



AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
DECEMBER 5, 2019
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 for November 7th, 2019 are presented for approval.
- 3. OLD BUSINESS**
 - 3.1 **CECILIA DAVIS-TAYLOR, 112 S. 9TH STREET, CASE 2019-0073.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: 42-117 Exterior Structure (Maintenance) & 8.03.07 Demolition By Neglect. *Requesting Board determination of the case.*
- 4. NEW BUSINESS**
- 5. BOARD BUSINESS**
 - 5.1 Selection of Chair beginning Jan 2020 for a 2 year term.
- 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 5:45 pm.

Council Members Present

Chair Buddy Boyd

Vice Chair Adam Kaufman

Henry Byrd

Nicole Kresse

Cynthia Crow

Marlene Chapman

Gail Shults

Others Present

Tammi E. Bach, City Attorney

Katie Newton, Recording Secretary

Ashley Manning, Recording Secretary

George Wells, Code Enforcement Officer

Michelle Forstrom, Code Enforcement Director

2. Approval of Minutes – According to the agenda support documents, the Minutes for the October 3, 2019, Regular Hearing were presented for approval. **A motion was made by Member Chapman, seconded by Vice Chair Kaufman, 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 to the agenda, and Mr. Wells stated he may have a brief update on cases at the end. He asked the Board to disclose ex-parte communications, and there were none. City Attorney Bach explained the quasi judicial procedures. Ms. Newton swore in witnesses.

3. Old Business

3.1 DAB TRUST, 128 N. 13TH TERRACE, CASE 2019-0242. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-117, Exterior Structure (Maintenance) and Section 42-116, Duty to Maintain Property. *Requesting Board determination of the case*

Chair Boyd read the case. Mr. Wells presented the case for the City and entered evidence into the public record. While he was doing a proactive sweep in May, he saw peeling paint, and overgrowth on the property. He gave the owner 30 days' notice to fix the issue. In July, the owner called to request additional time and it was granted. His son stated to Mr. Wells that someone was contracted to paint the house. In October, the property still wasn't in compliance. On October 30, the owner called again about the hearing. Mr. Wells showed pictures of vines and overgrowth on the roof. He recommends fines of \$50 per day for 42-116 and \$75 per day for 42-117, along with administrative fees.

Mr. Frederick Brown, 128 N 13th Terrace, spoke on his behalf. He described being caught up in a "perfect storm", by which he meant that the people who sold him the house were now trying to get out of the contract. He stated that he is being sued for fraudulently buying the house. He said that the old owner, Mr. George, is a building inspector in Kingsland. According to Mr. Brown, there is an order to dispossess him of the property in Nassau County Court. Mr. Wells has had no contact with previous owner Mr. George. Mr. Brown stated he was not going to spend any money into a house that he is going to lose.

Vice Chair Kaufman asked if Mr. Brown had spoken to an attorney, and Mr. Brown stated that he has not retained one. City Attorney Bach stated that the property was quitclaimed and the Board cannot get involved with the dispute. They can rule on fines and fees. She referred Mr. Brown to Jacksonville Area Legal Aid and said that it is too complicated for the Board to get involved.

City Attorney Bach recommended that the Board rule on the two usual motions of whether the property was in violation and whether to assess fines. The property is homesteaded and the City cannot foreclose on it.

Member Crow asked if the lien would move with the property if transferred. City Attorney Bach replied yes.

Member Chapman stated that Mr. Brown does not intend to do work because he does not know if he will own the property. She wanted to know if there was a purpose to the Board makes a motion to find in violation, because the violations will not be corrected and the City will not recoup any money from fines either. City Attorney Bach stated that eventually if it changes

hands, fines will have to be paid. The City may want to go now if neighbors are complaining and there is a safety concern, and the Board can make that part of the motion.

A motion was made by Member Crow, seconded by Member Chapman, to find the property in violation of Sections 42-116 and 42-117. A vote was taken and passed, all being in favor.

Mr. Brown requested that the Board abate the fines for 30 days. He has bought the paint and has a contractor lined up to do the work, and hopes to know whether the house is his by that time.

Chair Boyd suggested 60 days and staff agreed with that timeline. Vice Chair Kaufman asked about the timeline for a judge's order. There was further discussion regarding the legal action surrounding the property. City Attorney Bach suggested that the Board ask for an update at an upcoming meeting.

A motion was made by Member Crow, seconded by Member Chapman, to assess administrative fees, and fines of \$50.00 per day beginning December 7 if not in compliance with Section 42-116; and assess fines of \$50.00 per day beginning February 5 if not in compliance with 42-117. A vote was taken and passed, all being in favor.

The Board encouraged Mr. Brown to seek legal assistance from JALA.

4. New Business

5. Board Business

5.1 CODE AMENDMENT - CODE ENFORCEMENT AND APPEALS BOARD LIENS - ORDINANCE 2019-23

Discussion of implementation of new ordinance

Chair Boyd read the item. City Attorney Bach explained that there wasn't clear direction on how to apply the ordinance. The way ordinance is currently written, the Board may never see a reduction again. When the Board issues an order now, that order is to be recorded 30 days after the meeting. If the property owner does not come into compliance on day 31, and fines run for months, if they come for a reduction, the City Commission would have to hear it, not the Board.

Vice Chair Kaufman provided a handout with his viewpoint on this scenario. His question is when do you file the order? The City will have to serve proper notice to property owners on the new procedures. He thinks the process appears onerous. He discussed previous case and from his perspective, if the order is filed in 30 days, the owner can come back to the Board; if the order is filed tomorrow, it goes directly to Commission. The 30-day period runs from the date the order is filed. The Board could make motions to direct the chair to file an order on certain date. Vice Chair Kaufman doesn't think Commission was thinking about the small day-to-day cases when they requested this ordinance, they were thinking about large cases like Taylor Rental.

City Attorney Bach summarized Vice Chair Kaufman's presentation: to allow 30 days until the lien is recorded to give the property owners a chance to come before the CEAB; once its recorded it is out of Board's hands.

Member Crow asked about times for when the Board gives someone 10 days to get into compliance. City Attorney Bach stated that if the Board wanted these cases to come back to them, on a case by case basis, they can add to the motion when they want the lien recorded on a date certain. Member Crow stated an example of how that would work, and asked what happens if they do come back and ask for more time.

Vice Chair Kaufman offered to get together with City Attorney Bach to draft a recommendation before next meeting. City Attorney Bach declined. She stated that if the recording date is not in the motion, it will generally be recorded in 30 days.

Member Kresse asked about the Lisa Avenue case, which came back four times. The Board can still work with those property owners as long as the lien is not recorded.

CA Bach asked when do you want to record Mr. Brown's lien? Sometimes, the staff provides updates and can let the Board decide from there.

Vice Chair Kaufman wants some standards put in place, and to rewrite the findings of fact to make it clear.

There was more discussion on the procedure in general. Chair Boyd did not think cases needed to come back to the Board. Member Crow mentioned a few exceptions that the Board would want to rehear.

Member Byrd stated the Board was not giving up the right to make motions to find in violation start fines. He thinks orders should be filed 45 days from the meeting.

Ms. Forstrom stated that staff can help provide direction or recommendations on that if the Board wanted.

City Attorney Bach explained that there is nothing wrong with adding the recording date to a motion, as long as it is not arbitrary.

Ms. Forstrom expressed her opinion that the Board is great because they consider the individual cases.

Member Crow stated fines still start at 30 days. Chair Boyd explained that the lien is filed to protect the City's financial interest.

Member Kresse stated it is about the intention to impose lien, and asked about the practicality of staff giving updates.

Chair Boyd asked if the Findings of Facts were to be recorded by the next meeting. Ms. Forstrom stated that on Findings of Fact, if it's not paid in 30 days it goes to a lien. People get fined, then come into compliance and give the City a check.

CA Bach stated that staff will come up with something for the Board. Ms. Forstrom stated that staff can provide an update report. The Board agreed that was not necessary if there is a lien on the property. Ms. Forstrom stated if there is someone trying to get into compliance we will get them before you.

6. Adjournment - There being no further business to come before the Code Enforcement and Appeals Board, the meeting was adjourned at 6:58 p.m.

Katie Newton, Recording Secretary

Carlton "Buddy" Boyd, Chair

STAFF REPORT
Case 2019-0073
City of Fernandina Beach Code Enforcement & Appeals Board
December 5, 2019

Violation Information

Owner: Cecilia Davis-Taylor
112 South 9th Street
Fernandina Beach, Florida 32034

Violation: City of Fernandina Beach – Code Of Ordinances, 42-117 Exterior Structure (Maintenance) & 8.03.07 Demolition by Neglect.

Location: 112 South 9th Street, Fernandina Beach, Florida 32034

Summary and Background Information

October 3, 2017, During a proactive sweep I observed two (2) wooden sheds in the rear of this property that had extensive rot damage to them. I spoke with the owner giving her 30 days to correct the violation. Follow-up inspection was 11/5/17.

November 5, 2017, 2nd inspection of property showed no change to the original violation.

November 7, 2017, I mailed out a NOV/NOH letter via certified mail to the owner. The owner was given until December 7, 2017 to come into compliance or appear before the CEAB on 1/4/2018. The case was not brought before the board. The owner was trying to get assistance to make the repairs.

December 10, 2018, The property was recited for yard overgrowth, rotten front porch decking, and two (2) sheds in the rear of the property that have extensive rot damage to them. I left a door hanger giving the owner 30 days to correct the violations. I recorded photographs of the notice of visit and the pictures of the violations. Basically I started this case anew in our new energov system.

May 7, 2019, I mailed out a NOV/NOH letter via certified mail to the owner giving her until 6/10/19 to come into compliance or appear before the CEAB on 6/27/19. The return receipt card came back signed by Mrs. Davis-Taylor. On this letter we included the rotten front porch decking and the yard overgrowth in addition to the rotten rear sheds.

June 17, 2019, A NOV/NOH inspection was performed which showed no change to the original violations.

June 18, 2019, Pre-agenda inspection- no change.

June 20, 2019, Mrs. Davis-Taylor submitted and paid for an application for the garage demolition. The HDC board approved the COA for the demolition of the garage. No application has been applied for the 2nd shed.

July 29, 2019, Mrs. Davis-Taylor submitted and paid for an application for a COA for the repairs to the porch. The HDC board approved the COA for the porch repairs.

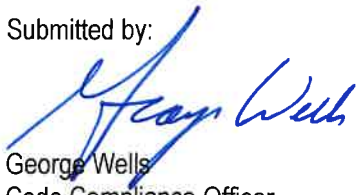
August 1, 2019, The CEAB deferred the hearing until the December hearing based upon the City recommendation. The CEAB was waiting for the decision by the HDC board on the demolition applications.

Conclusion: Mrs. Davis-Taylor still needs to apply to amend the COA for the garage demolition to add the 2nd shed to be demolished. No work has commenced on these demolitions.

Recommendation

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

Submitted by:

A handwritten signature in blue ink, appearing to read "George Wells", written over the printed name.

George Wells

Code Compliance Officer



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department

Code Enforcement Officer

**ADMINISTRATIVE FEES INCURRED FROM
112 South 9th Street
AS OF December 5, 2019
CODE CASE #2019-0073**

STAFF PERSONNEL OR ITEMS

Michelle Forstrom, Code Enforcement Director
George Wells, Code Compliance Officer
Katie Newton, Board Secretary/Legal Assistant
Tammi Bach, City Attorney

Record Findings of Facts
with the Clerk of Circuit
Court of Nassau County

Certified letters mailed
First Class letters mailed

# OF UNITS OR HOURS	PRICE OR RATE PER HOUR	<u>TOTAL</u>
1	\$25.24	\$25.24
8	\$22.50	\$180.00
2	\$21.63	\$43.26
1	\$68.64	\$68.64
1	\$10.00	\$10.00
3	\$6.80	\$20.40
1	\$0.50	<u>\$0.50</u>

TOTAL ADMINISTRATIVE FEES DUE

\$348.04

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



CITY OF FERNANDINA BEACH

Code Enforcement Department

George Wells

Code Compliance Officer

November 1, 2019

Case Number: CODE-2019-0073

Cert. #: 7018 1830 0001 9844 2215

IN THE MATTER OF:

Cecilia Davis-Taylor
112 South 9th Street
Fernandina Beach, FL 32034

PREMISES: 112 SOUTH 9TH STREET, FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 49 LOTS 1 2 & 7 IN OR 1335/1202 CITY OF FDNA BEACH.

This is a courtesy letter to advise you that the NOTICE OF VIOLATION/NOTICE HEARING letter dated May 7, 2019, included both structures in back yard (the garage and the shed) to either be repaired or demolished. We see that you only applied to the Historic District Council for the garage to be demolished, which will leave the shed still in violation. We don't know if this was intentional or just overlooked. After talking to Salvatore Cumella, in Planning & Conservation, we came to the conclusion that if indeed this was just an oversight, an amendment could be made to Certificate of Approval from the Historic District Council (HDC), at no additional cost. In order to do so, you would need to submit photos of the shed, documentation for the reasoning, and go back before the HDC in December for their approval.

If you have any questions about this process, please contact Salvatore Cumella at (904) 310-3483 or email him at scumella@fbfl.org.

Your Code Case is scheduled to go back before the Code Enforcement & Appeals Board on December 5, 2019.

If you have any other questions, please feel free to contact me at (904) 310-3442 or email me at gwells@fbfl.org

Regards,

A handwritten signature in blue ink that reads "George Wells".

George Wells
Code Compliance Officer



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

May 7, 2019

Case Number: CODE-2019-0073

Cert. #: 7016 1370 0001 9997 8015

IN THE MATTER OF:

CECILIA DAVIS-TAYLOR
112 S 9TH St.
FERNANDINA BEACH, FL 32034

PREMISES: 112 S 9TH ST FERNANDINA BEACH, 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 49
LOTS 1 2 & 7 IN OR 1335/1202 CITY OF FDNA BEACH

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s)
of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land
Development Code and contends that the following violation(s) exist:

42-117	Exterior Structure (Maintenance)	
	The front porch has rotten wood on the decking-repair or replace as needed. Obtain HDC approval & proper building permits.	By 6/10/2019
42-116	Duty to Maintain Property	
	Cut all high grass, weeds, and vegetation on entire property that is in excess of twelve inches (12"). All areas of the yard that are creating a nuisance must be cut and maintained.	By 6/10/2019
8.03.07	Demolition by Neglect	
	(2) wooden sheds in the rear of the property have experienced demolition by neglect. Demo or repair both sheds to correct the violation. Obtain HDC approval and all building permits as needed.	By 6/10/2019

(These can be found on the City's website: www.fbfl.us/code).

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: June 27, 2019

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

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/Land Development Code.

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 to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation), and in some cases demolition.

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.

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.

Cecilia Davis-Taylor
112 S. 9th St.
Fernandina Beach, Florida 32034



9590 9402 4930 9063 2028 48

7018 1830 0001 9844 2215

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
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail
- ☐ Mail Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

(over \$500)

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

Domestic Return Receipt

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

CERTIFIED MAIL®



7018 1830 0001 9844 2215

7018 1830 0001 9844 2215

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

COFO Code
Ent.For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

3.50

Extra Services & Fees (check box, add fee as appropriate)

- ☒ Return Receipt (hardcopy) \$ 2.80
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$

.50

Total Postage and Fees

\$

46.80

Postmark
Here

Cecilia Davis-Taylor
112 S. 9th St.
Fernandina Beach, Florida 32034

For Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
- 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.	A. Signature X <i>Cecilia Davis-Taylor</i> ☐ Agent ☒ Addressee B. Received by (Printed Name) <i>Cecilia Davis-Taylor</i> C. Date of Delivery <i>11/7/19</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
Cecilia Davis-Taylor 112 S. 9th St. Fernandina Beach, Florida 32034	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 ☐ Insured Mail (over \$500)
9590 9402 4930 9063 2028 48 7018 1830 0001 9844 2215	
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
- 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.	A. Signature X <i>CCT</i> ☐ Agent ☒ Addressee B. Received by (Printed Name) <i>Cecilia Davis-Taylor</i> C. Date of Delivery <i>5-14-19</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
1. Article Addressed to: Cecilia Davis-Taylor 112 S. 9th St Fernandina Beach FL 32034	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 ☐ Insured Mail (over \$500)
2. Article Number (Transfer from service label) 7016 1370 0001 9997 8015	
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

7016 1370 0001 9997 8015

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
☐ Return Receipt (hardcopy)	\$	3.45
☐ Return Receipt (electronic)	\$	
☐ Certified Mail Restricted Delivery	\$	
☐ Adult Signature Required	\$	2.75
☐ Adult Signature Restricted Delivery	\$	
Postage	\$	.50
Total Postage and Fees	\$	6.70
Sent To	Cecilia Davis-Taylor	
Street and A	112 S. 9 th St	
City, State, Z	Fernandina Beach FL 32034	

Postmark Here

MAY 14 2019 P.M.

PROUDLY SERVING A DIVERSE COMMUNITY



CITY OF ALEXANDRIA, VIRGINIA
CODE ENFORCEMENT

204 4th Street

(703) 799-3447

goalex.org - view full city Code

NOTICE OF VISIT

112 S 4th St

12/10/18 Time 2:00

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

- | | |
|---|---------------------|
| ☒ Unsanitary Conditions | 20-40 (J) |
| ☐ Unsafe Structure, Building or Vehicle | 20-40 (J) 20-40 (J) |
| ☒ Unsafe Structure, Building or Vehicle | 20-40 (J) |
| ☐ Unsafe Structure, Building or Vehicle | 20-40 (J) |
| ☐ Unsafe Structure, Building or Vehicle | 20-40 (J) |
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| ☐ Unsafe Structure, Building or Vehicle | 20-40 (J) |
| ☐ Unsafe Structure, Building or Vehicle | 20-40 (J) |
| ☐ Unsafe Structure, Building or Vehicle | 20-40 (J) |

Front Porch
rather decking

Please contact George Wells Code Compliance Officer at (703) 799-3447 or goalex.org within 30 days of this notice.
or 119 as 19 in Alexia compliance with
the above listed issue. Failure to do so will result in an official
warning notice with a possible outcome of fines.

Must come before Alex for
Deck request for shed
Wells

Code Compliance Officer

12.10.2018 13:52



12.10.2018 13:55







12.10.2018 13:55



12.10.2018 13:52



12.10.2018 13:52



10/03/2017 10:48 AM



10/03/2017 10:48 AM

Case 2019-0073

December 5, 2019

Owner

112 South 9th Street

112 South 9th Street

Violation

City of Fernandina Beach – Code Of Ordinances, 42-117 Exterior

Structure (Maintenance) & 8.03.07 Demolition by Neglect.

112 South 9th Street, Fernandina Beach, Florida 32034

Previous recommendation: The city recommends a fine of \$ 50.00 per day for the violation of 42-117

incurred.

Current recommendation: The City recommends a motion to be made to find the property in violation of 42-117 Exterior Structure (Maintenance) & 8.03.07 Demolition by Neglect giving the respondent (10)

a motion to be made that all administration fees be paid by the Respondent and that a fine of \$ 50.00 a day to begin 12/16/19 if the original COA has not been applied to be amended, along with filing a lien on this property on 1/16/19.



City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: August 1, 2019
Case Number: 2019-0073

IN THE MATTER OF: Respondent Name: Cecilia Davis-Taylor
Respondent Address: 112 South 9th Street, Fernandina Beach, FL 32034

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on August 1, 2019, 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 June 17, 2019, and the Respondent was present at the hearing.
2. The real property on which the violations occurred is 112 South 9th Street, Fernandina Beach, FL and a brief legal description being **BLOCK 49 LOTS 1 2 & 7 IN OR 1335/1202 CITY OF FDNA BEACH, 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 Code of Ordinances: **42-116 Duty to Maintain Property, 42-117 Exterior Structure (Maintenance);** and of the Land Development Code **8.03.07 Demolition by Neglect.**

SECTION 2 - CONCLUSION OF LAW & IMPOSITION OF FINE

1. Based on the foregoing findings of fact, the Board voted to find the property in violation of Section 42-116, and to assess administrative fees, and if not in compliance by November 6, 2019, to assess fines of \$50.00 per day beginning November 6, 2019.
2. Based on the foregoing findings of fact, the Board voted to find the property in violation of Section 42-117 and LDC 8.03.07, and to continue the case until the November 7, 2019, hearing, to allow for the Historic District Council process to take place.
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 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.
4. 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.



City of Fernandina Beach

SECTION 3 - CERTIFICATION OF VOTE

Done and ordered August 1, 2019 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing.

By:

Chair, Carlton "Buddy" Boyd

COUNTY OF NASSAU

STATE OF FLORIDA

I HEREBY CERTIFY that on this day before me, the undersigned, a Notary Public in and for the State of Florida at Large, personally appeared Carlton "Buddy" Boyd to me well known to be the Chair of the Code Enforcement and Appeals Board of the City of Fernandina Beach, and known to me to be the persons who executed the foregoing Findings of Fact for the City of Fernandina Beach as such Chair: and they severally acknowledged the execution of the same to be their free act and deed by authority and on behalf of the City of Fernandina Beach for the uses and purposes therein expressed.

WITNESS my hand and official seal at Fernandina Beach, said County and State on this 1st day of August, 2019.

(NOTARY SEAL)

Notary Public, State of Florida

Katie A. Newton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG123910
Expires 7/13/2021

*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.

1. Call to Order/ Roll Call/Determination of Quorum – The meeting was called to order at 5:32 pm.**Council Members Present**

Chair Buddy Boyd

Marlene Chapman

Gail Shults

Cynthia Crow

Henry Byrd

Nicole Kresse

Council Members Absent

Vice Chair Adam Kaufman

Others Present

Tammi E. Bach, City Attorney

Katie Newton, Recording Secretary

George Wells, Code Enforcement Officer

Michelle Forstrom, Code Enforcement Director

2. Approval of Minutes – According to the agenda support documents, the Minutes for the June 27, 2019, Regular Hearing were presented for approval. **A motion was made by Member Chapman, seconded by Member Shults, 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 to the agenda, and Items 4.3 and 4.6 were removed. He explained the hearing process to the audience, and City Attorney Bach explained the quasi judicial procedures and the appeal hearing process.

Member Byrd disclosed that he was employed previously at Westrock and is receiving a pension, and wanted to know if he should recuse himself. City Attorney Bach advised that he did not have to recuse himself.

Ms. Newton swore in witnesses.

3. Old Business

3.1 NEIL T. DOUGLAS & LISA A. MOHN, 1725 LISA AVE, CASE 18-00004. *Violation(s) of the City of Fernandina Beach Code of Ordinances exist: 42-116(B) Cleaning of Lots, Maintenance of Structures; Section 42-173 Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited. City staff to provide update.*

Chair Boyd read the case. Mr. Wells presented on behalf of the City. He reports that Mr. Douglas is now in compliance and the case is closed.

3.2 CECILIA DAVIS-TAYLOR, 112 S. 9TH STREET, CASE 2019-0073. *Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-116 Duty to Maintain Property, 42-117 Exterior Structure (Maintenance); and of the Land Development Code 8.03.07 Demolition by neglect. Requesting Board determination of the case.*

Chair Boyd read the case. Mr. Wells presented on behalf of the City. He submitted a letter from the Historic District Planner, Sal Cumella, requesting a continuance until November for the violations related to maintenance of structures and demolition by neglect. Mr. Wells addressed 42-116 and showed photographs. He read the ordinance and explained how the photographs showed overgrowth infringing on the right of way. Staff doesn't need her to cut back to the bare chain link fence – it's the excessive growth and weeds that are the problem. He stated that the property owner has cleared a lot in the center of the property and commends her for that; but the overgrowth along the fence is still out of compliance.

Michelle Forstrom was called as a witness. Mr. Wells asked her whether she had inspected the property and she had. She described the vegetation and the need for it to be cut back. She believes it is in violation of the City ordinance and agrees with Mr. Wells's presentation. Member Byrd asked about resources that might be available and the reason why this was postponed. Ms. Forstrom replied that a Commissioner had taken that responsibility and she did not have any further information. Mr. Wells added that a COA was required to handle the shed issue and the HDC would need to take it up. Member Chapman asked about the height of the fence in relation to the weeds. Ms. Forstrom said the fence was about 4 feet

and the weeds were growing on top of that. Member Chapmans and Crow wanted clarification on whose responsibility it was to clear the vegetation that was encroaching on right of way. The City has the right to clear to the fence line but the code states that the property owner is responsible for the overgrowth.

Dave Holley, City Arborist, explained that he went to the site today and no one was home. He said they had a sign stating it was a wildlife sanctuary and understands they want to keep natural vegetation. He stated that he saw vines there are being supported by the bushes and trees underneath. The vines may have killed the trees underneath already. The vines should be trimmed off and cleaned. Some vines were native but some were invasive species. There were saplings that probably could be thinned out but they are fine. Vines are growing over bushes and on power lines and up oaks and that is a concern.

Member Kresse wanted clarification on whether this was in violation based on the vines alone. Mr. Wells stated that the vines and excessive weeds in the corners were both in violation of 42-116. Mr. Holley explained that sword fern is an invasive species and present on the property. Member Crow explained that the Board had already found them in violation and they needed to discuss fines or whether the property was in compliance.

Staff recommends \$50 per day for the fine for 42-116.

Ms. Davis Taylor, property owner, said that it was her impression that the Board wanted to have her remove all the vegetation from the fencing. After reading the code, she is requesting exceptions to keep her vegetative screen on the fencing to keep her native plants. She stated that she has cleared a large portion of the interior of her property. She and Mr. Wells had discussed the encroachment into the City property and she did not like the idea of the bush hog. She was concerned that City staff would strip the vegetation. Member Crow explained the City has the right to cut back vegetation that encroaches on right of way but it the property owners originating property that is responsible for the vines.

Member Kresse wanted to make sure Ms. Taylor understood that the vines and weeds are the issue. Mr. Wells said that she needs to cut the vines back so it does not encroach on the right of way and not so high. Ms. Davis described an email from a neighbor that supported the view of the vegetation on the fence. Member Crow asked whether Ms. Davis had received assistance and she said it did not come through.

Chair Boyd asked what her plan was to satisfy code enforcement. She said that she planned to follow the staff recommendations. He asked for a timeline. She said that she had surgery in a couple weeks and would not have been able to hire someone. Member Chapman asked about the list that was given with agencies and Ms. Davis said the list was not able to help.

Tammi Kosack, 322 N 3rd Street, admires the property and offers her landscaping services if they postpone fees until the next meeting.

Peggy Lehosit, 1016 San Fernando Street, noticed the sign on her fence to certify as a wildlife habitat. Weeds could be considered native plants and she is doing a service to have native plants. Wants to help with project.

Christopher Page, Williams House owner, across the street, doesn't want a bush hog to tear up greenery he admires.

Chair Boyd asked for board discussion.

Member Kresse asked staff would be okay to withhold fines until November. Mr. Wells said is on board as long as they could see progress. There was discussion of regular updates. Chair Boyd wants to set a deadline.

Member Shults wants give them time.

Mr. Wells asked Ms. Taylor asked if she would accept the help offered by her neighbors. She said yes.

A motion was made by Member Crow, seconded by Member Chapman, to continue the violations on 42-117 Exterior Structure (Maintenance); and of the Land Development Code 8.03.07 Demolition By Neglect per Mr. Cumella's request; and to impose administrative fees and fines of \$50.00 per day to begin November 6, if the property was not in compliance with 42-116 by the November hearing. A vote was taken and passed, all in favor.

4. New Business

4.1 APPEAL - ALLEN & GRAHAM, INC. / WEST ROCK, 600 NORTH 8TH STREET, PERMITS BLDC 2019-0014, BLDC 2019-0015, BLDC 2019-0041. *Property owner appeal of building official decision to impose after-the-fact permit fees.*

Chair Boyd read the case. City Attorney Bach clarified that there are 6 voting members tonight, and the City code requires affirmative vote of 5 members to approve the appeal. The denial of appeal/upholding building official's decision is a simple majority. After the fact permit fees are allowed to quadruple fines.

Asa Gillette spoke on behalf of the contractor and owner appealing the decision. He explained that his business is very familiar with the permitting process and gave examples. He described Ordinance 97-4 which discusses certain exemptions the mills from inspections and plans reviews by the City but does not exempt permits.

Tom Keenan, retired engineering manager at Westrock, summarized the history of permitting for industrial facilities. Ordinance 97-4 granted exemptions to Westrock and Rayonier from City plans review and inspections to building and structures in the permitting processes. There is not an exemption for business side. As a general practice, industry does not get permits from the local jurisdiction because of other regulations. City planning departments are not built to inspect industrial facilities. Starting in 1997, he would gather information for permits that were required to bring to the City, and building department told them they were exempt and did not need a permit. In 2016, there was an article in Newsletter summarizing Ordinance 97-4; and a month later another article came out with the City Manager stating permits would be required. They provided a timeline in the agenda packet. On March 5, 2018, Mr. Keenan met with Tony Perez, the building official at the time, and they discussed the current projects going on and what information and permits would be required. Mr. Perez required elevations and other floodplain information. They have been working with department to satisfy inspection and plan review requirements of the department.

Member Crow asked about things changing in September 2016 and clarification on the timeline. The issue at hand is for three permits, and some of the engineering information was sent to the City between the meeting with Mr. Perez and after he had left the City. Chair Boyd asked who was responsible to provide payment to the City for the permits – whether it was the contractor or Westrock. Mr. Keenan explained the contractor pays for it and Westrock pays them back. Chair Boyd asked about follow up and Mr. Keenan explained the process Westrock uses generally. Permit fees are significant. Common practice is once contractor selected, they pay the permit and Westrock reimburses them. Chair Boyd asked if the same process was used for all projects and Mr. Keenan replied yes.

Member Byrd asked if Westrock knew a permit was required, and Mr. Keenan said they knew they needed permit for these projects. Chair Boyd asked if, in the past, they had started projects without permits and obtained them during the construction process, and Mr. Keenan said they hadn't obtained permits prior to 2016 except for the business side like sign permits. Chair Boyd asked if there were inspections from City, and Mr. Keenan stated that Westrock uses private providers for that. Chair Boyd asked if inspectors ever checked that permit was in place. Mr. Keenan stated that the private inspector was documenting inspections. Member Crow asked if Westrock went through a similar process for permitting after the policy change in 2016? Mr. Keenan replied yes. Member Chapman wanted to know whether the private inspector knew permits needed to be picked up. Mr. Keenan stated that by agreement, the City was aware of the projects and provided input, and Westrock would do engineering and processes as they went and then provide it to the City while going through permitting process. Both the process and project took a year and were done concurrently; he stated that the building department was aware that was happening.

Member Byrd asked if having permits were not required was normal for industry, and Mr. Keenan replied yes. Member Byrd wanted to know whether, since permits were generally not required, would the inspector be looking for a permit? Mr. Keenan stated that it was not standard to look for a permit. Member Crow wanted to clarify if it was still not standard after 2016. Mr. Keenan stated that he knew they were going through the permitting process and they did. Member Crow asked if he knew change was coming, and Mr. Keenan said they did.

City Attorney Bach explained factual information she came across while preparing for this hearing. Building permits are required for all projects as far back as 1996. Building officials may have overlooked this in the past, but she could not speak to that one way or the other. In Fernandina Beach, the City does not have inspectors for industrial projects, so private providers used as inspectors. The Commission had rejected resolutions to exempt the mills from the permitting process.

Private providers are standard for plans and inspections, and the City's Ordinance 97-04 affirms this. Chair Boyd asked if permits have to be in place before commencement of work and City Attorney could not speak to that.

Mr. Keenan stated that Westrock had been engaged with the City since the projects began so he feels the fee being imposed is not appropriate. Member Shults asked if any of these was in writing that no permits were required. Mr. Keenan stated that in early days, they went to get permits and were told to go away. Member Kreese asked about the agreement regarding permit payments in contract with Allen and Graham.

Mr. Gillette spoke about the Eight Flags facility for FPU, prior to Lignotech, it was started without any permit. Mr. Perez contacted them to pull permits. At that time, they did an after the fact permit for that project because work had started and the mills were not used to having to get permits. There were no after the fact permit fees required for that. For industrial facilities, that was common practice for a permit to be issued after work started. One reason is that the fees are so large, it might be a while before contractor can actually pay to pick up the permit. Westrock was not trying to deceive the City, and disruptions in the building department staffing caused delays.

Art Barthlow, a private provider, was the plan reviewer on these jobs, starting March of 2018. Westrock submitted plans to City. Ms. Angie Lester asked Mr. Barthlow to come in after building inspector Jud Allen became ill to review plans in October 2018. He had finished the Westrock plan reviews, and then went to work for the City. Well into year, he was asked why Allen Graham had not picked up the permits for those projects. He didn't know. He stated that the inspector should have known better to certify work without a permit. The issue is that contractor did not pick up permit, when they knew there was a permit because they had signed the permit application. Mr. Barthlow was also concerned that the inspector signed off on the work without the permit. Chair Boyd asked if Mr. Barthlow thought the after the fact permit fees are excessive. Mr. Barthlow did not want to comment on that subject, but restated the contractor knew he was supposed to pick up the permits.

Eric Schmidt, Westrock Community Relations Manager, wants to make sure they know that were issues. There were retirements during that time and the email that said they were ready to be picked up did not make it to the right person. In January, Westrock still wasn't clear what the fee should be, so they were not sure how to pick up permits. The fee changed again in April. Between the City staff changes and the Westrock retirements, there was a lot of miscommunication. He believes that four times the fee is really punitive and not appropriate in this case. They paid the regular fee already. Chair Boyd asked what would be fair. Mr. Schmidt stated that a fee of the interest and administrative costs would be fair.

Member Chapman asked City Attorney Bach about the stopgap measures between wetlands and city property if the mills encroach on these areas. City Attorney Bach stated that that was a completely different issue and not relevant to this appeal.

Mr. Terry Cotter, deputy building official, passed out a section of the Florida Statutes, Chapter 489. He stated that the contractor was notified after the plans were signed off by reviewer and the permit was ready to be picked up. He was not working at the City at the time. In the building administrative code, it is okay to start work without a permit as long as there is something in writing stating that. Mr. Cotter cannot find anything in writing at this time. The contractor can do work until the first inspection if that has been agreed to. The building department never inspected any of the projects. Private providers are used, but they are supposed to give the building department notice before inspection. They are supposed to fill out an application that they are using a private provider. The building department never got notice for inspection or the results of inspections. Universal Engineering had no reports. He felt that they ignored the law.

Mr. Cotter went through the statutes he had distributed and explained some relevant passages to this case relating to authority and penalties for performing work without a building permit in effect. He stated that the contractor violated the statutes on three occasions. Chair Boyd wanted clarification on whether permit was needed prior to work started. Mr. Cotter stated he could not find documentation that it was agreed that they could start work up to first inspection, and that it was not correct that they could start work while working through the permitting process/ He highlighted the violation for not informing the local building department. He talked about rules for starting a local review board and he sent this case to the state construction industry board for a disciplinary hearing. He requests that this case be dropped by the CEAB and let the state board do his work.

Chair Boyd asked if Mr. Cotter assessed after the fact fees. Mr. Cotter stated that he did and followed state guidelines and Florida Statutes. This is not considered an after the fact permit fee, but it a fine. After the fact permit fees deal more with emergency work.

CA Bach wanted to know if Mr. Cotter was asking board to not rule on appeal. Mr. Cotter replied that the state licensing board has the authority to fine the contractor, and that Westrock was not the violator. City Attorney Bach stated that Westrock is responsible for paying permit fees because the City has applied penalties to property owner. She wanted Mr. Cotter to clarify who was expected to pay the fines, and whether the state licensing board would hear the case and assess their own penalties or will the city assess their fees? Mr. Cotter stated that Chapter 849 says it's the contractor's responsibility to pay the permit fees and he does not believe the owner is responsible. City Attorney Bach said that years later, if the City finds there was no permit, they go to the property owner. Member Crow stated that they pulled a permit, they just didn't pick it up, and that they paid the base fee already. Mr. Cotter stated that they only paid those fees because they had more work to do.

Chair Boyd wanted to know how the permits would be closed out. Mr. Cotter said they would and that the construction and licensing board would determine the fees. Member Crow asked if the state licensing board will address the fees and any disciplinary action? Mr. Cotter said they will. Member Byrd wanted to know why the CEAB was hearing the appeal if that was the case. City Attorney Bach stated that she was not told it was going before the state board. Chair Boyd wanted to know what would happen if the state board did not assess any penalties. Mr. Cotter stated that they have the final word. He apologized for not talking about the state board earlier. Member Byrd wanted to make sure the fees are in line with state standards, and said one of the fees was over \$232,000. Mr. Cotter explained that the four times penalty applies to base fee only. Member Kresse wanted to know whether the fact permit fees was this correctly applied. Mr. Cotter stated that it was in the City fee schedule and in state statute. Chair Boyd clarified that the penalty is up to four times the base permit fee. City Attorney Bach wanted to clarify whether the penalty went against the contract, and that the state board would look at the fee and decide whether it was applicable. She also wanted to know whether Westrock was responsible or Allen and Graham. Mr. Cotter stated that a new contractor and owner are not responsible for contractor's mistake. Westrock would not be responsible for fees.

City Attorney Bach advised that the Board should take no action. Westrock appealed the case because they thought the fee applied to them. We can reset for another time if needed.

Mr. Clyde Davis, attorney, represents Westrock. He agrees with everything up to the point where the fee is applied to Westrock. He requests the CEAB sustain the Westrock appeal and allow the contractor Allen and Graham to go through state licensing board.

Member Crow does not want to sustain because she wanted to verify Mr. Cotter's statements. City Attorney Bach asked if the case been filed with state already, and Mr. Cotter replied yes. City Attorney Bach asked how long will it take and Mr. Cotter didn't think it would be more than six months.

City Attorney Bach recommended a motion to toll time so the appeal can be brought back to date certain in case Westrock is charged with this fee while that case is being heard by state board. Mr. Cotter stated he was confident Westrock would not get a bill – it would be the contractor. He said that the system he has with Westrock now is doing well.

A motion was made by Member Chapman, seconded by Member Kresse, to toll the time until December 31 to let the construction licensing board make a decision. A vote was taken and passed, all being in favor.

The Board took a brief recess at 8:12 p.m. and resumed the hearing at 8:20 p.m.

4.2 JESSUP PROPERTIES, 11 SOUTH 7TH STREET, CASE 2019-0175. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-117, Exterior Structure & Section 42-116 Duty to Maintain Property. Requesting Board determination of the case.

Chair Boyd read the case. Mr. Wells presented for the City and entered evidence into the record. The property is currently known as the Thompson House and Lulu's Restaurant. On April 24, he observed rotten wood and peeling paint, and an overgrown yard. All work to be done on this property needs an HDC Certificate Of Approval. The owner was given until June 20 to come into compliance. Mr. Wells met with the owner in October 2018 and they were excited to turn the house into a B&B. Work suddenly stopped and no word from owners for months, and phone numbers on file were disconnected. There were complaints that vagrants were staying there but he could not verify that. The community has complained because of location and this property is in its first phases of demolition by neglect. Staff recommends fine of \$150 per day per violation and administrative fees.

Chair Boyd asked if there had been any communication with the owners. Mr. Wells stated phone numbers have been disconnected but a certified letter was returned with a signature from owner. Member Kresse asked if the HDC knew since this is historic house. Mr. Wells stated that the property owners haven't submitted applications for COAs. Member Kresse wanted to know how long it would take for a COA, and Ms. Forstrom replied that a COA has to be applied for by the private property owner. They have not been in contact. She thinks there is more going on but nothing has been recorded yet. If they were here then it wouldn't take that long because it's mostly staff approval items.

A motion was made by Member Chapman, seconded by Member Kresse, to find the property in violation of Code of Ordinances Section 42-116 Duty to Maintain Property and Section 42-117 Exterior Structure. A vote was taken and passed, all being in favor.

A motion was made by Member Kresse, seconded by Member Chapman, to assess administrative fees and fines of \$75 per day beginning August 16 if not in compliance with 42-116 by that date; and fines of \$75 per day beginning 42-117 beginning November 1 if not in compliance. A vote was taken and passed, all being in favor.

4.3 NANCY STARR, 404 SOUTH 11TH STREET, CASE 2019-0195. 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.

This item was removed from the agenda.

4.4 WILLIE & PAULA EVANS, 810 SOUTH 11TH STREET, CASE 2019-0197. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-173 Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited & Section 42-116 Duty to maintain property. Requesting Board determination of the case.

Chair Boyd read the case. Mr. Wells presented for the City and entered evidence into the record. It this time, 42-116 is in compliance, but as far as 42-173 is concerned, the van still has flat tires. He hand delivered and posted notices. The owner has not made any contact. Staff recommends a fine of \$50 per day and administrative fees.

Chair Boyd asked if posting was acknowledged. Mr. Wells said posting was gone.

A motion was made by Member Kresse, seconded by Member Crow, to find the property in violation of Code of Ordinances Section 42-173 Wrecked or inoperable motor vehicles declared a nuisance and prohibited. A vote was taken and passed, all being in favor.

A motion was made by Member Kresse, seconded by Crow, to assess administrative fees and fines of \$50 per day beginning August 16 if not in compliance. A vote was taken and passed, all being in favor.

4.5 MARY BOWMAN, 1622 HIGHLAND STREET, CASE 2019-0238. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-173 Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited. Requesting Board determination of the case.

Chair Boyd read the case. Mr. Wells presented for the City and entered evidence into the record. On a proactive sweep, he saw the vehicle on jack stands. The property owner said it was to make it undriveable for a sibling. The owner admitted it was inoperable and has expired tags. The notice of violation letter was returned signed, and the property is still in violation. He has not been able to make further contact with the owner. Staff recommends a fine of \$50 per day and administrative fees.

A motion was made by Member Chapman, seconded by Member Kresse, to find the property in violation of Code of Ordinances Section 42-173 Wrecked or inoperable motor vehicles declared a nuisance and prohibited. A vote was taken and passed, all being in favor.

A motion was made by Member Kresse, seconded by Member Crow, to assess administrative fees and fines of \$50 per day beginning August 16 if not in compliance. A vote was taken and passed, all being in favor.

4.6 UNITED STATES OF AMERICA, 314 SOUTH 13TH STREET, CASE 2019-0270. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-116 Duty to Maintain Property. Requesting Board determination of the case.

This item was removed from the agenda.

5. Board Business

5.1 Reappointment of Members Crow and Kaufman.

A motion was made by Member Kresse, seconded by Member Byrd, to recommended reappointment of both members to the Commission. The motion passed by unanimous voice vote.

Member Byrd would like to have more information on the way that the building department and planning department interact with code enforcement. Ms. Forstrom agreed to put something on a future agenda.

6. Adjournment - There being no further business to come before the Code Enforcement and Appeals Board, the meeting was adjourned at 8:54 p.m.



Katie Newton, Recording Secretary



Carlton "Buddy" Boyd, Chair

