



CODE ENFORCEMENT & APPEALS BOARD HEARING
APRIL 7, 2016
6:00 P.M.
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

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

2. APPROVAL OF MINUTES

2.1. FEBRUARY 4, 2016 MINUTES

Documents: [2016 02-04 CEAB RM Minutes Draft.pdf](#)

3. OLD BUSINESS

4. NEW BUSINESS

5. BOARD BUSINESS

5.1. BOARD VACANCY FOR ALTERNATE POSTIONS

Applications for consideration by the Board. Per Article VI Section 2-383 the Code Enforcement and Appeals Board shall have seven regular members and two alternate members.

Documents: [Marlene Chapman Application.pdf](#), [Gail Shults Application.pdf](#), [Article VI Code Enforcement Board.pdf](#), [Current Board List.pdf](#)

5.2. ELECTION OF CHAIR AND VICE-CHAIR

According to Section 2-122 - the Chair and Vice-Chair shall serve one-year terms. Officers shall not serve more than two consecutive terms. *Requesting board selection of new Chair and Vice-Chair.*

Documents: [Section 2-122.pdf](#)

5.3. SUNSHINE LAW AND CODE OF ETHICS

6. ADJOURNMENT

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

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

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

1. **Call to Order** – Chair Kaufman called the hearing to order at 6:01 pm.

Roll Call/Determination of Quorum

Members Present

Adam D. Kaufman, Chair
Cynthia Crow
Benjamin Morrison

Carlton "Buddy" C. Boyd, Vice-Chair
Andre' Desilet
Scott Steffen

Members Absent

Henry Byrd

Others Present:

Tammi Bach, City Attorney
Michelle Forstrom, Code Compliance Officer
Cathy Sabattini, Recording Secretary

2. **Approval of Minutes** - The Minutes of the October 1, 2015 Regular Hearing Minutes were presented for approval. **A motion was made by Member Desilet, seconded by Member Crow, to approve the Minutes as submitted. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Ms. Forstrom briefly explained that all cases needed to be removed from consideration due to the respondents not picking up their mail. She pointed out Ms. Sabattini sent out the agenda to each of the respondents by First Class mail; however none of the respondents were present at this hearing. She stated the respondents have to be given due process so she would be hand delivering notices. She explained two of the properties were vacant so where she cannot hand deliver she would post the property as well as where the owners live.

3. **Old Business**

- 3.1. **Pirate Painting, 924 Division Street, Case 15-00064** – Repeat and continued violation(s) of the City of Fernandina Beach Code of Ordinances exist: Chapter 7.01.05 Specific Parking Restrictions for Commercial Vehicles, Recreation Vehicles, Boats and Trailers of the City of Fernandina Beach Land Development Code; and that Sections 74-62 thru 74-66; 74-72 thru 74-75, Local Business Tax Receipts of the City of Fernandina Beach Code of Ordinances; and Chapter 2.03.02 Table of Land Uses; 5.01.02 D & E Home Occupations of the City of Fernandina Beach Land Development Code continue to exist. *Requesting board determination of the case.*

This case was pulled from consideration to ensure the respondent was given due process.

4. **New Business**

4.1. Riddle, Caroyne E., 4187 South Fletcher Avenue, Case 14-00047 - Violation(s) of the City of Fernandina Beach Code of Ordinances continue to exist (after granting an extension): Sections 42-116 (a & b), Cleaning of lots; Maintenance of Structures. *Requesting board determination of the case.*

This case was pulled from consideration to ensure the respondent was given due process.

4.2. Rankosky, James P., 613 Fir Street, Case 16-00001 - Violation(s) of the City of Fernandina Beach Code of Ordinances: Sections 42-116(a), Cleaning of lots; maintenance of structures. *Requesting board determination of the case.*

This case was pulled from consideration to ensure the respondent was given due process.

5. Board Business – Ms. Forstrom referred to Alvin's Island and reported the legal department has set in motion legal action. She stated Alvin's Island picked up their demolition permit, but still have not done anything. She pointed out that fines were well over \$70,000 at this point. City Attorney Bach briefly explained they cannot be foreclosed by the City because the business has a \$30 million dollar note that covers a number of properties the corporation owns. There was a brief discussion about this.

Ms. Forstrom pointed out that Taylor Rental still has not done anything, and those fines are continuing to accumulate. She stated that an updated fine to date was sent to the business owner, and she has not heard from him. There was a brief discussion about this.

Ms. Forstrom explained that 501 South 10th Street, which the board ordered to be demolished will have the asbestos mediation done February 12th and the demolition would be done after that. She commented there was another property that she may receive authorization from the property owner (320 North 9th Street). She stated the board would see two or three cases a year based on the properties she is unable to get authorization for starting in July. There was some discussion about the City having to budget to cover the costs for demolition.

The board had some discussion to better understand the code in relation to the violation for Pirate Painting (Chapter 7.01.05 Specific Parking Restrictions for Commercial Vehicles, Recreation Vehicles, Boats and Trailers of the City of Fernandina Beach Land Development Code). It was noted that Pirate Painting still did not have a Local Business Tax Receipt. The board also had discussion that a boat, a trailer, a commercial vehicle, or a recreational vehicle could not be parked in the front yard, but were allowed in the side yard. It was pointed out a home based business the owner signs off that they cannot advertise their business from their home. Part of the discussion included that commercial vehicles with the name of the business are not supposed to be parked in front yard of the house. The board had further discussion to understand the violation of the code by having a trailer in the front yard, since the driveway was in the front yard. It was noted that vehicles with magnetic advertising can remove that advertising when they are at their home.

4187 South Fletcher Avenue – Member Steffen inquired if someone lives at this house. Ms. Forstrom replied no. Member Morrison commented he received a call from someone to assess the termite damage, and that whole house is falling down. He stated the house is dangerously close to completely collapsing, because structural beams that support the house have rotted out. It was noted this was a case that would be coming before the board due to being an unsafe structure. Ms. Forstrom explained the owner had asked for an extension, because they thought they had the property sold. She stated she has not heard from the property owner again. It was noted this property is listed with a real estate agent.

The next meeting would be March 3, 2016.

The board was reminded that there were still vacancies for alternates on the board, and that the board application was available on the City's website.

6. Adjournment - There being no further business to come before the Code Enforcement and Appeals Board, the meeting was adjourned 6:28 pm.

Secretary

Adam Kaufman, Chair

Cathy Sabattini

From: Kim Briley
Sent: Tuesday, March 22, 2016 8:53 AM
To: Cathy Sabattini; Michelle Forstrom
Subject: FW: Online Form Submittal: Advisory Board/Committee Application - CEAB

There are two application for the same person and vary just a little.

*Kim Elliott-Briley, MMC
Deputy City Clerk
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Fla. 32034
Phone 904-310-3117
Fax 904-310-3454
www.fbfl.us*

If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.

 *Go Green: Please don't print this unless its really necessary*

Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempt by the Public Records Law. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: noreply@civicplus.com [mailto:noreply@civicplus.com]
Sent: Saturday, March 19, 2016 12:00 PM
To: Caroline Best; Kim Briley
Subject: Online Form Submittal: Advisory Board/Committee Application

Advisory Board/Committee Application

This application is intended to provide information that will enable the City Commission to select the most qualified Board/Committee members. Please complete all applicable sections and return the form along with your current résumé to the City Clerk's Office.

City of Fernandina Beach
City Clerk's Office
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3115

Name	Marlene Chapman
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Home Mailing Street Address	2120 Florida Ave
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City	Fernandina Beach
Zip Code	32034
Primary Phone	9046245978
Secondary Phone	<i>Field not completed.</i>

Please note that board materials are distributed electronically.

Email to receive board materials	mm.chap@hotmail.com
Employer	Retired
Position Title	<i>Field not completed.</i>
Business Address	<i>Field not completed.</i>
City	<i>Field not completed.</i>
Zip	<i>Field not completed.</i>

Select the board you are applying for:	Code Enforcement & Appeals Board
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Additional board that you are applying for:	None
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Why are you interested in serving on this Board? Please explain.	I have seen areas of the city that desperately need to have codes enforced. I love this island and know that with direct contact to homeowners and businesses, I believe that we can get them to do the right thing. This will also help with the safety and value of property.
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Eligibility	
Are you a resident of the City?	Yes
Length of time:	<i>Field not completed.</i>
Do you hold a public office?	No
Office name:	<i>Field not completed.</i>

Are you employed by the City? No

Position: *Field not completed.*

Are you currently serving on a Board? No

Board Name: *Field not completed.*

Potential Conflict of Interest:

Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Fernandina Beach? No

Field not completed.

If yes, please provide details:

Major Affiliations:

List community, professional, or other applicable policy-making Boards on which you have served. Note the length of service and office held (if any):

I worked with our HOA in South Florida to assure that our codes and rules were followed.

Qualifications:

Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended:

Field not completed.

Organization or Commissioner sponsoring nomination (if applicable):

Johnny Miller

Educational Background: BS/A
(Check all that apply)

Field not completed.

Other:

Primary education

Major areas of study:

Florida's Public Records Law, Chapter 119, Florida Statutes, states:

"It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

I understand that any false, incomplete or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Commission when vacancies occur and are effective for two years from date of completion.

Do you understand the duties and responsibilities of the Board/Committee that you are applying for? Yes

By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Date March 18, 2016

Applicant's Signature Marlene Chapman

Caroline Best

From: noreply@civicplus.com
Sent: Wednesday, March 30, 2016 1:35 PM
To: Caroline Best; Kim Briley
Subject: Online Form Submittal: Advisory Board/Committee Application

Advisory Board/Committee Application

This application is intended to provide information that will enable the City Commission to select the most qualified Board/Committee members. Please complete all applicable sections and return the form along with your current résumé to the City Clerk's Office.

City of Fernandina Beach
City Clerk's Office
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3115

Name	Gail Shults
Home Mailing Street Address	3165 South Fletcher Avenue #5
City	Fernandina Beach
Zip Code	32034
Primary Phone	904-261-9416
Secondary Phone	9904-583-3776

Please note that board materials are distributed electronically.

Email to receive board materials	gail.shults@yahoo.com
Employer	Nassau County Volunteer Center
Position Title	Executive Director
Business Address	1303 Jasmine Street #104A
City	Fernandina Beach
Zip	32034
	Code Enforcement & Appeals Board

Select the board you are applying for:

None

Additional board that you are applying for:

To help the Code Enforcement be more consistent - as related to present ordinances

Why are you interested in serving on this Board? Please explain.

Eligibility

Are you a resident of the City? Yes

Length of time: July 1984

Do you hold a public office? No

Office name: *Field not completed.*

Are you employed by the City? No

Position: *Field not completed.*

Are you currently serving on a Board? No

Board Name: *Field not completed.*

Potential Conflict of Interest:

Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Fernandina Beach? No

Field not completed.

If yes, please provide details:

Major Affiliations:

List community, professional, or other applicable policy-making Boards on which you have served. Note the length of service and office held (if any):

Chair Fernandina Beach Cable Television revision , Work closely with the City of Fernandina Beach Elsie Harper Volunteer of the year awards

Qualifications:

Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended:

Working knowledge of ordinance application - spent 10 years in New York State Senate thereby achieved confidence in understanding municipal, state and federal law and applications thereto

Organization or Commissioner sponsoring nomination (if applicable):

Field not completed.

Educational Background: (Check all that apply)

BS/A

Other:

Law studies

Major areas of study:

Public Communications/Political Science

Florida's Public Records Law, Chapter 119, Florida Statutes, states:

"It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form 1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

I understand that any false, incomplete or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Commission when vacancies occur and are effective for two years from date of completion.

Do you understand the duties and responsibilities of the Board/Committee that you are applying for? Yes

By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Date March 30, 2016

Applicant's Signature Gail A. Shults

Email not displaying correctly? [View it in your browser.](#)

(c) Notwithstanding the provisions of this section, if the city commission does not choose with respect to any specific purchase to utilize the exemption from F.S. ch. 119 and as provided in this section, it may follow any procedure not in conflict with the provisions of this section or F.S. ch. 119, for the purchase of real property which is authorized by the city commission.

(d) Nothing in this section shall be interpreted as providing an exemption from, or an exception to, F.S. § 286.011.

(Code 1991, § 38.02; Ord. No. 2000-51, § 1, 12-19-00)

Cross reference—Purchases and contracts, § 2-431 et seq.

State law references—Supplemental procedure for purchase of city property; confidentiality of records, procedure, F.S. § 166.045.

Sec. 2-353. Disposal of property without advertising.

(a) It is hereby found, determined and declared that:

- (1) The development and continued development of lands that are now owned by the city is a responsibility of the city to its community and for the general welfare and economic stability of the city and its environs.
- (2) The development of all property now owned by the city and the right and authority of the city to sell, license and dispose of any real estate at the appraised price for cash; as well as to develop, plat and subdivide real estate and sell the same at public or private sale without the requirement of advertising for bids, in accordance with and at the appraised price, are in part a discharge of the responsibility as referred to in subsection (a)(1) of this section and constitutes a public purpose by which the city can do all of the things set forth or contemplated in this section.

(b) The city is authorized to sell, lease, and otherwise dispose of any real or personal property; and to develop, plat, and subdivide any lands, tracts, and parcels or real estate that are now owned by the city, at public or private sale,

without the necessity or requirement of advertising for bids and such property may be sold for cash.

(c) All lots must be sold at a price of not less than set or established before any sale by a qualified real estate appraiser.

(Laws of Fla., ch. 67-1379; Code 1991, § 38.03)

Cross reference—Finance, § 2-411 et seq.

Secs. 2-354—2-380. Reserved.

ARTICLE VI. CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE*

DIVISION 1. CODE ENFORCEMENT

Sec. 2-381. Establishment.

There is hereby established a board to be called the code enforcement and appeals board.

(Ord. No. 2002-09, §§ 1, 2, 4-16-02; Ord. No. 2006-19, § 1, 8-1-06)

***Editor's note**—Ord. No. 2010-38, § 1, adopted Dec. 7, 2010, amended the title of art. VI to read as herein set out. Formerly, art. VI was entitled "Code Enforcement and Appeals Board."

Cross references—Handbills, § 6-26 et seq.; amusements and entertainments, ch. 14; animals, ch. 18; buildings and building regulations, ch. 22; regulation of contractors, § 26-26 et seq.; regulation regarding food vendors and food establishments, § 26-66 et seq.; regulations regarding peddlers, § 26-91 et seq.; cemeteries, ch. 30; alarm systems, § 38-36 et seq.; nuisances, and abatement of nuisances procedure, § 42-41 et seq.; litter regulations, § 42-91 et seq.; weeds and wild growth, § 42-116 et seq.; noise, § 42-141 et seq.; remedies for noise violations, § 42-145; junked, wrecked, abandoned property, § 42-171 et seq.; regulations regarding fire prevention and protection, ch. 46; solid waste regulations, ch. 66; excavations in the city streets and public property, § 70-61 et seq.; parades and outdoor events, § 70-86 et seq.; wastewater system regulations, § 82-36 et seq.; regulations regarding horse drawn vehicles or carriages, § 86-36 et seq.; taxicabs, § 86-91 et seq.; regulations regarding the beaches, § 90-41 et seq.; regulations regarding boating, § 90-71 et seq.; administrative and enforcement procedures, relating to land development code, § 98-191 et seq.

State law references—Code enforcement, F.S. ch. 162; enforcement by citation, civil penalty, F.S. §§ 162.21, 166.0415.

Sec. 2-382. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authority having jurisdiction (AHJ) means the duly appointed fire chief or fire marshal of the city.

Board has the same meaning as enforcement board below.

Building official means the building official of the city, as the enforcement officer of the Standard Unsafe Building Abatement Code.

City attorney means the Charter Officer and Legal Counselor for the City of Fernandina Beach.

City commission means the legislative body of the City of Fernandina Beach.

City Code and City Ordinances means the Code of Ordinances of the City of Fernandina Beach, as amended from time to time, and city ordinances enacted by the city commission to be codified into the Code of Ordinances of the City of Fernandina Beach.

Code inspector or code enforcement officer means any authorized agent or employee of the city whose duty it is to assure code compliance.

Enforcement board or code enforcement board means the city code enforcement and appeals board.

Fire codes means the Florida Specific edition of NFPA 101, the Life Safety Code, and the Florida specific edition of NFPA 1, the Uniform Fire Code, as adopted within chapter 69A-60, Florida Administrative Code, of the Florida Fire Prevention Code, all as adopted by the state fire marshal and the city commission pursuant to law.

Fire marshal means the same as the authority having jurisdiction (AHJ), and the terms may be used interchangeably for the purposes of this article.

Local governing body or city means the City of Fernandina Beach.

Local governing attorney means the city attorney or any attorney designated by the city commission to represent the code enforcement and appeals board.

Member means a regular member of the enforcement board, or an alternate member when the alternate member has been seated due to the absence or disqualification of the regular member.

Person means an individual, firm association, organization, partnership, company, corporation, or any other business entity, trust, whether government or private.

Repeat violation means a violation of a provision of a code or ordinance by a person who has been previously found by the special magistrate(s), through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations.

Special magistrate: any special magistrate appointed by the city commission to hear code enforcement violation cases and/or appeal cases.

Standard Building Code means the Standard Building Code by the South Building Congress International, Inc. in the version as adopted by the city commission.

Standard Unsafe Building Abatement Code means the Standard Unsafe Building Abatement Code by the South Building Congress International, Inc. in the version as adopted by the city commission.

(Ord. No. 2002-09, §§ 1, 2, 4-16-02; Ord. No. 2006-19, § 1, 8-1-06; Ord. No. 2007-06, § 1, 3-6-07; Ord. No. 2010-38, § 2, 12-7-10)

Sec. 2-383. Membership; term of office; officers.

(a) *Appointment of members.* The city commission shall appoint seven regular members and two alternate members to the code enforcement and appeals board.

(b) *Eligibility for membership.* The following conditions for eligibility for appointment to the board shall apply:

- (1) *Place of residence.* Each member shall reside in the city.
- (2) *City employees and members of city commission.* No member of the city commission or employee of the city shall be eligible of membership on the board.
- (3) *Qualifications.* The membership of the code enforcement and appeals board shall, whenever possible, include persons in the following fields:
 - a. An architect;
 - b. A business person;
 - c. An engineer;
 - d. A general contractor;
 - e. A realtor;
 - f. A subcontractor; and
 - g. A person with zoning and/or building experience.

(c) *Term of office.* The terms of the members shall be for three years, except that, in the appointment of the first members of the code enforcement and appeals board after July 18, 2006 two members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and two members shall be appointed for a term of three years.

(d) *Reappointment.* A member may be reappointed upon approval of the city commission for a term of three years.

(e) *Vacancy.* An appointment to fill any vacancy on an enforcement board shall be for the remainder of the unexpired term of office.

(f) *Officers.* The members shall elect, by majority vote, a chair and vice chair from among the members. The chair, or, in the absence of the chair, the vice chair, may administer oaths and compel the attendance of witnesses.

(g) *Secretary.* The code inspector shall serve as secretary to the board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each

member, the absence of each member and any failure of a member to vote. The secretary shall keep minutes of all meetings and shall maintain all the records of the board. All approved minutes shall be submitted to the office of the city clerk. (Ord. No. 2002-09, §§ 1, 2, 4-16-02; Ord. No. 2006-19, § 1, 8-1-06)

Sec. 2-384. Vacancies.

Vacancies on the code enforcement and appeals board shall be filled for an unexpired term in the manner in which original appointments are required to be made.

(Ord. No. 2002-09, §§ 1, 2, 4-16-02; Ord. No. 2006-19, § 1, 8-1-06)

Sec. 2-385. Compensation of members.

All members of the code enforcement and appeals board shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties as set forth in F.S. Chapter 112.

(Ord. No. 2002-09, §§ 1, 2, 4-16-02; Ord. No. 2006-19, § 1, 8-1-06)

Sec. 2-386. Removal of members.

A member of the code enforcement and appeals board shall be removed from the board and the member's office declared vacant under any of the following conditions:

- (1) If the member moves outside the city.
- (2) If a member fails to attend two of three successive meetings, unless excused by the chair or the city manager or his/her designee.

(Ord. No. 2002-09, §§ 1, 2, 4-16-02; Ord. No. 2006-19, § 1, 8-1-06)

Sec. 2-387. Jurisdiction; powers and duties.

(a) The code enforcement and appeals board shall have the jurisdiction and authority to hear and decide alleged violations of the following:

- (1) City of Fernandina Beach Code of Ordinances;

- (2) State, county and local laws and ordinances whose intent is to promote the health, welfare and safety of the citizens of the city.

(b) The jurisdiction of the code enforcement and appeals board shall not be exclusive. Any alleged violation of any of the provisions in subsection (a) may be pursued by appropriate remedy in court at the option of the administrative official whose responsibility it is to enforce that respective code or ordinance.

(c) The code enforcement and appeals board shall have the powers as set forth in F.S. section 162.08 as may be amended from time to time.

(d) Additional powers and duties:

- (1) The code enforcement and appeals board shall also hear issues relating unsafe housing, pursuant to the Standard Unsafe Building Abatement Code as those cases may be brought forth by the Building Official;
- (2) The code enforcement and appeals board shall also hear appeals from decisions and interpretations of the building official and consider variance of technical codes, as set forth in the Standard Building Code.
- (3) The code enforcement and appeals board shall also hear appeals from decisions of the fire marshal and shall provide reasonable interpretation of the provision of the fire codes, as set forth in NFPA1, Uniform Fire Code, section 1.10.

- a. In its rulings, the board shall ensure that the intent of the fire code is complied with and public safety is secure.

(Ord. No. 2002-09, §§ 1, 2, 4-16-02; Ord. No. 2006-19, § 1, 8-1-06; Ord. No. 2007-06, § 1, 3-6-07)

Sec. 2-387.1. Appeals of decisions of the building official relating to the Standard Building Code.

(a) The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the

code enforcement and appeals board whenever any one of the following conditions are claimed to exist:

- (1) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
- (2) The provisions of this code do not apply to this specific case.
- (3) That an equally good or more desirable form of installation can be employed in any specific case.
- (4) The true intent and meaning of this code or any of the regulations there under have been misconstrued or incorrectly interpreted.

(b) Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official. Appeals may be in a form as provided by the community development department, or such other written document which will adequately explain the issue being appealed.

(c) Unsafe or dangerous building or service systems. In the case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such appeals to a shorter period.
(Ord. No. 2006-19, § 2, 8-1-06)

Sec. 2-387.2. Variances to the Standard Building Code.

(a) *Variances.* The code enforcement and appeals board, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

- (1) That special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others.

CODE ENFORCEMENT AND APPEALS BOARD

CODE ENFORCEMENT AND APPEALS BOARD				
Hearing: To Be Announced				
First Thursday of every month, 6:00 p.m., City Commission Chambers				
Appointment Date	NAME	ADDRESS	TELEPHONE	TERM
08/06	Cynthia A. Crow ccrow@bellsouth.net	438 N. Fletcher Avenue	321-0248 (H) 753-1440 Cell	3 yrs-08/2016
08/06	*Adam D. Kaufman adkresolve@comcast.net	116 S. 10 th Street	491-0644 (H)	3 yrs-08/2016
08/06	Andre L. Desilet, E.I. adesilet@comcast.net	805 Amelia Circle	491-5728 (H) 261-8819 (W)	3 yrs-08/2017
02/09	Scott Steffen ssteffen@pmsiofflorida.com	409 N. 3 rd Street	277-7897 (H) 225-9070 (W)	3 yrs-09/2018
08/06	Henry Byrd hjbyrd49@comcast.net	1514 Calhoun Street	277-3357 (H)	3 yrs-08/2017
08/06	**Carlton "Buddy" C. Boyd bboyd@domesticdesignsinc.com	438 N. Fletcher Avenue	321-0248 (W) 753-1438 cell	3 yrs-09/2018
11/14	Benjamin Morrison benjamin@cotnerassociates.com	2107 Whitfield Drive	(912) 604-9870	3 yrs- 11/2017
	VACANT Alternate #1			3 yrs-
	VACANT Alternate #2			3 yrs-
*Chair **Vice Chair				
Staff Coordinator: Cathy Sabattini, Staff Assistant FINANCIAL DISCLOSURE REQUIRED				

- (5) Each member shall refrain from discussing any matter or subject pending before the board of which he is a member, except in open session of a board meeting duly called, scheduled, or noticed. Each member shall be especially cognizant of and shall adhere to the requirements of F.S. ch. 286, popularly known as the "government in the sunshine law";
- (6) Each member shall adhere strictly to the bounds and limits of his authority as a member of the board and shall refrain from exceeding that authority;
- (7) No member of any standing board, committee, commission, council or authority, except the board of trustees of the police and fire pension plan and the general employees' pension plan, established in chapter 62, shall simultaneously hold any elected public office or position of employment in the city, or more than one appointive position on any of the enumerated standing committees of the city, except that an appointive member of such standing committee may simultaneously serve on special or ad hoc committees or task forces. Notwithstanding any provisions contained herein to the contrary, city commissioners may serve simultaneously on multiple special or ad hoc committees or task forces;
- (8) No board member shall be absent from more than three successive meetings of the board, nor absent from more than six total meetings in any calendar year, without a valid reason approved by the city manager or his/her designee;
- (9) Each member shall act with due diligence both individually and with the other board members in acting on official requests for action that is contemplated as being within the realm of responsibility of the board of which he is a member; and
- (10) Each member shall act at all times in the best interest of the citizens of the city, and shall conduct himself in a manner appropriate for a representative of the city.
(Code 1955, § 1A-4; Ord. No. 659, 2-7-84; Ord. No. 664, 3-20-84; Ord. No. 782, 12-21-87; Code 1991, § 31.001; Ord. No. 94-33, 11-15-94; Ord. No. 99-10, § 1, 5-18-99)
Cross reference—Fair housing board, § 54-58.
State law reference—Code of ethics, F.S. § 112.311 et seq.

Sec. 2-122. Appointment, term of office, and filling board vacancies.

(a) *Appointment, term, attendance.*

- (1) All members and alternate members shall be appointed by the city commission;
- (2) Each board shall have the opportunity to review each applicant's resume and may make a recommendation on the appointment;
- (3) All members shall reside within the city limits;
- (4) Elected officials and employees of the city shall not be eligible to serve on city boards or committees, unless otherwise provided herein;
- (5) Each member serves at the pleasure of the city commission;
- (6) The term of office for all regular board or committee members shall be three years, and a vacancy shall occur at the end of the three-year term;
- (7) All applicants for a specific board or committee appointments shall be considered at the time a vacancy occurs;
- (8) A member of a board who is seeking re-appointment shall continue to be a voting member for two months to allow for the finalization of the appointment or re-appointment by the city commission; and
- (9) Each appointed member shall attend all regular and called meetings.

(b) Officers and subcommittees.

- (1) Each board or committee shall have a chairperson and a vice-chairperson;
- (2) The chairperson and vice-chairperson shall serve one-year terms. Officers shall not serve more than two consecutive terms; and
- (3) A board or committee may create whatever sub-committees it deems necessary to carry out its purposes. The chairperson of the board or committee shall appoint the membership of each sub-committee from the members of that board or committee.

(c) Removal and vacancies.

- (1) When a position on a board or committee becomes vacant before the end of the term; an alternate shall fill the vacancy;
- (2) When no alternate member is available to fill the vacancy; the city commission shall appoint a member to fill the vacancy for the duration of the term;
- (3) When the unexpired term is two months or less, the city commission may appoint a new member to fill the unexpired term and the following full term;
- (4) A member who moves outside of the city or no longer meets eligibility requirements shall be removed immediately;
- (5) Any member who has been absent for three regular meetings in one calendar year shall be subject to removal; and
- (6) Vacancy shall occur upon death, resignation, removal, conviction of a felony, or expiration of term.

(d) *Term limits and reappointment.* Term limits do not apply to appointed board or committee members. The city clerk's office shall provide all board or committee members eligible for reappointment at least 30 days' notice prior to their term expiring. Board or committee members seeking reappointment must provide the city with updated contact information and statement of interest at least 15 days prior to expiration of their term. New board or committee members

shall complete an application and provide a resume and statement of interest to the city at least 15 days before consideration for appointment. (Ord. No. 2013-17, § 1, 8-6-13)

Sec. 2-123. Alternate members.

At the city commission's discretion, each city advisory board may have up to two alternate members, who shall be residents of the city and appointed by the city commission. The alternates will have a voice but not a vote in all board deliberations, unless the alternate member is filling the position of an absent member, as requested by the chair. (Ord. No. 94-16, § 1, 8-16-94)

Sec. 2-124. Reserved.

Editor's note—Ord. No. 98-25, § 1, adopted August 18, 1998, amended the Code by repealing former § 2-124 in its entirety. Former § 2-124 pertained to adjunct advisors, and derived from Ord. No. 94-18, §§ 1—4, adopted September 6, 1994.

Secs. 2-125—2-165. Reserved.

DIVISION 2. RESERVED*

Secs. 2-166—2-190. Reserved.

DIVISION 3. RESERVED†

Secs. 2-191—2-280. Reserved.

***Editor's note**—Ord. No. 2004-41, § 1, adopted December 21, 2004, amended the Code by repealing former div. 2, §§ 2-166—2-172, in its entirety. Former div. 2 pertained to the community relations board, and derived from Ord. No. 805, adopted October 4, 1988; the Code of 1991, §§ 31.025—31.031; Ord. No. 98-12, adopted March 17, 1998; and Ord. No. 98-39, adopted January 5, 1999.

†Editor's note—Ord. No. 96-2, § 1, adopted March 19, 1996, amended the Code by repealing Ord. No. 94-7, the ordinance from which former Div. 3, §§ 2-191—2-195, derived. Former § 2-191 pertained to membership of the financial advisory board; former § 2-192 pertained to term of office; former § 2-193 pertained to compensation of members; former § 2-194 pertained to organization, rules of procedure, meetings and records of the board; and § 2-195 pertained to powers and duties of the board.

Cross reference—Finance, § 2-411 et seq.