

## PROPOSED FINDINGS<sup>1</sup>

1. WHEREAS, the Florida School for the Deaf and the Blind (FSDB) is a statewide agency with responsibilities and Mission under s. 1002.36, Fla. Stat., to “provide free appropriate public education for eligible sensory-impaired students of Florida,” and to “strive to provide students an opportunity to access education services in a caring, safe, unique learning environment”; and
2. WHEREAS, the FSDB acquired the Collins House on Nelmar Avenue in 1969, and has used it for residence and other uses since; and
3. WHEREAS, the March 13, 2010 FSDB Board of Trustees minutes state that the Board approved a motion to budget \$1.38 million to renovate the Collins House to remain residential; and
4. WHEREAS, the FSDB did so renovate, and has begun housing students, as before, in the Collins House; and
5. WHEREAS, various activities, statements, and incidents in the area of the alley adjacent to the Collins House show to the reasonable satisfaction and determination of the FSDB Board of Trustees that it must ensure better delineation of the boundary between the Collins House property and the adjacent public alleyway; and
6. WHEREAS, delineation of the boundary between public and school property is consistent with Crime Prevention Through Environmental Design (CPTED) standards, applicable to the FSDB; and
7. WHEREAS, maintenance of property adjacent to school facilities is consistent with CPTED, but FSDB has no maintenance control over the alleyway adjacent to the Collins House; and
8. WHEREAS, members of the public appear to be unaware that the alleyway adjacent to the Collins House is within the police jurisdiction of the FSDB, under both agreement between the FSDB and City of St. Augustine Police Department and the 500-foot Florida School Safety Zone under s. 810.0975, Fla. Stat.; and
9. WHEREAS, FSDB has been incurring substantial cost in maintaining extra campus police patrol in the vicinity since increased activities were noted and recorded; and

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<sup>1</sup> S. 120.525(c), Fla. Stat., requires “The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. The agency findings of immediate danger, necessity and procedural fairness shall be judicially reviewable.”

10. WHEREAS, the most limited reasonable CPTED action under these circumstances is to fence the Collins House lot line adjacent to the alleyway and eastward to the eastern boundary of the Collins House property at the Mean High Water Line of the Hospital or Comanche Creek; and

11. WHEREAS, while the FSDB staff could fence the parcel without Board direction pursuant to s. 28-331, St. Augustine Code, staff brought the issue to the Board in recognition of the pending Chapter 164, Fla. Stat., mediation process brought due to code enforcement challenge brought by the City of St. Augustine regarding the Collins House; and

12. WHEREAS, the Board recognizes that settlement negotiations include the disposition of that alleyway; and

13. WHEREAS, the Board recognizes that the City Commission of the City of St. Augustine heard but took no action on the Chapter 164 mediation settlement proposal before the Commission in the evening of January 23, 2012; and

14. WHEREAS, the alleyway security issue remains uncertain pending the Board meeting of February 10, 2012; and

15. WHEREAS, the Board concludes the foregoing shows immediate danger to the public health, safety and welfare, and necessity consistent with s. 120.525(3), Fla. Stat., to direct staff to fence consistent with s. 28-331, St. Augustine Code; and

16. WHEREAS, the FSDB posted notice on its website and in the ordinary place of posting at Moore Hall, of this meeting on January 24, 2012, notified the media and on that date ordered a newspaper advertisement in the *St. Augustine Record*, a newspaper of general circulation in the area of the FSDB; and

17. WHEREAS, the Board finds the notice provided was procedurally fair; and

18. WHEREAS, the Board finds that a public meeting with public comment on this date is additionally procedurally fair and

19. WHEREAS, the Board finds that it is taking only that action necessary to protect the public interest under the emergency procedure as required by s. 120.525(3)(c), Fla. Stat.