MINUTES
MUNICIPAL CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, MARCH 25, 2020, 2:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

I. CALL TO ORDER
Chairman Ernesto Torres called the meeting to order at 2:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL
BOARD MEMBERS PRESENT: Chairman Ernesto Torres, Vice-Chairman Kevin Sweeny, Marshall Schneider, Trish Gilpin, Gary List, and Edward Pritchett.

BOARD MEMBERS ABSENT: William Genovese and Senior Alternate Raymond Lovett.

STAFF PRESENT: Code Enforcement Officer Bill Ward, Building Official Brian Law, City Attorney Lex Taylor, Recording Secretary Lacey Pierotti and Incoming Code Enforcement Officer Jennifer Thompson.

IV. APPROVAL OF MINUTES OF DECEMBER 18, 2019 MEETING

Motion: to approve the minutes of the December 18, 2019 meeting. Moved by Mr. Sweeny, seconded by Mr. Pritchett, passed 6-0 by unanimous voice-vote.

The new city attorney Lex Taylor introduced himself and gave a short bio.

V. OLD BUSINESS

A. Review and follow-up of Citation to Appear to June D. Harper, Vernon J. Raegan, Ronald D. Webb, Fred W. Webb, and James V. Justin Jr., Hastings, Florida, property owners of 201 6th Street, for violation of the International Property Maintenance Code (IPMC), St. Augustine Beach Code and Land Development Regulations (LDRs), for failure to remove weeds, trash and unsanitary matter and failure to care for premises resulting in an unsafe and non-habitable condition for human occupancy at 201 6th Street, St. Augustine Beach, Florida, 32080

Mr. Ward said we are recapping on 201 6th St and is self-explanatory in the statement we responded to violations in the LDR’s relative to the condition of the house and the surrounding property and have been working with the owners of that property since then. We are here today for the following up because other than cleaning out the property there hasn’t been much more activity. There has been some unfortunate changes in the family status and have had some people that have passed away and
they thought they were going to go into settlement but Action Title said the settlement had stopped. The Contractor who was supposed to buy is still interested. He has talked to Mr. Harper and he has had a drastic family change with a death in the family and are at a stand still as far as selling the property or making any changes to the condition it is in. His recommendation along with Mr. Law is to give them time to make a sale and assumes we are still on the same path and he knows that Mr. Harper has gone though quite a bit and there is a problem in the legal aspect with the transfer of the deed.

Mr. Schneider said December 18 the board said they will give them 30 to 45 days so how many have transpired.

Mr. Ward said its been roughly 60 days. They did produce a bill of sale and were in an agreement. The contractor went there with a dumpster and started work on the house. The grounds have been kept up, but the renovations have not because of these other problems.

James Harper, 10535 Beckenger Avenue, Hastings, Florida, 32145, said his wife was on the deed and they were supposed to close on January 15, 2020 but there was a problem with her brother that had passed ten years ago with the deed and he didn’t have a will. So Joe Boles, their attorney was handling it and on December 26 his wife went into cardiac arrest and spent two months in intensive care and she passed on March 4th. He spoke with Mr. Boles about the probate because she did not have a will and he had to have the death certificate which wasn’t issued until the March 14th. He has a meeting with Mr. Boles April 6th. Mr. Ruggieri is still interested in buying it and would have been here today but he’s sick. He spent every minute he could with his wife up until the 4th. He knows this is important and has been in contact with Mr. Burkhardt and Mr. Ruggieri.

Mr. Schneider said they are very sorry for your loss and we need to take that into consideration moving forward and the important thing is that you have an April 6th meeting with the attorney. Did the attorney indicate a time frame?

Mr. Harper said takes at least 30 days for a probate to go through and he rode by the property today and he needs to cut the grass. He has been trying to stay at the house because he has his brother in law who’s disabled so has been trying to take care of him.

Ms. Gilpin asked if you don’t have a will you have to have a probate.

Mr. Harper said his name was not on the deed; it was his wife, her three brothers and cousin.

Mr. Torres asked if this information was provided to the city staff before the meeting today and how is the property being maintained. Are there any squatters in there now that he knows of or anything unsafe with the property the City should be concerned with?

Mr. Ward said yes, he has spoken with him and the place is locked up, so no safety concerns.

Mr. Sweeny said he’s sorry for his loss and will echo Mr. Schneider’s thoughts that he spent his time in the right place. If it is possible to direct the city attorney to call Mr. Boles because the gentleman is going through a lot of things right now and some things may have escaped him.
Motion: to table 201 6th St violation of the International Property Maintenance Code until the April 29th meeting. Moved by Mr. Sweeny, seconded by Mr. List, passed 6-0 by the Board by unanimous voice vote.

D. Citation to Appear issued to Debra L. Johnson, St. Augustine Beach, Florida, property owner of 720 A1A Beach Boulevard, for violation of St. Augustine Beach City Code for failure to renew the business tax receipt for transient lodging facilities and violations of the LDRs, IPMC and 2017 Florida Building Code (FBC) pertaining to structural requirements, exterior structures, and failure to obtain required permits for exterior construction of a second-story deck and stairs at 720 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080

Mr. Ward said this is a follow up on a case with a blue tarp on the roof to be removed and execute the roof, stairs and landing permits and determine the possibility of an encroachment of the raised deck and landing. We also advised her to modify the conditional use permit to include the ground floor use to residential use because this is a mixed use building upper floor for residential bottom floor is for commercial use. Also bring into compliance these violations specified after building compliance is met to complete those requirements pertaining to the transient lodging facility renewal which did not happen. He has sent multiple letters out and had very little communication with her relative to the compliance to this building. Her BTR was not renewed relative to the rental portion. He has been back in forth with the contractor who was allegedly going to do work on it but he currently hasn’t pulled any permits. He did put some safety railing on the landing that was on the second floor. They did pull a permit yesterday on the roof and asked him when he would start, and he said that was left up to the property owner.

Mr. Sweeny said last time gave them 30 days and after that a daily fine of $250 per day.

Mr. Schneider asked if the deck is encroaching on the setback?

Mr. Law said it is in violation of the variance that was granted when the order was given to build the house and the proposed contractor is aware of it.

Mr. Ward said if the owner fails to obtain the proper permit and commence work to correct the multiple violations within 30 days a daily fine of $250 per day shall be imposed until such permits are obtained and construction work has begun. To date $16,750.00 in fines.

Mr. Torres is the encroachment violation a code enforcement issue.

Mr. Law said this is a violation of several things it appears to be the removal and reinstallation of a second-floor landing without a permit and they made it a little bit bigger. It came to his attention when he was leaving Mangos and saw a landing on a second floor with no rails which is always a big concern and we authorized the contractor to temporarily rail it off. They not only did this deck without a permit, but they need to bring in design professionals to design the structures to make sure it doesn’t separate from the building which was not done and there are no permits applied for at this time to bring it into compliance. They need to bring it back into compliance or apply for another variance. My department has no intentions of supporting another variance to a pre-existing variance so at this point we expect to see a permit with signed and sealed plans restoring the building to what was allowed. This property had several variances believe three of the four sides have a variance.

Mr. Schneider asked if the second floor is currently occupied.
Mr. Ward said it is occupied by the property owner.

Mr. List asked if there was any internal way to get up to the second floor.

Mr. Ward said he is not sure if there is entrance from the garage, but the owner can tell you more about it when she comes up.

Mr. Sweeny asked, have we ever or do we have the power to have someone tear a structure down if there is no permit and the variance doesn’t meet code.

Mr. Law said the building official has the power in chapter one of the building code to authorize the removal of any structure constructed without a permit which is where he intends to go with the deck that was added on without a permit. Tear it down and rebuild it in accordance with the preexisting variance. The roof is why we are here today and as far as the BTR that is something that’s is being handled internally. The code enforcement case was brought for was the roof and the blue tarp. If there is no resolution with the landing, then we are going to expand the code enforcement case, but this is a continuation of December’s meeting.

Mr. Sweeny said we did bring up the lack of permits for the stairway and landing so even though we discussed those last meeting we’re not allowed to touch those at this point just the roof.

Mr. Law said he thinks we definitely include that in a timeline these stairs need to be brought into compliance as soon as possible and landing needs to be engineered and attached to the building properly.

Debra Johnson, 720 A1A Beach Boulevard, said the roofing company was out this morning and removed all the shoddy work done by the insurance company. They gave her $3,000 to replace the roof and every estimate she got was between 15 to 20 thousand dollars. Her monthly bills are around six to seven thousand dollars. The staff at the city has bent over backwards to work with her. She has had contractors take her funds and merchandise that she traded out like trailers, sporting equipment, and guns and never came back. The last two years she has done really well keeping her mortgage out of foreclosure. When she picked up the certified letter she panicked and was desperate because she knew she couldn’t handle five to seven thousand dollars a month let alone another $250 a day so made a huge mistake by getting up on the roof and tried to do it herself. She was in the hospital when we met in January because she fell three stories and broke two vertebrae in her back and neck trying to remove the tarp. She hasn’t rented the downstairs in this past year while she has been trying to get into compliance with this roof. The insurance company has been fighting her and has an attorney that has said they are looking for settlement on two properties she owns that are tied up with this property. She has one under contract with Chick-fil-a for $350,000 that will pull her out of debt and foreclosure. Her other property she has a potential buyer but now that the Corona virus hit she is nervous everything may fall through.

Mr. Schneider asked if she had a contractor’s license.

Ms. Johnson said no.

Mr. Schneider said then how do you know the deck was done properly.

Ms. Johnson said she has hired contractors in this city to do the work and was told it was a five-foot setback. Since finding out this meeting was not going to be canceled the roofers were out today and removed the tarp and did the patch work. She is praying that the contracts go through with Chick-fil-a so she can fix that property.
She is trying to have the insurance company come out and deem that it needs to be gutted because of the water damage that came in.

Mr. Sweeny asked when did the wind take out the roof.

Ms. Johnson said in Irma. She paid someone to put the temporary 3m stick down and then the insurance company came and ripped that off and put up the blue tarp with a bunch of sandbags.

Mr. Torres said the property you keep referring to that is going to assist you financially when is that supposed to be complete.

Ms. Johnson said at the end of this year it is a one-year contract. She thinks that she can save this property and the property deserves to be done properly. When she was removing the plywood, the three-quarter inch subfloor on the second floor were missing joists so when stepping on it she fell through the roof.

Mr. Schneider asked if she had an inspection on the building when you bought it.

Ms. Johnson said no because the purchase was done within two days. The blue tarp is off the top of the house and her daughter pressure washed the house this weekend so nobody in the community should be calling that it is an eyesore at this time. According to her contractor he was told there would not be any fines. She would have been at the last meeting whether she was in the hospital or not.

Mr. Torres said he thinks that is irrelevant because the citation from the city regarding the repair of the roof issued whether the board meets or not.

Mr. Sweeny said you mention January is when you had your accident, but the board met in December.

Mr. Torres said the motion gave you a 30-day grace period to receive the permit and commence work. The permit was issued yesterday, and work commenced today because we were meeting today according to you. Before we get too convoluted with the transient rental, the landing, deck and encroachment he would like to focus on the roof. He thinks it was clear when the board convened on December 18th their intentions.

Mr. Sweeny said he did want to validate she did receive some type of letter or citation that a clock had started beginning on January 17th of $250 a day.

Mr. Law said upon conclusion of the December 18th meeting he instructed Bill Ward to generate a letter with the implementation of the fine and the date. We did certified mail, regular postage and a hand delivery and do have a picture in our computer system that was delivered to her address.

Mr. Schneider said when did we first approach the owner about getting the blue tarp off the roof.

Mr. Ward said indirectly spoke to her late summer and we’re here because of lack of communication but was before August.

Mr. List asked what the delay was.

Ms. Johnson said four months behind on her mortgage and was going into foreclosure.
Richard Fulmer, 1093 A1A Beach Blvd, Richard Sean Construction said we are in the plan and design phase with an architect to see how we can design the deck and landing. When the funds are available, he could finish this project in three or four weeks.

Ms. Gilpin said the bottom half is commercial.

Ms. Johnson said her daughter is upstairs and since she has fallen on her back, she can’t make it up and down the steps.

Mr. Law said it was approved as commercial on the first floor and to operate a business and living space above it. For her to live downstairs she would have to modify the conditional use permit.

Mr. Schneider said she bought the property three years ago and did the deal in two days she failed to get a professional inspector. The encroachment may have been caught if got an inspection.

Mr. Pritchett said she waited too long to start anything, and she is just now getting a permit.

Mr. Sweeny said he sees no good way out of this and thinks Ms. Johnson is in over her head and doesn’t see how extra time will help her. We go above and beyond trying to work with people and hope they get things into proper compliance and proper permits. Some of this might not be her fault but if its not one thing is another and his fear is that they are just going to be here again in 90 days with more excuses especially if she’s hopeful some money will come in at the end of the year.

Mr. Torres said he thinks the board is on the correct path as we treat each case that comes before them. We gave the 30-day leniency and didn’t fine and the mere fact that the permit was just pulled yesterday, and the work just started today as she stated only because we were meeting. He thinks the fines need to continue until the project is complete. Once that is complete the board can consider all the things that have happened and perhaps settle on some lesser fine. He doesn’t see how the roof is going to get complete unless they meet and fine.

Mr. Law said the landing was discussed in the last meeting and is a huge safety issue. The builder of the deck did not pull a permit and don’t know if they are licensed and is unacceptable and needs to be rectified immediately.

Mr. List said it seems the safety issue would trump the roof issue.

Mr. Law said he considers them equal because if the roof is leaking it could be a structural failure and how long has it been leaking and considers it almost as damaging.

Mr. Torres asked if there was another access to the second floor inside the home.

Ms. Johnson said no.

Mr. List asked if the staircase safe enough for her to continue to use.

Mr. Ward said the problem was with the landing, but the contractor did put temporary railing.
Mr. Law said the Constituent just said she doesn’t have enough money to finish the roof at this time, so his question is how far the roofers are proceeding. Are they going to put the building in a secure underlayment and are the final roof covering materials on site?

Ms. Johnson said the materials were not onsite.

**Motion:** to direct the property owner of record, Debra L. Johnson, 720 A1A Beach Blvd, St. Augustine Beach, Florida, 32080, that the current imposed fines of $250 per day are to continue until the roof replacement is complete and final inspection is approved and that the stairs and landing must be brought into compliance by April 15th, 2020, otherwise, an additional $250 per day fine shall be imposed beginning April 16th, 2020. If there is a sincere effort of urgency to resolve these issues, the Board would welcome Ms. Johnson back to discuss the fines. **Moved by Mr. Schneider’s,** **seconded by Mr. Sweeny,** **passed 5-1** by the Board by voice vote.

B. **Citation to Appear** issued to legal representative for Veronica L. Capellini, Center Hill, Florida, property owner of 205 7th Street, for violation of the IPMC, St. Augustine Beach Code and LDRs for failure to remove weeds, trash and unsanitary matter and failure to care for premises resulting in an unsafe and non-habitable condition for human occupancy at 205 7th Street, St. Augustine Beach, Florida, 32080

See below section C.

C. **Citation to Appear** issued to legal representative for Veronica L. Capellini, Center Hill, Florida, property owner of 206 8th Street, for violation of the IPMC, St. Augustine Beach Code and LDRs for failure to remove weeds, trash and unsanitary matter and failure to care for premises resulting in an unsafe and non-habitable condition for human occupancy at 206 8th Street, St. Augustine Beach, Florida, 32080

Mr. Ward said these two properties are also follow-ups it had multiple violations of the building code and since he has brought it to you, they have acted upon it and the attorney’s have come into play and money was funded. Ms. Capellini is still in a nursing home, but the roof, stairwell, and deck have been repaired. They have made great improvements on the house and recommend letting them continue functioning. They are doing a fair job in his opinion on both properties.

Mr. Law said he did issue the permits for both of them and one is for complete restoration of the building and the other was taking a new roof and repairing the exterior stairs. The building was to be stripped of all the sheetrock because of the water intrusions left a potential mold and mildew issue and the contractor is aware that additional permitting will be needed to bring it back into occupiable status.

Mr. Sweeny said that in his notes Mr. Torres had questions about that portion of the city being neglected and if he has been over to see these properties recently.

Mr. Torres said he saw it when this first started but has not seen the progress.

Mr. List asked Mr. Ward if he feels comfortable with the progress.

Mr. Ward said they put new roofs on both the decks are being replaced and the progress is continuing.
Mr. Torres said we didn’t give this a final date and he does not want this to drag on.

Mr. Law said we can investigate this week and see what the status is. The stairs and the roof were the big issues on both of them, but staff can look into it and send an update with the inspection history and reach out to the contractors and get you a memo on the individual properties.

Mr. Torres said he would like to hold them accountable to a certain date.

No action taken by the Board tabled 205 7th St and 206 8th St for violation of the IPMC until April 29th meeting.

E. Review and follow-up to status of the findings of fact, conclusions of law and order issued by the Code Enforcement Board on June 25, 2014, and status of foreclosure proceedings initiated by the City of St. Augustine Beach to Joseph John and Paula Grace Scala, San Diego, California, property owners of 106 2nd Street, for failure to appear, address and take action to correct multiple notice violations and citations to appear pertaining to a structure in derelict condition unfit for human occupancy at 106 2nd Street, St. Augustine Beach, Florida, 32080.

Mr. Ward said this is the house that has been on our radar for many years the house still exist the squatter still lives in it and is still filled with debris and grown up like a jungle. Mr. Wilson supposedly submitted paperwork to the courts and have a lien on the owner and waiting on a final judgement. We have new attorneys and is hopeful we can get this taken care of because the house is continuing to deteriorate.

Mr. Schneider said we have imposed fines on the house and have exceeded the purchase price.

Mr. Torres said back in December we were waiting for a court hearing date.

Mr. Taylor said he will look into it and let the board know the details next on April 29th meeting.

The new Code Enforcement Officer Jennifer Thompson introduced herself and gave a short bio.

VI. PUBLIC COMMENT

There was no public comment.

VII. BOARD COMMENT

Ms. Gilpin said she will probably be here for another three years and asked if everyone else coming back.

Mr. Torres said only reason why it was a stipulation with him was because he is running for office. April’s meeting if the quarantine is still in effect we may have to meet over the phone or computer due to the executive order.

VIII. ADJOURNMENT

The meeting was adjourned at 3:30 p.m.
Ernesto Torres, Chairman

Lacey Pierotti, Recording Secretary

(This meeting has been recorded in its entirety. The recording will be kept on file for the required retention period. Complete audio recording can be obtained by contacting the city manager's office at 904-471-2122.)