

**Nassau County Board of County Commissioners  
Regular Session, December 10, 2018, 6:00 P.M.  
Commission Chambers, 96135 Nassau Place, Yulee, Florida**

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

**Commissioners:**

**Present:** Chairman Pat Edwards, Commissioners Daniel B. Leeper, Aaron Bell, Thomas Ford, and Justin Taylor.

**Other Officials Present:** Michael S. Mullin, County Attorney/ Interim County Manager.

**Staff Present:** Justin Stankiewicz, Office of Management and Budget Director; Becky Bray, Public Works Director; Taco Pope, Planning and Economic Opportunity Director; and representing the Clerk's office Brenda Linville and Peggy Snyder, Deputy Clerks.

**Official Agenda Summary:**

**Audience Input-Non Agenda Items:**

**RS181210 - 6:01:28** Evelyn Pannone came forward to express concern regarding public involvement in the Future Land Use Map (FLUM) amendments.

**RS181210 - 6:02:34** Margaret Kirkland, Amelia Island Tree Conservancy, expressed her concern regarding the nature and pace of development on Amelia Island and the environmental impacts.

**PRESENTATION(S) :**

**RS181210 - 6:07:46 (Tab A)** Taco Pope, Planning Director re: William Burgess Context and Connectivity Blueprint.

**Motion:** Continue to December 19, 2018 consideration of Tab A as stated above.

**Maker:** Commissioner Leeper

**Second:** Commissioner Taylor

**Action:** Aye: Commissioners Leeper, Bell, Edwards,  
Ford, and Taylor  
**Follow Up:** Planning and Economic Opportunity

**CONSTITUTIONAL OFFICER BUSINESS(S) :**

**RS181210 - 6:09:35 (Tab B)** Annual Financial Reports submitted by the Nassau County Constitutional Officers are for informational purposes only; however, (1) consider approving \$200,000.00 of residual equity from Supervisor of Elections be placed in the Fiscal Year 2018-19 Supervisor of Election budget for opening an additional early voting site and upgrading/purchasing additional voting equipment and authorize the Chairman to sign associated Resolutions; (2) consider approving \$402,166.00 of residual equity from the Sheriff be placed in a capital reserve fund for the purpose of constructing a public safety training center as outlined in Contract CM2233 and authorize the Chairman to sign associated Resolutions.

**Motion:** Approve Tab B as stated above and authorize Chairman to sign Resolutions 2018-133, 2018-134, 2018-135 and 2018-136 regarding same.

**Maker:** Commissioner Leeper

**Second:** Commissioner Taylor

**Action:** Aye: Commissioners Leeper, Bell, Edwards,  
Ford, and Taylor

**Follow Up:** OMB, Finance, Sheriff, Supervisor of Elections

**CONSENT ITEM(S) :** Approve the following: **(Tab C)** For recording purposes only, final plat for Village Walk Phase Two, filed by Patriot Ridge, LLP and D.R. Horton, owners and Clary & Associates, agent for owner, to construct residential building sites and an amenity center tract in the planned unit development, amounting to 24.64 acres of land and 59 single family homes. Property is located on the northeast corner of Majestic Walk Boulevard and Spruce Run Drive, within the Village Walk PUD. **(Tab D)** For recording purposes only, final plat for Blackrock Park - Phase Two, filed by Blackrock Park, LLP, owner, and Matovina & Company, agent for owner, to construct 55 residential building sites on approximately 18.60 acres. Property is as zoned Residential Single Family-2 and is located on the south side of Heron Isles Parkway, within the existing Blackrock Park subdivision. **(Tab E)** Finance Package 2019-03.

**Motion:** Approve consent items (Tabs C, D and E) as stated above. (See "Attachment A" for Tab E)  
**Maker:** Commissioner Taylor  
**Second:** Commissioner Leeper  
**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor  
**Follow Up:** Finance, OMB, Planning and Economic Opportunity

**REGISTER:**

The Chairman signed the register for the following warrants: Warrant Nos. 249934 thru 250015 dated 11-14-18 for a register total of \$3,044,833.98; Warrant Nos. 250195 thru 250247 dated 11-27-18 for a register total of \$88,425.51; Warrant No. 250248 dated 11-28-18 for a register total of \$50.00; Warrant Nos. 250249 thru 250405 dated 11-30-18 for a register total of \$1,008,890.99; Wire Transfer No. 1902269 dated 10-24-18 for a register total of \$1,049.59; Wire Transfer No. 1902270 dated 11-16-18 for a register total of \$116,076.93; Wire Transfer Nos. 1902271 thru 1902274 dated 11-27-18 for a register total of \$11,753.25; Warrant Nos. 250468 thru 250527 dated 12-6-18 for a register total of \$123,879.52; Wire Transfer No. 1902742 dated 11-27-18 for a register total of \$2,170.69; Wire Transfer No. 1902743 dated 12-04-18 for a register total of \$69,854.47; and, Wire Transfer Nos. 1902744 thru 1902750 dated 12-5-18 for a register total of 2,244,379.39.

**OLD BUSINESS:**

**RS181210 - 9:23:04 (Tab F)** Continue discussion regarding the Stewardship District and House Bill 1075. No action taken.

**RS181210 - 9:24:05 (Tab G)** Continue discussion regarding relocation of Bailey Road Recycling Site.

**Motion:** Continue to December 19, 2018 consideration of Tab G as stated above.  
**Maker:** Commissioner Bell  
**Second:** Commissioner Taylor  
**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor  
**Follow Up:** Public Works

**NEW BUSINESS:**

**RS181210 - 9:24:30 (Tab H)** Release final retainage in the amount of \$3,835.05 to Aptim Environmental & Infrastructure for completion of the West Nassau Landfill Flare Station Blower System Replacement. Funding source: 01000000-205500.

**Motion:** Approve Tab H as stated above.

**Maker:** Commissioner Leeper

**Second:** Commissioner Ford

**Action:** Aye: Commissioners Leeper, Bell, Edwards,  
Ford, and Taylor

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

**RS181210 - 9:25:06 (Tab I)** Consider the following: (1) award Bid No. NC18-010 to SGS Contracting Services, Inc. in the amount of \$797,700.00 for Nassau-Amelia Utilities (NAU) WWTF Clarifier Rehabilitation; and, (2) authorize the Chairman to sign the Notice of Award and Agreement with SGS Contracting Services, Inc., Contract No. CM2619.

**Motion:** Approve Tab I as stated above.

**Maker:** Commissioner Bell

**Second:** Commissioner Taylor

**Action:** Aye: Commissioners Leeper, Bell, Edwards,  
Ford, and Taylor

**Follow Up:** Finance, OMB, Nassau-Amelia Utilities, Public  
Works, Contract Management

**RS181210 - 9:25:48 (Tab J)** Discuss cancelling and/or rescheduling the December 24, 2018 meeting due to offices being closed for the Christmas Holiday.

**Motion:** Cancel the December 24, 2018 meeting.

**Maker:** Commissioner Leeper

**Second:** Commissioner Taylor

**Action:** Aye: Commissioners Leeper, Bell, Edwards,  
Ford, and Taylor

**Follow Up:** Interim County Manager, County Attorney, Board,  
Clerk Staff

**APPOINTMENT(S)**

**RS181210 - 9:26:14 (Tab K)** Consider request from Commissioner Bell to appoint Jennifer Schriver to replace Charles "Billy" Rogers as the District Two Representative

for the Planning & Zoning Board for the term ending December 2020.

**Discussion:** Commissioner Leeper suggested having appointed board members serve their term concurrent with the Commissioner's term.

**Motion:** Approve Tab K as stated above.

**Maker:** Commissioner Bell

**Second:** Commissioner Taylor

**Action:** Second was withdrawn

**Motion:** Approve Tab K as stated above.

**Maker:** Commissioner Bell

**Second:** Commissioner Ford

**Action:** Aye: Commissioner Bell

Nay: Commissioners Leeper, Edwards, Ford, Taylor

**Noted:** Motion failed.

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

**RS181210 - 6:07:46 (Tab L)** Consider Comprehensive Plan Amendment, CPA18-003, filed by Nassau 1 Amelia, LLC, owner, and Prosser, Inc., agent for owner, to rezone approximately 85.7 acres from Open Rural (OR) to a Planned Unit Development (PUD) to be known as "Concourse Crossing". Property is located on the north and south sides of Amelia Concourse, east and west of Old Nassauville Road and between Frank Ward Road and Terra Cotta Lane, Fernandina Beach area.

**Motion:** Continue to February 11, 2019, at 6:00 p.m., or as soon thereafter as the matter may be heard, consideration of Tab L as stated above.

**Maker:** Commissioner Leeper

**Second:** Commissioner Ford

**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

**Follow Up:** Planning and Economic Opportunity

**RS181210 - 9:31:35 (Tab M)** Consider a Resolution electing to use the Uniform Method of Collecting Non-Ad Valorem Special Assessments levied within the incorporated and unincorporated areas of the County; stating a need for such

levy, providing for the mailing of this Resolution; and providing for an effective date.

**Motion:** Open the floor to public discussion.  
**Maker:** Commissioner Leeper  
**Second:** Commissioner Taylor  
**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

**Discussion:** Mr. Stankiewicz reviewed the request.

**Motion:** Close the floor to public discussion.  
**Maker:** Commissioner Ford  
**Second:** Commissioner Taylor  
**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

**Motion:** Approve Tab M as stated above and authorize Chairman to sign Resolution 2018-137 regarding same.  
**Maker:** Commissioner Leeper  
**Second:** Commissioner Taylor  
**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor  
**Follow Up:** OMB, Finance, Tax Collector, Property Appraiser

**RS181210 - 9:33:21 (Tab N)** Public Hearing for consideration of PACE Program providers in Nassau County, Florida.

**Motion:** Continue to January 28, 2018 at 6:00 p.m., or as soon thereafter as the matter may be heard, consideration of Tab N as stated above.  
**Maker:** Commissioner Leeper  
**Second:** Commissioner Taylor  
**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor  
**Follow Up:** County Attorney

**RS181210 - 9:33:21 Tab O)** Consider an Ordinance of the Board of County Commissioners of Nassau County, Florida, Rescinding Ordinance No. 2000-26, and establishing minimum standards governing health and general welfare, as to the maintenance of buildings or structures, providing for a nuisance declaration for buildings or structure in violation of the Ordinance; providing for repair and

demolition of buildings declared to be a nuisance; providing for the Construction Board of Adjustments and Appeals to conduct hearings and issue orders of repair and demolition; providing severability; providing an effective date.

**Motion:** Continue to January 28, 2018 at 6:00 p.m., or as soon thereafter as the matter may be heard, consideration of Tab O as stated above.

**Maker:** Commissioner Leeper

**Second:** Commissioner Taylor

**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

**Follow Up:** Building Department, County Attorney

**RS181210 - 6:07:49 Tab P)** Consider an Ordinance amending the Nassau County Land Development Code, specifically amending Section 28.02 by removing Mother-In-Law Dwelling and Guest House and adding Accessory Dwelling; Amending Section 28.14 by removing Mother-In-Law Dwelling; Amending Section 28.15 by removing Guesthouses and adding Accessory Dwellings; and amending Article 32, Definitions, by removing Guest Cottage or House and Servants Quarters and adding Accessory Dwellings, Affordable Housing, Income-Low, and Income-Very Low.

**Motion:** Continue to February 11, 2019 at 6:00 p.m., or as soon thereafter as the matter may be heard, consideration of Tab P as stated above.

**Maker:** Commissioner Leeper

**Second:** Commissioner Ford

**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

**Follow Up:** Planning and Economic Opportunity

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

**RS181210 - 6:07:46 (Tab Q)** Consider rezoning application, R18-003, filed by JOCO Amelia Company, LLC, and Nassau 1 Amelia LLC, owners, and Prosser, Inc., agent for owner, to rezone approximately 85.7 acres from Open Rural (OR) to a Planned Unit Development (PUD) to be known as "Concourse Crossing". Property is located on the north and south sides of Amelia Concourse, east and west of Old Nassauville Road and between Frank Ward Road and Terra Cotta Lane, Fernandina Beach area.

**Motion:** Continue to February 11, 2019, at 6:00 p.m., or as soon thereafter as the matter may be heard, consideration of Tab Q as stated above.

**Maker:** Commissioner Leeper

**Second:** Commissioner Ford

**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

**Follow Up:** Planning and Economic Opportunity

**RS181210 - 6:07:46 (Tab R)** Consider rezoning application, R18-018, filed by South Fletcher Properties, LLC, owner, and Gillette & Associates, Inc., agent for owner, to rezone approximately 2.53 acres from Commercial Professional Office (CPO) to Commercial Neighborhood (CN). Property is located on the north side of South Fletcher Avenue between Buccaneer Trail and Amelia Island Parkway, Fernandina Beach area.

**Motion:** Continue to January 14, 2019 at 6:00 p.m., or as soon thereafter as the matter may be heard, consideration of Tab R as stated above.

**Maker:** Commissioner Leeper

**Second:** Commissioner Ford

**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

**Follow Up:** Planning and Economic Opportunity

**RS181210 - 6:11:15 (Tab S)** (6:07:46 Motion to heard following Tab C) Consideration of a zoning appeal filed by William Murphy, Trust/Owner, and Joseph Amellio, agent for owner, appealing the Conditional Use & Variance Board's denial of V18-001, pursuant to Section 29-32 of the Nassau County Code of Laws and Ordinances requiring Davis Road to be paved and constructed in accordance with the Nassau County Roadway and Drainage Standards from Musselwhite Road to approximately the eastern most boundary of Sandy Oaks Lane.

Gregory T. Stewart, attorney with Nabors, Giblin and Nickerson representing Nassau County, came forward and read the quasi-judicial hearing procedures applicable to Tab S.

Waive Presentation:



**RS181210 - 6:13:37** William Murphy came forward to advise that he will make a presentation.

Commissioners Ex-parte Communications:

**RS181210 - 6:15:38**

None

**RS181210 - 6:21:56** Documents submitted into the record:  
(Attachment B)

**Motion:** Accept documents into the record as presented above.

**Maker:** Commissioner Taylor

**Second:** Commissioner Bell

**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

**Follow Up:** Planning and Economic Opportunity

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

**Maker:** Commissioner Bell

**Second:** Commissioner Taylor

**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

Deputy Clerk swore in staff to provide testimony.

**Discussion:** Mr. Pope came forward to provide staff comments including a brief history of application V18-001, Hawks Landing Planned Unit Development (PUD). The request was for a waiver to not pave Davis Road; however, the request failed to demonstrate consistency with the standards of review defined in Section 29-152 of the County's Land Development Code and no justification or grounds were found on which the requested variance should be granted. As a result, the request was denied by the Conditional Use and Variance Board and that decision was appealed to the Board of County Commissioners. Mr. Pope provided a PowerPoint presentation outlining Section 29-32 of the County's subdivision regulations which states that, "All subdivisions shall have direct paved access to the connection with a county maintained road or street dedicated to public use. If the County maintained road or street is not paved, the developer shall pave the county road or provide paved access from the subdivision, including rural subdivisions, to connect with a paved county road or street accepted by the county or the state."

Mr. Pope explained the relief options available for an applicant either for a variance or an administrative appeal and he reviewed the criteria for Section 29-152(b)(1)-(3) of the Subdivision Regulations. He noted that the primary justification for the applicant's variance request is that Davis Road is not physically capable of being paved from Musselwhite Road to the project entrance to the 69-acre parcel to build 23 single family homes. Staff finds that the applicant has failed to demonstrate consistency with the review criteria and failed to demonstrate that special conditions exist which are peculiar to the land, structure, or building involved. There was no justification for approving the variance as requested. He explained that in 2018, the County hired a third-party independent engineer, Peters and Yaffee, Inc., to assess the road from a technical perspective and provide a report as to whether the road can or cannot be paved. The study from the engineer advised that the road can be paved and the paving would also improve the health, safety, and welfare of the citizens. The Hawks Landing project can move forward.

Dow Peters, Peters and Yaffee, Inc., came forward to provide an overview of the technical merits of their engineering report. The County's previous two Engineering Directors had conflicting reports as to the feasibility of paving Davis Road; therefore, Peters and Yaffee, Inc. was contracted to provide an independent report. Mr. Peters summarized the results of his research and findings that Davis Road is feasible to pave.

William Murphy, agent for the applicant, Joseph Amellio, came forward and was sworn in to conduct cross examination of staff and the witness. He questioned Mr. Pope and Mr. Peters regarding the feasibility study and compared the waiver provided to another development on Davis Road known as Willow Farms. Mr. Murphy made mention of the unfair treatment of Hawks Landing compared to Willow Farms regarding waivers. Mr. Murphy contended that in 2009, Hawks Landing was granted a waiver from paving before the economic recession stalled progress on the Hawks Landing development; however, no such document was entered into the County's records. He provided a timeline of the applicant's process through Nassau County since 2009 and the decisions of previous County Engineers.

Mr. Pope outlined the options made available to Mr. Amellio to seek relief: (1) seek a variance to be heard by the

Conditional Use and Variance Board; or, (2) file an administrative appeal regarding a judgement decision made by a County official. The applicant chose the variance option. Mr. Murphy responded that this application should never have been before the Conditional Use and Variance Board in the beginning. He advised that the applicant had received a drainage ruling from the St. Johns River Water Management District (SJRWMD). Mr. Peters responded to questions posed by Mr. Murphy regarding drainage and advised that Davis Road would require a permit from the SJRWMD as is the case with every drainage and roadway project. He advised that the report was a feasibility report not a design.

Mr. Murphy identified his witnesses: Joseph Amellio, subject property owner; and Stacy Johnson, former Nassau County Commissioner, who were sworn in to provide testimony.

Mr. Amellio came forward to advise that in 2007, he purchased the 63-acre Hawks Landing property. Following a two-year density issue, the property was finally granted approval. His engineer at the time, Asa Gillette, Gillette and Associates, determined that Davis Road could not be paved. It was also determined that retention ponds were required to accommodate Davis Road but there was no land available for the retention ponds. He also addressed a well and septic tank as well as a home that was grandfathered-in that encroached on Davis Road. He advised that a waiver was approved in 2009 by this Board; however, at that time, there was no market for his property due to the economic downturn. Later, when he attempted to move forward, there was no record that his plat was ever recorded. He stated that the plat was sent to the County along with the maintenance agreement drawn up by the Assistant County Attorney at the time, Mollie Garrett.

Mr. Murphy handed out evidence packets to the Board members which contained: 1) brief history of Hawks Landing (no date) - 4 pages; proof of final plat delivery and approval - 9 pages; 2009 BOCC approval and comments of interest from minutes - 17 pages; and, staff report with rebuttal comments - 12 pages.

Ms. Johnson came forward to testify that while she was on the Board of County Commissioners in 2009, she recalled that she and Commissioner Leeper approved the waiving paver

for Hawks Landing. Three years later when Willow Farms came before the Board for their paving waiver, it was approved by this Board mainly because Hawks Landing had been granted their waiver.

Mr. Pope came back before the board to provide final comments. He reiterated that this application was a variance request; not the second option of appealing a decision of the Planning Director. He advised that there is not a fully executed maintenance agreement since it was to be executed at the time the final plat was recorded which was not recorded. He pointed out that an application submitted in 2018 is based upon the rules and regulations as they exist in 2018. He mentioned that if the application was based on the second option of appeal, he could provide the chronology back to 2007.

Chairman Edwards pointed out that Mr. Murphy and Mr. Amellio were requesting a variance and most of the testimony heard tonight applied to option two which had not been chosen. Chairman Edwards noted that Hawks Landing was never accepted into the County records as a subdivision. Mr. Amellio understood that he had submitted all the documents necessary for the waiver.

Mr. Stewart pointed out that the maintenance agreement was prepared but not approved by the Board of County Commissioners because the plat had to be approved before the maintenance agreement was signed. At some point in time, Commissioner Leeper understood that it was the intent of the Board to go forward with a waiver contingent upon the other issues being resolved. The issues were not resolved; therefore, the Board approval lapsed. In response to a question posed by Commissioner Leeper, Mr. Pope was able to affirm that staff has conducted an exhaustive search and he has a complete chronology. The chronology was read into the record by Mr. Pope and entered into evidence as **Attachment C**.

Discussion followed regarding the timeframe involved to terminate this hearing and refile under option 2. Mr. Stewart advised that it may not be considered a timely application at this point. Discussion followed regarding how the applicant could proceed forward.

**Motion: Close the floor to public discussion.**  
**Maker: Commissioner Bell**

**Second:** Commissioner Ford  
**Action:** Aye: Commissioners Leeper, Bell, Edwards,  
Ford, and Taylor

**Motion:** Based on the record and testimony received, there is not competent substantial evidence pursuant to Article 3, Section 3.05.B.2 of the Land Development Code (Ordinance No, 97.19, as amended) and Sections 29-32 and 29-152(b)(1)-(3) of Chapter 29 of the Nassau County Code of Laws and Ordinances; therefore, the motion is to recommend denial of the appeal.

**Maker:** Commissioner Bell  
**Second:** Commissioner Taylor  
**Action:** Aye: Commissioners, Bell, Edwards, Ford, and  
Taylor  
Nay: Commissioner Leeper  
**Follow Up:** Planning and Economic Opportunity, County  
Attorney

**RS181210 - 7:43:07** The Board recessed and reconvened at 5:51 p.m. to consider expansion items.

**EXPANSION ITEMS:**

**RS181210 - 6:06:50** (1) Discussion of the Florida Job Growth Infrastructure Grant Agreement with the State of Florida, Department of Economic Opportunity, for \$17,400,000 in grant funds to be used to provide water, wastewater infrastructure, natural gas and two rail spurs to the Crawford Diamond Industrial Site.

**Motion:** Expand the meeting to consider one (1) item as stated above.

**Maker:** Commissioner Leeper  
**Second:** Commissioner Taylor  
**Action:** Aye: Commissioners Leeper, Bell, Edwards,  
Ford, and Taylor  
**Follow Up:** County Attorney

**RS181210 - 7:51:37 Expansion Item #1:** Discussion of the Florida Job Growth Infrastructure Grant Agreement with the State of Florida, Department of Economic Opportunity (DEO), for \$17,400,000 in grant funds to be used to provide water,

wastewater infrastructure, natural gas and two rail spurs to the Crawford Diamond Industrial Site.

**Discussion:** Mr. Mullin reviewed the request noting that at the August 15, 2018 meeting, he notified this Board of Governor Scott's Florida Jobs Growth Grant Fund (FJGGF) Public Infrastructure Grant proposal received from the Nassau County Economic Development Board for installation of industrial grade waste/wastewater lines to service the broader west side of rural Nassau County, including the Crawford Diamond Industrial Park. He distributed copies of a memorandum dated December 10, 2018 which he wrote to the Board, Ex-Officio Clerk, and staff regarding the Florida Job Growth Grant along with copies of options for the grant. Following numerous meetings with various departments, he brought forward an evaluation of the grant documents for discussion. He advised that the grant application before the Board was prepared by Laura DiBella, Director of the Nassau County Economic Development Board (NCEDB). He discussed the timelines and deadlines. Mr. Mullin reviewed the grant application pointing out that in many of the areas of the grant, there are no supporting documents to substantiate the permits, cost estimates, changes to the 2030 Comprehensive Plan, private entity to fund the balance, and completion time. He added that Ms. DiBella provided the program budget numbers from information she obtained from Florida Power and Light (FPL); however, staff does not have any documents that address the total project costs. He reviewed the grant application attachments as well as the scope of work and DEO's representations.

Mr. Mullin advised that under the options provision, the Board may (1) Reject the grant based upon inadequate or incorrect information. (2) Tentatively accept the grant with the following: (a) Agreements with FPL as to money and control of the property [payment of due diligence items such as engineering studies, etc.] (b) Agreements with the Town of Callahan and/or JEA. (c) Agreements with railroad and Florida Public Utilities (FPU). (d) Consultant's estimates of costs and timeframes. (e) Discussion of recruiting of the companies without incentives; the Board may not be able to recruit due to lack of funds and, therefore, not meet the job requirements of 3,500 jobs. (f) "Claw Back" requirements of General Revenue funds and possible "freezing" of funds as the County recruits companies to come. (g) Master planning of surrounding lands

to accommodate residences and other spinoff companies. (h) It may take several months to determine if the Board accepts the agreements, determining the total costs. The total amount requested for the grant is \$17,400,000.00 with a private source contribution of \$5,619,721.67. Ms. DiBella indicated that this source was FPL. FPL sent Chairman Edwards a letter on December 6, 2018 which indicates their commitment.

Mr. Mullin explained that DEO has asked for a response by noon on December 11, 2018 as they have indicated that the Governor wants to commit this money. He cautioned the Board that if the figures are too high or if the Board cannot reach an agreement with FPL, Town of Callahan, Railroad, Florida Public Utilities, or JEA, the only recourse would be to not follow through with the grant. There is an attachment to the grant application showing the total project cost of \$23,019,721.67. Mr. Mullin advised that there is no documentation to substantiate these costs or the timelines for completion. He explained that the type of agreement is a "cost reimbursement" to the County by DEO. He also mentioned that DEO has the final authority of what may constitute a default and may terminate the agreement and demand immediate repayment of all funds.

Mr. Mullin advised that he had spoken with DEO regarding their "Claw Back" clause which states that if the County does not meet the 3,500 jobs required by the grant, the County would pay back DEO based upon a formula basis. He asked DEO if they would eliminate that language from the contract, they advised that they would not. He further pointed out language and terms in the grant agreement which he felt should be removed or negotiated.

Mr. Mullin explained the upfront costs for the County to perform due diligence to conduct studies to determine what the grant costs should be. DEO deadline is noon on Tuesday, December 11, 2018 for a decision.

Commissioner Leeper did not support putting the County taxpayers at risk for \$17.4 million. Commissioner Bell felt that the County was taking all the risk for the \$17.4 million to fund water and wastewater to a property the County does not own to benefit a company the County does not own (JEA). He read the 2017 Annual Report from JEA noting that JEA is making \$.50 of every dollar of revenue from Nassau County ratepayers and giving this to the City

of Jacksonville. By taking JEA out of the County, this State money would be used to help Nassau County. He encouraged the Board to consider the opportunity to do this.

Commissioner Taylor pointed out that the \$17.4 million is a substantial amount to receive to begin the development of the Crawford Diamond and bring jobs to the County. He had concern with the Claw Back provision if the 3,500 jobs were not met. He suggested having the property owner take on that burden. Commissioner Ford supported economic opportunities for the west side of the County; however, there were many variables to decide by noon on December 11, 2018. Chairman Edwards expressed concern with the grant document being flawed and not having accurate information.

**Audience Input:** Laura DiBella came forward to discuss the grant application being filled out with the best information that they had at the time. The numbers were provided by FPL's engineers. Mr. Mullin responded that the numbers on the grant did not state FPL, it showed JEA. JEA stated that these numbers should not have been used in this application. There were no numbers from FPL and they are not in the water and wastewater business. Ms. DiBella clarified that the County would actually have five years, not two years, to complete the infrastructure and an additional ten years for the job creation. She added that the agreement stated two years in order to get the jobs as soon as possible.

Representing FPL were Jim Bush and Jeff West. Mr. Bush stated that FPL is committed to the communities they serve. He also mentioned that they are committed to helping Nassau County develop the Crawford Diamond. Mr. West pointed out that this grant is \$17.4 million; the largest grant that the Governor has issued in the State for any one county. Mr. West stated that they have provided to the County on multiple occasions the unit costs provided by their consulting engineer firm, Culpepper & Terpening, Inc. of Port St. Lucie, Florida. He added that this firm has acted as agent on a number of grants and come in routinely under budget on these costs. The costs provided were private sector estimates. Permits would be general permits. Mr. West stated that FPL is committed to making sure that the project is completed rapidly as they have much experience in linear projects.



John Crawford, Ex-Officio Clerk, came forward to affirm that the County did not have an extra \$17.4 million to set aside. He emphasized that due diligence must be done as the Board's role is to protect the citizens of Nassau County.

Commissioner Bell commented that if the Board says no tonight, this grant money is gone forever. He proposed that the Board tentatively accept the grant with option 2 with the agreements. He worried that rejecting this grant would impact the County negatively with the State. Commissioner Taylor felt they could work out an agreement with FPL to pay for the engineering study. If the cost of the study is covered and they can work something out with the Claw Back provision; the County will not lose millions of dollars by a decision this Board made tonight.

Marty Fontes, Mayor of the Town of Callahan, came forward to explain that prior to being Mayor, he worked with the Crawford Diamond. He clarified that this water and sewer line would run 4.5 miles; of that, there are eleven fire hydrants which could help lower the fire rating in unincorporated Nassau County.

Commissioner Ford asked Mr. Bush if FPL would be willing to pay for the due diligence engineering report. Mr. Bush explained that the \$4.5 million is contingent on the County accepting the grant; this money could be applied towards a consultant and studies. Mr. West felt that the Board has not had a chance to review the unit cost and the pricing provided. Mr. Mullin explained that the Board would need a consulting engineer to verify those numbers.

Christal Stiles, FPL Director of Economic Development, came forward to clarify FPL's position noting they are willing to commit \$4.5 million to develop the site and partner with the County to promote that site globally.

Mr. Stankiewicz advised that this grant is a cost reimbursement grant. The County's five-year strategic plan includes zero dollars towards the Crawford Diamond. He cautioned the Board about future budgets and the ability to repay this Claw Back provision. Mr. Pope emphasized that the County needs the Crawford Diamond to be successful as well as prepare for the economic development that comes with it. Commissioner Taylor did not want the taxpayers to be responsible for the costs of the study or Claw Back provision.

Ms. Stiles affirmed that FPL will work with the County regarding funding for the due diligence engineering study if DEO accepts the County's tentative acceptance of the grant.

Mr. Crawford requested that the motion offer protection against the "Claw Back" provision. Mr. Mullin added in the conditions that FPL should execute a document that would ensure that Nassau County has some control of that property.

**Motion:**     **Approve:** {1} Tentatively accept the Florida Job Growth Grant subject to the following points: (a) Agreements with Florida Power and Light as to money and control of the property [payment of due diligence items - engineering studies, etc.]; (b) Agreements with the Town of Callahan and/or JEA; (c) Agreements with Railroad and Florida Public Utilities; (d) Consultant's estimates of costs and timeframes; (e) Discussion of recruiting of the companies without incentives; you may not be able to recruit due to lack of funds and therefore you cannot meet the job requirements; (f) "Claw Back" requirements of General Revenue funds and possible "freezing" of funds as you recruit companies to come; (g) Master planning of surrounding lands to accommodate residences and every other spin-off companies; and, (h) It might take several months to determine if the Board accepts the agreements, determining the total costs. {2} Include another point that no taxpayer funds will be spent on the due diligent studies that have been discussed. {3} Should the DEO not accept the tentative acceptance then the DEO Job Growth Grant would be denied. {4} The County not be responsible for the "Claw Back" provision, either through private entity or other means. {5} Amend motion requiring an executed agreement signed by the Chairman and County Attorney with Florida Power and Light, that any and all cost going forward is paid by Florida Power and Light and not the taxpayers.

**Maker:**     Commissioner Bell

**Second:**    Commissioner Taylor

**Action:**     Aye: Commissioners Leeper, Bell, Ford, and Taylor  
                 Nay: Commissioner Edwards

**Follow Up:** Interim County Manager, County Attorney, OMB,  
                 Clerk

**DISCUSSION ITEMS:**

**RS181210 - 9:35:16** Commissioner Bell's Business:

- Requested Interim County Manager to bring back as an agenda item to have Planning and Zoning Board members reside in the district of their Commissioner.
- Interim County Manager County Attorney to bring back on December 19, 2018 discussion of forming a Beach Community Group to hold public meetings to review County ordinances to ensure that they are sufficient for the Sheriff's Office to enforce and request the Sheriff attend and advise of what issues he is facing.
- OMB Director to bring back information he received from two grant consulting companies to evaluate for grants.

**RS181210 - 9:38:09** Commissioner Ford's Business:

- Thanked Fire/Rescue for their prompt response to the fire this morning on Sunowa Springs Drive in Bryceville.

**RS181210 - 9:38:58** Commissioner Leeper's Business:

- Advised that sometimes a Commissioner must go outside of his district to find someone to serve on appointed boards.
- Provided an update regarding the new Nassau Express shuttle service to Jacksonville from Winn-Dixie Shopping Center.

**RS181210 - 9:40:02** Commissioner Taylor's Business:

None.

**RS181210 - 9:40:06** Chairman Edwards' Business:

None.

There being no further business, the regular session of the Nassau County Board of County Commissioners adjourned at 9:42 p.m.

Pat Edwards, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk

"ATTACHMENT A"

Finance Package 2019-03

Deletions from Inventory:

Health Department, 3569, Latitude E6500, Serial No.  
4LQNVL1.  
Health Department, 7394, Latitude E6530, Serial No.  
3PCTJX1.  
Health Department, 7629, Optiplex 7010, Serial No.  
1R1&HX1.  
Health Department, 7631, Optiplex 7010, Serial No.  
1R98HX1.  
Health Department, 7635, Optiplex 7010, Serial No.  
1RF8HX1.  
Health Department, 7637, Optiplex 7010, Serial No.  
1RJ7HX1.  
Health Department, 7638, Optiplex 7010, Serial No.  
1RJ8HX1.  
Health Department, 7640, Optiplex 7010, Serial No.  
1RR9HX1.  
Health Department, 7639, Optiplex 7010, Serial No.  
1RN7HX1.  
Health Department, 7641, Optiplex 7010, Serial No.  
1RT6HX1.  
Health Department, 7659, Optiplex 7010, Serial No.  
H724CY1.  
Health Department, 7649, Optiplex 7010, Serial No.  
H715CY1.  
Health Department, 8713, Optiplex 7010, Serial No.  
DFH9H72.

**Attachment "B" – Tab S - V18-001 Amellio Davis Road, Staff Evidence**

1. Staff Report – 10 pages
2. Memorandum to Taco Pope from Scott Herring dated 11-27-17, Exhibit A – 3 pages including:
  - a. Permitting requirements of the St. Johns River Water Management District Section 62-330.051 the Florida Administrative Code
3. Feasibility Report for Paving Davis Road dated January 16, 2018 prepared by Dow W. Peters of Peters Yaffee Transportation & Traffic Engineering, Exhibit B – 18 pages including:
  - a. Professional Engineer Certificate – 1 page
  - b. Table of Contents – 1 page
  - c. Feasibility Report for Paving Davis Road – 6 pages
  - d. Appendix A – Location Map – 2 pages
  - e. Appendix B – Nassau County LABINS Map – 2 pages
  - f. Appendix C – USGS Topo Map – 2 pages
  - g. Appendix D – Drainage Map – 2 pages
  - h. Appendix E – SJRWMD Permit Hawk's Landing/Cover letter – 1 page
4. Standard General Environmental Resource Permit Technical Staff Report, dated February 16, 2019, prepared by Asa Gillette – 5 pages
5. Site Drainage Evaluation, revision date of March 26, 2009 from Gillette & Associates, Inc., - 3 pages
6. Feasibility Report for Paving Davis Road Appendix F, Design Criteria Tables – 14 pages
7. Feasibility Report for Paving Davis Road, Appendix G – Proposed Typical Sections – 3 pages
8. Application for a Variance, received March 15, 2018 – 6 pages
9. Legal Description: Hawks Landing, SP07-003 or, 23 lots 63.10 acres located on David Road off Musslewhite Road, Callahan Area – 2 pages
10. Hawk's Landing Pre-Development Drainage Plan – 1 page
11. Site Geometry Plan – 1 page
12. Letter from Shari Graham to Scott Herring, dated 1-4-12 – 1 page
13. Geographic Information System (GIS) Map – 1 page
14. BOCC Agenda Item dated 4-18-12 under Growth Management – 1 page
15. BOCC Notes of Regular Session dated February 23, 2009 - 1 page
16. BOCC Agenda Item dated November 23, 2009, Department County Attorney – 1 page
17. Response to the criteria for granting a Variance , no date or signature – 2 pages
18. Letter from Cara Ackley Perron, St. Johns River Water Management District to Joseph Amellio, dated January 25, 2018 – 2 pages
19. BOCC Agenda Item dated April 18, 2012 Department Growth Management – 1 page
20. Plat Review Application and General Information, signed January 3, 2012 – 1 page
21. Duplicate of Letter from Shari Graham to Scott Herring, dated 1-4-12 – 1 page

22. Development Review – Plat Checklist; Name of Project: Willow Farms, last signed date of April 4, 2012 – 7 pages
23. Email from Anita Dobrosky to Brenda Linville, Connie Arthur and Peggy Snyder, dated November 3, 2011 – 1 page
24. Development Review Committee Meeting, dated November 8, 2011 Minutes – 9 pages including:
  - a. Preliminary Presentation – 2 pages
  - b. Development Review Committee Preliminary Discussion Sign In Sheet – 1 page
  - c. Pre-Application Conference Form for Development Review – 1 page
25. Email from Mollie Garrett to Mr. Amellio, dated October 28, 2009 – 1 page
26. Unexecuted Draft Agreement prepared by Nassau County Attorney's Office, no date or signature – 5 pages
27. Pre-Application Conference Form for Development Review, dated November 3, 2011 – 5 pages including:
  - a. GIS Map Willow Farms – 2 pages
  - b. Willow Farms Plat, no book or page or signature – 2 pages
28. Nassau County Development Review Committee, dated November 8, 2011 Agenda – 1 page
29. Nassau County Development Review Committee Status Report – 33 pages
30. Letter from Stephanie Kurtz to Joseph Amellio, dated March 19, 2018 – 3 pages
31. Memorandum dated November 27, 2017 from Scott Herring to Taco Pope – 1 page

4/26/18



NASSAU COUNTY  
DEPARTMENT OF PLANNING  
AND ECONOMIC OPPORTUNITY  
FLORIDA

Taco E. Pope, AICP, Director  
96161 Nassau Place  
Yulee, FL 32097  
(904) 530-6300

Davis Road/Murphy/Amellio  
V17-003

**1/25/18 Nassau County PEO Dept. Staff Report Chronology Back-up Material**

- 1 - 10/21/2005 - Amellio/Jarel purchased property from G&H Land Development that would be submitted to Nassau County as the Hawks Landing residential subdivision.
- 2 - 2/2/2007 - The first submittal of the Hawks Landing subdivision preliminary plat was made to Nassau County for review by the Development Review Committee. The Hawks Landing subdivision is a single-family detached residential project consisting of 23 individual Lots on 63 acres.
  - Owner, Amellio/Jarel
  - Engineer of Record, Asa Gillette – Gillette & Associates, Inc.
- 3 - 8/16/2007 – Second submittal of the Hawks Landing subdivision preliminary plat was made to Nassau County.
- 4 - 9/13/2007 – Asa Gillette on behalf of Amellio submitted engineering plans for review by Nassau County to pave Davis Road from Musslewhite Road to the Hawks Landing project entrance.
- 5 - 10/23/2008 – Asa Gillette on behalf of Amellio request Nassau County waive the requirement to pave an approximate 3,500 linear-foot section of Davis Road. The segment from Musslewhite Road to the Hawks Landing project entrance.
- 6 - 4/9/2009 – Third submittal of the Hawks Landing subdivision preliminary plat was made to Nassau County.
- 7 - 10/22/2009 – Fourth submittal of the Hawks Landing subdivision preliminary plat was made to Nassau County.
- 8 - 11/23/2009 - The Board of County Commissioners agreed to waive the paving requirement and in-lieu-thereof enter into a maintenance agreement with the applicant (Amellio). The minutes reflect the Board of County Commissioners authorized the Chairman to sign an agreement for the maintenance of Davis Road (Contract No. CM1518), and authorize the agreement to be recorded in conjunction with the plat when approved at a future date (see platting process in Section H of this report).
- 9 - 11/30/2009 – Email from then Assistant County Attorney, Mollie Garrett to Amellio: *"Please work with Ms. Dobrosky and your Engineer to complete the plat review process. Once we get the signed agreement back and the plat review process is complete, the Growth Management Department will take the plat to the Board for approval and the Agreement and plat can be recorded together."* [emphases added]
- 10 - 12/17/2009 – Fifth submittal of the Hawks Landing subdivision preliminary plat was made to Nassau County.



## Attachment C

- 11 - 1/07/2010 – Sixth submittal of the Hawks Landing subdivision preliminary plat was made to Nassau County. Based on the available records, no additional submittals were made to the Development Review Committee.
- 12 - 3/25/2010 – Email from Walter Fufidio, then Nassau County Planning Director, responding to an inquiry as to the status of the project by the Clerk of Court's office (Linville); Fufidio states, *"Hawks Landing plat is currently in the review process. The Applicant seems to have lost interest in pursuing the matter but our files remain open. We will try to have this agreement executed if and when it appears before the Board."*
- 13 - 9/30/2010 - Email from Asa Gillette, Engineer of Record for Hawks Landing, responding to an inquiry made by then Nassau County Development Review Coordinator (Dobrosky) seeking a status report of the project; Gillette states, *"At this point my client cannot move forward due to a lack of funding and the downturn of the economy (just like everyone else). So as of now, we are still in a holding pattern."* [emphases added]
- 14 - 12/17/2010 (recorded 12/28/2010) - A Certificate of Sale was executed granting a fifty(50) percent undivided interest in the Hawks Landing property to William F. Murphy as Trustee of the Nassau DEV Trust.
- 15 - 3/1/2016 – A request was made by Amellio/James K Qunia, Jr P.E. for a pre-application meeting with the Development Review Committee of Nassau County for the Hawks Landing project.
- 16 - 9/13/2016 – A request was made by Baker Kline Engineering for a pre-application meeting with the Development Review Committee of Nassau County for the Hawks Landing project.
- N/A - 11/10/2016 – County Staff meet with Amellio to discuss project status. County staff expressed there was no evidence in the official file or County records indicating the final plat had been approved/recorded and, furthermore, any approvals that may have existed, despite no record of such being located in the official file nor provided by the applicant, would have expired and the project would need to proceed through the development review process anew based on current regulations.
- N/A - 7/13/2017 – County Staff met with Amellio to discuss Hawks Landing status.
- N/A - 8/4/2017 – County staff met with Amellio to discuss project status. At this meeting all known records were reviewed, placed in chronological order and it was ultimately affirmed that the platting process was not completed in 2009/2010, the agreement to waive the paving of Davis Road was not executed and thus the project would be reviewed anew based on current standards.
- 17 - 10/12/2017 – Consistent with the findings of the 8/4/2017 meeting, Amellio submitted a variance application requesting relief from Sec. 29-32 of the Nassau County Subdivision Regulations requiring Davis Road to be paved and constructed from Musslewhite Road to the Hawks Landing project entrance in accordance with the Nassau County Roadway and Drainage Standard.

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## Attachment C

- 18 - 11/27/17 – In response to the packet submitted by the applicant stating that Davis Road was not physically capable of being paved, then Nassau County Public Works Director Scott Herring, PE provided a memorandum finding, as a professional engineer, “there does not seem to be any major obstacles to paving of Davis Road”. Attached to this report as part of Exhibit A.
- N/A - 11/27/17 – Scott Herring’s last day employed with Nassau County.
- 19 - 12/06/17– Pope sends letter to Amellio advising that due to Mr. Herring’s departure, Nassau County believes the most equitable and prudent approach to resolve the question of whether Davis Road is capable of being paved is to have a third party engineer inspect Davis Road and provide an engineer’s report. Nassau County will cover the cost of the third party engineer and direct the engineer to provide both Amellio and the County the findings directly. Attached as Exhibit B.
- 20 - 12/8/17 – Pope sends memorandum to the Conditional Use and Variance Board advising that the County has requested a third party engineering firm analyze Davis Road. Attached as Exhibit C.
- 21 - 1/8/17 – Scope of Services related the Peters & Yaffee’s work finalized. Attached as Exhibit D.
- 22 - 1/16/17 – A signed and sealed Feasibility Report for Paving Davis Road was sent directly from Peters & Yaffee Inc. to Amellio, Murphy and Nassau County. Attached as Exhibit E
- 23 - 1/19/17 – Nassau County Department of Planning and Economic Opportunity published a staff report related to application V17-003.

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