



CODE ENFORCEMENT & APPEALS BOARD HEARING  
MAY 5, 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. APRIL 7, 2016 MINUTES**

**Documents:** [2016 04-07 CEAB RM Minutes Draft.pdf](#)

**3. OLD BUSINESS**

**3.1. PIRATE PAINTING, 924 DIVISION STREET, CASE 15-00064**

Repeat and continued violation(s) 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.***

**Documents:** [924 Division St - Affidavit of Posting.PDF](#), [Pictures from 924 Division Street.pdf](#)

**4. BOARD BUSINESS**

**5. 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 6:03 pm.

**Roll Call/Determination of Quorum**

**Members Present**

Adam D. Kaufman, Chair  
Henry Byrd  
Andre' Desilet  
Scott Steffen

Carlton "Buddy" C. Boyd, Vice-Chair  
Cynthia Crow  
Benjamin Morrison

**Others Present:**

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

2. **Approval of Minutes** - The Minutes of the February 4, 2016 Regular Hearing Minutes were presented for approval. **A motion was made by Member Desilet, seconded by Member Morrison, to accept the Minutes as submitted. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

3. **Old Business** – There were no items for discussion under Old Business.

4. **New Business** – There were no items for discussion under Old Business.

5. **Board Business**

- 5.1. **Board Vacancy for Alternate Positions** - 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.

Ms. Sabattini reported that Ms. Marlene Chapman and Ms. Gail Shults submitted applications for consideration to serve on the board. It was noted there were two alternate vacancies on the board. City Attorney Bach pointed out there are specific requirements for what fields should be covered on the board, and those fields are covered with the current members. Ms. Forstrom replied for the Code Board, but not for if there is a Fire appeal. Member Crow questioned if this board needed to get those people. City Attorney Bach inquired what positions were not covered. Ms. Forstrom stated it is very specific, and it is something fairly new. City Attorney Bach noted that the appeal process for building and fire is in Chapter 2. Ms. Forstrom pointed out this was new and it just came out this year, and was in the State Statutes. City Attorney Bach stated she would have to look into this, and recommended that the board not make any recommendation until the next meeting. Ms. Sabattini questioned whether it would be under this board or would it be a new board. City Attorney Bach replied she would have to look at that, and report next month. **A motion was made by Member Boyd, seconded by Member Crow, to table until next month. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

**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.*

Ms. Sabattini pointed out per the code the Chair should only serve a one year term, and no more than two one year terms back to back. She commented looking back Mr. Kaufman has been the Chair for some time so the board would have to elect a new Chair and Vice-Chair. After a brief discussion, *a nomination was made by Member Steffen, seconded by Member Bryd, to have Vice-Chair Boyd move up to Chair.* Vice-Chair Boyd declined the nomination. There was some discussion about serving as Chair. *Member Steffen withdrew his motion.*

After a brief discussion, **a nomination was made by Member Boyd, seconded by Member Bryd, to have Member Morrison serve as Chair.** It was explained that the Chair signs the minutes and the findings of fact after the meeting. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Member Desilet offered to serve as Vice-Chair. **A motion was made by Member Bryd, seconded by Member Steffen, to have Mr. Andre' Desilet serve as Vice-Chair. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

**5.3. Sunshine Law and Code of Ethics** – Ms. Sabattini reminded the board of the upcoming Ethics and Sunshine Law training on Tuesday, April 12<sup>th</sup> at 8:00 am until noon. City Attorney Bach pointed out the training would satisfy the four hours of training that is required, which has to be done every year. Member Desilet inquired if the ethics training was specific to Sunshine Law. City Attorney Bach replied it was Sunshine and Ethics together. She pointed out the training can be done online. There was a brief discussion about this training and that this requirement has been in place since 2013.

**Ordinance 2016-07** – Chair Kaufman commented he had requested to talk about what the City Commission did at their last meeting in terms of code violations, citations, and special magistrates. City Attorney Bach briefly explained a few years ago the City started doing civil citations that stay in the City and the City had to provide an appeal process through a special magistrate. She stated the City Commission wanted to expand the ability to issue citations to give Code Enforcement the ability to hand out citations for other things. She commented what prompted this was the Police Department dealing with temporary signs in the right-of-way, and they wanted to have the ability to issue a citation. She explained there were other issues as well so Ordinance 2016-07 gives Code Enforcement and the Police Department the ability if they feel like a citation is the best way to proceed and the violation is irreversible or irreparable they can issue a \$75 citation. She stated this was for any Ordinance violation or Land Development Code violation. Chair Kaufman inquired who the City's special magistrate was. City Attorney Bach stated a Request for Proposals (RFP) for a special magistrate would be going out shortly, and the Ordinance would not become effective until late May. Member Desilet noted that the Ordinance doesn't affect how the board operates, and in some cases Ms. Forstrom could issue a citation in lieu of the board proceeding. Ms. Forstrom commented this was another tool that she could use in certain circumstances. There was a brief discussion about Ordinance 2016-07.

**Alvin's Island** – Ms. Forstrom inquired if there was an update on Alvin's Island. City Attorney Bach replied she has to file the lawsuit.

**February Cases** - Member Desilet inquired about the cases from the February meeting that were pulled due to notification issues. Ms. Forstrom replied one she was having trouble catching, another one was cleaned up, and the other she would have to go out to hand deliver the notice. She stated she would try to get it on the agenda for next month. It was noted that Taylor Rental hasn't fixed their sign, and the City filed the lien.

**Front Street** - City Attorney Bach reported at the last City Commission meeting Mr. Chip Ross suggested one way to revitalize downtown is to have the waterfront property owners clean up their lots, which he felt were in violation. Ms. Forstrom pointed out Section 42-116 (b) is maintenance of structures. Member Crow noted one of the properties came before the board in the past. City Attorney Bach explained if the City goes out there and starts citing the property owners or issuing notices of violation there will be a problem. She stated the City Manager has sent a letter to some of the water lot owners saying that the City was pursuing the opening of Alachua Street, and that he would like their feedback on how they think it affects their property. She explained that she also suggested the City Manager send another letter saying that the presentation happened, that the City Commission was interested in cleaning up the waterfront, and that the City was willing to work together with the community. There was some discussion about the waterfront properties including that not all properties are locally owned, and some discussion about the pictures from Mr. Ross' presentation to the City Commission.

**Next Meeting** – The next meeting would be May 5, 2016.

**6. Adjournment** - There being no further business to come before the Code Enforcement and Appeals Board, the meeting was adjourned 6:30 pm.

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Secretary

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Adam Kaufman, Chair

# **AFFIDAVIT OF SERVICE**

State of Florida  
County of Nassau

Code Enforcement Case Number: 15-00064

I, Michelle D. Forstrom, being first duly sworn, depose and state as follows:

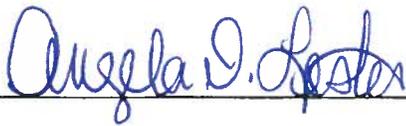
1. That I am an employee of the City of Fernandina Beach, Code Enforcement;
2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and
3. That on the 21<sup>st</sup> day of April, 2016, at 3:40 P.M., I delivered the Findings of Fact, Conclusions of Law and Order Enforcement letter for Case 15-00064, Pirate's Painting, 924 Division Street, Fernandina Beach, FL 32034 to Edward B. and Kerry Anne Mantell Gainey, 924 Division Street, Fernandina Beach, FL 32034.

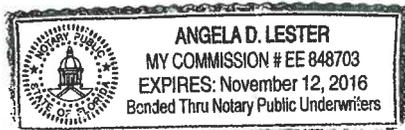
FURTHER AFFIANT SAYETH NAUGHT.

Signature:   
Michelle D. Forstrom  
(Printed name of Code Compliance Officer)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 21st day of April, 2016.

(SEAL)

Signature:   
Angela D. Lester  
(Printed name of Notary)





# City of Fernandina Beach

## CODE ENFORCEMENT

### **CODE ENFORCEMENT & APPEALS BOARD NOTICE OF REPEAT VIOATION/NOTICE OF HEARING**

April 21, 2016

Case Number: 15-00064

Hand Delivery and/or Posted on Property

IN THE MATTER OF:

Edward B & Kerry Anne Mantell Gaaney  
924 Division Street  
Fernandina Beach, FL 32034

PREMISES: Pirate Painting, 924 Division ST, Fernandina Beach, FL 32034

The brief legal description of the real property upon which this violation occurred is: **BLOCK 213 S'LY 65.5 FT of N'LY 90 FT of E'LY 100 FT of W'LY 130 LOT 6, Fernandina Beach, FL 32034.**

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged repeat violation(s) and contends that the following repeat and continued violation(s) 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 (These can be found on the City's website: [www.fbfl.us/code](http://www.fbfl.us/code)). The Code Enforcement & Appeals Board ordered your property into compliance by October 21, 2015. This office contends that you appeared to have removed all commercial vehicles and equipment from this property by the compliance date mentioned above, but have now brought back a company trailer, and vehicle which is parked at this residential property daily. You continue to operate a painting business in a zone that is not permitted and operate this business without a Local Business Tax Receipt.

I have also included the ongoing daily fines plus the administrative fees owed as of the date of this letter. The current fines will continue to accrue daily until this property is brought into complete compliance. A lien has already been placed on this property.

Because these are repeat violations as stated pursuant to Section 162.06 (3), Florida Statutes, I am requesting a hearing before the Code Enforcement & Appeals Board for action at the date and time listed below.

DATE: May 5, 2016  
TIME: 6:00 p.m.  
LOCATION: City Commission Chambers, 204 Ash Street  
Fernandina Beach, Florida 32034

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.

If the Board finds that you are in repeat 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, and fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$500.00 per day, per violation).

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).

Respectfully,



Michelle D. Forstrom  
Code Enforcement Manager

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.



04/21/2016 03:28 PM



04/21/2016 03:29 PM



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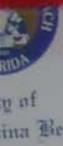


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04/21/2016 03:29 PM



04/21/2016 03:29 PM



204 Ash Street  
Fernandina Beach, FL 32034

(904) 310-3148  
Fax: (904) 310-3460  
Email: mforstrom@fbfl.org  
www.fbfl.us/code



# Fernandina Beach

## CODE ENFORCEMENT

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

Case Number: 15-00064

STAPLES

April 21, 2016

Hand Delivery and/or Posted on Property

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Fernandina Beach, FL 32034

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Michelle D. Forstrom  
Code Enforcement Manager

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PS: 42-173  
04/21/2016 03:39 PM  
City Clerk's Office  
Curtly Taggert



924



924



04/21/2016 03:39 PM



04/21/2016 03:39 PM