

February 9, 2021

The Nassau County Code Enforcement Board met in regular session this 9th day of February, 2021 at 6:30 p.m. at the Commission Chambers, James S. Page Governmental Complex, Yulee, Florida. The Code Enforcement Secretary called the roll. Board Members present in the Chambers were Christine Connery, Stephanie Estep, Cathy Gladden, Jonathan Petree, Mimi Vitale and Chair Sarah Bell. Absent Board Member was Joan Knutson. Also present was Michael Mullin, County Attorney. Representing Code Enforcement were Michael Favors, Robert Bostick and Michael Westerman, Enforcement Officers; Jesica White, Administrative Specialist and Janet Wylie, Secretary. Also present were Brenda Linville and Melissa Lucey, Deputy Clerks.

Chair Bell called the meeting to order at 6:30 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.

It was moved by Board Member Connery, seconded by Board Member Gladden and unanimously carried to approve the minutes from the January 12, 2021 regular meeting as presented.

Mr. Mullin read the quasi-judicial procedures applicable to Case 21-5523, John L. Edenfield, Jr.; Case 21-5440, James O. Wingate Estate; and Case 21-5819, Sandra M. Perkins. He explained the potential fines and liens associated with Code Enforcement violations.

Under new business, the Board considered Case 21-5523, John L. Edenfield, Jr., for violation of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health. The property is located at 85531 Wilson Neck Road in Yulee, Florida.

Officer Favors was sworn in to testify and the floor was opened for public hearing.

Officer Favors requested to place into the record the electronic and physical PowerPoint presentation case file with staff findings and photographs for Case 21-5523, 13 pages. It was moved by Board Member Connery, seconded by Board Member Petree and unanimously carried to accept the case file PowerPoint presentation into the record as identified by Officer Favors.

Officer Favors presented the case against John L. Edenfield, Jr., Case 21-5523 for violation of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health. He advised that the notice of violation was issued July 28, 2020 with a timeframe of thirty days to correct; and the notice of violation and the notice of public hearing were posted on the property and mailed first class. The property is zoned Open Rural (OR). He provided a PowerPoint presentation with pictures of the posting of notification of the violation, and trash, litter, and debris around the mobile home. Officer Favors advised that the property was re-inspected on December 17, 2020 and was still in violation; therefore, the notice of public hearing for February 9, 2021 was posted on the property and mailed first class. The PowerPoint presentation provided pictures of the posting of notice of public hearing; and trash, liter and debris that still existed. Officer Favors stated that the property was brought into compliance on February 5, 2021. Staff is requesting for the Board to make the motion that the property was in violation but is now in compliance and to impose the total administrative fees of \$342.74.

Officer Favors responded to an inquiry and reiterated that the property was brought into compliance on February 5, 2021. He explained that this property is being heard tonight due to still being in violation at the time that the agenda was published.

John Edenfield came forward and was sworn in to provide testimony. He disclosed that he is the owner of the property; however, he has a tenant that resides on the property. He explained that with the tenant's work schedule and the recent rain has made it difficult to bring the property into compliance. He explained that the litter, trash and debris throughout the yard was due to involvement of the tenant in a scraping business. He provided a brief summary of the tenant's personal hardships and requested for the Board to take these into consideration when rendering the decision on the administration fees.

Mr. Edenfield responded to an inquiry from the board and indicated that he was not aware that the property had been cited for the violation on July 28, 2020. Officer Favors clarified that the property owner is not taking into consideration of the first posting of violation on the property as well as the first contact of communication by telephone took place on February 8, 2021. Ms. Wylie explained that the notice of violation was mailed certified return receipt on July 31, 2020; however, it was returned to Code Enforcement as unaccepted. The property was posted with the notice of violation on October 14, 2020 and mailed first class. She reiterated that the Board notice was posted on the property on January 11, 2021 and mailed first class.

Chair Bell closed the public hearing.

After a brief discussion, it was moved by Board Member Estep that based on competent and substantial evidence and testimony received into the record that Case 21-5523, John L. Edenfield, was in violation of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health; however, the property is now in compliance. The administrative fees in the amount of \$342.74 shall be assessed to cover the administrative costs incurred in prosecuting this case and shall be paid on or before June 2021 and that pursuant to Florida Statutes 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 unanimously carried.

Next, the Board considered Case 21-5440, James O. Wingate Estate, for violation of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health; and Ordinance 2003-17, Section 3, unserviceable vehicle prohibited. The property is located at 85325 Winona Bayview Road in Yulee, Florida.

Officer Favors requested to place into the record the electronic and physical PowerPoint presentation case file with staff findings and photographs for Case 21-5440, 15 pages. It was moved by Board Member Gladden, seconded by Board Member Vitale and unanimously carried to accept the case file PowerPoint presentation into the record as identified by Officer Favors.

Chair Bell opened the public hearing.

Officer Favors presented the case against James O. Wingate Estate, Case 21-5440 for violation of Ordinance 2003-17, Section 3, unserviceable vehicle prohibited; and Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health. He advised that the notice of violation was issued August 20, 2020 with the allotted timeframe of thirty days to correct; the notice of violation was mailed certified return receipt and was accepted; and the notice of public hearing was posted on the property and mailed first class. The property is zoned Residential Mixed (RM). He provided a PowerPoint presentation with pictures of a burn pile; trash, litter and debris; and an unserviceable vehicle located on the property. He pointed out that during his re-inspection on December 17, 2020 that one of the vehicles may have been removed from the property but would need further clarification from the resident. He noted that there are still several unserviceable vehicles that remain on the property that

warrant the violation of Ordinance 2003-17, Section 3. Officer Favors advised that the notice of public hearing for February 9, 2021 was posted on the property and mailed first class. The PowerPoint presentation provided additional pictures from the re-inspection of the posting of notice of public hearing; unserviceable vehicles; tires; and trash, liter and debris. Officer Favors advised that upon his re-inspection on February 9, 2021, the property is still in violation for general nuisance affecting public health and unserviceable vehicles. Staff is requesting for the Board to find that the property is in violation and impose the total administrative fees of \$349.29.

Officer Favors responded to an inquiry and clarified that the administrative fees included the fees for the re-inspections. He explained Ordinance 2003-17, Section 3, allows for one unserviceable vehicle to remain on the property for a period up to six months; however, this regulation does not apply to multiple vehicles. He indicated that there are two additional vehicles on the property that he had deemed as being unserviceable based upon his personal observation which would only provide 30 days to bring the violation into compliance under the Ordinance.

Allan Horn, a resident of the subject property, came forward and was sworn in to provide testimony. He pointed out that the burn pile has been removed from the property when he first spoke to Officer Favors about the violation. He reported that the unregistered vehicles and motorcycle have also been removed from the property. He explained that during the process of cleaning up the property that he has also been a caregiver for his ailing father. Mr. Horn indicated that the property had been sold which requires for the property to be cleared out by February 15, 2021. He explained that he is working on cleaning out the property but the recent rain has been delaying the process. He advised that all other vehicles on the property are registered.

Mr. Horn responded to an inquiry from the Board and advised that the property is still in the process of being cleaned up. He reiterated that the property must be cleared by February 15, 2021. He explained that he resides on the property that belongs to his mother-in-law who is recently deceased. Officer Favors advised that he spoke with Mr. Horn briefly last year about the violations but, at that time it was unclear of his representation for the property. He advised that the property is still in violation of unserviceable vehicles based on his re-inspection that took place today. He explained that the property owner is identified from the property card of record from the Nassau County Property Appraiser's website. He advised that Mr. Horn had elected himself to come before this Board as a representative for the James O. Wingate Estate. Ms. Wylie indicated that there has not been any probate filed on the property. Mr. Horn explained that his relationship to the James O. Wingate Estate is through his daughter; however, Mr. Wingate is deceased. He advised that the property is being sold by his brother-in-law and he is currently in the process of moving off the property. He claimed responsibility for the violations on the property. Chair Connery inquired who would be responsible for the lien, if imposed, for the violation. Mr. Mullin advised that the lien would be attached to the real property and recorded in the Official Records of Nassau County. Mr. Horn reiterated that the property will be cleared out within ten days.

Chair Bell closed the public hearing.

It was moved by Board Member Petree that based on competent and substantial evidence and testimony received into the record that Case 21-5440, James O. Wingate Estate, is in violation of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health; and was in violation of Ordinance 2003-17, Section 3, unserviceable vehicle prohibited. The motion was seconded by Board Member Connery and after a brief discussion the vote carried unanimously.

It was moved by Board Member Petree that it is hereby ordered that the respondent shall correct the violation on or before March 9, 2021. In the event the property is not in compliance prior to that date, fines in the amounts of \$50.00 per day shall commence and accrue until such time as the property comes into compliance. The administrative fees in the amount of \$349.29 shall be assessed to cover the administrative costs incurred in prosecuting this case and shall be paid on or before March 9, 2021 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 unanimously carried.

Next, the Board considered Case 21-5819, Sandra M. Perkins, for violation of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health. The property is located at 36624 Patsy Lane in Callahan, Florida.

Officer Bostick was sworn in to testify and requested to place into the record the electronic and physical PowerPoint presentation case file with staff findings and photographs for Case 21-5819, 12 pages. It was moved by Board Member Connery, seconded by Board Member Gladden and unanimously carried to accept the case file PowerPoint presentation into the record as identified by Officer Bostick.

Chair Bell opened the public hearing.

Officer Bostick presented the case against Sandra M. Perkins, Case 21-5819 for violation of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health. He advised that the notice of violation was issued on October 22, 2020 with a timeframe of fifteen days to correct; and the notice of violation and the notice of public hearing were posted on the property and mailed first class. The property is zoned Open Rural (OR). He provided a PowerPoint presentation with pictures of the posting of notification of the

violation on the property dated October 29, 2020; and trash, litter and debris dated October 22, 2020. Officer Bostick advised that the property was re-inspected on November 24, 2020 and that the violation still existed. He explained that there has not been any communication with the property owner. The notice of public hearing for February 9, 2021 was posted on the property and mailed first class. The PowerPoint presentation reflected the posting of notice of public hearing on the property dated November 30, 2020; and trash, litter and debris from the re-inspection on November 24, 2020 and February 9, 2021. Officer Bostick advised that the property is in violation for general nuisances affecting public health and staff is requesting for the Board to find that the property is in violation. Staff is requesting to impose the total administrative fees of \$335.19.

Officer Bostick responded to an inquiry from the Board advising that the photographs on November 24, 2020 were taken from Patsy Lane and the neighboring property which allowed him access onto their property to take additional photos; however, the photographs that were taken on February 9, 2021 do not reflect all of the debris due to being blocked by a camper. He indicated that the existing debris included the remaining wood from a pole barn that was taking down and left on the property. He pointed out additional debris of household items also included bedding and a dryer.

William "Billy" Moses, adjacent neighbor of the subject property, came forward and was sworn in to testify. He explained that he has been a resident of Patsy Lane for three years and that the violations that the property is being cited for have been a continual issue with trash, litter and debris. He advised that the current owner, Sandra Perkins, does not reside on the property and that it appeared that there is no power or electric to the property; however, there is continuous amount of people that come and go from the property. Mr. Moses indicated that Nassau County Sheriff's Drug Task Force has the property on surveillance. He stated that the camper was recently placed onto the property within the last couple of days, noting that



behind the camper there were mattresses and refrigerators that cannot be seen from Patsy Lane. He expressed that he is hopeful that the Board would come to the decision to impose strict fines and liens onto the property to help clean up the neighborhood.

Chair Bell closed the public hearing.

It was moved by Board Member Connery that based on competent and substantial evidence and testimony received into the record that Case 21-5819, Sandra M. Perkins is in violation of Ordinance 2015-10, Section 6.01(3), general nuisances affecting public health. The motion was seconded by Board Member Estep and the vote carried unanimously.

It was moved by Board Member Connery that it is hereby ordered that the respondent shall correct the violation on or before March 9, 2021. In the event the property is not in compliance prior to that date, fines in the amounts of \$1,000.00 per day shall commence and accrue until such time as the property comes into compliance. The administrative fees in the amount of \$335.19 shall be assessed to cover the administrative costs incurred in prosecuting this case and shall be paid on or before March 9, 2021 and that pursuant to Florida Statutes 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 Gladden and the vote unanimously carried.

Board Member Connery referred to the Memorandum regarding the Northeast Association of Code Enforcement (N.E.A.C.E) training on preparing cases for Special Magistrate and best practices on appeal process and inquired if this is why the Board is seeing a new format in staff's presentation. Ms. Wylie explained that the N.E.A.C.E. training was in correlation of the point of view from staff. She advised that the new PowerPoint presentation is in response to a "Zoom" class related to presenting cases electronically. Board Member

Gladden recommended that a summary timeline be provided in Novus Agenda as an attachment.

Chair Bell noted that the Administrative fees collected as of January 31, 2021 were \$1,202.20 and Satisfaction of Liens or Fines collected as of January 31, 2021 is \$0.00. She advised that the next board meeting would be held on March 9, 2021 at 6:30 p.m.

In a response to an inquiry posed by the Board, Mr. Mullin provided a brief update regarding SEDA Construction Company filing a case against the ruling from the Code Enforcement Board. He advised that SEDA Construction Company had filed their appeal with no attachments to the record. The County has 20 days to respond to the appeal. Mr. Mullin advised that the basis of the appeal indicated that the Code Enforcement Board was not specific in their discussion for the record, exceeding authority and misconstrued the facts. He indicated that there are additional cases regarding SEDA and the other entities that are being dealt with separately from the appeal relating to the Code Enforcement Board action. The court had granted those motions and the County is waiting to refile for those cases.

There being no further business, the regular meeting of Code Enforcement Board adjourned at 8:00 p.m.

---

Sarah Bell, Chairman

---

Attest