CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
February 11, 2020

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, February 11, 2020 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
CeCe Reigle
Thomas Day
William Masson
Charles Pappas
vacancy

Staff Present: John Cary, Esq., Assistant City Attorney
David Birchim, Director, Planning & Building Department
Richard Schauland, Building Official
Curtis Boles, Code Enforcement Inspector
Robert van Mierop, Code Enforcement Inspector
Sandra Partin, Administrative Coordinator, Recording

The City staff was sworn in.

2. APPROVAL OF MINUTES (January 14, 2020)

MOTION

Mr. Masson moved to approve the minutes as presented. The motion was seconded by Mr. Day and approved by unanimous voice vote.

3. DISCLOSURE OF EX-PARTE COMMUNICATIONS

None.

4. VARIANCES/TREE REMOVAL

None.

5. REVIEW OF PREVIOUSLY HEARD CASES

Item 5 (a) 2019-0484

Robert A. Sutliff
22 Dolphin Drive
City Code, Chapter 19, Section 19-3 Unlawful conditions.

Mr. van Mierop read the staff report and provided recommendation that the case be closed for compliance.

MOTION

Mr. Day moved to close the case for compliance. The motion was seconded by Mr. Masson and approved by unanimous voice vote.

Item 5 (b) 2019-0314

George A. Allen
47 Abbott Street
City Code, Chapter 19, Section 19-4
Certain growth prohibited.

Mr. Masson disclosed that he would need to recuse himself from the hearing of the case due to a conflict of interest.

Mr. van Mierop read from the staff report and provided recommendation, that in consideration of recent events, the Board close the case and forgive the previously imposed fines.

Representative for the deceased respondent was not present.

Public comment was opened, however there was no response.

Mr. Simmons questioned Staff's recommendation of forgiving all accumulated fines.

Mr. Cary advised the Board that Staff's position of recommendation to forgive fines was to make the property more desirable for resale.

The Board had a brief discussion regarding fines imposed on a property given the current condition.

MOTION

Mr. Weeks moved to find the property having been brought back before this Board with the previously imposed fine of $500/day having run for 127 consecutive days, and approved an Order Closing Case and Imposing a Fine in the amount of $63,500.00. The motion was seconded by Mr. Pappas and approved by unanimous voice vote.

Mr. Masson rejoined the meeting.

6. REVIEW OF NEW CASES

Item 6 (a) 2019-0498

Priscilla Davenport
93 and 95 Oneida Street
City Code, Chapter 19, Section 19-4
Certain growth prohibited.

Mr. Boles read from the staff report and provided recommendation that the Board close the case for compliance.

Neither Respondent nor representative were present.

Public comment was opened, however there was no response.

The Board had discussion about the reported sale of the property and inquired of staff whether there was evidence that the sale had occurred and if the respondent had disclosed the pending Code Enforcement to the proposed new owner prior to sale. The Board then asked counsel if the fine

could date back to the first compliance deadline that was provided the respondent. Consensus could not be made in following staff recommendation to close the case, as some members agreed that the property had yet to be brought into compliance.

Mr. Cary advised that the Board could order the fine to be imposed on the first compliance deadline date that was established. He also advised the Board that the only violation being presented for their consideration was the overgrowth of weeds and grass, and that the boarded windows were not a violation.

Mr. Masson stated that he would entertain staff recommendation to close the case for compliance.

Mr. Masson moved to approve an Order Closing Case for Compliance. The motion was seconded by Mr. Day, but failed by the following voice vote:

Ayes: Masson, Day, Weeks.
Nays: Pappas, Reigle, Simmons

MOTION

Mr. Simmons moved to Continue the Case to the date certain of March 10, 2020. The motion was seconded by Ms. Reigle and approved by unanimous voice vote.

7. CITY ATTORNEY ITEMS

Mr. Cary provided a brief case history for property located at 41 Cincinnati Avenue/CEAAB Case Number 2018-0417, and made recommendation that the Board approve an Order Authorizing Foreclosure.

MOTION

Mr. Masson moved to approve an Order Authorizing Foreclosure for the property located at 41 Cincinnati Avenue. The motion was seconded by Mr. Day and approved by unanimous voice vote.

Mr. Cary then provided a response to Mr. Simmons request at the previous meeting regarding Florida Statute 286.0105. And he pointed out that notice was provided at the end of each agenda, and that it was sufficient.

8. OTHER BUSINESS

None.

9. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

10. ADJOURNMENT

Meeting was adjourned at 3:57 P.M.

Stephen Simmons, Chairperson

Sandra Partin, Administrative Coordinator