

**Nassau County Board of County Commissioners  
Regular Session, November 18, 2019, 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 Justin Taylor, Commissioners Daniel B. Leeper, Aaron C. Bell, Pat Edwards, and Thomas R. Ford.

**Other Officials Present:** Michael S. Mullin, County Attorney/County Manager; and Taco Pope, Assistant County Manager.

**Staff Present:** Megan Diehl, Office of Management and Budget Director; and representing the Clerk's office Brenda Linville and Peggy Snyder, Deputy Clerks.

**Official Agenda Summary:**

**Audience Input: Non-Agenda Items**

**RS191118 - 6:01:32** Rear Admiral Retired Gene Kendall came forward to speak in support of the potential expansion of arcades and gaming activities with the County.

**RS191118 - 7:15:38** George Crady expressed his support of game rooms in Nassau County and their benefits to the communities.

**RS191118 - 7:20:10** Joseph Van Hoesen - Spoke in favor of games rooms with limited hours of operation for the existing businesses and requested the County place a moratorium on additional game rooms coming into Nassau County.

**RS191118 - 7:25:05** Lynn Sluder - Commented that game rooms are a very high social point for senior citizens. She agreed that there needs to be a limit on game rooms in the county.

## **Audience Input: Agenda Items**

None.

### **RESOLUTION (S) :**

**RS191118 - 6:04:23 (Tab A)** Approve a Resolution of the Board of County Commissioners of Nassau County, Florida, proclaiming November 21, 2019 at "Pancreatic Cancer Awareness Day".

**Motion:** Approve Tab A as stated above and authorize Chairman to sign Resolution 2019-164 regarding same.

**Maker:** Commissioner Ford

**Second:** Commissioner Leeper

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

**Follow Up:** County Manager

### **PRESENTATION (S)**

**RS191118 - 6:06:22 (Tab B)** Michael Mullin, County Manager/County Attorney, regarding recommendations of the Beach Community Working Group.

Chair Taylor advised that there will no decision made and no action taken tonight regarding the recommendations made by the Beach Committee Working Group. The Board of County Commissioners will hold publically advertised workshops beginning in January 2020 to discuss the committee's recommendations and the different options. The public will be able to attend to hear the recommendations in detail and provide input.

Mr. Mullin explained that the presentation will not be a formal presentation as the Board members had only received their copy of the recommendations today. As the beach recommendations are too lengthy to address tonight in a formal presentation, there are instruction sheets provided by the podium on how to access the County website for the Beach Committee's recommendations. The recommendations are tied to the allocation of resources which can only be addressed by the Board of County Commissioners. He stressed that these recommendations in no way favor or address privatization of the beach.

The following citizens came forward to speak regarding Tab B:

- Joseph Henry - Spoke against any privatization of the beach.
- Mac Morriss - Requested the Board consider the additional recommendations he provided.
- Pari Francis - Spoke in favor of beach camping by organized groups.
- Ron Starling - Spoke in opposition to any privatization of the beach and lamented that this process was being dragged out.
- Lowell Hall - Representative of Citizens for Public Beaches and Shores, suggested supervising the beach by having a kiosk at the entrance to Peters Point Park to record tab numbers. Dollars are now allocated for a deputy to patrol Peters Point.
- Paul Lore - Stated that if the County bans traditions on the beach, they will become "every other county".
- Marsha Dean Phelps - Spoke in opposition to beach privatization.
- Gordon Reilly - Felt that each restriction placed on public access is another step towards de facto privatization.
- Skylar McKnight - Requested clarification of the workshop process and what constituted bad behavior.
- Lisa Reese - Requested the Board move quickly with this process to pass the beach ordinance without delay.
- Pam Bell - Concerned that drastic change will lead to the public's loss of beach use.
- John Gorham - Requested responsible use of the beach by beachgoers. Camping needs regulation.
- Daryl Crane - Requested that the workshop and any ordinance be inclusive.
- Tanya Bennett - Educates the students she brings to the beach about keeping the beach clean in the name of the Beach Lady. The beach is also a source of spiritual energy and grounding for many.
- Beverly McKenzie - On behalf of Dr. Beverly Davis, a seasonal resident, requesting Board of County Commissioners accept the proposed recommendations of the Beach Committee.
- Brad Hicks - Spoke against any restrictions being added to the beach.

- Nick Klein - Felt that campfires were an age-old tradition for families and communities. Feels that history should be honored on American Beach and should be considered differently.
- John Egbert - Requested that the Board view the Sheriff's logs for the past five years for calls on the beach. Mr. Mullin will provide the Board with this information breaking down the calls by local and out-of-town residents.
- Lisa Kapral - Saddened to see the changes on the beach in the past few years with the noise, trash, and public urination.
- Marianne Phillips - Stated that a common theme of every meeting was the lack of enforcement and respect of the beach.
- Paula Clarkson - Believes in full beach access for everyone. Being from California, she fought hard for beach access as the people from Malibu wanted to privatize the beach. Beach driving has gone from charming to lawsuits.
- Glenn Gsell - Stated that beach driving, beach camping and bonfires are a privilege; not a right. Suggested a moratorium until the County can get an effective regulation in place.

**CONSENT ITEM(S) :**

**RS191118 - 7:26:41** Approve the following: **(Tab C)** Two (2) new Water/Wastewater Maintenance Tech I positions for Nassau Amelia Utilities. **(Tab D)** Authorization for the Chairman to sign the EyeMed Application for Vision Care Benefits, Contract No. CM2764. **(Tab E)** Authorization for the Chairman to sign the Labor Agreement with Nassau County Fire-Rescue Professionals Local 3101, Contract No. CM26762. **(Tab F)** Final plat for Hampton Lakes Phase IV-B filed by AW Venture II, LLC, owner, and Dan McCranie, McCranie & Associates, agent for owner, to construct 87 residential lots on approximately 86 acres. Property is located at the end of Majestic Walk, on the south side of Amelia Concourse, Fernandina Beach area. **(Tab G)** Approve Board minutes from the regular session held on August 12, August 21, and August 26, 2019 and the special sessions held on August 30, and August 31, 2019.

**Motion:** Approve Consent Items Tabs C, D, E, F, and G.  
**Maker:** Commissioner Leeper

**Second: Commissioner Ford**  
**Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor**  
**Follow Up: Finance, OMB, Human Resources, Fire Rescue, Planning and Economic Opportunity Department, Clerk Staff**

**REGISTER:**

The Chairman signed the register for the following warrants: Wire Transfer Nos. 1919286 thru 1919287 dated 9-30-19 for a register total of \$3,912.15; Wire Transfer Nos. 2000728 dated 10-19-19 for a register total of \$8,282.36; Wire Transfer No. 2001267 dated 10-28-19 for a register total of \$8,370.20; Warrant Nos. 258504 thru 258560 dated 10-29-19 for a register total of \$676,472.59; Wire Transfer No. 2000729 dated 10-30-19 for a register total of \$3,916.76; Warrant No. 258561 dated 10-30-19 for a register total of \$215,378.00; Warrant No. 258562 thru 258586 dated 10-31-19 for a register total of \$570,372.37; Warrant No. 258587 thru 258655 dated 11-1-19 for a register total of \$67,431.02; Wire Transfer No. 2000791 dated 11-1-19 for a register total of \$14,875.00; Warrant No. 258656 thru 258660 dated 11-1-19 for a register total of \$3,983.83; Wire Transfer Nos. 2001039 thru 2001047 dated 11-4-19 for a register total of \$2,572,804.17; Warrant No. 258661 thru 258698 dated 11-5-19 for a register total of \$35,762.65; Warrant No. 258699 thru 258713 dated 11-5-19 for a register total of \$157,312.13; Wire Transfer No. 2001048 dated 11-5-19 for a register total of \$34,650.16; Warrant No. 258714 thru 258729 dated 11-6-19 for a register total of \$18,442.35; Wire Transfer No. 2001049 dated 11-7-19 for a register total of \$35.46; Warrant No. 258730 thru 258812 dated 11-8-19 for a register total of \$705,259.42; Wire Transfer Nos. 2001160 thru 2001162 dated 11-8-19 for a register total of \$38,545.18; Warrant No. 258813 thru 258881 dated 11-13-19 for a register total of \$138,878.49; Warrant No. 258882 thru 258939 dated 11-15-19 for a register total of \$1,551,081.43; and, Warrant No. 258940 thru 258941 dated 11-15-19 for a register total of \$352.80.

**OLD BUSINESS:**

**RS191118 - 7:27:08 (Tab H)** Continue discussion regarding the Stewardship District and House Bill 1075. No action taken.

**RS191118 - 7:27:08 (Tab I)** Discussion on the status of paving, design and right-of-way acquisition of Crawford Road. No action taken.

**NEW BUSINESS:**

**RS191118 - 7:27:31 (Tab J)** Approve and authorize the Chairman to sign the agreement with CDM Smith, Inc., Contract No. CM2775, for Professional Engineering Inspection (CEI) Services for the CR 115 Widening and Resurfacing Project. Funding source: 63470541-563360 115S B.

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

**Maker:** Commissioner Edwards

**Second:** Commissioner Ford

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

**Follow Up:** Engineering Services, Finance, OMB, Contract  
Management

**RS191118 - 7:28:11 (Tab K)** Approve and authorize the Chairman to sign the Financial Action Form for the use of Administrative Impact Fees to develop a Master Plan for 160 acres of County-owned property southeast of William Burgess Boulevard.

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

**Maker:** Commissioner Edwards

**Second:** Commissioner Leeper

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

**Follow Up:** Finance, OMB

**APPOINTMENTS:**

**RS191118 - 7:28:42 (Tab L)** Consider appointment of Lynn Schultz as Nassau County's representative on the Northeast Florida Fire Watch Council for a four year term.

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

**Maker:** Commissioner Leeper

**Second:** Commissioner Ford

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

**Follow Up:** County Manager

**RS191118 - 7:29:26 (Tab M)** Discussion of Chairman and Vice Chairman positions for January 1 through December 31, 2020.

**Motion:** Approve to appoint Commissioner Leeper as the Chairman and Commissioner Edwards as Vice-Chairman effective January 1, 2020 through December 31, 2020.

**Maker:** Commissioner Ford

**Second:** Commissioner Bell

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

**Follow Up:** Finance, County Manager, Board

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

**RS191118 - 7:32:16 (Tab N)** Second public hearing for consideration of LDC19-009, an Ordinance amending Article 15 of the Land Development Code, Commercial Neighborhood (CN), allowing for the sale of alcoholic beverages with alcoholic content above fourteen (14) percent for on-premises consumption as a conditional use in the Commercial Neighborhood (CN) District.

Mr. Mullin read the legislative procedures applicable for Tabs N, O, Q, and R.

**Noted:** Commissioner Leeper recognized Patty Stewart, General Manager with the Amelia Island Plantation Community Association, in the audience.

**Motion:** Open the floor to public discussion for Tabs N, O, Q and R.

**Maker:** Commissioner Edwards

**Second:** Commissioner Bell

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

**Discussion:** Doug McDowell, Principal Planner, reviewed the request.

Audience input: Zenzi Whitsitt came forward in support of Mr. Starling. She finds the proposed alcohol ordinance and beach ordinance to be contradictory. Mr. Pope responded that this ordinance creates uniformity between zoning districts and will keep businesses competitive.

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

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

**Motion:** Approve Tab N as stated above and authorize  
Chairman to sign Ordinance 2019-28 regarding  
same.

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

**Follow Up:** Planning and Economic Development Department

**RS191118 - 7:43:36 (Tab O)** Second public hearing to  
consider LDC19-011, an Ordinance amending Ordinance No.  
97-19, as amended, known as the Nassau County Land  
Development Code, specifically amending Section 28/02 by  
adding Mother-in-Law Dwellings; amending Section 28-14 by  
adding Mother-in-Law Dwelling; providing for codification;  
providing for severability; and providing for an effective  
date.

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

No public input.

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

**Motion:** Approve Tab O as stated above and authorize the  
Chairman to sign Ordinance 2019-29 regarding  
same.

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

**Follow Up:** Planning and Economic Opportunity

**RS191118 - 6:01:07 (Tab P)** Consider Comprehensive Plan  
Amendment application CPA19-008, an Ordinance of the Board  
of County Commissioners of Nassau County, Florida, amending



the 2030 Comprehensive Plan; amending the Public Facilities, Conservation, Regional Coordination, and Capital Improvements Elements to address statutory requirements for water supply planning pursuant to Florida Statutes 163.3177(6), Florida Statutes 163.3177(6)(D)(3), Florida Statutes 163.3177(6)(H)(1), and Florida Statutes 163.3177(3)(A)(4); providing for transmittal; providing for severability; and providing an effective date.

**Motion:** Continue to December 9, 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 Bell

**Second:** Commissioner Edwards

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

**Follow Up:** Planning and Economic Opportunity

**RS191118 - 7:46:03 (Tab Q)** Consider LDC19-008, an Ordinance of the Board of County Commissioners of Nassau County, Florida, amending Article 28, Supplementary Regulations, specifically amending Section 28.02, Erection of More than One Residential Dwelling Unit on a Lot or Parcel; providing an effective date.

**Discussion:** Mr. McDowell reviewed the request and provided a brief history noting that the effective date is October 1974 when the zoning code was adopted.

Commissioner Bell questioned whether the replacement dwelling would be required to pay impact fees and what date the impact fee ordinance was adopted. Mr. Mullin recalled that the impact fees were adopted in 1989 or 1990.

No public input.

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

**Maker:** Commissioner Ford

**Second:** Commissioner Edwards

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

**Motion:** Approve with the substitution of the October 1974 date with the effective date the County first approved the impact fee ordinance according to the Clerk's office.

**Maker:** Commissioner Bell  
**Action:** Motion died for lack of a second.

**Motion:** Approve Tab Q as stated above and authorize the Chairman to sign Ordinance 2019-30 regarding same.

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

**Follow Up:** Planning and Economic Opportunity

**RS191118 - 7:53:18 (Tab R)** Consider an Ordinance of the Board of County Commissioners of Nassau County, Florida, providing for revisions to the Five-Year Schedule of Capital Improvements in the Capital Improvement Element; providing for findings; and providing an effective date.

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

No public input.

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

**Motion:** Approve Tab R as stated above and authorize the Chairman to sign Ordinance 2019-31 regarding same.

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

**Follow Up:** Planning and Economic Opportunity

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

**RS191118 - 7:57:22 (Tab S)** Consider Rezoning application R19-003, filed by Ephriam and Brenda Hickox, owners, and Philip Griffin, agent for owner, to rezone approximately 1.53 acres from Commercial General (CG) to Commercial Intensive (CI). Property is located on the south side of SR

200/A1A between Gressman Road and Sidney Thomas Lane, Callahan areas.

Mr. Mullin read the quasi-judicial procedures. As there was no one in the audience wishing to speak for or against this application, the hearing would be conducted as a legislative hearing.

**RS191118 - 7:58:18** Documents submitted into the record: Draft Ordinance - 4 pages, Parcel, Zoning and FLUM maps - 3 pages, Staff Report - 4 pages, Application for Rezoning - 7 pages, Warranty Deed - 1 page, Legal Description - 1 page, Owner's Authorization for Agent - 1 page, and Consent for Inspection - 1 page.

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

**Maker:** Commissioner Bell

**Second:** Commissioner Edwards

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

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

**Maker:** Commissioner Leeper

**Second:** Commissioner Edwards

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

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

No public input.

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

**Maker:** Commissioner Ford

**Second:** Commissioner Bell

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

**Motion:** Approve, based upon competent substantial evidence in the record, Tab S as stated above and authorize the Chairman to sign Ordinance 2019-32 regarding same.

**Maker:** Commissioner Ford

**Second:** Commissioner Bell

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

**Follow Up: Planning and Economic Opportunity Department**

**COUNTY ATTORNEY BUSINESS:**

**RS191118 - 8:01:42 (Tab T)** Recommendation as to acquisition of property adjacent to the Holly Point Boat Ramp.

**Discussion:** Mr. Mullin reviewed the recommendation.

**Noted:** Continue to November 20, 2019, consideration of Tab T in order for the County Manager to bring back the appraisals for the property.

**EXPANSION ITEMS:**

**RS191118 - 6:03:33** (1) Schedule public hearing date for consideration of an Ordinance Amending Ordinance 2019-25 of the Nassau County Code of Ordinances Entitled Comprehensive Impact Fee Ordinance. (2) Approve and authorize the Chairman to sign necessary form to provide Corey Poore with temporary signing authority through December 13, 2019. (3) Approve relocation of the recycle center at Bailey Road to the Yulee Road Office located on Gene Lasserre.

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

**Maker:** Commissioner Edwards

**Second:** Commissioner Bell

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

**Follow Up:** County Manager

**RS191118 - 8:04:25 Expansion Item #1:** Set public hearing date for consideration of an Ordinance Amending Ordinance 2019-25 of the Nassau County Code of Ordinances Entitled Comprehensive Impact Fee Ordinance.

**Motion:** Schedule public hearing for December 9, 2019, at 6:00 p.m., or as soon thereafter as the matter may be heard, for consideration of expansion item 1 as stated above.

**Maker:** Commissioner Leeper

**Second:** Commissioner Bell

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

**Follow Up:** County Manager

**RS191118 - 8:04:54 Expansion Item #2:** Approve and authorize the Chairman to sign necessary form to provide Corey Poore with temporary signing authority through December 13, 2019.

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

**Motion:** Approve expansion item 2 as stated above.  
**Maker:** Commissioner Edwards  
**Second:** Commissioner Bell  
**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor  
**Follow Up:** Finance, County IT, OMB, County Manager

**RS191118 - 8:05:17 Expansion Item #3:** Approve relocation of the recycle center at Bailey Road to the Yulee Road Office located on Gene Lasserre.

**Motion:** Approve expansion item 3 as stated above.  
**Maker:** Commissioner Edwards  
**Second:** Commissioner Bell  
**Action:** Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor  
**Follow Up:** Solid Waste, Road Department, Facilities Maintenance

**RS191118 - 8:06:30** Mr. Mullin responded to earlier input regarding internet gaming and arcades; stating that he has been reviewing the City of Jacksonville and Duval County case law regarding internet gaming and arcades. He found that there is no legal basis for suddenly passing an ordinance stating that no other gaming businesses can come into the county. If the zoning is correct, legal issues could evolve. Since Duval County has shut down these establishments; they are coming to Nassau County. The Sheriff's Department has investigated these establishments and, in order to make a case, there are items to be accomplished by the State Attorney's Office which are in review. The Sheriff has provided him with the details of the recent arrests associated with these establishments. Mr. Mullin along with Sheriff Leeper will bring this item back for discussion at the December 9, 2019 meeting.

**INFORMATIONAL ITEM(S) :**

**RS191118 - 8:09:29 (Tab U)** Informational only: Adjustment to the approved Market Street Preliminary Development Plan (PDP) - adjusting signage standards.

**DISCUSSION ITEMS:**

**RS191118 - 8:08:37** Commissioner Edwards' Business:

- Thanked the Beach Committee Working Group and staff for their hard work and efforts.

**RS191118 - 8:09:02** Commissioner Bell's Business:

- Thanked the Beach Committee Working Group for their efforts and thanked the speakers who came forward tonight.

**RS191118 - 8:09:10** Commissioner Ford's Business:

- Thanked the Beach Committee Working Group and expressed how great it was to have the room filled with citizens taking the time to attend the meeting.

**RS191118 - 8:09:29** Commissioner Leeper's Business:

- Thanked the Beach Committee Working Group for a great job.
- Advised that Derrick Henry was very appreciative for the Derrick Henry sign dedication in Yulee.
- Thanked Sabrina Robertson and Deputy Jenny Timberlake for their hard work fundraising for the Derrick Henry sign and for hosting the event.

**RS191118 - 8:10:55**

**Motion:** Approve nomination of John Vaughn, Rayonier Utilities Operation Manager, to replace C. A. McDonald who is resigning from the Nassau County Economic Development Board.

**Maker:** Commissioner Leeper

**Second: Commissioner Edwards**  
**Action: Aye: Commissioners Leeper, Bell, Edwards,**  
**Ford, and Taylor**  
**Follow Up: County Manager, Nassau County Economic**  
**Development Board**

**RS191118 - 8:11:06** Commissioner Taylor's Business:

- Thanked the Beach Committee Working Group for their hard work and to everyone who came out to speak.
- Thanked Sabrina Robertson and Deputy Jenny Timberlake for their fundraising efforts and hosting the Derrick Henry sign dedication.
- Congratulated the Planning and Economic Opportunity staff for their recent awards from First Coast Planning Association for Public Participation for the Westside Heritage Preservation Plan. Mr. Pope outlined staff's efforts in the community to win this award.

There being no further business, the regular session of the Nassau County Board of County Commissioners adjourned at 8:18 p.m.

---

Justin Taylor, Chairman

Attest:

---

John A. Crawford, Ex-Officio Clerk