



AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
SEPTEMBER 6, 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 *The minutes from the August 2, 2018, meeting will be presented.*
- 3. OLD BUSINESS**
- 4. NEW BUSINESS**
 - 4.1 **ELVIRA I. NOWLIN, 407 S. 13TH TERRACE, CASE 18-00094.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-116 (a) Cleaning of lots, maintenance of structures. *Requesting Board determination of the case.*
- 5. BOARD BUSINESS**
 - 5.1 Discussion and Appointment of Chair and Vice Chair for term beginning October 2018.
- 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

Chair Buddy Boyd	Cynthia Crow
Adam Kaufman	Henry Byrd
Marlene Chapman	Gail Schults
Christine Harmon (Alt #1)	

Council Members Absent

Vice Chair Scott Steffen

Others Present

Tammi Bach, City Attorney	George Wells, Code Enforcement Officer
Michelle Forstrom, Code Enforcement Manager	Katie Newton, Recording Secretary

Chair Boyd called the meeting to order. Member Harmon was seated as a voting member.

2. Approval of Minutes – According to the agenda support documents, the Minutes for the July 5, 2018, Regular Hearing were presented for approval. **A motion was made by Member Kaufman, seconded by Member Chapman, to approve the Minutes. Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

Chair Boyd asked for any changes regarding the agenda. Ms. Forstrom stated that there were no changes to the agenda. City Attorney Bach stated that there were no quasi-judicial hearings tonight as the only agenda items were requests for reductions of fines. She then spoke about an old business matter regarding the Standard Marine Building. She distributed a correspondence between Mr. Goodsell's attorney and herself. At this time, she and Code Enforcement Manager Forstrom have decided not to pursue further violations.

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.

Chair Boyd read the case. Member Kaufman requested that Ms. Jones be sworn in, and Ms. Newton swore her in.

Ms. Jones explained the documentation she had provided for the agenda packet, including permit applications, and correspondence for the Code violations. She did not provide any paperwork to show that a check made out to the City in August 2010 had been cleared. She asked the Board to accept a check in the amount of \$3245.66 in full satisfaction of the fines.

Member Kaufman asked when Ms. Jones had retained Mr. Poole to advise in the matter. Ms. Jones could not remember exactly, August or September. He asked if she had discussed the letter Ms. Bach had sent to Mr. Poole in September, and she did not remember. He asked if there was anything in the letter that stated that fines were waived once the property came into compliance, and she replied no. She stated that she thought it was enough that she came into compliance.

Member Crow asked what the significance of the \$3245.66 amount was. Ms. Jones stated it was all she could afford, and she is trying to refinance the property to make improvements, and discovered the liens. Member Crow asked what had been done at the previous meeting, and Member Kaufman stated they removed the interest which would be almost double. Member Crow asked for staff's recommendation. Ms. Forstrom explained that this had been a difficult case, she thought that it was decided last month, and she does not want to see fines go away.

City Attorney Bach explained that this came back on the agenda because Ms. Jones provided additional documentation and the City wanted to give her the opportunity to share it. She stated that the Board should be clear that whatever decision is made tonight is final and Ms. Jones cannot continue to come back every month.

A motion was made by Member Kaufman, seconded by Member Chapman, to reaffirm the decision of the July 5, 2018, meeting: to collect fines of \$9,817.22 as the total amount of fines owed, and to waive all interest accrued; and that the decision is final and binding. Vote upon passage of the motion was taken by ayes and nays, and being 3-4, failed. Members Kaufman, Chapman, and Byrd voted yes; Members Harmon, Shults, Crow and Chair Boyd voted nay.

The Board discussed the case further. Member Crow stated that she did not want to get rid of the fines entirely, but did not want to cause hardship to a downtown business. Member Kaufman said that Ms. Jones was represented by counsel and finds it hard to believe that counsel told her the fines went away. Member Chapman expressed her concern was the length of time this had been sitting there and that she believed Ms. Jones was noticed properly of the fines and procedures. Member Shults thought that Ms. Jones was confused, and she should have brought an attorney to explain everything.

Member Harmon does not like waiving fines, but does not know what go it would do for Ms. Jones and her business if an agreement cannot be reached. Member Byrd stated that it was not the Board's intention to fine people, that they want compliance and fines are tool they have to achieve it. Member Harmon wanted to know if there was anything that could be done besides the lien; and City Attorney Bach explained it was the only way to secure payment of fines.

A motion was made by Member Crow, seconded by Member Shults, to collect fines of \$4725.00 and administrative fees of \$367.27 for a total amount of \$5092.27 in fines owed; and that the fines must be paid within 30 days or the fine will be restored to the amount of \$9817.27. Vote upon passage of the motion was taken by ayes and nays, and being 4-3, passed. Members Byrd, Shults, Crow and Chair Boyd voted yes; Members Kaufman, Chapman, and Harmon voted nay.

3.2 JAMES P. RANKOSKY, 613 FIR STREET, CASE 16-00001.

Respondent requests a reduction of fines imposed.

Chair Boyd read the case. Mr. Wells explained that Mr. Rankosky met with staff last month and asked to start the process of requesting a reduction in fines.

Mr. Todd Erickson, 1919 Sunrise Drive, spoke on behalf of the property. He has an agreement to purchase the property and wants to do what he can to bring it into compliance and get a reduction of fines.

Mr. Wells explained that the case was brought before the Board on September 7, 2017, and the Board issued fines of \$100 per day for each violation, beginning September 12. The violations were 42-116(a), grass overgrown, 42-116(b), the structure needed repairs to the roof, work had been done to the windows without a permit. The homeowner got permits for the roof and reapplied for a permit for the windows, but the permit for the windows and door has expired and an inspection was never completed.

Mr. Wells explained that the owner corrected 42-116(a) at some point, but then was brought again in February for repeat violation. Member Crow asked what the current condition of the property is. Mr. Erickson explained that he and his contractor have a plan to bring the property into compliance. There is a purchase agreement contingent upon suitable reduction of fines. Chair Boyd asked what the timeframe was to fix everything. Mr. Erickson stated he thought it could be completed in 45 days.

A motion was made by Member Kaufman, seconded by Member Byrd, to reduce the fines to \$5000.00 plus administrative fees if brought into compliance within 60 days from August 3, 2018; if not in compliance, the fines will revert back to the original amount. Vote upon passage of the motion was taken by ayes and nays, and being all in favor, passed.

4. New Business

There were no items to discuss under new business.

5. Board Business

5.1 Board Reappointment – Carlton “Buddy” Boyd.

Ms. Newton explained that Chair Boyd’s and Vice Chair Steffen’s seats were up for appointment, and Mr. Boyd was willing to serve another term. Mr. Steffen was unable to continue serving due to other commitments.

A motion was made by Member Kaufman, seconded by Member Byrd, to recommend reappointment of Mr. Boyd to the City Commission. Vote upon passage of the motion was taken by ayes and nays, and being all in favor, passed.

Ms. Newton explained that Mr. Steffen’s seat was available as of October, and Member Harmon expressed her willingness to serve in the voting seat.

A motion was made by Member Kaufman, seconded by Member Crow, to recommend appointment of Alternate Member Harmon to the voting seat coming available in October to the City Commission. Vote upon passage of the motion was taken by ayes and nays, and being all in favor, passed.

Ms. Newton reminded the Board that there would be two alternate seats available in October. Ms. Forstrom requested particularly potential members that had engineering, real estate, or architecture in their background.

Ms. Forstrom provided an update on 818 San Fernando – the property was close to compliance with the new roof and was to put on the market by the end of the week.

6. Adjournment - There being no further business to come before the Code Enforcement and Appeals Board, the meeting was adjourned at 6:40 p.m.

Katie Newton, Recording Secretary

Carlton “Buddy” Boyd, Chair

STAFF REPORT
Case 18-00094
City of Fernandina Beach Code Enforcement & Appeals Board
September 6, 2018

Violation Information

Owner Elvira I. Nowlin
407 S. 13th Terrace
Fernandina Beach, Florida 32034

Violation-Repeat City of Fernandina Beach – Code of Ordinances, Section 42-116 (A)
Cleaning of lots; Maintenance of Structures

Location: 407 S. 13th Terrace, Fernandina Beach, Florida 32034

Summary and Background Information

July 26, 2018, During a proactive sweep I observed junk and debris in the front yard and driveway area. I left a door hanger giving ten (10) days to correct the violation. I recorded photographs.

August 6, 2018, I conducted a second inspection of the property where there was no change.

August 7, 2018, I mailed a NOV/NOH letter via certified mail to the owner of the property. The signature card was not returned with an authorized signature on it.

August 22, 2018, I hand delivered and posted a copy of the NOV/NOH letter on the front door. I recorded photographs.

August 29, 2018, A field visit to the property to check the status of property showed junk and debris still present in the front yard and driveway.

Conclusion:

We have not had any correspondence from the owner regarding this case.

Recommendation

The City recommends a fine of \$ 50.00 per day for the violation, along with administration fees incurred.

Submitted by:



George Wells
Code Compliance Officer



CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

August 22, 2018

Case Number: 18-00094

Posted Notice On Front Door

IN THE MATTER OF:

Elvira I Nowlin
407 S. 13th Terrace
Fernandina Beach, Florida, 32034

PREMISES: 407 S. 13th Terrace, Fernandina Beach, FL 32034

The brief legal description of the real property upon which this violation occurred is: **BLOCK 241 LOTS 61 & 62 IN OR 630 PG 888 CITY OF FDNA BEACH, FERNANDINA BEACH, FL 32034.**

Parcel # 00-00-31-1800-0241-0610

The Code Enforcement office of the City of Fernandina Beach has previously notified you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and contends that the following violation(s) exist: **42-116 (A & B) Cleaning of lots; Maintenance of Structures.** (These can be found on the City's website: www.fbfl.us/code). This letter specifically addresses the appliances on the front driveway and the headboard lying against the front bushes and any other junk and debris that needs to be removed or stored properly.

Therefore, you are hereby directed to remedy and discontinue the problems by: removing or properly storing all junk, trash, and debris in the front yard area by September 1, 2018 ten (10) days from the date of this notice, and if this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: September 6, 2018
TIME: 5:30 p.m.
LOCATION: City Commission Chambers, 204 Ash Street
Fernandina Beach, Florida 32034

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited the recovery of fees, and fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation).

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).



George Wells
Code Compliance Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 18-00094

I, George Wells, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement;
2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and
3. That on the 22nd Day of August, 2018, at 11:17 A.M., I posted the 2nd Notice of Violation/Notice of Hearing letter for **Case 18-00094, Nowlin, Elvira I, 407 South 13th Terrace, Fernandina Beach, FL 32034** to Elvira I Nowlin, 407 S. 13th Terrace, Fernandina Beach, FL 32034.

FURTHER AFFIANT SAYETH NAUGHT.

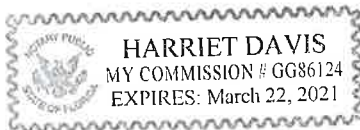
Signature: _____

George Wells

(Printed name of Code Compliance Officer)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 22nd day of August, 2018.

(SEAL)



Signature: _____

Harriet Davis
Harriet Davis

(Printed name of Notary)



CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

August 7, 2018

Case Number: 18-00094

Cert. #:7014 0150 0002 0092 6670

IN THE MATTER OF:

Elvira I Nowlin
407 S. 13th Terrace
Fernandina Beach, Florida, 32034

PREMISES: 407 S. 13th Terrace, Fernandina Beach, FL 32034

The brief legal description of the real property upon which this violation occurred is: **BLOCK 241 LOTS 61 & 62 IN OR 630 PG 888 CITY OF FDNA BEACH, FERNANDINA BEACH, FL 32034.**

Parcel # 00-00-31-1800-0241-0610

The Code Enforcement office of the City of Fernandina Beach has previously notified you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and contends that the following violation(s) exist: **42-116 (A & B) Cleaning of lots; Maintenance of Structures.** (These can be found on the City's website: www.fbfl.us/code). This letter specifically addresses the dryer on the front driveway and the headboard lying against the front bushes and any other junk and debris that needs to be removed or stored properly.

Therefore, you are hereby directed to remedy and discontinue the problems by: removing or properly storing all junk, trash, and debris in the front yard area by August 17, 2018 ten (10) days from the date of this notice, and if this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: September 6, 2018
TIME: 5:30 p.m.
LOCATION: City Commission Chambers, 204 Ash Street
Fernandina Beach, Florida 32034

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited the recovery of fees, and fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation).

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).



George Wells
Code Compliance Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

WORKING FOR A SAFER COMMUNITY



CITY OF FERNANDINA BEACH
CODE ENFORCEMENT
204 Ash Street

(904) 310-3147

gwells@fbfl.org www.fbfl.us/Code

NOTICE OF VISIT

Address: 5131 Fern.
Date: 7/26/18 Time: 2:15 AM / PM

THIS IS TO SERVE AS A WARNING THAT YOU MAY BE IN
VIOLATION OF THE FOLLOWING CITY ORDINANCE(S):

REASON FOR VISIT:

CODE

☒ Overgrowth of Yard or Vacant Lot Cut or remove all high grass & weeds	42-116 (a)
☐ Rubbish, Trash, Debris, Junk or Similar Items Remove or store in a proper receptacle	42-42 / 42-116 (a)
☐ Maintenance of Structure (a) Repair	42-116 (b)
☐ Recreational Vehicle, Boats, Trailers or Similar Vehicles Remove or store in a proper structure or in side or rear yard	5-01.05 LDC
☐ Sign (a) Remove, apply for permit, other	5-05 LDC
☐ No Visible Address Numbers	42-4 & 5-01.02c LDC
☐ Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited Remove, repair, or register vehicle & put current tags on it	42-475
☐ Encroachments in the public right-of-way	70-2
☐ Other	

Please contact George Wells, Code Compliance Officer at (904)
310-3147 or at gwells@fbfl.org within 10 Days of this notice,
by 8/3, 2018 to discuss compliance with
the above listed issue. Failure to do so will result in an official
written notice with a possible outcome of fines.

Comments:

Remove or store
all Trash, Junk, &
debris in front & R/side
Front
Wells

Code Compliance Officer

7.26.2018 13:16



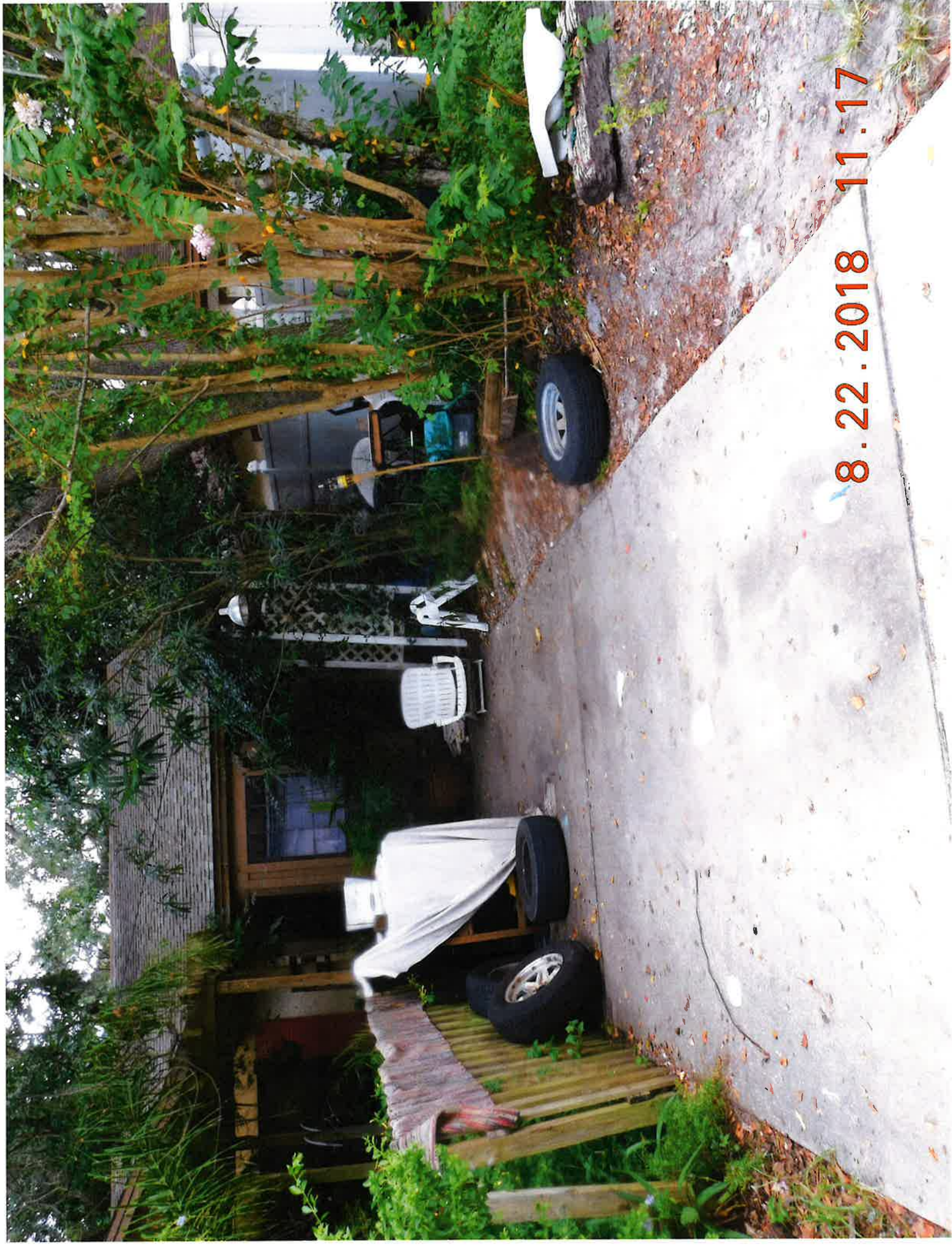
7.26.2018 13:15



7.26.2018 13:15



7.26.2018 13:15



8.22.2018 11:17



8.22.2018 11:17



204 Ash Street
Fernandina Beach, Florida 32034
jerry@cityoffb.com
www.cityoffb.com

Working Together for a Better Community

310-3147

Office 904-240-3136

Print

Code Compliance Officer

ENFORCEMENT & APPEALS BOARD VIOLATION/NOTICE OF HEARING

August 22, 2018

Case Number: 18-00094

Posted Notice On Front Door

RE THE MATTER OF:

City of Fernandina
407 S. 13th Terrace
Fernandina Beach, Florida, 32034

PREMISES: 407 S. 13th Terrace, Fernandina Beach, FL 32034

The brief legal description of the real property upon which this notice is posted is: BLOCK 241 LOTS 61 & 62 IN OR 630 PG 888 CITY OF FDNA BEACH, FERNANDINA BEACH, FL 32034

Parcel # 00-05-31-1800-0000-0000

The Code Enforcement office of the City of Fernandina Beach has previously notified you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and contends that the following violation(s) exist: 42-116 (A & B) Cleaning of any component of Structures. (These can be found on the City's website: www.cityoffb.com) This action immediately addresses the appliances on the front driveway and the hazardous items against the front facade and any other junk and debris that needs to be removed or stored properly.

Therefore, you are hereby ordered to remedy and discontinue the problems by removing or properly storing all items on the lot and in the front yard area by September 3, 2018 (in 10) days from the date of this notice. If you do not come into compliance by you, this department will refer this matter to the Code Enforcement Board for legal action at the date and time listed below.

DATE:	September 3, 2018
TIME:	5:00 p.m.
LOCATION:	City Commission Chambers, 204 Ash Street Fernandina Beach, Florida 32034

8.22.2018 11:17

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

Elvira I Nowlin
407 S. 13th Terrace
Fernandina Beach, Florida, 32034



9590 9402 3035 7124 1646 13

2. Article Number (Transfer from service label)

7014 0150 0002 0092 6670

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☒ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Return Receipt for Merchandise |
| ☐ Collect on Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Mail Restricted Delivery | |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$.47

Certified Fee

3.45

Return Receipt Fee
(Endorsement Required)

2.75

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 6.67

Postmark
Here

Elvira I Nowlin
407 S. 13th Terrace
Fernandina Beach, Florida, 32034

(or Instructions)

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™

7014 0150 0002 0092 6670
7014 0150 0002 0092 6670

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	45
Certified Fee		2.75
Return Receipt Fee (Endorsement Required)		0.67
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	6.67

Postmark Here

USPS-32034

Elvira I Nowlin
407 S. 13th Terrace
Fernandina Beach, Florida, 32034

For Instructions

7010 4702 0510 2000 2600 0299

**ADMINISTRATIVE FEES INCURRED FROM
407 S. 13th Terrace
AS OF 09/6/18
CODE CASE #18-00094**

<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	1	\$23.13	\$23.13
George Wells, Code Compliance Officers	5	\$20.80	\$104.00
Katie Newton, Board Secretary/Legal Assistant	1.5	\$21.63	\$32.45
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	1	\$10.00	\$10.00
Certified letters mailed	1	\$6.48	\$6.48
First Class letters mailed	1	\$0.48	\$0.48

TOTAL ADMINISTRATIVE FEES DUE

\$176.54

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



CHAPTER 9

BOARDS AND COMMISSIONS

	Page
9.01.00 REQUIREMENTS FOR ALL BOARDS AND COMMISSIONS	9-2
9.01.01 Appointment, Term of Office, and General Membership Requirements	9-2
9.01.02 Attendance	9-2
9.01.03 Officers and Committees	9-2
9.01.04 Removal and Vacancies	9-2
9.01.05 Public Meetings, Hearings, and Records	9-2
9.01.06 Quorum and Voting	9-3
9.01.07 By-Laws	9-3
9.01.08 Parliamentary Authority	9-3
9.01.09 Legal Representation	9-3
9.01.10 Compensation	9-3
9.01.11 Funding	9-3
9.01.12 Conflict of Interest	9-3
9.01.13 General Powers	9-4
9.02.00 PLANNING ADVISORY BOARD	9-4
9.02.01 Establishment	9-4
9.02.02 Membership and Terms of Office	9-4
9.02.03 Roles and Responsibilities	9-5
9.03.00 HISTORIC DISTRICT COUNCIL	9-5
9.03.01 Establishment	9-5
9.03.02 Membership	9-5
9.03.03 Authority to Seek Professional Expertise	9-6
9.03.04 Roles and Responsibilities	9-6
9.03.05 Certified Local Government Program	9-7
9.04.00 BOARD OF ADJUSTMENT	9-7
9.04.01 Establishment	9-7
9.04.02 Membership	9-7
9.04.03 Roles and Responsibilities	9-7
9.05.00 TECHNICAL REVIEW COMMITTEE	9-8
9.05.01 Establishment	9-8
9.05.02 Membership	9-8
9.05.03 Roles and Responsibilities	9-8
9.05.04 Rules of Procedure	9-8

9.01.00 REQUIREMENTS FOR ALL BOARDS AND COMMISSIONS

9.01.01 Appointment, Term of Office, and General Membership Requirements

- A. All members and alternate members shall be appointed by the City Commission.
- B. Each Board shall have the opportunity to review each applicant's resume and make a recommendation on the appointment.
- C. All members shall reside within the City Limits.
- D. Elected officials and employees of the City shall not be eligible to serve on City boards or commissions, unless otherwise provided herein.
- E. Each member serves at the pleasure of the City Commission.
- F. The term of office for all regular board or commission members shall be three (3) years.
- G. A member of a Board who is seeking re-appointment shall continue to be a voting member for two (2) months to allow for the finalization of the re-appointment by the City Commission.

9.01.02 Attendance

Each appointed member shall attend all regular and called meetings.

9.01.03 Officers and Committees

- A. Each board or commission shall have a chairperson and a vice-chairperson.
- B. The chairperson and vice-chairperson shall serve one (1) year terms. Officers shall not serve more than two (2) consecutive terms.
- C. A board or commission may create whatever committees it deems necessary to carry out its purposes. The chairperson of the board or commission shall appoint the membership of each committee from the members of that board or commission.

9.01.04 Removal and Vacancies

- A. When a position on a board or commission becomes vacant before the end of the term, an alternate member shall fill the vacancy.
- B. When no alternate member is available to fill a vacancy, the City Commission shall appoint a member to fill the vacancy for the duration of the term.
- C. When the unexpired term is two (2) months or less, the City Commission may appoint a new member to fill the unexpired term and the following full term.
- D. A member who moves outside the City or no longer meets eligibility requirements for membership shall be removed immediately.
Any member who has three (3) unexcused absences at the board's regular meetings in one (1) calendar year shall be subject to removal. An excused absence shall be granted if the board member notifies City Staff at least 24 hours in advance of the regularly scheduled board meeting or the board member is absent due to illness, family or work-related emergency, mandated court appearance, or observance of a religious holiday.

9.01.05 Public Meetings, Hearings, and Records

- A. All meetings and hearings of boards or commissions shall be open to the public.
- B. Each board or commission shall keep minutes of its proceedings, indicating the attendance of each member and the decision of each member on every question. The minutes shall be signed by the chairperson and filed with the City Clerk.
- C. A record shall be made of all resolutions, transactions, findings, recommendations, and decisions, which record shall be a public record on file in the office of the City Clerk.

9.01.06 Quorum and Voting

- A. For the purpose of transacting business at any meeting or hearing, a majority of the board or commission members shall constitute a quorum.
- B. Approval of actions, other than variances, before the board or commission requires an affirmative vote of a majority of the members. Approval of a variance requires an affirmative vote of four (4) members of the HDC or the Board of Adjustment.
- C. An alternate shall be seated in the following situations:
 - 1. When a regular member is absent;
 - 2. When a regular member abstains from a vote; or
 - 3. When a regular member is disqualified from a vote as provided for in Section 9.01.12.

9.01.07 By-laws

- A. Each board or commission shall enact by-laws to govern its operation and procedures.
- B. By-laws shall not conflict with the requirements of this LDC. In the event of any conflict between the provisions of this LDC and the by-laws, the provisions of this LDC shall control.
- C. The following topics may be included in the by-laws:
 - 1. The designation of officers;
 - 2. The specific duties of officers;
 - 3. The creation of committees;
 - 4. Code of conduct;
 - 5. Voting procedures;
 - 6. Scheduling of meetings;
 - 7. Order of business; and
 - 8. Preparation of minutes.

9.01.08 Parliamentary Authority

All meetings shall be conducted in accordance with parliamentary procedure as set forth and explained in the latest revised edition of Robert's Rules of Order, which shall serve as the official rules of procedure.

9.01.09 Legal Representation

The City Commission may appoint legal counsel to represent a board or commission.

9.01.10 Compensation

Members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

9.01.11 Funding

The City Commission may appropriate funds at its discretion for expenses necessary in the conduct of the duties of appointed boards and commissions.

9.01.12 Conflict of Interest

- A. A member shall abstain from voting on a particular issue, or may be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
 - 1. The member has a direct financial interest in the outcome of the matter at issue;
 - 2. The matter at issue involves the member's own official conduct;
 - 3. Participation in the matter violates the member's code of professional responsibility;
 - 4. The member has such close personal ties to a person involved with the issue that the member cannot reasonably be expected to exercise sound judgment in the public interest; or

5. Other applicable law.
- B. If a member owns a property within the area entitled to receive mailed notice of the hearing, that board member may voluntarily abstain from voting if the board member believes that the proximity of the project will interfere with his or her ability to be a decision maker in the case.
- C. An abstaining or disqualified member of a board or commission shall not be counted for purposes of forming a quorum.
- D. A member who takes a position on the issue based upon personal interest may do so only by abstaining from voting on the proposal, vacating the seat on the board or commission, physically joining the audience, and making full disclosure of his status and position at the time of addressing the board or commission.
- E. A member who votes on a matter shall not address the City Commission on that matter.

9.01.13 General Powers

A board or commission may request information from any official, staff member, or department of the City, which is necessary in order to carry out specific roles and responsibilities.

9.02.00 PLANNING ADVISORY BOARD

9.02.01 Establishment

There is hereby created a Planning Advisory Board, with the roles and responsibilities as set forth herein.

9.02.02 Membership and Terms of Office

- A. There shall be five (5) regular members and two (2) alternate members.
- B. Terms shall be staggered such that no more than three (3) terms expire simultaneously.
- C. Regular members shall be nominated for appointment by a City Commissioner and confirmed by majority vote of the City Commission. City Commissioners shall only nominate one regular member at a time.
- D. Alternate members shall be appointed for a 3-year term at large by majority vote of the City Commission after receipt by the City Clerk of board member application for alternate member seat.
- E. All appointments of regular members shall be for a term to run concurrently with that of their nominating City Commissioner.
- F. When an alternative member is appointed by the City Commission to fill a vacancy created by the departure of a regular member, the term shall be the remaining unexpired term of the regular member.
- G. Alternate members shall be appointed for a 3-year term at large by majority vote of the City Commission after receipt of a board member application for alternate member seat.
- H. Preference should be given to appointment of alternate members to fill vacancies created by departure of regular members; the term shall be the remaining unexpired term of the regular member.
- I. Regular and alternate members may be removed without cause by majority vote of the City Commission.
- J. The City Commission prefers to appoint regular members with experience in the fields of planning and zoning, engineering, architecture, real estate, law or historic preservation.
- K. In addition to the above members, one (1) nonvoting member shall be appointed from the Nassau County School Board. This member shall be the person appointed by the School Board to attend those meetings at which the Planning Advisory Board considers rezoning of land or an amendment to the comprehensive plan that, if approved, will increase the residential density on property that is the subject of an application.

9.02.03 Roles and Responsibilities

The Planning Advisory Board shall have the roles and responsibilities described below.

- A. To serve as the Local Planning Agency (LPA), pursuant to Chapter 163.3174, F.S. As the LPA, the Planning Advisory Board shall:
 - 1. Make recommendations to the City Commission regarding adoption of a comprehensive plan;
 - 2. Monitor and oversee the effectiveness and status of the comprehensive plan, including periodic evaluations as required by the *Florida Statutes*;
 - 3. Make recommendations to the City Commission regarding amendment of its adopted comprehensive plan; and
 - 4. Carry out such other duties as may be specified in Chapter 163, Part II, F.S.
- B. To provide advice and recommendations to the City Commission regarding growth, land use, long-range planning, and redevelopment following disasters.
- C. To hear, consider, and make recommendations to the City Commission regarding applications to:
 - 1. Amend the Zoning Map (also called "rezoning");
 - 2. Amend the text of the LDC;
 - 3. Create a subdivision (preliminary subdivision plats); and
 - 4. Amend the comprehensive plan.
- 5. To hear and decide applications for a site plan for a Planned Unit Development.
- D. In carrying out its duties, the Planning Advisory Board may:
 - 1. Establish such committees as may be necessary to gather facts, analyze findings, and make recommendations to the Planning Advisory Board as a whole;
 - 2. Acquire and maintain such information and materials as are necessary for an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;
 - 3. Make or cause to be made any necessary special studies on the location, conditions, and adequacy of facilities in the City; and
 - 4. Periodically evaluate the comprehensive plan and LDC and propose amendments to the City Commission.

9.03.00 HISTORIC DISTRICT COUNCIL

9.03.01 Historic District Council created and established

A. Establishment

There is hereby established the Historic District Council (HDC). The HDC is intended to be the City's primary agency responsible for furthering historic preservation within the City.

B. Membership

- 1. There shall be five (5) regular members of the HDC.
- 2. There shall be two (2) alternate members of the HDC.
- 3. Where possible, members shall include, to the extent such individuals are available in the community and willing to serve, one (1) registered architect, and professionals from the disciplines of architecture, construction, design, history, architectural history, archaeology, or other historic-related fields such as urban planning, American studies, cultural geography or cultural anthropology. Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines such as law, real estate, land development, or construction shall make up the remainder of the HDC membership. Current resumes of HDC members shall be kept by the City as a public record.

C. Authority to Seek Professional Expertise

1. With City Commission approval, the HDC may obtain the services of qualified persons to direct, advise, and assist it.
2. The HDC may request equipment, supplies, and other materials necessary for its effective operation.
3. When the HDC considers National Register nomination proposals and other actions which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the HDC, it may seek professional expertise in this area before rendering a decision. City Commission approval is required for any such professional contracts.

9.03.02 Historic District Council roles and responsibilities

The HDC shall have the duty and responsibility to:

- A. Identify, study, and recommend sites, structures, buildings, improvements, artifacts, and areas for designation as historic landmarks, historic sites, or historic districts.
- B. Maintain and update the historic properties survey as an inventory of historic landmarks, historic sites, and properties in historic districts. All inventories shall be compatible with the Florida Master Site File, which exemplifies the format used for statewide comprehensive historic preservation planning, and kept current and regularly provided to the state historic preservation officer for incorporation in the Florida Master Site File.
- C. Review and approve or deny applications for a certificate of Approval for construction, alteration, demolition, or removal of historic landmarks, historic sites, archaeological sites, properties in historic districts, or properties in the CRA Overlay.
- D. Review and make recommendations on National Register nominations within its jurisdiction.
- E. Make recommendations to the City Commission concerning the assignment of development rights or facade easements, or the imposition of other restrictions.
- F. Hear applications for variances within the Historic District Overlay or the CRA Overlay.
- G. Increase public awareness of the value of historic, architectural, and cultural preservation by developing and participating in public preservation information programs, and by updating such programs and public information documents.
- H. Make recommendations to the City Commission concerning the solicitation of grants from federal and State agencies, private groups, and individuals, and promote the preservation of historic or architecturally significant landmarks, sites, or properties in historic districts.
- I. Promulgate standards for architectural review.
- J. Evaluate and comment upon proposals pending before other public agencies affecting the physical development and land use patterns in or around historic landmarks, sites, or districts.
- K. Make recommendations to the City Commission on the purchase of historic landmarks, historic sites, or properties in historic districts where private preservation is not feasible.
- L. Perform any other functions which may be designated by resolution or motion by the City Commission.

9.03.03 Historic District Council policy and procedure statements

The HDC may formulate and publish such policy and procedure statements as it deem reasonably necessary and appropriate to:

- A. Explain the format of information to be provided in the application for a Certificate of Approval.
- B. Explain the criteria and basis for HDC evaluation and ruling upon applications for a Certificate of Approval.
- C. Designate items to be subject to final staff approval without need for a hearing before the HDC.

9.03.04 Historic District Council staff roles and responsibilities

- A. The City Manager shall provide professional staff in the City Planning Department to support the HDC in carrying out its responsibilities under this Chapter. Where possible, staff should have a background in historic preservation or a related field.
- B. Staff shall not sit as officer or board member of local preservation-related organizations, and shall act in an impartial manner in all matters involving the HDC.

9.03.05 Certified Local Government program

In order to comply with the Department of State, Division of Historic Resources, "certified local government" requirements, the HDC shall take the following actions:

- A. A copy of all duplicate inventory materials will be provided to the SHPO. This will include any new or revised resumes of the HDC members or staff.
- B. The SHPO shall be provided with thirty (30) days prior notice of all HDC meetings. In the event of a special meeting, reasonable notice shall be given.
- C. Minutes of all HDC meetings shall be submitted to the SHPO. These minutes shall include a record of attendance of council members, the public, and any change in council membership.
- D. The SHPO shall be notified immediately of all new historic designations or alterations to existing designations.
- E. Proposed amendments to the LDC pertaining to the Historic District Overlay shall be sent to the SHPO for review and comment thirty (30) days prior to the scheduled adoption hearing.
- F. Objections by property owners that are notarized and filed with the HDC shall be submitted to the SHPO in order to prevent involuntary nomination to the National Register.
- G. The HDC shall submit an annual report to the SHPO on or before November 1 of each year covering the previous October 1 through September 30 period. The annual report shall include:
 1. Any changes or amendments to HDC rules of procedure;
 2. The number of proposals and applications reviewed by the HDC;
 3. New historic designations or alterations to existing designations;
 4. Changes to the HDC;
 5. New or revised resumes of HDC members or staff;
 6. Changes or requested changes to the Historic District Overlay regulations;
 7. Review of the survey and inventory activities with a description of the system used; and
 8. A program report on each grant-assisted activity.

9.04.00 BOARD OF ADJUSTMENT (BOA)

9.04.01 Establishment

There is hereby established a Board of Adjustment for the purpose of hearing and deciding on appeals of administrative decisions and hearing and deciding on applications for variances.

9.04.02 Membership

- A. There shall be five (5) regular members of the BOA.
- B. There shall be two (2) alternate members of the BOA.

9.04.03 Roles and Responsibilities

The BOA shall have the roles and responsibilities described in this section. The BOA shall conduct public hearings and render decisions in compliance with the requirements of this LDC on the following matters:

- A. To hear and decide appeals where it is alleged there is error in any order, interpretation, requirement, decision, or determination made by an administrative official in the enforcement of this LDC (See Section 11.07.00 for procedures regarding appeals); and
- B. To authorize a variance from a provision of the LDC, as set forth in Chapter 10.

9.05.00 TECHNICAL REVIEW COMMITTEE

9.05.01 Establishment

There is hereby created and established a Technical Review Committee (TRC) for the purpose of receiving, reviewing, and rendering decisions on applications subject to administrative review and decision as set forth in Chapter 11.

9.05.02 Membership

Membership of the TRC shall include, at a minimum, a representative from the following City departments:

- A. Planning and Zoning
- B. Utility
- C. Building
- D. Facilities Maintenance
- E. Fire Department

9.05.03 Roles and Responsibilities

- A. The TRC shall review applications and provide compliance reports for site plans, rezoning, amendments to this LDC, preliminary subdivision plats, final subdivision plats, and amendments to previously issued local development orders.
- B. The TRC shall perform such other duties as may be assigned by the City Commission or City Manager.

9.05.04 Rules of Procedure

- A. The City Manager shall appoint the chair of the TRC.
- B. The TRC shall establish and publish a schedule of deadline dates for applications and regular meetings. Meetings may be called by the TRC chairperson.
- C. The TRC may establish such additional rules of procedure as needed to carry out its roles and responsibilities.