

**Nassau County Board of County Commissioners
Special Session, November 9, 2018, 9:00 A.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, Steve Kelley, George V. Spicer, and Justin Taylor.

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

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 Melissa Lucey, Deputy Clerks.

Official Agenda Summary:

Audience Input: Non-Agenda Items

RS181109 - 9:01:40

None.

Audience Input: Agenda Items

RS181109 - 9:01:51

None.

PRESENTATION:

SS181109 - 9:03:20 (Tab A) Nabors, Giblin and Nickerson, P.A. regarding the East Nassau Community Planning Area (ENCPA and the Stewardship District).

Discussion: Ms. Encinosa, with Nabors, Giblin and Nickerson (NGN), P.A., came forward to provide a PowerPoint presentation regarding the options for ensuring adequate public facilities and oversight within the ENCPA. She noted the following topics that she would be discussing: Municipal Service Taxing Unit (MSTU); updated Parks and Recreation Impact Fee; Parks and Recreation Optional

Concurrency; Amendment to the Stewardship District Legislation; and Mobility Fee modifications.

Ms. Encinosa commented that the County has ten (10) mils for county purposes, but also has an extra ten (10) mils for municipal purposes. She explained that a MSTU is not a special district, it is a mechanism by which the County can fund a particular service or some identified facilities, from a levy of Ad-Valorem Taxes that is not necessarily County wide. She stated that a referendum is not required to impose a special millage within a defined area to fund the facilities or services that are designated. Ms. Encinosa addressed the legislative authority in *Florida Statutes* 125.01(q) and (r) which specially authorizes recreation services, facilities, and streets. She briefly explained how a MSTU is create, the deadlines, consent, and millage.

Next, Ms. Encinosa commented on the updated parks and recreation impact fee, noting that the County already has a consultant reviewing the fees and the levels that could be set and the uses. She explained that the impact fee is a onetime charge towards new development. Ms. Encinosa addressed the Dual Rational Nexus Test regarding impact fees, what the funds can be used for, separate fee for ENCPA based on Level of Service (LOS), and legal restrictions regarding the funds.

Ms. Encinosa commented that the parks and recreation is not tied to funding, but to optional concurrency. She stated that all local government in the State of Florida are required to have a Comprehensive Plan that outlines the principle guidelines and the strategies under which orderly future growth is be conducted. As part of the plan concurrency is a requirement that local government could include. There are certain mandatory and optional elements. Parks and recreation concurrency is an optional element after the 2011 legislative changes. She provided a brief definition and requirements to implement concurrency. Ms. Encinosa briefly addressed the Stewardship District House Bill (HB) 1075 as well as the special act. She explained the purpose of any amendment and advised that they would need to be presented to the local Legislative Delegation meeting in early December 2018.

In conclusion, Ms. Encinosa discussed the ENCPA Mobility Fee Network. She provide a brief background regarding the negotiated agreement with TerraPointe, adoption of Ordinance 2013-10, and section 3.2 of Ordinance 2013-10 as it relates to a five year review. Ms. Encinosa also addressed the ENCPA mobility revenue allocation subsidy and the current tax increment of twelve (12) percent.

Mr. Mullin briefly addressed the article "Where's the Beef". He noted that HB 1075 is the contract and if the Board wants changes proposed, staff can work with NGN to develop any proposed changes, including the two new commissioners coming on board. This would require at least one or two additional meetings with the Board to determine what the legislative amendments should be.

Chairman Edwards expressed concerns that the Stewardship District Board is already in Tallahassee, Florida seeking a way to implement the elimination of HB 1075. He requested that staff provide the Board with options on what is the most effective way to amend HB 1075 and other actions. Ms. Encinosa commented that there are local options that the Board could take without amending the special act that could help bridge the gap with what the Stewardship District needs to be providing and what appears to be the current path.

Commissioner Leeper agreed with the Chairman that whatever should be done needs to be expedited. He questioned if there is a way to memorialize take HB1075 into a County Ordinance, where the County has control. Ms. Encinosa requested additional time to research Commissioner Leeper's request. She responded to an inquiry regarding the ascendance of an interlocal agreement stating that HB 1075 is specific on that point as it empowers them to do parks and recreations facilities, but it has to be done pursuant to an interlocal agreement. Ms. Encinosa commented that from the Florida Legislative's prospective there could be requirements to enter into an agreement by a certain time or eliminate the agreement and embody the oversight and condition that the Board wants met in HB 1075. The group discussed limiting or prohibiting further development within the ENCPA if they are not meeting the needs of the County, the mobility fee agreement, amending HB 1075, and enforcing the Stewardships District's obligations to the County.

Request: Planning and Economic Opportunity Director to bring back to the Board the concurrency for the ENCPA as well as modeling and benchmarking what other progressive communities have done across the State.

Discussion: The group continued discussion regarding currency and the MSTU percentage. Mr. Stankiewicz commented that the MSTU millage rate could be set in July 2019 during the budget process. He advised that the impact fee is ongoing and the first meeting with the consultant was held on November 8, 2018. He mentioned another local option based on an Ordinance is the Tax Increment Financing (TIF) and he has been working with Nabors, Giblin and Nickerson, P.A. to bring back to the Board of County Commissioners for consideration at a future board meeting.

Commissioner Elect Aaron Bell came forward to thank Ms. Encinosa for her presentation. He agreed with the approaches that were discussed. The group briefly addressed whether it is the appropriate time to make modifications to the current TIF as it relates to the twelve percent (12%).

NEW BUSINESS:

SS181109 - 9:47:08 (Tab B) Discuss/identify the County's top three Legislative Priorities to be considered during the 2019 Legislative Session.

Discussion: Mr. Stankiewicz reviewed the suggested priorities and requested Board direction. Brief discussion followed.

Motion: Approve the following top three Legislative Priorities to be considered during the 2019 Legislative: (1) William Burgess extension, (2) Edwards Road Improvement, and (3) Water and Sewer for America Beach.

Maker: Commissioner Leeper

Second: Commissioner Spicer

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

Follow Up: OMB, Public Works, Planning and Economic Opportunity

SS181109 - 9:50:25 (Tab C) Reschedule the Workshop to discuss regulations for the County Boat Ramps from November

28, 2018 due to some Commissioners being in attendance at the Florida Association of Counties (FAC) Legislative Conference November 28-30, 2018.

Motion: Reschedule to January 14, 2019 at 6:00 p.m., or as soon thereafter as the matter may be heard, the workshop to discuss regulations for the County Boat Ramps.

Maker: Commissioner Taylor

Second: Commissioner Leeper

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

Follow Up: Board, County Manager, OMB, County Attorney, Facilities Maintenance

EXPANSION ITEMS:

SS181109 - 9:02:03 (1) Consideration and approval of work authorization [CM2418-WA04] and authorize the Chairman to sign the work authorization in the amount of \$97,547.24 for CDM Smith to provide CEI Services for the 14th Street Improvements. (2) Consideration and approval to authorize the Chairman to sign the contract with Florida Infrastructure [CM2614] in the amount of \$827,151.00 and to issue the notice of award from the construction of South 14th Street Improvements from the Amelia Island Parkway to Sadler Road. (3) Discussion and approval for the County Attorney to enter in discussions with the State of Florida Department of Economic Opportunity, Florida Power & Light, JEA and the Town of Callahan on the terms of the Florida Job Growth Infrastructure Grant Agreement. (4) Authorize the Chairman to sign Court and Public Official Bond application for Aaron Bell and Thomas Ford. (5) Authorize the Chairman to execute the Grant Award Project Summary for the Office of the Attorney General Victims of Crime Act Grant [VOCA-2018-Nassau County Board of CO-00162].

Motion: Expand the meeting to consider five (5) items as stated above.

Maker: Commissioner Leeper

Second: Commissioner Spicer

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

Follow Up: County Manager, County Attorney

SS181109 - 9:51:14 Expansion Item #1: Consideration and approval of work authorization [CM2418-WA04] and authorize the Chairman to sign the work authorization in the amount of \$97,547.24 for CDM Smith to provide CEI Services for the 14th Street Improvements.

Discussion: Commissioner Leeper expressed concern with timeframe to start the project.

Motion: Approve expansion item 1 as stated above.

Maker: Commissioner Leeper

Second: Commissioner Spicer

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

Follow Up: Finance, OMB, Public Works, Contract Management

SS181109 - 9:52:18 Expansion Item #2: Consideration and approval to authorize the Chairman to sign the contract with Florida Infrastructure [CM2614] in the amount of \$827,151.00 and to issue the notice of award from the construction of South 14th Street Improvements from the Amelia Island Parkway to Sadler Road.

Motion: Approve expansion item 2 as stated above.

Maker: Commissioner Kelley

Second: Commissioner Leeper

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

Follow Up: Finance, OMB, Public Works, Contract Management

SS181109 - 9:55:12 Expansion Item #3: Discussion and approval for the County Attorney to enter in discussions with the State of Florida Department of Economic Opportunity, Florida Power & Light, JEA and the Town of Callahan on the terms of the Florida Job Growth Infrastructure Grant Agreement.

Discussion: Mr. Mullin explained the history regarding the grant application for infrastructure for Crawford Diamond. He addressed various concerns within the grant agreement. Lengthy discussion followed.

Motion: Authorize the County Attorney and appropriate staff to enter into discussions with the State of Florida Department of Economic Opportunity,

Florida Power and Light, JEA, and the Town of Callahan on the terms of the Florida Job Growth Infrastructure Grant Agreement.

Maker: Commissioner Spicer
Second: Commissioner Taylor
Action: Aye: Commissioners Leeper, Kelley, Edwards, Spicer, and Taylor
Follow Up: County Attorney

SS181109 - 9:53:05 Expansion Item #4: Authorize the Chairman to sign Court and Public Official Bond application for Aaron Bell and Thomas Ford.

Motion: Approve expansion item 4 as stated above.
Maker: Commissioner Spicer
Second: Commissioner Taylor
Action: Aye: Commissioners Leeper, Kelley, Edwards, Spicer, and Taylor
Follow Up: County Attorney

SS181109 - 9:53:31 Expansion Item #5: Authorize the Chairman to execute the Grant Award Project Summary for the Office of the Attorney General Victims of Crime Act Grant [VOCA-2018-Nassau County Board of CO-00162].

Motion: Approve expansion item 5 as stated above.
Maker: Commissioner Taylor
Second: Commissioner Spicer
Action: Aye: Commissioners Leeper, Kelley, Edwards, Spicer, and Taylor
Follow Up: Finance, OMB, Sheriff, County Manager

SS181109 - 9:53:57

Motion: Schedule joint workshop meeting with the Planning and Zoning Board for November 27, 2018 at 9:00 a.m. to discuss the Three Rivers potential Development Agreement.
Maker: Commissioner Leeper
Second: Commissioner Taylor
Action: Aye: Commissioners Leeper, Kelley, Edwards, Spicer, and Taylor
Follow Up: Finance, OMB, County Manager, County Attorney, Planning and Zoning Board, Planning and

Economic Opportunity

SS181109 - 10:38:30 Mr. Mullin read a Resolution Recognizing and Commending Commissioner Stephen W. Kelley for His Service to the Citizens of Nassau County as a Member of the Board of County Commissioners and presented him with a plaque for his service.

Motion: Approve and authorize the Chairman to sign Resolution 2018-124 Recognizing and Commending Commissioner Stephen W. Kelley for His Service to the Citizens of Nassau County as a Member of the Board of County Commissioners.

Maker: Commissioner Leeper

Second: Commissioner Spicer

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

Follow Up: County Manager

SS181109 - 10:44:14 Mr. Mullin read a Resolution Recognizing and Commending Commissioner George V. Spicer for His Service to the Citizens of Nassau County as a Member of the Board of County Commissioners and presented him with a plaque for his service.

Motion: Approve and authorize the Chairman to sign Resolution 2018-125 Recognizing and Commending Commissioner George V. Spicer for His Service to the Citizens of Nassau County as a Member of the Board of County Commissioners.

Maker: Commissioner Kelley

Second: Commissioner Taylor

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

Follow Up: County Manager

DISCUSSION ITEMS:

SS181109 - 10:49:43 Commissioner Kelley's Business:
None.

SS181109 - 10:49:46 Commissioner Spicer's Business:

- Wished his predecessor the best.

SS181109 - 10:50:18 Commissioner Leeper's Business:

- Provided an update on the Ground Breaking Ceremony for the Simmons Road Trail.
- Thanked Commissioners Kelley and Spicer for their willingness and dedication to serve on the Board of County Commissioners and wished them the best.

SS181109 - 10:51:12 Commissioner Taylor's Business:

- Also thanked Commissioners Kelley and Spicer for their service on the Board of County Commissioners and wished them the best.

SS181109 - 10:51:42 Commissioner Edwards' Business:

- Wished Commissioners Kelley and Spicer the best and thanked them for their service to Nassau County.
- Thanked Vicki Cannon, Supervisor of Elections, and her staff for a great election.

There being no further business, the special session of the Nassau County Board of County Commissioners adjourned at 10:52 a.m.

Pat Edwards, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk