



AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
MAY 6, 2021
5:30 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

The Regular Code Enforcement & Appeals Board Hearing will be held as a HYBRID LIVE/VIRTUAL meeting with respondents and the public able to participate through video conferencing. This meeting will be broadcasted live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF A QUORUM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - 3.1 The minutes for April 1, 2021, are presented for approval.
- 4. OLD BUSINESS**
 - 4.1 **JASMINE SCARVER, 1014 S. 10TH STREET, CASE 2020-0287.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 - Group Homes. *Requesting Board determination of fines and fees.*
 - 4.2 **BROWN FAMILY REV LIVING TRUST, 823 S. 13TH STREET, CASE 2020-0284.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16. *Requesting Board determination of fines and fees.*
 - 4.3 **NETHERLAND WILSON, 816 VERNON STREET, CASE 2020-0285.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 - Group Homes. *Requesting Board determination of fines and fees.*
- 5. NEW BUSINESS**
 - 5.1 **FAYE RICHARDSON, 730 DIVISION STREET, CASE 2021-0069.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-117, Exterior Structure (Maintenance) and Section 42-173, Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited. *Requesting Board determination of the case.*
- 6. BOARD BUSINESS**
- 7. 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.

This will be conducted as a virtual meeting with restricted physical access. Written comments emailed to the Code Enforcement Director (mforstrom@fbfl.city) must be sent no later than 1 PM on May 6, 2021 and will be read aloud during the meeting. These comments shall have a maximum time allowance of 3 minutes or 400 words. Public comment may also be provided virtually through use of

the Zoom Meeting link below, the phone number provided below, or in person at City Hall with strict restrictions to protect health and safety. Individuals wishing to provide live comments during the meeting must dial-in or connect via the Zoom Meeting link or phone number below no later than 5:20 PM on May 6, 2021 and will be called upon by their individual registered Zoom Meeting ID Account or by the last-4 digits of their respective phone number. When called upon, please provide your name and home address prior to issuance of public comment. Please limit comment to 3 minutes.

Zoom Meeting Link:

<https://zoom.us/j/97719047585?pwd=cW55b2NoMXpZa2YwU1FaZXFOU3h4QT09>

Password: **CEAB0506**

(Users must have a functional microphone): **977 1904 7585** with Password: **CEAB0506**

Or Zoom Phone Dial-In for Public Comment: + **1 646 558 8656** Meeting ID: **977 1904 7585**

Password: **06542278**

If you must attend in person at City Hall (204 Ash Street), please arrive at City Hall no later than 5:20 PM to be counted and to complete a speaker form. You will be admitted into City Hall when it is your turn to make your public comments and must exit City Hall after your comments are made.

It is required that you wear a face mask when entering City Hall for your protection and the protection of others.

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 Code Enforcement Department (904)310-3440. 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.

DRAFT



Code Enforcement & Appeals Board Minutes

Regular Hearing

April 1, 2021

Due to the ongoing COVID-19 pandemic, the Code Enforcement & Appeals Board Meeting was held as a combination HYBRID LIVE/VIRTUAL meeting with respondents and the public able to participate through video conferencing. This meeting was broadcast live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

1. Call to Order/Roll Call/Determination of Quorum - The meeting was called to order at 5:35 p.m.

Board Members Present:

Chair Adam Kaufman

Vice Chair Nicole Kresse

Andy Fotiades

Gail Shults

Bernard Thompson

Board Members Absent:

Buddy Boyd

Cindy Crow

Staff Present:

Tammi E. Bach, City Attorney

Harriet Davis, Administrative Coordinator/Recording Secretary

Michelle Forstrom, Code Enforcement Director

George Wells, Code Enforcement Officer

Troy Woleshin, IT Specialist

Others Present:

Chip Ross

Travis Young (via Zoom)

2. Pledge of Allegiance

3. Approval of Minutes - According to the agenda support documents, the minutes for the January 7th, 2021 regular hearing were presented for approval. **A motion was made by Vice Chair Kresse, seconded by Board Member Fotiades, to approve the minutes. Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

Chair Kaufman asked for any ex parte communication regarding the cases. There was none.

4. Old Business

409 FIR STREET

Officer Wells provided an update on this property. The house has been demolished. The property owner has paid the fines and fees and the cases have been closed.

728 S. 6th STREET

Officer Wells provided an update on this property. The owner has applied for three different permits. A fence permit was issued February 24th, 2021. Per the Findings of Fact issued after the January meeting, fines started on March 26th since no work has commenced on the fence. The owner applied for a general building permit for the porch enclosure on January 11th, 2021. The application is currently on hold awaiting additional paperwork (plans, subcontractor list, and product approval). The owner applied for a shed permit on January 28th, 2021. The application was missing paperwork, but this has since been submitted and is currently in review. Officer Wells stated there is currently a trailer in front of the house and a bus in the right of way.

5. New Business

5.1 GERALDINE WALKER, 715 S. 6TH STREET, CASE 2021-0035. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, Section 5.01.09 – Outside Storage. *Requesting Board determination of the case.*

Officer Wells presented this case for the City and submitted evidence into the record. He provided a timeline of the case and presented more details as provided in the staff report. On January 26th, 2021, he observed an inoperable vehicle on jack stands and auto parts and equipment laying around the property. He posted a Notice of Visit giving the owner ten (10) days to correct the violation. He visited the property on February 9th, 2021 and noted the inoperable vehicle had been removed but equipment and auto parts were still scattered on the property. A Notice of Violation/Notice of Hearing (NOV/NOH) letter was mailed on February 10th, 2021 giving the owner ten (10) additional days to bring the property into compliance for outside storage.

Officer Wells conducted a NOV/NOH inspection on February 22nd, 2021 confirming the property was still in violation. He attempted to contact the owner but was unsuccessful. A pre-agenda inspection on March 24th, 2021 confirmed the property was still in violation.

Officer Wells presented photos depicting the current condition of the property. He noted this property is a repeat violator.

Officer Wells read the recommended motion: Staff recommends a motion to be made to find the property in violation of 5.01.09 – Outside Storage giving the respondent ten (10) additional days to come into compliance by April 11th, 2021. The City recommends a motion to be made that all administrative fees be paid by the Respondent and that a fine of \$50 a day to begin on April 12th, 2021 if not in compliance, along with filing a lien on this property on May 15th, 2021.

Board discussion:

A board member inquired if the owners are moving the equipment to the back of the property rather than disposing of it. Officer Wells stated he could not confirm this since he cannot trespass on the property.

The board discussed a time frame for compliance and an amount to set the fine. Since the property is a repeat violator, the board requested Code Enforcement notify the owner that fines could be higher next time if they do not bring the property into compliance.

A motion was made by Vice Chair Kresse, seconded by Board Member Thompson, to find the property in violation of 5.01.09 – Outside Storage. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

A motion was made by Board Member Fotiadis that all administrative fees be paid by the Respondent and that a fine of \$50 a day to begin on April 16th, 2021 until the property is brought into compliance. The motion was not seconded.

A motion was made by Vice Chair Kresse, seconded by Board Member Shults, that all administrative fees be paid by the Respondent and that a fine of \$25 a day to begin on April 16th, 2021 if not brought into compliance. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

6. Board Business

6.1 Application for alternate member - Travis Young

The board unanimously voted to recommend the City Commission accept Mr. Young's application.

Chair Kaufman stated the board received a letter from the Elm Street Sportsman Association. This organization is willing to provide financial assistance up to \$300 to help individuals with code compliance issues. This will be determined on a case-by-case basis. The board is also working with some other non-profit organizations regarding homeowner assistance.

7. Adjournment

There being no further business to come before the Code Enforcement and Appeals Board, Chair Kaufman adjourned the meeting at 6:07 p.m.

Harriet Davis, Recording Secretary

Adam Kaufman, Chair

CASE UPDATE
Case 2020-0287
City of Fernandina Beach Code Enforcement & Appeals Board
May 6, 2021

Violation Information

Owner Jasmine Scarver
2233 Nettlebrook Street North
Jacksonville, FL 32218

Violation City of Fernandina Beach – Land Development Code, 6.02.16 - Group Homes Violation

Location: 1014 South 10th Street, Fernandina Beach, FL 32034

Case Update since **November 5, 2020** when the Code Enforcement & Appeals Board found this property in violation of 6.02.16 - Group Homes of the City of Fernandina Beach Land Development Code, where the Board gave the Respondents one hundred and eighty (180) days, May 4, 2021, to come into compliance.

Included in this update is the evidence of the following communications and events, the Staff Report, Minutes, and Findings of Facts from the November 5, 2020 Code Enforcement & Appeals Board hearing for this case.

On December 10, 2020 – I sent an email to Mr. Green and Mr. Blyth requesting a status update on this and the other two properties.

On January 7, 2021 – Mr. Green appeared at the Code Enforcement & Appeals Board hearing with some documentation for the Board. The Board told Mr. Green that this was not the appropriate venue, and that he should contact me with any documentation and updates.

I never heard from him.

On April 20, 2021 – I sent an email to Mr. Green attaching the letter reminding him and the property owners of the deadline of May 4, 2021 for proof of compliance for this property and the other two properties.

A copy of this letter was sent out certified to Mr. Green and the property owners. The letters were received.

Conclusion:

There has been no contact from Mr. Green or any of the property owners to anyone in our office.

Recommendation:

The City recommends a motion to be made to that all administrative fees (\$775.70 to date) be paid by the Respondent and that a fine of \$200.00 a day for the violation to begin on May 4, 2021, and file a lien on this property on July 2, 2021, sixty (60) days from May 4, 2021. This date is the Friday after the scheduled July 1, 2021 Code Enforcement & Appeals Board hearing.

Submitted by:



Michelle D. Forstrom
Code Enforcement Director

Michelle Forstrom

From: Michelle Forstrom
Sent: Thursday, December 10, 2020 8:12 AM
To: henrygreen9128@gmail.com; jeffblyth71@yahoo.com
Subject: Status Update

Mr. Green and Mr. Blyth,

I hope that this email finds you both well.

I am just checking in to get a status update on 1014 South 10th Street, 823 South 13th Street, and 816 Vernon Street. We also were forwarded a complaint from the Health Department about bed bugs at 823 South 13th Street. We recommend that this issue gets addressed immediately.

I look forward to receiving a compliance progress report on these three (3) properties.

Michelle Forstrom

From: Michelle Forstrom
Sent: Tuesday, April 20, 2021 11:25 AM
To: henrygreen9128@gmail.com
Cc: Harriet Davis
Subject: Code Enforcement & Appeals Board Hearing
Attachments: Green Houses on LH and Signed 4-20-21.pdf

Mr. Green,

Please find the attached letter reminding you and the property owners of the cases going back before the Code Enforcement & Appeals Board in May.

If you have any questions, please feel free to contact me.



City of Fernandina Beach
Code Enforcement Department

Ms. Michelle D. Forstrom
mforstrom@fbfl.org

April 20, 2021

Mr. Green and Property Owners,

This is a reminder that the cases for

- 1014 South 10th Street, Code Case #CODE-2020-0287
- 823 South 13th Street, Code Case #CODE-2020-0284
- 816 Vernon Street. Code Case #CODE-2020-0285

Are being brought back before the Code Enforcement & Appeals Board for determination of fines at the date and time listed below.

Date: May 6, 2021
Time: 5:30PM
Location: 204 Ash Street, City Commission Chambers

The Code Enforcement & Appeals Board order gave one hundred eighty (180) days, May 4, 2021, to come into compliance which would include the following:

- 1) Reducing the number of people living in each home to four (4) or less;
- 2) Applying for and getting approval from the City a Land Development Code amendment to allow Group Residential (Boarding Houses) in R2; or
- 3) For you, Henry Green, (organizer of these sober homes) to get state DCF licensing to change the status of these homes to Group Homes with onsite supervision and maintain twelve hundred (1200) feet of separation between the Group Homes.

The Code Enforcement Department must receive proof/evidence that compliance has been achieved by one of the above means by May 4, 2021.

If you have any questions, please feel free to contact me.

Regards,

Michelle D. Forstrom
Code Enforcement Director

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

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

Code Enforcement

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

OFFICIAL USE

Certified Mail Fee	\$ 3.55
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy)	\$ 2.85
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$.51
Total Postage and Fees	\$ 6.91

Postmark Here

SA
ST
CI

HENRY GREEN
1014 S. 10TH STREET
FERNANDINA BEACH, FL 32034

PS Form 3800, April 2015 PSN 7530-02-000-9053 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 ☐ Agent ☐ Addressee
1. Article Addressed to: HENRY GREEN 1014 S. 10TH STREET FERNANDINA BEACH, FL 32034	B. Received by (Printed Name) C. Date of Delivery
2. Article Number (Transfer from service label) 7020 0090 0001 9419 6400	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	☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery

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

Domestic Return Receipt

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 70200090000194196400[Remove X](#)

Your item was delivered at 10:07 am on April 26, 2021 in FERNANDINA BEACH, FL 32034.

Delivered

April 26, 2021 at 10:07 am
FERNANDINA BEACH, FL 32034

[Feedback](#)[Get Updates ✓](#)

Text & Email Updates

Tracking History**April 26, 2021, 10:07 am**

Delivered

FERNANDINA BEACH, FL 32034

Your item was delivered at 10:07 am on April 26, 2021 in FERNANDINA BEACH, FL 32034.

April 22, 2021, 3:25 pm

Notice Left (No Authorized Recipient Available)

FERNANDINA BEACH, FL 32034

April 22, 2021, 1:19 am

Departed USPS Regional Facility

JACKSONVILLE FL DISTRIBUTION CENTER

April 20, 2021, 8:21 pm
Arrived at USPS Regional Facility
JACKSONVILLE FL DISTRIBUTION CENTER

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback

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

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7020 0090 0001 9419 6424

U.S. Postal Service™
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Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee \$ 3.55

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

☒ Return Receipt (hardcopy) \$ 2.85

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

Postage \$.51

Total Postage and Fees \$ 4.91

Postmark Here

Sent To: **JASMINE SCARVER**
Street: **2233 NETTLEBROOK STREET N.**
City, State, ZIP+4: **JACKSONVILLE, FL 32218**

PS Form 3800, April 2015 PSN 7530-02-000-9053

Code Enforcement

1014 S. 10th St.

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:

JASMINE SCARVER
2233 NETTLEBROOK STREET N.
JACKSONVILLE, FL 32218



9590 9402 5816 0034 1943 37

2. Article Number (Transfer from service label)

7020 0090 0001 9419 6424

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

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

II
Restricted Delivery

Track Another Package +**Tracking Number:** 70200090000194196424

Remove X

Your item was delivered to an individual at the address at 11:03 am on April 22, 2021 in JACKSONVILLE, FL 32218.

 Delivered, Left with Individual

April 22, 2021 at 11:03 am
JACKSONVILLE, FL 32218

Feedback

Get Updates ✓

Text & Email Updates

Tracking History**April 22, 2021, 11:03 am**

Delivered, Left with Individual

JACKSONVILLE, FL 32218

Your item was delivered to an individual at the address at 11:03 am on April 22, 2021 in JACKSONVILLE, FL 32218.

April 21, 2021, 7:53 pm

Departed USPS Regional Facility

JACKSONVILLE FL DISTRIBUTION CENTER

April 20, 2021, 8:20 pm
Arrived at USPS Regional Facility
JACKSONVILLE FL DISTRIBUTION CENTER

Product Information



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Go to our FAQs section to find answers to your tracking questions.

FAQs

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STAFF REPORT
Case 2020-0287
City of Fernandina Beach Code Enforcement & Appeals Board
November 5, 2020

Violation Information

Owner: Jasmine Scarver
2233 Nettlebrook Street North
Jacksonville, FL 32218

Violation: City of Fernandina Beach – Land Development Code, 6.02.16 - Group Homes or 6.02.17 Group Residential Violation

Location: 1014 South 10th Street, Fernandina Beach, FL 32034

Summary and Background Information

City staff has had numerous meetings regarding Henry Green and his Sober homes/Group Homes and/or Group Residential properties. The following is the calendar of events for these meetings:

May 21, 2019 - City staff (Kelly Gibson, Michelle Forstrom, and Angie Lester) met to discuss the Land Development Code regarding Group Homes and Group Residential.

July 26, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding Group Homes and the regulations associated with their operation.

August 5, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding his current Group Home and future Group Homes and the regulations, restrictions, and options associated with their operation. We explained that Henry Green must get licensed in order to operate a Sober Home, and then he would need an LBTR (Local Business Tax Receipt) from the City.

July 21, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, Michelle Forstrom, Chief Hurley, Deputy Chief Foxworth, Captain Bishop and Sergeant Peak) met via ZOOM to discuss Henry Green's Sober Homes/Group. An inspection was then conducted by Officer Wells and myself. We ended up meeting Mr. Green at this property. He gave us a tour of the home. Upon entry, there were many chairs set up in rows for assembly for AA and NA meetings. I counted fifteen (15) beds in this single family, three (3) bedroom, one (1) bath house of 2131 square feet. Mr. Green informed me that at any given time there are about six (6) men residing here for a maximum of ninety (90) days. The other beds are occupied by shorter term residents, anywhere from one to a few days for transition purposes. I asked him about the other three homes, that will be also be brought before you tonight. He told me that the others would be of the same set up. He also told me that he did not need any licensure, because he was operating under ministry. I told him that I would look into it, but I didn't think that was the case. We also talked to him about the other violations and what needed to be done. All but the violations for 5.01.09 – Outdoor storage and 6.02.16 – Group Homes, have been brought into compliance at this time.

July 27, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, and Michelle Forstrom) met via conference call to confirm that Mr. Green is indeed in violation of the LDC by operating a Group Home without being licensed.

July 31, 2020 – We mailed a certified Notice of Violation/Notice of Hearing letter to Property owner and Mr. Henry Green. A copy of the signed return receipt was returned with the owner signature and through United States Postal Service tracking system on-line received confirmation that Mr. Green's had been delivered, giving proper service.

August 7, 2020 - Dr. Jeffrey Blythe called me to schedule a meeting with he and Henry Green. A meeting was scheduled for August 11, 2020 in the City Attorney's conference room.

August 11, 2020 - Tammi Bach, Henry Green, Dr. Jeffrey Blythe, and I met to discuss This case and the other three (3) cases. Included in the evidence is documentation backing up our discussion. They were told that Mr. Green must comply with the Supplemental Standards in the Land Development, which they currently are not doing.

August 28, 2020 - We did not receive the certified green card back. When we check the USPS tracking system, the last status item said that as of August 7, 2020, it was still in transit (it still says that today), we did, however, get Mr. Green's green card back. Because we could not prove due process to the property owner, we pulled all three of these cases off of the September 3rd CEAB agenda.

September 10, 2020 - I talked to Henry Green, he told me that he had received the letter dated July 31, 2020.

September 10, 2020 - We sent another Notice of Violation/Notice of Hearing letter both Certified and First-Class Mail (affidavit included) to the property owner and sent a copy of the same letter Certified to Mr. Henry Green. We received both Green Cards back. We then learned of a quick claim deed from Ms. Tyler to her daughter Jasmine Scarver, putting us back to lack of proof of due process to the new property owner. We had to start the due process over again and cancel the CEAB hearing for October.

October 1, 2020 - I called and talked to the new property owner, Jasmine Scarver. She was unaware of the severity of the alleged violations at this property. Full disclosure was not given to her by the previous owner (her mother). She told me that she is going to get a cease and desist order. I gave her until November 2, 2020, but after she talked to Mr. Green, she then decided to let this case play out before the Board at the hearing. As said previously, we removed this case and the other two associated cases off the agenda, and cancelled the hearing, because due process was not served on this new property owner. I called all of the interested parties and property owners of all three properties, informing them that the hearing was cancelled.

October 5, 2020 - We sent yet another Notice of Violation/Notice of Hearing letter Certified and First-Class mail to the new property owner and Mr. Green, affidavit is included as evidence. Both green cards were received back.

We will have expert witnesses testify to what is needed to have this property and the other two properties come into compliance.

Conclusion:

This activity continues to this day.

Recommendation:

The City recommends a motion to be made to find the property in violation of 6.02.16 Group Homes; and 5.01.09 - Outside Storage, giving the respondent two (2) weeks/fourteen (14) additional days to come into compliance by November 19, 2020. The City recommends a motion to be made that all administrative fees be paid by the Respondent and that a fine of \$200.00 a day for the violation to begin on November 20, 2020 if not in compliance, along with filing a lien on this property on January 4, 2021, forty-five (45) days from November 20, 2020.

Submitted by:



Michelle D. Forstrom
Code Enforcement Director



Code Enforcement & Appeals Board Minutes

Regular Hearing

November 5, 2020

Due to the ongoing COVID-19 pandemic, the Code Enforcement & Appeals Board Meeting was held as a combination VIRTUAL and LIVE MEETING with some board members and City staff participating through video conferencing. This virtual meeting was broadcast live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

1. Call to Order/Roll Call/Determination of Quorum - The meeting was called to order at 5:35 p.m.

Board Members Present:

Chair Adam Kaufman

Vice Chair Nicole Kresse

Buddy Boyd (via Zoom)

Henry Byrd

Cindy Crow (via Zoom)

Andy Fotiades (via Zoom) (Alternate 2 - seated as voting member at this meeting)

Gail Shults

Board Members Absent:

Leroy Thompson

Staff Present:

Tammi E. Bach, City Attorney

Harriet Davis, Administrative Coordinator

Michelle Forstrom, Code Enforcement Director

Kelly Gibson, Planning & Conservation Director

Officer Sturges, Police Department

George Wells, Code Enforcement Officer

Troy Woleshin, IT Specialist

Others Present:

Marc Anderson

Reverend Wardell Avant

Dr. Jeffrey Blyth

Mr. Brown (via Zoom)

Arlene Filkoff (via Zoom)

Arlene Green

Henry Green

Steve Hickman

Barb Kent

Harrison Poole

Julia Roberts

Chip Ross

Jasmine Scarver (via Zoom)

2. **Approval of Minutes** - According to the agenda support documents, the minutes for the September 3rd, 2020 regular hearing were presented for approval. **A motion was made by Vice Chair Kresse, seconded by Board Member Shults, to approve the minutes. Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

The Board voted to seat Board Member Fotiades as a voting member for this meeting. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Mr. Kaufman introduced attorney Harrison Poole who represented the board for this meeting. Mr. Poole explained the quasi-judicial process.

Chair Kaufman asked for any ex parte communication regarding the case. There was none.

3. Old Business

STAFF UPDATE ON 409 FIR STREET, CASE 2019-0439

Code Enforcement Director Michelle Forstrom provided an update on this property, which was previously presented to the board in July for violation of Section 42-116, Duty to Maintain Property. The property is still in violation and is currently in the process of being sold. There are fines and fees associated with the case.

4. New Business

4.1 JASMINE SCARVER, 1014 S. 10TH STREET, CASE 2020-0287. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

4.2 DAVID T. & ANTOINETTE BROWN, 823 S. 13TH STREET, CASE 2020-0284. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

4.3 NETHERLAND WILSON, 816 VERNON STREET, CASE 2020-0285. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

Chair Kaufman read the cases and noted they will be presented as one case since the violations are the same for each property. City Attorney Tammi Bach presented the case for the City and submitted evidence into the record.

Ms. Bach stated the violations are of the Land Development Code (LDC): Section 6.02.16 – Group Homes, and Section 6.02.17 – Group Residential Violation. Ms. Bach stated that even though the subject matter is complex, the case is simple in that the violations exist because the properties violate the allowable use for R-2 zoning. The properties exceed the allowable number of four (4) unrelated adults living together in a single-family residence. Ms. Bach also noted the City's LDC was written lawfully without the use of the terms "recovery," "sober homes," or "halfway house" since these are discriminatory terms.

Mr. Kaufman reiterated that the cases are brought against the property owners, not against any tenant or individual that has entered into a lease agreement with each owner.

Ms. Bach provided the definitions of "group home" and "group residential" according to the LDC. A group home is a residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such facility shall be at least four (4) but not more than fifteen (15) residents. A group residential facility is a facility

occupied by five (5) or more unrelated individuals on a monthly or longer basis. Group residential facilities may be operated by a separate entity (whether for-profit or not-for-profit) or may operate under the control of the individuals who occupy the residence. A group residential facility is not a group home facility and does not provide any personal care or supervisory services to its residents. Group homes are allowed in the following zoning districts: RE, R1, R1-G, RLM, R-2, R-3, MU-1, and C-3. They are considered businesses in the City and must obtain a business license.

Group homes of six (6) or fewer residents licensed as community residential homes by the Department of Children and Family Services (DCF) shall be deemed a single-family unit and shall be allowed in single-family or multi-family zoning districts, provided that such homes shall not be located within a radius of 1,000 feet of another existing duly licensed group home of six (6) or fewer residents.

Group homes duly licensed by DCF as community residential care facilities which have from seven (7) to fourteen (14) unrelated residents operating as the functional equivalent of a family, including supportive staff as referenced in Florida Statute 419.001, shall be allowed in multi-family residential districts.

Ms. Bach presented a map depicting the zoning districts that allow group homes with supervision and DCF licensing. She also provided an aerial shot depicting the properties in violation as listed above. The LDC requires a minimum distance requirement of 1,200 feet between group home locations.

Group residential facilities are allowed in the following zoning districts: R-3, MU-1, and C-3. Group residential facilities shall be used only for the purpose of providing housing to its residents and shall not be used to provide any personal care services or supervision to its residents. They shall have a maximum occupancy restriction based on a Fire Marshal's inspection. They shall provide one (1) off-street parking space for each two (2) occupants, based on maximum occupancy. There is no distance requirement.

Ms. Bach spoke to the subject of reasonable accommodations for individuals with disabilities and the American Disability Act (ADA) and Fair Housing Act (FHA). She stated the City does not characterize group residential or group homes as "sober homes" or "recovery residences" because it is not the City's business why unrelated individuals are living in these homes. She reiterated the City provides many zoning districts that allow for group homes or group residential, as stated above.

Ms. Bach called Ms. Forstrom to testify on behalf of the City and provide a timeline of events. Ms. Forstrom stated City staff met on May 21st, 2019 to discuss the LDC regarding group homes and group residential. This was in response to Mr. Green's request for obtaining a business license. City staff met on July 21st, 2020 to discuss the matter further. On this same day, Ms. Forstrom and Mr. Wells met Mr. Green at 1014 S. 10th Street, where he provided a tour of the home. Ms. Forstrom stated there were many chairs set up in an assembly fashion for Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) meetings. She counted fifteen (15) beds and noted there were three (3) bedrooms and one (1) bathroom in the single-family home. Mr. Green informed Ms. Forstrom that at any given time, there are approximately six (6) men residing at the location for a maximum of ninety (90) days. He stated the other beds are occupied by short term residents, anywhere from one to a few days for transition purposes.

Ms. Forstrom stated she asked Mr. Green about the other homes listed on this agenda and he told her they would be of the same set up. Mr. Green told her he did not need any licensure because he was operating under the category of ministry. Ms. Forstrom told Mr. Green that she would research the matter further to confirm this.

City staff met on July 27th to confirm that Mr. Green is indeed in violation of the LDC by operating a group home without proper licensure.

Ms. Forstrom provided a timeline of the notice letters. These cases were originally scheduled to go before the board on September 3rd; however, all three cases were pulled from the agenda because proper service

was not provided to the property owners. On August 11th, Ms. Forstrom and Ms. Bach met with Mr. Green, along with Dr. Jeffrey Blyth, an associate of Mr. Green, to discuss the cases. After this discussion, City staff told Mr. Green he must comply with the Supplemental Standards in the LDC to continue operating the homes.

On September 10th, staff sent notice letters for the October 1st board meeting. Staff later discovered that 1014 S. 10th Street had changed ownership. Without proper service to the new owner, the cases were pulled from the October 1st agenda and the meeting was cancelled. On October 5th, staff sent a notice letters to the new owner of 1014 S. 10th Street and letters to the other two property owners with a new hearing date scheduled for November 5th.

Ms. Forstrom read the recommended motion: *Staff recommends a motion to find the properties in violation of 6.02.16 Group Homes, giving the respondents two (2) weeks/fourteen (14) additional days to come into compliance by November 19th, 2020. The City recommends a motion that all administrative fees be paid by the Respondent and that a fine of \$200.00 a day for the violation to begin on November 20th, 2020 if not in compliance, along with filing a lien on this property on January 4th, 2021, forty-five (45) days from November 20th, 2020.*

Ms. Bach asked Ms. Forstrom to verify her employment with the City of Fernandina Beach. Ms. Forstrom confirmed she has been employed by the City for almost sixteen (16) years and has been a Code Enforcement Officer for fifteen (15) years, with certifications through the Florida Association of Code Enforcement (FACE).

Ms. Bach asked Ms. Forstrom to provide more details on 823 S. 13th Street and 816 Vernon Street. Ms. Forstrom stated she spoke with a tenant at 823 S. 13th Street. This person stated 5-6 individuals live at this address. On this same day, Ms. Forstrom confirmed during a conversation with Mr. Green that both houses would be of similar setup to 1014 S. 10th Street.

Dr. Blyth inquired how Ms. Forstrom determined the properties are being used for group homes. Ms. Forstrom stated she obtained this information from direct conversation with Mr. Green, along with a conversation with a tenant at 816 Vernon Street when she posted the notice at the property. She stated this property appears to be a group home because AA and NA meetings are held there along with 24-hour supervision. These meetings are referenced in a news article from the Fernandina News-Leader dated September 25th, 2020.

Dr. Blyth inquired as to Ms. Forstrom's thought process in determining all three properties are in violation of both sections of the LDC. Ms. Forstrom stated she cited both sections of the code since both sections could apply in each instance, i.e. group residential is not allowed in R-2 and group homes require licensure.

Vice Chair Kresse inquired about the current administrative fines and fees. Ms. Forstrom provided this information for each property.

The discussion shifted to the subject of preemption. Ms. Bach explained the City is a home-rule city as are all cities incorporated within the State of Florida and that local law cannot preempt state law, meaning that local jurisdiction cannot legislate on certain issues. She shared the example of smoking on the beach. The State preempts the City on this issue. Ms. Bach referred to Florida Statute 397.311, Substance Abuse Services Definitions, and the definition for "recovery residence." Based on the definition, Ms. Bach feels the City is not preemptive in applying the zoning code for group homes and group residential.

Dr. Blyth spoke to the board and those in attendance as acting representation for the property owners and confirmed he did meet with City staff along with Mr. Green on August 11th, 2020 to discuss the cases. He stated City staff agreed the current code in place was not appropriate and they should apply for an amendment. He cited Florida Statute 419.001, Community Residential Homes which states that a "resident"

is defined as a person with developmental disabilities or a child in need of services. He feels the resident population does not meet the parameters outlined in this definition for group homes or group residential and the LDC should not apply in these cases.

Dr. Blyth went on to say he feels the state and its subdivisions, including the City, have a legitimate state interest in protecting those suffering from addiction, and cited Florida Statute 397.487, Substance Abuse Services - Voluntary Certification of Recovery Residences. Dr. Blyth also referred to the Florida Association of Recovery Residences (FARR). He has sought assistance from this organization and stated Mr. Green is in the process of obtaining a recovery residence administrator certification through them.

Dr. Blyth inquired why City code is not in line with the state statute. He feels the state statute should override the City code in these cases. Chair Kaufman stated the task of the board is to rule on the cases brought before them, not to modify the existing codes.

Dr. Blyth asked Mr. Green to share his testimony. Mr. Green stated he consulted with Ms. Forstrom and other City staff in 2014 for the requirements to operate as Grace and Gratitude Sober Living. He was referred to DCF since the City did not have any guidelines in place for recovery residences. After consultation with DCF, he was advised to seek the City's guidance again since recovery residences are not regulated by DCF. After a second meeting with City staff, Mr. Green consulted with the state for their recommendation. He was advised to file the paperwork to incorporate Grace and Gratitude Sober Living. Mr. Green feels he should be "grandfathered in" since he has been operating for five (5) years without any issues or complaints from neighbors. He stated he has been operating under the assumption that no other paperwork or documentation was required.

Mr. Green spoke to Ms. Forstrom's statement above regarding AA and NA meetings at 1014 S. 10th Street. He stated these meetings are not associated with this property, and it is the location for the Fernandina Beach Group of AA and NA, which is part of a worldwide network of meetings. Mr. Green stated he was advised by City staff to apply for a business license before he opened the women's facility.

As mentioned above, Mr. Green confirmed he has applied for a recovery residence administrator license through the Florida Certification Board (FCB) and FARR. As part of the application process, the properties will be inspected. In response to Ms. Forstrom's comment above regarding the number of bathrooms at 1014 S. 10th Street, he stated there are two (2) bathrooms in the house.

Chair Kaufman asked Mr. Green to speak to lease agreements with each property owner. Mr. Green stated he signed these documents as the property manager. Chair Kaufman inquired about liability. Mr. Green stated each residence signs a contract they will not hold Grace and Gratitude Sober Living or himself liable in exchange for a safe place to reside.

A board member asked Mr. Poole to express his interpretation of the LDC. Mr. Poole stated he has reviewed the LDC and it does not make a distinction for recovery residences. Mr. Poole stated the state has not preempted the City in these cases. Dr. Blyth reiterated his thoughts about the City code versus the state code. He continues to question the reasoning applied in these cases.

Dr. Blyth asked Ms. Bach to confirm that since the properties did not fit within the parameters of group home or group residential that Mr. Green was advised to apply for an amendment. Ms. Bach stated that yes, an amendment would be required to change the existing code; however, it would require both Planning Advisory Board (PAB) and City Commission approval. It is not within the purview of the Code Enforcement Board to decide. Dr. Blyth stated he attempted to submit the application to the Planning Department but learned later the application was not moving forward in the process.

Chair Kaufman entertained a comment from an audience member. Property owner Marc Anderson, 823 Vernon Street, spoke on behalf of Mr. Green's program and the benefits it provides. He feels that many

individuals have benefitted from the services, and there are more important issues that should be addressed by City staff and Code Enforcement. Mr. Green reiterated that many individuals have benefitted from his program and that several local agencies contact him when they have individuals that need assistance, such as the hospital and the Barnabas Center.

Board Member Byrd inquired about Mr. Green's inquiry to DCF. Mr. Green reiterated that he was advised to seek the City's guidance since recovery residences are not regulated by DCF; however, neither Dr. Blyth nor Mr. Green could not provide any documentation to confirm this.

Vice Chair Kresse suggested pending this item to the next meeting to allow more time for compliance.

Ms. Gibson provided some points of clarification on the LDC amendment application. She stated the City provides a range of zoning districts and mechanisms to provide and regulate group homes and group residential dwellings, including restrictions that limit placement, licensure requirements, and physical proximity to each other. Since the subject homes do not have DCF licensing or are located within the R-2 zoning district, they are out of compliance according to the City's codes.

Ms. Bach encouraged Dr. Blyth and Mr. Green to approach the City Commissioners if they would like to see changes in the code. Ms. Gibson spoke to the timeline required for a code amendment and stated this process would take approximately 3-4 months, as it requires both PAB and City Commission approval.

Board Member Crow inquired about the group home licensing requirement from DCF. Ms. Gibson stated Mr. Green does not qualify for this license based on the services he provides. Ms. Bach reiterated the range of services is less than the minimum required to obtain a DCF license.

Vice Chair Kresse inquired about the definition of "resident" according to the LDC. Ms. Gibson referred to Chapter 1 of the LDC and stated residents of a dwelling unit may be comprised of: an individual; two (2) or more persons related by blood, adoption, or marriage, together with any number of offspring, foster, step or adopted children; a group of not more than four (4) individuals, not related by blood or marriage, or groups licensed by the State of Florida as Group Homes, as defined and regulated by Objective 3.05 of the City of Fernandina Beach Comprehensive Plan.

Board Member Byrd inquired if there are other group homes within the City limits. Ms. Gibson stated she is aware of one (1) other location within the City limits.

Ms. Bach spoke to Mr. Green's comment that he has been operating these homes for several years with no issues from neighbors. Ms. Bach feels the need for these types of services has grown within the community since he opened the first home. As more facilities opened, the community has started paying attention to the number of facilities in existence. This was brought to the attention of Code Enforcement.

Ms. Bach asked Mr. Wells to provide testimony on his inspection with Ms. Forstrom at 1014 S. 10th Street. Mr. Wells stated he saw several violations for property maintenance and outside storage. These violations have since been corrected. He also stated the residence was unsanitary and confirmed there were fifteen (15) beds placed throughout the house.

No further testimony was provided on the case. Chair Kaufman called for a motion to close the hearing portion of the meeting.

A motion was made by Board Member Shults, seconded by Board Member Byrd, to close the hearing. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Board discussion:

The board members discussed the violations and the applicable zoning restrictions for each property.

Board Member Crow feels it is difficult to decide on this case because of the nature of the licensing requirement and the fact that Mr. Green does not provide services that require a license. She requested documentation from DCF on the requirements. Board Member Byrd also feels it is difficult to ask for licensing since Mr. Green's services do not meet the minimum requirements.

Board Member Boyd feels the duty of the board is to decide if Mr. Green has violated the LDC and can meet the requirements of the code to continue operating these facilities within R-2 zoning.

Vice Chair Kresse feels the board cannot find the properties in violation of both 6.02.16 - Group Homes and 6.02.17 - Group Residential Violation. The motion should include only one violation.

The board discussed whether to find the properties in violation and if they should assess fines and fees before allowing Mr. Green time to apply for a LDC amendment. Mr. Poole suggested they allow some time for this process.

Board Member Boyd feels the board should find the property owners in violation but give them appropriate time to come into compliance. He suggested one hundred and eighty (180) days.

The board members discussed how to word the motion.

A motion was made by Board Member Boyd, seconded by Board Member Byrd, to find the properties in violation of 6.02.16, Group Homes, and to give the respondent one hundred and eighty (180) days to come into compliance. Compliance may include the following: 1) reducing the number of people living in each home to 4 or less; 2) applying for and getting approval from the City a Land Development Code amendment to allow group residential (boarding houses) in R2; or, 3) for Henry Green (the organizer of these sober homes) to get state DCF licensing to change the status of these homes to group homes with onsite supervision and maintain 1200 feet of separation between these group homes. The Board will assess fines and administrative fees at the end of one hundred and eighty (180) days (May 4th, 2021) if the property is not brought into compliance at that time. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Board Member Boyd thanked Mr. Green for the services he provides. Other board members reiterated their appreciation.

5. Board Business

5.1 BOARD APPOINTMENTS - Recommendation of appointments.

There was no discussion on this item.

5.2 2021 MEETING DATES

All meetings are scheduled for the first Thursday of each month at 5:30 p.m.

6. Adjournment

There being no further business to come before the Code Enforcement and Appeals Board, Chair Kaufman adjourned the meeting at 8:32 p.m.



Harriet Davis, Recording Secretary



Adam Kaufman, Chair



City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: November 5, 2020
Case Number: 2020-0287

IN THE MATTER OF: Respondent Name: **JASMINE SCARVER**
Respondent Address: 2233 NETTLEBROOK STREET N.
JACKSONVILLE, FL 32218

cc: Henry Green
1014 S. 10th Street
Fernandina Beach, FL 32034

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on November 5, 2020, 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 October 5, 2020, and the Respondent was present at the hearing via Zoom.
2. The real property on which the violations occurred is 1014 S. 10th Street, Fernandina Beach, FL and a brief legal description being **BLOCK 170 LOTS 7 8 9 & 10 CITY OF FDNA BEACH.**
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: **6.02.16 – Group Homes.**

SECTION 2 - CONCLUSION OF LAW & IMPOSITION OF FINE

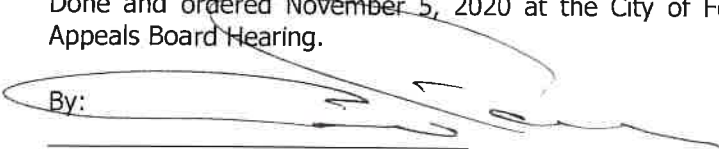
1. Based on the foregoing findings of fact, the Board voted to find the property in violation of 6.02.16, Group Homes and to give the respondent one hundred and eighty days (180) days to come into compliance. Compliance may include the following: 1) reducing the number of people living in each home to 4 or less; 2) applying for and getting approval from the City a Land Development Code amendment to allow group residential (boarding houses) in R2; or, 3) for Henry Green (the organizer of these sober homes) to get state DCF licensing to change the status of these homes to group homes with onsite supervision and maintain 1200 feet of separation between these group homes. **The Board will assess fines and administrative fees at the end of one hundred and eighty (180) days (May 4, 2021) if the property is not brought into compliance at that time.**
2. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order will 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 and administrative fees are not paid within thirty (30) days.
3. If the lien remains unpaid for a period of three (3) months from the date of the filing of the lien, the City of Fernandina Beach may foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.



City of Fernandina Beach

SECTION 3 - CERTIFICATION OF VOTE

Done and ordered November 5, 2020 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing.

By: 

Chair, Adam Kaufman

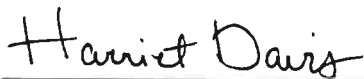
COUNTY OF NASSAU

STATE OF FLORIDA

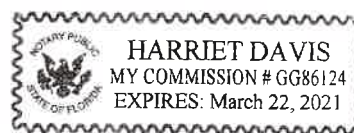
I HEREBY CERTIFY that on this day before me, the undersigned, a Notary Public in and for the State of Florida at Large, personally appeared Adam Kaufman to me well known to be the Chair of the Code Enforcement and Appeals Board of the City of Fernandina Beach, and known to me to be the persons who executed 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 6th day of November, 2020.

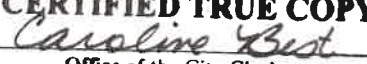
(NOTARY SEAL)



Notary Public, State of Florida



A CERTIFIED TRUE COPY


Office of the City Clerk
City of Fernandina Beach, Florida



**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.*



CITY OF FERNANDINA BEACH

Michelle D. Forstrom

Code Enforcement Department
(904) 310-3440

Code Enforcement Director
(904) 310-3441

**ADMINISTRATIVE FEES INCURRED FROM
1014 S. 10th Street
AS OF 5/06/2021
CODE CASE #2020-0287**

<u>STAFF PERSONNEL OR ITEMS</u>	# OF UNITS OR	PRICE OR RATE PER	<u>TOTAL</u>
	<u>HOURS</u>	<u>HOURL</u>	
Michelle Forstrom, Code Enforcement Director	8	\$27.07	\$216.56
George Wells, Code Enforcement Officer	1.5	\$23.24	\$34.86
Tammi Bach, City Attorney	4.5	\$72.29	\$325.31
Katie Newton, Legal Assistant	2	\$25.87	\$51.74
Harriet Davis, Administrative Coordinator/Board Secretary	3.5	\$19.29	\$67.52
Record Findings of Facts with the Clerk of Circuit Court of Nassau County *	1	\$23.50	\$23.50
Certified letters mailed	6	\$6.90	\$41.40
First Class letters mailed	2	\$0.50	\$1.00
Certified letters mailed (new postage rate)	2	\$6.91	\$13.82
First Class letters mailed (new postage rate)	2	\$0.51	<u>\$1.02</u>

*not recorded yet

TOTAL ADMINISTRATIVE FEES DUE

\$775.70

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

Mailing Address: 204 Ash Street, Fernandina Beach, FL 32034 · Physical Address: 516 S. 10th Street, Fernandina Beach, FL 32034

(904) 310-3440 · TDD/TTY 711 · www.fbfl.us/Code

Equal Opportunity Employer

CASE UPDATE
Case 2020-0284
City of Fernandina Beach Code Enforcement & Appeals Board
May 6, 2021

Violation Information

Owner	Brown Family Rev Living Trust 12391 VC Johnson Road Jacksonville, FL 32218
Violation	City of Fernandina Beach – Land Development Code, 6.02.16 – Group Homes Violation
Location:	823 South 13 th Street, Fernandina Beach, FL 32034

Case Update since **November 5, 2020** when the Code Enforcement & Appeals Board found this property in violation of 6.02.16 - Group Homes of the City of Fernandina Beach Land Development Code, where the Board gave the Respondents one hundred and eighty (180) days, May 4, 2021, to come into compliance.

Included in this update is the evidence of the following communications and events, the Staff Report, Minutes, and Findings of Facts from the November 5, 2020 Code Enforcement & Appeals Board hearing for this case.

On November 4, 2020 – A Quitclaim Deed was recorded from David T. and Antoinette T. Brown, the property owners of record when the Notice of Violation/Notice of Hearing letter was sent out on October 5, 2020, for the November 5, 2020 hearing, and who were present at this hearing, to the Trustees of the Brown Family Revocable Living Trust.

On December 10, 2020 – I sent an email to Mr. Green and Mr. Blyth requesting a status update on this and the other two properties. I also requested that the complaint that we received from the Health Department about bed bugs at this property be addressed immediately.

On January 7, 2021 – Mr. Green appeared at the Code Enforcement & Appeals Board hearing with some documentation for the Board. The Board told Mr. Green that this was not the appropriate venue, and that he should contact me with any documentation and updates.

I never heard from him.

On April 20, 2021 – I sent an email to Mr. Green attaching the letter reminding him and the property owners of the deadline of May 4, 2021 for proof of compliance for this property and the other two properties.

A copy of this letter was sent out certified to Mr. Green and the property owners. The letters were received.

Conclusion:

There has been no contact from Mr. Green or any of the property owners to anyone in our office.

Recommendation:

The City recommends a motion to be made to that all administrative fees (\$669.33 to date) be paid by the Respondent and that a fine of \$200.00 a day for the violation to begin on May 4, 2021, and file a lien on this property on July 2, 2021, sixty (60) days from May 4, 2021. This date is the Friday after the scheduled July 1, 2021 Code Enforcement & Appeals Board hearing.

Submitted by:

A handwritten signature in blue ink, appearing to read "M. Forstrom", is written over a faint, light blue circular stamp.

Michelle D. Forstrom
Code Enforcement Director

Prepared by and return to:
Law Office of Courtney Walters, Esq.
302 3rd St. Ste. 2
Neptune Beach, FL 32266

QUITCLAIM DEED

Made this 4 day of November 2020 between, **David T. Brown and Antoinette T. Brown**, a married couple, whose address is 12391 VC Johnson Road, Jacksonville, FL 32218 (hereinafter referred to as "Grantors") and **David T. Brown and Antoinette T. Brown**, as Trustees of the Brown Family Revocable Living Trust, dated November 4, 2020, whose address is 12391 VC Johnson Road, Jacksonville, FL 32218 (hereinafter referred to as "Grantee");

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the Grantors, for and in consideration of the sum of ten dollars (\$10), the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the Grantee, the right, title, interest, claim, and demand which the Grantors has in, including the powers under Florida Statute 689.073 (or as later amended), the following described land situated, lying, and being in the County of Nassau, State of Florida, commonly known as 823 South 13th Street, Fernandina Beach, FL 32034 legally described as follows, to-wit:

All those certain lots, pieces or parcels of land situate, lying and being in the City of Fernandina Beach, (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the official map of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901) as:

The East One Hundred (100.0) feet of the South One-Half (S 1/2) of Lot Nine (9), Block Two Hundred Thirty-three (233), in the City of Fernandina Beach, Nassau County, Florida.

Real Estate Parcel Identification Number: 00-00-31-1800-0233-0094

(hereinafter referred to as the "Property") together with all tenements, hereditaments, easements and appurtenances belonging to or benefitting such property to have and hold in fee simple forever.

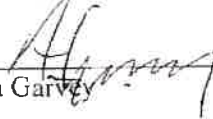
Subject to covenants, restrictions and easements of record, if any; however, this reference shall not operate to reimpose same.

For the consideration described herein above, the Grantors convey, remise, and quitclaims to the Grantee any interest the Grantors may have in and to the property.

No opinion as to the title of this property has been given by Law Office of Courtney Walters, Esq.

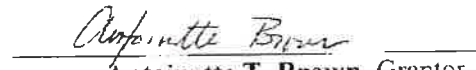
IN WITNESS WHEREOF, the Grantors have caused this instrument to be executed the day and year first above written.

Signed and sealed in our presence:

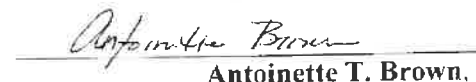

Aaron Garvey


David T. Brown, Grantor


Rikki Southworth

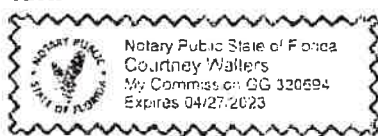

Antoinette T. Brown, Grantor


David T. Brown,
as Trustee of the Brown Family
Revocable Living Trust. Grantee


Antoinette T. Brown,
as Trustee of the Brown Family
Revocable Living Trust. Grantee

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing Quitclaim Deed was acknowledged and executed before me by David T. Brown and Antoinette T. Brown, as Grantors, and David T. Brown and Antoinette T. Brown, as Trustees of the Brown Family Revocable Living Trust, as Grantee, by means of ☒ physical presence or ☐ online notarization, this 4 day of November, 2020, who produced a valid Florida driver's license as identification.




NOTARY PUBLIC - STATE OF FL
Print or Stamped name:

Michelle Forstrom

From: Michelle Forstrom
Sent: Thursday, December 10, 2020 8:12 AM
To: henrygreen9128@gmail.com; jeffblyth71@yahoo.com
Subject: Status Update

Mr. Green and Mr. Blyth,

I hope that this email finds you both well.

I am just checking in to get a status update on 1014 South 10th Street, 823 South 13th Street, and 816 Vernon Street. We also were forwarded a complaint from the Health Department about bed bugs at 823 South 13th Street. We recommend that this issue gets addressed immediately.

I look forward to receiving a compliance progress report on these three (3) properties.

Michelle Forstrom

From: Michelle Forstrom
Sent: Tuesday, April 20, 2021 11:25 AM
To: henrygreen9128@gmail.com
Cc: Harriet Davis
Subject: Code Enforcement & Appeals Board Hearing
Attachments: Green Houses on LH and Signed 4-20-21.pdf

Mr. Green,

Please find the attached letter reminding you and the property owners of the cases going back before the Code Enforcement & Appeals Board in May.

If you have any questions, please feel free to contact me.



City of Fernandina Beach
Code Enforcement Department

Ms. Michelle D. Forstrom
mforstrom@fbfl.org

April 20, 2021

Mr. Green and Property Owners,

This is a reminder that the cases for

- 1014 South 10th Street, Code Case #CODE-2020-0287
- 823 South 13th Street, Code Case #CODE-2020-0284
- 816 Vernon Street. Code Case #CODE-2020-0285

Are being brought back before the Code Enforcement & Appeals Board for determination of fines at the date and time listed below.

Date: May 6, 2021
Time: 5:30PM
Location: 204 Ash Street, City Commission Chambers

The Code Enforcement & Appeals Board order gave one hundred eighty (180) days, May 4, 2021, to come into compliance which would include the following:

- 1) Reducing the number of people living in each home to four (4) or less;
- 2) Applying for and getting approval from the City a Land Development Code amendment to allow Group Residential (Boarding Houses) in R2; or
- 3) For you, Henry Green, (organizer of these sober homes) to get state DCF licensing to change the status of these homes to Group Homes with onsite supervision and maintain twelve hundred (1200) feet of separation between the Group Homes.

The Code Enforcement Department must receive proof/evidence that compliance has been achieved by one of the above means by May 4, 2021.

If you have any questions, please feel free to contact me.

Regards,

Michelle D. Forstrom
Code Enforcement Director

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OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

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☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage: **51**

Total Postage and Fees: **6.91**

Postmark
Here

Henry GREEN
1014 S. 10TH STREET
FERNANDINA BEACH, FL 32034

PS Form 3800, April 2015 PSN 7530-02-000-9053

Instructions

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:

Henry GREEN
1014 S. 10TH STREET
FERNANDINA BEACH, FL 32034



9590 9402 5816 0034 1941 91

2. Article Number (Transfer from service label)

7020 0090 0001 9419 6400

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
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☐ Mail
☐ Mail Restricted Delivery
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☐ Registered Mail Restricted Delivery
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Track Another Package +

Tracking Number: 70200090000194196400

Remove X

Your item was delivered at 10:07 am on April 26, 2021 in FERNANDINA BEACH, FL 32034.



Delivered

April 26, 2021 at 10:07 am
FERNANDINA BEACH, FL 32034

Feedback

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Tracking History



April 26, 2021, 10:07 am

Delivered

FERNANDINA BEACH, FL 32034

Your item was delivered at 10:07 am on April 26, 2021 in FERNANDINA BEACH, FL 32034.

April 22, 2021, 3:25 pm

Notice Left (No Authorized Recipient Available)

FERNANDINA BEACH, FL 32034

April 22, 2021, 1:19 am

Departed USPS Regional Facility

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April 20, 2021, 8:21 pm

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Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$ **2.85**
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$ **.51**
Total Postage and Fees \$ **6.91**

Postmark
Here

46151345

Sent To
Street
City, State, ZIP+4®
BROWN FAMILY REV LIVING TRUST
12391 VC JOHNSON ROAD
JACKSONVILLE, FL 32218

PS Form 3800, April 2015 PSN 7530-02-000-0047 See Reverse for Instructions

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- 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:

BROWN FAMILY REV LIVING TRUST
12391 VC JOHNSON ROAD
JACKSONVILLE, FL 32218



9590 9402 5816 0034 1942 07

2. Article Number (Transfer from service label)

7020 0090 0001 9419 6417

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

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- ☐ Adult Signature Restricted Delivery
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- ☐ Collect on Delivery Restricted Delivery

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- ☐ Signature Confirmation Restricted Delivery

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

Domestic Return Receipt

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Tracking Number: 70200090000194196417

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April 22, 2021 at 5:14 pm
JACKSONVILLE, FL 32218

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April 22, 2021, 5:14 pm
Delivered to Agent for Final Delivery
JACKSONVILLE, FL 32218

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April 21, 2021, 9:43 pm
Departed USPS Regional Facility
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April 20, 2021, 8:21 pm

Arrived at USPS Regional Facility

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STAFF REPORT
Case 2020-0284
City of Fernandina Beach Code Enforcement & Appeals Board
November 5, 2020

Violation Information

Owner David T. and Antoinette Brown
12391 VC Johnson Road
Jacksonville, FL 32218

Violation City of Fernandina Beach – Land Development Code, 6.02.16 - Group Homes or 6.02.17 Group Residential Violation

Location: 823 South 13th Street, Fernandina Beach, FL 32034

Summary and Background Information

City staff has had numerous meetings regarding Henry Green and his Sober homes/Group Homes. The following is the calendar of events for these meetings:

May 21, 2019 - City staff (Kelly Gibson, Michelle Forstrom, and Angie Lester) met to discuss the Land Development Code regarding Group Homes and Group Residential.

July 26, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding Group Homes and the regulations associated with their operation.

August 5, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding his current Group Home and future Group Homes and the regulations, restrictions, and options associated with their operation. We explained that Henry Green must get licensed in order to operate a Sober Home, and then he would need an LBTR from the City.

July 21, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, Michelle Forstrom, Chief Hurley, Deputy Chief Foxworth, Captain Bishop and Sergeant Peak) met via ZOOM to discuss Henry Green's Sober Homes/Group. An inspection was then conducted by Officer Wells and myself. We ended up meeting Mr. Green at 1014 South 10th Street. He gave us a tour of the home at 1014 South 10th Street. As stated in the previous case presented: Upon entry, there were many chairs set up in rows for assembly for AA and NA meetings. I counted fifteen (15) beds in this single family, three (3) bedroom, one (1) bath house of 2131 square feet. Mr. Green informed me that at any given time there are about six (6) men residing here for a maximum of ninety (90) days. The other beds are occupied by shorter term residents, anywhere from one to a few days for transition purposes. I asked him about the other three homes, this property being one of them. He told me that they would be of the same set up. He also told me that he did not need any licensure, because he was operating under ministry. I told him that I would look into it, but I didn't think that was the case.

July 27, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, and Michelle Forstrom) met via conference call to confirm that Mr. Green is indeed in violation of the LDC by operating a Group Home without being licensed.

July 31, 2020 - We mailed a certified Notice of Violation/Notice of Hearing letter to the property owner and Mr. Henry Green. Through the United States Postal Service tracking system on-line, we received confirmation that Mr. Green's had been delivered, giving proper service.

August 7, 2020 - Dr. Jeffrey Blythe called me to schedule a meeting with he and Henry Green. A meeting was scheduled for August 11, 2020 in the City Attorney's conference room.

August 11, 2020 - Tammi Bach, Henry Green, Dr. Jeffrey Blythe, and I met to discuss this case and the other three (3) cases. Included in the evidence is documentation backing up our discussion. They were told that Mr. Green must comply with the Supplemental Standards in the Land Development, which they currently are not doing. I will have expert witnesses testify to what is needed to have this property and the other three properties come into compliance.

August 28, 2020 - We received the green card back from the property owner and Mr. Green, but not from the other property owners of the other two cases. We felt that it was important for all three of these cases to be heard at the same time due to the operation by Mr. Green at all three of these properties. Because we could not prove due process to the other two property owners, we pulled all three of these cases off the September 3rd CEAB agenda.

September 10, 2020 - I talked to Henry Green, he told me that he had received the letter dated July 31, 2020.

We sent another Notice of Violation/Notice of Hearing letter Certified to the property owner and sent a copy of the same letter Certified to Mr. Henry Green. We received both the property owner's and Mr. Green's cards back.

October 1, 2020 - I called and talked to the new property owner of 1014 South 10th Street, Jasmine Scarver. She was unaware of the severity of the alleged violations at this property. Full disclosure was not given to her by the previous owner (her mother). She told me that she is going to get a cease and desist order. I gave her until November 2, 2020, but after she talked to Mr. Green, she then decided to let this case play out before the Board at the hearing. We removed all three of these related cases off the agenda, and cancelled the hearing, because due process was not served on new property owner of 1014 South 10th Street. I called all the interested parties and property owners of all three properties, informing them that the hearing was cancelled.

October 5, 2020 - We sent yet another Notice of Violation/Notice of Hearing letter Certified and First-Class mail to the property owner at the two mailing addresses that we found and Mr. Green, affidavit is included as evidence. The property was also posted, as well as at City Hall and at the Peck Center. We received the green card back from Mr. Green, but not the property owner. Between First-Class mail and the three postings, due process has been served.

We will have expert witnesses testify to what is needed to have this property and the other two properties come into compliance.

Conclusion:

This activity continues to this day.

Recommendation:

The City recommends a motion to be made to find the property in violation of 6.02.16 Group Homes; and 5.01.09 - Outside Storage, giving the respondent two (2) weeks/fourteen (14) additional days to come into compliance by November 19, 2020. The City recommends a motion to be made that all administrative fees be paid by the Respondent and that a fine of \$200.00 a day for the violation to begin on November 20, 2020 if not in compliance, along with filing a lien on this property on January 4, 2021, forty-five (45) days from November 20, 2020.



Submitted by:

Michelle D. Forstrom
Code Enforcement Director



Code Enforcement & Appeals Board Minutes

Regular Hearing

November 5, 2020

Due to the ongoing COVID-19 pandemic, the Code Enforcement & Appeals Board Meeting was held as a combination VIRTUAL and LIVE MEETING with some board members and City staff participating through video conferencing. This virtual meeting was broadcast live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

1. Call to Order/Roll Call/Determination of Quorum - The meeting was called to order at 5:35 p.m.

Board Members Present:

Chair Adam Kaufman

Vice Chair Nicole Kresse

Buddy Boyd (via Zoom)

Henry Byrd

Cindy Crow (via Zoom)

Andy Fotiades (via Zoom) (Alternate 2 - seated as voting member at this meeting)

Gail Shults

Board Members Absent:

Leroy Thompson

Staff Present:

Tammi E. Bach, City Attorney

Harriet Davis, Administrative Coordinator

Michelle Forstrom, Code Enforcement Director

Kelly Gibson, Planning & Conservation Director

Officer Sturges, Police Department

George Wells, Code Enforcement Officer

Troy Woleshin, IT Specialist

Others Present:

Marc Anderson

Reverend Wardell Avant

Dr. Jeffrey Blyth

Mr. Brown (via Zoom)

Arlene Filkoff (via Zoom)

Arlene Green

Henry Green

Steve Hickman

Barb Kent

Harrison Poole

Julia Roberts

Chip Ross

Jasmine Scarver (via Zoom)

2. **Approval of Minutes** - According to the agenda support documents, the minutes for the September 3rd, 2020 regular hearing were presented for approval. **A motion was made by Vice Chair Kresse, seconded by Board Member Shults, to approve the minutes. Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

The Board voted to seat Board Member Fotiades as a voting member for this meeting. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Mr. Kaufman introduced attorney Harrison Poole who represented the board for this meeting. Mr. Poole explained the quasi-judicial process.

Chair Kaufman asked for any ex parte communication regarding the case. There was none.

3. **Old Business**

STAFF UPDATE ON 409 FIR STREET, CASE 2019-0439

Code Enforcement Director Michelle Forstrom provided an update on this property, which was previously presented to the board in July for violation of Section 42-116, Duty to Maintain Property. The property is still in violation and is currently in the process of being sold. There are fines and fees associated with the case.

4. **New Business**

4.1 JASMINE SCARVER, 1014 S. 10TH STREET, CASE 2020-0287. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

4.2 DAVID T. & ANTOINETTE BROWN, 823 S. 13TH STREET, CASE 2020-0284. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

4.3 NETHERLAND WILSON, 816 VERNON STREET, CASE 2020-0285. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

Chair Kaufman read the cases and noted they will be presented as one case since the violations are the same for each property. City Attorney Tammi Bach presented the case for the City and submitted evidence into the record.

Ms. Bach stated the violations are of the Land Development Code (LDC): Section 6.02.16 – Group Homes, and Section 6.02.17 – Group Residential Violation. Ms. Bach stated that even though the subject matter is complex, the case is simple in that the violations exist because the properties violate the allowable use for R-2 zoning. The properties exceed the allowable number of four (4) unrelated adults living together in a single-family residence. Ms. Bach also noted the City's LDC was written lawfully without the use of the terms "recovery," "sober homes," or "halfway house" since these are discriminatory terms.

Mr. Kaufman reiterated that the cases are brought against the property owners, not against any tenant or individual that has entered into a lease agreement with each owner.

Ms. Bach provided the definitions of "group home" and "group residential" according to the LDC. A group home is a residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such facility shall be at least four (4) but not more than fifteen (15) residents. A group residential facility is a facility

occupied by five (5) or more unrelated individuals on a monthly or longer basis. Group residential facilities may be operated by a separate entity (whether for-profit or not-for-profit) or may operate under the control of the individuals who occupy the residence. A group residential facility is not a group home facility and does not provide any personal care or supervisory services to its residents. Group homes are allowed in the following zoning districts: RE, R1, R1-G, RLM, R-2, R-3, MU-1, and C-3. They are considered businesses in the City and must obtain a business license.

Group homes of six (6) or fewer residents licensed as community residential homes by the Department of Children and Family Services (DCF) shall be deemed a single-family unit and shall be allowed in single-family or multi-family zoning districts, provided that such homes shall not be located within a radius of 1,000 feet of another existing duly licensed group home of six (6) or fewer residents.

Group homes duly licensed by DCF as community residential care facilities which have from seven (7) to fourteen (14) unrelated residents operating as the functional equivalent of a family, including supportive staff as referenced in Florida Statute 419.001, shall be allowed in multi-family residential districts.

Ms. Bach presented a map depicting the zoning districts that allow group homes with supervision and DCF licensing. She also provided an aerial shot depicting the properties in violation as listed above. The LDC requires a minimum distance requirement of 1,200 feet between group home locations.

Group residential facilities are allowed in the following zoning districts: R-3, MU-1, and C-3. Group residential facilities shall be used only for the purpose of providing housing to its residents and shall not be used to provide any personal care services or supervision to its residents. They shall have a maximum occupancy restriction based on a Fire Marshal's inspection. They shall provide one (1) off-street parking space for each two (2) occupants, based on maximum occupancy. There is no distance requirement.

Ms. Bach spoke to the subject of reasonable accommodations for individuals with disabilities and the American Disability Act (ADA) and Fair Housing Act (FHA). She stated the City does not characterize group residential or group homes as "sober homes" or "recovery residences" because it is not the City's business why unrelated individuals are living in these homes. She reiterated the City provides many zoning districts that allow for group homes or group residential, as stated above.

Ms. Bach called Ms. Forstrom to testify on behalf of the City and provide a timeline of events. Ms. Forstrom stated City staff met on May 21st, 2019 to discuss the LDC regarding group homes and group residential. This was in response to Mr. Green's request for obtaining a business license. City staff met on July 21st, 2020 to discuss the matter further. On this same day, Ms. Forstrom and Mr. Wells met Mr. Green at 1014 S. 10th Street, where he provided a tour of the home. Ms. Forstrom stated there were many chairs set up in an assembly fashion for Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) meetings. She counted fifteen (15) beds and noted there were three (3) bedrooms and one (1) bathroom in the single-family home. Mr. Green informed Ms. Forstrom that at any given time, there are approximately six (6) men residing at the location for a maximum of ninety (90) days. He stated the other beds are occupied by short term residents, anywhere from one to a few days for transition purposes.

Ms. Forstrom stated she asked Mr. Green about the other homes listed on this agenda and he told her they would be of the same set up. Mr. Green told her he did not need any licensure because he was operating under the category of ministry. Ms. Forstrom told Mr. Green that she would research the matter further to confirm this.

City staff met on July 27th to confirm that Mr. Green is indeed of violation of the LDC by operating a group home without proper licensure.

Ms. Forstrom provided a timeline of the notice letters. These cases were originally scheduled to go before the board on September 3rd; however, all three cases were pulled from the agenda because proper service

was not provided to the property owners. On August 11th, Ms. Forstrom and Ms. Bach met with Mr. Green, along with Dr. Jeffrey Blyth, an associate of Mr. Green, to discuss the cases. After this discussion, City staff told Mr. Green he must comply with the Supplemental Standards in the LDC to continue operating the homes.

On September 10th, staff sent notice letters for the October 1st board meeting. Staff later discovered that 1014 S. 10th Street had changed ownership. Without proper service to the new owner, the cases were pulled from the October 1st agenda and the meeting was cancelled. On October 5th, staff sent a notice letters to the new owner of 1014 S. 10th Street and letters to the other two property owners with a new hearing date scheduled for November 5th.

Ms. Forstrom read the recommended motion: *Staff recommends a motion to find the properties in violation of 6.02.16 Group Homes, giving the respondents two (2) weeks/fourteen (14) additional days to come into compliance by November 19th, 2020. The City recommends a motion that all administrative fees be paid by the Respondent and that a fine of \$200.00 a day for the violation to begin on November 20th, 2020 if not in compliance, along with filing a lien on this property on January 4th, 2021, forty-five (45) days from November 20th, 2020.*

Ms. Bach asked Ms. Forstrom to verify her employment with the City of Fernandina Beach. Ms. Forstrom confirmed she has been employed by the City for almost sixteen (16) years and has been a Code Enforcement Officer for fifteen (15) years, with certifications through the Florida Association of Code Enforcement (FACE).

Ms. Bach asked Ms. Forstrom to provide more details on 823 S. 13th Street and 816 Vernon Street. Ms. Forstrom stated she spoke with a tenant at 823 S. 13th Street. This person stated 5-6 individuals live at this address. On this same day, Ms. Forstrom confirmed during a conversation with Mr. Green that both houses would be of similar setup to 1014 S. 10th Street.

Dr. Blyth inquired how Ms. Forstrom determined the properties are being used for group homes. Ms. Forstrom stated she obtained this information from direct conversation with Mr. Green, along with a conversation with a tenant at 816 Vernon Street when she posted the notice at the property. She stated this property appears to be a group home because AA and NA meetings are held there along with 24-hour supervision. These meetings are referenced in a news article from the Fernandina News-Leader dated September 25th, 2020.

Dr. Blyth inquired as to Ms. Forstrom's thought process in determining all three properties are in violation of both sections of the LDC. Ms. Forstrom stated she cited both sections of the code since both sections could apply in each instance, i.e. group residential is not allowed in R-2 and group homes require licensure.

Vice Chair Kresse inquired about the current administrative fines and fees. Ms. Forstrom provided this information for each property.

The discussion shifted to the subject of preemption. Ms. Bach explained the City is a home-rule city as are all cities incorporated within the State of Florida and that local law cannot preempt state law, meaning that local jurisdiction cannot legislate on certain issues. She shared the example of smoking on the beach. The State preempts the City on this issue. Ms. Bach referred to Florida Statute 397.311, Substance Abuse Services Definitions, and the definition for "recovery residence." Based on the definition, Ms. Bach feels the City is not preemptive in applying the zoning code for group homes and group residential.

Dr. Blyth spoke to the board and those in attendance as acting representation for the property owners and confirmed he did meet with City staff along with Mr. Green on August 11th, 2020 to discuss the cases. He stated City staff agreed the current code in place was not appropriate and they should apply for an amendment. He cited Florida Statute 419.001, Community Residential Homes which states that a "resident"

is defined as a person with developmental disabilities or a child in need of services. He feels the resident population does not meet the parameters outlined in this definition for group homes or group residential and the LDC should not apply in these cases.

Dr. Blyth went on to say he feels the state and its subdivisions, including the City, have a legitimate state interest in protecting those suffering from addiction, and cited Florida Statute 397.487, Substance Abuse Services - Voluntary Certification of Recovery Residences. Dr. Blyth also referred to the Florida Association of Recovery Residences (FARR). He has sought assistance from this organization and stated Mr. Green is in the process of obtaining a recovery residence administrator certification through them.

Dr. Blyth inquired why City code is not in line with the state statute. He feels the state statute should override the City code in these cases. Chair Kaufman stated the task of the board is to rule on the cases brought before them, not to modify the existing codes.

Dr. Blyth asked Mr. Green to share his testimony. Mr. Green stated he consulted with Ms. Forstrom and other City staff in 2014 for the requirements to operate as Grace and Gratitude Sober Living. He was referred to DCF since the City did not have any guidelines in place for recovery residences. After consultation with DCF, he was advised to seek the City's guidance again since recovery residences are not regulated by DCF. After a second meeting with City staff, Mr. Green consulted with the state for their recommendation. He was advised to file the paperwork to incorporate Grace and Gratitude Sober Living. Mr. Green feels he should be "grandfathered in" since he has been operating for five (5) years without any issues or complaints from neighbors. He stated he has been operating under the assumption that no other paperwork or documentation was required.

Mr. Green spoke to Ms. Forstrom's statement above regarding AA and NA meetings at 1014 S. 10th Street. He stated these meetings are not associated with this property, and it is the location for the Fernandina Beach Group of AA and NA, which is part of a worldwide network of meetings. Mr. Green stated he was advised by City staff to apply for a business license before he opened the women's facility.

As mentioned above, Mr. Green confirmed he has applied for a recovery residence administrator license through the Florida Certification Board (FCB) and FARR. As part of the application process, the properties will be inspected. In response to Ms. Forstrom's comment above regarding the number of bathrooms at 1014 S. 10th Street, he stated there are two (2) bathrooms in the house.

Chair Kaufman asked Mr. Green to speak to lease agreements with each property owner. Mr. Green stated he signed these documents as the property manager. Chair Kaufman inquired about liability. Mr. Green stated each residence signs a contract they will not hold Grace and Gratitude Sober Living or himself liable in exchange for a safe place to reside.

A board member asked Mr. Poole to express his interpretation of the LDC. Mr. Poole stated he has reviewed the LDC and it does not make a distinction for recovery residences. Mr. Poole stated the state has not preempted the City in these cases. Dr. Blyth reiterated his thoughts about the City code versus the state code. He continues to question the reasoning applied in these cases.

Dr. Blyth asked Ms. Bach to confirm that since the properties did not fit within the parameters of group home or group residential that Mr. Green was advised to apply for an amendment. Ms. Bach stated that yes, an amendment would be required to change the existing code; however, it would require both Planning Advisory Board (PAB) and City Commission approval. It is not within the purview of the Code Enforcement Board to decide. Dr. Blyth stated he attempted to submit the application to the Planning Department but learned later the application was not moving forward in the process.

Chair Kaufman entertained a comment from an audience member. Property owner Marc Anderson, 823 Vernon Street, spoke on behalf of Mr. Green's program and the benefits it provides. He feels that many

individuals have benefitted from the services, and there are more important issues that should be addressed by City staff and Code Enforcement. Mr. Green reiterated that many individuals have benefitted from his program and that several local agencies contact him when they have individuals that need assistance, such as the hospital and the Barnabas Center.

Board Member Byrd inquired about Mr. Green's inquiry to DCF. Mr. Green reiterated that he was advised to seek the City's guidance since recovery residences are not regulated by DCF; however, neither Dr. Blyth nor Mr. Green could not provide any documentation to confirm this.

Vice Chair Kresse suggested pending this item to the next meeting to allow more time for compliance.

Ms. Gibson provided some points of clarification on the LDC amendment application. She stated the City provides a range of zoning districts and mechanisms to provide and regulate group homes and group residential dwellings, including restrictions that limit placement, licensure requirements, and physical proximity to each other. Since the subject homes do not have DCF licensing or are located within the R-2 zoning district, they are out of compliance according to the City's codes.

Ms. Bach encouraged Dr. Blyth and Mr. Green to approach the City Commissioners if they would like to see changes in the code. Ms. Gibson spoke to the timeline required for a code amendment and stated this process would take approximately 3-4 months, as it requires both PAB and City Commission approval.

Board Member Crow inquired about the group home licensing requirement from DCF. Ms. Gibson stated Mr. Green does not qualify for this license based on the services he provides. Ms. Bach reiterated the range of services is less than the minimum required to obtain a DCF license.

Vice Chair Kresse inquired about the definition of "resident" according to the LDC. Ms. Gibson referred to Chapter 1 of the LDC and stated residents of a dwelling unit may be comprised of: an individual; two (2) or more persons related by blood, adoption, or marriage, together with any number of offspring, foster, step or adopted children; a group of not more than four (4) individuals, not related by blood or marriage, or groups licensed by the State of Florida as Group Homes, as defined and regulated by Objective 3.05 of the City of Fernandina Beach Comprehensive Plan.

Board Member Byrd inquired if there are other group homes within the City limits. Ms. Gibson stated she is aware of one (1) other location within the City limits.

Ms. Bach spoke to Mr. Green's comment that he has been operating these homes for several years with no issues from neighbors. Ms. Bach feels the need for these types of services has grown within the community since he opened the first home. As more facilities opened, the community has started paying attention to the number of facilities in existence. This was brought to the attention of Code Enforcement.

Ms. Bach asked Mr. Wells to provide testimony on his inspection with Ms. Forstrom at 1014 S. 10th Street. Mr. Wells stated he saw several violations for property maintenance and outside storage. These violations have since been corrected. He also stated the residence was unsanitary and confirmed there were fifteen (15) beds placed throughout the house.

No further testimony was provided on the case. Chair Kaufman called for a motion to close the hearing portion of the meeting.

A motion was made by Board Member Shults, seconded by Board Member Byrd, to close the hearing. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Board discussion:

The board members discussed the violations and the applicable zoning restrictions for each property.

Board Member Crow feels it is difficult to decide on this case because of the nature of the licensing requirement and the fact that Mr. Green does not provide services that require a license. She requested documentation from DCF on the requirements. Board Member Byrd also feels it is difficult to ask for licensing since Mr. Green's services do not meet the minimum requirements.

Board Member Boyd feels the duty of the board is to decide if Mr. Green has violated the LDC and can meet the requirements of the code to continue operating these facilities within R-2 zoning.

Vice Chair Kresse feels the board cannot find the properties in violation of both 6.02.16 - Group Homes and 6.02.17 - Group Residential Violation. The motion should include only one violation.

The board discussed whether to find the properties in violation and if they should assess fines and fees before allowing Mr. Green time to apply for a LDC amendment. Mr. Poole suggested they allow some time for this process.

Board Member Boyd feels the board should find the property owners in violation but give them appropriate time to come into compliance. He suggested one hundred and eighty (180) days.

The board members discussed how to word the motion.

A motion was made by Board Member Boyd, seconded by Board Member Byrd, to find the properties in violation of 6.02.16, Group Homes, and to give the respondent one hundred and eighty (180) days to come into compliance. Compliance may include the following: 1) reducing the number of people living in each home to 4 or less; 2) applying for and getting approval from the City a Land Development Code amendment to allow group residential (boarding houses) in R2; or, 3) for Henry Green (the organizer of these sober homes) to get state DCF licensing to change the status of these homes to group homes with onsite supervision and maintain 1200 feet of separation between these group homes. The Board will assess fines and administrative fees at the end of one hundred and eighty (180) days (May 4th, 2021) if the property is not brought into compliance at that time. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Board Member Boyd thanked Mr. Green for the services he provides. Other board members reiterated their appreciation.

5. Board Business

5.1 BOARD APPOINTMENTS - Recommendation of appointments.

There was no discussion on this item.

5.2 2021 MEETING DATES

All meetings are scheduled for the first Thursday of each month at 5:30 p.m.

6. Adjournment

There being no further business to come before the Code Enforcement and Appeals Board, Chair Kaufman adjourned the meeting at 8:32 p.m.



Harriet Davis, Recording Secretary



Adam Kaufman, Chair



City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: November 5, 2020
Case Number: 2020-0284

IN THE MATTER OF: Respondent Name: **DAVID & ANTOINETTE BROWN**
Respondent Address: 12391 VC JOHNSON ROAD
JACKSONVILLE, FL 32218

cc: Henry Green
1014 S. 10th Street
Fernandina Beach, FL 32034

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on November 5, 2020, 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 October 5, 2020, and the Respondent was present at the hearing via Zoom.
2. The real property on which the violations occurred is 823 S. 13th Street, Fernandina Beach, FL and a brief legal description being **BLOCK 233 E100 FT OF S1/2 OF 9 IN OR 474 PG 176 CITY OF FDNA BEACH.**
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: **6.02.16 – Group Homes.**

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 6.02.16, Group Homes and to give the respondent one hundred and eighty days (180) days to come into compliance. Compliance may include the following: 1) reducing the number of people living in each home to 4 or less; 2) applying for and getting approval from the City a Land Development Code amendment to allow group residential (boarding houses) in R2; or, 3) for Henry Green (the organizer of these sober homes) to get state DCF licensing to change the status of these homes to group homes with onsite supervision and maintain 1200 feet of separation between these group homes. **The Board will assess fines and administrative fees at the end of one hundred and eighty (180) days (May 4, 2021) if the property is not brought into compliance at that time.**
2. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order will 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 and administrative fees are not paid within thirty (30) days.
3. If the lien remains unpaid for a period of three (3) months from the date of the filing of the lien, the City of Fernandina Beach may foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.



City of Fernandina Beach

SECTION 3 - CERTIFICATION OF VOTE

Done and ordered November 5, 2020 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing.

By: _____

Chair, Adam Kaufman

COUNTY OF NASSAU

STATE OF FLORIDA

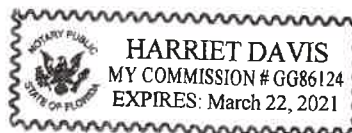
I HEREBY CERTIFY that on this day before me, the undersigned, a Notary Public in and for the State of Florida at Large, personally appeared Adam Kaufman to me well known to be the Chair of the Code Enforcement and Appeals Board of the City of Fernandina Beach, and known to me to be the persons who executed 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 6th day of November, 2020.

(NOTARY SEAL)

Harriet Davis

Notary Public, State of Florida



A CERTIFIED TRUE COPY

Caroline Best

Office of the City Clerk
City of Fernandina Beach, Florida



**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.*



CITY OF FERNANDINA BEACH

Michelle D. Forstrom

Code Enforcement Department
(904) 310-3440

Code Enforcement Director
(904) 310-3441

**ADMINISTRATIVE FEES INCURRED FROM
823 S. 13th Street
AS OF 5/6/2021
CODE CASE #2020-0284**

<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 Director	6.5	\$27.07	\$175.96
George Wells, Code Enforcement Officer	1.5	\$23.24	\$34.86
Tammi Bach, City Attorney	3.5	\$72.29	\$253.02
Katie Newton, Legal Assistant	2	\$25.87	\$51.74
Harriet Davis, Administrative Coordinator/Board Secretary	4.5	\$19.29	\$86.81
 Record Findings of Facts with the Clerk of Circuit Court of Nassau County *	 1	 \$23.50	 \$23.50
 Certified letters mailed	 3	 \$6.90	 \$20.70
First Class letters mailed	2	\$0.50	\$1.00
 Certified letters mailed (new postage rate)	 3	 \$6.91	 \$20.73
First Class letters mailed (new postage rate)	2	\$0.51	<u>\$1.02</u>

*not recorded yet

TOTAL ADMINISTRATIVE FEES DUE

\$669.33

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

CASE UPDATE
Case 2020-0285
City of Fernandina Beach Code Enforcement & Appeals Board
May 6, 2021

Violation Information

Owner Netherland Wilson
 816 Vernon Street
 Fernandina Beach, FL 32034

Violation City of Fernandina Beach – Land Development Code, 6.02.16 - Group Homes Violation

Location: 816 Vernon Street, Fernandina Beach, FL 32034

Case Update since **November 5, 2020** when the Code Enforcement & Appeals Board found this property in violation of 6.02.16 - Group Homes of the City of Fernandina Beach Land Development Code, where the Board gave the Respondents one hundred and eighty (180) days, May 4, 2021, to come into compliance.

Included in this update is the evidence of the following communications and events, the Staff Report, Minutes, and Findings of Facts from the November 5, 2020 Code Enforcement & Appeals Board hearing for this case.

On December 10, 2020 – I sent an email to Mr. Green and Mr. Blyth requesting a status update on this and the other two properties.

On January 7, 2021 – Mr. Green appeared at the Code Enforcement & Appeals Board hearing with some documentation for the Board. The Board told Mr. Green that this was not the appropriate venue, and that he should contact me with any documentation and updates.

I never heard from him.

On April 20, 2021 – I sent an email to Mr. Green attaching the letter reminding him and the property owners of the deadline of May 4, 2021 for proof of compliance for this property and the other two properties.

A copy of this letter was sent out certified to Mr. Green and the property owner. The letter was received by Mr. Green, but not the property owner.

Conclusion:

There has been no contact from Mr. Green or any of the property owners to anyone in our office.

Recommendation:

The City recommends a motion to be made to that all administrative fees (\$669.30 to date) be paid by the Respondent and that a fine of \$200.00 a day for the violation to begin on May 4, 2021, and file a lien on this property on July 2, 2021, sixty (60) days from May 4, 2021. This date is the Friday after the scheduled July 1, 2021 Code Enforcement & Appeals Board hearing.

Submitted by:



Michelle D. Forstrom
Code Enforcement Director

Michelle Forstrom

From: Michelle Forstrom
Sent: Thursday, December 10, 2020 8:12 AM
To: henrygreen9128@gmail.com; jeffblyth71@yahoo.com
Subject: Status Update

Mr. Green and Mr. Blyth,

I hope that this email finds you both well.

I am just checking in to get a status update on 1014 South 10th Street, 823 South 13th Street, and 816 Vernon Street. We also were forwarded a complaint from the Health Department about bed bugs at 823 South 13th Street. We recommend that this issue gets addressed immediately.

I look forward to receiving a compliance progress report on these three (3) properties.

Michelle Forstrom

From: Michelle Forstrom
Sent: Tuesday, April 20, 2021 11:25 AM
To: henrygreen9128@gmail.com
Cc: Harriet Davis
Subject: Code Enforcement & Appeals Board Hearing
Attachments: Green Houses on LH and Signed 4-20-21.pdf

Mr. Green,

Please find the attached letter reminding you and the property owners of the cases going back before the Code Enforcement & Appeals Board in May.

If you have any questions, please feel free to contact me.



City of Fernandina Beach
Code Enforcement Department

Ms. Michelle D. Forstrom
mforstrom@fbfl.org

April 20, 2021

Mr. Green and Property Owners,

This is a reminder that the cases for

- 1014 South 10th Street, Code Case #CODE-2020-0287
- 823 South 13th Street, Code Case #CODE-2020-0284
- 816 Vernon Street. Code Case #CODE-2020-0285

Are being brought back before the Code Enforcement & Appeals Board for determination of fines at the date and time listed below.

Date: May 6, 2021
Time: 5:30PM
Location: 204 Ash Street, City Commission Chambers

The Code Enforcement & Appeals Board order gave one hundred eighty (180) days, May 4, 2021, to come into compliance which would include the following:

- 1) Reducing the number of people living in each home to four (4) or less;
- 2) Applying for and getting approval from the City a Land Development Code amendment to allow Group Residential (Boarding Houses) in R2; or
- 3) For you, Henry Green, (organizer of these sober homes) to get state DCF licensing to change the status of these homes to Group Homes with onsite supervision and maintain twelve hundred (1200) feet of separation between the Group Homes.

The Code Enforcement Department must receive proof/evidence that compliance has been achieved by one of the above means by May 4, 2021.

If you have any questions, please feel free to contact me.

Regards,

Michelle D. Forstrom
Code Enforcement Director

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

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Domestic Mail Only

Code Enforcement

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

OFFICIAL USE

Certified Mail Fee \$ 3.55
Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$ 2.85
☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage \$.51
Total Postage and Fees \$ 6.91

SA
SI
CI
HENRY GREEN
1014 S. 10TH STREET
FERNANDINA BEACH, FL 32034

PS Form 3800, April 2015 PSN 7530-02-000-9053 Use reverse for Instructions

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:

HENRY GREEN
1014 S. 10TH STREET
FERNANDINA BEACH, FL 32034



9590 9402 5816 0034 1941 91

2. Article Number (Transfer from service label)

7020 0090 0001 9419 6400

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

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 70200090000194196400[Remove X](#)

Your item was delivered at 10:07 am on April 26, 2021 in FERNANDINA BEACH, FL 32034.

Delivered

April 26, 2021 at 10:07 am
FERNANDINA BEACH, FL 32034

[Feedback](#)[Get Updates ✓](#)

Text & Email Updates

Tracking History**April 26, 2021, 10:07 am**

Delivered

FERNANDINA BEACH, FL 32034

Your item was delivered at 10:07 am on April 26, 2021 in FERNANDINA BEACH, FL 32034.

April 22, 2021, 3:25 pm

Notice Left (No Authorized Recipient Available)

FERNANDINA BEACH, FL 32034

April 22, 2021, 1:19 am

Departed USPS Regional Facility

JACKSONVILLE FL DISTRIBUTION CENTER

April 20, 2021, 8:21 pm

Arrived at USPS Regional Facility

JACKSONVILLE FL DISTRIBUTION CENTER

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback

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Code Enforcement

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

OFFICIAL USE

Certified Mail Fee \$ **3.55**

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

☒ Return Receipt (hardcopy) \$ **2.85**

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$ **.51**

Total Postage and Fees \$ **6.91**

Postmark Here

816 Vernon St

Sent Via City
NETHERLAND WILSON
1649 STOWE ROAD
RESTON, VA 20194-1606

PS Form 3800, April 2015 PSN 7530-02-000-9053

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:

NETHERLAND WILSON
1649 STOWE ROAD
RESTON, VA 20194-1606

2. Article Number (Transfer from service label)

7020 0090 0001 9419 6431

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

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

Domestic Return Receipt

Track Another Package +**Tracking Number:** 70200090000194196431

Remove X

We attempted to deliver your item at 1:44 pm on April 23, 2021 in RESTON, VA 20194 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning April 24, 2021. If this item is unclaimed by May 8, 2021 then it will be returned to sender.

Notice Left (No Authorized Recipient Available)

April 23, 2021 at 1:44 pm
RESTON, VA 20194

Feedback

Schedule Redelivery ∨**Text & Email Updates****Schedule Redelivery****Tracking History****Product Information****See Less** ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback

STAFF REPORT
Case 2020-0285
City of Fernandina Beach Code Enforcement & Appeals Board
November 5, 2020

Violation Information

Owner Netherland Wilson
 816 Vernon Street
 Fernandina Beach, FL 32034

Violation City of Fernandina Beach – Land Development Code, 6.02.16 - Group Homes or
 6.02.17 Group Residential Violation

Location: 816 Vernon Street, Fernandina Beach, FL 32034

Summary and Background Information

City staff has had numerous meetings regarding Henry Green and his Sober homes/Group Homes. The following is the calendar of events for these meetings:

May 21, 2019 - City staff (Kelly Gibson, Michelle Forstrom, and Angie Lester) met to discuss the Land Development Code regarding Group Homes and Group Residential.

July 26, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding Group Homes and the regulations associated with their operation.

August 5, 2019 - City staff (Jacob Platt, Michelle Forstrom, and Angie Lester) met with Henry Green, and Barb Kent to discuss the Land Development Code regarding his current Group Home and future Group Homes and the regulations, restrictions, and options associated with their operation. We explained that Henry Green must get licensed in order to operate a Sober Home, and then he would need an LBTR from the City.

July 21, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, Michelle Forstrom, Chief Hurley, Deputy Chief Foxworth, Captain Bishop and Sergeant Peak) met via ZOOM to discuss Henry Green's Sober Homes/Group. An inspection was then conducted by Officer Wells and myself. We ended up meeting Mr. Green at 1014 South 10th Street. He gave us a tour of the home at 1014 South 10th Street. As stated in the previous case presented: Upon entry, there were many chairs set up in rows for assembly for AA and NA meetings. I counted fifteen (15) beds in this single family, three (3) bedroom, one (1) bath house of 2131 square feet. Mr. Green informed me that at any given time there are about six (6) men residing here for a maximum of ninety (90) days. The other beds are occupied by shorter term residents, anywhere from one to a few days for transition purposes. I asked him about the other three homes, this property being one of them. He told me that they would be of the same set up. He also told me that he did not need any licensure, because he was operating under ministry. I told him that I would look into it, but I didn't think that was the case.

July 27, 2020 - City staff (Tammi Bach, Katie Newton, Kelly Gibson, and Michelle Forstrom) met via conference call to confirm that Mr. Green is indeed in violation of the LDC by operating a Group Home without being licensed.

July 31, 2020 - We mailed a certified Notice of Violation/Notice of Hearing letter to property owner and Mr. Henry Green. Through the United States Postal Service tracking system on-line received confirmation that Mr. Green's had been delivered, giving proper service.

August 7, 2020 - Dr. Jeffrey Blythe called me to schedule a meeting with he and Henry Green. A meeting was scheduled for August 11, 2020 in the City Attorney's conference room.

August 11, 2020 - Tammi Bach, Henry Green, Dr. Jeffrey Blythe, and I met to discuss This case and the other three (3) cases. Included in the evidence is documentation backing up our discussion. They were told that Mr. Green must comply with the Supplemental Standards in the Land Development, which they current are not doing. I will have expert witnesses testify to what is needed to have this property and the other three properties come into compliance.

August 27, 2020 - After realizing that we never got the green card back from the certified letter that we sent to the property owner, and going to the USPS Tracking website, finding that it needed to be rescheduled for delivery, we did, however, get Mr. Green's green card back.

August 28, 2020 - Because we could not prove due process to the property owner, we pulled all three of these cases off the September 3rd CEAB agenda.

September 10, 2020 - I talked to Henry Green, he told me that he had received the letter dated July 31, 2020.

We sent another Notice of Violation/Notice of Hearing letter Certified to the property owner and sent a copy of the same letter Certified to Mr. Henry Green. We received Mr. Green's card back.

September 18, 2020 - After researching the certified letter tracking with USPS and noting that the status was requesting to arrange for redelivery, I posted the property with a copy of the Notice of Violation/Notice of Hearing letter. A copy of this same letter was also posted at City Hall and at the Peck Center. The Affidavits are included for evidence.

September 21, 2020 – I talked with the property owner, Netherland Wilson, who had called and left a message that the siding on the carport had been replaced. I wanted to be sure that she also understood that other violations at this property. She told me that she was aware but did not believe that these violations exist. She then told me that this would all be settled at the October 1st hearing.

October 1, 2020 - I called and talked to the new property owner of 1014 South 10th Street, Jasmine Scarver. She was unaware of the severity of the alleged violations at this property. Full disclosure was not given to her by the previous owner (her mother). She told me that she is going to get a cease and desist order. I gave her until November 2, 2020, but after she talked to Mr. Green, she then decided to let this case play out before the Board at the hearing. We removed all three of these related cases off the agenda, and cancelled the hearing, because due process was not served on new property owner of 1014 South 10th Street. I called all the interested parties and property owners of all three properties, informing them that the hearing was cancelled.

October 5, 2020 – We sent yet another Notice of Violation/Notice of Hearing letter Certified and First-Class mail to the property owner at the two mailing addresses that we found and Mr. Green, affidavit is included as evidence. The property was also posted, as well as at City Hall and at the Peck Center. We received the green cards back from the property owner and Mr. Green.

We will have expert witnesses testify to what is needed to have this property and the other two properties come into compliance.

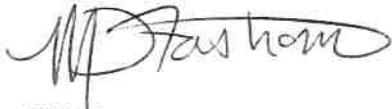
Conclusion:

This activity continues to this day.

Recommendation:

The City recommends a motion to be made to find the property in violation of 6.02.16 Group Homes; and 5.01.09 - Outside Storage, giving the respondent two (2) weeks/fourteen (14) additional days to come into compliance by November 19, 2020. The City recommends a motion to be made that all administrative fees be paid by the Respondent and that a fine of \$200.00 a day for the violation to begin on November 20, 2020 if not in compliance, along with filing a lien on this property on January 4, 2021, forty-five (45) days from November 20, 2020.

Submitted by:

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

Michelle D. Forstrom
Code Enforcement Director



Code Enforcement & Appeals Board Minutes

Regular Hearing

November 5, 2020

Due to the ongoing COVID-19 pandemic, the Code Enforcement & Appeals Board Meeting was held as a combination VIRTUAL and LIVE MEETING with some board members and City staff participating through video conferencing. This virtual meeting was broadcast live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

1. Call to Order/Roll Call/Determination of Quorum - The meeting was called to order at 5:35 p.m.

Board Members Present:

Chair Adam Kaufman

Vice Chair Nicole Kresse

Buddy Boyd (via Zoom)

Henry Byrd

Cindy Crow (via Zoom)

Andy Fotiades (via Zoom) (Alternate 2 - seated as voting member at this meeting)

Gail Shults

Board Members Absent:

Leroy Thompson

Staff Present:

Tammi E. Bach, City Attorney

Harriet Davis, Administrative Coordinator

Michelle Forstrom, Code Enforcement Director

Kelly Gibson, Planning & Conservation Director

Officer Sturges, Police Department

George Wells, Code Enforcement Officer

Troy Woleshin, IT Specialist

Others Present:

Marc Anderson

Reverend Wardell Avant

Dr. Jeffrey Blyth

Mr. Brown (via Zoom)

Arlene Filkoff (via Zoom)

Arlene Green

Henry Green

Steve Hickman

Barb Kent

Harrison Poole

Julia Roberts

Chip Ross

Jasmine Scarver (via Zoom)

2. **Approval of Minutes** - According to the agenda support documents, the minutes for the September 3rd, 2020 regular hearing were presented for approval. **A motion was made by Vice Chair Kresse, seconded by Board Member Shults, to approve the minutes. Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

The Board voted to seat Board Member Fotiades as a voting member for this meeting. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Mr. Kaufman introduced attorney Harrison Poole who represented the board for this meeting. Mr. Poole explained the quasi-judicial process.

Chair Kaufman asked for any ex parte communication regarding the case. There was none.

3. Old Business

STAFF UPDATE ON 409 FIR STREET, CASE 2019-0439

Code Enforcement Director Michelle Forstrom provided an update on this property, which was previously presented to the board in July for violation of Section 42-116, Duty to Maintain Property. The property is still in violation and is currently in the process of being sold. There are fines and fees associated with the case.

4. New Business

4.1 JASMINE SCARVER, 1014 S. 10TH STREET, CASE 2020-0287. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

4.2 DAVID T. & ANTOINETTE BROWN, 823 S. 13TH STREET, CASE 2020-0284. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

4.3 NETHERLAND WILSON, 816 VERNON STREET, CASE 2020-0285. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

Chair Kaufman read the cases and noted they will be presented as one case since the violations are the same for each property. City Attorney Tammi Bach presented the case for the City and submitted evidence into the record.

Ms. Bach stated the violations are of the Land Development Code (LDC): Section 6.02.16 – Group Homes, and Section 6.02.17 – Group Residential Violation. Ms. Bach stated that even though the subject matter is complex, the case is simple in that the violations exist because the properties violate the allowable use for R-2 zoning. The properties exceed the allowable number of four (4) unrelated adults living together in a single-family residence. Ms. Bach also noted the City's LDC was written lawfully without the use of the terms "recovery," "sober homes," or "halfway house" since these are discriminatory terms.

Mr. Kaufman reiterated that the cases are brought against the property owners, not against any tenant or individual that has entered into a lease agreement with each owner.

Ms. Bach provided the definitions of "group home" and "group residential" according to the LDC. A group home is a residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such facility shall be at least four (4) but not more than fifteen (15) residents. A group residential facility is a facility

occupied by five (5) or more unrelated individuals on a monthly or longer basis. Group residential facilities may be operated by a separate entity (whether for-profit or not-for-profit) or may operate under the control of the individuals who occupy the residence. A group residential facility is not a group home facility and does not provide any personal care or supervisory services to its residents. Group homes are allowed in the following zoning districts: RE, R1, R1-G, RLM, R-2, R-3, MU-1, and C-3. They are considered businesses in the City and must obtain a business license.

Group homes of six (6) or fewer residents licensed as community residential homes by the Department of Children and Family Services (DCF) shall be deemed a single-family unit and shall be allowed in single-family or multi-family zoning districts, provided that such homes shall not be located within a radius of 1,000 feet of another existing duly licensed group home of six (6) or fewer residents.

Group homes duly licensed by DCF as community residential care facilities which have from seven (7) to fourteen (14) unrelated residents operating as the functional equivalent of a family, including supportive staff as referenced in Florida Statute 419.001, shall be allowed in multi-family residential districts.

Ms. Bach presented a map depicting the zoning districts that allow group homes with supervision and DCF licensing. She also provided an aerial shot depicting the properties in violation as listed above. The LDC requires a minimum distance requirement of 1,200 feet between group home locations.

Group residential facilities are allowed in the following zoning districts: R-3, MU-1, and C-3. Group residential facilities shall be used only for the purpose of providing housing to its residents and shall not be used to provide any personal care services or supervision to its residents. They shall have a maximum occupancy restriction based on a Fire Marshal's inspection. They shall provide one (1) off-street parking space for each two (2) occupants, based on maximum occupancy. There is no distance requirement.

Ms. Bach spoke to the subject of reasonable accommodations for individuals with disabilities and the American Disability Act (ADA) and Fair Housing Act (FHA). She stated the City does not characterize group residential or group homes as "sober homes" or "recovery residences" because it is not the City's business why unrelated individuals are living in these homes. She reiterated the City provides many zoning districts that allow for group homes or group residential, as stated above.

Ms. Bach called Ms. Forstrom to testify on behalf of the City and provide a timeline of events. Ms. Forstrom stated City staff met on May 21st, 2019 to discuss the LDC regarding group homes and group residential. This was in response to Mr. Green's request for obtaining a business license. City staff met on July 21st, 2020 to discuss the matter further. On this same day, Ms. Forstrom and Mr. Wells met Mr. Green at 1014 S. 10th Street, where he provided a tour of the home. Ms. Forstrom stated there were many chairs set up in an assembly fashion for Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) meetings. She counted fifteen (15) beds and noted there were three (3) bedrooms and one (1) bathroom in the single-family home. Mr. Green informed Ms. Forstrom that at any given time, there are approximately six (6) men residing at the location for a maximum of ninety (90) days. He stated the other beds are occupied by short term residents, anywhere from one to a few days for transition purposes.

Ms. Forstrom stated she asked Mr. Green about the other homes listed on this agenda and he told her they would be of the same set up. Mr. Green told her he did not need any licensure because he was operating under the category of ministry. Ms. Forstrom told Mr. Green that she would research the matter further to confirm this.

City staff met on July 27th to confirm that Mr. Green is indeed in violation of the LDC by operating a group home without proper licensure.

Ms. Forstrom provided a timeline of the notice letters. These cases were originally scheduled to go before the board on September 3rd; however, all three cases were pulled from the agenda because proper service

was not provided to the property owners. On August 11th, Ms. Forstrom and Ms. Bach met with Mr. Green, along with Dr. Jeffrey Blyth, an associate of Mr. Green, to discuss the cases. After this discussion, City staff told Mr. Green he must comply with the Supplemental Standards in the LDC to continue operating the homes.

On September 10th, staff sent notice letters for the October 1st board meeting. Staff later discovered that 1014 S. 10th Street had changed ownership. Without proper service to the new owner, the cases were pulled from the October 1st agenda and the meeting was cancelled. On October 5th, staff sent a notice letters to the new owner of 1014 S. 10th Street and letters to the other two property owners with a new hearing date scheduled for November 5th.

Ms. Forstrom read the recommended motion: *Staff recommends a motion to find the properties in violation of 6.02.16 Group Homes, giving the respondents two (2) weeks/fourteen (14) additional days to come into compliance by November 19th, 2020. The City recommends a motion that all administrative fees be paid by the Respondent and that a fine of \$200.00 a day for the violation to begin on November 20th, 2020 if not in compliance, along with filing a lien on this property on January 4th, 2021, forty-five (45) days from November 20th, 2020.*

Ms. Bach asked Ms. Forstrom to verify her employment with the City of Fernandina Beach. Ms. Forstrom confirmed she has been employed by the City for almost sixteen (16) years and has been a Code Enforcement Officer for fifteen (15) years, with certifications through the Florida Association of Code Enforcement (FACE).

Ms. Bach asked Ms. Forstrom to provide more details on 823 S. 13th Street and 816 Vernon Street. Ms. Forstrom stated she spoke with a tenant at 823 S. 13th Street. This person stated 5-6 individuals live at this address. On this same day, Ms. Forstrom confirmed during a conversation with Mr. Green that both houses would be of similar setup to 1014 S. 10th Street.

Dr. Blyth inquired how Ms. Forstrom determined the properties are being used for group homes. Ms. Forstrom stated she obtained this information from direct conversation with Mr. Green, along with a conversation with a tenant at 816 Vernon Street when she posted the notice at the property. She stated this property appears to be a group home because AA and NA meetings are held there along with 24-hour supervision. These meetings are referenced in a news article from the Fernandina News-Leader dated September 25th, 2020.

Dr. Blyth inquired as to Ms. Forstrom's thought process in determining all three properties are in violation of both sections of the LDC. Ms. Forstrom stated she cited both sections of the code since both sections could apply in each instance, i.e. group residential is not allowed in R-2 and group homes require licensure.

Vice Chair Kresse inquired about the current administrative fines and fees. Ms. Forstrom provided this information for each property.

The discussion shifted to the subject of preemption. Ms. Bach explained the City is a home-rule city as are all cities incorporated within the State of Florida and that local law cannot preempt state law, meaning that local jurisdiction cannot legislate on certain issues. She shared the example of smoking on the beach. The State preempts the City on this issue. Ms. Bach referred to Florida Statute 397.311, Substance Abuse Services Definitions, and the definition for "recovery residence." Based on the definition, Ms. Bach feels the City is not preemptive in applying the zoning code for group homes and group residential.

Dr. Blyth spoke to the board and those in attendance as acting representation for the property owners and confirmed he did meet with City staff along with Mr. Green on August 11th, 2020 to discuss the cases. He stated City staff agreed the current code in place was not appropriate and they should apply for an amendment. He cited Florida Statute 419.001, Community Residential Homes which states that a "resident"

is defined as a person with developmental disabilities or a child in need of services. He feels the resident population does not meet the parameters outlined in this definition for group homes or group residential and the LDC should not apply in these cases.

Dr. Blyth went on to say he feels the state and its subdivisions, including the City, have a legitimate state interest in protecting those suffering from addiction, and cited Florida Statute 397.487, Substance Abuse Services - Voluntary Certification of Recovery Residences. Dr. Blyth also referred to the Florida Association of Recovery Residences (FARR). He has sought assistance from this organization and stated Mr. Green is in the process of obtaining a recovery residence administrator certification through them.

Dr. Blyth inquired why City code is not in line with the state statute. He feels the state statute should override the City code in these cases. Chair Kaufman stated the task of the board is to rule on the cases brought before them, not to modify the existing codes.

Dr. Blyth asked Mr. Green to share his testimony. Mr. Green stated he consulted with Ms. Forstrom and other City staff in 2014 for the requirements to operate as Grace and Gratitude Sober Living. He was referred to DCF since the City did not have any guidelines in place for recovery residences. After consultation with DCF, he was advised to seek the City's guidance again since recovery residences are not regulated by DCF. After a second meeting with City staff, Mr. Green consulted with the state for their recommendation. He was advised to file the paperwork to incorporate Grace and Gratitude Sober Living. Mr. Green feels he should be "grandfathered in" since he has been operating for five (5) years without any issues or complaints from neighbors. He stated he has been operating under the assumption that no other paperwork or documentation was required.

Mr. Green spoke to Ms. Forstrom's statement above regarding AA and NA meetings at 1014 S. 10th Street. He stated these meetings are not associated with this property, and it is the location for the Fernandina Beach Group of AA and NA, which is part of a worldwide network of meetings. Mr. Green stated he was advised by City staff to apply for a business license before he opened the women's facility.

As mentioned above, Mr. Green confirmed he has applied for a recovery residence administrator license through the Florida Certification Board (FCB) and FARR. As part of the application process, the properties will be inspected. In response to Ms. Forstrom's comment above regarding the number of bathrooms at 1014 S. 10th Street, he stated there are two (2) bathrooms in the house.

Chair Kaufman asked Mr. Green to speak to lease agreements with each property owner. Mr. Green stated he signed these documents as the property manager. Chair Kaufman inquired about liability. Mr. Green stated each residence signs a contract they will not hold Grace and Gratitude Sober Living or himself liable in exchange for a safe place to reside.

A board member asked Mr. Poole to express his interpretation of the LDC. Mr. Poole stated he has reviewed the LDC and it does not make a distinction for recovery residences. Mr. Poole stated the state has not preempted the City in these cases. Dr. Blyth reiterated his thoughts about the City code versus the state code. He continues to question the reasoning applied in these cases.

Dr. Blyth asked Ms. Bach to confirm that since the properties did not fit within the parameters of group home or group residential that Mr. Green was advised to apply for an amendment. Ms. Bach stated that yes, an amendment would be required to change the existing code; however, it would require both Planning Advisory Board (PAB) and City Commission approval. It is not within the purview of the Code Enforcement Board to decide. Dr. Blyth stated he attempted to submit the application to the Planning Department but learned later the application was not moving forward in the process.

Chair Kaufman entertained a comment from an audience member. Property owner Marc Anderson, 823 Vernon Street, spoke on behalf of Mr. Green's program and the benefits it provides. He feels that many

individuals have benefitted from the services, and there are more important issues that should be addressed by City staff and Code Enforcement. Mr. Green reiterated that many individuals have benefitted from his program and that several local agencies contact him when they have individuals that need assistance, such as the hospital and the Barnabas Center.

Board Member Byrd inquired about Mr. Green's inquiry to DCF. Mr. Green reiterated that he was advised to seek the City's guidance since recovery residences are not regulated by DCF; however, neither Dr. Blyth nor Mr. Green could not provide any documentation to confirm this.

Vice Chair Kresse suggested pending this item to the next meeting to allow more time for compliance.

Ms. Gibson provided some points of clarification on the LDC amendment application. She stated the City provides a range of zoning districts and mechanisms to provide and regulate group homes and group residential dwellings, including restrictions that limit placement, licensure requirements, and physical proximity to each other. Since the subject homes do not have DCF licensing or are located within the R-2 zoning district, they are out of compliance according to the City's codes.

Ms. Bach encouraged Dr. Blyth and Mr. Green to approach the City Commissioners if they would like to see changes in the code. Ms. Gibson spoke to the timeline required for a code amendment and stated this process would take approximately 3-4 months, as it requires both PAB and City Commission approval.

Board Member Crow inquired about the group home licensing requirement from DCF. Ms. Gibson stated Mr. Green does not qualify for this license based on the services he provides. Ms. Bach reiterated the range of services is less than the minimum required to obtain a DCF license.

Vice Chair Kresse inquired about the definition of "resident" according to the LDC. Ms. Gibson referred to Chapter 1 of the LDC and stated residents of a dwelling unit may be comprised of: an individual; two (2) or more persons related by blood, adoption, or marriage, together with any number of offspring, foster, step or adopted children; a group of not more than four (4) individuals, not related by blood or marriage, or groups licensed by the State of Florida as Group Homes, as defined and regulated by Objective 3.05 of the City of Fernandina Beach Comprehensive Plan.

Board Member Byrd inquired if there are other group homes within the City limits. Ms. Gibson stated she is aware of one (1) other location within the City limits.

Ms. Bach spoke to Mr. Green's comment that he has been operating these homes for several years with no issues from neighbors. Ms. Bach feels the need for these types of services has grown within the community since he opened the first home. As more facilities opened, the community has started paying attention to the number of facilities in existence. This was brought to the attention of Code Enforcement.

Ms. Bach asked Mr. Wells to provide testimony on his inspection with Ms. Forstrom at 1014 S. 10th Street. Mr. Wells stated he saw several violations for property maintenance and outside storage. These violations have since been corrected. He also stated the residence was unsanitary and confirmed there were fifteen (15) beds placed throughout the house.

No further testimony was provided on the case. Chair Kaufman called for a motion to close the hearing portion of the meeting.

A motion was made by Board Member Shults, seconded by Board Member Byrd, to close the hearing. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Board discussion:

The board members discussed the violations and the applicable zoning restrictions for each property.

Board Member Crow feels it is difficult to decide on this case because of the nature of the licensing requirement and the fact that Mr. Green does not provide services that require a license. She requested documentation from DCF on the requirements. Board Member Byrd also feels it is difficult to ask for licensing since Mr. Green's services do not meet the minimum requirements.

Board Member Boyd feels the duty of the board is to decide if Mr. Green has violated the LDC and can meet the requirements of the code to continue operating these facilities within R-2 zoning.

Vice Chair Kresse feels the board cannot find the properties in violation of both 6.02.16 - Group Homes and 6.02.17 - Group Residential Violation. The motion should include only one violation.

The board discussed whether to find the properties in violation and if they should assess fines and fees before allowing Mr. Green time to apply for a LDC amendment. Mr. Poole suggested they allow some time for this process.

Board Member Boyd feels the board should find the property owners in violation but give them appropriate time to come into compliance. He suggested one hundred and eighty (180) days.

The board members discussed how to word the motion.

A motion was made by Board Member Boyd, seconded by Board Member Byrd, to find the properties in violation of 6.02.16, Group Homes, and to give the respondent one hundred and eighty (180) days to come into compliance. Compliance may include the following: 1) reducing the number of people living in each home to 4 or less; 2) applying for and getting approval from the City a Land Development Code amendment to allow group residential (boarding houses) in R2; or, 3) for Henry Green (the organizer of these sober homes) to get state DCF licensing to change the status of these homes to group homes with onsite supervision and maintain 1200 feet of separation between these group homes. The Board will assess fines and administrative fees at the end of one hundred and eighty (180) days (May 4th, 2021) if the property is not brought into compliance at that time. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Board Member Boyd thanked Mr. Green for the services he provides. Other board members reiterated their appreciation.

5. Board Business

5.1 BOARD APPOINTMENTS - Recommendation of appointments.

There was no discussion on this item.

5.2 2021 MEETING DATES

All meetings are scheduled for the first Thursday of each month at 5:30 p.m.

6. Adjournment

There being no further business to come before the Code Enforcement and Appeals Board, Chair Kaufman adjourned the meeting at 8:32 p.m.



Harriet Davis, Recording Secretary



Adam Kaufman, Chair



City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: November 5, 2020
Case Number: 2020-0285

IN THE MATTER OF: Respondent Name: **NETHERLAND WILSON**
Respondent Address: 816 VERNON STREET
FERNANDINA BEACH, FL 32034

cc: Henry Green
1014 S. 10th Street
Fernandina Beach, FL 32034

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on November 5, 2020, 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 October 5, 2020 and the Respondent was not present at the hearing.
2. The real property on which the violations occurred is 816 Vernon Street, Fernandina Beach, FL and a brief legal description being **BLOCK 233 E100 FT OF W130 FT OF N1/2 OF LOT 9 IN OR 1943/1206.**
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: **6.02.16 – Group Homes.**

SECTION 2 - CONCLUSION OF LAW & IMPOSITION OF FINE

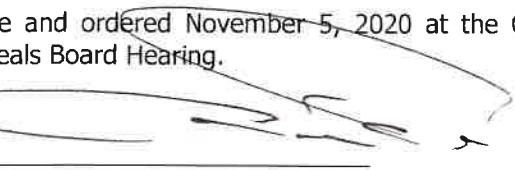
1. Based on the foregoing findings of fact, the Board voted to find the property in violation of 6.02.16, Group Homes and to give the respondent one hundred and eighty days (180) days to come into compliance. Compliance may include the following: 1) reducing the number of people living in each home to 4 or less; 2) applying for and getting approval from the City a Land Development Code amendment to allow group residential (boarding houses) in R2; or, 3) for Henry Green (the organizer of these sober homes) to get state DCF licensing to change the status of these homes to group homes with onsite supervision and maintain 1200 feet of separation between these group homes. **The Board will assess fines and administrative fees at the end of one hundred and eighty (180) days (May 4, 2021) if the property is not brought into compliance at that time.**
2. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order will 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 and administrative fees are not paid within thirty (30) days.
3. If the lien remains unpaid for a period of three (3) months from the date of the filing of the lien, the City of Fernandina Beach may foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.



City of Fernandina Beach

SECTION 3 - CERTIFICATION OF VOTE

Done and ordered November 5, 2020 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing.

By: 

Chair, Adam Kaufman

COUNTY OF NASSAU

STATE OF FLORIDA

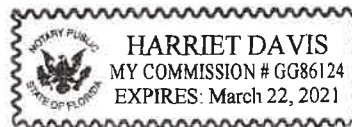
I HEREBY CERTIFY that on this day before me, the undersigned, a Notary Public in and for the State of Florida at Large, personally appeared Adam Kaufman to me well known to be the Chair of the Code Enforcement and Appeals Board of the City of Fernandina Beach, and known to me to be the persons who executed 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 6th day of November, 2020.

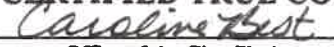
(NOTARY SEAL)



Notary Public, State of Florida



A CERTIFIED TRUE COPY


Office of the City Clerk
City of Fernandina Beach, Florida



**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.*



CITY OF FERNANDINA BEACH

Michelle D. Forstrom

Code Enforcement Department
(904) 310-3440

Code Enforcement Director
(904) 310-3441

**ADMINISTRATIVE FEES INCURRED FROM
816 Vernon St
AS OF 5/06/2021
CODE CASE #2020-0285**

<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 Director	6.5	\$27.07	\$175.96
George Wells, Code Enforcement Officer	1.5	\$23.24	\$34.86
Tammi Bach, City Attorney	3.5	\$72.29	\$253.02
Katie Newton, Legal Assistant	2	\$25.87	\$51.74
Harriet Davis, Administrative Coordinator/Board Secretary	4.5	\$19.29	\$86.81
Record Findings of Facts with the Clerk of Circuit Court of Nassau County *	1	\$23.50	\$23.50
Certified letters mailed	4	\$6.90	\$27.60
First Class letters mailed	4	\$0.50	\$2.00
Certified letters mailed (new postage rate)	2	\$6.91	\$13.82
First Class letters mailed (new postage rate)	2	\$0.51	<u>\$1.02</u>

*not recorded yet

TOTAL ADMINISTRATIVE FEES DUE

\$669.30

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

STAFF REPORT
Case 2021-0069
City of Fernandina Beach Code Enforcement & Appeals Board
May 6, 2021

Violation Information

Owner	Faye Richardson 730 Division Street Fernandina Beach, Florida 32034
Violation	City of Fernandina Beach – Code of Ordinances, Section 42-173 Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited and Section 42-117 Exterior Structure (Maintenance).
Location:	730 Division Street, Fernandina Beach, Florida 32034

Summary and Background Information

February 11, 2021 – I observed an inoperable motor vehicle parked on the driveway that was not properly registered with a current tag affixed on it. I also observed a wooden shed in the left rear of the property that the building wrap/felt had substantially fallen off exposing the wood sheathing underneath to the elements. I posted a notice of visit on the front door giving the owner (30) thirty days to correct the violations. I recorded photographs of the posting of the notice of visit on the front door and of the violations.

February 12, 2021 – We received a phone call from Mrs. Richardson-Brown about the notice of visit I posted on the front door with the violations cited at her property. She assured me that she would get the violations corrected.

March 15, 2021 –A second inspection was performed at this residence. The property was still in violation of 42-117 and 42-173.

March 16, 2021 – A certified NOV/NOH letter was mailed to the owner giving an additional (30) thirty days to correct the violation along with a date and time to appear before the CEAB if the violations have not been brought into compliance.

March 24, 2021 – We received the signed return receipt card from the post office from the certified letter with the owners' signature on it giving us proper service.

April 19, 2021 – I performed a NOV/NOH inspection which confirmed the property was still in violation of 42-173 and 42-117.

April 28, 2021 – A pre-agenda inspection was performed showing the property is still in violation of 42-173 and 42-117.

April 28, 2021 – I placed a phone call to Mrs. Richardson-Brown to ask about upcoming compliance for this property. I had to leave a voice mail for the owner to return my call.

Conclusion.

After speaking to the owner on February 12th I felt somewhat confident the owner was going to correct the violations. I have had previous code cases on this property where resolution of the violations were always taken care of even though it may be an extended time frame.

Recommendation.

The City recommends a motion to be made to find the property in violation of Code of Ordinances, Section 42-173 Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited and Section 42-117 Exterior Structure (Maintenance) giving the respondent (30) thirty additional days to come into compliance by 06/05/21. The City recommends a motion to be made that all administration fees be paid by the Respondent and that a fine of \$ 50.00 per day per violation to begin on 06/06/2021 if not in compliance, along with filing a lien on this property on 07/20/2021.

Submitted by:



George Wells
Code Enforcement Officer



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department
(904) 310-3440

Code Enforcement Officer
(904) 310-3442

**ADMINISTRATIVE FEES INCURRED FROM
730 Division Street
AS OF 05/06/2021
CODE CASE #2021-0069**

<u>STAFF PERSONNEL OR ITEMS</u>	# OF	PRICE OR	<u>TOTAL</u>
	UNITS OR	RATE PER	
	<u>HOURS</u>	<u>HOURLY</u>	
Michelle Forstrom, Code Enforcement Director	1	\$27.07	\$27.07
George Wells, Code Enforcement Officer	5.5	\$23.24	\$127.82
Harriet Davis, Administrative Coordinator/Board Secretary	2	\$19.29	\$38.58
Tammi Bach, City Attorney	0.5	\$72.29	\$36.15
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	1	\$23.50	\$23.50
Certified letters mailed	1	\$6.91	\$6.91
First Class letters mailed	2	\$0.51	<u>\$1.02</u>

TOTAL ADMINISTRATIVE FEES DUE

\$261.05

****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

Mr. George Wells
gwells@fbfl.org

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

March 16, 2021

Case Number: CODE-2021-0069

Cert. #: 7020 0090 0001 9419 6073

IN THE MATTER OF:

Faye Richardson
730 Division Street
Fernandina Beach, FL 32034

PREMISES: 730 DIVISION ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 214 S
14 FT OF A OF 6 SUB B OF 6 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)	
	Repair shed that is missing the building wrap/felt paper and siding to keep shed waterproof and secure. Replace all rotten wood. Pull all required building permits as required.	By 4/16/2021
42-173	Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited	
	Remove, repair, or register vehicle and affix a current tag on it.	By 4/16/2021

(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: May 6, 2021
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 Enforcement Officer

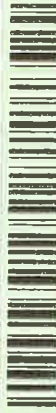
Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

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.

1. Article Addressed to:

FAYE RICHARDSON
730 DIVISION STREET
FERNANDINA BEACH, FL 32034



9590 9402 5816 0034 1940 61

2. Article Number (Transfer from service label)

7020 0090 0001 9419 6073

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Faye Richardson

C. Date of Delivery

3-19-21

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

ii Restricted Delivery

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

Certified Mail Fee

\$ *3.55*

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

☒ Return Receipt (hardcopy) \$ *2.85*

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$

\$ *51*

Total Postage and Fees

\$ *6.91*

Sent To

Street

City

FAYE RICHARDSON

730 DIVISION STREET

FERNANDINA BEACH, FL 32034

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

7020 0090 0001 9419 6073



NOTICE OF VISIT

In Pursuit of Health, Safety & Quality of Community



CITY OF FERNANDINA BEACH
CODE ENFORCEMENT
516 South 10th Street, Suite 211
Beach Center

(904) 310-3442
gwells@fdfl.city www.fdfl.us/Code

Address 730 Division St
Date 2-11-21 Time 4:00 AM/PM

THIS IS TO SERVE AS A WARNING THAT VIOLATIONS WERE OBSERVED OF THE FOLLOWING CITY ORDINANCE(S):

REASON FOR VISIT:

CODE #	DESCRIPTION
42-106	Unlawful Motor Vehicle Registration
42-107	Regular <u>shed</u>
42-108	Religious and Garbage
42-109	Wrecked or Inoperable motor vehicles on private property
42-110	Unauthorized structures and prohibited structures
42-111	Religious vehicle & permit from <u>51601 Audi</u>
42-112	No Vacant Address Numbers
42-113	Accessibility of Garbage and Recycle Containers
42-114	Overhanging structures in the public right of way prohibited
42-115	Without permit
42-116	Parking prohibited in specified places - Overnight Parking
42-117	on public property (Right of Way) for Buses, Trailers, RVs
42-118	Parking prohibited in specified places - All Vehicles parked
42-119	on public property (Right of Way) shall be currently tagged
42-120	and displayed on vehicle
42-121	Outside Storage
42-122	Movable Storage Units (POU) - Permit required
42-123	Recreational Vehicle, Boat, Trailer or Similar Vehicles
42-124	Remove or store in a proper structure or in side or rear yard
42-125	Other

Please contact George Wells, Code Enforcement Officer at (904) 310-3442 or at gwells@fdfl.city within 5 days of this notice to discuss compliance with the above listed issue, or bring this property into compliance by 3-11-21.
Failure to do so will result in an official written notice with a possible outcome of fines.

Comments: Property not in compliance

on shed. Put ad. required permit

Wells
Code Enforcement Officer

11.2021 16:11





2.11.2021 16:10



4.28.2021 08:53



4.28.2021 08:53