

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
April 13, 2021

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, April 13, 2021 in the Alcazar Room at City Hall. The meeting was called to order by Stephen Simmons, Chairman, and the following were present:

1. ROLL CALL

Stephen Simmons, Chairman
Larry Weeks, Vice Chairman
CeCe Reigle
Charles Pappas
Karen Valachovic – arrived at 3:07pm after Roll Call
Thomas Day

Staff Present:

Denise May, Esq., Assistant City Attorney
David Birchim, Director, Planning & Building Department
Curtis Boles, Code Enforcement Inspector
Robert van Mierop, Code Enforcement Inspector
Meredith Randolph, Administrative Coordinator,
Recording

The City staff was sworn in.

**3. GENERAL PUBLIC COMMENT
FOR ITEMS NOT ON THE AGENDA**

None.

**4. APPROVAL OF MINUTES
(February 9, 2021)**

MOTION

Mr. Day moved to approve the minutes. The motion was seconded by Mr. Pappas. Motion carried unanimously.

**5. DISCLOSURE OF EX-PARTE
COMMUNICATIONS**

None.

6. VARIANCES/TREE REMOVAL

None.

**7. REVIEW OF PREVIOUSLY HEARD
CASES**

Item 7 (a) 2019-0398

**Carmine J Cupo Trust
28 Grove Avenue
City Code, Chapter 25, Section 25-56
Tree Removal and replacement.**

Mr. van Mierop reported the following:

- Staff recommends the CEAAB close this case for compliance. The fine has been paid in full, and the replacement tree has been planted.

Respondent was not present.

MOTION

Mrs. Reigle moved to close the case for compliance. The motion was seconded by Mr. Pappas. Motion carried unanimously.

Item 7 (b) 2021-0174

**Estate of Thomas Neville
Rose Fieldhouse
13 Douglas Avenue**

Application for recommendation of reduction or removal of recorded lien.

Mr. Birchim reported the following:

- The property at 13 Douglas Avenue is a single-family residence that had a swimming pool in the rear yard, adjacent to an open public alley. This swimming pool was unsecured and unmaintained, it was lifting out of the ground and was partially filled with green water.
- Between December 2018 and November 2019, the City worked diligently to correct the violation without success. Ultimately, the City Code Enforcement Board took actions to address this violation, which resulted in a lien of \$54,000 being placed on the property for non-compliance.
- During the same time as the ongoing case, there was a title dispute on the property.

- Ultimately, the Circuit Court invalidated the quit claim deed that was on the property when the Code Enforcement actions were taking place and the title reverted back to a life estate in favor of Rosalia Neville with Thomas Neville as the remainderman.
- Since the death of Rosalia and Thomas Neville, the circuit court appointed Rose Fieldhouse as the representative of the estate of Rosalia Neville and Thomas Neville and Rose Fieldhouse now controls the property at 13 Douglas Avenue.
- As soon as Rose Fieldhouse obtained control of the property, she corrected the violation. The swimming pool is no longer there, and the property is in compliance.
- City staff has no objection to remove the lien, as the property is in compliance.
- The Board makes a formal recommendation to the City Commission regarding the forgiveness of recorded liens.

The Board asked for an estimate of staff time spent on this issue. Mr. Birchim did not know the answer to the question but clarified that if the family circumstances had been different, he did not think the issue would have come to the Board.

Respondent was present. Authorized representative spoke on behalf of Ms. Fieldhouse:

Andrew Jackson, Attorney for the personal representative of the Estate

of Rose Fieldhouse, stated the information relayed to the Board was accurate. Attorney Jackson briefly explained the long-litigated battle and clarified that after Ms. Fieldhouse gained possession of the property, they were able to rectify the situation within two weeks.

Public comment was opened. No one spoke.

Mr. Pappas suggested that the City should recoup some of the costs from this case and reduce the fine to \$500. Mr. Weeks agreed the City should recoup some costs and asked Mrs. May to clarify if there is precedent in this area. Mrs. May stated the City did all noticing as we should have, legally, at the time and reiterated the Board makes a recommendation to the City Commission.

Mrs. Reigle questioned why the pool could not be cared for during this title dispute. Mr. Jackson clarified that Ms. Fieldhouse had an injunction against Terrance Neville and explained the actions that led to the trial to invalidate the deed.

Mr. Simmons stated that the Board does not always need to stick to the maximum fine amounts. Mr. Simmons clarified that City staff recommended removal of fine. The Board discussed their positions on removal or reducing of fine.

AMENDED MOTION

Mr. Pappas moved to recommend to the City Commission to reduce the fine to \$500 and remove the lien after such reduced fine is paid. The motion was seconded by Mrs. Reigle.

VOTE ON AMENDED MOTION:

AYES: Pappas, Reigle, Simmons

NAYES: Weeks, Day, Valachovic

MOTION FAILED.

MOTION

Mr. Day moved to recommend to the City Commission to remove the lien. The motion was seconded by Mrs. Valachovic.

VOTE ON MOTION:

AYES: Day, Valachovic, Weeks

NAYES: Pappas, Reigle, Simmons

MOTION FAILED.

The Board further discussed their positions on the failed motions. Mr. Jackson stated the Estate would pay a \$250 fine to try to compromise. The Board discussed staff time spent on this case and the \$250 offered by the authorized representative.

MOTION

Mr. Pappas moved to recommend to reduce the fine to \$250 and remove the lien after such reduced fine is paid. The motion was seconded by Mrs. Reigle. Motion carried unanimously.

8. REVIEW OF NEW CASES

Item 8 (a) **2021-0027**

Carol Lee Corbitt

14 Myrtle Avenue

**City Code, Chapter 19, Section 19-3,
Unlawful conditions.**

Mr. van Mierop reported the following:

- On January 13, 2021: Staff conducted an inspection of the property from outside the property lines. The property was cluttered with unsheltered junk and debris in the form of furniture, clothes, plastic bags filled with garbage, stuffed animals, and other unidentifiable debris. The debris was located on the front and side porches of the house and in the driveway. All the junk and debris were unsheltered and exposed to the elements. The Respondent was contacted at the house and Staff advised that the unsheltered debris must be removed and either discarded or properly stored. The Respondent advised that she needed some time to get her property into compliance. Staff advised her that the property must be brought into compliance no later than February 1, 2021. The Respondent advised she would have the property in compliance by that date.
- On February 4, 2021: No progress had been made toward bringing this property into

compliance. An official Notice of Violation was sent to the Respondent. The Notice required this property to be brought into compliance by February 10, 2021.

- On February 8, 2021: The Respondent advised the property would be in compliance by February 10, 2021.
- On February 11, 2021: Junk and debris were still present, and the property was not in compliance.
- On February 23, 2021: This property had not been brought into compliance. An Official Notice of Hearing was posted at the above property with a Hearing date of March 9, 2021.
- On February 24, 2021: An investigation showed that the property was in compliance as unsheltered junk and debris had been removed from the driveway and the porch.
- On March 25, 2021: An Official Notice of Hearing was posted at the above property with a Hearing date of April 13, 2021.
- Prior Violation: On August 13, 2019 the Code Enforcement, Adjustments and Appeals Board found this Respondent in violation of City Code, Chapter 19, Section 19-3 and a fine in the amount of \$3500.00 was imposed. As of April 13, 2021, the fine had not been paid, and a lien was recorded.
- Staff recommended the CEAAB:

- Find that the Respondent was in violation of City Code, Chapter 19, Section 19-3, Unsheltered Storage of Junk and Debris, from February 10, 2021 until February 23, 2021.
- Find that this violation was a repeat violation.
- Impose a fine in an amount to be determined by the Board.
- Staff visited the property April 13, 2021 and the property was still in compliance.

Respondent was present.

Carol Corbitt of 14 Myrtle Avenue stated no one visited her property or spoke to her before February. She stated she was aware there was junk and debris around her property but clarified she did not hear from City Staff until February regarding the notice of violation. She said the hoarding has been a problem and has tried to make sure it does not happen again, by having friends help. She had professional help as well, but her psychiatrist had retired in the past year.

The Board questioned the Respondent regarding what led to the violation and asked what can be done to prevent the violation from occurring again. The Board discussed options for outreach with the Police Department or community.

Mr. van Mierop stated that Chief Fox has plans for a Community Outreach Officer to visit the property.

The Board discussed imposing a fine but rescinding the fine later. Mrs. May clarified that the Board is governed by Florida Statute Chapter 162.

Mr. Simmons suggested bringing the case back in 30 days to determine if the property is still in compliance.

The Board discussed imposing a fine and then rescind the fine at a later date. Mrs. May confirmed that this would be supportable if a violation was found, and the fine is withheld from recording.

Public comment was opened. No one spoke.

MOTION

Mrs. Reigle moved to find the Respondent in violation for 14 days with a penalty of \$100 a day, creating a fine of \$1,400, and asked the City to wait to record the lien to give the Board the chance to retract the fine and revisit the case in 90 days at the July 13, 2021 Board meeting. The motion was seconded by Mr. Pappas. Motion carried unanimously.

The Respondent verbally acknowledged the motion and understood that her case will be returned to the Board on July 13, 2021.

9. CITY ATTORNEY ITEMS

None.

10. OTHER BUSINESS

None.

**11. REVIEW OF CONFLICT
STATEMENTS FROM PREVIOUS
MEETING**

None.

12. ADJOURNMENT

Meeting was adjourned at 4:07 P.M.



Stephen Simmons, Chairman



Meredith Randolph, Administrative
Coordinator