

Nassau County Board of County Commissioners
Executive Closed Session, June 21, 2021, 3:00 P.M.
Executive Closed Session, June 21, 2021, 3:45 P.M.
Special Session, June 21, 2021, 4:30 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, Deputy Clerk; and Jennifer Marlatt, Recording Secretary.

Official Agenda Summary:

ADDITIONAL MEETING(S) :

EC210621 - 3:05:07 (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.

EC210621 - 3:07:16

Motion: Close the meeting.
Maker: Commissioner Farmer
Second: Commissioner Bell
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.

EC210621 - 4:05:30 The meeting reconvened in open session. No action taken.

The Board recessed and reconvened at 4:10 p.m. for closed executive session.

ADDITIONAL MEETING(S) :

EC210621 - 4:10:22 (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 and Raydient, LLC. vs. Michael 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.

EC210621 - 4:12:12

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.

SS210621 - 4:18:59 The meeting reconvened in open session. No action taken.

The Board recessed and reconvened in special session at 4:42 p.m.

Staff Present: Tina Barnett and Melissa Lucey, Deputy Clerks.

Audience Input:

SS210621 - 4:42:02 Mr. Mullin reviewed the procedures for attending the meeting in-person or remotely for **(Tab A)** Non-Agenda Items and **(Tab B)** Agenda Items.

RESOLUTION(S) :

SS210621 - 4:43:06 (Tab E) Consider a Resolution extending the Local State of Emergency in Nassau County, Florida due to COVID-19, from June 21, 2021 through June 28, 2021.

Discussion: Dr. Prince Danso-Odei, Director of the Nassau County Health Department, came forward to provide a public health update related to the COVID-19 pandemic. He stated that Nassau County had 77 new cases since last week; the percent of positivity was 6.6, an increase from the previous week of 5.5 percent; and 28 percent of Nassau

County residents had received at least one dose of the COVID-19 vaccinations compared to the Florida State average of 56 percent. He indicated that the Health Department is addressing increase the County's residential percentage rate for vaccinations and will be hosting an event next week in Byrceville.

Motion: Approve Tab E as stated above, and authorize the Chairman to sign Resolution 2021-139 regarding same.

Maker: Commissioner Bell

Second: Commissioner Farmer

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

Follow Up: County Manager, County Attorney, Emergency Management

SS210621 - 4:46:22

Motion: Adjourn as the Board of County Commissioners and convene as the American Beach Water and Sewer District.

Maker: Commissioner Bell

Second: Commissioner Farmer

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

SS210621 - 4:46:45 (Tab F) Approve the Clean Water State Revolving Fund Design Loan Agreement and associated Resolution with the Florida Department of Environmental Protection (FDEP) in substantially the form attached hereto subject to County Attorney's approval and authorize the Chairman to execute.

Public input: Berta Arias came forward to thank the Board for their support and efforts relating to the water and sewer on American Beach.

Motion: Approve Tab F as stated above, and authorize the Chairman to sign Resolution 2021-140 regarding same.

Maker: Commissioner Bell

Second: Commissioner Martin

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

Follow Up: County Manager

SS210621 - 4:48:49 (Tab G) Approve the Drinking Water State Revolving Fund Design Loan Agreement and associated Resolution with the FDEP in substantially the form attached hereto subject to County Attorney's approval and authorize the Chairman to execute.

Discussion: Mr. Pope stated that the County Attorney noted a clerical error on page 16 regarding the term of ten years instead of six months. Staff confirmed with FDEP that this clerical error does not substantially change the form, and the correction would be brought back to the Board after the six-month term to match the loan agreement that was approved prior.

Motion: Approve Tab G as stated above, and authorize the Chairman to sign Resolution 2021-141 regarding same.

Maker: Commissioner Bell

Second: Commissioner Gray

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

Follow Up: County Manager

SS210621 - 4:50:02

Motion: Adjourn as the American Beach Water and Sewer District and reconvene as the Board of County Commissioners.

Maker: Commissioner Bell

Second: Commissioner Martin

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

NEW BUSINESS:

SS210621 - 4:50:18 (Tab H) Approve and authorize the Chairman to sign the Use Agreement U-0470, Contract No. CM3010, with the State of Florida Department of Environmental Protection (FDEP).

Motion: Approve Tab H as stated above.

Maker: Commissioner Farmer

Second: Commissioner Martin

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

Follow Up: Contract Management, OMB, Finance, Bill Moore

SS210621 - 4:45:14 (Tab I) Approve and authorize the Chairman to sign the U.S. Department of Treasury Coronavirus Local Fiscal Recovery Fund for the American Rescue Plan Act.

Discussion: Mr. Mullin discussed including in the motion review of determination of the federal requirements for expenditures.

Motion: Approve Tab I as stated above, including that no funds could be expended until GSG; Nabors, Giblin, and Nickerson, P.A.; and the County Attorney makes a determination on the federal requirements for expenditures.

Maker: Commissioner Martin

Second: Commissioner Gray

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

Follow Up: County Attorney, County Manager, OMB, Finance

COUNTY MANAGER BUSINESS:

SS210621 - 4:51:02 Mr. Pope requested that the Board remove from the joint meeting with the School Board agenda discussion regarding the potential lift station at the Northeast Florida Fairgrounds.

Motion: Approve to remove from the joint meeting with the School Board agenda discussion regarding the potential lift station at the Northeast Florida Fairgrounds.

Maker: Commissioner Martin

Second: Commissioner Gray

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

Follow Up: County Manager

SS210621 - 4:51:46 Mr. Pope provided a brief history regarding the establishment of Ordinance 2018-32 related to the East Nassau Community Planning Area (ENCPA) Recreational Municipal Service Taxing Unit (MSTU). He

stated that based upon the advancement and direction of the Nassau County Parks, Recreation, and Open Space Master Plan, he suggested removing the ENCPA Recreational MSTU Ordinance. Discussion followed.

Motion: Approve for the County Attorney's office to advertise the date for a public hearing to consider rescinding Ordinance 2018-32 regarding the East Nassau Community Planning Area Recreational MSTU.

Maker: Commissioner Gray

Second: Commissioner Bell

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

Follow Up: County Attorney, County Manager

DISCUSSION ITEMS:

SS210621 - 4:54:06 Commissioner Bell's Business:
None.

SS210621 - 4:54:09 Commissioner Farmer's Business:

- Announced that the West Nassau Historical Society is hosting art classes on July 10, 2021 for children ages 13 thru 17 and ages 8 thru 12; and July 27, 2021 for children ages 5 thru 7. Additional information is available online at www.wnhsfl.org

SS210621 - 4:54:50 Commissioner Martin's Business:

- Provided an update on his attendance of the bench dedication for the Honorable Charles Albert, Jr.

SS210621 - 4:55:24 Commissioner Gray's Business:

- Announced that the dedication ceremony for Fire Rescue Station No. 71 will be held on June 22, 2021 at 4:00 p.m. located at 96262 Chester Road in Yulee.

SS210621 - 4:55:57 Commissioner Ford's Business:

- Announced that today is the final day for extending the Local State of Emergency.

SS210621 - 4:56:44 Mr. Mullin commented that based upon the two closed sessions earlier, would the Board by motion indicate to Mr. Farnell and Mr. Stewart that the Board is not interested in the proposed offered.

Motion: Approve not to accept the offer proposed in the closed sessions for Raydient, LLC. vs. Nassau County, Case No. 2018-CA-467 and Raydient, LLC. vs. Nassau County, Case No. 2019-CA-54; and Raydient, LLC. vs. Michael Mullin and Nassau County, Case No. 2019-CA-51.

Maker: Commissioner Gray

Second: Commissioner Farmer

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

Follow Up: County Attorney

There being no further business, the two executive closed and special sessions of the Nassau County Board of County Commissioners adjourned at 4:57 p.m.

Thomas R. Ford, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk