

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
January 12, 2010

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, January 12, 2010, in the Alcazar Room at City Hall. The meeting was called to order by Irene Arriola, Chairperson, and the following were present:

1. ROLL CALL

Irene Arriola, Chairperson
Gary McMahon, Vice Chairperson
Enid Hurst
William Rosenthal
Cathy Brown
Rhett Davis
Chad Smith

Staff Present

Carlos Mendoza, Esq., Assistant City Attorney
Mark Knight, Director, Planning & Building Department
Nick Andrade, Building Official
Curtis Boles, Code Enforcement Inspector
Wil Franke, Building Inspector
Sharon O'Keefe, Administrative Coordinator, Recording

The City staff was sworn in.

2. APPROVAL OF MINUTES
December 8, 2009 & December 28, 2009

MOTION

Mr. Rosenthal moved to approve the minutes of December 8, 2009. The motion was seconded by Ms. Hurst and approved by a unanimous voice vote.

MOTION

Mr. McMahon moved to approve the minutes of December 28, 2009. The motion was seconded by Mr. Davis

and approved by a unanimous voice vote.

3. DISCLOSURE OF EX-PARTE COMMUNICATIONS

(None)

4. VARIANCES/TREE REMOVAL

(None)

5. REVIEW OF PREVIOUSLY HEARD CASES

Item 5(a) 2009-4297

Harold Simmons

90 Oneida Street

City Code, Chapter 8 Section 301

Unsafe Structure

Mr. Andrade reported the following:

- The case had been continued from November 10, 2009
- The Respondent made some progress implementing structural modifications to the building
- Not all of the modifications ordered by the Board were completed
- The lean to the building had been partially corrected
- Vertical load paths and shear paneling on two remaining walls remained to be completed
- Mr. Simmons had not performed the construction in compliance with the engineer's plans
- Some of the work completed would have to be redone to meet code
- If the improvements shown on the plans were completed the building could be removed from the unsafe building list
- The work completed triggered the substantial improvement threshold contained in the NFIP requiring the building to be brought into compliance with the 9' flood elevation
- A variance would be required to maintain the current 6.5' elevation of the building
- Recommended the Board find that the improvements tripped the substantial improvement provision of the NFIP and direct the Respondent to elevate the building or obtain a variance to the Flood Management Code.

Ms. Arriola asked if the Respondent could stabilize the building, enough to remove it from the unsafe building list, without tripping the substantial improvement level.

Mr. Andrade confirmed that it could be done however at some point when the building was to be occupied, the issue of the elevation would have to be addressed.

Harold Simmons, 96 Bridge Street, was sworn in and made the following comments:

- Made an effort to bring the building into compliance and off the unsafe structure list
- Submitted pictures of the improvements he made
- His engineer told him the City building staff read the plans wrong and that some requirements applied to the new bathroom addition
- Asked the Board to determine that the building was no longer unsafe
- Planned to obtain an elevation certificate and would acquire flood insurance
- Asked that the Board allow him to build a 7' bathroom addition at the current 6'.5" elevation

Mr. Andrade said the addition was not included in the approved plans.

Wil Franke reported the following:

- He inspected the property on January 11, 2010 and issued a

correction notice for several deficiencies

- Some of the plywood was nailed incorrectly
- Two walls have not been shear paneled
- Had not received anything in writing from Mr. Simmons' engineer for changes to the plan

Mr. Simmons said he intended to save the existing siding on the house, which was the reason he had not completed the paneling.

Mr. Simmons stated that his engineered plans showed what was required only for the addition of a bathroom not the entire house.

The Board disagreed and explained that the plans approved applied to the entire structure not an addition.

Discussion continued on the discrepancies of the work completed and what was shown on the approved plans.

Mr. Andrade requested Mr. Simmons have his engineer submit a written letter, stamped with his seal, addressing all of the concerns noted in his report and the correction notice issued by Mr. Fanke.

There was no public comment.

MOTION

Ms. Arriola moved to continue the case until February 9, 2010. She further stipulated that the

Respondent have his engineer respond to the Building Official's concerns in writing within two weeks or a stop work order would be issued. The motion was seconded by Mr. McMahon and approved by a unanimous voice vote.

Item 5(b) 2009-4300

Echo House, Inc.

**100 Martin Luther King Avenue
City Code, Chapter 8 Section 301
Unsafe Structure**

Mr. Andrade reported the following:

- On November 10, 2009 the Board ordered the Respondents to address several deficiencies of the structure and property and to board the windows and doors of the building
- The respondent was also required to submit a plans for future repairs and rehabilitation
- As of January 5, 2010 many corrections had yet to be completed
- Most of the windows and doors had been boarded
- There were current negotiations regarding the transfer of the property to St. Paul AME Church
- The building remained unsafe and a danger to the community

Ron Rawls, Pastor of St. Pauls AME Church 85 Martin Luther King Avenue was sworn in and stated the following:

- His church was in the process of gaining title to the Echo House

- Both were new managers of the Restaurant and were authorized to speak for the owner John Oliver.
- Mr. Oliver was working as a cardiologist in Pennsylvania
- They were of the understanding that the former manager, Mr. Peterson, had taken care of the problem
- They asked for leniency toward the fine because the amount could result in the restaurant closing

The Board discussed the extra effort taken by the city to notify the owner and manager of the restaurant, in an attempt to get someone to respond to the violation that continued on for months. The consensus was that those responsible showed little to no concern by not responding to the many certified mailings from the City requesting an appearance before the CEAB.

MOTION

Mr. McMahon moved to issue an Order Imposing Penalties and Lien, in the amount of \$6,000 to be paid monthly in installments of \$,1000 in addition to the previously imposed lien in the amount of \$6,000 to be paid by February 9, 2010. The motion was seconded by Ms. Arriola and was approved by a unanimous voice vote.

ELECTION OF OFFICERS

Ms. Brown moved to reappoint Ms. Arriola as the Chairman. The motion was seconded by Ms. Hurst and approved by a unanimous voice vote.

Mr. McMahon informed the Board that he was moving from the City limits and would not be eligible to continue to serve on the CEAB.

Ms. Brown moved to appoint Mr. Rosenthal as Vice Chairman. The motion was seconded by Mr. McMahon and approved by a unanimous voice vote.

9. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

(None)

10. ADJOURNMENT

MOTION

Mr. McMahon moved to adjourn the meeting at 4:45 PM. The motion was seconded by Ms. Brown and was approved by a unanimous voice vote.

Irene Arriola, Chairperson

Sharon O'Keefe, Administrative Coordinator