

February 11, 2020

The Nassau County Code Enforcement Board met in regular session this 11th day of February, 2020 at 6:30 p.m. at the Commission Chambers, James S. Page Governmental Complex, Yulee, Florida. The Code Enforcement Secretary called the roll. Present were Board Members Sarah Bell, Jonathan Petree, Stephanie Estep, Cathy Gladden, Joan Knutson, and Chair Christine Connery. Absent was Board Member Mimi Vitale. Representing Code Enforcement were Michael Favors and Robert Bostick, Enforcement Officers; Jesica White, Administrative Specialist and Janet Wylie, Secretary. Also present was Melissa Lucey, Deputy Clerk.

Chair Connery called the meeting to order at 6:32 p.m. She led the Invocation and the Pledge of Allegiance to the American Flag.

Regarding ex-parte disclosures, all board members stated that they had no discussion with the applicant or made a site visit. The board members also affirmed that they had no email communications or letters.

It was moved by Board Member Estep, seconded by Board Member Petree and unanimously carried to approve the minutes from the January 14, 2020 regular meeting as presented.

Chair Connery reminded the board of the recently passed Ordinance 2020-05, an Ordinance of the Board of County Commissioners of Nassau County, Florida amending Ordinance 99-02, as amended, which established a Code Enforcement for Nassau County, Florida; specifically amending Article III, Section 1-60, administrative fines, liens; providing, pursuant to *Florida Statutes, Chapter 162.09(3)(D)*, that the fines shall increase.

Chair Connery advised that the hearings would be heard under the Quasi-Judicial procedures. Board Member Bell explained the Quasi-Judicial hearing procedures.

Under old business, the Board considered Case 17-810, Roger Fowler, request for a reduction of penalty. The property is located at 96166 Pirates Bluff Road and 96274 Blackrock Road in Yulee, Florida.

Officer Favors was sworn in to testify. He presented the case against Roger Fowler for violation of Ordinance 2015-10, Section 6.01(3)(7) and (8), general nuisances affecting public health; and Ordinance 2003-17, Section 3, unserviceable vehicles. He advised that Mr. Fowler is requesting a reduction of penalty. He explained that Cynthia Gray was appointed to oversee the property in November 2019, and during her research through court documents she located a lien on the property. He stated that Ms. Gray contacted the Code Enforcement Office in January 2020 and brought the property into compliance on January 20, 2020. Officer Favors advised that the fine of \$50.00 per day starting to accrue on January 9, 2018 until the property came into compliance for a total of \$37,050.00 and administrative fees of \$409.02 are still outstanding. He stated that Ms. Gray has done a lot of hard work to bring this property into compliance and addressed several violations.

Ms. Gray came forward and was sworn in to provide testimony. She advised that Mr. Fowler is her brother, and requested that she assist him with his finances including the possibility of selling the property. She explained that Mr. Fowler's financial and physical health is very poor and would be unable to pay the fines that are accrued against the property; however, in order to get his finances settled they brought the property into compliance and agreed to pay the administrative fees out of her personal funds.

It was moved by Chair Connery to close for public hearing.

Following discussion, it was moved by Board Member Gladden that based upon the property being in compliance and testimony received in the record, she recommends approval to the Board of County Commissioners to eliminate the total amount of the lien on the property in the amount of \$37,050.00; however, the administrative fees in the amount of \$409.02 be assessed to cover the administrative cost incurred in prosecuting this case. The motion was seconded by Board Member Estep and the vote carried unanimously.

Next, the Board considered Case 11-696; 11(2)-696; and 11/13-696, Florida Land Trust Services, LLC., request for a reduction of penalty. The property is located at 540768 Lem Turner Road in Callahan, Florida.

Officer Bostick was sworn in to testify. He presented the case against Florida Land Trust Services, LLC. for violation of Ordinance 2003-17, Section 6.01, general nuisances affecting public health, and Section 6.03, discard, place trash, litter or debris. He advised that Florida Land Trust Services, LLC. is requesting a reduction of penalty. He explained that the property was purchased in February 2017 by a tax deed sale and was brought into compliance on December 6, 2019. He provided a breakdown of the three (3) liens: [1] Case 11-696, the administrative fee were \$305.52; he noted that the property came into compliance prior to commencement of the fine. [2] Case 11(2)-696, accrued fines of \$100.00 per day starting August 9, 2011 for a total of \$49,800.00. When the property came into compliance on December 19, 2012, administrative fees were \$275.86. [3] Case 11/13-696, accrued fines of \$500.00 per day starting September 10, 2013 for a total of \$1,139,000.00. When the property came into compliance on December 6, 2019, the administrative fees were \$246.18. Officer Bostick advised that when he took over these cases, the yard was overgrown with extensive trash, liter and debris, and the remains of a home that was damaged by a fire. Ms. Wylie confirmed that all three

(3) cases were in violation of trash, liter and debris on the property.

Chatel Patel, representing Florida Land Trust Services, LLC., came forward and was sworn in to provide testimony. He advised that they were not aware of the liens at the time that the property was purchased through the tax deed sales. He explained that the property has been available for purchase for over four (4) years prior to him purchasing and that he has no relationship with the previous owners. Mr. Patel stated that when the letter was received regarding the financial amount of the liens that were due that is when they first become aware of the liens. It was brought to their attention that they could apply for an application for the reduction of penalty. He advised that the home on the property has been inhabitable for many years because of a fire. If the request for the reduction of penalty is approved, they will demolish the old home to build a new home.

It was moved by Chair Connery to close for public hearing.

In a response to an inquiry, Ms. Wylie advised that if Code Enforcement is notified that a property with liens has been sold that a letter would be sent to the new property owner to advise of the active lien and the amount that is still owed. Officer Favors stated that normally the research to verify if the property has a lien would fall on the purchaser doing their diligences. Ms. Wylie pointed out that Florida Land Trust Services, LLC. purchased the land in 2017; however, the property did not come into compliance until December 2019.

It was moved by Chair Connery to open for public hearing.

Mr. Patel came forward and acknowledged that there was a delay with bringing the property into compliance. He advised that the property was on a list of lands that were available and was bought through the

tax deed sales after four (4) years of being available for sale. They felt like they made a mistake with purchasing the property and did not see a solution; therefore, they stop paying taxes on the property and were going to let the property go back for tax deed sale. He explained that they would like to resolve the property and had they known about the reduction of penalty it would have been brought up to compliance sooner. Ms. Wylie advised that the Code Enforcement Office received a call from Florida Land Trust Services, LLC. in December 2019, and they were informed of the reduction of penalty process.

It was moved by Chair Connery to close for public hearing.

Following discussion, it was moved by Board Member Estep that based upon the property being in compliance and testimony received in the record, to recommend approval to the Board of County Commissioners to eliminate the total amount of the lien on the property in the amount of \$1,188,800.00; however, the administrative fees in the amount of \$827.56 be assessed to cover the administrative cost incurred in prosecuting this case. The motion was seconded by Board Member Bell and the vote carried unanimously.

Next, the board considered Case 20-4410, Cynthia and Johnny Boatright for violation of Ordinance 97-19, Section 28(K)(2) of the Land Development Code (LDC), accessory dwellings. The property is located at 95083 Blue Lane in Fernandina Beach, Florida.

Officer Favors presented the case against Cynthia and Johnny Boatright for violation of Ordinance 97-19, Section 28(K)(2) of the LDC, accessory dwellings. He advised that the notice of violation and the notice of public hearing were mailed certified mail and accepted. He noted that the property is zoned Open Rural (OR) and that the requested administrative fees total is \$419.16. Officer Favors advised that this case was continued from the January 14, 2020 meeting. He stated that the property is not in compliance due the structure has not been removed off the property, and that the property

owner ran into many pitfalls in removing the structure prior to this hearing. Officer Favors explained that the original potential buyer of the trailer backed out of the agreement, and that they hired a contractor to remove the trailer but was unable to complete the job due to medical hardships. He advised that upon his inspection today, the property owners were demolishing the trailer to get it off of the property and indicated that Ms. Boatright just received a picture that the trailer is gone. He clarified that he has not been to the property site since the prior inspection to confirm that the trailer was gone but will go out to the property on February 12, 2020 to verify.

Ms. Boatright came forward and was sworn in to provide testimony. She explained that she had a few pitfalls with the buyer backing out and the contractor unable to move the trailer due to medical issues; however, her fiancée was able to remove the trailer off the property.

It was moved by Chair Connery to close for public hearing.

Board Member Gladden inquired if they had the ability to waive the administrative fee based on the circumstances of the case. Chair Connery advised that the property had to come into compliance today. Officer Favors advised that he is familiar with the property and can ensure that the property will be in compliance by tomorrow.

Following discussion, it was moved by Board Member Gladden to waive the administrative fees subject to Officer Favors completing an inspection on February 12, 2020 to confirm that the property has been brought up to compliance.

Ms. Wylie explained that if the property had come into compliance prior to February 3, 2020, this case would not have been heard by this Board; however, Officer Favors did an inspection today and the structure was still on the property. She indicated that if the

inspection prior was brought into compliance that the administrative fees would of still accrued.

Board Member Gladden requested to retract her motion on waiving the administrative fees.

It was moved by Board Member Gladden that based on competent and substantial evidence and testimony received in the record that Case 20-4410 is no longer in violation of Ordinance 97-19, Section 28(K)(2) of the Land Development Code (LDC), accessory dwellings. The motion was seconded by Board Member Petree and the vote carried unanimously.

It was moved by Board Member Gladden that the respondent shall pay the administrative fees in the amount of \$419.16 be assessed to cover the administrative cost incurred in prosecuting this case and shall be paid on or before May 12, 2020 and that pursuant to *Florida Statute* Chapter 162.08-09, this order shall be recorded in the Official Records of Nassau County, Florida and shall constitute a lien against Respondent(s) in an amount equal to any and all fees and fines hereby imposed. The motion was seconded by Board Member Bell and the vote carried unanimously.

Under new business, the board considered rescheduling the Code Enforcement meetings being held on March 10, 2020 and August 11, 2020.

Chair Connery reviewed the request to reschedule or cancel the meetings due to Supervisor of Elections activity.

After a brief discussion, it was the consensus of the board to cancel the March 10, 2020 meeting and to reschedule the August 11, 2020 meeting to August 26, 2020.

Under new business, the board considered Case 20-4651, Virginia Wells Estate for violation of Ordinance 2015-10, Section 6.01(3), general

nuisance affecting public health. The property is located at 551090 U.S. Highway 1 in Hilliard, Florida.

Officer Bostick presented the case against Virginia Wells Estate for violation of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health. He advised that the property was cited on October 14, 2019 and notice of violation and the notice of public hearing were posted on the property. He noted that the property is zoned Commercial General (CG) and that the requested administrative fees total is \$372.90. Officer Bostick explained that the property is still in violation at this time; however, the grandson is attending tonight's hearing to represent Virginia Wells' Estate and would like to resolve the violations. He provided a PowerPoint presentation with pictures from October 14, 2019 and December 30, 2019 of trash, liter, and debris. He noted that the property has two (2) addresses and appears to be a car repair facility. Officer Bostick commented that during his inspection today it appeared that somebody had clean up the property as it appeared to have less trash, liter, and debris. He stated that there has not been any communication regarding the property, and that he brought the violation to Code Enforcement Board based on his noticing the property because it was located on a busy intersection of Eastwood Road and U.S. Highway 1. In response to an inquiry, Ms. Wylie advised that she could not locate any official records that the property is in probate.

Matthew Clark came forward and was sworn in to provide testimony. He explained that he was made aware of the violations at the end of January 2020 when he found the notice of violation and the notice of public hearing posted around the building. He advised that he is in the process of getting information regarding the will and that the business on the property belongs to his uncle. He requested that the board consider granting an extension on the timeline to correct the violations and bring the property into compliance. Also, in order to allow time for him to speak with family members regarding who owns the

business. He explained that his grandmother passed away over four years ago and cannot confirm if the property is in probate; however, through his research online the property taxes have not been paid in three years and he will be working on resolving that issue also. It was moved by Chair Connery to close for public hearing.

Following discussion, it was moved by Board Member Petree to defer Case 20-4651, Virginia Wells Estate until April 14, 2020 at 6:30 p.m. The motion was seconded by Board Member Estep and the vote carried unanimously.

Chair Connery advised that the next board meeting would be held on April 14, 2020 at 6:30 p.m.

There being no further business, the regular meeting of Code Enforcement Board adjourned at 7:56 p.m.

Christine Connery, Chairman

Attest