CITY OF ST. AUGUSTINE, FLORIDA

Special Magistrate Hearing
July 3, 2024

The Special Magistrate held a hearing formal session at 9:00am, Wednesday, July 3, 2024, in the Alcazar Room at City Hall. The meeting was called to order by Becky Vose, Special Magistrate, and the following were present:

Becky Vose, Special Magistrate

Staff Present:

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
Sarah Daughtery, City Planner

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2. INTRODUCTION TO Becky Vose, SPECIAL MAGISTRATE

3. SWEARING IN OF STAFF

4. APPROVAL OF MINUTES
The approval of the June 5th minutes was postponed until the August 7th meeting.

5. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA
None

6. MODIFICATIONS TO THE AGENDA
Barry Fox requested to modify the agenda to remove item 5e case number CE2024-0323 and 5h case number CE2024-0377. The Special Magistrate approved the modification, and the items were removed from the agenda.

7. REVIEW OF NEW CASES

a. CE2024-0268
Roots Construction LLC
C/O Largay Joseph
6 S Whitney St
Ch 28. Sec. 28-337- Parking storage or use of major recreational equipment

Barry Fox relayed case information and Curtis Boles provided testimony. On March 1, 2024, staff received information about a large derelict pontoon boat on the property. Inspection determined the boat was not far enough from the property line. The respondent was present, Joseph Largay of 505 Wilson Rd, Hastings, FL who stated the boat was removed prior to the hearing. Curtis Boles said he would go to the property to confirm.

MOTION
The Special Magistrate postponed ruling until the next meeting.

b. CE2024-0308
Santiago Antonio
Riberio Gilza Barreto
72 Anderson St
Ch. 25 Sec 25-56- Tree removal and replacement.

Barry Fox relayed case information and Curtis Boles provided testimony. A 17-inch Southern Red Oak was removed with no permit or arborist report. The respondent agreed to replant two Southern Red Oaks for replacement. On May 22, 2024, Curtis Boles received an email that the trees were planted and on June 7, 2024, he confirmed the replacements. The respondent was present Leonardo DeSousa, spoke on behalf of the owner and an owner's authorization form was on file. Becky Vose asked the cost of the replacement trees, Leonardo DeSousa stated they were $1,000 each and provided photos of the replanting.

MOTION

The Special Magistrate found the case in violation and assigned a fine of $500 for irreversible damage.

The Special Magistrate called both case CE2024-0318 and CE2024-0319 at the same time for a singular testimony.

c. **CE2024-0318**
Stehli Gary L
8 Hedrick St
Ch 19 Sec 19-4 Certain growth and conditions prohibited

d. **CE2024-0319**
Stehli Gary L
8 Hedrick St
Ch 28 Sec 28-33 Certificate of occupancy

Barry Fox relayed case information and provided testimony. On April 3, 2024, staff received a complaint from St. Augustine Police Department for junk, debris, and individuals living in unpermitted structures on the property. Staff spoke with the property owner on April 3, 2024. On April 28, 2024, staff received email from neighbor in reference to complaint of same nature at the property. Further testimony was provided by Wayne Ferrell of St. Augustine Police Department. The PD began investigation in the beginning of 2024, and after surveillance determined the residence had narcotics use present and obtained a lawful search warrant which led to multiple arrests. Wayne Ferrel then verified the code enforcement photos were what police officers viewed at scene and then showed video evidence of walking through property and displaying violations. The respondent was present and Murdoch Hampy, 8 Hedrick Street, spoke on behalf of owner Gary Stehli. Murdoch Hampy stated he told the remaining people to leave and has taken down the tents and makeshift beds on the property and the cabin has been reverted back to storage. Becky Vose asked how long they would need to clean out the property and that it cannot continue to be used to store building material.

MOTION FOR BOTH CASES:

The Special Magistrate found both cases in violation and issued an order giving 10 days to come into compliance by cleaning out the property and to schedule a compliance inspection and a fine of $250 per day will accrue if compliance is not met.

e. **CE2024-0331**
Rast Denela
35 San Marco Ave
Ch 8 301 property maintenance code

Barry Fox relayed case information and Morganne Lani testified. The property had electrical work on the outside not compliant with the international property maintenance code. An owner's authorization form was on file, the owner out sick w covid and owner's partner spoke on her behalf. Stated that tenants manage the building. Stated they think issues are rectified. Asked Schauland building official,

about electrical work and if permits pulled. No electrical permit pulled. Schauland confirmed some of the items described would need a permit.

MOTION
The Special Magistrate found in the case in violation, give 15 days to come into compliance by applying for a permit for electrical work done. If not met a fine of $250 per day will be issued.

f. CE2024-0374
Mis Ventures LLC
30 St George
Ch 8 sec 608

Barry Fox relayed case information and Morganne Lanni testified. Becky Vose asked about details of the permit. Morganne Lanni said historic preservation needed more details, and the supports were supposed to be on other side of fence which is why permit was not valid. The respondent was not present.

MOTION
The Special Magistrate found the case in violation, and allowed 10 days to come into compliance, and if not met a fine of $150 per day will be issued.

g. CE2024-0384
Stewart Luther C III
311 Anastasia Blvd.

Barry Fox provided case information and Morganne Lanni provided testimony. A compliance period of 10 days was established, and the violation remained as of May 25, 2024. The respondent was given an additional 10 days. On May 30, 2024, staff reinspected and saw text was only removed from one side of the sign. The respondent was not present.

MOTION
The Special Magistrate found the case in violation and gave 10 days to come into compliance and if not met a fine of $250 per day will be issued.

h. CE2024 0407
Hardy Richard
Hardy Tracy
117 Inlet Drive
Ch 11 Sec 11-28

Barry Fox provided case information and James Tomaselli testimony. The respondent installed Riprap and topsoil put in conservation overlay past allowed amount and without permits or approval of the Planning and Zoning Board. Becky Vose asked about the sea wall and when property is scheduled to appear before the Planning and Zoning Board. Sarah Daughtry, City Planner provided testimony. That the activities do require planning and zoning approval and outlined information about conservation overly. Barry Fox requested to submit to the record an application of development review from December. Becky Vose accepted it for review. Both property owners were present and provided testimony, the respondents understood there were three permits required and have begun work with the environmental department. Becky Vose asked city staff how much time would need to come into compliance. Sarah Daugherty stated that it does appear that there were wetland impacts and will have to work with the department of environmental protection, and the removal of the installed riprap would have to be approved by department of environmental protection. Becky Vose asked when the next Planning and Zoning Board meeting was, Sarah Daugherty said August 6, 2024.

MOTION
The Special Magistrate tabled the case until the September 3rd hearing.

8. REVIEW OF PREVIOUSLY HEARD CASES

a . CE2024-0219
Ray Rima
135 Menendez Rd

Barry Fox provided case information and updates the property was remodeled without permits. The respondent could have applied for an after the fact permit and did not submit an application, the compliance period passed. As of July 3, 2024, the property is out of compliance. The respondent was not present, and Becky Vose allowed Chirstine Sears, the attorney for the property owner to speak.

MOTION
The Special Magistrate gave 10 days to come into compliance and if not met a fine of $250 per day would be issued.

b. CE2024-0227
Bicknell Family Trust
Lee Bicknell
19 Milton Street
Ch19-3

Barry Fox provided case information and updates. Efforts to clean property have stalled, property still out of compliance. The respondent and his attorney, Lee Bicknell and Wayne Henderson respectively were present. Wayne Henderson asked about getting a continuance for more time to clean property stated the owner had health problems. The respondent spoke with a neighboring church and church members stated they would be willing to help clean up property.

MOTION
The Special Magistrate tabled the case until the August 7th hearing.

c. CE2024-0240
Sinclair Jason
Sinclair Kelley
208 alcazar St
Ch. 8 Sec 608

Barry Fox relayed case information and provided updates. Buddy Schauland stated the respondent has a permit for renovation but must revise it to include work done outside of scope of initial permit. Becky Vose asked if that update has been made. Buddy Schauland stated on May 10, 2024, plans were uploaded but not to cover the work done outside of permit.

MOTION
The Special Magistrate tabled the case until the August 7th hearing.

d. CE2024-0209
Teisan Barbara W
Teisan Hilary Erin
Teisan Gregory Walton
Teisan Jeremy Adam
47 Grove Ave
Ch 28 sec 28-33

Barry Fox relayed case information and provided updates. On June 5, 2024, a fine of $250 per day was issued for each day out of compliance the fine is currently running. The respondent was preset Gregory Teisan, 72 Willow Drive. Staff said the corrective action was to revert the shed back to non-habitable space or Buddy Schauland said it would have to submit permits for habitable space. It is considered a utility shed, not a single-family structure. Barry Fox said the structure is likely in the Historic Preservation district which has requirements and regulations. Becky Vose asked if the structure is currently being rented. Gregory Teisan said it was paused. Becky Vose sked if rented over the current upcoming weekend. Gregory Teisan said yes, it was rented over the holiday.

MOTION
The Special Magistrate determined the fine reduction request was denied and the fine continues at $250 per day until compliance.

9. CITY ATTORNEY ITEMS
None

10. OTHER BUSINESS
None

11. ADJOURNMENT
11: 29am

Becky Vose

Becky Vose, Special Magistrate

Emily Howington

Emily Howington, Administrative Coordinator, Recording Secretary

EMILY HOWINGTON
Notary Public-State of Florida
Commission # HH 305930
My Commission Expires
August 28, 2026