



# City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: APRIL 20, 2023

RE: RESOLUTION NUMBER 23-40: REDUCTION OF FINE/RELEASE OF LIEN, 816 EAST CITRUS AVENUE

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## **Introduction:**

Resolution Number 23-40 approves a Code Enforcement Order reducing seven outstanding code enforcement fines from their current amount of \$122,732 to \$98,185 and releases the liens against 816 East Citrus Avenue, upon payment.

## **Recommended Action:**

The administration recommends approval of Resolution Number 23-40.

## **Background:**

On April 11, 2018, House of Business, Inc. obtained ownership of 816 East Citrus Avenue. Between 2018 and 2022, the Corporation was issued 10 Code Violations. Seven of which resulted in liens being recorded against the property. Six of them were for overgrown grass and the seventh was for no building/expired permit.

## **Case History:**

### Case 18-00533

On May 8, 2018, the Code Enforcement Department opened the first code violation for overgrown grass.

On July 9, 2018, the Code Enforcement Board found the property owner in violation of City Code and required compliance by July 19, 2018, or a fine of \$100 per day of occurrence would be imposed.

On August 7, 2018, the property remained overgrown and the violation was upgraded to a Public Nuisance, which was abated by the City's Public Works Department at a cost of \$600.

On August 13, 2018, the Board was updated on the status of the Case, and they imposed a total fine of \$2,887. (\$1,800 in daily fines, \$600 abatement cost and \$487 admin costs).

#### Case 18-01007

On September 18, 2018, the second code violation for overgrown grass was opened and a Notice of Repeat Violation issued.

On January 14, 2019, the Code Enforcement Board found the property owner in violation of City Code and required compliance by January 24, 2019. The property did not pass inspection until May 16, 2019, resulting in a total fine of \$1,110.

#### Case 19-00828

On July 29, 2019, the third code violation for overgrown grass was opened and a Notice of Repeat Violation was issued.

On August 12, 2019, the Code Enforcement Board found the property owner in violation of City Code and required compliance by August 22, 2019, or a fine of \$50 per day of occurrence would be imposed retroactive to July 29, 2019. They also imposed a repeat violator enforcement fee of \$210. The property did not pass inspection until August 27, 2019, resulting in a total fine of \$1,660.

#### Case 20-00390

On May 6, 2020, the fourth violation for overgrown grass was opened and a Notice of Repeat Violation issued.

On June 8, 2020, the Code Enforcement Board found the property owner in violation of City Code and required compliance by June 18, 2020, or a fine of \$500 per day of occurrence would be imposed retroactive to May 6, 2020. They also imposed a repeat violator enforcement fee of \$190. The property did not pass inspection until July 24, 2020, resulting in a total fine of \$39,690.

#### Case 20-00393

On May 6, 2020, the Code Enforcement Department opened a building code violation and a Notice of Violation was issued.

On July 13, 2020, the Code Enforcement Board found the property owner in violation of City Code and required a building permit be obtained by August 12, 2020, or a fine of \$250 per day of occurrence would be imposed. The required permit was not obtained until June 17, 2021, 308 days past the date specified by the Board, resulting in a total fine of \$77,000.

#### Case 20-01013

On September 29, 2020, the fifth violation for overgrown grass was opened and a Notice of Repeat Violation was issued.

On October 12, 2022, the Code Enforcement Board was notified of compliance and they imposed a \$190 repeat violator enforcement fee.

#### Case 21-00629

On July 16, 2021, the sixth violation for overgrown grass was opened and a Notice of Repeat Violation was issued.

On August 9, 2021, the Code Enforcement Board found the property owner in violation of City Code and required compliance by August 19, 2021, or a fine of \$500 per day of occurrence would be imposed retroactive to July 16, 2021. They also imposed a repeat violator enforcement fee of \$195. The property passed inspection on August 20, 2021, so no additional daily fines were imposed.

On June 13, 2022, the Code Enforcement Board reviewed an application requesting the fines associated with the seven code enforcement liens, totaling \$122,732, be reduced to administrative costs. The Board approved the request and reduced the total accrued fines to \$4,040, in accordance with Resolution No. 21-04. The action became invalid when payment was not submitted within the time specified, as required.

On January 5, 2023, the property owner submitted another application requesting that the Board reinstate the previous reduced fine.

On January 9, 2023, the Board denied the property owner's request to reinstate the previous reduced fine and reduced the total accrued fine to \$98,185.

On February 13, 2023, Eric Martin, Code Enforcement Supervisor, took the owner's request back before the Board for reconsideration because he overlooked some details within the fine reduction application. The property owner and her agent were both present and provided testimony, but were not successful in convincing the Board to reconsider their previous action.

On March 21, 2023, Mr. Martin had a phone conversation with the property owner's agent and was advised that the property owner planned to request that the City Commission consider a larger fine reduction than what was recommended by the Code Enforcement Board. In preparation of them doing so, Mr. Martin recommended that the property owner pay the following fines as a show of good faith prior to the matter being scheduled for consideration by the City Commission:

18-00533:	\$2,887
18-01007:	\$1,110
19-00828:	\$1,660 (1,450 + 210 Repeat Violator Fee)
20-00390:	\$190 Repeat Violator Fee
20-01013:	\$190 Repeat Violator Fee
21-00629:	\$190 Repeat Violator Fee

The property owner agreed, and on March 27, 2023 the City received a check in the amount of \$6,217. Currently, the total owed to the City is \$116,500.

**Community Input:**

No adjacent property owners attended the Code Enforcement Hearings, but the Code Department has received numerous citizen complaints since 2018.

**Budget / Staff Impact:**

If the City Commission accepts the Code Enforcement Board's recommendation and approves the resolution, the City could possibly receive \$91,968 (\$98,185 Code Board recommendation less \$6,217 already paid).

**Reviewed By:**

Kenneth Toler, Captain

**Prepared By:**

Eric Martin, Code Enforcement Supervisor

**Attachments**

- Resolution Number 23-40
- Fine Reduction Applications
- Resolution Number 21-04