

**Nassau County Board of County Commissioners
Regular Session, July 13, 2020, 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 Daniel B. Leeper, Commissioners Justin Taylor, Aaron C. Bell, Pat Edwards, and Thomas R. Ford.

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

Staff Present: Representing the Clerk's office Brenda Linville and Heather, Deputy Clerks.

Official Agenda Summary:

RS200713 - 6:01:37 Mr. Mullin explained that this meeting is being live streamed and encourages anyone who wants to provide any public comments during the meeting to submit an email to comments@nassaucountyfl.com and provide their name and address. He advised that if anyone would like to be called during the meeting to call 904-530-6009 and leave a message with their name, phone number, address and topic of discussion.

RS200713 - 6:04:04 Mr. Mullin read an email from Barbara Conticelli regarding her concerns with restrictions on Nassau County residents as it relates to COVID-19.

RS200713 - 6:08:14 Ms. Singleton called in and expressed her concerns and opposition to the face mask mandate.

Audience Input: Non-Agenda Items

RS200713 - 6:15:26 Freddie Nelson came forward to express his opposition to the face mask mandate.

CONSENT ITEM(S):

RS200713 - 6:17:34 (Tab A) For recording purposes only, consider the approval for the final plat for Marsh View Townhomes, PL19-004, filed by Artisan Homes, owner, and Gillette & Associates, agent, to plat 11 duplex residential units (for a total of 22 units). The property, zoned PUD with a future land use of Medium Density (MD), is on the south side of State Road 200/A1A, one half mile west of the Thomas J. Shave Jr. Bridge.

Motion: Approve Tab A as stated above.

Maker: Commissioner Ford

Second: Commissioner Bell

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

Follow Up: Planning Department

RS200713 - 6:18:03

Motion: Adjourn as the Board of County Commissioners and convene as the SAISS MSBU Governing Board.

Maker: Commissioner Edwards

Second: Commissioner Bell

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

RS200713 - 6:18:50 (Tab B) Approve a Resolution of the Board of County Commissioners of Nassau County, Florida, relating to the South Amelia Shore Stabilization Municipal Service Benefit Unit; describing the real property to be located within the maintenance assessment area and subareas therein; determining the estimated maintenance cost of existing beach re-nourishment local improvements; determining that such real property will derive a special benefit from the maintenance of such improvements; establishing the method of assessing the maintenance cost; establishing other terms and conditions of the assessments; directing the assessment coordinator to prepare a tentative maintenance assessment roll based upon the methodology set forth herein; establishing a public hearing to consider imposition of the proposed maintenance assessments and the methods of their collection; directing the provision of notice in connection therewith; providing for severability and providing an effective date.

Discussion: Bill Moore reviewed the request.

Motion: Approve Tab B as stated above and authorize Chairman to sign Resolution 2020-121 regarding the same.

Maker: Commissioner Bell

Second: Commissioner Ford

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

Follow Up: Finance, OMB, Bill Moore

RS200713 - 6:21:52

Motion: Adjourn as the SAISSA MSBU Governing Board and reconvene as the Board of County Commissioners.

Maker: Commissioner Ford

Second: Commissioner Edwards

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

REGISTER:

The Chairman signed the register for the following warrants: Wire Transfer No. 2013374 thru 2013376 dated 7-3-20 for a register total of \$10,522.00; Warrant Nos. 265504 thru 265552 dated 7-7-20 for a register total of \$231,609.04; Wire Transfer No. 2013491 dated 6-16-20 for a register total of \$76,736.78; and, Warrant Nos. 265553 thru 265554 dated 7-9-20 for a register total of \$28,412.60.

NEW BUSINESS:

RS200713 - 6:22:30 (Tab C) Consider the following: (1) approve the evaluation committee's ranking and final scoring of the proposals received in response to the bid for Construction Engineering Inspection services for the Pages Dairy Widening project [Bid No. NC20-013] and (2) authorize negotiations with the top ranked firm, England Thims and Miller and bring the negotiation results back to the Board for approval and execution.

Motion: Approve Tab C as stated above.

Maker: Commissioner Edwards

Second: Commissioner Bell

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

Follow Up: Public Works, Engineering Services

RS200713 - 6:22:52 (Tab D) Approve and Authorize the Chairman to sign the Solid Waste Haulers Permit for Freedom Waste Management, LLC.

Motion: Approve Tab D as stated above.

Maker: Commissioner Ford

Second: Commissioner Bell

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

Follow Up: Solid Waste, Finance, OMB

RS200713 - 6:22:09 (Tab E) Approve and authorize the Chairman to sign the following for Fire Station No. 71 Design/Build Project, Contract No. CM2729 (1) Change Order #2 - Reduction of \$31,604.00 and the request to extend the Substantial Completion from January 28, 2021 to April 14, 2021; (2) Change Order #3 - Modify HVAC System at an increased cost of \$219,132.00.

Discussion: Mr. Podiak reviewed the request.

Motion: Approve Tab E as stated above.

Maker: Commissioner Edwards

Second: Commissioner Ford

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

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

RS200713 - 6:30:29 (Tab F) Consider the following: (1) Award Bid No. NC20-010 to Jax Utilities Management, Inc. in the amount of \$89,429.54, for the Owen Farm Road Culvert Replacement Project; (2) Authorize the Chairman to sign the following Contract No. CM2867 and associated Requisition; and, (3) Authorize the Road Director to issue the Notice to Proceed contingent upon receipt of the required bonds and insurance.

Motion: Approve Tab F as stated above.

Maker: Commissioner Taylor

Second: Commissioner Ford

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

Follow Up: Finance, OMB, Road Department, Contract Management

RS200713 - 6:30:45 (Tab G) Approve and authorize the Chairman to sign a Memorandum of Understanding with JEA, Contract No. CM2844, for design and construction of the William Burgess Extension Project Water Main from US 17 to Miner Road.

Motion: Continue to July 27, 2020 Tab G as stated above.

Maker: Commissioner Edwards

Second: Commissioner Bell

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

Follow Up: Engineering Services

NON-QUASI-JUDICIAL PUBLIC HEARING(S) :

RS200713 - 6:31:14 (Tab H) Consider Comprehensive Plan Amendment application CPA20-002, a Small-Scale Future Land Use Map amendment to change the classification of 3.21 acres located on the south side of Julia Street between Julia Street and Lewis Street from Commercial (COM) to High Density Residential (HDR), Application filed by J.H. Cobb Properties, LLC, owner, and Rogers Towers, P.A., agent; **(Tab I)** Consider NOPC20-001, a Resolution amending the Development Order for The Summer Beach Development of Regional Impact (DRI); specifically amending the Development Order to a previously approved Development of Regional Impact pursuant to a notification filed by Artisan Homes, LLC, providing for up to Twenty-eight (28) multi-family residential units on Parcel D-1; and **(Tab J)** Consider FD20-001, the Final Development Plan for Parcel D-1 of the Summer Beach PUD/DRI; allowing a maximum of 28 residential units and associated open space. Application filed by J.H. Cobb Properties, LLC, owner, and Tim Ritch, Forum Capital Partners, agent.

Motion: Continue to July 27, 2020 at 6:00 p.m., or as soon thereafter as the matter may be heard, consideration of Tabs H, I, and J.

Maker: Commissioner Edwards

Second: Commissioner Taylor

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

Follow Up: Planning Department

QUASI-JUDICIAL PUBLIC HEARING(S) :

RS200713 - 6:31:57 (Tab K) Consider FD19-005, the Final Development Plan for Phase 1C, segments 1 and 2 of the Amelia National Planned Unit Development; 91 single-family residential units and associated infrastructure on the north and east sides of Amelia Concourse, west of CR107 Old Nassauville Road. Application filed by Amelia National Enterprise LLC, owner, and Prosser, Inc., agent.

Mr. Mullin read the Quasi-Judicial procedures for Tabs K and L.

Commissioners Ex-parte Communications for Tabs K and L:

RS200713 - 6:37:13

None.

RS200713 - 6:38:28 Documents submitted into the record for: **(Tab K)** Parcel Map - 1 page; Plan for Approval - 3 pages; Staff Report - 3 pages; Letters from March 2020 - 8 pages; and Draft Emergency Access Agreement - 5 pages; **(Tab L)** Approved Plan - 4 pages; Parcel Map - 1 page; Staff Report - 2 pages; and Letter from JEA dated March 30, 2020 - 1 page.

Motion: Accept documents into the record as presented above for Tabs K and L.

Maker: Commissioner Ford

Second: Commissioner Edwards

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

Motion: Open the floor to public discussion for Tabs K and L.

Maker: Commissioner Bell

Second: Commissioner Taylor

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

Deputy Clerk swore in Valerie Feinberg, Interim Planning Director, to provide testimony.

Discussion: Ms. Feinberg reviewed the background on the Amelia National PUD. The proposed development program is to construct 91 single-family residential and associated infrastructures on the north and east sides of Amelia

Concourse, west of CR 107 Old Nassauville Road. The applicant will construct at the commencement of the project a 20-foot wide stabilized emergency access road between Wild Cherry Drive and Amelia Concourse. Construction of a permanent entrance has to be constructed once the: (1) 449th residential certificate of occupancy or (2) approval of the site engineering plans for any segment of Phase 1D.

Mr. Mullin addressed the "Emergency Access and Temporary Construction Access Road Agreement" provided at tonight's meeting. He stated that if the Board approved the agreement the motion would need to include authorization of the Chairman to sign the agreement. He clarified that the agreement addresses the temporary construction of an emergency access and requires a bond and the emergency access would be maintained according to County standards.

The following speakers came forward and were sworn in to provide testimony: Jerry Dawkins, Roger Ridings, James Stowers and T.R. Hainline.

Mr. Hainline, attorney with Roger Towers, representing the applicant, came forward stating that the applicant has worked hard with County staff in order to come to an agreement with one change. The issue relates to Note: 3 - Final Development Plan, deals with the emergency access road and the construction road that will be used for Phase 1C [Phase approved in the Final Development Plans]. The emergency access agreement that was proposed on July 8, 2020 deals with the timing and the maintenance of the access road. He also addressed the clarification to the agreement which was to ensure that construction access for Phase 1C all comes in through that emergency access road and not the main entrance at Amelia National. Note: 4 - Final Development Plan, deals with the permanent secondary entrance at Amelia National and the timing of it. The PUD now is silent on that issue. It provides something that the residents do not have at Amelia National, which is a projection of timing on the secondary entrance.

Mr. Dawkins came forward addressing his concerns with Amelia National's violation of Florida Law regarding providing a secondary entrance which creates a safety issue.

Mr. Ridings came forward to express his and residents' concerns regarding the time frame for the secondary road,

and the response time of emergency personal due to not having access.

Mr. Mullin clarified that the fire code referenced is a California Fire Code. The State of Florida has adopted a different fire code. Deputy Fire Chief Roland has reviewed and signed off on the temporary access point stating that it meets the Florida Fire Code. Mr. Mullin commented that Engineering has also reviewed and signed off. The issue with the PUD is that it did not have a definitive date for the second entrance.

Fire Chief Brady Rigdon came forward to respond to an inquiry stating that the emergency access will decrease the response time, because there will be a second access. He also addressed the control device that would be located on the emergency access gate to provide entrance for emergency personnel. Discussion followed.

Noted: The Developer to work with Fire/Rescue regarding how emergency personnel will be able to access the emergency entrance.

Motion: Close the floor to public discussion for Tab K.

Maker: Commissioner Ford

Second: Commissioner Edwards

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

Motion: Approve, based upon competent substantial evidence in the record, Tab K as stated above and authorize for the Chairman to execute the Emergency Access and Temporary Construction Access Road Agreement.

Maker: Commissioner Bell

Second: Commissioner Taylor

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

Follow Up: Planning Department

RS200713 - 7:16:19 (Tab L) Consider FD20-003, the Final Development Plan for Parcel L of the Nassau Center Planned Unit Development; 4,650 sq. ft. convenience store with gasoline fueling station, located at 96001 Lofton Square Court. Application filed by Aileron Acquisition, LLC, Owner; and Bohler Engineering, Agent.

Discussion: Ms. Feinberg reviewed the requested.

Public Input: Chris Salemi, representing the applicant, came forward and was sworn in. He thanked staff for their recommendation for approval and is available to answer any questions.

Commissioner Bell clarified that this Final Development Plan is located in District 2 and not District 3. Ms. Feinberg concurred.

No public input.

Motion: Close the floor to public discussion for Tab L.

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 L as stated above.

Maker: Commissioner Bell

Second: Commissioner Edwards

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

Follow Up: Planning Department

COUNTY ATTORNEY BUSINESS:

RS200713 - 6:09:35 (Tab M) Set a public hearing to consider an Ordinance of the Board of County Commissioners of Nassau County, Florida, restricting the operation of electric bicycles on sidewalks, multi-use paths and trail networks; providing an effective date.

Discussion: Mr. Mullin reviewed the request.

Public Input: Mike Pikulla came forward to provide an explanation regarding the new state law that permits motorized vehicles on all trails unless there is an exception by local government.

Motion: Schedule public hearing for August 24, 2020 at 6:00 p.m., or as soon thereafter as the matter may be heard, to consider Tab M as stated above.

Maker: Commissioner Bell

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

DISCUSSION ITEMS:

RS200713 - 7:21:49 Commissioner Taylor's Business:

- Recognized the Road Department for the work done on Bismark Road and CR108.

RS200713 - 7:22:36 Commissioner Bell's Business:

- Encouraged citizens to continue to get involved regarding issues related to developments in Nassau County.

RS200713 - 7:23:18 Commissioner Ford's Business:

- Thanked the Road Department and also thanked all the citizens that came out tonight to speak.
- Thoughts and prayers for the Hartman family.

RS200713 - 7:23:42 Commissioner Edwards' Business:

- Thanked staff for being present tonight to help with the meeting.
- Condolences to the Hartman family.

RS200713 - 7:24:24 Commissioner Leeper's Business:

- Thanked everyone for making the public hearings the best under the circumstances and thanked the Sheriff's Department for their assistance.

Request: County Manager to direct staff to provide information regarding census participation on the County's social media.

There being no further business, the regular session of the Nassau County Board of County Commissioners adjourned at 7:27 p.m.

Daniel Leeper, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk