

**Nassau County Code Enforcement Board**  
**May 10, 2022, 6:30 P.M.**  
**Commission Chambers, 96135 Nassau Place, Yulee, Florida**

Call to Order, Invocation, and Pledge of Allegiance to the American Flag

**Board Members:**

**Present:** Chair Stephanie Estep, Sarah Bell, Cathy Gladden, Christine Connery, Jonathan Petree, and Joan Knutson.

**Absent:** Board Member Mimi Vitale

**Other Officials Present:** Denise May, County Attorney.

**Staff Present:** Jesica White, Code Enforcement Administrative Specialist; and Heather Nazworth, Deputy Clerk.

**Official Agenda Summary:**

**Audience Input:**

**220510CE - 6:37:15** Ms. May reviewed the procedures for attending the meeting in person and remotely.

**APPROVAL OF MINUTES:**

**220510CE - 6:38:16** Approve the minutes from the March 8, 2022, regular meeting.

**Motion:** Approve minutes from the March 8, 2022 meeting as presented.

**Maker:** Board Member Connery

**Second:** Board Member Petree

**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell

**Absent:** Board Member Vitale

**QUASI-JUDICIAL PUBLIC HEARING(S) :**

**220510CE - 6:38:59** Ms. May read the Quasi-Judicial procedures applicable for Cases 22-6736, 22-6786, 04/06-445, 00-0303, 22-7075, and 22-6917.

**Board Member Ex-parte Disclosure:**

Board Member Connery disclosed that she had conversations with the neighbor of the property owner related to Case 22-6917. All other Board Members disclosed they had no ex-parte communications for Cases 22-6736, 22-6786, 04/06-445, 00-0303, 22-7075, and 22-6917.

**220510CE - 6:46:56** Documents submitted into the record: PowerPoint presentation for May 10, 2022, - 67 slides; Case 22-6736: minutes from the regular meeting of February 8, 2022 - 8 pages; Case 22-6786: minutes from the regular meeting of February 8, 2022 - 8 pages, and case history - 2 pages; Case 04/06-445: case history - 10 pages, minutes from the regular meeting of September 12, 2006 - 2 pages, and reduction of Code Enforcement Lien Application - 16 pages; Case 00-0303: minutes from the regular meeting of June 11, 2002 - 3 pages, case history - 6 pages, and Ordinance 2019-010 - 4 pages; Case 22-7075: case history - 7 pages, Notice of Commencement and Impact/Mobility Fee Exemption - 2 pages, electrical permit application - 4 pages, plumbing permit application - 4 pages, minutes from the regular meeting of October 12, 2021 - 7 pages, and Building Department case history - 4 pages; and Case 22-6917: case history - 2 pages.

**Motion:** Accept documents into the record as identified above for Cases 22-6736, 22-6786, 04/06-445, 00-0303, 22-7075, and 22-6917.

**Maker:** Board Member Connery

**Second:** Board Member Bell

**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell

**Absent:** Board Member Vitale

**Motion:** Open the floor for public discussion for Cases 22-6736, 22-6786, 04/06-445, 00-0303, 22-7075, and 22-6917.

**Maker:** Board Member Connery

**Second:** Board Member Petree

**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell

**Absent:** Board Member Vitale

The Deputy Clerk swore in Shawn O'Reilly, Code Enforcement Officer; Raymond Lettsome, Code Enforcement Manager; and Keith Ellis, Building Official, to provide testimony.

## **OLD BUSINESS**

**220510CE - 6:50:55** Case 22-6736, Donald R. Sheffield, Sr. The property is located at 16874 Oak Hill Road in Hilliard, Florida.

**Discussion:** Mr. Lettsome came forward to provide a PowerPoint presentation. He advised that the property owner violated Ordinance 2015-10, Section 6.01(3) and (8), General Nuisances Affecting Public Health. He referenced photographs depicting the violations on October 5, 2021. The Notice of Violation was issued on October 5, 2021, with the timeframe of thirty days to correct the violation and certified mailed, return receipt. Mr. Lettsome provided photographs depicting that the property was brought into compliance on April 29, 2022. He reported that the property owner received assistance from a local non-profit organization, noting that this was a successful Code Enforcement Board case.

**220510CE - 7:08:10** Chair Estep noted that the public discussion was not closed for Case 22-6736, Donald R. Sheffield, Sr., and requested a motion.

**Motion:** Close the floor to public discussion.  
**Maker:** Board Member Connery  
**Second:** Board Member Bell  
**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell  
**Absent:** Board Member Vitale

**220510CE - 6:54:21** Case No. 22-6786, Linda J. and Larry J. Brazell Revocable Living Trust. The property is located at 729 Bonnieview Road in Fernandina Beach, Florida.

**Discussion:** Mr. Lettsome provided a PowerPoint presentation regarding the property located at 729 Bonnieview Road in Fernandina Beach, Florida. He explained that the property owners violated Ordinance 2003-17, Section 3, unserviceable vehicles prohibited; and Ordinance 97-19, Article 9, Section 9.01, permitted uses and structures. The Notice of Violation was issued on October 28, 2021, with a time frame of twenty days to correct and certified mailed, return receipt; however, it was returned unclaimed. He advised that the Notice of Violation was posted on the property and sent first class mail on November 19, 2021. Mr. Lettsome stated that the violation continued to exist when the property was re-inspected on December 10, 2021. The notice of public hearing

was posted and first-class mailed on January 3, 2022. He referenced additional photographs from January 3, 2022, depicting the prohibited unserviceable vehicles and unpermitted uses in a residential zone. He advised that the administrative fees are \$376.23 and reviewed photographs depicting the property in compliance on April 26, 2022. Staff recommends a motion that the property violated Ordinance 2003-17, Section 3, Unserviceable Vehicles Prohibited; and Ordinance 97-19, Article 9, Section 9.01, Permitted Uses and Structures. Mr. Lettsome reported that this case went before the Code Enforcement Board on February 8, 2022, and the Board reserved the right to assess a fine. The property came into compliance on May 1, 2022. Staff recommends imposing a fine with a beginning date and continuing until the violations are brought into compliance, including assessing administrative fees of \$376.23 to be paid by a certain date. Ms. May reiterated that at the February 8, 2022 meeting, the Board motioned that the respondent shall correct the violation(s) on or before May 10, 2022; and in the event that the property is not in compliance prior to that hearing date, the respondent shall reach out to the Code Enforcement Office to reschedule a hearing; and that administrative fees be assessed to cover the administrative costs incurred in the amount of \$376.23. She advised that the Code Enforcement Board reserved the right to assess additional administrative fees if the property does not comply.

Public input: Stacy and Jimmy Hester came forward and were sworn in to provide testimony. They advised that the property was brought into compliance before May 10, 2022. They stated that eviction proceedings with the former tenants took several months, and they were unable to assess the property; however, the property is now clear from the trailer and the fence.

**Motion:** Close the floor to public discussion.  
**Maker:** Board Member Bell  
**Second:** Board Member Gladden  
**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell  
**Absent:** Board Member Vitale

**Discussion:** Board Member Gladden recalled a legal issue. The Code Enforcement Board had reserved the right to impose administrative fines if the property owners did not react after the court ruling. Her opinion is that this case has been resolved, and fines are not necessary.

**Motion:** Based upon competent, substantial evidence and testimony received in the record, Case 22-6786, Linda J. and Larry J. Brazell Revocable Living Trust was in violation of Ordinance 2003-17, Section 3, unserviceable vehicles prohibited; and Ordinance 97-19, Article 9, Section 9.01, permitted uses and structures.

**Maker:** Board Member Gladden

**Second:** Board Member Bell

**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell

**Absent:** Board Member Vitale

**220510CE - 7:09:02** Case 04/06-445, Mozella J. Brown Estate, C/O Rhonda Register. The property is located at 86018 Clyde Street in Yulee, Florida.

**Discussion:** Officer O'Reilly came forward to provide a PowerPoint Presentation. He stated that the property violated Ordinance 2003-17, Sections 2, 3, 6.01, and 6.03. He noted that the administrative fees were \$352.06 were to be paid by October 10, 2006, and came into compliance on February 22, 2022, leaving the outstanding fine and fees of \$841,852.06. The respondents, Heuland Simpson and Basil Parris requested a reduction on the Code Enforcement lien, and the Code Enforcement Board to recommend to the Board of County Commissioners to reduce the lien to only administrative costs of \$352.06. Staff recommends reducing the administrative fines to the number of days it took for compliance once the respondents obtained ownership on December 14, 2021, and fines and fees to be reduced to \$10,852.06.

**Public Input:** Heuland Simpson, David Lewis, and Theresa Prince, an attorney with Tomassetti and Prince, came forward and were sworn in to provide testimony. Mr. Simpson advised that he bought the property through a tax deed sale. He further explained that he was given a Notice of Lien for the property on January 26, 2022, and contacted Ms. Prince for assistance. He noted that a demolition permit was issued on February 11, 2022, and the property came into compliance on February 18, 2022. Mr. Lewis reported that he started hauling trash, litter, and debris off the property on February 3, 2022. He noted that Florida Power and Light (FPL) arrived at the property the following week to remove the light wire before receiving the demolition permit. He advised that 450

cubic yards of trash, litter, and debris were removed from the property. Ms. Prince provided a PowerPoint presentation. She briefly overviewed the criteria that the Code Enforcement Board would consider to reduce the lien listed in the County's application. She reviewed the timeline between the new owner receiving the notice regarding the active lien on January 26, 2022, and the timeline to when the property came into compliance on February 18, 2022. She pointed out the additional actions needed, such as paying off any landfill assessments not satisfied by new owners' surplus proceeds from the tax deed sale. Once all liens are satisfied, she will proceed with a suit to quiet title to clear title. Ms. Prince requested that the Board consider granting a full reduction to only the administrative fees. A brief discussion ensued regarding other property claims and landfill liens.

**Motion:** Close the floor to public discussion.

**Maker:** Board Member Gladden

**Second:** Board Member Petree

**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell

**Absent:** Board Member Vitale

**Motion:** Approve the recommendation to the Board of County Commissioners to eliminate the total lien amount on the property to \$10,852.06; however, the administrative fees in the amount of \$352.06 be assessed to cover the administrative cost incurred in prosecuting this case.

**Maker:** Board Member Connery

**Second:** Board Member Gladden

**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell

**Absent:** Board Member Vitale

**220510CE - 7:36:16** Case 00-0303, Michael J. Benjamin and Daisy Nelson Estate. The property is located at 45842 Dixie Avenue in Callahan, Florida.

**Discussion:** Mr. Lettsome came forward to provide a PowerPoint Presentation. He stated that the property violated Ordinance 2003-17, Section 6.01, General Nuisances Affecting Public Health; Ordinance 2003-17, Section 6.03, Discard place trash, litter, and debris; and Ordinance 2000-26, Section 1.06, Maintenance of a Structure. He noted that the administrative fees were \$205.64 to be paid by July 9, 2002. The property

was annexed to the Town of Callahan on November 18, 2019, leaving the outstanding administrative fees at \$317,205.64. Michael Benjamin is requesting a reduction of penalty for the property Quit claimed on August 29, 2017, and for the Code Enforcement Board to recommend to the Board of County Commissioners to reduce the lien to \$100.00. Staff recommends reducing the fine to the number of days until the property was annexed to the Town of Callahan on November 18, 2019, for a total amount of \$40,705.64.

**Motion:** Close the floor to public discussion.  
**Maker:** Board Member Gladden  
**Second:** Board Member Bell  
**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell  
**Absent:** Board Member Vitale

**Discussion:** Ms. May responded to the Board's inquiry, noting that annexing property does not extinguish a Code Enforcement lien. She clarified that the lien remains with the property; however, the Code Enforcement Department stopped assessing the fine on the date the property was annexed. After a brief discussion regarding the change of ownership, it was brought to the attention that the property had been Quit claimed to an heir of the property before being annexed to the Town of Callahan. Ms. May pointed out that no testimony or documents were attached to the record relating to the Quit Claim Deed. She advised that the Board could consider continuing this item to the June 14, 2022 meeting. Chair Estep noted that the applicant requesting the reduction was not in attendance at the meeting.

**Motion:** Continue to June 14, 2022, at 6:30 p.m., or soon thereafter as the matter may be heard, Case 00-0303, Michael J. Benjamin and Daisy Nelson Estate.  
**Maker:** Board Member Gladden  
**Second:** Board Member Connery  
**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell  
**Absent:** Board Member Vitale

#### **NEW BUSINESS**

**220510CE - 7:45:02** Case No. 22-7075, Lovie McVeigh. The property is located at 1630 Ian Drive in Fernandina Beach, Florida.

**Discussion:** Mr. Lettsome came forward to provide a PowerPoint Presentation. He stated that the property is in violation of 2020 Florida Building Code, 7<sup>th</sup> Edition, Section 111.1, living in a dwelling without a Certificate of Occupancy. He noted that the initial visit was on February 7, 2022. The Notice of Violation was issued on February 14, 2022, with thirty days to correct and certified mailed, return receipt. Mr. Lettsome advised that the property was re-inspected on April 4, 2022, and was still in violation. The notice of public hearing was mailed first class on April 11, 2022. He noted that Lovie McVeigh came before the Code Enforcement Board on October 12, 2021, and played a video of Ms. McVeigh giving her name and physical address at 1630 Ian Drive in Fernandina Beach Florida. The video also provided a portion of Ms. McVeigh's testimony. Ms. May clarified that the only relative evidence in the video was referring to Ms. McVeigh's name and address stated for the record. Mr. Lettsome read verbatim the affidavit that was filed by Florida Department of Health Environmental Administrator Michael Godwin on May 10, 2022, which indicated that the Onsite Sewage Treatment and Disposal System (OSTDS) permit was not approved, and the construction inspection was disapproved on November 12, 2021, along with no reinspection has been completed. Ms. McVeigh will be given final approval by the Florida Department of Health once all violations resulting from the construction inspection have been corrected and payment of reinspection fee. Mr. Lettsome advised that the administrative fees are \$376.29. Staff recommends imposing a fine with a beginning date and continuing until the violations are brought into compliance, including assessing administrative fees of \$376.29 to be paid by a certain date.

Mr. Ellis came forward to advise that he has been working with Ms. McVeigh for a little over three years on this project. He communicated that he received a complaint from a neighbor on October 25, 2021, indicating that Ms. McVeigh is residing on the property. He advised that he sent an email informing her that she could not reside in the building under the 2020 Florida Building Code, 7<sup>th</sup> Edition, Section 111.1, living in a dwelling without a Certificate of Occupancy. Mr. Ellis received a returned call from Ms. McVeigh indicating that she is not living in the structure but has been working on the property. He specified that the Building Department had received seven additional permits for other properties listed and Ms. McVeigh's physical address. He reported that her building permit had expired, and she would need to pay to reinstate the building permit fee of \$25.00. In addition, a



reinspection was required for the timber framing underneath the structure, electrical wires, and plumbing for any safety hazards. Mr. Ellis also indicated that a guardrail would need to be installed before the building could be finalized.

**Motion:** Close the floor to public discussion.  
**Maker:** Board Member Bell  
**Second:** Board Member Gladden  
**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell  
**Absent:** Board Member Vitale

**Motion:** Based upon competent, substantial evidence and testimony received in the record, Case 22-7075, Lovie McVeigh is in violation of 2020 Florida Building Code, 7<sup>th</sup> Edition, Section 111.1, living in a dwelling without Certificate of Occupancy.  
**Maker:** Board Member Connery  
**Second:** Board Member Petree

**Motion:** It is hereby ordered that the Respondent shall correct the violation(s) on or before June 14, 2022; that in the event that the property is not in compliance prior to that date, a fine in the amount of \$1,000.00 per day shall commence and accrue until such time as the property does come into compliance; that administrative fees in the amount of \$367.29 be assessed to cover the administrative costs incurred in prosecuting this case which amount shall be paid on or before June 14, 2022; that pursuant to *Florida Statute* 162.08-09, this order be recorded in the Official Records of Nassau County, Florida and shall constitute a lien against the Respondent(s) in the amount equal to any and all fees and fines hereby imposed.  
**Maker:** Board Member Connery  
**Second:** Board Member Bell  
**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell  
**Absent:** Board Member Vitale

**220510CE - 8:04:28** Case No. 22-6917, Glenn A. Potter. The property is located at 553 Pine Road in Fernandina Beach, Florida.

**Discussion:** Mr. Lettsome came forward to provide a PowerPoint Presentation. He stated that the property violates Ordinance

97-19, Section 28.06, Parking, storage, or use of major recreation equipment; and Ordinance 2015-10, Section 6.01(3) and (7), General Nuisance Affecting Public Health. He noted that the Notice of Violation was issued on December 15, 2021, with a time frame of thirty days to correct, posted on the property, and mailed first class. Mr. Lettsome presented photographs from December 15, 2021, depicting the violations. He advised that the property was re-inspected on February 15, 2022, and was still in violation. The notice of public hearing for April 12, 2022, was posted on the property, mailed first class, and certified mailed, return receipt. Mr. Lettsome provided additional photos from March 21, 2022, depicting the existing violations. He advised that the administrative fees are \$393.82. Staff recommends imposing a fine with a beginning date and continuing until the violations are brought into compliance, including assessing administrative fees of \$393.82 to be paid by a certain date.

Glenn and Daryl Potter came forward and were sworn in to provide testimony. Glenn Potter explained that the current tenants are not paying their rent and causing destruction to the property. He has not been able to get the tenants to comply with correcting the violations. He is attempting to have the tenants evicted through the court system. Daryl Potter testified that the former tenants took advantage of his brother Glenn Potter. He briefly summarized how the RV was removed from the property. He requested that the Board consider extending the fines until the tenants are evicted from the property.

Public input: Bill Bright, a neighbor to the property, came forward and was sworn in to provide testimony. He advised that some mitigating factors that were not presented during this hearing need to be considered. He addressed his concerns that the tenants are working on motorcycles day and night, eviction timeframe, and being a nuisance. He noted that the property has had multiple police visits and several arrests.

**Discussion:** Board Member Connery brought attention to the email provided to the Board Members received from Larry and Candy Smith dated May 10, 2022. Ms. May advised that their comments were provided to the Board Members but would not be considered as sworn testimony for the record.

**Motion:** Close the floor to public discussion.  
**Maker:** Board Member Bell  
**Second:** Board Member Petree

**Action:** Aye: Board Members Estep, Gladden, Connery, Petree, Knutson, and Bell  
**Absent:** Board Member Vitale

**Discussion:** Chair Estep expressed that the Board can only address the violations on the property. Board Member Gladden expressed her concerns about the timeframe that the violations existed and evicting the current tenants through legal actions. Board Member Connery reiterated that she claimed ex-parte disclosures in this case. Ms. May reminded the Board that the requirements to follow are under *Florida Statute 162*, noting there are abilities to fine repeat violations.

**Motion:** Based upon competent, substantial evidence and testimony received in the record, Case 22-6917, Glenn A. Potter is in violation of Ordinance 2015-10, Section 6.01(3) and (7), general nuisance affecting public health; and Ordinance 97-19, Section 28.06, parking, storage, or use of major recreational equipment. It is hereby ordered that the Respondent shall correct the violation(s) on or before June 14, 2022; that in the event that the property is not in compliance prior to that date, a fine in the amount of \$500.00 per day shall commence and accrue until such time as the property does come into compliance; that administrative fees in the amount of \$393.82 be assessed to cover the administrative costs incurred in prosecuting this case which amount shall be paid on or before June 14, 2022; that pursuant to *Florida Statute 162.08-09*, this order be recorded in the Official Records of Nassau County, Florida and shall constitute a lien against the Respondent(s) in the amount equal to any and all fees and fines hereby imposed.

**Maker:** Board Member Bell  
**Second:** Board Member Gladden  
**Action:** Aye: Board Members Estep, Gladden, Petree, Knutson, and Bell  
**Abstain:** Board Member Connery  
**Absent:** Board Member Vitale

220510CE - 8:40:32 Administrative Fees update on the satisfaction of liens or fines collected for the Fiscal Year 2021-2022.

**Discussion:** Ms. White stated that \$2,395.26 in administrative fees and \$2,150.00 in fines had been collected as of May 1, 2022.

**220510CE - 8:40:59 INFORMATIONAL ITEM(S)** The next Code Enforcement meeting will be held on June 14, 2022.

There being no further business, the regular session of the Nassau County Code Enforcement Board adjourned at 8:41 p.m.

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Stephanie Estep, Chair

\_\_\_\_\_  
Attest