



## **AGENDA**

**MUNICIPAL CODE ENFORCEMENT BOARD MEETING WEDNESDAY,**

**April 24<sup>th</sup>, 2024, 2:00 P.M.**

**CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080**

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I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES OF MARCH 27TH, 2024

V. NEW BUSINESS

- A. Notice to appear after given time to obtain permits for 331 A1A Beach Blvd, parcel 1630310000 regarding St. Augustine Bch. Code, Chapter 6, Sec. 6-1 Adoption of the Florida Model Administrative Code, Section 105-permits. Alteration of a breezeway without obtaining permits.
- B. Notice to appear for expired permit/s for the following: 46 Clipper Ct., parcel 1631120646, 205 Sevilla St., parcel 1726500000, 5 Sunfish Dr., parcel 1642400060, 14 12<sup>th</sup> St. Unit A, parcel 1673400141, 20 Brigantine Ct., parcel 1631110320, 26 Linda Mar Dr., parcel 1746300170, 6 Clipper Ct., parcel 1631120106, 401 Ocean Dr., parcel 1642380000, 850 A1A Beach Blvd. Unit 64, parcel 1725010064, 403 E St., parcel 1717800040, regarding St. Augustine Bch. Code, Chapter 6, Sec. 6 -1 Adoption of the Florida Model Administrative Code, Section 105.5 Expiration of permit/s.
- C. Notice to appear to the registered agent, Mr. Derek Crosby, 7337 A1A South, St. Augustine FL. 32080, parcel 1816500000 of Extreme Window and Door Solutions INC. and former contractor of Extreme Window and Door Solutions INC. Mr. Jimmy Tabb, 336 Ocean Forest Dr. St. Augustine, FL. 32080, parcel 1724910090 regarding St. Augustine Bch. Code Chapter 6, Sec. 6-1 Adoption of the Florida Model Administrative Code, Section 105.5 Expiration of permits.
- D. Nomination of Vice Chair for Code Board.

NOTICES TO THE PUBLIC

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*In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Manager's Office no later than seven days prior to the proceeding at the address provided above, or telephone 904-471-2122, or email [sabadmin@cityofsab.org](mailto:sabadmin@cityofsab.org)*

*For more information on any of the above agenda items, please call the City of St. Augustine Beach Building and Zoning Department at 904-471-8758. The agenda material containing background information for this meeting is available on a CD upon request at the City Manager's office for a \$5.00 fee. Adobe Acrobat Reader will be needed to open the file.*



## **MINUTES**

**MUNICIPAL CODE ENFORCEMENT BOARD MEETING Wednesday**

**March 27<sup>th</sup>, 2024, 2:00 P.M.**

**CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080**

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### **I. CALL TO ORDER**

Chairman Kevin Mr. Sweeny called the meeting to order at 2:00 P.M.

### **II. PLEDGE OF ALLEGIANCE**

### **III. ROLL CALL**

BOARD MEMBERS PRESENT: Chairman Mr. Sweeny, Mr. Pritchett, Mr. Wilson, Mr. Mariutto, Ms. Odom, Mr. Esposito.

STAFF PRESENT: Building Official Mr. Law, Code Enforcement Officer Mr. Timmons, City Attorney, and Recording Secretary Ms. Pierotti.

### **IV. APPROVAL OF MINUTES OF FEBRUARY 28<sup>TH</sup>, 2024 MEETING**

**Motion: Moved by Mr. Pritchett and seconded by Ms. Odom, passed 6-0 unanimous voice vote.**

### **V. NEW BUSINESS**

- A. Notice to appear 56 Willow Dr., parcel 1640900000 issued for discussion of fines regarding denial of variance for St. Augustine Bch. Code Sec. 6.02 Rights-of-way.
- B. Notice to appear 331 A1A Beach Blvd, parcel 1630310000 St. Augustine Bch. Code, Chapter 6, Sec. 6-1 Adoption of the Florida Model Administrative Code, Section 105-permits. Alteration of a breezeway without obtaining permits.

Mr. Sweeny: Ok, we have a quorum, we will continue our business. So, I ask you all to take a minute or two or less to look over the minutes of our February 28th meeting if you haven't already. And I will accept a motion to approve those minutes.

**Motion:** Approval of February 28<sup>th</sup>, 2024, minutes. **Moved by:** Mr. Pritchett, and **Seconded by:** Ms. Odom, **Passed 6-0** by unanimous voice vote.

Mr. Sweeny: We are going to skip to B, members. This will be a notice to appear for 331 A1A Beach Boulevard, a violation, or an alternation of a breezeway without obtaining permits. Who on the staff will be discussing this one today? Mr. Timmons, welcome back.

Mr. Timmons: So, item B is a notice to appear for 331 A1A Beach Boulevard. All the pictures, as you can see, are at the end of the packet. This was a case that was discovered when an inspection was called out for a gas line permit. Upon inspection, it was discovered that they had enclosed a breezeway at the hotel. The last page of the pictures is an image that was lifted from the street view. As you can see, the date on the top left is January 5, 2023, which is the original state of the breezeway. The other pictures are just pictures of evidence showing all the work that was done. So, you can see they walled off both sides, installed stairs, landing, electrical work, and some windows all without permits.

Mr. Sweeny: Members, any questions for Mr. Timmons before we bring up the owners of the parcel? We can bring him back up if needed. Okay, seeing no questions. Thank you, Mr. Timmons. I now invite either the council or the owner of the parcel at 331 A1A Beach to approach the mic. Sir, I ask that you state your name and address.

Mr. Patel: Roger Patel, 311 A1A Beach Boulevard.

Mr. Sweeny: Mr. Patel, you are recognized. Would you like to tell us how we got here today from your side?

Mr. Patel: I don't know. I thought I was doing everything, but when they asked for the drawings, I already got it on Friday. I think the drawings are ready, and my contractor will submit the permit in less than a week. Today is Wednesday so before Wednesday, it will be all done. Drawings are right here.

Mr. Sweeny: Members, any questions for Mr. Patel? You're recognized.

Mr. Wilson: My question is more for Mr. Law.

Mr. Sweeny: Mr. Law?

Mr. Wilson: Mr. Law, have you received a permit application for this?

Mr. Law: We have received no application at this time, the city is not in receipt of any application that's submitted, keeping in mind that the application must first go to the St. Johns County Fire Marshal.

Mr. Sweeny: Mr. Law, with all due respect, I know we have a new member here. He's an alternate, but he gets to serve today, which is always good when you get to vote. Could you maybe just walk us through how that very quickly, how the permit actions work, and that might help other people in the audience?

Mr. Law: Okay. I can. I'm the one who performed the inspection who saw this. I was the first one.

Mr. Sweeny: Well, first, walk us through how people must go about getting a permit, why you have to go to the Fire Marshal first.

Mr. Law: So, this is a commercial building. As the beach government no longer has a Fire Marshal to represent the Florida Fire Prevention Code, we're entrusted, and we've entered into an agreement a long time ago with St. Johns County. So, the Fire Marshal for St. Johns County represents the Fire Code's interests. I represent the building code's interests. So, to apply for a permit, you would use our application, take two sets of signed and sealed plans from a Florida design professional, and you would submit those to the Fire Marshal at 4040 Lewis Speedway. Upon completion of that review and the subsequent approval at some point, you would bring everything back to us, and then we would begin our review for the Florida Fire Code or the Florida Building Code, and the Florida Energy Code. And then at that point, we perform the inspections, and prior to any closing of the permits, we require an inspection by the fire inspectors from the county who are certified through the state.

Mr. Sweeny: Members, any questions for Mr. Law, what he just walked us through? Is everybody good? Okay, Mr. Law, do you want to add what you saw when you went to the property?

Mr. Law: I showed up for an instantaneous gas water heater, an on-demand gas water heater. We saw the gas line. We did a pressure test. It was pressed up over three pounds, which is required. But when I went back for the final, we saw the gas line was now drilled into the wall. So, I asked for permission to go inside, because I needed to see the termination. And it was confusing because I would have expected to see the water heater. It's just not what I would have expected. When I went inside, I saw the landings constructed. I believe I saw stairs. And it was a rather large water heater. It was not instantaneous. So, I turned the inspection down because they've exceeded the scope of work. And it wasn't per what the original permit was to start with. So, I had code enforcement go out with one of our permit technicians to begin a case. And at the same time, I contacted the fire marshal to send the beach representative from the fire marshal over there, Mr. Tom Holland. And here we are.

Mr. Sweeny: Members, any questions for Mr. Law?

Mr. Wilson: What's the intended use of this place? What do you?

Mr. Law: It's a hotel.

Mr. Sweeny: Let's let have Mr. Patel respond if that's okay with you, sir?

Mr. Patel: It's a water heater room because the existing water heater is on the second floor. It's very hard, 100-gallon tank, to bring it up and down. We have a space, and I'm utilizing that space. I just got the drawings after he came so it's a work in process. It will be done; I just got it Friday morning.

Mr. Sweeny: Okay.

Mr. Patel: So now I have three drawings. They will be submitted to the fire department, as he mentioned, and to the city. I just need one more week, and it will be all processed on both sides.

Mr. Sweeny: Okay, I think the biggest question, if I may, members, why are we doing this backward? Why did you not apply for a permit?

Mr. Patel: Because there is already existing roof and everything. And I thought there was a shade already there. And it was old. There was a water softener placed right there. And I thought, now, instead of that, I can put both things in the same place. Instead of the water heater on the second floor it will be better to have it on the ground floor than upstairs. Because it's an exterior hotel. And there is no elevator that can put it in there and take it up. It's all manual labor. So, I'm here for 17 years. And I've gone through. And I said, now I need to find something that goes to the ground floor instead of upstairs.

Mr. Sweeny: Okay. Members, any questions about that? Is everybody good? Mr. Law or Mr. Timmons, I'm not sure who's best for this question. Where are we in the process? Has there been any paperwork supplied to the city of St. Augustine Beach?

Mr. Law: At this time, no paperwork has been received.

Mr. Sweeny: Okay.

Mr. Patel: Only for the gas line.

Mr. Sweeny: Okay, do we have multiple violations here, Mr. Timmons?

Mr. Timmons: We grouped it all underneath just the construction without permits.

Mr. Patel: And this one will take care of everything. I just need one more week. That's all. Because I just got the drawing plans last Friday at 4 p.m.

Mr. Sweeny: Have you been in contact with anyone in the city, St. Augustine Beach?

Mr. Patel: After they stopped it, I came, and they were asking for all these things, drawings, and the square footage. So, then I must go back and hire an architect to do the drawings, and it takes some time. That's what it was delayed. And now I just got on Friday, 4 p.m., got delivered.

Mr. Sweeny: Okay. And I know Mr. Whitehouse is here, so he might be helpful in whether you should answer this next question I'm going to ask. When Mr. Law and Mr. Timmons went to the premises, and I'm going to guess, they told you to stop building.

Mr. Patel: It stopped.

Mr. Sweeny: You stopped.

Mr. Patel: Not a single nail is there.

Mr. Sweeny: Okay, all right.

Mr. Patel: I answered you that because I have a camera right there.

Mr. Sweeny: Okay. Anything else from staff before we start debating going back and forth here? Council, anything you'd like to add. Is there any direction you'd like to give us before we discuss? Typically, we certainly allow the council to have their say. And with all due respect to the council, I don't think that we're bound by, if we act within what code allows us to do, we're certainly not always bound by what staff and council say. Just so you're aware. In case we get a little riotous up here. Because sometimes we do.

City Attorney: There's nothing that council needs to add on this matter.

Mr. Sweeny: Okay, members? Discussion?

Mr. Pritchett: I'm good.

Ms. Odom: Only comment, really. It's not a discussion. I guess it was put here on our agenda. Because in past cases, people have not done what they said they were going to do. So, we started the process. Am I correct? Is that why it's on the agenda today?

Mr. Law: We've provided how many days?

Mr. Timmons: A month.

Mr. Law: A month to provide us with a contractor or plans. We have not, we are unaware of any contractor representing the hotel.

Mr. Patel: Yeah. But it takes some time. It's not like you go Walmart and buy it.

Mr. Sweeny: One at a time. Mr. Law, please finish.

Mr. Law: Yes, so we have not received anything from anybody. So, we had no choice but to go down this path. Our hopes are this will get resolved fast. But the addition of a large gas water heater into an enclosed space is always a concern. Much less a possibility of impeding a fire escape if that is the case. And that's what

the designer is for.

Mr. Sweeny: Mr. Timmons when did we go out there and stop construction? Remind me. Sorry. First time you went.

Mr. Timmons: I do not have the date on me.

Mr. Sweeny: Has it been a month?

Mr. Timmons: Yes.

Mr. Sweeny: Okay.

Mr. Timmons: This is a month since the initial violation began.

Mr. Sweeny: So, we are within, members and council, please correct me. Fines, you know, certainly I am having trouble deciding. And please, everyone help me here. If we are working towards a nice landing, or if there's trouble, if there's trouble ahead. And certainly, if we, if the board feels like we are moving in a proper direction, and it looks like we're going to land this thing, I'm certainly open to allowing Mr. Patel to have time to finish, get his permit done. He seems to have something sketched out here that maybe we can do this without fines. But I'm certainly open to what the board believes.

Mr. Mariutto: So, you say you need another week to get everything together?

Mr. Patel: Yeah, after they stopped me, nothing progressed. And I'm trying to resolve it in a good manner as the city wanted it. And everything is not like, boom, boom. If you call an architect, you must shop around. Somebody says 5,000, somebody says 2,000. It takes time. And I do it in the right direction, that I'm progressing my side of the thing to make it correctly.

Mr. Mariutto: It appears that he's trying to do the right thing.

Mr. Sweeny: Okay, so here's perhaps a motion, and staff can stop me, council stop me, please. A motion that I would be open to hearing if anybody wants to pick this motion up and run with it. That we give Mr. Patel two weeks to properly fill out permits, or should we allow for more time?

Mr. Law: I would like to see, because I know the complexities of pulling a commercial permit, of getting the design drawings, agreeing to a contract with the contractor, and then submitting to the fire marshal. I would ask that we give until the next 30 days for now to have a completed application submitted to the fire marshal. At that point, I'll consider this in good standing. I do believe we stumbled a little bit in the beginning, but I'd like to see us stick the landing in Mr. Sweeny's words.



Mr. Sweeny: So okay, members, so perhaps we give Mr. Patel 30 days to complete the application with the fire marshal, which April 27th, after beginning on April 28th, if it is not completed, a fine of \$250 a day. Would like to make that motion like that motion.

**Motion 1:** Complete application submitted to the Fire Marshall no later than April 27<sup>th</sup>, 2024, if not completed and/or submitted fine of \$250.00 a day to begin. **Moved by:** Ms. Odom, and **Seconded by:** Mr. Mariutto, **Passed 6-0** by unanimous voice vote.

Mr. Patel: It will be done.

Mr. Sweeny: I believe you.

Mr. Patel: I am in the process.

Mr. Sweeny: Very good. Awesome

Mr. Patel: But it takes time.

Mr. Sweeny: Yes, I understand. Thank you. Thank you for stopping when you were asked. That's great. Thank you. Have a nice day. Okay, members, Council Whitehouse is here. So, let's move back up to Agenda A, under new business, a discussion of fines regarding the variance for the right of way at 56 Willow. I know this is one we've been dealing with for a few months here. I think it's notice of assessed fines in your packet. Mr. Timmons or Mr. Law, would you like to walk us through this, or Council, whoever might want to have their say?

Mr. Timmons: Thank you. So, Mr. Whitehouse is here to discuss his fines since both violations have been brought into a conformance. As you can see, this notice of assessed fines is a little outdated. The updated fee or fine is \$73,250. I have broken it down, but we can talk about that after Mr. Whitehouse.

Mr. Sweeny: Did you provide us with the breakdown?

Mr. Timmons: No, I have it here in front of me. I just brought it.

Mr. Sweeny: All right, I want to, I'd like to make members aware of the breakdown that you have. So, if you have a pen, you can jot it down so we're all aware of it when Mr. Whitehouse speaks.

Mr. Law: Okay, I'll put it on the overhead.

Mr. Timmons: Yeah, I'll put it on the overhead.

Mr. Sweeny: That's great. Does it include staff time?

Mr. Timmons: It does, yes, sir. Yes, staff time, I basically have the breakdown. I'll discuss it up here.

Mr. Sweeny: Okay. And I know Mr. Whitehouse wants to make sure all attorney fees are paid. Is our attorneys also included?

Mr. Timmons: I did not include the attorney fee.

Kevin: Okay, members.

Mr. Timmons: So, if everybody can see that the top line is the violation date to 2-26-2024, that's when we started, that's when we, sorry, 2-26-24, that's when we finished, that's when both violations had been brought into compliance. The fines began on July 8, 2023, at \$250 per day. It has been 293 days times \$250 equals \$73,250.

The first violation, which we capped at \$200 since that was resolved in November, it stayed at \$200. That's when we came to an agreement before. The second violation was an extra 119 days. So basically, what I did was do the difference between the two. So, I took the \$200 and around about an extra 100 days is \$100. So, the second violation, if you chose to mitigate according to their previous agreement, would be \$300. At the bottom are our hourly percentages.

And I put in the certified letters, the total certified letters we sent. So that's kind of the breakdown I have up there for you. It's a little confusing just because it was kind of all over the place with two violations, different timelines.

Mr. Sweeny: Members, any questions for Mr. Timmons? So, I have us right around \$73,500 or so.

Mr. Timmons: Yes, I got \$73,250.

Mr. Sweeny: Is that just for fines, right? Does that take into the \$96 for the certified letter and then the staff time?

Mr. Timmons: It does not. No, that's just straight fines.

Mr. Sweeny: So, I think we're probably close to \$75,000 if you include that stuff.

Mr. Timmons: Yes, sir.

Mr. Sweeny: And that does not include whatever the attorneys charged us?

Mr. Timmons: Exactly.

Mr. Sweeny: Okay. Do we know how much time the attorney spent on this?

City Attorney: I do not have that number in front of me.

Mr. Sweeny: Would you like to hazard a guess?

City Attorney: I can ask Mr. Blocker on that.

Mr. Sweeny: Okay, that's okay. That's fine. Okay, members, any questions for Mr. Timmons?

Ms. Odom: Mr. Timmons, do you happen to know? I know that I may be getting ahead. Mr. Whitehouse may cover this. It was sent to Planning and Zoning for consideration and then it was denied. So that time, should we be charging for that time when they're trying to make it?

Mr. Sweeny: I think that's up for us.

Ms. Odom: Do you remember, what was it, the January or February meeting?

Mr. Timmons: So, it was in February. It was the February meeting because once it got denied, they resolved the issue very quickly. So it was within a week, the violation had been brought into compliance.

Mr. Sweeny: So that's just probably four weeks, a month? 20 days or so?

Mr. Timmons: Yes, I have it up there. The second violation was three.

Mr. Sweeny: All right. Members, any other questions for Mr. Timmons? All right, thank you all. Council Whitehouse. All right, thank you. You know the deal, just your name and address.

James Whitehouse: Yes, sir. Good afternoon. Chairman Sweeney, board members for the record, James Whitehouse, St. John's Law Group, 104 s, Main Street here in St. Augustine Beach. I am here on behalf of the property owners. Again, as we talked about last time, just to refresh your recollection for those of you who were here, the initial violation was corrected before the last one, and the board agreed to a \$200 fine just for staff time on that one because they had brought it into compliance. And again, I don't want to put words into Mr. Blocker's mouth, but my understanding at the time was the chair had asked both legal and staff as to what their costs were, and my understanding was the legal time was just being at these meetings, and the staff time was approximately \$200.

I think a big part of this is, as the chairman knows, when you have code enforcement issues, the whole intent is to bring people into compliance and to get people into compliance, not necessarily to punish them. It's when people vehemently oppose or don't respond, like in the last one, that fines are issued in most instances under Florida law and under our code. In this instance, these people came to me. They had licensed contractors do the work initially, so it wasn't them doing the work. Their licensed contractors did it. They never thought they needed to pull permits at the time, and so they didn't. And then this is one that then was noticed after the fact because we're having issue around the city with people putting in wider driveways than they're allowed because the code was changed in 2018.

A lot of them are replacing their cracked-up driveways with just pavers, which is legal because of their grandfather, but other people have done other things. In this case, they put another driveway. Again, it was licensed contractors. I don't want to say who it was, but it was licensed contractors who did it in this case. As soon as they brought me on board in May, I started talking to the city about it, and I think Mr. Law said that on the record last time.

There was, at the very least, I have in my folder, and I don't know when the initial one was filed with the city, but I have an amended one that was filed in October, an amended application, because there were multiple variances that had to be applied for in this particular instance, and so we were trying to whittle it down as we talked about at the last meeting to just a few to get it before the Planning and Zoning Board, which we did, and so we were working with, I was working with the city on behalf of the landowner all that time, and that's why, as the initial violation, this board had agreed to only do the \$200 staff time.

I think, based on the fact that they have now come into compliance, they did follow the codes and the availability of due process where they can apply for variances for these different things that were done, again, by licensed contractors, and in this case, everything's back into compliance now fully, and I think that's shown by the fact that the neighbors are not here, even though they get notice for these sort of things, and so I can't really decipher on this if they said it's an extra \$100 on top.

I think he said the \$200 was the \$200 that was already assessed before, plus \$100, so it's the \$300, but in any case, you know, I think that, an appropriate resolution of this, would be, because they were moving towards compliance the whole time, and I was actually working for them on their behalf as their agent, that an appropriate fine would be whatever the staff time was, and I don't believe, as I think Mr. Blocker said last time, again, I don't want to put word in his mouth, my understanding was there wasn't a huge amount of legal time spent on this. It was more the staff time, which, again, you know, the \$200 or \$300, and I'm not trying to diminish it, but I think that that's what it was, so I can answer any questions as far as the process goes or whatnot, but thank you, Mr. Chairman. Appreciate it.

Mr. Sweeny: Thank you, sir. Members, any questions for Mr. Whitehouse? Okay, any questions for Mr. Law? Mr. Law or Mr. Timmons, if you want to, in 60 seconds or less, kind of remind us how we got here today, when this first started, when we first started, what I would like to know is when this first, remind me, when this first started, when we first started assessing fines and when Mrs. Pitts got involved to try to begin to come into compliance.

Mr. Law: In the beginning, there was a steel structure constructed without a permit on Willow Drive. That's what drew the building inspector's attention. Then as city staff investigated it further and further, we saw a second additional driveway that exceeded the maximum required or maximum driveway widths as set forth in 2018 or 19 at the request of the commission. At that point, we reached out to them. We weren't getting a lot of response, and Mr. Whitehouse came on board, started communicating with us. He's been great with it.

The owner did take the structure down, which is why I recommended only the \$200 fine last time because the owners had paid for the structure. Then they had to have it paid to be removed, so they had already incurred the cost. Plus, I was looking for compliance with the Florida Building Code, which I got. Now we move on to the second phase, which is the land development code matter. This was a work with the pavers. This actually was a two-month hearing at the Planning and Zoning because the Planning and Zoning Board actually did request more information.

At that point, the Planning and Zoning Board did reject the variance application. Last month, the immediate neighbors were there to speak against it. The Planning and Zoning Board debated this for quite a while, and they were afraid of the precedents, and it just wasn't in the best interest of the city, as the Planning and

Zoning Board thought. So, as they denied it, they began moving towards compliance, which they achieved compliance, as my staff has indicated to me. So, in this matter, the building code is satisfied. The land development code is satisfied. All that remains is the settling of the fines, if any settlements do occur.

Mr. Sweeny: Thank you, Mr. Law. Any questions for Mr. Law, members? Okay, members. Discussion.

Mr. Wilson: Think it's fair just to pay the fees incurred by the staff and call it a day.

Mr. Sweeny: The \$158 and \$98 so looking at \$358.98, thereabouts.

Mr. Wilson: Yes.

Ms. Odom: Plus, the \$200, correct.

City Attorney: I have reached out to Mr. Blocker. An approximate 5 to 10 hours has been on this violation.

Mr. Sweeny: So, knowing there were some legal fees involved, and I don't like the city of St. Augustine Beach having to be on the hook for those types of things. We've kind of looked at the \$200 fine. Staff time is \$158. I, without knowing what the fee structure is for legal counsel, would like to make that to be \$141.02 to make this a \$500 fine. Are you okay with that, Mr. Whitehouse? Thank you. Members, are you okay with \$500? Everybody good?

Board Members: Yes.

Mr. Sweeny: Staff, everybody good over there?

Staff: Yes, sir.

Mr. Sweeny: Not to diminish the good work you do, counsel, I didn't mean to get you on the cheap over there. So, I will, would you like to?

James Whitehouse: 60 days or something.

Mr. Sweeny: Oh, to pay? That's fine. Yes, what is typical, Mr. Law?

Mr. Law: Sometimes they pay immediately, sometimes it takes a couple months. We have no objection to 60 days.

Kevin: Staff, everybody good over there?

Staff: Yes, sir.

Mr. Sweeny: So, I will accept a motion to reduce the fine of \$75,000 down to \$500 and give Karen Pitts 60 days to pay that fine. Anybody like to make that motion?

**Motion 2:** 56 Willow fine of \$75,000 reduced to \$500.00 and give Karen Pitts sixty (60) days to pay fine.

**Moved by:** Ms. Odom, and **Seconded by:** Mr. Pritchett, **Passed 6-0** by the board unanimous voice vote

Mr. Sweeny: Okay, members, let's move quickly on to discussion of relevant bills. As we discussed at the last meeting, I think it's important, and I don't want to waste your time because I know everybody's time here is valuable, to kind of educate ourselves on some of the moving pieces during the last legislative session because there might be issues that come before us. So, I just think a little education will go a long way. Mr. Timmons, you're going to lead us in this one, so you are recognized.

Mr. Timmons: Thank you. So, this is obviously a new thing for me to do as well. So, I tried to get through and find something that kind of has some relevancy with us as the code enforcement aspect. So, the first code I'm bringing to you is the building regulations SB 682. I basically went through all the recent laws and bills to see which has momentum and which is dead, obviously. I didn't want to bring anything that's kind of dried up to you guys. So, the first one is lost and abandoned property. Upon investigation, this kind of started up about vessels, boats, and things like that, that are delinquent or abandoned and giving law enforcement kind of reconnecting and figuring out an appropriate time of notice before they can seize lost and abandoned property. So, this is ongoing right now. As you can see, they're thinking about doing 24-hour notice they have to give the owner before they seize lost and abandoned property.

Ms. Odom: They took some of the boats out of the water, I know.

Mr. Timmons: I think it's going to happen a lot more now, too. So, anyway, I thought that would be a pretty cool discussion.

Mr. Sweeny: So, lost or abandoned property actually was laid on the table. The house bill was laid on top of it, which is 487. And it was signed by the governor about three or four days ago. So, this is in effect.

Mr. Timmons: Nice, excellent. Okay, and I guess it is accurate that they have 24 hours, I guess, for law enforcement to give notice to the owners before acting?

Mr. Sweeny: Correct.

Mr. Timmons: That's what the bill kind of says. And then the second one, I was hoping Mr. Law would give a little more information on this, which is why I'm bringing it forward, too. Basically, I can read it for you if you'd like, it's about building regulations, about windows and replacement doors and garage doors. But the main reason I wanted to bring it up was because it says code enforcement agency kind of backing the building department in coming after permitting, and I didn't really understand, have you read this?

Mr. Law: Every year we go through this, it's very simple for building departments. They want us to work faster for less money. That's the gist of it. The addition of private providers when Governor Jeb Bush was here, signed the Private Provider Act, which allows inspections to be performed by a third party. It eliminates the need for building inspectors. Obviously, there's big conflicts with wolves watching the hens. But this is another move to deregulate the building departments across the state of Florida. This is just whatever they do, whatever the governor signs, we'll play by.

Mr. Timmons: So, it says it prohibits local building code enforcement agencies from auditing the performance of private providers?

Mr. Law: Yes, right now, currently there's a state law that says I can only audit a private provider so often, so many times a year. That means there's big debates, does that mean the private provider firm, such as Universal Engineering, or the individual private provider, plan reviewer, or inspector, big debates about that. I am the building official. Every job that occurs, whether it's private provider or not, I still have authority over, regardless. I'm responsible for life, health, and safety, not the private provider. But once again, this is simply just an attack on deregulating building departments because the national builders have a lot of resources, and they would rather have it their way instead of the way it's been done for years.

Mr. Sweeny: Members, any questions for Mr. Timmons or Mr. Law? Anybody else? Staff? Time for public comment. Seeing none, members, have a good holy week, good Easter. Yes, sir, you're recognized. Please, you're recognized, Vice Chair.

Mr. Pritchett: I would like to address the board.

Mr. Sweeny: Please, you're recognized, Vice Chair.

Mr. Pritchett: Several meetings ago, in the same situation that came up with that \$500 fine, we deducted so much money. Why do we go to the motion of fining people if we're going to deduct it all the time?

Mr. Sweeny: Are you asking me?

Mr. Pritchett: I am asking the staff, the board.

Mr. Wilson: I mean, I think there is a little bit of you must have grace. I mean, if you're going to go and we get the reputation of fining someone \$75,000 for trying to comply for a driveway, that seems excessive to me. I do think if there's someone out there that's completely not trying to play by the rules, pull a permit, do the things necessary, and there's life safety involved and other risks like that, but it does take time. I mean, I'm kind of piggybacking off what Mr. Law says. I mean, I'm down in Orlando buildings, and it does take a while, so there is a process. So, I kind of listen with my own experience, but I think if they're in compliance and that's what they're doing and they're keeping the city of San Joaquin Beach looking nice, I think there's a happy medium. If they come in there and they lie to us 24-7, then I think we just must be fair with it. I didn't join this to fine people \$75,000 because God forbid if something happens to me, but I mean, I think we must be fair, and I think that was a fair resolution.

Mr. Sweeny: Yes, and I will say, I think part of our job is certainly to kind of be the stick to get people to move, and sometimes what will get people to move are those fines. As we've sat here many times, with all due respect to Gil and what our people do, sometimes just because you tape up a stop work order and you had better stop, people just tear those off and keep on building. Like you, I don't, I can't speak for the people today, but \$75,000 fine because you improperly built a sidewalk, it seems like a way it would devastate a family, and I don't know that I don't sit here, and I don't think anybody else does, to devastate families.

Now certainly, I've been here before where there's been \$325,000 fines, and we reduce it to thousands of dollars. So, I think there's a happy medium, and we just must look. I think if there was no counsel for them here, or if they didn't show, I think it's different, we have a different ending, we land differently. But I don't think we just, we're the stick, good or bad, we're the baseball bat to try to make sure that Gil and Mr. Law have people come into compliance.

So for me, that's why I think I'm okay with reducing the fine, because in the end, we got happy neighbors, we got the people who are in violation are in a better spot, we have the city of St. Augustine Beach who got their money back for all the work that they had to put in to bring everybody into compliance. So, in the end, I don't believe we're here to make the city money, we broke even. And the neighbors got something, the residents got something, and the city of St. Augustine Beach got something. So that's where I'm there.

Mr. Pritchett: I agree 100% with what you just said. What gets me, we go through the motion of, on paper, a \$75,000 fine. I just don't understand why the board must go through a motion of having all these fines, and we know we're going to reduce it anyway. It just doesn't make sense. To me, it's a little more work on the staff. I'm okay with it. Second point is I resign. My wife is sick. I'm moving back to Ocala. This will be my last meeting.

Mr. Sweeny: I will certainly call members of our city commission to let them know you're leaving, and I hope that they find in some small way that you're recognized. Because I think you've been here for at least 10 years on this board, serving every single month. So, I appreciate all the service you've done. I know the city of St. Augustine Beach does, and all that you've put into this.

Mr. Pritchett: Well, I want to tell you, this is, you know, being from a law enforcement background, this is what I thought was the best thing to do. And I have really enjoyed serving with everybody, especially when you all made appoint to put me as vice chairman. What is wrong with you people?

Kevin: Well, thank you very much. I appreciate it, sir. Thank you for your service, and good luck.

Mr. Pritchett: Thank you very much.

Ms. Odom: I'm going to miss you.

Kevin: Members, anything else? Okay, well, then I'll make sure that we get this one in the minutes. Vice Chair Pritchett moves we rise. Adjourned.



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[END]

**VI. BOARD COMMENT**

**VI. VII. ADJOURNMENT**

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Kevin Mr. Sweeny, Chairman

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Lacey Pierotti, Recording Secretary

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