

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting  
June 9, 2009

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, June 9, 2009, 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  
Cathy Brown  
Chad Smith

Excused: William Rosenthal  
Rhett Davis

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

---

The City staff was sworn in.

**2. APPROVAL OF MINUTES**  
**(May 12, 2009)**

**MOTION**

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

Ron Brown, City Attorney, addressed the Board with an overview of their role as Board members and advised them of the following:

- Explained that in 1968 the Florida Constitution was amended to do away with municipal courts and replaced them with local municipal code enforcement boards
- Appeals of CEAAB decisions were directed to Circuit Court, not to the City Commission
- In making a ruling they must not base a decision on emotion or sympathy, just the evidence and facts
- Warned them not to discuss cases with each other outside of the open public meeting, including by telephone or electronic communications

**3. DISCLOSURE OF EX-PARTE**

## **COMMUNICATIONS**

(None)

### **4. VARIANCES/TREE REMOVAL**

(None)

### **5. REVIEW OF PREVIOUSLY HEARD CASES**

**Item 5(a) 2009-4276**

**Josephine Coley**

**173A Riberia Street**

**Unsafe Structure**

**City Code, Chapter 8, Section 301**

Mr. Andrade reported the following:

The city had been working with the County in an effort to obtain title to the property and requested a continuance to the July 14, 2009 meeting.

Mr. Brown confirmed that he was in negotiation with the County and expected the matter to be resolved soon.

There was no public comment.

## **MOTION**

**Ms. Brown moved to continue the hearing to July 14, 2009. The motion was seconded by Mr. McMahon and approved by a unanimous voice vote.**

**Item 5(b) 2009-4277**

**Robert & Jackie Rossworn**

**172 Cordova Street**

**Construction without a permit**

## **City Code, Chapter 8, Section 608**

Mr. Andrade reported the following:

- On May 12, 2009 the Board found the property in violation of construction without a permit
- A breach of the ceiling/floor separation created a fire hazard in unit 13 of the condominium building
- The respondent had been given until June 9, 2009 to bring the property into compliance by sealing the opening to the second floor
- Janice Brown, a member of the home owners association, testified at May 12, 2009 hearing that she would intervene in the matter, as the owners of unit 13 would not take action
- The homeowners association gave permission to correct the violation
- Contractor Tom Dailey, notified him that the ceiling/floor penetration had been sealed
- There were other issues outstanding; however, the fire danger due to the ceiling/floor penetration had been corrected

Mr. Millette, Building Inspector, testified that he originally inspected the property in March and found the violation. He said he re-inspected the building before the current hearing and determined that the breach of the floor/ceiling had been properly corrected. He stated the building was substantially in compliance, but there were other issues that remained.

Mr. Andrade stated that staff was satisfied that the immediate safety concern had been addressed; however, other issues such as the lack of a building permit and inspections remained.

There was no public comment.

### **MOTION**

**Ms. Brown moved to find the property in substantial compliance and to continue the case to July 14, 2009 to determine if the other violations were corrected. The motion was seconded by Mr. McMahon and approved by a unanimous voice vote.**

### **6. REVIEW OF NEW CASES**

#### **Item 6(a) 2009-4279**

**Araan Quinney**

**200 Inlet Drive**

**City Code, Chapter 8, Section 301  
Unsafe Structure**

Mr. Andrade reported the following:

- There were numerous violations on the property
- Second floor framing had begun when the contractor of record stopped working at the site
- The respondent had been notified to update the building permit with the new contractor's information
- The respondent failed to get a new contractor

- A stop work order was then issued because there was no valid permit
- The building was abandoned and left in an unsafe condition constituting a safety hazard
- The second floor partial framing was in danger of collapsing
- Materials left at the site would become a hazard in strong winds
- The building continued to deteriorate and was a public nuisance
- Despite the problems at the site the city was precluded from taking any action against the owner due to a bankruptcy filing

Mr. Mendoza advised that when a property was in bankruptcy all legal actions pertaining to that property were stayed. He explained that if they decided an unsafe condition needed to be remedied immediately they could approve abatement of the property. He said the costs may not be able to be recouped, because the city could not place liens or fines on the property.

Mr. Andrade stated that the building was an eminent danger to the public and the city should not wait to remove the violation despite the costs. He estimated the costs to be approximately \$1,000.

Marie Nadar, 201 Inlet Drive, was sworn and had the following comments:

- She lived directly across the street from 200 Inlet Drive
- Witnessed theft of building materials from the site



**by Mr. Smith and approved by a  
unanimous voice vote.**

Meeting was adjourned at 3:50 P.M.

---

Irene Arriola, Chairperson

---

Sharon O'Keefe, Administrative  
Coordinator