CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
January 14, 2020

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, January 14, 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 - Absent
Thomas Day
William Masson
(Vacant Seat)
(Vacant Seat)

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. **Election of Chairman and Vice Chairman.**

Mr. Day nominated Stephen Simmons as the new Chairman, and Mr. Simmons accepted the nomination. The motion was seconded by Mr. Masson and approved by unanimous voice vote.

Mr. Day nominated Larry Weeks as the new Vice Chairman, and Mr. Weeks accepted the nomination. The motion was seconded by Mr. Masson and approved by unanimous voice vote.

3. **Acknowledgement and Appreciation of Service to Exiting CEAAB Members.**

Mr. Birchim acknowledged and expressed gratitude to Mrs. Martha Mickler for her service to this Board and her community and presented her with a letter of recognition and a city coin as a token of appreciation from the City of St. Augustine.

Mr. Noel Mahr had also served a term on the Board that expired in December 2019. Mr. Mahr was not present to receive a letter of recognition and city coin as a token of appreciation; however, staff wished to acknowledge and thank him for his service and dedication to the Board and his community.

Mrs. Mickler approached the podium and expressed her pleasure in serving this Board and her community for the past six years and thanked her fellow board members and city staff for their cooperation and service to the community as well.

Mr. Simmons proposed the practice consistent with Robert's Rule for the new year and provided a brief description to establish the responsibilities and duties of this Board. He then explained the guidelines by which this Board imposed fines, which was consistent with Florida Statute, Chapter 162.

4. APPROVAL OF MINUTES (November 19, 2019)

MOTION

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

5. DISCLOSURE OF EX-PARTE COMMUNICATIONS

None.

6. GENERAL PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

None.

7. VARIANCES/TREE REMOVAL

None.

8. REVIEW OF PREVIOUSLY HEARD CASES

Item 8 (a) 2019-0381

Roman Catholic Church
101San Marco Avenue
City Code, Chapter 22, Section 22-16, (b)(1)(i)
Use of and/or construction in city rights-of-way

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

Neither the Respondent nor representative were present.

Public comment was opened, however there was no response.

MOTION

Mr. Masson moved to approve an Order Closing Case for Compliance. The motion was seconded by Mr. Weeks and approved by unanimous voice vote.

Item 8 (b) 2019-0328

Sarah Robert
36 Magnolia Avenue
City Code, Chapter 8, Section 8-301
International Property Maintenance Code, Section(s) 304.2, 304.7, and 304.13.
Property Maintenance

Mr. van Mierop read the staff report and provided recommendation that the case be closed for compliance with the previously imposed fine waived.

Neither the Respondent nor representative were present.

Public comment was opened, however there was no response.

MOTION

Mr. Masson moved to approve an Order Closing Case for Compliance and further ordered that the previously imposed fine be waived. The motion was seconded by Mr. Weeks and approved by unanimous voice vote.

9. REVIEW OF NEW CASES

Item 9 (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 in consideration of recent communication with the respondent, the Board continue this case until the next hearing, and allow the respondent 10 days to bring the property into compliance.

Mr. Simmons stated that he would rather move forward with the case and allow the respondent 10 days to correct the violation.

Mr. Weeks and Mr. Masson concurred.

MOTION

Mr. Masson moved to approve an Order Finding Violation, allowing the Respondent ten (10) days from that day to correct the violations, or a fine in the amount of $250 per day and each day thereafter be imposed until the property had been brought into compliance. The motion was seconded by Mr. Day and approved by unanimous voice vote.

Mr. Simmons stated to counsel that he would like to have on the record that "in compliance with Florida Statute 286.0105" be added to any motion where a fine was set.

Mr. Cary stated that he would like to have an opportunity to review the statute prior to responding.

Mr. Simmons asked that it be added to the next agenda.

10. CITY ATTORNEY ITEMS

Mr. Cary stated that he had two items for the Board, one being the Foreclosure of 52 Spring Street, and the other at the request of the new Chairman, Mr. Simmons.

He also advised that the property located at 41 Cincinnati Avenue would be brought before the Board at the next hearing for Foreclosure as well.

Item 10 (a) 2018-0607

Les Bons Temps Rouler, LLC
52 Spring Street
Standard Housing Code 1997 Edition, Chapter 305, Section 305.3, Roofs

Mr. Cary provided a brief history of the case and read the guideline provided in Florida Statute, Chapter 162.09 (3), and requested that the Board approve an Order Authorizing Foreclosure of the property located at 52 Spring Street.

MOTION

Mr. Masson moved to approve an Order Authorizing Foreclosure for the property located at 52 Spring Street. The motion was seconded by Mr. Weeks and approved by unanimous voice vote.

Mr. Cary then announced that at the pleasure of the Chair, a presentation under City Attorney Items, would be provided each month for some matter of law or policy that would be helpful for this Board.

At this meeting he chose to present the *Organization Resolution*, explaining that every two years the City Commission offers a resolution that provides procedures and matters that help the process in running City Board Meetings, and then he elaborated on the subject.

Mr. Simmons commented that panels such as this, much like a court, does operate from a docket while they must stick to an agenda. And he explained that his position on public comment was to exclude that item from this Board's agenda list, as to circumvent a rally of a large group coming to the podium for three minutes of public comment on a topic that this Board had no control over.

Mr. Cary advised that resolution passed by the City Commission was that Boards and Committees shall provide for a general public comment period. And added that with this Board not being televised, he did not believe this to be a desirable meeting to filibuster.

11. OTHER BUSINESS

None.

12. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

None.

13. ADJOURNMENT

Meeting was adjourned at 3:38 P.M.

Stephen Simmons, Chairman

Sandra Partin, Administrative Coordinator