

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
March 8, 2022

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, March 8, 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
Thomas Day, Vice Chairman
CeCe Reigle
Karen Valachovic
Brad Beach
Marilyn Garrett
Jan Marie Kelly

Staff Present:

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

Mr. Weeks welcomed Ms. Jan Marie Kelly.

2. **SWEARING IN OF STAFF**

City staff was sworn in.

3. **GENERAL PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA**

- B.J. Kalaidi expressed her concerns over tree trimming and lack of continuation with complaints in the city limits. She proposed the question of hiring another Code Enforcement Officer to follow-up on chronic problems.

4. **APPROVAL OF MINUTES**

(January 11, 2022)

MOTION

Mr. Day moved to approve the minutes. The motion was seconded by Mr. Beach and approved by a unanimous voice vote.

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

(None)

6. **BUILDING CODE VARIANCES**

(None)

7. **REVIEW OF NEW CASES**

Mr. Fox introduced the Case.

Item 7(a) CE2021-0227

Augustine Development Group LLC
215 Anastasia Boulevard

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215 Anastasia Boulevard
City Code: Chapter 8, Section 8-608
Alteration/ Construction without Permit.

Mr. Robert Van Mierop reported the following:

-July 20, 2021, I received information that the VOCO Hotel had made renovations and added a bar to the second floor.

-August 3, 2021, I met with the general manager, Scott Russom, who verified that there had been several plumbers/ electricians working on the bar, which as of that date was complete.

-September 17, 2021, I spoke with the owner, Bryan Greiner, and advised him no permits had been pulled for the work that was completed; he advised he would begin the permit process immediately.

-October 14, 2021- no permit applications had been submitted.

-November 2, 2021- property owner submitted a permit application; however, the application was incomplete, and therefore voided.

-January 4, 2022- Notice of Violation was sent via certified mail; the notice advised the respondent he had ten (10) days to bring the property into compliance.

-January 7, 2022- Notice of Violation was delivered.

-January 14, 2022- second permit application was submitted; however, it was also submitted incorrectly and subsequently voided.

-February 28, 2022- Third permit application was submitted; it is currently being processed.

No representatives from the property in question were in attendance.

Mr. Weeks asked why they were unsuccessful at completing the permit. He questioned whether they were aware and had to submit plans.

Buddy replied, explaining the submission/ resubmission process. He assured

Mr. Weeks the respondent was aware the application needed plans in conjunction with the application itself.

Mr. Beach asked what the typical permit fees were for a project such as this. He questioned the space use.

Buddy replied the application process depends on the scope of work and physical size of the project; the space was never used as a restaurant/ bar previously.

Cece Reigle asked if there was a city recommendation as to where to proceed.

Barry Fox stated the scope of fine and time frame plausible for the case. He asked the Board to consider a reasonable time frame for such fines- up to, but not limited to \$250 per day of the property being found in violation.

Mr. Day asked if they had a liquor license.

Mr. Thibault said that would not be relevant for this hearing.

Ms. Valachovic questioned an improper organization of paperwork within the packet.

Mr. Weeks said one action was to delay this case until the Buddy has time to review the permit.

Buddy explained how long the permit process takes, including environmental considerations and

Mr. Fox said they had the ability to say ??? months

Mr. Weeks – if the permit was 500 and they were fined 3,000 that would not be good. He thought they should wait for the information from the building department to approve the permit; see what the cost is, and go from there.

Ms. Reigle expressed concern since they constructed this without any knowledge of the City, and the permits were filled out after they were cited. She noted the punitive structure is not what we are here to address; we are here to address the fact that they constructed an entire bar without the proper permits.

Barry said they had 10 days to remediate the issue, their order would suggest a fine up to \$250, then after 10 days, if they do not come into compliance we bring the Board back next month to discuss the fine at that point. The fine would begin at the end of the corrective action date.

Ms. Reigle asked if there a way to require them to cease and desist using the bar.

Buddy stated he could order them to tear it down, but the Planning and Building dept tries to go this route instead. The issue with ordering them to close the bar was enforcement. The options were to remove it, or comply with getting the proper permits, it had to go to environmental compliance and others in the City. With the current backlog, it would be three weeks before the department could approve/deny the permit application.

Mr. Thibault suggested to continue this for a few months to see if they could come into compliance and at that point set a fine based on their factors.

Ms. Reigle recapped the permit application process.

Ms. Reigle asked if third application was approved and they could not fine in arrears, then at that time what options were available to fine them in the first place.

Buddy explained the permit approval process.

Ms. Valachovic questioned whether they were not in compliance after 60 day

Barry: they could suggest the fine was up to \$250, then after 2-3 month period, if the

respondent had not initiated the proper permit process, they could bring back the case for a noncompliance issue and the fine could be discussed.

Ms. Valachovic questioned if they could be given more time to come into compliance because of the backlog at the Planning and Building department.

Mr. Thibault stated it could be administratively continued.

Ms. Reigle expressed it was good to note they were given the benefit of the doubt, it was not their job to keep pushing down the road until they got their permit correct. It set a precedent to others in City. They should have never started in the first place and the Board was there to punitively address the issue.

Buddy suggested the board could find the respondent in violation today, and give them the appropriate amount of time needed for permitting, if the property was still not in compliance, then fine them dating back to this date.

Ms. Valachovic:

Barry stated you would set a time frame for sixty (60) days for corrective action; instead of the normal ten (10) days to compensate for the City's backlog in permitting.

Ms. Reigle suggested a motion to Fine them \$250 until they come into compliance, but explained to the Board that they could not fine the owners without finding the property in violation today.

Public comment was opened, and the Board heard from the following members of the public:

- B.J. Kalaidi
-reiterated that the owners have not attended the meeting and stated the owner is well-known throughout the City and should know how the process works.

- Charles Pappas stated this was a well-experienced builder and the hotel was not fairly new to the business-world. He expressed his distaste about the precedent it sets for the City- "build a bar and apply for the permits later". It is a safety issue.

Public comment was closed.

The Board discussed:

Ms. Reigle noted the date the City was working with the respondent; seven months.

Mr. Thibault reviewed Florida Statute and the fines the Board could assess. He said they could be fined significantly for this. They could give them a violation up to \$5,000.

Ms. Reigle questioned whether the City could be held liable if a fight with injuries broke out in the bar and the respondent was not in compliance.

Barry focused the group by recapping the job today was violation, corrective action date, and imposition of fine decided by the Board.

Ms. Valachovic said the \$5,000 sounded high; however, if they imposed the \$250 per day for the days in violation, that totaled \$7,500. They had since August 3rd to submit the permit.

Mr. Weeks questioned since no one showed up for the hearing; therefore, were they taking this seriously?

Barry advised that attendance to today's meeting would have been evidence of them trying to correct the violation.

MOTION

Karen Valchovic MOVED to find the Case CE 2021-0227 be found in violation, allowing them ten (10) days to correct the violation, and the fine of \$250 per day be imposed for every day after the ten days

the property is not in compliance. The motion was SECONDED by Marilyn Garrett.

VOTE ON MOTION

Ayes: Karen Valchovic, Marilyn Garrett, Brad Beach, Jan Kelly, CeCe Reigle, Thomas Day, Larry Weeks
Nays: None.

MOTION WAS APPROVED BY UNANIMOUS VOICE VOTE.

8. REVIEW OF PREVIOUSLY HEARD CASES

Mr. Fox introduced the Case.

Item 8 (a) CE2022-0219

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

Mr. Van Mierop reported the following: considered property in compliance as of the current date.

Barry stated the property had been in violation for 109 days, at \$250 per day; which equates to a fine amount of \$27,250.00.

Ms. Valachovic questioned the photo with an empty pool.

Mr. Weeks noted the debris stacked in front of the front and garage doors.

Mr. Van Mierop spoke with the respondent's attorney and they were working on cleaning this up; however, that issue was unrelated to the current case.

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

Ms. Valachovic said the fine was steep.

Ms. Reigle asked if there was there a way to reduce the fine if it did not return to the Board in a set period so there was an incentive for respondent to keep the pool clean.

Barry answered it would come back as a repeat case, and begin when the Code officer finds the property in violation. If they were imposing the fine, Barry explained the case could not be closed until the fine was paid in full.

Ms. Jan Kelly asked if this was the first violation of the pool?

Yes, per Mr. Thibault

Mr. Weeks said there were several other violations with the property, over several years, unrelated to the pool; however, this was the first time the case had come before the Board for the pool.

Barry stated what the Board decides today will be specific to the swimming pool violation.

Mr. Day asked if the Board decided to reduce the fine, should they apply a formula to use for other cases.

Mr. Thibault clarified the determination was for each separate case.

Ms. Valachovic: Respondent did drain the pool at one point, and agreed there should be some fine, but 27K was a lot of money.

Mr. Day suggested \$5,000.

Mr. Beach suggested \$2,000.

Ms. Reigle stated he was re-occurring property owner to the code board.

Mr. Weeks was closer to \$10,000.

Ms. Jan Kelly stated since he was a repeat code violator, but this was the first with the pool, and maybe somewhere between \$5,000 and \$10,000.

Mr. Day MOVED for fine of \$5,000, allowing

Mr. Weeks opposed.

MOTION

Mr. Thomas Day MOVED to impose a fine of \$5,000 for case CE 2021-0219, for a time frame of thirty (30) days to pay the fine. The motion was SECONDED by Jan Kelly.

VOTE ON MOTION

Ayes: Thomas Day, Jan Kelly, Marilyn Garrett, Brad Beach, Karen Valchovic, CeCe Reigle.

Nays: Larry Weeks.

MOTION WAS APPROVED.

9. CITY ATTORNEY ITEMS

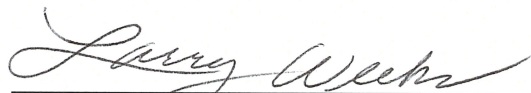
(None)

10. OTHER BUSINESS

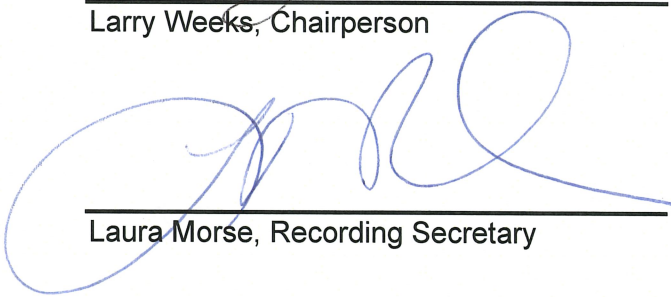
(None)

11. ADJOURNMENT

Meeting was adjourned at 3:50 P.M.



Larry Weeks, Chairperson



Laura Morse, Recording Secretary