Nassau County Board of County Commissioners Regular Session, August 24, 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; and Taco Pope, Assistant County Manager.

Staff Present: Megan Diehl, Office of Management and Budget Director, and Brenda Linville and Melissa Lucey, Deputy Clerks.

Official Agenda Summary:

Audience Input: Agenda and Non-Agenda Items

RS200824 - 6:01:07 Mr. Mullin advised that citizens wishing to speak to the Board live during meetings can attend via Zoom or can submit an email to <u>comments@nassaucountyfl.com</u> and for the individuals to 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 for **(Tab A)** Non-Agenda Items and **(Tab B)** Agenda Items.

There was no public input.

RESOLUTIONS(S):

RS200824 - 6:04:11 (Tab C) Approve a Resolution of the Board of County Commissioners of Nassau County, Florida, proclaiming the month of September 2020 as Brain Aneurysm Month.

Motion: Approve Tab C as stated above and authorize Chairman to sign Resolution 2020-140 regarding same. Maker: Commissioner Taylor Second: Commissioner Bell Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor Follow Up: County Manager

PRESENTATION(S):

RS200824 - 6:10:23 (Tab D) Dale Martin, City Manager for the City of Fernandina Beach, regarding repairs and renovations to City recreational facilities.

Discussion: Mr. Martin came forward stating that County staff distributed a packet of several documents relating to the City of Fernandina Beach request to the County for supplemental funding for parks and recreational facilities. He provided a brief summary of the City of Fernandina Beach Parks and Recreation Master Plan 2015 highlighting several recreational facilities and services that the City provides to City and non-City residents. He clarified that these recreational facilities and services are solely funded by the City with the exception of other non-user fees and the current surcharge levied for non-City residents. Mr. Martin referred to the additional recreational activities and comprehensive list of the City's beach access and advised that the City beaches are being overwhelming used by City, non-City and visitors from elsewhere throughout Florida and the Country. Next, he addressed the findings from Barth Associations along with the Parks Director of the existing parks and recreation facilities which demonstrates that they are in need of upkeep, maintenance and environmental sustainability. Mr. Martin provided an a Facility Report presentation that was overview of presented to the City Commission in 2018 highlighting the age or number of structures that the City has to maintain to support recreational programs and services within the City limits. In addition, he provided a summary of the 2019 Fernandina Parks and Recreational Organization Assessment report from Pros Consulting which illustrates that the facilities and amenities need to be updated throughout the system and that the City should establish a higher cost recovery level on users outside of the city limit.

Mr. Martin explained that with the current growth the City's parks and recreation facilities are currently being strained by the number of users. He advised that without adequate funding to expand or maintain these facilities

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that the City's user charges may change based on City or non-City residents. The current surcharge is set at twenty-five percent, but may reflect a substantial increase and would be determined based on the usage data by City and non-City residents. He advised that some of the current and future parks and recreation capital had to be eliminated from the City's budget and used elsewhere. Mr. Martin presented the City's proposal for a County wide levy of one tenth of a mil. He pointed out that this levy would become an aggregated scale and with the conservative three percent growth over nineteen years with the City receiving \$11 million dollars and the County receiving \$13 million. He provided a brief breakdown of the hypothetical cost to the homeowners with the taxable value of \$100,000.00 and \$200,000.00 over the course of nineteen years. He suggested that this County wide levy be a funding mechanism for only capital facilities.

Chairman Leeper disclosed that the Board received the City's request; however, it did not provide any back up material. He inquired if the City could provide the data of City and non-City residents that use the City's recreation facilities with dates; surcharges that were collected by non-City residents; and the justification for the request to have the County fund \$500,000.00. Mr. Martin explained that the \$500,000.00 is based on the capital projects that were cut out of City's budget. He advised that the City does have the data and can demonstrate that there is 50/50 split between City and non-City residents that use these recreational facilities.

City Commissioners Len Kreger, Dr. Chip Ross, Philip Chapman, and Mike Lednovich came forward to address the appropriate levels of services and cost sharing to City and the County; the City's budget constraints; the great opportunity; and, an example of one City recreational facilities that the City offers to non-city residents.

CONSENT ITEM(S):

RS200824 - 6:50:36 Approve the following: **(Tab E)** Finance Package 2020-20 and associated Resolution. **(Tab F)** Minutes from the regular and workshop session held on June 8, 2020; regular sessions held on June 17 and June 22, 2020; and, special sessions held on June 3, June 10, and June 24, 2020.

Motion:	Approve	Consent	Items	Tabs	Е	and	F	(See
	Attachmen	t "A" for	Tab E).					
Maker:	Commissio	ner Ford						
Second:	Commissio	ner Bell						
Action:	Aye: Comm	issioners	Leeper,	Bell,	Edwa	ards,		
	Ford	, and Tayl	Lor					
Follow Up	: County M	anager, ON	4B, Fina	nce, Cl	lerk	Staff		

RS200824 - 6:50:56

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

RS200824 - 6:51:12 (Tab G) Approve Resolution of Nassau County, Florida electing to use the uniform method of collecting non-ad valorem special assessments levied within the unincorporated areas of Nassau County, Florida; stating a need for such levy; providing for the mailing of this Resolution; and, providing for an effective date.

Motion:	Approve Tab G as stated above and authorize
	Chairman to sign Resolution 2020-143 regarding
	same.
Maker:	Commissioner Bell
Second:	Commissioner Ford
Action:	Aye: Commissioners Leeper, Bell, Edwards,
	Ford, and Taylor
Follow Up	: County Manager, Bill Moore, Finance, OMB

RS200824 - 6:52:07

Motion:	Adjourn as the SAISS MSBU Governing Board and
	convene as the Board of County Commissioners.
Maker:	Commissioner Bell
Second:	Commissioner Taylor
Action:	Aye: Commissioners Leeper, Bell, Edwards,
	Ford, and Taylor

REGISTER:

The Chairman signed the register for the following warrants: Warrant Nos. 266575 thru 266678 dated 08-21-20 for register total of \$720,591.55.

FIRE RESCUE BUSINESS:

RS200824 - 6:52:24 (Tab H) Monthly status update on Fire Rescue activities. Informational only.

NEW BUSINESS:

RS200824 - 6:52:28 (Tab I) Approve maintenance map for O'Neil-Scott Road and authorize it to be recorded with the Clerk of Courts.

Discussion: Mr. Mullin advised that the applicants' council is requesting to address the Board; however, staff is recommending withdrawal of the maintenance map due to a current lawsuit filed on this matter between Louis Randolph and Cristy L. Scott verses the defendants, Erik H. and Courtney D. Anderson related to O'Neil-Scott Road. Prior to hearing from the applicant's council, Mr. Mullin recommends that the Board withdraw the maintenance map from the agenda due to the fact that the county will be part of the lawsuit as a third party.

Motion: Approve to withdraw Tab I as stated above from the agenda. Maker: Commissioner Edwards Second: Commissioner Ford Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor Follow Up: Engineering Services

Tyler Stubbs, attorney representing the Erik and Courtney Anderson, via Zoom, commented that his client's issue with the maintenance map which crosses their land is that the maintenance map represents 20 percent of the Anderson's waterfront property. Mr. Mullin interjected stating that the Board by motion withdrew the consideration of the maintenance map from the agenda based upon the lawsuit that the County will be a third party in. Mr. Stubbs continued with his comments that he felt that were relevant to the Board. He reviewed the following documents that were provided to the Board: *Florida Statutes 95.361*; imaginary form Google Earth from 2007 to 2019; Original v. Revised Map and 1958 George Lovesee Survey Scaled via AutoCAD; and, the County emails and Arc Surveying.

Mr. Anderson came forward and provided a brief history regarding the property. He explained that he found out about the maintenance map when he encountered surveyors on our property. Mr. Anderson stated that he is here tonight to try to figure why he has to spent time, money and efforts over an easement that his adjoining neighbor has been using for a significant amount of time. We have offered them an easement and would like to record an easement up the side of their fence free of charge, because that is what they have driven over. He does not understand the County's reasoning for wanting to assert ownership of the center of his waterfront property that would dead end into a gate for not public use. He has requested several times for the County to provide him with an official statement of what the County is asserting ownership of his property. Mr. Anderson stated that easement has been significantly expanded by the Road Department.

Request: Staff to get in contact with Mr. Anderson regarding the expanded easement.

RS200824 - 7:04:23 (Tab J) Consider request from Emie Stucky to hold a Hope Walk for Huntington's Disease on the beach between Peters Point and Scott Road on Saturday, October 24, 2020.

Motion: Approve Tab J as stated above. Maker: Commissioner Taylor Second: Commissioner Bell Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor Follow Up: County Manager, Facilities Maintenance

RS200824 – 7:04:40 (Tab K) Approve and authorize the Chairman to sign the Coronavirus Emergency Supplemental Funding (CESF) Program Acceptance of Federal Funding Assistance form, associated budget amendment and authorize staff to submit the acceptance electronically.

Motion: Approve Tab K as stated above and authorize the Chairman to sign Resolution 2020-144 regarding same.

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Maker: Commissioner Edwards Second: Commissioner Ford Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor Follow Up: OMB, Grants

NON-QUASI-JUDICIAL PUBLIC HEARING(S):

RS200824 - 7:05:02 (Tab L) Consider Comprehensive Plan Amendment application CPA20-006, a small-scale Future Land Use Map (FLUM) amendment to change the classification of 1.47 acres located on the west side of Chester Road, between Lee Road and Miller Road from Medium Density Residential (MDR) to Commercial (COM). Application filed by The Jones Company, owner; and, Concept Development, Inc., agent.

Mr. Mullin read the legislative procedures.

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

Discussion: Thad Crowe, Interim Planning Director, reviewed the request. Holly White, Project Engineer with Civil Engineering, representing the applicant, came forward stating that this would establish a land use that is consistent with the current zoning for future development.

No public input.

Motion: Maker: Second: Action:	Close the floor to public discussion. Commissioner Edwards Commissioner Ford Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor
Motion:	Approve Tab L as stated above and authorize the Chairman to sign Ordinance 2020-24 regarding same.
Maker:	Commissioner Edwards
Second:	Commissioner Bell
Action:	Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor
Follow Up:	: Planning Department

RS200824 - 7:09:45 (Tab M) Public Hearing on Ordinance restricting the operation of electric bicycles.

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

Discussion: Mr. Mullin 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 Tab M as stated above and authorize the Chairman to sign Ordinance 2020-25 regarding same.
Maker:	Commissioner Bell
Second:	Commissioner Edwards
Action:	Aye: Commissioners Leeper, Bell, Edwards,
110 01 011 .	Ford, and Taylor
Follow IID	· County Attorney

Follow Up: County Attorney

RS200824 - 7:11:27 (Tab N) Consideration of a Resolution of the Board of County Commissioners of Nassau County, Florida, abandoning a right-of-way located at the east end of Clements Road, Nassau County, Florida.

Discussion: Mr. Mullin read an email received on August 21, 2020 from Daniel McCranie, McCranie and Associates, requesting that the following questions be on the record:

- 1. If the property is deeded away from the County, and a vehicle drives to the end of the County owned and maintained road, how do vehicles turn around? There is no planned cul-de-sac or turn-around area.
- 2. Are there restrictions on the abandoned area being gated?
- 3. If the new owner decides to build any new homes and access these new homes from Clements Road, will they be required to pave all of Clements Road?

- 4. How will the County's stormwater runoff be legally allowed to continue along the abandoned Clements Road?
- 5. There is a history of drainage issues along Clements Road. How can we be assured that they will not be made worse?
- 6. What happens if the drainage issues along Clements Road are blocked by the abandoned portion of Clements Road?
- 7. Is there a revision clause (property goes back to the County) if the new owner does not use the property for a roadway, and does not maintain the roadway?

Mr. Mullin explained that this is a continuing dispute amongst the property owners and the developers of Woodbridge due to drainage issues.

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

Discussion: Mr. Mullin advised that various property owners had filed a petition for the Board's consideration and indicated that the Mr. Companion is in favor of the abandonment of this portion of Clements Road. .

Public input: Ferrell Burkett came forward to address the ongoing drainage issue and stated that he can maintain the road better than the County. Roy Byrd came forward stating that Mr. Companion can address any of the Board's questions.

Discussion: Mr. Companion came forward stating that he advised Mr. Byrd and Mr. Burkett that they needed to have in place a maintenance and easement agreement for the portion of road to be abandoned with language preserving the existing drainage patterns in the portion that is He acknowledged that there are other drainage closed. issues that staff is addressing with Mr. McCranie and other individuals. Mr. Companion stated that Mr. Byrd and Mr. Burkett affirmed that they will provide a turn-around and he would be providing them with the County's criteria for vehicles turning around. Mr. Byrd and Mr. Burkett will be allowed to have a gate and will be held to the standards in Ordinance 99-17 as it relates to planning of any other

easements or improvements if the Board approves the abandonment.

Mr. Companion responded to an inquiry regarding the County's right to enter the property if the drainage is not being maintained properly. He stated that if it is not maintained then there could be civil cases brought against Mr. Byrd and Mr. Burkett by other residents. Mr. Mullin suggested that the Board could add to the motion that the County maintained the right to enter the property to address possible drainage issues. Discussion followed regarding allowing further development in that area due to the drainage issues.

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

Motion: Approve Tab N as stated above.

- Maker: Commissioner Bell
- Second: Commissioner Ford

Noted: Following discussion the motion and second were withdrawn.

Discussion: Mr. Burkett responded to an inquiry that he agrees to allow the County access to the property to clean out drainage ditch if necessary. Commissioner Bell questioned how the motion should be addressed regarding the entry on the property. Discussion followed regarding whose responsibility it would be if further drainage issues occur due to future development. Mr. Companion addressed the way the drainage should be functioning. He concurs with allowing the County right of entry on to the property. He responded to an inquiry that his department will be addressing the long term goal with St. Johns River Water Management District (SJRWMD), Woodbridge Planned Unit Development (PUD), and individuals that have a stake in the property to ensure that the drainage on Clements Road functions properly.

The group discussed issues with allowing the right of entry, adding a timeframe of five-years for allowing the County the right to entry, and the effective date of the abandonment.

Motion:	Approve Tab N as stated above effective in 90
	days and authorize the Chairman to sign
	Resolution 2020-145 regarding same.
Maker:	Commissioner Bell
Second:	Commissioner Taylor
Action:	Aye: Commissioners Leeper, Bell, Edwards,
	Ford, and Taylor
Follow Up	: County Attorney, Engineering Services
Motion:	Commissioner Bell
Netion.	Authorization for the right of optry opto the

Action: Authorization for the right of entry onto the property by County staff for five-years to address any drainage issues that are not being properly maintained by the property owner. Noted: Motion died due to lack of a second.

RS200824 - 6:33:11 (Tab O) Public Hearing on an Ordinance of the Board of County Commissioners of Nassau County, Florida, creating the American Beach Water and Sewer District; providing for purpose and function; designating the governing board of the District; providing for the powers and authority of the District; prescribing budgeting and financial controls; providing reporting requirements; providing that the District shall not have the authority to levy ad valorem taxes; providing that the District shall not have the authority to acquire existing public water and wastewater utility systems; providing for the codification in the Nassau County Code of Ordinance; providing for severability, conflicts', and liberal construction; and, providing an effective date.

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

Discussion: Mr. Mullin reviewed the request and indicated that tonight's hearing is just the establishment of the American Beach Water and Sewer District. He advised that the Commissioners were provided with copies of emails in support of the proposed Ordinance from Joyce Jefferson; Friends of American Beach; Mark and Tracy Johnson; Carolyn D. Jones; Vernell Stewart Britton; and, Margaret Kirkland; and, an email that was addressed to Thad Crowe from Nina Watson regarding the American Beach Water and Sewer District.

Public Input: Tony Nelson and Erving Gilyard came forward to speak in favor of the Ordinance. Joyce Jefferson came forward to read the Resolution adopted by the Board of Trustees of the American Beach Property Owners Association, Inc., and to request that the Ordinance be amended to include the creation of a Community Advisory Board. Tony Brown and Judge Henry Adams also came forward in support of the Ordinance and the creation of a Community Advisory Board.

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

RS20200824 - 6:49:41 Mr. Mullin commented that staff supports the adoption of the draft American Beach Water and Sewer District Ordinance and recommended adding language in Section 3 for the creation of Community Advisory Board. He indicated that the Community Advisory Board could be created within the next sixty days.

Motion: Approve Tab O as stated above to include amending Section 3, to establish the creation of a Community Advisory Board and authorize Chairman to sign Ordinance 2020-26 regarding same. Maker: Commissioner Bell

Second: Commissioner Taylor

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

Follow Up: County Attorney

RS200824 - 7:37:08 (Tab P) Public Hearing on Ordinance establishing Wrecker/Towing Rates.

Motion: Continue to October 26, 2020 at 6:00 p.m., or as soon thereafter as the matter may be heard, consideration of Tab P as stated above. Maker: Commissioner Edwards

Second: Commissioner Taylor

Action: Aye: Commissioners Leeper, Bell, Edwards,

Ford, and Taylor Follow Up: County Attorney

QUASI-JUDICIAL PUBLIC HEARING(S):

RS200824 - 7:37:41 (Tab Q) Consider Rezoning application R20-007, the rezoning 0.79 acre located on the west side of U.S. Highway 1, between Pickett Street and Danielle Lane, from Open Rural (OR) to Commercial, Professional, and Office (CPO). Application filed by Joey and Jodie Hearn, 54181 U.S. Highway 1 in Callahan, Florida, owners.

Discussion: Mr. Mullin advised that since there was no one in the audience wishing to speak for or against Tab Q, the reading of the quasi-judicial hearing procedures could be waived. Mr. Crowe came forward and reviewed the request.

RS200824 - 7:41:30 Documents submitted into the record: Draft Ordinance, 4 pages; staff report, 5 pages, and, application for rezoning, 8 pages.

Motion:	Accept documents into the record as presented above.
Maker:	Commissioner Taylor
Second:	Commissioner Ford
Action:	Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

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

Waive Presentation:

RS200824 - 7:42:12 Mr. Hearn came forward stating that he was available to answer any questions.

No public input.

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

Motion: Approve, based upon competent substantial evidence in the record, Tab Q as stated above and authorize the Ordinance 2020-27 Chairman to regarding the same. Maker: Commissioner Taylor Second: Commissioner Ford Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor Follow Up: Planning Department

RS200824 - 7:43:17 (Tab R) Consider Rezoning application R20-005, the rezoning of approximately 53.88 acres located north side of Roses Bluff, between Brooker Road and Haven Road, from Open Rural (OR) to Residential Single Family 1 (RS-1). Application filed by WFS Family Trust, LLC., owner; and SEDA Construction Co., agent.

Noted: Applicant withdrew their rezoning application for Tab R.

EXPANSION ITEMS:

None.

DISCUSSION ITEMS:

RS200824 - 7:43:40 Commissioner Taylor's Business:

Motion: Approve to appoint Commissioner Ford to serve as the Chairman on the EHAC.

- Maker: Commissioner Taylor
- Second: Commissioner Bell

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

Follow Up: County Manager

RS200824 - 7:46:22 Commissioner Bell's Business:

- Shout out to Nassau County School Board and Superintendent for starting school during a health pandemic.
- Motion: Approve to bring back as an agenda item in September 2020 appointment of a new Chairman to the Board of County Commissioners.

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

RS200824 - 7:47:41 Commissioner Ford's Business:

• Thanked Dr. Kathy Burns, School Superintendent for a great job.

RS200824 - 7:48:18 Commissioner Edwards' Business:

• Expressed appreciation towards Engineering Services and the Road Department for their professionalism in a prior meeting addressing drainage issues off of Chester Road and Blackrock Road.

RS200824 - 7:48:59 Commissioner Leeper's Business:

Motion:	Approve the following: (1) Appoint Commissioners
	Bell and Ford as the Board's representatives on
	the Small County Coalition. (2) Appoint
	Commissioner Ford as the Board's representative
	on the FAC Board.
Maker:	Commissioner Taylor
Second:	Commissioner Bell
Action:	Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor
Follow Up	: County Manager

Motion:	Approve to appoint Commissioner Ford to serve on
	the North Florida TPO.
Maker:	Commissioner Edwards
Second:	Commissioner Bell
Action:	Aye: Commissioners Leeper, Bell, Edwards,
	Ford, and Taylor
Follow Up: County Manager	

Request: Staff to send letters to the appropriate Boards regarding these appointments.

There being no further business, the regular session of the Nassau County Board of County Commissioners adjourned at 7:53 p.m.

Daniel B. Leeper, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk



Attachment "A"

Finance Package 2020-20

Resolutions:

- 1. Resolution 2020-141, regarding budget amendment in the Municipal Service Fund in the amount of \$434.00 for a donation received by the Nassau County Animal Services not anticipated in the Fiscal Year 2019/2020 budget.
- 2. Resolution 2020-142, regarding budget amendment in the EMS County Award Fund in the amount of \$34.00 that has earned interest.

