

July 14, 2020

The Nassau County Code Enforcement Board met in regular session this 14th day of July, 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 was Chair Christine Connery. Attending via "Zoom Meeting" were Board Members Sarah Bell, Jonathan Petree, Stephanie Estep, Cathy Gladden, Joan Knutson, and 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 6:33 p.m. She led the Invocation and the Pledge of Allegiance to the American Flag.

Regarding ex-parte disclosures, Board Member Gladden disclosed that she drives everyday by the property located at 95209 Barnwell Road in Fernandina Beach, Florida, Case 20-4668 and witnessed multiple boxes unattended sitting in the woods. All other board members stated that they had no discussion with the applicants or made any site visits. The board members also affirmed that they had no email communications or letters.

It was moved by Board Member Gladden, seconded by Board Member Bell and unanimously carried to approve the minutes from the February 11, 2020 regular meeting as presented.

Chair Connery referred to Mr. Mullin regarding the Quasi-Judicial procedures and cases to be heard. Mr. Mullin provided the guidelines and directions for those that are in attendance for hearings. He read the procedures applicable to the Quasi-Judicial hearings for Case 20-4651, Virginia J. Wells Estate; Case 20-4668, Michael T. Davis; Case 20-5429, James Lindsey; Case 20-5010, Linda L. Cobb Estate; Case 20-4932, Chares Royse, Jr. and Lyzander Royse; Case 20-5073, G&H Land &

Timber Investments, LLC.; Case 20-4822, Robert E. Fingar; and, Case 20-4919, Robert E. Fingar.

It was moved by Board Member Bell, seconded by Board Member Vitale and unanimously carried to open the floor to public discussion for Case 20-4651, Virginia J. Wells Estate; Case 20-4668, Michael T. Davis; Case 20-5429, James Lindsey; Case 20-5010, Linda L. Cobb Estate; Case 20-4932, Chares Royse, Jr. and Lyzander Royse; Case 20-5073, G&H Land & Timber Investments, LLC.; Case 20-4822, Robert E. Fingar; Case 20-4919, Robert E. Fingar; and, Case 19-4431, reduction for penalty.

Under new business, the Board considered Case 20-4822, Robert E. Fingar for violation of Ordinance 2015-10, Section 6.01(3)(7) and (8), general nuisances affecting public health; Ordinance 2003-17, Section 3, unserviceable vehicles; and, Ordinance 97-19, Section 28.06, parking storage or use of major recreational equipment. The property is located at 461779 State Road 200 in Yulee, Florida.

Officer Bostick was sworn in to testify. He presented the case against the property at 461779 State Road 200 in Yulee, Florida for violations of Ordinance 2015-10, Section 6.01(3)(7) and (8), general nuisances affecting public health; Ordinance 2003-17, Section 3, unserviceable vehicles; and, Ordinance 97-19, Section 28.06, parking, storage or use of major recreational equipment. He stated that the property owner was cited on December 31, 2019; and the notice of violation and public hearing were posted on the property. He noted that the property is zoned Open Rural (OR). Staff is requesting administrative fees in the amount of \$400.76. Officer Bostick provided a PowerPoint presentation with pictures of trash, liter and debris; a camper; scrap metal; unserviceable vehicle; box truck; and aluminum cans. He advised upon his inspection today that the camper was still visible and he observed a push mower and a series of buckets.

In a response posed by the Board, Officer Bostick advised that he did not witness any tires on the property; however, the property contained scrap metal; buckets; unserviceable vehicle; box truck; and, a camper. He advised that based upon the recent inspection that there are no visible improvements towards the violations. He pointed out that the Property Appraiser's website zoned the property usage as Timber.

Robert Fingar came forward to the podium outside and was sworn in to provide testimony. Due to technical difficulties with the podium outside the Commission Chambers, Mr. Fingar was asked to come into the Commission Chambers to provide testimony. Mr. Mullin disclosed that Mr. Fingar has already been sworn in. Mr. Fingar advised that the property is zoned Agriculture (AGR) and being used for agricultural purposes. He provided a parcel map for parcels 04-2N-26-0000-0005-0000 and 04-2N-26-0000-0005-0010, noting that the map shows only trees. Mr. Fingar acknowledged that there is a barn and equipment located on the property for agricultural purposes for growing hardwood, pine, and elderberry trees. He explained that a contract was entered into for harvesting the timber in 2018 and expired on May 10, 2020. During the contract period, he received a letter from Code Enforcement regarding an anonymous complaint related to rotten wood on the property zoned as Residential (RES). Mr. Fingar advised that he reached out to Code Enforcement in December but was advised by the Permit Office that Code Enforcement were out for the holidays. A brief discussion followed relating to the scrape metal; cans; unserviceable vehicles; and, box truck as it relates to their usage for agricultural purposes.

In a response posed by the Board, Mr. Fingar advised that there is no principle structure as it was destroyed when State Road 200 was expanded from two (2) lanes to four (4) lanes but plans on rebuilding at the back of the property. He indicated that he lives at the property located at 451541 State Road 200 in Callahan, Florida, noting that he is raising palm trees. He briefly described how he uses the

camper; cans; and, unserviceable vehicles for agricultural usage; however, indicated that these items could be moved into the barn for storage. Brief discussion followed.

In a response posed by the Board, Mr. Fingar indicated that the barn is 60 feet wide and 125 feet long and would have enough storage for the vehicles and the camper.

Following discussion, it was moved by Board Member Bell that based on competent and substantial evidence and testimony received in the record that Robert Fingar is in violation of 2015-10, Section 6.01(3)(7) and (8), general nuisances affecting public health; Ordinance 2003-17, Section 3, unserviceable vehicles; and, Ordinance 97-19, Section 28.06, parking, storage or use of major recreational equipment. The motion was seconded by Board Member Estep and the vote carried unanimously.

It was moved by Board Member Bell that the respondent shall correct the violation on or before October 13, 2020 and that in the event that the property is not in compliance prior to that date a fine in the amount of \$50.00 per day shall commence and accrue until such time as the property comes into compliance. Administrative fees in the amount of \$400.76 be assessed to cover the administrative cost incurred in prosecuting this case and shall be paid on or before October 13, 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 Estep and the vote carried unanimously.

Next, the Board considered Case 20-4919, Robert E. Fingar for violation of Ordinance 2015-10, Section 6.01(3) and (4), general nuisances affecting public health. The property is located at 451541 State Road 200 in Yulee, Florida.

Officer Bostick presented the case against the property at 451541 State Road 200 in Yulee, Florida for violations of Ordinance 2015-10, Section 6.01(3) and (4), general nuisances affecting public health. He stated that the property owner was cited on January 27, 2020; and the notice of violation and public hearing were posted on the property. He noted that the property is zoned Commercial General (CG). Staff is requesting administrative fees in the amount of \$367.45. Officer Bostick provided a PowerPoint presentation with pictures of miscellaneous buckets with stagnant water and ice containers; and trash, liter and debris.

Mr. Fingar came forward stating that the buckets were placed over three hundred feet from the highway and cannot be seen. It is his opinion, that whoever took the photos removed the no trespassing signs. He explained that the buckets contain hardwood potash which develops a liquid solution for agriculture purposes for the trees throughout the property. He indicated that mosquitos do not live or breed around the buckets. Board Member Petree stated that based upon his agricultural background that he can attest that these buckets are used for agricultural purposes on a regular basis. A brief discussion followed.

The Deputy Clerk reminded the Board to close the public hearing. Mr. Mullin advised that it would be fine to avoid closing the public hearing.

After a brief discussion regarding the buckets; and trash, litter and debris, Mr. Mullin inquired if there would be any objection of allowing the Code Enforcement Officer access onto the property. Mr. Fingar agreed to allow the Code Enforcement Officer access. Mr. Mullin recommended continuing this case for thirty (30) days to allow the Code Enforcement to make the determination of the violation; and,

if there is any other violations that they could be addressed prior to the following meeting.

It was moved by Board Member Bell to continue Case 20-4919, Robert E. Fingar for thirty (30) days. The motion was seconded by Board Member Vitale and the vote carried unanimously.

Under old business, the Board considered Case 19-4431, William Napert, request for a reduction of penalty. The property is located at 85487 Ashley Avenue in Yulee, Florida.

Officer Favors was sworn in to testify. He presented the case against the property at 85487 Ashley Avenue in Yulee, Florida. He advised that the property was sold by tax deed sale in February 2020 and came into compliance on April 13, 2020. The fine accrued for 125 days at \$50.00 per day for a fine total of \$6,250.00. He advised that the administrative fees in the amount of \$367.45 were paid. William A. Napert, property owner, is requesting for a reduction of penalty. Officer Favors provided a PowerPoint presentation with pictures of the property of the old mobile home that was on the property. He advised that the prior violation was for trash, litter and debris; and indicated that the property owner had the old mobile home demolished.

It was moved by Board Member Bell to recommend reducing the penalty fees from \$6,250.00 to \$625.00 for Case 19-4431, William Napert. The motion was seconded by Board Member Petree, the vote carried unanimously.

Under new business, the Board considered Case 20-4668, Michael T. Davis for violation of Ordinance 97-19, Section 28.15 J (1) and 6 (a-g) of the Land Development Code (LDC), accessory uses and structures - shipping containers; and, Ordinance 2015-10, Section 6.01(3)(7) and (8), general nuisances affecting public health. The property is located at 95209 Barnwell Road in Fernandina Beach, Florida.

Officer Favors presented the case against the property at 95209 Barnwell Road in Fernandina Beach, Florida for violations of Ordinance 97-19, Section 28.16(J) (1) and (6) of the Land Development Code (LDC), accessory uses and structures - shipping containers; and, Ordinance 2015-10, Section 6.01(3)(7) and (8), general nuisances affecting public health. He stated that the property owner was cited on September 30, 2019; and the notice of violation and public hearing were mailed certified return receipt and accepted. He noted that the property is zoned Residential Single Family-1 (RS-1). Staff is requesting administrative fees in the amount of \$331.63. Officer Favors provided a PowerPoint presentation with pictures of trash, litter and debris located in the front yard and driveway; a large green shipping container; and vehicle hanging from a tree. He advised upon his inspection today that there has been some progress of the trash, litter and debris clean up; however, the shipping container is still on the property. He indicated that his last conversation with Mr. Davis was on October 15, 2019 in reference to the shipping container on the property. Officer Favors clarified that the shipping containers can be placed on a residential neighborhood but it would require a permit deeming the shipping container as a structural element. The permit process would have to be provided to the Building Department with engineer plans and drawings reflecting that the shipping container has been converted into a structural element. Structural elements are defined in the Building Codes and the LDC. He noted that the Planning Department had provided this information to Mr. Davis for resolution of the violation.

Board Member Gladden referred back to the ex-parte communications, indicating that this is not the property that she disclosed earlier; however, she knows of the property and that she never noticed the shipping container.

Officer Favors responded to an inquiry from the Board, indicating that based upon inspection the only vehicle that would be deemed unserviceable is the vehicle that was hanging from the tree. He advised upon his inspection today that the vehicle has been removed from the tree.

Michael Davis came forward and was sworn in to provide testimony. He advised that the two (2) vehicles belong to his son and are still on the property. He stated that the majority of the buckets have lids and are being used to wash out plumbing fittings that drain from the bottom of the container. Mr. Davis addressed the shipping container, noting that it is being used to store three (3) ATVs. He considers the shipping container to be indestructible especially since the property is surrounded by massive oak trees and the shipping container could withstand if one (1) of the trees happen to fall. It is his preference to keep the shipping container on the property in order to store the ATVs. He explained that the Building Department advised him that it was not considered a shipping container but as a shed. He does have the permit application that he would have to submit for a foundation; however, there is no electrical, plumbing or utilities in the shipping container. He identified the two (2) Building Officials, Keith Ellis and Robert Hunt that had indicated that it would be considered as a shed compared to a shipping container and provided the setback requirements.

Mr. Mullin recommended a continuance of this case in order for Mr. Davis to speak further with Mr. Ellis at the Building Department. He pointed out that if the shipping container does not require a permit that would resolve the violation.

Officer Favors addressed the violation regarding trash, litter, and debris, advising that there has been some progress and could be corrected with further communication. He pointed out that the shipping container could be addressed further with the Building Department for clarification.



After a brief discussion, it was moved by Board Member Gladden to continue Case 20-4668, Michael T. Davis for sixty (60) days. The motion was seconded by Board Member Vitale and the vote carried unanimously.

Next, the Board considered Case 20-5429, James Lindsey for violation of Ordinance 97-19, Article 22, Section 22.01(A) of LDC, permitted uses and structure. The property is located at 85288 Claxton Road in Yulee, Florida.

Officer Favors presented the case against the case against the property at 85288 Claxton Road in Yulee, Florida for violations of Ordinance 97-19, Article 22, Section 22.01 (A) of the LDC, permitted uses and structures - the noncommercial keeping and raising of horses and ponies is permitted; however, that no more than one (1) horse or pony six (6) months of age or older shall be permitted per one-half (1/2) acre of land. Structures for horses or ponies shall not be located in a required front yard. No structure used for the keeping of horses or ponies shall be located closer than thirty-five (35) feet to any property line of different ownership. Officer Favors stated that the property owner was cited on June 18, 2020; and the notice of violation and public hearing were mailed certified return receipt and accepted. He noted that the property is zoned Open Rural (OR). He advised that upon his inspection today, he is bringing this property up to compliance. Staff is requesting administrative fees in the amount of \$207.39. Officer Favors advised that the property owner is here to address the Board and that the Board Members have the history of the case.

Cash Barlow, attorney representing Mr. Lindsey's tenant, came forward to conduct cross examination of staff and witnesses. Mr. Mullin inquired if Mr. Lindsey is denying that the property was in violation.

Mr. Barlow clarified that the property was not in violation and called upon Officer Favors to testify.

Officer Favors indicated that the complaint against the property was received on June 18, 2020. On that date, he completed the initial inspection and witnessed two (2) horses in the front and two (2) additional horses in the back from the adjacent property. Mr. Barlow provided a handout "Equine Identification" by the USDA.gov to assist with identification of the horses and inquired if Mr. Favors took the photographs that were presented in the case file. Officer Favors advised that the photographs were taken by him. He acknowledged that there were ten (10) separate complaints made against the property owner related to the horses. He advised that he was not aware of any additional complaints regarding the horses made to the Nassau County Sheriff's Office and Animal Services. Mr. Mullin interjected and advised that the relevance in this case is the number of horses on the property and not how many calls to the Nassau County Sheriff's Office or other agencies. Mr. Barlow questioned if Officer Favors could identify the type of horses that were located in the front. Officer Favors advised that he is not a horse breeder; however, he witnessed two (2) horses and additional two (2) horses from the backyard from the adjacent property. He stated that the additional two (2) horses would bring the amount of horses over the amount allowed in OR zoning. Mr. Barlow questioned if Officer Favors could identify the hair color and skin color of the horses. Mr. Mullin inquired if Mr. Barlow was trying to indicate that Officer Favors did not witness additional horses. Mr. Barlow stated that if the Code Enforcement Officer is claiming that a picture through a slot that appears to be brown and blurry is a horse there needs to be additional identification. Officer Favors specified that his testimony is that at the time of the inspection he saw two (2) horses in the front and two (2) additional horses from the adjacent neighboring property bringing the total amount of horses to four (4).

Mr. Barlow requested to continue further questioning and referred the language in Ordinance 97-19, Article 22, Section 22.01 (A) of the LDC, permitted uses and structures - the noncommercial keeping and raising of horses and ponies is permitted: "structures for horses or ponies shall not be located closer than thirty-five (35) feet to any property line of different ownership". He stated that this language would indicate that keeping of the horses or ponies would be in the context of raising them on the property and inquired if Officer Favors could establish that these four (4) horses were being kept and raised on the property. Officer Favors advised that his intent is to adhere to the Ordinance of the amount of horses that are allotted per half acre in OR zoning. He restated that he observed two (2) horses in the front yard and two (2) horses in the backyard bringing it to a total of four (4) horses; therefore, the property is in violation of the Ordinance. Mr. Barlow referred to the PowerPoint presentation picture of a fence and requested for Officer Favors to point out the location of the horse's eye. Officer Favors responded that he is looking at the image of the horse but not the eyes that belong to the horse. He advised that the horse in the backyard is not the same horse that was observed minutes prior in the front yard. Mr. Mullin interjected. Mr. Barlow advised that the issue is the number of horses that are being kept and raised on the property. Mr. Mullin clarified that the language reads that "the noncommercial keeping and raising horses is permitted provided no more one horse or ponies six (6) months of age or older shall be permitted per one half acre of land." Mr. Barlow inquired if the Board interpretation of this statute is that the property cannot have visitors with their horses. Mr. Mullin stated that if it was his position from a relevancy standpoint that the additional horses do not belong to his client than the Board would have to make a determination based on the testimony received that these two (2) horses do not belong to the property owner. Mr. Barlow stated that it is their position that there were not four (4) horses on the property at the time of the inspection from Code Enforcement. He is looking for evidence and request to reflect back to the picture that was presented

to the Board in order to identify that the horse in the backyard is not the same horse from the front yard. Mr. Mullin commented that in all due respect that he made his point by continually questioning Officer Favors and suggested to call any additional witnesses relating to the number of horses and whom those horses belong to. Mr. Barlow inquired if Officer Favors could advise the sex of the horses in the back or front yard. Officer Favors stated that he could not.

Mr. Barlow requested to call his next witness, Beverly Sanders.

Ms. Sanders came forward and was sworn in to provide testimony. She advised that she has been a resident at the property for almost three (3) years with her six (6) year old daughter; and, boyfriend and his fourteen (14) year old daughter. She stated that she owns one (1) horse and one (1) pony and acknowledged that the pictures of the two (2) of the horses are being kept and raised on the property. Ms. Sanders advised that the brown mustang horse is used as a search and rescue horse with the Nassau County Sheriff's Department; and, living history as cavalry mount for Fort Clinch State Park. She recognized the picture in the PowerPoint as being her privacy fence; however, she is not able to identify the picture in the PowerPoint presentation through the fence as being an additional horse. She explained that the children that reside at the property ride with friends and those horses are brought onto the property when visiting; however, there are only two (2) horses that are being kept there. She clarified that the picture of the privacy fence in the PowerPoint presentation belongs to her. Mr. Mullin interjected, advising that the hearing is regarding the horses and not the neighbors. Mr. Barlow explained that there were ten (10) prior complaints from the neighbor to Code Enforcement. Mr. Mullin advised that Officer Favors had testified that he observed four (4) horses during the inspection and it your client's testimony that there are only two (2) horses. He explained that the Board is receiving that testimony in order to make the determination at the end

of the hearing; however, the neighbor has no bearings on the number of horses that are on the property.

Mr. Barlow called his next witness, Ken Lindsey.

Ken Lindsey came forward and was sworn in to provide testimony. He advised that he lives directly across the street and owns the property that is being heard tonight. He clarified that Ms. Sanders owns the mustang horse and that her daughter owns a little pony. He advised that every weekend the children that reside on that property have friends over to ride. Mr. Lindsey declared that he would not be in front of the Board if Ms. Sanders owned more than two (2) horses but over the weekend there will be additional horses visiting for riding purposes.

Mr. Barlow provided a closing statement. He advised that it is unfortunate that Mr. Lindsey had to attend on behalf of his tenant but people own horses in that neighborhood. He indicated that the neighbors do not like horses and are using the Code Enforcement as a forum to bully and harass Ms. Sanders. Mr. Barlow pointed out that the property does not require any cleaning up and that the tenant is complying with the laws as it relates to the horses. He pointed out that the Code Enforcement should provide more substantial evidence and not a crack in the fence of a blur object being identified as a horse.

Officer Favors came forward to advise that upon his inspection today that the property was brought into compliance. He restated that his prior inspection that brought this case to be heard by the Board, he observed four (4) horses. He concurred that he received full cooperation from Mr. Lindsey and Ms. Sanders.

Board Member Vitale advised that the Ordinance contains specific language to address the concerns of noise, animal waste, public health, odor and the animal welfare. She indicated that she has

worked directly with Officer Favors and can testify that he can identify a horse. A brief discussion followed.

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

It was moved by Board Member Bell that based on competent and substantial evidence and testimony received in the record that James Lindsey is in violation of Ordinance 97-19, Article 22, Section 22.01(A) of LDC, permitted uses and structure. The motion was seconded by Board Member Vitale.

Chair Connery pointed out that the motion indicated that the property was still in violation; however, Officer Favors advised that the property was brought into compliance as of today.

It was moved by Board Member Bell to amend her motion that James Lindsey is not in violation of Ordinance 97-19, Article 22, Section 22.01(A) of LDC, permitted uses and structure. The motion was seconded by Board Member Vitale and the vote carried unanimously.

Chair Connery inquired if there was a second part to the motion. Mr. Mullin indicated that because the property was brought into compliance that there would be no administrative fees.

Next, the Board considered Case 20-5073, G&H Land & Timber Investments, LLC. for violation of Ordinance 2012-10, Section 38.03, standards for ponds; Section 38.04, standards for borrow pit also known as Ordinance 97-19, Article 38, Section 38.03 and Section 38.04 of LDC, permits required from the County and St. John's Water Management District (SJWMD). The property is located at 44230 Sandy Ford Road in Callahan, Florida.

Officer Bostick presented the case against the property at for 44230 Sandy Ford Road in Callahan, Florida for violations of Ordinance 2012-

10, Section 38.03, standards for ponds; Section 38.04, standards for borrow pit also known as Ordinance 97-19, Article 38, Section 38.03 and Section 38.04 of LDC, permits required from the County and St. John's Water Management District (SJWMD). He stated that the property owner was cited on March 16, 2020; a Stop Work Order was issued by the Engineering Department on March 11, 2020; the notice of violation was posted on the property on March 17, 2020; and the notice of public hearing was mailed certified return receipt and was accepted. He noted that the property is zoned Open Rural (OR). Staff is requesting administrative fees in the amount of \$393.30. Officer Bostick informed the Board that the permit from the County was issued today at 3:00 p.m. He provided a PowerPoint presentation with pictures displaying an excavator loading a dump truck; and, trucks being loaded exiting and entering the property after the stop work order was issued.

Mr. Mullin responded to an inquiry from the Board explaining that the permits required are two (2) separate permits from SJWMD and Nassau County. Officer Bostick advised that SJWMD must approve their permit prior to approval by Nassau County. He clarified that the Stop Work Order issued by the Engineering Department was on March 12, 2020. He attested that both Stop Work Orders were posted on Cow Bird Lane and the front gate that provides access for the trucks.

Buddy Higginbotham came forward and was sworn in to provide testimony. He explained that initial he had a one (1) acre permit for a one (1) acre pond; however, during digging the pond it went over the one (1) acre. He contacted his Environmentalist who instructed him to measure the pit and accurate size of the pond in order to file for a modification. He explained that the he has an agreement with the National Cemetery on Lannie Road in Jacksonville, Florida, for hauling the hard dirt that was stockpiled from the pit. Mr. Higginbotham advised that when the Engineering Department issued the Stop Work Order, he received a call from one of his operators that the pit was

bigger than what was allowed on the permit. He explained that he had communicated with the Engineering Department and that the work continued due to safety reasons for the slopes not being pulled; the 5,000 dump truck load of stockpiled dirt; continued employment of his ten (10) employees through the Coronavirus Disease 2019 (COVID-19) shut down; and, the agreement to haul the stockpile dirt to the National Cemetery. He advised that the following day after the Stop Work Order was issued, he hired Gillette and Associates, Inc., who proceeded to have the pond measured by a surveyor; and, addressed the required permits from SJWMD and Nassau County. Mr. Higginbotham explained that it took three (3) months to get the approval for the permit from SJWMD prior to Nassau County. He advised that the property is now in compliance and that the pond has been finished; however, he is still hauling out the stockpiled dirt.

Mr. Mullin advised that he had a brief conversation today with Robert Companion, County Engineer, who described the same scenario as Mr. Higginbotham. Board Member Gladden pointed out that the submitted documentation within the packet provided the correspondence from Gillette and Associates, Inc. dated July 6, 2020. It is her observation that the resolution for the proper permits for the property got caught up in the COVID-19 shutdown.

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

Following discussion, it was moved by Board Member Estep that based on competent and substantial evidence and testimony received in the record that G&H Land & Timber Investments, LLC. are not in violation of Ordinance 2012-10, Section 38.03, standards for ponds; and, Section 38.04, standards for borrow pit also known as Ordinance 97-19, Article 38 of the LDC. The motion was seconded by Board Member Gladden and the vote carried unanimously.



Chair Connery advised that there would not be a second motion based on the previous motion of being in compliance.

Under old business, the Board considered Case 20-4651, Virginia J. Wells Estate for violation of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health. The property is located at 551090 U.S. Highway 1 in Hilliard, Florida.

Officer Bostick presented the case against the property at 551090 U.S. Highway 1 in Hilliard, Florida for violations of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health. He stated that the property owner was cited on October 14, 2019; and the notice of violation and public hearing were posted on the property. He noted that the property is zoned Commercial General (CG). Officer Bostick explained that this case was continued from the February 11, 2020 meeting after the testimony received from Matthew Clark, grandson, who indicated that he would get in contact with the uncle who was in charge of the estate regarding cleanup and if the property could be transferred into his care. He stated that there has not been any further communication. Staff is requesting administrative fees in the amount of \$507.95. Officer Bostick provided a PowerPoint presentation with pictures of trash, liter and debris. He noted that based upon his inspection today, there has not been any changes and trash, liter and debris still remains.

Chair Connery advised that there was no one here in the audience to speak on this matter and moved to close for public hearing.

Following discussion, it was moved by Board Member Estep that based on competent and substantial evidence and testimony received in the record that Virginia J. Wells Estate is in violation of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health. The motion was seconded by Board Member Vitale and the vote carried unanimously.

It was moved by Board Member Estep that administrative fees in the amount of \$507.95 be assessed to cover the administrative cost incurred in prosecuting this case and shall be paid on or before 30 days.

Chair Connery provided the corrected language in regards to the second motion for the record.

It was moved by Board Member Estep that the respondent shall correct the violation on or before 60 days and that in the event that the property is not in compliance prior to that date a fine in the amount of \$50.00 per day shall commence and accrue until such time as the property comes into compliance. Administrative fees in the amount of \$507.95 be assessed to cover the administrative cost incurred in prosecuting this case and shall be paid on or before September 8, 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.

Next, the Board considered Case 20-5010, Linda L. Cobb Estate for violation of Ordinance 2015-10, Section 6.01(3)(4) and (8), general nuisances affecting public health. The property is located at 27245 Kara Circle in Hilliard, Florida.

Officer Bostick presented the case against the property at 27245 Kara Circle in Hilliard, Florida for violation of Ordinance 2015-10, Section 6.01(3)(4) and (8), general nuisances affecting public health. He stated that the property owner was cited on February 7, 2020; and the notice of violation and public hearing were posted on the property. He noted that the property is zoned Residential Mix (RM). Staff is requesting administrative fees in the amount of \$346.19.

Officer Bostick advised that there was a camper on the property that has been removed and provided a PowerPoint presentation with pictures of trash, liter and debris.

Officer Bostick responded to an inquiry from the Board stating that it is his understand that property owner had passed away. The estate was left to her husband who has since passed away and there is no one to further communicate with regarding this violation. He advised that the property taxes have been past due since 2017.

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

Following discussion, it was moved by Board Member Gladden that based on competent and substantial evidence and testimony received in the record that Linda L. Cobb Estate is in violation of Ordinance 2015-10, Section 6.01(3)(4) and (8), general nuisances affecting public health. The motion was seconded by Board Member Bell and the vote carried unanimously.

It was moved by Board Member Gladden that the respondent shall correct the violation on or before September 8, 2020 and that in the event that the property is not in compliance prior to that date a fine in the amount of \$50.00 per day shall commence and accrue until such time as the property comes into compliance. Administrative fees in the amount of \$393.31 be assessed to cover the administrative cost incurred in prosecuting this case and shall be paid on or before September 8, 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.

Next, the Board considered Case 20-4932, Charles Royse, Jr., and Lyzander Royse for violation of Ordinance 2015-10, Section 6.01(3)(7) and (8), general nuisances affecting public health. The property is located at 54249 Pelican Road in Callahan, Florida.

Officer Bostick presented the case against the property at 54249 Pelican Road in Callahan, Florida for violation of Ordinance 2015-10, Section 6.01(3)(7) and (8), general nuisances affecting public health. He stated that the property owner was cited on February 10, 2020; and the notice of violation and public hearing were mailed certified and accepted. He noted that the property is zoned Open Rural (OR). Staff is requesting administrative fees in the amount of \$359.29. Officer Bostick provided a PowerPoint presentation with picture of a trailer. He advised that the property owner got a demolition permit for six (6) months and indicated that the demolition permit had expired. He provided additional photos from the re-inspection of trash, liter and debris including scrape metal and a large dumpster.

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

Following discussion, it was moved by Board Member Estep that based on competent and substantial evidence and testimony received in the record that Charles Royse, Jr., and Lyzander Royse are in violation of Ordinance 2015-10, Section 6.01(3)(7) and (8), general nuisances affecting public health. The motion was seconded by Board Member Gladden and the vote carried unanimously.

It was moved by Board Member Estep that the respondent shall correct the violation on or before September 8, 2020 and that in the event that the property is not in compliance prior to that date a fine in the amount of \$50.00 per day shall commence and accrue until such time as the property comes into compliance. Administrative fees in the amount of \$359.29 be assessed to cover the administrative cost incurred in prosecuting this case and shall be paid on or before

September 8, 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 Petree and the vote carried unanimously.

Chair Connery advised that the next board meeting would be held on September 8, 2020 at 6:30 p.m.

There being no further business, the regular meeting of Code Enforcement Board adjourned at 9:59 p.m.

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Christine Connery, Chairman

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Attest