



**AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
MARCH 2, 2023
5:00 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 for the December 1, 2022 hearing are presented for approval
 - 3.2 The minutes for the February 2, 2023 hearing are presented for approval
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - 5.1 **GEORGE E. & MARY E. THOMPSON, 331 SOUTH 12TH ST., CASE 2023-0013.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-173 Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited. Section 42-117 Exterior Structure (Maintenance). Land Development Code, Chapter 5.01.09 Outside Storage. *Requesting Board determination of the case.*
- 6. BOARD BUSINESS**
 - 6.1 **ETHICS TRAINING.** City Attorney Bach will be offering her annual Ethics in Local Government Training seminar on Friday, March 24, 2023, from 1:00 pm - 5:00 pm, at City Hall Commission Chambers.
- 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
DECEMBER 1, 2022
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER AT 5:00 PM

ROLL CALL / DETERMINATION OF A QUORUM

BOARD MEMBERS PRESENT:

Andy Fotiades	Nicole Kresse (VC),
Barb Kent	Adam Kaufman (Chair
Bernard Thompson	Ralph Stines

MEMBERS ABSENT:

Gail Shults

Others Present: Michelle Forstrom, George Wells, Andre Desilet, Crystal Turner, Scott Mickelson

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

3.1 The minutes from November 3, 2022 are presented for approval.

A MOTION WAS MADE BY MEMBER THOMPSON AND SECONDED BY MEMBER KENT TO APPROVE THE MINUTES FROM THE NOVEMBER 3, 2022, CODE ENFORCEMENT AND APPEALS BOARD HEARING. MOTION PASSED UNANIMOUSLY.

4. OLD BUSINESS

5. NEW BUSINESS

Officer Wells requested to begin presenting item 5.2. It was noted that Scrivener had made an error, 1889 Highland Dr should read 1889 Sunrise Dr. The Quasi-Judicial proceedings were explained by City Attorney Bach. No ex parte communications were noted.

5.2 **REBECKA BEST, 1889 SUNRISE DR., CASE NO 2022-0809.** 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.*

Officer Wells began presenting his case by calling Mr. Scott Mickelson, Post-Interim of the Parks, and Recreation Department to testify.

Scott Mickelson announced that he was the Interim Director for Parks and Recreation at the time this

event occurred. Mr. Mickelson is currently the Deputy Parks and Recreation Director for The City of Fernandina Beach. Officer Wells asked Mr. Mickelson if he could explain his involvement with 1889 Sunrise Drive, and the park area next to it, with a focus on the City cutting and maintaining a portion of Ms. Best's property.

Mr. Mickelson said that 1889 Sunrise Drive and Sunrise Park, are located next to each other. The City of Fernandina Beach had a land survey conducted on Sunrise Park. This land survey revealed that the Parks and Recreation Department had been mowing non-city areas. This non-city area was part of Ms. Best's land, located at 1889 Sunrise Drive. Mr. Mickelson pointed to the area on the map that his department was mowing and maintaining. This area is in the middle of the long, and narrow property owned by Ms. Best. Mr. Mickelson told City Officials who are responsible for mowing to cease activity immediately. The Parks and Recreation department installed wooden bollards around the perimeter of Sunrise Park to act as property line markers. Mr. Mickelson has made communication with the property owner, Ms. Best. The communication between the Ms. Best and Mr. Mickelson consisted of: Ms. Best not liking the wooden bollards, and Ms. Best reporting vandalism activity. Ms. Best was under the impression the City would install more aesthetically pleasing property line markers. Mr. Mickelson explained to the Board Members where the bollards are located and where the City was cutting and maintaining the grass on the map. There was an area on the Southwest property of Sunrise Park that was overgrown. The City determined this was City property according to the land survey. Immediate action was taken, and the area was cut and cleared. At this time, a Stormwater pipe or drain was revealed. This is when the Stormwater Department was also involved.

Officer Wells stated that Code Enforcement received a complaint from Mr. Tom Smith (who is present at this hearing), on June 1st about the property being overgrown. Officer Wells inspected the property within the day and confirmed the property was overgrown and needed to be cut and cleaned. A Code Case was then opened, and Officer Wells photographed the property. Code Enforcement's main concern is determining if this property is: (1) improved or (2) disturbed, meaning has any one ever cut, cleaned, disturbed it in any manner, by anything or anyone. Code Enforcement deems this property to be an improved vacant lot. Officer Wells presented photographs of the property to the Board, which included date and time stamps on the photos. The photographs revealed the entrance of the property and aerial views of the property.

Member Kent asked why the City had ceased cutting and maintaining Ms. Best's property. Michelle Forstrom, Deputy Code Enforcement Director approached the stand. Ms. Forstrom announced that in October of 2021, the drainage pipe was found. Mr. Mickelson, Mr. Desilet, and herself conducted a meeting at Sunrise Park to understand the layout. It was explained to Ms. Forstrom that the pipe was on City property and the only way to get to the pipe for repairs was to gain access onto Ms. Best's property. A meeting with Ms. Best, Ms. Forstrom, Mr. Desilet and Mr. Mickelson was conducted at the property located at 1889 Sunrise Drive. That is when it was discovered that the City had been mowing Ms. Best's property and the City could not care for others property. The meeting was conducted around November, 2021. Ms. Best did allow the City access to complete the stormwater pipe repairs. Ms. Forstrom is unsure how long the City has been mowing and maintain Ms. Best's property. Ms. Forstrom can confirm that it has been a long time.

Officer Wells ensured everyone that Code Enforcement is not disputing that the City has cut a portion of the property, they are contending that Ms. Best, her agents, or other individuals have cut other portions of the property besides the one completed by city officials. Officer Wells called Mr. Smith, the adjacent property owner to 1889 Sunrise Drive to the stand.

Thomas Smith, owner of 1866 Highland Drive. Mr Smith has owned his property for three years (pointed out his property on the map). Officer Wells asked Mr. Smith if he has ever witnessed the respondent or any of her agents cut a portion of her property? Mr. Smith responded "twice". Officer

Wells asked, “and to what extent was it cut?”. Mr Smith responded “Total clean out, used a big machine, that had a walk behind apparatus. His neighbor Bobby Best, said it was the Husband to whomever owned the property at 1889 Sunrise Dr., it took a couple of days to complete the yard work. Mr. Smith confirmed that it was not City officials that was mowing it. Ms. Best had no questions for Mr. Smith.

Officer Wells announced that according to the rules, if both parties have completed maintenance on the property and the property has been disturbed, then the property must be maintained thereafter. This includes touched, cleaned, built, cleared, etc. The property must remain completely untouched. Chair Kaufman inquired where he could find in the code the description about this rule.

Ms. Forstrom approached the podium and announced it could be found in Chapter 42 of the Ordinances. City Attorney Bach asked if it was 42-116 Duty to Maintain Property. Ms. Forstrom believes it is. City Attorney Bach clarified the code by any property, whether it be improved or formally improved, or not... The enforcement process has been known to leave undisturbed vacant lots alone and enforce the improved lots that are no longer in their natural state. Officer Wells confirmed that was correct and in Chapter 42-116 of the Code of Ordinances, it states that any grass or weed over 12” is in violation. Ms. Best requested the definition of “improved” in the code. Ms. Forstrom does not believe there is a definition for “improved” regarding vacant lots. Ms. Forstrom stated that if a property is disturbed in any way, it will then be deemed an improved lot.

Member Fotiades asked Ms. Best who paid to have the machine ran at the property for cutting. Ms. Best said she did not know what he is talking about, she does not know who cleared it and never received an invoice regarding the property being cleared.

Mr. Andre Desilet, Utilities Director at the City of Fernandina. Mr. Desilet received a call around July 2021 from the Parks and Recreation department. The department cleared up some of the overgrowth on city property that was around the corner of the property being addressed. Around that time is when a drainage feature was discovered that had been forgotten about. The drain was inspected, they addressed the property situation by hiring a surveyor come in and stake the property line. A pipe was extended and replaced to reduce the hazardous swell. Throughout this process Mr. Desilet coordinated with Code Enforcement, Parks and Recreation, and met with Ms. Best about clearing up the corner to facilitate drainage improvements. After the repairs were completed, they re-staked the property lines to mark for the bollards to be installed. Mr. Desilet had some communication with Ms. Best, for coordinating the construction of the new pipe. Parks and Recreation department used a John Deere tractor to knock down the overgrowth. Mr. Desilet explained it sounded like a different piece of equipment described by the adjacent property owner. Mr. Desilet showed exact locations of the drainpipe that was installed on city property, near Ms. Best property. Ms. Best asked if the City knew where the pipe was located. Mr. Desilet explained where it was installed and located.

Officer Wells asked Ms. Best to explain portions of her property. Ms. Best used the photos on the projector to show the Board the property areas. Ms. Best explained that 2 trees were removed due to the damage caused by the hurricane, she received two permits from the city to do this. After the trees were removed, fill dirt was placed on the property. Ms. Best announced that she drove over the overgrown grass on the property.

Officer Wells presented a photo from March 2022, which revealed the property completely cleared from the mid-section to the water. Officer Wells announced that Ms. Best is saying she has not cut the property, but witnesses are saying otherwise. Chair Kaufman told Officer Wells that he is testifying and if he would like to use this as a summation (closing argument) then he can. Officer Wells said yes, he can.

Member Kent stated there is a dock at the end of the lot, she requested to know the condition of the

dock. Ms. Best said nothing has been done about it, it is always vandalized. Member Kent asked Ms. Best if she was selling the property and how much was it on the market for. Chair Kaufman focused the Board. Ms. Best did respond with \$89, also, she did get incorrect information from the planning department about what can be built on the property.

Chair Kaufman asked for closing statements. Ms. Best stated she had no knowledge of anyone cutting the lot. Ms. Best tried to get the City to cease cutting the property some time ago when Nan Void worked for the City and nothing was done, then Ms. Best moved away. Ms. Best explained how the case began with a complaint from her neighbors about her property. Ms. Best acknowledge her concerns regarding the neighbor encroaching the City easements right-of-way. There were telephone poles installed and the road is narrow she is concerned for safety of others walking to and from Sunrise Park. Ms. Best claimed that she spoke to Code Enforcement and was told there was not enough staff to enforce this code. Ms. Best acknowledged the no trespassing signs and the toilets left out there by neighbors. Ms. Best explained the toilets can be left there according to the City if it is considered "yard art". The toilets have since, been removed. Ms. Best explained that she put in a call to the master gardener, she understands that The University of Florida designates native plant lots. She is interested in getting her property designated by the University through the state.

Member Kent asked where Ms. Best gets the mail. Ms. Best mailing address is 1889 Sunrise Dr. She does not have a mailbox there and if she is out of town, her mail is forwarded. Member Kent announced her mailing address on property appraisers is 1860 Highland Dr. Ms. Best believed that she had corrected this with property appraisers and the Board Secretary, Crystal Turner.

Officer Wells continues to read his staff report. The case was opened on June 1st. On July 13th Officer Wells received a return call from Mrs. Best. She is in dispute of the property being classified as a disturbed/improved lot. Officer Wells explained to her that he would discuss her concern with Director Michelle Forstrom. Mrs. Forstrom provided aerial photos where the property has been disturbed/improved. On July 27, the Notice of Violation, Notice of Hearing letter was mailed, via certified letter to the owner giving until 08/06/2022 to come into compliance. On August 9, 2022 the certified letter was returned to our office unclaimed/undelivered. On August 16, 2022, the Code Enforcement office received a call from Mrs. Best providing updated contact information. Ms. Best spoke with Crystal Turner and Officer Wells would like to call Crystal Turner in as a witness.

Crystal Turner, Board Secretary, Code Enforcement's Administrative Coordinator (Michelle Forstrom swore Ms. Turner in prior to hearing the case). Ms. Turner called Ms. Best on August 16, 2022, to update the contact information due to the certified mail returning undeliverable. Ms. Best did provide Ms. Turner with her current mailing address, after the address given, the two of them had a conversation about the case in which, Ms. Best announced to Ms. Turner that she hired a landscaper to mow the area that she was told to mow by Ms. Forstrom. Ms. Turner explained to Ms. Best that the area surrounding the perimeter of the lot had to be below 12", leaving this case in violation. Ms. Best asked about the procedures of the Code Enforcement and Appeals Board, Ms. Turner explained the process. During the conversation, Ms. Best noted that the wooden bollards were being vandalized and thrown into the marsh. Ms. Turner reached out to Mr. Mickelson in the Park and Recreation Department, and she believes that is what prompted them to concrete them in. After this conversation, Ms. Turner did not save the update mailing address that was provided to her. Ms. Turner sent an email to Ms. Best right after asking if she could provide the correct mailing address, and the updated address was never mentioned by Ms. Best. At the time of this conversation, Ms. Best did announce that email was the best method of communication due to her being out of town and yachting. Email was Code Enforcement's method of communication until the property had to be posted for completion of due process.

Chair Kaufman asked Ms. Best if she had any questions regarding Ms. Turners testimony. Ms. Best had none but did state that there was much back and forth communication during that time and she

announced that the same amount of post (wooden bollards) remained on the property line since her and Ms. Best spoke. Officer Wells asked Ms. Turner if the Notice of Violation/ Notice of Hearing letter was emailed to Ms. Best. Ms. Turner responded yes; she did email the first letter. At that time, Ms. Best announced she was going to be out of town and Officer Wells granted an extension at that time. Officer Wells explained that according to our protocol by FL Statue Ch 162, it requires the Officer to post the property if the certified mail returns unsigned, it is one of the approved methods of due process, along with affidavits of service that were completed.

Officer Wells' summary was admitting on behalf of the City for cutting and maintaining this property for some time, but from testimony heard tonight, the adjacent owner had seen other persons cutting the property. The code reads that once the property is cut, it must remain cut from that point forward.

Officer Wells announced that the City recommends a motion to be made to find the respondent in violation of Code of Ordinances, Section 42-116 Duty to Maintain Property, allowing the Respondent (10) ten additional days to come into compliance by 12/11/2022. The City recommends a motion to be made that all administration fees be paid by the Respondent and a fine of \$50.00 per day to begin on 12/12/2022 if not in compliance, with a lien placed on this property in forty-five (45) days.

Chair Kaufman closed the hearing. Chair Kaufman requested that the City Attorney explains Municipal Code Section 42-116 (a1) . The City Attorney announced she will bring it up. Chair Kaufman stated the code reads: regulated wetlands, other environmental sensitive areas, undeveloped land, and other stormwater managed facilities are exempt from these requirements. Member Kent asked the Members if it has a boat dock, is it undeveloped? Chair Kaufman is intrigued at Ms. Best request to have some of that property designated as a wildlife area. City Attorney Bach stated for all the evidence heard tonight... Chair Kaufman would like to know how the state would classify the property as environmentally sensitive. City Attorney Bach announced that it says, "undeveloped land", and this lot is a buildable lot in the city, parts of the lot may be considered environmentally sensitive, but it is buildable according to Ms. Best statement which was its for sale, to be built on and it has a dock there. Vice Chair Kresse asked if there was a definition of undisturbed vacant lots. There is not. Chair Kaufman requested Officer Wells to repeat the recommendation.

Officer Wells recommends a motion to be made to find the respondent in violation of Code of Ordinances, Section 42-116 Duty to Maintain Property, allowing the Respondent (10) ten additional days to come into compliance by 12/11/2022. The City recommends a motion to be made that all administration fees be paid by the Respondent and a fine of \$50.00 per day to begin on 12/12/2022 if not in compliance, with a lien placed on this property in forty-five (45) days.

A MOTION WAS MADE BY MEMBER FOTIADES, SECONDED BY MEMBER KENT TO FIND THE PROPERTY IN VIOLATION OF 42-116 DUTY TO MAINTAIN PROPERTY, TO ASSESS ADMIN FEES, AND IF NOT IN COMPLIANCE IN 30 DAYS FINES OF \$50 PER DAY BEGIN.

Ms. Forstrom said in the past with similar code cases, they have let the properties go, the neighbors complain, the property will still have to be maintained in a certain way. There must have some kinds of structure on the property. It can not go back to the raw state. Ms. Forstrom stated the City has never recognized the environmentally sensitive properties. She believes the city deems environmentally sensitive lands would be considered wetlands. Chair Kaufman read that the code states "wetlands or other environmentally sensitive lands".

Vice Chair Kresse expressed her concerns with finding the property in violation with the possible change of getting the property deemed as environmentally sensitive. The Board does not know the exact process of this. Vice Chair Kresse believes it the state deems this property environmentally sensitive, their requirements would supersede the ones of the board and then no further maintenance of the lot would be

required. Member Kent explained that we have no idea how long this process could take. Vice Chair Kresse said in Code 42-200 it has management plans and environmentally sensitive lands. This does not appear to be favorable to the property owner and it doesn't seem to be the route to go currently. City Attorney Bach stated the board has found other properties in violation that were in similar situation. City Attorney Bach reminded Chair Kaufman that there was a motion on the floor.

Chair Kaufman announced the motion that was on the floor, to find the property in violation of Section 42-116, to assess administrative fees, give the property owner 30 days, January 2 or 3 the date. If the property is not in compliance by the 2nd or 3rd fine the property for \$50 per day. Board Secretary Crystal Turner repeated the motion back to the board.

A MOTION WAS MADE BY MEMBER FOTIADES, SECONDED BY MEMBER KENT TO FIND THE PROPERTY IN VIOLATION OF SECTION 42-116 DUTY TO MAINTAIN PROPERTY, TO ASSESS ADMIN FEES, ALLOW 30 DAYS TO COME INTO COMPLIANCE BY JANURARY 2, 2022. IF NOT IN COMPLIANCE BY JANURARY 3, 2022, FINES OF \$50.00 PER DAY WILL BEGIN.

Vote upon passage. Motion passed. 5 Yes' and 1 no.

City Attorney Bach announced the motion passed. Chair Kaufman explained there are methods to appeal and it will be contained in the letter. Chair Kaufman asked what is the preferred method of mailing? Ms. Best responded 1989 Sunrise Dr. Officer Wells asked Ms. Best if it was 1989 or 1889 Sunrise Dr. Ms. Best said it was 1889 Sunrise Dr was a good mailing address for Ms. Best.

- 5.1 **REBECCA JABALEY, 884 SOUTH FLETCHER AVE, CASE NO 2022-1009.** 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.*

Chair Kaufman announced the case.

Officer Wells presented photographs that were taken of the property the day of the hearing on December 1, 2022. Officer Wells began presenting a timeline of events on the case. On October 13, 2022 Officer Wells observed the property was overgrown and it needed to be cut and cleaned, he posted a courtesy notice on the door allowing ten additional days for the owners to come into compliance, he recorded photographs. On October 24, 2022, Officer Wells conducted a second inspection of the property which revealed it was still in violation. On October 26, 2022, a certified Notice of Violation/ Notice of Hearing letter was mailed allowing until November 8, 2022 to correct the violations. On October 29, 2022 the return receipt requested came back to the office with the owner's signature. November 9, 2022, a Notice of Violation/ Notice of hearing inspection was conducted, and the property remained in violation. On November 21, 2022 a pre-agenda inspection was completed, and the property was still in violation. Code Enforcement has tried 4 numbers to reach the owner's, who lives in Cleveland Tennessee. None of the numbers were valid for the owner.

Officer Wells makes a recommendation to find the respondent in violation of Section 41-116 Duty to Maintain Property, allowing the respondent ten additional days to come into compliance by December 11, 2022. Administrative fees assessed and a fine of \$50 per day beginning on December 12, 2022 with a lien placed on the property if it is not in compliance within 45 days. City rest.

Board Discussion began.

Chair Kaufman asked the City if they were aware if the property was a rental or not. Officer Wells stated

that on every visit of his, it has appeared to be vacant. No person is present to speak on behalf of this case.

Vice Chair Kresse announced that she would be in favor to find this property in violation but would like an extended time to come into compliance due to them being out of state.

A MOTION WAS MADE BY VICE CHAIR AND SECONDED BY MEMBER THOMPSON, TO FIND THE PROPERTY IN VIOLATION OF SECTION 42-116 DUTY TO MAINTAIN PROPERTY. ASSESS ADMINISTRATIVE FEES AND ALLOW 30 DAYS TO COME INTO COMPLIANCE BY JANURARY 2, 2023, IF NOT IN COMPLIANCE BY JANURARY 3, ASSESS FINES OF \$50/DAY. WITH A LIEN PLACED ON THE PROPERTY IN 45 DAYS.

VOTE UPON PASSAGE, PASSES WITH ALL AYES.

6. BOARD BUSINESS

Chair Kaufman requested City Attorney Bach to provide an update to the Board. 13 Months ago, The City responded by a complaint by Mr. Green. HUD has changed the investigator and the city was notified. City Attorney Bach explained this is under the investigative stage then it goes into the findings, this could be years. Leading up to it, settlement was discussed but nothing was agreed on. Last response was in October 2021.

A MOTION WAS MADE BY MEMBER STINES, SECONDED BY VICE CHAIR KRESSE, TO KEEP THE CHAIR AS MR. KAUFMAN, PENDING COMMISSION APPROVAL AND TO MAKE MEMBER KENT THE NEW VICE CHAIR BEGINNING JANUARY 2023. CHAIR KAUFMAN WILL REMAIN THE CHAIR. MOTION PASSED UNANIMOUSLY.

7. ADJOURNMENT

MOTION WAS MADE AND PASSED BY ALL TO ADJOURN THE MEETING AT 6:41PM.

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).

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**AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
FEBRUARY 2, 2023
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER AT 5:10PM

**ROLL CALL / DETERMINATION OF A QUORUM
BOARD MEMBERS PRESENT:**

Barb Kent (VC), Adam Kaufman (Chair), Ralph Stines

BOARD MEMBERS ABSENT:

Andy Fotiades, Bernard Thompson, Nicole Kresse, Gail Shults.

Before postponing the meeting due to the absence of a quorum. Discussion took place regarding two codes. One was 42-182 is the action of graffiti and 42-183 is the removal of graffiti. The Board is concerned that jurisdiction of this issue will not be present. Any unfinished or new business will be dealt with and addressed at the next hearing in March.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

- 3.1 The minutes from the December 1, 2022 hearing are presented for approval.
Postponed

4. OLD BUSINESS

5. NEW BUSINESS

- 5.1 **GARY CHRISTOPHER MANTELL, 2036 HIGHLAND DRIVE, CASE 2022-0949.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section - 42-182 Prohibition of graffiti. *Requesting Board determination of the case.*

Postponed – or property has opportunity to come into compliance before next hearing.

6. BOARD BUSINESS

7. ADJOURNMENT

A motion was made by Vice Chair Kent and seconded by Member Stines to adjourn the hearing. All in favor, motion passed unanimously. Meeting Adjourned at 5:22 pm.

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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STAFF REPORT
Case 2023-0013
City of Fernandina Beach Code Enforcement & Appeals Board
March 2, 2023

Violation Information

Owner	George E. & Mary E. Thompson 331 South 12 th 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. Section: 42-117 Exterior Structure (Maintenance) Land Development Code, Section: 5.01.09 Outside Storage

Location: 331 South 12th Street, Fernandina Beach, Florida 32034

Summary and Background Information

October 22, 2019 – There was a case opened on the 331 S. 12th property due to multiple observed code violations. Mr. Thompson has always worked towards compliance, but never seems to come into full compliance.

April 20, 2021 – A second case was opened due to multiple observed violations on the vacant parcel behind the 331 S. 12th St. property with the same owner. The same procedure would transpire with Mr. Thompson working towards compliance but falling short.

September 17, 2021 – The vacant parcel was combined with the 331 S. 12th property. Code Enforcement was not aware of the combining of these two parcels.

January 2023 – We became aware of the parcel mergers. We closed the preexisting cases and decided to open a single new case covering the new single parcel.

January 23, 2023 – We emailed a copy of the NOV/NOH letter to the owner giving until 02/24/2023 to correct the violations.

January 24, 2023 – We mailed a certified NOV/NOH letter to the owner giving until 2/24/23 to come into compliance.

January 27, 2023 – We received the green return receipt card back with the owners' signature giving us good service.

February 24, 2023 – A NOV/NOH inspection was performed confirming some of the junk and debris had been removed along with the roll off container. All other violations are still present.

February 24, 2023 – A pre-agenda inspection was performed confirming the property is still in violation of Code of Ordinances, Section 42-117, 42-173, & LDC 5.01.09.

Conclusion.

The remaining violations involve (2) inoperable commercial trucks, one is up on jack stands and a floor jack and the other has not moved in some time. All vehicles on this property must have current tags and registrations. The missing fence panels need to be replaced to shield the outside storage of his equipment and materials from public view. He has removed in the rear of his property a large pile of scrap metal, along with the roll off container. I have been dealing with Mr. Thompson for a few years trying to get this property into compliance. Mr Thompson has always worked with Code Enforcement, but he is such a busy man his property suffers. I have the utmost faith that Mr. Thompson will resolve all these issues.

Recommendation.

The City recommends a motion to be made to find the respondent in violation of Code of Ordinances, Section 42-117 Exterior Structure (Maintenance), Section 42-173 Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited and LDC Section 5.01.09 Outside Storage giving the owner (30) thirty additional days to come into compliance by 04/02/2023. The City recommends a motion to be made that all administration fees be paid by the Respondent and a fine of \$50.00 per day per violation to begin on 04/03/2023 if not in compliance, with a lien placed on this property in forty-five (45) days.

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

331 South 12th Street

As of 03/02/2023

CODE CASE #2023-0013

<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	1	\$31.27	\$31.27
George Wells, Code Enforcement Officer	9	\$27.14	\$244.26
Crystal Turner, Administrative Coordinator/Board Secretary	2	\$25.60	\$51.20
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	1	\$23.50	\$23.50
Certified letters mailed	3	\$7.85	\$23.55
First Class letters mailed	1	\$0.60	<u>\$0.60</u>

TOTAL ADMINISTRATIVE FEES DUE

\$374.38

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



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

January 25, 2023

Case Number: CODE-2023-0013

Cert. #: 7022 0410 0000 3497 9123

IN THE MATTER OF:

George E. & Mary E. Thompson
331 S 12th St.
Fernandina Beach, FL 32034

PREMISES: 331 S. 12TH ST., FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 216
SUB B OF 6 OR 133 PG 545 BLOCK 216 SUB C OF 6 &

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:

5.01.09 Outside Storage

All materials, scrap metal, equipment, roll off dumpsters and vehicles will have to be screened from public view by a fence. Outside storage of these items are prohibited. **By 2/24/2023**

42-173 Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited

All vehicles on this property must be operable, tires inflated, no jack stands on vehicles, along with being currently registered with current tags on them. **By 2/24/2023**

42-117

Exterior Structure (Maintenance)

The white PVC fencing that has been partially removed in the rear of the house will have to be reinstalled to screen all outside storage of materials, scrap materials, equipment, roll off dumpsters, and vehicles from the public view. By 2/24/2023

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

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: March 2, 2023

TIME: 5:00 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.

331 S. 12TH 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:

GEORGE E. & MARY E. THOMPSON
331 S 12TH ST.
FERNANDINA BEACH, FL 32034

9590 9402 6323 0296 8672 24

2. Article Number (Transfer from service label)

7022 0410 0000 3497 9123

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Mary E Thompson* ☐ Agent ☒ Addressee

B. Received by (Printed Name) *Mary Thompson* C. Date of Delivery *1/27/23*

D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below.

RECEIVED

FEB 07 2023

CODE ENFORCEMENT
 City of Fernandina Beach

3. Service Type

☐ Adult Signature	☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery	☐ Registered Mail™
☒ Certified Mail®	☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery	☐ Signature Confirmation®
☐ Collect on Delivery	☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery	

Mail Restricted Delivery (0)

2022 0410 0000 3497 9123

U.S. Postal Service™ *Code ENF*
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only *2023-0013*

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

OFFICIAL USE

Certified Mail Fee \$ *3.25*

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

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

Postage \$ *57*

Total Postage and Fees \$ *7.82*

Sent To **GEORGE E. & MARY E. THOMPSON**
 Street and A. **331 S 12TH ST.**
 City, State, Z **FERNANDINA BEACH, FL 32034**

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

FERNANDINA BEACH
JAN 25 2023
331 S. 12th St.





2.24.2023 09:33



2.24.2023 09:32



2.24.2023 09:32



2.24.2023 09:33



2-24-2023 09:33



2.24.2023 09:31



2.24.2023 09:32





4.21.2021 15:28





4.21.2021 15:28



4.21.2021 15:28



CITY OF FERNANDINA BEACH



Seminar

ETHICS TRAINING

Annual Ethics in Local Government training seminar presented by City Attorney Bach. This training is required for elected officials and optional but recommended for City Staff and all Board Members.

FRIDAY

24 MARCH

01.00pm-5.00pm

Located at: City Hall
Commission Chambers

RSVP TO

Katie Newton
Legal Assistant
904-310-3277
knewton@fbfl.org



Tammi Bach
City Attorney