



AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
OCTOBER 6, 2022
5:30 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

3.1 The minutes from the September 1, 2022 hearing are requesting approval.

4. OLD BUSINESS

4.1 **MAESTRE RUTH E & LORE PAUL A (JT/RS), 11 S 7TH ST., CASE 2021-0073.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-117 - Exterior Structure (Maintenance). *Requesting Board determination of fines & fees for this case.*

5. NEW BUSINESS

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.

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

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



**AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
SEPTEMBER 1, 2022
5:30 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER AT 5:30 PM.

ROLL CALL / DETERMINATION OF A QUORUM:

Board Members Present:

Barbara Kent	Bernard Thompson
Gail Shults	Chair, Adam Kaufman
Andy Fotiades	Vice Chair, Nicole Kresse

BOARD MEMBERS ABSENT:

Cindy Crow & Ralph Stines

Others present for the hearing:

City Attorney Bach, Michelle Forstrom, Crystal Turner, George Wells.

2. PLEDGE OF ALLEGIANCE

Attorney Bach explained the quasi-judicial proceedings. Board Secretary swore in the witnesses.

Chair Kaufman asked if there were any changes to the agenda? Officer Forstrom replied yes, items 5.1 & 5.2 have come into compliance and will not be presented today.

3. APPROVAL OF MINUTES

3.1 The minutes from the July 27, 2022 Code Enforcement and Appeals Board hearing are presented for approval.

A motion was made by Member Kent and seconded by Member Thompson to approve the minutes from the July 27, 2022, Code Enforcement and Appeals Board Hearing. Motion passed unanimously

4. OLD BUSINESS

4.1 **NORMAN C. STEIN, IN REGARDS TO: JAMES FORD, OWNER OF FORD FAMILY REPAIR SHOP, LLC, 501 HICKORY ST., CASE 2022-0683.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist(ed): Section 70-2. - Encroachments in the public right-of-way, Section 74-66 - Local business tax receipt (required). Land Development Code: Chapter 5.01.07 Dumpsters. *Providing the Board with an update as requested on July 27, 2022 Code Enforcement and Appeals Board Hearing.*

Officer, Michelle Forstrom presented the update to the Board. The case is closed as of the date of this hearing, September 1, 2022. Everything is now in compliance. Chair Kaufman believes this to be true, at the last hearing the Board requested contact to be made to the Police Department. Officer Forstrom did contact the Police Deputy Chief and requested “no parking” signs to be placed on that street, the Deputy Chief responded promptly to that request. A few days after the signs being installed, the Police gave warnings to the vehicles that were still parked on the side of the road.

Jim Ford was sitting in the audience, and he asked if he may have a word with the Board. Chair Kaufman said he can grant three minutes to speak, the Board is not taking any action on this case at this time, this is only a report on the status of the case and the matter is closed. Mr. Ford announced if he can not ask questions or make statements and have anything done about it at this time can they schedule a time to do so? He was unable to make it to the last meeting due to a timing error on his behalf. Chair Kaufman said the decision has been made although, there is an appeal process they can follow. City Attorney Bach explained the appeal process must be completed within 30 days of the date so ordered. The time for Mr. Ford to appeal the Boards decision has passed since it was made July 27, 2022. Mr. Ford told everyone to have a great day, he appreciates everyone’s time, and commented “such a joke”.

5. NEW BUSINESS

- 5.1 **GEORGE LEE LANNON, 30 N. 14TH PLACE, CASE 2022-0795.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-116 - Duty to Maintain Property; Section 42-173 - Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited. *Requesting Board determination of the case.*

This item has been removed from the agenda. The case has come into compliance.

- 5.2 **MPC 829 FERNANDINA BEACH LLC, C/O CARROLL, PARCEL NO. 00-00-31-1800-0239-0030, CASE 2022-0890.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-116 - Duty to Maintain Property. *Requesting Board determination of the case.*

This item has been removed from the agenda. The case has come into compliance

- 5.3 **PHILLIP AND BETTY MOCK, 714 BEECH STREET, CASE 2022-0835.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 26-101 Resort Rental Dwelling Permit. Section 26-101 (h) Resort Rental Dwelling Permit - Enforcement; penalties. *Requesting Board determination of the case.*

Chair Kaufman introduced the case. Officer Forstrom began to present her case. Asked if she may enter the evidence into record. No objections were made.

The following presentation was made by Office Forstrom:

On April 1, 2022, after receiving a complaint, and confirming, that there were illegal short-term rental activities taking place at this address, 714 Beech St. Officer Forstrom emailed the property owners explaining that their property was not zoned for short term rental and that the minimum stay can only be 30 days or longer. Officer Forstrom explained that their advertising must state that this property has a minimum stay of 30 plus days, or they would need to take down the advertising all together. Officer Forstrom gave them a warning, that if all short-term rental activity has not ceased, their advertising revised to state, “Minimum stay of 30 days”, and the calendar on the websites changed to reflect stays of 30 days or more, by Monday, April 11, 2022, Officer Forstrom was forced to send them a citation of \$1,000.00. Officer Forstrom included the ordinance in the email and highlighted the enforcement section

of the code. Ms. Mock called Officer Forstrom after she received the email. Mrs. Mock explained that their realtor had mislead them to believe that short-term renting would be allowed for this property, she also explained that they had planned to move into this house, but her husband was asked to take a temporary job in Beaufort, SC. Mrs. Mock wanted an extension until July 1st. Officer Forstrom told her no, that it was too long for the short-term rental to continue. That afternoon Ms. Mock replied to Officer Forstrom's email, responding that after speaking with her husband, they would probably have to put the property up for sale. On April 5, 2022, more emails were exchanged between Mr. & Mrs. Mock and Officer Forstrom, with them disagreeing with the ordinance. On April 9, 2022, Mr. Mock sent an email to Officer Forstrom explaining that they have adjusted their Air BnB listing to a 30 day stay so they could comply until they sell the property. Mr. Mock stated they had guests in the home who are friends and family, and they would be staying in their absence. On May 2, 2022, Officer Forstrom received confirmation that the property had been listed for sale. On June 13, 2022, Officer Forstrom received more complaints by neighbors. This revealed that not only had the short-term rental activity and advertising begun again, but there was also a trash issue out at the street on Beech Street that was ongoing. Officer Forstrom found the rental listing on Airbnb; she went out to the property but was unable to contact anyone this week. On June 22, 2022, at approximately 9:40 am, Officer Forstrom took photographs of a black jeep with Georgia license plates and bags of trash, a Waste Management tote, and another non-Waste Management tote. Officer Forstrom then, knocked on the door. A woman named Holly Bryant answered the door. Ms. Bryant told Officer Forstrom that she and her friend booked this house on Airbnb. The Bryants arrived at 3:00 pm Monday, June 20, 2022, and would be departing at noon on Thursday, June 24, 2022. Officer Forstrom explained that this was an illegal short-term rental, and that Code Enforcement would be citing the property owners. Ms. Bryant had no idea that this property wasn't legal for this type of rental. Code Enforcement sent the property owners a Notice of Violation/Citation for \$1,000.00 that same day, we also addressed the trash issue in the letter. Code Enforcement received the signed (by Ms. Mock on July 11, 2022) returned receipt card for the Citation that was sent Certified mail. On July 13, 2022, Ms. Mock came into the office and paid the \$1,000.00 citation in full, she gave us her correct mailing address at that time. Code Enforcement continued to monitor the Airbnb listing and confirmed that the short-term rental continued. The reviews and calendar show more than one rental in a month. There is no language in the listing that states "30 days minimum stay". Code Enforcement printed out the listing on the following dates: July 5, 2022, July 6, 2022, July 18, 2022. On July 12, 2022, Ms. Mock sent an email to Officer Forstrom, Ms. Hartman in Planning & Conservation, and Mayor Lednovich, with untruths and still not taking responsibility for violating our Resort Rental ordinance. Officer Forstrom replied to all plus Mr. George, her immediate boss. The first line in the body of the email from Officer Forstrom was "Let me set the record straight." Officer Forstrom explained the events that transpired to get them to this point. Code Enforcement continued to get complaints and inquiries. On July 27, 2022, A Notice of Violation/Notice of Hearing letter was sent to both the property in violation and the mailing address. The letter that was sent to 714 Beech Street, was returned unclaimed, unable to forward. The letter sent to the mailing address in Georgia, as of August 1, 2022, was still in transit. On August 24, 2022, Code Enforcement decided to email the Notice of Violation/Notice of Hearing letter, since that seemed to be the Mocks preferred method of communication. Ms. Mock replied to the email a couple of hours later. The email from Ms. Mock only addressed some trash issues that she is having. There was no mention of the letters that were attached to the email that she was replying to. She stated that she would be in town the following week. Code Enforcement replied to her, mainly focusing on the short-term rental. Ms. Mock replied making excuses for the continued short-term rental. She stated that her husband maintains the Airbnb site and he had assured her that he has completely shut it down. On August 26, 2022, Officer Forstrom checked the listing, it is still there with the language of "7 nights in Fernandina Beach". If you try to book less than 3 days, a message pops up "3-day Minimum". Officer Forstrom said she can not find anything in the listing stating or showing a minimum of 30-day stays.

Conclusion.

Officer Forstrom conclusion is Mr. & Mrs. Mock continue to rent and advertise 714 Beech Street short-term with no regard for the laws that they are breaking. This morning, the listing was down and there was no more listing, Office Forstrom checked other websites as well. Officer Forstrom recommends the Board find the owners in violation of Section 26-101 Resort Rental Dwelling Permit & Section 26-101(h) Resort Rental Dwelling Permit and Enforcement Penalties, requesting the respondent pay all administrative fees accrued to date. The amount of the Administrative Fees is \$231.24. Even though the owners have seized posting the advertisement for less than 30-day rental. If you find them in violation and they continue to do it, it then would be a repeat violator issue. No notice is needed with a repeat violator and the fines can be up to \$500/ day. Officer Forstrom strongly believes this could happen again. The owners did stop, and Code Enforcement does not believe fines are necessary.

Chair Kaufman wanted to clarify a few items discussed. The property is zoned for C3. R3 is the only zone that allows for short term rentals, less than 30 days.

Mr. Phillip Mock, 714 Beech St., introduced himself. He is here concerning the violations. The Mocks have began coming here about 8 years ago, they enjoy the island so much, they decided to move here. They bought a home at 815 S. 7th St; they have spent a considerable amount of money to re-construct that home. It is now the cornerstone of that redevelopment of that area. Mr. Mock works in healthcare, and he has a certain set of skill sets that hospitals require. He was asked to relocate to South Carolina for work and move away from Fernandina. Health care has been quite challenging over the last year. With that move to South Carolina, they decided to do a long-term rental at the property. After four months they had people break the one-year lease agreement. When the long-term renters did not work out, they decided not to rent long term due to damage that was caused by previous renters. The Mocks decided to use Airbnb, they screened all guest coming into town. There was one complaint that came into the City about partying. Mr. Mock requested the info of the complaint from Code Enforcement. The Mocks received the information, and it revealed the neighbor complained, they confronted the neighbor, and it was denied. Mr. Mock explained the location of the home and how it falls near a lot of commercial properties. According to the Amelia Island Tourism and Development Council, the average stays are 3.8 days in the City. The Mocks average stay is 4.4 days. His tax bill was \$10,100 for last year. Mr. Mock recaps his speech, their location does not impact anyone in the area due to being commercial area, they have no issues with historic district, home is zoned for Commercial use, there is plenty of nearby parking available that will not hinder anyone, Guests are screened through Airbnb, they are bringing additional revenue to the City, they don't feel like any harm has come from the situation. They will be moving back to Fernandina Beach, soon. He is hopeful that an agreement can be made to allow for a short-term rental so they can keep the property up.

Chair Kaufman said they can not cut a deal with them. The Code Enforcement Board is here to assist with Enforcing the Codes. This Board does not have the authority to waive that requirement. Mr. Mock is interests in changing the zoning at this hearing. Officer Forstrom said they can't change the ordinance for zoning. City Attorney Bach explained to the property owners that they can apply to have this changed on your property through the planning department, it could take 4-6 months. Ms. Bach explained that a rezoning to an R3 is the only option to allow for the short-term rental allowance.

A motion was made by Member Kent and seconded by Member Shults to find the property in violation of Section 26-101 Resort Rental Dwelling Permit; and Section 26-101 (h) Resort Rental Dwelling Permit – Enforcement; penalties of the City of Fernandina Beach Code of Ordinances. assess no fines and charge administrative fees of \$231.24. The property is now in compliance. Motion passes unanimously.

6. BOARD BUSINESS

6.1 Hearing start time adjustment. *Placed on agenda at the request of the Board Members.*

Last discussion was the Staff recommending a new start time was 4:30, will that work for people who are called here or the staff and members? Considering all working Members. Member Kent asked if 5:00 would be a comparable compromise? Attorney Bach said all other Board start time is 5:00pm as well.

The Board agreed that the next hearing will be held on October 6, 2022, at 5:30 pm and the following hearing will begin the new start time. The November 3, 2022, hearing will be held at 5:00pm.

Member Crow has resigned from the Board.

7. ADJOURNMENT

A motion was made by Member Kent and seconded by all to adjourn this hearing. Motion passed unanimously.

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

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City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: July 7, 2022
Case Number: 2021-0073

IN THE MATTER OF: Respondent Name: **RUTH E. MAESTRE & PAUL A. LORE (JT/RS)**
Respondent Mailing Address: 11 SOUTH 7TH STREET
FERNANDINA BEACH, FL 32034

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on July 7, 2022, 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 SEPTEMBER 10, 2022, and the Respondent was present at the hearing.
2. The real property on which the violations occurred is **11 SOUTH 7TH ST.**, Fernandina Beach, FL and a brief legal description being *BLOCK 37 LOT 7*.
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: **SECTION 42-117 EXTERIOR STRUCTURE (MAINTENANCE)**.

SECTION 2 - CONCLUSION OF LAW & IMPOSITION OF FINE

1. Based on the foregoing findings of fact, the Board found the property in violation of SECTION 42-117 EXTERIOR STRUCTURE (MAINTENANCE) at the Code Enforcement and Appeals Board Hearing on April 7, 2022. The Board voted that fines will be determined if the property is not in compliance by October 6, 2022. Administrative fees will be determined and assessed at that time.
2. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order shall constitute a lien against the real property on which the violations exist and upon any other real or personal property owned by the Respondent if fines are not paid within thirty (30) days of the date so ordered.
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 July 7, 2022, at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing.

By: _____

Chair, Adam Kaufman

COUNTY OF NASSAU

STATE OF FLORIDA

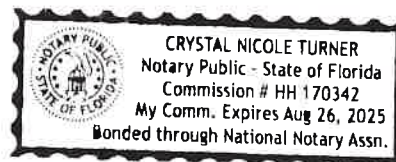
I HEREBY CERTIFY that on this day before me, the undersigned, a Notary Public in and for the State of Florida at Large, personally appeared Adam Kaufman to me well known to be the Chair of the Code Enforcement and Appeals Board of the City of Fernandina Beach, and known to me to be the persons who executed 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 8th day of July, 2022.

(NOTARY SEAL)

Crystal Turner

Notary Public, State of 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.*