

CITY OF ST. AUGUSTINE, FLORIDA

Special Magistrate Hearing
September 4, 2024

The Special Magistrate held a hearing formal session at 9:00am, Wednesday, September 4, 2024, in the Alcazar Room at City Hall. The meeting was called to order by Becky Vose, Special Magistrate, and the following were present:

Staff Present: Becky Vose, Special Magistrate

April Owen, Assistant City Attorney
Richard "Buddy" Schauland, Building Official
Barry Fox, Code Enforcement Manager
James Tomaselli, Code Enforcement Officer
Curtis Boles, Code Enforcement Officer
Morganne Lanni, Code Enforcement Officer
Emily Howington, Administrative Coordinator, Recording

1. INTRODUCTION TO Becky Vose, SPECIAL MAGISTRATE

2. SWEARING IN OF STAFF

3. MODIFICATIONS TO THE AGENDA

None

4. APPROVAL OF MINUTES

The August minutes were approved.

5. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

None

6. REVIEW OF NEW CASES

a. CE2024-0407

Hardy Richard
Hardy Tracey
117 Inlet Dr
Ch. 11 Sec. 11-28(a)

Barry Fox provided case information and James Tomaselli gave testimony. On July 3rd the Special Magistrate tabled the hearing, to allow respondent to attend the September 3, 2024 Planning and Zoning Board meeting. The Planning and Zoning Board approved the respondent's request, and the respondent is still waiting on Department of Environmental Protection approval. The respondent is present, Richard Hardy 117 Inlet Drive, DEP has made inspections but not issued a permit, will take about 2 to 3 weeks. Becky Vose asked if the work had ceased until hearing back from DEP.

MOTION

Special Magistrate Becky Vose issued an Order Finding Violation, no fine was assigned, and the case is closed for compliance.

b. CE2024-0426

Smith Chad K
71 Masters Dr
Ch. 25 Sec. 25-56- Tree removal and replacement.

Barry Fox relayed case information and Morganne Lanni gave testimony. A large cedar tree was removed without approval. The tree was removed, and only partial stump remaining. On July 8, 2024, and Notice of violation was sent. An arborist report was submitted but is only applicable on single

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family residential properties. Notice of Hearing was issued August 19, 2024. Other two trees were in conjunction with building permit so only the red cedar tree is violation. The respondent is present, Chad Smith, 18 Ponce de Leon Ave, St Augustine, and stated an arborist deemed tree unsafe. Becky Vose asked to see arborist letter. Barry Fox laid out reasons for bringing case to hearing. Becky Vose asked about tree mitigation fund.

MOTION

The Special Magistrate issued an Order Finding Violation and order when 71 masters drive is developed, 2 southern red cedar trees be planted in place of other required landscaping and assigned a \$250 fine to Chad Smith.

c. CE2024-0459

Paper Root Industries LLC
Dettra Gregory P
213 W King
Ch. 17 Sec. 17-72

Barry Fox relayed case information and Morganne Lanni gave testimony. Staff received a complaint regarding a mobile food truck operating without a business tax receipt. Staff had no success contacting the business owner. On August 21 a Notice of Hearing was sent and also posted on the front door of the property. On September 3, 2024, contact was made with business owner. The respondent was not present.

MOTION

The Special Magistrate issued an Order Finding in Violation and gave until Friday, September 7, 2024, to apply to development review committee and if not a \$250 fine per day will be assigned.

7. REVIEW OF PREVIOUSLY HEARD CASES

a. CE2024-0227

Bicknell Family Trust
Bicknell Lee
19 Milton St
Ch. 19 Sec. 19-3.

Barry Fox provided case information and James Tomaselli gave updates. On December 28 staff observed violation, in August the Special Magistrate tabled the case. As of September 3, the property is out of compliance, but cleanup efforts have continued. Becky Vose asked if any recent complaints by neighbors were submitted, Barry Fox said complaints have ceased as since cleanup efforts have continued.

MOTION

The Special Magistrate tabled the case until the October 2, 2024, hearing.

b. CE2024-0374

Mis Ventures LLC
30 St. George St
Ch. 8 Sec 608

Barry Fox relayed case information and Morganne Lanni gave updates. The property was out of compliance for 24 days but is now compliant. On August 6, 2024, the final fence inspection passed. Melissa Mondell, 158 Nesmith Ave, had authorization to speak on behalf of owner. Spoke with city staff member Xavier Pellicer, in mobility department of the city, stated fence could be repaired after city usage. The owner filed for a permit the day the Notice of Violation letter was received. Morganne

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Lanni said permit application was submitted on June 18, 2024. Lanni clarified the owner applied to HARB but did not attend. Richard Schauland, Barry fox, and Morganne Lanni clarified to Becky Vose the requirements by HARB and staff to correct the violation of the fence which was corrected but after the compliance period.

MOTION

The Special Magistrate issued an Order Closing the Case for Compliance. No fine has been assigned.

d. CE2024-0384

Stewart Luther C III
Stewart Jodi Lynn
311 Anastasia Blvd
Ch. 3 Sec. 3-23

Barry Fox relayed case information and Morganne Lanni provided updates. On May 14, 2024, staff observed sign remained after business closed. Staff allowed the respondent 10 days to come into compliance by fully covering or removing sign or a fine of up to 250 per day may be issued. The property was out of compliance for 19 days but is now in compliance. Compliance on August 1, 2024. The respondents were not present.

MOTION

The Special Magistrate issued an Order Imposing a Fine of \$250 per day for the 19 days for a total of \$4,750.

e. CE2022-0217

Valerie Lee Properties LLC
Lee Valerie
38 White St E
Ch. 8 Sec. 8-608- Permit required.

Barry Fox relayed case information and provided updates. On August 6, 2024, the fine threshold of \$50,000 had been reached and case was tabled at the August 7, 2024, hearing. Sam Mathews, building inspector provided further information to the failed inspections. Becky Vose had requested copies of the text messages between Sam Matthews and the respondent and reviewed them during the August 7, 2024, hearing. The property failed inspections, and Inspector Matthews put in notes, communicated to owner the corrections that needed to be made. Last inspection was August 8, 2024, and met with owner. The deck and stairs were still not in compliance. The respondent is present, Valerie Lee 23 Grove Ave. Becky Vose asked if respondent was aware that in September 2022, the initial Notice of Violation was sent. Valerie Lee claimed she was unaware of the February hearing. Buddy Schauland said the March inspection failed, and the inspection on August 8, labeled not ready because the work was not done according to approved plans. The permit expired in January 2024, and was reactivated on March 1, 2024.

MOTION

The Special Magistrate tabled the case as requested staff to provide updates as the respondent worked toward completing the active building permit.

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f. **CE2024-0308**

Santiago Antonio
Riberio Gilza Barreto
72 Anderson St
Ch. 25 Sec. 56

Barry Fox relayed case information and provided updates. The Special Magistrate issued an "Order Finding Violation" and assigned a fine of \$500 allowing the respondent 30 days to plant the cedar tree and pay the fine. On July 26, 2024, the respondent paid the fine and staff confirmed the trees were planted.

MOTION

The Special Magistrate issued an Order Closing Case for Compliance.

g. **CE2024-0342**

Rimel Aaron J
Ramkisson-Rimel Asha
37 S Whitney St
Ch. 25 Sec. 56

Barry Fox relayed case information and provided updates. On June 5, 2024, the Special Magistrate heard this case and issued an "Order Finding Violation" for the irreparable/irreversible damage of removing a tree without a permit and issued a \$2,500 fine. On June 26, 2024, the fine of \$2,500 was paid in full. On August 20, 2024, staff confirmed that replacement trees were planted.

MOTION

The Special Magistrate issued an Order Closing Case for Compliance.

8. **CITY ATTORNEY ITEMS**

None

9. **OTHER BUSINESS**

None

10. **ADJOURNMENT**

10:34 AM


Becky Vose, Special Magistrate


Emily Howington, Administrative Coordinator/Recording Secretary



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