

Nassau County Board of County Commissioners
Joint Session, January 23, 2017, 5:00 p.m.
Regular Session, January 23, 2017, 6:00 p.m.
Commission Chambers, 96135 Nassau Place, Yulee, Florida

Commissioners:

Present: Commissioners Pat Edwards, George V. Spicer, and Justin Taylor.

Absent: Chairman Daniel B. Leeper and Commissioner Steve W. Kelley.

Conditional Use & Variance Board Members:

Present: Chairman Nick Gillette and Board Members Kathleen Zetterower, Sidney "Shep" Brock, John C. VanDelinder, and Clay Hartley.

Absent: Board Member Orlando Avila

Other Officials Present: Michael S. Mullin, County Attorney; and Shanea Jones, Assistant County Manager.

Staff Present: Taco Pope, Planning and Economic Opportunity Director; and representing the Clerk's office Connie Arthur and Peggy Snyder, Deputy Clerks.

Official Agenda Summary:

Audience Input:

None.

ADDITIONAL MEETING:

JT170123 - 5:06:40 (Tab A) Joint Workshop with the Conditional Use & Variance Board to discuss cellular tower case law and the Telecommunications Act.

In the absence of the Chair and Vice Chair, Commissioner Edwards assumed the duties of Chair.

Commissioner Edwards explained that the purpose of the joint workshop with the Conditional Use and Variance Board was to discuss cellular tower case law and the Telecommunications Act.

Mr. Mullin explained that each board member has a copy of the items to be discussed at this meeting and the pending application, E16-011, filed by NexTower to be heard by the Conditional Use & Variance Board on February 23, 2017. The application is for a cellular tower placement in the unincorporated area of Amelia Island; specifically at the Golf Course at Summer Beach. The distributed documents including a memorandum to both boards and staff from Mr. Mullin dated 1-5-17 regarding Cellphone Towers (4 Pages); a Summary (1 page); and a copy of Section 28.19 of the Nassau County, Florida Code of Ordinances - Siting Regulations for Wireless Communication Facilities (13 pages); Substantial Competent Evidence explanation; and, the Ex-Parte Communications handout.

The County Attorney explained that he and staff met with property owners at the American Beach Community Center in order to provide them with as much information as possible regarding the process, legal issues, and the role of both boards. The first hearing will be conducted by the Conditional Use and Variance Board. He stated that board members should not discuss their opinion on the matter prior to the hearing. He encouraged board members to keep an open mind. Mr. Mullin explained the process of having board members forward any emails they receive from the public regarding this issue to Mr. Pope who will insure that on the night of the hearing all emails will be introduced into the record. Should anyone receive phone calls he suggested board members jot down the name and what the conversation was about in general. He encouraged all board members to not make a site visit.

Mr. Mullin explained that in Florida Statutes Chapter 365.172 for telecommunication towers, there are several issues that local boards can review, mainly related to land uses. Mr. Pope has hired an expert who will be performing an analysis of the gap in coverage and alternate site locations. The County Attorney also explained Section 7.04 of the Federal Telecommunications Act of 1996 that zoning authorities can look at zoning considerations but cannot unreasonably discriminate among service providers. As in any quasi-judicial proceeding, the final decision of the board must be in writing. The courts have stated that in the written decision the basis for approval or denial does not have to be disclosed; however, the record must show to the court the reasons. Mr. Mullin also explained the appeal

process for the applicant in the event the application is denied.

Mr. Mullin requested that the boards familiarize themselves with Section 28.19 - Siting regulations for wireless communication facilities, as well as the handout for Ex-Parte Communications. Regarding competent substantial evidence, Mr. Mullin explained that it is defined as evidence that a reasonable mind would accept as adequate to support a conclusion. He explained that expert testimony is considered to be substantial competent evidence. Mr. Mullin then reviewed the weight given to citizen testimony versus expert testimony.

Mr. Pope explained the process and criterion for review of this application. The county's consultant is waiting for additional information that was requested before he publishes his report. As soon as the report is received, staff will review the report and prepare a staff report and submit it to the board. If the information from T-Mobile is not received by the first week in February, the meeting will be moved to March 23rd.

There being no further business, the joint session of the Nassau County Board of County Commissioners adjourned at 5:38 p.m.

REGULAR SESSION

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

Commissioners:

Present: Chairman Daniel B. Leeper, Commissioners Pat Edwards, George V. Spicer, and Justin Taylor.

Absent: Commissioner Steve W. Kelley.

Other Officials Present: Michael S. Mullin, County Attorney; and Shanea Jones, Assistant County Manager.

Staff Present: Justin Stankiewicz, Office of Management and Budget; Scott Herring, Public Works Director; Taco Pope, Planning and Economic Opportunity Director; and

representing the Clerk's office Connie Arthur and Brenda Linville, Deputy Clerks.

Official Agenda Summary:

Audience Input:

None.

RESOLUTION(S) :

RS170123 - 6:11:57 (Tab B) Approve a Resolution of the Board of County Commissioners of Nassau County, Florida, proclaiming the 31st of January, 2017 as "American Beach Day."

Discussion: Joyce Jefferson, American Beach Property Owners Association President, came forward to accept the Resolution.

Motion: Approve Tab B as stated above and authorize the Board to sign Resolution 2017-07 regarding same.

Maker: Commissioner Spicer

Second: Commissioner Taylor

Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor

Absent: Commissioner Kelley

Follow Up: County Manager, Clerk Staff

CONSENT ITEM(S) :

RS170123 - 6:16:03 (Tab C) Approve and authorize the Chairman to sign the following: (1) an Emergency Medical Services Program grant application to secure grant funds in the amount of \$9,937.00; and (2) a Resolution supporting the County grant application for funds to be used solely to improve and expand pre-hospital emergency medical care.

Motion: Approve Tab C as stated above.

Maker: Commissioner Spicer

Second: Commissioner Taylor

Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor

Absent: Commissioner Kelley

Follow Up: Finance, OMB, County Manager

REGISTER:

The Chairman signed the register for the following warrants: Warrant Nos. 233683 thru 233749 dated 1-18-17 for a register total of \$355,388.83; Warrant Nos. 233750 thru 233825 dated 1-20-17 for a register total of \$80,463.96; Wire Transfer No. 1704696 dated 12-28-17 for a register total of \$907.74; and, Wire Transfer Nos. 1704697 thru 1704699 dated 1-13-17 for a register total of \$49,344.32.

OLD BUSINESS:

RS170123 - 6:16:51 (Tab D) Continue discussion/appointment of a non-voting member to the Arts & Culture Nassau to represent the County.

Motion: Appoint Emily Baumgardner as the County's non-voting representative on Arts and Culture Nassau committee.

Maker: Commissioner Spicer

Second: Commissioner Taylor

Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor

Absent: Commissioner Kelley

Follow Up: County Manager

Noted: County Manager will distribute contact information once available.

NEW BUSINESS:

RS170123 - 6:17:49 (Tab E) Approve and authorize the Chairman to sign a Solid Waste Haulers Permit for Nassau Trash Pros, Inc.

Motion: Approve Tab E as stated above.

Maker: Commissioner Edwards

Second: Commissioner Spicer

Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor

Absent: Commissioner Kelley

Follow Up: Finance, OMB, Solid Waste, Public Works

RS170123 - 6:18:10 (Tab F) Approve and authorize the Chairman to sign the Grant Agreement with Florida Wildlife Commission, Contract No. CM2399 in the amount of \$70,650.00

for Derelict Vessel Removal; and authorize the Chairman to sign associated budget amendment and resolution.

Motion: Approve Tab F as stated above. (Resolution 2017-09)

Maker: Commissioner Edwards

Second: Commissioner Taylor

Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor

Absent: Commissioner Kelley

Follow Up: Finance, OMB, Facilities Maintenance, Contract Management

RS170123 - 6:18:48 (Tab G) Approve and authorize the Chairman to sign Amendment No. 2 to the Agreement with First Coast No More Homeless Pets, Contract No. CM2077- A2 for Spay/Neuter Services and Rabies Vaccinations. Funding source: 04005562-366100.

Motion: Approve Tab G as stated above.

Maker: Commissioner Spicer

Second: Commissioner Taylor

Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor

Absent: Commissioner Kelley

Follow Up: Finance, OMB, Animal Services, Contract Management

RS170123 - 6:19:08 (Tab H) Consider request to hire an additional Building Inspector II and a Document Scanner and authorize the Chairman to sign associated budget transfer.

Discussion: Michael Griffin, Building Official, came forward to review the request. Ms. Jones pointed out that the funding source for this request would be from the fees collected by the Building Department.

Motion: Approve Tab H as stated above.

Maker: Commissioner Edwards

Second: Commissioner Taylor

Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor

Absent: Commissioner Kelley

Follow Up: Finance, OMB, Human Resources, Building Department

RS170123 - 6:20:12 (Tab I) Consider request to add one (1) 1/2 ton pick-up truck to the 16/17 Fleet Replacement Program to be used by the new Maintenance Technician. (\$23,100.00) Funding source: 01075572-564001 FRP.

Motion: Approve Tab I as stated above.
Maker: Commissioner Spicer
Second: Commissioner Taylor
Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor
Absent: Commissioner Kelley
Follow Up: Finance, OMB, Facilities Maintenance

NON-QUASI-JUDICIAL PUBLIC HEARING(S) :

RS170123 - 6:21:31 (Tab J) Consider a Resolution of the Board of County Commissioners of Nassau County, Florida, vacating, abandoning, and discontinuing of any right or interest of said Nassau County, Florida, and the public in the plat known as Village of Crandall, recorded in Plat Book 39, Page 364, of the Public Records of Nassau County, Florida.

Mr. Mullin read the legislative procedures.

Motion: Open floor to public discussion.
Maker: Commissioner Edwards
Second: Commissioner Spicer
Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor
Absent: Commissioner Kelley

Discussion: Staci Rewis, attorney with Gunster, came forward to review the request. Mr. Herring commented that he is not aware of any objections to this abandonment.

No public input.

Motion: Close floor to public discussion.
Maker: Commissioner Spicer
Second: Commissioner Edwards
Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor
Absent: Commissioner Kelley

Motion: Approve Tab J as stated above and authorize the Chairman to sign Resolution 2017-10 regarding same.
Maker: Commissioner Edwards
Second: Commissioner Spicer
Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor
Absent: Commissioner Kelley
Follow Up: Public Works, Clerk Staff

RS170123 - 6:25:22 (Tab K) Second public hearing for consideration of an Ordinance amending Ordinance No. 2003-13, as amended, known as the Uniform Addressing and Street Naming Ordinance; Specifically Amending Section 2, Definitions; Section 3, Assignment of Street Address Numbers; and Section 6, Initial Road Naming; Providing for Inclusion in the Nassau County Code; Providing for Severability; and Providing an Effective Date. (Tab L) Second public hearing for the proposed amendments to the Land Development Code, Roadway and Drainage Standards, and Subdivision Rules.

Motion: Open floor to public discussion.
Maker: Commissioner Edwards
Second: Commissioner Spicer
Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor
Absent: Commissioner Kelley

Discussion: Mr. Pope reviewed the request.

No public input.

Motion: Close floor to public discussion.
Maker: Commissioner Edwards
Second: Commissioner Taylor
Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor
Absent: Commissioner Kelley

Motion: Approve Tabs K and L as stated above and authorize the Chairman to sign Ordinance 2017-02 for Tab K and Ordinances 2017-03 (Land Development Code), 2017-04 (Roadway and Drainage

Standards), and 2017-05 (Development Review Regulations) for Tab L.
Maker: Commissioner Edwards
Second: Commissioner Taylor
Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor
Absent: Commissioner Kelley
Follow Up: Planning and Economic Opportunity

QUASI-JUDICIAL PUBLIC HEARING(S) :

RS170123 - 6:27:52 (Tab M) For recording purposes only, consider the final plat for Blackrock Park Phase I, filed by Bennett Surveying Inc. on behalf of Blackrock Park LLP/Gregory Matovina, Managing Partner, to develop twenty-seven(27) single family lots on approximately 11.06 acres. Property is zoned as Residential Single Family - Two (RS-2) and is located south of Heron Isles Parkway approximately one-half mile west of Blackrock Road.

Discussion: Greg Matovina came forward for Tab M stating that he would waive the quasi-judicial public hearing.

Motion: Open floor to public discussion.
Maker: Commissioner Edwards
Second: Commissioner Taylor
Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor
Absent: Commissioner Kelley

Discussion: Mr. Pope reviewed the request.

No public input.

Motion: Close floor to public discussion.
Maker: Commissioner Edwards
Second: Commissioner Taylor
Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor
Absent: Commissioner Kelley

Motion: Approve Tab M as stated above.
Maker: Commissioner Edwards
Second: Commissioner Spicer
Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor
Absent: Commissioner Kelley

Follow Up: Planning and Economic Opportunity

INFORMATIONAL ITEM(S) :

RS170123 - (Tab N) Informational only: authorized employee travel.

EXPANSION ITEMS:

RS170123 - 6:10:29 (1) Request Board set a special meeting prior to February 1, 2017 to discuss State funding project requests. (2) Request Board discuss beach camping. (3) Request the Chairman to sign a letter authorizing the County Manager to sign vehicle title transfers on behalf of the Nassau County Board of County Commissioners.

Motion: Expand the meeting to consider three (3) items as stated above.

Maker: Commissioner Edwards

Second: Commissioner Spicer

Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor

Absent: Commissioner Kelley

Follow Up: County Attorney

RS170123 - 6:30:00 Expansion Item #1: Request Board set a special meeting prior to February 1, 2017 to discuss State funding project requests.

Discussion: Mr. Mullin reviewed the request and distributed for the Board's review information provided by Mark Anderson, County Lobbyist.

Motion: Set special meeting for Wednesday, January 25, 2017 at 9:00 a.m. to discuss new procedures, form and timeline set by the State House of Representatives regarding State Funding Project requests outside of SCRAP, SCOP and FDOT.

Maker: Commissioner Spicer

Second: Commissioner Taylor

Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor

Absent: Commissioner Kelley

Follow Up: County Attorney, Public Works

RS170123 - 6:34:56 Expansion Item #2: Request Board discuss beach camping.

Discussion: Mr. Mullin commented that the Chairman forwarded to him and Ms. Jones e-mails that he received with pictures of camping on the beach and other materials left under the boardwalk area. He is seeking direction from the Board whether to place this matter on the Board's agenda for further discussion.

Request: County Attorney to discuss with each commissioner beach camping issues and research how other counties are addressing the matter and bring back to the board.

Mr. Mullin commented that he checked with St. Johns, Flager, Volusia Counties and they ban camping on the beach. Ms. Jefferson, and Eve Jones came forward to address an issue with overnight campers at Burney Park as well as a discrepancy among the Sheriff's deputies who answer calls about the definition of the ordinance.

Commissioner Edwards expressed concern and felt that the county should enforce the current ordinance before creating new ones. Mr. Mullin stated that he met and reviewed the ordinance with Bobby Lippelman, Sheriff's legal counsel, when it was first approved and Mr. Lippelman distributed to the shift commanders. He would meet with Mr. Lippelman again to clarify the definition of the ordinance.

RS170123 - 6:34:21 Expansion Item #3: Request the Chairman to sign a letter authorizing the County Manager to sign vehicle title transfers on behalf of the Nassau County Board of County Commissioners.

Motion: Approve expansion item 3 as stated above.

Maker: Commissioner Spicer

Second: Commissioner Taylor

Action: Aye: Commissioners Leeper, Edwards, Spicer, and Taylor

Absent: Commissioner Kelley

Follow Up: Finance, OMB, Risk Management, County Manager

DISCUSSION ITEMS:

RS170123 - 6:46:47 Commissioner Spicer's Business:

- Thanked the Road and Bridge Department for their work on dirt road upgrades and mowing of the entire rights-of-way.

RS170123 - 6:47:39 Commissioner Taylor's Business:
None.

RS170123 - 6:47:42 Commissioner Edwards' Business:
None.

RS170123 - 6:47:46 Chairman Leeper's Business:

- Encouraged each commissioner to meet with Animal Control officials regarding unattended tethering and he will meet with County Attorney to discuss pursuing an ordinance.

There being no further business, the regular session of the Nassau County Board of County Commissioners adjourned at 6:48 p.m.

Daniel B. Leeper, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk