

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
October 12, 2021

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, October 12, 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
Karen Valachovic
Thomas Day
Brad Beach

CeCe Reigle – Absent

Staff Present:

Richard Thibault, Assistant City Attorney
David Birchim, Director, Planning & Building Department
Richard Schauland, Building Official
Barry Fox, Code Enforcement Manager
Curtis Boles, Code Enforcement Officer
Robert van Mierop, Code Enforcement Officer
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
(July 13, 2021)**

MOTION

Mr. Day moved to approve the minutes. The motion was seconded by Mrs. Valachovic. Motion carried by a unanimous voice vote.

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

None.

6. VARIANCES/TREE REMOVAL

None.

**7. REVIEW OF PREVIOUSLY HEARD
CASES**

Item 7 (a) 2021-0283

**Gary Ray Parks Estate
14 Poinciana Avenue
City Code, Chapter 19, Section 19-4,
Certain growth and conditions
prohibited.**

Mr. Boles reported the following:

- On July 13, 2021, the Code Enforcement, Adjustments and Appeals Board found the Respondent in violation and

issued an "Order Finding Violation" and imposed a fine of \$50 per day as of March 1, 2021 and the Board further authorized abatement to the City of St. Augustine.

- On September 30, 2021, Mr. Boles visited the property to confirm abatement work had been completed.

Mr. Fox reported the following:

- Abatement was completed on September 30, 2021 and the cost of abatement was \$2,950.

Mr. Thibault advised the Board that the Order issued on July 13, 2021 was incorrect because a first violation should have provided a timeframe to correct the violation before a fine was imposed.

Mr. Fox reported that the Board could have started the fine on July 25, 2021 and provided an estimated fine and timeframe.

Respondent was not present.

Mr. Fox read into record an email statement from Anthony Pinizzotto, PA, which regarded the estate and requested the City waive any fines or penalties.

Mr. Beach stated a fine should not be incurred on a regular basis if the property is maintained.

Mr. Weeks stated there should be a fine for this property for the staff time, as well as abatement costs. Mrs. Valachovic and Mr. Day concurred.

Mr. Simmons stated he would reduce the fine, but the abatement cost should stay.

FIRST MOTION

Mr. Weeks moved to impose a fine for the abatement cost \$2,950 and reduce the previously imposed fine to \$1,000. The motion was seconded by Mrs. Valachovic. Motion carried unanimously.

SECOND MOTION

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

8. REVIEW OF NEW CASES

Item 8 (a) 2021-0215

Carol Lee Corbitt

14 Myrtle Avenue

City Code, Chapter 19, Section 19-3, Unlawful Conditions.

City Code, Chapter 19, Section 19-4, Certain growth and conditions prohibited.

Mr. Fox reported on the following:

- Previous cases for this property that had been heard before the CEAAB included meetings on August 13, 2019 and July 13, 2021 where the Respondent was found in violation of Section 19-3.

Mr. van Mierop reported the following:

- On June 23, 2021, a neighbor advised that a considerable amount of unsheltered junk and debris was located on the exterior of the house at the northeast corner. Investigation also revealed considerable weeds and grass over 12 inches, at some places covering a 6 foot tall privacy fence.
- On July 13, 2021, Staff contacted the Respondent and advised what needed to be done to bring this property into compliance. Specifically, Staff advised that she needed to clear the exterior of the house of unsheltered junk and debris, and mow weeds and grass to a level less than 12 inches. The Respondent stated that 15 days would be enough time for her to bring this property into compliance.
- On July 15, 2021, an Official Notice of Violation was prepared and sent via Certified Mail to the Respondent. The Notice of Violation included a deadline of fifteen days from the Respondent's receipt of the Notice of Violation by which time the above property should be in compliance.
- On July 29, 2021 and August 5, 2021, the mail receipt for the Notice of Violation had not been signed for by the Respondent. On both days Staff went to the above property however the Respondent was not home.

- On August 11, 2021, Staff contacted the Respondent at her residence, however she stated that she had not received any mail from the City regarding the Code violations on her property.
- On August 25, 2021, the neighbor again allowed Staff access to her property so that Staff could see that there is still unsheltered junk and debris exposed to the elements at the northeast corner of the property. Weeds and grass were still well over 12 inches. Respondent was at her home and advised she had done nothing to clean up her property.
- On September 27, 2021, an Official Notice of Hearing was prepared and sent via Certified Mail to the Respondent. The Official Notice of Hearing was posted at the above property and at the City of St. Augustine Clerk's Office.
- On September 29, 2021, Respondent was home and Staff hand delivered the Notice of Violation.
- On October 11, 2021, the property was in compliance with regard to the unsheltered junk and debris. The weeds and grass were still overgrown and in violation.

Respondent was present.

Carol Corbitt, 14 Myrtle Avenue, spoke regarding the weeds and grass violation. She stated the pictures are bushes, and the grass was cut every other week. She stated the bushes and flowering

vines are meant to overgrow, and some of the overgrown bushes are her neighbor's bushes.

Carol Corbitt called Margaret Gardner of 15 Myrtle Avenue as a witness. Ms. Gardner stated the pictures are not weeds and are shrubbery. Ms. Gardner said at ground level the shrubbery are not overgrown.

Public comment was opened. No one spoke.

Mr. Fox clarified the two violations should be decided on separately.

Mr. Beach stated there had been an effort to clean the property of the junk and debris.

Mrs. Valachovic and Mr. Day wanted to know how the property looked at ground level. Mr. van Mierop stated the shrubbery was contained to the property but was not maintained.

Mr. Weeks questioned staff about safety, and Mr. van Mierop stated it may be difficult for first responders to access the property due to overgrowth.

Mr. Simmons spoke regarding the junk and debris.

Mr. Thibault advised the Board about the outstanding fines and lien on the property, and the timeframe the Board can use for the possible repeat violation fines.

The Respondent stated the property's shrubbery is trimmed every Sunday and the grass is cut every other week.

The Board discussed providing the Respondent time to correct the violations.

MOTION

Mr. Weeks moved to TABLE the case until the November 9, 2021 CEAAB meeting, at which time City Staff will provide proof the case is in compliance and if compliance is not met by November 9, 2021, the case will be heard at the December 14, 2021 CEAAB meeting. The motion was seconded by Mrs. Valachovic. Motion carried unanimously.

Item 8 (b) **2021-0219**

James A. Philcox
111 Zoratoa Avenue
City Code, Chapter 19, Section 19-4,
Certain growth and conditions
prohibited.

Mr. van Mierop reported the following:

- On July 28, 2021, a neighbor of pointed out that the swimming pool in backyard was full of dark green water. Staff saw the poor condition of the water which appeared to be untreated, and it had a stagnant smell. Staff also noticed that the weeds and grass in the back yard had grown to nearly four feet in most of the yard.
- On August 16, 2021, after several unsuccessful attempts to contact

the Respondent, an Official Notice of Violation was prepared and sent via Certified Mail to the Respondent. The Notice of Violation included a deadline of August 25, 2021 for compliance.

- On September 2, 2021, seven days after the above deadline for bringing this property into compliance, reinspection showed that the violations remained.
- On September 24, 2021, Staff contacted the Respondent by phone and advised him of the condition of the property. He advised that he would have a professional cover installed on the pool and he could get the weeds and grass mowed, however he could not give a time frame. Staff advised that a Notice of Violation had been sent, and that this case is set to go before the Board on October 12, 2021.
- On September 27, 2021, Staff received a voicemail message from the Respondent advising that he picked up the Notice of Violation from the PO Box, and he added that he didn't understand the dates. Staff called him back and got a recording that he was not accepting calls.
- On September 27, 2021, an Official Notice of Hearing was sent to the Respondent via certified mail. The Notice of Hearing was posted at the above property and at the City of St. Augustine Clerk's Office.
- On September 28, 2021, the Respondent called and advised

that the violations would be corrected by the upcoming weekend.

- On September 29, 2021, the Respondent called and advised via voicemail message that he would not be able to have any of the violations corrected until Tuesday, October 5, 2021.
- On October 7, 2021, inspection showed that the pool has been only partially drained and it is not covered. There is still what appears to be two to three feet of brown, muddy water in the pool. The weeds and grass in the backyard have not been cut since this case was opened.
- On October 11, 2021, inspection showed the weeds and grass had been mowed. The swimming pool was still in violation.

Respondent was not present.

Mr. Weeks questioned Staff about the furniture in the front yard of the property. Mr. van Mierop stated he had spoke with the Respondent about this issue.

Public comment was opened. No one spoke.

Mr. Simmons discussed the safety issues regarding the pool.

The Board discussed how the Respondent did not finish correcting the pool violation, and attempted to correct the violation the day before the meeting.

Mr. Thibault advised the Board that this case is not a repeat violation and would require a timeframe for compliance before a fine would be imposed. Mr. Thibault also read Chapter 19, Section 19-4 to the Board for clarification.


Meredith Randolph, Administrative
Coordinator

MOTION

Mr. Weeks moved to find the property in violation and give the Respondent 10 days to bring the property into compliance, with a penalty of \$250 per day if not in compliance after 10 days. The motion was seconded by Mrs. Valachovic. Motion carried unanimously.

9. CITY ATTORNEY ITEMS

Mr. Thibault introduced himself to the Board.

10. OTHER BUSINESS

Item 10 (a)

Announcement that the Code Enforcement, Adjustments and Appeals Board vacancy to be advertised as required.

11. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

12. ADJOURNMENT

Meeting was adjourned at 4:15 P.M.


Stephen Simmons, Chairman