

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
January 11, 2022

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, January 11, 2022, in the Alcazar Room at City Hall. The meeting was called to order by, Larry Weeks, Chairman, and the following were present:

1. ROLL CALL

Larry Weeks, Chairman
Cece Reigle
Karen Valachovic
Brad Beach
Marilyn Garrett

Thomas Day, Vice Chairman - Absent

Staff Present:

Richard Thibault, Assistant City Attorney
Amy Skinner, Director, Planning & Building Department
Richard Schauland, Building Official
Barry Fox, Code Enforcement Manager
Curtis Boles, Code Enforcement Officer
Robert van Mierop, Code Enforcement Officer
Laura Morse, Recording Secretary

Mr. Weeks introduced Marilyn Garrett, the newest Board member.

The City staff was sworn in.

2. GENERAL PUBLIC COMMENTS
FOR ITEMS NOT ON AGENDA

(None)

3. APPROVAL OF MINUTES
(December 14, 2021)

MOTION

Mr. Beach MOVED to approve the minutes. The motion was SECONDED Mrs. Valachovic and APPROVED BY UNANIMOUS VOICE VOTE.

4. DISCLOSURE OF EX-PARTE
COMMUNICATIONS

(None)

5. VARIANCES/TREE REMOVAL

(None)

6. REVIEW OF PREVIOUSLY HEARD
CASES

Item 6 (a) CE2021-0027

Carol Lee Corbitt
14 Myrtle Avenue
City Code, Chapter 19, Section 19-3
Unsheltered storage of junk and debris.

Mr. Fox introduced the case.

The respondent was not present.

There was no Board discussion.

Mr. Fox asked the Board to motion for the imposition of a lien in the previously stated fine amount of \$1,400.

MOTION

Mrs. Valachovic MOVED to approve an order imposing a lien in Case Number 2021-0027 in the amount of \$1,400. The motion was SECONDED by Mr. Beach.

VOTE ON MOTION:

**AYES: Valachovic, Beach,
Garrett, Reigle, Weeks**

NAYES: None

MOTION APPROVED UNANIMOUSLY

Item 6 (b) CE2021-0215

Carol Lee Corbitt

14 Myrtle Avenue

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

Mr. Fox introduced the case.

The respondent was not present.

Mr. van Mierop presented two photos which showed the debris cleared from the property since the previous hearing.

Public hearing was opened, and the Board heard from the following member of the public:

- B.J. Kalaidi of 8 Newcomb Street, was sworn in. She said the property was brought into compliance and a fine should not be imposed; however, she asked if interest was accrued when a fine was placed against a homesteaded property once it was recorded or was the fine the final amount required to remove the lien. She believed there should be a fine for fixing this part of the complaint.

Mr. Thibault stated the \$1,400 was the total amount and there was no interest accruing.

Public hearing was closed.

The Board discussed:

Mr. Weeks stated the Board should discuss whether a motion was needed to determine if the property was in compliance, and the next step would be the determination of a fine.

FIRST MOTION

Mr. Beach MOVED that Case CE2021-0215 was in compliance with the requirements of the City of St. Augustine and to find to close the case at this point. The motion was SECONDED by Ms. Reigle.

VOTE ON MOTION:

**AYES: Beach, Reigle, Garrett,
Valachovic, Weeks**

NAYES: None

MOTION APPROVED UNANIMOUSLY

The Board discussed:

Mr. Weeks indicated the City had previously worked with, and continued to

work closely with the respondent, and had just imposed the \$1,400 lien. Mr. Weeks was inclined to adjust the fine until the owner came into compliance.

Mr. Fox stated the first fine the Board established was \$25 per day for 24 days, totaling \$600. Mr. Fox noted the next establishment of fines began on December 15th and ran through the 19th, Officer / Inspector van Mierop inspected the property on Monday, December 20th, and the call was not received until Monday, December 27th; therefore, it was five more days at \$100 per day, for a total of \$1,100.

Mr. Weeks suggested adjusting the fine to a lesser amount. Mr. Weeks stated the applicant probably could not afford the fine, the City would be required to impose another lien, and the City did not have to pay to abate it; therefore, he requested Board discussion on a reduced fine.

Ms. Reigle stated the property had been in and out of compliance for nearly 20 years. Ms. Reigle was surprised the Board had only assessed \$25 per day, during the same meeting where another respondent was fined \$500 per day for a swimming pool with dirty water. Ms. Reigler was less inclined to discount the fine, since liens were typically not paid until the house was sold, which was most likely what would happen in this case.

Mr. Beach inquired about waiving the fines based on the respondent's effort taken and the property's current compliance.

Mr. Thibault advised the Board could impose the fine of up to \$1,100, reduce the fine, or remove it completely if the

property was found in compliance, which the Board had found.

Ms. Reigle stated it was important to know the investment of City staff's time into the Case, which most likely was hundreds of hours.

Mr. Weeks indicated the investment of staff's time was discussed in the past and taken into consideration at times; however, there was no probable way to estimate a fixed cost to assign to the cases.

Mr. Fox advised there was no schedule for administrative costs at that time.

Mr. Thibault reminded the Board that the lien imposed in the case would last up to 20 years unless the property was sold. Mr. Thibault stated if the Board voted to impose the fine, they would return to impose a lien on the case.

Mr. Weeks stated this case would be seen again, it would be a repeat offense, and the fine would be up to \$500 per day.

Ms. Valachovic agreed that the property was in compliance and the \$1,400 lien would be paid in the next 20 years when the property sold. Ms. Valachovic said that bringing the case back to the Board with another lien was more time, paperwork, and effort on staff.

Mr. Fox stated this would be the second lien imposed against the property since there was a previous case against it. Mr. Fox indicated that staff expected the property would be in a repeat offender status, which meant the fines would be much higher.

Ms. Garrett inquired about the property owner's attendance at the previous meeting and was told the owner did not think anything was wrong with her property.

Ms. Reigle questioned if the case was dismissed, could the Board make a condition that if this issue returned, a significantly greater fine could be imposed.

Mr. Thibault advised if this returned to the Board, it would be a new case, and a condition could not be placed on a potential new case. Mr. Thibault noted the Board had the full history for review, and it could impose higher fines at that point.

Mr. Fox stated that for a first-time offense the fine could be up to \$250; however, once the property returned for a violation of the same ordinance as found in a previous violation, it was considered a repeat offense and the fine would be up to \$500. Mr. Fox noted if a case returned with a different offense on the same property, it was considered a first-time offense for that ordinance violation.

Ms. Reigle asked if the fine could be tabled and allow six months to determine if the property owner returned as a repeat offender.

Mr. Thibault stated the statute was not set up to keep the case open and it needed to be closed for compliance with a fine imposed. Mr. Thibault stated if this case was tabled, they would have to proceed towards an order of a lien.

Mr. Weeks stated they should keep the cases separate, and if this returned to the Board, they would handle at that time.

SECOND MOTION

Mr. Beach MOVED to waive the fine of \$1,100 in CE2021-0215 for 14 Myrtle Avenue property and close the case for compliance. The motion was SECONDED by Mrs. Valachovic.

VOTE ON MOTION:

AYES: Beach, Valachovic, Garrett, Weeks

NAYES: Reigle

MOTION APPROVED 4/1

Item 6 (c) CE2021-0213

Rosenblum Living Trust

Ronald Rosenblum

12 Dupont Lane

**City Code, Chapter 25, Section 25-56
Tree removal and replacement.**

Mr. Fox introduced the case.

The respondent was not present.

Mr. van Mierop advised the two neighbors agreed to plant a 10-foot cedar tree, and the property owners were happy with the Board's decision.

Public hearing was opened; however, there was no comment.

There was no Board discussion.

MOTION

Mrs. Valachovic MOVED to close CE2021-0231 for compliance. The

motion was **SECONDED** by Ms. Reigle.

VOTE ON MOTION:

AYES: Valachovic, Reigle, Beach, Garrett, Weeks

NAYES: None

MOTION APPROVED UNANIMOUSLY

Item 6 (d) CE2021-0283

Gary Ray Parks Estate

14 Poinciana Avenue

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

Mr. Fox introduced the case.

The respondent was not present.

Public hearing was opened; however, there was no response.

Mr. Fox advised Mr. Beach that staff was speaking with the families' estate attorney who worked with the family to resolve the issue. Mr. Fox stated that if the property was not cared for, this would return to the Board.

MOTION

Mrs. Valachovic MOVED in CE2021-0283 for the imposition of a lien for the outstanding fine amount of \$3,950. The motion was **SECONDED by Mr. Beach.**

VOTE ON MOTION:

AYES: Valachovic, Beach, Garrett, Reigle, Weeks

NAYES: None

MOTION APPROVED UNANIMOUSLY

7. REVIEW OF NEW CASES

(None)

8. CITY ATTORNEY ITEMS

(None)

9. OTHER BUSINESS

(None)

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

(None)

11. ADJOURNMENT

Meeting was adjourned at 3:29 P.M.¹



Larry Weeks, Chairperson



Laura Morse, Recording Secretary

¹ Transcribed by Laura Morse