



AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
AUGUST 2, 2018
5:30 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF A QUORUM**
- 2. APPROVAL OF MINUTES**
 - 2.1 *Approval of the July 5, 2018 meeting minutes.*
- 3. OLD BUSINESS**
 - 3.1 **LISA JONES, JACK & DIANE'S, 708 CENTRE STREET, CASES 10-00035 AND 10-00073.** *Property owner requests a reduction of fines.*
 - 3.2 **JAMES P. RANKOSKY, 613 FIR STREET, CASE 16-00001.** *Respondent requests a reduction of fines imposed.*
- 4. NEW BUSINESS**
- 5. BOARD BUSINESS**
 - 5.1 *Board Reappointment - Carlton "Buddy" Boyd*
- 6. ADJOURNMENT**

Quasi-Judicial – Denotes that the item must be conducted as a Quasi -Judicial hearing in accordance with City Commission established procedure and Florida Statutes.

All members of the public are invited to be present and be heard. Non -English speaking individuals may request a language or sign interpreter at least ten (10) working days prior to this meeting. Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310 - 3115 or TTY/TDD 711 (for the hearing or speech impaired).

For information regarding this matter, please contact the Community Development Department (904) 310-3135. If any person decides to appeal any decision made by the Code Enforcement & Appeals Board with respect to any matter considered at such meeting he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

1. Call to Order/ Roll Call/Determination of Quorum – The meeting was called to order at 5:31 pm.

Council Members Present

Adam Kaufman
Marlene Chapman
Christine Harmon (Alt #1)

Henry Byrd
Gail Schults

Council Members Absent

Chair Buddy Boyd
Vice Chair Scott Steffen

Cynthia Crow

Others Present

Tammi Bach, City Attorney
Michelle Forstrom, Code Enforcement Manager

George Wells, Code Enforcement Officer
Katie Newton, Recording Secretary

City Attorney Tammi Bach called the meeting to order and explained the need to nominate a chair as both the chair and vice chair were absent. Member Byrd, seconded by Member Shults, nominated Member Kaufman to be acting chair. By voice vote, all were in favor, and Member Kaufman was seated as chair. Member Harmon was seated as a voting member.

2. Approval of Minutes – According to the agenda support documents, the Minutes for the June 7, 2018, Regular Hearing were presented for approval. **A motion was made by Member Chapman, seconded by Member Byrd, to approve the Minutes. Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

Chair Kaufman asked for any changes regarding the agenda. Ms. Forstrom stated that item 4.3 was removed to give the property owner an extension; and requested that Board Business be moved immediately after Old Business, so that an update could be provided to the Board regarding the property located at 818 San Fernando Street.

3. Old Business

3.1 LISA JONES, JACK & DIANE'S, 708 CENTRE STREET, CASES 10-00035 AND 10-00073.

Property owner requests a reduction of fines.

Ms. Lisa Jones, property owner, asked the Board for a reduction of fines that accrued from violations occurring in 2010. Ms. Forstrom provided background for the cases. Ms. Jones put up signs without permits and in violation of the sign ordinance. The matter was brought to the Board in April 2010, and the property was found in violation. The property was brought back as a repeat violation in August and was again found in violation. The case took much of the Board's time 7 years ago. The property is now in compliance, when she went to remodel a title search was done and found the outstanding lien.

Chair Kaufman asked if any payments had been made in the past 7.5 years. Ms. Forstrom stated there hadn't been, and requested that if the Board reduce fines, not to waive them entirely.

Member Byrd stated that he remembered a banner and Chair Kaufman added that there were several signs, including a neon one. The case took much of the Board's time, and this property is very visible on Centre Street. Member Byrd stated he is not opposed to reducing fines, but would support Ms. Forstrom's suggestion. Chair Kaufman recalled that the property owner was recalcitrant, and there was a series of issues.

The total fines owed are \$9,817.27 including administrative fees. The Board discussed whether that included interest and it did not. After seven years, interest around 10% annually is probably close to \$7,000 additional.

Member Shults asked Ms. Jones why she kept putting up signs when she knew they were illegal. Ms. Jones replied that she was working through the permitting process and it took a while for everyone to get on the same page. She was notified of the fines via the findings of facts in April and August 2010. She got a notice of violation/notice of hearing before each hearing. Ms. Jones said she couldn't remember.

Member Chapman asked why Ms. Jones had not made any payments in the time since the violation. Ms. Jones said she didn't know about them until a few weeks ago. Member Chapman stated that Ms. Jones knew the fines were accruing. Ms. Jones produced a letter dated September 2010 that stated that there was a check for fines for the Code Enforcement Board. Ms. Forstrom stated that there was no record of the payment being made. Chair Kaufman read the letter to the Board. It had no mention of the case numbers and Ms. Forstrom stated there was no record of any payment being made, that Jack & Diane's had several cases, and asked Ms. Jones if she had a record of the check clearing.

Chair Kaufman stated that he was struggling with the fact that after 7.5 years, no payments made, and at this point the amount is probably double. Member Byrd asked if the Board was interested in reducing the fines. Member Harmon asked what the point of imposing fines was if they can be thrown out later; either the fine schedule is real and valid, or it isn't. Chair Kaufman stated that usually, if the property is up for sale and the liens are very high, the Board chooses to reduce the fines because if it is in the best interest of the property and City. In this case, the members of the Board don't see that benefit.

A motion was made by Member Chapman, seconded by Member Harmon, to collect fines of \$9,817.22 as the total amount of fines owed, and to waive all interest accrued. Vote upon passage of the motion was taken by ayes and nays, and being 4-1, passed. Member Shults voted nay.

Ms. Jones stated there was no way she could pay that amount. City Attorney Bach explained that it is a lien on the property and that if there is a mortgage or sale on the property, it must be paid to be released. She also advised that if she could provide proof through bank records that a check of \$787 was paid to the City, it would be credited to the balance owed.

5. Board Business (ORDER CHANGED)

Code Enforcement Manager invited Ms. Larissa Kwiatkowski and Ms. Alicia Watson to provide an update on the property at 818 San Fernando, which had been heard as old business at the June 2018 meeting. Ms. Kwiatkowski distributed a letter from the potential buyer explaining the reason why they backed out of the sale.

Ms. Forstrom stated that she went by the property today and that it looked good.

Ms. Watson explained the actions she and her family had taken to get the property in compliance. They have a real estate agent and are getting ready to put the property on the market. They had cleaned up the yard, removed the fence, and wanted to know from the Board what else needed to get done to put the property in compliance. They needed to coordinate with the other owners to get the money from the other shares.

Ms. Kwiatkowski asked about the options for replacing the windows. Ms. Forstrom stated that any replacement would require Historic District Council approval.

They also asked about the roof, and whether they needed to go through approvals for replacement or if they could just repair the part that needs fixing. Ms. Forstrom advised them to fix the leaks and stabilize it. A tarp is not appropriate. Ms. Forstrom suggested boarding up the windows from the outside to keep moisture out and avoid deterioration.

A motion was made by Member Byrd, seconded by Member Chapman, to continue to hold the fines in abeyance while the house is on the market. Vote upon passage of the motion was taken voice, and being all ayes, passed.

4. New Business (ORDER CHANGED)

City Attorney Bach described the quasi-judicial procedures and Ms. Newton swore in witnesses.

4.1 MATHEW SMITH, 731 N. FLETCHER AVENUE, CASE 18-00078.

Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Violation(s) of the City of Fernandina Beach Land Development Code exist: 7.01.05 Specific Parking Restrictions For Commercial Vehicles, Recreational Vehicles, Boats, and Trailers. *Requesting Board determination of the case.*

Chair Kaufman read the case. George Wells presented the case for the City and admitted evidence into the record. On a proactive sweep May 21, he saw the boat trailer in the front yard and spoke with the owner about the violation. Several visitations later the boat was still in front and send a notice of violation.

Chair Kaufman asked the Board for discussion, then asked whether this property owner was seasonal or lived in the City year-round. Mr. Wells replied that the owner lived there year round, but he thought the boat might be a recent purchase.

A motion was made by Member Chapman, seconded by Member Harmon, to find the property in violation of Land Development Code 7.01.05. Vote upon passage of the motion was taken by ayes and nays, and being 4-1, passed. Member Byrd voted nay.

A motion was made by Member Chapman, seconded by Member Schults, to assess all administrative fees; and fines of \$25.00 per day beginning July 15, 2018, if not in compliance. Vote upon passage of the motion was taken by ayes and nays, and being 4-1, passed. Member Byrd voted nay.

4.2 LEONIA M. TYLER, 1014 S. 10TH STREET, CASE 18-00066.

Violation(s) of the City of Fernandina Beach Code of Ordinances exist: 42-173 Wrecked or Inoperable Motor Vehicles on Private Property Declared a Nuisance and Prohibited. *Requesting Board determination of the case*

Chair Kaufman read the read. Mr. Wells presented the case for the City and admitted evidence into the record. On a proactive sweep on April 26, he saw two inoperable vehicles; since that time, one has been removed since. The van is still there. He spoke to the owner of the property this afternoon, and she was unable to attend the meeting and stated she was going to address it. Mr. Wells recommended a fine of \$25.00 per day, normally would give an extension, but by that conversation he was not sure she would handle it in the next 10 days.

Member Byrd asked what year the tag was for – it was 2014. Chair Kaufman asked if 10 days' notice before fines were sufficient, and Mr. Wells thinks she might come into compliance with the threat of fines.

Chair Kaufman asked whether information was given to these owners about donations of vehicles. Mr. Wells stated that they do distribute that information.

A motion was made by Member Chapman, seconded by Member Byrd, to find the property in violation Code of Ordinances Section 42-173. Vote upon passage of the motion was taken by ayes and nays, and being all ayes, passed.

A motion was made by Member Chapman, seconded by Member Byrd, to assess all administrative fees; and fines of \$25.00 per day beginning July 15, 2018, if not in compliance. Vote upon passage of the motion was taken by ayes and nays, and being all ayes, passed.

4.3 TERESA A. VAN GOIDTSNOVEN, 1214 BEECH STREET, CASE 18-00074.

Violation(s) of the City of Fernandina Beach Code of Ordinance exist: 42-1116(a) Cleaning of Lots, Maintenance of Structures. *Requesting Board determination of the case.*

Extension given.

Chair Kaufman asked for any other business. Ms. Forstrom stated that there was still one alternate opening.

6. Adjournment - There being no further business to come before the Code Enforcement and Appeals Board, the meeting was adjourned at 6: p.m.



City of Fernandina Beach

CODE ENFORCEMENT



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: August 5, 2010
Case Number: 10-00073

IN THE MATTER OF: Respondent Name: Lisa Jones
Jack & Diane's
Respondent Address: 708 Centre Street, Fernandina Beach, FL 32034

City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
Attn: City Clerk's Office



This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on August 5, 2010 a violation hearing having been held, and the Board having heard, under oath, the testimony of the respective parties not present and the evidence presented, the respondent having not appeared, does hereby make the following finding of facts, and conclusions of law therefore imposing the following order and penalty:

SECTION 1 FINDINGS OF FACT

1. The Respondent was properly served notice of these proceedings as required by law on June 8, 2010, and she was not present at the hearing.
2. The real property on which the alleged violation occurred is located at 708 Centre Street, Fernandina Beach, FL and a brief legal description being **BLOCK 42 E26' OF LOT 1 & W12.5' OF LOT 8 IN OR 1569/1904, Fernandina Beach, FL.**
3. The Respondent is the owner of record of the aforementioned real property.
4. The Respondent is charged with three (3) banners that have been put up without a certificate of Appropriateness from the Historic District Council and without any sign permits issued after the Code Enforcement & Appeals Board ordered them down permanently.
5. Chapters 5.03.03 (A) Sign Permits Required;
5.03.03 Sign Permits Required
A. It shall be unlawful for any person to erect, construct, alter, or relocate any sign within the City without having first obtained a permit as provided in this section:
 1. The work necessary to construct, install, erect, illuminate, paint, or modify signage within the City shall comply with the requirements set forth in this section;
 2. Work which may be performed by a property owner or lessee:
 - a. Painting the face of any freestanding or wall sign; and
 - b. Erection of any temporary sign permissible as set forth in this LDC.
 3. Work which shall be performed by a sign contractor, general contractor, or building contractor licensed with the City to perform such work:

- a. Construction, installation, erection, or electrical connection of any sign that is internally illuminated;
- b. Construction, installation, or erection of any freestanding sign over six (6) feet in height, requiring wind load calculations;
- c. Construction, installation, or erection of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway; and
- d. Construction, installation, or erection of any projecting sign as set forth in this LDC.

5.03.10 (C) Permissible Permanent On-Site Signs;

5.03.10 Permissible Permanent On-Site Signs

C. The number and types of permanent on-site signs shall comply with the standards in Table 5.03.10(C).

Table 5.03.10 (C). Number and Types of Permanent On-Site Signs in Specified Non-Residential Zoning Districts.

Zoning District	Sign Type				
	Freestanding	Wall	Awning	Projecting	Sandwich Board or Sidewalk Sign
MU-1	1	1			1 per business
C-1	1	1			1 per business
C-2	1 per street frontage	1	1	1	1 per business
C-3	1 per street frontage, except within the Historic District; see Section 5.03.11	1 except within the Historic District; see Section 5.03.11	1	1	1 per business except within the Historic District; see Section 5.03.11
I-1	2	1	1	1	1 per business
I-A	2	1	1	1	1 per business
PI-1	1 per street frontage	1	1	1	1 per business

And 5.03.11 (A, F, G) Specific Provisions for Signs within the Historic District of the City of Fernandina Beach Land Development Code.

5.03.11 Specific Provisions for Signs within the Historic Districts

In an effort to protect the Historic District designations within the City of Fernandina Beach, the specific provisions in this article shall take precedence where conflicts arise in this sign code.

- A. One (1) permanent on- site (principal use) sign per business, is permissible, limited to projecting or wall signs, and subject to the following standards:
 1. Signs shall display only the identification or logo symbol of the business or a product sold therein and one (1) tag line or descriptive statement;
 2. Signs shall not project more than five (5) feet from the face of the building;
 3. Projecting signs may project over sidewalk or pedestrian areas only at no less than seven and one half (7 ½) feet above sidewalk level;
 4. The top of a projecting sign shall be not more than sixteen (16) feet above the sidewalk level;
 5. A projecting sign shall not be closer than two (2) feet to a vertical line extending upward from the curb;
 6. A projecting sign shall not exceed twelve (12) square feet (ft²) in area.
 7. A wall sign shall not exceed twelve (12) square feet (ft²) in area and may be placed on glassed areas;
 8. When a business is so located that the business has more than one principal public entrance, a second permanent on- site (principal use) sign is permissible, subject to the following:
 - a. The secondary sign will be limited to projecting or wall signs.
 - b. No secondary sign shall exceed six square feet (6 ft²) in area.

- c. Under no circumstances will there be allowed more than three (3) secondary signs at any one location.
 - F. All signs shall utilize materials which were generally available in commerce during or prior to 1914, or such materials as are available today to replicate as closely as possible the appearance of materials in general commercial use during or prior to 1914.
 - G. All signs affixed to private property, whether temporary or permanent, shall require a certificate of appropriateness and the approval of the Historic District Council, except for exempt signs, public directional signs, and street number signs.
6. Upon re-inspection on August 5, 2010, the code compliance officer found that this property was no longer in violation.
 7. Pursuant to Chapters 5.03.03 (A); 5.03.10 (C); AND 5.03.11 (A, F, G) of the City of Fernandina Beach Land Development Code, the respondent was in repeat violation.

SECTION 2

CONCLUSION OF LAW

1. Based on the foregoing findings of fact, a motion was made by Board Member Miranda and seconded by Board Member Desilet to find the Respondent in repeat violation of the City of Fernandina Beach Land Development Code, Chapters 5.03.03 (A) Sign Permits Required; 5.03.10 (C) Permissible Permanent On-Site Signs; 5.03.11 (A, F, G) Specific Provisions for Signs within the Historic District.

Board Member:	Aye	Nay
Member Crow	<u> X </u>	<u> </u>
Member Desilet	<u> X </u>	<u> </u>
Member Miranda	<u> X </u>	<u> </u>
Member Steffen	<u> X </u>	<u> </u>
Member Sturges	<u> X </u>	<u> </u>
Vice-Chair Boyd	<u> X </u>	<u> </u>
Chair Kaufman	<u> X </u>	<u> </u>
TOTAL:	<u> 7 </u>	<u> 0 </u>

The Motion is APPROVED.

SECTION 3

IMPOSITION OF FINE & CERTIFICATION OF VOTE

1. Based on the foregoing findings of fact, a motion was made by Board Member Miranda and seconded by Board Member Desilet to fine the Respondent \$500.00 plus any administrative costs associated with this case.



City of Fernandina Beach

CODE ENFORCEMENT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: April 1, 2010
Case Number: 10-00035

IN THE MATTER OF: Respondent Name: Lisa Jones
Jack & Diane's
Respondent Address: 708 Centre Street, Fernandina Beach, FL 32034

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on April 1, 2010 a violation hearing having been held, and the Board having heard, under oath, the testimony of the respective parties not present and the evidence presented, the respondent having not appeared, does hereby make the following finding of facts, and conclusions of law therefore imposing the following order and penalty:

SECTION 1 FINDINGS OF FACT

1. The Respondent was properly served notice of these proceedings as required by law on March 11, 2010, and he was not resent at the hearing.
2. The real property on which the alleged violation occurred is located at 500 Front Street, Fernandina Beach, FL and a brief legal description being **BLOCK 42 E26' OF LOT 1 & W12.5' OF LOT 8 IN OR 1569/1904, Fernandina Beach, FL.**
3. The Respondent is the owner of record of the aforementioned real property.
4. The Respondent is charged with three (3) banners and two (2) signs that have been put up without a certificate of Appropriateness from the Historic District Council and without any sign permits issued.
5. Chapters 5.03.03 (A) Sign Permits Required;

5.03.03 Sign Permits Required

A. It shall be unlawful for any person to erect, construct, alter, or relocate any sign within the City without having first obtained a permit as provided in this section:

1. The work necessary to construct, install, erect, illuminate, paint, or modify signage within the City shall comply with the requirements set forth in this section;
2. Work which may be performed by a property owner or lessee:
 - a. Painting the face of any freestanding or wall sign; and
 - b. Erection of any temporary sign permissible as set forth in this LDC.
3. Work which shall be performed by a sign contractor, general contractor, or building contractor licensed with the City to perform such work:
 - a. Construction, installation, erection, or electrical connection of any sign that is internally illuminated;

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- b. Construction, installation, or erection of any freestanding sign over six (6) feet in height, requiring wind load calculations;
- c. Construction, installation, or erection of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway; and
- d. Construction, installation, or erection of any projecting sign as set forth in this LDC.

5.03.10 (C) Permissible Permanent On-Site Signs;

5.03.10 Permissible Permanent On-Site Signs

C. The number and types of permanent on-site signs shall comply with the standards in Table 5.03.10(C).

Table 5.03.10 (C). Number and Types of Permanent On-Site Signs in Specified Non-Residential Zoning Districts.

Zoning District	Sign Type				
	Freestanding	Wall	Awning	Projecting	Sandwich Board or Sidewalk Sign
MU-1	1	1			1 per business
C-1	1	1			1 per business
C-2	1 per street frontage	1	1	1	1 per business
C-3	1 per street frontage, except within the Historic District; see Section 5.03.11	1 except within the Historic District; see Section 5.03.11			1 per business except within the Historic District; see Section 5.03.11
I-1	2	1	1	1	1 per business
I-A	2	1	1	1	1 per business
PI-1	1 per street frontage	1	1	1	1 per business

And 5.03.11 (A, F, G) Specific Provisions for Signs within the Historic District of the City of Fernandina Beach Land Development Code.

5.03.11 Specific Provisions for Signs within the Historic Districts

In an effort to protect the Historic District designations within the City of Fernandina Beach, the specific provisions in this article shall take precedence where conflicts arise in this sign code.

- A. One (1) permanent on- site (principal use) sign per business, is permissible, limited to projecting or wall signs, and subject to the following standards:
 1. Signs shall display only the identification or logo symbol of the business or a product sold therein and one (1) tag line or descriptive statement;
 2. Signs shall not project more than five (5) feet from the face of the building;
 3. Projecting signs may project over sidewalk or pedestrian areas only at no less than seven and one half (7 ½) feet above sidewalk level;
 4. The top of a projecting sign shall be not more than sixteen (16) feet above the sidewalk level;
 5. A projecting sign shall not be closer than two (2) feet to a vertical line extending upward from the curb;
 6. A projecting sign shall not exceed twelve (12) square feet (ft²) in area.
 7. A wall sign shall not exceed twelve (12) square feet (ft²) in area and may be placed on glassed areas;
 8. When a business is so located that the business has more than one principal public entrance, a second permanent on- site (principal use) sign is permissible, subject to the following:
 - a. The secondary sign will be limited to projecting or wall signs.
 - b. No secondary sign shall exceed six square feet (6 ft²) in area.
 - c. Under no circumstances will there be allowed more than three (3) secondary signs at any one location.

- F. All signs shall utilize materials which were generally available in commerce during or prior to 1914, or such materials as are available today to replicate as closely as possible the appearance of materials in general commercial use during or prior to 1914.
- G. All signs affixed to private property, whether temporary or permanent, shall require a certificate of appropriateness and the approval of the Historic District Council, except for exempt signs, public directional signs, and street number signs.

6. Upon re-inspection on April 1, 2010, the code compliance officer found that this property was in violation.
7. Pursuant to Chapters 5.03.03 (A); 5.03.10 (C); AND 5.03.11 (A, F, G) of the City of Fernandina Beach Land Development Code, the respondent is in continued violation.

SECTION 2
CONCLUSION OF LA. IMPOSITION OF FINE, AND CERTIFICATION OF VOTE

1. Based on the foregoing findings of fact, a motion was made by Board Member Desilet and seconded by Board Member Watkins to find the Respondent in continued violation of the City of Fernandina Beach Land Development Code, Chapters 5.03.03 (A) Sign Permits Required; 5.03.10 (C) Permissible Permanent On-Site Signs; 5.03.11 (A, F, G) Specific Provisions for Signs within the Historic District; and that the Board assess a fine of \$50.00 per day beginning at the close of business April 5, 2010 until the permanent business signage is brought into compliance; and that all administrative fees are collected.

Board Member:	Aye	Nay
Member Crow	<u> X </u>	<u> </u>
Member Desilet	<u> X </u>	<u> </u>
Member Steffen	<u> X </u>	<u> </u>
Member Sturges	<u> X </u>	<u> </u>
Member Watkins	<u> X </u>	<u> </u>
Vice-Chair Boyd	<u> X </u>	<u> </u>
Chair Kaufman	<u> X </u>	<u> </u>
TOTAL:	<u> 7 </u>	<u> 0 </u>

The Motion is APPROVED.

2. Based on the foregoing findings of fact, a motion was made by Board Member Desilet and seconded by Board Member Watkins to find the Respondent in continued violation of the City of Fernandina Beach Land Development Code, Chapters 5.03.03 (A) Sign Permits Required; 5.03.10 (C) Permissible Permanent On-Site Signs; 5.03.11 (A, F, G) Specific Provisions for Signs within the Historic District; and to institute a fine of \$200.00 per day beginning at the close of business April 5, 2010 until the banner signs are removed; and to collect any administrative fees incurred.

3. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondent if fines are not paid within thirty (30) days. Upon Respondent's compliance with this Order, an Order Acknowledging Compliance shall be recorded in the public records.

Board Member:	Aye	Nay
Member Crow	<u>X</u>	<u></u>
Member Desilet	<u>X</u>	<u></u>
Member Steffen	<u>X</u>	<u></u>
Member Sturges	<u>X</u>	<u></u>
Member Watkins	<u>X</u>	<u></u>
Vice-Chair Boyd	<u>X</u>	<u></u>
Chair Kaufman	<u>X</u>	<u></u>
TOTAL:	<u>7</u>	<u>0</u>

The Motion is APPROVED.

SECTION 3 **CERTIFICATION OF SERVICE**

Done and ordered April 1, 2010 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing

By: _____
Chairman

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 5th day of April, 2010, by Adam Kaufman who is personally known by me.

(Print, Type or Stamp Name and Address)
 Notary Public, State of Florida
 Commission Expires Nov. 12, 2012
 Commission No. DD 837194

Angelika L. L. L.
Notary Signature

I HEREBY CERTIFY that a copy of the foregoing order was mailed via Certified Mail # 7007-3020-0002-0133-7582, to the violator at the address stated above on April 5, 2010.


Code Compliance Officer

*Florida Statute 162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.



**FINES AND FEES INCURRED FROM
708 CENTRE STREET
AS OF 07/05/18**

<u>DATES</u>	<u># OF DAYS</u>	<u>FINE PER DAY</u>	<u>TOTAL</u>
APRIL 5 THROUGH APRIL 30, 2010	26	\$50.00	\$1,300.00
JUNE, 2010	30	\$50.00	\$1,500.00
JULY, 2010	31	\$50.00	\$1,550.00
AUGUST, 2010	31	\$50.00	\$1,550.00
AUGUST 5, 2010 (BANNER UP-REPEAT - JUNE 15, 2010)	1	\$500.00	\$500.00
SEPTEMBER, 2010	30	\$50.00	\$1,500.00
OCTOBER, 2010	31	\$50.00	\$1,550.00

TOTAL FINES **\$9,450.00**

TOTAL FEES **\$367.27**

GRAND TOTAL DUE AS OF JULY 5, 2018 **\$9,817.27**



CITY OF FERNANDINA BEACH

Code Enforcement Department

Michelle D. Forstrom

Code Enforcement Manager

**ADMINISTRATIVE FEES INCURRED FROM
708 CENTRE STREET
AS OF 7/5/18**

	# OF UNITS OR HOURS	RATE PER HOUR	TOTAL
<u>STAFF PERSONNEL</u>			
Michelle Forstrom, Code Compliance Officer	10	\$15.07	\$150.70
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	4	\$35.50	\$142.00
Certified letters mailed	6	\$5.32	\$31.92
Certified letters mailed	4	\$5.54	\$22.16
Certified letters mailed	3	\$5.71	\$17.13
First Class letters mailed	8	\$0.42	\$3.36
TOTAL			\$367.27

Lisa Jones
708 Centre St
Fernandina Beach, FL 32034

July 16, 2018

Tammi Bach
204 Ash St.
Fernandina Beach, FL 32034

Dear Mrs. Bach,

Please allow me to provide you with the documentation I have regarding the code enforcement lien(s) placed on my property at 708 Centre St. Fernandina Beach, FL 32034. I believe this information will shed some light on the situation.

Documents in order:

Dated: 7-29-08...Original application for signs, filed with COFB. This application is what I believed to be my permission for the permanent wall signs that are referenced in the code violation lien.

Dated: 7-24-08...The canceled check that paid for the permanent wall signs and the original design concept for the signs. (I believe these were submitted with the original application for approval).

Dated: 6-20-08...The certificate of Appropriateness for the Awning sign.

Dated: 9-15-09...Another application for the permanent wood signs submitted along with a copy of the original sign information, (7-29-10)...I believe this repeat filing was done again to obtain official permission for the signs, which I guess was somehow not finalized with the original application. Please note, this application references the original application, so I attached it again for your reference. As I remember, this was done to achieve compliance, which I thought I was already in compliance, based on the original application being filed and signed off in July of 2008.

Dated: 4-1-10...Copy of lien CS 10-00035

Dated: 8-5-10...Copy of lien Cs 10-00073

Dated: 9-3-10...Letter from Wesley Poole regarding satisfaction of liens.

Dated: 9-3-10...Copy of check for satisfaction of liens.

Dated: 9-15-10...Letter from Wesley Poole regarding the code liens.

Dated: 9-23-10...Letter to Wesley, regarding the code liens, in which there is a reference to the permanent signs still not having permission, so again, I submitted for approval.

Dated: 10-20-10...Copy of check for signs approval/permission/appropriateness.

At that point, (10-20-10)...after my third filing for the permanent signs permission/appropriateness, and being in compliance with the removal of the banners, I believed these liens were satisfied/resolved and the fines disregarded due to the fact that I was, and remain in compliance to this date, July 16, 2018.

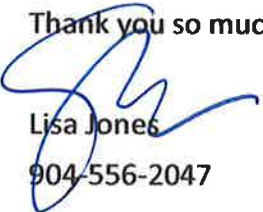
Because I believed these liens were satisfied/resolved in October 2010, due to the fact that I was and remain in compliance, I never expected to find them still on file, some 8 years later.

At this time, in light of this information, I humbly ask the Board to accept this check for \$3245.66 as final settlement in full satisfaction of these liens.

As stated in the letter dated: 9-23-10 and in the board meeting July 2018, (the role of the board is to seek compliance, not punish with fines). I have been and remain in compliance continually for 8 years.

I look forward to your reply as to this final settlement payment of \$3245.66 being accepted as payment in full and receiving a letter of full satisfaction for the liens regarding CS#10-00035 and CS#10-00073. Thereby removing these liens from the property at 708 Centre St. Fernandina Beach, Fl. 32034

Thank you so much for your time, consideration and service.



Lisa Jones

904-556-2047

Date Stamp:

RECEIVED

AUG 05 2008

PLANNING & ZONING
FERNANDINA BEACH, FLORIDA

Staff Approval #: HDC 5A 2008-58

IMS Appl. #: 2008-0000 894

Application Fee: \$15.00

APPLICATION
FOR CERTIFICATE OF APPROPRIATENESS
HISTORIC DISTRICT COUNCIL/STAFF APPROVAL

I. APPLICANT INFORMATION

Applicant(s) Name: Jack-n. Diane's
Address: 708 Centre St
Fernandina FL 32034

Telephone: 321 1444
Fax: 321 0400

Owner(s) Name: Lisa Jones
Address: 708 Centre St
Fernandina FL 32034

Telephone: 321 2047
Fax: _____

II. PROPERTY INFORMATION:

Street Address: 708 Centre St.

III. PROJECT INFORMATION:

Please provide a brief description of work to be approved by this application, noting the above referenced items.

old AngelsPorch sign Replaced w/ Jack n Diane

List exterior materials and attach photos, samples or other product information to this application:

a. Paint:	Material _____	Paint Color/Manufacturer _____
b. Roofing:	Type _____	Color/Manufacturer _____
c. Signage:	Material _____	Paint Color/Manufacturer _____
d. Windows:	Material _____	Paint Color/Manufacturer _____
e. Exterior Doors:	Type & Material _____	Paint Color/Manufacturer _____
f. Fence:	Type & Material _____	Paint Color/Manufacturer _____
g. Other:	Type & Materials _____	Color/Manufacturer _____

IV. SIGNATURE/NOTARY

The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.

Date

STATE OF FLORIDA

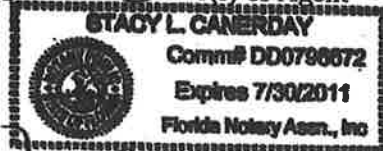
COUNTY OF NASSAU } SS:

Subscribed and sworn to before me this 30 day of July, 2008

Notary Public: Signature

My Commission Expires: _____

Signature of Owner(s) or Agent



Printed Name

061000146
07/29/2008
6516797699

This is a LEGAL COPY of
your check. You can use it
the same way you would
use the original check.

0007995676
0007922000
07/28/2008
2613079341

ADVANTA GROUP LLC
DBA JACK AND DIANE'S
708 CENTRE ST PH 904-321-2290
FERNANDINA BEACH, FL 32034

1048
04-71712612

Pay to the
Order of

Sign Shop
Two hundred fifty

\$ 250.00
Dollars



For

Signs

⑆261271717⑆ 000091412924⑆01048

⑆261271717⑆ 000091412924⑆01048 ⑆00000025000⑆

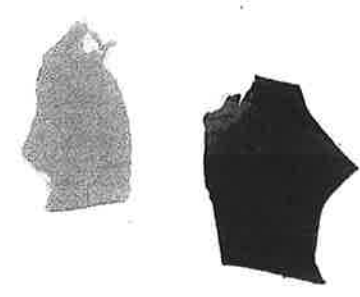
Account:91412924 Serial:1048 Amount:\$250.00 Trace/Sequence:25075090 Routing/Transit:261271717 Date:07/29/2008

311990511 07/28/2008
00077995676
111000036 07/29/2008
6513477322
061000146 07/29/2008
6516797699

Do not endorse or write below this line.

FOR DEPOSIT ONLY
ADVANTA GROUP LLC
708 CENTRE ST PH 904-321-2290
FERNANDINA BEACH, FL 32034
FOR DEPOSIT ONLY
COMMUNITY FIRST CREDIT UNION
261078934
JACKSONVILLE, FL
7/28/2008
2613079341
0007995676
07/29/2008
0007922000
07/28/2008
2613079341

51



CV
Colors
are pink
black
& white

CERTIFICATE OF APPROPRIATENESS

HISTORIC DISTRICT COUNCIL
CITY OF FERNANDINA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
204 ASH STREET
FERNANDINA BEACH, FLORIDA 32084

ISSUED TO: Lisa Jones
708 Centre Street
Fernandina Beach, FL 32034

FOR: HDC SA 2008-46: Installation of a new awning.
Size will be 3' in depth and 393" in length, fabric
Color will be black with white lettering.

DATE ISSUED: June 20, 2008
DATE EXPIRES: June 20, 2009


Marshall McCrary, Director

FIELD COPY

Date Stamp: _____

Staff Approval #: _____

IMS Appl. #: _____

Application Fee: **\$15.00**

**APPLICATION
FOR CERTIFICATE OF APPROPRIATENESS
HISTORIC DISTRICT COUNCIL/STAFF APPROVAL**

I. APPLICANT INFORMATION

Applicant(s) Name: Jack & Dianne
Address: 708 Centre St

Telephone: 904.321.1444
Fax: _____

Owner(s) Name: Lisa Jones
Address: 708 Centre St

Telephone: 904.321.1444
Fax: _____

II. PROPERTY INFORMATION

Street Address: 708 Centre St.

III. PROJECT INFORMATION:

Please provide a brief description of work to be approved by this application, noting the above referenced items.

Signs on Wall / see attached photos
(2) entrances

*original as is
last page.*

List exterior materials and attach photos, samples or other product information to this application:

a. Paint:	<u>Wood</u>	<u>B/white</u>
	Material	Paint Color/Manufacturer
b. Roofing:	_____	_____
	Type	Color/Manufacturer
c. Signage:	_____	_____
	Material	Paint Color/Manufacturer
d. Windows:	_____	_____
	Material	Paint Color/Manufacturer
e. Exterior Doors:	_____	_____
	Type & Material	Paint Color/Manufacturer
f. Fence:	_____	_____
	Type & Material	Paint Color/Manufacturer
g. Other:	_____	_____
	Type & Materials	Color/Manufacturer

IV. SIGNATURE/NOTARY

The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.

Date 9/15/09

[Signature]
Signature of Owner(s) or Agent

STATE OF FLORIDA

COUNTY OF NASSAU } SS:

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public: Signature

Printed Name

My Commission Expires: _____

*This was signed
in front of me
when I originally
applied so hopefully
that works - let me
know per page*

Date Stamp:

Staff Approval #: HDC SA 2008-58

IMS Appl. #: 2008-0000 894

Application Fee: \$15.00

RECEIVED
AUG 05 2008
PLANNING & ZONING
FERNANDINA BEACH, FLORIDA

**APPLICATION
FOR CERTIFICATE OF APPROPRIATENESS
HISTORIC DISTRICT COUNCIL/STAFF APPROVAL**

I. APPLICANT INFORMATION

Applicant(s) Name: Jack-n. Diane's
Address: 708 Centre St
Fernandina FL 32034

Telephone: 321 1444
Fax: 321 0400

Owner(s) Name: Lisa Jones
Address: 708 Centre St
Fernandina FL 32034

Telephone: 321 2047
Fax: _____

II. PROPERTY INFORMATION:

Street Address: 708 Centre St.

III. PROJECT INFORMATION:

Please provide a brief description of work to be approved by this application, noting the above referenced items.

old Angelsport Sign Replaced w/ Jack n Diane

List exterior materials and attach photos, samples or other product information to this application:

a. Paint:	Material _____	Paint Color/Manufacturer _____
b. Roofing:	Type _____	Color/Manufacturer _____
c. Signage:	Material _____	Paint Color/Manufacturer _____
d. Windows:	Material _____	Paint Color/Manufacturer _____
e. Exterior Doors:	Type & Material _____	Paint Color/Manufacturer _____
f. Fence:	Type & Material _____	Paint Color/Manufacturer _____
g. Other:	Type & Materials _____	Color/Manufacturer _____

IV SIGNATURE/NOTARY

The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.

Date 7/29/08

STATE OF FLORIDA }

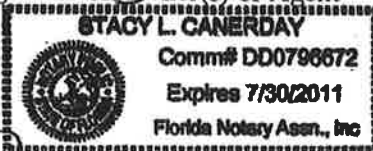
COUNTY OF NASSAU } SS:

Subscribed and sworn to before me this 30 day of July, 2008.

Notary Public: Signature Stacy L. Canerday

Printed Name Stacy L. Canerday

Signature of Owner(s) or Agent



My Commission Expires: _____

204 Ash Street
Fernandina Beach, Florida 32034



City of Fernandina Beach

CODE ENFORCEMENT FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: April 1, 2010
Case Number: 10-00035

IN THE MATTER OF: Respondent Name: Lisa Jones
Jack & Diane's
Respondent Address: 708 Centre Street, Fernandina Beach, FL 32034

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on April 1, 2010 a violation hearing having been held, and the Board having heard, under oath, the testimony of the respective parties not present and the evidence presented, the respondent having not appeared, does hereby make the following finding of facts, and conclusions of law therefore imposing the following order and penalty:

SECTION 1 FINDINGS OF FACT

1. The Respondent was properly served notice of these proceedings as required by law on March 11, 2010, and he was not present at the hearing.
2. The real property on which the alleged violation occurred is located at 500 Front Street, Fernandina Beach, FL and a brief legal description being **BLOCK 42 E26' OF LOT 1 & W12.5' OF LOT 8 IN OR 1569/1904, Fernandina Beach, FL.**
3. The Respondent is the owner of record of the aforementioned real property.
4. The Respondent is charged with three (3) banners and two (2) signs that have been put up without a certificate of Appropriateness from the Historic District Council and without any sign permits issued.
5. Chapters 5.03.03 (A) Sign Permits Required;

5.03.03 Sign Permits Required

A. It shall be unlawful for any person to erect, construct, alter, or relocate any sign within the City without having first obtained a permit as provided in this section:

1. The work necessary to construct, install, erect, illuminate, paint, or modify signage within the City shall comply with the requirements set forth in this section;
2. Work which may be performed by a property owner or lessee:
 - a. Painting the face of any freestanding or wall sign; and
 - b. Erection of any temporary sign permissible as set forth in this LDC.
3. Work which shall be performed by a sign contractor, general contractor, or building contractor licensed with the City to perform such work:
 - a. Construction, installation, erection, or electrical connection of any sign that is internally illuminated;

204 Ash Street • Fernandina Beach, FL 32034-4230 • 904 277-7325 • Fax 904-277-7324 • TDD 904-277-7399

www.fbfl.us

Equal Opportunity Employer



City of Fernandina Beach

CODE ENFORCEMENT



FINDINGS OF FACT. CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: August 5, 2010
Case Number: 10-00073

IN THE MATTER OF: Respondent Name: Lisa Jones
Jack & Diane's
Respondent Address: 708 Centre Street, Fernandina Beach, FL 32034

City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
Attn: City Clerk's Office



This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on August 5, 2010 a violation hearing having been held, and the Board having heard, under oath, the testimony of the respective parties not present and the evidence presented, the respondent having not appeared, does hereby make the following finding of facts, and conclusions of law therefore imposing the following order and penalty:

SECTION 1 **FINDINGS OF FACT**

1. The Respondent was properly served notice of these proceedings as required by law on June 8, 2010, and she was not present at the hearing.
2. The real property on which the alleged violation occurred is located at 708 Centre Street, Fernandina Beach, FL and a brief legal description being **BLOCK 42 E26' OF LOT 1 & W12.5' OF LOT 8 IN OR 1569/1904, Fernandina Beach, FL.**
3. The Respondent is the owner of record of the aforementioned real property.
4. The Respondent is charged with three (3) banners that have been put up without a certificate of Appropriateness from the Historic District Council and without any sign permits issued after the Code Enforcement & Appeals Board ordered them down permanently.
5. Chapters 5.03.03 (A) Sign Permits Required;
5.03.03 Sign Permits Required
A. It shall be unlawful for any person to erect, construct, alter, or relocate any sign within the City without having first obtained a permit as provided in this section:
 1. The work necessary to construct, install, erect, illuminate, paint, or modify signage within the City shall comply with the requirements set forth in this section;
 2. Work which may be performed by a property owner or lessee:
 - a. Painting the face of any freestanding or wall sign; and
 - b. Erection of any temporary sign permissible as set forth in this LDC.
 3. Work which shall be performed by a sign contractor, general contractor, or building contractor licensed with the City to perform such work:

POOLE & POOLE, P.A.
Attorneys at Law
SUITE 200, ALLAN BUILDING
303 CENTRE STREET
FERNANDINA BEACH, FLORIDA 32034

WESLEY R. POOLE
H. PRICE POOLE, JR.
PAIGE POOLE POECHMANN
HARRISON W. POOLE
FRANCES G. BURGESS, CLU

PLEASE REPLY TO:
POST OFFICE BOX 1280
FERNANDINA BEACH, FL 32035
TELEPHONE 904.261.0742
FACSIMILE 904.261.0745

15 September 2010

Tammi Bach, Esq.
City Attorney
204 Ash Street
Fernandina Beach, FL 32034

via: facsimile (491-2046) and regular mail

RE: Jack & Dianas; 708 Centre Street

Dear Tammi:

Thank you for your e-mail of today's date, regarding the above.

This is to request that you re-consider your decision, for the reason that we believe the Board's action in adopting both of the April 1, 2010, and August 5, 2010, Orders were contrary to the law, based on the following:

1. Both Orders are lacking the statutorily required Notices as set forth in Florida Statutes, Section 162.06, which are, I submit, fatal to the enforceability of said Orders. I note that the April 1, 2010, Order references a notice on March 11, 2010; however, close examination of that notice reveals that it is actually notice of a hearing before the board, and fails to clearly provide a time certain for the owner to correct the violation. It further fails to comply with this condition precedent of the statute in that it fails to state that should the violation continue beyond the time specified for correction, the code inspector shall notify the board and request a hearing. Although the notice specifies a time for the correction to begin, it fails to inform the owner of the date by which the correction must be completed. Rather, it just arbitrarily notices the owner of a hearing, without providing the statutorily required time for correction of the violation. In sum, the procedure followed by the City failed to provide due process to the owner, by failing to comply with its own statutorily adopted procedure. (Although the August 5, 2010, Order references a notice dated June 8, 2010, I have not seen this notice).

2. The August 5, 2010, Order states, on its face, that the "property was no longer in violation", (Finding No. 5), yet in finding No. 6, states that the "respondent was in repeat violation". However, the Order fails to state how many or which days the respondent was in violation. Section 2, Conclusion of Law, however states that the Respondent is in repeat violation, and then imposes a fine of \$500.00. This "repeat violation" is, and must be, the same repeat violation that was found in the April 1, 2010, Order. Both Orders refer to the "three (3) banners"; the August 5 Order states that the "charge" is "three (3) banners" (Section 1, para. 4). The August 5 Order states that the "charge" is "three (3) banners and two (2) signs" (Section 1, para. 4). Thus, the August 5 Order can only be read to include the same charges as were included in the April 1 Order. Thus, I submit that it must have been the Board's intent to impose one fine of \$500.00 for both violations, and that the August 5 Order replaced the April 1 Order.
3. The March 11, 2010 Notice is further deficient in that it fails to inform the owner that she is being charged with a repeat violation, as required by Florida Statutes, Section 162.06(3).
4. The "repeat violation" as found by the Board in its April 1, 2010, Order, fails to meet the statutory definition as set forth in Florida Statutes, Section 162.04(5), which requires a finding that the board had previously found the owner to have violated the same provision of the code within the previous five years.

Thus, I submit that both of the Board's Orders are legally insufficient, and respectfully ask that you reconsider your opinion as stated in your e-mail of today's date, and that the City accept my client's payment as previously submitted as payment in full satisfaction of both Orders.

Thank you for your time and attention to this request.

Sincerely,


Wesley R. Poole

copy: client

POOLE & POOLE, P.A.
Attorneys at Law
SUITE 200, ALLAN BUILDING
303 CENTRE STREET
FERNANDINA BEACH, FLORIDA 32034

WESLEY R. POOLE
H. PRICE POOLE, JR.
PAIGE POOLE POECHMANN
HARRISON W. POOLE
FRANCES G. BURGESS, CLU

PLEASE REPLY TO:
POST OFFICE BOX 1280
FERNANDINA BEACH, FL 32035
TELEPHONE 904.261.0742
FACSIMILE 904.261.0745

3 September 2010

Michelle D. Forstrom
Code Compliance Officer
1525 Lime Street
Fernandina Beach, FL 32034

RE: Lisa Jones; 708 Centre Street

Dear Michelle:

Enclosed, please find my client's, LISA JONES, check in the amount of \$787.37, as payment in full of the fine imposed by the Code Enforcement Board. Also enclosed is a Satisfaction of Lien I have prepared for the City's execution. Please have the Satisfaction executed by the City and return it to me for recording in the public records.

Thank you.

Sincerely,

Wesley R. Poole
Wesley R. Poole

copy: client

ADVANTA GROUP LLC
LISA N JONES
DBA JACK & DIANE'S
708 CENTRE STREET PH. 904-321-1444
FERNANDINA BEACH, FL 32034

641

64-1282/612

9/23/10 Date

Pay to the
Order of

CofB Case # 10-00073

\$ 787.32

Seven hundred eighty seven 37/100

Dollars



Security
Features
Details on
Back



Citizens State Bank
KINGSLAND, GEORGIA 31546-0700

For

[Signature]

⑆061212624⑆ 01 1879 4⑈ 0641



City of Fernandina Beach

OFFICE OF THE CITY ATTORNEY

September 23, 2010

Wesley R. Poole
POOLE & POOLE, P.A.
Suite 200, Aflan Building
303 Centre Street
Fernandina Beach, FL 32034

Via Email and Regular
U.S. Mail

RE: Jack & Diane's; 708 Centre Street

Dear Wesley:

I am in receipt of your letter dated September 15, 2010. I do not intend to be sarcastic by saying this, but it is not my decision to reconsider, it is the Code Enforcement and Appeals Board (the "Board") that made decisions on April 1, 2010 and August 5, 2010 regarding signs in violation of the City's Land Development Code. That being said, I am limited in what I can do regarding the Board's orders. I represented the City staff on April 1, 2010 before the Board and conferred with City staff prior to the August 5, 2010 Board hearing. The time for appealing the Board's orders to the circuit court has passed. However, your client may request a hearing before the Board to request a reduction in fines for the April 1, 2010 and August 5, 2010 Board orders, but, I cannot make any changes to the amount of fines.

I respectfully disagree with your arguments made in your letter of September 15, 2010. The notice of March 11, 2010 does provide adequate notice of the violations, "3 banners and 2 signs" with no permits or HDC Certificate of Appropriateness. In the second paragraph, Code Officer Forstrom states that the permitting process must begin by March 21, 2010 and that your client must notify Code Officer Forstrom. Officer Forstrom gives your client 10 days, until March 21, 2010, to correct the violations or a hearing would be scheduled April 1, 2010 before the Code Enforcement Board. The March 11, 2010 notice was delivered and received by certified mail, return receipt requested. I have reviewed case law regarding Section 162.06, Florida Statutes, and I do not believe the courts require that statutory notice be in the form that you are implying from your letter. In other words, there does not have to be two separate letters, one notifying the violator with time to comply and a second, separate notice of hearing for a continuing violation. The law requires that a violator receive adequate notice with time to comply and notice of a hearing. The March 11, 2010 notice to your client contains all of the required elements.

Please find attached the Notice of Repeat Violation & Notice of Hearing dated June 8, 2010. The August 5, 2010 Board Order also references "3 banners" as being the repeat violation. The Code Officer found a repeat violation when the June 8, 2010 Notice of Repeat Violation and Notice of Hearing was mailed via certified mail, see attached proof of receipt. I know the copy of the June 8, 2010 letter states "First Class Mail" on its face, but indeed the City has a proof of receipt of this Notice dated June 8, 2010.

Wesley R. Poole
September 23, 2010
Page 2 of 2

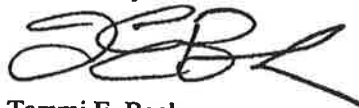
In conclusion, I do understand your arguments, but the law does not require strict compliance with Section 162.06, Florida Statutes. The Board believed that it received competent substantial evidence that your client violated the City Code by putting up 3 banners without a permit and then putting them back up a couple of months later without a permit. The banner issue is the only repeat violation I read from the August 5, 2010 order. On April 1, 2010, the Board found that your client had erected 2 permanent signs without permits, and to date, your client still does not have permits or a Certificate of Appropriateness for the 2 permanent signs erected on the property. As you know, the role of the Board is to evoke compliance with the City's Code, not punish with fines. Fines are the tool the Board uses to get compliance.

This matter is going to continue to go around and around until your client understands that she must provide a complete application to the City for a Certificate of Appropriateness ("COA") to the Historic District Council for the 2 permanent signs and follow up with an application for sign permits if given a COA by the Historic District Council. It is a process of board hearings and application fees that no business owner in the Historic District Council particularly likes. The City Commission has upheld these fees and procedures year after year with the understanding that they are protecting the aesthetics and historical value of our National Historic District.

I would be glad to forward a request for reduction of fines to the Board. My experience has been that the Board will not look favorably upon such a request unless the property is in compliance. In this case that means your client at least applies for a COA for the 2 permanent signs. Every time your client is caught with banners up without a permit, it will result in another repeat violation and probably another fine. Generally, banners are only permitted in the Historic District for a special event.

I know we can resolve these issues amicably, and I look forward to hearing from you.

Sincerely,



Tammi E. Bach
City Attorney

cc: Michelle Forstrom, Code Compliance Office

Enclosures

ADVANTA GROUP LLC
LISA N JONES
DBA JACK & DIANE'S
708 CENTRE STREET PH. 904-321-1444
FERNANDINA BEACH, FL 32034

700

64-1262/612

10/20/10

Date

Pay to the
Order of

CDFB
fifteen

\$ 15.00

Dollars



Security
Features
Details on
Back



Citizens State Bank
KINGSLAND, GEORGIA 31548-0700

For

Sgt. Aptns.

[Signature]

⑆061212824⑆ 01 1879 4⑈ 0700

Check # 700 for \$15.00 10/27/2010

8208021570 10/26/2010 >061160606< BK375BR0000

PAY TO THE ORDER OF
FIRST COAST COMMUNITY BANK
063113099
FOR DEPOSIT ONLY
CITY OF FERNANDINA BEACH FLORIDA
CDFB
1030830

Check # 700 for \$15.00 10/27/2010



City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: July 6, 2018

Case Number: 10-00035 and 10-00073

IN THE MATTER OF: Respondent Name: Lisa Jones, Jack & Diane's

Respondent Address: 708 Centre Street, Fernandina Beach, FL 32034

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on July 5, 2018, a request for reduction of fines hearing having been held, and the Board having heard testimony, does hereby make the following finding of facts, and conclusions of law therefore imposing the following order and penalty:

SECTION 1 - FINDINGS OF FACT

1. The Respondent was properly served notice of these proceedings as required by law on June 26, 2018 and the Respondent was present at the hearing.
2. The real property on which the violations occurred at 708 Centre Street, Fernandina Beach, FL and a brief legal description being **BLOCK 42 E26' OF LOT 1 & W12.5' OF LOT 8 IN OR 1569/1904, Fernandina Beach, FL 32034.**
3. The Respondent is the owner of record of the aforementioned real property.
4. The Respondent violated sections of the Fernandina Beach Land Development Code: 5.03.03(A) Sign Permits Required; 5.03.10 (C) Permissible On-Site Signs; and 5.03.11 (A, F, G) Specific Provisions for Signs within the Historic Districts.
5. The respondent was found in violation at a hearing on April 1, 2010, and at a hearing on August 2010, and assessed all administrative fees, and fines of \$50.00 per day until brought into compliance beginning April 5, 2010; and an additional \$500.00 for repeat violation.
6. The respondent requested a reduction of fines imposed on June 26, 2018.

SECTION 2 - CONCLUSION OF LAW & IMPOSITION OF FINE

1. Based on the foregoing findings of fact, the Board voted to waive accrued interest and assess the penalty of \$9,817.27 which constituted the administrative fees and fines for this case.
2. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order shall constitute a lien against the real property on which the violations exist and upon any other real or personal property owned by the Respondent if fines are not paid within thirty (30) days.
3. If the lien remains unpaid for a period of three (3) months from the date of the filing of the lien, the City of Fernandina Beach may foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.

SECTION 3 - CERTIFICATION OF VOTE

Done and ordered July 5, 2018 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing.

By: 

Acting Chair Adam Kaufman

*Florida Statute 162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

204 Ash Street • Fernandina Beach, FL 32034-4230 • 904 310-3136 • Fax (904) 310-3460 • TDD 711

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LISA N JONES
407 S 15th St
Fernandina Beach, FL 32034

1225

63-466/631

7.16.18

DATE

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ORDER OF

COFB

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Three thousand two hundred forty five

66/100

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FOR

Satisfaction of CS# 10-00035
Items and CS# 10-00023

JZ

⑆063104668⑆ 0236773271⑆01225

Hartland Clarke



City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: February 2, 2018
Case Number: 16-00001

IN THE MATTER OF: Respondent Name: James P. Rankosky
Respondent Address: 613 Fir Street, Fernandina Beach, FL 32034

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on February 1, 2018, a violation hearing having been held, and the Board having heard testimony, does hereby make the following finding of facts, and conclusions of law therefore imposing the following order and penalty:

SECTION 1 - FINDINGS OF FACT

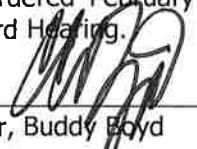
1. The Respondent was properly served notice of these proceedings as required by law on December 12, 2017 and the Respondent was not present at the hearing.
2. The real property on which the violations occurred at 613 Fir Street, Fernandina Beach, FL and a brief legal description being **BLOCK 140 E48 FT OF LOT 5 IN OR 1755/1254 CITY OF FDNA BCH, Fernandina Beach, FL 32034.**
3. The Respondent is the owner of record of the aforementioned real property.
4. The Respondent violated section of the Fernandina Beach Code of Ordinances as of February 1, 2018: **Section 42-116 (a), Cleaning of lots; maintenance of structures.**

SECTION 2 - CONCLUSION OF LAW & IMPOSITION OF FINE

1. Based on the foregoing findings of fact, the Board voted to find the property in repeat violation of Section 42-116 (a), and assess fines of \$125.00 per day beginning February 2, 2018, until brought into compliance; and collect administrative fees.
2. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order shall constitute a lien against the real property on which the violations exist and upon any other real or personal property owned by the Respondent if fines are not paid within thirty (30) days.
3. If the lien remains unpaid for a period of three (3) months from the date of the filing of the lien, the City of Fernandina Beach may foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.

SECTION 3 - CERTIFICATION OF VOTE

Done and ordered February 1, 2018 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing.

By: 
Chair, Buddy Boyd

*Florida Statute 162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.



A CERTIFIED TRUE COPY

Office of the City Clerk
City of Fernandina Beach, Florida



**ADMINISTRATIVE FEES INCURRED FROM
613 FIR STREET
AS OF 8/02/2018
CODE CASE #16-00001**

<u>STAFF PERSONNEL OR ITEMS</u>	<u># OF UNITS OR HOURS</u>	<u>PRICE OR RATE PER HOUR</u>	<u>TOTAL</u>
Michelle Forstrom, Code Enforcement Manager	10	\$21.17	\$211.70
George Wells, Code Compliance Officer	5.5	\$20.00	\$110.00
George Wells, Code Compliance Officer	12.5	\$20.80	\$260.00
Angela Lester, Board Secretary/Administrator Coordinator	2	\$19.28	\$38.56
Katie Newton, Board Secretary/Legal Assistant	2.5	\$21.63	\$21.63
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	3	\$15.00	\$45.00
Certified letters mailed	2	\$6.48	\$12.96
First Class letters mailed	6	\$0.48	\$2.88

TOTAL ADMINISTRATIVE FEES DUE

\$702.73

TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY



**FINES AND FEES INCURRED FROM
613 FIR STREET
AS OF 8/02/2018
CODE CASE #16-00001**

<u>DATES</u>	<u># OF DAYS</u>	<u>FINE PER DAY</u>	<u>TOTAL</u>
42-116-A SEPT. 12 THRU SEPT. 30 2017	19	\$100.00	\$1,900.00
42-116-B SEPT. 12 THRU SEPT. 30, 2017	19	\$100.00	\$1,900.00
42-116-A OCT. 1 THRU OCT. 2, 2017	2	\$100.00	\$200.00
42-116-B OCT. 1 THRU OCT. 31, 2017	31	\$100.00	\$3,100.00
42-116-B NOV. 1 THRU NOV. 30, 2017	30	\$100.00	\$3,000.00
42-116-B DEC. 1 THRU DEC. 31, 2017	31	\$100.00	\$3,100.00
42-116-B JAN. 1 THRU JAN. 31, 2018	31	\$125.00	\$3,875.00
42-116-A FEB. 2 THRU FEB. 28, 2018	27	\$125.00	\$3,375.00
42-116-B FEB. 1 THRU FEB. 28, 2018	28	\$100.00	\$2,800.00
42-116-A MAR. 1 THRU MAR. 31, 2018	31	\$125.00	\$3,875.00
42-116-B MAR. 1 THRU MAR. 31, 2018	31	\$100.00	\$3,100.00
42-116-A APR. 1 THRU APR. 30, 2018	30	\$125.00	\$3,750.00
42-116-B APR. 1 THRU APR. 30, 2018	30	\$100.00	\$3,000.00
42-116-A MAY 1 THRU MAY 16, 2018	16	\$125.00	\$2,000.00
42-116-B MAY 1 THRU MAY 31, 2018	31	\$100.00	\$3,100.00
42-116-B JUNE 1 THRU JUNE 30, 2018	30	\$100.00	\$3,000.00
42-116-B JULY 1 THRU JULY 31, 2018	31	\$100.00	\$3,100.00
42-116-B AUG. 1, THRU AUG. 2, 2018	2	\$100.00	\$200.00



CITY OF FERNANDINA BEACH

Code Enforcement Department

George E. Wells

Code Compliance Officer

**FINES AND FEES INCURRED FROM
613 FIR STREET
AS OF 8/02/2018
CODE CASE #16-00001**

TOTAL FINES	\$48,375.00
TOTAL FEES	\$702.73
GRAND TOTAL DUE AS OF	\$49,077.73

TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY

From: [Buddy Boyd](#)
To: [Katie Newton](#)
Cc: [Michelle Forstrom](#)
Subject: Re: CEAB Reappointment
Date: Thursday, July 26, 2018 11:59:33 AM

Yes. Please move forward with reappointment. Thanks

Buddy Boyd

On Jul 26, 2018, at 10:46 AM, Katie Newton <knewton@fbfl.org> wrote:

Chair Boyd,

Per our conversation, your term on the Code Enforcement and Appeals Board is due to expire in September. Would you like to be re-appointed for another 3-year term?

Thank you,

Katie

Katie Newton
Legal Assistant to:
Tammi Bach
City Attorney
City of Fernandina Beach
204 Ash Street
Phone: (904) 310-3277
Fax: (904) 310-3466
www.fbfl.us

[<image001.jpg>](#) [<image002.jpg>](#) [<image003.jpg>](#)

If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.

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