CITY OF ST. AUGUSTINE, FLORIDA

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

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, July 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
Charles Pappas
CeCe Reigle
Karen Valachovic
Thomas Day
Brad Beach

Staff Present: Denise May, Esq., 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
Venice Jones, 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 (May 11, 2021)

MOTION

Mr. Weeks moved to approve the minutes. The motion was seconded by Mr. Day and approved 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) 2019-0332
Richard and Beverly Sorrentino
26 Miruela Avenue
City Code, Chapter 25, Section 25-56 Tree Removal and replacement.

Mr. van Mierop reported the following:

- On November 19, 2019, the Board ordered the Respondent to plant two replacement Southern Red Cedars and imposed a fine of $800.00.
- As of June 4, 2021, the fine had been paid and both replacement trees had been planted.

Mr. Fox presented Staff Comments and Findings:

- Based on the Respondent meeting the order requirements, staff found that the CEAAB can find the property in compliance and close the case.

Respondent was not present.

Public comment was opened. No one spoke.

MOTION

Mr. Pappas moved to find the property in compliance and close the case. The motion was seconded by Mr. Beach. Motion carried unanimously.

Item 7 (b) 2021-0027
Carol Lee Corbitt
14 Myrtle Avenue
City Code, Chapter 19, Section 19-3, Unlawful conditions.

Mr. van Mierop reported the following:

- On April 13, 2021: The Board found that this property was in violation of the above City Code for a period of 14 days. A fine in the amount of $100.00 per day was imposed for a total of $1,400.00. The Board asked that this case be revisited in 90 days at which time the fine may be retracted if the property remained in compliance.
- The above property was inspected on June 7, 2021, June 22, 2021, and June 23, 2021.
- During the June 7, 2021 and June 22, 2021 inspections, the front porch area appeared to be in compliance, with no visible unsheltered junk and debris.
- However, during the June 23, 2021 inspection, a neighbor pointed out that the contents of the front porches had been moved to the back porch and rear yard of the house. Photos were taken of the considerable junk and debris on the northeast corner of the house that was still unsheltered and exposed to the elements. The Respondent was not home during any of these inspections.
- An inspection on July 13, 2021 found the property remained out of compliance.

Mr. Simmons asked staff if there were photos of the backyard before June 23, 2021. Mr. van Mierop stated he was not aware that the backyard had debris before the June 23, 2021 inspection.

Mr. Beach wanted clarification from staff if the code references if debris could be in the backyard. Mrs. May read the code to clarify it references the property as a whole.

Public comment was opened. No one spoke.

Respondent was present.

Carol Corbitt, of 14 Myrtle Avenue, stated the Code Inspector told her the backyard was acceptable. Mr. Simmons mentioned that the testimony provided by Mr. van Mierop was that he was not aware of the backyard until recently, which Ms. Corbitt said he could see it if he looked. Additionally, she was not aware that the back porch would be a violation since it is not visible from the street. She stated that she did not move the contents from the front porch to the back porch. She stated she cleaned up the front porch and kept it clean, and the items on the back porch were laundry from the clothesline.

Mrs. Reigle asked the Respondent how long it would take her to clean up the back porch. Respondent said she can clean up the back porch but she had never been told it should be cleaned.

Mr. Day spoke to the Respondent and clarified that the code references the property as a whole and would be inclined to provide 10 days in order for the porch to be cleaned up.

Mr. Pappas asked staff if it was specifically told to the Respondent to clean the porch. Mr. van Mierop stated she was told to clean the property.

Mrs. May read City Code, Section 19-3 again for the Respondent. The Respondent stated she understood the code.

Mrs. Reigle asked staff about the condition of the landscaping in the back yard. Mr. van Mierop stated the weeds and grass had grown to the top of the privacy fence and a new case had been opened for the violation.

Mr. Fox read the motion from the April 13, 2021 meeting for this case.

Mr. Fox presented Staff Comments and Findings:

- With the presented evidence, Staff found that the Board may retract the original fine, reduce the original fine, or order Staff to record a lien for the initial fine of $1,400 ($100 per day for 14 days).

The Board discussed their options to either retract the fine, reduce the fine, record a lien, or provide additional time for compliance.

Mrs. May clarified that there is a finding already for this case, which does not include the new violation.

MOTION

Mr. Pappas moved to order staff to record a lien for the initial fine of $1,400, which was $100 per day for 14 days of violation. The motion was seconded by Mr. Weeks. Motion carried unanimously.

8. <u>REVIEW OF NEW CASES</u>

Item 8 (a) 2021-0283
Gary Ray Parks
14 Poinciana Avenue
City Code, Chapter 19, Section 19-4, Certain growth and conditions prohibited.

Mr. Boles reported the following:

- On March 1, 2021, staff received a complaint and conducted an inspection of the above property. Staff identified that the property was overgrown with weeds and grass in excess of 12 inches. Staff posted the property with a door knocker giving the owner 30 days to bring the property into compliance.
- On April 2, 2021, the property was not in compliance and staff posted a "Notice and Order" giving the respondent 30 days to bring the property into compliance.
- On May 13, 2021, the property was not in compliance and staff sent an Official Notice of Violation giving the respondent 15 days to bring the property into compliance. The Notice of Violation was sent to both the address of record and physical address. Both were returned undeliverable.
- On June 10, 2021, after receiving the returned notices, staff posted an Official Notice of Violation at the property.
- On June 21, 2021, the property was not in compliance and staff sent an Official Notice of Hearing to the respondent at the address of record and physical address. Both were returned undeliverable.
- On June 23, 2021, a Posting Affidavit of the July 13, 2021 meeting was posted at the property and at the City Clerk's office.
- Staff clarified that there was a meter at the property but there has not been an active water account since November 2016.
- As of July 13, 2021, property was still overgrown.

Mr. Simmons asked staff if FPL had been contacted to find out where the bill was sent. Mr. Boles did not contact FPL.

Mrs. Valachovic mentioned the taxes had not been paid for 2020 and the obituary for Mrs. Parks stated she was predeceased by the owner of the property. Staff could not determine if the owner was deceased.

Mr. Simmons and Mr. Pappas spoke about options to find compliance, to include abatement or a lien.

Public comment was opened. No one spoke.

Respondent was not present.

Mr. Boles stated the abatement of the property would include to cut the grass and secure the shed at the back of the property.

Mrs. Reigle questioned what the Board could do for the motion. Mrs. May stated

the Board can find the property in violation and impose a fine up to $250 per day and may order staff to abate the issue; the fine would continue to accrue automatically until the case was closed for compliance or the fine retracted by the Board.

Mr. Simmons stated once the property is abated, the property would be in compliance and the fine would stop at that time. Mrs. May confirmed this statement and further stated the case could then be brought to the Board, closed for compliance with the accumulated fines and fees to abate.

Mr. Fox proposed different fine amount totals that could reflect a $250 per day fine based on each date listed in the staff report, starting with March 1, 2021.

Mrs. May reiterated what the statutes allow for the Board's decision. She read from the staff comments to report:
If the CEAAB imposes a fine, it shall consider the following factors:

- The gravity of the violation;
- Any actions taken by the violator to correct the violation; and
- Any previous violations committed by the violator.

Mr. Pappas questioned staff the original date of violation before the motion was made.

MOTION

Mr. Pappas moved to find the property in violation as of March 1, 2021 and imposed a fine of $50 per day since that date and that the City abate the property. The motion was seconded by Mr. Beach. Motion carried unanimously.

9. CITY ATTORNEY ITEMS

None.

10. OTHER BUSINESS

Item 10 (a)
Announcement of rescheduled August CEAAB meeting to August 17, 2021.

Mr. Simmons announced the new August CEAAB meeting date.

11. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

None.

12. ADJOURNMENT

Meeting was adjourned at 4:00 P.M.

Stephen Simmons, Chairman

Meredith Randolph, Administrative Coordinator