

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
February 9, 2010

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, February 9, 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
William Rosenthal, Vice Chairperson
Cathy Brown
Rhett Davis
Chad Smith

Excused:

Enid Hurst

Staff Present:

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

The City staff was sworn in.

(None)

2. APPROVAL OF MINUTES
January 12, 2010)

5. REVIEW OF PREVIOUSLY HEARD
CASES

MOTION

Item 5(a) 2009-4297

Mr. Rosenthal moved to approve the minutes. The motion was seconded by Ms. Brown and approved by a unanimous voice vote.

Harold Simmons, Et Al
90 Oneida Street
City Code, Chapter 8, Section 301
Unsafe building

3. DISCLOSURE OF EX-PARTE
COMMUNICATIONS

Mr. Andrade reported the following:

(None)

- The case had been continued from January 12, 2010
- The Board instructed Mr. Simmons to complete all structural modification according to his engineered drawings

4. VARIANCES/TREE REMOVAL

- Mr. Simmons was also required to submit a letter from his engineer, identifying any revisions to the original plans
- Was instructed to call the City for inspections
- Mr. Holas, Mr. Simmons' Engineer, submitted a response to the correction notice with plan revisions dated January 14, 2010
- No request had been made by Mr. Simmons for inspections
- The last contact with Mr. Simmons was January 12, 2010
- The scope of construction tripped the "Substantial Improvement" provision of the NFIP (National Flood Insurance Program) requiring the building to be elevated to the required 9' BFE (Base Flood Elevation)
- The building remained unsafe and would continue as such until all of the repairs were completed in compliance with the approved plans

Mr. Boles informed the Board that he observed some activity at the site on Sunday and presumed that Mr. Simmons was working on the inside of the building. He suggested that the Board instruct Mr. Simmons to hire a licensed contractor to help him finish the job.

Mr. Simmons was not present at the hearing.

There was no public comment.

MOTION

Mr. Davis moved to find the case in violation allowing the Respondent until March 9, 2010 to correct all of the violations listed on the correction notice issued by City Staff and in compliance with his engineered drawings and to request inspections for work conducted prior to the March 9, 2010 hearing. The Board further ordered that if the corrections were not completed, to the satisfaction of the Building Official, by the March 9, 2010 date the City was authorized to abate the property, by removing the unsafe building, and place a lien on the property for all costs involved. The motion was seconded by Ms. Brown.

(Mr. Rosenthal opposed the motion stating that the respondent had been given ample time to make the corrections and would not agree to allow more time.)

VOTE ON MOTION

**Ayes: Davis, Brown, Arriola, Smith
Nays: Rosenthal**

Motion carried 4/1

**Item 5(b) 2009-4305
Bruce Maguire
Maguire Land Corp
275 St. George Street
City Code, Chapter 8, Section 302
Housing Code Violations**

Mr. Andrade reported the following:

- On December 8, 2009 the Board ordered the Respondent to return with a progress report on corrections of the housing code for the multi unit apartment building
- No permits had been issued for the corrections
- No inspections had been requested

Mr. Maguire was not present at the hearing.

Alan Hudson, 275 St. George Street, Apartment 4, was sworn in and made the following comments:

- Was a tenant of the building and was present at the last hearing
- Observed Thibault's Electric Service at the property making repairs after the last hearing
- Did not have a working smoke detector in his apartment

MOTION

Ms. Brown moved to issue an "Order Finding Violation", allowing the Respondent until February 19, 2010 to correct the violations and have the corrections inspected and approved by the Building Official or a \$250 per day fine would be imposed beginning February 20, 2010 and for each day the violation continued. The motion was seconded by Mr. Rosenthal and approved by a unanimous vote.

6. REVIEW OF NEW CASES

(None)

7. CITY ATTORNEY ITEMS

(None)

8. OTHER BUSINESS

Mr. Knight told the board that the Whetstone case (2009-0098) had been withdrawn.

Mr. Knight announced two foreclosures scheduled for March 2010: 54 Lovett Street and 24 Arenta Street, both subjects of outstanding Code Enforcement fines.

Orders imposing liens were approved for 69 Kings Ferry Way and 95 Evergreen Avenue for costs incurred by the City for abatement of both properties.

9. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

(None)

10. ADJOURNMENT

MOTION

Mr. Rosenthal moved to adjourn the meeting. The motion was seconded by Ms. Brown and was approved by a unanimous voice vote.

Meeting was adjourned at 4:00 P.M.

Irene Arriola, Chairperson

Sharon O'Keefe, Administrative
Coordinator