Nassau County Board of County Commissioners Regular Session, May 9, 2022, 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 Aaron C. Bell, John F. Martin, and Klynt A. Farmer.

Absent: Commissioners Thomas R. Ford and Jeff Gray.

Other Officials Present: Denise May, County Attorney; Taco Pope, County Manager; and Marshall Eyerman, Assistant County Manager.

<u>Staff Present:</u> Heather Nazworth, Deputy Clerk; and Brandi McDonald, Recording Secretary.

Official Agenda Summary:

Audience Input:

RS220509 - 6:01:12 Provide input for (Tab A) Non-Agenda Items and (Tab B) Agenda Items.

Public input: Carl Freeman came forward to express his concerns regarding flooding occurring in the Woodbridge area on Clements Road. He requested that the Board consider deferring hearing Tab N and notify the neighboring residents of the opportunity to address their concerns.

RESOLUTION(S):

RS220509 - 6:03:52 (Tab C) Consider a Resolution of the Board of County Commissioners of Nassau County, Florida, proclaiming May as Mental Health First Aid Month.

Motion: Approve Tab C as stated above and authorization

for the Chairman to sign Resolution 2022-101

regarding the same.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

CONSTITUTIONAL OFFICER BUSINESS:

RS220509 - 6:14:31 (Tab D) Approved proposed Precinct Boundaries Map as submitted by the Supervisor of Elections (SOE), Janet H. Adkins.

Discussion: Ms. Adkins came forward and reviewed the request.

Motion: Approve Tab D as stated above.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

CONSENT ITEMS:

RS220509 - 6:15:23 Approve the following: (Tab E) Finance Package 2022-10 and associated Resolution. (Tab F) Finance Package 2022-11 and associated Transfers and Resolutions. (Tab G) Authorization for the removal of \$55,456.79 from the Equitable Sharing Treasury Fund and \$131,043.21 from the Equitable Sharing Justice Fund to purchase one PatrolSlim 7 Series Law Enforcement Driver Training Simulator.

Motion: Approve Tabs E, F, and G. (See Attachment "A" for

Tab E and Attachment "B" for Tab F).

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Bell, Martin, and Farmer

Absent: Commissioners Ford and Gray

REGISTER:

The Chairman signed the register for the following warrants: Wire Transfer No. 2205664 dated 4/14/22 for a register total of \$193,080.40; Warrant Nos. 281125 thru 281217 dated 4/22/22 for a register total of \$757,789.61; Warrant Nos. 280877 thru 280898 dated 4/26/22 for a register total \$502,197.23; Wire Transfer Nos. 2205289 thru 2205291 dated 4/26/22 for a register total of \$71,900.80; Warrant Nos. 280899 thru 280950 dated 4/27/22 for a register total of \$441,594.00; Wire Transfer Nos. 2205515 thru 2205518 dated 4/29/22 for a register total of \$524.98; Wire Transfer No. 220519 dated 4/29/22 for a register total of \$5,856.13; Warrant Nos. 280951 thru 281052 dated 4/29/22 for a register total of \$423,334.00; Wire Transfer No. 2205665 dated 4/29/22 for a register total of \$1,873,500.00;

Warrant Nos. 281053 thru 281124 dated 5/3/22 for a register total of \$951.76; Wire Transfer Nos. 2205666 thru 2205673 dated 5/2/22 for a register total of \$2,812.50; Wire Transfer No. 2205194 dated 4/24/22 for a register total of \$4,676.20; Wire Transfer No. 2205748 dated 5/6/22 for a register total of \$20.54; Wire Transfer No. 2205749 dated 5/6/22 for a register total of \$8,082.28; Wire Transfer Nos. 2205750 thru 2205751 dated 5/6/22 for a register total of \$43,681.73; Wire Transfer Nos. 2205752 thru 2205753 dated 5/6/22 for a register total of \$77,729.58;

RS220509 - 6:15:44

Motion: Adjourn as the Board of County Commissioners and

convene as the American Beach Water and Sewer

District.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Bell, Martin, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:15:58 (Tab H) Approved and authorize the Chairman to sign Contract No. CM3171 with the U.S. Water Services Corporation for the American Beach Water and Sewer District Well and Septic Tank Phase Out Program in the amount of \$7,831,538.00.

Motion: Approve Tab H as stated above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:16:23 (Tab I) Approved and authorize the Chairman to sign Contract No. CM3014-WA06 with the Florida Governmental Utility Authority (FGUA) for the American Beach Water and Sewer District Water Main Improvement Project - Sewer, in the amount of \$571,185.00

Motion: Approve Tab I as stated above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:16:48 (Tab J) Approved and authorize the Chairman to sign Contract No. CM3014-WA07 with the Florida Governmental Utility Authority (FGUA) for the American

Beach Water and Sewer District Water Main Improvement Project - Water, in the amount of \$571,185.00.

Motion: Approve Tab J as stated above.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:17:10

Motion: Adjourn as the American Beach Water & Sewer

District and reconvene as the Board of County

Commissioners.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

NEW BUSINESS:

RS220509 - 6:17:38 (Tab K) Approve and accept the roadways and infrastructure within Flora Parke Phase 7B for County maintenance.

Motion: Approve Tab K as stated above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:17:55 (Tab L) Staff recommends the Board reject bids for Spring Lake Estate Drainage, Invitation to Bid (ITB) NC21-035 and authorize staff to rebid the project.

Motion: Approve Tab L as stated above.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:18:15 (Tab M) Approve the Final Release of Retainage to Petticoat Schmitt in the amount of \$353,532.21 for the construction completion of Pages Dairy Road Widening and Resurfacing, Contract No. CM2923.

Motion: Continue to May 18, 2022, to consider Tab M as stated above.

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Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:18:36 (Tab N) Consider the following: (1) Approve the cost-share expenditure of \$381,061.00 for the stormwater improvements at Woodbridge Planned Unit Development [PUD] Phase 6 adjacent to Clements Road Stormwater Improvements; and (2) Approve and authorize the Chairman to sign the Developer's Cost Share and Easement Agreement, Contract No. CM3159.

Discussion: Robert Companion, County Engineer, came forward to provide a PowerPoint presentation and review the request.

Public input: Paul Gibbs came forward and requested to speak with Mr. Companion to discuss the new development located south of his property. Mr. Freeman came forward to apologize to Mr. Companion for the misunderstanding of the project's costs and withdrew his objection prior.

Motion: Approve Tab N as stated above.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:30:05 (Tab O) Approve and authorize the Chairman to sign the Public School Concurrency Proportionate Share Mitigation Agreement for the proposed Ward Board 1 Development, Contract No. CM3173, between Nassau County Board of County Commissioners; Nassau County School Board District; and SEB Real Estate Holdings, LLC., HB Asset Management, LLC., and Iris P. Ward.

Motion: Approve Tab O as stated above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:30:41 (Tab P) Approve and authorize the Chairman to sign the Public School Concurrency Proportionate Share Mitigation Agreement for the proposed Wildlight 4A Development, Contract No. CM3180, between

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Nassau County Board of County Commissioners, Nassau County School District, and Raydient, LLC.

Motion: Approve Tab P as stated above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:31:07 (Tab Q) Approve and authorize the Chairman to sign the Public School Concurrency Proportionate Share Mitigation Agreement for the proposed Cottages at Heron Isles Development, Contract No. CM3181, between Nassau County Board of County Commissioners, Nassau County School District, and Heron Isles Joint Venture, LLP.

Motion: Approve Tab Q as stated above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:31:34 (Tab R) Approve and authorize the Chairman to sign the Florida Power and Light (FPL) and JEA Easement Agreements for Nassau Crossing Park.

Motion: Approve Tab R as stated above.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:31:50 (Tab S) Approve and authorize the Chairman to sign Contract No. CM3179 with PQH Group Design, Inc., for the Nassau County Judicial Complex Courtroom No. 3 Architectural and Engineering Documentation Services in the amount of \$73,250.00.

Motion: Approve Tab S as stated above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:32:15 (Tab T) Set special meeting regarding Capital Improvement Plan (CIP) and Fleet Replacement Program on June 13, 2022, at 4:00 p.m.

Motion: Approve Tab T as stated above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

NON-QUASI JUDICIAL PUBLIC HEARING(S)

RS220509 - 6:32:29 (Tab U) Consider LDC22-001, an Ordinance amending Ordinance 97-19, as amended, by amending 2019-20 known as the "Nassau County Land Development Code (LDC)"; specifically amending the William Burgess Context and Connectivity Blueprint (WBCCB); amending Figure 4.2, William Burgess District (WBD) Regulating Plan; amending Figure 4.6, Thoroughfare Assignments; providing for severability; and providing an effective date.

Ms. May read the legislative procedures.

Motion: Open the floor to public discussion.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

Discussion: Holly Coyle, Assistant Planning Director, came forward and reviewed the request.

Motion: Close the floor to public discussion.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

Motion: Approve Tab U as stated above and authorize the

Chairman to sign Ordinance 2022-010 regarding the

same.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

QUASI-JUDICIAL PUBLIC HEARING(S)

RS220509 - 6:40:19 (Tab V) Consider FD21-005, the Final Development Plan (FDP) for Phase 6 of the Woodbridge Planned Unit Development (PUD); and allow a maximum of 133 single-family detached residential units. Application filed by Woodbridge Nassau, LLC., owner; and McCranie and Associates, Inc., agent.

Ms. May read the Quasi-Judicial procedures applicable to Tabs V_{\star} W_{\star} and X_{\star}

Waive presentation(s):

RS220509 - 6:43:57 The following individuals came forward to waive presentations and rely on staff presentations: Raymond Spofford, agent, Tab W; and Neil Milligan, agent, Tab X.

Commissioners Ex-parte Communications:

RS220509 - 6:46:56 All Commissioners stated they had no exparte communications regarding Tab V.

RS220509 - 6:47:11 Documents submitted into the record: FD21-005 Staff Report - 4 pages; Approved Woodbridge Phase 6 FDP - 9 pages; and Monitoring Report for Woodbridge PUD (Interim) - 5 pages.

Motion: Accept documents into the record as identified

above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

Motion: Open the floor to public discussion.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

Discussion: Mr. Companion came forward and requested for this item to be continued to the August 29, 2022 meeting.

Motion: Continue to August 29, 2022, at 6:00 p.m., or

soon thereafter as the matter may be heard,

consideration of Tab M as stated above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 6:49:24 (Tab W) Consider FD21-006, the Final Development Plan (FDP) for Phase 1B, Unit 22 of Tributary Planned Unit Development (PUD), allowing a maximum of 300 multi-family residential units. Application filed by Three Rivers Developers, LLC., owner; and ETM, Inc., agent.

Commissioners Ex-parte Communications:

RS220509 - 6:49:41 All Commissioners stated they had no exparte communications regarding Tab W.

RS220509 - 6:51:28 Documents submitted into the record: FD21-006 Staff Report - 4 pages; Approved Tributary, Phase 1B, Unit 22 FDP - 3 pages; and Monitoring Report for Tributary Planned Unit Development (Interim) - 6 pages.

Motion: Accept documents into the record as identified

above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

Motion: Open the floor to public discussion.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioner Ford and Gray

Deputy Clerk swore in Holly Coyle, Assistant Planning Director, to provide testimony.

Discussion: Ms. Coyle reviewed the request.

Public input: Lynn Richardson came forward and was sworn in to provide testimony. She expressed concerns regarding traffic impacts on Edwards Road.

Discussion: Ms. Coyle advised that the Tributary PUD is part of a Development of Regional Impact (DRI); therefore, the transportation impact has been mitigated through the DRI process.

Applicant's Presentation: Liam O'Reilly, agent, appeared via "Zoom" and was sworn in to provide testimony. He

reiterated that the transportation mitigation was approved as part of the DRI. He noted that several connection points along SR200 and Edwards Road are a part of the Master Plan for the entire development.

Mr. Spofford came forward and was sworn in to provide testimony. He advised that the site was designed to connect to the north through the commercial parcels, which would connect to SR200 to help alleviate the traffic impacts on Edwards Road. He noted that an access improvement in the installation would be a right turn lane into the site.

Motion: Close the floor to public discussion.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

Motion: Approve, based on competent, substantial evidence

in the record and testimony, Tab W as stated

above.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 7:07:41 (Tab X) Consider FD21-007, the Final Development Plan (FDP) for Phase 1B, Unit 10 and 15 of Tributary Planned Unit Development (PUD); allowing a maximum of 176 single-family detached residential units. Application filed by Three Rivers Developers, LLC., owner; and ETM, Inc., agent.

Commissioners Ex-parte Communications:

RS220509 - 7:07:58 All Commissioners stated they had no exparte communications regarding Tab X.

<u>RS220509 - 7:08:11</u> Documents submitted into the record: FD21-007 Staff Report - 4 pages; Approved Tributary FDP Phase 1B, Units 10 and 15 - 10 pages; and Monitoring Report for Tributary Planned Unit Development (Interim) - 6 pages.

Motion: Accept documents into the record as identified

above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

Motion: Open the floor to public discussion.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

Discussion: Ms. Coyle came forward and reviewed the request.

Motion: Close the floor to public discussion.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and

Farmer

Absent: Commissioners Ford and Gray

Motion: Approve, based on competent, substantial evidence

in the record and testimony, Tab X as stated

above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

RS220509 - 7:11:02 (Tab Y) Consider appeal of decision of the Conditional Use and Variance (CU&V), Application CU2022-02, Leslie Dyal. The Board of County Commissioners, after hearing, may reverse, affirm, or modify the order denying a conditional use to this applicant.

Ms. May read the Quasi-Judicial procedures applicable to Tab Y.

Commissioners Ex-parte Communications:

RS220509 - 7:14:37 All Commissioners disclosed that they received emails and are available for public record. Commissioner Martin also disclosed that he received phone calls.

RS220509 - 7:15:11 Documents submitted into the record: CU2022-02 application for appeal - 3 pages; Conditional Use and Variance PowerPoint Presentation presented on January 27, 2022 - 9 pages; January 27, 2022 Application CU2022-02 Verbatim - 21 pages; Conditional Use and Variance Board

Final Order - 2 pages; Conditional Use and Variance Back Up - 31 pages; and citizens' emails - 8 pages.

Motion: Accept documents into the record as identified

above.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

Motion: Open the floor to public discussion.

Maker: Commissioner Farmer Second: Commissioner Martin

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

Public input: The following individuals came forward to speak in favor of the Application: Carli Miller, Kendra Shaffer, and Carol Woodmansee came forward to speak in favor of the application. They addressed their concerns regarding the contentions from the neighbors with the previous and current property owners and the well-being of the rescue horses if the variance is not approved.

Ms. May advised that the last three speakers have introduced evidence that the Commissioners cannot consider.

John Lasserre, an attorney with Rogers Towers, representing the Baugh Family Trust and Phala Anderson, who is in objection of the application. He advised that their testimony at January 27, 2022, Conditional Use and Variance meeting is a part of the record.

Ms. Anderson, a neighbor of the applicant, came forward to provide testimony. She expressed concerns regarding the horses causing health issues, odor, insects, and pests. She requested that the Board consider upholding the decision made by the Conditional Use and Variance Board.

Lon Baugh, a neighbor of the applicant, came forward to provide testimony. He expressed concerns regarding the odor, insects, pests, and property rights.

Motion: Close the floor to public discussion.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

Discussion: Thad Crowe, Planning Director, came forward and reviewed the request.

Applicant's Presentation: Doug Wyler, an attorney of Law Firm of Jacobs Scholz and Wyler, LLC., representing the applicant, came forward to provide testimony. He advised that the variance appeal was from a technical denial, meaning the vote was a tie that caused the vote to be indecisive. He explained that his applicant has a Doctorate in Biology and rescues lame and injured horses. He stated that there is competent, substantial evidence to approve the variance request based on no evidence of insects, or pests coming from the applicant's property. Mr. Wyler noted that the property is 1.3-acres, and the Open Rural (OR) zoning code allows for a maximum of two horses per acre. Mr. Wyler advised that there are no Health Department records relating to Ms. Anderson's concerns at Conditional Use and Variance meeting of possible contamination of her water well. He reiterated that the staff is recommending approval, and Ms. Dyal is willing to comply with all of the conditions supplied by the staff.

Discussion: Commissioner Farmer inquired if this application could be reverted to the Conditional Use and Variance. Ms. May explained that the applicant has the right to have their appeal heard before the Board of County Commissioners for the approval or denial of the appeal. She advised that the procedural process would require the applicant's consent to go back before the Conditional Use and Variance. Mr. Wyler requested that the Board of County Commissioners make the decision.

Motion: Based on the record and testimony received pursuant to Section 28.14(K) and 5.04 of the Nassau County Land Development Code (LDC) that there is competent, substantial evidence to affirm the decision of the Conditional Use and Variance Board.

Maker: Commissioner Martin Second: Commissioner Farmer

Action: Aye: Commissioners Martin, Bell, and Farmer

Absent: Commissioners Ford and Gray

COUNTY MANAGER'S BUSINESS:

RS220328 - 6:53:42 Mr. Pope pointed out that prior to the meeting, the Engineering Department was complimented and reminded the Board it was not long ago that the Engineering Department was short-staffed.

DISCUSSION ITEMS:

RS220509 - 7:48:19 The Commissioners made no action or requests.

There being no further business, the regular session of the Nassau County Board of County Commissioners adjourned at $7:50~\mathrm{p.m.}$

Approved on: September 26, 2022

Jeff Gray, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk

ATTACHMENT "A"

Finance Package 2022-10

Resolutions:

1. Resolution 2022-102, regarding budget amendment in the General Fund in the amount of \$8,495.00 not anticipated in the Fiscal Year 2021/2022 budget year, donations for Memorial Park Benches received by Nassau County Animal Services.

Deletion(s) of Inventory:

Solid Waste Department, 5811, 2008 Closed Top 5 Compartment Recycle Bin, Serial No. 107475.

Solid Waste Department, 5809, 2008 Closed Top 5 Compartment Recycle Bin, Serial No. 107471.

Solid Waste Department, 2506, 1999 20 Yard Roll-Off Bin, Asset No. 20011932.

Other Items:

Approve signing authority for Marjorie Drawdy, Office of Management and Budget, up to \$1,500.00 in the Rescue Fund Account No. 01262526; and up to \$1,500.00 in Nassau Amelia Utilities Water and Sewer Fund Account no. 71000000.

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ATTACHMENT "B"

Finance Package 2022-11

Budget Transfer(s)

1. Budget transfer in the General Fund in the amount of \$1,850,000.00 to provide funding to the American Beach Water and Sewer District in the Fiscal Year 2021-2022.

Resolutions:

1. Resolution 2022-103, regarding budget amendment in the General Fund in the amount of \$1,850,000.00 to provide necessary cash flow for the American Beach Water and Sewer District project while the District waits for reimbursements from grants and any final allocations from the State.