

Nassau County Board of County Commissioners
Executive Closed Session, February 22, 2021, 4:00 P.M.
Executive Closed Session, February 22, 2021, 5:00 P.M.
Regular Session, February 22, 2021, 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 Thomas R. Ford, Commissioners John F. Martin, Aaron C. Bell, Klynt A. Farmer, and Jeff Gray.

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

Staff Present: Brenda Linville and Heather Nazworth, Deputy Clerks.

Official Agenda Summary:

ADDITIONAL MEETING(S) 4:00 P.M.:

EC210222 - 4:02:20 Mr. Mullin reviewed the procedures for attending the meeting in-person or remotely.

EC210222 - 4:04:18 (Tab C) The County Attorney explained that the meeting would be an executive closed session pursuant to Florida Statutes Chapter 286.011(8), to discuss settlement negotiations and/or litigation strategy in the case of Raydient LLC vs. Nassau County, Case No. 2018-CA-467 and Raydient LLC vs. Nassau County, Case No. 2019-CA-54. The meeting is being held at the request of outside counsel, who hereby advises the Board that he desires the Board's advice concerning this matter. The persons attending will be: John Martin, Klynt Farmer, Aaron C. Bell, Jeff Gray, and Thomas R. Ford, collectively known as the Board of County Commissioners; Michael S. Mullin, County Attorney; Taco Pope, County Manager; Greg Stewart, Esquire, Nabors, Giblin, and Nickerson P.A.; and a Court Reporter with Hedquist & Associates Reporters.

There will be no pause in the proceedings or discussion of other matters not related to these cases. All comments made

during the proceedings will be taken down by the court reporter. Once transcribed the court reporter will place the documents with the Clerk of the Court. It will be sealed and not released to the public until the cases are either settled or goes through the court process, including up to the appeal process. The Board cannot make any motions during the closed session, any motion that may be necessary would be made in open session. In addition, anything that is said during the closed session cannot be repeated outside the room to anyone else.

EC210222 - 4:07:30

Motion: Close the meeting.
Maker: Commissioner Bell
Second: Commissioner Farmer
Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

The Deputy Clerks turned off the recording devices, locked the doors, and exited the room. The meeting continued in closed session.

EC210222 - 5:07:55 The meeting reconvened in open session. No action taken.

ADDITIONAL MEETING(S) 5:00 P.M.:

EC210222 - 5:08:16 Mr. Mullin reviewed the procedures for attending the meeting in-person or remotely.

EC210222 - 5:07:56 (Tab D) The County Attorney explained that the meeting would be an executive closed session pursuant to Florida Statutes Chapter 286.011(8), to discuss settlement negotiations and/or litigation strategy in the case of Raydient LLC vs. Michael S. Mullin, and Nassau County, Case No. 2019-CA-51. The meeting is being held at the request of outside counsel, who hereby advises the Board that he desires the Board's advice concerning this matter. The persons attending will be: John Martin, Klynt Farmer, Aaron C. Bell, Jeff Gray, and Thomas R. Ford, collectively known as the Board of County Commissioners; Michael S. Mullin, County Attorney; Taco Pope, County Manager; R.H. Farnell II, Esquire, Bedell Law Firm, and a Court Reporter with Hedquist & Associates Reporters.

There will be no pause in the proceedings or discussion of other matters not related to these cases. All comments made during the proceedings will be taken down by the court reporter. Once transcribed the court reporter will place the documents with the Clerk of the Court. It will be sealed and not released to the public until the cases are either settled or goes through the court process, including up to the appeal process. The Board cannot make any motions during the closed session, any motion that may be necessary would be made in open session. In addition, anything that is said during the closed session cannot be repeated outside the room to anyone else.

EC210222 - 5:12:04 p.m.

Motion: Close the meeting.
Maker: Commissioner Martin
Second: Commissioner Farmer
Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

The Deputy Clerks turned off the recording devices, locked the doors, and exited the room. The meeting continued in closed session.

EC210222 - 5:31:41 The meeting reconvened in open session.
No action taken.

Motion: Recess until 6:00 p.m.
Maker: Commissioner Bell
Second: Commissioner Martin
Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

The Board reconvened at 6:00 p.m. into regular session.

Audience Input:

RS210222 - 6:01:23 Mr. Mullin reviewed the procedures for attending the meeting in-person or remotely for **(Tab A)** Agenda Items and **(Tab B)** Non-Agenda Items.

RESOLUTION (S) :

RS210222 - 6:03:45 (Tab E) Approve a Resolution of the Board of County Commissioners of Nassau County, Florida, proclaiming March 2021 as National Red Cross Month.

Motion: Approve Tab E as stated above and authorize the Chairman to sign Resolution 2021-025 regarding same.

Maker: Commissioner Martin

Second: Commissioner Gray

Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

Follow Up: County Manager

PRESENTATIONS:

RS210222 - 6:08:22 (Tab F) Presentation by Taco Pope, County Manager, and David Jahosky, Government Services Group (GSG) regarding update on the close-out of the Nassau CARES program and discuss next steps for securing additional funds to offset COVID-19 related expenditures.

Discussion: Mr. Jahosky came forward to provide a brief overview on the Nassau CARES Act. He reviewed the timeline of the CARES Act process stating that Nassau County retained a CARES Act administrator through Government Services Group (GSG). The Board approved the framework of the CARES Act Plan and Nassau County received the first allocation of funds which was \$3.8 million. He addressed the two rounds of the Small Business Assistance and Individual Assistance Programs provided for Nassau County. Mr. Jahosky reviewed the program guardrails: U.S. Treasury eligibility criteria, Florida Division of Emergency Management Criteria, and the Board of County Commissioners responsibilities. Next, he discussed the collaboration with the Board, the CARES Act team, community partners, Constitutional Officers, School Board and Municipalities to improve services to those affected by COVID-19. He provided an overview of how the \$15.4 million was spent and the five major program areas of accomplishments which included small business assistance, individual assistance, monetary awards to local government partners, and monetary assistance to non-profit agencies.

Mr. Pope commented that out of the 55 small counties that were competing for the CARES Act funds Nassau County was the model approach that other counties were adopting. He stated that Nassau County should stay proactive due to additional funds coming from the federal level to the states and local governments. He has requested that while GSG is working on closing out the current CARES Act Funds, they be prepared to set up a program to bring back to the

Board related to staying in front of the curve. Secondly, the County needs to continue working with GSG, the Clerk's Office, and the Office of Management and Budget to closeout some of the final aspects of the CARES Plan. Mr. Pope briefly discussed FEMA reimbursements and stated that he would like to come back in the future with GSG assistance on a threshold basis to help with submission for FEMA reimbursements. Brief discussion followed.

CONSENT ITEM(S):

RS210222 - 6:28:29 Approve the following: **(Tab G)** Finance Package 2021-08 and associated Resolutions; and **(Tab H)** Final plat for Woodbridge Phase IV "B" filed by Woodbridge Nassau, LLC, owner, and Daniel McCranie of McCranie and Associates, agent, to construct 53 residential building sites in the Woodbridge PUD. The property, zoned Planned Unit Development (PUD) with a future land use of Low Density, is located 1.37 miles south of State Road 200/A1A and one third mile east of Old Nassauville Road.

Motion: Approve consent items Tabs G and H as stated above. (See Attachment "A" for Tab G).

Maker: Commissioner Bell

Second: Commissioner Gray

Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

Follow Up: Finance, OMB, Planning Department

REGISTER:

The Chairman signed the register for the following warrants: Warrant Nos. 271048 thru 271094 dated 2-17-21 for a register total of \$922,624.98; Wire Transfer Nos. 2105957 thru 2105958 dated 2-17-21 for a register total of \$7,858.80; Wire Transfer Nos. 2106173 thru 210 2106191 dated 2-19-21 for a register total of \$97,252.90; and, Warrant Nos. 271095 thru 271200 dated 2-19-21 for a register total of \$3,997,852.78.

NEW BUSINESS:

RS210222 - 6:28:57 (Tab I) Consider a Resolution extending the Local State of Emergency in Nassau County, Florida due to COVID-19, from February 22, 2021 through March 1, 2021.

Public input: Janice Ancrum, Council on Aging Executive Director, came forward to request that the Board consider a plan to provide COVID-19 vaccines to bed-ridden senior citizens.

Mr. Pope responded to an inquiry regarding whether the EMS can facilitate the senior citizens that are bed-ridden and help deliver the vaccine. He stated that staff can meet with Dr. Seidel and Director Foster regarding this matter. He has spoken several times with Fire Chief Brady Rigdon, and his team is more than able to provide support. He will prepare something and bring back to the Board. Commissioner Martin commented that if the County Manager works with staff, Dr. Seidel and Director Foster on the resources that the County already has available he does not need to bring it back to the Board.

Director Greg Foster, Emergency Management Director, responded to an inquiry stating that Emergency Management is currently working with the Department of Health to reach those bed-ridden senior citizens for vaccinations.

Dr. Seidel, State of Florida Health Department Director, came forward stating that the Health Department and Emergency Management have started working to reach senior citizens that are not able to get out to receive the vaccine. Dr. Seidel provided an update on the Corona Virus Disease (COVID-19) pandemic. As of February 22, 2020, the total number of COVID-19 cases for Nassau County was 7,606 with 7,190 residents, 416 non-residents. The total number released from isolation by public health is 6,674 with 516 plus contacts remaining active. There were 153 new cases the previous week creating a percent positivity of 7.23 percent. The next testing event is at the Journey Church in Yulee on February 24, 2021, between 9:30 a.m. and 11:00 a.m. The Health Department encourages individuals to get the flu vaccine. Dr. Seidel provided an update on the number of individuals that have received their first and second doses of the vaccine. She encourages the mitigation measures such as avoiding crowds, large gatherings, continue to wear masks, wash your hands, stay distant, and get tested if you have symptoms.

Dr. Seidel responded to an inquiry stating that Nassau County continues to receive 975 doses of Pfizer through the Health Department and Emergency Management.

Director Foster explained that Emergency Management continues to handle the scheduling and they have released the 975 names drawn through randomized process through the County Manager's office. He addressed the additional text messages regarding scheduling and various issues that still exist with the scheduling process. There has also been an increase in individuals under 65 of age registering through the waitlist. He reviewed the Governor's standing Executive Order. The Center for Disease Control (CDC) guidelines are just guidelines and not policy, it is up to the Governor of the State of Florida to determine where vaccines are distributed.

Director Foster responded to an inquiry that 12,611 citizens over the age of 65 have been vaccinated with approximately 7,000 that still need to be vaccinated. Discussion followed regarding opening up to other age groups in the future and locations of the vaccinations sites.

Motion: Approve Tab I as stated above and authorize the Chairman to sign Resolution 2021-028 regarding same.

Maker: Commissioner Farmer

Second: Commissioner Bell

Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

Follow Up: County Manager, Emergency Operations Center, Health Department, Fire Rescue

RS210222 - 6:47:39 (Tab J) Approve and authorize the Chairman to sign the amendment to the Public School Concurrency Proportionate Share Mitigation Agreement for the proposed Liberty Cove development, Contract No. CM2934-A1, between the Nassau County Board of County Commissioners, the Nassau County School District and Cook Family Haverstick LLC, Cook Family Vanzant, LLC, JMC Nassau County Properties, LLC, Cook Family Burgess Faye Jones LLC, Harvester Florida LLC, Liberty Cove Nassau LLC, and Liberty Cove Nassau II LLC.

Motion: Approve Tab J as stated above.

Maker: Commissioner Gray

Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

**Follow Up: Finance, OMB, Contract Management, Planning
Department, School Board**

RS210222 - 6:48:33 (Tab K) Approve the 2021-2022 budget calendar including special meetings and workshops.

Discussion: Megan Diehl, Office of Management and Budget (OMB) Director, came forward to review the request and answer any questions. She briefly addressed sending the Budget Philosophy Memorandum to the Constitutional Officers.

Motion: Schedule workshop session for March 1, 2021 at 4:00 p.m. and special meetings for March 8, March 15, April 12, May 10, May 17, and June 14, 2021 at 4:30 p.m.

Maker: Commissioner Farmer

Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

Follow Up: OMB, County Manager, County Attorney, Clerk Staff

Motion: Authorize OMB to send the Budget Philosophy Memorandum to all the Constitutional Officers.

Maker: Commissioner Martin

Second: Commissioner Bell

Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

Follow Up: OMB

RS210222 - 6:51:13 (Tab L) Schedule two special meetings to consider extending the Local State of Emergency on March 1 and March 29, 2021.

Motion: Schedule two special meetings for March 1, and March 29, 2021 at 6:00 p.m. to consider Tab L as stated above.

Maker: Commissioner Martin

Second: Commissioner Gray

Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

Follow Up: County Manager, County Attorney, Emergency Management, Health Department, Clerk Staff

NON-QUASI JUDICIAL PUBLIC HEARINGS:

RS210222 - 6:51:52 (Tab M) Consider Comprehensive Plan Amendment application CPA21-001, a Small-Scale Amendment to the Future Land Use Map (FLUM) of approximately 2.28 acres located on the west side of Edwards Road, between SR200/A1A and River Glen Parkway from Multi-Use (MU) to Commercial (COM). Application filed by Mark Back, owner and Austin Robinson, agent.

Mr. Mullin read the legislative procedures for Tab M. He reviewed a Memorandum that was sent to each Commissioner regarding the applications to be heard tonight.

Motion: Open the floor to public discussion.

Maker: Commissioner Bell

Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

Discussion: Thad Crowe came forward to review the request. Discussion followed regarding the Planning and Zoning Board decision in this matter, zoning category, properties that would be affected by the FLUM change, distance between the subject parcel and the industrial parcel without the wetland. Mr. Mullin clarified that the land use map is the first thing that the Board is considering. Any applicant can say what they want to do with their property, but the Board is assuring what is going to be there. Further discussion ensued as to the types of uses that are allotted in Commercial Neighborhoods.

Mr. Mullin stated that when looking at the land use map the criteria is the Comprehensive Plan criteria, the objectives in the Comprehensive Plan, testimony, and the evidence to be heard to determine whether there is justification for a FLUM change. If the FLUM change is approved the next step would be the rezoning and if it is not approved, then there is no need to address the rezoning.

Austin Robinson, applicant, came forward to address the buffer between the commercial property and residential areas. He commended that the plan is to build a 24-hour emergency vet clinic for Nassau County residents. They want to build a home-styled practice in order to look like the surrounding homes. Mr. Robinson discussed the extra

measures that they are taking to help with the lighting, noise, and stated that there will be no 24-hour boarding or outside kennels. He provided letters from residents located in Nassau County supporting his application.

Public input: Ludmilla Neives, Michael Jimenez, Michael Robbins (via "ZOOM"), Alonzo Key (via "ZOOM"), Lynn Richardson, Reginald Richardson, and Chris Walton to speak in opposition to the application. They expressed their concerns with the location of the parcel, spot zoning, traffic, and property values. They felt that the applicant can find other available commercial property along A1A for their vet clinic.

Tonya Robinson, applicant, came forward stating that there is Industrial zoned property 300 feet from the subject property, which can be developed, so the residents will still be seeing industrial buildings. Their proposed building will be Commercial Neighborhood (CN) and built like the surrounding homes.

Mr. Robinson came forward to provide rebuttal, stating that his business might bring in some traffic, but there is plans for a school, park, and an additional entrance to Tributary which will create traffic.

Motion: Close the floor to public discussion.
Maker: Commissioner Farmer
Second: Commissioner Bell
Action: Aye: Commissioners Martin, Bell, Gray, Ford, and Farmer

Mr. Crowe responded to an inquiry stating that Map "H" is conceptual, so the distance between the subject property and the commercial/industrial zoned property is hard to determine.

Motion: Deny Tab M as stated above.
Maker: Commissioner Martin
Second: Commissioner Bell
Action: Aye: Commissioners Martin, Bell, Gray, and Farmer
Nay: Commissioner Ford
Follow Up: Planning Department

QUASI-JUDICIAL PUBLIC HEARINGS:

RS210222 - 8:03:41 (Tab N) Consider Rezoning application R21-001, the rezoning of approximately 2.28 acres located on the west side of Edwards Road, between SR200/A1A and River Glen Parkway from Residential Single Family -1 (RS-1) to Commercial Neighborhood (CN). Application filed by Mark Back, owner and Austin Robinson, agent.

Noted: Due to Tab M being denied, Tab N, Rezoning application R21-001 will not be considered tonight.

INFORMATIONAL ITEM(S):

RS210222 - 8:05:15 (Tab O) Board of County Commissioners Newsletter for January 2021.

Discussion: Mr. Pope reviewed the monthly publication.

DISCUSSION ITEMS:

RS210222 - 8:06:11 Commissioner Ford's Business:

- Thanked the Planning and Zoning Board, Mr. Crowe, for their hard work with reviewing applications and making their recommendations.
- Thanked the Road Department and Engineering Services for maintaining the dirt roads throughout the County.
- Thanked the ladies in the County Manager's Office for their hard work.

RS210222 - 8:07:06 Commissioner Bell's Business:

- Thanked the citizen's that spoke tonight.
- Thanked the Road Department for grading Plum Loop.

RS210222 - 8:08:03 Commissioner Farmer's Business:

- Thanked Sheriff Leeper for the invitation to attend the swearing in ceremony of six new deputies and three correctional officers that were promoted, as well as the tour of the Sheriff's Department.
- Announced that the Sheriff's Office has positions available.

- Thanked Mr. Podiak, Cameron Hanson, and Road crew for their hard work.
- Advised citizens that they can go to the following County websites to interact with the Board: County Insider, www.countyinsider.com, www.nassaucountyfl.com, and www.onenassau.com.

RS210222 - 8:09:53 Commissioner Martin's Business:

- Thanked Commissioner Farmer for bringing up the swearing in ceremony, promotions and available positions.
- Appreciate the updates on the vaccinations from Dr. Seidel and Director Foster.
- Request the status of Charles Albert's Resolution.

RS210222 - 8:11:17 Commissioner Gray's Business:

- Thanked the Emergency Management and Health Department staff for all the hard work on the vaccinations.
- Thanked Mr. Podiak, Cameron Hanson, and Road crew for their work on all the roads.
- Thanked Sheriff Leeper for the invitation to the swearing in ceremony.

There being no further business, the regular and executive closed sessions of the Nassau County Board of County Commissioners adjourned at 8:12 p.m.

Thomas R. Ford, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk

ATTACHMENT "A"

Finance Package 2021-08

Resolutions:

1. Resolution 2021-026, regarding budget amendment in the General Fund in the amount of \$8,505,408.00 for Federal Grant Assistance for Coronavirus relief (COVID-19).
2. Resolution 2021-027, regarding budget amendment in the Municipal Service Fund in the amount of \$4,986.00 for donations received by the Nassau County Animal Services.

Deletions of Inventory:

Health Dept., 6527, 2007 Chevrolet Impala 4 Door Sedan, Vin No. 2G1WB58K379384579.

Fire Rescue, 06413, Masimo RAD-57 Handheld Pulse Oximeter, Serial No. 718183.

Health Dept., 06807, 2012 Ford Explorer 4WD 4DR, Vin No. 1FMHK8B86CGA09825.

Fire Rescue, 1936, Thermal Imaging Camera, Serial No. TI1-3208.

Fire Rescue, 1968, Thermal Imaging Camera, Serial No. TI1-3603.

Fire Rescue, Unknown, Thermal Imaging Camera, Serial No. 47029.

Fire Rescue, Unknown, Thermal Imaging Camera, Serial No. Unreadable.

Fire Rescue, Unknown, Thermal Imaging Camera, Serial No. Unreadable.

Fire Rescue, Unknown, Thermal Imaging Camera, Serial No. TI1-3461.

Fire Rescue, Unknown, Thermal Imaging Camera, Serial No. TI1-3599.

Fire Rescue, 1884, Thermal Imaging Camera, Serial No. TI1-4217.