building located at 2701 North Dellwood Drive, Eustis, FL. There has been no contact from the residents and no change in waste receptacle placement. They did outline the house numbers on the building frontage, but the numbers are not legible from the street. Staff recommends the CEB find the respondent to have been in violation and allow 10 days to comply with the required remedy or a fine of \$10 per day of occurrence be imposed.

**MOTION by Mr. Friess / SECONDED by Mr. Arsts, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-070, ANDRES GARCIA AND GEORGINA ELIZABETH HERNANDEZ did violate the sections of City of Eustis Code indicated in the notice, in the manner**

**described therein, and that if the violation continues after 10 days from today, a fine of \$10 per day of occurrence be imposed.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-073 Vikel Eustache and Gail Eustache-Moore:** Mr. Martin stated that this case is for the burning of solid waste on the property located at 2020 Dixie Avenue, Eustis, FL. He identified required remedies, displayed photographs and recommends the CEB find the respondent to have been in violation and allow 10 days to comply with the required remedy or a fine of \$100 per day of occurrence be imposed. Attorney Stone questioned whether the remedy fits with the violation. He recommended that a lump sum fine be imposed for the irreparable/irreversible violation of burning solid waste within the city, as the residents are not currently burning solid waste, so today the violation is in compliance. Ms. Morton testified that she was leaving another property in the area and smelled burning waste that was not a wood odor but more like rubber, and then saw the smoke coming from the rear of this house. She received permission to access the property and found the residents actively burning solid waste in an uncontained area with no water hoses at hand. The resident's located hoses and proceeded to put the fire out while Ms. Morton remained on site.

Attorney Stone recommended that the CEB do a Finding of Fact that the violation is irreversible in nature, that they did violation the Section, that there is a fine of X dollars imposed, but that such fine shall not be effective if certain actions are taken, such as removing the solid waste from the property.

**MOTION by Mr. Cohen / SECONDED by Mr. Arsts / Friess, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-073, VIKEL EUSTACHE AND GAIL EUSTACHE-MOORE did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and the finding of fact is irreversible and that a fine of \$1,000 be immediately imposed. If the property is cleared of the solid waste accumulations and brought into compliance within 30 days of today's date, the property owners may petition the CEB for a reduction of fine.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-076 Jason E. Witzigman:** Mr. Martin stated that this case is for 1) grass or weeds overgrown to a height of twelve inches or more from the ground, 2) unused wooden work bench placed or left outdoors in the driveway, which is unsightly and an eyesore from adjoining properties or from the public right of way, and 3) six foot wood stockade fence constructed without a permit located at 2959 Bryant Street, Eustis, FL.

He identified required remedies, displayed photographs, and stated that the property was mowed May 16th, but is overgrown again. Staff recommends the CEB find the respondent to have been in violation and allow 15 days to comply with the required remedy or a fine of \$10 per day of occurrence be imposed.

**MOTION by Mr. Williams / SECONDED by Mr. Arsts, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-076, JASON E. WITZIGMAN did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that if the violation continues after 15 days from today, a fine of \$10 per day of occurrence be imposed.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-082 REPEAT Peoples Funding, LLC:** Mr. Martin stated that this repeat violation is for grass or weeds overgrown to a height of twelve inches or more from the ground at a vacant lot between 59 and 63 Orange Blossom Drive, Eustis, FL (Townhill Sub, Lot 62). He identified required remedies, displayed photographs, reviewed five year history and recommends the CEB find the respondent to have been in violation and allow 10 days to comply with the required remedy or a fine of \$50 per day of occurrence be imposed retroactive to the first inspection date, and that the violator pay a reasonable enforcement fee of \$139.38 as this is a repeat violation.

**MOTION by Mr. Arsts / SECONDED by Mr. Scott, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-082, PEOPLES FUNDING LLC 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 retroactive to May 4, 2011.**

**Additionally, the violation is found to be a repeat, for that reason it is hereby ordered that the violator pay an enforcement fee of \$139.38 in accordance with Sec. 2-126 of City Code, payable within 30 days, or the order will be recorded in public record constituting a lien against the property.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-083 REPEAT Peoples Funding, LLC:** Mr. Martin stated that this repeat violation is for grass or weeds overgrown to a height of twelve inches or more from the ground at a vacant lot between 59 and 63 Orange Blossom Drive, Eustis, FL (Townhill Sub, Lot 61). He identified required remedies, displayed photographs, reviewed five

year history and recommends the CEB find the respondent to have been in violation and allow 10 days to comply with the required remedy or a fine of \$50 per day of occurrence be imposed retroactive to the first inspection date, and that the violator pay a reasonable enforcement fee of \$139.38 as this is a repeat violation.

**MOTION by Mr. Friess / SECONDED by Mr. Arsts, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-083, PEOPLES FUNDING LLC 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 retroactive to May 4, 2011.**

**Additionally, the violation is found to be a repeat, for that reason it is hereby ordered that the violator pay an enforcement fee of \$139.38 in accordance with Sec 2-126 of City Code, payable within 30 days, or the order will be recorded in public record constituting a lien against the property.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-086 REPEAT Benz Investments, LLC:** Mr. Martin stated that this repeat violation is for grass or weeds overgrown to a height of twelve inches or more from the ground at a vacant lot formally addressed 1014 Hazzard Avenue, Eustis, FL. He identified required remedies, displayed photographs, reviewed five year history and identified that the property is now in compliance and recommends the CEB find the respondent to have been in violation and that the violator pay a reasonable enforcement fee of \$129.41 as this is a repeat violation.

**MOTION by Mr. Williams / SECONDED by Mr. Scott / Friess, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-086, BENZ INVESTMENTS LLC did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that this violation is found to be a Repeat, which was confirmed to be in compliance on June 13, 2011.**

**Since the violation was found to be a repeat in compliance prior to the Board Hearing, it is hereby ordered that the violator pay an enforcement fee of \$129.41 in accordance with Sec 2-126 of City Code, payable within 30 days, or the order will be recorded in public record constituting a lien against the property.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-088 Sonya F. Young:** Mr. Martin stated that this case is for 1) Disabled or abandoned vehicle stored on the property within view of public property or another person's private property, 2) Failure to reasonably regulate and effectively control excessive growths and accumulations on the property and the adjoining public right-of-way with grass or weeds overgrown to a height of twelve inches or more from the ground, the accumulation of dead tree branches, vegetation, weeds, plant matter, materials, trash, garbage, rubbish or other waste materials, and accumulation of vegetative debris on roof, 3) Trashcans stored in front yard and 4) Accessory structure (temporary canvas/cloth carport) not complying with setback requirements at the property located at 2024 Dixie Avenue, Eustis, FL. He identified required remedies, displayed photographs, and recommends the CEB find the respondent to have been in violation and allow 20 days to comply with the required remedy, or a fine of \$50 per day of occurrence be imposed.

**MOTION by Mr. Cohen / SECONDED by Mr. Williams, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-088, SONYA F. YOUNG did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that if the violation continues after 20 days from today, a fine of \$50 per day of occurrence be imposed.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-089PN (REMEDIED BY CITY) Kathryn E. Jones:** Mr. Martin stated that this public nuisance case is for unsafe pole sign components at 925 South Bay Street, Eustis, FL. He identified required remedies, displayed photographs and explained that the complaint came in at 4:30 p.m. May 18, 2011, after City staff that could mitigate the condition had left for the day. He ensured the area was roped off and first thing the following morning staff removed the unsafe sign components to prevent them from falling and causing injury to people or property, a condition that is considered a public nuisance that required direct action to abate hazards imminently dangerous to the health, welfare or safety of the public. He recommends the CEB find the respondent to have been in violation and certify costs incurred.

**MOTION by Mr. Arsts / SECONDED by Mr. Williams, having heard the testimony and evidence presented, this Board finds that notice was given as required by law, and that in Case 11-089PN, KATHERYN E. JONES did violate the sections of City of Eustis Code indicated in the notice, which was considered a public nuisance that required direct action to abate hazards imminently dangerous to the health, welfare or safety of the public, and that this Board certify to the City Clerk that \$200 in expenses were incurred for emergency abatement of this public nuisance. Therefore a fine of \$361.80 (\$200 for cost of removing sign components + \$161.80 for administrative costs) is hereby imposed, in accordance with Section 34-101. This amount shall be payable within 30 days from this date, after which a special assessment lien and charge will be made upon the property, which shall**

**be payable in interest at the statutory rate of percent per annum (not to exceed 10 percent) from the date of such certification until paid.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-090 Katheryn E. Jones:** Mr. Martin stated that this case is for the pole sign located at 925 South Bay Street, Eustis, FL not being maintained in good condition and in working order, and it has been declared unsafe and substantially demolished by the Eustis Building Official. He identified required remedies, displayed photographs, and recommends the CEB find the respondent to have been in violation and allow 30 days to comply with the required remedy or a fine of \$50 per day of occurrence be imposed.

**MOTION by Mr. Friess / SECONDED by Mr. Cohen, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-090, KATHERYN E. JONES did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that if the violation continues after 30 days from today, a fine of \$50 per day of occurrence be imposed.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-093 Elena L. Pasek-Breedlove and Jeffrey D. Breedlove:** Mr. Martin stated that this case is for grass or weeds overgrown to a height of twelve inches or more from the ground located at 2701 Knollwood Trail, Eustis, FL. He identified required remedies, displayed photographs, and identified that the right-of way and most of the rear yard is in compliance, but the west side of the rear yard is still overgrown. He recommends the CEB find the respondent to have been in violation and allow 10 days to comply with the required remedies or a fine of \$15 per day of occurrence be imposed.

**MOTION by Mr. Williams / SECONDED by Mr. Friess, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-093, ELENA L. PASEK-BREEDLOVE AND JEFFREY D. BREEDLOVE did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that if the violation continues after 10 days from today, a fine of \$15 per day of occurrence be imposed.**

## Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-094 Dewey G. Grantham, Jr.:** Mr. Martin stated that this case is for 1) grass or weeds overgrown to a height of twelve inches or more from the ground, 2) accumulation of vegetation, weeds and plant matter in rear yard, and 3) landscaping in rear yard has not been maintained in good condition located at 8 West Laurel Oak Drive, Eustis, FL. He identified required remedies, displayed photographs, and recommends the CEB find the respondent to have been in violation and allow 10 days to comply with the required remedies or a fine of \$75 per day of occurrence be imposed.

**MOTION by Mr. Arsts / SECONDED by Mr. Scott, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-094, DEWEY G. GRANTHAM, JR. did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that if the violation continues after 10 days from today, a fine of \$75 per day of occurrence be imposed.**

## Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-097 REPEAT Morrirt-Dora, Inc:** Mr. Martin stated that this repeat violation is for grass or weeds overgrown to a height of twelve inches or more from the ground at the vacant lot located at the southwest corner of Grand Island Shores Road and Marina Way, Eustis, FL. He identified required remedies, displayed photographs, reviewed five year history and identified that the property is now in compliance and recommends the CEB find the respondent to have been in violation and that the violator pay a reasonable enforcement fee of \$157.34 as this is a repeat violation.

**MOTION by Mr. Arsts / SECONDED by Mr. Scott, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case #11-097, MORRITT DORA, INC. did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that this violation is found to be a Repeat, which was confirmed to be in compliance on June 13, 2011.**

**Since the violation was found to be a repeat in compliance prior to the Board Hearing, it is hereby ordered that the violator pay an enforcement fee of \$157.34 in accordance with Sec 2-126 of City Code, payable within 30 days, or the order will be recorded in public record constituting a lien against the property.**

## Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**Case 11-101 Syed S. Hussain and Shamim B. Hussain:** Mr. Martin stated that this case is for failure to reasonably regulate and effectively control excessive growths and accumulations for reasons such as but not limited to 1) grass or weeds overgrown to a height of twelve inches or more from the ground, 2) accumulations of trash, garbage, rubbish or other waste materials on the properties located at 2101 East Orange Avenue and 2105 East Orange Avenue, Eustis, FL. He identified required remedies, displayed photographs, and recommends the CEB find the respondent to have been in violation and allow 10 days to comply with the required remedy, or a fine of \$75 per day of occurrence be imposed.

**MOTION by Mr. Williams / SECONDED by Mr. Friess, after hearing the evidence and testimony, I move the Board find that notice was given as required by law and that in Case 11-101, SYED S. HUSSAIN AND SHAMIM B. HUSSAIN did violate the sections of City of Eustis Code indicated in the notice, in the manner described therein, and that if the violation continues after 10 days from today, a fine of \$75 per day of occurrence be imposed.**

## Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

### **REQUEST FOR EXTENSION OF COMPLIANCE DATE**

**Case 11-024 and Case 11-025 Arooba Management Co., LLC:** Mr. Martin stated that this request for extension of compliance date is for the property located at 6 – 40 Herrick Drive, Eustis, FL. These cases originally came before the CEB on May 9, 2011 for violations of (11-024) 1) City's housing code adopted in Sec. 50-26 of City Code, 2) that the shared or public areas and premises of the multi-family complex have not been maintained in a clean, safe and sanitary conditions, and 3) the dwelling units of the multi family complex are not properly addressed, and (11-025) for the unoccupied single family residential structures located on the multi-family complex numbered as 6 and 36 being in disrepair, lack maintenance, and have been declared unsafe and unfit for human occupancy by the Eustis building Official. The CEB's order required the property be brought into compliance by June 8, 2011 or a fine of \$150 per day of occurrence, per case, be imposed. Mr. Martin passed out copies of the 90 day compliance date extension request and the June 2, 2011 re-inspection report. He explained that the property owner is in contact and that the June 2, 2011 inspection showed that the work done to date has not been completed in a workmanship like quality, and that permits were not obtained when required. To date fines have accrued to \$600 per case, and staff recommends that the CEB grant the 90 day extension. The CEB discussed the

cases and found that a 90 day extension is not going to help with the egregious non-workmanship like quality of repairs and not obtaining permits when required.

**MOTION by Mr. Arsts / SECONDED by Mr. Cohen, I move that the Board deny the 90 day extension request for Case 11-024.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**MOTION by Mr. Arsts / SECONDED by Mr. Cohen, I move that the Board deny the 90 day extension request for Case 11-025.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

### CONSIDERATION FOR FORECLOSURE OF LIEN

**Case Numbers 07-303, 07-304, 07-305, 07-306 Vikel Eustache and Gail Eustache-Moore:** Mr. Martin informed the Board that Case 07-303 is for violations of Sec. 34-3 Storage or abandonment of personalty, vehicles, machinery and equipment (a)., Case 07-304 is for violations of Sec. 34-3 Storage or abandonment of personalty, vehicles, machinery and equipment (a)., Case 07-305 is for violations of Sec. 34-96 Prohibited Acts (a)(4), and Case 07-306 is for violations of 34-96 Prohibited Acts (a)(3)(4), Sec. 78-57(a) Generally., Sec. 78-58 Special provisions regarding solid waste., all cases located at 2020 Dixie Avenue, Eustis, FL.

The City of Eustis recorded four liens against the property on December 28, 2008: Case 07-303 was observed in compliance and the fine accrued for a total of \$2,535, Case 07-304 the code for Section 34-3 Storage of machinery, equipment, including trailers, articles and personal property which are no longer safely usable for the purposes for which it was manufactured ... was revised on August 5, 2010 by omitting this language. This change required the fine stop accruing at \$25 per day of occurrence for a total fine of \$22,725 from February 8, 2008 to August 5, 2010, Case 07-305 \$30,525 accrued as of June 13, 2011 and is still accruing at \$25/day, Case 07-306 \$30,525 accrued as of June 13, 2011 and is still accruing at \$25/day.

Over 90 days have passed since the liens were recorded, and the violations continue, therefore staff recommends that the Board authorize the City Attorney to foreclose on the liens in accordance with Sec. 2-131 of City Code if violations for case numbers 07-305 and 07-306 are not brought into compliance within 30 days.

Mr. Cohen requested clarification on the next steps. Mr. Martin explained what he expects to happen if the violations are not brought into compliance in the next 30 days:

- 1) The City files a lawsuit for an injunction to have the property owner clean up property.
- 2) The court will allow reasonable time (generally 60 days) to bring the property into compliance, 2) if the property is not brought into compliance within the court authorized time period, the court will have authorized the City to clean up the property and dispose of the debris, and 3) give the City a judgment for expenses such as court costs, and costs for the cleanup and disposal of the debris.

**MOTION by Mr. Arsts / SECONDED by Mr. Williams, I move that the Board authorize the City Attorney to foreclose on the liens, file a lawsuit to recover a money judgment for the amount of the liens plus accrued interest, and/or petition the circuit court to have the Board's Order of Enforcement enforced in the same manner as a court judgment by the Lake County Sherriff's office, in Case 07-305 and 07-306 if the property is not brought into compliance by July 13, 2011.**

Roll Call:

Ms. Evans-Norcross	Aye	Mr. Friess	Aye
Mr. Cohen	Aye	Mr. Scott	Aye
Mr. Arsts	Aye	Mr. Williams	Aye

Motion approved 6-0

**OTHER BUSINESS**

None.

**ADJOURNMENT**

There was no further business and Chairperson Evans-Norcross adjourned the meeting at 5:35 p.m.

Respectfully submitted,

  
 \_\_\_\_\_  
 Margaret E. Morton  
 Code Enforcement Officer

  
 \_\_\_\_\_  
 Joyce Evans-Norcross  
 Chairperson

*These minutes reflect the actions taken and portions of the discussion during the meeting. A CD of the entire audio recording or verbatim transcript of the meeting may be obtained from the office of the City Clerk for a fee.*

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