

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
July 10, 2018

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, July 10, 2018, in the Alcazar Room at City Hall. The meeting was called to order by Martha Mickler, Vice-Chair, and the following were present:

1. ROLL CALL

Clyde M. Taylor, III, Chairman - Absent
Martha Mickler, Vice Chairman
Noel Mahr
CeCe Reigle
Dennis Wissel
Larry Weeks
Stephen Simmons - Absent

Staff Present:

John Cary, 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
(June 12, 2018)

Ms. Reigle made comment of correction to page 5, 4th paragraph, should have read that would not had been approved.

Mr. Weeks made correction to page one, item three under ex-parte communications, stating that he too had received email communications, but had no contact.

MOTION

Ms. Reigle moved to approve the minutes with corrections. The motion was seconded by Mr. Wissel and approved by unanimous voice vote.

3. DISCLOSURE OF EX-PARTE COMMUNICATIONS

Mrs. Mickler disclosed that she would recuse herself from case number 2018-0382, as the applicant was a distant relative to her husband, and that she had communications with the applicant. She then announced that Mr. Wissel

would step in as acting chair during case 2018-0382.

4. VARIANCES/TREE REMOVAL

Item 4 (a) 2018-0382

Gertrude B. Mickler
36 Dufferin Street
Removal of a 19" dbh preserved
Water Oak tree
City Code Chapter 25, Section 25-56

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

- Staff had denied the tree removal permit due to size and per city code 25-56 (c) (2).
- The applicant was advised that an arborist report would be desired if appealing, but to date staff had not received.
- The applicant was unable to make the meeting, as she had mobility constraints.
- Applicant had planted the tree 70 years ago, and according to the University of Florida Institute of Food and Agricultural Sciences, a Water Oak tree has a life span of 30-50 years.
- Given the tree's slight lean/curve toward the house, and a large limb having fallen from the tree, the applicant was fearful of the tree falling on her house.
- Staff recommended that the board approve the removal with stipulation that two shade trees be planted on the property.

Public comment was open, however there was no response.

MOTION

Ms. Reigle moved to continue the case to August 14, 2018, to allow for receipt of an arborist report. The motion was seconded by Mr. Mahr and approved by unanimous voice vote.

5. REVIEW OF PREVIOUSLY HEARD CASES

Item 5 (a) 2018-0053

12 Poinciana Avenue
Vacant property in state of disrepair;
open to trespass; property
overgrown.
City Code, Chapter 8, Section 8-302
Chapter 103.2, Standard Housing
Code
City Code, Chapter 19, Section 19-4

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

- The property had been in foreclosure and was sold at auction on June 28, 2018.
- He had spoken with the new owner and advised of the active code enforcement case on the property.
- The new owner had requested an extension of time to allow for the property to be brought into compliance, and staff granted extension to August 13, 2018.

- Staff recommended that the board continue the case to August 14, 2018, to allow the new owner to bring the property into compliance.

Public comment was opened, however there was no response.

MOTION

Mr. Weeks moved to continue the case to August 14, 2018, to allow for the new property owner to bring the property into compliance. The motion was seconded by Mr. Mahr and approved by unanimous voice vote.

6. REVIEW OF NEW CASES

Item 6 (a) 2018-0146

**Lee Bicknell
19 Milton Street
Unlawful conditions; certain growth prohibited
City Code, Chapter 19, Sections 19-3 & 19-4**

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

- On March 12, 2018, staff received a complaint of the property being overgrown and littered with junk and debris.
- Inspection of the property proved that violations of overgrown weeds and grass, and

unsheltered storage of junk and debris were present.

- From March thru May 2018, staff had verbal and written communications with the property owner requesting that the property be brought into compliance, and some effort had been shown.
- That in 2017, the property had come before this board for the unsheltered storage of junk and debris, and that the case had been closed for compliance.
- He explained that staff had extended time to the property owner in this instance, with anticipation that he would once again bring the property into compliance, but attempts have been unsuccessful.
- On June 21, 2018 an Official Notice of Violation was sent via certified mail to the property owner giving seven days for compliance or a fine up to \$250 per day may be imposed by the CEAAB.
- On June 28, 2018 an Official Notice of Hearing for July 10, 2018 was sent via certified mail to the address of record, and a Posting Affidavit of CEAAB Hearing for July 10, 2018 was posted with the City Clerk's Office.
- Staff recommended that the board allow fourteen days for the property to be brought into compliance or a fine of \$250 be imposed for each day thereafter until compliance was met.

Public comment was opened, however there was no response.

Mr. Wissel asked if in the previous case against this property, was the level of debris similar, and if there were a reason why the cleanup efforts had stopped.

Mr. van Mierop responded that the level of debris was similar and there was no reason given for the work having stopped.

Ms. Reigle commented that she was in favor of a fine to begin that day, and questioned why the fine would not be retroactive.

Council advised the board that a fine could not be retroactive, however the board could order the fine to start that day.

Mrs. Mickler commented that she would be in favor of staff's recommendations.

MOTION

Mr. Wissel moved to approve finding violation, allowing the respondent fourteen days to bring the property into compliance, or a fine in the amount of \$250 per day beginning July 26, 2018, and for each day thereafter that the property remained in violation. The motion was seconded by Mr. Weeks and approved by unanimous voice vote.

Item 6 (b) 2018-0378
Ronald L. Bailey, Jr.
101 South Street
Housing Code, Unsafe residential buildings, roofs, and certain growth prohibited.
City Code, Chapter 8, Section 8-302
Standard Housing Code 103.2.1, 305.3.1 & 2
City Code, Chapter 19, Section 19-4

Mr. Schauland commented to the following:

- Staff asked that the item be taken off of the agenda for at least thirty days, explaining that the owner was working in good faith towards bringing the entire property into compliance.
- The owner had stated that he had been in contact with John Valdes & Associates about the structure.
- From his understanding, Mr. Valdes advised the owner to contact a surveyor to find out the elevation of the structure, which they have done.
- The surveyor cannot get the elevation certificate for 2-3 weeks, which is normal.
- The owner has stated that after the elevation has been determined, he would seek advice from Mr. Valdes for the options available on the structure, whether it be restoration, elevation, or demolition.
- Earlier that day, General Bailey had submitted an application to the HARB for demolition in the event the building had to be

demolished. Adding that application would be placed on HARB's agenda for the August meeting.

- He explained that the owner was showing good faith with the other structures on the property as well. And that a permit was issued last Friday to reroof the green house on the corner of South Street and M. L. King Boulevard.
- With the goal being compliance with the code, and John Valdes & Associates being involved with assisting the owner in making a decision of the structure, staff would ask for at least 30 days to allow these decisions to be made. And added that should the owner continue to move forward from this point, this case would not have to come back before this board.

Mr. Wissel commented that he was surprised to see this property come back before the board.

Mr. Schauland replied that he had met with General Bailey last week and it was found that he had misunderstood the timeline in which he had to reply to the application, and that was what brought the property back before this board.

Mr. Wissell commented that was understandable.

Mrs. Mickler asked for clarification of permits having already been applied for. Mr. Schauland replied that permit had yet to be applied for because they are not able to determine what should be done with the structure, as they first have to contact a surveyor to obtain the elevation certificate, which will take 2-3 weeks. At that time they will be able to determine if they can either elevate or demolish the structure.

Ronald Bailey, was present and testified to the following:

- That he was in full agreement with the staff report.
- That he had been under the impression that he had one year, but came to understand after meeting with Mr. Schauland, he had actually been given 180 days.
- Prior to that he had removed the roof, gutted and secured the building.
- Since then he had received advice that he needed to know the elevation. And explained that once elevation was determined, with the advice of an architect, he would then decide whether to demolish or renovate.
- As stated previously, it was his goal to renovate the property and bring everything into compliance.

The board thanked Mr. Bailey for his attendance.

Public comment was opened.

Joseph Park, 102 South Street, commented to the following:

- That he lived across the street from the property, and from his view there was a tree growing inside of the structure.
- He commented that with the terrible condition of the building, he did not believe an inspection from an engineer was necessary, as the dilapidated conditions were apparent. And he did not believe it would be viable to renovate the structure, as it should be demolished.
- He commented that a construction sign had been placed on the property and two men had begun work on the green building, and he expressed frustration that no work had been done on the structure at 101 South Street.
- He also expressed that he did not believe the owner to have good intentions with the rehabilitation and was playing games with the board.

Public comment was closed.

Mrs. Mickler asked for confirmation of the date when the application would go before the Historical Architectural Review Board.

Mr. Birchim responded that the property would be placed on the August 16, 2018 HARB agenda. And he explained that

was the earliest it could be placed on the agenda, and that HARB's decision on the demolition was the first step in the demolition process.

Mr. Weeks asked what the probability of the case being continued by the HARB. Mr. Birchim responded that HARB may likely continue the case.

Mr. Mahr asked Mr. Schauland if the property would be cleaned up, and the grass mowed in the meantime.

Mr. Schauland replied that the property had been cleaned and mowed on the day the notice had been placed.

Mr. Cary advised that the issue with the structure was that the owner was unable to do anything without approval from the HARB, as the building was over 50 years old.

Mrs. Mickler stated for the benefit of the audience, that nothing could not be done with the demolition of structure until after the August 16, 2018 meeting. That they understood the property had been cleaned up of weeds and otherwise.

Staff concurred.

Ms. Reigle asked for confirmation of staff's recommendation. She also asked for clarification with reference to background information on the staff's memorandum to the board, item (b) (i).

Mr. Schauland responded that staff had asked to take the item off of the agenda, but with the discussion that day, he

changed recommendation to continue until after there has been a response from the HARB. He also explained that item (b) (i) was in reference to the case number 2017-4501 that had previously been heard.

MOTION

Mrs. Mickler moved to continue the case to September 11, 2018, to allow the application to be heard by the HARB and action could be taken in August 2018, as per staff recommendation. The motion was seconded by Mr. Wissel and approved by unanimous voice vote.

7. CITY ATTORNEY ITEMS

None.

8. OTHER BUSINESS

Code Enforcement Case Statistics (Material prepared by staff providing five year statistics for code enforcement cases for the board's information).

Mr. Birchim reported that staff had compiled data for the past five years to take a look at the work load of our two code enforcement officers and our code enforcement administrator. It was interesting to see the increase in the number of cases. In the calendar year 2017, our code enforcement division responded to over 500 cases. We wanted to share that information with you and will continue to provide this information on an annual basis.

Mr. Wissel commented that there was a large amount of cases, and it was interesting that many of the cases were able to be solved. He commented that it was probably an eye opener to staff as well.

Mr. Birchim stated that staff was very proud of that, that it was our goal to work towards compliance with our community and not punishment. So, we don't just hand out notices of violation, we actively work the cases to try and find compliance. And commented that to bring cases before the board was a last/worst case scenario in our opinion.

Mrs. Mickler thanked staff for sharing the report and she read the five year statistics from the report into the record.

- 2014 number of cases investigated were 289, with 262 cases being closed, and 47 cases having been brought before the board.
- 2015 number of cases investigated were 342, with 328 cases being closed, and 45 cases having been brought before the board.
- 2016 number of cases investigated were 352, with 314 cases being closed, and 43 cases having been brought before the board.
- 2017 number of cases investigated were 524, with 469 cases being closed, and 35 cases having been brought before the board.

- As of June 18, 2018 there have been 381 cases investigated, 336 cases closed and 9 brought to the board.

9. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

Mr. Wissel expressed that unfortunately he was not present at the last meeting to weigh in on the tree presentation/discussion, and he asked if staff was still looking for recommendation.

Mr. Birchim addressed Mr. Wissel's concerns and stated that it would come back with comments from the Street Tree Advisory Committee, and that they had reviewed changes to the tree ordinance. They were also scheduled to appear before the Planning & Zoning Board (PZB) at their last meeting, however the meeting ran long and other business was not heard. But, it will go back before the PZB in August, and they will have this boards comments along with the Street Tree Advisory Committees comments. They will review all of that, and their responsibility was to make a formal recommendation to the City Commission. If they recommend to change the tree ordinance, then the staff and city attorney's office will draft that ordinance to take back to the PZB one more time, then to the City Commission for codification.

10. ADJOURNMENT

Meeting was adjourned at 3:41 P.M.

Martha Mickler, Vice-Chair

Sandra Partin, Administrative
Coordinator