I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES OF APRIL 29, 2020 MEETING

V. NEW BUSINESS

A. Notice to Appear issued to Jennifer Wildasin, property owner of 313 A Street, for notice of violation of Article III of the St. Augustine Beach City Land Development Regulations, Section 3.02.03 Prohibited Uses, regarding the keeping of chickens on the property.

B. Notice to Appear issued to Catherine Hagerty, property owner of 651 A1A Beach Blvd., for notice of violation of Article VII of the St. Augustine Beach City Land Development Regulations, Section 7.01.00 Accessory Structures regarding an unpermitted accessory structure on the northeast side of the property and a notice of violation of Article VIII Signs, regarding an unpermitted sign also located on the northeast side of the property.

VI. OLD BUSINESS

A. Review and follow-up to status of Citations to Appear issued to Debra L. Johnson, 720 A1A Beach Blvd., and fines imposed by the Board at previous meetings for violation of St. Augustine Beach Land Development Regulations, International Property Maintenance Code, and Florida Building Code pertaining to structural requirements, exterior structures, and failure to obtain required permits for exterior construction of a second-story deck and stairs and window replacement on the property.

VII. PUBLIC COMMENT

VIII. BOARD COMMENT

IX. ADJOURNMENT
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

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.
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, Gary List, Edward Pritchett and Raymond Lovett.

BOARD MEMBERS ABSENT: William Genovese and Trish Gilpin.

STAFF PRESENT: Code Enforcement Officer Jennifer Thompson, Building Official Brian Law, City Attorney Linda Campbell, Recording Secretary Lacey Pierotti.

IV. APPROVAL OF MINUTES OF DECEMBER 18, 2019 MEETING

Motion: to approve the minutes of the March 24, 2020 meeting. Moved by Mr. Sweeny, seconded by Mr. Pritchett, passed 6-0 by unanimous voice-vote.

V. NEW BUSINESS

A. Per section 11.03.03 of the City of St. Augustine Beach Land Development Regulations, the election of officers, consisting of a chairperson and vice-chairperson who shall serve for terms of one (1) year with no limitation on the number of consecutive terms in the same office, will take place every year as the first order of business at the regularly scheduled meeting for the month of April.

Ernesto: So, in the new business is the as we do every year is, we asked for a nomination for Chair and a Vice-Chair to serve for one year. And this is the time to do it. So, with that, I'll open it up for discussion on how the board wishes to proceed.

Ed: Marshall for Chair.

Marshall: Pardon?
Ed: Yes. What didn't I say?

Marshall: No, no, no

Ernesto: I know that Marshall had his turn at the chair. I like--

Marshall: How long have you been in?

Ernesto: I think two or three, two or three years? Two? Yeah, two.

Marshall: And I think it's a good practice that we rotate chairman.

Ernesto: Yeah.

Marshall: And of course, that doesn't mean that you can leave you got to stay.

Ernesto: But I wouldn't mind seeing a new face like Kevin. Perhaps he's been the vice-chair. A good vice-chair and let him have his turn at it and then put a new person as a Vice Chair and then I think Mr. Pritchett hasn't had his--

Ed: Is that wrong?

Ernesto: I don't think he's had a seat up here. So, I would--

Marshall: Nor has Patricia.

Ernesto: Patricia?

Marshall: Yeah.

Ernesto: She's not here. But certainly, either those one of those two as vice or we can introduce them that way.

Gary: We should just vote.

Ernesto: Okay.

Gary: Get it over with.

Ernesto: Yes. So well, I'll take a motion for or I'll put a motion to put. Mr. Pritchett, do you want to be Vice-Chair?

Ed: I'll take it.

Ernesto: You'll take it. Okay. So, a motion for Kevin Sweeney to be the Chair and Vice-Chair Mr. Pritchett.
Gary: I second.

Ernesto: I motion second. Any discussion?

Gary: You have to bring a lunch. I hear that train whistle blower--

Kevin: I started super back this afternoon.

Ernesto: All right, no further discussion, all those in favor signify by saying aye.

Ernesto: Any opposed? Ayes have it? There you go.

Ernesto: Okay.

Motion to elect Mr. Sweeny as chairperson and Mr. Pritchett as vice-chairperson. Moved by Mr. Torres, seconded by Mr. List, passed 6-0 by the Board by unanimous voice-vote.

VI. OLD BUSINESS

A. 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

Jennifer: So, this case you all are pretty familiar with. We've gone over it a few times. Not much has changed since the last time we met. So just a recap, this case was brought to the board because there was a blue tarp on Miss Johnson's roof. Basically, a red flag that you know some work needed to be done. Under further investigation, it appears that stairs and the deck had also been redone as well. So, just trying to get Ms. Johnson's home back to a safe place. If you take a look at your packet, you'll see I did send Ms. Johnson an email regarding the setbacks for deck and stairs. That setback for the east side was changed in 2003. Since last we met, Ms. Johnson did have the roof completed and the final inspection was done on the 15th. There's also a certificate of completion in your packet as well. On the 22nd, I visited Ms. Johnson's property to hand-deliver a letter, the notification to appear before the board today. You'll see there is a picture. It does appear that some siding has been removed from the upper level of the building and possibly a window has been removed or covered up. As of now, we still do not have any permits for the stairs or the deck. We haven't seen any applications come in. About an hour before the meeting Ms. Johnson did send me some pictures if I can get this right. So, this picture, she sent me it appears to be a screenshot from July 2nd, 2018, of the deck and stairs going under construction, still being repaired there. Then this completed, it's kind of hard to see it's not very, it's a little dark. I could pass the pictures around as well. But this completed deck as of now, I believe because it did not appear to see this way on the 22nd when I was there and then this third photo of the stairs, which I'm not sure if these are the new stairs or the old stairs I'm sure Ms. Johnson can explain a little bit better. But I can pass these around since these were a little dark. So basically, all that has occurred since the last meeting. Everything is complete but the deck and stairs we still have not received any information on.
Marshall: Work permits pulled?

Jennifer: No. for the deck and stairs, no.

Brian: For the board's convenience, can you go over the roof permit fine?

Jennifer: Oh, yes, I also put that in your packet. So, the fines for the roof come to-- it was 30 days from December 18th, 2019, when the fines were to begin for the roof at $250 a day. So, the file inspection for the permit was performing pass on April 15th. So that makes it 89 days so that would be $22,250 total fines for the roof. Where it stands now, so the stairs and landing as of this date, it has been 13 days so that would be $3,250 for the stairs and landing so that would total to $25,500. I have also done some calculations in regard to what the staff time on this particular code enforcement case has cost to date. So, this is kind of a rough estimate. Right now, it's about $843.59 to this day and that does not include today's meeting or the time that it takes to complete the minutes.

Kevin: Sure. I know I think we kind of handled this in our last meeting. But I'd like to ask again, the deck. Was that ever supposed to be a part of the structure? Was it ever permitted at any point in the structure's history?

Jennifer: I believe with the original building; the deck was there. However, this new deck is larger on the east side and I believe on the south side.

Brian: It was going to variances at time of construction. It had a variance I believe on at least two sides, maybe three sides to encroach into the setbacks. So, during initial construction of a structure, it was permitted. But since the board has convened on this matter, I believe starting December, there's been no permits for any deck restorations or staircase replacements.

Ernesto: Okay, follow up, Mr. Sweeney?

Kevin: So, by code by state code, does this board have the power to direct staff to tear down a structure that is not properly permitted? Or do we have to wait for a year to go by? Or do we what? How do we go about if the porch is not supposed to be there, not properly permitted, and it continues to stay that way for, it appears a number of years? What is the process to go about removing that structure? If there is one.

Brian: Chapter one of the building code which gives building apartments and the building official, the authority to regulate destruction authorizes me to remove any construction that was done illegally. It gives me the option to make that happen. Ideally, being the sole point of access to the house, we would strive to bring her in a compliance with appropriate permitting, the appropriate fees and penalties set forth by resolution. But we've come to an impasse. If we lose a staircase, I have to declare the building unfit on the second floor. Under that authority to order the removal of staircase and deck.

Kevin: Do you need direction from this board to do that or can you unilaterally do that?

Brian: I have the authority to do that individually as a sitting building official.

Kevin: Okay, follow up. How long has this deck not been properly permanent?

Jennifer: And well from--
Kevin: Or out of code, whichever is easier.

Jennifer: From the screenshot that Miss Johnson provided me with today, it appears that it's been since at least July 2nd, 2018.

Kevin: Okay. So, we're talking almost a year and a half at best two years at worse, that it has not been properly permitted. Is that correct?

Jennifer: Correct.

Kevin: Thank you, Mr. Chair.

Ernesto: Any other questions?

Gary: Was there a deck there previous to 2018 that was permitted and staircase?

Jennifer: Yes.

Gary: Okay.

Brian: It was a staircase with a landing, that access to side door on the east side. Then I believe there was a landing on the west side. And Mr. Brown can attest, he's familiar with the property's, done several inspections, which is why I asked him to be here.

Glenn Brown: Yeah, I'm not aware of the landing on the west side.

Glenn: Towards the boulevard. Isn't it?

Kevin: Then what other way to, may I ask one more question. I apologize, Mr. Chair. When do we first notify the resident that that deck was not properly permitted?

Jennifer: All I did is take a look at my notes, I think I may have it here.

Kevin: Just generally, was it 2018? 2019? Was it just this past January?

Glenn: It's been a while. I will do the action of the case until the board days we are all over here.

Kevin: Sure.

Glenn: [inaudible] and that's my recollection this year.

Kevin: So, it's been at least a year that the resident refused to comply with not only this board, but the City of St. Augustine Beach, or employees is that correct?

Jennifer: Yes.

Brian: It was my mistake it was a bump-out I was granted a variance on the west side the deck was on the south further, yeah, south side. So that is a Google picture appears to be from July of 2019.
Ernesto: Are you talking about that bump out on the west side? That was the variance that was granted.

Brian: That was one of I believe there was a variance on three sides of this, a very confusing document when it starts.

Ernesto: Where is the deck that we’re talking about in relation to this picture?

Brian: As far as the staircase?

Ernesto: Yeah.

Jennifer: It's on the east side of the building.

Ernesto: Okay.

Jennifer: On the northeast side of the building.

Ernesto: Okay.

Brian: Here's the stairs, it has a landing on that side.

Ernesto: I saw the landing when I drove by and it's just back in a couple weeks ago, it just had like, one by four surrounded or something. That's a railing. Is that the one we're talking about?

Brian: Yeah, the stairs at this point have not been permitted nor has the landing.

Ernesto: In the picture that it was shown here earlier with the siding removed and it looks like plywood over that. Is that at the top of the landing to the right if I was to climb the stairs?

Jennifer: If you were to climb the stairs and you get to the top of the stairs, you'd be taking the south, to the right is the door

Ernesto: And that's covered now.

Jennifer: That window I believe, it was a window at one time. It's to the left of the door.

Ernesto: But the doors still exists?

Jennifer: Yes.

Ernesto: I think we determined last month that there is no other entry from inside to go up the stairs to the second floor, right?

Jennifer: That's correct.

Ray: So that is the only entry. Okay.
Ernesto: Okay, I know that Miss Johnson is here if you'd like to, unless we have any other questions for staff I like to hear.

Edward: Be the deck be brought to code

Brian: There's variance to allow for the staircase to have the landing. What happened when we build it that would be the [inaudible]. Normally the building would protrude and that could be in there and the setback there. But in this case, variance was grant.

Kevin: The zoning is not they will have to conform to the existing variances are granted a time construction to reapply we have no issues with that when it's brought into compliance. But as we understand it the deck was enlarged at some point and that was not permitted to us that did makes it unsafe. So, we asked at the last board meeting that the deck be permitted with engineering drawings then be done by a registered architect or an engineer to the state of Florida. And that will bring it into compliance, or it'll have to demonstrate compliance with the ledger attachment to the main structure, and the staircases. At this point we have not received any but with the issuance of a permit, it would demonstrate compliance with the minimum building code requirements.

Ernesto: Ms. Johnson, come to the podium and state your name for the record and address and just kind of give us a recap from the end of the last meeting to today.

Ms. Johnson: Okay, my name is Ms. D-E-B-R-A L. Johnson. I go by Liv Johnson for about 30 years. I'm happy to be here and you know. Sorry, I'm tired and I'm stressed but I'd like to just clarify a couple of the questions that came up in regard to the building itself and how it existed when I purchased the property and at the last meeting you guys had asked if I had had an inspection done on my house and I said that I did not, it was a fast impulse to you know, to leave Tallahassee because my daughter was living with me and that was untenable. She's living with me again, she is disabled, she was going to stay with my daughter, I mean with my sister. So, I did purchase this property in relative haste in comparison to any other properties that I've purchased, which has been dozens. You know, about a dozen houses. This stairwell on the left east side of the house, which is four by fours and the existing you know stair runners on either side, all original. The handrails are all original, the brackets that attached to the concrete and the east side of the work you know the styles, it's all original, the handrail on it's all original, everything about the stairs survived the hurricane, of hurricane Irma, the deck which I have photographs of people coming in and trying to jack it up. That is what came loose in that window on the east side that Miss Thompson is referring to. That window right there was bent in and blown-in along with the windows on the east side. My French door on the top third floor, which caused tremendous water damage, mold damage, drywall damage, you name it. The roof as embarrassing as it was to pull up to that house and depressing with that blue tarp. I've never ever had a house that wasn't immaculate. I've had pictures taken of homes that in the newspaper that I've picked up and turned 180 degrees with I-beams. This house from the time that I bought, it has been a nightmare for me. But nevertheless, I, as far as the roof cost, Chuck was kind enough, I took a loan out from someone for five grand and he was very, very kind enough to allow me to finish making payments over a six-month payment. I pawned jewelry, sold jewelry, sold my truck. I'm now driving a Baker, an old, two-thousand-dollar Baker, a pest control truck, which wasn't running last week. I will tell you that the deck was original to the property. I didn't know what the variances were and going back to the inspection, I didn't personally do the inspection. But the person who I took a personal wraparound loan on my other properties for 500,000, he's a private lender at 10%, you know five points to get this loan to buy this house. My mortgage is over five, my bills are like seven grand a month when the insurance company only gave me three grand to replace this roof. I waited like six months not to cash that
check until I absolutely had to cash the check to pay electric and bills just to keep my head above water. It went four months behind in foreclosure and the Catholic Charity Foundation stepped in. They helped out with the mortgage. The Council on Aging stepped in, helps me with some electric bills and Pie in the Sky has been providing food for, you know, for a year, but getting back to the deck—

Marshall: Excuse me a second.

Liv: Sure.

Marshall: We've heard all of this last--

Liv: No, I didn't-- I didn't let you know what was going on with me last time, just that I was struggling but I--

Marshall: No, you told us about. You had the 10% loan and all, I don't care to hear that all over again, please.

Liv: Okay, that's fine, that's fine.

Marshall: My time.

Liv: And I agree Your time is very, very valuable

Marshall: My time is---this is volunteer here, okay?

Ms. Johnson: I know. My life is on the line right now. So, if you'll just bear with me. I'll finish it off in five minutes, okay? Let me just stick to this the structural aspects, I'm sure nobody is interested in any of my life or hardship so I'm good with that. It's my life, my situation. And I deal with it as best I can. The deck. I have a contractor came out some friends came out initially and just supported it. They are four by four post, they are ABU buckets, everything was done according to code, I assume. But anyway, the person who gave me the loan did do an inspection on the property. So, it's not two by fours holding it up. It's incredibly structurally sound, the contractor who came out and did the work since this guy's out with replacing the deck and putting the deck back to a safe structure. You know, I thought that you know, he did a job that was to code but I had to step in and say, "Hey, you got to have to have the slashing behind your ledger board, it has to be screwed in properly with lag bolts and etc., etc., etc." So, I oversaw, and he popped in from time to time, but I did try to make, that I made sure that they did it to code. The deck was if you look at the first picture that Jennifer has if you look at the first picture that Jennifer has that I sent you in 2018, that's when they started it. The hurricane is approximately six months prior to that. It was almost impossible to find anybody windows everybody was slammed busy work with work and so it was almost impossible to get people to come out and do hurricane repair work without giving them like 50, $60,000 which I didn't have. So, as far as the size of the deck, the deck, if you look at the original pictures, may I show the one that shows the size of the deck.

Liv: Okay, you can see that the size of the deck was that white right here. You see that this, all this, all the stairs are 100% original, nothing has been changed about them. The deck, the first one that you have here, the shed when they started on it can you see that the railings that were this year to the original deck and this led to a more two by ten that rests on the four by four which fits the budget we know, which it was allowable at that time. This right here is what they did, they replicated it while it's there.
Liv: Okay. Okay, so as you can see here that nothing's changed with the stairs. Those were all inspected by City. The other thing is that the house was only 10 years old when I bought it. So never did I anticipate there being any inspection issues or any building issues or anything that was not to code with a house that's only 20 years old when I've worked on hundred-year-old houses that, you know, we're obviously

Marshall: What the issue here is, if I'm correct, and Glenn, if I'm wrong you should jump up and you yell at me, okay? The issue is, is that the deck that was there came loose from the hurricane. It had hurricane damage. You needed a contractor because it is a commercial building.

Liv: Right.

Marshall: You needed a licensed contractor to do the work.

Liv: Right.

Marshall: And that licensed contractor has to pull a permit.

Liv: Okay.

Marshall: And the contractor that you selected did not pull a permit nor did you pull a permit and the size of the deck grew.

Liv: One foot.

Marshall: I don't care if it grew two-foot or six or eight inches, I don't care.

Liv: I know.

Marshall: There are things that you have to follow in the city of St. Augustine beach, and if the contractor did not-- let me finish--

Liv: I am--

Marshall: -- did not follow it.

Liv: --deep breath.

Marshall: And so, we're talking about a deck that wasn't built to compliance to the setback. It was replacing a hurricane damage. There was no permit pulled. Do we even know who the contractor was? Glenn?

Glenn: I don't know who did the work, there's a couple of contractors who come in and smoke into those, but I don't know who did the work.

Marshall: Okay. So, so it didn't pass. And that's what we're here to talk about--
Liv: Okay, it's caveat here is that when the-- in 2018 we had a different chief building inspector, the chief building inspector due to the fact that everyone was so busy, everyone was high up, the chief building inspector at that time says, "Liz, make sure that you take pictures of everything I want to just make sure that you take pictures of everything. We will come out; we'll do an inspection once it is completed. At that time, they allowed me to do an owner-builder permit so the contractor--

Marshall: Did you pull a permit?

Liv: Yes sir, I did. Yes sir, I did. I did it, the permit

Marshall: When?

Liv: And so, for the hurricane, but the thing is that now since then I have complied with you guys, I have that extra foot in this picture that you see, in this picture that two by ten that runs continuous under the deck boards. All of that extra foot because I want to be in compliance. I plan to retire here since I'm 12 years old, okay so this is where I want to live. This is where I want to die. That has been, this is-- that has been cut that has been removed that extra foot to come into compliance.

Marshall: By who?

Liv: By who?

Marshall: Yeah, by who?

Liv: While the person who, his--

Kevin: By who? It's a name. What date did this happen?

Liv: This past week to come into compliance because I know I'm under the gun time restriction wise.

Brian: Mr. Chair, can I address everybody here so we're all on the same page regarding the protocols for permitting and the expiration of permits.

Liv: Yes.

Brian: So, you've said that there was a permit issued in 2017 or 18. Miss Lacey is going into our old software to verify that and bring it to the board's attention. However, building permits expire 180 days after issuance. That is a state law that hasn't changed in a very long time. I've been here two and a half years, and I have yet to issue a permit for a stair replacement I believe on that building.

Liv: Yeah, the stair, the stair--

Brian: So how are we working on the building if the permit expired 180 days after issuance?

Liv: And I agree--

Brian: That's the question, I think, Mr. Marshall is all doing too.
Liv: Okay, okay, my apologies.

Brian: No, I just want, that's the rules.

Liv: My apologies because I didn't understand the length of time or how long the permits were good.

Marshall: Was it a contractor?

Kevin: Still waiting on a name

Liv: I don't like getting---

Marshall: Was it a registered building contractor?

Liv: He's very good, he's done hundreds of--

Marshall: No, I'm asking a question, was it a registered building contractor?

Liv: Yeah, sir, yes, sir.

Marshall: Or a residential building contractor?

Liv: I believe that he's both commercial and residential. That's my understanding.

Kevin: But he didn't pull a permit?

Marshall: He didn't pull a permit.

Liv: He didn't pull a permit. a lot of people were so busy and it just you know, he didn't--

Marshall: You know what-- you're talking to a contractor. And I have to pull permits every time I do jobs. All right. So, there's no excuses.

Liv: I agree, I agree, but it's not as though many contractors don't do work and don't pull permits. There are probably hundreds in town where lots of contractors do work and don't pull permits. But that's not an excuse though.

Ernesto: Okay, I like to. I appreciate it, Ms. Johnson. I'd like to get into the board discussion now. If we have any more questions for you, we will ask you.

Liv: Okay.

Ernesto: Thank you so much. Appreciate it.

Liv: I just want to say to you very quickly that with this particular, this is, this is four by fours. It is 40, 42 inches high. The styles are three and a half inches. I'm just saying.

Ernesto: Yeah, I understand but I'm not a contractor. I just-- appreciate it.
Liv: Maybe it's because of its proper bracketing

Ernesto: Okay, thank you.

Liv: You have to carry poles and everything into the four by fours. If it wasn't inspected, Mr. Schneider, if you're a contractor, you would most likely look at that deck and say, "Okay, the stairs you can see."

Ernesto: I think the point is that the protocol that Mr. Law mentioned earlier--

Liv: I didn't know it was a [inaudible]

Ernesto: --was, yeah, the whole protocol, yeah. Getting a permit, if there's a protocol to that.

Liv: I'm not a contractor so I didn't understand all of that.

Ernesto: I know but I think you've acted as a contractor and send all of the projects that you've described to us but thank you so much, I appreciate it.

Liv: Okay.

Ernesto: Okay.

Liv: So, I have only had a very short period of time to it,

Ernesto: I know, we--

Liv: --but I think I've done my best as--

Ernesto: Yeah, absolutely.

Liv: --far as I've borrowed enough money to get these things to come into compliance. You can't I mean; I didn't have the money to do this work. Okay. I just didn't, I didn't have the money to pay any of my bills. So, I couldn't replace the roof. I was in a hardship. I'm still in a hardship.

Ernesto: Thank you.

Liv: But I am doing my best. I'm not trying to be sarcastic. I'm not trying to be unwilling to come into compliance. In the last couple of weeks, I think I've demonstrated that I have done my utmost to borrow up everything.

Ernesto: I think you have but I think there's been a spirit in your part of circumventing the building code and the protocol to the permitting and to the hire to the right person to do those jobs.

Liv: I didn't have the money to hire them. The last person who came in here with me just to show up wanted three grand. And on top of that, when they initially find me, I was in the hospital, he lied to me and said that he had met with Bill and Ryan and so, while I was in the hospital I said, "You got to make sure that if there's going to be a board..." Then he said, "Liv, there's no board meeting. I went down there and met them in
person." Brian will tell you that I came in after I got out of the hospital. I asked him, I said, "My contractor said that he came in." Then Bonnie said, "No. The fine started rolling on such and such date." He said, "Well, your contractor lied that you hired, that I paid with a contract." That would be Richard Shane. Then it was recommended to me that because when he lied, number two, he didn't pull a permit. That I, you know, but I did what I was supposed to do back in January before being fined began.

Ernesto: All right. Thank you. I appreciate it. If we have any more questions, we'll ask. Thank you so much. I like to get into the discussion as to, I think we have two issues here. One is the fine for the roof.

Marshall: Jennifer has something to say.

Jennifer Thompson: If I may, Lacey just brought over the paper records. So, there was a permit issued on July 10th, 2017. The description for the permits is a fence repair, roof, electrical, flooring, kitchen cabinets, and bathrooms. So, this permit does not describe anything as far as stairs or landing. It appears that only the first four items were approved.

Ernesto: Who pulled that permit? The homeowner?

Jennifer: Yes.

Marshall: How can a homeowner pull a rooftop permit?

Brian: An owner-builder even in a commercial facility can pull a building permit up to $75,000 by Florida statute. As far as the roof, if you own the building and it's included in that, you could essentially do that. Owners/builders in the commercial do. You don't see it very often given the scope of the design plans for commercial work. But they can pull owner/builder permits up to $75,000.

Ernesto: Okay.

Jennifer: This one was for 25,000.

Ernesto: So, based on that information-

Marshall: It was for the roof?

Brian: Fence, roof, electrical--

Jennifer: Yes. But the actual permit says hurricane repairs. But on the description sheet, on the application, it says fence repair, roof, electrical, flooring, kitchen cabinets, and bath.

Kevin: Sir, can I sneak in one more question?

Ernesto: To who? I meant, yes, brief.

Kevin: Tell me what this is again? What am I looking at?
Jennifer: So, on the 22nd, that's when I hand-delivered the notice to appear today. So, this is at the top of the stairs.

Kevin: Is that hurricane damage or is that just?

Jennifer: This is brand new. This was from the 22nd. When I visited there on March 26 to hand-deliver another letter, it was not like that.

Kevin: Okay.

Jennifer: So, this is new.

Kevin: Thank you.

Liv: The last question, that had been like that. I have photographs of that. It's been like that for a year and a half.

Kevin: Okay. You let your structure look like that for a year and a half? Just yes or no. Yes or no?

Liv: No.

Kevin: Thank you. Thank you.

Liv: It's all sealed off inside. It's bugged off. It's sealed. It's under--

Kevin: Okay. Thank you.

Liv: It's not that I'd let it. I can't afford a $2,000 window to replace it.

Kevin: Thank you

Liv: But it is secured. It's dried in and that's not new. I'm just trying to clarify this. None of that is new. The construction. It's been like that.

Ernesto: Mr. Schneider, with the commercial zoning for this building and your line of work, are permits required but when you're doing repairs that are below $75,000 there?

Marshall: Yes.

Ernesto: I just need confirmation. He just said something I believe--


Brian: All I said was that an owner/builder can pull apartment up $75,000 on a commercial building until evaluation work. It's one of the minimum submittals they have to give us. That's how we know how to assess the permit fees. So, if I own a Dunkin Donuts, and I want to do $20,000 worth of work, and I don't know, I'm not a contractor. I can do that legally. But another builder is given no leeway from a building department. They sought out a builder affidavit saying they understand the full weight of the building code and the protocols.
So, in other words, you can pull a permit, but a permit still requires 105.2 of the Building Code. Obviously, in the dark, those are what are exempt from permitting. No way in that long list is staircases, second-floor decks, and landings, window replacements. All that is structural. It's public safety. The windows and doors represent the building integrity. Lose a window, you probably lose the building in a storm. That's the way we design them now. So, a permit was required, but the owner of the building, if it's owned by a non-corporation, also. It's owned by an individual person. They can pull an owner/builder permit on a commercial building. But a permit was required--

Ernesto: Prior to this, the codes are still applicable?

Brian: Oh, definitely. They're in direct violation of 105.2 of the Building Code and other sections, 105.2 being work-exempt for permitting. As far as Mr. Sweeny's question regarding the ability to tear, for me to authorize tearing down the permitting Section 114, it basically says if I can't bring them into compliance, then I can authorize the removal of the structure.

Marshall: Okay. This question is for Glenn. Glenn?

Glenn: Yes, sir?

Marshall: Did you inspect the roof repairs, the replacement?

Glenn: The most recently?

Marshall: Yes.

Glenn: Yes. The bedroom section when we're out there.

Marshall: Okay. Did you, at the same time, look at the staircase?

Glenn: Yes. But I wasn't there to look at the staircase. I wasn't there to look at the staircase, I was there to look at the roof. That's what I did.

Marshall: Okay. Because that's all that's been requested to look at.

Glenn: Yes. That was what the inspection is for was for the re-roof.

Marshall: Okay.

Glenn: So, I'd go up at inspection. That's what I did.

Ernesto: But there was no permit for...

Marshall: The modifications to the deck. Now, let me just say this one more thing. When you're doing structural changes or modifications to a building. I have done some. Well, I would say every case, I have been encouraged if it's replacing a beam. I've been encouraged to get the architect involved. To make sure that the repair is an effective repair. The architect provides a stamp drawing that the contractor follows on, whether it's residential or commercial.
Ernesto: All right. The motion for the last meeting was to direct the property owner, Miss Johnson, 720 A1A Beach Boulevard St. Augustine Beach. That the currently imposed fine of 250 per day, to continue until the roof replacement is complete and final inspection is approved, which that's been done. In the 89 days have been captured as to when that it was completed by, for the fine that is. But moving on to the rest of the motion was and that the stairs and landing must be brought into compliance by April 15, 2020. Today is April 29. Otherwise, an additional 250 per day shall be imposed beginning April 16. If there is a sincere effort of urgency to resolve these issues, the board will welcome Ms. Johnson back to discuss the fines. So, do you want to first take the first item with the roof in its completion and it's fine and then move on to the stairs and landing? What's the pleasure of the board?

Marshall: Let's do them separately. I think the roof, it sounds like it's done.

Ernesto: Yes. Agreed. The roof is complete.

Glenn: The roof has been completed and inspected; the permit is closed.

Ernesto: Okay. All right let's just stay on the roof. Either move away from the roof. The fines are a total of $22,250. I will say that on the very last part of the motion of effort of urgency, I think after the meeting within a few days of when we completed our meeting, I did see they were installing a new roof. I saw the workers there. I drive by the property just about every day. But I know it took a while before we got to that stage. So, I don't know if there's a discussion of the fines.

Kevin: Well, Mr. Chair, frankly, I believed that there was one nay vote. We voted for fines, and I think that was yours. So, I really like to hear honestly, your thoughts of where you are with the fines? Not to put you on the spot. If you don't want to answer, that's fine. I would like to hear your thought process on maybe what that fine should be since you are one dissenting vote.

Ernesto: I think I was absent at the first meeting where this issue came about. Then I obviously attended the meeting after that, which is the one that we've set in March, right? Yes. So, I do think the fine is extremely high as to what is owed. I always like to compare to what the efforts of the city and the work that we've done. I appreciate Jennifer capturing, was it, Jennifer that captured the cost of what we have invested into this? But I also understand that there's a precedence issue that we've established. Mainly, it's been both residential and commercial, where we've taken some very hefty steps towards foreclosure and also steep fines to force a person to perhaps sell their property or whatever. So, I'm both. I mean, I do think that the 22,250, maybe a little high. But I leave that for the rest of the board to discuss.

Marshall: Well, one comment I would make is that when people ignore citations and rules and regulations, I have no time for that. I really don't.

Gary: I think what I would say is, is it's a little out of whack with what it actually cost the city. It is pretty punitive if we go through with it.

Kevin: I will say- I read it-

Ernesto: We need to get to the meeting, and this is a part of the discussion before we get to a motion.
Kevin: I will agree it seems excessive in your word punitive, but I kind of agree with past Chair Marshall in that, you know, we seem to have a long track record, in the record, of someone not coming into compliance again and again and again and again for over three years, it appears.

Ernesto: I would say, Kevin, to that, is that I don't know when the track record that came outside of this board. I don't think it's been; you know, I think this is the first action this board has taken on this property.

Kevin: Certainly. But I think we can agree just by looking at what was delivered whether we were part of this or not, you know, there still is a record of the resident not being in compliance. At times, I will say, for whatever reason, thumbing their nose at staff and what the city of St. Augustine Beach has asked to happen. Now, I don't know, I'm not an engineer. I don't work on houses, but if you're telling me that the landing is a foot out of compliance, then I would, I think you would agree, you would have done the same thing. If it's gone on three years that I know of, at least that I can track down in this paperwork, you get somebody out there with a chainsaw if you have to, and you cut that foot off so you are in compliance. You go get your permit, and you get that done. So, I just think that, while it may not have been in front of this board, certainly there seems to be a continuation of a resident who just refuses to be in compliance with the code. I will agree, $22,250 is perhaps excessive, but there's certainly should be some fine because this has gone on, to me, far too long.

Ernesto: Agree. Mr. Lovett?

Ray: I just want to know, are there any mitigating circumstances why she wasn't coming into compliance, other than the fact that I don't have the money?

Ernesto: I think we've heard from her there's been health issues. There's been a-

Liv: do I take care of him.

Ernesto: A lot of circumstances.

Liv: daughter and I don't have the money. I had, and I had-

Kevin: What do we think, Mr. Chair, is the proper...

Ernesto: Let me wait until Mr. Pritchett comments.

Kevin: Okay. Sorry, Mr. Pritchett.

Ed: What kind of fine are we looking at? I tried to get that out of them too. Because the politicians are sitting up here.

Ernesto: No. I don't know at this point. I like to--

Ray: What is the total right now with the deck?

Ernesto: Well, 22,550 for the roof and 3250 for the deck.
Ray: So, we’re at 20, 25, 26, now?

Kevin: But the stairs and the landing are continuing. There is another 250 dollars there today. So that to me, I think we’re talking just about the 2225. Is 5000 too much of a fine?

Ernesto: I don’t know. I think that’s probably more realistic based on the value of the actual repair.

Kevin: 5000? 4500? Do I hear 4500? 4500? 4500? I mean, if it will get us into the proper stature to debate, then I will move that we'll reduce the fine from $22,250 to $5,000.

Ernesto: Marshall?

Marshall: I’ll second that motion.

Ernesto: Are you second just for the sake of discussion?

Marshall: For the sake of discussion.

Ernesto: Okay. I have motion and a second. That is a significant decrease from the $22,250 that’s owed. Finally, I didn’t think that was going to be the case.

Marshall: Again, how many days was this?

Kevin: 89.

Marshall: 89? So, even if we reduced it to $50 a day, which is quite reasonable.

Ernesto: Right.

Gary: It’d be 3950 or something.

Marshall: 4500.

Gary: 4500.

Ray: Can we make it contingent upon the reductions? Make it contingent upon the completion of bringing the deck into variance? If you reduced the one fine and then you said there’s a history of thumbing your nose at the city and then it just continues on with the current issue, what would be the sense in it?

Ernesto: That’s interesting.

Liv: I’ve never have been thumbing my nose [crosstalk]

Kevin: It is. But I will say I think those are just two different-- So, I would not want to tackle that.

Ernesto: Okay. We don’t have any legal rep today.

Brian: Oh, I’m sorry. There she-- it’s you. Sorry.
Ernesto: Here is our legal rep.

Marshall: He don't even know she is.

Brian: Mr. Taylor couldn't be here today.

Ernesto: Okay.

Brian: So, this is one of our other attorneys that represent the firm.

Ernesto: Well, my question then would be, can we delay the decision on the fine until we have the satisfaction to see the type of urgency that the homeowner takes to repair the deck?

Legal Rep: There is a lot of things that we should that we want to do. Because the building is not in compliance, she's got fines on both, so if you want this done, maybe you need to put a carrot in a stick. So, that if it gets done within a reasonable time with the deck and the stairs, then you can put all the fines together. If it's not, then the fine stand as it is.

Ernesto: That is a good point. I'd rather take approach something like that. Leave the fines the way they are.

Ray: It's like an incentive to bring the stairs and the deck into compliance.

Ernesto: Obviously, as Ms. Johnson knows, that there is a spirit of the board to be somewhat understanding with the fines. But again, if I don't see any progress being taken from the last meeting to make this deck and landing in any more compliance other than she's used somebody to cut 12 inches of her-- It's compliance in your eyes, but it's not compliance based on the general contractor or the proper permitting.

Liv: I have worked non-stop in a while. For three weeks severely to borrow money and to get this done. So—

Marshall: I think we should just hold the fine where it's at, withdraw our motion, withdraw our second, and table the fine until we get this other part done. It appears that there's an issue with a window that's been boarded over that has to be corrected.

Ernesto: Okay. So, now that we are going to table any further discussion on the fine. We know that it's holds at a 22,250. Okay. So, that's done.

Gary: That fine is capped. But the other fine is still going.

Ernesto: The other fine is ongoing. But I don't think that there's a demonstration from the homeowner, from Ms. Johnson as to what this city building department and what this board is asking for? All we're asking for is for you to make these repairs and follow the protocol when it comes to permitting and contracting with a general contractor to make these types of repairs. Again, I think that you have tried to act as a general contractor and you're not.

Liv: I was told when I first came up here in March that I could pull a permit-

Liv: Okay. Well now, I understand. I didn't know that one.

Kevin: Did the permit expire and then she pulled on July 10, 2017, which did not list the stairs or the deck?

Brian: That is true, chair. We did not include stairs or landings. So, that should not be part of that permit. If that work was done, it's outside the scope and a revision to the original construction documents would be required under state law. However, as an owner/builder, you are obligated and required to know the rules. If you do not, shame on you. You shouldn't be acting as a contractor. The State Building Code is online. The City of St. Augustine Beach has a locally adopted Chapter One, that specifically mentions all this. So, that's why you sign an owner/builder affidavit saying you accept the risks and the knowledge, and you are also responsible for anybody that comes onsite to work. As far as maintaining insurance requirements, you said you have hired people. Did you verify they were licensed or registered through the city's St. Augustine Beach building permit?

Brian: Okay. So, who was it? Who did the work? I don't think we ever got that answer. So, I'm saying you're the owner/builder, you're responsible for everything that happens on that site.

Liv: I don't need to be-- the contractor will come forward and pay it in full.

Kevin: I will rescind my motion to 5000 But I would also like to add that I am not comfortable with the idea of coupling this. Because I refuse to believe that- I think we're going to be here with another-- in two more months trying to get this person in compliance. So, it gives me great heartburn to again allow this to continue on. But I yield.

Marshall: Can you please not speak unless you're asked to?

Liv: Yes, sir.

Marshall: Thank you.

Edward: Mr. Chair, I have a couple of comments I'd like to make. First off, to the building department. In my prior life, I was an investigator for the Marion County for the building department. I checked on contractors out doing jobs without a permit or without being licensed. My opinion is to go after the contractor whoever he may be and stick a fine on him for doing it. Ms. Johnson, you didn't use your homework good enough to be able to pull a permit for yourself. You need, as far as the steps and the staircase goes, that I've taken compliance. You need to take it down and have a license- Ma'am, listen to me, please. You need a licensed contractor and an architect or engineer to get everything together, get a permit. Let them pull the permit, not you. Okay?

Liv: Okay.

Ernesto: All right. We don't have any other new business other than the one we just talked about. All business was with the update with Ms. Johnson at 720 A1A Beach Boulevard. I've turned to the attorney; do we need some sort of motion for...

Marshall: Continuance with the fine?

Ernesto: Well, I think the fine's-
Legal Rep: Absolutely. You’re now, in the motion to table the fine discussion to a later date. The address while [inaudible]

Ernesto: Okay. I thought I did that. But if not, I certainly move to table my earlier motion to reduce the fine to $5,000. Okay. So, we have a motion to table and withdraw the reduction. Is there a second?

Ray: I’ll second.

Ernesto: Did Mr. Pritchett say-

Marshall: I’ll withdraw my second.

Ernesto: Okay. Then we have Mr. Pritchett. Second Mr. Kevin’s motion and any further discussion on that?

Marshall: No.

Ernesto: Okay. All those in hearing then, all those in favor signify by saying aye.

Members: Aye.

Ernesto: No one opposed. For the direction of going forward with the repairs that are remaining. The homeowner understands that Ms. Johnson, that you’re continuing to accrue a $250 fine per day until the stairs and the landing is brought into compliance and inspected by the building department.

Marshall: Along with the window. You can’t have boarded-up windows.

Ernesto: Yes. We didn’t talk about the window last month.

Marshall: I know. But that boarded-up window needs to be...

Brian: Chair, may I ask Ms. Johnson, is the window still in place? Is it behind the plywood? I don’t need to see a picture. I don’t need to see a picture. I just need to know is the window in place. I don’t need to see a picture. Is there a window in place behind the plywood?

Liv: There is a window on order to be installed, but it is a few grand to put that in but it didn’t--

Brian: But is the window in place? The existing window that you said was bent, is it still installed?

Liv: May I ask you a quick question?

Brian: Sure. If the Chair allows it.

Liv: May I ask you a quick question? Okay. Given that I cannot afford that $2,000 window. May I please ask you a question? You know, and I know that you don’t like me, Mr. Sweeny. I’m okay with that. But that’s okay. It’s okay. Not everybody likes it. But the picture shows this wasn’t [crosstalk] in 2018. But may I, am I permitted? I’m going to ask you guys because your contractors, there’s no reason that their 2 by 6 framing, okay? I can buy this size. I need to buy this thing, but Eric said, you put a $30,000 behind it-
Brian: I'm going to answer I'm not a contractor. I'm going to answer that. No. We're not going to close it off. No. Because it has to be inspected by the building department. Whoever did the repair did not pull the permit.

Liv: The window does not necessarily- that's what I'm asking. Does the window You don't understand it. Why can't we not? I'm sure people eliminate windows all the time.

Brian: Mr. Chair? May I address this real fast and put an end to this? I'm not asking you for permission. I'm asking the Chair.

Liv: Okay. I'm sorry. I thought you're talking to me.

Brian: No, ma'am. If you choose to modify an existing building, you need a design drawing. This is the pressure boundary for the building. So, you need a state design professional, whether it be an architect or an engineer, to address the attachments for your infill. Then you need to address a wall barrier or membrane and all that needs to be done. So, if you get a design professional, you apply for a permit to remove it and install with an infill and slide it to the appropriate specifications, the building form has no objection. However, signed and sealed plans will be required to demonstrate pressure compliance.

Liv: They want $3,000 now?

Kevin: Yes. Money is not a concern of the building department.

Ernesto: Okay.

Marshall: If it's in a bedroom, and if it's the only other way out, you cannot do it.

Kevin: Mr. Marshall, I'm expecting her, she's talking about the living room window?

Liv: Yes.

Kevin: All right. To be fair to the homeowner, the window was not included last month. We didn't discuss it. So, I guess at this point, the board should consider making a motion and starting a fine by a certain date and treating the window as another layer of the fines. Just to be fair, we didn't give her any direction about a window at the last meeting.

Marshall: Okay. So, I'll make a motion that we give her 45 days to get the engineering done. If she's taking the window out and get the permit in place and the repairs done.

Ernesto: It's 45 days to- if she is removing the window and altering the design of the structure, then we shall need then 45 days to do that. If all she's doing is going to replace the window--

Marshall: Then she has to come in and get a permit for that.

Ernesto: She can replace the window within 45 days.

Kevin: I second.

Ernesto: So, I have a motion and a second.

Kevin: Is there a permit required to replace a window?

Marshall: Yes.

Brian: For any pressure boundary requirement

Ernesto: Okay, so there you have it. 45 days from this point would be whatever. I don't want to do the math in public but then that's...

Marshall: 45 days. 46, if it's 46 I'm not going to...

Ernesto: All right. Then there will be a fine set after that point?

Marshall: Yes.

Ernesto: Okay. We'll continue with the $250.

Marshall: Oh. We'll determine that at that point.

Gary: Can we tie up, maybe getting the deck done and the window down and get everything tied in a bow? So, we don't have marathon meetings over each little incremental stuff?

Ernesto: Well, 45 days is, I'm hopeful that within the next meeting that the stairs and the landing is done. Then she comes back and says, "Here's a picture of the window, that's also complete."

Kevin: Agreed.

Liv: The board didn't close it off.

Ernesto: Or perhaps during when Glenn reinspects, everything's done, and the next meeting, when we talk about the fines.

Kevin: I have a question, Mr. Chair?

Ernesto: We have a motion in the second. I think we're done with the discussion, given the 45 days. Let's take it to a vote. All those in favor signify by saying aye.

Members: Aye.

Ernesto: Any opposed?

Ernesto: No opposed.

Ernesto: Okay. So, now we have a separate motion for the window as well. Okay?
Kevin: I have a question, Mr. Chair. I just want to make sure that your last meeting as Chair is memorable. Have we worked through the-- I believe in our last meeting, there was the discussion of it being commercial and residential, and if someone was living in a commercial part of this dwelling? Have we worked our way through this yet?

Brian: No, sir. There needs to be an application to modify the conditional use permit. When this building was granted, its permit of construction it was for a commercial, I don't remember exactly what it was thought, Segway rentals or something? It was designed for residential on the second floor. Bill Ward has spoken with Ms. Johnson several times as I understand it. That a conditional use permit application is required, and it needs to appear from the planning and zoning followed by the commission. We did set one out. It sat on the front counter for a week or so. No one retrieved it, so we ended up putting it back on Kevin.

Kevin: So, do we have any power as the cut and portion and board to look into whether there is someone living on the commercial site? Is anybody looking into that or is that just something we're just leaving alone?

Brian: To answer your question, we do. We are aware of it. But we found this to be more pressing, the staircase and the roof. The roof is finally resolved. Thank you for that. So, now the staircase and the landing were bringing the building into compliance. Then hopefully, the applicant will take it upon herself to apply for a modification to the conditional use permit in a timely manner. Thank you.

Ernesto: Brian, just in the next minute, if you can just kind of recap. I think you have an understanding of what the board is looking for. Without any interruption, if you could just let Ms. Johnson know what we're looking for when it comes to permitting general contracting to get this thing solved by the next meeting.

Brian: Obviously, a completed building permit application for the stairs and landing along with design drawings that comply with the variance that was issued a time construction or a modification to the variance which would require planning and zoning approval. As I stated last month, the building department will not endorse a modification to extend the variance. That's up to the Planning and Zoning Board. But they do look to stack for recommendations. So, we'll need design drawings, complete the permit application, some sort of contractor whoever you are legally within your rights if you are the individual owner of the building, or not owned by a corporation to pull that permit. If that's the case, you will file an owner-builder affidavit witnessed by the building department staff. As far as your window replacement or boarding whatever you choose to do, I heard you mentioned impact glass, you are aware of that or that need, keep in mind, you may also do a shutter system that complies with Chapter 16 of the Florida Building Code. That is a way to save a little bit of money. Plywood is probably not going to be an acceptable method for a window of that size anymore. So, we will need the Florida Product Approval Number upon submittal. My recommendation is you apply for both permits at the same time. Save yourself $15 for permit issuance fee and a possible minimum permit charge.

Liv: Does anyone of you guys can recommend that are architects--

Brian: The government does not recommend people in the event if something goes wrong.

Motion: to table the discussion of fines until the next meeting on May 27th, 2020. Moved by Mr. Sweeny, seconded by Mr. Pritchett, passed 6-0 by the Board by unanimous voice-vote.
Motion: to allow Ms. Johnson 45 days from today, April 29, 2020 to obtain a permit and repair or remove the window on the north east side of her property which has been covered. Moved by Mr. Schneider, seconded by Mr. Sweeney, passed 6-0 by the Board by unanimous voice-vote.

VII. PUBLIC COMMENT

There was no public comment.

VIII. BOARD COMMENT

Marshall: Okay. I want to thank you for serving as the Chairman.

Ernesto: Okay.

Marshall: I think you've done a very good job.

Ernesto: Well, I appreciate it. Thank you for guiding me in the right direction. I do want to thank everyone for still coming to this meeting. Having a quorum under the circumstances that we're still operating with as far as safe distance and stay-at-home order. Thank you for doing that. Again, we're all volunteers. None of us gets paid to do what we do in the spirit of the city. That's all my comments. Kevin?

Kevin: I just appreciate you guys trust me with being Chair. I'll try to live up to our past two Chair. I'd also like the record to show that I like everybody. So, you go do that. Thank you, Mr. Chair.

IX. ADJOURNMENT

The meeting was adjourned at 3:12 p.m.

________________________________________
Ernesto Torres, Chairman

________________________________________
Lacey Pierotti, Recording Secretary

(THESE MEETINGS 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.)
October 23, 2019 – Complaint lodged against 313 A St regarding chickens.

Sec. 3.02.03. - Prohibited uses.
A. the following uses are prohibited: 1. Keeping, breeding, or raising of bees, insects, reptiles, pigs, horses, cattle, goats, hogs, or poultry.

November 19, 2019 – Planning and Zoning Meeting

Jennifer Wildasin applied for a variance to keep the chickens.

**Motion:** to approve the request of the applicant based on the unique circumstances set forth by the applicant and provide the basis of this motion to the City Commission but deny Land Use Variance File No. VAR 2019-16 and refund the variance application fee to the applicant. **Moved** by Ms. West, **seconded** by Mr. Kincaid, **passed** 7-0 by unanimous voice-vote.

February 3, 2020 – Commission Meeting

The motion made by the P & Z Board was appealed by Pamela M.M. Holcombe.

**Motion:** to vacate the Comprehensive Planning and Zoning Board's decision based on the record and the advice of the City Attorney because of the lack of authority, lack of evidence on the record regarding at law. **Moved** by Mayor England, **Seconded** by Commissioner Samora. **Motion passes** 4 to 0.

**Motion:** to delay Code Enforcement for 120 days to give adequate time for research and to direct City staff to research any changes to our ordinances to accommodate emotional support animals. **Moved** by Mayor England, **Seconded** by Commissioner Samora. **Motion passes** 4 to 0.

February 18, 2020 – Planning and Zoning Meeting

Review and recommendation to City Commission of proposal for the regulation of emotional support animals, by amendment to Sections 2.00.00 and 3.02.02 of the City of St. Augustine Beach Land Development Regulations, to provide a definition for emotional support animals and allow emotional support animals as defined by conditional use permit application reviewed by the Planning and Zoning Board and granted by the City Commission.

**Motion:** to recommend the City Commission approve proposed amendments to Sections 2.00.00 and 3.02.02 of the LDRs to provide a definition for emotional support animals as “animals that provide a sense of safety, companionship, and comfort to those with psychiatric or emotional disabilities or conditions,” and allow emotional support animals as defined by conditional use permit reviewed by the Planning and Zoning Board and granted by the City Commission on a case-by-case basis. **Moved** by Ms. Odom, **seconded** by Mr. Mitherz, **passed** 4-1 by voice-vote with Mr. Einheuser, Mr. Kincaid, Mr. Mitherz and Ms. Odom assenting, and Mr. King dissenting.

March 2, 2020 – City Commission

Emotional Support Animals: Review of Recommendation to Amend the Land Development Regulations (Presenter: Brian Law, Building Official)

Mayor England closed the Public Comments section and advised that the Commission has a suggestion on this on which policy direction to take and there will be a new City Attorney and staff who will be researching this issue as well. She asked Building Official Law and the new City Attorney to work together and to bring this back to the Commission in the future.

May 4, 2020 – Commission Meeting

Emotional Support Animals: Review of Recommendation to Allow by Conditional Use Permit (Presenter: Brian Law, Building Official)

City Attorney Douglas explained that the case would go to the Code Enforcement Board who will decide on any or no accommodations according to federal guidelines and an order would be written. It would then be up to the person whether to appeal the decision of the Code Enforcement Board if they do not agree to the circuit courts.
**Description:**
The complaint was generated by the neighbor just to the south of described property. The contents of the complaint were described as the observation of chickens noted in the yard of the accused with minor noise by the fowl.

An interview was established with the property owner of the chickens relative to an explanation of their possession. It was observed that there were approximately 8 chickens (hens) noted in the side yard in a small enclosed area. The owner (Ms. Wildasin) stated that the chickens were transferred from her prior out-of-town home into St. Augustine Beach when she moved into her new home in the city. She further explained that the chickens were utilized as a type of therapy for her disabled child. As she explained, this child suffers from physician-documented traumatic psychological issues relative to past experiences. The complete etiology of the signs and symptoms are unknown by this officer and were not fully explained in detail.

Information was relayed to Ms. Wildasin relative to the SAB City Code. It was explained that the code language is clear, that fowl are not allowed within the SAB City Limits. Ms. Wildasin asked if there was another option relative to possessing the chickens, to which she was told a variance was possible and staff would further advise her about the variance process.

A conversation was re-established with Ms. Wildasin. Information was relayed to her concerning application for a variance relative to the scenario in question. The application has been submitted and the hearing is scheduled for the next regular monthly meeting of the Planning and Zoning Board, which is Tuesday, November 19, 2019.

**Conditions:**
Ordinances:

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</thead>
<tbody>
<tr>
<td>SEC. 3.02.03</td>
<td>Sec. 3.02.03. - Prohibited uses.</td>
</tr>
</tbody>
</table>

A.
In addition to the uses prohibited under section 3.02.02 and Table 3.02.02, and other provisions of this Code, the following uses are prohibited:

1. Keeping, breeding, or raising of bees, insects, reptiles, pigs, horses, cattle, goats, hogs, or poultry.

Activities:

<table>
<thead>
<tr>
<th>Ordinance Id</th>
<th>Activity Type</th>
<th>Inspector</th>
<th>Date</th>
<th>Start Time</th>
<th>End Time</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEC. 3.02.03</td>
<td>CE-MONITORING</td>
<td>BILL</td>
<td>10/01/19</td>
<td>11:30</td>
<td>12:00</td>
<td>OPEN</td>
</tr>
</tbody>
</table>

Comment: Awaiting disposition of Planning and Zoning Board to rule on the application for a variance.

Notes:

<table>
<thead>
<tr>
<th>Created</th>
<th>Modified</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/19/20</td>
<td>05/19/20</td>
<td>Monday 5-4-2020 the Commission revisited the appeal and decided to send the case to the Code Board May 27, 2020.</td>
</tr>
<tr>
<td>05/19/20</td>
<td>05/19/20</td>
<td>February 18, 2020 the PZB made a motion to recommend that the Commission approve proposed amendments to Section 2.00.00 and 3.02.02 of the LDRS to provide a definition for emotional support animals. (attached).</td>
</tr>
<tr>
<td>05/07/20</td>
<td>05/19/20</td>
<td>The decision of the PZB was appealed and brought to the commission on February 3, 2020. (Minutes attached) The Commission made a motion to delay further code enforcement 120 days for city staff to research accommodations for emotional support animals.</td>
</tr>
<tr>
<td>12/11/19</td>
<td>05/19/20</td>
<td>November 19, 2019: PZB Board acted upon the chicken scenario and granted a stay. That complete discussion by the board and its findings are noted in the minutes in the attachment.</td>
</tr>
<tr>
<td>10/23/19</td>
<td>05/07/20</td>
<td>Awaiting disposition of the variance application. TBA</td>
</tr>
</tbody>
</table>
City of St. Augustine Beach Building and Zoning Department
Variance Application

2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080
WWW.STAUGBC.COM BLDG. 4 ZONING (904) 471-8753 FAX (904) 471-4170

1. Legal description of the parcel for which the variance is being sought:
   Lot(s)  14  Block(s)  49  Subdivision  3-30 Caoquina Gables
   Street Address  313 A ST.  St Augustine, FL 32080

2. Location (N, S, W, E):  — Side of (Street Name):  AS

3. Is the property seaward of the Coastal Construction Control Line (CCCL)?  Yes  No  (Circle one)

4. Real estate parcel identification number:  1713800000

5. Name and address of owner(s) as shown in St. Johns County Public Records:
   Jennifer Wildasin


7. Land use variance being sought:  Prohibited Uses (keeping chickens)

8. Section of land use code from which the variance is being sought:  3.02.03 A1

9. Reasons for which the variance is being sought:
   Support Animals on Property
   For 9 year old son who has been diagnosed with the following:
   • Attention Deficit Hyperactivity Disorder
   • Mild Neurocognitive Disorder due to TBI
   • Central Sleep Apnea
   • Dyslexia, Specific Learning Disorder, Reading & Math

10. Supporting data which should be considered by the Board:
    9 year old son has severe
    Dyslexia. Son was severely beaten at 3 mo. of age by biological father.
11. Has a variance application been submitted in the past year? Yes [ ] No [ ] (Circle one) If yes, what was the final result?

12. Please check if the following information required for submittal of the application has been included:

- [ ] Legal description of property (Property Card)
- [ ] Copy of warranty deed (clear of clouds)
- [ ] Owner Permission Form (if applicable)
- [ ] List of names and addresses of all property owners within 300-foot radius (Property Appraiser)
- [ ] First-class postage-stamped legal-size envelopes with names and addresses of all property owners within 300-foot radius
- [ ] Survey to include all existing structures and fences
- [ ] Other documents or relevant information to be considered

In filing this application for a variance, the undersigned acknowledges it becomes part of the official record of the Comprehensive Planning and Zoning Board and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

If granted, the variance will expire within one year from the time it was granted, unless more time was requested and granted in the application process. After one year has passed and the requested action has not taken place, the variance shall be considered null and void. The application must be signed by either the owner or the owners authorized agent. If an authorized agent's signature is used, a notarized written authorization approving such representation must accompany the application.

---

[Signature]
Print name (owner or his/her agent)

[Signature / date]
Owner/agent address

[Signature / date]
Applicant/agent address

[Phone number]
Phone number

City of St. Augustine Beach Variance Application 06-19
**All agents must have notarized written authorization from the property owner(s)**
**Variance shall be recorded prior to issuance of the building/development permit**
**Please note that if you are a resident within a development or subdivision that has covenants and restrictions, be aware that approval of this application by the Comprehensive Planning and Zoning Board does not constitute approval for variation from the covenants and restrictions.**

Date: ________________________________

Variance File #: ____________________________________________________________

Applicant’s name: ____________________________________________________________

Applicant’s address: _________________________________________________________

For land use variance at: _____________________________________________________

__________________________

Charges

Application Fee: $400.00      Date Paid: ______

Legal Notice Sign: $7.50       Date Paid: ______

Received by ________________________________

Date ________________________________

Invoice # ________________________________

Check # ________________________________

City of St. Augustine Beach Variance Application 06-19
Instructions for applying for a Land Use Variance

- A land use variance seeks to allow for adjustments to the City's Land Development Regulations, such as setbacks or impervious surface requirements.
- The City's Comprehensive Planning and Zoning Board decides whether to grant or deny a variance request. The Board's decision MUST be based on whether the request meets each of the six conditions listed below.
- To help the Board evaluate your variance request, you must provide a reason or reasons for each of the six conditions. If you believe that a condition does not apply to your request, then you are to write "Not Applicable" and give the reason or reasons why the condition is not applicable to your request.
- Failure to provide a response to each of the six conditions will require the Building and Zoning Department to return your application to you. The Building and Zoning Department staff will gladly provide any assistance should you have questions regarding the listed conditions. You may use additional sheets of paper for your responses as needed. Documents may consist of pictures, photographs, maps, public records, letters from neighboring property owners or other items you may find to explain the circumstances for the variance request.

Considerations for the granting of a Land Use Variance

1) Describe the hardship that is created by following the current land use codes and regulations. Do the associated Land Development Regulations make it virtually impossible to use the property as zoned unless a variance is granted? If so, please explain.

   Yes, Sec 3.02.03, Line 1 states the following:
   "Keeping, Breeding or raising of Poultry" is Prohibited.
   We cannot keep & have laying hens that are support Annuity for our severely disabled & TBI.

2) Describe similar variances that have been granted in the vicinity of the property since adoption of the City's Comprehensive Plan and Land Development Regulations.

   N/A or Unknown
3) Was the property acquired after parts of the current Land Development Regulations (which are relevant to the requested variance) were adopted? Please explain factually.

N/A

4) Explain how the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

My son Cole uses these animals as support for his Disability. Since the start of this farming experience, Cole has taken extreme responsibility with his animals. See Supporting Documentation.

5) Explain how the granting of a variance will not alter the character of the neighborhood, diminish property values, or impair the appropriate use or development of adjacent properties.

We are keeping a small amount to keep it clean and this would not change any of the aforementioned.

6) If the variance were approved, what would be the effects on traffic congestion in nearby streets, danger of fire, and on-site or off-site flooding?

N/A

City of St. Augustine Beach Variance Application 06-19
Documentation needed for a Land Use Variance

1) The legal description of the parcel of land for which the variance is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use the lot and block number. Include street address and location indicating street boundary and side (north, south, east, west) and nearest intersecting street.

2) If the land is a portion of the lot, indicate what portion of the lot (for example, south one-half, north one-third, east one-fourth, etc.). If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.

3) The name(s) and address of the owner(s) of the property shall be provided, and this information shall agree with the public records of St. Johns County. If the names are different, attach a clarifying statement.

4) Applicant shall provide a detailed description of the land use variance being sought. If this is more extensive than can be described on the form, additional sheets can be used.

5) Notification of all property owners within a radius of 300 feet of the property for which the variance being sought is mandated by law. The St. Johns County Real Estate/Survey Department (telephone number 904-209-0804) will provide variance applicants with a list of the names and addresses of the property owners within 300 feet of the property for which the variance is requested. This list of names and addresses of all property owners within 300 feet is to include the applicant’s name and address. Along with the list of all property owners within 300 feet, the applicant shall submit stamped, addressed legal size envelopes with the variance application. (Note: Do not fill in a return address on the stamped envelopes. The Building and Zoning Department will stamp its address on the envelopes as the return address and mail the legal notices to all property owners). Signatures and approvals of property owners within 300 feet are not necessary. Variance applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to the granting of the requested variance, but these persons should not sign the application itself. Variance applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the variance application.

6) The section(s) of the City’s land use codes from which the variance is being sought shall be listed on the application. The Building and Zoning Department staff will assist you with this or any other matter involved in the variance application process.

7) A fee of $400.00 will be charged for the variance administrative procedure and the legal advertising, along with $7.50 for the legal notice sign, provided by the Building and Zoning Department, which will be posted on the property for which the variance is sought within clear view of the street and not more than 10 feet inside the property line.
To: Building Official  
City of St. Augustine Beach, FL  
Building Department

From: Owner Name & Phone #: Jennifer Wildasin 904-495-5834

Address: 313 A St.

City, State & Zip Code: St Augustine, FL 32086

This is to advise you that I hereby give permission to:

Contractors / Agent Name & Phone #: _____________________

Address: ______________________________

City, State, Zip Code: ______________________________

Who is my contractor /agent, to perform the following on my behalf:

__________________________________________
__________________________________________
__________________________________________

Signature of Owner & Date

State of Florida

County of: ______________________________

Subscribed and sworn before me this _____ day of __________, 20___, by ______________________

Who is/are personally known to me or who has/have produced ___________________________ as identification.

__________________________________________ Notary Commission No./Expiration/Stamp/Seal

Signature of Notary Public, State of Florida
VARIANCE PETITION - SIGNATURE NEEDED

We request your permission at 313 A Street that offer support for our son Cole, he suffers from Traumatic Brain Injury, ADHD and severe Dyslexia.

Thank you in advance from the bottom of our hearts!

SIGNATURE

ADDRESS
## Summary

<table>
<thead>
<tr>
<th>Property Information</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel ID</td>
<td>171380000</td>
</tr>
<tr>
<td>Location Address</td>
<td>313 A ST SAINT AUGUSTINE 32080-0000</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>Coquina Gables (717)</td>
</tr>
<tr>
<td>Tax Description</td>
<td>3-30-COQUINA GABLES LOT 14 BLK 49 OR4757/1016</td>
</tr>
<tr>
<td>Property Use Code</td>
<td>Single Family (010)</td>
</tr>
<tr>
<td>Subdivision</td>
<td>Coquina Gables Subdivision No 1</td>
</tr>
<tr>
<td>Sec/Twp/Reg</td>
<td>3-8-30</td>
</tr>
<tr>
<td>District</td>
<td>City of St Augustine Beach (District 551)</td>
</tr>
<tr>
<td>Millage Rate</td>
<td>17.0863</td>
</tr>
<tr>
<td>Acres</td>
<td>0.110</td>
</tr>
<tr>
<td>Homestead</td>
<td>N</td>
</tr>
</tbody>
</table>

## Owner Information

- **Owner Name**: Wildman Jennifer Grace 100%
- **Mailing Address**: 313 A STREET SAINT AUGUSTINE, FL 32080-0000

## Map

- [Map Link](https://qpublic.echomediacorp.com/Application.aspx?AppID=980&ls_1788PageTypeID=4&PageID=39096010x1223967565&KeyValue=171380000)
Warranty Deed

This Warranty Deed made this 8th day of July, 2019 by and between CWTR Homes, LLC, a Florida Limited Liability Company, whose post office address is 652 Casa Fuerta Lane, St. Augustine, FL 32080, grantor, and Jennifer Grace Wildasin, an unmarried woman, whose post office address is 13 A Street, St. Augustine, FL 32080, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in St. Johns County, Florida to wit:

Lot 14, Block 49, Coquina Gables Subdivision No 1., according to the map or plat thereof, as recorded in Map Book 3, Page 30, of the Public Records of St. Johns County, Florida.

Parcel Identification Number: 171380-0000

Subject to taxes for 2020 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.
HIS DOCUMENT IS NOT RECORDABLE

Signed, sealed and delivered in the presence of:

Tomasz Muszyński
Manager of CWTR Homes, LLC

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 8 day of July, 2019 by Tomasz Muszyński Manager of CWTR Homes, LLC, a Florida Limited Liability Company, on behalf of the Limited Liability Company.

Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally known: ✓ OR Produced Identification: __________

Type of Identification Produced: __________

WARRANTY DEED

File No.: 19-0576
Re: Variance Application – List Residents names and address within 500 Radius

Source: St. Johns County Appraisal Website

1. Martin EtaJ Stillip
   Heather Hail
   312 B Street
   St. Augustine, Florida. 32080-6816

2. Americana Properties, Inc.
   313 B Street
   St. Augustine, Florida. 32080-6816

3. Rachel J. Weill
   315 B Street
   St. Augustine, Florida. 32080-6816

4. Phillip & Shelley Lowery
   311 A Street
   St. Augustine, Florida. 32080-6816

5. Hugh Etal O’Brien
   Ellen J Davern
   6. 315 A Street
   St. Augustine, Florida. 32080-6816

7. Mark R & Roseva V Bailey
   403 A Street
   St. Augustine, Florida. 32080-6816

8. Carlos & Jennifer Wollmann
   401 A Street
   St. Augustine, Florida. 32080-6816

9. Shelby & Christie Tostevin
   408 B Street
   St. Augustine, Florida. 32080-6816

10. John & Lou McNairy
    402 B Street
    St. Augustine, Florida. 32080-6816
11. Thomas & Margaret Bolean  
316 B Street  
St. Augustine, Florida. 32080-6816

12. William & Regina Little  
310 B Street  
St. Augustine, Florida. 32080-6816

13. Charles Connaway  
308 B Street  
St. Augustine, Florida. 32080-6816

14. John Owen Gray  
304 B Street  
St. Augustine, Florida. 32080-6816

15. Peter Hotz & Martha Delaney  
305 B Street  
St. Augustine, Florida. 32080-6816

16. Richard & Margaret Janson  
307 B Street  
St. Augustine, Florida. 32080-6816

17. Michael & Mary Orlando  
311 B Street  
St. Augustine, Florida. 32080-6816

18. Brian Imler  
401 B Street  
St. Augustine, Florida. 32080-6816

19. Brian Kristofek Living Trust  
403 B Street  
St. Augustine, Florida. 32080-6816

20. Erwin Mercado  
1 Sea Oaks Drive  
St. Augustine, Florida. 32080-6816
21. Robert Somers
   407 A Street
   St. Augustine, Florida. 32080-6816

22. TBW Mortgage Backed Trust Series
   22 Ocean Pines Drive
   St. Augustine, Florida. 32080-6816

23. Catherine & Sefton Stevens
   20 Ocean Pines Drive
   St. Augustine, Florida. 32080-6816

24. Sew Kool Rentals, LLC.
   303 A Street
   St. Augustine, Florida. 32080-6816

25. Lisa Curran
   301 A Street
   St. Augustine, Florida. 32080-6816

26. Keith Wood
   405 B Street
   St. Augustine, Florida. 32080-6816
REASON FOR REFERRAL: Cole Wildasin is an 8-year-old male with a history of shaken baby syndrome at 3 months of age, which resulted in significant brain damage. He is currently experiencing significant learning difficulties in the school setting. This referral was requested by his family. An evaluation was requested to further assess all neurocognitive sequelae associated with his brain injury and assist with his educational planning.

EARLY DEVELOPMENTAL HISTORY: Cole was adopted at approximately 3 months of age following an incident of shaken baby syndrome that left him with significant brain damage. His early developmental history prior to this time is unknown. He suffered from significant bilateral acute and chronic subdural hemorrhage, as well as occipital skull fracture. He did develop seizures as a result of this brain injury, which appeared to have resolved over time. He also had 7 fractures throughout his body. He had to remain hospitalized for several weeks. He is currently in good health. He is not taking any medications at this time. His hearing is within normal limits. He does wear prescription glasses for his vision. Given his significant brain injury, there were some mild delays in his early developmental milestones. However, he received early physical, speech and occupational therapy, which aided his development.

EDUCATIONAL HISTORY: Cole does have a history of significant learning difficulties. He has an individual education plan (IEP) under the classification of traumatic brain injury since first enrolling in school. Cole used to have a 1-on-1 assistant when he attended school in Philadelphia. This service has not been available since relocating to Florida 2 years ago. He has received ongoing language therapy, physical therapy and occupational therapy since early infancy. He attended the 1st grade at Hartley Elementary School in Jacksonville. His mother then transferred him to a private school, Veritas Classical, for the 2nd grade. He is repeating the 2nd grade school year this year. His academic skills remain significantly behind grade and age level. His mother is unsure whether his current private school is an appropriate academic fit given Cole’s learning needs. Cole does receive private tutoring twice a week, as well as private speech therapy at least 1-2 times a week. Nonetheless, despite all these extra support services he is still struggling to pass his classes at school. He did undergo a speech and language evaluation through the school district on 10/19/2018. He was administered the Test of Language Development, Primary, 3rd Edition. His results were as follows: Spoken Language Composite = 76; Listening Composite = 82; Organizing Composite = 76; Speaking Composite = 79; Semantics Composite = 83; and; Syntax Composite = 72. These findings were indicative of below average language skills.

FAMILY HISTORY: Cole lives with his mother. He has been in his mother’s care since 3 months of age. He is an only child. The family relocated from Philadelphia to Florida approximately 2 years ago. Little information is known regarding his biological family history.
PSYCHOSOCIAL HISTORY: No significant behavioral problems were reported. However, Cole has developed some avoidance behaviors at school. He does tend to give up easily as much of the classwork he is expected to complete is far above his skill level. This has negatively impacted his self-esteem. He does have some difficulty staying focused and paying attention. He needs more one-on-one assistance and supervision to carry out his routines.

TESTS & PROCEDURES 5/31/2019:
Behavior Observations
Review of Available Records
Wechsler Intelligence Scale for Children, 5th Ed. (WISC-5)
Woodcock-Johnson Tests of Academic Achievement, 4th Ed. (WJ-4)
Comprehensive Test of Phonological Processing, 2nd Ed. (CTOPP-2)
Beery Visual Motor Integration Test (VMI-6)
WRAVMA Wide Range Assessment of Visual Motor Abilities
NEPSY-II (Auditory Attention and Response set)
Jordan Left/Right Reversal Test,
Wide Range Assessment of Memory and Learning, 2nd Ed.
Behavior Assessment System for Children, parent, teacher forms

BEHAVIOR DURING TESTING: Cole is a right-handed 8 year 11 month old male. He wore his regular prescription glasses. He entered into formal testing willingly, although he appeared depressed and despondent during initial testing with academic achievement tests. Rapport was quickly established and well maintained throughout testing. Eye contact was low initially, although after his first break and when non-academic tests were begun, his eye contact, mood and affect normalized. He often smiled and showed enthusiasm for some activities. He was cooperative, compliant, friendly, and socially appropriate. He is right-handed and used an age appropriate tripod grip. He struggled to blend even very simple 3 letter consonant-vowel-consonant words. When Cole experienced some difficulties with test activities, a brief return to depressed mood was seen, but he quickly returned to normal mood with encouragement and praise. He displayed inattention, distractibility, impulsivity and mild in-seat restlessness. Perserverance and motivation appeared to be satisfactory. Cole's impulsive and inattentive behavior did contribute to occasional errors, such as missing the operands in math calculation items or becoming distracted from task. He needed reminders to continue looking at visual stimuli during memory tasks. In general, these results indicate accurately the current level of functioning in the areas tested.

SUMMARY OF TEST RESULTS AND CONCLUSIONS: Cole Wildasin is an 8-year-old male with a history of shaken baby syndrome at 3 months of age, which resulted in significant brain damage. He is currently experiencing significant learning difficulties in the school setting. This referral was requested by his family. An evaluation was requested to further assess all neurocognitive sequelae associated with his brain injury and assist with his educational planning.

Cole was administered the Wechsler Intelligence Scale for Children - Fifth Edition (WISC-V). His results were as follows: Verbal Comprehension Index = 86, 18th percentile; Visual Spatial Index = 81, 10th percentile; Fluid Reasoning Index = 74, 4th percentile; Working Memory Index = 74, 4th percentile; Processing Speed Index = 83, 13th percentile; Full-Scale IQ = 76, 5th percentile. These findings revealed that Cole's intellectual skills in the domains of verbal comprehension, visual-spatial reasoning, and processing speed were relative strengths and in the low average range. In contrast, his fluid reasoning and working memory skills were relative weaknesses and in the very low range. The findings revealed numerous areas of relative strength that included Cole's bilateral fine motor speed and dexterity, his vocabulary fund, and his verbal memory for both contextual and non-contextual verbal information, which were all within normal limits.

The findings also revealed the following areas of weakness: 1) significant difficulties with staying focused, paying attention, and impulsivity consistent with a diagnosis of attention deficit hyperactivity disorder, combined presentation (ADHD/C); 2) significantly below average reading and math skills consistent with a diagnosis of specific learning disability for both math and reading, and; 3) significant deficits with executive functions.
(planning organizational skills) and working memory consistent with a diagnosis of mild neurocognitive disorder due to traumatic brain injury (shaken baby syndrome). Overall, these findings are indicative of a neurocognitive profile consistent with brain damage due to shaken baby syndrome. The neurocognitive domains of attention, planning and organizational skills, and working memory are highly sensitive to traumatic brain injury.

In regard to Cole’s academic skills, it should be noted that his reading skills were generally at the kindergarten equivalency level. He demonstrated significant deficits with his phonological awareness, phonological memory and rapid naming skills consistent with a diagnosis of a more moderate to severe dyslexia. He struggled to blend even simple 3 letter consonant-vowel-consonant words. His math skills were a relative strength, but still significantly below grade level expectations. Specifically, his math skills were generally at the first grade equivalency level. In addition to his phonological processing deficits, Cole also struggled with his visual perceptual orientation of written symbols (letter reversals). Given these findings, Cole will need to be in an academic environment that can provide him with highly intensive support and accommodations for his areas of identified need. Furthermore, he would likely benefit from additional specialized intervention to address his severe reading deficits (i.e., private tutoring with a reading specialist trained in working with children with dyslexia). His current academic curriculum will also need to be modified and adjusted to that of his current academic skill level (i.e., his academic skills are generally at the kindergarten to first grade equivalency level at this time). Cole may benefit from placement in a school such as Morning Star given his neurocognitive profile and academic needs. In a public school setting, Cole would definitely need an individual education plan (IEP). It is also recommended that Cole’s academic skills be evaluated on a regular basis to monitor his progress and development, and modify his academic intervention and plan as needed. Based on these findings, Cole meets criteria for:

**DSM-V:**
- Attention deficit hyperactivity disorder, combined presentation
- Mild neurocognitive disorder due to traumatic brain injury
- Specific learning disorder, reading (dyslexia)
- Specific learning disorder, math

**ICD-10:**
- Frontal lobe and executive function deficits

**RECOMMENDATIONS:**

1. **Academic Plan and Accommodations for the School Setting:**

   - Individualized Educational Plan (IEP): Cole should receiving services through an IEP to address his learning needs or equivalent level plan in a private school setting. In general, Cole would benefit from a more structured classroom setting, and increased structure and consistency in routines involving completion of his academic work.

   - Cole will need extra academic support for all core subject areas, but particularly in areas that place greater strain on his reading skills, written expression, language needs, as well as his attention and planning and organization difficulties. Cole’s academic plan should include regular follow-up testing of his academic skills to monitor his progress and gauge effectiveness of interventions. The data from his regular follow-up testing should be used to tailor and modify his academic plan as needed.

   - Extended time: Cole should be given extended time for exams and tests, particularly any timed tests, activities or exercises that place greater strain on his areas of deficit (math, attention and planning and organization skills, written expression and handwriting speed).

Specific accommodations recommended for the classroom setting include:

   - Preferential seating
   - If possible, work on the most difficult material early in the day.
To Whom It May Concern:

This letter is regarding my patient Cole Wildasin who is a nine years old boy with a history of shaken baby syndrome at 3 months of age which resulted in significant brain damage. He has significant learning disabilities.

Patient is taking care of chickens for a long time and is actually very responsible young boy when it comes to feeding them and cleaning their pen. They serve as his emotional support animals because they help him focus, care and nurture.

I feel that these chickens are important for his emotional well being.

I saw Cole Wildasin in the office today.

Please contact us at 904-450-8120 if you have any questions and our fax number is 904-230-1066.

Sincerely,

Electronically Signed by: NAVNEET K GREWAL, MD
I. CALL TO ORDER

Chairperson Jane West called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairperson Jane West, Vice-Chairperson Elise Sloan, Kevin Kincaid, Hester Longstreet, Steve Mitherz, Berta Odom, Chris Pranis, Senior Alternate Dennis King.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Building Official Brian Law, Jeremiah Mulligan, substituting for City Attorney James Wilson, Recording Secretary Lacey Pierotti, Executive Assistant Bonnie Miller.

IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF OCTOBER 15, 2019

Motion: to approve the minutes of the October 15, 2019 meeting. Moved by Ms. Odom, seconded by Mr. Mitherz, passed 7-0 by unanimous voice-vote.

V. PUBLIC COMMENT

There was no public comment.

VI. NEW BUSINESS

A. Request for flexible setbacks to move proposed new construction of a single-family residence forward 7.5 feet to allow a 17.5-foot front yard setback and a 32.5-foot minimum rear yard setback, for a total of 50 feet for combined front and rear yard setbacks, to save trees, and request to remove a 36-inch diameter-at-breast-height (DBH) oak tree in the proposed building footprint on Lot 16, Block B, Ocean Walk Unit II Subdivision, at 47 Lee Drive, Kyle and Tammy Larson, Applicants

Ms. Miller said this is a request for flexible setbacks per Section 6.01.03.A.3 of the City’s Land Development Regulations (LDRs), which allows flexible setbacks to save trees. The property owners are asking to move the house they want to build forward 7.5 feet so it will have a 17.5-foot front yard setback and a 32.5-foot rear yard setback for a combined total of 50 feet. Moving
the house forward 7.5 feet will save a number of trees, including several large oaks, a couple of magnolia trees, and most importantly, this will reduce the risk of damage to a historic, 300-year-old, 48-inch DBH oak tree. Unfortunately, the applicants’ request also includes approval from the Board to remove a 36-inch DBH oak tree in the footprint of the home. This oak would have to be removed even if the 25-foot front setback was maintained. The request includes a tree inventory, analysis and evaluation of the trees on the lot prepared by James King, a certified arborist.

Ms. West said the 48-inch DBH oak appears to be right on the east-side property line and it’s not clear to her how an adjustment in the front and rear setbacks would have any impact on that tree.

Ms. Miller said the arborist’s report explains the issues with the 48-inch DBH oak tree.

Mr. Mitherz said he went out to look at the property and saw that there was no sign posted on it.

Ms. Miller said this isn’t a zoning application, it’s a request allowed per the LDRs. It isn’t subject to the same notification requirements as an application, therefore, a zoning sign is not required.

Mr. Mitherz said if he was an owner of a house on either side of this property and was affected by how the house would be situated, he’d want to know why he wasn’t notified about it.

Ms. Miller said there are no notification requirements for this, unlike applications for variances or conditional uses, which require mailed notice to property owners within 300 feet, legal advertising in The Record, and a zoning sign, which the applicants pay for, posted on the property.

Ms. West asked why, procedurally, this is in the form of a request instead of a variance. She has the same concerns about the lack of notice. She understands the applicant is going a different way by travelling along the request path, but it doesn’t provide notice to the community. Moving forward, it would be helpful to not have these posed in the form of a request.

Kyle and Tammy Larson, 215 A Street, St. Augustine Beach, Florida, 32080, applicants, said the reason this isn’t submitted as a variance is because what they’re asking to do is allowed per City Code. It requires the Board’s approval, but they’re not asking to do something outside the Code.

Cora Johnston, 740 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, Generation Homes LLC, contractor for the applicants, said Mr. and Mrs. Larson were very intent on trying to save absolutely as many trees possible, so Mr. Larson did the research and found in the Code that this flexibility in the setbacks to save trees was allowed. A lot of the neighborhoods Generation Homes has built in, like Anastasia Dunes and Sea Colony, also allow variables in setbacks to save trees.

Mr. Larson said saving these trees will be in keeping with all the trees in the rest of the neighborhood. If he were a property owner on either side of his lot, he’d much rather all those trees be preserved, as they provide shade and a nice environment for everyone.

Motion: to approve the request to move the proposed new single-family residence forward 7.5 feet to allow a 17.5-foot front yard setback and a 32.5-foot rear yard setback, for a combined total of 50 feet for front and rear yard setbacks, and to approve the request to remove a 36-inch DBH oak tree in the building footprint of the proposed new single-family residence at 47 Lee Drive. Moved by Mr. Kincaid, seconded by Ms. Odom, passed 7-0 by unanimous voice-vote.

B. Land Use Variance File No. VAR 2019-16, for a variance to Section 3.02.03.A.1 of the City’s Land Development Regulations, Prohibited Uses, to allow the keeping of chickens on the premises of a single-family residence in a medium-low density residential land use district on Lot 14, Block 49, Coquina Gables Subdivision, at 313 A Street, Jennifer Wildasin, Applicant
Ms. Miller said this is a request for a variance to Section 3.02.03.A.1, Prohibited Uses, of the LDRs, which include as prohibited uses the keeping, breeding, or raising of bees, insects, reptiles, pigs, horses, cattle, goats, hogs, or poultry. The applicant is requesting the variance to keep approximately eight chickens on her property at 313 A Street, with the hardship stated that the chickens are emotional support animals for her nine-year-old son. The chickens are all hens, so no breeding is going on. Documentation has been submitted with the application verifying the child's medical condition and the child's doctor, Dr. Grewal, was verified by staff as a licensed medical doctor with Ascension Medical Group at St. Vincent's Primary Care in Jacksonville. Dr. Grewal wrote the letter included in the variance application stating he saw the applicant's son as his patient on October 16, 2019 and agrees the chickens serve as emotional support animals as they help the child focus, care and nurture, and they're important to his emotional well-being.

Ms. West said she has a procedural question as to whether a variance is the proper mechanism to address this particular issue because if you look at Section 10.02.03 of the LDRs, which pertains to limitations on granting variances, the Board first has to determine whether the need for a proposed variance arises out of the physical surroundings, shape, topographical condition or other physical or environmental conditions that are unique to the specific property involved. As she doesn't see how any of that is triggered in this particular case, she asked for advice from counsel as to whether a variance to the Code to allow the keeping of chickens is appropriate.

Mr. Mulligan said his reading of the Code is that this probably would not be an appropriate application for a variance, as variances are typically directed at something specific to the land and this is not really what they have here. St. Johns County has now passed an ordinance to allow a certain number of chickens per property in all residential zoning districts, but this City hasn't changed the portion of the Code that prohibits the keeping of chickens. The appropriate mechanism would be to change the Code if the community feels it is appropriate. From the strict legal perspective, the applicant's request doesn't seem to fit the guidelines for a variance.

Ms. West agreed and said she doesn't think the applicant is in front of the right board, because this is a code violation and going forward with a variance would definitely set a precedent.

Mr. Kincaid said he's not sure that's true. This applicant is bringing before the Board a specific set of circumstances that is not going to apply to everybody, and it really has nothing to do with the chickens. He'd be ashamed to send the applicant away and tell her she should go before another board, as he thinks they can do better than that. While he doesn't know the Board's legal boundaries as far as variances go, he doesn't think changing the Code is the way to go either, as he doesn't want to wake up every morning to chickens squawking all over the City. The Board needs to address the specifics of the application and not send the applicant away, as he doesn't think the application is about changing the Code to allow everyone in the City to keep chickens.

Mr. Mulligan said variances are structured to focus on the land, not on the user of the land. He understands the application and what the applicant desires to do but disagrees that it would not be precedent-setting, because it would set a precedent if the variance is granted, so if the next person who applies to keep chickens is denied, granting this variance would give someone who is denied a variance to keep chickens the ability to appeal and then potentially litigate the issue.

Ms. West said asked if a conditional use permit would be appropriate with these circumstances.

Ms. Longstreet said conditional use permits are usually granted to go with property owners, not the land, so if the applicant and her family moved out, they'd have to take the chickens with them.

Jennifer Wildasin, 313 A Street, St. Augustine Beach, Florida, 32080, applicant, said she comes be-
fore the Board as a mom because honestly, most people probably wouldn’t pay the $500.00 fee it cost to apply for this variance but for the fact that the chickens have been an emotional support to her son. She’s submitted her son’s medical records supporting this, and her next-door neighbor who lives on the side of her house where the chicken coop is kept has seen everything, is here tonight, and supports the keeping of the chickens. Other neighbors are also not opposed.

Ms. Sloan said she is a clinical psychologist who used to work in neuro-psychology so she greatly empathizes with the applicant’s issues and what she’s struggling with. She asked how long the applicant had the chickens before she moved to her home in the City earlier this year.

Ms. Wildasin said they got the chickens in the spring, moved here in July, and as there wasn’t a homeowner’s association in her neighborhood, she didn’t realize they weren’t allowed. They brought the chickens with them when they moved because her son had grown attached to them, as he takes care of them and gets up every morning to let them out of the chicken coop, makes sure they have food and water, and collects the eggs throughout the day. He has them all named and at night he makes sure they’re locked up in the chicken coop. His commitment surprised her, so her heart just sunk when all this came up because he’s really focused and loves these chickens.

Ms. Sloan asked if it was all right to have chickens where the applicant lived when she acquired them. St. Johns County’s new guidelines allow up to five hens per residence.

Ms. Wildasin said she moved here from off Watson Road, which is in the County. Nobody said anything about her having chickens when she moved here, so she figured it was fine.

Ms. Sloan asked if the letter written by the doctor for the applicant’s son said to call him with any questions, however, a Health Insurance Portability and Accountability Act (HIPAA) release form was not provided, so she’s not going to call a doctor and ask him to talk about one of his patients without a release form. Also, she has great concerns with the precedent this might set. She cautioned the applicant that she needs a better letter from the doctor for emotional support animals, as what the doctor wrote doesn’t sound like he’s diagnosed or interviewed the applicant’s son for that or that the child’s been given a specific diagnosis for emotional support animals, which actually requires more of a prescription. She greatly empathizes with what the applicant is dealing with and is thrilled that her son has found something to do that really gives him some purpose, but she’s concerned with the precedent setting that would go with approving the variance. It’s always difficult to find hardships, which are not easy to come by, for variances.

Mr. Mitherz asked what the structure is on the left side of the house looking at it from the front.

Ms. Wildasin said that’s an eight-foot-by-twelve-foot shed. The chickens are kept in the coop on the other side of the house.

Mr. Pranis asked if having the chickens is the only current single violation documented on this property.

Ms. Wildasin said yes.

Ms. West asked for public comment and said the Board members received copies of a letter written by Pamela Holcombe, 312 A Street, St. Augustine Beach, Florida, 32080, which will be incorporated into the record of this meeting.

Pamela Holcombe, 312 A Street, St. Augustine Beach, Florida, 32080, said it is with the saddest of hearts she brings her comments to the Board’s attention, but the Board has already properly identified the issue of the slippery slope, and what could happen once a precedent is set. This is
a great concern, as the beach is a very small area with very dense living arrangements especially on the small blocks of the lettered and numbered streets. She believes Ms. Sloan has correctly identified that supporting documentation is needed for emotional support animals, which she has not seen, but she's familiar with emotional support animal (ESA) law and what is being described here is a therapeutic activity that would not qualify under the Fair Housing Act although it can apply to city ordinances when properly submitted. There's a balancing test between the City's strong interests and that of the applicant, who must show his or her interest overcomes the City's interest in enforcing its ordinances. There isn't sufficient interest for her to address the issue nor was the ESA issue flagged on the notice mailed to her at her home. The practicalities, if this variance is granted, is that the City is creating a human avian vortex, and unfortunately, Florida has West Nile Virus and various forms of encephalitis. She loves animals, so she'd encourage the applicant to get in touch with the local 4-H Club to see if there's a way they could take the chickens and keep her son involved with them. Legally, she disagrees with staff, and doesn't think this request complies with prescribed ESA law. She asked that any action be deferred until these issues can be addressed, as this is something she doesn't think can be reached tonight.

Mr. Pranis said he thinks this will set a precedent, whatever decision is made going forward. He hates to pass this to the Commission, but maybe that's where it has to go, as he doesn't think a variance is the proper channel, it needs to go higher, and he doesn't want to set a precedent.

Mr. Mitherz said he doesn't want to set a precedent either, the Commissioners can make that decision if they like. The issue stretches his heartstrings a little, for sure, and he was on the Board when the issue of allowing residents to keep chickens was brought up some years ago. He voted against it then and doesn't think a variance is the proper way to bring this before the Board.

Ms. Sloan agreed, and said the hardship is going to be hard to find for all the reasons they always have with finding hardships. A hardship can't be something self-created by the applicant, and in this case, the hardship the applicant has stated is something she created herself by moving here and not checking out the City's ordinances that prohibit the keeping of chickens. Unfortunately, the onus of doing this is on the applicant, so she thinks the variance is not the way to go, although it would be nice to help the applicant out. The County's new rules limit the number of chickens that can be kept on one property to five hens, so she's not sure why one needs eight hens for emotional support animals. She thinks the chickens serve more for the child's behavior of taking care of them, so it may be more appropriate to bring this back in a different manner.

Ms. Longstreet said she thinks this should be a conditional use permit, as from this standpoint, they might be able to look at it differently. She feels for the parents and especially the child, as she's a pet lover herself, and knows the bond that's created when a child gets used to having, loving, and taking care of pets, and it doesn't matter what kind of pet it is or if it's one pet or eight.

Mr. Kincaid said he doesn't mind passing this on to the Commission, but if the Board decides to do this, he thinks they should pass it on with a strong recommendation and an explanation of where they're coming from and why they think there's no way to solve the issue at this level. He certainly doesn't think the hardship is that difficult to find, as he thinks the hardship is with the patient, and not that somebody moved here without knowing chickens were not allowed. He doesn't want to set the tone that someone shouldn't move here because the City doesn't support emotional support animals, as that's a bad message to put out. He'd like to know what the mechanism is to change this from the current application to an application the Board can deal with. If that can be done tonight, then they don't have to send the applicant anywhere else and the City doesn't have to send out any messages. He thinks it'd be fairly easy to word it to be
specific to this issue, this person and this set of circumstances, and perhaps this should be a conditional use permit. He asked if there’s a way the Board can move forward with this.

Ms. West said she thinks all the Board has to do is make a motion that the variance application be resubmitted as a conditional use permit, which doesn’t require the hardship consideration.

Mr. Mulligan said he thinks the Board is on the right path, but he doesn’t think they can change this to a conditional use permit on the spot right now, as procedurally, this isn’t something that could be done. Also, in looking at the Code and the limitations on granting conditional use permits, there may be some problems with that as well. He gets the sentiment, but it might make sense to kick this up to the Commission to allow them to analyze the situation and make the decision if they want to create the precedent that’s been talked about or if there’s some other mechanism or tool that can grant some relief here, and maybe in the meantime, legal counsel can spend some time racking their brains to see if there’s something that will work within the Code to allow this to go through, if that’s the will of the Board. The problem with a conditional use is that the Code establishes certain uses that may be allowed by conditional use, but keeping chickens, which is a prohibited use, isn’t something that can be allowed by conditional use.

Ms. Odom said she’s the queen on trying to find hardships, as precedents are set when variances are approved. She agreed that if they could go some other route, as with a conditional use application, there wouldn’t be a need for a hardship. It’s a slippery slope, as the applicant’s son needs these support animals, and a lot of documentation has been provided to back this up.

Ms. Sloan said yes, but there are specific guidelines for emotional support animals and the letter written by the child’s physician does not meet them. It’s a simple matter, as the physician hasn’t stated how long the applicant’s son has been his patient, or stated a specific diagnosis, etc. Having the documentation to meet the guidelines protects the applicant, who said she’s willing to get this from the doctor, because if everything is in order, it can’t be challenged by other people.

Ms. West said what she doesn’t want is for the Board to be in the position of denying the variance, so she asked if counsel suggests the applicant withdraw the application, or something else.

Mr. Mulligan suggested, especially considering the nature of the potential for ongoing code enforcement action, that the applicant not be asked to withdraw the application, but rather, pass it to the Commission to allow the Commissioners to review the application as is. In the meantime, this will give counsel time to see if there’s something else that can, or should, be done.

Mr. Kincaid said if the City hasn’t changed the laws and they don’t work now, how is passing this to the Commissioners to let them work within the same set of boundaries going to work? He doesn’t think this would help anybody, not the Commission, and certainly not the citizens.

Mr. Mulligan said the Board is welcome to come to a different conclusion. His thought process is that the City Commission might be in a better position to make the determination as to whether or not they want to set precedent to allow a resident to keep chickens on her property.

Ms. West said she’ll make a stab at a motion to approve this variance with the caveat that the Board, upon advice of counsel, does not think a variance is the appropriate mechanism, however, the Board recommends approval given these unique set of circumstances demonstrated by the applicant. She’d also like to include in the motion that to avoid the precedent-setting effect of a variance, the Board requests the City Commission find another vehicle to approve of the chickens.

Mr. Pranis said he doesn’t see how the Board can approve the variance if it’s not really a variance.
Ms. West said this could be put in the motion. She just doesn't know another way around it, the Board has a pending agenda item, so they either have to vote in favor of it, against it, or have the applicant withdraw it, because they can't change it into something else right now.

Ms. Odom said the Board could deny the variance with the caveat for the conditional use, because it's going to go to the Commission anyway, and the paperwork and documentation associated with the variance application should be incorporated into what is sent to the Commission.

Ms. Longstreet asked if they could not include the word "variance" in the motion, instead, she suggested the motion say the Board approves of the applicant being allowed to keep said chickens for the time they are at the address of the applicant's property.

Ms. West said okay, the motion is to approve the request of the applicant to use the chickens as contemplated in the application based on these unique circumstances the applicant has demonstrated, and deny the variance. So, this is to approve the request and deny the variance.

Mr. Kincaid suggested, because it's not a variance now, the Board put in the motion that the City shall refund the applicant for the application fee she paid to submit the variance.

Ms. West said absolutely.

Motion: to approve the request of the applicant based on the unique circumstances set forth by the applicant and provide the basis of this motion to the City Commission but deny Land Use Variance File No. VAR 2019-16 and refund the variance application fee to the applicant. Moved by Ms. West, seconded by Mr. Kincaid, passed 7-0 by unanimous voice vote.

C. Conditional Use File No. CU 2019-06, for a conditional use permit for food and/or beverage service or consumption outside of an enclosed building in a commercial land use district on Lots 65, 66, 67, 78 and 79, Atlantic Beach Subdivision, at 451 A1A Beach Boulevard, Peter Darios and Michael Rosa, Agents for Somewhere on A1A Partners LLC, Applicants

Mr. Law said about three years ago, the former Coquina Beach Surf Club property was purchased by the applicant, who are reapplying for a new conditional use permit for outdoor dining as the conditional use permit granted to the former owner for outdoor dining was non-transferable. The Board has been given copies of the prior conditional use permits granted to the previous owner and is tasked with making a recommendation to the City Commission to approve or deny the conditional use request for outdoor dining with any conditions they see fit to recommend.

Mr. Pranis asked why condition number four in the conditional use order granted March 1, 2016, which refers to music, was struck out.

Ms. Sloan said the reference to music was struck because compliance with the City's noise ordinance is regulated by the Police Department and not part of the purview of a conditional use.

Mr. Mitherz asked how many tables and chairs the applicant is asking to put outdoors in the dining area under the canopy. He also asked if the blue tarp currently on the building is for repair work.

Peter Darios, 421 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, applicant, said he and his partner, Mike Rosa, bought the former Coquina Beach Surf Club in 2016, and they also own Sunset Grille Restaurant. They've decided it's time to do something with the Coquina Beach Surf Club site and are applying to reinstate the conditional use permit granted for outside seating. The former business had about 45 seats under the canopy on the north side of the building. The blue tarp is up to section off this area while clean-up, painting, and repair work is being done.
Mr. Mitherz asked when the new business plans to open.

Mr. Darios said as soon as possible. Ideally, they’d like to open by February, but as remodeling work usually takes more time than expected, they don’t have a set date for opening at this time.

Ms. Odom asked what the hours of operation will be.

Mr. Darios said they’ll be serving breakfast, lunch and maybe dinner, so a ballpark opening for breakfast might be 7:00 a.m. He really isn’t sure about any other hours of operation at this time.

Sonia Kulyk, 11413 13th Street, St. Augustine Beach, Florida, 32080, said she’s delighted the building is opening again, as it was a fabulous place in the past and they always enjoyed it. She knows Sunset Grille probably has adequate parking, but the residents of 13th Street have worked really hard to make their street resident-parking only. If you exit the former Coquina Beach Surf Club property and make a right-hand turn onto 13th Street, you can’t see the sign that says resident parking only. She’d like to request a left-turn only sign be put up on the 13th Street right-of-way so vehicles exiting the property from the 13th Street side know that parking for restaurant patrons is only allowed on the restaurant property, and not on 13th Street. Over the years, rumors have been flying as to what was going to open on this property, so she’s relieved to hear it will simply be a restaurant and not some of the other creative things she heard it might be.

Bradley Leavitt, 200 12th Street, St. Augustine Beach, Florida, 32080, said he has no objections to a new restaurant, the only question that comes to mind relates to music. He would have no issue with a soft-toned guitar with no loud amplification, but he would object to a five-piece rock band at 10:00 or 11:00 p.m. at night, so he asked if there were any plans to have music.

Mr. Darios said there are no plans for any music at this time.

Mr. Kincaid said for clarification, music is regulated by the City’s noise ordinance. Any residents blasting music from a five-piece band in their yard are subject to the same noise regulations, which are enforced by the City’s Police Department, as commercial businesses that have music.

Motion: to recommend the City Commission approve Conditional Use File No. CU 2019-06 for five years subject to the following conditions: 1) The requirements in condition numbers 13, 14, and 15 in the previous conditional use order dated March 1, 2016 issued to the former owner of 451 A1A Beach Boulevard be incorporated as conditions in the new conditional use order, if granted by the City Commission; 2) The applicant shall be required to provide signage indicating restaurant patrons should turn left when exiting the restaurant property, as residential parking only is allowed on 13th Street. Moved by Mr. Kincaid, seconded by Ms. Odom, passed 7-0 by unanimous voice-vote.

D. Conditional Use File No. CU 2019-07, for a conditional use permit for proposed new construction of eight (8) single-family residences on Lots 1-8, Block 43, Coquina Gables Subdivision, in a commercial land use district on four lots west of A1A Beach Boulevard on the south side of E Street and four lots west of A1A Beach Boulevard on the north side of F Street, between E and F Streets, at 103 E Street and 104 F Street, Leonard and Renee Trinca, Applicants

Ms. Miller said this application is a request to build eight single-family residences on eight lots, all zoned commercial, on the west side of A1A Beach Boulevard, running four lots west of the Boulevard on the south side of E Street and four lots west of the Boulevard on the north side of F Street. The action requested from the Board is a recommendation to the City Commission to
approve or deny this conditional use application. If the Board moves to recommend approval, the recommendation from staff is that the single-family homes built on these eight lots be required to comply with the regulations for single-family residences built in medium density residential zoning, pertaining to setbacks, lot coverage, and impervious surface ratio (ISR) coverage. Staff has received two letters from neighboring property owners regarding this application, both of which have been copied to the Board, and entered as part of the record of this meeting.

Len Trinca, 7 F Street, St. Augustine Beach, Florida, 32080, applicant, said he's been a resident of St. Augustine Beach since 1972, and he's had the eight lots he owns on the west side of A1A Beach Boulevard on E and F Streets, which he's tried to promote as commercial lots, for sale for two years. The area surrounding these lots is basically a residential area, with only one commercial business across the street from the lots he owns on F Street. Most of the commercial portion of A1A Beach Boulevard is farther to the north, starting at around B Street. He's had many people interested in buying individual lots and putting homes on them, in fact, he has a contract on one of the lots now, subject to the approval of this application to allow single-family homes. Looking at the surrounding neighborhood, it really makes sense to have houses on these lots, as the eight lots together aren't really big enough to provide parking for a restaurant or any another business.

Ms. West asked what the total acreage of the eight lots is.

Mr. Trinca said as the alleyway between the lots on E and F Streets has been vacated, the lots are all 50-feet-by-100-feet, so the eight lots together comprise 40,000 square feet, which is just under an acre. A conceptual site plan of the single-family residences proposed on these lots has been designed by architect Mike Stauffer and submitted with the application, and all construction will adhere to the building regulations and setbacks for the houses, garages, pools, etc.

Mike Stauffer, 1093 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, architect, said the site plan is basically just a conceptual drawing showing an idea of what the proposed houses will look like on the lots. Obviously, as each of these eight lots are sold individually, every homeowner will have their own custom design for what they want to build. The intent is to meet all requirements of current City Code, including lot and ISR coverage, building height, setbacks, etc., for medium density residential zoning, with the proposed site plan showing this is possible.

Mr. Mitherz asked if these homes will be actual residences or transient rental properties.

Mr. Trinca said they could be transient rentals, as the lots are all zoned commercial.

Ms. West asked Mr. Trinca if he ever had a contract to buy these lots when he had them listed as commercial.

Mr. Trinca said no. He had the lots listed with a commercial broker, who never had anyone interested in them for a commercial use. There was someone interested in putting up condos on the lots, but this never went anywhere.

Ms. West asked for public comment and said the Board members were given copies of two letters from neighboring property owners, one from Frank O'Rourke, 101 F Street, and one from Mr. and Mrs. James Minich, 10 F Street. Both letters will be incorporated into the record of this meeting.

Frank O'Rourke, 826 A1A Beach Boulevard Unit 11, St. Augustine Beach, Florida, 32080, said he owns the commercial property at 101 F Street and sent the letter the Board members received regarding Mr. Trinca's application, which he is opposed to, for the reasons stated in the letter. He thinks it's very important to maintain the character of the City and the property that is zoned
commercial, which has been eroding away for years now, for commercial use. The market changes all the time, and everyone thinks right now that vacation rentals are the way to go, but this could change in five, or two years. Allowing residential homes on commercial property is a permanent change, as these homes won't go away. These eight lots comprise the last mid-size commercial parcel in the City, they're directly on A1A Beach Boulevard, and designed to be commercial, not residential. Allowing residences to be built on them will severely affect his commercial property, as he'll therefore be surrounded by residential homes. He was before this Board and the City Commission a few years ago fighting for outdoor seating for a coffee shop. This was opposed by his residential neighbors, who said they didn't like the noise, even though these same people built homes on commercial lots, which are allowed to have noise. Mr. Trinca is asking $2.3 million for the eight lots as a whole, which is maybe beyond what it's worth, and also why he hasn't been able to sell them as a commercial parcel. Allowing homes to be built on this parcel is a permanent decision that won't go away, and this will negatively impact his commercial property and business.

Ms. West said if some of the Board members recall, the City held visioning workshops a while back with planners Lindsay Haga and Brian Teeple, and a big part of the discussion included ensuring A1A Beach Boulevard remain commercial and encouraging walkability along the Boulevard. She understands why Mr. Trinca may not perceive this part of the Boulevard as the most walkable section right now but that's because these lots are currently vacant. Obviously, if little shops were built along there, which was definitely what was contemplated in those visioning workshops, this would be aligned with what the City is trying to accomplish with its one very walkable commercial corridor. She personally has a problem with this conditional use request and agrees this is a very unique parcel. She'd hate to lose the vision of what they're trying to accomplish in the City.

Ms. Odom said Mr. O'Rourke makes some very valid points in his letter, many of which they've seen happen in the past, referring to transient rentals and what happens when the income from them isn't good and the property owners want to sell them. If someone wants to buy an individual lot and apply for a conditional use permit to build residential on this one lot, this is the way it should be done, instead of allowing residential uses on all the lots under one blanket conditional use permit. She shares some of the same sentiments as Ms. West, as she'd like to see shops and commercial businesses on the commercial lots fronting the Boulevard.

Ms. West asked why this request is being submitted as a conditional use, instead of a rezoning application, as allowing residential structures on all eight lots would be permanent.

Mr. Kincaid said residential uses are allowed on commercial property by conditional use. He doesn't think this Board has ever denied a conditional use application to build residential in commercial. They recently approved a similar conditional use request for single-family homes on six lots zoned commercial not directly on the Boulevard, but in the middle of the block west of the Boulevard, around 6th Street. This parcel also had been for sale for several years with the owner not being able to sell it. He doesn't agree this is part of the walkable section of the Boulevard, as these eight lots are kind of an island, due to their location. He has a house across the street, on F Street, and doesn't think developing the lots with commercial uses will make this section of the Boulevard more walkable, because it's just too far away from other businesses. Mr. Trinca has a group of lots he hasn't been able to sell commercially, so if there are any market issues, it may be that there is no commercial market right now. He doesn't think they should hamstring the property owner, if he's got another way to utilize his property, he's all for that.

Ms. West said she doesn't think the Board is here to make sure people generate a profit from their property. The applicant knew full well when he bought these lots that they were commercial.
Mr. Kincaid said the applicant could use the property commercially, even with residences on it, as transient rentals. Whether the homes will be used as vacation rentals is really not part of the Board's deliberation process. The applicant is asking to take this piece of commercial property that is currently unusable, or at least unwanted at the price he has it listed for sale, and build homes which will allow him to sell the lots individually. That he already has a contract on a lot contingent upon the approval of this conditional use application shows evidence this will work in his favor. He's not seeing the hardship on the City's part that allowing houses to be built doesn't work for the City, and he's also not seeing a detriment to the City that somehow, the City's better off with a big vacant piece of land as opposed to having more homes. He just doesn't get that.

Ms. Longstreet said she doesn't see a hardship aside from the one created by the applicant himself. He bought commercial lots, so that's his problem, and he needs to stick with commercial uses. She voted no to other applicants asking to build houses on commercial lots, as the City doesn't have that much commercial property left. She wants to see bike shops, bagel and donut shops, and other mom-and-pop businesses, not houses, on commercial lots along the Boulevard.

Ms. Sloan said these are all good points, but she wants to clarify there is no hardship involved with a conditional use application. Staff's recommendation, if the Board considers recommending approval of this application to the Commission, that the conditional use permit be granted as transferable and run with the land, is a good one, but staff also recommends the time limit within which the use be commenced be extended from one year to two. If the Board recommended the conditional use be granted to require the use to commence within one year, as is the case with most conditional use permits, it will expire and the applicant will have to reapply, so this is kind of like a back-door catch if the lots don't sell and homes aren't built on them within a year. She also highly agrees with staff's recommendation that if the conditional use permit is granted, the properties be regulated as medium density residential regarding setbacks, lot and ISR coverage.

Mr. Mitherz said he can't support this, as he'd rather see commercial development on these lots, and agrees that maybe the price the applicant is asking for the parcel as a whole is the problem.

Mr. Pranis said he thinks they've set precedent in approving similar applications to build houses on commercial lots, so this could be an issue. Maybe there could be a compromise to separate the two lots on the Boulevard out for commercial development only and approve the conditional use for the other six lots not directly on the Boulevard to allow houses to be built on them.

Ms. West said her understanding of conditional use permits, per Section 10.03.02 of the City's LDRs, is that they do not have the same precedential effect as granting a variance. However, because this is a conditional use and not a rezoning, there is a requirement in the City's Comprehensive Plan under Policy L.1.3.2 that requires a 15-foot vegetative buffer between residential and commercial uses. Having spent so much time working on the Comprehensive Plan and the Future Land Use Map, there's a reason why these lots are designated commercial, and it has definitely been identified in the City's visioning workshops as a parcel that should contribute to the economic viability of the City's most walkable Boulevard. She feels very strongly that switching it over to residential is going to cause an issue and is not the way to go.

Mr. Kincaid asked if anyone can point to any single similar application requesting residential use on a commercial lot that the Board has denied.

Mr. Law said in the past two years, he believes the Board has recommended approval of all the applications that have come before them for individual lots and for the five or six lots near the Courtyard by Marriott. The Board did turn down a variance request with a recommendation to
approve a conditional use request for the property south of Obi's Restaurant, on the east side of 6th Street. The Commission has turned down only this same property on 6th Street for which the Board denied the variance while recommending approval of the conditional use permit. The property owner has since reapplied for the conditional use, without asking for a variance this time.

**Motion:** to recommend the City Commission deny Conditional Use File No CU 2019-07. **Moved** by Ms. West, **seconded** by Ms. Sloan, **passed 5-2** by voice-vote, with Ms. Odom, Ms. West, Ms. Sloan, Ms. Longstreet, and Mr. Mitherz assenting, and Mr. Kincaid and Mr. Pranis dissenting.

E. Concept Review File No. CR 2019-01, for proposed Embassy Suites St. Augustine Beach Phase II, consisting of a 42-unit addition to the existing 175-unit Embassy Suites hotel in a commercial land use district at 300 A1A Beach Boulevard, Thomas O. Ingram, Esquire, Sodl & Ingram PLLC, Agent for Key Beach North LLC, Applicant

Ms. West said as this is a concept review, per the LDRs the Board shall issue no order, finding, or indication of approval or disapproval of the concept review proposal, and no person may rely on any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

Mr. Pranis said as he is employed by the management company that operates Embassy Suites, he asked if he should recuse himself from this agenda item.

Mr. Kincaid said as there will be no vote and no action taken by the Board, he asked what Mr. Pranis is recusing himself from.

Mr. Mulligan said in looking at the Code, Mr. Pranis' recusal is appropriate.

Ms. West said the Board doesn't want any appearance of impropriety.

Mr. Miller said as stated by Ms. West, in regard to the purview for concept review, there won't be a vote, motion, or recommendation made by the Board, this is strictly for the Board's review, and for the Board and public to provide feedback about the proposed 42-unit addition on the north side of the Embassy Suites property adjacent to Pope Road. The proposed 42-unit addition will be a three-story structure consisting of two stories of habitable hotel suites with parking underneath. The site plan meets the City's parking requirements, setback requirements, ISR coverage, and complies with building height regulations per Section 6.01.04 of the LDRs.

Tom Ingram, Sodl & Ingram PLLC, 233 East Bay Street Suite 1113, Jacksonville, Florida, 32202, attorney and agent for applicant, said he represents Key Beach North LLC, the owner of the Embassy Suites property at 300 A1A Beach Boulevard. Also present are Shawn Gracey, Executive Vice-President of Hospitality for Key International, Jason Kern, the hotel manager for Embassy Suites, and Kris Rowley, an engineer with Zev Cohen and Associates, the engineering firm for the proposed addition. As stated, the project is a 42-unit addition on the north side of the hotel property, with two stories of suite units over parking, for a total of three stories. In designing the plans for the addition, the goal was to avoid as much as possible any disputes as to whether the intent of the Code has been met. The parking has been designed to accommodate the additional rooms, and the aesthetics and architecture designed to match that of the existing hotel. The key difference is that the new addition is one story shorter than that of the existing hotel structure.

Ms. West said Section 12.02.06.F of the LDRs cites criteria the Board is tasked with considering for concept review, such as characteristics of the site and surrounding area, concurrency re-
quirements, the nature of the proposed development, traffic, parking, paved areas, preservation of natural features, conformity of the development with the Comprehensive Plan, concerns and desires of surrounding landowners and other affected persons, etc. So, the Board is supposed to consider criteria for concept review, they’re just not supposed to issue any sort of finding.

Mr. Mitherz asked if the egress from A1A Beach Boulevard has been changed, as the plans for Phase II show a two-way ingress and egress, which is different from what is currently there now, which is ingress from the southern entrance and egress from the northern entrance.

Mr. Ingram said there’s no change to ingress or egress, so they’ll have to discuss this internally with the engineers and get back to the Board about this before the next round.

Mr. Mitherz asked if a Department of Environmental Protection (DEP) permit will be provided anytime soon, so the Board can see it before it makes a recommendation to the City Commission.

Mr. Law said the DEP permit can’t be issued until he, as the Director of Building and Zoning, writes a letter stating the proposed addition conforms with the Code. He can’t write that letter until the City Commission approves the final development application. Until the DEP permit is issued, the Building Department won’t accept or review any plans for the addition.

Mr. Mitherz asked for clarification on the St. Johns County Fire Department’s concern as to how the elimination of the existing Fire Department access road and turnaround on the north side of the building, which will be eliminated with the proposed addition, will be addressed.

Mr. Ingram said they’re working with their engineers who specialize in fire code compliance, and some design changes have been identified to address these issues before the final development application comes before the Board and the City Commission. Normally, the Commission doesn’t review fire code compliance, it’s more of a fire marshal and building department issue.

Ms. West said in Judge Lee Smith’s April 2019 order finding in favor of the City against Embassy Suites’ application for a splash park, the court found there was competent and substantial evidence of an adverse visual impact on the surrounding environment in violation of the Code, yet the splash park remains on all the site plans submitted for Phase II. She asked exactly how this jives with the fact that Embassy Suites is still suing the City for not allowing the splash park.

Mr. Ingram said the splash park or splash playground is not part of this application and would not be approved by virtue of approving the final development application for Phase II. The footprint of the splash park pad is still on the site, covered with artificial grass, and it will remain in place if the 42-unit addition is approved. The splash park is a subject of an appeal to the district court of appeal. It’s been fully briefed by both parties, who are waiting for a decision from the court. The experience of Key International and Embassy Suites in St. Augustine Beach has been very good, they’ve disagreed rather strongly on only one issue regarding a splash park in the hotel, but the overall relationship has been strong and productive. Sheet A-101 in the plans shows the splash park equipment, which is an error that will be fixed in the next round of submittals.

Mr. Mulligan said the current status of the splash park is that the circuit court has ruled on it and upheld the City’s decision to not allow it. The application before the Board tonight is simply a concept review, there will be no decision to approve or deny it, so it’s just a discussion.

Ms. West said Section 6.03.05 of the LDRs addresses off-street parking design standards and says the Planning and Zoning Board may modify the requirements of this section where necessary to promote a substantial public interest relating to environmental protection or aesthetics. She
asked if Embassy Suites considers the placement of a parking lot on the ocean with very close proximity to the County pier to be an aesthetically positive use of their oceanfront land.

Mr. Ingram said the parking area proposed for the 42-unit addition to Embassy Suites is the same relative location to the ocean as the parking for Pier Park’s parking, which is the County’s parking area providing public parking, so there is some precedent for parking in that location relative to the ocean. Efforts have been made to address the aesthetics, as the proposed parking area is directly below the conference center space that is frequently used by guests. City Code requires 1.15 parking spaces per hotel unit, so the parking has been designed to comply with this.

Ms. West said she doesn’t think having parking on the beach is an appropriate aesthetic use. Also, Section 3.02.02.01 of the LDRs states 35 feet to the roof ridge is the allowable height with an allowance for architectural detail to 40 feet, but the 40-foot height shall not exceed 40 percent of the building perimeter on any side. She asked how Phase II complies with this.

Mr. Law said the section of the LDRs referred to by Ms. West pertains to the mixed-use district, which has no applicability to the 42-unit addition to Embassy Suites. The 35-foot building height maximum is a standard based off one foot above adjacent grade, or one foot above the crown of the road. However, an additional 10 feet is allowed for a parapet wall or roof structure to hide mechanical equipment and piping and water heaters, etc., on the roof. The plans include a great page that explains all that and shows the code references, and also a mechanical roof layout plan.

Ms. West said given the fact that Embassy Suites is located adjacent to Anastasia State Park, she asked how the proposed addition complies with Policy CC.2.7.2 of the City’s Comprehensive Plan, which requires developments proposed adjacent to state parks to be environmentally compatible by providing at least 25 feet of native natural buffer. She didn’t see this in the landscaping plans.

Mr. Ingram said the Code was recently amended by the City of St. Augustine Beach to require all landscaping to be native. They have some oleander plans existing on the property now and there has been some discussion about relocating some of those, but otherwise, the landscaping will be a combination of native plants all along the northern boundary. The property adjacent to this northern boundary is actually controlled by the City of St. Augustine Beach by interlocal agreement with St. Johns County. It was originally a right-of-way and he believes it is still a right-of-way used as a parking lot to serve the beach, and this parking lot is not part of a state park.

Ms. West said she parks on Pope Road quite a bit, and readily acknowledges the parking lot on Pope Road is not a state park, but the hotel property extending past the parking lot is adjacent to a state park, so she asked how the 25-foot natural buffer is to be addressed, as she didn’t see it in the landscaping plans. She also asked if the hotel property is located in a coastal high hazard area, and if so, how the proposed addition complies with Policy CC.4.2 of the Comprehensive Plan, which requires the City to restrict the intensity of development within coastal high hazard areas.

Mr. Law said as of December 2018, the Embassy Suites site shifted from a high velocity wave action zone, which is your coastal high hazard area, to an AO-3 flood zone, which is an area of shallow flooding with the base flood depth that’s been established by the federal government. There are government agencies coming together on one job here, with the federal government under the Federal Emergency Management Agency (FEMA) and the Florida Building Code (FBC), and a property in an AO-3 special flood hazard as designated on the Flood Insurance Rate Map (FIRM) effective December 7, 2018. Chapter 3109 of the FBC applies to structures seaward of the CCCL, which was established in January 1988 by the DEP, and up and down all coastlines are what are called reference monuments. St. Augustine Beach is around reference monument 143-144
with a reference volume elevation of about 17 feet, four inches per the National Geodetic Vertical Datum (NGVD), based on the sea level datum of 1929. With the flood map changes, they no longer use the NGVD, but the North American Vertical Datum (NAVD) of 1988, which converts distance differently as measured in yards and meters as it takes into account the roundness of the earth. So, a structure may comply with FEMA, but that's not good enough, which is why the bottom floor of the structure must be non-habitable space such as parking garages, breakaway components, and shear walls. This becomes a huge engineering analysis, and if it's decided not to use the 17-foot, four-inch elevation, a site-specific engineering is allowed. As Embassy Suites is already built, under substantial improvement protocols, this structure will be extended the lateral addition protection, because the DEP hasn't changed anything since it was built. At this point, the habitable floors will match what's already there and comply with Chapter 3109 of the FBC, and the downstairs will be given the provision of the new definition of allowable use. The bottom line is the hotel building is not within the high velocity wave action zone, which is what's usually defined as a coastal high hazard area, it is in an AO-3 special flood hazard area.

Ms. West said there's no distinction in the Comprehensive Plan regarding restricting development in a velocity zone, it only refers to restricting development in a coastal high hazard area. She's raising this because it's a factor they're going to have to consider, as obviously, the proposed 42-unit addition is increasing the intensity of development within a coastal high hazard area.

Mr. Law read aloud the definition of coastal high hazard area Section 2.00.00 of the City's LDRs, and said per this definition, a coastal high hazard area is a VE or a V special flood hazard area.

Ms. West asked if the policy she's referring to in the Comprehensive Plan doesn't apply then.

Mr. Law said he's not saying that at this time, as he'd have to review the Comprehensive Plan and the proposed changes to it that are in the works right now, but a coastal high hazard area is a VE or V special flood hazard area per the definition in the LDRs.

Ms. West asked for any other Board comments or comments from the public. There were none.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

There was no further Board comment.

IX. ADJOURNMENT

The meeting was adjourned at 8:04 p.m.

______________________________________________________

Jane West, Chairperson

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/video can be obtained by contacting the City Manager's Office at 904-471-2122.)
I. CALL TO ORDER
Mayor England called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE
Mayor England led the Pledge of Allegiance.

III. ROLL CALL
Mayor England asked City Clerk Raddatz for roll call.

Present: Mayor England, Vice Mayor Kostka, Commissioner George, Commissioner Rumrell, and Commissioner Samora.

Also present were: City Manager Royle, City Attorney Wilson, Police Chief Hardwick, Finance Director Douylliez, City Clerk Raddatz, Building Official Law, and Public Works Director Tredik.

Mayor England moved on to Item IV, Approval of Minutes.

IV. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON JANUARY 6, 2020 AND SPECIAL COMMISSION MEETING ON JANUARY 13, 2020 AND CONTINUATION MEETING OF REGULAR COMMISSION MEETING ON JANUARY 14, 2020
Mayor England asked if there were any comments from the Commission regarding the minutes.

Commissioner Samora advised that there were minor corrections in the minutes, which he stated. He also requested that the exhibits be sent with the draft minutes to the Commission in the future.

Motion: to approve the minutes of the Regular Commission meeting on January 6, 2020 and the Special Commission and Continuation Regular Commission meeting on January 13, 2020 and the Continuation of the Regular Commission meeting on January 14, 2020 with proposed amendments. Moved by Commissioner Samora, Seconded by Commissioner George. Motion passed unanimously.

Mayor England moved on to Item V, Additions or Deletions of the Agenda.

V. ADDITIONS OR DELETIONS OF THE AGENDA
Mayor England asked if there were any additions or deletions on the agenda.
City Manager Royle advised that Item VII.A. should be deleted due to Ms. Wilson withdrawing her application because she felt that she would be unable to put the time in on the Sustainability and Environmental Planning Advisory Committee (SEPAC). He also advised that staff would like to reschedule Item 11 to the March 2, 2020, Regular Commission meeting.

It was the consensus of the Commission to delete Items VII.A and 11 from the agenda.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor England asked if there were any changes to the order of topics on the agenda.

City Attorney Wilson advised that he would like to have Item VII.B. changed to the end of the meeting.

It was the consensus of the Commission to change the order on Item VII.B.

VII. PRESENTATIONS

A. Interview of Ms. Jennifer Wilson for Position of Regular Member on the Sustainability and Environmental Planning Advisory Committee

This item was deleted from the agenda.

VIII. PUBLIC COMMENTS

Mayor England opened the Public Comments section. The following addressed the Commission:

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, congratulated the Commission on January’s Commission meetings and advised there would be more participation from the citizens if live broadcasts would be done instead of delayed meetings on YouTube.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with Ann Palmquist and asked to have live streaming of Commission meetings; requested public exit interviews with Attorney West and Ms. Sloan the former Chair and Vice Chair of the Comprehensive Planning and Zoning Board; thanked the Commission for not doing paid parking, no high rises on the beach, no micromobility scooters in the City, and not allowing to amend the sign codes to allow advertising on bus shelters; and City Manager Royle needs to be fired.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, thanked the Commission for moving forward on the lighting on State Road A1A; encouraged the Commission to discuss with St. Johns County Beach Services about adding a lifeguard stand near Ocean Hammock Park; and advising the Commission that they approved Anastasia Dunes buildings having a higher impervious surface. He explained that Lots 46 and 47 in Anastasia Dunes has a proposed 6,000 square foot home on those two lots. He remarked that in order to build what is proposed the ground would have to be raised, which may cause flooding to the surrounding area. He suggested that the Building Official and the Director of Public Works look at the stormwater flow from that property closely in order to prevent flooding to the surrounding residents.

John Leslie, President of the Vietnam Veterans Chapter 1084, 205 Bluebird Lane, St. Augustine Beach, FL, expressed his appreciation for allowing his non-profit organization to be a vendor at the Beach Blast Off for the last two years and thanked law enforcement, the special security from St. Augustine, and the first responders at the event. He remarked that this and other non-profit events allows, donations to be sent to deserving veteran programs yearly. He explained that last
year his Chapter sent $25,000 to those in need. He explained that he is looking forward to next year's Beach Blast Off event.

Craig Thomson, 6 D Street, St. Augustine Beach, FL, handed Exhibit 1 to the City Manager and asked that the Commission receive a copy. He said that there were two alarming issues that happened this month, which were the resignations of the Comprehensive Planning and Zoning Board Chair and Vice Chair and the taking of sand away from the dune at 212th Lane. He advised that both Chair and Vice Chair noted professional and personal concerns with the Building Official's actions. He explained that he related similar concerns with the City Manager and Mayor regarding the Building Official and had a meeting to remedy the situations. He requested the Commission rectify the situation with the Building Official and asked the Commission to hire a consultant or part-time City Planner to counterbalance the power structure and separate the Building Department from planning issues. He asked why a private owner could take public sand and use it as fill to raise his yard three to four feet. He advised that his neighbors are now subject to more flooding risks and asked why it was not reviewed by a qualified planner and why wasn't the Chair of the Comprehensive Planning and Zoning Board consult if the Building Official didn't have the expertise and why was Land Development Regulations Section 5.03.01 used to deny the request.

Mayor England asked to make sure the Commission receives Exhibit 1.

Mayor England closed the Public Comments section and then moved on to Item IX, Commissioner Comments.

IX. COMMISSIONER COMMENTS

Mayor England asked Commissioner Rumrell for his comments.

Commissioner Rumrell advised that he has already spoken to Commander Ashlock about the lifeguard for Ocean Hammock Park and Commander Ashlock advised that he is having a meeting next Thursday with St. Johns County Beach Services.

Mayor England advised that she and City Manager Royle had an informal meeting on January 22nd with Mayor Upchurch and City Manager Regan from the City of St. Augustine and they all agreed to work together on sustainability, flooding issues, and sea level rise. She commented that on January 24th, she and City Manager Royle met with Mr. Thomson and Dr. Sandy Bond, on what actions they are taking that Mr. Thomson mentioned.

Commissioner George asked if there will be further discussions about this at the Joint Commission and Comprehensive Planning and Zoning Board Workshop on February 10th.

Mayor England advised yes, that City Manager Royle will be sending an agenda out for that workshop tomorrow. She asked Commissioner George if she was interested in bringing up the parking issue again.

Commissioner George advised no, that she has not mentioned it to City Manager Royle; however, there was direction from the Commission that parking should be brought back on the March agenda.

Vice Mayor Kostka was pleased that there was a meeting with the City of St. Augustine Mayor and Manager. She asked if City Manager Royle has been able to reach out to Hunter Conrad from St. Johns County.
City Manager Royle advised no, he is busy getting his contract finalized and learning the ropes of his position, but Mr. Royle does intend to meet with him.

Vice Mayor Kostka advised that the City could benefit with a joint meeting with St. Johns County Board of Commissioners. She suggested to revisit the parking issues by placing it on a future agenda. She advised that the City needs to formulate some plans to increase the parking.

Commissioner George explained what the City of Durham in North Carolina did regarding bottled water by taking a formal vote via resolution to prohibit the City or County from purchasing bottled water or single use plastics. She advised that the City should set a standard and if the City is asking the legislature to change the law on it, they should follow what the Commission is requesting. She requested this item be placed on a future agenda to discuss. She remarked that the City instructed the Legislature not to violate the City's Home Rule and Mr. Thomas Bradford sent out another email chain this past month suggesting that the cities who adopted that resolution forward the resolutions with a letter from the Mayor directly to the State Representatives. She did forward the email to City Manager Royle and wanted to make sure that all the Commissioners were aware of it to send them a letter too.

Discussion ensued regarding whether staff receives bottle water from the City; purchasing bottle water for events; and boxed water is available instead of plastic bottles.

Mayor England asked the Commissioners to forward their thoughts on parking if they want it on the agenda.

Mayor England moved on to Item X, Public Hearings.

X. PUBLIC HEARINGS

1. Allowing Chickens by Exception: Appeal of Decision by the Comprehensive Planning and Zoning Board to Allow by Exception to Section 3.02.02.A.1 of the Land Development Code the Keeping of Chickens at 313 A Street (Lot 14, Block 49, Coquina Gables Subdivision, Ms. Pamela M.M. Holcombe, Appellate) (Presenter: Brian Law, Building Official)

Mayor England introduced Item 1.

Commissioner George explained that she was going to recuse herself because the appellant is an employee at her law firm and due to the appearance of bias, she feels that she should not vote. She discussed this with City Attorney Wilson, and he has agreed. She made it known that she did not necessary share the opinions of everyone who works at her law firm and that the appeal was not submitted by her or by her law firm. She explained that through the years as a Commissioner she has voted on and ruled on applications by friends or colleagues and has always been objective and done what was in the best interest of the City and its residents. She advised that in this instance because of the sake of perceptions and because of the economic entanglements, she will recuse herself (Exhibit 2, Form 88, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Offers).

Commissioner Kostka disclosed that Ms. Holcombe is her attorney representing her in a legal issue pertaining to her business.

Mayor England suggested Building Official Law give his report and then requested City Attorney Wilson to make his remarks.

Building Official Law advised that this property received a complaint about the alleged presence of chickens, so Code Enforcement investigated and found there were some hens in
the yard. He explained that in the Code it states the keeping, breeding, or raising of poultry is a prohibited use. He remarked that at staff's request the homeowner applied for a variance and went to the Comprehensive Planning and Zoning Board for their decision. Traditionally, there is not a mechanism to appeal a prohibited use and stated the definition of a variance for the record. He explained that the Board denied the variance but approved the use unanimously and did this with discussion of the attorney at the Board. He advised that it was not City Attorney Wilson but was Attorney Jeremiah Mulligan. Since the Board denied the variance and approved the use, the Code Enforcement process stopped. He explained that there was an appeal filed within a 30-day period to appeal the decision based on certain terms. At that point, staff did the paperwork and the application fee was paid.

Mayor England asked the Commission if they would like to ask how this case got here. Being none, Mayor England asked City Attorney Wilson for his comments.

City Attorney Wilson advised that he was not at the Board meeting because he was in Washington, DC that week. He explained that he read the minutes of the Board and discussed the case with Attorney Mulligan, who was there. He remarked that this case was not appropriate to be done in the variance process because it doesn't relate to land issues but relates to a personal matter involving the resident at this property. He explained that the variance was denied by the Board as it should have been but then the Board decided to allow the use anyway, which goes beyond their jurisdiction of the Board and it was inappropriate at the time. He understands how it happened and it is a complex issue under the ADA regulations, and he advised that he is not sure where this case should go from here. The alternative that the City would have is to change their Code and allow chickens within the City as the Commission seems fit or simply not to enforce a Code Enforcement action. He explained that the City is not forced to proceed with a Code Enforcement action even though there is a violation of the Code and explained that this would leave it up to the parties involved whether they would want a judge to decide what would be appropriate in this support animal situation. He advised that he didn't think that the City has any jurisdiction to do anything other than to set aside the Board's decision to allow the use and then have the parties seek other options. He explained that the appeal is inappropriate, and the Board's decision was inappropriate.

Mayor England asked the appellant to come forward.

Attorney Pamela Holcombe, 312 A Street, St. Augustine Beach, FL, explained that for the record, she has had no communication with Commissioner George on any issue of substance. She handed out Exhibit 3, which gives guidance on this issue and supports her arguments that she has made on the appeal. She explained that cities can and do make decisions on reasonable and customary accommodations on the Fair Housing Act regarding zoning. She advised that she would share her information with City Attorney Wilson.

He explained that the appropriate time and place to decide was not under the Board's jurisdiction.

She stated that she was sympathetic to the situation and explained that she loves animals and had chickens growing up on a country property. She explained that when a decision is made by motion instead of the analysis of the facts, sometimes it goes wrong. She commented that as a member of the Florida Bar and independent animal committee, it is hard not to be on the side of the animal. She explained that she wants the right decision because when the decision is wrong it can have consequences to those who have legitimate needs. She advised that the
Department of Transportation (DOT) has just come out two weeks ago that they are going to stop all support animals on planes, and they will only allow service dogs. She advised that City Attorney Wilson has already identified there were procedural issues with this and a lack of notice that didn’t allow her to respond. She commented that the prescription of the doctor does not properly prescribe an emotional support animal. Emotional support animals must do things to support the person and the fact that the child is engaging in an activity that is therapeutic is not the purpose of an emotional support animal. It is to allow the disabled person to have equal use of the dwelling as a non-disabled person and that gets to the heart of the issue. She explained that the child is entitled to an equal use, not a preferential use. She commented that no other child in St. Augustine Beach can keep chickens and the chickens are not helping him use the dwellings, so it is a fatally flawed application in that respect.

Mayor England opened the Public Hearing section. The following addressed the Commission:

Patricia Able, 1333 Eisenhower Drive, St. Augustine, FL, explained that this is serious issue for the child, and she has been a volunteer in three different counties, public school systems with children including special needs. She explained that every child counts and if it is chickens that help a child, then they should have them and laws should be changed.

Lila Sleeper, 17 Ocean Woods Drive, St. Augustine Beach, FL, commented that she is a tutor for St. Johns County and has worked with hundreds of children with different needs and all children have different needs to become successful. She explained that if this helps the child having chickens, then the Commission should consider all the children of St. Augustine Beach and St. Johns County.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that the Board got it right to deny the appeal and suggested to have the City Attorney work on an ordinance that would implement 20 CFR Part 25 in this case. He commented that the City Manager years ago should have implemented the Fair Housing Act and ADA reasonable accommodations. HUD has administrative law judges to hear these cases and if there is legal action against the City, there could be $300,000 compensatory penalties. He would like to know why the appellant filed this appeal.

Ann Palmquist, 213 10th Street, St. Augustine Beach, Fl, advised that bees are not allowed either and they do no harm and asked the Commission to move very lightly because this is not their expertise. She asked the Commission to listen to the residents and the special needs community. She advised that there are at least four other properties that have chickens, and no one complains.

Jennifer Wildasin, 313 A Street, St. Augustine Beach, FL, explained that she comes to the Commission as a mom and is not an attorney who has fancy language to use. She explained that her son has special needs of different variations. She said that there are so many other things that should be on the news than her chickens in the backyard and she would not be here if it didn’t dramatically help her son. She commented that she is humbled by the support she is receiving, and she is praying that God uses this for something even bigger. She wants the people to see the difference it makes in his life. She then read a letter from her son’s school, Exhibit 4.

Heather Hall, 312 B Street, St. Augustine Beach, FL, explained that she is Ms. Wildasin’s closest neighbor and has witnessed firsthand the effect the chickens have had on the family. She commented that the chickens have not impacted her family’s quality of life and didn’t even know they were there until her son was befriended Ms. Wildasin’s son. She advised that her
son also has special needs and the chickens help both children. She remarked that she fully supports the family and them keeping their chickens.

Kevin Kincaid, 611th Street, St. Augustine Beach, FL, advised that he was a member of the Board and stated that there was some confusing regarding the Board's decision. He explained that there was strong and unanimous support on the Board to provide the relief that this child was looking for. He advised that the Board was frustrated that they were told that the Board was not allowed to consider this as a variance and the intent of the motion was to move it on to the Commission for a final decision because the Board was told they did not have the authority to grant the variance and there was no mechanism for the Board to handle it. This was approved by the Board to send this to the Commission with a strong recommendation to find a way to work this out. The Board wants to work with the citizens and to make life a better place in the City and it was frustrating that the Board could not assist the resident and didn't want the applicant to have them go on through another hurdle to get assistance. He said the Board fully supported the intent of the son's doctor's letter. He also advised that the Board wanted to refund their variance fee.

Jorge Ortega, 28 Magnolia Dunes Circle, St. Augustine Beach, FL, explained that he volunteers for the Florida Wildlife Conservation, specifically to the youth hunting program and the other camps in the Ocala Conservation Center. Our organization believes in what a young person obtains from being taught how to ethically treat animals by taking care of them, establish their wellbeing and leaves a mark on how to treat other people. This family has found a cure without medicines and therapy. They found a wholesome solution for their child and should be approved by the Commission and hoped that the appellant would have a heart and a soul to support this.

Mayor England closed the Public Comments section and asked City Attorney Wilson to comment.

City Attorney Wilson advised that the Board was trying to accommodate the wishes of the family and the Commission has the ability to do that by changing the Code or impose certain regulations if the Commission wants to allow this, but it could not be done through the Board. The Commission could resolve the issue without involving litigation. He explained that the HUD rules applies to HUD housing and the City does not have HUD housing. He commented that the City has its own regulations and do not have to follow HUD laws. He advised that the Commission has the right to do whatever they want to do for their own ordinances and make their own recommendations as necessary. That is what Home Rule is.

Mayor England advised that this is an appeal of the Board's decision to deny the variance. She explained that the Board approved a request and the Commission needs to see if there were grounds for the Board to grant the request.

City Attorney Wilson advised that the Board did not have the authority to grant the request and the Board is asking the Commission to make the decision. The Board's motion that they passed has no legal validity at all. He suggested to the Commission to grant the appeal and set aside the decision, but the Board wanted the Commission to find a way to grant the wishes of the mother and the child.

Mayor England advised that once the Commission decides on the appeal, then perhaps the Commission could talk about some alternatives. She advised that it is a Code Enforcement issue and the Commission could change the codes if they choose to.
City Attorney Wilson advised that it is not pending before the Code Enforcement Board, so it is a staff decision whether this goes to Code Enforcement at all.

Vice Mayor Kostka asked City Attorney Wilson how to make this work without changing the codes.

City Attorney Wilson said that the Commission could direct staff not to move forward on a Code Enforcement case, but the Commission could be running the risk that it is doing selective enforcement. The other alternative would be to create a way to have restrictions on how to keep these types of animals.

Vice Mayor Kostka asked if the Commission could add code language on how to bring support animals to the Commission for approval so it could be done case by case basis.

City Attorney Wilson advised yes; it could be regulated.

Vice Mayor Kostka explained that she was concerned about allowing it and instructing staff not to do anything about it because of others doing the same thing, but if the Commission agrees on adding codes for isolated instances on a case by case basis, that would give the Commission the knowledge of where it is within the community.

Mayor England advised that the Commission does not have all the information, and this is an unusual situation. She explained that the Commission has received testimony that there are federal and state laws that should be considered and suggested directing the Code Enforcement and the City staff to research this and then look at the ordinances to see if they need changes. She advised if there is no Code Enforcement case pending and the staff has time to research this issue, such as 90-days with an extension if necessary, then the Commission could learn more about what is under the federal and state laws.

Commissioner Samora agreed to have a mechanism in place in order to analyze each case, but feels that it is a slippery slope not to do any Code Enforcement and suggested researching the issue. He asked how long the process takes to modify an ordinance with public hearings.

City Attorney Wilson advised it would be two public hearings, which would be at least two months, but the Commission needs to explain what they want to do. He explained that it would be difficult for the City to get a Code Enforcement case prohibiting the chickens because of ADA circumstances and advised that he would have to research this further before it is brought up again. He commented that he hates to make law on one unique instance.

Commissioner Rumrell advised that St. Johns County allows only five chickens maximum and would the City have to follow that.

City Attorney Wilson advised that the City makes their own laws and doesn't have to abide by St. Johns County rules. The City has Home Rule. He explained that the best way to deal with this is to have something in the Code to permit this and put restrictions on it to protect the neighbors and ensure that everybody doesn't have a support chicken.

Mayor England made a motion and asked for a roll call vote.

**Motion:** to vacate the Comprehensive Planning and Zoning Board’s decision based on the record and the advice of the City Attorney because of the lack of authority, lack of evidence on the record regarding at law. **Moved by** Mayor England, **Seconded by** Commissioner Samora.
Mayor England asked for a roll call vote.

City Clerk called the roll as follows:

MAYOR ENGLAND   YES
VICE MAYOR KOSTKA   YES
COMMISSIONER GEORGE   RECUSED
COMMISSIONER RUMRELL   YES
COMMISSIONER SAMORA   YES

Motion passes 4 to 0.

Motion: to give guidance to the City’s Code Enforcement to delay any Code Enforcement case on this issue and to give staff and the Code Enforcement Board adequate time to research the issue of reasonable accommodation under federal or state laws for a minimum of 90 days with perhaps an extension. Moved by Mayor England.

Commissioner Samora request to give them 120 days due to the change in the City Attorney.

Commissioner Kostka asked to request Building Official Law to develop the additional part of the Code.

Mayor England revised her motion.

Motion: to delay Code Enforcement for 120 days to give adequate time for research and to direct City staff to research any changes to our ordinances to accommodate emotional support animals. Moved by Mayor England, Seconded by Commissioner Samora.

Mayor England asked for a roll call vote.

City Clerk Raddatz called the vote as follows:

MAYOR ENGLAND   YES
VICE MAYOR KOSTKA   YES
COMMISSIONER GEORGE   RECUSED
COMMISSIONER RUMRELL   YES
COMMISSIONER SAMORA   YES

Motion passes 4 to 0.

Mayor England recessed the meeting at 7:19 p.m. and reconvened the meeting at 7:26 p.m.

Mayor England moved on to Item 2.

2. Ordinance 20-01, Public Hearing and Final Reading: Restricting Micromobility Devices in Certain Areas and on Sidewalks (Presenter: James Wilson, City Attorney)

Mayor England introduced Item 2 and asked City Attorney Wilson for a staff report.

City Attorney Wilson advised that the Commission has discussed this issue for a couple of months, and he made some revisions that were requested by the Commission to be done
between first reading and this final reading. He summarized that the City is prohibiting the shared mobility devices from operating on sidewalks and they are restricted to motor vehicle traffic lanes. He explained this description would only apply to business related mobility devices, not other scooters and the City is prohibiting the shared mobility devices from operating in the City limits.

Mayor England asked for Commissioner comments or changes to the ordinance before approving.

Commissioner Samora advised on page 6, Section 19-66, subsection A, he was concerned over the language of (2) that this might be a conflict with the future River to Sea Loop where the paths are going to be eight feet wide and will be shared use paths. He asked if this ordinance accepts those shared use paths, which would be opened to motorized scooters.

City Attorney Wilson explained that the language designates the City Manager the authority for the shared path use. He advised that this is in the future and it is not applicable currently and could be addressed in the future when it comes to pass.

Commissioner Samora asked about page 6, Section 19-66, subsection A, (3) if the River to Sea Loop puts in a 12-foot wide sidewalk.

City Attorney Wilson advised it would be an exception to that language when the River to Sea Loop is done in the future.

Commissioner Samora asked to strike (3) out just in case.

City Attorney advised that would not be a problem if it is in the motion to do so. He then read the title of Ordinance 20-01.

Mayor England opened the Public Hearing. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised the Commission that they did good work on this issue and agrees with the Commission.

Mayor England closed the Public Hearing and asked for any further Commission comments. Being none, Mayor England asked City Attorney Wilson to read the title of the ordinance.

City Attorney Wilson read the title of Ordinance 20-02.

Mayor England moved on to Item 3.

3. **Ordinance 20-02, First Public Hearing and Second Reading: to Adopt Changes to the Land Development Regulations** (Presenter: Brian Law, Building Official)

Mayor England introduced Item 3 and asked Building Official Law for a staff report.

Building Official Law reported that last month the Commission saw the proposed changes from the Land Development Codes and went to the Comprehensive Planning and Zoning Board and recommended the ordinance as written.

Mayor England asked for Commissioner comments. Being none, Mayor England asked City Attorney Wilson to read the title of the ordinance.

City Attorney Wilson read the title of Ordinance 20-02.
Mayor England opened the Public Hearing. Being none, Mayor England closed the Public Hearing and asked for a motion.

**Motion:** to approve Ordinance 20-02. **Moved by** Commissioner George, **Seconded by** Mayor England. Motion passed unanimously.

Mayor England moved on to Item 4.

4. **Ordinance 20-03, Public Hearing and Final Reading:** to Adopt School Board’s Five-Year District Facilities Workplan (Presenter: Max Royle, City Manager)

Mayor England introduced item 4 and asked City Manager Royle for a staff report.

City Manager Royle advised this comes in front of the Commission every year and explained that by law the City must show support of the School Board’s Five-Year District Facility Workplan.

Mayor England asked for Commissioner comments. Being none, City Attorney read the title of Ordinance 20-03.

Mayor England opened the Public Hearing. Being there were no public comments, Mayor England closed the Public Hearing and asked for a motion.

**Motion:** to approve Ordinance 20-03 as read. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 5.

5. **Resolution 20-01,** Having Canvassing and Certification of Vote-by-Mail Ballots Cast in the March 2020 Presidential Primary Done by the Supervisor of Elections and County Canvassing Board

Mayor England introduced item 5 and asked City Manager Royle for his report.

City Manager Royle advised that this resolution gives the authority to the Supervisor of Elections and County Canvassing Board for the upcoming election.

Mayor England asked if there were any Commission discussion regarding the Consent Agenda. Being none, Mayor England asked for a motion.

**Motion:** to approve Resolution 20-01. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item 6.

6. **Legal Services:** Review of Proposed Contract with Paul, Elkind, Branz & Paul of DeLand, Florida, for Legal Services as City Attorney (Presenter: James Wilson, City Attorney)

Mayor England introduced item 6 and asked City Attorney Wilson for a staff report.

City Attorney Wilson reported he negotiated a new contract with Paul, Elkind, Branz & Paul and the only change they requested was to do 35 hours for the retainer for $6,000 instead of 40 hours. He advised that the proposed contract is legally sufficient.
Mayor England asked for Commission discussion.

Commissioner George said that they seem to be backtracking by limiting the hours for the retainer. She explained that there were other applicants that were suggesting an hourly rate as opposed to the flat fee that the Commission requested. She commented that she discounted the points regarding the ranking of the applicants when they agreed to the flat rate. She said she was disappointed about the change.

City Attorney Wilson advised that it takes time going to the meetings and staff calls every day. He spoke to the firm about it, but they wanted the change. He commented that it takes him 40 hours, but they might be more efficient and can do the job in 35 hours. He explained that he anticipated changes on the contract when he spoke with them and advised that there are no term limits only a 30-day termination for either party of the contract.

Mayor England advised that the Commission can always renegotiate the terms after a year if the Commission feels they need to so.

Commissioner George advised that Attorney Groot could monitor his hours for a year with the Commission's proposed contract and then change the contract if he needs to after a year.

City Attorney Wilson advised that the Commission has always been responsive to his needs and has never had a problem with his billing. He explained that this firm is a reputable firm and they do a good job.

Commissioner Rumrell advised he reviewed the minutes and on page 6 they agreed to $175 an hour and agreed to the revised request of the cap of the $6,000 retainer. He asked about rollover time. He explained that if they don't bill us for time one month for all 40 hours, they could use it on a month that would be more time than 40 hours. He agreed that we need hard data of the time involved to see how much time it takes a month.

Mayor England asked if the Commission wants to go back to the firm to renegotiate.

Commissioner George advised that there was no limit of 40 hours on the retainer and she asked every applicant if they would agree to that, which they said they would. She commented that she would like a one-year cycle to what was agreed to because if they find after tracking the hours that they need more money, they have a 30-day notice to revise it. She suggested that the Commission reject the modification to paragraph B and play a hard bargain with the message that the Commission was negotiating for a flat rate to start out with a new firm and the Commission would be open to modifications when hard data is received.

Mayor England advised that if the attorney is tracking their time, the City may lose out on that.

Commissioner George advised that she doesn’t want to lose them, but there were other applicants at the meeting that agreed to the terms provided.

Mayor England asked City Attorney Wilson if he would continue if this contract does not work out.

City Attorney Wilson advised that he would.

Commissioner George suggested approving the contract with the removal the modified language and resend it back to the law firm signed by Mayor England.
Commissioner Kostka advised that changing the terms after-the-fact is disingenuous. She asked who the primary attorney would be.

Commissioner George advised that Attorney Groot would be the primary attorney.

City Attorney Wilson advised that this was the proposal.

Mayor England opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with the rejection of the contract and give a counteroffer. He suggested to go with Ralf Brookes, who was the second candidate that the Commission ranked.

Mayor England closed the Public Comments section and asked for any further Commission discussion.

Commissioner Samora asked if it would be in the Commission's scope to give the authority to the Mayor to negotiate the contract. He explained that he hates public negotiations and feels that it is almost impossible to do. He advised that he would not want to go back to the interviewing process again.

City Attorney Wilson advised that Commissioner Samora wants to make that part of the motion, he would let the firm know tomorrow morning and then if the firm rejects the counteroffer the Mayor could negotiate the terms. He advised that he would stay for the duration during the negotiations.

Mayor England agreed to sign the contract with the removal of the changes in Section B and send it back to them. She explained that the firm could start and if they are not happy with the number of hours, the firm can give their 30-days' notice or renegotiate the contract.

Commissioner Kostka asked if the firm does not agree with the contract, does the Commission have to go through the interview process again or can the Commission go to the second ranked firm.

City Attorney Wilson advised that the Commission can go to the second choice or the Commission could revoke.

After discussion, Mayor England suggested to remove the changes in Section B and see if the firm will accept it.

Mayor England asked for a motion.

**Motion:** to approve the contract draft as presented subject to the modification of removing the language added to paragraph B's second paragraph starting the reference to see attached Exhibit B for regular scope of work. **Moved by Commissioner George, Seconded by Commissioner Kostka.** Motion passed unanimously.

Mayor England moved on to Item 7.
7. **Drainage Project to Pipe Alley between 2nd and 3rd Streets from 2nd Avenue to the Sea Oaks Subdivision: Award of Bid to Hassell Co Int of Orange Park, Florida, for $119,999.00 (Presenter: Bill Tredik, Public Works Director)**

Mayor England introduced Item 7 and asked Public Works Director Tredik to give a staff report.

Public Works Director Tredik showed PowerPoint presentation (Exhibit 5) to the Commission. He recommended Hassell Co. Int., LLC, which is the lowest bidder to do the drainage project to the Commission.

Discussion ensued regarding the Public Works Director reviewed the specifications of the contract to make sure that nothing was left out of the contract of change orders will be requested later; staff is using the City’s standard contract; has language regarding penalties for any delays; staff checked the firm’s references; and staff changing the contract on page 25, Article 3 to 120 days instead of 150 days.

Mayor England opened the Public Comments section. The following addressed the Commission:

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, was concerned over the flooding problems and sea level rise in the area and suggested that the City install outflows and not doing this piece meal.

Mayor England closed the Public Comments section and asked for any further Commission discussion.

Discussion ensued regarding piping having less maintenance than ditches; workers would be able to get into the pipes to clean as necessary; the need for a separation between the houses and ditches for safety reasons; some properties are concerned about their decks being afflicted; and what does the Master Plan have for open ditches.

Mayor England asked for a motion.

**Motion:** to approve the bid as recommended to staff Hassell Co. Int., LLC with correcting typos in the contract. **Moved by Commissioner George, Seconded by Commissioner Kostka.** Motion passed unanimously.

Mayor England moved on to Item 8.

8. **Ordinance 20-05, First Reading, to Amend Chapter 10 of the City Code re: Garbage and Trash Service (Presenter: Bill Tredik, Public Works Director)**

Mayor England introduced Item 8 and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik showed PowerPoint presentation (Exhibit 6) to the Commission. He explained the changes made to the ordinance since the discussion at the January 6th Regular Commission meeting. He recommended not keeping the language with non-ad valorem assessments for collection and disposal in this ordinance.

Mayor England asked if the ordinance could be changed to show definitions in Chapter 2 instead of the transient rental’s definition in this ordinance so when the definitions change, the Commission would not have to research the full code of ordinances for all the definition changes.
Director Public Works Tredik advised that he could do that.

Mayor England requested to change on page 10, Section 10-4, (1) and (2), to say “either or” have four 32-gallon waste receptacles or two 65-gallon waste receptacles. On page 12, she requested to change the (e) to (f) and on page 16, (e) should be changed from the City’s Police Department to Code Enforcement or proper authority of the City.

Commissioner George requested to insert the word “be” before the word constructed on page 8. She advised that on page 17 she wanted to discuss the City purchasing receptacles. She suggested the City provide a decal so the businesses could use the ones they already have.

Discussion ensued regarding the receptacles having to be a certain quality; required special lids so animals cannot get into them; when the business owned receptacle needs replacing, the business would have to replace them with a City receptacle; having consistency with the receptacles; putting decals on cans instead of custom cans being made; having addresses on the cans so people will not take other people’s cans; implementing the purchasing of the cans in October; receptacles need to have locking mechanisms on the lids for transient rentals to keep animals out; writing in the ordinance that the receptacle must conform to the minimum requirements and be subject to the Public Works Director approval; and have language for a transition period for businesses using their own cans until the City have them available.

Commissioner Samora asked how many current customers will be affected by the six or more-unit criteria.

Public Works Director Tredik advised he would have to research that.

Finance Director Douylliez advised at last count it was 10 to 15 condominiums that were six or less units.

Commissioner Samora asked how many businesses will be affected with the discontinuation of services by those generating ten 32-gallon receptacles.

Public Works Director Tredik advised four.

Commissioner Samora requested on page 16, Section 10-15 (a), to include transient rental units with the hotels and motels language, since that is a significant change.

Public Works Director Tredik advised that he would make that change.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments Section and asked City Attorney Wilson to read the title of Ordinance 20-05.

City Attorney read the title of Ordinance 20-05.

Mayor England asked for a motion.

Motion: to approve Ordinance 20-05 with the amendments that have been stated including the insertion of the word “be” on page 8, correcting page 12 the labeling of subparagraph “e” to “f”, page 16, subparagraph (e) striking the reference to the city police department and inserting instead Code Enforcement, under Section 10-13 (a) on page 16 adding the word “transient rentals” in the list of hotels and motels and removing the reference to the non-ad valorem collection and disposal as recommended by the Public Works Director. Moved by Commissioner George, Seconded by Commissioner Samora. Motion passed unanimously.
XIII. NEW BUSINESS

9. Personnel Manual Changes: Consideration of Resolutions re: Additional Holidays, Overtime Pay and Compensation During a Declared Emergency (Presenter: Beverly Raddatz, City Clerk)

Mayor England introduced Item 9 and asked City Clerk Raddatz for a staff report.

City Clerk Raddatz reported that the first resolution, Resolution 20-02, adds Christmas Eve and Good Friday to the holiday listing. She advised that the employees do get a half a day off on Christmas Eve, but as in previous years, most residents or the public think that city hall is closed when St. Johns County and the City of St. Augustine are closed and staff does not have many requests or phone calls on that day. She also advised that it would make the benefits more competitive with neighboring government agencies.

Commissioner Kostka thought it was a good idea because when other offices and banks are closed it hinders employee work but recommended that the City follow the State of Florida holidays since the City is within the State of Florida.

After discussion the Commission agreed to leave the holidays that are proposed in Resolution 20-02; however, the Commission wanted the employees to know that employees can have the opportunity to take vacation days for other religious holidays.

Mayor George asked about Resolution 20-03 regarding exempt employees receiving overtime for declared emergencies.

City Clerk Raddatz advised that the City’s Personnel Manual did not have guidelines on what to pay employees during a declared emergency. She explained that she was trying to uniformly follow the Fair Labor Standards Act (FLSA) regarding overtime pay. Currently the employee can receive overtime when taking vacation or compensation time. She requested that we follow the FLSA, which means that the employee would have to work 40 hours a week to get overtime and vacation or compensation time would not count as overtime but would be done as straight time if the employee did not work 40 hours. She explained during a declared emergency and with the City Manager or Chief of Police’s authority, employees who work over 40 hours would get overtime. She included exempt employees who work during the emergency because it is mandated by the City. She advised that having a policy or guideline would also help in recovery of the FEMA funds after the emergency.

Mayor England advised that if the employee is exempt then they don’t get overtime because it is not mandatory; however, if it is mandatory, then they should get paid overtime.

City Clerk Raddatz advised that it is only during a mandatory declared emergency when the City is closed.

Police Chief Hardwick advised that the Police Department become exempt employees during a declared emergency according to the FLSA. He explained that he managed the employees and sent them home as much as possible, but with three hurricanes in a row, that is difficult. He advised that the Police Department does not have a union because they trust the Commission to do the right thing for the employees.

Commissioner Rumrell advised that when St. Johns County Board of Commissioners declares an emergency then mandatory employees can get overtime, which is reimbursable through FEMA.
Police Chief Hardwick advised that his employees work 12-hour shifts and they will receive overtime if they must complete a report on an accident even though they took vacation during that week because they are subject to special exemptions as sworn police officers.

Finance Director Douylliez advised that federal law says standard employees must work 40 hours a week in order to get overtime. She explained that vacation time, sick time, and compensation time do not constitute hours worked. She advised that staff is trying to make it more standard with federal law. She explained that the City was shut down after the emergency and there were no guidelines that FEMA could go by to reimburse the City.

Police Chief Hardwick advised that when the state and county declares an emergency the City Manager and Police Chief have meetings to decide when to close city hall and they are very careful to wait until the last minute to allow city hall to be closed. After they agree, they close city hall and the employees who are not mandatory leave and the staff according to federal policy must pay the employees because it is out of the control of the employees.

 Commissioner George asked to make the language more defined for when city hall is closed.

Mayor England suggested that Resolution 20-03 come back at the March Regular Commission meeting with more defined language.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked for any further Commission discussion.

Mayor England asked for a motion.

**Motion:** to approve Resolution 20-02. **Moved by Mayor England, Seconded by Commissioner George.** Motion passed unanimously.

Mayor England moved on to Item 10.

**Ordinance 20-04,** to Amend the Land Development Regulations by Establishing Section 5.06.00 for Dune Protection (Presenter: Brian Law, Building Official)

Mayor England introduced Item 10 and asked Building Official Law for a staff report.

Building Official Law reported that with the adoption of the Comprehensive Plan it has given staff direction to amend the Land Development Regulations. He explained that under Section 5.06.00 of the Comprehensive Plan it requires policies to be written and included that the City will not approve nor recommend development that modifies the undisturbed areas of the coastal dune system of the City of St. Augustine Beach. He inserted nor recommend and coastal. He asked for assistance from Florida Wildlife for technical assistance so language can be updated in Section 5.06.00.

Commissioner George asked what the intent means for undisturbed areas.

Building Official Law advised that if an individual modified a dune it would be disturbed but explained that once the modification was done then it would be undisturbed at that point.

Commissioner George asked if the word undisturbed could be removed.

Building Official Law advised that he would. He took the language of what the Comprehensive Plan said and moved it over.
Mayor England advised that Sea Colony or other areas that have dunes that are developed subdivisions explained that those are disturbed, so the Commission wouldn’t want this to go that far.

Commissioner George advised that an applicant could come forward with a variance if there is a reason for it.

Building Official Law explained that an applicant would submit an application with an intent to modify a coastal dune, which requires a DEP permit. He commented with the Comprehensive Plan in place and the modified building codes it would be an automatic rejection for the Building and Zoning Department and give a zoning verification letter based on the Comprehensive Plan and the Land Development Code. Then the applicant could apply for a variance and the Comprehensive Building and Zoning Board could decide based on the facts of the case and if they still were not happy, they could appeal it to the circuit court.

Commissioner Samora advised that there are other areas west of A1A Beach Boulevard that have subdivisions next to Hammock Dunes Park that have the same dunes topography. Whispering Oaks homes are cut right into the dunes and they would be affected too.

Mayor England advised that there must be a way to handle a dune if a tree needs to come down in order to build a reasonable home.

Building Official Law advised that was why he included the word coastal.

Mayor England asked to create a definition of coastal dune.

Building Official Law could create a definition and define how far into the City this goes.

City Attorney Wilson asked Building Official Law if he wanted to define the coastal construction control line.

Building Official Law explained the coastal construction control line.

Commissioner George suggested language of ocean fronting coastal dune system. She also suggested coastal dunes system immediately adjacent to the public beach in the City of St. Augustine Beach.

Building Official Law agreed and will modify the language of the ordinance.

Commissioner George asked if this would affect beach renourishment.

Building Official Law advised that he thought about that and would meet with Fish and Wildlife to discuss that aspect.

Commissioner George asked to include in the ordinance the language “with exception to government work.”

Building Official Law agreed to put language of beach renourishment under exceptions.

Mayor England opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, suggested that the Commission contact Michael Shirley who is a scientist and would help draft the ordinance.
Mayor England closed the Public Comments section and asked for any further Commission discussion.

After request from Mayor England, City Attorney Wilson read the title of Ordinance 20-04.

Mayor England asked for a motion.

Motion: to approve Ordinance 20-04 with the following amendments: 1) removing the word “undisturbed”, 2) adding language defining the coastal dune system as being immediately adjacent to the public beach, 3) identifying exceptions including nourishment work. Moved by Commissioner George, Seconded by Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item XIV, Staff Comments.

11. Changes to Zoning and Building Permit Fees: Consideration of Resolution 20-04 to Adopt
(Presenter: Brian Law, Building Official)

This item was rescheduled to March 2, 2020 at 6:00 p.m.

VII. PRESENTATIONS

B. Presentation by Mayor Margaret England of Plaque to Mr. James L. Wilson for Four Years of Service to the City as its City Attorney

Mayor England presented City Attorney Wilson with a plaque for his four years of service. She thanked City Attorney Wilson for being so generous with his time.

City Attorney Wilson thanked the Commission and commented that it has been a pleasure to work with the Commission and it has been fun.

XIV. STAFF COMMENTS

Mayor England asked City Manager Royle to start staff comments.

Police Chief Hardwick advised he had no comments.

Finance Director Douylliez advised that interviews for the position of Communications and Events Coordinator were complete and an offer has been made so we may have an employee on staff shortly.

City Clerk Raddatz advised that she has been preparing the Request for Proposal (RFP) for the City's insurances. She commented after speaking with other cities, they advised not to put the Request for Proposals (RFP) for medical and property insurances together in case there is a better bid for medical. Also, she remarked that medical insurance cannot be quoted before July 2020, but the property, auto, etc. RFP would be sent in March.

Public Works Director Tredik advised he submitted the Land and Water Conservation Program for Ocean Hammock Park and will submit for the district wide Cost Sharing Program for the weir project and will be bringing the amber street lighting project back to the Commission next month. He advised that he is still working out a few details before he brings it back.

Building Official Law advised that Jennifer Thompson, Permit Technician, is going to the Florida Association of Code Enforcement conference for training and will test next Saturday for her certification as a Code Enforcement Officer. She is also testing for permit technician certification before that.
City Manager Royle asked for a clarification for the topic of parking as it is not paid parking.

Commissioner Kostka advised that it would be for other parking issues that have not been addressed.

Mayor England asked Commissioner Kostka to get with staff for agenda items.

Mayor England asked if there were any Commissioner comments before adjournment. Being none, Mayor England moved on to item XV, Adjournment.

**XV. ADJOURNMENT**

Mayor England asked for a motion to adjourn.

**Motion:** to adjourn. **Moved by** Commissioner George, **Seconded by** Commissioner Kostka. Motion passed unanimously.

Mayor George adjourned the meeting at 9:29 p.m.

Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk
I. CALL TO ORDER

Chairperson Kevin Kincaid called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Vice-Chairperson Berta Odom, Steve Mitherz, Dennis King, Larry Einheuser.

BOARD MEMBERS ABSENT: Hester Longstreet, Chris Pranis.

STAFF PRESENT: Building Official Brian Law, City Attorney James Wilson, Recording Secretary Lacey Pierotti, Executive Assistant Bonnie Miller.

IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF JANUARY 21, 2020

Motion: to approve the minutes of the January 21, 2020 meeting. Moved by Mr. Kincaid, seconded by Mr. Einheuser, passed 5-0 by unanimous voice-vote.

V. PUBLIC COMMENT

Craig Thomson, 6-A D Street, St. Augustine Beach, Florida, 32080, said he’s a member of the City’s Sustainability and Environmental Planning Advisory Committee (SEPAC), which has put together a binder that references climate change, sea level rise and a sustainable future. This will be available in the City Manager’s Office to anyone interested in these topics. The City’s new Comprehensive Plan requires development projects to take into account climate change and sea level rise, so he’s written a letter to Mr. Law asking that certain things be looked at relative to two areas under development that are a concern, Embassy Suites and the City’s stormwater retention pond where water goes and is then dumped into the Intracoastal Waterway. He’s looked at some of the plans for the retention pond, which will have a foot-and-half added to the top of the existing six-foot-high berm. The old berm failed in a Category 2 storm, which had a storm surge of about six to seven feet, so if there’s a storm greater than a Category 2, it will likely fail again. The stormwater system is efficient in piping and getting water to the retention pond, which is on the far side of the City, but if water run-off is in a location that’s a wash-over area, it will come down streets and be pumped through the City in ditches and pipes, and the same would apply if the Intracoastal rises and water comes in from the west, so a Plan B as a long-term planning issue should be considered.

VI. NEW BUSINESS
A. Request to remove a 60-inch diameter-at-breast-height (DBH) oak tree in the proposed building footprint of a new single-family residence on Lot 39, Ridge at St. Augustine Beach, at 340 Ridgeway Road, Riverside Homes of North Florida LLC, Agent for Arthur H. Runk Jr. Living Trust, Applicant

Ms. Miller said this is a tree removal request for a 60-inch DBH oak tree in the rear building footprint of a proposed new home in the Ridge at 340 Ridgeway Road. Unfortunately, this tree is 40 feet in from the rear property line and even though the Ridge has a blanket variance to allow flexible setbacks for the preservation of trees, the 60-inch DBH tree could still not be saved. There are a significant number of other trees on this lot, including a 55-inch DBH tree that will be saved, and flexible side setbacks have been applied to save a 30-inch oak tree on the west side as well as a 24-inch oak tree in the front, and a lot of other smaller trees will also be saved. There is a representative here from Riverside Homes, the building contractor for the project, to answer any questions.

Motion: to approve the removal of the 60-inch DBH oak tree in the building footprint of the proposed new single-family residence at 340 Ridgeway Road. Moved by Ms. Odom, seconded by Mr. Einheuser, passed 5-0 by unanimous voice-vote.

B. Land Use Variance File No. VAR 2020-03, to exceed the 40 percent maximum impervious surface ratio (ISR) coverage allowed in a low-density residential land use district to allow 55 percent ISR coverage for a proposed new inground swimming pool addition to an existing single-family residence on Lot 1, Block B, Sea Colony Unit 1, at 184 Sea Colony Parkway, Matthew J. and Kerri N. Robison, Applicants

Ms. Miller said this is a variance to exceed the 40 percent maximum ISR coverage allowed on a lot at 184 Sea Colony Parkway in Sea Colony Subdivision, which is zoned low-density residential. The applicants are asking to build a 464-square-foot inground pool addition with a safety walkway around the pool, which will increase the ISR coverage to 55 percent. Sea Colony Homeowners Association (HOA) has approved the pool addition, and the memo from staff points out if the proposed revisions to Section 6.01.02 of the LDRS to allow the 40 percent maximum ISR in low density residential to be exceeded for a 465-square-foot addition for pools and pool decking only are passed by the City Commission on final reading at its next meeting on March 2, 2020, this variance wouldn’t be necessary. However, the applicants applied for the variance before these revisions have been formally adopted, as they weren’t sure when, or if, the revisions would actually go through or when they would take effect.

Mr. Mitherz said he spoke to Ms. Miller and Mr. Law about this variance application.

Matthew Robison, 184 Sea Colony Parkway, St. Augustine Beach, Florida, 32080, applicant, said when his pool contractor applied for this permit, they were not aware of the impervious and pervious surface ratio coverages allowed in Sea Colony. They went through the normal process of applying for HOA approval, and were then informed when the pool contractor applied for the building permit that they’d have to apply for a variance to exceed the 40 percent ISR coverage allowed in Sea Colony, so they went ahead and filed for the variance.

Mr. Mitherz asked the applicant if he’s considered redoing the existing concrete driveway.

Mr. Robison said yes, but even if this was done, the pool addition may still put the ISR coverage over 40 percent.

Mr. Law said if the LDRS revisions to allow a 465-square-foot addition for pools and pool decking only in low-density residential passes March 2, 2020, this will become effective immediately. One of the biggest disadvantages of low-density residential is most lots are already at 40 percent ISR with a house and concrete driveway, so to build a pool, you have to spend about $15,000 to rip out your driveway and replace it with permeable pavers.

Ms. Odom said she doesn’t see a hardship for this variance, so if the Board denies it and the revisions to allow a 465-square-foot pool addition pass, the applicants could then build their pool without needing a variance.

Mr. Law said he’d agree with that statement but as of now, they can’t build the pool without the variance.
Mr. Kincaid said at the Board’s joint meeting with the Commission earlier this month, it was pretty clear, and everyone agreed, that applicants need to demonstrate a hardship to be granted a variance.

Mr. Law said Sea Colony is low-density residential, contrary to the thought process of the last 20 years that it was developed as a Planned Unit Development (PUD), so this has caused problems with ISR coverage and setbacks. Sea Colony HOA is working to rectify this by submitting a final development modification application to amend the final development orders issued for Sea Colony, to bring it into line to what is was designed for, which was actually a low-density residential cluster development. This is a floodplain management tool utilizing large tracts of land to build houses and structures on the best land and use the rest of the low-lying land as recreation.

Mr. Mitherz why the existing house and concrete driveway on the lot already exceed maximum 40 percent ISR.

Mr. Law said this should have been caught during the initial plan review, but ISR hasn’t always been a long-standing regulation. The home was built in 2007, so maybe at that time ISR wasn’t an issue, but he can’t speak as to how building permits and plan reviews were handled by the City at that time. Sea Colony and Anastasia Dunes should have both been developed as PUDs with engineered drainage. That’s why Sea Colony is actively working to modify its final development orders, and why Anastasia Dunes modified its final development orders last year.

Mr. King asked if there is any history of approving variances to exceed ISR in low-density residential districts.

Mr. Law said the Board approved a similar variance last year for a pool addition on Deanna Drive that put the ISR over 60 percent. The Board granted the variance with the condition that the driveway be removed and replaced with permeable pavers, which is an option that can also be used for the variance for this lot in Sea Colony.

Mr. King asked if the Board approves this variance contingent upon the concrete driveway being removed and replaced with permeable pavers, and the proposed revisions to allow a 465-square-foot pool addition are passed, would the applicants still have to remove the driveway and replace it with pavers?

Mr. Law said if the variance is granted subject to the condition that the driveway is removed and replaced with pavers and the proposed revisions to allow a 465-square-foot pool addition are passed, the applicants could submit a revision request for a $53.00 fee to change the pool addition plans to keep the existing driveway.

Mr. Kincaid said the Board is in a tough position to grant the variance in the way it has been presented in that the Board has to find a hardship. Even though it appears a variance might not be necessary in the very near future, the applicants have applied for a variance, so there is the possibility for the Board to grant the variance pending the removal of the concrete driveway and replacement of the driveway with permeable pavers, which would drop the ISR coverage to an acceptable percentage. This would give the applicants the ability to build the pool, and in the meantime, if the proposed revisions pass, a revision request could be submitted to not remove the driveway.

Motion: to approve Land Use Variance File No. VAR 2020-03 to exceed the 40 percent maximum ISR coverage allowed in a low-density residential land use district for a proposed 464-square-foot pool addition to an existing single-family residence at 184 Sea Colony Parkway, pending removal of the existing concrete driveway and replacement of said driveway with permeable pavers with 10% or greater permeability. Moved by Mr. Kincaid, seconded by Mr. King, passed 3-2 by voice-vote, with Mr. Einheuser, Mr. King and Mr. Kincaid assenting, and Mr. Mitherz and Ms. Odom dissenting.

C. Ordinance No. 20-04, passed on first reading by the City Commission at its regular monthly meeting on February 3, 2020, to amend Article V of the City of St. Augustine Beach Land Development Regulations (LDRs) to establish Section 5.06.00, Protection of Dune Systems, to prevent the modification of undisturbed areas of the dune system with the exception of beach re-nourishments and the planting of sea oats.

Mr. Law said this ordinance is for the protection of the dune system. The City Commission reviewed the ordinance and added the planting of sea oats as an exception, as the City doesn’t want its own Code to prohibit protecting
the dune system. Also included in the information provided to the Board are the recommendations from SEPAC, which include adding the construction of dune walkovers and sand fencing as exceptions.

Mr. Mitherz asked if the adoption of this ordinance will prevent property owners from going directly to the Department of Environmental Protection (DEP) to get a permit.

Mr. Law said with the adoption of this ordinance on final reading, property owners who want to remove part of a dune will have to provide engineering and everything else required by the City’s flood ordinance as well as the Florida Building Code (FBC), and he would then write a letter to the DEP rejecting their application based on it being in violation of the City’s Comprehensive Plan. As far as property owners going directly to DEP, this is well within their rights, and if DEP saw fit to issue a permit without City zoning approval, they could do so, as they are a higher agency, but this would not be typical, he’s rarely, if ever, seen this happen. This ordinance will stall the application process for property owners, as their only option once he, as Building Official, has denied their application based on non-compliance with the City’s Comprehensive Plan, would be to appeal his decision to the Planning and Zoning Board. The Board would then decide if he erred in judgement and either uphold his decision to reject the application or rule in favor of the property owners that he was wrong for rejecting the application. If the Board upholds his decision and the property owners want to appeal again, they could do so to the City Commission, and then appeal the Commission’s ruling, if not favorable to them, to the local circuit court.

Ms. Odom asked for clarification regarding sand fencing as an exception, and also if staff recommends the suggestions from SEPAC be incorporated into the ordinance.

Mr. Law said sand fences traditionally go at the toe of the dune at an oblique angle at about 10 feet. He’s provided the recommendations from SEPAC to the Board, and also to each City Commissioner. However, he doesn’t believe statements of certain things belong in the LDRs, the place for them is definitely the Comprehensive Plan, or maybe they could be incorporated in the recent climate change resolution he believes SEPAC was involved in.

Sandra Krempasky, 7 C Street, Apartment A, St. Augustine Beach, Florida, 32080, SEPAC chairperson, said SEPAC made these suggestions to make this new section of the City’s LDRs beefier, but SEPAC certainly doesn’t want these recommendations to hold up the process of passing this ordinance. The recommendations made by SEPAC would have to be written up by a planner or attorney and incorporated into the ordinance to make it bulletproof in the event the City has situations in the future like the issue with the property owner and dune on 12th Lane.

Mr. King asked if the term “coastal dune system” could be challenged or misconstrued in any way.

Mr. Law said he thinks it’s imperative to use the term “coastal,” which is pretty descriptive, because of the natural ridges of dunes that exist in St. Augustine Beach. What he wouldn’t want would be for someone to misconstrue this to include, for example, Anastasia Dunes Subdivision, or the new Corral Dental building currently under construction, as both of these sites have natural dunes, but these properties are not along the coastline.

Ms. Krempasky said this also could be protected by including a definition for “coastal dune system” in the definitions section of the LDRs, which is Article II.

Mr. Wilson said he’ll look into that, as there are dune systems all over, but he’s not sure where the line begins and ends in regard to the coastal dune system, so this needs to be defined for the purpose of the Code.

Motion: to recommend the City Commission approve passage of Ordinance No, 20-04 with the addition of construction of dune walkovers and sand fencing as exceptions, and the Commission’s consideration of SEPAC’s recommendations. Moved by Mr. Mitherz, seconded by Ms. Odom, passed 5-0 by unanimous voice-vote.
D. Review and recommendation to City Commission of proposal for the regulation of emotional support animals, by amendment to Sections 2.00.00 and 3.02.02 of the City of St. Augustine Beach Land Development Regulations, to provide a definition for emotional support animals and allow emotional support animals as defined by conditional use permit application reviewed by the Planning and Zoning Board and granted by the City Commission

Mr. Law said the Commission directed City Manager Max Royle, who in turn directed him, to assist the City in the regulation of emotional support animals. Staff’s suggestion as a way to do this is to allow emotional support animals by conditional use application, which would be reviewed by this Board for a recommendation to the City Commission on the qualifications of that need, and then the Commission would have the final authority to grant the conditional use or not. He searched the internet for definitions on emotional support animals, as this is the first step in figuring out how the City can regulate them. During the process of appealing the decision to allow emotional support chickens at a residential property earlier this year, the Commission delayed any code enforcement action until 120 days from the date of that meeting, to give staff time to work out regulations for emotional support animals. As the City Attorney has weighed in that a variance is not an option, he’ll have to work with the City Attorney to find what kind of documentation would be needed for emotional support animals.

Ms. Odom asked if the City refunded the variance application fee paid by the lady who applied for the variance to keep chickens as emotional support animals at her home.

Mr. Law said no, the City has done nothing yet. If the Commission decides to allow emotional support animals by conditional use, this applicant would have to pay the conditional use application fee, in which case, he’d make a recommendation to the Commission that the City just swap out the fee already paid for the variance and apply it to the conditional use application fee. At the time the applicant applied for the variance, this was the only option she had to allow her to keep the chickens, as chickens are currently a prohibited use per City Code. The Board denied the variance but allowed her to keep the chickens, so it was a very confusing motion. However, Mr. Kincaid was at the City Commission meeting at which the appeal to this was heard, and he helped clarify the motion for the record. At this point, staff feels a conditional use permit is the best way to regulate emotional support animals.

Mr. Kincaid said there has to be a mechanism to make sure conditional use applications for emotional support animals are considered on a case-by-case basis. The Board is also going to need legal expertise to know on what basis they can recommend approving or denying conditional use permits for emotional support animals.

Mr. Wilson said at a minimum, he thinks applications should include detail in the form of a letter from a doctor as to what the person’s problems are and that the emotional support animals are necessary, and then applicants would need to demonstrate if the emotional support animals can be safely kept on property in a residential area.

Mr. Kincaid said by definition, chickens can’t be service animals, but this doesn’t address service animals, which is way outside of their purview, this addresses emotional support animals. He just wants to make sure the Board has the necessary criteria to evaluate conditional use applications for emotional support animals.

Motion: to recommend the City Commission approve proposed amendments to Sections 2.00.00 and 3.02.02 of the LDRs to provide a definition for emotional support animals as "animals that provide a sense of safety, companionship, and comfort to those with psychiatric or emotional disabilities or conditions," and allow emotional support animals as defined by conditional use permit reviewed by the Planning and Zoning Board and granted by the City Commission on a case-by-case basis. Moved by Ms. Odom, seconded by Mr. Mitherz, passed 4-1 by voice-vote with Mr. Einheuser, Mr. Kincaid, Mr. Mitherz and Ms. Odom assenting, and Mr. King dissenting.

VII. OLD BUSINESS

There was no old business.
VIII. BOARD COMMENT

Ms. Odom said she'd like to thank staff for everything that was put in the Board members' packets for this meeting, as it really helps them to know what's going on in the City and also helps the Board in making decisions.

Mr. Mitherz asked if the sidewalks on Mickler Boulevard, as well as the sidewalks along A Street, are going to get painted and striped to distinguish between bicycle and pedestrian traffic.

Mr. Law said he'll relate these questions to Public Works Director Bill Tredik, but keep in mind, A Street is a County-owned road, so staff would have to reach out to the County regarding restriping the sidewalks along A Street.

Mr. Mitherz asked when the new Beachside Diner at the old Coquina Beach Surf Club site is opening.

Mr. Law said the owners are hoping to open the beginning of March.

Ms. Odom said she knows they've had a lot of heavy wind lately, but she's never seen the City's public parking lots so dirty, with palm fronds all over the 10th Street parking lot, and the grass there hasn't been cut in a while.

Mr. Law said again, staff will reach out and pass this on to Mr. Tredik and the Public Works Department.

Mr. Kincaid thanked everyone for going to the joint meeting with the Commission earlier this month and thinks the message from the Board was loud and clear, as there have been some communication issues in the past which he hopes they'll be able to work out. He'll represent the Board at the Commission's March 2, 2020 meeting to address any other questions or concerns the Commission may have about this or any other issues that come up.

Mr. Law handed out copies of a summary of what the Board has been doing this fiscal year, and said the summary gives real time data, so if at any time anybody in the community asks what's happened in the last fiscal year, Board members can give the results of what the Board has approved or denied. This Board and the Commission will receive this summary on a monthly basis from this time going forward.

IX. ADJOURNMENT

The meeting was adjourned at 7:02 p.m.

Kevin Kincaid, Chairperson

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/VIDEO CAN BE OBTAINED BY CONTACTING THE CITY MANAGER'S OFFICE AT 904-471-2122.)
I. CALL TO ORDER
Mayor England called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE
Mayor England led the Pledge of Allegiance.

III. ROLL CALL
Mayor England asked City Clerk Raddatz for roll call.

Present: Mayor England, Vice Mayor Kostka, Commissioner George (virtually), Commissioner Rumrell (virtually), and Commissioner Samora.

Also present were: City Manager Royle, City Attorney Douglas, Assistant City Attorney Lex Taylor, Police Chief Hardwick, City Clerk Raddatz, Finance Director Douylliez, Building Official Law, and Public Works Director Tredik (virtually).

IV. ADDITIONS OR DELETIONS OF THE AGENDA
Mayor England asked if there were any additions or deletions of the agenda.

City Manager Royle asked to add Resolution 20-11 to the agenda.

The Commission agreed and Mayor England added the item under New Business as Item 8.

Mayor England moved to Item VI, Changes to the Order of Topics on the Agenda.

V. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
Mayor England asked if there were any changes to the order of topics on the agenda. Being none, Mayor England moved on to Item VII, Presentations.

VI. PRESENTATIONS
A. North Florida Transportation Planning Organization’s Five-year Transportation Improvement Program (Presenter: Ms. Wanda Forrest, Transportation Planning Manager)

Mayor England introduced VI.A. There were some technical difficulties for Ms. Forrest’s computer, so Mayor England decided to take public comments and come back to Ms. Forrest.
Mayor England came back to the item after Public Comments and asked Ms. Forrest to give her Power Point presentation (Exhibit 1).

Commissioner George advised she had no questions.

Commissioner Rumrell thanked Ms. Forrest for keeping the Commission up to date.

Vice Mayor Kostka advised she had no questions.

Commissioner Samora asked what the overall budget for the project that Ms. Forrest presented.

Ms. Forrest advised she was not sure of the budget from the Department of Transportation Work Plan in District 2 but could find out.

Commissioner Samora advised that this was the second presentation where the City of St. Augustine Beach does not have any improvements and requested that more projects be focused on this City.

Ms. Forrest advised that the City needs representation at their meetings to keep asking for improvement projects.

Mayor England asked what happened to the electric charging units.

Ms. Forrest advised that the City did not have a power source.

Discussion ensued regarding there was not a power source; having the engineer relook at Building C; and there was no communication from Northeast Planning Organization regarding this issue of no power source to the City.

Ms. Forrest advised that she would send a letter to explain what was needed as a power source and explain what needs to be done to move forward.

Mayor England opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, opposed the improvements to CR 313 because it is an environmentally sensitive area; complained that the Department of Transportation does not give any public transportation and advised not to give them any money.

Mayor England closed the Public Comments section and moved on to Commissioner Comments.

VII. PUBLIC COMMENTS

Mayor England opened the Public Comments section and advised that the Commission is accepting comments from the public at the meeting and virtual comments. The following addressed the Commission:
Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, explained that there were 790 condominium property owners in the City that are subsidizing trash pickup, which he disagrees with and advised that they are subsidizing the City $262 per unit.

Ed Prickett, 1121 Overdale Road, St. Augustine Beach, FL, advised that the Police Department did a great job on the beach patrol and service calls.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, thanked first responders, medical responders, grocery store workers, and others for their efforts; complained about City Manager Royle not attending meetings at the Emergency Operations Center and not doing his job; instruct attorneys to do the public records requests when asked from their firm and comply with Florida Statutes 119; requested to fly the rainbow flag this year; and place on the agenda in a future meeting the St. Augustine National Historical Park and National Seashore and a civil rights museum at Pier Park.

Mayor England closed the Public Comments section and then went to Presentations.

VIII. COMMISSIONER COMMENTS
Mayor England asked Commissioner Rumrell.
Commissioner Rumrell advised that he had no comments.
Commissioner George advised that she had no comments.

Vice Mayor Kostka thanked Public Works Director Tredik and his team for responding so quickly to the City’s parkettes which needed attention. She advised that Lakeside Park needs more attention. She reminded the citizens to complete the census when they receive it. She thanked Police Chief Hardwick and his staff for continued diligence through this COVID-19 mitigation and especially for opening the beaches during Phase 1. She mentioned that there would be a food-drive next week at the Amphitheater.

Commissioner Samora thanked the Police Department and the Public Works Department for the seamless reopening of Phase 1.

Mayor England thanked staff as well and advised that washable cloth masks are available at Ace Hardware.

Mayor England moved on to Item 1.

IX. PUBLIC HEARINGS
None

X. CONSENT
None

XI. OLD BUSINESS
1. Emotional Support Animals: Review of Recommendation to Allow by Conditional Use Permit
   (Presenter: Brian Law, Building Official)
   Mayor England introduced Item 1 and then asked Building Official Law to give a staff report.
Building Official Law advised that the Commission stopped code enforcement action for 120 days on this item; however, next month the 120 days will be over and he needs an answer on how to move forward.

City Attorney Douglas advised that his analysis began with Anderson vs. Blue Ash court case which states that municipalities must follow the Fair Housing Amendments Act. He explained that the burden for the modification or reasonableness would have to be weighed against the benefits that would be accrued for the plaintiff. He submitted that the Code Enforcement Board would be the proper venue. The Code Enforcement Board could take direct testimony from the Code Enforcement Inspector and the violator, which would give finding of facts based on the evidence and shall then give an order based on those facts. If the violator does not agree with the decision of the Code Enforcement Board, they could appeal to the circuit court.

Building Official Law advised that he would send this to the Code Enforcement Board and have it on the agenda for their next meeting.

Commissioner George advised that City Attorney Douglas gave a very thorough presentation and thanked him for his work on this issue.

Commissioner Rumrell advised that City Attorney Douglas did a good presentation and has no other questions.

Vice Mayor Kostka had no questions.

Commissioner Samora recapped that there will be no process for a variance accommodation, so a resident who has a violation would go in front of the Code Enforcement Board for a hearing and they will follow the Fair Housing Act guidelines and then appeal in the circuit court if they disagreed with the Code Enforcement Board's order.

City Attorney Douglas advised that was correct. He explained that the case would go to the Code Enforcement Board who will decide on any or no accommodations according to federal guidelines and an order would be written. It would then be up to the person whether to appeal the decision of the Code Enforcement Board if they do not agree to the circuit courts.

Building Official Law explained the Code Enforcement Board process. He explained that fees are not charged to the violator for the case to come to the Code Enforcement Board; however, the Code Enforcement Board can charge fees for being out of compliance with the City's codes.

Mayor England opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with City Attorney, but suggested the Commission consider an amendment to the codes on the process regarding this issue.

Mayor England closed the Public Comments section and then moved on to Item 2.

2. **2020 New Year's Eve Fireworks Show**: Review of Update Report (Presenter: Max Royle, City Manager, and Patricia Douylliez, Finance Director)

Mayor England introduced Item 2 and then asked City Manager Royle to give a staff report.
City Manager Royle advised that the previous Communications and Events Coordinator gave her report on what went well and what needs improvement. She gave credit to law enforcement for their work as well as the Public Works Department and the volunteers. She asked for more buses and better fireworks music. He explained that Finance Director Douylliez will go over the revenues and expenses and advised that the proceeds were $4,972.

Finance Director Douylliez advised that the event went well overall. She explained that she will be going over some problems that happened with the vendors, such as collecting the funds ahead of time. She explained that the Tourist Development Council (TDC) has advised that the City will be getting the money for the fireworks and promotional grant assistance this year. She explained that other assistance from them is not approved yet due to COVID-19. She remarked that staff is on hold on asking for sponsorships due to a lot of the businesses being closed during this time. She commented that staff has discussed whether to scale the event back due to social distancing of COVID-19.

Commissioner George commented that the City would have to wait and see what happens in the future. She asked that staff research with other cities to see what they are doing at this time.

Commissioner Rumrell remarked that it is hard to ask for money at this time. He explained that social distancing would have to continue but suggested maybe only having the fireworks display this year instead of having vendors.

Vice Mayor Kostka agreed with Commissioners George and Rumrell. She explained that the City is on hold at this time.

Commissioner Samora congratulated everyone involved for having a fantastic event and agreed with the other Commissioners.

Mayor England asked staff to start meetings for Beach Blast Off by July and advise the Commission what the event would be. She requested that this item be put back on the Commission’s agenda in August.

City Manager Royle advised that he has already asked the Communications and Events Coordinator to schedule a meeting next week to discuss this issue. He advised that the event might have to be reduced to meet reductions in revenues.

Mayor England suggested to go out to different types of sponsors who have not been so affected by the COVID-19 situation.

City Manager Royle advised that the City of St. Augustine’s July 4th fireworks show, and City Manager John Regan advised that they were waiting to see about the social distancing as well, so they are not sure if they would have the event.

Mayor England opened the Public Comments section. The following addressed the Commission:

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, advised that the event should be cancelled due to COVID-19 and the social distancing requirements.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to cancel Beach Blast Off due to social distancing and suggested asking the Florida League of Cities what they are doing.
Merrill Roland, 6281 Old Dixie Drive, St. Augustine, FL, explained that the St. Augustine Beach Civic Association owes $4,750 for the VIP tent that they used at previous Beach Blast Off events.

Mayor England closed the Public Comments section and advised that this will be discussed by staff and staff will be getting input from lots of agencies before a final decision is made. She then moved on to Item 3.

XII. NEW BUSINESS

3. Property and Workers' Compensation Insurance: Review of information re: Bids and Request to Award Bid to Florida Municipal Insurance Trust (Presenter: Beverly Raddatz, City Clerk)

Mayor England introduced Item 3 and then asked City Clerk Raddatz to give a staff report.

City Clerk Raddatz advised the Request for Proposal was put out to bid on March 19, 2020 and that ten agencies were interested. Out of the ten agencies three agencies gave a proposal. The three agencies were: Florida Municipal Insurance Trust (FMIT), Preferred Risk Insurance Association, (PRIA) and Public Risk Management of Florida (PRM). She explained that there was an evaluation team which consisted of herself, City Manager Royle, and Finance Director Douylliez. She explained that a spreadsheet was done on the pertinent information. She recommended Florida Municipal Insurance Trust because of their coverage, their prices, and their stability.

Commissioner Rumrell advised that he spoke with City Clerk Raddatz today and got some of the numbers and has no future questions. He explained that two of the agencies, Florida Municipal Insurance Trust and Public Risk Management of Florida have coverage for the weir pumps. He agreed with City Clerk Raddatz's recommendation.

Commissioner George explained that she was a real advocate to get quotes from other insurance companies and thanked staff on their excellent analysis. She asked if FMIT would cover the weir totally or just the pumps.

City Clerk Raddatz advised that at this point the pumps are there and they will be covered; however, the concrete structure for the weir has not been done yet so they cannot cover it as of now. She advised that Tom Conley from FMIT was on the phone to explain the coverage of the weir once built. She explained that PRM has a quote of $500,000, which would be the full weir once completed.

Commissioner George advised that she agrees with the $2 million coverage and agrees with the recommendations from the Evaluation Committee. She thanked them for their hard work.

Vice Mayor Kostka thanked City Clerk Raddatz for all her hard work. She explained that she requested the asset listing today and it was on the list for coverage. She commented that the only thing the City has for the weir were the pumps and that was on the asset listing. She explained that the total reconstruction costs and the adjusted FMIT value was a difference of $413,000 and asked if the full cost would be covered by FMIT.

City Clerk Raddatz asked Tom Conley to answer Vice Mayor Kostka's and Commissioner George's questions.

Commissioner Samora asked if the rates were for a two-year term.
City Clerk Raddatz advised that they are annual rates. She explained that staff did ask for two-year terms and didn’t know if the insurance agencies were able to do that. She suggested that the Commission should get the $2 million coverage because of the weir and advised that $5 million coverage is being overly insured for the City.

Commissioner Samora asked where the pricing is now.

City Clerk Raddatz advised that the costs have come down and FMIT also gives back a percentage of what they don’t spend every year. Last year FMIT gave the City $40,000 in grants.

Discussion ensued regarding the rates; grants that FMIT has given in the past; and whether FMIT would be able to give the grants in the future.

Tom Conley, FMIT representative, thanked the Commission for being a long-time FMIT member. He explained that the weir will be covered as it gets built; however, for now the pumps are covered. He explained that the difference between the reconstruction costs and the survey difference means nothing to the City. The City has a 90% co-insurance policy for full replacement value so if the costs are covered at 90% FMIT will pay full costs.

Commissioner Rumrell asked if the return of premium would be given this year to bring down the cost for the $2 million coverage.

Tom Conley advised that FMIT has been giving a return on premium every year; however, it does depend on what insurance issues come up in the year. He advised if there were hurricanes, then you may not get a return on premium for that year.

Mayor England opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, thanked the Commission for rebidding the insurance because it has not been done in 22 years and then complained why the City Manager did not make sure the weir was covered and suggested firing him. He suggested working with the City of St. Augustine to unify purchasing to get better prices.

Mayor England closed the Public Comments section and then asked for a motion.

**Motion:** to accept staff’s recommendation of $2 million coverage with FMIT. Moved by Commissioner Samora, Seconded by Commissioner Kostka.

Roll Call was as followed:

- Mayor England Yes
- Vice Mayor Kostka Yes
- Commissioner George Yes
- Commissioner Rumrell Yes
- Commissioner Samora Yes

Motion passed unanimously.

Mayor England thanks the agencies who gave the City proposals and then moved on to Item 4.

4. Former Police Department Garage at Former City Hall: Request by Civic Association to Renew Lease (Presenter: Mr. Bill Jones, Civic Association President)
Mayor England introduced Item 1 and then asked City Manager Royle for a staff report.

Mr. Merrill Roland asked for a copy of what was being handed out, Exhibit 2.

Mayor England advised staff to give a copy to the public.

City Manager Royle advised that the Police Department moved to the new police station in 1999, then the Civic Association asked for a year to year lease for the garage after the police moved. He said that the Civic Association wanted to use it for the farmers market and other events. In 2006 the lease changed from a garage to office use. Every five-years the lease has been renewed at a cost of $1 per year. The lease expires in August 2020. He advised that on February 19, 2020, Mr. Jones, President of the Civic Association, asked to renew the lease via email and then gave a formal request with what the building would be used for.

After an interruption from the public regarding Exhibit 3 not being given to the virtual Commissioners, Mayor England asked the Commission to not look at Exhibit 3 until Mr. Jones speaks.

Mr. Bill Jones, President of Civic Association, advised that Exhibit 3 is a script of what he is saying to the Commission, but appreciated Mr. Roland’s concern for transparency of the meeting. He explained that the Civic Association rented the garage and painted a beach mural on the outside of the building to enhance Pier Park. He commented that the Civic Association has allowed other non-profits in the community use the facility as well. He explained that the Civic Association does not have the farmers market anymore due to St. Johns County bidding it out. He commented that the Civic Association operates the Music by the Sea concerts, City’s Christmas Tree event, gives free WiFi for Pier Park, and always promotes the City. He commented that the Police Department has a need for housing their four-wheel vehicles in the garage and explained that the Civic Association would be willing to change the layout of the garage to fit the Police Department needs and could do so immediately. He commented that St. Johns County expressed an interest in the garage as well for rescue vehicles to be on the beach and suggested that St. Johns County could use the Mosquito Control property, which is less than a mile away. The Civic Association recommended forming a think tank consisting of citizens and interested parties to develop the whole property and to find funding. He requested to renew the lease for five-years at a $1 per year with an escape clause if a need arises from the City.

Mayor England noted that the emails have been received from the members of the Civic Association to the Commission. She then asked if the Commission had any questions at this time. Being none, Mayor England asked Commander Ashlock to give his presentation.

Commander Ashlock advised that the City’s Police Department and St. Johns County would like to use the garage for rescue vehicles, to shelter the vehicles from the elements, and to save time coming from the Police Department to the beach. He explained two different options and showed a presentation, (Exhibit 4).

Mayor England asked Commander Ashlock if the Police Department wants to take over the garage or if the Police Department wants to share the space with the Civic Association.

Commander Ashlock advised that the Police Department would need more space than the Civic Association has suggested. He commented that the Police Department would like the entire building because the space is not conducive to put multi vehicles in the space suggested by the Civic Association.
Police Chief Hardwick advised that he does not want air conditioning or office space and is looking for a place to store at least two ATV’s in the summertime. He explained that St. Johns County rescue vehicles are bigger because they carry patients. He commented that all the local agencies around us do not have storage either and explained that the Police Department’s ATV’s were in the elements under the parking garage at Embassy Suites for two to three years. He explained that he has three ATV’s that need protection, which are stored at Embassy Suites and the Police Department. One of the ATV’s was unserviceable and is now at Public Works.

Discussion ensued regarding storing the vehicles closer to the beach and service calls at night are handled by police officers.

Mayor England opened the Public Comments section. The following addressed the Commission:

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, wanted the garage to be a police substation and not just for storage. He asked the Commission not to renew the lease.

Merrill Roland, 6281 Old Dixie Drive, St. Augustine, FL, advised that the Civic Association has a sponsor that owns a storage facility; the Civic Association did not get a permit or inspections for their construction in 2006; Civic Association has been subletting and is against the contract; Civic Association came in last place in the bidding process for the farmers market; the Civic Association does not provide WiFi; and is not a good security risk to take.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that the insurance rates will not be the same with the Police Department and the Civic Association sharing the same building; and Police Department needs to be on the beach because of the COVID-19. He requested that the Police Department take over the building.

Mayor England closed the Public Comments section and asked for any further Commission discussion.

Vice Mayor Kostka explained that at the time the lease was made, there was no need for the garage. She advised that the City needs to take care of their resources and it takes time for the Police Department to go to calls on the beach because they have no storage at the beach, which could make a difference to someone’s life. She agrees with sharing the space with St. Johns County and believes that the Police Department does have a need and should take the garage over. She explained that City should rent facilities at fair market value and advised that her storage unit 10 x 25 feet is $125 a month.

Commissioner Samora advised that the garage is sought after and agreed with Vice Mayor Kostka that times have changed and there is a need for the Police Department. He commented that we need to take care of the City’s needs first, St. Johns County needs second and if something can be worked out with the Civic Association that would be fine. He advised that it could be for the Police Department only if they need it, but if they want to share with St. Johns County it’s fine.

Commissioner George commended the Civic Association for their community involvement and their teamwork on problem solving this issue. She agreed with the other Commissioners and advised that public safety is the City’s number one priority, especially now and preservation of City assets are important as well. She pointed out that the City’s Land Use Regulations do not allow storage facilities or office spaces and because the Civic Association
does not have the farmers market, it might be illegal to allow them to lease the property. She agreed with public safety first but thanked the Civic Association for all they do in the community.

Commissioner Rumrell agreed with all the Commissioners regarding public safety. He thought that it was great that St. Johns County could utilize the space as well and would like to build bridges with them. He commented that if the City and St. Johns County does not need all the space, then a discussion could be done with the Civic Association.

Mayor England explained that the City needs should come first; however, the Civic Association has worked and has been a benefit to the City for years and so if the City takes back the garage, the City should help them out month to month if they are going to share space. She didn’t agree with not renewing the lease and not working with the Civic Association.

Vice Mayor Kostka disagreed with Mayor England. She advised that the City is not able to put stipulations on what the Police Department should use the space for. She explained that the lease does not expire until August 2020 and for 15 years they have had the building for free. She commented that the Commission must put the City’s needs first. She suggested giving the building to the Police Department and letting the lease expire.

Commissioner Samora said that the City’s needs come first, County second and the Civic Association third. He commented that there are three months for the them to work it out, which is enough time. He said if the Civic Association needs more time, the Commission could discuss it then.

Commissioner George advised that the Police Department and Civic Association have time to work out the details. She commented that safety must come first and the concerts and other events that the Civic Association put on are not essential. She agreed with the lease being terminated.

Commissioner Rumrell agreed with Commissioners Samora and George, which is a good compromise for everyone. He asked if the Police Department takes the lease over, do they have sole discretion of who they allow to use the building.

Vice Mayor Kostka advised that the Police Department does not need a lease but wanted that confirmed by the City Attorney.

Assistant City Attorney Douglas advised that it would not be a lease to the Police Department because it was an asset of the City.

Police Chief Hardwick asked the Commission to allow the Police Department and St. Johns County lay out the footprint of the building and see if there is any space left over. He explained that he does not want to sublease the building.

Mayor England asked for a motion.

**Motion:** to allow the lease between the Civic Association and the City of St. Augustine Beach to expire at the end of the term and turn the use and control of the building over to the Police Department to prioritize shared use with County Fire and Rescue, Marine Rescue, the Public Works Department, and Beach Services. **Moved by Vice Mayor Kostka.**

Commissioner George advised that she would second the motion if Vice Mayor Kostka would amend the motion to allow the lease to expire. She asked for clarification if the use must be determined.
City Attorney Douglas advised that the motion does not have to include the use.

Vice Mayor Kostka agreed and amended her motion.

**Motion:** to allow the lease to expire between the Civic Association and the City of St. Augustine Beach. *Moved* by Vice Mayor Kostka, *Seconded* by Commissioner George.

Roll call as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Mayor England</td>
<td>YES</td>
</tr>
<tr>
<td>Vice Mayor Kostka</td>
<td>YES</td>
</tr>
<tr>
<td>Commissioner George</td>
<td>YES</td>
</tr>
<tr>
<td>Commissioner Rumrell</td>
<td>YES</td>
</tr>
<tr>
<td>Commissioner Samora</td>
<td>YES</td>
</tr>
</tbody>
</table>

Motion passed unanimously.

Mayor England moved on to Item 5.

5. **Budget Matters:** Review to Date of Effect of the Pandemic on the Fiscal Year 20 Budget and Discussion of Preliminary Preparation for the FY 21 Budget (Presenter: Patty Douylliez, Finance Director)

Mayor England introduced Item 1 and then asked Finance Director Douylliez to give a staff report.

Finance Director Douylliez gave a quick update on the current budget. She explained that through March expenditures are 49.5%, which is on track; however, COVID-19 could cause the revenues that were expected not to come in for this year. She commented that none of the Finance Directors in the other cities know how to project the decrease in revenues because revenues come in two months behind. She remarked that she cannot give the Commission an update until the revenue checks come in from Florida Power and Light and the State of Florida in June. The Office of Economic and Demographic Research is being watched because that is where the revenue numbers are given to the Finance Directors. She remarked that there is a spending freeze within the City currently and changes have been made, such as having the Police Department get their gas from Public Works instead of fuel cards. She explained that the FY21 budget has been started; however, the State of Florida is expecting a delay in revenues. She explained that the City needs to reach out to the State of Florida for some of the relief monies given to the state in order to make the City whole going forward. She advised that she will update the Commission monthly on the revenue numbers and where the City is at. She explained that 11.9% comes from state revenues, 10.3% comes from Florida Power and Light franchise fees and electric tax, and the bulk of taxes come from ad valorem taxes. She advised that 59% of the revenues comes from outside of the City as ad valorem taxes. She noted that the solid waste franchise fees are coming in which helps.

Mayor England advised that the City is going to lose sales tax.

Financial Director Douylliez advised that there was an increase of sales tax in March because of bulk purchasing. She explained that Florida Power and Light taxes could be a loss of $20,000 a month if there are no commercial revenues; however, there might be an increase in residential taxes because more people are at home.

Commissioner George thanked Financial Douylliez for doing all she can and for the update.
Commissioner Rumrell suggested to go to the federal and state representatives to see if the City could get some of the relief funds. He asked Police Chief Hardwick to schedule a meeting with Congressman Waltz and Congressman Rutherford, who he knows very well. He offered to speak with those he knows as well to try to get the relief funding as soon as possible. He also suggested to have the City of St. Augustine and St. Johns County ask as a group for the funding.

Commissioner Samora agreed with Commissioner Rumrell and asked staff to act when the federal assistance is available and support any way the Commissioners can individually. He explained that Finance Director Douylliez did a great job in identifying the sources of revenues that are expected to decrease but wants to have more scenarios to be presented to the Commission. He asked for 30%, 50%, 60% best and worse guess scenarios.

Finance Director Douylliez advised that she will do the scenarios, but asked that the Commission not to hold her to the numbers.

Vice Mayor Kostka thanked Finance Director Douylliez and advised that she was disappointed in the City Manager for not standing with her because it falls under his job description. She explained that the Investments Fund pay for part of the City’s bills during the year and then when the property ad valorem taxes come in it is paid back. She explained that the General Fund and the Investment Fund are considered the General Fund. She advised that April 2020 was the third best month for the stock market since World War II and she hoped that there will be an improvement in the investments. She explained that the federal recovery money is going from the federal level to the state level, so the representatives for the State of Florida should be contacted to help our City. She advised that our City is based on tourism and 50% of people have cancelled their summer vacations already. She commended staff on all the steps that were taken already and advised that the auditor said that there needs to be a healthier emergency fund before COVID-19 hit. She advised that this should be kept in mind as the City moves forward in the next budget year.

Mayor England opened the Public Comments section. The following addressed the Commission:

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, advised that the City does not have a large reserve because of waste disposal subsidies.

Mayor England closed the Public Comments section and asked for any further Commission discussion. Being none, Mayor England moved on to Item 6.

6. **Increasing Building Department Fees:** Request to Approve Resolution 20-09 (Presenter: Brian Law, Building Official)

Mayor England introduced Item 1 and then asked Building Official Law to give a staff report.

Building Official Law recapped the proposed changes in fees which were in the Commission’s packages in red.

Commissioner Samora asked if the fees can start in 90 days instead of immediately.

After a discussion, the Commission agreed to the effect date to go into effect August 1, 2020.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked for a motion.
Motion: to approve Resolution 20-09 with the effective date of August 1, 2020. Moved by Mayor England, Seconded by Commissioner Samora. Motion passed unanimously.

Mayor England YES
Vice Mayor Kostka YES
Commissioner George YES
Commissioner Rumrell YES
Commissioner Samora YES

Mayor England moved on to Item 7.

7. St. Johns County Local Mitigation Strategy Plan: Approval of Resolution 20-10 to Adopt
(Presenter: Brian Law, Building Official)

Mayor England introduced Item 7 and asked Building Official Law for his report.

Building Official Law advised that this would allow the City to apply for the Hazard Mitigation Grant which has funded 100% of the weir. He explained that this is for natural hazards.

Vice Mayor Kostka agreed to move forward with Resolution 20-10.

Mayor England advised that the City relies on St. Johns County for lost mitigation on everything.

Commissioner George had no comments.

Commissioner Rumrell had no comments.

Commissioner Samora had no comments.

Vice Mayor Kostka asked to let the Commission know if they would consider COVID-19 in their local mitigation strategy.

Building Official Law advised that he would let the Commission know.

Motion: to approve Resolution 20-10. Moved by Commissioner Samora, Seconded by Commissioner George.

Mayor England YES
Vice Mayor Kostka YES
Commissioner George YES
Commissioner Rumrell YES
Commissioner Samora YES

Motion passed unanimously.

8. ADDED ITEM - Temporary Outdoor Seating Resolution 20-11

Mayor England introduced the Item 8 and asked Building Official Law for his staff report.
Building Official Law advised that the City Attorney wrote the resolution and he added certain conditions to the resolution to allow temporary outdoor seating for the City’s restaurants. He recommended that he would have the authority to approve temporary outdoor seating, make sure handicap parking, fire extinguishers, maximum size of tents, etc. He explained that it would sunset when Governor DeSantis gives restaurants 50% seating capacity or to the end of the year.

Vice Mayor Kostka thanked Building Official Law for doing this.

Mayor England asked if it could be limited to 30-days.

Building Official Law advised that it be limited to what the Commission wants.

Commissioner Samora asked to not exceed the seating capacity of the restaurant. He was concerned over the capacity of the sewers.

Building Official Law advised that he would add a clause not to extend the restaurant’s seating capacity.

Commissioner George advised that this is good government.

Commissioner Rumrell agreed with Commissioner George.

**Motion: to approve Resolution 20-11. Moved by Mayor England, Seconded by Commissioner George.**

Mayor England YES
Vice Mayor Kostka YES
Commissioner George YES
Commissioner Rumrell YES
Commissioner Samora YES

Motion passed unanimously.

Commissioner George requested that Resolution 20-11 would be given to all the businesses.

Building Official Law advised that he spoke with a lot of the business owners already and they support Resolution 20-11 and he would be going to all the businesses tomorrow and explaining Resolution 20-11 to them.

Commissioner Samora advised that he would drop it to the Florida Restaurant and Lodging Association.

Mayor England moved on to Item XIV.

**XIV. STAFF COMMENTS**

Mayor England asked Police Chief Hardwick for comments.

Police Chief Hardwick advised that driving on the beach is under discussion and he will inform the Commission when or if it changes. He wants to get through Mother’s Day first before it is decided.
Discussion ensued regarding whether Police Chief Hardwick has spoken to other jurisdictions on when they are releasing restrictions on their beaches; keeping St. Johns Sheriff Department and Putnam County Sheriff's involved in the discussions; limiting the driving on the beach; and youth being destructive.

City Manager Royle explained that after the meeting on April 29th the Commission decided to hold a public hearing on the non-ad valorem solid waste collection and asked when the Commission would be available. He explained that he needs the date to advertise and send letters to every homeowner who would be subject to the non-ad valorem assessment.

After discussion the Commission agreed to June 15, 2020 at 6:00 p.m.

City Clerk Raddatz apologized for being out on April 29th due to emergency surgery. She also asked the Commission if they still want to go out to bid for the medical insurance due to the COVID-19 situation. She explained that she did check with several agencies that want to bid on the insurance and most of them said they are not sure what will happen to the insurance rates in the next year.

The Commission agreed to move forward on the Request for Proposal for Medical Insurance.

Public Works Director Tredik advised that the beach is open, and the Public Works staff is back to their normal schedules. He mentioned that the crosswalk flags are out, and landscaping is now being done.

XV. ADJOURNMENT

Mayor England asked for a motion to adjourn.

Motion: to adjourn. Moved by Mayor England, Seconded by Commissioner Samora. Motion passed unanimously.

Mayor George adjourned the meeting at 9:27 p.m.

Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk
TO: Jennifer Wildasin, 313 A St, St. Augustine Beach, FL 32080

FROM: Jennifer Thompson, Code Enforcement Officer, City of St. Augustine Beach

SUBJECT: Notice to Appear / Certified Mail 7018-0360-0002-1999-1936

DATE: May 6, 2020

Dear Property Owner,

This document is a citation to appear before the St. Augustine Beach Code Enforcement Board relative to a violation of the City’s Land Development Regulation regarding prohibited uses, Section 3.02.03, A. 1.

This correspondence, which will serve as your "Official Notice" and requests your appearance before the Code Enforcement Board to answer any allegations against you.

**Date and Time of Code Enforcement Board Meeting:**

Time of Hearing: 2:00 PM

Location of Hearing: 2200 A1A South
Saint Augustine Beach, FL 32080

Wednesday May 27, 2020

Our goal is to enforce the codes and ordinances of the City and to protect the health, safety, and welfare of the citizens of St. Augustine Beach and accordingly, your cooperation regarding this matter is greatly appreciated. Please contact me Monday - Friday from 8:00 a.m. to 5:00 p.m. at (904) 471-8758 if you have any questions regarding this correspondence.

Sincerely,

Jennifer Thompson
Code Enforcement Officer
jthompson@cityofsab.org

2200 A1A South, St. Augustine Beach, FL 32080 Phone # (904) 471-8758 www.staugbc.com/building
Violation Id | Parcel Id | Property Loc | Owner Name | Owner Phone
---|---|---|---|---
V2000059 | 1693300000 | 651 ALA BEACH BLVD | HAGERTY CATHERINE S | (904)540-1529
5805 ALA S, SAINT AUGUSTINE, FL 32080-0000

General:
- **Violation Date:** 04/14/20
- **Status:** Open
- **Code:** R-2
- **Building Dept:** Ryan
- **Phone:** (904)347-0289

Description:
The building official noticed an unpermitted structure built on the North side of the property. (Apartment A)

Code Enforcement (J. Thompson) went to the property on 4/13/20 to speak with the tenant. There was no answer, so I left a door hanger.

The tenant: Ryan called the office 4/13/20. He stated that the structure had been up for about 6 months and that it was built by a previous tenant. He was unaware that the structure was built without a permit.

J. Thompson sent certified mail 7015-0640-0003-1370-5565 to the owner Catherine Hagerty (see attached) on 4-14-20.

See more under notes.

Conditions:

Ordinances:

<table>
<thead>
<tr>
<th>Ordinance Id</th>
<th>Description</th>
<th>Compliance Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC 7.01.01</td>
<td>Sec. 7.01.01. - Accessory Structures General standards and requirements.</td>
<td>05/13/20</td>
</tr>
<tr>
<td>FBC 105.1</td>
<td>SECTION 105 PERMITS 105.1 Required. Any owner or ownerâ€™s authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is</td>
<td>05/13/20</td>
</tr>
</tbody>
</table>
regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Notes:

<table>
<thead>
<tr>
<th>Created</th>
<th>Modified</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/15/20</td>
<td>05/15/20</td>
<td>Sign is still erected 5-15-20, see attached photo. Stop work order has been removed.</td>
</tr>
<tr>
<td>05/14/20</td>
<td>05/15/20</td>
<td>After reviewing GIS and City maps, it appears that the sign may be located in the city ROW.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A certified letter, NOTICE to APPEAR was sent on 5-14-2020 (attached), as well as a notice of violation with a copy of the stop work order which was placed on the sign on 5-12.</td>
</tr>
<tr>
<td>05/12/20</td>
<td>05/12/20</td>
<td>The building official noticed that a sign was erected on the south east side of the property. A permit was not obtained.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>J. Thompson and Glenn Brown visited the property. No one was home. A stop work order was placed on the sign as well as a door hanger with the definition of signs. See attached pictures.</td>
</tr>
<tr>
<td>05/11/20</td>
<td>05/11/20</td>
<td>Owner Catherine Hagerty stopped by the office on 5-11-20 and spoke with B. Law. She expressed that she had a surveyor come out to her property and that she is working on getting together all items needed to obtain an after the fact permit.</td>
</tr>
<tr>
<td>04/16/20</td>
<td>04/16/20</td>
<td>Spoke to the owner Catherine Hagerty over the phone. She was unaware that the previous tenant had not obtained a permit. Due to COVID 19 she is unsure of what action she will take at this time. She will keep Code Enforcement updated on her actions. 4-16-2020 JT</td>
</tr>
</tbody>
</table>
Sent Certified Mail # 7015 0640 0003 1370 5565

Date: April 13, 2020

To: Catherine S Hegarty
5805 A1A S
Saint Augustine, Florida 32080

Re: Notice of Violation of St. Augustine Beach City Code regarding Unpermitted Accessory Structures at: 651 A1A Beach Blvd, St. Augustine Beach

Dear Property Owner,

This correspondence is in response to a complaint received by this office relative to an illegal installation of an unpermitted accessory structure. In response to this complaint, there are accessory structures that have been installed on your property without proper zoning approval and building permits. Relative to observations of the structure, it is apparent that there are violation(s) of the City of St. Augustine Beach Land Development Regulations, Article VII. Relating to Supplemental and Accessory Structures and Uses.

This correspondence, which will serve as your “Official Notice”
This office requests that you correct the noted violation(s) on or before Wednesday May 13, 2020 via:

(1) Removal of all unpermitted structures and building materials located on the property is warranted.

OR

(2) Apply for an after the fact permit for the structure.

Your prompt attention to this matter is requested. It is our hope that you would proceed to bring this violation into compliance at the earliest convenience and to that end, City staff would offer any appropriate assistance to you.
However, if the violation is not corrected, it will be necessary to issue a "Citation" and a "Notice to Appear" for a hearing before the City Code Enforcement Board. At that time you can state your reasons for not complying with the Ordinance and the Board will make a ruling. Among their various options, the Board may determine to impose fines of up to $250.00 per day for continued violations.

Our goal is to enforce the codes and ordinances of the City and to protect the health, safety and welfare of the citizens of St. Augustine Beach and accordingly, your cooperation regarding this matter is greatly appreciated. Please contact me Monday – Friday from 8:00 a.m. to 5:00 p.m. at (904) 471-8758 if you have any questions regarding this correspondence.

Sincerely,

Jennifer Thompson
Building & Zoning Department/Code Enforcement
City of St. Augustine Beach, Florida
jthompson@cityofsab.org

cc; Mr. Brian Law, Building Official
Ms. Lacey Pierotti, Code Enforcement Board Secretary
Mr. Lex Taylor, City Attorney
SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

   Catherine S Hegarty
   5805 AIA S
   Saint Augustine, FL 32080

2. 7015 0640 0003 1370 5565

   PS Form 3811, July 2013  Domestic Return Receipt
Appendix A Land Development Regulations Article II Definitions Sec 2.00.00

Sign Definition

Sign—Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known.

Sec. 8.00.05. - Temporary and permanent signs allowed in land use districts.

The signage rights and responsibilities for temporary signs and permanent signs shall be determined by the provisions of Section 8.00.04, General Provisions for Signs, and by the sign provisions for the land use districts as set forth below in Sections 8.00.06, Temporary Signs allowed in all land use districts, and 8.00.07, Permanent Signs Allowed in land use districts.

However, in connection with residential uses in nonresidential land use districts and nonresidential uses in residential land use districts, the signage rights and responsibilities applicable to any particular use shall be determined as follows: (1) In a residential land use district where a nonresidential use is allowed, whether as a matter of right or by way of a conditional use permit or other process with stated criteria governing the allowance of the nonresidential use, the nonresidential use shall be treated as if it was located in a land use district where the nonresidential use would be allowed, either as a matter of right or subject to a conditional use permit or other process with stated criteria governing the allowance of the nonresidential use; and (2) In a nonresidential land use district where a residential use is allowed, the residential use shall be treated as if it was located in the residential land use district where that type of use would be allowed as a matter of right.

[Ord. No. 16-04, § 2(Exh. A), 7-11-16]
<table>
<thead>
<tr>
<th>Medium and High Density Multi-Family Residential Land Use Districts (M, H)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ingress and Egress Signs</td>
</tr>
<tr>
<td>Street Address Signs</td>
</tr>
<tr>
<td>Flagpoles</td>
</tr>
<tr>
<td>Flag Brackets and Stanchions</td>
</tr>
<tr>
<td>On-Site Parking Space Signs</td>
</tr>
<tr>
<td>Signs at Service Station Islands</td>
</tr>
<tr>
<td>Ground signs</td>
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<tr>
<td>Wall Signs</td>
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<tr>
<td>Restaurant Wall Signs</td>
</tr>
<tr>
<td>Drive-Through Lane Signs</td>
</tr>
<tr>
<td>Umbrella Signs</td>
</tr>
<tr>
<td>Awning Signs</td>
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</table>
### Medium and High Density Multi-Family Residential Land Use Districts (M, H)

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Allowed/Not Allowed</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>Canopy Signs</td>
<td>Not Allowed</td>
<td>N/A</td>
</tr>
<tr>
<td>Changeable Copy Signs</td>
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<td>N/A</td>
</tr>
<tr>
<td>Projecting Signs</td>
<td>Not Allowed</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Signs</td>
<td>Not Allowed</td>
<td>N/A</td>
</tr>
<tr>
<td>Door Signs</td>
<td>Not Allowed</td>
<td>N/A</td>
</tr>
</tbody>
</table>
TO: Catherine Hagerty, 5805 A1A South, Saint Augustine, FL 32080

FROM: Jennifer Thompson, Code Enforcement Officer, City of St. Augustine Beach

SUBJECT: Notice of Violation / Certified Mail: 7015-0640-0003-1370-5626

DATE: May 14, 2020

This correspondence is in response to a complaint received by this office relative to an illegal installation of an unpermitted sign. There is a sign that has been installed on your property without proper building permits or zoning review.

This correspondence, which will serve as your "Official Notice"

This office requests that you correct the noted violation immediately:

Remove unpermitted sign and building materials located on the property.

Your prompt attention to this matter is requested. It is our hope that you would proceed to bring this violation into compliance at the earliest convenience and to that end, City staff would offer any appropriate assistance to you.

Our goal is to enforce the codes and ordinances of the City and to protect the health, safety, and welfare of the citizens of St. Augustine Beach and accordingly, your cooperation regarding this matter is greatly appreciated. Please contact me Monday - Friday from 8:00 a.m. to 5:00 p.m. at (904) 471-8758 if you have any questions regarding this correspondence.

Sincerely,

Jennifer Thompson

Jennifer Thompson
Code Enforcement Officer

jthompson@cityofsab.org

2200 A1A South, St. Augustine Beach, FL 32080 Phone # (904) 471-8753 www.staugbch.com/building
STOP WORK

THE CITY OF ST. AUGUSTINE BEACH
OFFICE OF THE BUILDING OFFICIAL

NOTICE

DATE: TUESDAY, MAY 12, 2020 TIME: 11:00 A.M.

AN INSPECTION HAS BEEN PERFORMED AT THIS LOCATION TO DETERMINE COMPLIANCE WITH THE FLORIDA BUILDING CODE AND CITY OF ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS. ITEMS DESCRIBED BELOW WERE FOUND TO BE IN VIOLATION.

ALL WORK MUST STOP AND ANY FURTHER WORK MAY ONLY PROCEED WITH THE APPROVAL OF THE BUILDING OFFICIAL.

LOCATION: 651 A1A BEACH BLVD

WORK INVOLVED: SIGN WITHOUT REQUIRED PERMITS

DO NOT REMOVE THIS NOTICE - VIOLATION OF STATE LAW

THE CITY OF ST. AUGUSTINE BEACH, FLORIDA
BUILDING AND ZONING DEPARTMENT
2200 STATE ROAD A1A SOUTH, ST. AUGUSTINE BEACH, FL, 32080

Building Official: Brian Law Phone: (904)471-8758
STOP WORK
THE CITY OF ST. AUGUSTINE
OFFICE OF THE BUILDING OFFICIAL

NOTICE

DATE: May 22, 2023

AN INSPECTION HAS BEEN PERFORMED BY THE STAFF OF THE BUILDING INSPECTION DIVISION.

FAILURE TO CORRECT THE DEFICIENCIES MAY RESULT IN STOPPING CONSTRUCTION.

ALL WORK MUST STOP AND THE CONDITION MUST BE CORRECTED WITH THE APPROVAL OF THE BUILDING OFFICIAL.

LOCATION: 955 A1A BEACH BLVD

SIGNED:

DO NOT REMOVE THIS NOTICE UNTIL 24 HRS AFTER CORRECTION.
Honored and inspired by our gift from across the country. Our God's Eye sits at the top of our alter and we can feel the spirit and see the beauty and intention put into it from the heart of the artist.

Thank you.
December 29, 2014
TO: Catherine Hagerty, 5805 A1A South, Saint Augustine, FL 32080

FROM: Jennifer Thompson, Code Enforcement Officer, City of St. Augustine Beach

SUBJECT: Notice to Appear / Certified Mail 7015-0640-0003-1370-5619

DATE: May 13, 2020

This document is a notice to appear before the St. Augustine Beach Code Enforcement Board relative to your failure to obtain permits for an accessory structure and a sign located at 651 A1A Beach Blvd. The accessory structure and sign have been installed on your property without proper zoning approval and building permits. Relative to observations of the structure and sign, it is apparent that there are violation(s) of the City of St. Augustine Beach Land Development Regulations, Article VII. Relating to Supplemental and Accessory Structures and Uses as well as Article VIII Signs.

This correspondence, which will serve as your "Official Notice" and requests your appearance before the Code Enforcement Board to answer any allegations against you.

**Date and Time of Code Enforcement Board Meeting:**

**Time of Hearing:** 2:00 PM

**Location of Hearing:** 2200 A1A South
Saint Augustine Beach, FL 32080

**Wednesday May 27, 2020**

Our goal is to enforce the codes and ordinances of the City and to protect the health, safety, and welfare of the citizens of St. Augustine Beach and accordingly, your cooperation regarding this matter is greatly appreciated. Please contact me Monday – Friday from 8:00 a.m. to 5:00 p.m. at (904) 471-8758 if you have any questions regarding this correspondence.

Sincerely,

Jennifer Thompson
Code Enforcement Officer
jthompson@cityof sabotage.org

2200 A1A South, St. Augustine Beach, FL 32080 Phone # (904) 471-8758 www.staugbch.com/building
Violation Detail

<table>
<thead>
<tr>
<th>Violation Id</th>
<th>Parcel Id</th>
<th>Property Loc</th>
<th>Owner Name</th>
<th>Owner Phone</th>
<th>Owner Email</th>
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</thead>
<tbody>
<tr>
<td>v1900065</td>
<td>17027000000</td>
<td>720 ALA BEACH BLVD</td>
<td>JOHNSON DEBRA L ETAL</td>
<td>(727)777-2444</td>
<td><a href="mailto:LIVBIGNSB@yahoo.com">LIVBIGNSB@yahoo.com</a></td>
</tr>
<tr>
<td>720 ALA BEACH BLVD, SAINT AUGUSTINE, FL 32080-0000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

General:

- Violation Date: 07/30/19
- Status: Open
- Use Code: R-3 * COM
- Tenant Phone: (727)777-2444
- Tenant Email: Tenant Other

Description:

This violation(s) was generated through code enforcement relative to multiple complaints concerning specific building violations as specified below. These violations which are outlined within the International Property Maintenance Code (section304) and the FBC are specific to structural maintenance and requirements of an exterior structure.

The following needs to be addressed:
1. Remove the blue tarp on the top of the structure.
2. Execute the roof permit (P191479) and repair the same. (presently the permit has expired).
3. Obtain proper permits (roof, stairs and landing etc and determine the possibility of enroachment of the raised deck/landing. Building Inspector Glenn Brown has conversed with Ms. Johnson in the many months prior relative to correction of this stair and deck landing modification scenario.
4. Modify the conditional use permit to include use of the ground floor for residential use. See conditional use permit dated Aug 4 2003.
5. Bring into compliance the violations as specified. After the building compliance is met, complete those requirements pertaining to a transient lodging facility renewal (Code 3.09).

Conditions:

Ordinances:

<table>
<thead>
<tr>
<th>Ordinance Id</th>
<th>Description</th>
<th>Compliance Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>LDR 3.09</td>
<td>Sec. 3.09.00. - Transient lodging establishments within medium density land use districts.</td>
<td>08/09/19</td>
</tr>
<tr>
<td></td>
<td>A. Applicability. This section shall be applicable to the rental of all attached dwellings, detached dwellings,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>dwelling units, and accessory buildings, provides for the allowing of transient lodging establishments within medium</td>
<td></td>
</tr>
<tr>
<td></td>
<td>density land use districts within the City of St. Augustine Beach, but shall not apply to hotels, motels, resort</td>
<td></td>
</tr>
</tbody>
</table>
condominiums, or bed and breakfast inns as defined in these Land Development Regulations, nor to manufactured housing as defined in F.S. § 320.01(2)(b). The term transient lodging establishments is defined in section 2.00.00 of these land development regulations, and which have been appropriately licensed by the State of Florida. This ordinance shall not be applicable or be taken to authorize the establishment or operation of more than a total of one hundred (100) individual transient lodging establishments within medium density residential districts within the city. In the event that there shall be less than a total of one hundred (100) individual lodging facilities within medium density residential districts, new units may be given priority by date of application for a business tax receipt with the office of city manager.

B. Business tax receipt required. A business tax receipt shall be required for all rentals set forth in this section. Licensing procedures and requirements shall be as set forth in St. Augustine Beach Code, Chapter 12. The fee for such charged business tax receipt shall be as set forth by this ordinance. The issuance of the business tax receipt shall require owner information regarding property standards and city codes that apply to all residential and commercial structures within the city. The owner’s signature shall serve as verification that owner shall comply with all requirements as mandated by this ordinance. The fee schedule is as per section 3.09.00 (2) of this Code.

C. Transient lodging establishment requirements. Transient lodging establishments are for thirty (30) days or less and those individuals renting structures for six (6) months or less are subject to providing proof of a Florida Department of Revenue Sales Tax Number as required by F.S. ch. 212, prior to application for a City of St. Augustine Beach Business Tax Receipt. A valid and current license under F.S. § 509.241 is required if the property is rented more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is the lesser or which is held out to the public as a place regularly rented to guests.

The property owner or designated representative/agent shall be held responsible for ensuring that guests abide by city codes. Guests shall be provided with a copy of applicable city ordinances prior to their stay and the same notice shall be posted within the rental property. The notice shall address noise, parking, dune protection, turtle nesting season, littering and trash requirements. Parking is restricted to the number of spaces provided on the site. Overflow parking for guests shall utilize public parking spaces not restricted by the city's land development regulations or traffic and parking ordinances. The property owner or designated representative/agent shall be held responsible for compliance with the city's trash requirements. Trash containers shall be placed and returned at the designated times. Violations will be subject to the enforcement as provided by city code.

The allowable occupancy is based on two (2) persons over fifteen (15) years of age per bedroom and an additional allowance for two (2), for one (1) sleeper sofa per floor of the residence.

Each property owner or designated representative/agent shall provide a rental report to the city by February 1 of each calendar year.

D. Local representation for business tax receipt; applications for residential units. Business tax receipt applications for residential rental shall include a local contact or representative. Such contact or representative shall maintain a current working local telephone number and current local address, not a public or private mail box and provide notification thereof of any changes to the city within thirty (30) days for physical location and telephone number. The telephone number shall be posted at the property for emergency contact.

E. Residential rental compliance. Notice requirements of minimum applicable standards form acknowledging notice of housing and development standards. Each owner of real property to which this ordinance is applicable shall receive notice of and shall file with an initial business tax receipt application or, for existing receipts, by October 1 of each occupational licensing year, a notice requirement of minimum applicable standards form with the city manager's office, acknowledging receipt of applicable City of St. Augustine Beach standards as located in the adopted city code or
other applicable documents so adopted by the State of Florida.

F. Inspections, noncompliance inspection fee. Complaint driven or inspector initiated inspections of properties subject to this ordinance shall be conducted by the city each year to ensure that such properties are in compliance with provisions of adopted codes. However, this provision shall not be interpreted as authorizing the city to conduct inspections of property without the consent of the owner or the occupant or without a warrant.

The City Manager or designee shall assess a fee of forty dollars ($40.00) (included with the application fee) for the initial inspection and the follow-up inspection if required. If the inspection reflects three (3) or more violations at the time of follow-up inspection, an additional fee of fifty dollars ($50.00) shall be made for any required reinspection.

G. Penalties. Failure to obtain or maintain a business tax receipt as required by subsection B., or failure to maintain a property in compliance with the Code requirements set forth in subsection F., shall subject the violator to enforcement proceedings and penalties in accordance with city code.

H. Revocation or denial of business tax receipt. In addition to the enforcement proceedings and penalties provided for in subsection C., failure to comply with the provisions of this ordinance shall be considered just cause for denial of the issuance of a business tax receipt for the subject property in accordance with the procedure set forth in this section. Prior to the revocation or denial, the city manager or his/her designee shall issue a notice of revocation or denial notifying the residential licensee of the city's intent to revoke or deny. The notice shall be sent certified mail, return receipt requested, to the last known address for the residential rental licensee. Within ten (10) calendar days from the date of mailing of said notice, the license shall be automatically denied, revoked or nonrenewable, unless the residential rental licensee files with the city manager a written statement setting forth the grounds for an appeal. Upon the filing of such written statement, the city manager shall schedule and conduct a hearing before the city commission within thirty (30) days from the date the written statement was filed. The residential rental licensee shall be given notice of the hearing by certified mail, return receipt requested, and shall have the opportunity to present evidence, cross examine witnesses and be represented by counsel. The city shall have the burden of proof by a preponderance of the evidence presented at the hearing. Within ten (10) calendar days of the hearing, the city manager shall file a written decision to the residential rental licensee, containing the facts and conclusions of the legal basis for the decision. The decision shall become final within thirty (30) days of the date the city manager notifies the residential rental licensee unless the licensee files a petition for writ of certiorari in the Circuit Court for St. Johns County. The pendency of judicial review shall automatically stay the revocation until review has been exhausted unless the city obtains an order of the court lifting such stay. Any such residential rental licensee who has had a business tax receipt revoked or denied under this section or other city codes shall not be eligible to submit an initial or renewal application in the city until one (1) year has expired from the date the business tax receipt was revoked or denied by the city or, if an appeal is taken while the business continues in operation, until one (1) year from the later of the date of the last decision or order affirming the revocation or denial or the date the business ceases operations in compliance with the decision or order.

I. Fee schedule.

Business Tax Receipt: $28.75. (payable at the City Manager's Office)
Application Fee: $96.25 (payable at the Building and Zoning Department)
Initial inspection: $40.00 (includes a follow up inspection if required, if 3 or more violations exist at the time of the follow up inspection an additional $50 shall be made for any required inspection) (payable at the Building and Zoning Department)
PERMITS

105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Activities:

<table>
<thead>
<tr>
<th>Ordinance Id</th>
<th>Activity Type</th>
<th>Inspector</th>
<th>Date</th>
<th>Start Time</th>
<th>End Time</th>
<th>Status</th>
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<tbody>
<tr>
<td>LDR 3.09</td>
<td>SENT LETTER</td>
<td></td>
<td>07/30/19</td>
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<tr>
<td>6.07.06</td>
<td>SENT LETTER</td>
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<td>07/30/19</td>
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<td>FBC 105.1</td>
<td>SENT LETTER</td>
<td></td>
<td>07/30/19</td>
<td></td>
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</tbody>
</table>

Notes:

- 05/20/20 Notice to appear emailed 5-20-20.
- 05/19/20 Notice to appear sent on 5-18-2020 and hand delivered, see attached.
- 05/06/20 Ms. Johnson called and left a voicemail on 5-5-20, to say that she is planning on applying for a permit on Monday May 11th. In the message, she stated she was having trouble finding an architect to design the deck.
- 05/04/20 Certified mail sent 5-1-20
  Letter, hand delivered on 5-4-20.
  Ms. Johnson was at the home when I delivered the letter. She told me that rather going to the post office to pick up the letter, she would just sign for it in person.
  See attached.
- 04/22/20 HAND DELIVERED & MAILED CERTIFIED MAIL CITATION TO APPEAR, SEE ATTACHED.
WHILE I WAS DELIVERING THE LETTER, I SAW SOME REMOVED SIDING, AND A REMOVED WINDOW. SEE ATTACHED PICTURES. --JT

04/16/20  04/16/20  FINAL INSPECTION FOR ROOF PERMIT WAS APPROVED BY GLENN BROWN ON 4-15-2020 (SEE ATTACHED CERTIFICATE OF COMPLETION)

04/02/20  04/02/20  Certified Mail signature card received on 4-1-20. Signed by Crystal. See attached.

03/26/20  03/26/20  Certified Mail and a Hand Delivered letter were sent to Ms. Johnson regarding the code enforcement board meeting on 3/26/20. The letter and a photo of it being hand delivered to her residence are attached.

03/16/20  03/16/20  Spoke with Ms. Johnson this am relative to the circumstances of events that surround her code enforcement case. There were excuses presented by Ms. Johnson concerning the compliance issue but no resolution was given. We reaffirmed the next code enforcement meeting (3/25 @ 1400hrs) in order to discuss the matter(s) pending. I advised Ms. Johnson to attend the meeting.

A certified mailing was issued prior on 3/10 to Ms. Johnson @ her private address. A separate reg mailing was issued on 3/16 and a copy of that doc (notice to appear) was also emailed accordingly.

03/10/20  03/10/20  Certified mail sent relative to Citation to Appear for 3/25 to follow-up on non-compliance.

02/10/20  02/10/20  Staff notified the code enforcement officer this morn that Ms. Johnson inquired about permitting friday of last week. The staff advised Ms. Johnson of the pending code enforcement action against her and further stated that she contact this office. As of 0340 hrs this date, no contact has been made.

02/10/20  02/10/20  Certified mail dated 12/18 was returned by the USPS as undelivered. Last service attempt was 1/16/2020. Certified mail # 70118 1130 0002 0083 2918.

01/29/20  01/29/20  As of this date, no communication has been rec'd from Ms Johnson. Multiple letters have been issued concerning the scenario(s).

01/22/20  01/22/20  Contact Info for the contractor that Ms. Johnson hired:
Richard Sean Construction @ 352 639-1060

01/22/20  01/22/20  Spoke with the contractor, Richard Fulmer on 1/21 relative to pulling permits on the deck. He advised that a building permit would be acquired. This is the second request. Also requested was info pertaining to the re-roof. Mr. Fulmer also stated that this project has a current estimate for the roof and the roofer (unk) was to pull their own permit. No action has occurred.

As of this date there has been no communication with the property owner (Liv Johnson) to answer for the code enforcement action. The penalty phase sanctioned by the code board went into effect midnight 1/19 @ 250.00/day for non-compliance to violations of the SAB Building Code.

12/19/19  12/19/19  LETTER HAND DELIVERED ON 12-19-19 AT 245PM, LEFT IN DOOR. -JT (SEE ATTACHED PHOTO)

12/17/19  12/17/19  As of this date, no communication has commenced relative to compliance of this scenario concerning the building violations.

Ms. Johnson further has ignored a correction her conditional use permit relative to the multi-use property @ the stated address. Bonnie Miller (Building Dept Admin Sec) offered assistance to Ms. Johnson in weeks past relative to applying for a revision through the PZB. Ms. Johnson never responded.
12/02/19 12/02/19 Ms. Johnson contacted this office at 0830hrs to relay info concerning needed repairs relative to code enforcement case. Ms. Johnson advised that a contractor was being hired to complete all issues. Permits are pending TBA. If permits are not acquired prior to the Dec board meeting, a notice to appear will be issued.

10/29/19 10/29/19 Certified mail notice sent this date

08/26/19 08/26/19 Second notice sent this date. Regular mail.

08/26/19 12/17/19 Certified letter issued Aug 1st returned.

* Multiple Use Types
Date: April 30, 2020

To: Debra L. Johnson  
720 A1A Beach Blvd  
St. Augustine Beach, Fl 32080-0000

Re: Notice of findings and subsequent order imposed by the St. Augustine Beach Code Enforcement Board regarding non-compliance to that code enforcement case pertaining to building violations located at: #720 A1A Beach Blvd, St. Augustine Beach, FL.

Dear Property Owner,

The SAB Code Enforcement Board convened on 04/29/2020 in reference to a standing code enforcement case against you relative to unpermitted work (FBC Section 105) and those building violations specific to the stairway, deck landing and roof covering (IPMC Sec 304).

The following is a summary of the Code Enforcement Board’s orders to which requires your full compliance:

Mr. Sweeny (Vice Chair) made the motion to table the discussion of fines until the next meeting on May 27th, 2020. The motion was seconded by Mr. Pritchett which passed 6-0 by a unanimous voice vote.

Mr. Schneider (Board member) made a motion to allow Ms. Johnson 45 days from today, April 29, 2020 to obtain a permit and repair or remove the window on the north east side of her property which has been covered. Mr. Sweeny seconded the motion which passed 6-0 by unanimous voice-vote.

Our goal is to enforce the codes and ordinances of the City and protect the health, safety and welfare of the citizens of St. Augustine Beach and accordingly, your cooperation regarding this manner is greatly appreciated. Our office will assist you as needed. Please contact the Building
Department Monday-Friday from 8:00 a.m. to 5:00 p.m. at (904)-471-8758 if you have any questions regarding this correspondence.

Sincerely,

**Jennifer Thompson**

Jennifer Thompson  
Code Enforcement Officer  
Building & Zoning Department/Code Enforcement  
City of St. Augustine Beach, Florida  
jthompson@cityofsab.org

cc;  Mr. Brian Law, Building Official  
Ms. Lacey Pierotti, Code Enforcement Board Secretary  
Mr. Lex Taylor, City Attorney & Ms. Linda Campbell, City Attorney  
File
COMPLETE SECTION ON DELIVERY

1. Article Addressed to:

Debra L. Johnson
701 A Beach Blvd
Augustine Beach, FL 32080

2. 4
   7015 0640 0003 1870 5589

A. Signature
B. Received by (Printed Name)
C. Date of Delivery
D. Is delivery address different from Item 1?  
   Yes  No

3. Service Type
   Certified Mail®  Priority Mail Express™
   Registered  Return Receipt for Merchandise
   Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, July 2013
Domestic Return Receipt
TO: Debra L. Johnson 720 A1A Beach Blvd, Saint Augustine, FL 32080

FROM: Jennifer Thompson, Code Enforcement Officer, City of St. Augustine Beach

SUBJECT: Notice to Appear / Certified Mail 7015-0640-0003-1370-5657

DATE: May 18, 2020

This document is a citation to appear before the St. Augustine Beach Code Enforcement Board relative to your failure to obtain permits for exterior construction of a second story deck.

This correspondence, which will serve as your “Official Notice” and requests your appearance before the Code Enforcement Board to answer any allegations against you.

**Date and Time of Code Enforcement Board Meeting:**

**Time of Hearing: 2:00 PM**

**Location of Hearing:** 2200 A1A South
Saint Augustine Beach, FL 32080

**Wednesday May 27, 2020**

Our goal is to enforce the codes and ordinances of the City and to protect the health, safety, and welfare of the citizens of St. Augustine Beach and accordingly, your cooperation regarding this matter is greatly appreciated. Please contact me Monday – Friday from 8:00 a.m. to 5:00 p.m. at (904) 471-8758 if you have any questions regarding this correspondence.

Sincerely,

Jennifer Thompson

Code Enforcement Officer
jthompson@cityofsab.org

2200 A1A South, St. Augustine Beach, FL 32080 Phone # (904) 471-8758 www.staughbc.com/building
Hello Liv,

This is a reminder that we will have a Code Enforcement Board meeting on Wednesday 5-27-2020 at 2 p.m.

Please see attached Notice to Appear.

Best Regards,

Jennifer Thompson
Code Enforcement Officer
City of St. Augustine Beach
2200 A1A S
St. Augustine Beach, FL 32080
904-471-8758
<table>
<thead>
<tr>
<th>Name</th>
<th>Hours</th>
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<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Brian</td>
<td>0.5</td>
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<tr>
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</tr>
<tr>
<td>Glenn</td>
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</table>

***Includes Hourly Rate & Benefits***

<table>
<thead>
<tr>
<th>Meeting</th>
<th>Minutes</th>
<th>Agenda &amp; Books</th>
<th>Legal Ad</th>
<th>Correspondence</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>December</td>
<td>Jen-1 hr</td>
<td>Bonnie-1 hr</td>
<td>$100</td>
<td>Bill-2 hrs</td>
<td>277.4</td>
</tr>
<tr>
<td>March</td>
<td>Jen-1 hr</td>
<td>Lacey-4 hr</td>
<td>$100</td>
<td>Jen-1 hr</td>
<td>416.19</td>
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<tr>
<td>April</td>
<td>Jen-1 hr</td>
<td>Lacey-1 hr</td>
<td>$100</td>
<td>Jen-1 hr</td>
<td>310.25</td>
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<tr>
<td>May</td>
<td>Jen-1 hr</td>
<td>Lacey-1 hr</td>
<td>$100</td>
<td>Jen-1 hr</td>
<td>530.25</td>
</tr>
</tbody>
</table>

**Total (To date):** 1534.09
Pending Fines for: 720 A1A Beach Blvd. / Debra Johnson (Owner)

March 25th, 2020 Code Enforcement Board Meeting:

**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, seconded by Mr. Sweeny, passed 5-1 by the Board by voice vote.**

**Roof:**

30 days from December 18th, 2019 is January 17th, 2020 (fines begin).

Final inspection for Permit P200816 performed & passed on April 15th, 2020

January 17th to April 15th is 89 days.

$250 x 89 = $22,250.00 (Total Fines for Roof)

**Stairs & Landing:**

April 16, 2020 to May 27, 2020 is 41 days.

41 x $250 = $10,250.00 (current fines for stairs and landing)

**Window:**

Fines to begin 45 days from April 29, 2020 which is Saturday, June 13th.

Total for roof, stairs, and landing (as of 5-27-20): $32,500