

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting January 9, 2018

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, January 9, 2018, in the Alcazar Room at City Hall. The meeting was called to order by Clyde M. Taylor, III, Chairman, and the following were present:

1. ROLL CALL

Clyde M. Taylor, III, Chairman
Martha Mickler, Vice Chairman
Dennis Wissel
Stephen Simmons

Staff Present: Denise May, Esq., Assistant City Attorney
David Birchim, Director, Planning & Building Department
Richard Schauland, Building Official & Code Enforcement Manager
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 (December 12, 2017)

MOTION

Mr. Simmons moved to approve the minutes with corrections to page 4 and page 6. The motion was seconded by Mrs. Mickler and approved by unanimous voice vote.

3. DISCLOSURE OF EX-PARTE COMMUNICATIONS

None.

Public comment for items not on the agenda was opened, however there was no response.

4. VARIANCES/TREE REMOVAL

None.

5. REVIEW OF PREVIOUSLY HEARD CASES

Item 5 (a) 2017-4503

Robert F. Keegan, Jr., Melanie G.
41 Cincinnati Avenue
City Code, Chapter 19, Section 19-4
Certain growth prohibited.

Mr. van Mierop read from the staff report and testified to the following:

- That the property had been cleared, and staff was recommending the Board impose a fine and close the case for compliance.

Mr. Taylor stated that the case was in violation for a total of 20 days for a total of \$5,000 plus the cost of \$800 for the abatement, bringing a total fine to \$5,800.

Mr. Wissel asked staff if the abatement was sent out for bid.

Staff confirmed that was the process.

Mr. Simmons directed the board to the administrative costs that may be involved in the case, and wished to have that assessed to the fine levied.

Mrs. May advised that the code enforcement administrative costs are a part of the staff's time that was part of their normal duties and that unless a fee was a direct, she cautioned the Board from including that in the fine.

Mr. Taylor commented that previous cases had been charged with administrative costs incurred by staff.

Public comment was opened, however there was no response.

MOTION

Mr. Simmons moved to approve imposing a fine to include the \$250/day for the 20 days of violation totaling \$5,000, plus the cost of abatement and assessment for administrative costs.

Motion failed by the following voice vote:

Ayes: Simmons, Taylor
Nays: Mickler, Wissel

Mr. Wissel questioned whether staff's recommendation was to include the administrative costs into the fine imposed.

Mrs. Mickler stated that she was inclined to not include the additional assessment of \$180 per recommendation by counsel.

MOTION

Mrs. Mickler moved to approve imposing a fine in the amount of \$250 per day for the 20 days of continued violation plus the cost of \$800 for the abatement. The motion was seconded by Mr. Wissel and approved by the following voice vote:

**Ayes: Mickler, Wissell, Taylor
Nays: Simmons**

Item 5 (b) 2017-4501

**Ronald Bailey
Corona Bailey
101 South Street**

**City Code, Chapter 8, Section 8-302;
Standard Housing Code, 103.2.1 and
305.3.1
House/building unsafe, unsanitary
and unfit for human habitation and
constitutes a fire hazard or danger to
human life; collapsed roof; building
admitting rain or causing dampness
within wall and interior portion of
structure.**

Mr. Schauland read from the staff report and testified to the following:

- On January 4, 2018 he had met with the respondent and was supplied with a letter and pictures which were provided in the Board's packets.
- The roof and all debris within the structure had been removed and the structure had been boarded up.
- The respondent had retained the services of an engineer and contractor to bring the structure up to code.
- Respondent had demonstrated in his actions that he was continuing to move forward to bring the property into compliance.
- Staff recommended the Board close the case for compliance.

Mr. Taylor asked for confirmation that respondent had complied within the period set forth by this Board.

Mr. Schauland replied affirmative.

Public comment was opened, however there was no response.

MOTION

Mr. Simmons moved to close the case for compliance. The motion was seconded by Mrs. Mickler and approved by unanimous voice vote.

6. REVIEW OF NEW CASES

(None scheduled)

7. CITY ATTORNEY ITEMS

Mrs. May notified the Board that this was her last meeting, as she was leaving employment with the city. And she thanked the members for allowing her to serve the CEAAB.

Mr. Taylor thanked Mrs. May for her service.

Mrs. Mickler thanked Mrs. May for her service not only to code enforcement, but to the city as well. And she acknowledged the impact that Mrs. May had made on enforcement in the city.

8. OTHER BUSINESS

None.

9. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

None.

10. ADJOURNMENT

Meeting was adjourned at 3:19 P.M.

Clyde M. Taylor, III, Chairman

Sandra Partin, Administrative Coordinator