



**AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
MARCH 5, 2020
5:30 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF A QUORUM / PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

2.1 The minutes from the January 2, 2020 Hearing are presented for approval.

3. OLD BUSINESS

Requesting Board determination of the case.

4. NEW BUSINESS

4.1 **ANDREW PALMISANO, 516 ASH STREET, CASE 2019-0458.** Violations of Code of Ordinances, Section 70-2 - Encroachment in the public right-of-way: Land Development Code, Chapter 5.01.07 - Dumpsters. *Requesting Board determination of the case.*

5. BOARD BUSINESS

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 5:34 pm.

Board Members Present

Chair Adam Kaufman
Vice Chair Nicole Kresse
Henry Byrd

Buddy Boyd
Marlene Chapman

Board Members Absent:

Cindy Crow
Gail Shults

Others Present

Tammi E. Bach, City Attorney
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 December 5, 2019, Regular Hearing were presented for approval. **A motion was made by Vice Chair Kresse, seconded by Member Chapman to approve the Minutes. Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

Chair Kaufman asked if the quasi judicial procedures needed to be explained. City Attorney Bach stated no as no witness or respondents were present.

3. **Old Business**

3.1 KATHY WORTHAM, 806 SOUTH 6TH STREET, CASE 2019-0397. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-116-Duty To Maintain Property & 42-119-Rubbish and Garbage. *Requesting Board determination of the case.*

Mr. Wells presented on behalf of the City. He described the history of the case, which had been active since November 1, 2019. Mr. Wells stated property owner is still in violation of both ordinances.

The City recommends a motion to be made to find the property in violation of 42-116-Duty to Maintain Property and 42-119-Rubbish and Garbage giving the respondent (10) additional days to come into compliance by 1/13/20. The City recommends a motion to be made that all administration fees be paid by the Respondent and that a fine of \$25.00 per day, per violation to begin on 1/14/20 if not in compliance, along with filing a lien on this property on 2/14/2020.

Board reviewed case and city's recommendation the property is in violation of both ordinances and Vice Chair Kresse made a motion to accept City's recommendation seconded by Member Chapman. **Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

3.2 REBECCA G. SOUTHERS EST. & DAISY M. BAILEY EST. C/O JAMES & ERNESTINE SOUTHERS, 304 DIVISION STREET, CASE 2019-0458. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-117-Exterior Structure (Maintenance) & 42-119-Rubbish and Garbage. *Requesting Board determination of the case.*

Mr. Wells presented on behalf of the City. Code decided to open a case based on the Building Department not deeming this structure unsafe. He described the history of the case, which had been active since October 22, 2019. Mr. Wells stated property owner is still in violation of both ordinances. Recommend the board look at the packet from Gillette Engineers, dated December 2017. Mr. Wells reads from the summary, Mr. Gillette finds that the structure has significant damage to the home and roof. Damage to siding, windows and doors. Structure is recommended to be repaired to current code. Previous Building Official did not want to make it an unsafe structure as it would remove Mr. Southers from the home.

The City recommends a motion to be made to find the property in violation of 42-117-Exterior Structure (Maintenance) and 42-119-Rubbish and Garbage giving the respondent (90) ninety additional days to bring this property into compliance by 4/03/20. The City recommends a motion to be made that all administration fees to be paid by the Respondent and that a fine of \$50.00 per day, per violation violation to begin on 4/04/2020 if not in compliance, along with filing a lien on this property on 5/03/2020.

Board reviewed case and city's recommendation of finding the property in violation of both ordinances and Member Boyd made a motion to accept City's recommendation, seconded by Vice Chair Kresse. **Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

4. New Business

No new Business before the Board.

5. Board Business

6. Adjournment - There being no further business to come before the Code Enforcement and Appeals Board, the meeting was adjourned at 6:04 p.m.

Ashley Manning, Recording Secretary

Adam Kaufman, Chair

Violation Information

Owner	Andrew Palmisano 5338 Great Oak Court Fernandina Beach, Florida 32034
Violation	City of Fernandina Beach – Code Of Ordinances, Section 70-2 – Encroachment in the public right-of-way: Land Development Code, Chapter 5.01.07 - Dumpsters
Location:	516 Ash Street, Fernandina Beach, Florida 32034

Summary and Background Information

February 16, 2018 – Code Enforcement conducted a downtown dumpster audit, finding several properties in violation. This audit report was given to the City Manager. Sometime after that, while making a purchase in the store, I mentioned to Mr. Palmisano that he would have to either move the dumpster to private property or remove it completely sometime in the near future. I told him that all of the dumpsters located in the right-of-way downtown and eventually City wide would have to do the same thing. Concentration was going to be on downtown first.

In the last quarter of 2019, Code Enforcement was asked to follow-up on all of the businesses that had dumpsters in the right-of-way downtown.

December 30, 2020 – Code Enforcement visited all three businesses that had dumpsters located in the right-of-way and requested that each one be relocated on to private property of permanently removed. January 14, 2020 was the deadline for compliance. Amelia Island Paint & Hardware was one of those businesses that we visited. Mr. Palmisano did not respond well.

January 14 & 17, 2020 – Another inspection was performed each of these days to check for compliance. The dumpster was still in the right-of-way.

I met with the City Manager several times about this matter. Eventually, we decided that Code Enforcement needed to proceed to the next step.

February 7, 2020 – Sent a Notice of Violation/Notice of Hearing letter, giving Mr. Palmisano until February 17, 2020 come into compliance.

February 19, 2020 – A pre-agenda inspection was performed showing that the dumpster was still in the right-of-way, and therefore Mr. Palmisano was still in violation.

Conclusion:

We have notified Mr. Palmisano via certified mail that this property is in violation of 70-2 – Encroachment in the public right-of-way and 5.01.07 - Dumpsters. Mr. Palmisano has not contacted our office in regards to this case. The dumpster remains in the Right-of-way. The other two businesses are currently in compliance.

Recommendation:

The City recommends a motion to be made to find the property in violation of 70-2 – Encroachment in the public right-of-way and 5.01.07 - Dumpsters giving the respondent seven (7) additional days to bring this property into compliance by 4/12/20. The City recommends a motion to be made that all administration fees to be paid by the Respondent and that a fine of \$ 50.00 a day per violation to begin on 4/13/2020 if not in compliance, along with filing a lien on this property on 5/13/2020.

Submitted by:

A handwritten signature in blue ink, appearing to read "M Forstrom", is written over a horizontal line.

Michelle D. Forstrom
Code Enforcement Director



CITY OF FERNANDINA BEACH

Michelle D. Forstrom

Code Enforcement Department

Code Enforcement Director

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

February 7, 2020

Case Number: CODE-2020-0063

Cert. #: 7018 1830 0001 9844 1553

IN THE MATTER OF:

Andrew Palmisano
5338 Great Oak CT
Fernandina Beach, FL 32034

PREMISES: 516 ASH ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 28
LOTS 14 & 15 IN OR 1945/637 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:

70-2	Encroachments in the public right-of-way	
	Remove the dumpster from the right-of-way	By 2/17/2020
5.01.07	Dumpsters	
	Must be enclosed and landscaped	By 2/17/2020

(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: March 5, 2020

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).



Michelle Forstrom

Code Enforcement Director

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.

7018 1830 0001 9844 1553

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

Code EnF
204

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) \$ 2.30
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

\$ 1.50
Total Postage
 \$ 6.80

Sent To:

Street and Apt.:

City, State, ZIP:

PS Form 3800

ANDREW PALMISANO
5338 GREAT OAK COURT
FERNANDINA BEACH, FL
32034



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, on the front if space permits.

Article Addressed to:

ANDREW PALMISANO
5338 GREAT OAK COURT
FERNANDINA BEACH, FL
32034



9590 9402 4930 9063 2031 04

2. Article Number (Transfer from service label)

7018 1830 0001 9844 1553

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

A. Palmisano

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Laura Palmisano

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
- ☐ Insured Mail

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

Domestic Return Receipt



PROPERTY INFORMATION

Parcel Number 00-00-31-1800-0028-0140

Owner Name PALMISANO P ANDREW

Mailing Address 5338 GREAT OAK CT

FERNANDINA BEACH, FL 32034

Location Address 516 ASH ST

FERNANDINA BEACH 32034

Tax District FERNANDINA BEACH

Milage 20.3245

Homestead No

Property Usage STORE/OFFI 001200

Deed Acres 0

Short Legal BLOCK 28 LOTS 14 & 15 IN OR 1945/637 CITY OF FDNA BEACH

2019 Certified Values

Land Value	\$250,000
(+) Improved Value	\$365,536
(=) Market Value	\$615,536
(-) Agricultural Classification	\$0
(-) SOH or Non-Hx* Capped Savings	\$
(=) Assessed Value	\$615,536
(-) Homestead	\$0
(-) Additional Exemptions	\$0
(=) School Taxable Value	\$615,536
(-) Non-School HX & Other Exempt Value	\$0
(=) County Taxable Value	\$615,536

Note - *10% Cap does not apply to School Taxable Value

PARCEL MAP



2019 AERIAL MAP



PROPERTY PHOTO



If this picture is incorrect, please email info@nassaupla.com

LOCATION MAP



BUILDING INFORMATION

Type	Total Area	Heated Area	Bedrooms	Baths	Primary Exterior	Secondary Exterior	Heating	Cooling	Actual Year Built
STORE RETL	8710	6419	0	0	CONC BLOCK	COMMON BRK	AIR DUCTED	AIR DUCTED	1876
SFR CUST	1341	648	2	1	AVERAGE		CONVECTION	CONVECTION	1900



MISCELLANEOUS INFORMATION

Description	Dimensions L X W	Units	Year Built
-------------	------------------	-------	------------