CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
November 9, 2021

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, November 9, 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
CeCe Reigle
Thomas Day
Brad Beach

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
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 (October 12, 2021)

MOTION

Mr. Day moved to approve the minutes. The motion was seconded by Mr. Weeks 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) 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 introduced the case and read the code section for each violation. Mr. Fox reported the violation of Section 19-3 is a repeat violation for this property.

Mr. van Mierop reported the following:

- On October 12, 2021, the Board tabled this case until November 9, 2021, at which time Staff would provide proof if case was in compliance.
- If compliance was not met by November 9, 2021, the case would be heard at the December 14, 2021 meeting.
- On October 19, 2021, an inspection showed that the unsheltered junk and debris had been removed, there was some organization to the items on the outside porch, and the property was in compliance for that violation.
- Some of the weeds and grass had been moved away from the rear building, exposing a garage door and a structure that was in a state of disrepair. Much of the excessive growth of weeds and grass remained, and this property was not in compliance as of November 9, 2021 for that reason.

Mrs. Valachovic asked Staff if the property had been cleaned since the last meeting. Mr. van Mierop stated he had not witnessed a noticeable difference since October 19, 2021.

Mr. Weeks asked Staff if the items at the side of the property would be considered unsheltered. Mr. van Mierop clarified the side of the property does not have stored junk or debris.

Mr. Day stated he drove by the property and witnessed the vines were overgrown.

Public comment was opened. No one spoke.

The Board made the First Motion and Second Motion. Respondent was not present for the First Motion, and the decision was reiterated to the Respondent when she arrived to testify. The Board did not vote on the Second Motion until after Respondent testimony.

After Mr. Beach introduced the Second Motion, Mrs. Reigle questioned uniformity on fines. The Board discussed how fines would be handled based on State Statutes and that cases would be handled on a case-by-case basis.

Respondent was present.

Carol Corbitt, of 14 Myrtle Avenue, spoke regarding the case. Respondent stated the work was completed the weekend after the October 12, 2021 meeting. She stated that Staff had not reached out to her regarding the lack of compliance. She requested City staff

to visit the property to specifically advise about the weeds and grass.

FIRST MOTION

Mr. Weeks moved to find the property in compliance with Section 19-3 and close that part of the case. The motion was seconded by Mrs. Valachovic. Motion carried unanimously.

SECOND MOTION

Mr. Beach moved to find the property in violation of Section 19-4 and give 10 days to correct the violation, and imposed a fine of $25 per day after the 10 days. The motion was seconded by Mrs. Valachovic. Motion carried unanimously.

Item 7 (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 October 12, 2021, the CEAAB found the above property in violation of Chapter 19, Section 19-4, as it related to the untreated water that had been allowed to accumulate in the swimming pool.
- The CEAAB allowed the respondent ten (10) days to correct the violation. The CEAAB also stipulated that a fine in the amount of $250.00 per day would be imposed for each day the violation continued.
- On October 26, 2021 and November 9, 2021, inspections showed that the pool was not in compliance.
- The Respondent's daughter called Staff to inform the Respondent was in the hospital and would be unable to attend the meeting.

Public comment was opened. No one spoke.

Respondent was not present.

Mrs. Valachovic asked staff about abatement options for the pool. Mr. Fox clarified there may be liability issues if the City were to abate the property.

The Board discussed the code in violation and how it applies to the case.

MOTION

Mr. Weeks moved to continue the existing order of a fine of $250 per day until the property is brought in compliance. The motion was seconded by Mrs. Valachovic.

VOTE ON MOTION:
YES: Weeks, Valachovic, Day, Beach, Simmons
NO: Reigle
MOTION CARRIED.

8. REVIEW OF NEW CASES

Item 8 (a) 2021-0231

Rosenblum Living Trust
Ronald Rosenblum
12 Dupont Lane
City Code, Chapter 25, Section 25-56, Tree removal and replacement.

Mr. Fox introduced the case and read the City code section for the violation, and the Florida Statute regarding fines for irreparable and irreversible damage.

Mr. van Mierop reported the following:

- On October 18, 2021, the Code Enforcement Office received a call from the property owner at 14 Dupont Lane advising that a tree had been removed from her property. She stated that the property owner at 12 Dupont Lane was responsible for the removal of the tree.
- On October 19, 2021, investigation showed that a 28" d.b.h. Southern Magnolia tree had been cut down at 14 Dupont Lane.
- On October 22, 2021, the Property Manager of 12 Dupont Lane, Michelle Thrower, called and advised staff that she made a mistake by hiring a tree company to remove the tree and that she would do whatever it takes to "make it right."
- On November 1, 2021, staff spoke with Ron Rosenblum, the property owner of 12 Dupont Lane, and he stated that he had no intention of removing the tree.

Respondent was not present, but an authorized agent was present.

Michelle Thrower, of 141 Ashby Landing Way, spoke as an authorized agent on behalf of the property owner. Mrs. Thrower stated she hired the landscape company to clean the property. She stated the tree was dying and a "junk tree" and assumed the neighbors at 14 Dupont Lane would appreciate the removal of the tree. Mrs. Thrower said the property owner was not aware of the removal, and that no arborist wrote a report for the tree. Mrs. Thrower provided estimates to the Board for a replacement tree to be placed on 14 Dupont Lane.

Brian Sundstrom, landscaper, of 234 [unintelligible], spoke as a witness. Mr. Sundstrom stated he called the permitting office and was advised the tree should be measured at 4 feet from the ground. He stated the Southern Magnolia tree was under eighteen inches. He said a young woman at the City permitting office told him he was in compliance to remove the tree.

David Birchim, Planning and Building Director, clarified for the Board the City Code regarding diameter at breast height and significant tree removal. Mr. Birchim clarified that significant tree removal is heard by the Planning and

Zoning Board, and that Staff would have advised Planning and Zoning Board approval was needed if the tree was larger than eighteen inches in diameter at breast height. He further stated a tree three inches in diameter and larger requires a tree removal permit.

Public comment was opened.

Steve Bear, of 14 Dupont Lane, discussed the tree removal on his property. Mr. Bear stated he had been taking care of the tree for many years and attempted to nurse it back after it received damage from Hurricane Irma. He also stated the tree was removed at 9:30 on a Sunday morning.

The witness, Mr. Sundstrom stated that Meredith Randolph was the person he spoke to at the City. Ms. Randolph provided testimony of the sequence of events.

- The residents at 14 Dupont Lane left several voicemails for Code Enforcement on Sunday regarding the removed tree.
- A Code Enforcement Officer was sent to the property to confirm any violations on Monday.
- Mr. Sundstrom called on Monday and was advised tree trimming does not require a permit as long as it follows code. He was also advised that the tree removed without a permit was possibly a significant tree that could require going before the Code Enforcement, Adjustments and Appeals Board.

Mrs. Reigle clarified that based on testimony, the call from Mr. Sundstrom came on Monday, the day after the tree was removed.

Public comment was opened again.

Charles Pappas, of 46 Macaris Street, suggested that the Board use the Tree Mitigation Fund to replace the tree someplace in the City.

The Board discussed how it cannot be determined the tree was significant. The Board also discussed the possible penalties that could be imposed and tree replacement options. It was determined the tree replacement would be handled as a civil matter between the property owners at 12 and 14 Dupont Lane.

MOTION

Mrs. Reigle moved to find the Respondent in violation and imposed a fine of $1,000 for the removal of a tree without a permit. The motion was seconded by Mr. Day.

VOTE ON MOTION:
YES: Reigle, Day, Beach, Weeks, Simmons
NO: Valachovic
MOTION CARRIED.

9. CITY ATTORNEY ITEMS

None.

10. OTHER BUSINESS

Mr. Simmons was presented with a City coin by Richard Schauland for his service on the Board.

11. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

None.

12. ADJOURNMENT

Meeting was adjourned at 4:32 P.M.

Stephen Simmons, Chairman

Meredith Randolph, Administrative Coordinator