AGENDA
FERNANDINA BEACH CITY COMMISSION
REGULAR MEETING
JUNE 6, 2017
6:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE / INVOCATION
Invocation by American Legion Chaplain Bruce Malcolm.

4. PROCLAMATIONS/PRESENTATIONS

4.1. **PROCLAMATION - MENTAL HEALTH FIRST AID MONTH -** *Recognizes June, 2017, as "Mental Health First Aid Month." Community liaisons and Mental Health First Aid Instructors will be present to accept the Proclamation.*

4.2. **PROCLAMATION - NATIONAL FLAG DAY & NATIONAL FLAG WEEK -** *Proclaims June 14, 2017, as "National Flag Day," and the week of June 11-17, 2017, as "National Flag Week." Amelia Island Chapter of the National Society of the Daughters of the American Revolution First Vice Regent Carol Elefterion will be present to accept the Proclamation.*

4.3. **PRESENTATION – OCEAN HIGHWAY AND PORT AUTHORITY** – *A representative of the Ocean Highway and Port Authority (OHPA) will present Payment In Lieu of Taxes (PILOT) payments to the City Commission for Fiscal Years 2014/2015 and 2015/2016.*

4.4. **PRESENTATION - UTILITIES DEPARTMENT** - *Utilities Director John Mandrick will discuss current and future Utilities operations and projects.*

5. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA

6. CONSENT AGENDA

6.1. **APPROVAL OF MINUTES -** *Regular Meeting - March 7, 2017; Special Meeting - March 21, 2017; and Regular Meeting - March 21, 2017.*

6.2. **FACILITIES USE AGREEMENT - NASSAU ALCOHOL CRIME DRUG AND ABATEMENT COALITION (NACDAC)** - RESOLUTION 2017-78 APPROVING A FACILITIES USE AGREEMENT WITH THE NASSAU ALCOHOL CRIME DRUG AND ABATEMENT COALITION (NACDAC) TO USE AIRPORT PROPERTY TO CONDUCT THE SIXTH ANNUAL 5K BEN BYRNS RUNWAY RALLY ON OCTOBER 7, 2017; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves a Facilities Use Agreement with the Nassau Alcohol Crime Drug and Abatement Coalition for the Sixth Annual 5K Ben Byrns Rally on October 7, 2017.*

6.3. **SEWER, REFUSE AND STORM WATER FEE EXEMPTION FOR FY 2016/2017** - RESOLUTION 2017-79 APPROVING ONE ADDITIONAL APPLICATION FOR CITY SEWER, REFUSE AND STORM WATER FEE EXEMPTION FOR FISCAL YEAR 2016/2017; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves one additional applicant for exemption of payment for City Sewer, Refuse and Storm Water Services from May 1, 2017, through September 30, 2017.*

6.4. **PROPERTY LIEN RELEASE - 511 NORTH 11TH STREET -** RESOLUTION 2017-80 AUTHORIZING THE MAYOR TO EXECUTE A RELEASE OF LIEN FOR 511 NORTH 11TH STREET WHICH BENEFITED FROM A CDBG HOUSING REPLACEMENT GRANT; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the Mayor to execute a full Release of Lien for the property located at 511 North 11th Street.*

6.5. **AWARD OF BID #17-04 – ARBOR PRO, INC. -** RESOLUTION 2017-81 AWARDING BID # 17-04 TO ARBOR PRO, INC. FOR URBAN FORESTRY SERVICES; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Awards Bid # 17-04 to Arbor Pro, Inc. and authorizes the City Manager to execute a professional services agreement with Arbor Pro, Inc. in an amount not to exceed $29,900.*

7. RESOLUTIONS

7.1. **SUNSETTING THE GREENS AND OVERSIGHT COMMITTEE AND CREATING A GOLF COURSE ADVISORY BOARD** - RESOLUTION 2017-82 SUNSETTING THE GREENS AND OVERSIGHT COMMITTEE; CREATING A GOLF COURSE ADVISORY BOARD; DEFINING ITS POWERS, DUTIES AND RESPONSIBILITIES; PROVIDING FOR MEMBERSHIP, TERMS, QUORUM, ORGANIZATION, ROLE, POWERS AND DUTIES, AND MEETING FREQUENCY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the sunsetting of the Greens and Oversight Committee and the creation of a Golf Course Advisory Board.*

7.2. **AUTHORIZATION TO DEFEND - DEBORAH LICKLITER** - RESOLUTION 2017-83 AUTHORIZING THE CITY ATTORNEY TO DEFEND THE CITY IN CERTAIN LITIGATION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the City Attorney to work with City claims administrator, Preferred Governmental Claim Solutions (PGCS), appear on behalf of if necessary, and defend the City of Fernandina Beach in the matter of Deborah Lickliter v. City of Fernandina Beach, Case No.:2017-CA-108 in the Fourth Judicial Circuit Court in and for Nassau County, Florida.*

7.3. **BUDGET AMENDMENT - YOUTH PROGRAM -** RESOLUTION 2017-84 APPROVING AN AMENDMENT TO THE YOUTH PROGRAM BUDGET FOR FISCAL YEAR 2016/2017; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. APPROVING THE YOUTH PROGRAM BUDGET AMENDMENT. S*ynopsis: Approves a budget transfer in the amount of $25,000 from the Youth Program Temporary Salaries account to the Youth Program Part-Time Salaries account.*

7.4. **BUDGET AMENDMENTS - MLK CENTER** - RESOLUTION 2017-85 APPROVING AMENDMENTS TO THE MLK CENTER BUDGET FOR FISCAL YEAR 2016/2017; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. S*ynopsis: Approves amendments totaling $14,280 for the installation of a fire alarm system at the MLK Center.*

7.5. **INTERLOCAL AGREEMENT - NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS -** RESOLUTION 2017-86 AMENDING RESOLUTION 2016-52 AND APPROVING AN INTERLOCAL AGREEMENT WITH THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING CITY COLLECTION OF TRANSPORTATION MOBILITY FEES APPLIED WITHIN CITY LIMITS; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves an Interlocal Agreement with the Nassau County Board of County Commissioners for the collection of Mobility Fees within Mobility Zone 1.*

8. ORDINANCE - FIRST READING

8.1. **CODE AMENDMENT - BEACH DRIVING PERMITS -** ORDINANCE 2017-18 AMENDING ARTICLE II, BEACHES, SECTION 90-48 BY PROVIDING FOR SPECIAL BEACH DRIVING PERMITS FOR DISABLED PERSONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends Section 90-48 of the City Code pertaining to special beach driving permits for disabled persons.*

9. ORDINANCES - SECOND READING

9.1. **CODE AMENDMENT – BOSQUE BELLO CEMETERY** - ORDINANCE 2017-10 AMENDING CHAPTER 30, CEMETERY, ARTICLES I-IV, OF THE CODE OF ORDINANCES; BY AMENDING SECTION 30-1 PROVIDING FOR DEFINITIONS; AMENDING SECTION 30-39 BULK PURCHASES; AMENDING SECTION 30-43 TRANSFER OF OWNERSHIP; AMENDING SECTION 30-57 PERPETUAL CARE SERVICES AND FEES; AMENDING SECTION 30-109 MEMORIAL AND VAULT INSTALLATIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends various sections of the City Code pertaining to the Bosque Bello Cemetery.*

9.2. **LAND DEVELOPMENT CODE AMENDMENT - DOWNTOWN DENSITY** - ORDINANCE 2017-12 AMENDING THE LAND DEVELOPMENT CODE BY STRIKING SECTION 4.01.02 AND TABLE 4.01.02 (A) COMMUNITY REDEVELOPMENT AREA DENSITY BONUS INCENTIVE PROGRAM AND AMENDING SECTION 4.01.01 TO INCREASE THE BASE DENSITY WITHIN THE CENTRAL BUSINESS DISTRICT AND MODIFY PERMISSIBLE HOUSING TYPES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Land Development Code specific to downtown density.*

9.3. **FUTURE LAND USE MAP AMENDMEN**T **- BROOME STREET** - ORDINANCE 2017-13 CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.*Synopsis: Assigns a Future Land Use Map designation of Central Business District (CBD) to 0.32 acres of land located on Broome Street.*

9.4. **ZONING MAP AMENDMENT - BROOME STREET** - ORDINANCE 2017-14 CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Zoning Category of Central Business District (C-3) to approximately 0.32 acres located on Broome Street.*

9.5. **FUTURE LAND USE MAP AMENDMENT - NORTH 2ND STREET** - ORDINANCE 2017-15 CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Future Land Use Map designation of Central Business District (CBD) to 0.59 acres of land located on North 2nd Street.*

9.6. **ZONING MAP AMENDMENT - NORTH 2ND STREET** - ORDINANCE 2017-16 CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Zoning Category of Central Business District (C-3) to approximately 0.59 acres located on North 2nd Street.*

10. CITY COMMISSION DISCUSSION ONLY (NO ACTION)

10.1. **DUNE AND BEACH MANAGEMENT PLAN -** *This item is placed on the agenda at the request of Vice Mayor Kreger.*

11. CITY MANAGER REPORTS

12. CITY ATTORNEY REPORTS

13. CITY CLERK REPORTS

14. MAYOR/COMMISSIONER COMMENTS

15. ADJOURNMENT

- A THREE (3) MINUTE TIME LIMIT MAY BE IMPOSED FOR ALL SPEAKERS (EXCEPT IN A QUASI-JUDICIAL HEARING). A "REQUEST TO SPEAK" FORM IS AVAILABLE ON THE COUNTER AT THE ENTRANCE TO THE COMMISSION CHAMBERS. THE FORM SHOULD BE GIVEN TO THE CITY CLERK UPON COMPLETION.
- THE MAYOR WILL DETERMINE THE ORDER OF THE SPEAKERS AND MAY IMPOSE MORE RESTRICTIVE TIME LIMITS.
- ONE PERSON WILL SPEAK AT A TIME AND ADDRESS COMMENTS TO THE MAYOR, NOT INDIVIDUAL CITY COMMISSION MEMBERS.

- THE CITY COMMISSION MAY ASK QUESTIONS OF SPEAKERS WHO WILL HAVE ONE MINUTE TO RESPOND. ADDITIONAL TIME MAY BE GRANTED AT THE DISCRETION OF THE MAYOR OR BY A MOTION BY THE CITY COMMISSION.

- SPEAKERS MAY FILE COPIES OF THEIR REMARKS WITH THE CITY CLERK WHO WILL MAKE THEM AVAILABLE TO THE COMMISSION.

- FERNANDINA BEACH CITIZENS WILL SPEAK BEFORE NONRESIDENTS AND SPEAKERS WILL LIMIT REMARKS TO THE SPECIFIC SUBJECT MATTER.

- DISCUSSION – DIRECTION - ACTIONS ITEMS MAY BE ACTED UPON BY THE CITY COMMISSION BY EITHER A MOTION AND VOTE IN ACCORDANCE WITH ROBERTS RULES OF ORDER, OR BY A CONSENSUS OF THE CITY COMMISSION.

- PURSUANT TO RESOLUTION 95-32, IF AN ITEM IS NOT ON THE AGENDA IT REQUIRES A FOUR-FIFTHS VOTE OF THE CITY COMMISSION DECLARING THE ITEM AN EMERGENCY BEFORE ACTION CAN BE TAKEN.

- *QUASI-JUDICIAL* - DENOTES THAT THE ITEM MUST BE CONDUCTED AS A QUASI-JUDICIAL HEARING IN ACCORDANCE WITH CITY COMMISSION ESTABLISHED PROCEDURE AND FLORIDA STATUTES. ANY PERSON WISHING TO APPEAL ANY QUASI-JUDICIAL DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired).

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Proclamation
Mental Health First Aid Month

ITEM TYPE: Proclamations

REQUESTED ACTION: Presentation

SYNOPSIS:

Attached is a Proclamation recognizing June, 2017, as "Mental Health First Aid Month". Community liaisons and Mental Health First Aid Instructors will be present to accept the Proclamation.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager
Tammi Bach, City Attorney
Dale Martin, City Manager Date:05/22/2017

COMMISSION ACTION:

Proclamation

WHEREAS, Mental Health First Aid was originally developed and implemented in Australia in 2001 under the prestigious auspices of the University of Melbourne. Today, Mental Health First Aid is taught and techniques are practiced on an international platform; and

WHEREAS, Mental Health First Aid was introduced to the United States in 2008. Since its U.S. launch, the program has certified over 3,000 instructors and more than 100,000 people in all fifty states have received training; and

WHEREAS, Mental Health First Aid is an extremely effective public education program where participants learn about depression, anxiety, trauma, psychosis, eating disorders, substance use disorders and self-injury. In an effort to assist those who may be developing a problem or may be already in a crisis; Mental Health First Aid program participants also learn how to assess people's risk of harm or suicide, listen nonjudgmentally, give reassurance, and encourage the appropriate professional help; and

WHEREAS, numerous Mental Health First Aid program studies show participants significantly increase their understanding and knowledge of mental health issues and treatments. Participants are able to confidently and appropriately respond to an emerging problem or a crisis and connect more people with care. Mental Health First Aid also reduces the stigma often associated with mental health; and

WHEREAS, we must encourage all of our citizens to learn more about mental health, implement early intervention measures, recognize warning signs, intervene to prevent suicide and other traumatic events, and guide those in need to appropriate treatment and other support services.

NOW, THEREFORE, I, Robin C. Lentz, by virtue of the authority vested in me as Mayor of the City of Fernandina Beach, Florida, do hereby proclaim the month of June, 2017, as

"MENTAL HEALTH FIRST AID MONTH"

IN WITNESS WHEREOF, I hereunto set my hand and caused the Official Seal of the City of Fernandina Beach, Florida, to be affixed this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

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Robin C. Lentz
Mayor-Commissioner

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Proclamation
Flag Day

ITEM TYPE: Proclamations

REQUESTED ACTION: Presentation

SYNOPSIS: Attached is a Proclamation proclaiming June 14, 2017, as "National Flag Day," and the week of June 11-17, 2017, as "National Flag Week." Amelia Island Chapter of the National Society of the Daughters of the American Revolution First Vice Regent Carol Elefterion will be present to accept the Proclamation.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager
Tammi Bach, City Attorney
Dale Martin, City Manager Date:05/22/2017

COMMISSION ACTION:

Proclamation

WHEREAS, the Continental Congress adopted the Stars and Stripes as the official flag of our young republic on June 14, 1777; and

WHEREAS, each June thereafter, our nation has lifted its sights to the flag that has watched over us since the days of our founding. In those broad stripes and bright stars, we see the arc of the American story - from a handful of colonies to fifty States, united and free; and

WHEREAS, when proud patriots took up the fight for independence, they came together under a standard that showed their common cause. When the wounds of civil war were still fresh and our country walked the long road to reconstruction, our people found hope in a banner that testified to the strength of our Union. Wherever our American journey has taken us, whether on that unending path to the mountaintop or high above into the reaches of space, Old Glory has followed, reminding us of the rights and responsibilities we share as citizens; and

WHEREAS, this week, we celebrate that legacy, and we honor the brave men and women who have secured it through centuries of service at home and abroad. To commemorate the adoption of our flag, Congress designated June 14 of each year as "Flag Day" and designated the week in which June 14 occurs as "National Flag Week".

NOW, THEREFORE, I, Robin C. Lentz, by virtue of the authority vested in me as Mayor of the City of Fernandina Beach, Florida, do hereby proclaim June 14, 2017, as

"NATIONAL FLAG DAY"

And, the week of June 11-17, 2017, as

"NATIONAL FLAG WEEK"

in Fernandina Beach, Florida, and urge all citizens to join me in proudly displaying our nation's banner and live with the patriotism that the red, white and blue so strongly represents and show a deep appreciation of its legacy.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Official Seal of the City of Fernandina Beach, Florida, to be affixed this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

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Robin C. Lentz
Mayor - Commissioner

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Presentation
Ocean Highway and Port Authority

ITEM TYPE: Presentations

REQUESTED ACTION: Presentation

SYNOPSIS: A representative of the Ocean Highway and Port Authority (OHPA) will present the annual PILOT (payment in lieu of taxes) payments for FY 14/15 and FY 15/16 to the City Commission.

OHPA had withheld these payments because the Florida Supreme Court was deciding the validity of these types of payments by special districts and independent authorities such as OHPA. The Florida Supreme Court upheld the validity of PILOT payments in a recent decision.

FISCAL IMPACT:

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager
Tammi Bach, City Attorney
Dale Martin, City Manager Date:05/30/2017

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Presentation
Utilities Department

ITEM TYPE: Resolution

REQUESTED ACTION: Presentation

SYNOPSIS: Utilities Director John Mandrick will discuss current and future Utilities operations and projects.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager
Tammi Bach, City Attorney
Dale Martin, City Manager Date:05/24/2017

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Approve Minutes

ITEM TYPE: Consent Agenda

REQUESTED ACTION: Approve Minutes

SYNOPSIS:

The following minutes are attached for the City Commission's review and consideration for approval:

TYPE OF MEETING	DATE
Regular Meeting	3/7/17
Special Meeting	3/21/17
Regular Meeting	3/21/17

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager
Tammi Bach, City Attorney
Dale Martin, City Manager Date:05/24/2017

COMMISSION ACTION: Approve

The City Commission of the City of Fernandina Beach, Florida met in a Regular Meeting on Tuesday, March 7, 2017 at 6:00 pm in the City Commission Chambers. Present were Mayor Robin C. Lentz presiding, Vice Mayor Len Kreger, Commissioners John A. Miller, Roy G. Smith, and Tim Poynter. Also present were City Clerk Caroline Best, City Manager Dale L. Martin and City Attorney Tammi Bach.

Mayor Lentz called the meeting to order and led the Pledge of Allegiance to the Flag. The invocation was then given by Reverend Ed Coop, Sr. of Joy Ministries Church.

PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA: Mr. David Smith, 1641 Scott Road, explained he is a twelve year member of the community and an active affiliate of the Nassau Sport Fishing Association; a 501c3 nonprofit organization, incorporated in 1983. Over the past thirty-five years, the Nassau Sport Fishing Association has sponsored the Kingfish Tournament; a fundraiser to benefit the Nassau Sport Fishing Association, which through the years, has sponsored events for and with the Fernandina Beach High School, the United States Coast Guard, Fish and Wildlife Conservation, Fort Clinch State Park kids fishing events, Big Brothers/Sisters and the Shrimp Boat Festival. On behalf of the Nassau Sport Fishing Association, Mr. Smith requested relief from the special event permit fee that has increased from $290 to $1800 this year; particularly the $1000 environmental impact fee.

Commissioner Miller remarked that when the new special event fees passed he was aware event organizers would seek relief on a case by case basis and he would support a special event fee rollback for the Nassau Sport Fishing Association's Kingfish Tournament. Commissioner Miller asked how the environmental impact fee portion of the special event fee ($1000) works. City Manager Martin responded the environmental impact fee helps facilitate the cleanup of events through Advanced Disposal, to ensure site cleanup during and after special events. The money is retained in a fund facilitated to promote local recycling efforts. Mr. David Smith noted that the Nassau Sport Fishing Association works with United Services for portable toilets, Advanced Disposal for trash cans and trash removal, Taylor Rentals for tents; all move in on Friday prior to the event and are vacated Sunday after the event. Thus, there is no environmental impact.

Vice Mayor Kreger stated this is not the first time the City Commission has granted a special event fee waiver; they did it for Americas Youth, Inc.'s Dr. Martin Luther King Jr. Day special event. Vice Mayor Kreger stated he would be open to discussing special event fee waivers on a case by case basis provided the City does not end up subsidizing any special events. After additional discussion among the City Commissioners **a motion was made by Commissioner Miller, seconded by Commissioner Poynter to waive the environmental impact special event fee of $1000 for the 2017 Nassau Sport Fishing Association's Kingfish Tournament.**

City Manager Martin remarked that he would meet with Mr. Smith to review the special event fee, confirm the total fees and noted the newly hired Public Information Officer will handle special events. Also as a goal by the end of June, there will be a complete review of the special events policy, procedures and amendments to ordinances. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

Dr. Chip Ross, 210 N. 3rd Street, cited the following concerns regarding waterfront consultants; what is the budget, is there a not to exceed price so that all the consultants are competing on a level playing field, what is the City Commission willing to pay for a consultant and what is the status of the Alachua Street railroad crossing opening; noting the Fernandina Observer blog recently ran an excellent article regarding same. Dr. Ross presented several slides, one of which included a Florida Department of Transportation algorithm. Based on the algorithm and assuming the City Commission wants to precede a "stipulation of parties and notice of intent" must be filed. Dr. Ross stated he and a number of other members of the community would like to know what the City Commissioners plan to do next, asking will the City Commission abandon the idea of a crossing (at Alachua Street) or file an Florida Department of Transportation (FDOT) "notice of intent" and move that process along since a consultant is being hired. Dr. Ross proposed pursuing a pedestrian only crossing which he believes would work well and be price compatible. Mayor Lentz thanked Dr. Ross and noted City Manager Martin has an update in his City Manager report at the end of this meeting.

Vice Mayor Kreger noted he appreciates Dr. Ross's patience and stated at this point the City Commission does not need to address the Alachua Street railroad opening until the waterfront consultant process is completed. Vice Mayor Kreger stated the March 21st City Commission meeting agenda is going to be jam-packed and proposed to convene at 4:00pm for a public meeting and to allow the three waterfront consultants 30 minutes each to make their presentations. Commissioner Poynter responded that the public may not be able to arrive at 4:00pm which would defeat the purpose and offered it would be better to let the meeting run later. Mayor Lentz offered to start the special meeting at 5:00pm and then go right into the regular meeting.

Commissioner Smith asked if there would be a decision made that night as he would prefer more time to think about it. City Manager Martin said the intent was that the three consultants would make their presentations and the City Commission would rank the presentations after which City Manager Martin and City Attorney Bach would enter into contract negotiations based upon the scope and size of the project. Commissioner Smith expressed his discomfort in making the decision that night. Commissioner Poynter stated if homework was done over the next two weeks he would be amenable to making a decision.

Vice Mayor Kreger noted another point to address with Dr. Ross's is putting a price tag on the scope of work the waterfront consultants will perform. He believes this would be a mistake as once a number is assigned it becomes trouble. Mayor Lentz agreed and would like to know a price too, however if there are too many constraints then the City Commissioner's won't get the expected outcome from the consultants.

Commissioner Poynter noted one of the mistakes Fernandina Beach makes over and over again is not having a sufficient and comprehensive plan to present to FDOT and the railroad regarding the opening of the Alachua Street railroad crossing. Commissioner Poynter noted the concerns are well known, that the consultants have long heard the concerns and it makes sense to him to present (to FDOT and the railroad) a sufficient and comprehensive plan as to why the City desires the Alachua Street railroad crossing to be opened or remain closed. Noting a well thought out plan goes a long way in demonstrating what the City is trying to accomplish as opposed to just saying we want the railroad crossing opened or closed.

Mayor Lentz stated the special meeting would be March 21st at 5:00pm in City Hall Commission Chambers to hear each consultant give a thirty minute presentation and the regular City Commission meeting would be pushed back with a later start time.

Ms. Amy Petroy, 2702 Gregor McGregor Blvd. and 416 Ash Street d/b as The Patio Place Restaurant asked the City Commission for assistance as she bought the building and opened the restaurant with the intent to have live music on the patio. Ms. Petroy expressed confusion and direction as to who to talk to regarding the live music, once per month until 9:30pm - 10:00pm she would like to have at her restaurant as do other establishments in Fernandina Beach. Ms. Petroy asked whom to speak with sooner rather than later as of right now she has had to cancel event dates. Commissioner Miller expressed he never liked the noise ordinance that is currently in place. City Attorney Bach stated there is a time limit for the twenty five feet and no time limit for one hundred feet noise ordinance.

Commissioner Miller expanded that anyone can call at 6:00pm and say the noise is bothersome. This has become a way for businesses to compete and businesses to go after one another. It's too arbitrary, a time limit and a distance are needed. Commissioner Smith asked that it become a future agenda item to tweak it as it is currently not working. Mayor Lentz agreed and asked the Commission for permission to put it on the April agenda to bring a draft or suggestions.

Commissioner Poynter asked that the Police Department weigh in before the City Commission meets to discuss the noise ordinance because he was a City Commissioner the last time this was discussed and there is no easy solution. The people who live two doors away residentially argue there is noise; that there should be quiet enjoyment. Commissioner Poynter noted The Green Turtle Restaurant and the Florida House Inn Bed & Breakfast are next to each other and had a fight which brought in other City establishments. Noting if you choose to live downtown two blocks off Centre Street in a business district there is going to be noise at night. There is somewhat of an obligation to the community to allow businesses to thrive until a reasonable hour which is 11:00pm on Fridays and Saturdays and 10:00pm on Thursdays. City Attorney Bach stated the twenty five feet rule is plainly audible with words not just music.

Ms. Petroy noted her understanding of the timely process and there are many other pressing agenda items however she is losing revenue and has already cancelled the band once and will have to cancel it again the last weekend in March. Ms. Petroy definitely wants a band in April and for Shrimp Boat Festival, playing until 10:00pm at night, as the Ordinance states would be allowable even though she has been issued a citation and asked the City Commission what to do in the meantime. Commissioner Poynter remarked that Ms. Petroy is within the law but is not within the spirit of the law.

Mayor Lentz asked if Ms. Petroy could meet with City Attorney Bach for a full explanation and discussion for options. City Attorney Bach offered her contact information to Ms. Petroy. Commissioner Smith asked what the rule stated until 10:00pm.City Attorney Bach clarified it's just plainly audible that it is not by a certain decibel level.

Mr. Lynn Williams, 1899 S. Fletcher, reminded the City Commissioners that some weeks ago he was before the City Commission and there was discussion about the possibility of dredging the south

basin using the Army Corps of Engineers plans for the river and extending that into the Fernandina Harbor Marina. At that time is was agreed the City Commission desired the Florida Inland Navigation District (FIND) to spend $20k to complete the necessary engineering so that the dredging could be extended to the Fernandina Harbor Marina. Mr. Williams explained the time has come to make some decisions because in April, the FIND plans will be firm enough to go to permitting and then out for proposal. An alternate plan in the FIND proposal will be the dredging of the Fernandina Harbor Marina. Mr. Williams explained this is a serious dredging, a big machine will move the Fernandina Harbor Marina docks aside and take out 80-100,000 cubic yards of silt which will be pumped to the FIND site on the north end of Crane Island but it isn't free and a dredging charge of approximately $10-11 per cubic yard that compares with the current charge of $30-35 per cubic yard should the dredging need to be redone. There are a few choices, when the Army Corps of Engineers completes the south basin work in early July, they could come into the Fernandina Harbor Marina in late August/beginning of September and clean out the silt. There is also a plan to realign the Fernandina Harbor Marina docks which should be done at the same time as the dredging so they (the docks) are only moved once making the dredging time itself more streamlined and cost effective for all parties involved. Mr. Williams hope is that a decision is made for this $1.5 million dollar bill that can't be put off until the fall because the Army Corps of Engineers will be here in the summer and we can't ask them to come back next year. In terms of the agreement with Big P and FIND regarding the docks that are at the Fernandina Harbor Marina now which were paid for - the City is obligated to keep them operational for twenty years until 2026 if not the City is obligated to return the money. The docks are not useful right now (as a result of Hurricane Matthew damage) and this is a good deal that Mr. Williams is hopeful will be considered as we move forward.

Commissioner Poynter asked when is the drop dead date and when are they planning on mobilizing. Mr. Williams replied mobilizing is July 1st and going out for bids mid-April. Commissioner Smith had asked to do a bathymetric survey of the marina because there is a lot of mud which is uncharacteristic but could have been pushed in from Hurricane Matthew and if that is the case it's possible to ask for FEMA money to the degree that it would be helpful.

City Manager Martin commented he received an email yesterday from Fernandina Harbor Marina Manager Joe Springer which indicated FIND is stating the City needs to let them know in the next two - three weeks if the schedule is feasible because they (FIND) plan on advertising the project in April. Mr. Williams replied that July construction means that the Fernandina Harbor Marina would be finished before they dredged the river if we want to come at the end of the river because of convenience moving boats around it could be late August or 1st of September so there are two dates to work in. Vice Mayor Kreger stated he is not prepared to discuss what is going on in terms of costs and where we are in next year capital improvement plan, it needs to be looked at that and it cannot even be considered at the front end of their program. Vice Mayor Kreger noted there are two FIND grants and wondered how money fits together and agreed it should be done soon.

Commissioner Smith noted that to do the Fernandina Harbor Marina dredging, the docks and pilings would have to be removed resulting in an added cost to put those back in addition to the cost of dredging. Mr. Williams agreed with Commissioner Smith and noted the plan is that there is a good Applied Technology & Management (ATM) write up on the south basin and to take those docks out anyway and realign hence it's not extra, just something that would be done anyway. Commissioner

Smith replied the problem is if $1million dollars were received for dredging and then it has to be redone what would that cost. Mayor Lentz replied $1.5 million total.

Mr. Williams replied there is an estimate ranging from $400k to take the docks out and realign them using the same pilings. All the pilings and docks were removed in 2006 and replaced and it goes pretty quickly. Mayor Lentz thanked Mr. Williams and noted that it is a discussion for another time at a future meeting to really talk about it. Vice Mayor Kreger expressed the need to find where the money is coming from and what do we have in the capital improvement account. Mayor Lentz asked City Manager Martin to make a note to look into where the Commission could find the money.

5. CONSENT AGENDA: The following two items were on the Consent Agenda and were approved by one motion.

5.1. APPROVAL OF MINUTES: According to the agenda support documents, the Minutes of the Regular Meeting - December 6, 2016; Visioning Workshop - December 14, 2016; and Regular Meeting - January 3, 2017 were presented for approval. **A motion was made by Commissioner Miller, seconded by Commissioner Poynter to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

5.2. FACILITIES USE AGREEMENT – DRIVING DYNAMICS, INC. - RESOLUTION 2017-31 APPROVING A FACILITIES USE AGREEMENT WITH DRIVING DYNAMICS, INC. FOR THE USE OF AIRPORT PROPERTY TO CONDUCT DEFENSIVE DRIVER SAFETY TRAINING: According to the agenda support documents Resolution 2017-31 approves a Facilities Use Agreement with Driving Dynamics, Inc. for defensive driver training at the Fernandina Beach Municipal Airport. **A motion was made by Commissioner Miller, seconded by Commissioner Poynter to approve Resolution 2017-31. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

5.3. DISPOSAL OF SURPLUS PROPERTY - RESOLUTION 2017-32 DECLARING CERTAIN TITLED CITY PROPERTY SURPLUS; AUTHORIZING THE CITY MANAGER TO DISPOSE OF SAID PROPERTY IN A MANNER CONSISTENT WITH THE CITY'S POLICIES AND PROCEDURES: According to the agenda support documents Resolution 2017-32 declares certain property as surplus, and authorizes the disposal of such. **A motion was made by Commissioner Miller, seconded by Commissioner Poynter to approve Resolution 2017-32. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

5.4. FACILITIES USE AGREEMENT - FLORIDA ARMY NATIONAL GUARD – RESOLUTION 2017-33 APPROVING A FACILITIES USE AGREEMENT FOR THE 2-111TH REGIMENT, AIRFIELD OPERATIONS BATTALION, FLORIDA ARMY NATIONAL GUARD TO PROVIDE LOCAL AIRPORT ADVISORY SERVICES DURING THE 2017 AMELIA ISLAND CONCOURSE D'ELEGANCE: According to the agenda support documents Resolution 2017-33 approves the Facilities Use Agreement for the 2-111th Regiment, Airfield Operations Battalion, and Florida Army National Guard to provide local Airport advisory services at the Fernandina Beach Municipal Airport during the 2017 Amelia Island Concourse d'Elegance. **A motion was made by Commissioner Miller, seconded by Commissioner Poynter to approve**

Resolution 2017-33. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

6.1. BUDGET AMENDMENT - POLICE DEPARTMENT - RESOLUTION 2017-34 APPROVING AN AMENDMENT TO THE POLICE DEPARTMENT LAW ENFORCEMENT RECOVERY FUND BUDGET FOR FISCAL YEAR 2016/2017: According to the agenda support documents Resolution 2017-34 approves a budget transfer of $8,000 from the Law Enforcement Recovery Fund capital account to the Non Capital Equipment account. City Manager Martin explained this is a reclassification of funds in the Police Department that had been mistakenly categorized to purchase night vision equipment in the budget. As a capital purchase under policy, it is actually a non-capital purchase and this amendment reestablishes this. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller to approve Resolution 2017-34. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.2. BUDGET AMENDMENT – POLICE DEPARTMENT - RESOLUTION 2017-35 APPROVING AN AMENDMENT TO THE GENERAL FUND BUDGET FOR FISCAL YEAR 2016/2017: According to the agenda support documents Resolution 2017-35 approves a transfer of $40,000 from the General Fund Contingency account to the Police Department Improvement account. City Manager Martin stated there have been issues with the Police Department roof experiencing a significant amount of leaks; this budget amendment capitalizes $40,000 worth of repairs to the Police Department roof. **A motion was made by Commissioner Miller, seconded by Commissioner Poynter to approve Resolution 2017-35.** Vice Mayor Kreger noted he will vote to approve Resolution 2017-35 but believes this is a big expenditure on what should have been a budgeted item. Vice Mayor Kreger indicated that with a sufficient preventative maintenance program these types of structural issues could be identified and properly budgeted for in the future. City Manager Martin clarified this particular expense is related to plumbing issues at the Police Department, noting the summary states it is for unexpected, unbudgeted plumbing replacement in the Police Department buildings. Police Department Captain Bishop explained the plumbing issues were unexpected and related to copper plumbing that has developed pinhole leaks around the entire roof area which is making a mess of the building. Captain Bishop explained that the two main buildings of the Police Department are the ones experiencing leaks and the back building will wait until next year and will be a budgeted expenditure. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.3. TASK ORDER 2017-01 APPROVAL - OLSEN ASSOCIATES, INC. & BUDGET AMENDMENT - RESOLUTION 2017-36 APPROVING TASK ORDER #2017-01 WITH OLSEN ASSOCIATES, INC. FOR THE NASSAU COUNTY SHORE PROTECTION ALTERNATE RENOURISHMENT PROJECT; AUTHORIZING EXECUTION; APPROVING A BUDGET AMENDMENT FOR UNANTICIPATED GRANT REVENUE AND BEACH CONSTRUCTION PAYMENTS: According to the agenda support documents Resolution 2017-36 approves Task Order #2017-01 with Olsen Associates, Inc. for coastal engineering services for the Nassau County Shore Protection Project. Also approves an amendment to the Fiscal Year 2016/2017 budget by transferring $10,000 to the Beach Renourishment account from the Capital Improvement Reserve account. **A motion was made by Commissioner Miller, seconded by Commissioner Poynter to approve Resolution 2017-36.** Commissioner Poynter questioned whether the monies to

pay for services associated with Resolution 2017-36 should come out of the Municipal Services Taxing Unit (MSTU), fund as he believes they should. Vice Mayor Kreger explained the MSTU monies to pay for these services have not been collected yet and agreed with Commissioner Poynter that "all of this should come out of the MSTU as anything that is related to the program should come out of this fund." Commissioner Poynter responded the City and Nassau County should get reimbursed from MTSU funds for these expenditures. Mayor Lentz noted Resolution 2017-36 doesn't say anything to that and asked City Attorney Bach how the City can be reimbursed once the money is collected. City Attorney Bach replied the City has to do it by agreement with Nassau County as it is unknown, at this time, how the MSTU monies will be distributed and noted there is a contract with Olsen & Associates stating the City is going to pay. Vice Mayor Kreger stated the question is how it gets administrated. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.4. QUALIFYING DATES FOR THE 2017 CITY GENERAL ELECTION - RESOLUTION 2017-37 APPROVING AND SETTING THE QUALIFYING DATES FOR THE NOVEMBER 7, 2017 CITY GENERAL ELECTION: According to the agenda support documents Resolution 2017-37 set the Qualifying Dates for the November 7, 2017, City General Election to begin on July 10, 2017, and end on July 14, 2017. Commissioner Poynter stated this Qualifying period is too early and questioned why it's in the beginning of July. City Clerk Best explained it's a one week Qualifying period and that the Qualifying period represents the period of time that a candidate brings in the required Qualifying documents. Anyone can come to the City Clerk's office at any time and fill out the appropriate paperwork to become a candidate and begin campaigning, the Qualifying period is just that window of opportunity to bring in the paperwork. **A motion was made by Vice Mayer Kreger to approve, seconded by Commissioner Miller to approve Resolution 2017-37. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Commissioner Poynter:	**Nay**
Commissioner Smith:	**Nay**
Commissioner Miller:	**Aye**
Vice Mayor Kreger:	**Aye**
Mayor Lentz:	**Aye**

Motion carried.

6.5. OPPOSE FLORIDA HOUSE BILL 17 - RESOLUTION 2017-38 OPPOSING FLORIDA HOUSE BILL 17 (HB 17) AND ANY SIMILAR OR SUBSTITUTE LEGISLATION THAT WOULD PREEMPT THE LOCAL REGULATION OF BUSINESSES, PROFESSIONS AND OCCUPATIONS TO THE STATE BY PROHIBITING LOCAL GOVERNMENTS FROM IMPOSING OR ADOPTING CERTAIN ORDINANCES, REGULATIONS, RULES LICENSES, PERMIT OR OTHER REQUIREMENTS, INCLUDING ASSOCIATED FEES; OPPOSING ANY STATE LEGISLATION THAT WOULD PREEMPT AND REPEAL BY OPERATION OF STATE LAW ANY EXISTING LOCAL REGULATIONS; OPPOSING ANY STATE LEGISLATION THAT WOULD LIMIT LOCAL GOVERNMENTS IN MODIFYING OR IMPOSING ADDITIONAL REGULATIONS ON BUSINESSES, PROFESSIONS AND OCCUPATIONS: According to the agenda support documents Resolution 2017-38 opposes Florida House Bill 17 (HB

17). City Attorney Bach explained she wrote this initially as a draft to oppose House Bill 17 which has already moved through State committees and basically pre-empts local governments from regulating businesses including anything from signage, Local Business Tax Receipts, etc. City Attorney Bach explained that City Manager Martin received a telephone call today from the City's Lobbyist Mr. Buddy Jacobs, Esquire who said the language in Resolution 2017-38 should be broadened as there are other bills cooking out there that may have other things besides business in them. The new draft proposal which City Attorney Bach crafted removed businesses, regulations specific to businesses and said any attempt by State legislature to pre-empt local regulations of any kind the City of Fernandina Beach opposes. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller to approve Resolution 2017-38.** Vice Mayor Kreger stated the City Commission needs to do more and have it go further to Representative Boyd and indicated the other preemption bill came up today has to do with cell towers. City Attorney Bach offered that a vacation rental bill also came up. Mayor Lentz suggested a telephone call be put in to Senator Bean whom she telephoned yesterday. Commissioner Miller encouraged citizens to get involved stating any preemption bill is terrible. Every community is unique, everybody has different situations. Any time the State tries to move and tie our local hands it's not a good thing. Commissioner Miller noted he is going to Tallahassee on Tuesday. Commissioner Smith asked whether HB 17 is part of the Uber deal that got distorted. Mayor Lentz replied she kind of thought that's where it originated but then it wasn't specific as it was only two pages long. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

7.1. PAY & CLASSIFICATION PLAN AMENDMENT – ORDINANCE 2017-07 ESTABLISHING AN AMENDED CLASSIFICATION PLAN FOR FISCAL YEAR 2016/2017, PURSUANT TO SECTION 120 OF THE CITY CHARTER AND SECTION 62-247 OF THE CODE OF ORDINANCES OF THE CITY: According to the agenda support documents Ordinance 2017-07 amends the Pay and Classification Plan for FY -2016/2017. City Manager Martin noted this amends the Pay & Classification plan by officially adding the Public Information Officer position, changes to the Fire Department's classification of Ocean Rescue Lifeguards, changing the Purchasing Agent in the Finance Department from exempt to non-exempt and eliminating an unused position of Service Technician in the Maintenance Department. City Attorney Bach then read Ordinance 2017-07 by title only which was as follows: AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, ESTABLISHING AN AMENDED CLASSIFICATION PLAN FOR FISCAL YEAR 2016/2017, PURSUANT TO SECTION 120 OF THE CITY CHARTER AND SECTION 62-247 OF THE CODE OF ORDINANCES OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **A motion was made by Commissioner Smith, seconded by Commissioner Miller to approve Ordinance 2017-37. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.1. BOARD APPOINTMENT - FERNANDINA BEACH HOUSING AUTHORITY: According to the agenda support documents there was one appointment for the Fernandina Beach Housing Authority. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Miller to approve the appointment of Ms. Elaine Roberts. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

CITY MANAGER REPORTS:

CONGRATULATIONS: City Manager Martin congratulated Fernandina Municipal Airport Operations Superintendent Mr. Bobby Kozakoff on the successful Florida Department of Transportation (FDOT) airport inspection last week. The issues raised in previous years have been addressed and Bobby is doing a great job.

THANKS: City Manager Martin thanked City Attorney Bach for the Ethics Training provided to City staff last week and thanked the Community Development Department Planning Staff for the 8th Street coordination meetings with Florida Department of Transportation (FDOT) and Utilities yesterday.

CHAMBER OF COMMERCE MEETING: City Manager Martin met with Chamber of Commerce representatives who have a desire to become more involved in supporting community efforts that especially impact businesses represented by the Chamber.

WATERFRONT CONSULTANT REQUESTS FOR QUALIFICATIONS (RFQ): City Manager Martin stated that he provided the City Commissioners copies of all twelve proposals received for the Waterfront Consultant RFQ. Of the twelve proposals, the RFQ Waterfront Selection Committee selected three consultants for the City Commissions consideration. City Manager Martin intends to invite these three consultants to show their presentations to the Commission at the March 21ST City Commission Regular Meeting or possibly hold a City Commission Special Meeting in order to rank the Waterfront Consultants; with subsequent negotiations to follow. The successful contract will be submitted in April. City Manager Martin thanked the selection committee members Mr. Steve Colwell from Fantastic Fudge, Mr. Kevin McCarthy of Amelia River Cruises, Mr. Bill Tilson of the Historic District Council and Ms. Kelly Gibson, Community Development Department Senior Planner.

NASSAU COUNTY OFFICIALS MEETING: City Manager Martin announced he will meet with Nassau County Manager Ms. Jones and Office of Management and Budget Director Mr. Stankiewicz. These meetings take place every other month and provide an opportunity to stay abreast of issues affecting the sister municipalities. City Manager Martin stated if the Commissioners have any county issues they would like him to broach, please send an email.

BILLY CASPER GOLF OFFICIALS MEETING: City Manager Martin will meet with the Billy Casper Golf officials who are in town due to the high visibility of the Bonhams Car Show & Auction; the auction will take place Thursday, March 9TH.

RIBBON CUTTING: City Manager Martin announced he will attend the Thursday, March 9TH ribbon cutting ceremony for the new B&B Movie Theatre located at 1750 South 14TH Street.

BID OPENING: On Thursday, March 9TH City Manager Martin will receive the bid opening for the airport terminal project.

SPORTSCAR VINTAGE RACING ASSOCIATION: City Manager Martin will meet with the Sportscar Vintage Race officials and schedule a safety briefing on Monday, March 13TH in accordance with the Federal Aviation Administration conditional approval.

WORKDAY: City Manager Martin will have his monthly "workday" next Wednesday, March 15th at the golf course.

NEWCOMERS CLUB: City Manager Martin will give a lunch speech on Wednesday, March 15TH to the Newcomers Club.

PROPERTY ASSESSED CLEAN ENERY (PACE) PROGRAM: City Manager Martin will be in Orlando on Friday, March 17TH for a meeting with the Florida Resiliency and Energy District.

CITY ATTORNEY REPORTS:

PLANNING ADVISORY BOARD (PAB) MEETING: City Attorney Bach will attend the PAB meeting Wednesday, March 8TH and offered regrets in not being able to attend the Bonham's dinner being held the same evening.

AIRPORT FEE SCHEDULE: City Attorney Bach commented that long term airport hangar leases are up for renewal and some tenants are surprised at the fee schedule increases that has been in effect for several years. If current tenants are unable or unwilling to pay the increased lease rates there is a long waiting list. If phone calls are received regarding this matter they should be referred to City Manager Martin or City Attorney Bach.

CITY CLERK REPORTS:

NASSAU COUNTY TRANSITIONING ADULT (TAP) PROGRAM: City Clerk Best in conjunction with the Fernandina Beach Fire Department, Fernandina Beach Police Department and Fernandina Harbor Marina are looking forward to hosting the Nassau County Transitioning Adult Program Friday, March 10TH, 10:00AM at City Hall Commission Chambers.

ELM STREET LITTLE LEAGUE OPENING DAY: City Clerk Best announced Saturday, March 11TH is the Elm Street Little League opening day ceremonies.

MAYOR/COMMISSIONER COMMENTS:

THANKS: Vice Mayor Kreger gave thanks for delivering the Proclamation to Ms. Maple Russell Pratt at the Elm Street Church and expressed the nice community feel of going outside City Hall to deliver the Proclamation and noted the photo in the Fernandina Observer newspaper.

MEETING: Vice Mayor Kreger will be at the PAB meeting on Wednesday March 8TH for the new wildlife lighting ordinance that was staffed through Florida Public Utilities, Florida Wildlife Commission and the turtle people and will be a good ordinance.

OCEAN, HIGHWAY, PORT AUTHORITY (OHPA) MEETING: Vice Mayor Kreger reminded his fellow Commissioners about the Tuesday, March 14TH OHPA meeting which will take place in City Hall Commission Chambers at 6:00PM.

NORTH FLORIDA TRUST MEETING: Vice Mayor Kreger will be meeting Thursday, March 9TH with the North Florida Trust to discuss school district property.

BEACH CLEANUP: Vice Mayor Kreger announced the City is hosting the upcoming March 18TH beach cleanup at Fort Clinch.

OHPA PAYMENT IN LIEU OF TAXES (PILOT): Commissioner Smith asked City Attorney Bach to contact OHPA regarding the recent Supreme Court ruling on POLIT program fees. City Attorney Bach indicated she has a meeting with OHPA Monday, March 13TH and estimated OHPA owes the City between $50K - $60K.

MEETING: Commissioner Smith commented that he and Vice Mayor Kreger attended the Department of Transportation 8TH Improvement Plan meeting which had a large citizen turn out and seemed to be well received.

MEET AND GREET: Commissioner Poynter reminded all of his Thursday, March 9TH meet and greet gathering at Café Karibo with tea and cookies.

ROTARY EVENT: Commissioner Miller attended the Rotary Wine fundraiser and, as a member of the selection committee, played a role in allocating funds to Egans Creek Park playground equipment, the Fernandina Young Aviator scholarship program, and the COFB Fire Department for new CPR dummies. Commissioner Miller expressed thanks to Ms. Audrey Dollar of Amelia Tasting Tours who assisted him during the event.

THANKS: Mayor Lentz expressed thanks to the Take Stock in Children organization for the gala on Thursday March 2nd for a wonderful event.

BABE RUTH: Mayor Lentz thanked the Babe Ruth organization for inviting her to throw out the first pitch last weekend during their opening day ceremonies.

EGANS CREEK PARK: Mayor Lentz noted new lights have been installed at Egans Creek Park and they look great. Mayor Lentz noted they are on until approximately 8:00 PM and encouraged visitation.

MEETING: Mayor Lentz commented she is looking forward to the OHPA meeting on March 14TH, 6:00PM in City Hall Commission Chambers.

MEETING: Mayor Lentz reminded all of the Nassau County School Board/City Commission meeting on Tuesday, March 28TH, 6:00PM in City Hall Commission Chambers.

ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 7:15 pm.

ATTEST:

_____	_____
CAROLINE BEST	ROBIN C. LENTZ
City Clerk	Mayor-Commissioner

The City Commission of the City of Fernandina Beach, Florida met in a Special Meeting on Tuesday, March 21, 2017 at 5:00 pm in the City Commission Chambers. Present were Mayor Robin C. Lentz presiding, Vice Mayor Len Kreger, Commissioners John A. Miller, Roy G. Smith, and Tim Poynter. Also present were Deputy City Clerk Kim Elliott-Briley, City Manager Dale L. Martin and City Attorney Tammi Bach.

Mayor Lentz called the meeting to order and led the Pledge of Allegiance to the Flag.

4. INTRODUCTIONS: City Manager Dale Martin announced the three waterfront development consultants presenting, in no particular order, were selected by the evaluation committee. Each waterfront development consultant will have thirty minutes to give an overview of their firm and philosophy with regard to Fernandina Beach. As part of the 6:00 pm City Commission Regular Meeting, immediately following this Special Meeting, the City Commission will hear the third waterfront development consultant's presentation then, the City Commission will rank the three waterfront development consultants. The waterfront development consultant ranked highest will be awarded the opportunity to enter into negotiations with City Manager Martin and City Attorney Bach and return a proposed contract at a subsequent City Commission meeting.

5.1. DIX.HITE+PARTNERS, INC.: Dix.Hite+Partners, Inc. Professional Landscape Architect and Principal Studio Leader Mr. Greg Bryla provided a presentation and explained Dix.Hite+Partners, Inc. is comprised of a group of individuals who want to help the City of Fernandina Beach complete, define, and implement their vision for the downtown waterfront area. Displaying slides of projects in Daytona Beach and Jacksonville Beach, with similar aspects to Fernandina Beach, Mr. Bryla stated the members of the Dix.Hite team sought public participation and input through visioning sessions, master planning, and first space implementation to create destination streets. Every Dix.Hite project is planned, designed, built, and interfaces with agencies such as Florida Department of Transportation (DOT) at the policy level. Dix.Hite recently implemented a multi-modal document, one of the first ones to look at land use context to influence road design, in downtown Orlando, Florida. This design concept worked so well that Dix.Hite was asked to write the complete Orlando, Florida streets manual which will be published April, 2017. Mr. Bryla explained that Planning Solutions employee Ms. Beth Lemke is part of the Dix.Hite team and is an integral force in obtaining downtown waterfront project funding. Approaching the Fernandina Beach waterfront design project through a process called the six D's; this process shows the project start, where it's going and the deliverables in between. Mr. Bryla noted downtown Fernandina Beach embodies a lot of what people desire. Ms. Beth Lemke has been working on the project on and off since 2009 beginning with the transportation study. She knows the project history well which will benefit the discovery, research, inventory, and analysis research phases. The information gathered in the research phase will be graphically communicated for ease in viewing, especially for the public; it will include surveys, planned diagrams and visual analysis. Mr. Bryla noted public surveys, online surveys and public workshops will bring the citizens together and encourage participation in the waterfront development plan while Dix.Hite provides the expertise and experience to implement the plan. The design phase begins after understanding the dream. Dix.Hite realizes people need two things in public spaces; food/beverage and flexible space. Circulation analysis

is done to determine safe vehicular and pedestrian intersections. Everything goes back to the dream to ensure the publicly vested plan is constructed and removes the subjectivity of competing interests.

Commissioner Poynter reflected that a recurring issue is public participation, including poor attendance at past community meetings and asked Dix.Hite how they would engage parblic participation. Ms. Beth Lemke explained that in her thirty years of experience there are lots of tools to engage the public, statistically valid surveys can give a good cross section of the communities' wants and desires. Ms. Lemke noted various team members are experienced and have diverse strategies to engage the public.

Commissioner Miller noted Dix.Hite was involved in the SunRail system and asked about the unique issue the railroad poses for Fernandina Beach's waterfront and questioned their experience in dealing with railroads. Kittelson Associates employee Mr. JP Weizner explained Dix.Hite has worked with the SunRail, Brightline and Tri Rail railroad systems and has established relationships with these railroads to help them understand the bigger picture and vision, including safety.

Vice Mayor Kreger commented the project scope is not to reinvent the wheel. A real issue that needs to be addressed is private property on N. Front Street and certain restrictions in the City's Comprehensive Plan. Vice Mayor Kreger noted the City already has a lot of waterfront development information and wants to make certain the waterfront design consultants will not just rewrite what is already known.

An unidentified Dix.Hite consultant confirmed that previously developed waterfront plans and analysis have been reviewed by Dix.Hite staff and will not be duplicated in this process. He further explained Dix.Hite did the transportation study in 2009 and has the expertise to see the issues from all sides.

Vice Mayor Kreger acknowledged this is a ten–twenty year project and noted that over ten years ago approximately 1,000 volunteer hours were put into the Waterfront Florida Partnership Program, with new eyes on the project, there were some valid ideas that should not be discredited.

Commissioner Poynter asked about Dix.Hite's knowledge of acquiring project funding. Ms. Lemke noted that in past projects numerous funds and sources have been obtained to offset project costs. Ms. Lemke stated the hardest part is not obtaining funds, it is determining what the City wants their waterfront to look like.

Commissioner Smith mentioned sea level rise and high tides in the downtown waterfront area and questioned if resiliency funding is available to protect this area from rising waters. Ms. Lemke responded there is definitely sea level rise money and just this week the United States Army Corps of Engineers brought $34 million dollars to a $50 million project in Daytona Beach, Florida. In discussions with agencies; St. John's River Water Management District, Department of Environmental, etc., they ask about getting the City of Fernandina Beach to do a sea level rise

project. Ms. Lemke noted there is buzz at these agencies about the City doing projects and she believes the money will be available provided the project details align with the perspective agencies resiliency requirements.

In conclusion, Mr. Bryla stated people have an innate connection to nature and the water and Fernandina Beach is a great coastal town but the most prime, contiguous part ends in a parking lot. A universal waterfront design is needed so that it's accessible for any age or ability. As the best team of designers and thought leaders with over twenty five years together, Mr. Bryla believes Dix.Hite is the best team.

5.2. TSW LANDSCAPE ARCHITECTURE: TSW Landscape Architecture Director of Landscape Architecture Mr. Brian Base stated he spent time in town last week and noted the TSW team has all vacationed in Fernandina Beach. As planners and designers, TSW Landscape Architecture gets things built and gets projects done. People are drawn to water; Fernandina Beach is amazing with deep historic roots, beautiful architecture and surroundings. Fernandina Beach is authentic, the bones are here and it can be made better. From a coastal resiliency aspect; a park and parking lot would plug it up, the connectivity, getting people where they need to go, the town has a well-planned grid to work with that accommodates any mode of transportation. Mr. Base stated first impressions are important and with the railroad track running through the most valuable piece of real estate; it's not safe, limits access to Front Street and limits opportunities to redevelop the waterfront. Taking a comprehensive approach to refresh and renew the waterfront which has been battered over the years is a great opportunity to make something that really works. With an abundance of street activity already, closing the gap to the waterfront would make it better. The waterfront in Charleston, South Carolina although denser, shows the example of people/space and projecting value back into the land. Fernandina Beach has the framework; reconnecting to the waterfront will propel it to the next level. Mr. Base pondered an important question to ask is what is the next level, what is the goal and understanding what is wanted. Mr. Base suggested that leveraging the value of the waterfront and assessing needed improvements will drive value back into downtown. The welcome area coming from the land and the welcome area from the marina should be celebrated and attract tourists and people in the community to be their waterfront park. Mr. Base noted redevelopment happens in a circle and connecting the downtown to the waterfront will drive the value up. In dealing with the one and two way streets, a traffic engineer is part of the TSW team who will assess the traffic patterns in depth and evaluate parking which is always a big issue, noting there are numerous opportunities to develop parking. Getting people engaged with the water and getting people to engage in activities is key. Having a reciprocal relationship with downtown and the water is integral and an economic development component. The TSW team is fully staffed with architects, zoning experts, landscape architects, outreach experts, engineers and is equipped to support the project and assist with access to funding.

Commissioner Poynter inquired as to how TSW would reach out to the Fernandina community. Mr. Base explained the initial TSW outreach approach is a paper survey combined with an online survey to gather citizen's needs and wants as well as a social media campaign, including a website which provides information and working with the City Commission for direction and meeting with key groups.

5.3. GAI CONSULTANTS, INC.:

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 6:06pm.

ATTEST:

Caroline Best	Robin C. Lentz
City Clerk	Commissioner - Mayor

The City Commission of the City of Fernandina Beach, Florida met in a Regular Meeting on Tuesday, March 21, 2017 at 6:00 pm in the City Commission Chambers. Present were Mayor Robin C. Lentz presiding, Vice Mayor Len Kreger, Commissioners John A. Miller, Roy G. Smith, and Tim Poynter. Also present were Deputy City Clerk Kim Elliot-Briley, City Manager Dale L. Martin and City Attorney Tammi Bach.

Mayor Lentz called the meeting to order and led the Pledge of Allegiance to the Flag. The invocation was then given by Reverend Bernard Thompson of New Zion Missionary Baptist Church.

4.1. CONTINUATION OF WATERFRONT CONSULTANT PRESENTATIONS: GAI Community Solutions Group, Senior Director of Landscape Architecture Mr. Frank Bellomo thanked the City Commissioners, City Manager Martin and members of the community for the opportunity to present this evening and introduced the project team; Project Manager Ms. Kristin Caborn, GAI Director of Urban Design and Planning Blake Drury, Director Economics and Finance Tom Kohler and Senior Engineers Bill Byers and Ron Hoogland. The project team gave a detailed presentation showcasing the downtown waterfront project for the City in a bid to be selected to execute the project.

4.2 PRESENTATION – ANNUAL AUDIT REPORT: Mr. Ryan Tucker and Ms. Barbara Boyd of Purvis Gray and Company presented the Annual Audit Report for the fiscal year ending September 30, 2016. Mr. Tucker explained that Purvis Gray is the City's external audit firm and explained total primary government revenues are at $38 million, down $1.2 from the previous year. Charges for services were up approximately $1 million dollars from the previous year to $20 million most of which came from water and sewer, which saw a three percent increase in rates. In 2015, the impact fees had been stayed during a litigation process leaving a full year of impact fees in 2016. Property taxes, compared to last year were up, $461,000 based on the improvement and taxable values. The City had $33.5 million was a $481,000 or 1.45% increase from the previous year that resulted in approximately $5 million dollar increase in net position on the full accrual basis of accounting. Highlights of the financial statement included the general fund reserve levels along with the emergency and unassigned funds are at approximately $6 million dollars. The Government Finance Officers Association (GFOA) fund recommends keeping two to three months of annual expenditures in reserve, or twenty five percent, the City is at approximately thirty one percent which is a healthy position as far as reserves go. The enterprise funds, water and sewer funds, had a $2.3 million dollar positive change in net position; the marina did okay and is getting a transfer from the general fund of over $300,000, the airport fund had a $380,000 loss during that time period. Progress was made this year as the marina owes the general fund approximately $25,000 as opposed to owing $360,000 last year. The golf course owes the sewer and water fund just under $1 million dollars, last year it was $882,000. The long term debt revenue and debt bond notes interest rates; a refinance was done this year and new money sources are a result of the favorable interest rates at 1.42%. The general fund in the budget versus actual statement revenues came in better than budget and expenses in each department came in under budget, the departments are doing a good job holding the line on their budgets. The pension funds have a three year trend up to two years; it was 64.8% and is now up to 66% funded. Required contributions to the general employee plan have gone from $1.2 in 2014 to $1.6 million in 2016. The Fire and Police plan shows the underfunded ratio goes from 69-70% showing an improvement. Total federal expenditures were $130,000 and total state expenditures

were $170,000. Reports as required by government auditing standards showed no significant deficiencies or material weaknesses in internal control. A required report regarding the City's compliance with Chapter 218 of Florida Statutes in relation to investment of public funds found no issues. The state auditor general requirements also showed no deficiencies or items. City Manager Martin requested that Purvis Gray look at the recommendations from the audit of the special events that took place earlier in the year which was followed up with procedures that the Parks and Recreation department have implemented.

Vice Mayor Kreger commented that the City did a great job as the audit came out clean. It is concerning to him that the enterprise funds are still losing money and even though it shows the marina a little bit in the black the dredging is being paid out of the general funds and that is losing money, too which is something that needs to be worked on. The Pension fund is at sixty seven and Purvis Gray suggests it should be at seventy however the City is moving toward that which is a good thing. The point being that the City has done a great job, in particular, the Finance department.

Purvis Gray thanked the Finance Department Comptroller Patti Clifford and staff, noting they were very cooperative and excellent in getting schedules ready for audit and recognized them as one of their best clients in that regard. Mayor Lentz thanked Finance Department Comptroller Patti Clifford and her staff for doing a great job. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller to approve the Annual Audit Report. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4.3 BUDGET SUMMARY: Comptroller Patti Clifford was available to answer any questions regarding the budget summary for February 2017 and noted the report this month included Federal Emergency Management Agency (FEMA) information and thanked the City Commission for hiring the O'Brien Company, the three PA's as one has been filed regarding hundreds of thousands of dollars, significant amounts of documentation that staff could not have done as the department lacks wherewithal and time. Comptroller Clifford announced that a major accounting conversion will go live April 3rd. Beginning in April the reports will look very different.

5. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA: Mayor Lentz reminded the public if they would like to speak during Public Comment they need to complete a Request to Speak form, once completed the Request to Speak form should be turned in to the City Clerk. Mayor Lentz also spoke to the three minute speaking time limit and stated the City Commission appreciates all public comment.

Mr. Mark Silva, 9 South Front Street, stated 6000 women per year die from human papilloma virus and the key to understanding the virus was and always will be manatees. Mr. Silva noted his plan is simple, fill in the marina, create a huge beautiful park that everyone can enjoy, stop subsidizing the marina dredging on the backs of taxpayers who don't enjoy the marina. Mr. Siva noted that in speaking with Commissioner Smith he learned the Florida Department of Environmental Protection (DEP) has granted a permit to install 100 moorings. Mr. Silva plans to protest this and indicated there will be an effort to get every environmental group in the United States behind the protest as he stated he has the knowledge, skills and ability to do that. Mr. Silva commented he does not know too many people who had a job in a company behind MIT that worked in fluid mechanics and what is going to happen is aligning the docks north and south is not going to work. The City has sunk $6 million dollars into dredging in the past and continues to

sink money into dredging, the answer is simple, stop sinking taxpayers money into dredging, fill the marina it in and make a huge park all the way up and under including Brett's Waterway Café because it is about to fall into the river. Mr. Silva spoke with a highly reputable, skilled person who said he was burned out on the marina and would not work on the project again which is sad because he is one of the best people to have in this community.

Ms. Peggy Weeks and Ms. Christine Raysor, 1603 Canterbury Drive, representing a relatively new organization on the island called Compassionate Fernandina. Ms. Raysor is from the Northeast Florida Community Action Agency. Ms. Weeks announced an exciting event that will take place on Saturday, April 29th that is being supported by City Manager Dale Martin. City Manager Martin wrote an article last year about helping others in the community, his vision is to create a series of local holidays to promote community service and encourage employers to allow employees and other interested volunteers have a day to help someone in need. With City Manager Martin's ideas and some of their own it was decided to have an inaugural beautification event called A Random Act of Kindness, planting shrubs, weeding and mulching at fourteen homes on 11th Street. The community will join in the effort with donations by Harris Teeter, Starbucks et al. with a celebratory cookout to conclude the event. Volunteers and donations are needed and appreciated. The organizations hope is that volunteers will work together with the residents to beautify the neighborhood and create a sense of community pride. Ms. Weeks thanked the Commissioners and invited them to the event.

Mr. Steven Carver, 110 S. Fourth Street, born and raised in Fernandina and has lived his entire life here except during his stint in the Marine Corps and college. Twenty four years ago he and his wife built their home on S. Fourth Street. Fourteen or fifteen months ago The Patio Place Restaurant moved in to their neighborhood and four months ago began playing unamplified music, which was great and could be heard from the Carvers porch. Then the owner began playing louder amplified music. On New Year's Eve, a big band was hired by The Patio Place Restaurant to play until 1:00AM and the music could be felt vibrating through the Carver's walls which disturbed their peace. The Carvers reconciled that it was New Year's Eve however, a few weeks later the same band performed again which was loud and disturbing. Mr. Carver went to the owner of The Patio Place Restaurant who was defensive. A few weeks later the band performed again and Mr. Carver called the police, he was not the only complainant but he was the first. Nothing happened and the band continued to play. Mr. Carver called the police again, the music was shut down, and the owner was issued a citation and fined. Mr. Carver found out later the citation was dismissed and that the owner came to the City Commission to change the noise ordinance. Mr. Carver pleaded with the City Commission not to change the noise ordinance as it will ruin their quality of life. The Patio Place Restaurant is a restaurant not a bar, not a juke joint, not an amphitheater and encouraged the City Commission to have a band play seventy feet from their own homes and play loud music from 6:30PM -11:00PM to experience what he is going through and repeated his plea to the City Commission not to change the noise ordinance.

Mr. John Cascone, Esquire, has an office at 101 Centre Street and a home he purchased twenty seven years ago at 116 S. 4th Street and are neighbors of Mr. & Mrs. Carver. The noise ordinance was in place long before The Patio Place Restaurant opened. Mr. Cascone noted this situation is what he refers to as the airport syndrome, meaning it's cheaper to live near the airport and then complain about the airplanes, which is what has occurred here. Three times The Patio Place Restaurant has had the band play and it is so loud that it has upset all the neighborhood residents. Mr. Cascone and his daughter both called the Police the same night as Mr. Carver. The band has a Facebook page and noted how funny it was that the Police came to shut them down and the band took up a collection to pay the fine. The Patio Place

Restaurant knows what the noise ordinance is, knew where they were coming and the owner is now complaining that the residents are interfering with their ability to earn money. If that one night is their profit margin then the problem is not the music, it's the model, how they are operating, or the market itself. Mr. Cascone pointed out that The Patio Place Restaurant opened knowing what the rules are and don't like them and wanted them to change. Mr. Cascone noted that the loud music is interfering with the peaceful use and enjoyment of his home. The Patio Place Restaurant needs to follow the rules established by the City Commission years ago that Commissioner Poynter expressed were a headache to achieve several years ago. Mr. Cascone clarified that the only complaints are about the over amplified music and asked the City Commission to not modify the ordinance and enforce the rules that are in place.

Ms. Amy Petroy, 2702 Gregor McGregor Blvd, and owner of The Patio Place Restaurant, 416 Ash Street began by apologizing to Mr. Cascone and Mr. Carver and expressed she had no idea the music was creating such a hardship to neighborhood families. Ms. Petro stated there has been acoustic guitar music for one year and New Year's Eve was the first amplified music event which concluded at 12:18pm. Ms. Petroy stated she was approached by Mr. Carver on January 3rd and noted the conversation did not go very well. She acknowledged The Patio Place Restaurant will have amplified music once per month and displayed the police citation she received on January 28th at 7:00pm. Ms. Petro noted several warnings were received prior and the band stopped playing at 10:00pm. Ms. Petro explained she is not asking that the noise ordinance be changed but that it be clarified. Ms. Petroy stated The Patio Place Restaurant music stops at 10:00pm and noted she was told by City Attorney Bach and Police Chief Hurley the City is citing a 100 foot ordinance. City Code Section 100 is under a holiday exception section. Mayor Lentz remarked the noise ordinance would be reviewed at the next City Commission meeting and told Ms. Petroy she would be in touch with her to discuss the review.

Mr. Chris Bordnik, 1526 Coventry Lane, confirmed he is friends with Ms. Amy Petroy and stated he was present at The Patio Place Restaurant when the police issued the noise citations. His issue is not with the noise ordinance itself, rather it's with the enforcement and consistency i.e. if it's 100 feet, it's 100 feet for everybody and shouldn't be enforced based on nuisance complaints. Mr. Bordnik noted two City Commissioners own and/or work at downtown restaurants and on any given weekend there is music at the Palace Saloon, that's part of being in a tourist town. Mr. Bordnik believes that music can be played until a set time then shut off. If Ms. Petroy gets a ticket, then the Green Turtle Tavern should be ticketed every night because one can be at Gilbert's Underground Kitchen on 8th Street and hear the music. On another note, Mr. Bordnik is the Flotilla Staff Officer in charge of public affairs for the United States Coast Guard Auxiliary, recently in the newspaper there was an article about the lighthouse that he wanted to clear up. The lighthouse is dark right now because the US Coast Guard Auxiliary maintains the lighthouse and during a routine inspection and maintenance one of the Fresnel lenses was damaged. The Coast Guard navigation came out and looked at the damaged lens and shut it down until it could be reviewed by the Fresnel lens experts who are scheduled to come out. Currently, there are curtains protecting the lens from sunlight damage. Any questions can be directed to the Coast Guard sector in Jacksonville, specifically the navigation department who can answer any further questions. Mayor Lentz thanked Mr. Bordnik for the clarification.

Mr. Charlie Corbett, 106 N. 15th Street, asked City Manager Dale Martin if he had any idea when the fuel line would be repaired at the Fernandina Harbor Marina as there are boats coming through in April and May on their way north and a lot of local people who would buy gas. City Manager Martin responded no, as Federal Emergency Management Agency (FEMA) approval is needed prior to moving forward with the project.

6. CONSENT AGENDA: The following eight items were on the Consent Agenda and were approved by one motion.

6.1. AWARD OF CONTRACT – DAVID GRAY PLUMBING RESOLUTION 2017-39: According to the agenda support documents, Resolution 2017-39 authorizes the City Manager to execute a professional services agreement with David Gray Plumbing in an amount not to exceed $40,000. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-39. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.2. GRANT ACCEPTANCE – EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT RESOLUTION 2017-40: According to the agenda support documents, Resolution 2017-40 accepts the Justice Assistance Grant award from the Florida Department of Law Enforcement in the amount of $1,680 to fund the purchase of two bulletproof vests, two vest covers, and one external vest carrier for the police department. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-40. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.3. GRANT APPLICATION - FLORIDA INLAND NAVIGATION DISTRICT (FIND) RESOLUTION 2017-41: According to the agenda support documents Resolution 2017-41 requests assistance under the Florida Inland Navigation District (FIND) Waterways Assistance Program for Marina's Managed Mooring Field Capacity Increase (Phase III), Southern Basin Realignment (Phase II), and Dredging of the Marina Basin (Phase II). **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-41. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.4. SUPPLEMENTAL GRANT AGREEMENT APPROVAL – FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) / BUDGET AMENDMENT & CAPITAL IMPROVEMENT PLAN AMENDMENT RESOLUTION 2017-42: According to the agenda support documents, Resolution 2017-42 approves FDOT Supplemental JPA #43975319417 in the amount of $3,500 for the Design and Construction RW 4-22 Airfield Signage & REIL project. Also approves an amendment to the Fiscal Year 2016/2017 Budget by transferring $11,000 to the Airport Capital Outlay Improvements account from the Airport Contingency/Reserve account and amending the Five Year Capital Improvement Plan by increasing the Airport Runway 4-22 Signage project from $100,000 to $111,000. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-42. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.5. CHANGE ORDER APPROVAL - TCA ELECTRICAL CONTRACTORS, INC. - RESOLUTION 2017-43: According to the agenda support documents, Resolution 2017-43 approves Change Order #1 for the contract with TCA Electrical Contractors, Inc. to increase the amount by $6,100 to furnish and install one additional sign on Taxiway "E". **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-43. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.6 WORK ORDER 17-70A - PASSERO ASSOCIATES, LLC – RESOLUTION 2017- 44: According to the agenda support documents, Resolution 2017-44 approves Work Order 17-70A with Passero Associates, LLC, in the amount of $900, to provide construction administration and inspection associated with an additional sign at Taxiway "E". **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-44. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.7 AWARD OF BID #17-03 - INOVATEUS SOLAR – RESOLUTION 2017-45: According to the agenda support documents, Resolution 2017-45 approves the award of Bid #17-03 to Inovateus Solar. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-45. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.8. SOLE SOURCE VENDOR APPROVAL - M SQUARED RESOLUTION 2017-46: According to the agenda support documents, Resolution 2017-46 approves M Squared Business Services LLC, as a sole source vendor for professional services in Fiscal Year 2016/2017 in an amount not to exceed $40,000. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-46. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.1. AGREEMENT NEGOTIATION - RFQ 2017-01- RESOLUTION 2017-47 AUTHORIZING NEGOTIATION WITH A CONSULTANT IN RESPONSE TO RFQ # 1701: According to the agenda support documents Resolution 2017-47 accepts the recommendation of firms by the Waterfront Consultant Evaluation Committee for RFQ #1701: TSW, Dix. Hite + Partners, and GAI Consultants, Inc. and authorize the City Manager and City Attorney to negotiate a professional services agreement with the firms in the order ranked by the City Commission. City Manager Dale Martin explained to the City Commissioners they would be voting on three consultants using a point system: ten points for first choice, five points for second choice and zero points for the third choice, the votes would then be collected and tallied. After a brief recess City Manager Martin read the tallied vote results as follows: Dix Hite & Partners received thirty-five points, GAI Consultants and TSW Consultants tied by receiving twenty points each. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to accept the consultant rankings as follows: 1. Dix Hite & Partners. 2. TSW, 3. GAI Consultants.** City Manager Martin explained the consultant rankings would be formalized in the Resolution language to negotiate with the consultants in that order. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried** City Attorney Bach noted the tallied voting sheets have been signed and would become part of the public record in the City Clerk's Office**.**

7.2 AWARD OF BID #16-17 – RESOLUTION 2017-48 - AWARDING BID #1607 TO PUMPOUT, USA FOR THE FERNANDINA HARBOR MARINA PUMPOUT VESSEL; APPROVING A BUDGET AMENDMENT; APPROVING AN AMENDMENT TO THE FIVE YEAR CAPITAL IMPROVEMENT PLAN: According to the agenda support documents, Resolution 2017-48 awards Bid #16-07 to PumpOut, USA for the purchase of the Fernandina Harbor Marina PumpOut Vessel. Amends the FY 2016/2017 budget by increasing the State Grant Revenue account by

$73,656, increasing the Marina Equipment account by $98,208 and reducing the Fuel for Resale account by $24,552. This amendment increases the Total City budget from $115,246,500 to 115,320,156. City Manager Martin noted this budget amendment and award of bid for the pump out boat had been pursued with Grants Administrator Ms. Cheryl Lilly and Fernandina Harbor Manager Joe Springer as an amendment increasing the total City budget by approximately $73,000 for the purpose of a pump out boat. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Miller to approve Resolution 2017-48. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.3 BUDGET AMENDMENT – CITY MANAGER – RESOLUTION 2017-49 APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 216/2017; AUTHORIZING A CHANGE IN THE BUDGETED HEADCOUNT; According to the agenda support documents, Resolution 2017-49 approves the budget amendment transferring $42, 495 from the Contingency account to various City Manager accounts. **A motion was made by Commissioner Miller, seconded by Commissioner Poynter to approve Resolution 2017-49. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.1 ARTS AND CULTURE NASSAU: According to the agenda support documents there were four appointments for Arts and Culture Nassau. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to appoint Ms. Penny Reid, Ms. Emily Baumgartner, Ms. Marjorie Powell, and Ms. Nancy Dixon. Vote upon passage was taken by ayes and nays, and being all ayes, carried.**

8.2 HISTORIC DISTRICT COUNCIL: According to the agenda support documents there was one appointment for the Historic District Council. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to approve the appointment of Mrs. Cascone. Vote upon passage was taken by ayes and nays, and being all ayes, carried.**

9.1 DISCUSSION (NO ACTION) - SOUTH MARINA DREDGING: According to the agenda support documents this item was placed on the agenda at the request of Commissioner Smith. Applied Technology & Management (ATM) Representative Mr. Robert Semmes gave a presentation. The consensus of the City Commission was to have an added alternative to the Florida Inland Navigation District (FIND) bid added. The City Commission would like to see the costs for the dock relocation and other items discussed at the next City Commission regular meeting (April 4, 2017).

Commissioner Smith explained it came about by Army Corps of Engineers dredging and there is an opportunity to add on to the bid to dredge out at the south side of the marina down approximately eight feet, which is a considerable amount. The bids will come in at approximately $10-11 per cubic yard whereas the current rate is $33 per cubic yard and it's going to be more for mechanical dredging because they can't dispose of the dredge spoils at the airport any longer. The mechanical dredging is expensive and the City doesn't have the money for it. It's time for the marina to be dredged and get plenty of depth in it and there is currently $800,000 in the budget for the Alachua Street railroad opening and the FIND and the City money for dredging is $300,000. There is approximately $60,000 of material so it could be done for roughly $660,000. The pilings would need to be removed from the docks so the dredge can get in there. Commissioner Smith conveyed there will not be a better deal than this and it's the opportune time to do it. The money for the Alachua Street railroad opening has been sitting and it's not going to happen this year and it makes sense to do it now.

City Manager Martin commented that Comptroller Clifford advised that based upon the way that the bonding was done the $800,000 is not eligible.

ATM Representative Mr. Robert Semmes, stated he is present this evening to be part of the discussion and has put together a presentation of what ATM has been doing the last few years around the marina expansion and going forward some of the obstacles that are extending the timeline. Showing photographs and explaining a study was recently done when the City was going to purchase the property to the North, a due diligence effort, the plan at the moment, if the three docks are extended that are all in deep and self-maintaining waters. Another feasibility study, to realign the docks in the south basin, currently the fairway is not large enough but the plan is for a fairway to get forty-five to fifty foot boats on the dock and even though there is less dockage overall, there is more dockage with water. The hope is a good dredging on the outside of this dock will make it operational for quite some time, seven to ten years or more. With boat ramp traffic and boats going up and down with the current, the fairway will stay clearer than it is presently. Mr. Semmes explained there is a survey in process which will likely demonstrate Hurricane Matthew may have made the shallow conditions worse.

ATM Representative Mr. Robert Semmes noted the State issued a permit for 100 moorings but as yet, the Army Corps of Engineers is not part of this particular program which triggered the need for a separate Section 10 Army Corps of Engineers permit application. Mr. Semmes explained the moorings were reduced from 100 to seventy one to satisfy access needs. Instead of a 125 foot channel there is now a 600 foot channel. To date the Army Corps of Engineers has not issued the permit because consultation with the Natural Land & Fisheries is necessary, which could take six months to a year.

ATM Representative Mr. Robert Semmes commented since the mid 1990's, the deep draft shipping channel has not been used or dredged but still exists on paper. It's a 300 foot wide, twenty-six foot federal water channel, situated on the edge of the north side of breakwater. Federal guidelines indicate this channel needs to be 100 feet away from the breakwater. In the 1990's, when the permit was received, the stakeholders included Rayonier, Fort Clinch, harbor pilot Captain Kavanaugh, the United States Coast Guard and the Army Corps of Engineers, all agreed on a solution to move Cut six 100 feet to the west so the new marina would be off the channel and off the Rayonier turning basin. A 1990's 100 foot shift was proposed but there were problems and it was never accomplished despite the City Commission, Port Authority and congressional authorization in 2000.

ATM Representative Mr. Robert Semmes noted the center line at camp does not align with the center line of the existing channel; it requires at least one buoy, at the City's expense, to the west. More recently, FIND Representative Mr. Lynn Williams realized the buoys aren't actually marking the channel properly, so it gave them the idea to do a realignment to actually shift the channels to match the navigation markers. The proposed shift has several advantages including alignment with the existing channel, removing the curb and the channel in the south marina will meet the 100 foot Federal requirement. If the 1990's stakeholders are still on board the Army Corps of Engineers will pursue the channel shift which would meet the Section 10 requirements. The hope is this can be combined into one big project with no additional dredging burden placed on the City.

ATM Representative Mr. Robert Semmes stated because of Hurricane Matthew, FEMA needs to be made aware the attenuator is inoperable and requires replacement. With the channel realignment it makes sense to move the attenuator into deeper water. There are three docks that are consistently in deep water, self-containing water, this would not eliminate the dredging problem permanently but would go a long way to

eliminating it and it could more than double the linear footage in the marina. Commissioner Miller asked ATM Representative Mr. Semmes to explain an attenuator system and how it works. Mr. Semmes explained it is called an attenuator not a breakwater; a breakwater is a fixed structure that is either a rubble mound all the way to the bottom or a wave fence that is deep enough that the waves can't penetrate it. The attenuator allows some penetration of the waves because it's floating, the one in place is fairly effective and it's dictated by the width of its structure and its depth.

Vice Mayor Kreger referred back to the dredging and noted confusion about the Army Corps of Engineers dredging, believing it to be FIND dredging and questioned the added cost. Having seen various figures none of which are in the capital improvement plan beyond this year. Vice Mayor Kreger reiterated that a "real number" is needed to know the exact cost.

Fernandina Harbor Marina Manager Joe Springer responded that a plan has been in place for years until Hurricane Matthew occurred and explained big picture guidance going forward is what is needed from the City Commission. Mr. Springer believes the mooring field project should proceed because it was unaffected by the hurricane and it's needed. If massive dredging is done there are pilings in the way, the dock is broken, if large waves come, they could destroy what is left of the inside docks. If the inside docks are removed or aligned in straight lines, the Corps said they could go up between them. Prior to the hurricane it was all planned, post hurricane, it is all questionable. Mr. Springer confirmed he absolutely wants the marina to be moved north, to deep water; however he questioned if this is what the City Commission wants.

Commissioner Poynter agreed it is great to piggyback on the Army Corps of Engineers however the bigger problem is how big of a marina does the City need and with the purchased land to the North, where it's deep and self-cleaning, let's fill it in to present day marina and move it North. Year after year so much money is spent on dredging and the Marina is believed to have been built in the wrong spot in the first place.

Mr. Mark Silva, 9 South Front Street, a former employee of the largest fishing company, the largest aquaculture company in the world and having opened salmon farms in Scotland, Norway and the West Coast of the US offered his assistance. Noting the plan can't happen without the Army Corps of Engineers saying yes and a letter that he obtained this week saying the Army Corps of Engineers has no intention of piggybacking this project nor do they have the authority. Money may come from FIND the "magic mud pump" people but that's not going to happen, the Marina will fill in and no one can stop nature, its fluid mechanics and it's going to silt in. The City has spent $800 million dollars in the past and will throw more money after bad repeatedly. Asking when the nonsense will stop, Mr. Silva reiterated he is here to help. Mr. Silva noted the Army Corps of Engineers does not have the money nor wants to get involved in a project that goes against the environmental community. The idea that the mooring field is a done deal is not, the permit is sitting with the Corps as it has been objected to by Mr. Silva and conveyed that he will get every environmental non-profit together to stop this "nonsense".

Mr. Philip Chapman, 2120 Florida Avenue, stated confusion about having sat through waterfront presentations and questioned hundreds of thousands of taxpayer dollars being wasted. Mr. Chapman advised the City Commission to let the consultants make their presentations on Centre Street and go from there, what is the worst that will happen losing a few boats that can't get into the marina is not the end of the world. Let's not close the barn door after taxpayer money has left the building. Wait and listen to the paid consultants for their expertise.

Commissioner Smith explained that the consultants are not "messing" with the marina it is not part of that package. Mayor Lentz concurred and noted Mr. Chapman brought up some valid points however the consultants are working with ATM Representative Mr. Rob Semmes because the waterfront side is a separate matter, the land side pertains to the consultants.

Commissioner Poynter reflected on Vice Mayor Kreger's question as to actual cost with all of the ideas floating around it just comes down to getting an analysis from Mr. Semmes or Fernandina Harbor Manager Joe Springer. Piggybacking is a great bang for the buck but doesn't make any sense moving forward because of the proposal to move the Marina North. A cost is needed so taxpayers know what they have to pay for.

Mr. Lynn Williams, 1899 S. Fletcher Avenue, and FIND Representative stated the channel movement was authorized by the United States Congress in 2000 as part of the Water Development Resources Act. This authorization is in effect now meaning the channel can be moved at the City's expense. There may be dredging to go along with the channel movement, however as ATM Representative Mr. Semmes stated, trading with Rayonier on the turning basin may cost the City a dredging expense which would only occur if Rayonier wanted to reopen the Port. The bosses in Atlanta say there is no way the United States Congress would authorize Rayonier reopening the Port and would demand Rayonier pay for the opening. The Army Corps of Engineers would not allow the south basin to be filled; it would have to be left as a mud flat and remain as such until nature filled it in. Mr. Williams stated the wave attenuator is in place now and putting a dock inside of it isn't a perfect solution but it is a good solution.

Mr. Williams noted he promised the Commissioners cost estimates however, do to "general laziness" he does not have the cost estimates at this time. Mr. Williams went on to explain exact costs will not be known until the project goes out for bid, observing current estimates are approximately $10.50 per cubic yard for dredging. Mr. Williams noted the estimate for taking out the pilings, inside piers and realigning the docks is $425,000. Mr. Williams noted there is a very good study done by ATM Representative Mr. Semmes which outlines what would be done on the south basin and linear docks can accommodate different size boats and is better utilization of side tie docks in this highly transient business. Commissioner Miller asked Mr. Williams if it were his marina and he could do anything would he dredge and place the south part of the marina in alignment so that boats can travel through and spend the money that would be lucrative for the city. Mr. Williams responded yes.

Vice Mayor Kreger reiterated that a firm number is needed before moving forward. Commissioner Poynter concurred. Mr. Williams stated it will cost more than $1 million dollars and if there is no way to raise the money, let FIND know now.

Mr. Lawrence Piper, 404 S. 5th Street & 1705 Brookwood Road Jacksonville, runs a local charter boat company and was born and raised on the island, noted there has not been much said by local charter owners, or fisherman, or people who launch their boats, or keep their boats at the marina. The boat ramp is in a terrible spot and a boat ramp must be provided. Since Hurricane Matthew his boat is launched at Dee Dee Bartles ramp and Big Talbot Island, both terrible ramps and it would be nice to have a safe city boat ramp that is easy to launch from. As a former coach and "kids" person he noted the City has tons of parks and to make the waterfront a park is not in the best interest, a working waterfront would be much more of a draw for visitors to see the boats coming in with their catches.

After additional discussion among the City Commissioners Mayor Lentz stated it can be agreed to put in for an alternate, at no cost or obligation to the City, and for the next meeting, review sound numbers in order to run the proper analysis. Mayor Lentz agreed with Commissioner Poynter that dredging every few years is throwing money away and questioned if there are different alternatives to a dinghy dock i.e. a floating dock for peak season.

Mr. Kevin McCarthy, 2220 Florida Avenue, mentioned that if the south end docks are removed what will happen to the boaters who are presently there, how will they be accommodated. With short and long term issues and those trying to make a living at the marina in the aftermath of Hurricane Matthew. It's been a struggle and it's important to keep those that are struggling to stay in business in mind.

Commissioner Smith responded that the problem is it's a big dredge and if something isn't done the boats won't be able to use it at all. Mr. McCarthy agreed and supports the process however there could be a possibility that some existing north end docks that could possibly be repaired enough to accommodate some vessels for the time being.

CITY MANAGER REPORTS:

REPORTS: City Manager Dale Martin provided copies of the monthly departmental reports to the Commission and members of the media who were in attendance.

EVENTS: City Manager Martin reported the March events at the airport and golf course were extremely successful and he will provide additional details next month.

INTERVIEWS: City Manager Martin stated interviews for the Public Information Officer position are scheduled for tomorrow.

POSTING: City Manager Martin stated the Airport Manager position has been posted and the closing date for applications is April 14th.

AIRPORT: City Manager Martin noted he is currently reviewing the airport revisions and rebids, Mr. Andrew Holesko of Passero and Associates has been in contact with Vice Mayor Kreger keeping him informed with revised timelines and revised value engineering, a more formal report will be forthcoming.

CITY ATTORNEY REPORTS:

LEGISLATIVE DELEGATION MEETING: City Attorney Bach noted she met last Tuesday in Tallahassee with the Nassau County Legislative Delegation and will update the City Commission at the April 4th meeting.

WIRELESS COMMUNICATION BILL: City Attorney Bach stated the House Bills and Senate Bills regarding wireless communications facilities, small cell towers and boxes, if it passes, will be placed in right of ways without comment that the City may be in opposition.

VACATION RENTALS: City Attorney Bach commented that with regards to vacation rentals, an ordinance has been in place since 2011, including grandfathering, although there is another Bill pending, however the pre-emption should stay.

TRANSPORTATION NETWORK COMPANIES: City Attorney Bach explained that transportation network companies such as Uber and Lyft, there is a Bill pending which would pre-empt local governments from regulating these companies however it excludes taxis. House Bill 17; local regulation pre-emption, would pre-empt local business and professions and is being passed.

COMMUNITY REDEVELOPMENT AREA (CRA): City Attorney Bach stated the Community Redevelopment Area (CRA) is a scary one, as the City of Fernandina's CRA is just getting started; Senate Bill 17-70 states unless there are bonds, which the City does not have, the end date is 2037. City Attorney Bach asked the Commission to vote, a super majority vote, four out of five would keep the CRA in place. However, there is a lot of reporting and a mandatory yearly audit is required by an outside company and would be expensive.

DRONES: City Attorney Bach noted the Police Department has asked City Attorney Bach to draft an ordinance however the State is pushing a bill that will pre-empt regulating drones at all.

LOCAL BUSINESS TAX RECEIPTS: City Attorney Bach commented that Local Business Tax Receipts, formally known as occupational licenses or business licenses, there is a bill pending to cap fees at $25. The City currently charges $50 for small business and a small amount for restaurants that generates approximately $40,000.

STORMWATER MANAGEMENT PRE-EMPTION BILL: City Attorney Bach explained the Stormwater Management pre-emption bill, no local government could pass a more restrictive or stringent water quality regulation, the State will tell how clean the water will be when the City discharges the swamp water.

CITY CLERK REPORTS: Deputy City Clerk Kim Elliott-Briley had no comments at this time.

MAYOR/COMMISSIONER COMMENTS:

THANKS: Commissioner Miller thanked the committee that selected the finalists for the waterfront proposals.

CONDOLENCES: Commissioner Miller offered condolences to the family of Steven Lee, a local resident and friend who passed. And in an effort to protect their privacy, Commissioner Miller extended condolences to a few other anonymous families who were also touched by tragedy this week.

GRADUATION: Vice-Mayor Kreger announced that last Friday he attended the first graduation of the Veterans Diversion program, where he serves as a mentor.

ACKNOWLEDGEMENT: Vice Mayor Kreger indicated Representative Cord Byrd's executive secretary was present for the Commission meeting and shared the good news that the $850k stormwater management grant is still in the running for area A5 on the waterfront. She also will forward information in the coming months regarding 1000 families who will be receiving groceries in the coming months and asked for the Commission to participate.

MEETING: Vice Mayor Kreger offered a reminder about the upcoming March 28th meeting with the Nassau County School Board and acknowledged the outdoor learning lab that will hopefully bring positive results.

RECOGNITION: Commissioner Smith remarked that it is always a pleasure to debate with Commissioner Poynter.

THANKS: Mayor Lentz thanked all for the great debate and discussion tonight.

ORDINANCE - Mayor Lentz noted the noise ordinance and a conversation with Ms. Amy Petroy of The Patio Place Restaurant regarding discretion between what was online and what is in the Code of Ordinance book on municode about the 100 feet. It's under the exemption but in the municode it's not at the top. City Attorney Bach clarified it is not at the top in any of the versions and asked for direction on the next meeting with the caveat if there are going to be any changes to the number of feet, hours, etc. to prepare as it will take several meetings as it did in 2009 with five public hearings. City Attorney Bach noted that what Ms. Petroy was saying under the exemption when cited with the wrong ordinance exception however she was not fined; her citation was voided by the Chief of Police as she should have been cited 42-145 as it is still enforceable and under the exemptions. City Attorney Bach explained that it could be written more clearly and moved to the top and asked if in this case of The Patio Place Restaurant is enough to open up discussion. Mayor Lentz responded that her concern in moving forward and encouraging people to live downtown it will be experienced more and wondered if more people will complain. Mayor Lentz expressed in order to keep the downtown vibrant, music is a big piece, without resident's walls vibrating. City Attorney Bach offered that the noise ordinance specifically says that it is considered a nuisance if it bothers somebody, the proper way to enforce it is based on complaints. Police officers drive by the Green Turtle Tavern when it's out of hand they only give citations or warnings if there is a complaint. It is difficult to come up with what is best for residents and businesses. Mayor Lentz offered it as a discussion item, open to the public with two weeks' notice that it will be discussed. Commissioner Smith interjected that he recently heard music from the Green Turtle Tavern located on Third Street while he was having dinner at the waterfront and expressed that it should only be acoustic music not amplified music. Commissioner Poynter reflected on the 2009 hearings that were not easy and stated living downtown comes with an expectation of some noise but not enough that one can't think in their own home. Complaint oriented nuisances are needed; if someone calls then it needs to be investigated.

Commissioner Poynter said that as a business owner it's important to be a good neighbor and stated music that is reasonable and kept to a certain hour is appropriate, complainants have stated its ok to a point but anything over that is unreasonable. Part of being in a community is living in harmony.

Vice Mayor Kreger stated this is one incident with one establishment but if there is a discrepancy in the ordinance it needs to be changed. Vice Mayor Kreger stated fix what needs to be fixed and move on and this situation needs to be between the people to comprise.

Commissioner Miller expressed it should be kept in the hands of the police officers who are on the scene although with downtown living it is going to come up again and there should be a discussion.

REMINDER: Mayor Lentz reminded the Commission to download the Florida League of Cities app as it sends out the legislative alerts, it is also available to citizens to download.

CRA: Mayor Lentz asked the Commission to be aware of Bill 17-70 as the CRA is finally going to have a hotel despite the obstacles over the years. City Attorney Bach offered to bring it forward, study the other sections of the bill and meet with Community Development to fix it regardless of the bill passing or not, to re-establish by super majority.

ORDINANCE: City Attorney Bach noted the April 4th meeting for a first reading of the ordinance.

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 9:06pm.

ATTEST:

Caroline Best	Robin C. Lentz
City Clerk	Commissioner - Mayor

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Resolution 2017-78
Facilities Use Agreement – Nassau Alcohol Crime Drug and Abatement Coalition

ITEM TYPE: Resolution

REQUESTED ACTION: Adopt Resolution 2017-78

SYNOPSIS: Nassau Alcohol Crime Drug and Abatement Coalition has requested use of Airport property to conduct the Sixth Annual 5K Ben Byrns Runway Rally on October 7, 2017. Airport property to be used will be Runways 4/22 and 9/27 and portions of Taxiways A and B from 7:00 a.m. to 10:00 a.m. The Airport has been paid $100.00 for the use of Airport property. Attached is appropriate insurance adding the City of Fernandina Beach as additional insured. Such activity will not affect normal operations of the Airport.

Once approved by the City Commission, this agreement will be submitted to the Federal Aviation Administration (FAA) for approval.

FISCAL IMPACT: The revenue for this activity will be paid into Airport Other Revenue Account No. 420 36990.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2017-78.

Dale Martin, City Manager
Tammi Bach, City Attorney
Vee Sellers, Paralegal Date:05/31/2017

COMMISSION ACTION: Adopt

RESOLUTION 2017-78

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A FACILITIES USE AGREEMENT WITH THE NASSAU ALCOHOL CRIME DRUG AND ABATEMENT COALITION (NACDAC) TO USE AIRPORT PROPERTY TO CONDUCT THE SIXTH ANNUAL 5K BEN BYRNS RUNWAY RALLY ON OCTOBER 7, 2017; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Nassau Alcohol Crime Drug and Abatement Coalition has requested to use Airport property at the Fernandina Beach Municipal Airport to conduct the Sixth Annual 5K Ben Byrns Rally on October 7, 2017; and

WHEREAS, Airport property to be used will be Runways 4/22 and 9/27 and portions of Taxiways A and B from 7:00 a.m. to 10:00 a.m. and such activity will not affect normal operations of the Airport; and

WHEREAS, the City of Fernandina Beach has received $100.00 for the use of Airport property; and

WHEREAS, the designated monies will be deposited into the Airport Fund, Other Revenue Account No. 420 36990.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby approves a Facilities Use Agreement with the Nassau Alcohol Crime Drug and Abatement Coalition for the Sixth Annual 5K Ben Byrns Rally on October 7, 2017, attached hereto as Exhibit "A".

SECTION 2. The City Manager and City Clerk are hereby authorized to execute the Facilities Use Agreement, upon review and approval of the City Attorney.

SECTION 3. This Resolution shall become effective immediately upon passage.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

_____

Robin C. Lentz
Mayor – Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Caroline Best
City Clerk

Tammi E. Bach
City Attorney

CITY OF FERNANDINA BEACH
FACILITIES USE AGREEMENT

This FACILITIES USE AGREEMENT (herein after called the AGREEMENT) is made and entered into this _29_ day of _March_, 2017_, by and between the CITY OF FERNANDINA BEACH, a Florida municipal corporation, whose address is 204 Ash Street, Fernandina Beach, FL 32034 (herein called "CITY"), and _Nassau Alcohol Crime Drug Abatement Coalition_(NACDAC)___ whose address is _516 S 10th St. #211, Fernandina Beach, FL, 32034_____ (herein called "USER").

WHEREAS, CITY owns, controls and operates that certain public facility known as the Fernandina Beach Municipal Airport (herein called "FACILITY); and

WHEREAS, USER has expressed a desire to use said FACILITY to ___hold a 5K run on October 7, 2017.

NOW, THEREFORE, the parties agree as follows:

1. USER shall be permitted to use the FACILITY described above for the purpose of _____.

2. USER will set up and use the FACILITY on a continuous basis during this period Airport runway and taxiways (a portion of the airport grounds) – not to affect airport operations. _____.

3. USER shall pay CITY the sum of $ 100.00 for use of FACILITY during the period designated, payable with returning this signed AGREEMENT.

4. As condition to USER's right to use the facilities herein, USER agrees to and shall comply with the following:
   a. USER shall not exclude any person from its services because of race, sex, age, religion, disability, national origin or other prohibited discrimination.
   b. USER shall have competent, responsible, and able supervision on the premises at all times that its service is operational.
   c. USER shall not interfere with emergency operations of CITY or other authorized users of the FACILITY.
   d. USER shall keep premises in a clean and sanitary condition, and be responsible for cleanup on a daily basis and removal of temporary structures at the site upon completion of the event and returning property to same condition as when received.
   e. CITY shall have the right, acting through its agents or employees, to enter upon the premise at reasonable hours and times for the purpose of making inspections.
   f. USER will obtain all required Federal, State, County and City permits including any applicable fees.
   g. USER shall not undertake any alterations or changes in the construction of the facility premises, without prior written consent of CITY.
   h. USER agrees to assume liability for and indemnify, hold harmless, and defend the CITY, its commissioners, mayor, officers, employees, agents, and attorneys of, from, and against all liability and expense, including reasonable attorney's fees, in connection with any and all claims, demands, damages, actions, causes of action, and suits in equity of whatever kind or nature, including claims for personal injury, property damage, equitable relief, or loss of use,

arising directly or indirectly out of or in connection with any negligent and/or deliberate act or omission of USER, its officers, employees, agents, and representatives. USER's liability hereunder shall include all attorney's fees and costs incurred by the CITY in the enforcement of this indemnification provision. This includes claims made by the employees of USER against the CITY and USER hereby waives its entitlement, if any, to immunity under Section 440.11, Florida Statutes. The obligations contained in this provision shall survive termination of this Agreement and shall not be limited by the amount of any insurance required to be obtained or maintained under this Agreement. Nothing contained in the foregoing indemnification shall be construed to be a waiver of any immunity or limitation of liability the CITY may have under the doctrine of sovereign immunity or Section 768.28, Florida Statutes.

i. USER shall not rent, sublet, or assign space in the FACILITY premises without the prior written consent of CITY.

j. USER has priority over the portion of the FACILITY as described during the time agreed upon in this AGREEMENT, and can use specified areas during the time of this AGREEMENT.

k. CITY reserves the right to cancel this AGREEMENT at any time, without cause, by giving USER 30 days notice of such cancellation.

l. USER shall maintain liability insurance, in amounts as deemed necessary and appropriate by the City Attorney, show the CITY as additional insured thereon, and shall provide proof of it to CITY, upon commencement of this AGREEMENT, and thereafter, as required by CITY. USER will provide insurance on all their equipment being used in the FACILITY.

m. USER shall, at all times, abide by Federal, State, and local laws, in the operation of its programs or services at the FACILITY. Sale and/or consumption of alcohol not allowed on Airport property unless properly permitted by the City.

5. Term of Agreement: The term of the AGREEMENT is as noted in paragraphs 1 and 2 above, unless terminated sooner.

6. The addresses for giving notices are as follows:

USER: _Nassau Alcohol Drug Abatement Coalition___
_516 S 10th St. #211_____
_Fernandina Beach, FL 32034_____
_____

CITY:City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
Attn: City Manager

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this day and year first above written.

USER: NACDAC

By: Deborah Babin
Deborah Babin
Its: Community Outreach Coord.

_____
Employer ID #

WITNESS:
_____
Print Name: Nicole Bednar

CITY OF FERNANDINA BEACH

By: _____
Dale L. Martin
Its: City Manager

By: _____
Caroline Best
Its: City Clerk

APPROVED AS TO FORM AND LEGALITY:
_____
Tammi E. Bach
Its: City Attorney

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/1/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Lassiter-Ware Insurance of Tampa Bay
1300 N. Westshore Blvd
Suite 110
Tampa FL 33607

CONTACT NAME: Debra Linkous
PHONE (A/C, No, Ext): (800) 845-8437 FAX (A/C, No): (888) 883-8680
E-MAIL ADDRESS: DebraL@lassiter-ware.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Evanston Insurance Company	35378
INSURER B: Florida Insurance Trust/Markel Ins	38970
INSURER C: Wesco Insurance Company	25011
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Nassau Alcohol Crime Drug Abatement Coalition, Inc.
516 S. 10th Street, Ste 211
Fernandina Beach FL 32034

COVERAGES

CERTIFICATE NUMBER: 16-17 Master

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE / X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY / PRO-JECT / LOC OTHER:			FITGL366392016	12/1/2016	6/1/2017	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Hired and Non Owned Auto	$ $ $ $ $ $ $	1,000,000 100,000 10,000 1,000,000 2,000,000 2,000,000 1,000,000
B	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS / SCHEDULED AUTOS X HIRED AUTOS / X NON-OWNED AUTOS			FITAU366392016	12/1/2016	6/1/2017	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) PIP	$ $ $ $ $	1,000,000 10,000
A	UMBRELLA LIAB / X OCCUR X EXCESS LIAB / CLAIMS-MADE DED / RETENTION $			FITXS366392016	12/1/2016	12/1/2017	EACH OCCURRENCE AGGREGATE 	$ $ $	2,000,000 2,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		FITWC366392016	12/1/2016	12/1/2017	X PER STATUTE / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $	 2,000,000 2,000,000 2,000,000
A	Professional Liability Abuse/Molestation			FITGL366392016	12/1/2016	6/1/2017	$1,000,000/$2,,000,000 $1,000,000/$2,000,000		

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mike Shea/DEBRAL

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POLICY NUMBER: RHJ 9788917 03

COMMERCIAL GENERAL LIABILITY
CG 20 10 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
City of Fernandina Beach & City of Fernandina Beach Municipal Airport	5K Event on 10/7/17 at City of Fernandina Beach Municipal Airport
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

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C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

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CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Resolution 2017-79
Sewer, Refuse and Storm Water Fee Exemption for FY 2016/2017

ITEM TYPE: Resolution

REQUESTED ACTION: Adopt Resolution 2017-79

SYNOPSIS: Each fiscal year, the City Commission allocates a certain amount of funding for limited income residents to be considered for financial relief of Sewer, Refuse, and Stormwater Service payments.

At the January 3, 2017, Regular Meeting, the City Commission amended the Sewer and Refuse Exemption Guidelines by adding a Stormwater Fee Exemption. The Nassau County Council on Aging partners with the City of Fernandina Beach in determining eligible applicants.

The Nassau County Council on Aging has submitted one qualified Sewer, Refuse, Stormwater Fee Exemption application for Fiscal Year 2016/2017 for the Honorable City Commission's consideration and approval

This application is available for review in the City Clerk's Office.

FISCAL IMPACT: Funding in the amount of $25,000 has been budgeted in Fiscal Year 2016/2017 and is available in Social Services for Aged/Poor account number 0015640 55600.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2017-79.

Dale Martin, City Manager
Tammi Bach, City Attorney
Vee Sellers, Paralegal Date:05/31/2017

COMMISSION ACTION: Adopt

RESOLUTION 2017-79

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING ONE ADDITIONAL APPLICATION FOR CITY SEWER, REFUSE AND STORM WATER FEE EXEMPTION FOR FISCAL YEAR 2016/2017; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, since circa 1976, the Fernandina Beach City Commission has provided limited income citizens relief from Sewer and Refuse Services monthly payments; and

WHEREAS, on November 5, 1985, the City Commission adopted Sewer and Refuse income guidelines to assist in determining which citizens may be eligible for Sewer and Refuse Service exemptions. The Nassau County Council on Aging partners with the City of Fernandina Beach in determining eligible applicants; and

WHEREAS, on January 3, 2017, the City Commission approved Resolution 2017-07 amending the Sewer and Refuse Fee Exemption Guidelines and adding a Storm Water Fee Exemption; and

WHEREAS, each fiscal year, the City Commission allocates a certain amount of funding for limited income residents to be considered for financial relief of Sewer and Refuse Service payments; and

WHEREAS, at this time, the City of Fernandina Beach has received one additional application from the Nassau County Council on Aging for consideration of Sewer and Refuse Services and Storm Water Fee Payment exemption; and

WHEREAS, funding is budgeted and available in Social Services for Aged/Poor account #0015640 55600.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby approves one additional applicant, Ms. Gladis Oliver, for exemption of payment for City Sewer, Refuse and Storm Water Services from May 1, 2017, through September 30, 2017.

SECTION 2. This Resolution shall become effective immediately.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

_____

Robin C. Lentz
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

_____

Caroline Best
City Clerk

_____

Tammi E. Bach
City Attorney

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Resolution 2017-80
Property Lien Release - 511 North 11th Street

ITEM TYPE: Resolution

REQUESTED ACTION: Adopt Resolution 2017-80

SYNOPSIS: The City used Community Development Block Grant (CDBG) funds in 2014 to demolish and replace the house owned by Barbara Hodge at 511 N. 11th Street. The City has been notified that Ms. Hodge (a/k/a Barbara LH Lovett) has died.

The CDBG required that the City form a Citizen Advisory Task Force to develop a Housing Assistance Plan (HAP) and oversee the program. The HAP was approved by the City Commission via Resolution 2013-181 on December 17, 2013.

The Housing Assistance Plan required that each homeowner sign a mortgage and promissory note in an amount equal to the cost of the work. This Deferred Payment Loan was for a period of ten years and could be forgiven by the City Commission in the event of the homeowner's death.

FISCAL IMPACT: None

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2017-80.

Dale Martin, City Manager
Tammi Bach, City Attorney
Vee Sellers, Paralegal Date:05/31/2017

COMMISSION ACTION: Adopt

RESOLUTION 2017-80

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A RELEASE OF LIEN FOR 511 NORTH 11TH STREET WHICH BENEFITED FROM A CDBG HOUSING REPLACEMENT GRANT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Barbara Hodge was the recipient of a Community Development Block Grant (CDBG) Housing Replacement Grant in 2014 to replace her home at 511 North 11th Street, recipients signed promissory notes agreeing to pay back the loan if they transferred or sold the property within the first ten years;

WHEREAS, Barbara Hodge passed away recently, and her heirs have contacted the City to forgive the promissory note in the amount of $101,250 in accordance with the Housing Assistance Plan required by the CDBG grant; and

WHEREAS, the City Commission, in its Housing Assistance Plan, agreed to forgive CDBG Housing grants if the property owner died within ten years of receiving the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby authorizes the Mayor to execute a full Release of Lien for the property located at 511 N. 11th Street, and the Release of Lien document is attached hereto as Exhibit "A" will be recorded by the new property owner in the public records of Nassau County.

SECTION 2. This Resolution shall become effective immediately upon passage.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

_____
Robin C. Lentz
Mayor-Commissioner

ATTEST:

_____
Caroline Best
City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Tammi E. Bach
City Attorney

Resolution 2017-80
Exhibit "A"

NOTICE OF RELEASE OF LIEN

FOR PARCEL ID # 00-00-31-1800-0084-0080

TO: BARBARA LH LOVETT

AND TO ALL WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that the City of Fernandina Beach, a Municipal Corporation, in the County of Nassau, State of Florida, releases any liens recorded in the Public Records of Nassau County, Florida, related to a Mortgage and Promissory Note executed by the property owner on April 4, 2014 in favor of the City of Fernandina Beach related to a Community Development Block Grant Rehabilitation and Replacement Housing Program, upon the following described lot, piece or parcel of land, situate, lying and being in the City of Fernandina Beach, County of Nassau, State of Florida, according to the official map or plat in the said City of Fernandina Beach known as 511 N. 11th Street, Fernandina Beach, FL 32034, and further described as BLK 84 S 75FT OF LOT 8, Fernandina according to the official plat of said City, as lithographed and issued by the Fla. Railroad Company in 1857 and 1901, City of Fernandina Beach, Florida.

THE FULL AMOUNT OF THIS LIEN IS HEREBY RELEASED.

IN WITNESS WHEREOF, the City of Fernandina Beach has caused this Notice of Release of Lien to be signed in its name by its Mayor and its Corporate Seal to be affixed and attested by its City Clerk, this _____ day of ____, 2017, in the City of Fernandina Beach, County of Nassau, State of Florida.

CITY OF FERNANDINA BEACH, FLORIDA

_____
Robin C. Lentz
Mayor

ATTEST:

_____ (SEAL)
Caroline Best
City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Tammi E. Bach
City Attorney

COUNTY OF NASSAU
STATE OF FLORIDA

I HEREBY CERTIFY that on this day before me, the undersigned, a Notary Public in and for the State of Florida at Large, personally appeared Robin C. Lentz and Caroline Best to me well known to be the Mayor and City Clerk, respectively, of the City of Fernandina Beach, and known to me to be the persons who executed the foregoing Notice of Release of Lien for the City of Fernandina Beach as such Mayor and City Clerk: and they severally acknowledged the execution of the same to be their free act and deed by authority and on behalf of the City of Fernandina Beach for the uses and purposes therein expressed.

WITNESS my hand and official seal at Fernandina Beach, said County and State on this _____ day of _____, 2017.

(NOTARY SEAL)

_____
Notary Public, State of Florida

SCANNED KBD

MORTGAGE
(WITH DUE ON SALE OR REFINANCE CLAUSE)

CITY OF FERNANDINA BEACH
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REHABILITATION AND REPLACEMENT HOUSING PROGRAM

THIS IS A DEFFERED PAYMENT MORTGAGE AND THE FINAL PRINCIPAL PAYMENT IS FORGIVEN IN FULL IF ALL CONDITONS, TERMS AND REQUIREMENTS OF THE MORTGAGE AND THE NOTE ARE MET.

THIS MORTGAGE (this "Mortgage") is made this 3rd day of April, 2014 by Barbara Lovett Hodge (herein the "Borrower") whose address is 511 N 11th Street, Fernandina Beach, FL 32034 (this address is the Property Address and shall be the Borrower's address for purposes of any notice required or permitted hereunder). This Mortgage is given to **THE CITY OF FERNANDINA BEACH** (herein, the "Lender", whose address is 204 Ash Street, Fernandina Beach, FL 32034 (this address shall be the Lender's address for purposes of any notice required or permitted hereunder). As used herein, the term Lender shall include any successors or assigns of the Lender.

The Borrower is indebted to the Lender in the sum of One Hundred Thousand Two Hundred Fifty ($101,250) as evidenced by that certain Promissory Note (the "Note") of even date herewith executed by the Borrower in favor of the Lender evidencing a loan made by the Lender to the Borrower under The City of Fernandina Beach Community Development Block Grant (CDBG) Rehabilitation and Replacement Housing Program, which is administered by the Lender pursuant to rules and regulations of the Florida Department of Economic Opportunity's Florida Small Cities CDBG Grant, and the program guidelines established and implemented by the Lender in connection therewith. The loan (the "Loan") evidenced by the Note is made by the Lender to the Borrower, and shall be advanced on behalf of the Borrower, exclusively to satisfy rehabilitations to the borrowers address for items of deferred maintenance.

Repayment of the indebtedness evidenced by the Note is deferred until a date that is ten (10) years after the date hereof (that date is the "Maturity Date" of the Note). The Note is forgiven in full on the Maturity Date if all provisions and conditions of the Mortgage and the Note have been met. The Note also provides that if at any time before the Maturity Date, the Borrower sells, refinances, rents or otherwise does not occupy as their full time residence the property listed herein the Note shall become immediately due and payable in full without notice or demand as provided in Section 19 of this Mortgage.

TO SECURE to Lender the repayment of the indebtedness evidenced by the Note, the payment of all other sums advanced in accordance herewith to protect the security of this Mortgage; and the performance of the covenants and agreements of the Borrower herein contained, the Borrower does hereby mortgage, grant and convey to Lender the following described property located in the County of Nassau State of Florida (insert legal description):

South 75 feet of Lot 8, Block 84, Fernandina according to the official plat of said City, as lithographed and issued by the Fla. Railroad Co. in 1857 and 1901, known as 502 North 11th Street, Fernandina Beach, Florida.

TOGETHER with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances and rents, all of which shall be deemed to be and remain a part of the property covered by this Mortgage, and all of the foregoing, together with said property are hereinafter referred to as the "Property" or "Home."

BORROWER COVENANTS represents and warrants to Lender and its successors and assigns that Borrower is indefeasibly seized of the estate hereby conveyed in fee simple; has full right to mortgage, grant and convey the Property; and that the Property is unencumbered, except for other encumbrances of record. Borrower warrants title to the Property and will defend same against the lawful claims and demands of all persons whomsoever.

THIS MORTGAGE AND THE NOTE SECURED BY THIS MORTGAGE ARISE OUT OF OR ARE GIVEN TO SECURE THE REPAYMENT OF A LOAN ISSUED IN CONNECTION WITH THE FINANCING OF HOUSING REHABILITATION AND ARE EXEMPT FROM DOCUMENTARY STAMP TAX AND INTANGIBLE TAX PURSUANT TO SECTION 20.513(1), FLORIDA STATUTES.

PROVIDED ALWAYS that if Borrower shall pay to Lender, all sums due or to become due under the Note or this Mortgage and shall perform, comply with, and abide by each and every stipulation, agreement, condition, and covenant of the Note and of this Mortgage, and shall pay all taxes that may accrue on the Property and all costs and expenses that Lender may be put to in collecting the Note and in foreclosure of this Mortgage or otherwise, including costs and reasonable attorney's fee, then this Mortgage and the estate hereby created shall cease and be null and void.

BORROWER FURTHER COVENANTS and agrees with Lender as follows:

1. Payment. Borrower shall promptly pay when due the principal amount evidenced by the Note and all other sums of money payable by virtue of the Note or this Mortgage.

2. Funds for Taxes and Insurance. Borrower shall pay or cause to be paid before same become delinquent all taxes, assessments and other charges, fines and impositions attributable to the Property which have attained or may attain a priority over this Mortgage, and leasehold payments or ground rents, if any. If the Borrower fails to pay all such taxes, assessments and other charges then the Lender at its option may pay them and the amount paid shall be secured by this Mortgage as provided in paragraph 7 below.

3. Application of Payments (if applicable). Unless applicable law provides otherwise, all payments received by Lender under the Note and paragraph 1 hereof shall be applied by Lender first in payment of amounts payable to Lender by Borrower of interest due under the Note; then to principal of the Note; then to any other monies due under the Note or this Mortgage in that order.

4. Other Mortgagees and Deeds of Trust; Charges; Liens. Borrower shall perform all of Borrower's obligations under any other mortgage, deed of trust or other security agreement with a lien which may have priority over this Mortgage, including Borrower's covenants to make

payments when due. Borrower shall pay or cause to be paid all taxes, assessments and other charges, fines and impositions attributable to the Property which have attained or may attain a priority over this Mortgage, and leasehold payments or ground rents, if any.

5. Liability and Hazard Insurance. Borrower shall maintain liability insurance and keep the improvements now existing or hereafter erected on the Property adequately insured against loss by fire and hazards included within the term "extended coverage" and the Lender shall be named as an additional mortgagee on any such policies. All insurance policies and renewals shall be delivered to the Lender for review within fifteen (15) days following Lender's request for same. If the Borrower fails to pay any premium before it is past due, then the Lender at its option may pay it and the amount paid shall be secured by this Mortgage as provided in paragraph 7 below.

6. Preservation and Maintenance of Property. Borrower shall keep the Property in good repair and shall not commit waste or permit impairment or deterioration of the Property.

7. Protection of Lender's Security. If Borrower fails to perform the covenants and agreements contained in this Mortgage, including its obligations under paragraphs 2 and 5, or if any action or proceeding is commenced which materially affects Lender's interest in the Property, then Lender, at Lender's option (and without any obligation), may make such appearance, disburse such sums, including reasonable attorneys' fees, and take such action as is necessary to protect Lender's interest in the Property. If Borrower is required to maintain mortgage insurance as a condition of this Mortgage or any other mortgage or deed of trust, Borrower shall pay the premiums required to maintain such insurance in effect until such time as the requirement for such insurance terminates in accordance with the Borrower's written agreement or applicable law. Any amounts disbursed by Lender pursuant to this paragraph, with interest thereon, at the rate of twelve percent (12%) per annum. shall become additional indebtedness of the Borrower secured by this Mortgage. Unless Borrower and Lender agree otherwise, such amounts shall be payable upon demand. Nothing contained in this Paragraph 5 shall require Lender to incur any expense or take any action hereunder.

8. Inspection. Lender may make or cause to be made reasonable entries upon and inspections of the Property upon notice to Borrower specifying reasonable cause therefore related to the Lender's interest in the Property.

9. Condemnation. The proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of the Property, or part thereof, or for conveyance in lieu of condemnation to the extent of the unpaid balance of all sums due or to become due under the Note or this Mortgage, are hereby assigned and shall be paid to Lender, subject to the terms of any mortgage, deed of trust or other security agreement with a lien which has priority over this Mortgage.

10. Borrower Not Released; Forbearance by Lender Not a Waiver. No extension of the time for payment or modification of the terms or conditions of the Note or this Mortgage granted to Borrower shall operate or release Borrower, in any manner, from liability under the Note or this Mortgage. Lender shall not be required to commence proceedings against such successor or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Mortgage by reason of any demand made by the original Borrower and Borrower's successors in interest. Any forbearance by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any such right or remedy.

11. Successor and Assigns Bound; Joint and Several Liability; Co-Signers. The covenants and agreements and references to Borrower and Lender herein contained shall bind, and the rights hereunder shall inure to, their respective heirs, successors and assigns. All covenants and agreements of Borrower shall be joint and several. Any Borrower who co-signs this Mortgage, but does not execute the Note is co-signing this Mortgage only to mortgage, grant and convey that Borrower's interest in the property to Lender under the terms of this Mortgage; is not personally liable on the Note or under this Mortgage; agrees that Lender and any other Borrower hereunder may agree to extend, modify, forbear, or make any other accommodations with regard to the terms of this Mortgage or the Note without that Borrower's consent and without releasing that Borrower or modifying this Mortgage as to that Borrower's interest in the Property. This Mortgage and the Note secured thereby are non-assumable.

12. Notice. Except for any notice required under applicable law to be given in another manner: (a) any notice to the Borrower provided for in this Mortgage shall be given by delivering it or by mailing such notice by certified mail at the Property Address or at such other address as Borrower may designate by notice to the Lender as provided herein, and (b) any notice to Lender shall be given by certified mail, to the address stated herein.

13. Governing Law; Severability; Costs. The state and local laws applicable to this Mortgage shall be the laws of the jurisdiction in which the Property is located. The foregoing sentence shall not limit the applicability of Federal law to this Mortgage. In the event that any provision or clause of this Mortgage or the Note conflicts with applicable law, such conflict shall not affect other provisions of this Mortgage or the Note which can be given effect without the conflicting provision, and to this end the provisions of this Mortgage and the Note are declared to be severable. As used herein, "costs," "expenses," and "attorneys' fees" include all sums to the extent not prohibited by applicable law or limited herein.

14. Borrower's Copy. Borrower shall be furnished a conformed copy of the Note and of this Mortgage at the time of execution or after recordation thereof.

15. Acceleration; Remedies. Upon the Borrower's breach of any covenant or agreement of the Borrower in this Mortgage, including the covenants to pay when due any sums secured by this Mortgage, or in the event that the Borrower shall have made a material misrepresentation or material omission in Borrower's application for the loan evidenced by the Note, Lender, may declare all of the sums secured by this Mortgage to be immediately due and payable without further demand and may foreclose this Mortgage by judicial proceeding. Prior to acceleration of this Mortgage, Lender shall give notice to Borrower as provided in Paragraph 12 hereof specifying (1) the breach (if the breach is curable); (2) the action required to cure such breach; (3) a date, not less than ten (10) days from the date the notice is mailed to Borrower, by which such breach must be cured; and (4) that failure to cure such breach on or before the date specified in the notice may result in acceleration of the sums secured by this Mortgage, foreclosure by judicial proceeding, and sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to assert in the foreclosure proceedings the nonexistence of a default or any other defense of Borrower acceleration and foreclosure. Lender shall be entitled to collect in such proceeding all expenses of foreclosure, including, but not limited to, reasonable attorneys' fees, court costs, and costs of documentary evidence, abstracts and title reports.

16. Borrower's Right to Reinstate. Notwithstanding the acceleration of the sums secured by this Mortgage due to the Borrower's breach, the Borrower shall have the right to have any proceedings begun by Lender to enforce this Mortgage discontinued at any time prior to

entry of a judgment enforcing this Mortgage if: (a) Borrower pays Lender all sums which would be then due under this Mortgage and the Note had no acceleration occurred; (b) Borrower cures all breaches of any other covenants or agreements of Borrower contained in this mortgage; (c) Borrower pays all reasonable expenses incurred by Lender in enforcing the covenants and agreements of Borrower contained in this Mortgage, and in enforcing Lender's remedies as provided in Paragraph 17 hereof, including, but not limited to, reasonable attorneys' fees and court costs; and (d) the Borrower takes such action as Lender may reasonably require to assure that the lien of this Mortgage, Lender's interest in the Property and the Borrower's obligation to pay the sums secured by this Mortgage shall continue unimpaired. Upon such payment and cure by Borrower, this Mortgage and the obligations secured shall hereby remain in full force and effect as if no acceleration had occurred.

17. Release. Upon payment of all sums secured by this Mortgage, Lender shall prepare a written satisfaction of this Mortgage and provide same to the Borrower. The Borrower shall be responsible for recording the Satisfaction of Mortgage, including the cost of recording.

18. Attorneys' Fees. As used in this Mortgage and in the Note, "attorneys' fees" shall include attorneys' fees, if any, incurred in connection with the collection or enforcement of this Mortgage or of the Note, whether or not suit is brought and whether incurred at trial, on appeal, in bankruptcy proceedings or otherwise.

19. Special Provisions.

(a) Default. In addition to any other event of default under this Mortgage, the Borrower will be in default if any of the following occur. (i) if Borrower submits incomplete, false or misleading information to the Lender before or after the approval of the Loan; (ii) if Borrower violates any terms and conditions of the Note, the terms and conditions of which are incorporated herein by reference, or any other loan document governing the Loan, including, but not limited to, the Borrower's Partial Payment Agreement, as applicable; or (iii) if Borrower fails to provide to the Lender on a timely basis any information required by the Lender in order for the Lender to monitor Borrower's continuing compliance with the terms and conditions of the Loan.

(b) Mortgage Not Assumable. This Mortgage cannot be assumed.

(c) Due on Sale, Refinance or Residency Clause. If the Property is sold, refinanced or no longer becomes the Borrower's primary full-time residence at any time before the Maturity Date, the Principal Amount (or the balance thereof as shall not have been forgiven as provided in the Note at the time of such sale or refinancing) shall become immediately due and payable in full without notice or demand but only to the extent there are sufficient equity proceeds resulting from the sale or refinancing. If the Lender determines that the equity proceeds from the sale or refinancing are not sufficient to repay the balance then due in full, the Lender in its sole discretion may forgive the balance of the loan in excess of the available equity proceeds.

(d) Limits on Personal Liability. Notwithstanding any contrary provision in this Mortgage, Borrower's personal liability for payment of the indebtedness secured by this Mortgage and for performance of the other obligations to be performed by it under this Mortgage is limited in the manner, and to the extent, provided in the Note.

SIGNATURE PAGE FOLLOWS

IN WITNESSWHEREOF, Borrower has executed this Mortgage on the date first above written.

NOTICE TO BORROWER
DO NOT SIGN THIS MORTGAGE IF IT CONTAINS BLANK SPACES.
ALL SPACES SHOULD BE COMPLETED BEFORE YOU SIGN.

THIS IS A DEFFERED PAYMENT MORTGAGE AND THE FINAL PRINCIPAL PAYMENT IS FORGIVEN IN FULL IF ALL CONDITONS, TERMS AND REQUIREMENTS OF THE MORTGAGE AND THEN OTE ARE MET.

Witness Borrower

Print Name: Scott Schultz Print Name: Barbara L.H Hodge

Witness

Print Name: Brett J. Walker

APPROVED AS TO FORM AND LEGALITY:

Tammi E. Bach, City Attorney

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 4 day of April 2014 by Scott Shultz and Barbara Hodge. Such person(s) is (are) (check one) __ personally know to me or ✓ produced valid driver's license(s) as identification.

Bradford W. Franklin

BRADFORD W. FRANKLIN
Notary Public, State of Florida
My Comm. Expires Dec. 18, 2017
Commission No. FF 78042

ATTACHMENT "A"

PROMISSORY NOTE

CITY OF FERNANDINA BEACH
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REHABILITATION AND REPLACEMENT HOUSING PROGRAM

DEFFERED PAYMENT LOAN

AMOUNT: $ 101,250 **Date:** April, 4 **2014**

Property Address: 511 N 11th Street, Fernandina Beach, FL 32034

FOR THE VALUE RECEIVED, the undersigned jointly and severally promise(s) to pay to the order of The City of Fernandina Beach, Florida (herein called the "City"), acting by and through the Board of City Commissioners, the sum of One Hundred Thousand Two Hundred Fifty ($101,250), without interest on or before ten (10) years from the date hereof. If any payments become due they shall be paid in lawful money of the United States at the principal office of the City of Fernandina Beach, City Manager's Office located at 204 Ash Street, Fernandina Beach, FL 32034.

THE UNDERSIGNED agrees to pay in full if within ten (10) years: (1) the property securing this Note becomes no longer the undersigned's full-time primary residence through the sale, rental, or seasonal residency; (2) refinances the property; or (3) if the maker hereof dies in the ten (10) year period and the maker's heirs and/or devisees do not meet the requirements established for its Grant Program, THIS DEBT SHALL BE FORGIVEN. The cost of preparation and recordation of all lien cancellation shall be paid by the undersigned.

THE UNDERSIGNED reserve(s) the right to prepay at any time all or any part of the principal amount of this Note without the payment of penalties or premiums.

IN THE EVENT the undersigned shall fail to pay the principal amount of this Note when due, and if such failure be subsisting 30 days after demand is made hereon, the unpaid principal amount of this Note shall become due and payable, at the option of the City, without notice to the undersigned time being of the essence.

FAILURE of the City to exercise such option shall not constitute a waiver of such default, nor a waiver of the right to exercise the same in the event of any subsequent default. If this Note were reduced to judgment, such judgment should bear the statutory interest rate on judgments.

IF SUIT is instituted by the City of Fernandina Beach to recover on this Note, the undersigned agree(s) to pay all costs of such collection including reasonable attorney's fees and court costs.

THIS NOTE is secured by a mortgage duly filed for record in Nassau County, Florida.

DEMAND, protest and notice of demand and protest are hereby waived and the undersigned hereby waives, to the extent authorized by law, any and all homestead and other exemption rights which otherwise would apply to the debt evidenced by the Note.

IN WITNESS WHEREOF, this Note has been duly executed by the undersigned, as of its date.

Barbara L. H. Hodge	Barbara L. H. Hodge	4/4/2014
Owner Signature	Print Name	Date

APPROVED AS TO FORM AND LEGALITY:

Tammi E. Bach, City Attorney

RESOLUTION 2013-181

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ADOPTING AN AMENDED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING ASSISTANCE PLAN (HAP); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach was awarded a Florida Small Cities CDBG Grant for Housing Rehab/Demolition/Replacement in the amount of $700,000 from the Department of Economic Development (DEO); and

WHEREAS, the City Commission, via Resolution 2011-106, adopted the Housing Assistance Plan as written by the seven-member CDBG Citizen Advisory Task Force (CATF) for the CDBG application; and

WHEREAS, the Citizen Advisory Task Force amended the HAP by adding the following categories of eligible components to be rehabilitated: Cooling and Heating Systems, Principal Fixtures, Removal of blight on property, and Landscaping (only pruning of overgrown bushes and/or trees); and

WHEREAS, On November 21, 2013, the CDBG Citizen Advisory Task Force voted unanimously to accept the revisions as outlined above.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission of the City of Fernandina Beach hereby adopts the amended Housing Assistance Plan for the Small Cities Community Development Block Grant Housing Program, attached hereto as Exhibit A.

SECTION 2. This Resolution shall take effect immediately upon passage.

ADOPTED this 17th day of December, 2013

CITY OF FERNANDINA BEACH

Edward E. Boner
Mayor-Commissioner

ATTEST:

KIMBERLY ELLIOTT BRILEY
City Clerk Pro Tem

APPROVED AS TO FORM & LEGALITY:

TAMMI E. BACH
City Attorney

Resolution 2013-181
Exhibit "A"

CITY OF FERNANDINA BEACH

HOUSING ASSISTANCE PLAN (HAP)

REHABILITATION & REPLACEMENT GUIDELINES

FLORIDA SMALL CITIES
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
Adopted August 2, 2011; Amended March 20, 2012

VII. FINANCING & CONDITIONS OF REHABILITATION ASSISTANCE

A. The maximum amount of funds available for the rehabilitation of an individual housing unit will be the amount required to eliminate all code/HQS violations on the property, giving consideration to the average amount per structure delineated in the City's CDBG Housing Rehab application. The amount for rehab of each house will be brought to the CATF for recommendation and the City Commission for final approval. However, no rehabilitation shall exceed the amount of $59,500 of CDBG funds unless specifically approved by the City's CDBG coordinator and the City Commission, as exceeding the limits set out above.

B. The participant homeowner will be required to sign certain documents before the construction begins. These documents will outline the work to be performed on the house and give an estimate of the cost to address the necessary improvements.

C. Deferred Payment Loan (DPL): CDBG Housing funds are provided for the benefit of owners of residential housing to rehabilitate their homes. Prior to beginning work on the house, the owner(s) will be required to sign a mortgage and promissory note in an amount equal to the cost of the work. The DPL will be secured by a lien on the property. The DPL payments will be deferred for a period of ten (10) years. The DPL will be forgiven at the end of the ten (10) year period. If the owner of the house sells, refinances, transfers title to, ceases to reside at the property as their primary residence, rents the property or otherwise violates the terms of the mortgage at any time during the term of the loan, the remaining mortgage balance will be due and payable. This is done to ensure that the applicant will occupy the house and not sell or rent the property for ten (10) years after the rehabilitation of the dwelling.

If the owner dies within the ten (10) year period, the City Commission will forgive the note. The City Commission shall also retain the option to forgive the note in case of hardship.

D. The purchase of Comprehensive Home Owners Insurance on the property will be required prior to the end of the rehabilitation work. This coverage must be maintained for the term of the deferred payment loan.

E. If the subject property is located within a Special Flood Hazard Area (SFHA), the purchase of flood insurance for the subject property will be required prior to the end of the rehabilitation work. This coverage must be maintained for the term of the deferred payment loan. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood as shown on the National Flood Insurance Program's (NFIP) Flood Insurance Rate Maps (FIRM). The 1% annual chance flood (100 year flood), also known as the base flood, is the flood that has 1% chance of being equaled or exceeded in any given year.

c: Cheryl

CITY COMMISSION AGENDA ITE
CITY OF FERNANDINA BEAC

SUBJECT: Resolution 2013-181
Amended Community Development Block Grant (CDBG) Housing Assistance Plan (HAP)

DEPARTMENT: Community Development Department

ATTACHMENTS: ___ Ordinance _X__ Resolution
__X_ Support Documents ___ Other

RECOMMENDED ACTION: Approve Resolution 2013-181

SUMMARY: The City of Fernandina Beach was awarded a Community Development Block Grant Housing Rehabilitation/Demolition/Replacement in the amount of $700,000 from the Florida Department Economic Opportunity. As a condition of the Grant, the City was required to adopt a Housing Assistance P (HAP), adopted by the City Commission via Resolution 2011-106 on August 2, 2011 and revised Resolution 2012-47 on March 20, 2012.

The HAP requires a third revision to include language referring to the following (highlighted in yellow Exhibit A) list of items eligible for rehabilitation: Cooling and Heating Systems, Principal Fixtures, Remo of blight on property, and Landscaping (only pruning of overgrown bushes and/or trees).

On November 21, 2013, the CDBG Citizen Advisory Task Force voted to accept the revisions to the H above.

FISCAL IMPACT: None

CITY ATTORNEY COMMENTS: No additional comments.

DEPARTMENT HEAD	Submitted by: Adrienne Burke AB CDD Director	Date: 12/04/1
	Requested Agenda	Date: 12/17/1
FINANCE DEPARTMENT	Approved as to Budget Requirements —	Date: N/A
CITY ATTORNEY	Approved as to Form and Legality TEB	Date: 12/9/
CITY MANAGER	Approved Agenda Item for 12/17/13	Date: 12/04/1

COMMISSION ACTION:
✓ Approved As Recommended
___ Approved With Modification
___ Other
___ Disapproved
___ Postponed to Time Certa
___ Tabled

Approved at the City Commission Regular Meeting
Held on 12/17/13
Voted: Initial:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Resolution 2017-81
Award of Bid #17-04 - Arbor Pro, Inc.

ITEM TYPE: Resolution

REQUESTED ACTION: Adopt Resolution 2017-81

SYNOPSIS: This Resolution awards a contract for ITB # 17-04 to complete the following activities: the development of a tree survey and inventory for the southern portion of the City limits; update the 2009 Urban Forestry Master Plan; and in-house training for City staff as part of an USDA Urban Forestry grant.

The City Commission authorized the submission of the grant by Resolution 2016-36 on March 15, 2016. The City received five qualified bids through a competitive sealed bid process and staff recommends award of contract to Arbor Pro, Inc., the vendor which provides the best value. Services relating to this award will not exceed $29,900.

FISCAL IMPACT: The City was awarded an USDA Urban Forestry Grant with the total amount of $42,000 of which 50% of the grant is matched by City funds though in-kind services, staff support, and tree planting costs.

The award of this bid will is in an amount not to exceed $29,900. Funds have been budgeted in the Building Professional Services (account #0011500 53100) and will reduce the Tree Trust Fund Reserve.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2017-81.

Dale Martin, City Manager
Tammi Bach, City Attorney
Tammi E. Bach, City Attorney Date:05/31/2017

COMMISSION ACTION: Adopt

RESOLUTION 2017-81

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AWARDING BID # 17-04 TO ARBOR PRO, INC. FOR URBAN FORESTRY SERVICES; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolution 2016-36 authorized the City to apply for an Urban Forestry Grant to complete the following activities: the development of a tree survey and inventory for the southern portion of the City limits, update the 2009 Urban Forestry Master Plan, and in-house training for City staff; and

WHERAS, the City of Fernandina Beach received a 2016 Florida Urban and Community Forestry Grant in the amount of $21,000, where the City will provide matching funds and in-kind services in the amount of $21,000; and

WHEREAS, the City has budgeted matching dollars necessary to complete the grant in the Building Professional Services account # 0011500 53100 for FY 2016/2017; and

WHEREAS, ITB #17-04 requests urban forestry services through a competitive sealed bid process and received five qualified bids; and

WHEREAS, staff recommends awarding the bid to Arbor Pro, Inc., the vendor which provides the best value.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby authorizes the City Manager and City Clerk to execute a professional services agreement with Arbor Pro, Inc. in an amount not to exceed $29,900, upon review and approval of the City Attorney.

SECTION 2. This Resolution shall be effective immediately upon passage.

ADOPTED this 6th day of June, 2017.

ATTEST:

_____
Caroline Best
City Clerk

CITY OF FERNANDINA BEACH

_____
Robin C. Lentz
Commissioner-Mayor

APPROVED AS TO FORM AND LEGALITY:

_____
Tammi E. Bach
City Attorney

RESOLUTION 2016-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING THE SUBMITTAL OF ONE URBAN AND COMMUNITY FORESTRY GRANT APPLICATION AND TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach recognizes the importance of trees as part of the City's infrastructure; and

WHEREAS, the City of Fernandina Beach recognizes that well-managed trees are a vital part of the urban environment and that maintaining, preserving, and sustaining the urban forest enhances the quality of life for its citizens; and

WHEREAS, the City of Fernandina Beach wishes to apply for an Urban and Community Forestry matching grant in order to provide funding for the following activities to develop an urban forestry program: the development of a tree survey and inventory, the development of an urban Forestry Master Plan, in-house training for City staff, and a tree planting at the City's entry on City-owned lots at Lime Street and S. 8th Street; and

WHEREAS, if the grant is awarded, the City of Fernandina Beach wishes to enter into an Urban and Community Forestry Grant Memorandum of Agreement between the City of Fernandina Beach, Florida and the Florida Department of Agriculture and Consumer Services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission of the City of Fernandina Beach confirms its desire to submit one Urban and Community Forestry Grant application for the purposes of completing and updating its tree survey and inventory, updating its 2009 urban forestry management plan, providing in-house training to City staff and a tree planting at the City's entry on City-owned lots at Lime Street and S. 8th Street.

SECTION 2. The City Commission of the City of Fernandina Beach hereby authorizes the City Manager and City Clerk to execute the Urban and Community Forestry Grant Memorandum of Agreement between the City of Fernandina Beach, Florida and the Florida Department of Agriculture and Consumer Services, upon review and approval of the City Attorney.

SECTION 3. This Resolution shall be effective immediately upon passage.

ADOPTED this 15th day of March, 2016.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Commissioner - Mayor

ATTEST:

CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:

TAMMI E. BACH
City Attorney

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

Fwd: adrienne
C: Cheryl

SUBJECT: **Resolution 2016-36**
Grant Application Submittal Approval - Urban and Community Forestry Grant

ITEM TYPE: ☐ Ordinance ☒ Resolution ☐ Other
☐ Proclamation ☐ Presentation

REQUESTED ACTION: **Approve Resolution 2016-36**

SYNOPSIS: The City wishes to apply for a State matching grant in order to receive funding to complete the following activities: complete and update its existing tree survey and inventory, update its urban forestry master plan from 2009 and in-house training for City staff, and tree planting along the City's front entrance located at Lime Street and S. 8th Street. The estimated cost for these project tasks is $60,000. The City is requesting a grant of $30,000 (50%) with a $30,000 (50%) match.

In 2009, the City successfully completed an Urban and Community Forestry Grant. The goal was to inventory up to 7,000 City maintained trees. The City was able to accomplish the 7,000 tree goal, but an estimated 43% of the City trees are excluded from the inventory. The existing inventory ends near Sadler Road. The purpose of this grant is to complete the inventory for City rights-of-way and public spaces that remain. It will also provide an opportunity to update the 2009 Urban Forestry Master Plan, provide staff with in-house training of best management practices, and complete a tree planting at the City's front entrance properties located at Lime Street and S. 8th Street.

FISCAL IMPACT: The total amount of the project is $60,000 with the City requesting $30,000 from the State of Florida. The City will fulfill its 50% match by providing $20,000 in cash and $10,000 with in-kind services. The project is scheduled to begin in FY 2016/2017 and be completed in FY 2017/2018.

2015 STRATEGIC PRIORITIES:
☐ Waterfront Funding (Priority 1)
☒ 8th Street (Priority 1)
☐ Trolley System (Priority 2)
☐ 4 Year Terms (Priority 2)
☐ Waterfront Park- Lot B (Priority 3)
☐ Fire Department (Priority 1)
☐ Department Goals (Priority 1)
☐ Beach Renourishment (Priority 2)
☒ 8th Street Entrance (Priority 2)

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2016-36. DEM

DEPARTMENT DIRECTOR	Submitted by: Adrienne Burke, CDD Director AB	Date: 3/4/2016
CONTROLLER	Approved as to Budget Compliance PHC	Date: 3/8/16
CITY ATTORNEY	Approved as to Form and Legality TEB	Date: 3/8/16
CITY MANAGER	Approved Agenda Item for *03/15/2016* DEM	Date: 3/4/2016

COMMISSION ACTION:
☑ Approved As Recommended
☐ Approved With Modification
☐ Other
☐ Disapproved
☐ Postponed to Time Certain
☐ Tabled

Approved at the City Commission Regular Meeting
Held on 3/15/16
Voted: 5-0 Initial: VB

Resolution 2016-36

Florida Department of Agriculture and Consumer Services
Division of Administration

FDACS CONTRACT #
023868

ADAM H. PUTNAM
COMMISSIONER

FEDERAL FINANCIAL ASSISTANCE SUBRECIPIENT AGREEMENT

This Federal Financial Assistance Subrecipient Agreement ("AGREEMENT") made and entered into this _____ day of_____, 20___ by and between the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, ("RECIPIENT"), and the City of Fernandina Beach, ("SUBRECIPIENT"). The SUBRECIPIENT shall perform the Scope of Work as outlined in Attachment A, hereby incorporated and attached hereto.

The Department of Management Services' designated United Nations Standard Products and Services Code (UNSPSC) is 70151500.

A. SUBAWARD AMOUNT

The total award amount for satisfactorily completing the Scope of Work is $21,000.00 with a 1:1 match required (refer to section F - MATCHING OR COST SHARE). In no event shall the RECIPIENT be liable for payment of any amount, which exceeds the total award amount.

B. EFFECTIVE DATE/TERM

1. The effective date of this AGREEMENT shall commence upon execution and, unless sooner terminated or canceled, shall end on the 30th day of September of 2017 ("Term").

2. No-cost extensions require the prior written approval of the RECIPIENT and must be submitted not less than sixty (60) days prior to the end of the Term. Extension requests, which exceed the federal agency award period, will not be granted.

C. UNIVERSAL IDENTIFIER AND SYSTEM OF AWARD MANAGEMENT

1. The SUBRECIPIENT shall comply with 2 CFR, Part 25, "Financial Assistance Use of Universal Identifier and System of Award Management" (SAM). The SUBRECIPIENT must register and maintain a registration in SAM until submittal of the final financial report. A data universal numbering system (DUNS) number is required for registration in SAM.

2. Compliance with 2 CFR, Part 25 is not required for individuals.

D. FINANCIAL AND PROGRAM MANAGEMENT

1. Statutory and National Policy Requirements

   a. All expenditures of federal financial assistance under the AGREEMENT shall be in compliance with all applicable laws, rules and regulations applicable to expenditures of federal funds.

   b. The SUBRECIPIENT shall implement applicable National Policy Requirements.

2. Deliverables

   The SUBRECIPIENT must provide quantifiable, measureable and verifiable units of Deliverables (Deliverables) which must be received and accepted in writing by the RECIPIENT before payment. Deliverables must be directly related to the Scope of Work; specify minimum levels of service to be performed; and contain criteria for evaluating the successful completion of each Deliverable. The Deliverables are set forth in Attachment A, Scope of Work, as incorporated by reference and attached hereto.

3. Financial Management

   a. The SUBRECIPIENT shall maintain an accounting system and a set of accounting records, which allow for the identification of revenues and expenditures related to this AGREEMENT.

   b. The SUBRECIPIENT shall comply with 2 CFR, Part 200 and adhere to the accounting principles and procedures required therein, use adequate internal controls and maintain necessary source documentation for all costs incurred.

4. Reimbursement Requests

   a. The allowability of costs shall be in accordance with the federal financial assistance cost principles applicable to the SUBRECIPIENT and terms of this AGREEMENT.

   b. The SUBRECIPIENT shall submit the payment request packet to the RECIPIENT's grant manager not more often than monthly, but not less often than quarterly. To be eligible for reimbursement, costs shall be allowable,

necessary and reasonable, and must be submitted by budget category consistent with the budget plan submitted with the SUBRECIPIENT APPLICATION.

c. All reimbursement requests must be submitted using the RECIPIENT's standard payment request packet and provide supporting documentation for each cost. An authorized SUBRECIPIENT representative shall sign the certifications on the payment request packet submitted.

d. The payment request packet is downloadable from **http://forms.freshfromflorida.com/02019.pdf**.

e. A SUBRECIPIENT whose federal financial assistance grant provides an online reimbursement system for reporting reimbursement details shall use the online reimbursement system instead of the payment request packet.

f. Bills for any authorized travel expenses shall be submitted and paid in accordance with the rates specified in Section 112.061, Florida Statutes, governing payments by the State for travel expenses. Any travel expenses must be specified in the Budget Plan and Scope of Work.

g. **Travel and per diem costs are not allowable under this contract.**

h. No advance payments are allowed.

5. Payment of Reimbursement Requests

a. Payment for allowable, necessary and reasonable costs shall be made within thirty (30) days after acceptance by the RECIPIENT. Payment request packets returned to the SUBRECIPIENT due to omissions or preparation errors will result in a payment delay.

b. Payment requests for a percentage of work completed on each task deliverable are allowed.

c. Payment is contingent upon the availability of funding from the federal agency and SUBRECIPIENT'S compliance with the terms and conditions of this AGREEMENT.

d. The final payment under this AGREEMENT shall be made upon completion of the Scope of Work including all deliverables and the receipt and approval of all reports required hereunder.

(1) Reimbursement Request Form with required backup documentation.

(2) Final report summarizing what was accomplished with the grant funding.

(3) Copy of a news release that will be submitted to a local publication crediting the U.S. Forest Service for providing funding.

(4) Certification of Acceptance executed by a Florida Forest Service official.

The SUBRECIPIENT must submit the final claim for reimbursement to the RECEIPIENT on or before 30 days from the end of the term of the contract.

e. Disallowance or adjustments due to audit findings may require the SUBRECIPIENT to return funds to the RECIPIENT. The SUBRECIPIENT is solely responsible for reimbursing the RECIPIENT for amounts incorrectly paid to the SUBRECIPIENT.

6. Program Income

a. "Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under federal awards, the sale of commodities or items fabricated under a federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with federal award funds". 2 CFR, 200.80

b. The SUBRECIPIENT must report to the RECIPIENT any program income received or anticipated from the activities performed under this AGREEMENT.

7. Revision of Budget Plan

a. The Budget Plan, Attachment B, Budget, as incorporated by reference and attached hereto, lists costs and budget categories to fund the SUBRECIPIENT'S performance of the Scope of Work, including the completion of Deliverables.

b. SUBRECIPIENT is required to report any transfers from one approved budget category to another approved budget category. If the cumulative budget transfers meet or exceed ten percent (10%), prior approval, evidenced by contract amendment, is required.

c. Prior approval, evidenced by contract amendment, is required for:

(1) any transfers from an approved budget category to an unapproved budget category. An unapproved budget category is defined as having no funds allocated in the original Budget Plan.

(2) any equipment purchases not noted in the original Budget Plan and/or Scope of Work.

(3) any subawarding or contracting out of any work not noted in the original Budget Plan and/or Scope of Work.

8. Revision of Scope of Work

The SUBRECIPIENT shall report any changes to the Scope of Work including but not limited to changes in the objectives, changes in key personnel, reduction of work effort by key personnel and delays in completion of the work.

9. Acknowledgements

The SUBRECIPIENT shall have an acknowledgement of the USDA Forest Service's support placed on any publication written or published or audiovisual produced with grant support and, if feasible, on any publication reporting the results of, or describing, a grant-supported activity, or audiovisuals produced with grant support. This requirement does not apply to audiovisuals produced as research instruments or for documenting experimentations or findings and not intended for presentation or distribution to the public. Minimum verbiage requirement is as follows: *"This publication made possible through a grant from the USDA Forest Service in cooperation with the Florida Forest Service."*

Publication means a published book, periodical, pamphlet, brochure, flier, or similar item.

Audiovisual means a product containing visual imagery or sound or both.

The SUBRECIPIENT acknowledgement must contain a disclaimer that says: "Any opinions, findings, conclusions, or recommendations expressed in this publication or audiovisual

are those of the author(s) and do not necessarily reflect the view of the USDA Forest Service".

Language shall read:

The work upon which this (insert publication or audiovisual or both) is based was funded, in whole or in part through a subrecipient grant awarded by the USDA Forest Service through the Florida Department of Agriculture and Consumer Services. The contents do not necessarily reflect the views or policies of the USDA Forest Service nor does mention of trade names, commercial productions, services or organization imply endorsement by the U.S. Government.

E. PROPERTY STANDARDS

1. Equipment and Real Property

a. Equipment must be used in the project for which the federal funds are derived.

b. The federal agency has a vested interest in equipment and/or real property which, when purchased, exceeds $5,000 in value. If a title is issued for the equipment and/or real property, the federal agency must be listed on the title.

c. The SUBRECIPIENT must maintain property records, which include, but are not limited to, the description, serial number or other identification number, acquisition date, cost, location, percentage of federal participation in the cost of the property, use and condition of the property. When the property is disposed of, the property records must be updated with the date of disposal and sale price of the property.

d. A physical inventory is required at least once every two years.

e. If the equipment and/or real property are to be sold or used as a trade-in, approval of the RECIPIENT is required.

f. At the end of the award period, the SUBRECIPIENT is required to request from the RECIPIENT disposal instructions and is required to notify the RECIPIENT of the fair market value of the equipment and/or real property.

2. Insurance Coverage

The SUBRECIPIENT will carry sufficient insurance coverage to protect all assets required under the AGREEMENT from loss due to theft, fraud and/or undue physical damage. SUBRECIPIENT shall carry insurance on its own assets in commercially reasonable amounts and all statutorily required insurance, including without limitation Workers' Compensation insurance.

3. Intellectual Property

a. Anything by whatsoever designation it may be known, that is produced by, or developed in connection with this AGREEMENT shall become the exclusive property of the RECIPIENT and may be copyrighted, patented or otherwise restricted as provided by Florida or federal law. Neither the SUBRECIPIENT nor any individual employed under this AGREEMENT shall have any proprietary interest in such property.

b. With respect to each Deliverable that constitutes a work of authorship within the subject matter and scope of U.S. Copyright Law, 17 U.S.C. Sections 102-105, such work shall be a "work for hire" as defined in 17 U.S.C. Section 101 and all copyrights subsisting in such work for hire shall be owned exclusively by the RECIPIENT.

c. In the event it is determined as a matter of law that any such work is not a "work for hire," SUBRECIPIENT shall immediately assign to the RECIPIENT all copyrights subsisting therein for the consideration set forth in the AGREEMENT and with no additional compensation.

d. The foregoing shall not apply to any preexisting software, or other work of authorship used by SUBRECIPIENT to create a Deliverable but which exists as work independent of the Deliverable, unless the preexisting software or work was developed by SUBRECIPIENT pursuant to a previous AGREEMENT with the RECIPIENT or by a purchase by the RECIPIENT under a state term contract.

F. MATCHING OR COST SHARE (IF APPLICABLE)

1. The matching or cost share portion must be tracked using a unique identifier in the SUBRECIPIENT accounting system.

2. If the matching or cost share portion is not met, the RECIPIENT may disallow costs paid with federal funds in proportion to the reduction in the matching or cost share amount.

3. The matching or cost share portion must be incurred in direct proportion to the amount of federal funds used.

4. The matching or cost share portion must be reported based upon the Budget Plan submitted with the APPLICATION.

5. Records for in-kind contributions, which are based upon volunteer hours, must have timesheets or a sign in/sign out log and must explicitly state the method for valuation of the hours. The value must be reasonable.

6. Records for in-kind contributions, which are based upon goods or services provided, must have an invoice, if available, or must explicitly state the method for the valuation. The value must be reasonable.

7. In-kind contributions must be provided by a third party during the period for which they are being claimed.

8. The matching or cost share portion must not be counted towards other cost sharing requirements. Neither costs nor values of third party in-kind contributions may count if they have been used towards other cost sharing requirements.

G. GENERAL PROCUREMENT STANDARDS

1. The SUBRECIPIENT will follow the same policies and procedures it uses for procurements from other funding sources.

2. The SUBRECIPIENT must have documented procurement procedures.

3. The SUBRECIPIENT must have written policies on standards of conduct covering conflicts of interest. No employee, officer, or agency may participate in the selection, award or administration of a contract supported by federal funds if he or she has a real or apparent conflict of interest.

H. PERFORMANCE MONITORING AND REPORTING

1. The SUBRECIPIENT shall submit detailed quarterly reports using the format and content shown on the RECIPIENT's

performance progress report. The performance progress report is downloadable from **http://forms.freshfromflorida.com/02018.pdf**.

2. In the event the AGREEMENT is terminated, the SUBRECIPIENT shall furnish a report detailing progress made under this AGREEMENT through the date of termination within twenty (20) days of termination.

3. The SUBRECIPIENT shall cooperate in all on-site reviews from the RECIPIENT, its authorized representatives or federal government personnel.

4. The review personnel will be given full and complete access during normal business hours to all information related to the performance of this AGREEMENT to ensure compliance with project activities and statutes, regulations and rules.

5. The RECIPIENT will give 48 hours of notice of any on site review.

6. The SUBRECIPIENT shall make available all personnel involved in the performance of work on this AGREEMENT.

7. Failure to correct substandard performance within thirty (30) days after written notice from the RECIPIENT shall result in suspension and/or termination of the AGREEMENT.

I. RECORD RETENTION AND ACCESS

1. Retention Requirements for Records

   a. Upon reasonable notice, the RECIPIENT shall have access to the SUBRECIPIENT'S records during normal business hours.

   b. The SUBRECIPIENT shall maintain all records pertinent to the activities to be funded under this AGREEMENT for a period of five (5) years after final payment is received and for such additional period as may be required until all claims, litigation and appeals pertaining or related to the AGREEMENT have been completely resolved.

2. Public Access to Records

   The SUBRECIPIENT shall comply with all applicable requirements of Chapter 119, Florida Statutes.

IF THE SUBRECIPIENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE SUBRECIPIENTS'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS:

OFFICE OF GENERAL COUNSEL
407 SOUTH CALHOUN STREET, SUITE 520
TALLAHASSEE, FL 32399
PHONE: (850) 245-1000
EMAIL: PRCUSTODIAN@FRESHFROMFLORIDA.COM

J. REMEDIES FOR NONCOMPLIANCE

1. Prior to the exercise of any remedy provided for herein, the RECIPIENT shall provide thirty (30) calendar days written notice of default and shall provide the SUBRECIPIENT the opportunity to cure such failure or default within said thirty (30) day period. Upon the failure or inability to cure, the RECIPIENT shall have all rights and remedies provided at law or in equity, including without limitation the following:

   a. Temporarily withhold cash payments pending correction of the deficiency by the SUBRECIPIENT.

   b. Disallow all or part of the cost of the services not in compliance.

   c. Wholly or partly suspend or terminate this AGREEMENT.

2. Termination

   a. The RECIPIENT may suspend or terminate this AGREEMENT if the SUBRECIPIENT:

      (1) Fails to comply with any applicable rules, regulations or provisions referred to herein, or any other applicable state or federal statutes, rules, regulations, executive orders, federal guidelines, policies or directives;

      (2) Fails, to timely fulfill its obligations under the AGREEMENT;

      (3) Improperly or illegally uses funds provided under this AGREEMENT; or

      (4) Submits reports that are incorrect in any material respect.

b. This AGREEMENT may be terminated for convenience by either party upon giving not less than thirty (30) days advance written notice to the other party. SUBRECIPIENT shall be paid for all work satisfactorily performed prior to the date of termination provided SUBRECIPIENT has otherwise complied with the terms of this AGREEMENT, including the submission of all reports.

K. CLOSE OUT

1. Notwithstanding the termination or expiration of this AGREEMENT, the SUBRECIPIENT'S obligations to the RECIPIENT shall survive until all close out requirements are completed. Close out activities shall include but are not limited to: completing and submitting final reports, properly disposing of property, accounting for unspent cash advances and program income and transferring custodianship of records to RECIPIENT or its designee.

2. Post-close Out Adjustments

   Any funds paid in excess of the amount to which the SUBRECIPIENT is entitled under the AGREEMENT must be refunded to the RECIPIENT within thirty (30) days after demand therefore by RECIPIENT.

L. AUDIT REQUIREMENTS

1. Audit Provisions

   a. If the SUBRECIPIENT is a state or local government or a nonprofit organization, the audit provisions as defined in 2 CFR, Part 200 Subpart F are applicable.

   b. If the SUBRECIPIENT is a commercial organization (For-Profit), the organization will provide the RECIPIENT with its annual audited financial statement or the annual tax return provided to the Internal Revenue Service.

   c. Audit provisions are not required for a SUBRECIPIENT who is an individual.

   d. In the event that the SUBRECIPIENT expends $750,000 or more in federal awards in its fiscal year, the SUBRECIPIENT must have a single or program-specific audit conducted in accordance with the 2 CFR, Part 200 Subpart F.

e. If the SUBRECIPIENT expends less than $750,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of 2 CFR, Part 200 Subpart F is not required. Records must be available for audit or review if necessary.

f. If the SUBRECIPIENT expends less than $750,000 in federal awards in its fiscal year and elects to have an audit conducted, the cost of the audit must be paid from non-federal resources.

2. Basis for Determining Federal Awards Expended

a. In determining the federal awards expended in its fiscal year, the SUBRECIPIENT shall consider all sources of federal awards, including federal resources received from the RECIPIENT.

b. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR, Part 200 Subpart F.

3. Relation to Other Audit Requirements

a. If the SUBRECIPIENT has an audit conducted in relationship to any other federal regulation or statute, the RECIPIENT may determine upon review if the audit reports meet the needs of the RECIPIENT. If so, an additional audit will not be required.

b. An audit of the SUBRECIPIENT conducted by the Auditor General in accordance with provisions of 2 CFR, Part 200 Subpart F will meet these requirements.

c. These provisions do not limit the authority of the federal agency, Inspector General, General Accounting Office (GAO) or RECIPIENT to conduct or arrange for the conduct of audits or evaluations of federal financial assistance awards.

4. Frequency of Audits

Audits shall be performed annually to meet this requirement.

5. Sanctions

If the SUBRECIPIENT is unwilling or has a continued inability to have an audit conducted, the provisions for noncompliance will be enforced.

6. Subrecipient Responsibilities

   a. The SUBRECIPIENT shall arrange for the audit to be conducted in a timely manner and submitted as required in 2 CFR, 200.512.

   b. The SUBRECIPIENT shall prepare the financial statements in accordance with 2 CFR, 200.510.

   c. The SUBRECIPIENT shall promptly follow up and take corrective action on audit findings.

   d. The SUBRECIPIENT will provide the auditor with access to records, personnel, documentation and other information as needed by the auditor.

7. Audit Findings Follow-up

   a. At the completion of the audit, the SUBRECIPIENT must prepare, in a document separate from the auditor's findings a corrective action plan to address each audit finding included in the current year auditor's reports.

   b. The corrective action plan must provide the name(s) of the contact person(s) responsible for corrective action, the corrective action planned and the anticipated completion date.

   c. If the SUBRECIPIENT does not agree with the audit findings or believes corrective action is not required, then the corrective action plan must include an explanation and specific reasons.

   d. Any deficiencies noted in audit reports must be fully cleared by the SUBRECIPIENT within thirty (30) days after receipt by the SUBRECIPIENT.

   e. Failure of the SUBRECIPIENT to comply with the above requirement will constitute a violation of this AGREEMENT and may result in the withholding of future payments.

8. Report Submission

   a. The audit must be completed and the data collection form and reporting package must be submitted within the earlier of thirty (30) calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. If the due date falls on a Saturday,

Sunday, or Federal holiday, the reporting package is due the next business day.

b. The SUBRECIPIENT must submit required data elements described in Appendix X to 2 CFR, Part 200 - Data Collection Form (SF-SAC), which states whether the audit was completed in accordance with this part and provide information about the SUBRECIPIENT, its federal programs and the results of the audit.

c. A senior representative of the SUBRECIPIENT must sign a statement to be included as part of the data collection that the SUBRECIPIENT has complied with the audit requirements, the data was prepared in accordance with 2 CFR, 200.512, the reporting package does not include protected personally identifiable information, the information is accurate and complete and the reporting package and form will be publicly available on the web.

d. The SUBRECIPIENT shall also submit to the RECIPIENT's Grant Manager one copy of the audit report, reporting package, any management letter issued by the auditor and data collection form described in Appendix X to 2 CFR, Part 200.

e. The SUBRECIPIENT is required to use the internet submission form on the Federal Audit Clearinghouse (FAC) website. The FAC website is located at **http://harvester.census.gov/fac/**.

f. The SUBRECIPIENT shall ensure that audit working papers are made available to the RECIPIENT, or its designee, Chief Financial Officer or Auditor General upon request for a period of five (5) years from the date the audit report is issued, unless extended in writing by the RECIPIENT.

M. GENERAL CONDITIONS

1. Nothing contained in the AGREEMENT is intended to, or will be construed in any manner, as creating or establishing the relationship of principal and agent or employer and employee between the parties. The SUBRECIPIENT will at all times remain an independent contractor with respect to the services to be performed under the AGREEMENT.

2. Any changes to the AGREEMENT require the written approval of each party's authorized official.

3. The RECIPIENT shall have the right of unilateral cancellation for refusal by the SUBRECIPIENT to allow public access to all documents, papers, letters or other material made or received by the SUBRECIPIENT in conjunction with the AGREEMENT, unless the records are confidential or exempt from s. 24(a) of Article I of the State Constitution and s. 119.07(1), Florida Statutes.

4. The SUBRECIPIENT is informed that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a SUBRECIPIENT, supplier, subcontractor, or consultant under a contract with any public entity and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

5. The CONTRACTOR shall not discriminate on the basis of race, sex, religion, color, national origin age or disability and shall comply with all applicable state and federal laws and regulations related thereto, including without limitation, the Americans with Disabilities Act (42 USC 12101 et. Seq.); Section 504 of the Rehabilitation Act of 1973 (29 USC 795); and the Age Discrimination Act of 1975 (42 USC 6101-6107.

6. The SUBRECIPIENT is informed that the employment of unauthorized aliens by any SUBRECIPIENT is considered a violation of Section 274A (e) of the Immigration and Nationality Act. If the SUBRECIPIENT knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of the AGREEMENT.

7. The SUBRECIPIENT is informed that an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a SUBRECIPIENT, supplier, subcontractor, or consultant under contract with any public entity and may not transact business with any public entity.

8. This AGREEMENT is contingent upon the availability of funding from the federal agency. The AGREEMENT may be terminated if funding from the federal agency is reduced or terminated.

9. The SUBRECIPIENT certifies that neither it, nor its principals, is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency; and, that the SUBRECIPIENT shall not knowingly enter into any lower tier contract, or other covered transaction, with a person who is similarly debarred or suspended from participating in this covered transaction.

10. Any work or services subcontracted by the SUBRECIPIENT shall be specifically by written contract or agreement, and such subcontracts shall be subject to each provision of this AGREEMENT and applicable Federal, State or County guidelines and regulations. Prior to execution by the SUBRECIPIENT of any subcontract hereunder, the SUBRECIPIENT must submit such subcontracts to the RECIPIENT for its review and approval.

11. The SUBRECIPIENT will, to the extent permitted by law, hold harmless, defend and indemnify the RECIPIENT from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the SUBRECIPIENT's performance or nonperformance of the services or subject matter called for in this AGREEMENT. Nothing herein contained shall be construed or operate as a waiver of sovereign immunity to the extent sovereign immunity may otherwise apply.

12. The SUBRECIPIENT will comply with section 20.055, Florida Statutes.

N. PLANTING AND MAINTENANCE (IF APPLICABLE)

For installed tree or plant materials, a sixty (60) day grow-in-period and a Certification of Acceptance will be required after the project is completed. The planting and maintenance terms of this AGREEMENT start on the date of the Certification of Acceptance and continue for a period of three (3) years.

SUBRECIPIENT agrees to repair, or remove and replace at its expense, all or part of the project that falls below Standards. SUBRECIPIENT agrees to take basic precautions and actions as necessary to keep trees and plants free of disease and harmful insects. In the event any part or parts of the project, including all trees and plants, must be removed and replaced for

any reason, replacements must meet the same grade, size, quality and other requirements as stipulated in the original plans and specifications.

SUBRECIPIENT will at all times maintain a safe work area and be responsible for oversight of litter and debris removal. Keep the grounds free of weeds. Mow or cut grasses to the proper length.

The above referenced responsibilities and functions to be performed by SUBRECIPIENT are subject to periodic inspections by the RECIPIENT. It is the intent of the parties that SUBRECIPIENT will be the owner of the plantings and other installations included in the grant application.

1. **Planting**

Site Factors: Site factors influence long-term survivability. Check each site for mechanical, irrigation lines, electrical overhead and underground utilities, sidewalks, sign conflicts, traffic visibility, light poles, rights-of-way, all hardscape improvements, site size, water table and specific tree space requirements.

Start with Quality Grade Trees: All planting stock or replacement stock must be Florida Grade #1 or better. Select trees with a quality trunk form, branch arrangement and canopy uniformity.

Tree Shipping, Handling and on-site Storage: Trees should be protected during shipping by a tarp or shipped in an enclosed truck. Trees should never be lifted by the trunk. Lift using root ball straps or container handles. On the jobsite, store trees upright, in the shade, and irrigate twice daily with 5 gallons per caliper inch applied to the root ball until planting. Inspect root system quality. Check for kinked and/or circling roots. Do not store trees on asphalt.

Tree Preparation: All synthetic or non-biodegradable material such as nylon rope, synthetic wrap, treated burlap; black weed cloth liner, plastic wrap, string, strapping etc., must be removed from the root ball before planting. Remove all biodegradable material from the upper 1/3 of the root ball.

Cut or shave circling roots before planting. Prune roots that circle or dive into soil. These roots could cause stability and health problems later.

Take precautions to separate materials extending above the soil surface where they can act as a wick and dry the surrounding soil.

If trees are planted with wire baskets around the root ball, the top two tiers of wire should be cut and removed after the root ball is set in the planting hole.

Planting Hole Preparation: The planting hole should be at least three times the diameter of the root ball (where possible). Tree pit depth should be at or slightly less than the depth as the root ball. Place planting ball on existing soil so the tree will not settle. In no case should the trunk flair or first root emerging from the trunk be below the soil level.

Remove large rocks from the hole. Place the tree or palm in the center of the planting tree pit. Position the top of the root ball at or slightly above the surrounding soil surface.

Check to ensure the tree is positioned straight in the hole. Backfill with non-contaminated existing soil. When the hole is half full, slowly water and work the saturated soil.

Place no soil over the root ball at planting. Use of large amounts of organic matter in the backfill is not recommended. Secure the soil around the roots, and provide nourishment, water immediately after planting with 5 gallons of water per caliper inch. Rake the soil evenly around the entire planting area.

2. **Finishing Planting**

Mulch: Mulch an area at least two feet or three times the diameter of the root ball to a depth of 2-4" with wood chips, bark mulch, shredded mulch, leaves or pine needles. Keep the mulch several inches away from the tree or palm trunk. Do not pile mulch directly against the tree trunk. Replenish mulch as it decomposes maintaining a 2-4" layer over the life of the project.

Staking: Stake only if necessary; for example, if the tree or palm will not stand on its own due to potential vandalism or strong winds. For palm staking and bracing: Wrap 5 layers of burlap under wood battens connected with steel bands. Adjust wood brace length to fit palm pounded into the ground then, toenail to the battens.

Use commercially available elastic materials for strapping or ties equally placed around the tree that allows for movement and increases in tree diameter. Biodegradable material is recommended. Do not use wire even if the wire is inside rubber hosing. Stakes and ties should remain on the trees no longer than one year to avoid girdling.

Pruning: At the time of planting, remove only dead, diseased, damaged, rubbing, cross braches or fronds. After planting, remove sucker sprouts observed around the base of the tree.

Begin corrective/structural pruning approximately one year after planting. When pruning, do not remove more than 1/3 of the live crown during any one growing season.

Watering: Start a regular watering schedule and follow it. Slow deep watering is recommended. Additional water will be needed during hot or dry periods. Promote tree root growth and stability by watering outward away from the trunk to the surrounding soil area. As the tree or palm establishes itself and grows, watering adjacent soil encourages root spread.

Different species of trees or palms and/or soil types need various degrees of watering. Monitor soil moisture, evaluate tree health and adjust irrigation schedules as needed. Non-irrigated sites need to be watched more closely.

Fertilizing: Begin a fertilization program in the first year of planting. Broadcast fertilizing or fertilizer plugs or stakes are recommended. Fertilize lightly after the first year. Administer a balanced fertilizer. Fertilizer application rates should be based on the size of the tree or palm and their specific nutrient requirements. If micronutrient deficiencies are suspected, conduct a soil test, assess the results and revise the fertilization scheme.

This AGREEMENT may be amended at any time provided that such amendments make specific reference to this AGREEMENT and are executed in writing and signed by a duly authorized representative of each party.

In the event that two or more documents combine to form this AGREEMENT, and in the event that there is any contradictory or conflicting clause or requirement in these documents, the provisions of the document(s) prepared by the RECIPIENT shall be controlling.

This AGREEMENT shall be controlled by Florida law, contrary or conflict of law provisions notwithstanding.

In the event that any clause or requirement of this AGREEMENT is contradictory to, or conflicts with the requirements of Florida law, the clause or requirement shall be without force and effect and the requirements of the Florida Statutes and rules promulgated thereunder on the same subject shall substitute for that clause or requirement and be binding on all parties hereto.

Special Conditions: See attachment_____ or _____ N/A

This AGREEMENT constitutes the entire AGREEMENT between the RECIPIENT and the SUBRECIPIENT for the use of the funds received under this AGREEMENT.

The Grant Manager for the RECIPIENT is Lou Shepherd and is located at Florida Forest Service, 3125 Conner Boulevard, C-25, Tallahassee, Florida, 32399-1650.

The Grant Manager for the SUBRECIPIENT is Kelly Gibson and is located at City of Fernandina Beach, 204 Ash Street, Fernandina Beach, Florida, 32034.

Federal resources awarded to the SUBRECIPIENT pursuant to this agreement are from the U.S. Department of Agriculture/U.S. Forest Service, federal financial assistance funding opportunity under FAIN #16-DG-11083112-001 and Catalog of Federal Domestic Assistance number 10.664, Cooperative Forestry Assistance.

Signed by parties to this AGREEMENT:

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES	SUBRECIPIENT
Signature	Signature
Director of Administration Title	City Manager Title
9-23-16 Date	10/24/16 Date

ATTEST:
By: Caroline Best
Printed Name: Caroline Best
Title: City Clerk
Date: 10/26/2016

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

ATTACHMENT A
2016 FLORIDA URBAN AND COMMUNITY FORESTRY GRANT

SCOPE OF WORK

GENERAL INSTRUCTIONS: Please complete all items pertaining to the Category Grant for which you are applying. The proposal packet must not exceed thirty (30) one sided pages, including attachments. All attachments must be 8 1/2" X 11". **Six (6) copies, (one copy with original signatures and five copies) of the proposal must be received no later than 2:00 p.m., March 31, 2016, at:**

Florida Department of Agriculture and Consumer Services
Purchasing Office - **U&CF - 2016 PROPOSAL**
407 South Calhoun Street
Mayo Building - Room SB-8
Tallahassee, FL 32399-0800
Telephone (850) 617-7181

If you have any questions, please see **ATTACHMENT M, District/Center Contacts.**

PROPOSER INFORMATION (Please Print or Type)

Project Title: Tree Survey & Master Plan Update

Proposer Name: City of Fernandina Beach

Name and Title of Contact Person: Kelly Gibson, Senior Planner

Address: 204 Ash Street, Fernandina Beach, FL

Zip: 32034 Phone: 904-310-3141 US Congressional District Number: 4th

FEID Number: 59-6000317 DUNS Number: 079192274

Email address: kgibson@fbfl.org

Is your organization a Non-profit corporation pursuant to Chapter 617, Florida Statutes? Yes____ No X

If the applicant is a **city or county government**, does your urban forestry program have the following:

Professional Staff, in-house or contracted. List qualifications such as ISA certification, forestry degree, etc:
No one in-house. City will contract with professional firm.

Citizen Tree Advisory Board or Tree Advocacy Group. Describe: Amelia Tree Conservancy

Urban Tree Inventory or Management Plan, how current? 2009

Tree Ordinance covering either public or private lands, describe: Both, LDC Sections 4.05.09, 11.08.04

As the duly authorized representative of the Proposer named above, I hereby certify that all parts of the proposal and required grant information have been read and understood and that all information submitted herein is true and correct.

Authorized Executive Officer: Dale L. Martin

Title: City Manager

Signature: Dale L. Martin Date: March 30, 2016

ATTACHMENT A (CONTINUED)

Describe the local community and current urban forestry program, and role of applicant in that program if a non-profit group: The City of Fernandina Beach is a coastal community located on a barrier island, and has a population of approximately 12,000 residents. Development pressure is constant as coastal lands become increasingly sought after and off-island development continues to occur. The City and its citizens have a strong commitment to their urban forest as evidenced by the development and support of the current tree ordinance, Heritage Tree Program, and local non-profit tree advocacy group, the Amelia Tree Conservancy (established in 2013).

Previous UCF Grants received by the applicant. When were they implemented and what did they accomplish? In 2009, the City completed an inventory of a portion of the City's street and public space trees using UCF grand dollars. The existing inventory contains 7,000 trees and covers City's streets and public open space north of Sadler Road. The study used i-Tree software to quantify the dollar value of the annual environmental and aesthetic benefits of City trees in the inventory and totals $56,637,455. The management plan is used by multiple departments to care for the City's trees by identifying hazard trees and prioritizing maintenance tasks. It also funded education and training to City personnel.

Describe the goals and objectives of this project:

1. To complete a comprehensive tree inventory of the City's street and public space trees with the goal of providing tree data that will allow City personnel to manage the existing tree stock in an efficient manner.
2. To update the 3-5 year management plan of the City's urban forest with the goal of providing a long-term framework for City personnel to effectively manage tree infrastructure.
3. To provide education and training to City personnel through a comprehensive training package for City tree workers with the goal of increasing practical knowledge regarding proper tree care and maintenance.

Describe how this project will help to develop and improve this program in the long-term: Completion of this project will serve as the foundation for the future management of the City's urban forest. The City's current UCF program is in its initial stages and requires completion in order to move forward.

Describe why these funds are needed to complete this project: The City is small and has limited resources. Its ad valorem tax dollars have been allocated to address other needs and therefore the City must look to grants and other sources of financial support in order to fund important projects.

For a tree planting: Describe what species are being planted and why. How will they be installed and maintained (be brief and concise, but complete): N/A

What environmental or educational value will the community derive from this project? Environmental benefits of the project include the removal of hazard trees, corrective pruning, tree protection, and plant health care. Educational benefits of the project include arborist training, pruning, and tree preservation techniques.

What steps have been taken to carry out this project in a cost effectiveness manner? Receipt of grant funding for this project will provide the City with a complete community forestry program. Grant funding will allow the City to take a proactive approach with its UCF program through a comprehensive and unified management plan based on inventory data, education, and training.

How will this project increase citizen involvement and support for the community's urban forestry program in the long term? What evidence of community support for this project can be produced? The management plan will detail management practices, provide guidance for City staff in coordinating resources, document the remainder of City's public tree inventory, and maintenance needs for 3-5 years. This results-oriented approach towards the urban forest will strengthen public relations and increase both citizen involvement and support for the UCF program. Community support of this project is evidenced by the Resolution from the City Commission and letters of support.

How will this project be publicized in the local community? City personnel will work with the media to publicize the positive effects and long-term benefits of the grant. The City will send press releases to the local print media and post information about the grant project on its website, social media outlets, and the City maintained cable access channel.

Tree City USA certification and growth award, last year current? Fernandina Beach is a Tree City USA Community and has received this national recognition for 14 years. To date, the City has not received a growth award.

Will a Certified Arborist(s) or a graduate forester from an accredited four-year Bachelor of Science in Forestry program oversee this project? If not, who will provide oversight and what are their credentials? Kelly N. Gibson, AICP will oversee the project. Although she is not a certified arborist, Ms. Gibson has been the primary staff for almost nine (9) years. She oversees the daily tree permitting, coordinates the annual Arbor Day, and prepares the Tree City USA application.

What new partnerships will the project create or encourage? Although no new partnerships have been identified at this time, the City hopes to continue its relationship with the Amelia Tree Conservancy.

BID NUMBER: RFP/FFS-15/16-71 **OPENING DATE: MARCH 31, 2016 @ 2:00 P.M.**

ATTACHMENT B

BUDGET

Activity: Local Government Program Development

Specific Description: Tree Inventory, Management Plan Update, and Training

SUMMARY OF COSTS (A 50/50 match on behalf of the Proposer is required)

	REQUESTED GRANT $	LOCAL MATCH $
Personnel		$ 4,049.40
Fringe Benefits		289.10
Equipment (if authorized)		
Supplies		
Contractual (if authorized)	~~25,375.00~~ $21,000.00	~~18,499.00~~ $16,661.50
Trees		
Overhead (5% for match)		~~2,537.50~~
Total Requested Grant (I)	~~$25,375.00~~ $21,000.00	
Total Matching Costs (II)		$ ~~25,375.00~~ 21,000.00
Total Program Costs (III)	~~$50,750.00~~	$42,000.00

Add columns I and II for total III (100%)

50 % Grant request 50 % Local match

A BUDGET, DETAILING ALL COSTS IDENTIFIED ABOVE MUST BE ATTACHED.

PROJECT LOCATION INFORMATION (Please print or type - complete where applicable)

County: Nassau

Describe the Specific Location of the Project: City-wide within City limits

Who has responsibility for overseeing Project implementation (name and title)? Ms. Kelly Gibson, Senior Planner

Who has maintenance responsibility for the Project after completion? Mr. Rex Lester, Streets & Parks Director

Is the Land Ownership Public or Private? Public

Name of Landowner: City of Fernandina Beach

Project Title: Tree Survey & Master Plan Update

Applicant Name: City of Fernandina Beach

BID NUMBER: RFP/DM 15/16 **OPENING DATE:**

(BUDGET CONTINUED)

Please note: All proposals must include a detailed itemized budget summary which lists all anticipated expenditures and explains all project costs. Proposals for site specific demonstration tree planting projects must list the quantity, species and approximate size (container size, or caliper and height) of trees to be planted.

IMPORTANT: THIS FORM MUST BE USED. PROPOSERS NOT USING THIS FORM WILL BE RULED INELIGIBLE

COST ITEMS	QUANTITY	RATE OR PRICE	GRANT COST	MATCH COST
Personnel (List titles or positions)				
Senior Planner	70 hours	$30.64	$ 0.00	$ 2,144.80
Streets & Parks Director	20 hours	36.79	0.00	735.80
Grants Administrator	40 hours	29.22	0.00	1,168.80
Fringe Benefits				
Senior Planner	70 hours	.159	0.00	11.13
Streets & Parks Director	20 hours	5.852	0.00	117.05
Grants Administrator	40 hours	4.023	0.00	160.92
Equipment (List items)				

BID NUMBER: RFP/DM 15/16 **OPENING DATE:**

COST ITEMS	QUANTITY	RATE OR PRICE	GRANT COST	MATCH COST
Supplies (List items)				
Contractual (List)				
Tree Survey	1	$ 36,124.00	$17,500.00 $~~21,875.00~~	$ ~~14,249.00~~
Master Plan Update	1	3,500.00	3,500.00	$16,661.50 0.00
Training	1	4,250.00	0.00	~~4,250.00~~

BID NUMBER: RFP/DM 15/16 **OPENING DATE:**

COST ITEMS	QUANTITY	RATE OR PRICE	GRANT COST	MATCH COST
Trees (List species and size)				
Overhead (5% of grant for match)				~~$ 2,537.50~~
Total			$21,000.00 ~~$25,375.00~~	$21,000.00 ~~25,375.00~~

* Grant dollars may not be used to purchase food as supplies.

FLORIDA FOREST SERVICE
(850) 681-5800

THE CONNER BUILDING
3125 CONNER BOULEVARD
TALLAHASSEE, FLORIDA 32399-1650

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

COMMISSIONER ADAM H. PUTNAM

October 5, 2016

Ms. Kelly Gibson
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

RE: Contract Number 23868

Dear Ms. Gibson:

Enclosed are two copies of a contract which need to be signed. Once signed, please return one copy to me and keep one copy for your records.

Should you have any questions, please don't hesitate to call me at (850)681-5872.

Sincerely,

Kelly Boutwell

Kelly Boutwell
Florida Forest Service

Enclosures (2)

RESOLUTION 2016-36

SCANNED SKB

Florida Department of Agriculture and Consumer Services
Division of Administration

FDACS CONTRACT #
023868

ADAM H. PUTNAM
COMMISSIONER

FEDERAL FINANCIAL ASSISTANCE SUBRECIPIENT AGREEMENT

This Federal Financial Assistance Subrecipient Agreement ("AGREEMENT") made and entered into this _____ day of_____, 20___ by and between the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, ("RECIPIENT"), and the City of Fernandina Beach, ("SUBRECIPIENT"). The SUBRECIPIENT shall perform the Scope of Work as outlined in Attachment A, hereby incorporated and attached hereto.

The Department of Management Services' designated United Nations Standard Products and Services Code (UNSPSC) is 70151500.

A. SUBAWARD AMOUNT

The total award amount for satisfactorily completing the Scope of Work is $21,000.00 with a 1:1 match required (refer to section F - MATCHING OR COST SHARE). In no event shall the RECIPIENT be liable for payment of any amount, which exceeds the total award amount.

B. EFFECTIVE DATE/TERM

1. The effective date of this AGREEMENT shall commence upon execution and, unless sooner terminated or canceled, shall end on the 30th day of September of 2017 ("Term").

2. No-cost extensions require the prior written approval of the RECIPIENT and must be submitted not less than sixty (60) days prior to the end of the Term. Extension requests, which exceed the federal agency award period, will not be granted.

C. UNIVERSAL IDENTIFIER AND SYSTEM OF AWARD MANAGEMENT

1. The SUBRECIPIENT shall comply with 2 CFR, Part 25, "Financial Assistance Use of Universal Identifier and System of Award Management" (SAM). The SUBRECIPIENT must register and maintain a registration in SAM until submittal of the final financial report. A data universal numbering system (DUNS) number is required for registration in SAM.

2. Compliance with 2 CFR, Part 25 is not required for individuals.

D. FINANCIAL AND PROGRAM MANAGEMENT

1. Statutory and National Policy Requirements

   a. All expenditures of federal financial assistance under the AGREEMENT shall be in compliance with all applicable laws, rules and regulations applicable to expenditures of federal funds.

   b. The SUBRECIPIENT shall implement applicable National Policy Requirements.

2. Deliverables

   The SUBRECIPIENT must provide quantifiable, measureable and verifiable units of Deliverables (Deliverables) which must be received and accepted in writing by the RECIPIENT before payment. Deliverables must be directly related to the Scope of Work; specify minimum levels of service to be performed; and contain criteria for evaluating the successful completion of each Deliverable. The Deliverables are set forth in Attachment A, Scope of Work, as incorporated by reference and attached hereto.

3. Financial Management

   a. The SUBRECIPIENT shall maintain an accounting system and a set of accounting records, which allow for the identification of revenues and expenditures related to this AGREEMENT.

   b. The SUBRECIPIENT shall comply with 2 CFR, Part 200 and adhere to the accounting principles and procedures required therein, use adequate internal controls and maintain necessary source documentation for all costs incurred.

4. Reimbursement Requests

   a. The allowability of costs shall be in accordance with the federal financial assistance cost principles applicable to the SUBRECIPIENT and terms of this AGREEMENT.

   b. The SUBRECIPIENT shall submit the payment request packet to the RECIPIENT's grant manager not more often than monthly, but not less often than quarterly. To be eligible for reimbursement, costs shall be allowable,

necessary and reasonable, and must be submitted by budget category consistent with the budget plan submitted with the SUBRECIPIENT APPLICATION.

c. All reimbursement requests must be submitted using the RECIPIENT's standard payment request packet and provide supporting documentation for each cost. An authorized SUBRECIPIENT representative shall sign the certifications on the payment request packet submitted.

d. The payment request packet is downloadable from http://forms.freshfromflorida.com/02019.pdf.

e. A SUBRECIPIENT whose federal financial assistance grant provides an online reimbursement system for reporting reimbursement details shall use the online reimbursement system instead of the payment request packet.

f. Bills for any authorized travel expenses shall be submitted and paid in accordance with the rates specified in Section 112.061, Florida Statutes, governing payments by the State for travel expenses. Any travel expenses must be specified in the Budget Plan and Scope of Work.

g. **Travel and per diem costs are not allowable under this contract.**

h. No advance payments are allowed.

5. Payment of Reimbursement Requests

a. Payment for allowable, necessary and reasonable costs shall be made within thirty (30) days after acceptance by the RECIPIENT. Payment request packets returned to the SUBRECIPIENT due to omissions or preparation errors will result in a payment delay.

b. Payment requests for a percentage of work completed on each task deliverable are allowed.

c. Payment is contingent upon the availability of funding from the federal agency and SUBRECIPIENT'S compliance with the terms and conditions of this AGREEMENT.

d. The final payment under this AGREEMENT shall be made upon completion of the Scope of Work including all deliverables and the receipt and approval of all reports required hereunder.

(1) Reimbursement Request Form with required backup documentation.

(2) Final report summarizing what was accomplished with the grant funding.

(3) Copy of a news release that will be submitted to a local publication crediting the U.S. Forest Service for providing funding.

(4) Certification of Acceptance executed by a Florida Forest Service official.

The SUBRECIPIENT must submit the final claim for reimbursement to the RECEIPIENT on or before 30 days from the end of the term of the contract.

e. Disallowance or adjustments due to audit findings may require the SUBRECIPIENT to return funds to the RECIPIENT. The SUBRECIPIENT is solely responsible for reimbursing the RECIPIENT for amounts incorrectly paid to the SUBRECIPIENT.

6. Program Income

a. "Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under federal awards, the sale of commodities or items fabricated under a federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with federal award funds". 2 CFR, 200.80

b. The SUBRECIPIENT must report to the RECIPIENT any program income received or anticipated from the activities performed under this AGREEMENT.

7. Revision of Budget Plan

a. The Budget Plan, Attachment B, Budget, as incorporated by reference and attached hereto, lists costs and budget categories to fund the SUBRECIPIENT'S performance of the Scope of Work, including the completion of Deliverables.

b. SUBRECIPIENT is required to report any transfers from one approved budget category to another approved budget category. If the cumulative budget transfers meet or exceed ten percent (10%), prior approval, evidenced by contract amendment, is required.

c. Prior approval, evidenced by contract amendment, is required for:

(1) any transfers from an approved budget category to an unapproved budget category. An unapproved budget category is defined as having no funds allocated in the original Budget Plan.

(2) any equipment purchases not noted in the original Budget Plan and/or Scope of Work.

(3) any subawarding or contracting out of any work not noted in the original Budget Plan and/or Scope of Work.

8. Revision of Scope of Work

The SUBRECIPIENT shall report any changes to the Scope of Work including but not limited to changes in the objectives, changes in key personnel, reduction of work effort by key personnel and delays in completion of the work.

9. Acknowledgements

The SUBRECIPIENT shall have an acknowledgement of the USDA Forest Service's support placed on any publication written or published or audiovisual produced with grant support and, if feasible, on any publication reporting the results of, or describing, a grant-supported activity, or audiovisuals produced with grant support. This requirement does not apply to audiovisuals produced as research instruments or for documenting experimentations or findings and not intended for presentation or distribution to the public. Minimum verbiage requirement is as follows: *"This publication made possible through a grant from the USDA Forest Service in cooperation with the Florida Forest Service."*

Publication means a published book, periodical, pamphlet, brochure, flier, or similar item.

Audiovisual means a product containing visual imagery or sound or both.

The SUBRECIPIENT acknowledgement must contain a disclaimer that says: "Any opinions, findings, conclusions, or recommendations expressed in this publication or audiovisual

are those of the author(s) and do not necessarily reflect the view of the USDA Forest Service".

Language shall read:

The work upon which this (insert publication or audiovisual or both) is based was funded, in whole or in part through a subrecipient grant awarded by the USDA Forest Service through the Florida Department of Agriculture and Consumer Services. The contents do not necessarily reflect the views or policies of the USDA Forest Service nor does mention of trade names, commercial productions, services or organization imply endorsement by the U.S. Government.

E. PROPERTY STANDARDS

1. Equipment and Real Property

   a. Equipment must be used in the project for which the federal funds are derived.

   b. The federal agency has a vested interest in equipment and/or real property which, when purchased, exceeds $5,000 in value. If a title is issued for the equipment and/or real property, the federal agency must be listed on the title.

   c. The SUBRECIPIENT must maintain property records, which include, but are not limited to, the description, serial number or other identification number, acquisition date, cost, location, percentage of federal participation in the cost of the property, use and condition of the property. When the property is disposed of, the property records must be updated with the date of disposal and sale price of the property.

   d. A physical inventory is required at least once every two years.

   e. If the equipment and/or real property are to be sold or used as a trade-in, approval of the RECIPIENT is required.

   f. At the end of the award period, the SUBRECIPIENT is required to request from the RECIPIENT disposal instructions and is required to notify the RECIPIENT of the fair market value of the equipment and/or real property.

2. Insurance Coverage

The SUBRECIPIENT will carry sufficient insurance coverage to protect all assets required under the AGREEMENT from loss due to theft, fraud and/or undue physical damage. SUBRECIPIENT shall carry insurance on its own assets in commercially reasonable amounts and all statutorily required insurance, including without limitation Workers' Compensation insurance.

3. Intellectual Property

a. Anything by whatsoever designation it may be known, that is produced by, or developed in connection with this AGREEMENT shall become the exclusive property of the RECIPIENT and may be copyrighted, patented or otherwise restricted as provided by Florida or federal law. Neither the SUBRECIPIENT nor any individual employed under this AGREEMENT shall have any proprietary interest in such property.

b. With respect to each Deliverable that constitutes a work of authorship within the subject matter and scope of U.S. Copyright Law, 17 U.S.C. Sections 102-105, such work shall be a "work for hire" as defined in 17 U.S.C. Section 101 and all copyrights subsisting in such work for hire shall be owned exclusively by the RECIPIENT.

c. In the event it is determined as a matter of law that any such work is not a "work for hire," SUBRECIPIENT shall immediately assign to the RECIPIENT all copyrights subsisting therein for the consideration set forth in the AGREEMENT and with no additional compensation.

d. The foregoing shall not apply to any preexisting software, or other work of authorship used by SUBRECIPIENT to create a Deliverable but which exists as work independent of the Deliverable, unless the preexisting software or work was developed by SUBRECIPIENT pursuant to a previous AGREEMENT with the RECIPIENT or by a purchase by the RECIPIENT under a state term contract.

F. MATCHING OR COST SHARE (IF APPLICABLE)

1. The matching or cost share portion must be tracked using a unique identifier in the SUBRECIPIENT accounting system.

2. If the matching or cost share portion is not met, the RECIPIENT may disallow costs paid with federal funds in proportion to the reduction in the matching or cost share amount.

3. The matching or cost share portion must be incurred in direct proportion to the amount of federal funds used.

4. The matching or cost share portion must be reported based upon the Budget Plan submitted with the APPLICATION.

5. Records for in-kind contributions, which are based upon volunteer hours, must have timesheets or a sign in/sign out log and must explicitly state the method for valuation of the hours. The value must be reasonable.

6. Records for in-kind contributions, which are based upon goods or services provided, must have an invoice, if available, or must explicitly state the method for the valuation. The value must be reasonable.

7. In-kind contributions must be provided by a third party during the period for which they are being claimed.

8. The matching or cost share portion must not be counted towards other cost sharing requirements. Neither costs nor values of third party in-kind contributions may count if they have been used towards other cost sharing requirements.

G. GENERAL PROCUREMENT STANDARDS

1. The SUBRECIPIENT will follow the same policies and procedures it uses for procurements from other funding sources.

2. The SUBRECIPIENT must have documented procurement procedures.

3. The SUBRECIPIENT must have written policies on standards of conduct covering conflicts of interest. No employee, officer, or agency may participate in the selection, award or administration of a contract supported by federal funds if he or she has a real or apparent conflict of interest.

H. PERFORMANCE MONITORING AND REPORTING

1. The SUBRECIPIENT shall submit detailed quarterly reports using the format and content shown on the RECIPIENT's

performance progress report. The performance progress report is downloadable from http://forms.freshfromflorida.com/02018.pdf.

2. In the event the AGREEMENT is terminated, the SUBRECIPIENT shall furnish a report detailing progress made under this AGREEMENT through the date of termination within twenty (20) days of termination.

3. The SUBRECIPIENT shall cooperate in all on-site reviews from the RECIPIENT, its authorized representatives or federal government personnel.

4. The review personnel will be given full and complete access during normal business hours to all information related to the performance of this AGREEMENT to ensure compliance with project activities and statutes, regulations and rules.

5. The RECIPIENT will give 48 hours of notice of any on site review.

6. The SUBRECIPIENT shall make available all personnel involved in the performance of work on this AGREEMENT.

7. Failure to correct substandard performance within thirty (30) days after written notice from the RECIPIENT shall result in suspension and/or termination of the AGREEMENT.

I. RECORD RETENTION AND ACCESS

1. Retention Requirements for Records

   a. Upon reasonable notice, the RECIPIENT shall have access to the SUBRECIPIENT'S records during normal business hours.

   b. The SUBRECIPIENT shall maintain all records pertinent to the activities to be funded under this AGREEMENT for a period of five (5) years after final payment is received and for such additional period as may be required until all claims, litigation and appeals pertaining or related to the AGREEMENT have been completely resolved.

2. Public Access to Records

   The SUBRECIPIENT shall comply with all applicable requirements of Chapter 119, Florida Statutes.

IF THE SUBRECIPIENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE SUBRECIPIENTS'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS:

OFFICE OF GENERAL COUNSEL
407 SOUTH CALHOUN STREET, SUITE 520
TALLAHASSEE, FL 32399
PHONE: (850) 245-1000
EMAIL: PRCUSTODIAN@FRESHFROMFLORIDA.COM

J. REMEDIES FOR NONCOMPLIANCE

1. Prior to the exercise of any remedy provided for herein, the RECIPIENT shall provide thirty (30) calendar days written notice of default and shall provide the SUBRECIPIENT the opportunity to cure such failure or default within said thirty (30) day period. Upon the failure or inability to cure, the RECIPIENT shall have all rights and remedies provided at law or in equity, including without limitation the following:

   a. Temporarily withhold cash payments pending correction of the deficiency by the SUBRECIPIENT.

   b. Disallow all or part of the cost of the services not in compliance.

   c. Wholly or partly suspend or terminate this AGREEMENT.

2. Termination

   a. The RECIPIENT may suspend or terminate this AGREEMENT if the SUBRECIPIENT:

      (1) Fails to comply with any applicable rules, regulations or provisions referred to herein, or any other applicable state or federal statutes, rules, regulations, executive orders, federal guidelines, policies or directives;

      (2) Fails, to timely fulfill its obligations under the AGREEMENT;

      (3) Improperly or illegally uses funds provided under this AGREEMENT; or

      (4) Submits reports that are incorrect in any material respect.

b. This AGREEMENT may be terminated for convenience by either party upon giving not less than thirty (30) days advance written notice to the other party. SUBRECIPIENT shall be paid for all work satisfactorily performed prior to the date of termination provided SUBRECIPIENT has otherwise complied with the terms of this AGREEMENT, including the submission of all reports.

K. CLOSE OUT

1. Notwithstanding the termination or expiration of this AGREEMENT, the SUBRECIPIENT'S obligations to the RECIPIENT shall survive until all close out requirements are completed. Close out activities shall include but are not limited to: completing and submitting final reports, properly disposing of property, accounting for unspent cash advances and program income and transferring custodianship of records to RECIPIENT or its designee.

2. Post-close Out Adjustments

   Any funds paid in excess of the amount to which the SUBRECIPIENT is entitled under the AGREEMENT must be refunded to the RECIPIENT within thirty (30) days after demand therefore by RECIPIENT.

L. AUDIT REQUIREMENTS

1. Audit Provisions

   a. If the SUBRECIPIENT is a state or local government or a nonprofit organization, the audit provisions as defined in 2 CFR, Part 200 Subpart F are applicable.

   b. If the SUBRECIPIENT is a commercial organization (For-Profit), the organization will provide the RECIPIENT with its annual audited financial statement or the annual tax return provided to the Internal Revenue Service.

   c. Audit provisions are not required for a SUBRECIPIENT who is an individual.

   d. In the event that the SUBRECIPIENT expends $750,000 or more in federal awards in its fiscal year, the SUBRECIPIENT must have a single or program-specific audit conducted in accordance with the 2 CFR, Part 200 Subpart F.

e. If the SUBRECIPIENT expends less than $750,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of 2 CFR, Part 200 Subpart F is not required. Records must be available for audit or review if necessary.

f. If the SUBRECIPIENT expends less than $750,000 in federal awards in its fiscal year and elects to have an audit conducted, the cost of the audit must be paid from non-federal resources.

2. Basis for Determining Federal Awards Expended

a. In determining the federal awards expended in its fiscal year, the SUBRECIPIENT shall consider all sources of federal awards, including federal resources received from the RECIPIENT.

b. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR, Part 200 Subpart F.

3. Relation to Other Audit Requirements

a. If the SUBRECIPIENT has an audit conducted in relationship to any other federal regulation or statute, the RECIPIENT may determine upon review if the audit reports meet the needs of the RECIPIENT. If so, an additional audit will not be required.

b. An audit of the SUBRECIPIENT conducted by the Auditor General in accordance with provisions of 2 CFR, Part 200 Subpart F will meet these requirements.

c. These provisions do not limit the authority of the federal agency, Inspector General, General Accounting Office (GAO) or RECIPIENT to conduct or arrange for the conduct of audits or evaluations of federal financial assistance awards.

4. Frequency of Audits

Audits shall be performed annually to meet this requirement.

5. Sanctions

If the SUBRECIPIENT is unwilling or has a continued inability to have an audit conducted, the provisions for noncompliance will be enforced.

6. Subrecipient Responsibilities

   a. The SUBRECIPIENT shall arrange for the audit to be conducted in a timely manner and submitted as required in 2 CFR, 200.512.

   b. The SUBRECIPIENT shall prepare the financial statements in accordance with 2 CFR, 200.510.

   c. The SUBRECIPIENT shall promptly follow up and take corrective action on audit findings.

   d. The SUBRECIPIENT will provide the auditor with access to records, personnel, documentation and other information as needed by the auditor.

7. Audit Findings Follow-up

   a. At the completion of the audit, the SUBRECIPIENT must prepare, in a document separate from the auditor's findings a corrective action plan to address each audit finding included in the current year auditor's reports.

   b. The corrective action plan must provide the name(s) of the contact person(s) responsible for corrective action, the corrective action planned and the anticipated completion date.

   c. If the SUBRECIPIENT does not agree with the audit findings or believes corrective action is not required, then the corrective action plan must include an explanation and specific reasons.

   d. Any deficiencies noted in audit reports must be fully cleared by the SUBRECIPIENT within thirty (30) days after receipt by the SUBRECIPIENT.

   e. Failure of the SUBRECIPIENT to comply with the above requirement will constitute a violation of this AGREEMENT and may result in the withholding of future payments.

8. Report Submission

   a. The audit must be completed and the data collection form and reporting package must be submitted within the earlier of thirty (30) calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. If the due date falls on a Saturday,

Sunday, or Federal holiday, the reporting package is due the next business day.

b. The SUBRECIPIENT must submit required data elements described in Appendix X to 2 CFR, Part 200 - Data Collection Form (SF-SAC), which states whether the audit was completed in accordance with this part and provide information about the SUBRECIPIENT, its federal programs and the results of the audit.

c. A senior representative of the SUBRECIPIENT must sign a statement to be included as part of the data collection that the SUBRECIPIENT has complied with the audit requirements, the data was prepared in accordance with 2 CFR, 200.512, the reporting package does not include protected personally identifiable information, the information is accurate and complete and the reporting package and form will be publicly available on the web.

d. The SUBRECIPIENT shall also submit to the RECIPIENT's Grant Manager one copy of the audit report, reporting package, any management letter issued by the auditor and data collection form described in Appendix X to 2 CFR, Part 200.

e. The SUBRECIPIENT is required to use the internet submission form on the Federal Audit Clearinghouse (FAC) website. The FAC website is located at http://harvester.census.gov/fac/.

f. The SUBRECIPIENT shall ensure that audit working papers are made available to the RECIPIENT, or its designee, Chief Financial Officer or Auditor General upon request for a period of five (5) years from the date the audit report is issued, unless extended in writing by the RECIPIENT.

M. GENERAL CONDITIONS

1. Nothing contained in the AGREEMENT is intended to, or will be construed in any manner, as creating or establishing the relationship of principal and agent or employer and employee between the parties. The SUBRECIPIENT will at all times remain an independent contractor with respect to the services to be performed under the AGREEMENT.

2. Any changes to the AGREEMENT require the written approval of each party's authorized official.

3. The RECIPIENT shall have the right of unilateral cancellation for refusal by the SUBRECIPIENT to allow public access to all documents, papers, letters or other material made or received by the SUBRECIPIENT in conjunction with the AGREEMENT, unless the records are confidential or exempt from s. 24(a) of Article I of the State Constitution and s. 119.07(1), Florida Statutes.

4. The SUBRECIPIENT is informed that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a SUBRECIPIENT, supplier, subcontractor, or consultant under a contract with any public entity and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

5. The CONTRACTOR shall not discriminate on the basis of race, sex, religion, color, national origin age or disability and shall comply with all applicable state and federal laws and regulations related thereto, including without limitation, the Americans with Disabilities Act (42 USC 12101 et. Seq.); Section 504 of the Rehabilitation Act of 1973 (29 USC 795); and the Age Discrimination Act of 1975 (42 USC 6101-6107.

6. The SUBRECIPIENT is informed that the employment of unauthorized aliens by any SUBRECIPIENT is considered a violation of Section 274A (e) of the Immigration and Nationality Act. If the SUBRECIPIENT knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of the AGREEMENT.

7. The SUBRECIPIENT is informed that an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a SUBRECIPIENT, supplier, subcontractor, or consultant under contract with any public entity and may not transact business with any public entity.

8. This AGREEMENT is contingent upon the availability of funding from the federal agency. The AGREEMENT may be terminated if funding from the federal agency is reduced or terminated.

9. The SUBRECIPIENT certifies that neither it, nor its principals, is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency; and, that the SUBRECIPIENT shall not knowingly enter into any lower tier contract, or other covered transaction, with a person who is similarly debarred or suspended from participating in this covered transaction.

10. Any work or services subcontracted by the SUBRECIPIENT shall be specifically by written contract or agreement, and such subcontracts shall be subject to each provision of this AGREEMENT and applicable Federal, State or County guidelines and regulations. Prior to execution by the SUBRECIPIENT of any subcontract hereunder, the SUBRECIPIENT must submit such subcontracts to the RECIPIENT for its review and approval.

11. The SUBRECIPIENT will, to the extent permitted by law, hold harmless, defend and indemnify the RECIPIENT from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the SUBRECIPIENT's performance or nonperformance of the services or subject matter called for in this AGREEMENT. Nothing herein contained shall be construed or operate as a waiver of sovereign immunity to the extent sovereign immunity may otherwise apply.

12. The SUBRECIPIENT will comply with section 20.055, Florida Statutes.

N. PLANTING AND MAINTENANCE (IF APPLICABLE)

For installed tree or plant materials, a sixty (60) day grow-in-period and a Certification of Acceptance will be required after the project is completed. The planting and maintenance terms of this AGREEMENT start on the date of the Certification of Acceptance and continue for a period of three (3) years.

SUBRECIPIENT agrees to repair, or remove and replace at its expense, all or part of the project that falls below Standards. SUBRECIPIENT agrees to take basic precautions and actions as necessary to keep trees and plants free of disease and harmful insects. In the event any part or parts of the project, including all trees and plants, must be removed and replaced for

any reason, replacements must meet the same grade, size, quality and other requirements as stipulated in the original plans and specifications.

SUBRECIPIENT will at all times maintain a safe work area and be responsible for oversight of litter and debris removal. Keep the grounds free of weeds. Mow or cut grasses to the proper length.

The above referenced responsibilities and functions to be performed by SUBRECIPIENT are subject to periodic inspections by the RECIPIENT. It is the intent of the parties that SUBRECIPIENT will be the owner of the plantings and other installations included in the grant application.

1. **Planting**

Site Factors: Site factors influence long-term survivability. Check each site for mechanical, irrigation lines, electrical overhead and underground utilities, sidewalks, sign conflicts, traffic visibility, light poles, rights-of-way, all hardscape improvements, site size, water table and specific tree space requirements.

Start with Quality Grade Trees: All planting stock or replacement stock must be Florida Grade #1 or better. Select trees with a quality trunk form, branch arrangement and canopy uniformity.

Tree Shipping, Handling and on-site Storage: Trees should be protected during shipping by a tarp or shipped in an enclosed truck. Trees should never be lifted by the trunk. Lift using root ball straps or container handles. On the jobsite, store trees upright, in the shade, and irrigate twice daily with 5 gallons per caliper inch applied to the root ball until planting. Inspect root system quality. Check for kinked and/or circling roots. Do not store trees on asphalt.

Tree Preparation: All synthetic or non-biodegradable material such as nylon rope, synthetic wrap, treated burlap; black weed cloth liner, plastic wrap, string, strapping etc., must be removed from the root ball before planting. Remove all biodegradable material from the upper 1/3 of the root ball.

Cut or shave circling roots before planting. Prune roots that circle or dive into soil. These roots could cause stability and health problems later.

Take precautions to separate materials extending above the soil surface where they can act as a wick and dry the surrounding soil.

If trees are planted with wire baskets around the root ball, the top two tiers of wire should be cut and removed after the root ball is set in the planting hole.

Planting Hole Preparation: The planting hole should be at least three times the diameter of the root ball (where possible). Tree pit depth should be at or slightly less than the depth as the root ball. Place planting ball on existing soil so the tree will not settle. In no case should the trunk flair or first root emerging from the trunk be below the soil level.

Remove large rocks from the hole. Place the tree or palm in the center of the planting tree pit. Position the top of the root ball at or slightly above the surrounding soil surface.

Check to ensure the tree is positioned straight in the hole. Backfill with non-contaminated existing soil. When the hole is half full, slowly water and work the saturated soil.

Place no soil over the root ball at planting. Use of large amounts of organic matter in the backfill is not recommended. Secure the soil around the roots, and provide nourishment, water immediately after planting with 5 gallons of water per caliper inch. Rake the soil evenly around the entire planting area.

2. **Finishing Planting**

Mulch: Mulch an area at least two feet or three times the diameter of the root ball to a depth of 2-4" with wood chips, bark mulch, shredded mulch, leaves or pine needles. Keep the mulch several inches away from the tree or palm trunk. Do not pile mulch directly against the tree trunk. Replenish mulch as it decomposes maintaining a 2-4" layer over the life of the project.

Staking: Stake only if necessary; for example, if the tree or palm will not stand on its own due to potential vandalism or strong winds. For palm staking and bracing: Wrap 5 layers of burlap under wood battens connected with steel bands. Adjust wood brace length to fit palm pounded into the ground then, toenail to the battens.

Use commercially available elastic materials for strapping or ties equally placed around the tree that allows for movement and increases in tree diameter. Biodegradable material is recommended. Do not use wire even if the wire is inside rubber hosing. Stakes and ties should remain on the trees no longer than one year to avoid girdling.

Pruning: At the time of planting, remove only dead, diseased, damaged, rubbing, cross braches or fronds. After planting, remove sucker sprouts observed around the base of the tree.

Begin corrective/structural pruning approximately one year after planting. When pruning, do not remove more than 1/3 of the live crown during any one growing season.

Watering: Start a regular watering schedule and follow it. Slow deep watering is recommended. Additional water will be needed during hot or dry periods. Promote tree root growth and stability by watering outward away from the trunk to the surrounding soil area. As the tree or palm establishes itself and grows, watering adjacent soil encourages root spread.

Different species of trees or palms and/or soil types need various degrees of watering. Monitor soil moisture, evaluate tree health and adjust irrigation schedules as needed. Non-irrigated sites need to be watched more closely.

Fertilizing: Begin a fertilization program in the first year of planting. Broadcast fertilizing or fertilizer plugs or stakes are recommended. Fertilize lightly after the first year. Administer a balanced fertilizer. Fertilizer application rates should be based on the size of the tree or palm and their specific nutrient requirements. If micronutrient deficiencies are suspected, conduct a soil test, assess the results and revise the fertilization scheme.

This AGREEMENT may be amended at any time provided that such amendments make specific reference to this AGREEMENT and are executed in writing and signed by a duly authorized representative of each party.

In the event that two or more documents combine to form this AGREEMENT, and in the event that there is any contradictory or conflicting clause or requirement in these documents, the provisions of the document(s) prepared by the RECIPIENT shall be controlling.

This AGREEMENT shall be controlled by Florida law, contrary or conflict of law provisions notwithstanding.

In the event that any clause or requirement of this AGREEMENT is contradictory to, or conflicts with the requirements of Florida law, the clause or requirement shall be without force and effect and the requirements of the Florida Statutes and rules promulgated thereunder on the same subject shall substitute for that clause or requirement and be binding on all parties hereto.

Special Conditions: See attachment_____ or _____ N/A

This AGREEMENT constitutes the entire AGREEMENT between the RECIPIENT and the SUBRECIPIENT for the use of the funds received under this AGREEMENT.

The Grant Manager for the RECIPIENT is Lou Shepherd and is located at Florida Forest Service, 3125 Conner Boulevard, C-25, Tallahassee, Florida, 32399-1650.

The Grant Manager for the SUBRECIPIENT is Kelly Gibson and is located at City of Fernandina Beach, 204 Ash Street, Fernandina Beach, Florida, 32034.

Federal resources awarded to the SUBRECIPIENT pursuant to this agreement are from the U.S. Department of Agriculture/U.S. Forest Service, federal financial assistance funding opportunity under FAIN #16-DG-11083112-001 and Catalog of Federal Domestic Assistance number 10.664, Cooperative Forestry Assistance.

Signed by parties to this AGREEMENT:

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES	SUBRECIPIENT
Signature	Signature
Director of Administration	City Manager
Title	Title
9-23-16	10/24/16
Date	Date

ATTEST:
By: Caroline Best
Printed Name: Caroline Best
Title: City Clerk
Date: 10/26/2016

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

ATTACHMENT A
2016 FLORIDA URBAN AND COMMUNITY FORESTRY GRANT

SCOPE OF WORK

GENERAL INSTRUCTIONS: Please complete all items pertaining to the Category Grant for which you are applying. The proposal packet must not exceed thirty (30) one sided pages, including attachments. All attachments must be 8 1/2" X 11". **Six (6) copies, (one copy with original signatures and five copies) of the proposal must be received no later than 2:00 p.m., March 31, 2016, at:**

Florida Department of Agriculture and Consumer Services
Purchasing Office - **U&CF - 2016 PROPOSAL**
407 South Calhoun Street
Mayo Building - Room SB-8
Tallahassee, FL 32399-0800
Telephone (850) 617-7181

If you have any questions, please see **ATTACHMENT M, District/Center Contacts.**

PROPOSER INFORMATION (Please Print or Type)

Project Title: Tree Survey & Master Plan Update

Proposer Name: City of Fernandina Beach

Name and Title of Contact Person: Kelly Gibson, Senior Planner

Address: 204 Ash Street, Fernandina Beach, FL

Zip: 32034 Phone: 904-310-3141 US Congressional District Number: 4th

FEID Number: 59-6000317 DUNS Number: 079192274

Email address: kgibson@fbfl.org

Is your organization a Non-profit corporation pursuant to Chapter 617, Florida Statutes? Yes____ No X

If the applicant is a **city or county government**, does your urban forestry program have the following:

Professional Staff, in-house or contracted. List qualifications such as ISA certification, forestry degree, etc:
No one in-house. City will contract with professional firm.

Citizen Tree Advisory Board or Tree Advocacy Group. Describe: Amelia Tree Conservancy

Urban Tree Inventory or Management Plan, how current? 2009

Tree Ordinance covering either public or private lands, describe: Both, LDC Sections 4.05.09, 11.08.04

As the duly authorized representative of the Proposer named above, I hereby certify that all parts of the proposal and required grant information have been read and understood and that all information submitted herein is true and correct.

Authorized Executive Officer: Dale L. Martin

Title: City Manager

Signature: Dale L. Martin Date: March 30, 2016

ATTACHMENT A (CONTINUED)

Describe the local community and current urban forestry program, and role of applicant in that program if a non-profit group: The City of Fernandina Beach is a coastal community located on a barrier island, and has a population of approximately 12,000 residents. Development pressure is constant as coastal lands become increasingly sought after and off-island development continues to occur. The City and its citizens have a strong commitment to their urban forest as evidenced by the development and support of the current tree ordinance, Heritage Tree Program, and local non-profit tree advocacy group, the Amelia Tree Conservancy (established in 2013).

Previous UCF Grants received by the applicant. When were they implemented and what did they accomplish? In 2009, the City completed an inventory of a portion of the City's street and public space trees using UCF grand dollars. The existing inventory contains 7,000 trees and covers City's streets and public open space north of Sadler Road. The study used i-Tree software to quantify the dollar value of the annual environmental and aesthetic benefits of City trees in the inventory and totals $56,637,455. The management plan is used by multiple departments to care for the City's trees by identifying hazard trees and prioritizing maintenance tasks. It also funded education and training to City personnel.

Describe the goals and objectives of this project:

1. To complete a comprehensive tree inventory of the City's street and public space trees with the goal of providing tree data that will allow City personnel to manage the existing tree stock in an efficient manner.
2. To update the 3-5 year management plan of the City's urban forest with the goal of providing a long-term framework for City personnel to effectively manage tree infrastructure.
3. To provide education and training to City personnel through a comprehensive training package for City tree workers with the goal of increasing practical knowledge regarding proper tree care and maintenance.

Describe how this project will help to develop and improve this program in the long-term: Completion of this project will serve as the foundation for the future management of the City's urban forest. The City's current UCF program is in its initial stages and requires completion in order to move forward.

Describe why these funds are needed to complete this project: The City is small and has limited resources. Its ad valorem tax dollars have been allocated to address other needs and therefore the City must look to grants and other sources of financial support in order to fund important projects.

For a tree planting: Describe what species are being planted and why. How will they be installed and maintained (be brief and concise, but complete): N/A

What environmental or educational value will the community derive from this project? Environmental benefits of the project include the removal of hazard trees, corrective pruning, tree protection, and plant health care. Educational benefits of the project include arborist training, pruning, and tree preservation techniques.

What steps have been taken to carry out this project in a cost effectiveness manner? Receipt of grant funding for this project will provide the City with a complete community forestry program. Grant funding will allow the City to take a proactive approach with its UCF program through a comprehensive and unified management plan based on inventory data, education, and training.

How will this project increase citizen involvement and support for the community's urban forestry program in the long term? What evidence of community support for this project can be produced? The management plan will detail management practices, provide guidance for City staff in coordinating resources, document the remainder of City's public tree inventory, and maintenance needs for 3-5 years. This results-oriented approach towards the urban forest will strengthen public relations and increase both citizen involvement and support for the UCF program. Community support of this project is evidenced by the Resolution from the City Commission and letters of support.

How will this project be publicized in the local community? City personnel will work with the media to publicize the positive effects and long-term benefits of the grant. The City will send press releases to the local print media and post information about the grant project on its website, social media outlets, and the City maintained cable access channel.

Tree City USA certification and growth award, last year current? Fernandina Beach is a Tree City USA Community and has received this national recognition for 14 years. To date, the City has not received a growth award.

Will a Certified Arborist(s) or a graduate forester from an accredited four-year Bachelor of Science in Forestry program oversee this project? If not, who will provide oversight and what are their credentials? Kelly N. Gibson, AICP will oversee the project. Although she is not a certified arborist, Ms. Gibson has been the primary staff for almost nine (9) years. She oversees the daily tree permitting, coordinates the annual Arbor Day, and prepares the Tree City USA application.

What new partnerships will the project create or encourage? Although no new partnerships have been identified at this time, the City hopes to continue its relationship with the Amelia Tree Conservancy.

ATTACHMENT B

BUDGET

Activity: Local Government Program Development

Specific Description: Tree Inventory, Management Plan Update, and Training

SUMMARY OF COSTS (A 50/50 match on behalf of the Proposer is required)

	REQUESTED GRANT $	LOCAL MATCH $
Personnel		$ 4,049.40
Fringe Benefits		289.10
Equipment (if authorized)		
Supplies		
Contractual (if authorized)	~~25,375.00~~ $21,000.00	~~18,499.00~~ $16,661.50
Trees		
Overhead (5% for match)		~~2,537.50~~
Total Requested Grant (I)	~~$25,375.00~~ $21,000.00	
Total Matching Costs (II)		$ ~~25,375.00~~ 21,000.00
Total Program Costs (III)	~~$50,750.00~~	$42,000.00

Add columns I and II for total III (100%)

50 % Grant request 50 % Local match

A BUDGET, DETAILING ALL COSTS IDENTIFIED ABOVE MUST BE ATTACHED.

PROJECT LOCATION INFORMATION (Please print or type - complete where applicable)

County: Nassau

Describe the Specific Location of the Project: City-wide within City limits

Who has responsibility for overseeing Project implementation (name and title)? Ms. Kelly Gibson, Senior Planner

Who has maintenance responsibility for the Project after completion? Mr. Rex Lester, Streets & Parks Director

Is the Land Ownership Public or Private? Public

Name of Landowner: City of Fernandina Beach

Project Title: Tree Survey & Master Plan Update

Applicant Name: City of Fernandina Beach

(BUDGET CONTINUED)

Please note: All proposals must include a detailed itemized budget summary which lists all anticipated expenditures and explains all project costs. Proposals for site specific demonstration tree planting projects must list the quantity, species and approximate size (container size, or caliper and height) of trees to be planted.

IMPORTANT: THIS FORM MUST BE USED. PROPOSERS NOT USING THIS FORM WILL BE RULED INELIGIBLE

COST ITEMS	QUANTITY	RATE OR PRICE	GRANT COST	MATCH COST
Personnel (List titles or positions)				
Senior Planner	70 hours	$30.64	$ 0.00	$ 2,144.80
Streets & Parks Director	20 hours	36.79	0.00	735.80
Grants Administrator	40 hours	29.22	0.00	1,168.80
Fringe Benefits				
Senior Planner	70 hours	.159	0.00	11.13
Streets & Parks Director	20 hours	5.852	0.00	117.05
Grants Administrator	40 hours	4.023	0.00	160.92
Equipment (List items)				

BID NUMBER: RFP/DM 15/16 OPENING DATE:

COST ITEMS	QUANTITY	RATE OR PRICE	GRANT COST	MATCH COST
Supplies (List items)				
Contractual (List)				
Tree Survey	1	$ 36,124.00	$17,500.00 $~~21,875.00~~	$ ~~14,249.00~~
Master Plan Update	1	3,500.00	3,500.00	$16,661.50 0.00
Training	1	4,250.00	0.00	~~4,250.00~~

BID NUMBER: RFP/DM 15/16 OPENING DATE:

COST ITEMS	QUANTITY	RATE OR PRICE	GRANT COST	MATCH COST
Trees (List species and size)				
Overhead (5% of grant for match)				~~$ 2,537.50~~
Total			$21,000.00 ~~$25,375.00~~	$21,000.00 ~~25,375.00~~

* Grant dollars may not be used to purchase food as supplies.

CITY OF FERNANDINA BEACH BID OPENING

ITB #17-04 Urban Forestry Services

4/27/2017 at 2:00 PM

OPENED BY: Wanda Weaks and Kelly Gibson

DATE/ TIME	COMPANY	LOCATION	EXBT A-H	BID	ADDENDUM ONE	
4/27/17 2:01	Environmental Services Inc	Jacksonville, FL	X	$99,840.00	signed and attached - yes	
4/27/17 2:08	Southern Forestry Consultants, Inc	Bainbridge, GA	X	$33,500.00	signed and attached - yes	
4/27/17 2:10	Arbor Pro - submitted only 3 copies	Yorba Linda, CA	X	$29,900.00	signed and attached - yes	
4/27/17 2:15	Davey Resource Group	Kent, Ohio	X	$37,600.00	signed and attached - yes	
4/27/17 2:19	Metric Engineering	Miami, FL	X	$34,750.00	signed and attached - yes	

ITB # 17-04

FOR

URBAN FORESTRY SERVICES

Due Date: April 27, 2017
Submitted by:

ArborPro, Inc
22605 E. La Palma Ave, Suite 509
Yorba Linda, CA 92887
O: 714.694.1924
F: 714-694-1981
www.arborprousa.com
Khennig@Arborprousa.com

Qualifications

ArborPro was incorporated in the State of California, and is registered as a business in Florida, Washington, Michigan, Maryland, North Carolina, Missouri and New York. We have recently completed comprehensive tree inventories throughout the United States, including numerous projects in the Southeastern United States. Many of our completed projects were based on grants from state agencies including . We worked with city personnel on these projects to ensure that they were able to receive their grant funds seamlessly for these projects

ArborPro is a full service Urban Forestry consulting company. We provide municipalities, universities, and government facilities with a wide array of Urban Forestry services including GPS tree inventories, Pest Assessments, Sidewalk Assessments, GIS based management software, Hazardous Tree Assessments and Urban Forest Management Plans.

Our firm has completed over 175 municipal tree inventories over the past 14 years. We have a total staff of 15 employees with 10 field Arborists to perform our data collection services. The Project Manager that will be assigned to the city of Fernandina Beach, Fl. is Scot Watkins. Scot is a Board-Certified Master Arborist, (the highest level of Arborist that can achieved). He is currently working on a street tree inventory for **Jacksonville, FL.** And just recently completed an inventory for the **City of Atlantic Beach, FL.** The Area Manager that will be assigned is William Brown. William has a degree in Applied Science in Forestry Technology and Natural Resource Management from State University of New York as well as being an ISA certified Arborist and is certified as a Tree Risk Assessor. Another Arborist on the project will be Ken Greby. Ken is currently working in North Miami Beach, FL.

ArborPro, Inc has developed a proprietary software suite for the benefit of our clients as well as our data collectors. The ease of use of this software has proven to be a valuable tool to many municipalities to share data with their residents and manage the Urban Forest. Our program is completely compatible with all *ESRI programs and i-Tree* software. We have also recently deployed a Community Viewer Edition of ArborPro which allows The City to post the tree inventory for public consumption. The public can access the inventory via a smart phone or any web enabled device. We only post the basic data fields for each tree, species, dbh and height.

Below is a small sample set of our tree inventory clients.

Relevant Municipal Experience	Relevant University Experience
Jacksonville, FL	Universtiy of Central Florida
Atlantic Beach, FL	Southern Methodist University
Titusville, FL	Hillsborough Community College, FL
Venice, FL (recently awarded)	Texas Womens College
Homestead, FL	Truman State University, MO
Miami Lakes, FL	Univesity of Tulsa
Pompano Beach, FL	Oklahoma Community City College
Sanford, FL	Tulsa Community College
Boca Raton, FL	University of Southern California
Port St. Lucie, FL	Central Michigan University
Safety Harbor, FL	North Carolina State University
Punta Gorda, FL	Cal Tech
Dunedin, FL	University of Kentucky
Milton, FL	Pacific Lutheran University
City of Amarillo, TX	Jefferson Davis, Alabama
City of Lincoln, NE	Loyola Marymount University
City of Austin, TX	Pepperdine University
City of Kansas City, MO	Baldwin Wallace
City of St Josephs, MO	UC Berkeley
Borough of Madison, NJ	University of Tennesse, Knoxville
Borough of Haddonfield, NJ	University of North Carolina, Charlotte
City of Gaithersburg, MD	**Various Relevant Experience**
City of Grand Rapids, MI	Disneyland Resort
City of Las Vegas, NV	Jet Propulsion Laboratory (NASA)
City of San Antonio, TX	San Diego Wild Animal Park
Alexandria, VA	Austin Independent School District
City of Johnson City, TN	Long Beach Unified School District
City of Hoboken, NJ	Eugene Water and Electric Board
City of San Francisco, CA	Grand Forks Air Force Base
City of Malibu, CA	**Federal Government**
City of Fountain Valley, CA	Hurricane Katrina
City of Redondo Beach, CA	Hurricane Sandy
City of Surprise, AZ	**Hurricane Ike**

Technical Knowledge

ArborPro, Inc. is prepared to conduct a comprehensive GPS-based tree inventory to assist The City of Fernandina Beach, FL in proactively managing their urban forest. ArborPro will complete a comprehensive tree inventory of the city rights-of-way and public open spaced. ArborPro will use our database management software suite, named ArborPro, to collect this data with tablet computers that will record submeter GPS data. We would also like to offer a free copy of our software to the city so that it can continue to maintain the data that is collected in the software program. The data can be exported in multiple formats, including shapefiles compatible with the City's existing GIS tree inventory.

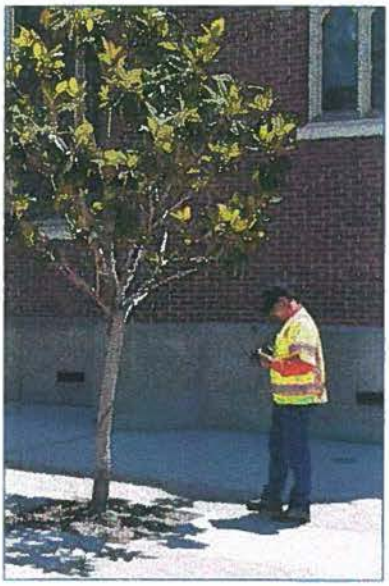
ArborPro fully understands that the city is looking to 'create a strategic approach to protecting and enhancing its tree population' and we would like to partner with the City to help you in this endeavor. Keeping that in mind, Quality control is a number one priority for ArborPro, therefore we have implemented numerous steps in our quality control plan to assure the most accurate and precise data possible.

Pre-Job Meeting

Our staff will meet with designated staff from the City prior to commencement of the project to determine and agree upon project standards, review the scope of work and identify the criteria for evaluating and documenting The City's Urban Forest with the requirements provided in the RFP. Meeting topics will include scheduling, field criteria, detailed attribute definition, zone or naming classification, daily operating procedures and raw geographic data sharing and acquisition. The ArborPro team completes a checklist to verify all necessary topics have been addressed and all base data will or has been delivered.

PRE-JOB MEETING AGENDA	Borough of Haddonfield, NJ
Items Needed to Start Project	**Comments/ Notes:**
Approval of data dictionary Review the information that will be collected for each tree	Data Dictionary Agreed to, Copy on Office Server
Estimated Tree Count How many trees is ArborPro expected to collect? Is there a limit?	Project is not to exceed 11,000
Base Data Layers / Maps (center line files, aerials, parcels, zone city boundaries) - Get ROW info from Mike	From Rob Applegate
Street Codes and Easement Lists	From Mike Comerote
List of areas within the city limits that should NOT be collected (county area, privately owned land, HOA's)	
Vacant Site Are we collecting vacant sites? What are the requirements for a vacant site?	No vancant sites in this inventory
Starting Location Where would you like the ArborPro team to start collection?	Zone 1, located in and around City Hall
Park vs. Street Trees Which trees are a priority?	No Parks
Schedule Start Date	12-Jul
Schedule Progress Reports	Weekly Progress Reports, delivered by Scot Watkins
Contact Information Contact information for all primary contacts	

Data Collection Process



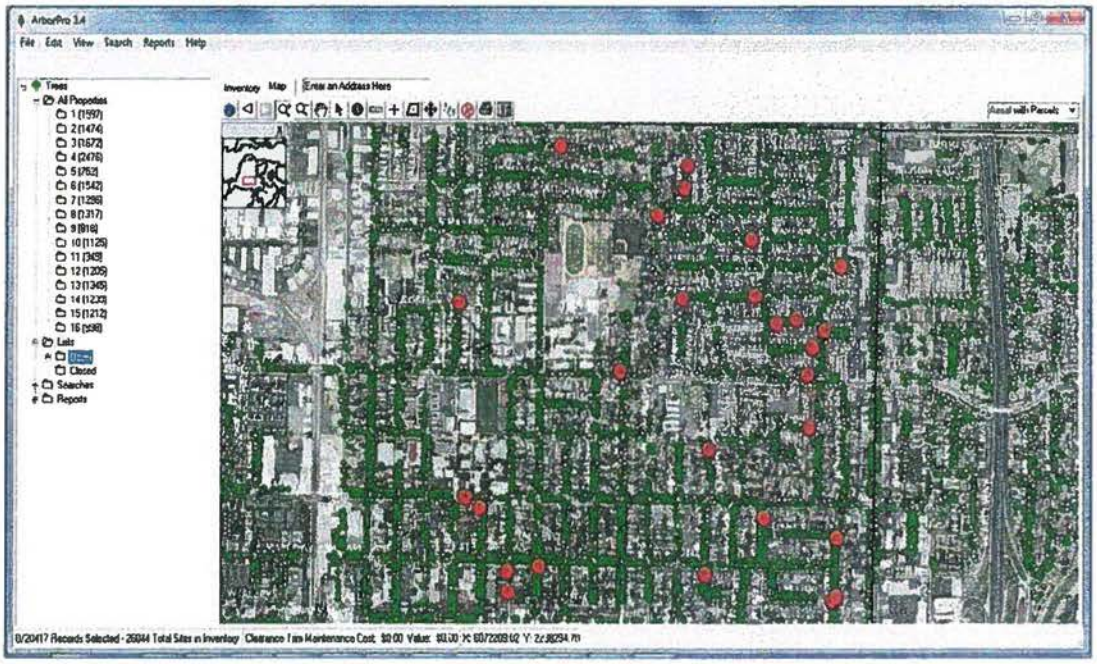
Utilizing GIS tablet computers and GeoXH Trimble GPS units, the data collectors will collect the data directly into ArborPro, a custom designed GIS software program, and review the data on a daily basis. ArborPro is equipped with detailed quality assurance scripts to verify and correct addressing and spatial abnormalities. Furthermore, the data is run through a variety of quality assurance queries in order to identify any potential data entry errors. For example, we have queries that verify DBH vs Height based on species. This way if a tree is logged in accidentally with a 3 inch DBH and 50-foot height we will catch the error and correct it. We have a variety of other queries that will also be performed on the data. On a weekly basis, our project manager will be provided with a map of all of the work completed the previous week for field review.

The work will be completed on a grid by grid basis, utilizing current maintenance grids/zones our data collectors will start and complete an entire grid, the work in that grid will be reviewed then the data collector will begin the next grid. This process secures that no trees are missed and assures the quality of the data. If we identify issues in the data, we can address the issue on a small scale and fix the problem utilizing this grid management approach. Below is a map provided to the City of Orange in conjunction with a progress report.

Week 4 - Progress Report - 8,276 Trees

Progress Meetings & Reports

The City and ArborPro will meet on a weekly basis (based on the availability and desire of City employees) to review project status. This meeting will include detailed maps of the areas that have been completed, metrics, and a complete listing of the trees surveyed the previous week. All action items from previous meetings will be addressed and new action items created if needed. We will also provide The City with a list of all trees that have been identified as a High Priority Maintenance Issue, this way The City can react to immediate maintenance needs during the course of the data collection phase. Below is a screen shot of our software identifying Priority 1 Removals and a work order created by the City of Orange to send field crews to address the hazardous trees. The City of Orange utilized our weekly updates to dispatch crews directly to high priority trees.



Data Delivery

Our data collectors can easily transmit their data to our ArborPro Online program, our GIS personnel perform Quality Control measures and validate the information daily. In this way, we are able to incorporate all surveyed information quickly, efficiently and on time. We offer to submit weekly reports of the job status including progress maps and statistical analysis. Any potential errors will be identified and dealt with immediately utilizing this constant review process.

We understand that some clients prefer to be hands on and would like to be aware of where our Arborists are daily. If this is the case, our Project Manager can be in contact daily. He will email the starting locations for each Arborist for that day and report any issues that were identified in the field the previous day. This level of constant communication results in a high quality inventory that will meet the standards set forth by The City. We identify any potential issues immediately, notify the staff and rectify the problems in real time. Companies with less experience providing these services will typically send their Arborists out for weeks or months at a time before providing the client with an update of the data, we find constant communication results in a quality product with very little room for errors.

Tree Inventory Data Fields

Per the bid specifications the data collected will include the following attributes for each tree site:

Unique Control ID	Condition Class
GPS	Maintenance Needs
Street Address	Maintenance Recommendations
Site Location	Width of the Tree Growing Space
Genus	Presence of Utilities
Species	Sidewalk Incompatibility
Scientific Name	Soil Characteristics
Common Name	Valuation
Size @ DBH	Height Class
Estimated Age	Crown spread
General Lifespan for Species	Priority Rating

Once data collection has been completed, our manager will meet with City of Fernandina Beach personnel to train them on the orientation of the various data collection field categories and definitions.

Management Plan

The data collected will then be used to update the City's five-year management plan. This plan will include all the requirements of the ITB including: a prioritized list and schedule of tree pruning and removals, a prioritized list and schedule of replacement and / or new tree plantings, other tree maintenance recommendations, a prioritized list of recommended staff and equipment needs, a recommended yearly budget based on prioritized lists, a written assessment of of general tree health, tree species and size distribution, and a recommended list of tree species for replanting. The tree planting recommendations will consider the ISA standards and the current make-up of the City's tree species percentages.

Education and Training Curriculum

Our personnel have spent numerous hours conducting training classes and seminars for both our municipal clients as well as their residents. All of our arborists are very familiar with the proper pruning, maintenance techniques and tree removal procedures taught by the ISA. All training materials and a completed written record of the training will be included. The training course will be performed by Scot Watkins our Board Certified Master Arborist. Mr. Watkins has performed similar training courses throughout the United States for municipalities wanting to further the knowledge and safety procedures for their field staff.

Key Personnel

All of our Arborists have direct experience with tree species identification throughout the US. Below are the resumes of the personnel that will be assigned to this project. Our Arborists are highly educated, and constantly updating their knowledge through courses of study in Arboriculture and Forestry. They also spend copious amounts of their free time staying up to date on pest issues, tree ID and Urban Forestry. In addition to support staff, ArborPro, Inc.'s team of experts is made up of qualified and motivated employees that are passionate about helping clients improve and maintain their Urban Forest. Our staff includes 1 ISA board certified master arborist, ten ISA certified arborists, 3 Qualified Tree Risk Assessors, one GIS developer.

Scot Watkins, Project Manager & ISA Board Certified Master Arborist

Starting in 1995, Mr. Watkins has been providing tree disease consultation, hazard tree identification, Urban Forest Master Plans, plant identification and GPS tree inventories. Mr. Watkins has been a Board-Certified Master Arborist since 2005. Mr. Watkins is an expert at identifying EAB problems and has written papers and held seminars on the effects of this dilemma. He is currently working on an inventory in Jacksonville, FL. Mr. Watkins has conducted numerous tree walks and tree seminars to share his knowledge with residents of the cities and counties where we have conducted inventories.

William C. Brown, Area Manager, ISA Certified Arborist, Certified Tree Risk Assessor & Data Collector

Mr. Brown has managed numerous municipal projects throughout the United States performing risk assessments and inventories. He was born and raised in the Midwest and found an interest in Arboriculture at an early age. He wanted to exceed in the field, therefore, Mr. Brown obtained a degree in Applied Science in Forestry Technology and Natural Resource Management from State University of New York. Mr. Brown just finishing managing an inventory of trees for ArborPro in the City of Grand Rapids, MI. He is trained and certified in pesticide application pertaining to the Asian Longhorn Beatle (ALB) and worked extensively on the ALB Eradication Program in Worcester, MA. He also earned his Tree Risk Assessment Qualification (TRAQ) certification from the ISA.

Ken Greby, ISA Certified Arborist & Data Collector

Mr. Greby has been involved with plants and trees for his entire working life. He graduated in 1987 from California Polytechnic University, Pomona with a B.S. in Horticulture and a minor in Botany. Mr. Greby has been a certified arborist since 1998 and has worked on over 75 municipal inventories in addition to university and military installations. Mr. Greby has volunteered much of his time at Arboretums, as well as conducting instructional classes for city personnel as well as residents on tree ID and tree care. Ken has also lived in Florida and completed many inventories for us there including, Miami Lakes, Dunedin, Homestead and Pompano Beach. Ken is currently performing a tree inventory for North Miami Beach.

EXHIBITS

EXHIBIT "A"	Contact Sheet/Bid Form
EXHIBIT "B"	Public Entity Crimes
EXHIBIT "C"	Drug-Free Workplace Certification
EXHIBIT "D"	E-Verify Statement
EXHIBIT "E"	Conflict of Interest
EXHIBIT "F"	Non-Collusion Affidavit
EXHIBIT "G"	Disputes Disclosure
EXHIBIT "H"	Proposer Acknowledgements and Agreements

EXHIBIT "A"

CONTACT SHEET

CITY OF FERNANDINA BEACH ITB #17-04

****

Name: ArborPro Inc

Federal Taxpayer ID: 30-0223853

Mailing Address: 22605 La Palma Ave #509

City, State, & Zip Code: Yorba Linda CA 92887

Telephone: 714.694.1924 **Fax:** 714.694.1981

Email: khennig@arborprousa.com

Submitted By: Keith Hennig

Title: President

COMPANY Accepts Credit Cards*: **Yes** **No**

Accounting Contact:

Name: Keri Isbister **Title:** Office Manager

Email Address: kisbister@arborprousa.com **Phone:** 714.694.1924

***See preferred method of payment under "Prompt Payment Act" section of the General Conditions**

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "B"

TO GENERAL CONDITIONS TO ITB #17-04

CITY OF FERNANDINA BEACH, FLORIDA SWORN STATEMENT UNDER F.S. SECTION 287.133(3) (A), ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES .

2. This sworn statement is submitted by (entity) ArborPro Inc whose business address is 22605 La Palma Ave #509 Yorba Linda CA 92887 and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

3. My name is Keith Hennig and my relationship to the entity named above is President.

4. I understand that a "public entity crime" as defined in Paragraph 287.133(a) (g). Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any proposal or contract for goods or services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

5. I understand that "convicted" or "conviction" as defined in paragraph 287.133(a) (b), Florida Statutes, means finding of guilt or a conviction of a public entity crime with or without an adjudication of guilt, in any federal or state trial court of records relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.

6. I understand that an "affiliate" as defined in Paragraph 287.133(1) (a), Florida Statutes, means:

   1. A predecessor or successor of a person convicted of a public entity crime; or

   2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The City of Fernandina Beach, Florida ownership by one of shares constituting a controlling income among persons when not for fair interest in another person, or a pooling of equipment or income among persons when not for fair market value under a length agreement, shall be a prima facie case that one person controls another person. A person who

was knowingly convicted of a public entity crime, in Florida during the preceding 36 months shall be considered an affiliate.

7. I understand that a "person" as defined in Paragraph 287.133(1) (e), Florida Statutes, means any natural person or entity organized under the laws of the state or of the United States with the legal power to enter into a binding contract for provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

8. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies)

   X Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

   ____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. (Please attach a copy of the final order.)

   ____ The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

   X The person or affiliate has not been placed on the convicted vendor list. (Please describe any action taken by, or pending with, the Department of General Services.)

Signature 4/26/2017 Date:

STATE OF ~~FLORIDA~~ California
COUNTY OF Orange

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/~~her~~ signature at the space provided above on this 26th day of April, 2017, and ~~is personally known to me, or~~ has provided CA D/L # 45121619 as identification.

RUBY S. BOHRA
COMM...2117883
NOTARY PUBLIC-CALIFORNIA
ORANGE COUNTY
My Term Exp. July 28, 2019

Ruby Bohra
Notary Public
My Commission expires: July 28, 19

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "C"

TO GENERAL CONDITIONS TO ITB #17-04
CITY OF FERNANDINA BEACH

DRUG-FREE WORKPLACE CERTIFICATION

The below-signed COMPANY certifies that it has implemented a drug-free workplace program. In order to have a drug-free workplace prepare, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or services a copy of the statement specified in paragraph 1.
4. In the statement in paragraph 1., notify the employees that, as a condition of working on the commodities or contractual services that are under proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of nolo contendere to, any violation occurring in the workplace no later than five (5) working days after such conviction.
5. Impose a sanction on, or require fine satisfactory participation in drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign this statement, I Certify that this company complies fully with the above drug-free workplace requirements.

COMPANY: ArborPro Inc

CITY: Yorba Linda STATE: CA ZIP CODE: 92887

TELEPHONE NUMBER(S): 714.694.1924

SIGNATURE: _____

NAME (TYPED OR PRINTED): Keith Hennig TITLE: President

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "D"

ITB 17-04

CITY OF FERNANDINA BEACH

E-VERIFY STATEMENT

Bid/Proposal Number: ITB 17-04

Project Description: URBAN FORESTRY SERVICES

COMPANY acknowledges and agrees to the following:

COMPANY shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of:

1. All persons employed by the COMPANY during the term of the Contract to perform employment duties within Florida; and

2. All persons assigned by the COMPANY to perform work pursuant to the contract with the Department.

Company: ArborPro Inc

Authorized Signature:

Title: President

Date: 4/26/2017

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "E"
CONFLICT OF INTEREST STATEMENT

This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES .

This sworn statement is submitted by (entity) ArborPro Inc whose business address is 22605 La Palma Ave #509 Yorba Linda CA 92887 and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

My name is Keith Hennig and my relationship to the entity named above is President.
The above named entity is submitting a Proposal for the City of Fernandina Beach ITB# 17-04 described as URBAN FORESTRY SERVICES.

1. The Affiant has made diligent inquiry and provides the information contained in the Affidavit based upon his/her own knowledge.
2. The Affiant states that only one submittal for the above proposal is being submitted and that the above named entity has no financial interest in other entities submitting proposals for the same project.
3. Neither the Affiant nor the above named entity has directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraints of free competitive pricing in connection with the entity's submittal for the above proposal. This statement restricts the discussion of pricing data until the completion of negotiations if necessary and execution of the Contract for this project.
4. Neither the entity not its affiliates, nor anyone associated with them, is presently suspended or otherwise ineligible from participation in contract letting by any local, State, or Federal Agency.
5. Neither the entity nor its affiliates, nor anyone associated with them have any potential conflict of interest due to any other clients, contracts, or property interests for this project.
6. I certify that no member of the entity's ownership or management is presently applying for an employee position or actively seeking an elected position with the City of Fernandina Beach.
7. I certify that no member of the entity's ownership or management, or staff has a vested interest in any aspect of the City of Fernandina Beach.
8. In the event that a conflict of interest is identified in the provision of services, I, on behalf of the above named entity, will immediately notify the City of Fernandina Beach.

Signature _____ Date: 4/26/17

STATE OF ~~FLORIDA~~ California
COUNTY OF Orange

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/~~her~~ signature at the space provided above on this 26th day of April, 2017, and ~~is personally known to me, or~~ has provided CA DL #451 21619 as identification.

Notary Signature Ruby Bohra

My Commission expires: July 28, 19

THIS FORM MUST BE INCLUDED WITH PROPOSAL

RUBY S. BOHRA
COMM...2117883
NOTARY PUBLIC-CALIFORNIA
ORANGE COUNTY
My Term Exp. July 28, 2019

EXHIBIT "F"
Non-Collusion Affidavit

This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES .

This sworn statement is submitted by (entity) ArborPro, Inc whose business address is 22605 La Palma Ave #509 Yorba Linda CA 92887 and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

My name is Keith Hennig and my relationship to the entity named above is President.

1. The above named is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;
2. Such Proposal is genuine and is not a collusive or sham proposal;
3. Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, connived, or agreed, directly or indirectly, with any other Bidder, firm or person to submit a collusive or sham Proposal in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached proposal or any other Bidder, or to fix any overhead, profit or cost element of the proposal price or the proposal price of any other Bidder, or to secure through any collusion, connivance, or unlawful agreement any advantage against the City of Fernandina Beach, Florida or any person interested in the proposed Contract; and
4. The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Signature 4/26/2017 Date:

STATE OF ~~FLORIDA~~ California
COUNTY OF Orange

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/her signature at the space provided above on this 26th day of April, 2017, and ~~is personally known to me, or~~ has provided CA D/L # 4512 1619 as identification.

Ruby Bohra
Notary Signature

My Commission expires: July 28, 19.

THIS FORM MUST BE INCLUDED WITH PROPOSAL

RUBY S. BOHRA
COMM...2117883
NOTARY PUBLIC-CALIFORNIA
ORANGE COUNTY
My Term Exp. July 28, 2019

EXHIBIT "G"

DISPUTES DISCLOSURE FORM

Answer the following questions by placing as "X" after "YES" or "NO". If you answer "YES", please explain in the space provided, or via attachment.

Has your company or any of its officers, received a reprimand of any nature or been suspended by the Department of Professional Regulations or any other regulatory agency or professional association within the last five (5) years?
YES___ NO X

Has your company, or any member of your company, been declared in default, terminated or removed from a contract or job related to the services your company provides in the regular course of business within the last five (5) years?
YES_____NO X

Has your company had against it or filed any request for equitable adjustment, contract claims, bid protest, or litigation in the past five (5) years that is related to the services your company provides in the regular course of business?
YES_____NO X

If yes, state the nature of the request for equitable adjustment, contract claim, litigation, or protest, and state a brief description of the case, the outcome or status of the suit and the monetary amounts or extended contract time involved.

I hereby certify that all statements made are true and agree and understand that any misstatement or misrepresentation or falsification of facts shall be cause for forfeiture of rights for further consideration of this proposal for the City of Fernandina Beach.

ArborPro Inc	4/26/2017
Company	Date
	Keith Hennig / President
Authorized Signature	Printed or Typed Name and Title

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "H"

Proposer Acknowledgements and Agreements

The undersigned, as an employee or agent of the Proposer, having the authority to sign a binding agreement on behalf of the corporation, company, or firm presenting this submittal, confirms understanding and/or agreement and/or takes exception with any statement in the following sections of this ITB document.

1. INTRODUCTION AND GENERAL INFORMATION
   Understands and agrees to all terms.

2. PROPOSAL INSTRUCTIONS, TERMS AND CONDITIONS
   Understands and agrees to all terms.

3. EVALUATION AND CONTRACT OVERVIEW
   Understands and agrees to all terms.

4. PROPOSER'S RESPONSE: COMPANY INFORMATION
   Understands and agrees to all terms.

5. PROPOSER'S RESPONSE: PROPOSED COMPANY
   Understands and agrees to all terms.

6. PROPOSER'S RESPONSE: ACCESSIBILITY AND RESPONSIVENESS
   Understands and agrees to all terms.

7. PROPOSER'S RESPONSE: PROPOSED COMPENSATION
   Understands and agrees to all terms.

Name: Keith Hennig Title: President

Signature: Date: 4/26/2017

THIS FORM MUST BE INCLUDED WITH PROPOSAL

CITY OF FERNANDINA BEACH, FLORIDA

ADDENDUM ONE
FOR
INVITATION TO BID
ITB 17-04 Urban Forestry Services

Prepared By:
Kelly N. Gibson, AICP, Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

ADDENDUM DATE: April 13, 2017

INTRODUCTION

The City of Fernandina Beach is accepting competitive sealed proposals for **URBAN FORESTRY SERVICES.**

The City of Fernandina Beach requests sealed responses by **2:00 pm, April 27, 2017**for the proper execution and completion of the above-referenced project in accordance with the specifications published April 5, 2017 as Invitation to Bid 17-04.

Any submittal received after the above stated time and date will not be considered. It shall be the sole responsibility of the bidder to have its proposal delivered to the City of Fernandina Beach, by U.S. Mail, hand delivery or any other method available to him/her; however, facsimile or electronic submittals will not be accepted. Delay in delivery shall be the sole responsibility of the bidder. Submittals received after the deadline will not be considered.

THIS ADDENDUM

The following changes are applicable to the original ITB documents and specifications of ITB 17-04. This Addendum now becomes part of the original Invitation to Bid and shall be acknowledged by attaching a copy of this Addendum, signed by an authorized representative of the person or company submitting a proposal. Failure to do so may disqualify the Proposal.

NAME: Keith Hennig **TITLE** President

ADDRESS: 22605 La Palma Ave #509

CITY: Yorba Linda **STATE:** CA

AUTHORIZED SIGNATURE: _____ **DATE:** 4/26/17

ADDENDUM ONE

INVITATION TO BID
ITB #17-04
URBAN FORESTRY SERVICES

I. Changes to Invitation to Bid: ***None***

II. Questions: ***See Below***

III. Attachments: ***Yes, revised "Exhibit A"***

II. Questions:

1) The ITB states that the City has an estimated 7,000 public trees that need to be surveyed and that the 2009 survey contains 7,000 trees. What is the approximate number of trees to be surveyed per the project description in the ITB?
Approximately, 5,000 - 7,000 trees are anticipated to be surveyed as part of this effort with the majority of trees being located in recreationally zoned land within and adjoining the City's golf course and the airport leasehold properties. This effort will be to add to the existing inventory to complete the data set. City staff will complete any maintenance updates to the existing inventory that are needed.

2) Does the completion of a comprehensive tree inventory include City ROW and public open spaces of the entire City or just the areas not covered in the 2009 survey (south of Sadler Road)?
It includes ROW and open space ONLY in areas not covered in the 2009 survey.

3) Who performed the 2009 tree survey.
Selvig Tree Appraiser's completed the 2009 survey.

4) What format and/or program was the 2009 tree survey provided to the City in?
Tree survey data was provided to the city in the form of a GIS shapefile.

5) What format and/or program is the current tree inventory data in?
GIS Shapefile as managed by the City.

6) Where can the management plan developed as part of the 2009 project be found? If the management plan is not publically available, can the City provide it upon request?
The current tree management plan can be located on the City's website at www.fbfl.us/trees or http://www.fbfl.us/DocumentCenter/Home/View/5495.

7) How is the proposed project description funded? Is this work grant funded? If so, what is the amount of the grant or amount of the grant allocated to the project description listed in the ITB?
The project is 50% funded through a USDA Urban Forestry Grant with a total project cost not to exceed $37,661.50.

8) The ITB states that "the bid shall be submitted on the specified Contact Sheet/Bid Form (1 original, 3 copies), hereto attached as "Exhibit A."" however, the attached Exhibit A on page 12 of 20 of the ITB does not have a space indicated for the bid amount. Where should the bid amount be listed?
See attached revised Exhibit A to include space at the bottom for a Lump Sum Bid amount.

Are there line items that the bid amount should be listed under or should the bid be listed as a single amount?
The bid amount can be listed as a lump sum for all services requested.

9) Are their minimum qualifications for tree inventory data collection staff? ISA arborist, under the supervision of an ISA arborist, etc.?
Data collection staff should have an ISA arborist certification.

*** * * END OF ADDENDUM ONE * * ***

EXHIBIT "A"

CONTACT SHEET

CITY OF FERNANDINA BEACH ITB #17-04

****

Name: ArborPro Inc

Federal Taxpayer ID: [redacted]

Mailing Address: 22605 La Palma Ave #509

City, State, & Zip Code: Yorba Linda CA 92887

Telephone: 714.694.1924 **Fax:** 714.694.1981

Email: khennig@arborprousa.com

Submitted By: Keith Hennig

Title: President

COMPANY Accepts Credit Cards*: **Yes** **No**

Accounting Contact:

Name: Keri Isbister **Title:** Office Manager

Email Address: kisbister@arborprousa.com **Phone:** 714.694.1924

***See preferred method of payment under "Prompt Payment Act" section of the General Conditions**

LUMP SUM BID AMOUNT: $29,900.00

THIS FORM MUST BE INCLUDED WITH PROPOSAL

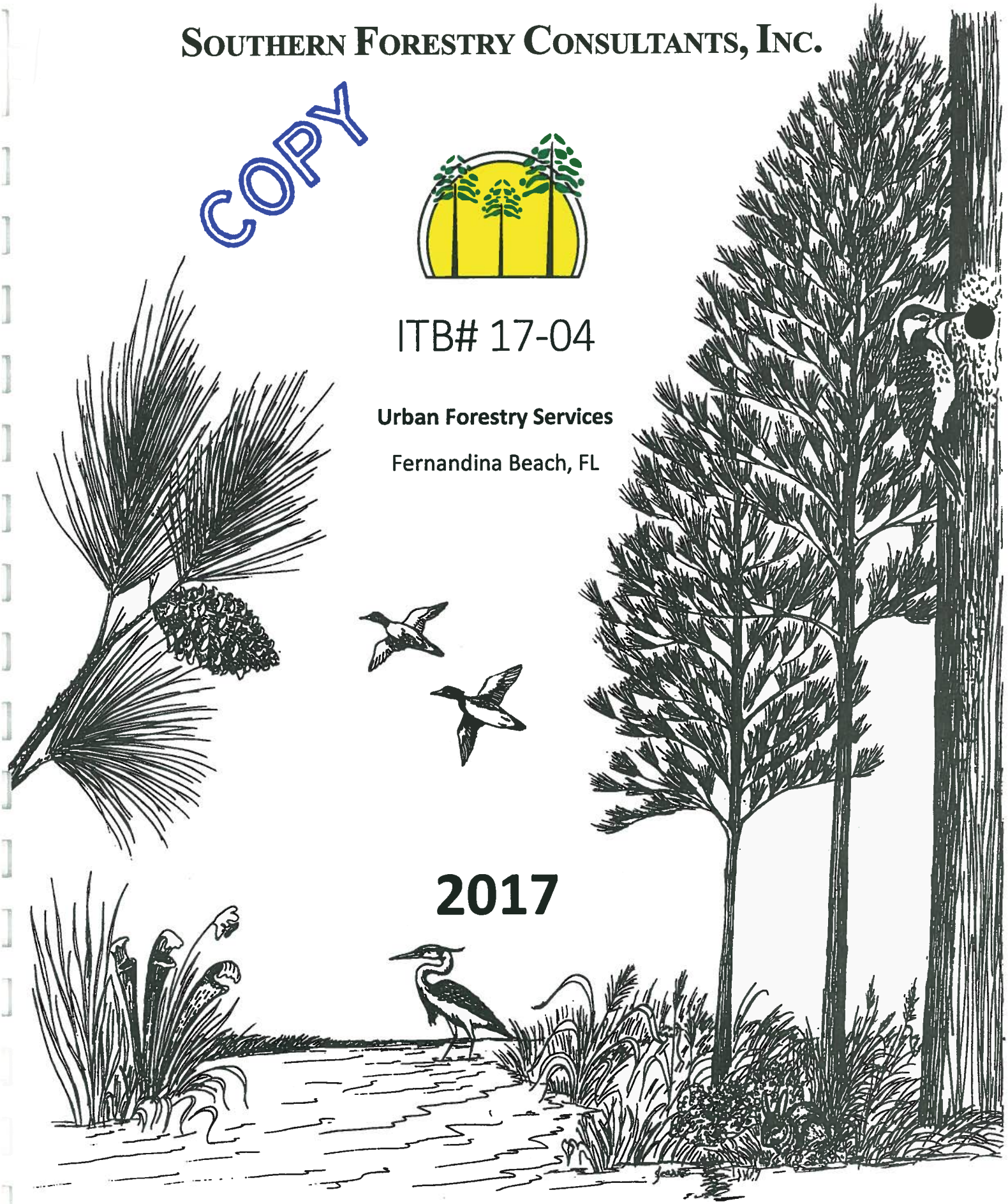
SOUTHERN FORESTRY CONSULTANTS, INC.

COPY

ITB# 17-04

Urban Forestry Services

Fernandina Beach, FL



2017

Urban Forestry Services

City of Fernandina Beach, FL

ITB # 17-04

Prepared By:

SOUTHERN FORESTRY
CONSULTANTS

Introduction

Southern Forestry Consultants, Inc. (SFC) is a natural resource management and consulting firm providing services to non-industrial, industrial, non-governmental, and governmental organizations in the Southeastern United States. Formed in 1988 in Bainbridge, Georgia, to provide forestry consulting services to the north Florida and southwest Georgia areas, the company now additionally operates offices in Monticello, Florida and Enterprise, Alabama. SFC currently serves private, public, and governmental clients from Texas to Virginia. The staff of SFC has over 200 years of combined experience and an outstanding reputation within the forestry, wildlife, and conservation fields.

In addition to SFC's wealth of natural resource management experience, we have developed an association with Natural Resource Consulting, Inc. (NRC), a leader in urban forestry and street tree inventories.

Company Information

Southern Forestry Consultants, Inc.
305 W Shotwell Street
Bainbridge, GA 39819
sfcbainbridge@southernforestry.net
(229)246-5785 – Office
(229)246-5794 – Fax
http://www.soforest.com

Key Personnel

Jason Suggs, GIS Manager:

Enterprise geodatabase developer and manager with 10 years of forestry, GIS, remote sensing, and photogrammetry experience. He has developed and maintains GIS solutions for a variety of clients with custom desktop, web, and mobile applications for data collection and analysis.

George Barker:

President NRC, earned a B.S. degree in Forest Resource and Conservation and a Master's in Business Administration. The combination of these two degrees gives him the knowledge of vegetation management as well as knowledge of how to administer this resource. He is an ISA Certified Arborist, ISA Tree Risk Assessor, Registered Forester, and Certified Forester He has experience, over 25 years, in developing Urban Forestry Management Plans and has conducted numerous tree inventories across the country. He formed his own company in 1989. He is a leader in the urban forestry profession and has served as the Alabama Urban Forestry Association's President for two terms.

Partial Client Listing (SFC)

Universities and Municipalities

Auburn University

Jefferson County Property Appraiser

City of Quincy, Fl

University of Florida

Duke University

N.C. State

State Government

Florida Division of Forestry

Florida Dept. of Environmental Protection

Florida Dept. of Corrections

Georgia Forestry Commission

Alabama Forestry Commission

Industry

BASF

Bowater Incorporated

C.W. Roberts, Inc.

Weyerhaeuser

Environmental Firms

Dial Cordy & Associates

Gladding Jackson

Golder & Associates

Selected Project Descriptions (SFC)

Client	Activity
University of Florida	Reforestation
Auburn University	Continuing Education Classes
Coastal Lumber Company	Control Burning, Mapping, Timber Inventory
Florida Power Company	Timber Management, Reforestation
Georgia-Pacific Corporation	Timber Inventory, SFI Assessment
Jefferson County Property Appraiser	Land Mapping and Classification
National Council of Air and Stream Improvement	Amphibian Survey
Plum Creek Timber Company	Endangered Species Consulting
State of Florida	Inventory and Appraisal
The Nature Conservancy	Timber Cruise and Appraisal
Florida Dept. of Environmental Protection	Timber Cruise and Appraisal
Florida Dept. of Corrections	Timber Cruise and Appraisal
Florida Division of Forestry	Timber Cruise and Appraisal
Northwest Florida Water Management District	Timber Cruise and Appraisal, Herbicide Application
Pricewaterhouse Coopers	SFI Auditing

Similar Projects (NRC)

City of Jacksonville, Alabama – A partial street tree inventory and an inventory of several parks was conducted using a GPS. An Urban Forestry Management Plan was also prepared.

City of Simpsonville, South Carolina - Inventory of trees within several parks and other city owed properties. NRC then developed a management plan for the parks.

Ft. Benning, Georgia - An inventory of all trees on the Main Post (over 10,000) was performed in the month of September. Data was provided in electronic format that was compatible with their existing ESRI GIS. A listing of all hazard and priority trees was also provided.

State of Arkansas – An inventory of 8 different cities in the state of Arkansas was conducted. The inventory included street trees in three communities and park trees in the remaining communities. Over 20,000 trees were inventoried in all communities. A management plan was prepared for each community. Management plans for parks included maintenance recommendations for existing trees as well as proposed plantings for maintaining tree canopy longevity in each park.

City of Fayetteville, Arkansas - An inventory of streets and several parks was conducted with GPS. Data was collected in a format compatible with the iTree suite of software from the US Forest Service. Data was analyzed utilizing iTree and a report to City Council was given highlighting the environmental benefits from trees as well as maintenance needs and overall canopy condition.

City of Columbus, Georgia – A tree inventory, stand delineation and natural resource assessment was conducted. A Park Tree Maintenance plan was developed with data. Environmental Benefits utilizing tree inventory data was conducted and delivered utilizing i-tree benefit software.

City of Athens, Georgia - A street tree inventory was conducted within certain areas in Athens. A compilation of data report was provided was all data had been collected.

City of Auburn, Alabama - A street tree inventory was conducted. This inventory also included several parks owned by the City of Auburn. Data was compiled and an Urban Forest Management Plan was prepared for the City.

Insurance Certifications

Type of Insurance		Limits
Automobile Liability:	Scheduled, Hired and Non-owned Autos	
	Combined Single Limit	$ 1,000,000
General Liability:	General Aggregate	$2,000,000
	Personal & Adv Injury	1,000,000
	Each Occurrence	1,000,000
	Fire Damage (Any one Fire)	100,000
	Med Exp (Any one Person)	5,000
Workers Compensation		
& Employers' Liability:	Each Accident	$ 500,000
	Disease-Policy Limit	500,000

Other: Forestry Services classification description includes Forester's Special Liability coverage endorsement to provide $1,000,000 each occurrence, $1,000,000 General Aggregate.

EXHIBITS

EXHIBIT "A"	Contact Sheet/Bid Form
EXHIBIT "B"	Public Entity Crimes
EXHIBIT "C"	Drug-Free Workplace Certification
EXHIBIT "D"	E-Verify Statement
EXHIBIT "E"	Conflict of Interest
EXHIBIT "F"	Non-Collusion Affidavit
EXHIBIT "G"	Disputes Disclosure
EXHIBIT "H"	Proposer Acknowledgements and Agreements

EXHIBIT "B"

TO GENERAL CONDITIONS TO ITB #17-04

CITY OF FERNANDINA BEACH, FLORIDA SWORN STATEMENT UNDER F.S. SECTION 287.133(3) (A), ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES .

2. This sworn statement is submitted by (entity) Southern Forestry Consultants, Inc whose business address is 305 W Shotwell Street, Bainbridge, GA 39819 and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

3. My name is Jason Suggs and my relationship to the entity named above is Employee.

4. I understand that a "public entity crime" as defined in Paragraph 287.133(a) (g). Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any proposal or contract for goods or services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

5. I understand that "convicted" or "conviction" as defined in paragraph 287.133(a) (b), Florida Statutes, means finding of guilt or a conviction of a public entity crime with or without an adjudication of guilt, in any federal or state trial court of records relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.

6. I understand that an "affiliate" as defined in Paragraph 287.133(1) (a), Florida Statutes, means:

   1. A predecessor or successor of a person convicted of a public entity crime; or

   2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The City of Fernandina Beach, Florida ownership by one of shares constituting a controlling income among persons when not for fair interest in another person, or a pooling of equipment or income among persons when not for fair market value under a length agreement, shall be a prima facie case that one person controls another person. A person who

was knowingly convicted of a public entity crime, in Florida during the preceding 36 months shall be considered an affiliate.

7. I understand that a "person" as defined in Paragraph 287.133(1) (e), Florida Statutes, means any natural person or entity organized under the laws of the state or of the United States with the legal power to enter into a binding contract for provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

8. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies)

   X Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

   ____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. (Please attach a copy of the final order.)

   ____ The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

   ____ The person or affiliate has not been placed on the convicted vendor list. (Please describe any action taken by, or pending with, the Department of General Services.)

Signature _____ Date: 4/25/17

STATE OF GEORGIA
COUNTY OF Decatur

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/her signature at the space provided above on this 25th day of April, 2017, and is personally known to me, or has provided _____ as identification.

Penny Moore
Notary Public
My Commission expires:

PENNY H MOORE NOTARY PUBLIC DECATUR COUNTY GEORGIA EXPIRES May 6, 2019

THIS FORM MUST BE INCLUDED WITH PROPOSAL

COPY

METRIC ENGINEERING

April 26, 2017

City of Fernandina Beach
City Clerk's Office
Fernandina Beach, FL 32034

RE: URBAN FORESTRY SERVICES

Metric Engineering, Inc. (Metric) is pleased to submit this response to the City of Fernandina Beach's Invitation to Bid for Urban Forestry Services. Metric's staff is highly trained in the field of GPS Tree Inventories, having not only completed numerous tree inventories but also providing industry training to other professionals and municipalities on the topic. Our staff includes International Society of Arboriculture (ISA) Certified Arborists, FNGLA Certified Horticulturalists, and Landscape Inspectors' Association of Florida (LIAF) Certified Landscape Inspectors. Our arboricultural professionals have served and continue to serve leadership roles such as serving on Boards of Directors including the ISA Florida Chapter and the Landscape Inspectors' Association of Florida, speaking at local training events and statewide conferences, conducting field research and publishing articles in industry publications. Metric's relevant project experience as Urban Forestry experts and Arborist is unparalleled in the state. We have provided urban forestry consulting services to eight Florida municipalities, we administer the Statewide Vegetation Management permitting process for FDOT as the Statewide Arborist, we have overseen and inspected the installation and maintenance of 14 major landscape installations for Florida's Turnpike totaling over $10 million dollars in landscaping installation and establishment costs, and provided tree inventory and assessment services for over 90 private sites in the last six years.

We are committed to continue using our experience, knowledgeable staff and innovative technology tools to successfully fulfill all obligations of this contract, and have assembled an enhanced team to continue to provide quality and timely services.

Sincerely,
METRIC ENGINEERING, INC.

Daniel Parobok, ISA Certified Arborist FL-6801A
Project Manager

Office: (305) 235-5098
Fax: (305) 235-5271
13940 SW 136th Street, Suite 200, Miami, FL 33186
www.metriceng.com

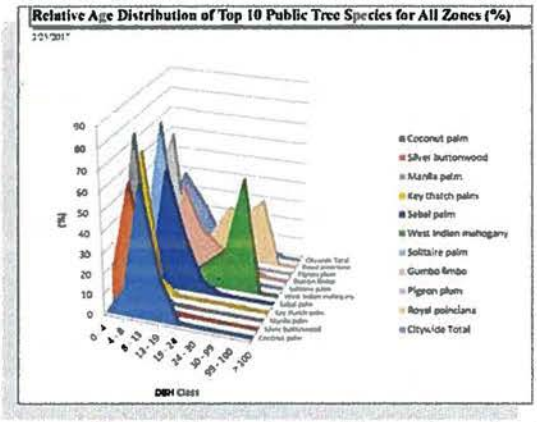
Company Overview

Metric was founded in Miami in 1976, and has since grown to over 250 full time employees across Florida. Metric is a full service engineering and environmental consulting firm, primarily providing professional consulting services to municipalities and state agencies. Although we are considered a large engineering firm, our responsiveness to our clients is handled as if we were a small firm. Metric is authorized by the State of Florida Department of Professional Regulation for Engineering Services and is permitted to do business in the State of Florida.

Metric has developed a widely respected specialty in consulting arborist and landscape inspection services. Metric maintains a wide range of staff expertise in this field, including Certified Arborists (ISA), Certified Landscape Inspectors (LIAF), and Certified Horticulturalists (FNGLA). Metric currently serves prominent arborist/urban forestry roles across Florida including serving as a Landscape Consultant for the cities of Parkland, South Miami, and Miami, as well as Dania Beach where we administer their entire urban forestry program including tree removal permitting, landscape plan review, and undertaking landscape planning initiatives. Metric also services as the Statewide Arborist for the Florida Department of Transportation's Vegetation Management Permitting Program, and we have been the Project Administrator and Landscape Inspector for 12 of the Florida Turnpike's major landscaping projects (with a combined landscape installation cost of over $10 million).

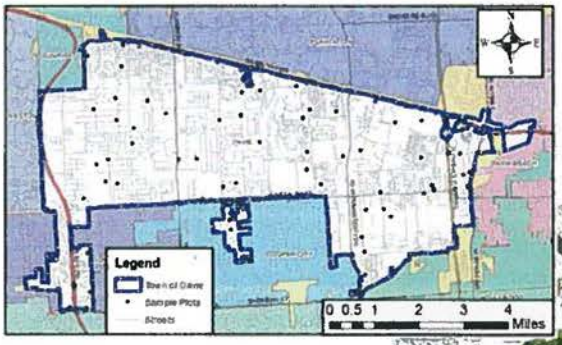
Company Experience

City of Key West Tree Inventory, Assessment and Mapping Services- The scope of work for this project included a GPS-based tree survey for all trees within City ROW, parks, and open spaces gathering over 30 data fields per tree. Upon completion of the over 3,000 tree survey, the information was compiled in GIS format as well as an i-Tree Street analysis report for the City's use. Following the data gathering and processing, Metric worked closely with the City staff to develop a Tree management Plan which included recommendations for new plantings in vacant planting spaces, pruning and removal priority levels and areas, and a summary of best management practices for managing tree health, increasing tree canopy, and promoting canopy diversity. Per the grant requirements, this project was completed within a short timeline of three months, with deliverables meeting all grant obligations, as this project was grand funded through an Urban Forestry Grant from the Florida Division of Forestry. **Staff involved:** Michael McCoy served as Project Manager, with Daniel Parobok providing project planning, GPS data collection, and GIS analysis. **Contact:** Alison Higgins, Sustainability Coordinator, ahiggins@cityofkeywest-fl.gov; (305) 809-3726; **Begin/End Dates:** December 2016 to February 2017.



City of Parkland Tree Inventory and Landscape Consultant Services- The scope of work for this project consists of developing a GPS/GIS tree inventory system for the City. The success of this project is being measured by the benchmark of establishing a GPS/GIS tree inventory and management system that addresses all of the City's needs, minimizes data collection time, and provides results that are easily mapped and that provide assessments of tree functions and health and actionable maintenance needs. In this capacity, Metric is working closely with City staff to identify planning, management and maintenance goals, develop GPS assessment data fields and define categories/parameters for data collection, formatting the City's tree inventory database to ensure compatibility with iTree Streets for data submittal, uploading final data fields including drop-down lists into the City's GPS unit for ease of the City's future data collection, conducting GPS tree inventories on street trees and park properties, and providing City staff with training on GPS data collection, GIS map making, and use of the iTree Streets platform. **Staff involved:** Michael McCoy serves as Project Manager, with Daniel Parobok providing additional support for GPS data collection. **Contact:** Suzanne Newman, Environmental Coordinator, snewman@cityofparkland.org; (954) 757-4165; **Begin/End Dates:** May 2016 to present.

Town of Davie Tree Inventory and iTree Assessment - This scope of work included conducting a GPS-based tree inventory of the entire tree canopy of the Town of Davie, with the goals of providing assessments of the functions of and potential improvements to the City's urban forest, identifying potential planting locations, and integration with an ongoing sustainability initiative of the Town. Success was measured by fulfillment of all grant obligations from the State of Florida, which funded the project through an Urban and Community Forestry grant. The project was so successful that the State offered to increase the funding levels to provide for additional analysis and reporting, after completion of the original scope of work. Metric's role included designing and conducting a Town-wide GPS tree inventory, analyzing field data using the iTree platform, accompanied by additional risk-assessment and other evaluation data, and serving as a liaison between the Town and the South Florida Audubon Society, who administered the grant. **Staff involved:** Michael McCoy served as Project Manager and Senior Consulting Arborist. **Contact:** Doug Young, COO South Florida Audubon Society, dyoung@southfloridaaudubon.org; 954-776-5585; **Begin/End Dates:** March 2011 to January 2012.

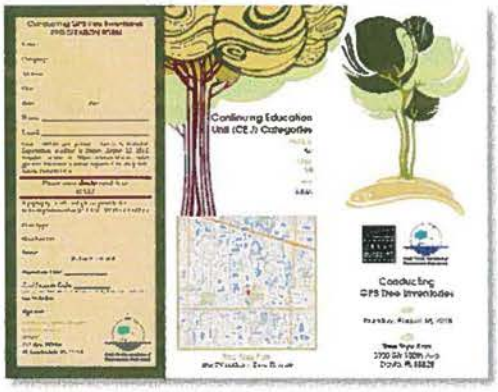


City of Dania Beach Consulting Arborist Services - The scope of work for this project is performed under a continuing services contract and consists of administering the City's urban forestry program and conducting numerous special projects. Special projects have involved several GPS tree inventories, including for street trees along streets prioritized for landscape enhancement plantings, identifying trees that should remain (along with relevant tree-specific data), trees to be removed, and available planting locations. GPS tree inventories have also included City park properties, including the City's Oceanfront Park, where Metric inventoried vegetation to identify potential hazards requiring removal, trees to remain that will require maintenance, and available planting spaces. In addition to special projects such as these, Metric evaluates all tree removal permit applications on behalf of the City, and conducts all landscape inspections on new site development and tree mitigation plantings, as well as existing vegetation on properties that will be redeveloped, and is very skilled at identifying common landscape species, maintenance needs, and suitability of landscape material. Daniel Parobok serves as the lead on this project with Michael McCoy providing project management oversight. **Staff involved:** Michael McCoy serves as Project Manager and Senior Arborist, Daniel Parobok serves as the principal Landscape Inspector, with landscape inspection support from additional Metric staff. **Client:** City of Dania Beach; **Contact:** Corinne Lajoie, Principal Planner, cchurch@ci.dania-beach.fl.us (954) 924-6800; **Begin/End Dates:** August 2010 to present

Key Personnel

Michael McCoy

Mr. McCoy is a highly experienced ISA Certified Arborist, ISA Tree Risk Assessor (TRAQ), and LIAF Certified Landscape Inspector. Mr. McCoy has personally inventoried tens of thousands of trees using GPS data collectors, and has taught day-long seminars for LIAF, ISA, and FUFC on ***Conducting GPS Tree Inventories*** (three seminars) and ***Conducting iTree Assessments*** (two seminars), in addition to speaking, providing training, and publishing articles on a variety of related urban forestry topics, and sitting on the Board of Directors of the ISA Florida Chapter and the LIAF. Mr. McCoy is the Project Manager for the City of Dania Beach Landscape Consultant Services contract, the FDOT Statewide Arborist Services contract and the Turnpike Landscape Inspection/Oversight contract, and has provided professional arborist/urban forestry services for eight Florida Municipalities, in addition to a wide variety of private entities.



In addition to this experience, and work listed under Company Experience, Mr. McCoy also has extensive experience in identifying maintenance needs based on tree assessments, and ensuring that tree assessment data can correctly and easily be used to develop maintenance scopes of work. ***Mr. McCoy has utilized tree inventory and assessment data to develop maintenance plans*** and scopes for RFBs for maintenance work for the City of Doral (city-wide), Florida's Turnpike, seven large homeowner's associations (for common-area managed trees), Monroe County (multiple sites), and the Florida Department of Environmental Protection (native landscape restoration in Key largo), as well as for several high profile private developments, including the new Playa Largo resort in Key Largo. Mr. McCoy has also provided expert witness services regarding tree assessment and maintenance, for a variety of sites. In addition, he has administered/provided services for ***five Florida Urban and Community Forestry-funded grant projects,*** and understands the timelines, reporting, and data delivery requirements needed to ensure a smooth grant funding and administration process.

City of Doral

Invitation to Bid

Citywide Landscape Maintenance Services

ITB# 2012-##

NOTICE: Pursuant to the City of Doral Procurement Ordinance, sealed bids for consideration to provide the services detailed in the scope of services listed below, shall be received by Yvonne Soler-McKinley, City Manager, City of Doral, 8401 NW 53rd Terrace, Doral, Florida 33166 until 11:00 am on DATE. The submittals shall be clearly marked "Citywide Landscape Maintenance Services, ITB #2012-##" Late submittals shall not be accepted or considered.

Daniel Parobok- Mr. Parobok is an ISA Certified Arborist and also holds the LIAF Landscape Inspector certification and the Horticultural Professional Certification from the FNGLA. Mr. Parobok specializes in urban and municipal arboriculture, GPS and GIS based tree inventories, tree assessments, and landscape technical oversight including installation, establishment, and site design review. Mr. Parobok has conducted numerous tree surveys, accounting for several thousand trees, for various municipalities in Florida as well as on residential, county, and statewide levels. Mr. Parobok designed and implemented the City-wide tree survey for the City of Key West which included gathering GPS/GIS data for over 3,000 trees. Mr. Parobok currently serves as Metric's lead landscape inspector for the City of Dania Beach and works closely with city staff on issues regarding the city's canopy including tree inventories, tree removal permitting, municipal tree health, and landscape plan reviews. Mr. Parobok is proficient in the latest GPS data gathering tools and GIS software in which he frequently utilizes in conducting tree surveys, data gathering and manipulation. Mr. Parobok is also the lead inspector for the FDOT Statewide Arborist contract which includes detailed tree surveys within right-of-way and updating the state's GIS database. In addition, he has provided services for ***Florida Urban and Community Forestry-funded grant projects.***

Relevant certifications are attached at the end of this Proposal

Required Forms

CITY OF FERNANDINA BEACH, FLORIDA

ADDENDUM ONE
FOR
INVITATION TO BID
ITB 17-04 Urban Forestry Services

Prepared By:
Kelly N. Gibson, AICP, Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

ADDENDUM DATE: April 13, 2017

INTRODUCTION

The City of Fernandina Beach is accepting competitive sealed proposals for **URBAN FORESTRY SERVICES.**

The City of Fernandina Beach requests sealed responses by **2:00 pm, April 27, 2017**for the proper execution and completion of the above-referenced project in accordance with the specifications published April 5, 2017 as Invitation to Bid 17-04.

Any submittal received after the above stated time and date will not be considered. It shall be the sole responsibility of the bidder to have its proposal delivered to the City of Fernandina Beach, by U.S. Mail, hand delivery or any other method available to him/her; however, facsimile or electronic submittals will not be accepted. Delay in delivery shall be the sole responsibility of the bidder. Submittals received after the deadline will not be considered.

THIS ADDENDUM

The following changes are applicable to the original ITB documents and specifications of ITB 17-04. This Addendum now becomes part of the original Invitation to Bid and shall be acknowledged by attaching a copy of this Addendum, signed by an authorized representative of the person or company submitting a proposal. Failure to do so may disqualify the Proposal.

NAME: Carlos Rodriguez, PE **TITLE** Vice President

ADDRESS: 13940 S.W. 136 St.

CITY: Miami **STATE:** FL

AUTHORIZED SIGNATURE: _____ **DATE:** 4-24-17

ADDENDUM ONE

INVITATION TO BID
ITB #17-04
URBAN FORESTRY SERVICES

I. **Changes to Invitation to Bid:** ***None***

II. **Questions:** ***See Below***

III. **Attachments:** ***Yes, revised "Exhibit A"***

II. Questions:

1) The ITB states that the City has an estimated 7,000 public trees that need to be surveyed and that the 2009 survey contains 7,000 trees. What is the approximate number of trees to be surveyed per the project description in the ITB?
Approximately, 5,000 - 7,000 trees are anticipated to be surveyed as part of this effort with the majority of trees being located in recreationally zoned land within and adjoining the City's golf course and the airport leasehold properties. This effort will be to add to the existing inventory to complete the data set. City staff will complete any maintenance updates to the existing inventory that are needed.

2) Does the completion of a comprehensive tree inventory include City ROW and public open spaces of the entire City or just the areas not covered in the 2009 survey (south of Sadler Road)?
It includes ROW and open space ONLY in areas not covered in the 2009 survey.

3) Who performed the 2009 tree survey.
Selvig Tree Appraiser's completed the 2009 survey.

4) What format and/or program was the 2009 tree survey provided to the City in?
Tree survey data was provided to the city in the form of a GIS shapefile.

5) What format and/or program is the current tree inventory data in?
GIS Shapefile as managed by the City.

6) Where can the management plan developed as part of the 2009 project be found? If the management plan is not publically available, can the City provide it upon request?
The current tree management plan can be located on the City's website at www.fbfl.us/trees or http://www.fbfl.us/DocumentCenter/Home/View/5495.

7) How is the proposed project description funded? Is this work grant funded? If so, what is the amount of the grant or amount of the grant allocated to the project description listed in the ITB?
The project is 50% funded through a USDA Urban Forestry Grant with a total project cost not to exceed $37,661.50.

8) **The ITB states that "the bid shall be submitted on the specified Contact Sheet/Bid Form (1 original, 3 copies), hereto attached as "Exhibit A."" however, the attached Exhibit A on page 12 of 20 of the ITB does not have a space indicated for the bid amount. Where should the bid amount be listed?**
See attached revised Exhibit A to include space at the bottom for a Lump Sum Bid amount.

Are there line items that the bid amount should be listed under or should the bid be listed as a single amount?
The bid amount can be listed as a lump sum for all services requested.

9) Are their minimum qualifications for tree inventory data collection staff? ISA arborist, under the supervision of an ISA arborist, etc.?
Data collection staff should have an ISA arborist certification.

*** * * END OF ADDENDUM ONE * * ***

EXHIBIT "A"

CONTACT SHEET

CITY OF FERNANDINA BEACH ITB #17-04

****

Name: Metric Engineering, Inc.

Federal Taxpayer ID: [redacted]

Mailing Address: 13940 S.W. 136 Street

City, State, & Zip Code: Miami, FL 33186

Telephone: 305-235-5098 **Fax:** 305-251-5894

Email: dparobok@metriceng.com

Submitted By: Carlos Rodriguez, PE

Title: Vice President

COMPANY Accepts Credit Cards*: Yes No

Accounting Contact:

Name:_____ **Title:**_____

Email Address:_____ **Phone:** _____

***See preferred method of payment under "Prompt Payment Act" section of the General Conditions**

LUMP SUM BID AMOUNT: $34,750

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "B"

TO GENERAL CONDITIONS TO ITB #17-04

CITY OF FERNANDINA BEACH, FLORIDA SWORN STATEMENT UNDER F.S. SECTION 287.133(3) (A), ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES.

2. This sworn statement is submitted by (entity) Metric Engineering, Inc. whose business address is 13940 S.W. 136 St., Miami, FL 33186 and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

3. My name is Carlos Rodriguez, PE and my relationship to the entity named above is Vice President.

4. I understand that a "public entity crime" as defined in Paragraph 287.133(a) (g). Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any proposal or contract for goods or services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

5. I understand that "convicted" or "conviction" as defined in paragraph 287.133(a) (b), Florida Statutes, means finding of guilt or a conviction of a public entity crime with or without an adjudication of guilt, in any federal or state trial court of records relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.

6. I understand that an "affiliate" as defined in Paragraph 287.133(1) (a), Florida Statutes, means:

   1. A predecessor or successor of a person convicted of a public entity crime; or

   2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The City of Fernandina Beach, Florida ownership by one of shares constituting a controlling income among persons when not for fair interest in another person, or a pooling of equipment or income among persons when not for fair market value under a length agreement, shall be a prima facie case that one person controls another person. A person who

was knowingly convicted of a public entity crime, in Florida during the preceding 36 months shall be considered an affiliate.

7. I understand that a "person" as defined in Paragraph 287.133(1) (e), Florida Statutes, means any natural person or entity organized under the laws of the state or of the United States with the legal power to enter into a binding contract for provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

8. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies)

   X Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

   ____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. (Please attach a copy of the final order.)

   ____ The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

   ____ The person or affiliate has not been placed on the convicted vendor list. (Please describe any action taken by, or pending with, the Department of General Services.)

Signature _____ Date: 4-24-17

STATE OF FLORIDA
COUNTY OF Miami-Dade

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/her signature at the space provided above on this 24 day of April, 2017, and is personally known to me, or has provided _____ as identification.

DIANA TOME'
Notary Public - State of Florida
Commission # GG 069112
My Comm. Expires Mar 24, 2021
Bonded through National Notary Assn.

Notary Public
My Commission expires: March 24, 2021

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "C"

TO GENERAL CONDITIONS TO ITB #17-04
CITY OF FERNANDINA BEACH

DRUG-FREE WORKPLACE CERTIFICATION

The below-signed COMPANY certifies that it has implemented a drug-free workplace program. In order to have a drug-free workplace prepare, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or services a copy of the statement specified in paragraph 1.
4. In the statement in paragraph 1., notify the employees that, as a condition of working on the commodities or contractual services that are under proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of nolo contendere to, any violation occurring in the workplace no later than five (5) working days after such conviction.
5. Impose a sanction on, or require fine satisfactory participation in drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign this statement, I Certify that this company complies fully with the above drug-free workplace requirements.

COMPANY: Metric Engineering, Inc.

CITY: Miami STATE: FL ZIP CODE: 33186

TELEPHONE NUMBER(S): 305-235-5098

SIGNATURE:

NAME (TYPED OR PRINTED): Carlos Rodriguez, PE TITLE: Vice President

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "D"

ITB 17-04

CITY OF FERNANDINA BEACH

E-VERIFY STATEMENT

Bid/Proposal Number: ITB 17-04

Project Description: URBAN FORESTRY SERVICES

COMPANY acknowledges and agrees to the following:

COMPANY shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of:

1. All persons employed by the COMPANY during the term of the Contract to perform employment duties within Florida; and

2. All persons assigned by the COMPANY to perform work pursuant to the contract with the Department.

Company: Metric Engineering, Inc.

Authorized Signature: _____

Title: Vice President

Date: 4-24-17

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "E"
CONFLICT OF INTEREST STATEMENT

This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES .

This sworn statement is submitted by (entity) Metric Engineering, Inc. whose business address is 13940 S.W. 136 St., Miami, FL and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

My name is Carlos Rodriguez, PE and my relationship to the entity named above is Vice President.
The above named entity is submitting a Proposal for the City of Fernandina Beach ITB# 17-04 described as URBAN FORESTRY SERVICES.

1. The Affiant has made diligent inquiry and provides the information contained in the Affidavit based upon his/her own knowledge.
2. The Affiant states that only one submittal for the above proposal is being submitted and that the above named entity has no financial interest in other entities submitting proposals for the same project.
3. Neither the Affiant nor the above named entity has directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraints of free competitive pricing in connection with the entity's submittal for the above proposal. This statement restricts the discussion of pricing data until the completion of negotiations if necessary and execution of the Contract for this project.
4. Neither the entity not its affiliates, nor anyone associated with them, is presently suspended or otherwise ineligible from participation in contract letting by any local, State, or Federal Agency.
5. Neither the entity nor its affiliates, nor anyone associated with them have any potential conflict of interest due to any other clients, contracts, or property interests for this project.
6. I certify that no member of the entity's ownership or management is presently applying for an employee position or actively seeking an elected position with the City of Fernandina Beach.
7. I certify that no member of the entity's ownership or management, or staff has a vested interest in any aspect of the City of Fernandina Beach.
8. In the event that a conflict of interest is identified in the provision of services, I, on behalf of the above named entity, will immediately notify the City of Fernandina Beach.

Signature _____ Date: 4-24-17

STATE OF FLORIDA
COUNTY OF Miami-Dade

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/her signature at the space provided above on this 24 day of April, 2017, and is personally known to me, or has provided _____ as identification.

Notary Signature _____ My Commission expires: March 24, 2017

DIANA TOME'
Notary Public – State of Florida
Commission # GG 069112
My Comm. Expires Mar 24, 2021
Bonded through National Notary Assn.

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "F"
Non-Collusion Affidavit

This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES .

This sworn statement is submitted by (entity) Metric Engineering, Inc. whose business address is 13940 S.W. 136 St., Miami, FL 33186 and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

My name is Carlos Rodriguez, PE and my relationship to the entity named above is Vice President.

1. The above named is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;
2. Such Proposal is genuine and is not a collusive or sham proposal;
3. Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, connived, or agreed, directly or indirectly, with any other Bidder, firm or person to submit a collusive or sham Proposal in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached proposal or any other Bidder, or to fix any overhead, profit or cost element of the proposal price or the proposal price of any other Bidder, or to secure through any collusion, connivance, or unlawful agreement any advantage against the City of Fernandina Beach, Florida or any person interested in the proposed Contract; and
4. The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Signature _____ Date: 4-24-17

STATE OF FLORIDA
COUNTY OF Miami-Dade

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/her signature at the space provided above on this 24 day of April, 2017 ___, and is personally known to me, or has provided _____ as identification.

Diana Tomé _____ My Commission expires: March 24, 2017
Notary Signature

THIS FORM MUST BE INCLUDED WITH PROPOSAL

DIANA TOMÉ
Notary Public – State of Florida
Commission # GG 069112
My Comm. Expires Mar 24, 2021
Bonded through National Notary Assn.

EXHIBIT "G"

DISPUTES DISCLOSURE FORM

Answer the following questions by placing as "X" after "YES" or "NO". If you answer "YES", please explain in the space provided, or via attachment.

Has your company or any of its officers, received a reprimand of any nature or been suspended by the Department of Professional Regulations or any other regulatory agency or professional association within the last five (5) years?
YES___ NO_X_

Has your company, or any member of your company, been declared in default, terminated or removed from a contract or job related to the services your company provides in the regular course of business within the last five (5) years?
YES_____NO_X____

Has your company had against it or filed any request for equitable adjustment, contract claims, bid protest, or litigation in the past five (5) years that is related to the services your company provides in the regular course of business?
YES_X___ NO___ **SEE ATTACHMENT "A"**

If yes, state the nature of the request for equitable adjustment, contract claim, litigation, or protest, and state a brief description of the case, the outcome or status of the suit and the monetary amounts or extended contract time involved.

I hereby certify that all statements made are true and agree and understand that any misstatement or misrepresentation or falsification of facts shall be cause for forfeiture of rights for further consideration of this proposal for the City of Fernandina Beach.

Metric Engineering, Inc.	4-24-17
Company	Date
	Carlos Rodriguez, PE / Vice President
Authorized Signature	Printed or Typed Name and Title

THIS FORM MUST BE INCLUDED WITH PROPOSAL

METRIC ENGINEERING

LITIGATION
ATTACHMENT "A"

Case Name: Florida Sol Systems, Inc., Plaintiff/Counterclaim-Defendant, Metric Engineering Inc., Counterclaim-Defendant vs. International Fidelity Insurance Company, a foreign corporation, Defendants. In the Circuit Court 11th Judicial Circuit in and for Miami-Dade County, Florida. Case No.: 17-001563-CA-01
Date Received: 2/3/2017
Description: 2013 contract with World Fiber Technologies for Miami-Dade Expressway Authority's Design Build Project Contract #RFP 13-04. Allegation of inaccurate drilled shaft inspections and reporting by Metric's geotechnical subconsultant
Disposition of Case: Pending

Case Name: Roberta O'Neill, individually, Tanya O'Neill Christopher, individually, and her husband, Stephen Christopher, individually vs. Q MEI Trucking Inc., a New York Corporation, Hubbard Construction Company, a Florida Corporation, and Metric Engineering Inc., a Florida Corporation
Date Filed: 11/16/2016
Description: 2014 contract with Hubbard Construction Company for FDOT's SR-710 Design Build. Allegation of negligence, plaintiff's accident on 3/3/2016
Disposition of Case: Pending

Case Name: Chad Jetvig, as Personal Representative of the Estate of Camille Jetvig vs. Atkins North America, Inc. fka Post Buckley Schuh & Jernigan, Inc., Dura-Stress, Inc., Dura-Stress Acquisitions, LLC, Dura-Stress Holdings, LLC, Highway Safety Devices, Inc., Metric Engineering Inc., Beiswenger, Hoch & Associates, Inc., Deleuw, Cather & Company, Inc., Parsons Transportation Group Inc. , Dyer, Riddle, Mills and Precourt, Inc., H.W. Lochner Inc., Middlesex Corporation, Mehta and Associates, Inc., TAG Enterprises, Inc., Elvis Perez Gonzalez, and Odalys Elena Ramirez.
Date Filed: 11/2/2016
Description: 2005 contract with FDOT Florida's Turnpike, SR-528 segment designed by Metric's subconsultant. Allegation of negligence, plaintiff's accident on 9/6/2014.
Disposition of Case: Pending

Case Name: Fannie Louise Scotland, Cari Scotland and Aundrea McMurray, Bobby Brown JR. v. Metric Engineering, Inc., Ross S. Shillingford, PE, and Florida Department of Transportation
Date Filed: 12/3/2015, 12/23/2015
Description: 2003 SRA1A Roadway Improvement contract with Florida Department of Transportation. Allegation of negligence, plaintiff's accident on 4/27/2012
Disposition of Case: Pending

Case Name: Diane Barfield v. CW Roberts Contracting, Inc., Kangaroo Express, Inc., The Pantry, Inc., Metric Engineering, Inc., State of Florida Department of Transportation, Traffic Control Products of Florida, Inc.
Date Filed: 4/21/2015, 11/25/2015
Description: 2009 CEI Group 114 Contract with Florida Department of Transportation. Allegation of negligence, plaintiff's motorcycle accident on 3/13/2011
Disposition of Case: Pending

METRIC ENGINEERING

LITIGATION
ATTACHMENT "A"

Case Name: Gerald Alford v. Palm Beach County, FDOT, Metric Engineering Inc., Inc., and Hardrives of Delray, Inc.
Date Filed: 5/14/2014
Description: 1990 Contract with Palm Beach County: West Atlantic Avenue – 6100 Block, Delray Beach, FL. Allegation of negligence, plaintiff's motorcycle accident on 1/2/2010
Disposition of Case: Settled; no sentence, fine or other penalty

Case Name: Fairchild-Florida Construction Company v. C.W. Roberts Contracting, Inc., GAC Contractors, Inc., Preble-Rish, Inc. and Metric Engineering Inc. (Third-Party Defendants)
Date Filed: 11/26/2012
Description: Bay County Construction Inspection Services on Grand Lagoon Bridge Replacement and Widening Project, 2009. Allegation of negligence, plaintiff worked as subcontractor to C. W. Roberts and struck public water main serving the City of Panama City Beach
Disposition of Case: Settled; no sentence, fine or other penalty

Case Name: Lindsay Davis and Key Davis v. Metric Engineering Inc. and Florida Department of Transportation
Date Filed: 9/5/2012
Description: FDOT District 5 Continuing Services Contract for Traffic Operations, 2011. Allegation of negligence, plaintiff's bicycle accident on 9/28/2010, hitting a traffic counter road tube while training for triathlon
Disposition of Case: Settled; no sentence, fine or other penalty

Case Name: Johnson Brothers, LLC v. Turner Construction Company, et al, Case No. 11-CA2612, 9th Judicial Circuit, Orange County Florida
Date Filed: 6/16/2012
Description: Construction Engineering and Inspection of Osceola Parkway Road Widening, 2009. Allegation of Breach of Contract. Turner Construction Company filed a complaint against Metric Engineering, Inc., sounding in extended conditions allegedly caused by excessive CEI inspections. Case No. 11-CA-2612-CI, Johnson Brothers, LLC v. Turner Construction Company, ET AL and Case No. 12-CA-2747-CI, Turner Construction Company v. Metric Engineering, Inc. were consolidated
Disposition of Case: Settled; no sentence, fine or other penalty

EXHIBIT "H"

Proposer Acknowledgements and Agreements

The undersigned, as an employee or agent of the Proposer, having the authority to sign a binding agreement on behalf of the corporation, company, or firm presenting this submittal, confirms understanding and/or agreement and/or takes exception with any statement in the following sections of this ITB document.

1. INTRODUCTION AND GENERAL INFORMATION
   Understands and agrees to all terms.

2. PROPOSAL INSTRUCTIONS, TERMS AND CONDITIONS
   Understands and agrees to all terms.

3. EVALUATION AND CONTRACT OVERVIEW
   Understands and agrees to all terms.

4. PROPOSER'S RESPONSE: COMPANY INFORMATION
   Understands and agrees to all terms.

5. PROPOSER'S RESPONSE: PROPOSED COMPANY
   Understands and agrees to all terms.

6. PROPOSER'S RESPONSE: ACCESSIBILITY AND RESPONSIVENESS
   Understands and agrees to all terms.

7. PROPOSER'S RESPONSE: PROPOSED COMPENSATION
   Understands and agrees to all terms.

Name: Carlos Rodriguez, PE Title: Vice President

Signature: Date: 4-24-17

THIS FORM MUST BE INCLUDED WITH PROPOSAL

International Society of Arboriculture

Certified Arborist™

Michael R. McCoy

Having successfully completed the requirements established by the Certification Board of the International Society of Arboriculture, the above named is hereby recognized as an ISA Certified Arborist.

Skip Kincaid

Certification Board, Chair
International Society of Arboriculture

Jim Skiera, Executive Director
International Society of Arboriculture

MA-4243A	Mar 1, 2002	Jun 30, 2017
Certificate Number	Certified Since	Expiration Date

INTERNATIONAL SOCIETY OF ARBORICULTURE

CERTIFIED ARBORIST™

Daniel Parobok

Having successfully completed the requirements set by the Arborist Certification Board of the International Society of Arboriculture, the above named is hereby recognized as an ISA Certified Arborist®

Jim Skiera, Executive Director
International Society of Arboriculture

Skip Kincaid

Certification Board, Chair
International Society of Arboriculture

FL-6801A	Dec 10, 2015	Dec 31, 2018
Certification Number	Certified Since	Expiration Date

Certification No. 2015-154
Expiration date: December 31, 2018

This certifies that

Daniel Parobok

Having shown to possess the necessary qualifications
and having complied with the requirements of the

Landscape Inspectors Association of Florida, L.A.A.

was by an order of this body recognized as competent
in dispensing of the duties of a

Landscape Inspector

Given under the seal of the
Landscape Inspectors Association of Florida, L.A.A.
this 20th day of August, 2015

_____, Certification Chair
Claudia Alzate

FNGLA®

CERTIFIED PROFESSIONAL
HORTICULTURE

The Florida Nursery, Growers & Landscape Association

Confers on

Daniel Parobok HC7 8524

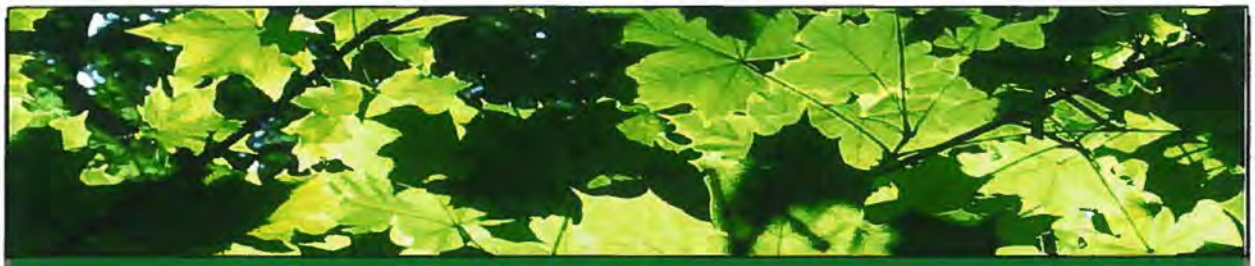
The Title of

FNGLA Certified Horticulture Professional (FCHP)

Expiration Date: December 31, 2017
Certified Since: December 2014

Sandy Stein, FNGLA President

Merry Mott, FNGLA Certification Director



Urban Forestry Service ITB: 17-04

The City of Fernandina Beach, Florida

April 2017

Prepared for:
The City of Fernandina Beach
Attn: City Clerk's Office -- ITB#17-04
204 Ash Street
Fernandina Beach, Florida 32034

Prepared by:
Davey Resource Group
Shirley Vaughn
A Division of The Davey Tree Expert Company
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DAVEY RESOURCE GROUP
A Division of The Davey Tree Expert Company

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April 21, 2017

City Clerk
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

RE: Invitation to Bid #17-04, Urban Forestry Services

Dear Sir or Madam:

Davey Resource Group, a division of The Davey Tree Expert Company, is pleased to submit or qualifications and fees for the City of Fernandina Beach's urban forest project referenced above. Enclosed is one original and three copies of Davey Resource Group's proposal. If you have any questions about our submission, please contact Shirley Vaughn at 904-803-0557 or via e-mail at shirley.vaughn@davey.com.

Sincerely,

Shirley Vaughn

Shirley Vaughn
per

204th Street • Fernandina Beach, Florida 32034 • 904/277-7305 • Fax 904/277-7308

CITY OF FERNANDINA BEACH
CITY CLERK'S OFFICE
APR242017AM10:57

Introduction

Managing trees is important because they bring value to your community. Commonly recognized for the beauty and shade they provide, public trees offer even greater benefits that impact you every day. Trees help moderate temperature, reduce air pollution, and conserve energy. Well-positioned and properly-maintained trees also increase property value and contribute to commercial success.

Fernandina Beach's inventory project is an important part of a comprehensive tree care program. The results of this project will help Fernandina Beach better understand its urban forest's composition, structure, and tree maintenance needs as well as plan for both short-term and long-term resource allocation and develop risk management strategies. The project will also enable the city to promote the benefits its trees provide to the community. Davey Resource Group, a division of The Davey Tree Expert Company, has years of experience working with communities like Fernandina Beach to assess their trees and offer solutions to them that address their individual management needs while improving the overall sustainability of their urban forests.

In this proposal, we present the scope of work along with our qualifications and experience with performing work described in the scope. We provide a rundown of our approach to completing the project and define how we assess tree risk and the inventory's data fields. We also introduce our Treekeeper® online software, to which you will a receive a one-year subscription at no charge. Finally, we include a project schedule and relevant information about the staff we would most likely assign to this project.

Scope of Work

The proposed project is a Geographic Information System (GIS)-based inventory of up to 7,000 trees and stumps that are located in primarily in recreationally-zoned land within and adjoining the city's golf course and the airport leasehold properties. This effort will be to add to the existing inventory to complete the data set. No existing data will be re-inventoried or updated during the project.

Tree inventory data will be delivered in shapefile format compatible with the city's existing GIS tree inventory. Tree inventory data also will be delivered in Davey Resource Group's multi-purpose, cloud-based tree management software, TreeKeeper®. TreeKeeper® will be provided free of charge for one year. TreeKeeper® has an administrative site and a field tool that will enable you to utilize inventory data for work identification, prioritization, and planning, and to view and update the inventory data while in the field. Data can be downloaded from TreeKeeper® in CSV/Excel™, ESRI® shapefile, and Geodatabase formats. Fernandina Beach's staff will be trained in using TreeKeeper® and receive one year of telephone software support.

Davey Resource Group will update the city's current management plan upon completion of the inventory. Our tree inventory will be based on American National Standards Institute (ANSI) standards.

During the inventory, Davey Resource Group staff will spend time, at least two-hours, in the field with city personnel to discuss data fields and inventory techniques. Immediately following data collection, we will hold a comprehensive training package for city tree maintenance workers with the goal of increasing general and practical knowledge regarding proper tree care. Training will cover proper pruning, maintenance techniques, and tree removal procedures. Training is for no more than twenty (20) employees.

Davey staff have helped develop and revise the ANSI standards for arboriculture, including tree risk assessment, and also helped to draft some of ISA's best management practices. We also work with the Tree Care Industry Association (TCIA) as safety is priority one for Davey. When Fernandina Beach works with Davey, they will be working with a trusted name and proven leader in arboriculture.

Ability to Meet Needs and Perform Work

The Davey Resource Group team assembled for Fernandina Beach has been working together on urban forest management projects for over five years.Rachel Comte has only been with the Davey team for two years and is dedicated to our management planning services. Her background includes 15 years' combined experience in project management, strategic marketing, consulting, and urban planning in the private and public sectors. After starting in project management and marketing in Washington, DC, and later holding positions in the private sector in online marketing and serving at the White House as a Special Projects Officer, Ms. Comte transitioned into the urban/environmental planning sector, working for a regional planning commission in comprehensive planning development as well as in code and zoning development, and worked with a non-profit to clean and plant abandoned urban lots to fend off blight and crime while spurring development.

For Davey Resource Group, Ms. Comte led our Charlotte, North Carolina, Cleveland, Ohio, and Greenbelt and Greensboro, Maryland master plans, and worked on our Lexington and Louisville, Kentucky plans.

In addition to Ms. Comte, our tree inventory and consulting staff are ISA Certified Arborists and have the Tree Risk Assessment Qualification credential (TRAQ). Mr. Gibson and Mr. McBride have been with Davey for 7 years, and Ms. McKinley 2 years. Mr. Jenkins and Ms. Gulick have been with for over 15 years. Our tree inventory staff are knowledgeable of southern and Florida tree species, GPS units, and the data fields specified for this project, and they are experienced at data collection.

Because of our in-house abilities and experience with the entire scope of work, Davey Resource Group will not use any subcontractors for this project.

In addition to our team's qualification, Davey Resource Group's project experience is another reason we are a good choice for this project. We have been inventorying trees for over 25 years and developing urban forest master plans for over 10 years.

In Florida alone, we have completed approximately 25 tree inventories. We developed the "benchmark" strategic urban forest master plan for TreePittsburgh, the *Pittsburgh Urban Forest Master Plan*. Just recently, we completed four more strategic urban forest plans—an *Urban Forest Plan* for the City of Charlotte; *The Cleveland Plan* for the City of Cleveland; and the *Largo Master Urban Forest Plan* for the City of Largo, Florida. We also created a master plan for Miami Lakes, Florida and are currently working on master plans for Greenbelt, Maryland; Greensboro, Maryland; The Village of Mamaroneck, New York; Mount Hope Cemetery in Rochester, New York; and New York Tree Trust for Greening Greenpoint in Brooklyn.

Consulting Arborist and Planners

Our consultants and planners work directly with you.

Rachel Comte, project manager and planner with Davey's Natural Resource Consulting team, is responsible for managing large, high-end urban forestry consulting projects throughout the eastern U.S., including master plan and management plan development and UTC analyses. She is a certified arborist, urban planner, and trained facilitator. Based out of the greater Cincinnati/Northern Kentucky metropolitan area, Ms. Comte has over 15 years' combined experience in project management, strategic marketing, consulting, and planning in the private and public sectors. She is proficient in GIS and has conducted research on natural resource issues, including the economic impacts of urban waterway restorations, fracking impacts on communities, urban forestry management, land conservation trends, spatial development of cities, and economic impact reporting for municipalities, land banks, private companies, and professional associations.

Prior to joining Davey, Ms. Comte started in project management and marketing for a prominent business lobby in Washington D.C. She later held positions in the private sector in online marketing and served at the White House as a Special Projects Officer. Ms. Comte transitioned into the urban/environmental planning sector, having worked for a regional planning commission in comprehensive planning development and code and zoning development, along with a nonprofit dedicated to cleaning and planting abandoned urban lots to fend off blight and crime while spurring development. Ms. Comte is an ISA Certified Arborist (OH 6296-A) and a board member of the Northern Kentucky Urban & Community Forestry Council. She holds a master's degree in environmental/urban planning from the University of Cincinnati and a bachelor's degree in business and international politics from Indiana University. She studied landscape design and horticulture at Cincinnati State.

Ms. Comte has developed master plans for Largo, Florida; Greenbelt, Maryland; Greensboro, Maryland; Charlotte, North Carolina; Mt. Hope in Brooklyn, New York; and Cleveland, Ohio. She has assessed and written reports on urban tree canopy assessment for Lexington and Louisville, Kentucky. She was an invited speaker to the Ohio Chapter of the ISA annual conference in 2017 where she spoke about tree master planning.

Reid Gibson is a project manager and urban forester with Davey Resource Group's Natural Resource Consulting team. Mr. Gibson specializes in urban forestry consulting projects for federal and state agencies, municipalities, parks, universities, golf courses, and cemeteries. As project manager, much of his work focuses on inventory data collection, data quality and assurance, training new staff, teamwork and safety, project communication and delivery, and customer service.

Mr. Gibson has worked on and managed more than 50 inventories across the United States and Canada gaining him extensive knowledge of GIS-based data collection and GPS technology, pen-tablet computer use for data collection, ArcPad program utilization, tree and palm identification, and tree risk assessment. Mr. Gibson is proficient in the use of Davey's TreeKeeper® suite of software for inventory management, the United States Forest Service i-Tree (tools for assessing and managing community forests), and writing urban and community forest management plans involving inventory analysis of structure, function, and benefit data and urban tree canopy assessment land cover data. Accordingly, he has developed a thorough understanding of the important role base-line information plays in urban forest management. He is a Certified Arborist/Municipal Specialist (IL-5319AM) and Tree Risk Assessment Qualified (TRAQ) through the International Society of Arboriculture (ISA). He is a member of ISA's Southern Chapter. Mr. Gibson has a bachelor's degree in natural resources and environmental sciences with a concentration in forest science from the University of Illinois in Urbana/Champaign.

Jim Jenkins is the field services coordinator for Davey's eastern urban forestry team. He is responsible for performing computerized tree inventory projects for municipalities, parks, and future building sites. He has worked with GPS and GIS systems, handheld and pen-based data collection units, various inventory data collection software programs, and the i-Tree suite of software to deliver exceptional results for clients. Mr. Jenkins also is experienced in urban tree risk assessment, landscape tree appraisals, and tree preservation. From 2006 until 2011, Mr. Jenkins worked on the Asian Longhorned Beetle Cooperative Eradication Program in New York City and Boston, Massachusetts. In both cities, he served as the field project manager and was responsible for production, quality control, data management, and communication with USDA.

Additionally he performs quality control and quality assurance of in-field work, and provides training and orientation for new staff and ensures safe and efficient production. He is a Certified Arborist and Municipal Specialist (OH-1425AM) through ISA. He has also obtained ISA's Tree Risk Assessment Qualification (TRAQ) accreditation. Mr. Jenkins is a Certified Commercial Ohio Pesticide Applicator (License No. 10549). He is a graduate of the Davey Institute of Tree Sciences, a four-week comprehensive training program developed by founder John Davey, and holds a Bachelor of Science degree in conservation from Kent State University.

Special Expertise of Personnel

The Davey Resource Group team brings the following special expertise to Fernandina Beach's project:

- ISA Certified Arborist
- ISA Municipal Specialist
- ISA Qualified Tree Risk Assessor (TRAQ)
- Certified Forester through the Society of American Foresters (SAF)
- Former President of the Ohio Chapter of ISA
- Certification in Natural Lands Management through the University of Florida Institute of Food and Agricultural Sciences (IFAS) and The Nature Conservancy
- Experience working for and managing municipal lands for county government
- Experience working for and managing municipal urban forestry programs for city government
- Experience working for the Florida Division of Forestry managing urban forest projects, specifically those projects funded by the Florida Division of Forestry's urban and community grant program
- Experience working for historic properties and places
- Diverse and in-depth knowledge of dozens of successful, present-day municipal urban forestry programs and operations
- Public administration experience
- Strategic marketing, consulting, and planning experiences in the private and public sectors
- In-house GIS capabilities
- i-Tree insider; we are the developer and technical supporter of i-Tree Tools
- Conducted research on natural resource issues, including the economic impacts of urban waterway restorations, urban forestry management, ecosystem benefits of trees, socio-demographic value of trees, land conservation trends, and spatial development of cities
- Economic impact reporting for municipalities, land banks, private companies, and professional associations

City of Largo, Florida

In 2014, Davey Resource Group conducted a street tree and park tree inventory in the City of Largo. A team of inventory arborists worked around an existing, incomplete tree inventory database collecting only trees that were not in the existing inventory database. Approximately 15,000 sites were collected using pen tablet computers. Tree locations were determined using a combination of GIS and GPS technology. Davey Resource Group arborists collected the tree attributes that were present in the existing database and utilized by city urban forestry staff. The city received our TreeKeeper®7 tree management software and TreeKeeper® Mobile. The management software allows the city to plan, schedule, and track tree work, as well as easily update the inventory while in the field. Before uploading data, Davey Resource Group consolidated the two datasets, the existing and newly collected data, removing unneeded data fields and renaming fields so that the city could easily query the data.

This project was awarded to Davey Resource Group through a competitive RFP.

In 2015, Davey Resource Group was hired by the City of Largo to complete an urban tree canopy assessment and develop a strategic urban forest master plan utilizing the tree inventory data as well as the canopy analysis and input from city staff. The focus of the UTC and master plan was to understand the current distribution of both public and private tree cover, spatially and socially, and assess the city's maintenance program.

Davey Resource Group assessed Largo's tree canopy cover using a combination of satellite imagery, high-resolution aerial photography, and additional secondary source data. Five land cover types were analyzed: canopy, water, bare soil, and pervious and impervious surfaces. Canopy cover percentages were calculated by typical geographic boundaries such as the city limits and land use. Canopy cover was also assessed using 311 data and social indicators including obesity, asthma incidents, and income. Tree inventory data, existing tree maintenance contract amounts, and the city's Development Code were also analyzed during the project. Largo's staff also collaborated with Davey Resource Group through on-site meetings and responding to questionnaires about their programs and participating in a series of telephone interviews.

Largo's urban forest master plan provides the city with a roadmap that shows them where their program is, where they want it to be, and how to get there. The master plan included a custom tree species planting list that assigned species to planting site types based on site conditions such as grow space width and the presence of overhead wires.

This project was awarded to Davey Resource Group through a competitive RFP.

City of Winter Park, Florida

Davey Resource Group is conducted a citywide tree inventory for the city of Winter Park, Florida. Approximately 22,000 trees were collected during this project. During the inventory, each tree is assessed using ANSI Level 2 Tree Risk Assessment methodology and evaluated by the Davey Resource Group arborist for health and structure, overhead utility conflicts, and maintenance needs. Tree attribute and location data are collected using pen tablet computers and base maps provided by the City of Winter Park.

For this project, Davey Resource Group worked under its current line clearance contract with the city.

City of Orlando, Florida

Davey Resource Group conducted a street tree and park tree inventory in the City of Orlando. A team of five inventory arborists evaluated approximately 95,000 trees, stumps, and potential planting sites using pen tablet computers. Tree locations were determined using a combination of GIS and GPS technology. The trees were evaluated on several attribute categories, including condition, maintenance needs, and potential risk. The data were processed, analyzed, and incorporated into an urban forest management plan. The management plan provides important guidelines that will enable the City of Orlando to manage their urban forestry resources more efficiently. The management plan presents a comprehensive nine-year plan of maintenance activities designed to reduce potential hazards, create a cyclical pruning program, and establish an annual tree planting program. The inventory data were added to Davey Resource Group's TreeKeeper® 7 tree management software to help the city plan, schedule, and track tree work, and print detailed reports. Davey Resource Group integrated TreeKeeper® 7's subscription capabilities and created a local network. This creates a system linking field computers, used daily by city staff, to their TreeKeeper® 7 network. The TreeKeeper® 7 network enables the City of Orlando to maintain the most up-to-date inventory information.

USDA Forest Service Center for Urban Forest Research

Davey Resource Group urban foresters have performed reference city data collection for the i-Tree software application, i-Tree Streets. The i-Tree Streets model is a primary component of the U.S. Forest Service's state-of-the-art, peer reviewed, urban and community forestry analysis, and benefits assessment software suite. Each reference city is the basis for the regionally specific modeling capabilities of i-Tree Streets. The community trees of the following cities, representing 9 of the 16 unique national climate zones, were measured and recorded by Davey Resource Group's urban foresters under a cooperative agreement with U.S. Center for Urban Forest Research.

The collected data include: tree species, height, trunk diameter, and crown diameter; location of nearby buildings and surrounding land use; planting space size; trunk and leaf condition; and conflicts with wires and sidewalks. Data collected on each tree were used to develop formulas to describe how trees in each climate region grow, how trees are distributed throughout each city, and the benefits the trees provide, specific to their region. Now incorporated into i-Tree Streets application, communities in each climate zone have an accurate tool to quantify the environmental and economic services and net dollar value that their street trees provide to the community.

- Orlando, FL (Central Florida)
- Honolulu, HI (Tropical)
- Boise, ID (Temperate Interior West)
- Indianapolis, IN (Lower Midwest)
- Minneapolis, MN (Midwest)
- Albuquerque, NM (Interior West)
- New York, NY (Northeast)
- Charlotte, NC (Piedmont)
- Charleston, SC (Coastal Plain)

Quality Control and Assurance

To ensure that we meet your project goals and objectives and that the inventory data you receive is consistent, clean, and in the format you want, we employ a Quality Assurance Process (QAP). Our QAP defines the way our inventory data collection team performs and completes work.

QA/QC Methods

Before we start fieldwork on any project, we make sure the entire team understands the specifics of the scope of work, staffing requirements, and project deadlines. Once our team is briefed and prepared, we introduce the key team members to our clients and discuss how we plan to accomplish the work. We make sure everyone is on the same page and that no details or project requirements are overlooked; we also ensure that a process is in place that allows for good communication between our staff and city staff.

In addition to getting the scope of work right, we spend extra time during fieldwork performing quality control checks on the data. Davey Resource Group urban foresters periodically check about 2% of the data collected and analyze the data for adherence to the project scope and consistency. In addition to field tests, we run computerized quality control checks to confirm accuracy and check for completeness, duplicate sites, and proper addressing. To keep you apprised of the process, we send you weekly project status updates showing a screen capture of the inventory's progress and findings of our quality control checks. The updates also present any concerns found during data collection and let you know where we plan to inventory next. We also invite you to perform on-site verification of the data.

Below is an example of our current quality control statistics for tree inventories. Should our results fall below the target score, we will let you know and take immediate corrective action.

Inventory Statistics				
Site Count to Date		Percent Complete	Estimated Total Site Count	
10,783		10.28%	104,865	
Quality Assurance				
Overall Critical Error Score	Target Critical Score	Target Non-Critical Error Score	Target Non-Critical Score	Percent Audited
98.86%	98%	97.87%	95%	2%

We have provided a copy of our Quality Control Checklist in Appendix B to demonstrate our commitment to providing you quality services and products.

During the planning process, constant communication with Fernandina Beach will provide quality control.

Employee Ownership

Being an employee-owned company, Davey is intrinsically vested in every outcome of every project. Employee ownership factors into our QAP. We are one of the largest employee-owned companies in America. The Davey Tree Expert Company's more than 8,600 employees provide tree care, grounds maintenance, and environmental consulting services for the residential, utility, commercial, and government markets throughout the U.S. and Canada. Our staff will work hard to ensure your project is a success.

Data Fields

- Unique Control ID: An arbitrary identifier attached to the tree for ease of reference. Data entry: unlimited; numeric Address: The numeric portion of the address for any given tree. Where an address was not available the number was estimated.
- GPS X and Y coordinates
- Street Address: The street that the tree is located upon.
- Street Location: Designates if the tree resides in a right of way or in a public open space.
- Genus and Species: The scientific name of the tree in the form of "Genus species".
- Common Name: The common name of the tree.
- DBH: A measurement of the diameter of the tree at breast height (4.5 ft).
- Estimated Age: A rough estimate of tree age.
  - Young trees are those that are still getting established and will have significant growth in the future.
  - Mature trees are established and are of significant size for their species.
  - Overmature trees are near the maximum size for their species and are exhibiting signs of decline.
- Estimated Lifespan for Species: Generated from literature review.
- Condition Class: A general note on the health of the tree. Signs of stress, poor structure, mechanical damage, soil and root problems, disease and pests are all considerations in the assessment of condition.
  - A dead tree shows no sign of life
  - A poor tree has problems that are irrecoverable
  - A fair tree has problems that may be corrected with time or corrective action
  - A good tree shows no major problems
  - A specimen tree is unique in terms of aesthetics and size
- Maintenance Needs: common maintenance recommendations for the tree. Two separate recommendations (Maintenance 1 and Maintenance 2) can be made:
  - Remove
  - Prune aerial
  - Prune roots
  - Cable
  - Remove stump
- Maintenance Recommendations: Notes regarding maintenance or observations that are not covered in the limited attribute fields.
- Grow Space Size: If the tree has limited root space, such as in an island or in a tree well, the square feet of surface available for rooting is estimated. Where 100 sq ft or more were available it is listed as 100.
- Grow Space Type: A description of the planting space.
  - Tree well
  - Tree planter
  - Island
  - Open
- Presence of Utilities: If overhead wires are present, they will be noted.
- Sidewalk Incompatibility: IF tree roots impact a sidewalk, they will be noted

Task 2: Data Processing and Delivery in TreeKeeper®

For this project, you will receive tree inventory data in Davey Resource Group's TreeKeeper® software. We will provide our subscription software to Fernandina Beach free of charge for the initial one-year period. You will receive access to TreeKeeper®'s administrative site and one user for the field tool. Our urban foresters will train your staff on how to use TreeKeeper® during data collection, and our IT department will provide you with one year of telephone software support, also free of charge for the initial one-year period. We can provide custom software training for an additional fee; contact your Davey Resource Group Business Developer to learn more about our custom training programs, which can earn attendees up to six ISA continuing education units (CEUs).

In addition, the city will receive the inventory data in ESRI® shapefile format and an MS Excel™ spreadsheet.

If you need the inventory data in additional formats, such as Google Earth's KML, AutoCAD®, or for a particular asset management software program like CityWorks, Hansen, or Cartegraph, we can provide data in those formats for an additional charge. Please contact your Davey Resource Group Business Developer for more information about data format fees.

The following sections describe our TreeKeeper® software, which Fernandina Beach will be able to use for one year, free of charge, to manage and update tree inventory data.

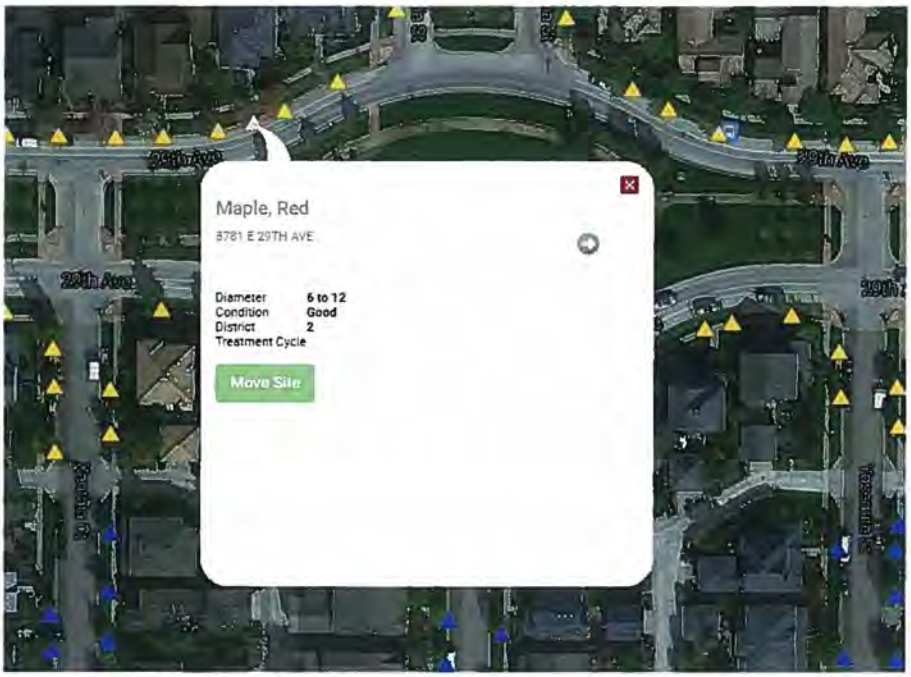
TreeKeeper®

TreeKeeper® is a multi-purpose, cloud-based software service that will help you use, update, and share your tree inventory data. TreeKeeper® is Davey Resource Group's flagship tree management software product. Developed and maintained by Davey Resource Group, TreeKeeper® features an administrative site and a field tool designed to help you find and schedule work, and to keep the inventory database up-to-date. TreeKeeper® software is available online as a subscription service.

Administrative Site

TreeKeeper®'s administrative site provides a state-of-the-art approach for urban forest management operations. Its robust functionality and unique add-ons and data field options will enhance how the city uses its inventory data. TreeKeeper® software has unique features that can track costs and identify trends, enable the user to easily update and manage tree and site data, project budgets, and even estimate the benefits that community trees provide. TreeKeeper® was designed to save you time. The following list includes some of the key features of the TreeKeeper® administrative site:

- **Large map screen**—enables you to identify information about individual sites or groups of sites by simply clicking on the map
- **Querying Tools**—find sites by address, species, condition, maintenance, etc. You can search by one or multiple data fields and can narrow down the results to meet your needs. Need to find all of the mature oaks on Main Street that need pruning? TreeKeeper® can do that for you.
- **Reporting**—create reports at the touch of a button so you can quickly identify work volumes and respond to inquiries about tree work from council, the mayor, your boss, or concerned citizens
- **Work Order System**—allows you to assign work to crews, projects, or programs



Davey's TreeKeeper® field tool home screen shows tree inventory data and helps guide you to sites when in the field. Information about each site can be viewed in a call out box. Updates to sites can be made in real time, and photos are easily uploaded.

TreeKeeper®'s Current Renewal Fees

The following fees apply if you wish to renew our software services after the promotional free one-year subscription expires. The renewal fee is locked in at your initial fee as long as your subscription does not lapse.

One-year subscription	$2,500
Three-year subscription	$6,450
Five-year subscription	$10,400

Task 3: Management Plan Update

Davey Resource Group will update Fernandina Beach's existing *Street Tree Management Plan.* The updated plan will enable the city to budget for future tree maintenance, including steps the city can take to become more proactive in their care of community trees. It will provide insight into current tree maintenance needs and some of the threats that trees face, which could impact the city fiscally, aesthetically, and emotionally, It will also demonstrates the environmental good of Fernandina Beach's urban forest by showcasing the forest's carbon sequestration and storage value, ability to reduce stormwater runoff, and save energy.

Task 4: Education and Training Curriculum

During or immediately following tree inventory data collection, Davey Resource Group will provide education and training to city personnel. We will develop the comprehensive training package for city tree maintenance workers with the goal of increasing general and practical knowledge regarding proper tree care. Training will cover proper pruning, maintenance techniques, and when to removal trees. Training is for no more than twenty (20) employees. No power or gas-powered equipment will be used during the training. Davey will provide a written record of completed training and include all training materials for distribution.

The following is a draft agenda for the training.

Draft Day 1 Agenda

8–9:30 a.m.	Why prune and remove trees?	Classroom
	How pruning affects tree health, public safety, and value	
	Industry standards	
	What is "Natural Target Pruning?"	
	Making the right cut	
	Tools of the trade	
9:30–9:45 a.m.	Break	
9:45–10:45 a.m.	Proper pruning techniques	Classroom
11:00–11:30 a.m.	Lunch (On your own)	
11:30 a.m.–2:30 p.m.	Pruning and removal field study	Field
2:30 p.m.	Adjourn	

Draft Day 2 Agenda

8:00–9:30 a.m.	Structural pruning demonstration	Field
9:30–9:45 a.m.	Break	
9:45–11:00 a.m.	Practice with oversight	Field
11:00–11:30 a.m.	Lunch (On your own)	
11:30 a.m.–1:30 p.m.	Individual structural pruning by city staff	Field
1:30–2:30 p.m.	Roundup–group review of individual pruning	Field
2:30 p.m. Adjourn		

Client Responsibilities

1. Provide Davey Resource Group with imagery, maps, and data files. Our request may include the following: digital orthophotographs, available GIS data layers, other electronic or paper copies of maps for roads, pavement widths, right-of-way widths, boundaries and utilities, and an electronic file or printed list of street names and end points.
2. Provide daily contact information and directions during the inventory process.
3. Provide a copy of Fernandina Beach's existing tree inventory database.
4. Provide city urban forestry department organizational structure, staff job descriptions, current and previous years' budgets, and tree-related contract specifications.
5. The management plan Davey Resource Group requests that Fernandina Beach complete urban forest management and i-Tree questionnaires, and provide an electronic or printed copy of current tree ordinances, landscape regulations, and other urban forestry program information as needed.
6. Provide space to host the city personnel training.
7. Review exceptions to the city's RFP (Appendix C).

Appendix A
Limited Warranty

The Davey Tree Expert Company, its divisions, agents, representatives, operations, or subsidiaries (collectively "Davey") provides this Limited Warranty as a condition of providing the services outlined in the agreement between the parties, including any bids, orders, contracts, or understandings between the parties (collectively the "Services").

Davey provides the Services utilizing applicable standard industry practices and based on the facts and conditions known at the point in time the Services are performed. Facts and conditions related to the subject of the Services may change over time. Davey cannot predict or determine developments concerning the subject of the Services and will not be liable for any developments, changes, or conditions that occur, including, but not limited to, decay or damage by the elements, persons or implements, insect infestation, deterioration, conditions not discoverable using the means and methods used to perform the Services, or acts of God or nature or otherwise. If a visual inspection is utilized, visual inspection does not include aerial or subterranean inspection, testing or analysis. Davey will not be liable for the discovery or identification of non-visually observable, latent, dormant or hidden conditions or hazards and does not guarantee that items will be healthy or safe under all circumstances or for a specified period of time, or that remedial treatments will remedy a defect or condition.

Davey may have reviewed publicly available or other third-party records or conducted interviews, and has assumed the genuineness of such documents and statements. Davey disclaims any liability for errors, omissions, or inaccuracies resulting from or contained in any information obtained from any third-party or publicly available source.

To the extent permitted by law, Davey does not make and expressly disclaims any warranties or representations of any kind, express or implied, with respect to completeness, accuracy, or current nature of the information contained in the Services or the reports or findings resulting therefrom beyond that expressly contracted for by Davey in the agreements between the parties, including but not limited to, performing diagnosis or identifying hazards or conditions not within the scope of the Services or not readily discoverable using applicable standard industry practices. Davey disclaims any warranty of fitness for any particular purpose. Davey's warranty is limited to one year from the date Services are performed. Davey's liability for any claim, damage or loss, whether direct, indirect, special, consequential or otherwise, caused by or related to the Services shall be limited to the Services expressly contracted to be performed by Davey.

DAVEY
RESOURCE GROUP
A Division of The Davey Tree Expert Company

Appendix B
Quality Control Checklist

- ☐ Review the project's scope of work.
- ☐ Assign staff who meet or exceed the experience and credentials needed for the project, per the client's Request for Proposal, solicitation, or request for services, etc.
- ☐ Hold a staff meeting, which includes the Business Developer who proposed the project, to discuss the scope of work, timeline, and client expectations.
- ☐ Speak with clients via conference call to introduce field staff, confirm the project's kick-off date and expected duration, and discuss any questions that our customers may have or that we may have about the project.
- ☐ Program our field computers with the data fields specified and test the data collection program before arriving on site.
- ☐ Meet with the client on site, immediately before data collection begins, to review project safety and communications, and assessment protocols.
- ☐ Assess each tree individually and record information in our field computers, moving to the next site after all data are recorded.
- ☐ Map our inventory route using paper maps and mapping software.
- ☐ During data collection, perform weekly field checks of at least 2% of the data collected against project specifications. If multiple arborists are assigned, check their data against each other to verify consistency.
- ☐ Throughout the inventory, run the data through computerized quality control checks to verify accuracy and completeness.
- ☐ Provide weekly project status updates during data collection via e-mail.
- ☐ Hold a final project meeting with the client on site to review the next steps.
- ☐ E-mail the client confirming that he/she has received the deliverables and that all deliverables are operable with their computer system.

DAVEY
RESOURCE GROUP
A Division of The Davey Tree Expert Company

Appendix C
Exceptions

Upon review by our legal team and insurance provider, we have the following exception, suggestions, and/or responses to the city's RFP insurance and indemnification requirements.

Item 14 – Insurance B – States that a "per project" aggregate is required. Davey Resource Group has a "per project" aggregates have a maximum limit of $2M.

Item 14 – Insurance B #9 – States a copy of the policies and/or endorsements are to be submitted with the certificate of insurance. Davey's does not provide copies of our policies to third parties.

Item 14 – Insurance D – Requires a $1M umbrella policy. Please note that Davey's insurance program standard limits for workers compensation and automobile liability are much higher than the required limits (Employers Liability – $500,000 required/actual policy limit is $5M; auto limit required is $1M/actual policy limit is $5M) and therefore we hope that Davey should not need to provide umbrella limits above those two coverages. With regard to the general liability coverage, if we provide a "per project" aggregate with a $2M limit, no additional limits can be provided. If the standard general liability limit is provided of $2M, then the excess general liability policy with a $10M limit can be provided instead of the umbrella policy.

Item 14 – Insurance F – Requires notice of cancellation wording verbatim as shown in requirements. The notice of cancellation language will be what is stated on the notice of cancellation policy endorsements only and cannot be verbatim as outlined. Davey's insurance program will provide notice for cancellation, materially changed and nonrenewal. Notice will be provided by certified mail-return receipt requested; we do not provide certified mail-return receipt for notice of cancellations.

Property Response: Davey is self-insured for their owned mobile equipment. We can name the interested parties as loss payee via endorsement if Davey is awarded the contract. Ninety days' Notice of Cancellation will be provided to Davey only via regular mail (not certified mail-return receipt requested). If Davey is required to provide notice of cancellation to other individuals, we will have to request an endorsement. However, it is extremely unlikely that the insurance company would agree to provide notice via certified mail-return receipt requested along with notice of material change and/or nonrenewal (other than to Davey).

14. INDEMNIFICATION AND INSURANCE

INDEMNIFICATION

The parties recognize that CONTRACTOR/VENDOR is an independent Contractor. CONTRACTOR/VENDOR agrees to assume liability for and indemnify, hold harmless, and defend the CITY, its commissioners, mayor, officers, employees, agents, and attorneys of, from, and against all liability and expense, including reasonable attorney's fees, in connection with any and all claims, demands, damages, actions, causes of action, and suits in equity of whatever kind or nature, including claims for personal injury, property damage, equitable relief, or loss of use, arising directly ~~or indirectly~~ out of ~~or in connection with~~ any negligent and/or deliberate act or omission of CONTRACTOR/VENDOR, its officers, employees, agents, and representatives. ~~CONTRACTOR/VENDOR's liability hereunder shall include all attorney's fees and costs incurred by the CITY in the enforcement of this indemnification provision.~~ This includes claims made by the employees of CONTRACTOR/VENDOR against the CITY and CONTRACTOR/VENDOR hereby waives its entitlement, if any, to immunity under Section 440.11, Florida Statutes. The obligations contained in this provision shall survive termination of this Agreement and shall not be limited by the amount of any insurance required to be obtained or maintained under this Agreement. Nothing contained in the foregoing indemnification shall be construed to be a waiver of any immunity or limitation of liability the CITY may have under the doctrine of sovereign immunity or Section 768.28, Florida Statutes.

Appendix D
Equal Employment Opportunity Policy

As a service provider, our continued success depends heavily upon our ability to attract and retain the best people available, regardless of their age, race, color, religion, gender, national origin, disabilities, military status, or other protected characteristics as established by federal, state, or local law. Apart from the ethical and legal considerations of equal employment opportunity, equal opportunity employment can enhance the depth and quality of our business resources.

We will continue to direct our employment and personnel practices towards ensuring equal opportunity for everyone.

It is our mandate that all matters related to the terms and conditions of employment (e.g., recruiting, hiring, training, education, compensation, benefits, promotions, etc.) and all treatment on the job be free of discrimination.

In addition to our Equal Employment Opportunity policy, we maintain an Affirmative Action Program in accordance with applicable laws and regulations.

DAVEY
RESOURCE GROUP
A Division of The Davey Tree Expert Company

CITY OF FERNANDINA BEACH, FLORIDA

ADDENDUM ONE
FOR
INVITATION TO BID
ITB 17-04 Urban Forestry Services

Prepared By:
Kelly N. Gibson, AICP, Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

ADDENDUM DATE: April 13, 2017

INTRODUCTION

The City of Fernandina Beach is accepting competitive sealed proposals for **URBAN FORESTRY SERVICES.**

The City of Fernandina Beach requests sealed responses by **2:00 pm, April 27, 2017**for the proper execution and completion of the above-referenced project in accordance with the specifications published April 5, 2017 as Invitation to Bid 17-04.

Any submittal received after the above stated time and date will not be considered. It shall be the sole responsibility of the bidder to have its proposal delivered to the City of Fernandina Beach, by U.S. Mail, hand delivery or any other method available to him/her; however, facsimile or electronic submittals will not be accepted. Delay in delivery shall be the sole responsibility of the bidder. Submittals received after the deadline will not be considered.

THIS ADDENDUM

The following changes are applicable to the original ITB documents and specifications of ITB 17-04. This Addendum now becomes part of the original Invitation to Bid and shall be acknowledged by attaching a copy of this Addendum, signed by an authorized representative of the person or company submitting a proposal. Failure to do so may disqualify the Proposal.

NAME: Brent R. Repenning **TITLE** Senior Vice President & General Manager

ADDRESS: 1500 N. Mantua Street

CITY: Kent **STATE:** Ohio

AUTHORIZED SIGNATURE: _____ **DATE:** April 20th 2017

ADDENDUM ONE

INVITATION TO BID
ITB #17-04
URBAN FORESTRY SERVICES

I. Changes to Invitation to Bid: ***None***

II. Questions: ***See Below***

III. Attachments: ***Yes, revised "Exhibit A"***

II. Questions:

1) The ITB states that the City has an estimated 7,000 public trees that need to be surveyed and that the 2009 survey contains 7,000 trees. What is the approximate number of trees to be surveyed per the project description in the ITB?
Approximately, 5,000 - 7,000 trees are anticipated to be surveyed as part of this effort with the majority of trees being located in recreationally zoned land within and adjoining the City's golf course and the airport leasehold properties. This effort will be to add to the existing inventory to complete the data set. City staff will complete any maintenance updates to the existing inventory that are needed.

2) Does the completion of a comprehensive tree inventory include City ROW and public open spaces of the entire City or just the areas not covered in the 2009 survey (south of Sadler Road)?
It includes ROW and open space ONLY in areas not covered in the 2009 survey.

3) Who performed the 2009 tree survey.
Selvig Tree Appraiser's completed the 2009 survey.

4) What format and/or program was the 2009 tree survey provided to the City in?
Tree survey data was provided to the city in the form of a GIS shapefile.

5) What format and/or program is the current tree inventory data in?
GIS Shapefile as managed by the City.

6) Where can the management plan developed as part of the 2009 project be found? If the management plan is not publically available, can the City provide it upon request?
The current tree management plan can be located on the City's website at www.fbfl.us/trees or http://www.fbfl.us/DocumentCenter/Home/View/5495.

7) How is the proposed project description funded? Is this work grant funded? If so, what is the amount of the grant or amount of the grant allocated to the project description listed in the ITB?
The project is 50% funded through a USDA Urban Forestry Grant with a total project cost not to exceed $37,661.50.

8) The ITB states that "the bid shall be submitted on the specified Contact Sheet/Bid Form (1 original, 3 copies), hereto attached as "Exhibit A."" however, the attached Exhibit A on page 12 of 20 of the ITB does not have a space indicated for the bid amount. Where should the bid amount be listed?
See attached revised Exhibit A to include space at the bottom for a Lump Sum Bid amount.

Are there line items that the bid amount should be listed under or should the bid be listed as a single amount?
The bid amount can be listed as a lump sum for all services requested.

9) Are their minimum qualifications for tree inventory data collection staff? ISA arborist, under the supervision of an ISA arborist, etc.?
Data collection staff should have an ISA arborist certification.

*** * * END OF ADDENDUM ONE * * ***

EXHIBIT "A"

CONTACT SHEET

CITY OF FERNANDINA BEACH ITB #17-04

****

Name: Davey Resource Group, a division of The Davey Tree Expert Company

Federal Taxpayer ID: [redacted]

Mailing Address: 1500 North Mantua Street

City, State, & Zip Code: Kent, Ohio 44240

Telephone: 800-828-8312 **Fax:** 330-673-0860

Email: brent.repenning@davey.com

Submitted By: Shirley Vaughn

Title: Business Developer

COMPANY Accepts Credit Cards*: Yes No

Accounting Contact:

Name: Betsy Selzer **Title:** Operations Administrator

Email Address: betsy.selzer@davey.com **Phone:** 800-828-8312, ext. 8051

***See preferred method of payment under "Prompt Payment Act" section of the General Conditions**

LUMP SUM BID AMOUNT: $37,600.00

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "A"

CONTACT SHEET

CITY OF FERNANDINA BEACH ITB #17-04

***Name:** Davey Resource Group, a division of The Davey Tree Expert Company

Federal Taxpayer ID: [redacted]

Mailing Address: 1500 North Mantua Street

City, State, & Zip Code: Kent, Ohio 44240

Telephone: 800-828-8312 **Fax:** 330-673-0860

Email: shirley.vaughn@davey.com

Submitted By: Shirley Vaughn

Title: Business Developer

COMPANY Accepts Credit Cards*: Yes (**No**)

Accounting Contact:

Name: Betsy Selzer **Title:** Operations Administrator

Email Address: betsy.selzer@davey.com **Phone:** 800-828-8312, ext. 8051

***See preferred method of payment under "Prompt Payment Act" section of the General Conditions**

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "B"

TO GENERAL CONDITIONS TO ITB #17-04

CITY OF FERNANDINA BEACH, FLORIDA SWORN STATEMENT UNDER F.S. SECTION 287.133(3) (A), ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES.

2. This sworn statement is submitted by (entity) Brent R. Repenning whose business address is 1500 North Mantua St., Kent, OH 44240 and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: ----------.)

3. My name is Brent R. Repenning and my relationship to the entity named above is Senior VP & General Manager

4. I understand that a "public entity crime" as defined in Paragraph 287.133(a) (g). Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any proposal or contract for goods or services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

5. I understand that "convicted" or "conviction" as defined in paragraph 287.133(a) (b), Florida Statutes, means finding of guilt or a conviction of a public entity crime with or without an adjudication of guilt, in any federal or state trial court of records relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.

6. I understand that an "affiliate" as defined in Paragraph 287.133(1) (a), Florida Statutes, means:

   1. A predecessor or successor of a person convicted of a public entity crime; or

   2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The City of Fernandina Beach, Florida ownership by one of shares constituting a controlling income among persons when not for fair interest in another person, or a pooling of equipment or income among persons when not for fair market value under a length agreement, shall be a prima facie case that one person controls another person. A person who

was knowingly convicted of a public entity crime, in Florida during the preceding 36 months shall be considered an affiliate.

7. I understand that a "person" as defined in Paragraph 287.133(1) (e), Florida Statutes, means any natural person or entity organized under the laws of the state or of the United States with the legal power to enter into a binding contract for provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

8. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies)

X Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. (Please attach a copy of the final order.)

____ The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

____ The person or affiliate has not been placed on the convicted vendor list. (Please describe any action taken by, or pending with, the Department of General Services.)

April 20th 2017

Signature Brent R. Repenning Date:
SVP & GM

STATE OF OHIO
COUNTY OF PORTAGE

PERSONALLY APPEARED BEFORE ME, the undersigned authority, Brent R. Repenning, who, after first being sworn by me, affixed his/her signature at the space provided above on this 20th day of April, 2017, and is personally known to me, or has provided drivers license as identification.

NOTARIAL SEAL STATE OF OHIO
ALEXANDRA KLUCZAROV
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
May 13, 2018
Recorded in
Portage County

Notary Public Alexandra Kluczarov
My Commission expires: May 13th 2018

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "C"

TO GENERAL CONDITIONS TO ITB #17-04
CITY OF FERNANDINA BEACH

DRUG-FREE WORKPLACE CERTIFICATION

The below-signed COMPANY certifies that it has implemented a drug-free workplace program. In order to have a drug-free workplace prepare, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or services a copy of the statement specified in paragraph 1.
4. In the statement in paragraph 1., notify the employees that, as a condition of working on the commodities or contractual services that are under proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of nolo contendere to, any violation occurring in the workplace no later than five (5) working days after such conviction.
5. Impose a sanction on, or require fine satisfactory participation in drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign this statement, I Certify that this company complies fully with the above drug-free workplace requirements.

COMPANY: Davey Resource Group, a division of The Davey Tree Expert Company

CITY: Kent STATE: Ohio ZIP CODE: 44240

TELEPHONE NUMBER(S): 800-828-8312

SIGNATURE: _____

NAME (TYPED OR PRINTED): Brent R. Repenning TITLE: Senior Vice President & General Manager

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "D"

ITB 17-04

CITY OF FERNANDINA BEACH

E-VERIFY STATEMENT

Bid/Proposal Number: ITB 17-04

Project Description: URBAN FORESTRY SERVICE

COMPANY acknowledges and agrees to the following:

COMPANY shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of:

1. All persons employed by the COMPANY during the term of the Contract to perform employment duties within Florida; and

2. All persons assigned by the COMPANY to perform work pursuant to the contract with the Department.

Company: Davey Resource Group, a division of The Davey Tree Expert Company

Authorized Signature: _____
Brent R. Repenning

Title: Senior Vice President and General Manager

Date: April 20th 2017

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "E"
CONFLICT OF INTEREST STATEMENT

This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES.

This sworn statement is submitted by (entity) Davey Resource Group, a division of The Davey Tree Expert Company whose business address is 1500 North Mantua Street, Kent, OH 44240 and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: ----------.)

My name is Brent R. Repenning and my relationship to the entity named above is Senior Vice President & General Manager
The above named entity is submitting a Proposal for the City of Fernandina Beach ITB# 17-04 described as URBAN FORESTRY SERVICES.

1. The Affiant has made diligent inquiry and provides the information contained in the Affidavit based upon his/her own knowledge.
2. The Affiant states that only one submittal for the above proposal is being submitted and that the above named entity has no financial interest in other entities submitting proposals for the same project.
3. Neither the Affiant nor the above named entity has directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraints of free competitive pricing in connection with the entity's submittal for the above proposal. This statement restricts the discussion of pricing data until the completion of negotiations if necessary and execution of the Contract for this project.
4. Neither the entity not its affiliates, nor anyone associated with them, is presently suspended or otherwise ineligible from participation in contract letting by any local, State, or Federal Agency.
5. Neither the entity nor its affiliates, nor anyone associated with them have any potential conflict of interest due to any other clients, contracts, or property interests for this project.
6. I certify that no member of the entity's ownership or management is presently applying for an employee position or actively seeking an elected position with the City of Fernandina Beach.
7. I certify that no member of the entity's ownership or management, or staff has a vested interest in any aspect of the City of Fernandina Beach.
8. In the event that a conflict of interest is identified in the provision of services, I, on behalf of the above named entity, will immediately notify the City of Fernandina Beach.

Signature Brent R. Repenning
SVP & GM

Date: April 20th 2017

STATE OF OHIO
COUNTY OF Portage

PERSONALLY APPEARED BEFORE ME, the undersigned authority, Brent R. Repenning who, after first being sworn by me, affixed his/her signature at the space provided above on this 20th day of April, 2017, and is personally known to me, or has provided drivers licence as identification.

Notary Signature

My Commission expires: May 13th 2018

NOTARY SEAL STATE OF OHIO
ALEXANDRA KLUCZAROV
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
May 13, 2018
Recorded in
Portage County

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "F"
Non-Collusion Affidavit

This sworn statement is submitted with Bid, Proposal or Contract for URBAN FRESTRY SERVICES.

This sworn statement is submitted by (entity) Davey Resource Group, A Division of The Davey Tree Expert Company whose business address is 1500 North Mantua St., Kent, Ohio 44240 and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: ---------- .)

My name is Brent R. Repenning and my relationship to the entity named above is Senior Vice President & General Manager.

1. The above named is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;
2. Such Proposal is genuine and is not a collusive or sham proposal;
3. Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, connived, or agreed, directly or indirectly, with any other Bidder, firm or person to submit a collusive or sham Proposal in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached proposal or any other Bidder, or to fix any overhead, profit or cost element of the proposal price or the proposal price of any other Bidder, or to secure through any collusion, connivance, or unlawful agreement any advantage against the City of Fernandina Beach, Florida or any person interested in the proposed Contract; and
4. The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Signature Brent R. Repenning SVP & GM Date: April 20th 2017

STATE OF OHIO
COUNTY OF PORTAGE

PERSONALLY APPEARED BEFORE ME, the undersigned authority, Brent R. Repenning who, after first being sworn by me, affixed his/her signature at the space provided above on this 20th day of April, 2017 , and is personally known to me, or has provided drivers license as identification.

Notary Signature My Commission expires: May 13th 2018

NOTARIAL SEAL STATE OF OHIO
ALEXANDRA KLUCZAROV
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
May 13, 2018
Recorded in
Portage County

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "G"

DISPUTES DISCLOSURE FORM

Answer the following questions by placing as "X" after "YES" or "NO". If you answer "YES", please explain in the space provided, or via attachment.

Has your company or any of its officers, received a reprimand of any nature or been suspended by the Department of Professional Regulations or any other regulatory agency or professional association within the last five (5) years?
YES___ NO_X_

Has your company, or any member of your company, been declared in default, terminated or removed from a contract or job related to the services your company provides in the regular course of business within the last five (5) years?
YES_____NO_X___

Has your company had against it or filed any request for equitable adjustment, contract claims, bid protest, or litigation in the past five (5) years that is related to the services your company provides in the regular course of business?
YES_____NO_____

The Company is party to a number of lawsuits, and other claims arising out of the normal course of business. Management is of the opinion that liabilities which may result are adequately covered by insurance, or reflected in the self-insurance accruals, and would not be material in relation to the financial position or results of operations.

If yes, state the nature of the request for equitable adjustment, contract claim, litigation, or protest, and state a brief description of the case, the outcome or status of the suit and the monetary amounts or extended contract time involved.

I hereby certify that all statements made are true and agree and understand that any misstatement or misrepresentation or falsification of facts shall be cause for forfeiture of rights for further consideration of this proposal for the City of Fernandina Beach.

Davey Resource Group, a division of The Davey Tree Expert Company — April 20th 2017

Company — Date

Brent R. Repenning, Senior Vice President & General Manager

Authorized Signature — Printed or Typed Name and Title

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "H"

Proposer Acknowledgements and Agreements

The undersigned, as an employee or agent of the Proposer, having the authority to sign a binding agreement on behalf of the corporation, company, or firm presenting this submittal, confirms understanding and/or agreement and/or takes exception with any statement in the following sections of this ITB document.

1. INTRODUCTION AND GENERAL INFORMATION
   Understands and agrees to all terms.

2. PROPOSAL INSTRUCTIONS, TERMS AND CONDITIONS
   Understands and agrees to all terms.

3. EVALUATION AND CONTRACT OVERVIEW
   Understands and agrees to all terms.

4. PROPOSER'S RESPONSE: COMPANY INFORMATION
   Understands and agrees to all terms.

5. PROPOSER'S RESPONSE: PROPOSED COMPANY
   Understands and agrees to all terms.

6. PROPOSER'S RESPONSE: ACCESSIBILITY AND RESPONSIVENESS
   Understands and agrees to all terms.

7. PROPOSER'S RESPONSE: PROPOSED COMPENSATION
   Understands and agrees to all terms.

Name: Brent R. Repenning Title: Senior Vice President & General Manager

Signature: _____ Date: April 20th 2017

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "A"

CONTACT SHEET

CITY OF FERNANDINA BEACH ITB #17-04

****

Name: SEE ADDENDUM

Federal Taxpayer ID: _____

Mailing Address: _____

City, State, & Zip Code: _____

Telephone: _____ **Fax:** _____

Email: _____

Submitted By: _____

Title: _____

COMPANY Accepts Credit Cards*: Yes No

Accounting Contact:

Name: _____ **Title:** _____

Email Address: _____ **Phone:** _____

***See preferred method of payment under "Prompt Payment Act" section of the General Conditions**

THIS FORM MUST BE INCLUDED WITH PROPOSAL

CITY OF FERNANDINA BEACH, FLORIDA

ADDENDUM ONE
FOR
INVITATION TO BID

ITB 17-04 Urban Forestry Services

Prepared By:
Kelly N. Gibson, AICP, Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

ADDENDUM DATE: April 13, 2017

INTRODUCTION

The City of Fernandina Beach is accepting competitive sealed proposals for **URBAN FORESTRY SERVICES.**

The City of Fernandina Beach requests sealed responses by **2:00 pm, April 27, 2017**for the proper execution and completion of the above-referenced project in accordance with the specifications published April 5, 2017 as Invitation to Bid 17-04.

Any submittal received after the above stated time and date will not be considered. It shall be the sole responsibility of the bidder to have its proposal delivered to the City of Fernandina Beach, by U.S. Mail, hand delivery or any other method available to him/her; however, facsimile or electronic submittals will not be accepted. Delay in delivery shall be the sole responsibility of the bidder. Submittals received after the deadline will not be considered.

THIS ADDENDUM

The following changes are applicable to the original ITB documents and specifications of ITB 17-04. This Addendum now becomes part of the original Invitation to Bid and shall be acknowledged by attaching a copy of this Addendum, signed by an authorized representative of the person or company submitting a proposal. Failure to do so may disqualify the Proposal.

NAME: Environmental Services, Inc., Gary Howalt **TITLE** Principal

ADDRESS: 7220 Financial Way, Suite 100

CITY: Jacksonville **STATE:** FL

AUTHORIZED SIGNATURE: Gary K Howalt **DATE:** 4/21/17

EXHIBIT "A"

CONTACT SHEET

CITY OF FERNANDINA BEACH ITB #17-04

****

Name: Environmental Services, Inc. (ESI)

Federal Taxpayer ID: [redacted]

Mailing Address: 7220 Financial Way, Suite 100

City, State, & Zip Code: Jacksonville, FL 32256

Telephone: 904-470-2200 **Fax:** _____

Email: ghowalt@esinc.cc

Submitted By: Gary Howalt

Title: Principal

COMPANY Accepts Credit Cards* **Yes** **No**

Accounting Contact:

Name: Cindy McClure **Title:** Co-Controller

Email Address: cmcclure@esinc.cc **Phone:** 904-470-2200

***See preferred method of payment under "Prompt Payment Act" section of the General Conditions**

LUMP SUM BID AMOUNT: $99,840.00

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "B"

TO GENERAL CONDITIONS TO ITB #17-04

CITY OF FERNANDINA BEACH, FLORIDA SWORN STATEMENT UNDER F.S. SECTION 287.133(3) (A), ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES .

2. This sworn statement is submitted by (entity) Environmental Services, Inc. whose business address is 7220 Financial Way, Suite 100, Jacksonville, FL 32256 and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

3. My name is Gary Howalt and my relationship to the entity named above is Principal.

4. I understand that a "public entity crime" as defined in Paragraph 287.133(a) (g). Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any proposal or contract for goods or services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

5. I understand that "convicted" or "conviction" as defined in paragraph 287.133(a) (b), Florida Statutes, means finding of guilt or a conviction of a public entity crime with or without an adjudication of guilt, in any federal or state trial court of records relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.

6. I understand that an "affiliate" as defined in Paragraph 287.133(1) (a), Florida Statutes, means:

   1. A predecessor or successor of a person convicted of a public entity crime; or

   2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The City of Fernandina Beach, Florida ownership by one of shares constituting a controlling income among persons when not for fair interest in another person, or a pooling of equipment or income among persons when not for fair market value under a length agreement, shall be a prima facie case that one person controls another person. A person who

was knowingly convicted of a public entity crime, in Florida during the preceding 36 months shall be considered an affiliate.

7. I understand that a "person" as defined in Paragraph 287.133(1) (e), Florida Statutes, means any natural person or entity organized under the laws of the state or of the United States with the legal power to enter into a binding contract for provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

8. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies)

   X Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

   ____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. (Please attach a copy of the final order.)

   ____ The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

   ____ The person or affiliate has not been placed on the convicted vendor list. (Please describe any action taken by, or pending with, the Department of General Services.)

Mary K Lawrence 4/21/17

Signature Date:

STATE OF FLORIDA
COUNTY OF Duval

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/her signature at the space provided above on this 21st day of April 2017, ~~2016~~, and is personally known to me, or has provided _____ as identification.

ROSE-MARIE BRAINARD
MY COMMISSION # FF223016
EXPIRES June 11 2019

Rose-Marie Brainard
Notary Public
My Commission expires: 6-11-2019

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "C"

TO GENERAL CONDITIONS TO ITB #17-04
CITY OF FERNANDINA BEACH

DRUG-FREE WORKPLACE CERTIFICATION

The below-signed COMPANY certifies that it has implemented a drug-free workplace program. In order to have a drug-free workplace prepare, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or services a copy of the statement specified in paragraph 1.
4. In the statement in paragraph 1., notify the employees that, as a condition of working on the commodities or contractual services that are under proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of nolo contendere to, any violation occurring in the workplace no later than five (5) working days after such conviction.
5. Impose a sanction on, or require fine satisfactory participation in drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign this statement, I Certify that this company complies fully with the above drug-free workplace requirements.

COMPANY: Environmental Services, Inc.

CITY: Jacksonville STATE: FL ZIP CODE: 32256

TELEPHONE NUMBER(S): 904-470-2200

SIGNATURE: Gary K Howalt

NAME (TYPED OR PRINTED): Gary Howalt TITLE: Principal

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "D"

ITB 17-04

CITY OF FERNANDINA BEACH

E-VERIFY STATEMENT

Bid/Proposal Number: ITB 17-04

Project Description: URBAN FORESTRY SERVICES

COMPANY acknowledges and agrees to the following:

COMPANY shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of:

1. All persons employed by the COMPANY during the term of the Contract to perform employment duties within Florida; and

2. All persons assigned by the COMPANY to perform work pursuant to the contract with the Department.

Company: Environmental Services, Inc.

Authorized Signature: Mary K Hewitt

Title: Principal

Date: 4/21/17

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "E"
CONFLICT OF INTEREST STATEMENT

This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES.

This sworn statement is submitted by (entity) Environmental services, Inc. whose business address is 7220 Financial Way, Suite 100, Jacksonville, FL 32256 and (if applicable) Federal Employer Identification Number (FEIN) is 5[redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

My name is Gary Howalt and my relationship to the entity named above is Principal.
The above named entity is submitting a Proposal for the City of Fernandina Beach ITB# 17-04 described as URBAN FORESTRY SERVICES.

1. The Affiant has made diligent inquiry and provides the information contained in the Affidavit based upon his/her own knowledge.
2. The Affiant states that only one submittal for the above proposal is being submitted and that the above named entity has no financial interest in other entities submitting proposals for the same project.
3. Neither the Affiant nor the above named entity has directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraints of free competitive pricing in connection with the entity's submittal for the above proposal. This statement restricts the discussion of pricing data until the completion of negotiations if necessary and execution of the Contract for this project.
4. Neither the entity not its affiliates, nor anyone associated with them, is presently suspended or otherwise ineligible from participation in contract letting by any local, State, or Federal Agency.
5. Neither the entity nor its affiliates, nor anyone associated with them have any potential conflict of interest due to any other clients, contracts, or property interests for this project.
6. I certify that no member of the entity's ownership or management is presently applying for an employee position or actively seeking an elected position with the City of Fernandina Beach.
7. I certify that no member of the entity's ownership or management, or staff has a vested interest in any aspect of the City of Fernandina Beach.
8. In the event that a conflict of interest is identified in the provision of services, I, on behalf of the above named entity, will immediately notify the City of Fernandina Beach.

Gary K Howalt 4/21/17
Signature Date:

STATE OF FLORIDA
COUNTY OF Duval

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/her signature at the space provided above on this 21st day of april 2017, ~~2016~~, and is personally known to me, or has provided _____ as identification.

Rose-Marie Brainard
Notary Signature

My Commission expires: 6-11-2019

THIS FORM MUST BE INCLUDED WITH PROPOSAL

ROSE-MARIE BRAINARD
MY COMMISSION # FF223016
EXPIRES June 11 2019
(407) 398-0153 FloridaNotaryService.com

EXHIBIT "F"
Non-Collusion Affidavit

This sworn statement is submitted with Bid, Proposal or Contract for URBAN FORESTRY SERVICES .

This sworn statement is submitted by (entity) Environmental Services, Inc. whose business address is 7220 Financial Way, Suite 100, Jacksonville, FL 32256 and (if applicable) Federal Employer Identification Number (FEIN) is [redacted] (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

My name is Gary Howalt and my relationship to the entity named above is Principal.

1. The above named is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;
2. Such Proposal is genuine and is not a collusive or sham proposal;
3. Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, connived, or agreed, directly or indirectly, with any other Bidder, firm or person to submit a collusive or sham Proposal in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached proposal or any other Bidder, or to fix any overhead, profit or cost element of the proposal price or the proposal price of any other Bidder, or to secure through any collusion, connivance, or unlawful agreement any advantage against the City of Fernandina Beach, Florida or any person interested in the proposed Contract; and
4. The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Gary K Howalt 4/21/17
Signature Date:

STATE OF FLORIDA
COUNTY OF Duval

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/her signature at the space provided above on this 21st day of april 2017, ~~2016~~ ___, and is personally known to me, or has provided _____ as identification.

Rose-Marie Brainard My Commission expires: 6-11-2019
Notary Signature

THIS FORM MUST BE INCLUDED WITH PROPOSAL

ROSE-MARIE BRAINARD
MY COMMISSION # FF223016
EXPIRES June 11 2019

EXHIBIT "G"

DISPUTES DISCLOSURE FORM

Answer the following questions by placing as "X" after "YES" or "NO". If you answer "YES", please explain in the space provided, or via attachment.

Has your company or any of its officers, received a reprimand of any nature or been suspended by the Department of Professional Regulations or any other regulatory agency or professional association within the last five (5) years?
YES___ NO_x__

Has your company, or any member of your company, been declared in default, terminated or removed from a contract or job related to the services your company provides in the regular course of business within the last five (5) years?
YES_____NO_x___

Has your company had against it or filed any request for equitable adjustment, contract claims, bid protest, or litigation in the past five (5) years that is related to the services your company provides in the regular course of business?
YES_x___NO_____

If yes, state the nature of the request for equitable adjustment, contract claim, litigation, or protest, and state a brief description of the case, the outcome or status of the suit and the monetary amounts or extended contract time involved.

I hereby certify that all statements made are true and agree and understand that any misstatement or misrepresentation or falsification of facts shall be cause for forfeiture of rights for further consideration of this proposal for the City of Fernandina Beach.

Environmental Services, Inc.	4/21/17
Company	Date
Gary K Howalt	Gary Howalt, Principal
Authorized Signature	Printed or Typed Name and Title

THIS FORM MUST BE INCLUDED WITH PROPOSAL

ENVIRONMENTAL SERVICES, INC.

©1999 ESI

Lucas Fairways, LLC v. Environmental Services, Inc. Case No.: 16-2006-CA-003257, Div. CV-D.

Plaintiffs allege defendant's report was not timely causing loss of revenue. Demand is $3,000,000.

Michael Cavendish, Esq.
Gunster Yoakley & Steward, P.A.
Counsel for Cross-Plaintiff Lucas Fairways, LLC

J. Cameron Story, III, Esq.
Akerman Senterfitt
Counsel for Plaintiff SunTrust Bank, North Florida N.A.

Christopher J. Greene, Esq.
Brant, Abraham, Reiter, McCormick & Greene, P.A.
Counsel for Defendant Environmental Services, Inc.

Lucas Fairways, LLC owner of Hidden Hills Country Club (project)
SunTrust Bank, North Florida N.A., representative of Lucas Fairways on project
200 W. Forsyth Street, 2nd Floor
Jacksonville, FL 32202
Phone 632-2874

No recovery; still in litigation.

Country Club of Mobile v. Meanders River Restoration, Inc., Environmental Services, Inc., CSA Group Inc., Meanders Construction Services, Inc., Don Williams Engineering, Inc., A, B, and C. Case No.: CV-2015-900366

Filed on February 5, 2015 in the Circuit Court of Mobile County, Alabama.

Alleges failure to company with terms of contracts, failed to perform in accordance with the plans and specifications of the Stream Restoration projects, failed to properly design the Stream Restoration project, and failed to perform and render services in accordance with accepted industry standards, and fraudulently misrepresented material facts.

BURR & FORMAN LLP
Attorneys for the Plaintiff

Settled August 2016 in favor of the Plaintiff.

EXHIBIT "H"

Proposer Acknowledgements and Agreements

The undersigned, as an employee or agent of the Proposer, having the authority to sign a binding agreement on behalf of the corporation, company, or firm presenting this submittal, confirms understanding and/or agreement and/or takes exception with any statement in the following sections of this ITB document.

1. INTRODUCTION AND GENERAL INFORMATION
   Understands and agrees to all terms.

2. PROPOSAL INSTRUCTIONS, TERMS AND CONDITIONS
   Understands and agrees to all terms.

3. EVALUATION AND CONTRACT OVERVIEW
   Understands and agrees to all terms.

4. PROPOSER'S RESPONSE: COMPANY INFORMATION
   Understands and agrees to all terms.

5. PROPOSER'S RESPONSE: PROPOSED COMPANY
   Understands and agrees to all terms.

6. PROPOSER'S RESPONSE: ACCESSIBILITY AND RESPONSIVENESS
   Understands and agrees to all terms.

7. PROPOSER'S RESPONSE: PROPOSED COMPENSATION
   Understands and agrees to all terms.

Name: Gary Howalt Title: Principal

Signature: Gary K Howalt Date: 4/21/17

THIS FORM MUST BE INCLUDED WITH PROPOSAL

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Resolution 2017-82

ITEM TYPE: Resolution

REQUESTED ACTION: Adopt Resolution 2017-82

SYNOPSIS: The City Commission directed the City Attorney to prepare a Resolution sunsetting the Greens and Oversight Committee. This Resolution sunsets the Greens and Oversight Committee and creates a new Golf Course Advisory Board.

The original Golf Course Advisory Committee was created in 1980 with 5 members. In 1983, the City Commission increased the membership to seven members with a representative each from the Men's and Ladies' Golf Associations. In 1988, the City Commission changed the name to the Golf Course Advisory Board.

In 2014, the City Commission sunsetted the Golf Course Advisory Board and created the Greens and Oversight Committee. The duties of the Greens and Oversight Committee included very specific reviews of food/beverage plans, greens maintenance plans and marketing plans to determine if the goals set by the management company were being met and were in line with what the City Commission expected for results.

The Golf Course Advisory Board is tasked with more general advisory duties which include recommendations to the City Manager and City Commission regarding Golf Course operations, maintenance, budget, and marketing.

FISCAL IMPACT: None

CITY ATTORNEY COMMENTS: See above.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2017-82.

Dale Martin, City Manager
Tammi Bach, City Attorney
Vee Sellers, Paralegal Date:05/23/2017

COMMISSION ACTION: Adopt

RESOLUTION 2017-82

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, SUNSETTING THE GREENS AND OVERSIGHT COMMITTEE; CREATING A GOLF COURSE ADVISORY BOARD; DEFINING ITS POWERS, DUTIES AND RESPONSIBILITIES; PROVIDING FOR MEMBERSHIP, TERMS, QUORUM, ORGANIZATION, ROLE, POWERS AND DUTIES, AND MEETING FREQUENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach, Florida, is the owner and operator of the Fernandina Beach Municipal Golf Course; and

WHEREAS, the City Commission wishes to sunset the existing Greens and Oversight Committee established via Resolution 2014-10; and

WHEREAS, the City Commission wishes to create a Golf Course Advisory Board to replace the Greens and Oversight Committee; and

WHEREAS, the City Commission has determined that the Golf Course Advisory Board is to consist of five members with terms of office to be for a period of three years for three of the members, and one-year terms for the Men's and Ladies' Golf Association appointees; and

WHEREAS, that for the initial staggered terms, one person will be appointed for a one-year term; two persons for a two-year term, and two persons for a three-year term with the terms of the appointees to be determined in alphabetical order; one member each of the Men's and Ladies Golf Associations with the term of appointment to be for one year; and

WHEREAS, the City Commission shall appoint a City Commissioner liaison to interact with the Golf Course Advisory Board; and

WHEREAS, the Golf Course Advisory Board will serve in an advisory capacity only with no authority or control over the general manager or management company and will make their suggestions or recommendations to the City Commission through the general manager or management company and the City Manager; and

WHEREAS, the City Commission has determined it to be advisable and appropriate to clearly define this Board and to spell out the eligibility and terms of its appointments and to enumerate the purposes for which the Board has been formed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The Golf Course Advisory Board.

The Board shall consist of five members, who shall be residents of the City of Fernandina Beach, Florida, and shall be appointed by the City Commission of said City. One member each shall be elected by the Men's Golf Association and the Ladies' Golf Association to serve for a period of one year, with the concurrence of the City Commission, and shall be eligible for re-election by their associations and re-appointment by the City Commission. The three remaining board members shall be appointed by the City Commission and shall serve for a term of three years, each with the eligibility for reappointment. Any

vacancy in membership shall be filled for the unexpired term by the City Commission. All members shall serve without compensation and at the pleasure of the City Commission but may be reimbursed for actual expenses incurred in connection with their official duties.

SECTION 2. The initial staggered terms of the five appointees shall **expire** as follows:

- Two members from the Men's and Ladies' Golf Associations each in June 2018;
- One member in June 2019;
- Two members in June 2020.

SECTION 3. Quorum.

Three members of the Golf Course Advisory Board shall constitute a quorum for the transaction of business, providing, however, that no action shall be taken which is binding upon said Board unless concurred in by no less than a majority of all members comprising the Board.

SECTION 4. Organization.

The Golf Course Advisory Board shall elect a Chairperson, Vice-Chairperson, and Secretary from among its members. The term of these positions shall be one year with eligibility for re-election. The Board shall adopt its own rules of procedure and determine its time of meeting. All meetings of the Board shall be open to the public and all records of the Board shall be public records.

SECTION 5. Role.

The Golf Course Advisory Board is an advisory board to the City Commission and shall review activities at the Fernandina Beach Municipal Golf Course with the management team and report to the City Commission/City Manager (or City Commission designee) to assure the best possible management practices.

SECTION 6. Powers and Duties.

A. To make recommendations as to the hours of operation, the programs and services that will be available to the public and the care and conditions of all golf course facilities;

B. Make recommendations regarding policies and rates to be charged for the use of facilities and equipment that is available for use by the general public;

C. Review Marketing plans. Efforts to increase rounds/revenue (mailings, emails, website, tournaments, etc.);

D. Make recommendations for the expenditure of funds and assist in the preparation of budgets;

E. To provide the City Clerk with copies of minutes covering meetings of the Board and prepare and submit to the City Commission as soon as possible after the end of the fiscal year a comprehensive annual report of the Board's activities.

SECTION 7. Meeting Frequency.

A. The Golf Course Advisory Board shall meet on a monthly basis;

B. The Golf Course Advisory Board and the City Commissioner liaison shall meet at least on a quarterly basis; and

C. The Golf Course Advisory Board and the Fernandina Beach Golf Course Management team shall meet on a monthly basis.

SECTION 8. This Resolution shall become effective immediately upon passage.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

_____
Robin C. Lentz
Commissioner – Mayor

ATTEST:

_____
Caroline Best
City Clerk

APPROVED AS TO FORM & LEGALITY:

_____
Tammi E. Bach
City Attorney

RESOLUTION NUMBER 934

A RESOLUTION TO AMEND THE MAKE UP OF THE GOLF COURSE ADVISORY BOARD; DEFINING ITS POWERS, DUTIES AND RESPONSIBILITIES; PROVIDING FOR MEMBERSHIP, VACANCIES, REMOVAL, QUORUM, ORGANIZATION, RULES, FINANCES, AND REPORTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach, Florida, is the owner and operator of the Fernandina Beach Municipal Golf Course; and

WHEREAS, the City Commission did determine, at a regular meeting held on November 4, 1980, to form a Golf Course Advisory Committee to consist of five members with the term of office to be for a period of three years; and

WHEREAS, that for the first term, one person would be appointed for a one year term; two persons for a two year term and two persons for a three year term with the terms of the appointees to be determined in alphabetical order; and

WHEREAS, the committee would serve in an advisory capacity only with no authority or control over the Golf Pro and would make their suggestions or recommendations to the City Commission through the Golf Pro and the City Manager; and

WHEREAS, the City Commission did determine, at a regular meeting held on August 16, 1983, to increase the membership of the committee to include one member each of the Men's and Ladies Golf Associations with the term of appointment to be for one year; and

WHEREAS, the current Golf Course Advisory Committee has requested that the appointment of the members be redefined and that the accepted title of the committee be "The Golf Course Advisory Board"; and

WHEREAS, the City Commission has determined it to be advisable and appropriate to clearly define this advisory group and to spell out the eligibility and terms of its appointments and to enumerate the purposes for which the board has been formed.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA, FLORIDA:

SECTION 1. The Golf Course Advisory Board.

There shall be a golf course advisory committee that will hereafter be known as "The Golf Course Advisory Board". The Board shall consist of seven (7) members, who shall be residents of the City of Fernandina Beach, Florida, and shall be appointed by the City Commission of said City. One member, each, shall be elected by the Men's Golf Association and the Ladies Golf Association to serve for a period of one (1) year, with the concurrence of the City Commission, and shall be eligible for re-election by their association and re-appointment by the City Commission. The five (5) remaining board members shall be appointed by the City Commission and shall serve for the term of three (3) years, each with the eligibility for reappointment. Any vacancy in membership shall be filled for the unexpired term by the City Commission who shall have the authority to remove any member for cause, upon written notice of the reason for such removal and after a public hearing on the same, if such hearing is requested by the member in accordance with Section 1A-22 of the Code. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

The present terms of the five (5) city appointees shall expire as follows:

Two (2) members on December 1988
One (1) member on December 1989
Two (2) members on December 1990

Section 2. Quorum.

Four (4) members of the Golf Course Advisory Board shall constitute a quorum for the transaction of business, providing, however, that no action shall be taken which is binding upon said Board unless concurred in by no less than a majority of all members comprising the Board.

Section 3. Organization.

The Golf Course Advisory Board shall elect a Chairman, Vice-Chairman, and Secretary from among its members. The term of these positions shall be one (1) year with eligibility for re-election. The Board shall adopt its own rules of procedure and determine its time of meeting. All meetings of the Board shall be open to the public and all records of the Board shall be public records.

Section 4. Powers and Duties.

The Golf Course Advisory Board shall perform only in an advisory capacity to the Golf Pro, the City Manager and the City Commission and will be responsible for assisting in the following areas:

A. To make recommendations as to the hours of operation, the programs and services that will be available to the public and the care and conditions of all golf course facilities;

B. Prepare and recommend for adoption, by the City Commission, a comprehensive plan for the physical development and betterment of the Municipal Golf Course, and revise and perfect it from time to time;

C. Make recommendations regarding policies and rates to be charged for the use of facilities and equipment that is available for use by the general public;

D. Make recommendations for the expenditure of public funds and assist in the preparation of budgets for the expenditure of such funds;

E. To provide the City Clerk with copies of minutes covering meetings of the Board and prepare and submit to the City Commission as soon as possible after the end of the fiscal year a comprehensive annual report of the Board's activities;

F. Perform all acts requested by the City Commission, City Manager and Golf Pro to advise and assist in the continued operation and betterment of the Municipal Golf Course.

Section 5. This Resolution shall take effect immediately upon its adoption by the City Commission.

ADOPTED this 4th day of October, 1988.

CITY OF FERNANDINA BEACH

Ronnie Sapp

RONNIE SAPP
Mayor - Commissioner

ATTEST:

Vicki P. Wingate

VICKI P. WINGATE
City Clerk

CORRECTED
RESOLUTION 2014-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, SUNSETTING THE GOLF COURSE ADVISORY BOARD; CREATING A GREENS AND OVERSIGHT COMMITTEE; DEFINING ITS POWERS, DUTIES AND RESPONSIBILITIES; PROVIDING FOR MEMBERSHIP, VACANCIES, REMOVAL, QUORUM, ORGANIZATION, RULES, FINANCES, AND REPORTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach, Florida, is the owner and operator of the Fernandina Beach Municipal Golf Course; and

WHEREAS, the City Commission wishes to sunset the existing Golf Course Advisory Board established via Resolution 934; and

Whereas, the City Commission has decided to create a Greens and Oversight Committee to replace said Golf Course Advisory Board; and

WHEREAS, the City Commission has determined that the Greens and Oversight Committee is to consist of seven (7) members with the term of office to be for a period of three (3) years; and

WHEREAS, the City Commission shall appoint a City Commissioner liaison to interact with the Greens and Oversight Committee; and

WHEREAS, the Greens and Oversight Committee will serve in an oversight capacity only with no authority or control over the general manager or management company and would make their suggestions or recommendations to the City Commission through the general manager or management company and the City Manager; and

WHEREAS, the City Commission has determined it to be advisable and appropriate to clearly define this committee and to spell out the eligibility and terms of its appointments and to enumerate the purposes for which the committee has been formed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The Greens and Oversight Committee.

The Committee shall consist of seven (7) members, who shall be residents of the City of Fernandina Beach, Florida, and shall be appointed by the City Commission of said City. One (1) member, each, shall be elected by the Men's Golf Association and the Ladies Golf Association to serve for a period of one (1) year, with the concurrence of the City Commission, and shall be eligible for re-election by their association and re-appointment by the City Commission. The five (5) remaining board members shall be appointed by the City Commission and shall serve for the term of three (3) years, each with the eligibility for reappointment. Any vacancy in membership shall be filled for the unexpired term by the City Commission. All members shall serve without compensation and at the pleasure of the City Commission but may be reimbursed for actual expenses incurred in connection with their official duties.

SECTION 2. Quorum.

Four (4) members of the Greens and Oversight Committee shall constitute a quorum for the transaction of business, providing, however, that no action shall be taken which is binding upon said Committee unless concurred in by no less than a majority of all members comprising the Committee.

SECTION 3. Organization.

The Greens and Oversight Committee shall elect a Chairperson, Vice-Chairperson, and Secretary from among its members. The term of these positions shall be one (1) year with eligibility for re-election. The Committee shall adopt its own rules of procedure and determine its time of meeting. All meetings of the Committee shall be open to the public and all records of the Committee shall be public records.

SECTION 4. Role.

The Greens and Oversight Committee shall review activities at the Fernandina Beach Golf Course with the Fernandina Beach Golf Course management team and report to the City Commission/City Manager (or City Commission designee) to assure the best possible management of the Golf Course.

SECTION 5. Powers and Duties.

A. Review financial results versus submitted Golf Course Management plan;
B. Review Golf Course Maintenance plans and track results versus the timeline established by the Golf Course Management team for the following:
    1. Cutting schedule for tees, greens, rough and fairways;
    2. Chemical treatment schedule;
    3. Irrigation schedule;
    4. Clubhouse maintenance schedule;
    5. Curb appeal (what the customer experiences/views upon arrival at the golf course);
    6. Safety;
C. Review Food and Beverage plan/results;
D. Review Marketing plans. Efforts to increase rounds/revenue (mailings, emails, website, tournaments, etc.);
E. The City Commissioner liaison/City Manager shall meet the Greens and Oversight Committee chairperson for visual review;
F. The City Commissioner liaison shall be made available to assist the Greens and Oversight Committee at any time;
G. To provide the City Clerk with copies of minutes covering meetings of the Committee and prepare and submit to the City Commission as soon as possible after the end of the fiscal year a comprehensive annual report of the Committee's activities.

OVERALL GOAL OF THE GREENS AND OVERSIGHT COMMITTEE:

Assist the City Commission/City Manager in the management of the Fernandina Beach Golf Course by reviewing the seven (7) areas (A-G above), identifying deficiencies, and determining the next steps with the Fernandina Beach Golf Course Management team. The Fernandina Beach Golf Course Management team will readily share operational plans and results with the Greens and Oversight Committee. The Greens and Oversight Committee also shall contribute to maintenance budget reviews with the Fernandina Beach Golf Course Management team.

SECTION 6. Meeting Frequencies.

A. The Greens and Oversight Committee shall meet on a monthly basis;
B. The Greens and Oversight Committee and the City Commissioner liaison shall meet on a quarterly basis;
C. The Greens and Oversight Committee and the Fernandina Beach Golf Course Management team shall meet on a quarterly basis.

SECTION 7. This Resolution shall become effective immediately upon passage.

ADOPTED this 4th day of March, 2014.

CITY OF FERNANDINA BEACH

Edward E. Boner
Commissioner – Mayor

ATTEST:

Caroline Best
City Clerk

APPROVED AS TO FORM & LEGALITY:

Tammi E. Bach
City Attorney

Bd. File

CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: **CORRECTED** Resolution 2014-10
Sunsetting the Golf Course Advisory Board and Creating the Greens & Oversight Committee

DEPARTMENT: City Commission

ATTACHMENTS: ___ Ordinance X_ Resolution
___ Support Documents ___ Other

RECOMMENDED ACTION: Approve Resolution 2014-10

SUMMARY: This Resolution was adopted on January 21, 2014 at a special City Commission meeting. The Resolution contained some scrivener errors regarding a 5-member board when the new Greens & Oversight Committee will have 7 members as approved by the City Commission. Adoption of this corrected Resolution makes clear the City Commission's intent that the Greens and Oversight Committee have 7 members with 3-year terms for 5 members and 1-year terms for Men's and Women's Golf Association appointed members.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: No additional comments.

DEPARTMENT HEAD	Submitted by: Joe Gerrity City Manager	Date: 2/25/2014
	Requested Agenda	Date: 3/04/2014
FINANCE DEPARTMENT	Approved as to Budget Requirements	Date:
CITY ATTORNEY	Approved as to Form & Legality TB	Date: 2/25/2014
CITY MANAGER	Approved Agenda Item for 03/04/2014 JG	Date: 2/25/2014

COMMISSION ACTION:
✓ Approved As Recommended
___ Approved With Modification
___ Other
___ Disapproved
___ Postponed to Time Certain
___ Tabled

Approved at the City Commission Regular Meeting
Held on 3/4/14
Voted: 5-0 Initial: YB

CORRECTED
RESOLUTION 2014-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, SUNSETTING THE GOLF COURSE ADVISORY BOARD; CREATING A GREENS AND OVERSIGHT COMMITTEE; DEFINING ITS POWERS, DUTIES AND RESPONSIBILITIES; PROVIDING FOR MEMBERSHIP, VACANCIES, REMOVAL, QUORUM, ORGANIZATION, RULES, FINANCES, AND REPORTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach, Florida, is the owner and operator of the Fernandina Beach Municipal Golf Course; and

WHEREAS, the City Commission wishes to sunset the existing Golf Course Advisory Board established via Resolution 934; and

Whereas, the City Commission has decided to create a Greens and Oversight Committee to replace said Golf Course Advisory Board; and

WHEREAS, the City Commission has determined that the Greens and Oversight Committee is to consist of ~~five (5)~~ seven (7) members with the term of office to be for a period of three (3) years; and

~~WHEREAS, that for the first term, one (1) person would be appointed for a one (1) year term; two (2) persons for a two (2) year term and two (2) persons for a three (3) year term with the terms of the appointees to be determined in alphabetical order; one (1) member each of the Men's and Ladies Golf Associations with the term of appointment to be for one (1) year; and~~

WHEREAS, the City Commission shall appoint a City Commissioner liaison to interact with the Greens and Oversight Committee; and

WHEREAS, the Greens and Oversight Committee will serve in an oversight capacity only with no authority or control over the general manager or management company and would make their suggestions or recommendations to the City Commission through the general manager or management company and the City Manager; and

WHEREAS, the City Commission has determined it to be advisable and appropriate to clearly define this committee and to spell out the eligibility and terms of its appointments and to enumerate the purposes for which the committee has been formed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The Greens and Oversight Committee.

The Committee shall consist of seven (7) members, who shall be residents of the City of Fernandina Beach, Florida, and shall be appointed by the City Commission of said City. One (1) member, each, shall be elected by the Men's Golf Association and the Ladies Golf Association to serve for a period of one (1) year, with the concurrence of the City Commission, and shall be eligible for re-election by their association and re-appointment by the City Commission. The five (5) remaining board members shall be appointed by the City Commission and shall serve for the term of three (3) years, each with the eligibility for reappointment. Any vacancy in membership shall be filled for the unexpired term by the City

Commission. All members shall serve without compensation and at the pleasure of the City Commission but may be reimbursed for actual expenses incurred in connection with their official duties.

~~SECTION 2. The present terms of the five (5) city appointees shall expire as follows:~~

~~One (1) member on February 2015~~
~~Two (2) members on February 2016~~
~~Two (2) members on February 2017~~

SECTION 2. Quorum.

Four (4) members of the Greens and Oversight Committee shall constitute a quorum for the transaction of business, providing, however, that no action shall be taken which is binding upon said Committee unless concurred in by no less than a majority of all members comprising the Committee.

SECTION 3. Organization.

The Greens and Oversight Committee shall elect a Chairperson, Vice-Chairperson, and Secretary from among its members. The term of these positions shall be one (1) year with eligibility for re-election. The Committee shall adopt its own rules of procedure and determine its time of meeting. All meetings of the Committee shall be open to the public and all records of the Committee shall be public records.

SECTION 4. Role.

The Greens and Oversight Committee shall review activities at the Fernandina Beach Golf Course with the Fernandina Beach Golf Course management team and report to the City Commission/City Manager (or City Commission designee) to assure the best possible management of the Golf Course.

SECTION 5. Powers and Duties.

A. Review financial results versus submitted Golf Course Management plan;
B. Review Golf Course Maintenance plans and track results versus the timeline established by the Golf Course Management team for the following:
    1. Cutting schedule for tees, greens, rough and fairways;
    2. Chemical treatment schedule;
    3. Irrigation schedule;
    4. Clubhouse maintenance schedule;
    5. Curb appeal (what the customer experiences/views upon arrival at the golf course);
    6. Safety;
C. Review Food and Beverage plan/results;
D. Review Marketing plans. Efforts to increase rounds/revenue (mailings, emails, website, tournaments, etc.);
E. The City Commissioner liaison/City Manager shall meet the Greens and Oversight Committee chairperson for visual review;
F. The City Commissioner liaison shall be made available to assist the Greens and Oversight Committee at any time;
G. To provide the City Clerk with copies of minutes covering meetings of the Committee and prepare and submit to the City Commission as soon as possible after the end of the fiscal year a comprehensive annual report of the Committee's activities.

OVERALL GOAL OF THE GREENS AND OVERSIGHT COMMITTEE:

Assist the City Commission/City Manager in the management of the Fernandina Beach Golf Course by reviewing the seven (7) areas (A-G above), identifying deficiencies, and determining the next steps with the Fernandina Beach Golf Course Management team. The Fernandina Beach Golf Course Management team will readily share operational plans and results with the Greens and Oversight Committee. The Greens and Oversight Committee also shall contribute to maintenance budget reviews with the Fernandina Beach Golf Course Management team.

SECTION 6. Meeting Frequencies.

A. The Greens and Oversight Committee shall meet on a monthly basis;
B. The Greens and Oversight Committee and the City Commissioner liaison shall meet on a quarterly basis;
C. The Greens and Oversight Committee and the Fernandina Beach Golf Course Management team shall meet on a quarterly basis.

SECTION 7. This Resolution shall become effective immediately upon passage.

ADOPTED this 4th day of March, 2014.

CITY OF F

ATTEST:

Caroline Best
City Clerk

Tan
City A

Mailed up
copy

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Resolution 2017-83
Authorizing the City Attorney to Defend the City in Certain Litigation

ITEM TYPE: Resolution

REQUESTED ACTION: Adopt Resolution 2017-83

SYNOPSIS: Section 31 of the City Charter requires that the prosecution and defense of litigation involving the City, by the City Attorney, be authorized by the City Commission. This Resolution authorizes the City Attorney to work with City claims administrator, Preferred Governmental Claim Solutions (PGCS), appear on behalf of if necessary, and defend the City in the matter of Deborah Lickliter v. City of Fernandina Beach, Case No.: 2017-CA-108, in the Fourth Judicial Circuit Court in and for Nassau County, Florida.

Ms, Lickliter was allegedly injured during a fall at the Nassau County Library (believed to be on the sidewalk not inside the library but still investigating) on March 1, 2015.

FISCAL IMPACT: The City carries general liability insurance and will pay a $5,000 deductible to have the insurance company (PGIT) provide defense for the City. The $5,000 deductible will be paid from the Deposit Account for Property Casualty Premiums Account # 631 22631.

CITY ATTORNEY COMMENTS: See synopsis.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2017-83.

Dale Martin, City Manager
Tammi Bach, City Attorney
Patti Clifford, Comptroller Date:05/23/2017

COMMISSION ACTION: Adopt

RESOLUTION 2017-83

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO DEFEND THE CITY IN CERTAIN LITIGATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 31 of the City Charter requires that the prosecution and defense of litigation involving the City, by the City Attorney, be first authorized by the City Commission; and

WHEREAS, certain issues now face the City of Fernandina Beach, Florida, which require resolution in the Courts or administrative agencies of this State.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

SECTION 1. The City Commission hereby authorizes the City Attorney to work with City claims administrator, Preferred Governmental Claim Solutions (PGCS), appear on behalf of, if necessary, and defend the City of Fernandina Beach in the matter of Deborah Lickliter v. City of Fernandina Beach, Case No.: 2017-CA-108 in the Fourth Judicial Circuit Court in and for Nassau County, Florida.

SECTION 2. This Resolution shall take effect immediately upon passage.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

_____

Robin C. Lentz
Commissioner - Mayor

ATTEST:

_____

Caroline Best
City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____

Tammi E. Bach
City Attorney

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Resolution 2017-84
Budget Amendment - Youth Program

ITEM TYPE: Resolution

REQUESTED ACTION: Adopt Resolution 2017-84

SYNOPSIS: According to Code Sec 2-412 and Charter section 74, the Commission must approve any budget transfers over $7,500.

The Youth Program Part-time Salaries account has a shortfall of approximately $25,000; funds in the amount of $25,000 are available in the Youth Program Temporary Salaries account . This transfer will move $25,000 from the Youth Program Temporary Salaries account to the Youth Program Part-Time Salaries account.

FISCAL IMPACT: Transfer of funds within the Parks & Recreation Youth Program accounts to properly classify Camp Leaders' salaries.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2017-84.

Dale Martin, City Manager
Tammi Bach, City Attorney
Vee Sellers, Paralegal Date:05/31/2017

COMMISSION ACTION: Adopt

RESOLUTION 2017-84

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE YOUTH PROGRAM BUDGET FOR FISCAL YEAR 2016/2017; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City adopts and operates under a budget for the fiscal year and the City Charter requires that the City Commission approve any budget amendment over $7,500; and

WHEREAS, the Youth Program budgeted for part-time and temporary employees in the Youth Program budget as camp leaders; and

WHEREAS, the funds in Temporary Salaries account far exceed what will be spent and funds in the Part-Time Salaries account are less then what is expected to complete the year; and

WHEREAS, staff recommends the budget transfer of $25,000 from the Youth Program budget Temporary Salaries account, 0017230 51300 to the Youth Program Part-Time Salaries account, 0017230 51350, to properly fund the Part-Time Salaries account.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby approves a budget transfer of $25,000 from the Youth Program Temporary Salaries account, 0017230 51300 to the Youth Program Part-Time Salaries account, 0017230 51350.

SECTION 2. This Resolution shall be effective immediately upon passage.

ADOPTED this 6th day of June, 2017.

ATTEST:

_____
Caroline Best
City Clerk

CITY OF FERNANDINA BEACH

_____
Robin C. Lentz
Commissioner-Mayor

APPROVED AS TO FORM AND LEGALITY:

_____
Tammi E. Bach
City Attorney

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Resolution 2017-85
Budget Amendments- MLK Center

ITEM TYPE: Resolution

REQUESTED ACTION: Adopt Resolution 2017-85

SYNOPSIS: The City adopts and operates under a budget for the fiscal year and the City Charter requires that the City Commission approve any budget amendment over $7,500. The MLK facility has recently become a licensed child care facility with the Department of Children and Family Services. To meet the requirement of the State of Florida, a fire alarm system that is connected to of the rooms must be installed at a cost of $14,280.

FISCAL IMPACT: Budget amendments totaling $14,280 will transfer money from several accounts into the MLK Center Improvements account 0017225 56300 to fund the installation of the fire alarm system at the MLK Center.

The amounts and accounts are detailed below:
$2,000 from 0017220 55200 (Peck Center Operating Supplies)
$3,700 from 0017225 54610 (MLK Center R/M Buildings)
$3,000 from 0015200 54620 (Downtown District R/M Equipment)
$5,580 from 0017220 54970 (Peck Center Other Current)

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2017-85.

Dale Martin, City Manager
Tammi Bach, City Attorney
Vee Sellers, Paralegal Date:05/31/2017

COMMISSION ACTION: Adopt

RESOLUTION 2017-85

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE MLK CENTER BUDGET FOR FISCAL YEAR 2016/2017; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City adopts and operates under a budget for the fiscal year and the City Charter requires that the City Commission approve any budget amendment over $7,500; and

WHEREAS, the MLK facility has recently become a licensed child care facility with the Department of Children and Family Services; and

WHEREAS, to meet the requirement of the State of Florida, a fire alarm system must be installed at a cost of $14,280; and

WHEREAS, the following budget amendments are necessary to fund this installation:

$2,000 from 0017220 55200 (Peck Center Operating Supplies)
$3,700 from 0017225 54610 (MLK Center R/M Buildings)
$3,000 from 0015200 54620 (Downtown District R/M Equipment)
$5,580 from 0017220 54970 (Peck Center Other Current)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby approves the aforementioned budget amendments totaling $14,280 transferring funds into the MLK Center Improvements account 0017225 56300 for the installation of a fire alarm system at the MLK Center.

SECTION 2. This Resolution shall be effective immediately upon passage.

ADOPTED this 6th day of June, 2017.

ATTEST:

_____
Caroline Best
City Clerk

CITY OF FERNANDINA BEACH

_____
Robin C. Lentz
Commissioner-Mayor

APPROVED AS TO FORM AND LEGALITY:

_____
Tammi E. Bach
City Attorney

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Resolution 2017-86
Interlocal Agreement - Nassau County Board of County Commissioners

ITEM TYPE: Resolution

REQUESTED ACTION: Adopt Resolution 2017-86

SYNOPSIS: Resolution 2016-52 was found to be flawed in its reference to the previously established Nassau County Transportation Benefit Districts. The revisions contained in the Resolution approving the Interlocal Agreement provides an accurate reference to the Nassau County Mobility Zone 1 for collection of mobility impact fees.

This Interlocal Agreement authorizes the City to collect Nassau County Mobility Fees on behalf of Nassau County when a project is within the City limits. The attached agreement outlines the fee collection process and attachments illustrate how fees are calculated.

The City and County have operated under a similar Interlocal Agreement in the past for the collection of Transportation Impact Fees. The collection of these impact fees was suspended for a number of years due to the economic recession; during this period, the County, in accordance with State-wide direction, worked to transition its assessment of transit related impacts away from the former traffic-based "concurrency" model to one based on overall mobility strategies to accommodate future growth. An extensive study of mobility needs and growth patterns, known as the Nassau County Mobility Plan, was adopted by the County as a basis for a new fee structure tied to development impacts. Nassau County Ordinance 2014-16 adopts the Mobility Fee Study and associated Mobility Fee rates.

(Please note that, in accordance with direction in the Comprehensive Plan, the City is beginning its efforts to develop a mobility plan specific to the City's transportation network. The City's study will focus on intermodal improvements, in an effort to plan for and fund mobility related improvements for all modes of transportation. Upon completion and adoption, the City will begin assessing and collecting Mobility Fees in addition to those collected by the County.)

FISCAL IMPACT: Restores the funding source for County mobility improvements which serve the needs of both City and County residents.

All fees collected will be transferred on a monthly basis to the Nassau County Clerk of Court and a report to the Nassau County Building Official containing a copy of the remittance shall be provided. All fees will be deposited into the Nassau County Mobility Fee Trust Fund for use in Nassau County Mobility Zone 1.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2017-86.

Dale Martin, City Manager
Tammi Bach, City Attorney
Vee Sellers, Paralegal Date:05/23/2017

COMMISSION ACTION: Adopt

RESOLUTION 2017-86

A RESOLUTION, OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING RESOLUTION 2016-52 AND APPROVING AN INTERLOCAL AGREEMENT WITH THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING CITY COLLECTION OF TRANSPORTATION MOBILITY FEES APPLIED WITHIN CITY LIMITS; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fernandina Beach adopted Resolution 2016-52 on April 5, 2016; and

WHEREAS, Resolution 2016-52 included language referencing utilization of Nassau County Mobility Fees as well as an Interlocal Agreement with the Nassau County Board of County Commissioners for the collection of these fees; and

WHEREAS, it has come to the attention of both the City and the County that Resolution 2016-52 and the associated Interlocal Agreement contain references to former County Transportation Benefit Districts; and

WHEREAS, the former County Transportation Benefit Districts have been replaced by the newly created districts as defined by Nassau County Ordinance 2014-16, as amended, known as the "Nassau County Mobility Fee Ordinance"; and

WHEREAS, the City and the County desire correction to these references to properly recognize that funds collected by the City may be used for transportation projects only within Nassau County Mobility Zone 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby approves the corrected Interlocal Agreement with Nassau County for the City to collect Transportation Mobility Fees for projects within the city limits, and the corrected Interlocal Agreement is attached hereto as Exhibit "A".

SECTION 2. The City Manager and City Clerk are hereby authorized to execute the Interlocal Agreement, upon review and approval of the City Attorney.

SECTION 3. This Resolution shall become effective immediately upon passage.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

_____
Robin C. Lentz
Mayor – Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

_____
Caroline Best
City Clerk

_____
Tammi E. Bach
City Attorney

Resolution 2017-86
Exhibit "A"

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT entered into this __ day of _____, 2017, by and between the **CITY OF FERNANDINA BEACH, FLORIDA, a municipal corporation**, hereinafter referred to as "CITY", and the **BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, a political subdivision of the State of Florida**, hereinafter referred to as "COUNTY".

WHEREAS, the CITY and the COUNTY have determined it to be in the best interests of the citizens of Fernandina Beach and Nassau County to coordinate the efforts of the CITY and the COUNTY in planning for transportation impacts of new development; and

WHEREAS, the CITY and the COUNTY agree that the collection of mobility fees for transportation should be accomplished as set forth herein; and

WHEREAS, the comprehensive land use plans of both the CITY and the COUNTY encourage intergovernmental coordination to maximize the efficient use of resources; and

WHEREAS, the COUNTY has passed Ordinance 2014-16, as amended, which provides for collection by the CITY of transportation mobility fees within its jurisdiction based upon a joint execution of an Interlocal Agreement.

NOW, THEREFORE, the CITY and the COUNTY agrees as follows:

1. **Mobility Fees** – pursuant to Nassau County Ordinance 2014-16, as amended, known as the "Nassau County Mobility Fee Ordinance", mobility fees for Nassau County Mobility Zone 1, which includes the incorporated City of Fernandina Beach, shall be collected within the City.
2. Mobility Fee Collection Procedures – The CITY shall collect the mobility fees required pursuant to Nassau County Ordinance 2014-16, as amended, at the time a building permit is issued. The CITY on a monthly basis shall provide to the County Building Official:
    a. A list of each fee collected, or if not collected, the reason(s) for non-collection; and
    b. The permit number issued; and
    c. Documentation of the non-residential square footage of the proposed development; and
    d. The calculation of the fee; and

e. All mobility fees collected shall be provided to the Clerk of the Court. The report sent to the County Building Official and City Building Official (if applicable) shall contain a copy of the remittance. All mobility fees shall be deposited into the Mobility Fee Trust Fund for use in Nassau County Mobility Zone 1.

3. **SEVERABILITY** – If any section, clause, or provision of this Agreement is held invalid, the remainder of this Agreement shall be construed as not having contained said section, clause, or provision, and shall not be affected by said holding.

4. **NO AGENCY** – Nothing contained herein shall be construed to constitute either of the parties, nor any of its agents or employees, as the agent of the other.

5. **TERM** – This Agreement shall continue in effect until terminated by either party upon thirty (30) days written notice to the other.

6. **AUTHORITY** – Each of the parties represents to the other that the execution of this Agreement has been duly and properly authorized by the governing bodies of each or the parties, and each has full authority to execute the same through its representative whose signatures appear below.

7. **FILING** – This Interlocal Agreement shall be filed with the Clerk of the Circuit Court of Nassau County, Florida, prior to its effective date, in accordance with Florida Statutes, 163.01(11).

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

_____
DANIEL B. LEEPER
Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

_____
JOHN A. CRAWFORD
Its: Ex-Officio Clerk
Approved as to form:

_____
MICHAEL S. MULLIN
Its: County Attorney

CITY OF FERNANDINA BEACH

_____
ROBIN C. LENTZ
Its: Commissioner-Mayor

ATTEST:

_____
CAROLINE BEST
Its: City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
TAMMI E. BACH
Its: City Attorney

NASSAU COUNTY, FLORIDA

MOBILITY FEE ORDINANCE

ADOPTED _____, 2014

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APPENDIX B MOBILITY ZONES B-1

ORDINANCE NO. 2014-_____

AN ORDINANCE TO BE KNOWN AS THE NASSAU COUNTY MOBILITY FEE ORDINANCE; PROVIDING CERTAIN DEFINTIONS; PROVIDING RULES OF CONSTRUCTION AND LEGISLATIVE FINDINGS; ADOPTING THE MOBILITY FEE STUDY; PROVIDING FOR MUNICIPAL PARTICIPATION; IMPOSING MOBILITY FEES ON NEW CONSTRUCTION AND ADOPTING A MOBILITY FEE SCHEDULE; PROVIDING FOR CALCULATION AND ALTERNATIVE CALCULATION PROCEDURES FOR MOBILITY FEES; PROVIDING TERMS FOR PAYMENTS; PROVIDING TERMS OF USE OF MOBILITY FEE PROCEEDS; PROVIDING CERTAIN EXEMPTIONS; PROVIDING FOR CERTAIN CREDITS; PROVIDING APPLICABILITY; PROVIDING AN ALTERNATIVE COLLECTION MECHANISM; PROVIDING REVIEW HEARINGS; PROVIDING A REVIEW REQUIREMENT; PROVIDING FOR EXCLUSION FROM THE ADMINISTRATIVE PROCEDURES ACT; PROVIDING SEVERABILITY; PROVIDING ENFORCEMENT; AMENDING SECTION 3.04 OF NASSAU COUNTY ORDINANCE NO. 2007-05 CONCERNING THE PLANNING AND ZONING BOARD; PROVIDING NOTICE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

ARTICLE I

GENERAL

SECTION 1.01. DEFINITIONS. When used in this Ordinance, the following terms shall have the following meanings, unless the context otherwise clearly requires:

"Access Improvements" shall mean improvements designed and constructed to provide safe and adequate ingress and egress from New Construction, which include, but are not limited to, rights-of-way, easements, paving of adjacent or connecting roadways, turn lanes, deceleration and acceleration lanes, traffic control devices, signage and markings, sidewalks, multi-use paths, and drainage and utilities.

"Accessory Building or Structure" shall mean a detached, subordinate building, meeting all property development regulations, the use of which is clearly incidental and related to the use of the principal Building or incidental to the previous use to which the vacant land is devoted, and which is located on the same lot as that of the principal Building or vacant land use.

"Alternative Mobility Fee" shall mean any alternative fee calculated by an Applicant and approved by the County Manager pursuant to Section 2.03.

"Apartment" shall mean a rental Dwelling Unit located within the same Building as other Dwelling Units.

"Applicant" shall mean the person who applies for a Building Permit.

"Building" shall mean any structure, either temporary or permanent, built for the support, shelter, or enclosure of persons, chattels, or property of any kind. This term shall include tents, trailers, mobile homes, or any vehicles serving in any way the function of a building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a Building Permit.

"Building Permit" shall mean an official document or certificate issued by the County, under the authority of ordinance or law, authorizing the construction or siting of any Building. "Building Permit" shall also include move-on permits or other development approvals for those structures or Buildings, such as a mobile home, that do not require a Building Permit in order to be constructed or occupied.

"Certificate of Occupancy" shall mean the document issued by the County under the authority of ordinance or law that indicates the completion of a Building erected in accordance with plans approved by the building department, and final

inspection having been performed, thereby allowing the building to be occupied. "Certificate of Occupancy" shall also include move-on permits or other development approvals for those structures or Buildings, such as a mobile home, that do not require a Certificate of Occupancy to be occupied.

"Commission" shall mean the Board of County Commissioners of Nassau County, Florida.

"Comprehensive Plan" shall mean the comprehensive plan of the County adopted and amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act as contained in Part II, Chapter 163, Florida Statutes, or its statutory successor in function.

"Condominium" shall mean a single-family or time-sharing ownership unit that has at least one other similar unit within the same building structure. The term Condominium includes all fee simple or titled multi-unit structures, including townhouses and duplexes.

"County" shall mean Nassau County, Florida, a political subdivision of the State of Florida.

"County Engineer" shall mean the Person appointed by the Commission to serve as its engineer or the designee of such Person.

"County Manager" shall mean the chief administrative officer of the County, appointed by the Commission or the designee of such Person.

"County Transportation System" shall mean the road system of the County as defined in section 334.03(8), Florida Statutes, or its statutory successor in function, plus associated bike lanes, sidewalks, transit facilities and other multi-modal facilities for non-vehicular modes of transportation.

"Designated Mobility Improvement" shall mean a specific capital improvement that adds capacity to the County Transportation System to accommodate the mobility demands from New Development and is listed for improvement in the Capital Improvement Element of the Comprehensive Plan, as identified in the Mobility Fee Study or subsequently added to the County's Capital Improvement Element.

"Dwelling Unit" shall mean a Building, or portion thereof, designed for residential occupancy, consisting of one or more rooms which are arranged, designed or used as living quarters for one or more persons.

"Encumbered" shall mean monies committed by contract or purchase order in a manner that obligates the County to expend the encumbered amount for the delivery of goods, the completion of services, the conveyance of right-of-way by a vendor, supplier, contractor or owner.

"External Trip" shall mean any Trip which either has its origins from or its destination to the New Construction and which impacts the County Transportation System.

"Government Buildings" shall mean property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district, a school district, or a municipal corporation.

"Mixed Use New Construction" shall mean New Construction in which more than one Mobility Fee Land Use Category is contemplated with each Category constituting a separate and identifiable enterprise not subordinate to or dependent on other enterprises within the New Construction.

"Mobility Fee" shall mean the Mobility Fee imposed by the County pursuant to Section 2.01, or, if applicable, the Alternative Mobility Fee.

"Mobility Fee Land Use Category" shall mean those categories of land use incorporated in the Mobility Fee Rate Schedule in Section 2.01.

"Mobility Fee Rate" shall mean a Mobility Fee imposed for a particular New Construction under the applicable Mobility Fee Land Use Category established in the schedules listed in Section 2.01 for Mobility Fees.

"Mobility Fee Study" shall mean the study adopted pursuant to Section 1.04, as amended and supplemented pursuant to Section 3.06.

"Mobility Zone" shall mean those districts, as shown in Appendix B, which are established by the Commission for the purposes of collection and expenditure of the Mobility Fees.

"New Construction" shall mean land construction designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or floor space than the existing use of land, or to otherwise change the use of the land in a manner that increases the generation of vehicular or non-vehicular traffic or the number of External Trips.

"New Net Trip" shall mean the average daily External Trips, as adjusted by the average vehicle miles traveled in Mobility Fee Study.

"Off-Site Improvements" shall mean road improvements located outside of the boundaries of a New Construction which are required by the County in order to serve External Trips, but not including Access Improvements.

"Ordinance" shall mean this Mobility Fee Ordinance.

"Owner" shall mean the Person holding legal title to the real property containing the New Construction.

"Person" shall mean any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, property owners' association, two (2) or more persons having a joint or common interest, governmental agency, or other legal entity.

"Planning and Zoning Board" shall mean the board created pursuant to section 3.04 of Ordinance No. 2007-05, as amended herein.

"Residential" shall mean Apartments, Condominiums, Single-Family Detached Houses, duplexes, and mobile homes.

"Single-Family Detached House" shall mean a home on an individual lot.

"Square Footage" shall mean the gross area measured in feet from the exterior faces of exterior walls or other exterior boundaries of the Building, excluding areas within the interior of the Building which are utilized for parking.

"Trip" shall mean a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). The word Trip shall have the meaning which it has in commonly accepted traffic engineering practice.

"Trip Generation or Trip Generator Rate" shall mean the maximum average new (excluding passerby) daily trip generation rates for the applicable Trip Generation Land Use Category, as adjusted by the Mobility Fee Study.

"Trip Generation Land Use Category" shall mean the trip generation land use categories established in Trip Generation, (latest edition), published by the Institute of Transportation Engineers.

SECTION 1.02. RULES OF CONSTRUCTION. For the purposes of administration and enforcement of this Ordinance, unless otherwise stated in this section, the following rules of construction shall apply:

A. The word "shall" is always mandatory and not discretionary; the word Amay@ is discretionary.

B. Words used in the present tense shall include the future and words in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

C. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either . . .or" the conjunction shall be interpreted as follows:

(1) *And* indicates that all the connected terms, conditions, provisions or events shall apply.

(2) *Or* indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) *Either . . . or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

D. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

SECTION 1.03. FINDINGS. It is hereby ascertained, determined and declared:

A. Pursuant to Article VIII, section 1(f), Florida Constitution, sections 125.01 and 125.66, Florida Statutes, and other applicable provisions of law, the Commission has all powers of local self-government to perform county functions, except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of County ordinances.

B. The Commission specifically finds that the County Transportation System benefits all residents of the County and, therefore, the Mobility Fee shall be imposed in all unincorporated areas of the County.

C. Development necessitated by the growth contemplated in the proposed Comprehensive Plan will require improvements and additions to the County Transportation System to accommodate the traffic generated by such growth and maintain the standards of service adopted by the County.

D. Future growth, as represented by New Construction, should assist in mitigating its impacts by contributing its fair share to the cost of improvements and additions to the County Transportation System that are required to accommodate the traffic, both vehicular and non-vehicular, generated by such growth.

E. The required improvements and additions to the County Transportation System needed to eliminate any deficiencies between the existing County Transportation System and the levels of service adopted by the County shall be financed by revenue sources of the County other than Mobility Fees.

F. Imposition of a Mobility Fee to require New Construction to contribute its fair share to the cost of required vehicular and multi-modal additions is an integral and vital element of the regulatory plan of growth management incorporated in the Comprehensive Plan of the County.

G. The imposition of a Mobility Fee is to provide a source of revenue to fund the construction or improvement of the County Transportation System, including both vehicular and multi-modal improvements, that are necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan and the Mobility Fee Study.

H. The purpose of the Mobility Fee is to fund transportation improvements that will increase the efficiency of the County Transportation System and thus ensure the provision of an adequate level of service for New Growth. The efficiency of the County Transportation System can be improved by increasing roadway capacity using traditional methods, improving operations of existing facilities through intersection improvements and traffic signal upgrades to new and more efficient technology, and improving the connectivity of the transportation network, for vehicles, bicycles and pedestrians to provide better alternatives to heavily used travel routes, as well as transit improvements.

I. The improvements identified in the capital improvement element of the Comprehensive Plan and Mobility Fee Study include roadway capacity improvements, pedestrian improvements, including bicycle lanes and sidewalks, as well as intersection improvements to improve overall efficiency of the County Transportation System. Additionally, the standard FDOT costs used to estimate the cost of the Designated Mobility Improvements include multi-modal pedestrian facilities (bike lanes and sidewalks).

J. The Mobility Fee Study uses VMT, vehicle miles travelled, as the basis for calculating the Mobility Fee. Although the Designated Mobility Improvements include multi-modal improvements, those improvements area a vital and necessary part of the County's future transportation system and have been identified to increase connectivity by providing alternatives to vehicular transportation, which effectively reduce the VMT in areas where they are provided, as noted in the Highway Capacity Manual and the Institute of Transportation Engineers' Trip Generation manual. Additionally, the Florida Standard Urban Transportation Model Structure model used to estimate the VMTs used

in the Mobility Fee Study incorporates the impact of these existing and future multi-modal elements when determining the VMT used in the calculation of the Mobility Fee.

K. Accordingly, given that the VMTs used in the Mobility Fee Study have been adjusted for multi-modal improvements and the inclusion of these costs in the standard FDOT costs estimates, it is fair and reasonable to include multi-modal improvements in the Designated Mobility Improvements.

L. The Commission expressly finds that the schedule of improvements and additions to the County Transportation System, as contained in the study entitled "Nassau County Mobility Plan Report," dated as of February, 2014 provide a benefit to all New Construction within the County that is in excess of the actual Mobility Fee.

M. The County has the responsibility to provide and maintain roads, multi-modal improvements, and other public facilities in the County Transportation System. New Construction occurring within the County impacts the County Transportation System; therefore, New Construction should pay its fair share of the cost of providing the improvements and additions to the County Transportation System. In recognition of these findings, it is the intent of the Commission that, upon approval and adoption of this Ordinance and the Mobility Fee Study by the Commission, the County shall impose a Mobility Fee to provide the cost of growth-required improvements and additions to the County Transportation System.

N. The projected capital improvements and additions to the County Transportation System and the allocation of projected costs between those improvements and additions necessary to serve existing development and those improvements and additions required to accommodate the growth represented by New Construction as presented in the Mobility Fee study is hereby approved and adopted by

the County and such projections are hereby found to be in conformity with the Comprehensive Plan.

O. Transportation planning is an evolving process and the capital improvements and additions to the County Transportation System identified upon the date of the adoption of this Ordinance constitute projections of growth patterns and transportation improvements and additions based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns and the dynamic nature of population growth, it is the intent of the Commission that the identified improvements and additions to the County Transportation System be reviewed and adjusted periodically, pursuant to Section 3.06, to ensure that Mobility Fees are imposed equitably and lawfully and are utilized effectively based upon actual and anticipated traffic conditions at the time of their imposition.

P. The purpose of this Ordinance is to regulate the development of land within the County by requiring payment of Mobility Fees by New Construction and to provide for the cost of capital improvements to the County Transportation System which are required to accommodate such growth. This Ordinance shall not be construed to permit the collection of Mobility Fees in excess of the amount reasonably anticipated to offset the demand on the County Transportation System generated by such New Construction.

Q. It is the purpose of this Ordinance to implement many of the tools and techniques identified and encouraged by the State Legislature in Chapter 2011-139, Laws of Florida (House Bill (HB) 7207), and identified by the Commission in the Nassau County Comprehensive Plan. These tools and techniques will substantially advance the public purposes of job creation, and reduction of energy, infrastructure, and service

costs; i.e., public safety, that typically result from lower density/sprawl-type development patterns.

R. It is the purpose of this Ordinance to achieve Transportation Element Objectives T.01, T.02, T.04, and T.06; and Capital Improvements Element Objective CI.07 of the Nassau County Comprehensive Plan which requires the County to:

(1) maintain minimum acceptable levels of service;

(2) develop, construct, and maintain a transportation system, which is consistent with the existing and future land use patterns;

(3) encourage and promote the safe integration and utilization of bicycle and pedestrian movement;

(4) encourage and promote transit in the region;

(5) provide capital improvements to accommodate future growth

(6) identify dedicated, non-ad valorem revenue streams to ensure the provision of needed capital improvements.

S. The Mobility Fee Study, Mobility Fee, and this Ordinance comply with the goals, objectives and policies of the Nassau County Comprehensive Plan, specifically Transportation Element Policies T.01.02 T.02.01 T.02.03, T.04.03, and T.06.02; and Capital Improvements Element Policies CI.01.08 and CI.07.02 and are consistent with the State Legislature's encouraged direction in Chapter 2011-139, Laws of Florida (HB 7207).

T. This Ordinance ensures that any participating municipality that wishes to join in the Mobility Fee program has an opportunity to do so, but does not require any participating municipality to join in.

U. The County shall be divided into separate Mobility Zones which are based on the Mobility Fee Study and the Comprehensive Plan and generally depict those areas where the County has planned for urban, suburban, and rural forms of development. The Mobility Zones shall be utilized to create the differential Mobility Fee structure encouraged by the Comprehensive Plan and Chapter 2011-139, Laws of Florida (HB 7207).

V. Based on the typical travel characteristics in the County set forth in the Mobility Fee Study, utilizing the Mobility Zones to regulate Mobility Fee expenditures is the best method of ensuring that the transportation capital improvements funded by Mobility Fees benefit development in the Mobility Zones paying the Mobility Fees.

W. Mobility Fees paid pursuant to this section will be earmarked to separate Mobility Fee funds for use within the Mobility Zones in which the Mobility Fees are collected, except as provided herein.

X. The Administrative Fee authorized in Section 2.05 is fair and reasonable and constitutes no more than the County's actual costs for the collection and administration of the Mobility Fee.

SECTION 1.04 ADOPTION OF MOBILITY FEE STUDY. The Commission hereby adopts and incorporates by reference, the study entitled "Nassau County Mobility Fee Report," dated as of February 2014, particularly the assumptions, conclusions and findings in such study as to the allocation of anticipated costs of capital improvements and additions to the County Transportation System between those costs required to accommodate existing traffic and those costs required to accommodate traffic generated by growth and those assumptions, conclusions and findings in such study as to the determination of anticipated costs of additions to the County

Transportation System required to accommodate growth. The Mobility Fee Study is attached as Appendix A.

SECTION 1.05. MUNICIPAL PARTICIPATION. The provisions of this Ordinance shall apply to New Construction occurring in both the unincorporated and incorporated areas of the County. Provided, however, that the provisions of this Ordinance shall not be enforced within a municipality unless the County and the municipality enter into an interlocal agreement setting forth the terms and conditions under which the provisions of this Ordinance shall be implemented within the municipality.

ARTICLE II

MOBILITY FEES

SECTION 2.01. IMPOSITION.

A. All New Construction occurring within the unincorporated area of the County shall pay the applicable Mobility Fee established in this Ordinance.

B. All New Construction occurring within a municipality that has entered into an interlocal agreement with the County pursuant to section 1.05 herein, providing for the imposition and collection of Mobility Fees within the municipality, shall pay the applicable Mobility Fee established in this Ordinance.

C. The Commission hereby establishes two (2) Mobility Zones, as shown in Appendix B, for purposes of collection and expenditure of the Mobility Fees. The East Nassau Community Planning Area established by the Commission in Ordinance No. 2013-10 shall remain a separate mobility zone as provided in that ordinance and shall not be subject to the provisions of this Ordinance.

D. The Commission hereby adopts the following rate schedule of Mobility Fees, which are imposed upon all New Construction occurring within the County at a rate established under the applicable Mobility Fee Land Use Category, as calculated in accordance with Section 2.02 below.

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Fee Schedule

ITE Code	Land Use Type	Quantity Range		Units	Mobility Fee	
		Min	Max		East of I-95	West of I-95
	Residential					
210	Single Family Detached	-	-	Per DU	$1,150.00	$1,168.00
220	Multi-Family (Apartments)	-	-	Per DU	$807.00	$820.00
230	Condominium/Townhouse	-	-	Per DU	$712.00	$723.00
210	Other Residential (Same as Single Family)	-	-	Per DU	$1,150.00	$1,168.00
	Non - Residential (Per 1,000 SF unless otherwise stated)					
110	Industrial	-	-	SF	$592.00	$602.00
150	Warehouse	-	-	SF	$453.00	$460.00
151	Mini-warehouse	-	-	SF	$218.00	$222.00
710	General Office	0	10000	SF	$1,009.00	$1,025.00
710	General Office	10000	49999	SF	$1,434.00	$1,458.00
710	General Office	50000	99999	SF	$1,223.00	$1,243.00
710	General Office	100000	200000	SF	$1,044.00	$1,061.00
710	General Office	200000	299999	SF	$951.00	$966.00
710	General Office	300000		SF	$845.00	$859.00
720	Medical Office	-	-	SF	$3,388.00	$3,443.00
760	Research and Development Center	-	-	SF	$745.00	$757.00
812	Building Materials and Lumber Store	-	-	SF	$1,997.00	$2,030.00
817	Garden Center	-	-	SF	$2,286.00	$2,323.00
820	Shopping Center	0	49999	SF	$2,866.00	$2,912.00
820	Shopping Center	50000	99999	SF	$2,623.00	$2,665.00
820	Shopping Center	100000	29999	SF	$2,098.00	$2,132.00
820	Shopping Center	300000		SF	$1,850.00	$1,880.00
841	Car Dealerships	-	-	SF	$3,082.00	$3,131.00
850	Supermarket	-	-	SF	$3,341.00	$3,395.00
853	Convenience Market w/ Gas Pumps	-	-	SF	$4,289.00	$4,358.00
890	Furniture Store	-	-	SF	$152.00	$154.00
932	Restaurant	-	-	SF	$2,170.00	$2,205.00
934	Fast Food Restaurant (w/ drive-thru)	-	-	SF	$4,861.00	$4,940.00
	Non - Residential (Per unit quantity as stated below)					
912	Drive-In bank			Per Lane/Window	$3,358.00	$3,413.00
310	Hotel/Motel			Per Room	$577.00	$586.00
560	Church			Per Seat	$62.00	$63.00

E. No Mobility Fee shall be assessed upon the issuance of a commercial retail shopping center Building Permit, Foundation Permit, or a nonretail multiuse Building Permit for an unfinished building; i.e., a Shell Permit. Instead, each individual use shall thereafter be assessed the applicable Mobility Fee based on the calculations set forth below upon subsequent issuance of a Building Permit to finish each unit. All Mobility Fees for these shell Buildings will be collected no later than the issuance of a Building Permit for the finishing of the Building.

SECTION 2.02. CALCULATION OF MOBILITY FEE.

A. Upon receipt of a complete application for a Building Permit the County Manager shall calculate the applicable Mobility Fee, incorporating any applicable credits. If a person has received a credit pursuant to this Ordinance, that credit shall be subtracted from the otherwise applicable Mobility Fee, if such credit applies. A person may request at any time a nonbinding estimate of the Mobility Fee due for a particular development; however, such estimate is subject to change when a complete application for a Building Permit or other development permit is made.

B. The Mobility Fee shall be calculated by using (1) an Alternative Trip Generation Study approved in accordance with Section 2.03 herein or (2) the Mobility Fee Schedule adopted in Section 2.01 herein. The Mobility Fees in the Mobility Fee Schedule have been calculated using the formula(s) presented in the Mobility Fee Study. The Mobility Fee required to be paid by each land use is in the Mobility Fee Schedule column labeled "Mobility Fee," and this dollar amount shall be multiplied by the number of units in the development seeking a Building Permit for such land use. The base unit for this calculation is set forth in the "Unit" column for each land use in the

Mobility Fee Schedule. The applicable Mobility Zone for each mobility fee calculation shall be determined in accordance with Section 2.01.

C. Land uses that are not specifically listed in the Mobility Fee Schedule shall be assigned the trip generation rate of the most similar land use as listed in the most recent edition of the Institute of Transportation Engineers, Trip Generation, as outlined in the Mobility Fee Study.

D. A Mobility Fee shall be imposed and calculated for the alteration, expansion or replacement of a Building or Dwelling Unit or the construction of an Accessory Building or Structure if the alteration, expansion or replacement of the Building or Dwelling Unit or the construction of an Accessory Building or Structure results in a land use determined to generate greater External Trips than the present use under the applicable Mobility Fee Rate. The Mobility Fee imposed under the applicable Mobility Fee Rate shall be calculated as follows:

(1) If the Mobility Fee is calculated solely on land use and not square footage, the Mobility Fee imposed shall be the Mobility Fee due under the applicable Mobility Fee Rate for the Mobility Fee Land Use Category resulting from the alteration, expansion or replacement, less the Mobility Fee that would be imposed under the applicable Mobility Fee Rate for the Mobility Fee Land Use Category prior to the alteration, expansion or replacement.

(2) In the event the Square Footage of a Building is increased, the Mobility Fee Rate for the increased Square Footage represented by the New Construction shall be at the Mobility Fee Rate applicable to New Construction with Square Footage resulting from the alteration, expansion or replacement, less the

Mobility Fee that would be imposed under the applicable Square Footage prior to the alteration, expansion or replacement.

(3) The Mobility Fee imposed for any Accessory Building or Structure shall be that applicable under the Mobility Fee Rate for the land use for the primary Building.

E. In the event a New Construction involves a Mixed Use New Construction, the County Manager shall calculate the Mobility Fee based upon the number of New Net Trips to be generated by each separate Mobility Fee Land Use Category included in the proposed Mixed Use New Construction.

SECTION 2.03. ALTERNATIVE MOBILITY FEE CALCULATION.

A. In the event an Applicant believes that the impact to the County Transportation System necessitated by its New Construction is less than the New Net Trips that are assumed under the applicable Mobility Fee Land Use Category specified in Section 2.01, such Applicant may, prior to issuance of a Building Permit for such New Construction, file with the County Manager an Alternative Mobility Fee that seeks to establish an alternative number of New Net Trips. The County Manager shall review the alternative calculations of the New Net Trips and make a determination within thirty (30) days of submittal as to whether such calculation complies with the requirements of this Section.

B. The Alternative Mobility Fee calculation of New Net Trips shall be based on data, information or assumptions contained in this Ordinance and the Mobility Fee Study or an independent source, provided that:

(1) The independent source is a generally accepted standard source of transportation engineering or planning information, or

(2) The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed by a professional engineer pursuant to a generally accepted methodology of transportation planning or engineering.

(3) If, during its approval process, a previously approved New Construction project containing the same proposed uses submitted a trip characteristic study substantially consistent with the criteria required by this Section, and if such study is determined by the County Manager to be current, the trip characteristics of such previously approved New Construction shall be presumed to be as described in the prior study. In such circumstances, an Alternative Mobility Fee shall be established reflecting the trip characteristics described in the prior study. There shall be a rebuttable presumption that a trip characteristic study conducted more than two (2) years earlier is invalid.

(4) It is acknowledged that the Mobility Fee Rates are based upon the applicable Trip Generation Rates for the Trip Generation Land Use Categories corresponding to the Mobility Fee Land Use Categories set forth in Section 2.01. In recognition of such acknowledgment, the Trip Generation Rates for the Trip Generation Land Use Categories shall be considered an independent source for the purpose of an Alternative Mobility Fee calculation without the necessity of a study as required by Subsections B. of this Section.

C. If the County Manager determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and that the calculation of the Alternative Mobility Fee number of New Net Trips was by a

generally accepted methodology, then the Alternative Mobility Fee shall be paid in lieu of the fee set forth in Section 2.01.

D. If the County Manager determines that the data, information and assumptions utilized by the Applicant to compute an alternative number of New Net Trips do not comply with the requirements of this Section, then the County Manager shall provide to the Applicant by certified mail, return receipt requested, written notification of the rejection of the Alternative Mobility Fee and the reasons therefore. The Applicant shall have thirty (30) days from the receipt of the written notification of rejection to request a hearing pursuant to Section 3.05.

E. The Board shall establish an administrative fee by separate resolution to cover the County's costs incurred in processing and reviewing any Alternative Mobility Fee applications, including fees incurred for review of any applications by third party experts.

SECTION 2.04. PAYMENT.

A. Except as otherwise provided in this Ordinance, prior to the issuance of a Building Permit for New Construction, an Applicant shall pay the Mobility Fee to the County.

B. The obligation for payment of the Mobility Fee and any credits related thereto shall run with the land.

C. In the event that a Building Permit issued for New Construction expires prior to completion of the New Construction for which it was issued, the Applicant may, within ninety (90) days of expiration of the Building Permit, apply for a refund of the Mobility Fee. Failure to timely apply for a refund of the Mobility Fee shall waive any right to a refund.

(1) The application for refund shall be filed with the County Manager and contain the following:

(a) The name and address of the Applicant;

(b) The location of the property which was the subject of the Building Permit;

(c) The date the Mobility Fee was paid;

(d) A copy of the receipt of payment for the Mobility Fee; and

(e) The date the Building Permit was issued and the date of expiration.

(2) After verifying that the Building Permit has expired and that the New Construction has not been completed, the County Manager shall refund the Mobility Fee paid for such New Construction. The County shall retain one percent (1%) of the Mobility Fee to offset the costs of administering the refund.

(3) A Building Permit which is subsequently issued for New Construction on the same property which was the subject of a refund shall pay the Mobility Fee as required by this Ordinance.

D. The payment of the Mobility Fee shall be in addition to any other fees, charges or assessments of the County due for the issuance of a Building Permit.

SECTION 2.05. USE OF MOBILITY FEE PROCEEDS.

A. The Commission hereby establishes two (2) separate trust accounts for the Mobility Fee, to correspond to the two (2) Mobility Zones, which accounts shall be maintained separate and apart from all other accounts of the County.

B. The East Nassau Community Planning Area Mobility Network Fund established by the Commission in Ordinance No. 2013-10 shall remain a separate

Mobility Fee fund as provided in that ordinance and shall not be subject to the provisions of this Ordinance.

C. All Mobility Fees shall be deposited into the appropriate trust account for the Mobility Zone from which the fees were collected immediately upon receipt.

D. Mobility Fee funds shall not be used for any expenditure that would be classified as a transportation operation and maintenance expense. The Mobility Fee shall be used within the Mobility Zones from which the Mobility Fee is collected; however, to the extent that a transportation capital improvement provides reasonable benefits beyond the Mobility Zone within which it is located, it may be funded with Mobility Fee funds collected from an adjacent Zone. However, prior to encumbering any Mobility Fee funds in this manner, the County Manager or designee shall make a written determination that (1) the transportation capital improvement will substantially benefit the development in the Mobility Zone from which the Mobility Fees have been collected; (2) the planned transportation capital improvement is of a nature such that it will add capacity to the transportation system beyond the Mobility Zone in which it is situated; and (3) the demand for the transportation capital improvement is reasonably attributable to development in the Mobility Zone from which the Mobility Fees have been collected.

E. The monies deposited into the Mobility Fee Trust Accounts shall be used solely for the purpose of constructing or improving the Designated Mobility Improvements to the County Transportation System, as these improvements may be amended from time-to-time, including, but not limited to:

(1) design and construction plan preparation;

(2) permitting;

(3) right-of-way acquisition, including any costs of acquisition or condemnation;

(4) construction of new through lanes;

(5) construction of new turn lanes;

(6) construction of new bridges;

(7) construction of new drainage facilities in conjunction with new roadway construction;

(8) purchase and installation of traffic signals;

(9) construction of new curbs, medians and shoulders;

(10) construction of new multi-use paths, bike lanes, sidewalks and other bicycle and pedestrian improvements;

(11) construction of new transit facilities;

(12) relocating utilities to accommodate new roadway construction;

(13) construction management and inspection;

(14) surveying and soils and material testing;

(15) repayment of monies transferred or borrowed from any budgetary fund of the County which were used to fund any growth impacted construction or improvements as herein defined;

(16) payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to provide funds to construct or acquire growth impacted capital transportation improvements on the County Transportation System; and

(17) transportation planning, development and engineering.

E. The monies deposited into the Mobility Fee Trust Account shall be used solely to provide improvements and additions to the County Transportation System required to accommodate traffic generated by growth as projected in the Mobility Fee Study.

F. Any monies on deposit which are not immediately necessary for expenditure shall be invested by the County. All income derived from such investments shall be deposited in the Mobility Fee Trust Account and used as provided herein.

G. The County may retain up to three percent (3%) of all Mobility Fees received or the actual costs of administration and collection, whichever is less, as an administrative fee to defray the costs of administering the Mobility Fee program.

ARTICLE III

MISCELLANEOUS PROVISIONS

SECTION 3.01. EXEMPTIONS.

The following shall be exempted from payment of the Mobility Fee:

A. Alterations or expansion of an existing Dwelling Unit which does not result in any additional Dwelling Units or increase the number of families for which such Dwelling Unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.

B. The alteration or expansion of a Building if the Building use upon completion does not generate greater External Trips under the applicable Mobility Fee Rate.

C. The replacement of a Dwelling Unit, Mobile Home, Building or an Accessory Building or Structure if the replacement Dwelling Unit, Mobile Home, Building or Accessory Building or Structure does not result in a land use generating greater

External Trips under the applicable Mobility Fee Rate. To be eligible for this exemption, a Certificate of Occupancy or Move-On permit for the replacement structure must have been issued within eight (8) years of the date the original structure was occupied.

D. The issuance of a move-on permit on a Mobile Home on which applicable Mobility Fees have previously been paid.

E. Government Buildings. However, any Mobility Fee exemption issued for a government building shall expire if an alteration causes the Building or development to no longer be a government Building.

SECTION 3.02. CREDITS.

A. Subject to the terms and conditions of this Section 3.02, a credit shall be granted against a Mobility Fee imposed by this Ordinance for the donation of land or the construction of improvements to the County Transportation System required pursuant to a development permit or made voluntarily in connection with New Construction. Such donations or construction shall be subject to the approval and acceptance of the County Manager. No credit shall be given for the donation of land or construction unless such property is conveyed, in fee simple to the County without remuneration.

B. Prior to issuance of a Building Permit, the Applicant shall submit a proposed plan for donations or contributions to the County Manager. The proposed plan shall include:

(1) a designation of the New Development for which the plan is being submitted;

(2) a legal description of any land proposed to be donated and a written appraisal prepared in conformity with Subsection E of this section;

(3) a list of the contemplated improvements sought to be donated and an estimate of the proposed construction costs certified by a professional architect or engineer; and

(4) a proposed time schedule for completion of the proposed plan.

C. The County Manager shall approve or deny the proposed plan in accordance with Subsection D of this section and, if approved, establish the amount of credit in accordance with Subsection E of this section. The County Manager shall issue a decision within sixty (60) days after the filing of the proposed plan.

D. In reviewing the proposed plan, the County Manager shall determine:

(1) if such proposed plan is in conformity with contemplated improvements and additions to the County Transportation System;

(2) if the proposed donation of land and construction by the Applicant is consistent with the public interest; and

(3) if the proposed time schedule is consistent with the capital improvement program for the County Transportation System.

E. The amount of developer contribution credit shall be determined as follows:

(1) The value of donated land shall be based upon a written appraisal of fair market value as determined by an M.A.I. appraiser who was selected and paid for by the Applicant, and who used generally accepted appraisal techniques. If the appraisal does not conform to the requirements of this Ordinance and any applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the County Manager accepts the methodology of the appraisal but disagrees with the appraised value, he may engage another M.A.I. appraiser at the County's expense

and the value shall be an amount equal to the average of the two appraisals. If either party does not accept the average of the two appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the County and the Applicant. The third appraiser shall be selected by the first two appraisers and the third appraisal shall be binding on the parties.

(2) The actual cost of construction to the County Transportation System shall be based upon cost estimates certified by a professional architect or engineer, as applicable. However, in no event shall any credit be granted in excess of the estimated construction costs approved by the County unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost or 120% of the bid amounts, whichever is less; and

(3) The land donations and construction contributions shall only provide improvements or additions to the County Transportation System which are included in the County's Capital Improvement Element of the Comprehensive Plan and required to accommodate growth.

F. If a proposed plan is approved for credit by the County Manager, the County Manager shall forward a proposed credit agreement to the Commission for its consideration, which agreement shall provide for the parties obligations and responsibilities, including, but not limited to:

(1) The timing of actions to be taken by the Applicant and the obligations and responsibilities of the Applicant, including, but not limited to, the construction standards and requirements to be complied with;

(2) The obligations and responsibilities of the Commission including, but not limited to, inspection of the project; and

(3) The amount of the credit as determined in accordance with Subsection E of this section.

G. A credit for the donation of land or a credit for the construction of an improvement or addition to the County Transportation System shall be granted at such time as the credit agreement is approved and executed by both the Commission and the Applicant; provided, however, that in the event the Applicant fails to convey the property which is the subject of the donation to the County or such property is not ultimately accepted by the County in accordance with the terms of the credit agreement, then the credit for donation shall be revoked and all Mobility Fees shall immediately become due and payable. The administration of said contribution credits shall be the responsibility of the County Manager.

H. Any Applicant who submits a proposed plan pursuant to this section and desires the immediate issuance of a Building Permit prior to approval of the proposed plan shall pay the Mobility Fees prior to the issuance of the Building Permit. Any difference between the amount paid and the amount due, should the County Manager approve and accept the proposed plan, shall be refunded to the Applicant or Owner.

SECTION 3.03. APPLICABILITY. This Ordinance and the obligations herein for the payment of the Mobility Fee shall apply to all New Construction that receives a Building Permit on or after the effective date of this Ordinance, as provided in Section 3.12.

SECTION 3.04. ALTERNATIVE COLLECTION METHOD. In the event the Mobility Fee is not paid prior to the issuance of a Building Permit for the affected New Construction, the County may elect to collect the Mobility Fee prior to the issuance of a Certificate of Occupancy or by any other method which is authorized by law.

SECTION 3.05. REVIEW HEARINGS.

A. An Applicant or Owner who is required to pay a Mobility Fee pursuant to this Ordinance shall have the right to request an appeal. The appeal procedures provided in sections 1.05 and 5.06 of Nassau County Ordinance No. 2007-05 shall apply to all appeals.

B. Such appeal shall be limited to the review of the following:

(1) The application or calculation of the Mobility Fee.

(2) The rejection of the Alternative Mobility Fee calculation pursuant to Section 2.03.

C. Such appeal shall be requested by the Applicant or Owner within thirty (30) days of the date of first receipt of the following:

(1) Notice that the Mobility Fee is due;

(2) Negative determination on a proposed Alternative Mobility Fee.

Failure to request an appeal within the time provided shall be deemed a waiver of such right.

D. The request for an appeal shall be filed with the County Manager and shall contain the following:

(1) The name and address of the Applicant or Owner;

(2) The legal description of the property in question;

(3) If issued, the date the Building Permit was issued;

(4) A brief description of the nature of the construction being undertaken pursuant to the Building Permit;

(5) If paid, the date the Mobility Fee was paid; and

(6) A statement of the reasons why the Applicant or Owner is requesting the appeal.

E. Upon receipt of such request, the County Manager shall process the appeal pursuant to the procedures provided in Sections 1.05 and 5.06 of Nassau County Ordinance No. 2007-05.

F. Any Applicant or Owner who requests a hearing pursuant to this Section and desires the immediate issuance of a Building Permit, or if a Building Permit has been issued without the payment of the Mobility Fee, shall pay prior to or at the time the request for hearing is filed, the applicable Mobility Fee. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights.

G. An Applicant or Owner may request a hearing under this Section without paying the applicable Mobility Fee, but no Building Permit shall be issued until such Mobility Fee is paid in the amount initially calculated or the amount approved upon completion of the review provided in this Section.

H. The Board shall establish an administrative fee by separate resolution to cover the County's costs incurred in processing and reviewing any appeals, including fees incurred for review of any applications by third party experts.

SECTION 3.06. REVIEW REQUIREMENT. This Ordinance and the Mobility Fee Study shall be reviewed by the Commission at least every five (5) years. The initial and each review thereafter shall consider new estimates of population and other socioeconomic data, changes in construction, land acquisition and related costs, and adjustments to the assumptions, conclusions or findings set forth in the study adopted by Section 1.04. Each review shall additionally consider changes in right-of-way acquisition and related costs and changes in Trip Generation rates, External Trip

lengths and traffic volume counts. The purpose of this review is to evaluate and revise, if necessary, the Mobility Fee to ensure that they do not exceed the reasonably anticipated costs associated with the improvements and additions necessary to offset the demand generated by the New Construction on the County Transportation System. In the event the review of the Ordinance required by this Section alters or changes the assumptions, conclusions and findings of the studies adopted by reference in Section 1.04, revises or changes the Designated Mobility Improvements, or alters or changes the amount or classification of the Mobility Fee, the study adopted by reference in Section 1.04 shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and Section 1.04 shall be amended to adopt by reference such updated studies.

SECTION 3.07. DECLARATION OF EXCLUSION FROM ADMINISTRATIVE PROCEDURES ACT. Nothing contained in this Ordinance shall be construed or interpreted to include the County in the definition of Agency as contained in section 120.52, Florida Statutes, or to otherwise subject the County to the application of the Administrative Procedure Act, Chapter 120, Florida Statutes. This declaration of intent and exclusion shall apply to all proceedings taken as a result of or pursuant to this Ordinance.

SECTION 3.08. SEVERABILITY. The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers provided for herein. If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the legislative intent that

this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION 3.09. ENFORCEMENT.

A. Enforcement of this Ordinance shall be done pursuant to section 125.69, Florida Statutes.

B. Violations include, but are not limited to, failing, neglecting, or refusing to pay a Mobility Fee as required by this section and/or furnishing untrue, incomplete, false, or misleading information on any document, or to any County employee, concerning the calculation, exemption, or payment of a Mobility Fee or concerning the entitlement to, or calculation of, a Mobility Fee credit.

C. The owner, tenant, or occupant of any land or part thereof for which a Mobility Fee is owed and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this section, or who fails, neglects, or refuses to pay a Mobility Fee, or who furnishes any untrue, incomplete, false, or misleading information concerning the calculation, exemption, or payment of a Mobility Fee or concerning the entitlement to, or calculation of, a Mobility Fee credit, may be held responsible for the violation and be subject to the penalties and remedies provided for in this Code and/or the Nassau County Code of Ordinances.

D. Failure to pay a Mobility Fee required by this section is a violation that is continuous with respect to time, and each day the violation continues, or the Mobility Fee remains unpaid, is hereby declared to be a separate offense.

SECTION 3.10. NOTICE OF MOBILITY FEE RATES. Upon adoption of this Ordinance or any amendment hereto imposing revised Mobility Fee rates or revising the

land use categories for any Mobility Fee, the County Manager shall publish a notice once in a newspaper of general circulation within the County which notice shall include: (A) a brief and general description of the affected Mobility Fee, (B) a description of the geographic area in which the Mobility Fee will be collected; (C) the Mobility Fee Rates to be imposed for each land use category; and (D) the date of implementation of the Mobility Fee rates set forth in the notice, which date shall not be earlier than ninety (90) days after the date of publication of the notice.

SECTION 3.11. AMENDMENT DUTIES OF PLANNING AND ZONING BOARD. Pursuant to Section 3.05 of this Ordinance, the Planning and Zoning Board will hear and decide appeals concerning the application and payment of the Mobility Fee. Accordingly, Section 3.04 of Nassau County Ordinance No. 2007-05 is hereby amended to include this authority, as follows:

> **Section 3.04. Planning and zoning board.** The planning and zoning board shall act as the local planning agency (LPA) which serves as an advisory body to the board of county commissioners on all planning and zoning related matters, except for matters involving variances and conditional uses.
>
> (A) *Establishment of the planning and zoning board:* The board of county commissioners shall appoint the members of the planning and zoning board. The planning and zoning board shall be composed of eleven (11) members. The members shall be appointed as follows: One member shall be appointed from each county commission district; one member shall serve as the appointment from the Nassau County School Board, pursuant to Section 163.3174(1), Florida Statutes, with said member granted voting status; and five (5) members shall serve at-large, with one of each of said members being recommended by each of the respective members of the board of county commissioners. The terms of five (5) members shall expire on December 31, 2008, and two (2) members terms shall expire on December 31, 2009, and the terms of four (4) members shall expire on December 31, 2010. After the initial term, any

re-appointment shall be for a three (3) year staggered term. Any member appointed to the planning and zoning board shall serve at the will of the board of county commissioners.

(B) *Powers and duties:*

(1) Review all requests for rezoning of property, zoning amendments, comprehensive plan text amendments, land use map amendments, and amendments to ordinances that affect land use, and make approval/non-approval recommendations to the board of county commissioners for their final determination.

(2) Review all site plans, with the exception of those approved by the development review committee as stated in article 28, section 28.16(A), and make recommendations to the board of county commissioners.

(3) Submit written recommendations to the board of county commissioners relative to the various requests where applicable that fall within the purview of the board of county commissioners to approve/deny.

(4) Elect a chair and vice-chair of the planning and zoning board members. A chair and vice-chair shall be selected each year by the members of the planning and zoning board.

(5) Establish the time, place and date of the monthly planning and zoning board regular meeting plus workshops.

(6) Develop rules and procedures for the conduct of hearings, both quasi-judicial and legislative, which, at a minimum, when appropriate, includes the right of the party to:

a. Present his/her case by oral and documentary evidence;

b. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts;

c. Be accompanied, represented and advised by counsel or represent himself/herself;

d. Be promptly notified of any action taken by the planning and zoning board affecting substantive or procedural rights taken in connection with any proceedings.

e. The planning and zoning board shall receive into evidence that which could be admissible in civil proceedings in the courts of this state, but in receiving evidence, due regard shall be given to the technical and highly complicated subject matter which must be handled and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, however, effect shall be given to rules of evidence recognized by the laws of Florida.

f. Majority of the planning and zoning board shall constitute a quorum for the purpose of meetings and transacting business. Failure to receive a majority vote shall constitute denial.

(7) Hear and decide appeals where it is alleged there is an error in any decision made by the planning director or staff as it relates to the zoning code or comprehensive plan.

(8) Hear and decide appeals concerning the application and payment of the Nassau County Mobility Fee.

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 3.12. EFFECTIVE DATE.

(A) The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

(B) This Ordinance and the obligations herein for the payment of Mobility Fees shall apply to all New Development that submits a complete application for a Building Permit on or after ____, 2014 provided the notice period set forth in Section 3.10 hereof has expired by this date. If the notice period set forth in Section 3.10 hereof

has not expired by _____, 2014, then the Effective Date of this Ordinance shall be automatically delayed until the expiration of said notice period.

DULY ENACTED this ___ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA

BY:_____
Chairman

ATTEST:

By:_____
Clerk

(SEAL)

Approved for Form and Correctness:

By:_____
County Attorney

FW: Mobility Fee Ordinance _final_04 04 14.doc

Peter King

Tue 4/8/2014 8:46 AM

To:Sabrina Robertson <srobertson@nassaucountyfl.com>;

1 attachment

Mobility Fee Ordinance _final_04 04 14.doc;

From: Encinosa, Heather <hencinosa@ngn-tally.com>
Sent: Friday, April 4, 2014 5:02 PM
To: David A. Hallman; Peter King; Ted Selby; Nick Gillette (Nick@gilletteassociates.com)
Cc: Blalock, Sarah; Joyce Bradley
Subject: Mobility Fee Ordinance _final_04 04 14.doc

I have added two new provisions to clarify the application of exemptions. They are shown in track changes mode. Please let me know if I have the county's concurrency terminology correct or if you would like any additional changes. Thanks.

Heather J. Encinosa, Esq.

Nabors Giblin & Nickerson P.A.

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NASSAU COUNTY, FLORIDA

MOBILITY FEE ORDINANCE

ADOPTED _____, 2014

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ORDINANCE NO. 2014-_____

AN ORDINANCE TO BE KNOWN AS THE NASSAU COUNTY MOBILITY FEE ORDINANCE; PROVIDING CERTAIN DEFINTIONS; PROVIDING RULES OF CONSTRUCTION AND LEGISLATIVE FINDINGS; ADOPTING THE MOBILITY FEE STUDY; PROVIDING FOR MUNICIPAL PARTICIPATION; IMPOSING MOBILITY FEES ON NEW CONSTRUCTION AND ADOPTING A MOBILITY FEE SCHEDULE; PROVIDING FOR CALCULATION AND ALTERNATIVE CALCULATION PROCEDURES FOR MOBILITY FEES; PROVIDING TERMS FOR PAYMENTS; PROVIDING TERMS OF USE OF MOBILITY FEE PROCEEDS; PROVIDING CERTAIN EXEMPTIONS; PROVIDING FOR CERTAIN CREDITS; PROVIDING APPLICABILITY; PROVIDING AN ALTERNATIVE COLLECTION MECHANISM; PROVIDING REVIEW HEARINGS; PROVIDING A REVIEW REQUIREMENT; PROVIDING FOR EXCLUSION FROM THE ADMINISTRATIVE PROCEDURES ACT; PROVIDING SEVERABILITY; PROVIDING ENFORCEMENT; AMENDING SECTION 3.04 OF NASSAU COUNTY ORDINANCE NO. 2007-05 CONCERNING THE PLANNING AND ZONING BOARD; PROVIDING NOTICE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

ARTICLE I

GENERAL

SECTION 1.01. DEFINITIONS. When used in this Ordinance, the following terms shall have the following meanings, unless the context otherwise clearly requires:

"Access Improvements" shall mean improvements designed and constructed to provide safe and adequate ingress and egress from New Construction, which include, but are not limited to, rights-of-way, easements, paving of adjacent or connecting roadways, turn lanes, deceleration and acceleration lanes, traffic control devices, signage and markings, sidewalks, multi-use paths, and drainage and utilities.

"Accessory Building or Structure" shall mean a detached, subordinate building, meeting all property development regulations, the use of which is clearly incidental and related to the use of the principal Building or incidental to the previous use to which the vacant land is devoted, and which is located on the same lot as that of the principal Building or vacant land use.

"Alternative Mobility Fee" shall mean any alternative fee calculated by an Applicant and approved by the County Manager pursuant to Section 2.03.

"Apartment" shall mean a rental Dwelling Unit located within the same Building as other Dwelling Units.

"Applicant" shall mean the person who applies for a Building Permit.

"Building" shall mean any structure, either temporary or permanent, built for the support, shelter, or enclosure of persons, chattels, or property of any kind. This term shall include tents, trailers, mobile homes, or any vehicles serving in any way the function of a building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a Building Permit.

"Building Permit" shall mean an official document or certificate issued by the County, under the authority of ordinance or law, authorizing the construction or siting of any Building. "Building Permit" shall also include move-on permits or other development approvals for those structures or Buildings, such as a mobile home, that do not require a Building Permit in order to be constructed or occupied.

"Certificate of Occupancy" shall mean the document issued by the County under the authority of ordinance or law that indicates the completion of a Building erected in accordance with plans approved by the building department, and final

inspection having been performed, thereby allowing the building to be occupied. "Certificate of Occupancy" shall also include move-on permits or other development approvals for those structures or Buildings, such as a mobile home, that do not require a Certificate of Occupancy to be occupied.

"Commission" shall mean the Board of County Commissioners of Nassau County, Florida.

"Comprehensive Plan" shall mean the comprehensive plan of the County adopted and amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act as contained in Part II, Chapter 163, Florida Statutes, or its statutory successor in function.

"Condominium" shall mean a single-family or time-sharing ownership unit that has at least one other similar unit within the same building structure. The term Condominium includes all fee simple or titled multi-unit structures, including townhouses and duplexes.

"County" shall mean Nassau County, Florida, a political subdivision of the State of Florida.

"County Engineer" shall mean the Person appointed by the Commission to serve as its engineer or the designee of such Person.

"County Manager" shall mean the chief administrative officer of the County, appointed by the Commission or the designee of such Person.

"County Transportation System" shall mean the road system of the County as defined in section 334.03(8), Florida Statutes, or its statutory successor in function, plus associated bike lanes, sidewalks, transit facilities and other multi-modal facilities for non-vehicular modes of transportation.

"Designated Mobility Improvement" shall mean a specific capital improvement that adds capacity to the County Transportation System to accommodate the mobility demands from New Development and is listed for improvement in the Capital Improvement Element of the Comprehensive Plan, as identified in the Mobility Fee Study or subsequently added to the County's Capital Improvement Element.

"Dwelling Unit" shall mean a Building, or portion thereof, designed for residential occupancy, consisting of one or more rooms which are arranged, designed or used as living quarters for one or more persons.

"Encumbered" shall mean monies committed by contract or purchase order in a manner that obligates the County to expend the encumbered amount for the delivery of goods, the completion of services, the conveyance of right-of-way by a vendor, supplier, contractor or owner.

"External Trip" shall mean any Trip which either has its origins from or its destination to the New Construction and which impacts the County Transportation System.

"Government Buildings" shall mean property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district, a school district, or a municipal corporation.

"Mixed Use New Construction" shall mean New Construction in which more than one Mobility Fee Land Use Category is contemplated with each Category constituting a separate and identifiable enterprise not subordinate to or dependent on other enterprises within the New Construction.

"Mobility Fee" shall mean the Mobility Fee imposed by the County pursuant to Section 2.01, or, if applicable, the Alternative Mobility Fee.

"Mobility Fee Land Use Category" shall mean those categories of land use incorporated in the Mobility Fee Rate Schedule in Section 2.01.

"Mobility Fee Rate" shall mean a Mobility Fee imposed for a particular New Construction under the applicable Mobility Fee Land Use Category established in the schedules listed in Section 2.01 for Mobility Fees.

"Mobility Fee Study" shall mean the study adopted pursuant to Section 1.04, as amended and supplemented pursuant to Section 3.06.

"Mobility Zone" shall mean those districts, as shown in Appendix B, which are established by the Commission for the purposes of collection and expenditure of the Mobility Fees.

"New Construction" shall mean land construction designed or intended to permit a use of the land which will contain more Dwelling Units, Buildings or floor space than the existing use of land, or to otherwise change the use of the land in a manner that increases the generation of vehicular or non-vehicular traffic or the number of External Trips.

"New Net Trip" shall mean the average daily External Trips, as adjusted by the average vehicle miles traveled in Mobility Fee Study.

"Off-Site Improvements" shall mean road improvements located outside of the boundaries of a New Construction which are required by the County in order to serve External Trips, but not including Access Improvements.

"Ordinance" shall mean this Mobility Fee Ordinance.

"Owner" shall mean the Person holding legal title to the real property containing the New Construction.

"Person" shall mean any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, property owners' association, two (2) or more persons having a joint or common interest, governmental agency, or other legal entity.

"Planning and Zoning Board" shall mean the board created pursuant to section 3.04 of Ordinance No. 2007-05, as amended herein.

"Residential" shall mean Apartments, Condominiums, Single-Family Detached Houses, duplexes, and mobile homes.

"Single-Family Detached House" shall mean a home on an individual lot.

"Square Footage" shall mean the gross area measured in feet from the exterior faces of exterior walls or other exterior boundaries of the Building, excluding areas within the interior of the Building which are utilized for parking.

"Trip" shall mean a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). The word Trip shall have the meaning which it has in commonly accepted traffic engineering practice.

"Trip Generation or Trip Generator Rate" shall mean the maximum average new (excluding passerby) daily trip generation rates for the applicable Trip Generation Land Use Category, as adjusted by the Mobility Fee Study.

"Trip Generation Land Use Category" shall mean the trip generation land use categories established in Trip Generation, (latest edition), published by the Institute of Transportation Engineers.

SECTION 1.02. RULES OF CONSTRUCTION. For the purposes of administration and enforcement of this Ordinance, unless otherwise stated in this section, the following rules of construction shall apply:

A. The word "shall" is always mandatory and not discretionary; the word Amay@ is discretionary.

B. Words used in the present tense shall include the future and words in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

C. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either . . .or" the conjunction shall be interpreted as follows:

(1) *And* indicates that all the connected terms, conditions, provisions or events shall apply.

(2) *Or* indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) *Either . . . or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

D. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

SECTION 1.03. FINDINGS. It is hereby ascertained, determined and declared:

A. Pursuant to Article VIII, section 1(f), Florida Constitution, sections 125.01 and 125.66, Florida Statutes, and other applicable provisions of law, the Commission has all powers of local self-government to perform county functions, except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of County ordinances.

B. The Commission specifically finds that the County Transportation System benefits all residents of the County and, therefore, the Mobility Fee shall be imposed in all unincorporated areas of the County.

C. Development necessitated by the growth contemplated in the proposed Comprehensive Plan will require improvements and additions to the County Transportation System to accommodate the traffic generated by such growth and maintain the standards of service adopted by the County.

D. Future growth, as represented by New Construction, should assist in mitigating its impacts by contributing its fair share to the cost of improvements and additions to the County Transportation System that are required to accommodate the traffic, both vehicular and non-vehicular, generated by such growth.

E. The required improvements and additions to the County Transportation System needed to eliminate any deficiencies between the existing County Transportation System and the levels of service adopted by the County shall be financed by revenue sources of the County other than Mobility Fees.

F. Imposition of a Mobility Fee to require New Construction to contribute its fair share to the cost of required vehicular and multi-modal additions is an integral and vital element of the regulatory plan of growth management incorporated in the Comprehensive Plan of the County.

G. The imposition of a Mobility Fee is to provide a source of revenue to fund the construction or improvement of the County Transportation System, including both vehicular and multi-modal improvements, that are necessitated by growth as delineated in the capital improvement element of the Comprehensive Plan and the Mobility Fee Study.

H. The purpose of the Mobility Fee is to fund transportation improvements that will increase the efficiency of the County Transportation System and thus ensure the provision of an adequate level of service for New Growth. The efficiency of the County Transportation System can be improved by increasing roadway capacity using traditional methods, improving operations of existing facilities through intersection improvements and traffic signal upgrades to new and more efficient technology, and improving the connectivity of the transportation network, for vehicles, bicycles and pedestrians to provide better alternatives to heavily used travel routes, as well as transit improvements.

I. The improvements identified in the capital improvement element of the Comprehensive Plan and Mobility Fee Study include roadway capacity improvements, pedestrian improvements, including bicycle lanes and sidewalks, as well as intersection improvements to improve overall efficiency of the County Transportation System. Additionally, the standard FDOT costs used to estimate the cost of the Designated Mobility Improvements include multi-modal pedestrian facilities (bike lanes and sidewalks).

J. The Mobility Fee Study uses VMT, vehicle miles travelled, as the basis for calculating the Mobility Fee. Although the Designated Mobility Improvements include multi-modal improvements, those improvements area a vital and necessary part of the County's future transportation system and have been identified to increase connectivity by providing alternatives to vehicular transportation, which effectively reduce the VMT in areas where they are provided, as noted in the Highway Capacity Manual and the Institute of Transportation Engineers' Trip Generation manual. Additionally, the Florida Standard Urban Transportation Model Structure model used to estimate the VMTs used

in the Mobility Fee Study incorporates the impact of these existing and future multi-modal elements when determining the VMT used in the calculation of the Mobility Fee.

K. Accordingly, given that the VMTs used in the Mobility Fee Study have been adjusted for multi-modal improvements and the inclusion of these costs in the standard FDOT costs estimates, it is fair and reasonable to include multi-modal improvements in the Designated Mobility Improvements.

L. The Commission expressly finds that the schedule of improvements and additions to the County Transportation System, as contained in the study entitled "Nassau County Mobility Plan Report," dated as of February, 2014 provide a benefit to all New Construction within the County that is in excess of the actual Mobility Fee.

M. The County has the responsibility to provide and maintain roads, multi-modal improvements, and other public facilities in the County Transportation System. New Construction occurring within the County impacts the County Transportation System; therefore, New Construction should pay its fair share of the cost of providing the improvements and additions to the County Transportation System. In recognition of these findings, it is the intent of the Commission that, upon approval and adoption of this Ordinance and the Mobility Fee Study by the Commission, the County shall impose a Mobility Fee to provide the cost of growth-required improvements and additions to the County Transportation System.

N. The projected capital improvements and additions to the County Transportation System and the allocation of projected costs between those improvements and additions necessary to serve existing development and those improvements and additions required to accommodate the growth represented by New Construction as presented in the Mobility Fee study is hereby approved and adopted by

the County and such projections are hereby found to be in conformity with the Comprehensive Plan.

O. Transportation planning is an evolving process and the capital improvements and additions to the County Transportation System identified upon the date of the adoption of this Ordinance constitute projections of growth patterns and transportation improvements and additions based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns and the dynamic nature of population growth, it is the intent of the Commission that the identified improvements and additions to the County Transportation System be reviewed and adjusted periodically, pursuant to Section 3.06, to ensure that Mobility Fees are imposed equitably and lawfully and are utilized effectively based upon actual and anticipated traffic conditions at the time of their imposition.

P. The purpose of this Ordinance is to regulate the development of land within the County by requiring payment of Mobility Fees by New Construction and to provide for the cost of capital improvements to the County Transportation System which are required to accommodate such growth. This Ordinance shall not be construed to permit the collection of Mobility Fees in excess of the amount reasonably anticipated to offset the demand on the County Transportation System generated by such New Construction.

Q. It is the purpose of this Ordinance to implement many of the tools and techniques identified and encouraged by the State Legislature in Chapter 2011-139, Laws of Florida (House Bill (HB) 7207), and identified by the Commission in the Nassau County Comprehensive Plan. These tools and techniques will substantially advance the public purposes of job creation, and reduction of energy, infrastructure, and service

costs; i.e., public safety, that typically result from lower density/sprawl-type development patterns.

R. It is the purpose of this Ordinance to achieve Transportation Element Objectives T.01, T.02, T.04, and T.06; and Capital Improvements Element Objective CI.07 of the Nassau County Comprehensive Plan which requires the County to:

(1) maintain minimum acceptable levels of service;

(2) develop, construct, and maintain a transportation system, which is consistent with the existing and future land use patterns;

(3) encourage and promote the safe integration and utilization of bicycle and pedestrian movement;

(4) encourage and promote transit in the region;

(5) provide capital improvements to accommodate future growth

(6) identify dedicated, non-ad valorem revenue streams to ensure the provision of needed capital improvements.

S. The Mobility Fee Study, Mobility Fee, and this Ordinance comply with the goals, objectives and policies of the Nassau County Comprehensive Plan, specifically Transportation Element Policies T.01.02 T.02.01 T.02.03, T.04.03, and T.06.02; and Capital Improvements Element Policies CI.01.08 and CI.07.02 and are consistent with the State Legislature's encouraged direction in Chapter 2011-139, Laws of Florida (HB 7207).

T. This Ordinance ensures that any participating municipality that wishes to join in the Mobility Fee program has an opportunity to do so, but does not require any participating municipality to join in.

U. The County shall be divided into separate Mobility Zones which are based on the Mobility Fee Study and the Comprehensive Plan and generally depict those areas where the County has planned for urban, suburban, and rural forms of development. The Mobility Zones shall be utilized to create the differential Mobility Fee structure encouraged by the Comprehensive Plan and Chapter 2011-139, Laws of Florida (HB 7207).

V. Based on the typical travel characteristics in the County set forth in the Mobility Fee Study, utilizing the Mobility Zones to regulate Mobility Fee expenditures is the best method of ensuring that the transportation capital improvements funded by Mobility Fees benefit development in the Mobility Zones paying the Mobility Fees.

W. Mobility Fees paid pursuant to this section will be earmarked to separate Mobility Fee funds for use within the Mobility Zones in which the Mobility Fees are collected, except as provided herein.

X. The Administrative Fee authorized in Section 2.05 is fair and reasonable and constitutes no more than the County's actual costs for the collection and administration of the Mobility Fee.

SECTION 1.04 ADOPTION OF MOBILITY FEE STUDY. The Commission hereby adopts and incorporates by reference, the study entitled "Nassau County Mobility Fee Report," dated as of February 2014, particularly the assumptions, conclusions and findings in such study as to the allocation of anticipated costs of capital improvements and additions to the County Transportation System between those costs required to accommodate existing traffic and those costs required to accommodate traffic generated by growth and those assumptions, conclusions and findings in such study as to the determination of anticipated costs of additions to the County

Transportation System required to accommodate growth. The Mobility Fee Study is attached as Appendix A.

SECTION 1.05. MUNICIPAL PARTICIPATION. The provisions of this Ordinance shall apply to New Construction occurring in both the unincorporated and incorporated areas of the County. Provided, however, that the provisions of this Ordinance shall not be enforced within a municipality unless the County and the municipality enter into an interlocal agreement setting forth the terms and conditions under which the provisions of this Ordinance shall be implemented within the municipality.

ARTICLE II

MOBILITY FEES

SECTION 2.01. IMPOSITION.

A. All New Construction occurring within the unincorporated area of the County shall pay the applicable Mobility Fee established in this Ordinance.

B. All New Construction occurring within a municipality that has entered into an interlocal agreement with the County pursuant to section 1.05 herein, providing for the imposition and collection of Mobility Fees within the municipality, shall pay the applicable Mobility Fee established in this Ordinance.

C. The Commission hereby establishes two (2) Mobility Zones, as shown in Appendix B, for purposes of collection and expenditure of the Mobility Fees. The East Nassau Community Planning Area established by the Commission in Ordinance No. 2013-10 shall remain a separate mobility zone as provided in that ordinance and shall not be subject to the provisions of this Ordinance.

D. The Commission hereby adopts the following rate schedule of Mobility Fees, which are imposed upon all New Construction occurring within the County at a rate established under the applicable Mobility Fee Land Use Category, as calculated in accordance with Section 2.02 below.

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Fee Schedule

ITE Code	Land Use Type	Quantity Range		Units	Mobility Fee	
		Min	Max		East of I-95	West of I-95
	Residential					
210	Single Family Detached	-	-	Per DU	$1,150.00	$1,168.00
220	Multi-Family (Apartments)	-	-	Per DU	$807.00	$820.00
230	Condominium/Townhouse	-	-	Per DU	$712.00	$723.00
210	Other Residential (Same as Single Family)	-	-	Per DU	$1,150.00	$1,168.00
	Non - Residential (Per 1,000 SF unless otherwise stated)					
110	Industrial	-	-	SF	$592.00	$602.00
150	Warehouse	-	-	SF	$453.00	$460.00
151	Mini-warehouse	-	-	SF	$218.00	$222.00
710	General Office	0	10000	SF	$1,009.00	$1,025.00
710	General Office	10000	49999	SF	$1,434.00	$1,458.00
710	General Office	50000	99999	SF	$1,223.00	$1,243.00
710	General Office	100000	200000	SF	$1,044.00	$1,061.00
710	General Office	200000	299999	SF	$951.00	$966.00
710	General Office	300000		SF	$845.00	$859.00
720	Medical Office	-	-	SF	$3,388.00	$3,443.00
760	Research and Development Center	-	-	SF	$745.00	$757.00
812	Building Materials and Lumber Store	-	-	SF	$1,997.00	$2,030.00
817	Garden Center	-	-	SF	$2,286.00	$2,323.00
820	Shopping Center	0	49999	SF	$2,866.00	$2,912.00
820	Shopping Center	50000	99999	SF	$2,623.00	$2,665.00
820	Shopping Center	100000	29999	SF	$2,098.00	$2,132.00
820	Shopping Center	300000		SF	$1,850.00	$1,880.00
841	Car Dealerships	-	-	SF	$3,082.00	$3,131.00
850	Supermarket	-	-	SF	$3,341.00	$3,395.00
853	Convenience Market w/ Gas Pumps	-	-	SF	$4,289.00	$4,358.00
890	Furniture Store	-	-	SF	$152.00	$154.00
932	Restaurant	-	-	SF	$2,170.00	$2,205.00
934	Fast Food Restaurant (w/ drive-thru)	-	-	SF	$4,861.00	$4,940.00
	Non - Residential (Per unit quantity as stated below)					
912	Drive-In bank			Per Lane/Window	$3,358.00	$3,413.00
310	Hotel/Motel			Per Room	$577.00	$586.00
560	Church			Per Seat	$62.00	$63.00

E. No Mobility Fee shall be assessed upon the issuance of a commercial retail shopping center Building Permit, Foundation Permit, or a nonretail multiuse Building Permit for an unfinished building; i.e., a Shell Permit. Instead, each individual use shall thereafter be assessed the applicable Mobility Fee based on the calculations set forth below upon subsequent issuance of a Building Permit to finish each unit. All Mobility Fees for these shell Buildings will be collected no later than the issuance of a Building Permit for the finishing of the Building.

SECTION 2.02. CALCULATION OF MOBILITY FEE.

A. Upon receipt of a complete application for a Building Permit the County Manager shall calculate the applicable Mobility Fee, incorporating any applicable credits. If a person has received a credit pursuant to this Ordinance, that credit shall be subtracted from the otherwise applicable Mobility Fee, if such credit applies. If a person has received a credit pursuant to the County's previous road impact fee ordinance or a developer's agreement and that credit has not been utilized, that credit shall be subtracted from the otherwise applicable Mobility Fee; there shall be no refunds if the Mobility Fee is less than the previous road impact fee. A person may request at any time a nonbinding estimate of the Mobility Fee due for a particular development; however, such estimate is subject to change when a complete application for a Building Permit or other development permit is made.

B. The Mobility Fee shall be calculated by using (1) an Alternative Trip Generation Study approved in accordance with Section 2.03 herein or (2) the Mobility Fee Schedule adopted in Section 2.01 herein. The Mobility Fees in the Mobility Fee Schedule have been calculated using the formula(s) presented in the Mobility Fee Study. The Mobility Fee required to be paid by each land use is in the Mobility Fee

Schedule column labeled "Mobility Fee," and this dollar amount shall be multiplied by the number of units in the development seeking a Building Permit for such land use. The base unit for this calculation is set forth in the "Unit" column for each land use in the Mobility Fee Schedule. The applicable Mobility Zone for each mobility fee calculation shall be determined in accordance with Section 2.01.

C. Land uses that are not specifically listed in the Mobility Fee Schedule shall be assigned the trip generation rate of the most similar land use as listed in the most recent edition of the Institute of Transportation Engineers, Trip Generation, as outlined in the Mobility Fee Study.

D. A Mobility Fee shall be imposed and calculated for the alteration, expansion or replacement of a Building or Dwelling Unit or the construction of an Accessory Building or Structure if the alteration, expansion or replacement of the Building or Dwelling Unit or the construction of an Accessory Building or Structure results in a land use determined to generate greater External Trips than the present use under the applicable Mobility Fee Rate. The Mobility Fee imposed under the applicable Mobility Fee Rate shall be calculated as follows:

(1) If the Mobility Fee is calculated solely on land use and not square footage, the Mobility Fee imposed shall be the Mobility Fee due under the applicable Mobility Fee Rate for the Mobility Fee Land Use Category resulting from the alteration, expansion or replacement, less the Mobility Fee that would be imposed under the applicable Mobility Fee Rate for the Mobility Fee Land Use Category prior to the alteration, expansion or replacement.

(2) In the event the Square Footage of a Building is increased, the Mobility Fee Rate for the increased Square Footage represented by the New

Construction shall be at the Mobility Fee Rate applicable to New Construction with Square Footage resulting from the alteration, expansion or replacement, less the Mobility Fee that would be imposed under the applicable Square Footage prior to the alteration, expansion or replacement.

(3) The Mobility Fee imposed for any Accessory Building or Structure shall be that applicable under the Mobility Fee Rate for the land use for the primary Building.

E. In the event a New Construction involves a Mixed Use New Construction, the County Manager shall calculate the Mobility Fee based upon the number of New Net Trips to be generated by each separate Mobility Fee Land Use Category included in the proposed Mixed Use New Construction.

SECTION 2.03. ALTERNATIVE MOBILITY FEE CALCULATION.

A. In the event an Applicant believes that the impact to the County Transportation System necessitated by its New Construction is less than the New Net Trips that are assumed under the applicable Mobility Fee Land Use Category specified in Section 2.01, such Applicant may, prior to issuance of a Building Permit for such New Construction, file with the County Manager an Alternative Mobility Fee that seeks to establish an alternative number of New Net Trips. The County Manager shall review the alternative calculations of the New Net Trips and make a determination within thirty (30) days of submittal as to whether such calculation complies with the requirements of this Section.

B. The Alternative Mobility Fee calculation of New Net Trips shall be based on data, information or assumptions contained in this Ordinance and the Mobility Fee Study or an independent source, provided that:

(1) The independent source is a generally accepted standard source of transportation engineering or planning information, or

(2) The independent source is a local study supported by a data base adequate for the conclusions contained in such study performed by a professional engineer pursuant to a generally accepted methodology of transportation planning or engineering.

(3) If, during its approval process, a previously approved New Construction project containing the same proposed uses submitted a trip characteristic study substantially consistent with the criteria required by this Section, and if such study is determined by the County Manager to be current, the trip characteristics of such previously approved New Construction shall be presumed to be as described in the prior study. In such circumstances, an Alternative Mobility Fee shall be established reflecting the trip characteristics described in the prior study. There shall be a rebuttable presumption that a trip characteristic study conducted more than two (2) years earlier is invalid.

(4) It is acknowledged that the Mobility Fee Rates are based upon the applicable Trip Generation Rates for the Trip Generation Land Use Categories corresponding to the Mobility Fee Land Use Categories set forth in Section 2.01. In recognition of such acknowledgment, the Trip Generation Rates for the Trip Generation Land Use Categories shall be considered an independent source for the purpose of an Alternative Mobility Fee calculation without the necessity of a study as required by Subsections B. of this Section.

C. If the County Manager determines that the data, information and assumptions utilized by the Applicant comply with the requirements of this Section and

that the calculation of the Alternative Mobility Fee number of New Net Trips was by a generally accepted methodology, then the Alternative Mobility Fee shall be paid in lieu of the fee set forth in Section 2.01.

D. If the County Manager determines that the data, information and assumptions utilized by the Applicant to compute an alternative number of New Net Trips do not comply with the requirements of this Section, then the County Manager shall provide to the Applicant by certified mail, return receipt requested, written notification of the rejection of the Alternative Mobility Fee and the reasons therefore. The Applicant shall have thirty (30) days from the receipt of the written notification of rejection to request a hearing pursuant to Section 3.05.

E. The Board shall establish an administrative fee by separate resolution to cover the County's costs incurred in processing and reviewing any Alternative Mobility Fee applications, including fees incurred for review of any applications by third party experts.

SECTION 2.04. PAYMENT.

A. Except as otherwise provided in this Ordinance, prior to the issuance of a Building Permit for New Construction, an Applicant shall pay the Mobility Fee to the County.

B. The obligation for payment of the Mobility Fee and any credits related thereto shall run with the land.

C. In the event that a Building Permit issued for New Construction expires prior to completion of the New Construction for which it was issued, the Applicant may, within ninety (90) days of expiration of the Building Permit, apply for a refund of the

Mobility Fee. Failure to timely apply for a refund of the Mobility Fee shall waive any right to a refund.

(1) The application for refund shall be filed with the County Manager and contain the following:

(a) The name and address of the Applicant;

(b) The location of the property which was the subject of the Building Permit;

(c) The date the Mobility Fee was paid;

(d) A copy of the receipt of payment for the Mobility Fee; and

(e) The date the Building Permit was issued and the date of expiration.

(2) After verifying that the Building Permit has expired and that the New Construction has not been completed, the County Manager shall refund the Mobility Fee paid for such New Construction. The County shall retain one percent (1%) of the Mobility Fee to offset the costs of administering the refund.

(3) A Building Permit which is subsequently issued for New Construction on the same property which was the subject of a refund shall pay the Mobility Fee as required by this Ordinance.

D. The payment of the Mobility Fee shall be in addition to any other fees, charges or assessments of the County due for the issuance of a Building Permit.

SECTION 2.05. USE OF MOBILITY FEE PROCEEDS.

A. The Commission hereby establishes two (2) separate trust accounts for the Mobility Fee, to correspond to the two (2) Mobility Zones, which accounts shall be maintained separate and apart from all other accounts of the County.

B. The East Nassau Community Planning Area Mobility Network Fund established by the Commission in Ordinance No. 2013-10 shall remain a separate Mobility Fee fund as provided in that ordinance and shall not be subject to the provisions of this Ordinance.

C. All Mobility Fees shall be deposited into the appropriate trust account for the Mobility Zone from which the fees were collected immediately upon receipt.

D. Mobility Fee funds shall not be used for any expenditure that would be classified as a transportation operation and maintenance expense. The Mobility Fee shall be used within the Mobility Zones from which the Mobility Fee is collected; however, to the extent that a transportation capital improvement provides reasonable benefits beyond the Mobility Zone within which it is located, it may be funded with Mobility Fee funds collected from an adjacent Zone. However, prior to encumbering any Mobility Fee funds in this manner, the County Manager or designee shall make a written determination that (1) the transportation capital improvement will substantially benefit the development in the Mobility Zone from which the Mobility Fees have been collected; (2) the planned transportation capital improvement is of a nature such that it will add capacity to the transportation system beyond the Mobility Zone in which it is situated; and (3) the demand for the transportation capital improvement is reasonably attributable to development in the Mobility Zone from which the Mobility Fees have been collected.

E. The monies deposited into the Mobility Fee Trust Accounts shall be used solely for the purpose of constructing or improving the Designated Mobility Improvements to the County Transportation System, as these improvements may be amended from time-to-time, including, but not limited to:

(1) design and construction plan preparation;

(2) permitting;

(3) right-of-way acquisition, including any costs of acquisition or condemnation;

(4) construction of new through lanes;

(5) construction of new turn lanes;

(6) construction of new bridges;

(7) construction of new drainage facilities in conjunction with new roadway construction;

(8) purchase and installation of traffic signals;

(9) construction of new curbs, medians and shoulders;

(10) construction of new multi-use paths, bike lanes, sidewalks and other bicycle and pedestrian improvements;

(11) construction of new transit facilities;

(12) relocating utilities to accommodate new roadway construction;

(13) construction management and inspection;

(14) surveying and soils and material testing;

(15) repayment of monies transferred or borrowed from any budgetary fund of the County which were used to fund any growth impacted construction or improvements as herein defined;

(16) payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the County to provide funds to construct or acquire growth impacted capital transportation improvements on the County Transportation System; and

(17) transportation planning, development and engineering.

E. The monies deposited into the Mobility Fee Trust Account shall be used solely to provide improvements and additions to the County Transportation System required to accommodate traffic generated by growth as projected in the Mobility Fee Study.

F. Any monies on deposit which are not immediately necessary for expenditure shall be invested by the County. All income derived from such investments shall be deposited in the Mobility Fee Trust Account and used as provided herein.

G. The County may retain up to three percent (3%) of all Mobility Fees received or the actual costs of administration and collection, whichever is less, as an administrative fee to defray the costs of administering the Mobility Fee program.

ARTICLE III

MISCELLANEOUS PROVISIONS

SECTION 3.01. EXEMPTIONS.

A. The following shall be exempted from payment of the Mobility Fee:

1. Alterations or expansion of an existing Dwelling Unit which does not result in any additional Dwelling Units or increase the number of families for which such Dwelling Unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.

Deleted: A

2. The alteration or expansion of a Building if the Building use upon completion does not generate greater External Trips under the applicable Mobility Fee Rate.

Deleted: B

3. The replacement of a Dwelling Unit, Mobile Home, Building or an Accessory Building or Structure if the replacement Dwelling Unit, Mobile Home, Building

Deleted: C

or Accessory Building or Structure does not result in a land use generating greater External Trips under the applicable Mobility Fee Rate. To be eligible for this exemption, a Certificate of Occupancy or Move-On permit for the replacement structure must have been issued within eight (8) years of the date the original structure was occupied.

4. The issuance of a move-on permit on a Mobile Home on which applicable Mobility Fees have previously been paid.

Deleted: D

5. Government Buildings. However, any Mobility Fee exemption issued for a government building shall expire if an alteration causes the Building or development to no longer be a government Building.

Deleted: E

B. Properties that were vested for purposes of the County's previous concurrency management system shall not be exempt from the payment of the Mobility Fee.

SECTION 3.02. CREDITS.

A. Subject to the terms and conditions of this Section 3.02, a credit shall be granted against a Mobility Fee imposed by this Ordinance for the donation of land or the construction of improvements to the County Transportation System required pursuant to a development permit or made voluntarily in connection with New Construction. Such donations or construction shall be subject to the approval and acceptance of the County Manager. No credit shall be given for the donation of land or construction unless such property is conveyed, in fee simple to the County without remuneration.

B. Prior to issuance of a Building Permit, the Applicant shall submit a proposed plan for donations or contributions to the County Manager. The proposed plan shall include:

(1) a designation of the New Development for which the plan is being submitted;

(2) a legal description of any land proposed to be donated and a written appraisal prepared in conformity with Subsection E of this section;

(3) a list of the contemplated improvements sought to be donated and an estimate of the proposed construction costs certified by a professional architect or engineer; and

(4) a proposed time schedule for completion of the proposed plan.

C. The County Manager shall approve or deny the proposed plan in accordance with Subsection D of this section and, if approved, establish the amount of credit in accordance with Subsection E of this section. The County Manager shall issue a decision within sixty (60) days after the filing of the proposed plan.

D. In reviewing the proposed plan, the County Manager shall determine:

(1) if such proposed plan is in conformity with contemplated improvements and additions to the County Transportation System;

(2) if the proposed donation of land and construction by the Applicant is consistent with the public interest; and

(3) if the proposed time schedule is consistent with the capital improvement program for the County Transportation System.

E. The amount of developer contribution credit shall be determined as follows:

(1) The value of donated land shall be based upon a written appraisal of fair market value as determined by an M.A.I. appraiser who was selected and paid for by the Applicant, and who used generally accepted appraisal techniques. If the

appraisal does not conform to the requirements of this Ordinance and any applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the County Manager accepts the methodology of the appraisal but disagrees with the appraised value, he may engage another M.A.I. appraiser at the County's expense and the value shall be an amount equal to the average of the two appraisals. If either party does not accept the average of the two appraisals, a third appraisal shall be obtained, with the cost of said third appraisal being shared equally by the County and the Applicant. The third appraiser shall be selected by the first two appraisers and the third appraisal shall be binding on the parties.

(2) The actual cost of construction to the County Transportation System shall be based upon cost estimates certified by a professional architect or engineer, as applicable. However, in no event shall any credit be granted in excess of the estimated construction costs approved by the County unless the construction project is competitively bid, in which case, the credit shall be limited to the actual cost or 120% of the bid amounts, whichever is less; and

(3) The land donations and construction contributions shall only provide improvements or additions to the County Transportation System which are included in the County's Capital Improvement Element of the Comprehensive Plan and required to accommodate growth.

F. If a proposed plan is approved for credit by the County Manager, the County Manager shall forward a proposed credit agreement to the Commission for its consideration, which agreement shall provide for the parties obligations and responsibilities, including, but not limited to:

(1) The timing of actions to be taken by the Applicant and the obligations and responsibilities of the Applicant, including, but not limited to, the construction standards and requirements to be complied with;

(2) The obligations and responsibilities of the Commission including, but not limited to, inspection of the project; and

(3) The amount of the credit as determined in accordance with Subsection E of this section.

G. A credit for the donation of land or a credit for the construction of an improvement or addition to the County Transportation System shall be granted at such time as the credit agreement is approved and executed by both the Commission and the Applicant; provided, however, that in the event the Applicant fails to convey the property which is the subject of the donation to the County or such property is not ultimately accepted by the County in accordance with the terms of the credit agreement, then the credit for donation shall be revoked and all Mobility Fees shall immediately become due and payable. The administration of said contribution credits shall be the responsibility of the County Manager.

H. Any Applicant who submits a proposed plan pursuant to this section and desires the immediate issuance of a Building Permit prior to approval of the proposed plan shall pay the Mobility Fees prior to the issuance of the Building Permit. Any difference between the amount paid and the amount due, should the County Manager approve and accept the proposed plan, shall be refunded to the Applicant or Owner.

SECTION 3.03. APPLICABILITY. This Ordinance and the obligations herein for the payment of the Mobility Fee shall apply to all New Construction that receives a

Building Permit on or after the effective date of this Ordinance, as provided in Section 3.12.

SECTION 3.04. ALTERNATIVE COLLECTION METHOD. In the event the Mobility Fee is not paid prior to the issuance of a Building Permit for the affected New Construction, the County may elect to collect the Mobility Fee prior to the issuance of a Certificate of Occupancy or by any other method which is authorized by law.

SECTION 3.05. REVIEW HEARINGS.

A. An Applicant or Owner who is required to pay a Mobility Fee pursuant to this Ordinance shall have the right to request an appeal. The appeal procedures provided in sections 1.05 and 5.06 of Nassau County Ordinance No. 2007-05 shall apply to all appeals.

B. Such appeal shall be limited to the review of the following:

(1) The application or calculation of the Mobility Fee.

(2) The rejection of the Alternative Mobility Fee calculation pursuant to Section 2.03.

C. Such appeal shall be requested by the Applicant or Owner within thirty (30) days of the date of first receipt of the following:

(1) Notice that the Mobility Fee is due;

(2) Negative determination on a proposed Alternative Mobility Fee.

Failure to request an appeal within the time provided shall be deemed a waiver of such right.

D. The request for an appeal shall be filed with the County Manager and shall contain the following:

(1) The name and address of the Applicant or Owner;

(2) The legal description of the property in question;

(3) If issued, the date the Building Permit was issued;

(4) A brief description of the nature of the construction being undertaken pursuant to the Building Permit;

(5) If paid, the date the Mobility Fee was paid; and

(6) A statement of the reasons why the Applicant or Owner is requesting the appeal.

E. Upon receipt of such request, the County Manager shall process the appeal pursuant to the procedures provided in Sections 1.05 and 5.06 of Nassau County Ordinance No. 2007-05.

F. Any Applicant or Owner who requests a hearing pursuant to this Section and desires the immediate issuance of a Building Permit, or if a Building Permit has been issued without the payment of the Mobility Fee, shall pay prior to or at the time the request for hearing is filed, the applicable Mobility Fee. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights.

G. An Applicant or Owner may request a hearing under this Section without paying the applicable Mobility Fee, but no Building Permit shall be issued until such Mobility Fee is paid in the amount initially calculated or the amount approved upon completion of the review provided in this Section.

H. The Board shall establish an administrative fee by separate resolution to cover the County's costs incurred in processing and reviewing any appeals, including fees incurred for review of any applications by third party experts.

SECTION 3.06. REVIEW REQUIREMENT. This Ordinance and the Mobility Fee Study shall be reviewed by the Commission at least every five (5) years. The initial

and each review thereafter shall consider new estimates of population and other socioeconomic data, changes in construction, land acquisition and related costs, and adjustments to the assumptions, conclusions or findings set forth in the study adopted by Section 1.04. Each review shall additionally consider changes in right-of-way acquisition and related costs and changes in Trip Generation rates, External Trip lengths and traffic volume counts. The purpose of this review is to evaluate and revise, if necessary, the Mobility Fee to ensure that they do not exceed the reasonably anticipated costs associated with the improvements and additions necessary to offset the demand generated by the New Construction on the County Transportation System. In the event the review of the Ordinance required by this Section alters or changes the assumptions, conclusions and findings of the studies adopted by reference in Section 1.04, revises or changes the Designated Mobility Improvements, or alters or changes the amount or classification of the Mobility Fee, the study adopted by reference in Section 1.04 shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and Section 1.04 shall be amended to adopt by reference such updated studies.

SECTION 3.07. DECLARATION OF EXCLUSION FROM ADMINISTRATIVE PROCEDURES ACT. Nothing contained in this Ordinance shall be construed or interpreted to include the County in the definition of Agency as contained in section 120.52, Florida Statutes, or to otherwise subject the County to the application of the Administrative Procedure Act, Chapter 120, Florida Statutes. This declaration of intent and exclusion shall apply to all proceedings taken as a result of or pursuant to this Ordinance.

SECTION 3.08. SEVERABILITY. The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers provided for herein. If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION 3.09. ENFORCEMENT.

A. Enforcement of this Ordinance shall be done pursuant to section 125.69, Florida Statutes.

B. Violations include, but are not limited to, failing, neglecting, or refusing to pay a Mobility Fee as required by this section and/or furnishing untrue, incomplete, false, or misleading information on any document, or to any County employee, concerning the calculation, exemption, or payment of a Mobility Fee or concerning the entitlement to, or calculation of, a Mobility Fee credit.

C. The owner, tenant, or occupant of any land or part thereof for which a Mobility Fee is owed and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this section, or who fails, neglects, or refuses to pay a Mobility Fee, or who furnishes any untrue, incomplete, false, or misleading information concerning the calculation, exemption, or payment of a Mobility Fee or concerning the entitlement to, or calculation of, a Mobility Fee credit, may be held responsible for the violation and be

subject to the penalties and remedies provided for in this Code and/or the Nassau County Code of Ordinances.

D. Failure to pay a Mobility Fee required by this section is a violation that is continuous with respect to time, and each day the violation continues, or the Mobility Fee remains unpaid, is hereby declared to be a separate offense.

SECTION 3.10. NOTICE OF MOBILITY FEE RATES. Upon adoption of this Ordinance or any amendment hereto imposing revised Mobility Fee rates or revising the land use categories for any Mobility Fee, the County Manager shall publish a notice once in a newspaper of general circulation within the County which notice shall include: (A) a brief and general description of the affected Mobility Fee, (B) a description of the geographic area in which the Mobility Fee will be collected; (C) the Mobility Fee Rates to be imposed for each land use category; and (D) the date of implementation of the Mobility Fee rates set forth in the notice, which date shall not be earlier than ninety (90) days after the date of publication of the notice.

SECTION 3.11. AMENDMENT DUTIES OF PLANNING AND ZONING BOARD. Pursuant to Section 3.05 of this Ordinance, the Planning and Zoning Board will hear and decide appeals concerning the application and payment of the Mobility Fee. Accordingly, Section 3.04 of Nassau County Ordinance No. 2007-05 is hereby amended to include this authority, as follows:

> **Section 3.04. Planning and zoning board.** The planning and zoning board shall act as the local planning agency (LPA) which serves as an advisory body to the board of county commissioners on all planning and zoning related matters, except for matters involving variances and conditional uses.

(A) *Establishment of the planning and zoning board:* The board of county commissioners shall appoint the members of the planning and zoning board. The planning and zoning board shall be composed of eleven (11) members. The members shall be appointed as follows: One member shall be appointed from each county commission district; one member shall serve as the appointment from the Nassau County School Board, pursuant to Section 163.3174(1), Florida Statutes, with said member granted voting status; and five (5) members shall serve at-large, with one of each of said members being recommended by each of the respective members of the board of county commissioners. The terms of five (5) members shall expire on December 31, 2008, and two (2) members terms shall expire on December 31, 2009, and the terms of four (4) members shall expire on December 31, 2010. After the initial term, any re-appointment shall be for a three (3) year staggered term. Any member appointed to the planning and zoning board shall serve at the will of the board of county commissioners.

(B) *Powers and duties:*

(1) Review all requests for rezoning of property, zoning amendments, comprehensive plan text amendments, land use map amendments, and amendments to ordinances that affect land use, and make approval/non-approval recommendations to the board of county commissioners for their final determination.

(2) Review all site plans, with the exception of those approved by the development review committee as stated in article 28, section 28.16(A), and make recommendations to the board of county commissioners.

(3) Submit written recommendations to the board of county commissioners relative to the various requests where applicable that fall within the purview of the board of county commissioners to approve/deny.

(4) Elect a chair and vice-chair of the planning and zoning board members. A chair and vice-chair shall be selected each year by the members of the planning and zoning board.

(5) Establish the time, place and date of the monthly planning and zoning board regular meeting plus workshops.

(6) Develop rules and procedures for the conduct of hearings, both quasi-judicial and legislative, which, at a minimum, when appropriate, includes the right of the party to:

a. Present his/her case by oral and documentary evidence;

b. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts;

c. Be accompanied, represented and advised by counsel or represent himself/herself;

d. Be promptly notified of any action taken by the planning and zoning board affecting substantive or procedural rights taken in connection with any proceedings.

e. The planning and zoning board shall receive into evidence that which could be admissible in civil proceedings in the courts of this state, but in receiving evidence, due regard shall be given to the technical and highly complicated subject matter which must be handled and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, however, effect shall be given to rules of evidence recognized by the laws of Florida.

f. Majority of the planning and zoning board shall constitute a quorum for the purpose of meetings and transacting business. Failure to receive a majority vote shall constitute denial.

(7) Hear and decide appeals where it is alleged there is an error in any decision made by the planning director or staff as it relates to the zoning code or comprehensive plan.

(8) Hear and decide appeals concerning the application and payment of the Nassau County Mobility Fee.

[underline indicates additions; ~~strikethrough~~ indicates deletions]

SECTION 3.12. EFFECTIVE DATE.

(A) The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

(B) This Ordinance and the obligations herein for the payment of Mobility Fees shall apply to all New Development that submits a complete application for a Building Permit on or after ____, 2014 provided the notice period set forth in Section 3.10 hereof has expired by this date. If the notice period set forth in Section 3.10 hereof has not expired by _____, 2014, then the Effective Date of this Ordinance shall be automatically delayed until the expiration of said notice period.

DULY ENACTED this ___ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA

BY:_____
Chairman

ATTEST:

By:_____
Clerk

(SEAL)

Approved for Form and Correctness:

By:_____
County Attorney

NASSAU COUNTY
MOBILITY PLAN REPORT

PREPARED FOR:

NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:

GILLETTE & ASSOCIATES, INC
KING ENGINEERING

DATE: FEBRUARY 2014

NASSAU COUNTY
MOBILITY PLAN REPORT

Executive Summary

On behalf of Nassau County, Gillette & Associates and King Engineering (G&A-King) has created a Mobility Plan in an effort to replace its transportation concurrency system. The County has lacked any form of transportation model and only tracked impacts from development through a transportation analysis spreadsheet as part of traditional concurrency. It was determined by the County that this tracking system was very inaccurate and did not show how land uses interacted. Consequently, it created a flawed system that did not allow the County to accurately predict future roadway failures and where capital improvements were critical. The Mobility Plan has been created to predict future transportation failures in both the urban and rural areas of the County, while also allowing growth to proceed without cumbersome and unfair regulation.

The Nassau County Board of County Commissioners created a Mobility Impact Fee and Concurrency Task Force that created specific guiding principles when creating this Mobility Plan. They were as follows:

- New growth should pay for itself
- Keep it fair
- Keep it simple
- Encourage Infill
- Positive impacts are credited
- Encourage mixed use
- Reduce urban sprawl
- Keep it competitive with adjacent jurisdictions

These ideologies were considered when drafting the plan and many of these objectives are consistent with Department of Economic Opportunity goals.

Parallel corridors were considered as part of the Mobility Plan as an alternative to traditional roadway widening projects. This methodology was critical on State Road A1A where right of way acquisition is very difficult and expensive and several parallel corridors currently exist. The intent is to allow the public an alternative route to congested and signalized intersections in an effort to reduce travel times.

Pedestrian and bicycle improvements were also considered throughout the network to incentivize alternative modes of transportation. Amelia Island is a pedestrian and bicycle friendly area and interconnectivity between land uses for pedestrians and bicycles is an important and viable alternative.

The fee schedule was created based on anticipated roadway improvement costs through the 2035 time horizon. It also considered a 50/50 match from State sources for those segments that are used to mitigate impacts on State facilities. The Commercial and Medical Office land uses were incentivized to promote growth and these fee reductions were offset by only minor increases in the residential land uses.

NASSAU COUNTY
MOBILITY PLAN REPORT

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NASSAU COUNTY
MOBILITY PLAN REPORT

1.0 Introduction

Nassau County is a rural county with a listed population of 73,314 residents in 2010 and a projected population of 80,775 in 2017. The County is large in area and is approximately 651 square miles in land area. This equates to a density of 112 people per square mile, based on the 2010 population numbers. The County is comprised of 3 independent cities: Fernandina Beach, Callahan, and Hilliard that have their own central governments. These cities have their own Comprehensive Plans and will update their transportation elements individually with the Department of Economic Opportunity.

The Nassau County Board of County Commissioners repealed their Concurrency Ordinance in February 2012 by Ordinance 2012-06. The County repealed this ordinance in recognition that concurrency was crippling development in areas where the County's Future Land Use Map was contemplating growth. Due to the traffic reservation system of concurrency, it was also forcing development away from its urban centers into rural areas, encouraging urban sprawl. As shown in Figure 1 for State Road A1A, this reservation system was creating a "paper" problem, while real traffic was well below the capacities of analyzed roadway segments.

Traditional transportation concurrency required counties to place roadway projects in their Capital Improvement Plan (CIP) and identify funding sources in order to collect fair share payments. Nassau County was simply too small to earmark the necessary funds to place these larger projects into their CIP. Consequently, fair share payments could not be accepted and many developments were disapproved since a concurrency certificate could not be issued due to apparent roadway failures. Finally, House Bill 7207 allowed counties the opportunity to develop and implement Mobility Plans and administer on a local level.

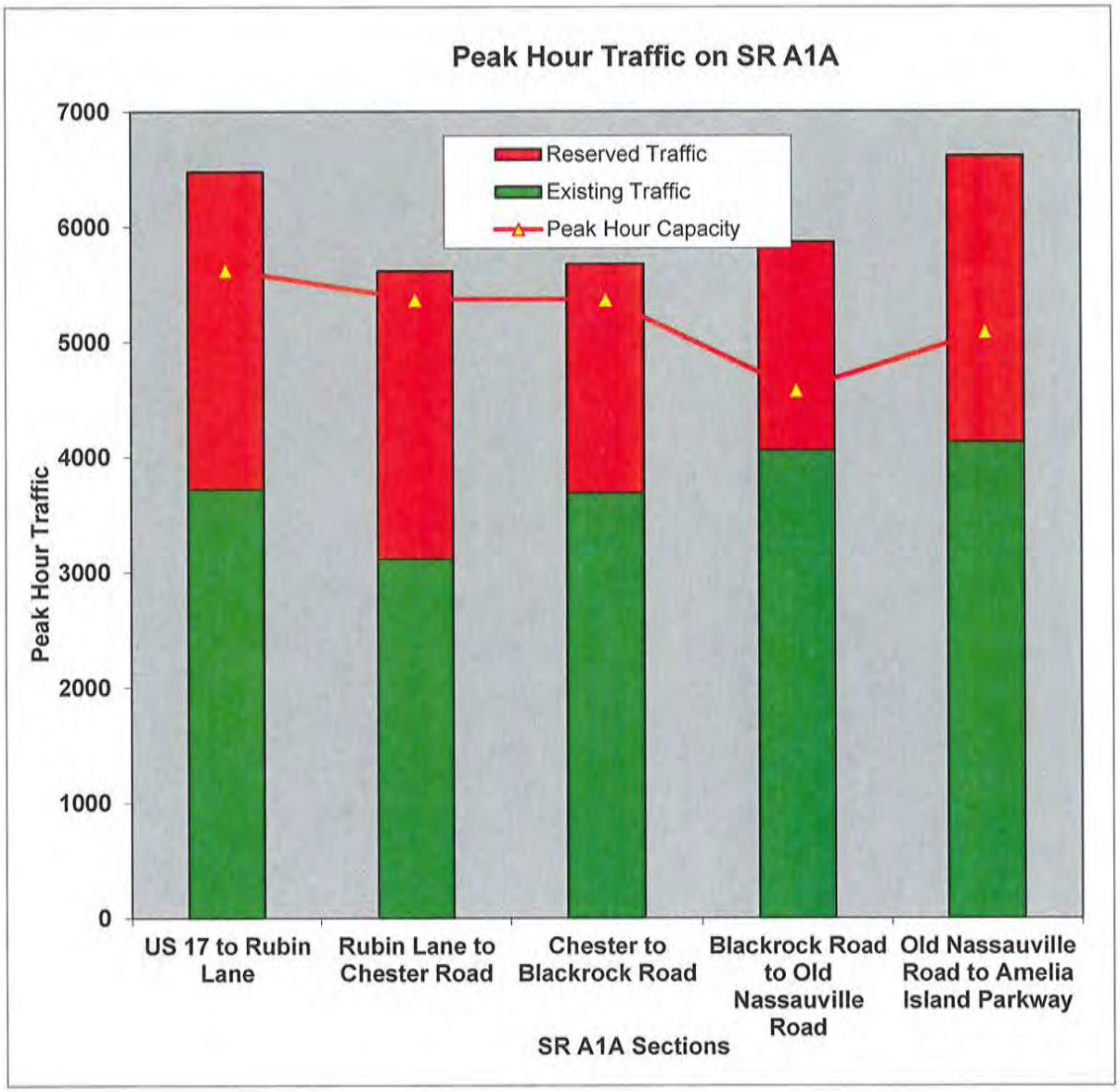


FIGURE 1 – CONCURRENCY CAPACITY VS RESERVATION

Source: Nassau County Transportation Analysis Spreadsheet (Appendix A)

As part of this Mobility Plan, a Mobility Fee is being proposed in lieu of concurrency and a transportation impact fee. Area wide improvements and the associated costs were identified which were utilized to develop a Mobility Fee based on Vehicular Miles Travelled (VMT). The Transportation Planning Organization's (TPO's) base model was updated by the East Nassau Planning Area (ENCPA), a local Sector Plan, in an effort to create their own mobility plan. This updated model was utilized to develop the Mobility Plan. The model was then further updated by G&A-King to include some specific large scale developments within Nassau County that had been constructed after the model was created.

The Mobility Plan took initiatives from the Mobility Impact Fee and Concurrency Task Force to promote fairness, simplicity and equality for development throughout the County while also having growth pay for itself. The end result was to create a system that would encourage job creation by reducing uncertainty for developers while also incentivizing certain target industries.

As part of the progression of the Plan, it was determined that traffic would be analyzed on a daily basis versus the peak hour. As illustrated in Figure 2 for a segment of State Road A1A, the P.M. peak hour traffic was consistently being observed to show failure for only a few minutes per day. Traditional concurrency would force these roadway segments to be upgraded to only address this short term failure. This Mobility Plan analyzes traffic on a daily basis and addresses failures as they pertain to daily traffic volumes and capacities.

Nassau County's Mobility Plan utilizes the "Plan" approach in concept. This Plan has identified six problem roadways that may experience problems within the 2035 timeframe. These roadway deficiencies were addressed by proposing either traditional roadway widening or utilizing parallel corridors that can allow residents alternatives to congested roadways. These roadways were identified on Amelia Island, Yulee, and Callahan and are described within this report.

The estimated fee structure included within the report considers these six improvement projects as a basis. It is understood that this "Plan" will likely change over time as growth patterns are identified and associated improvements are better refined.

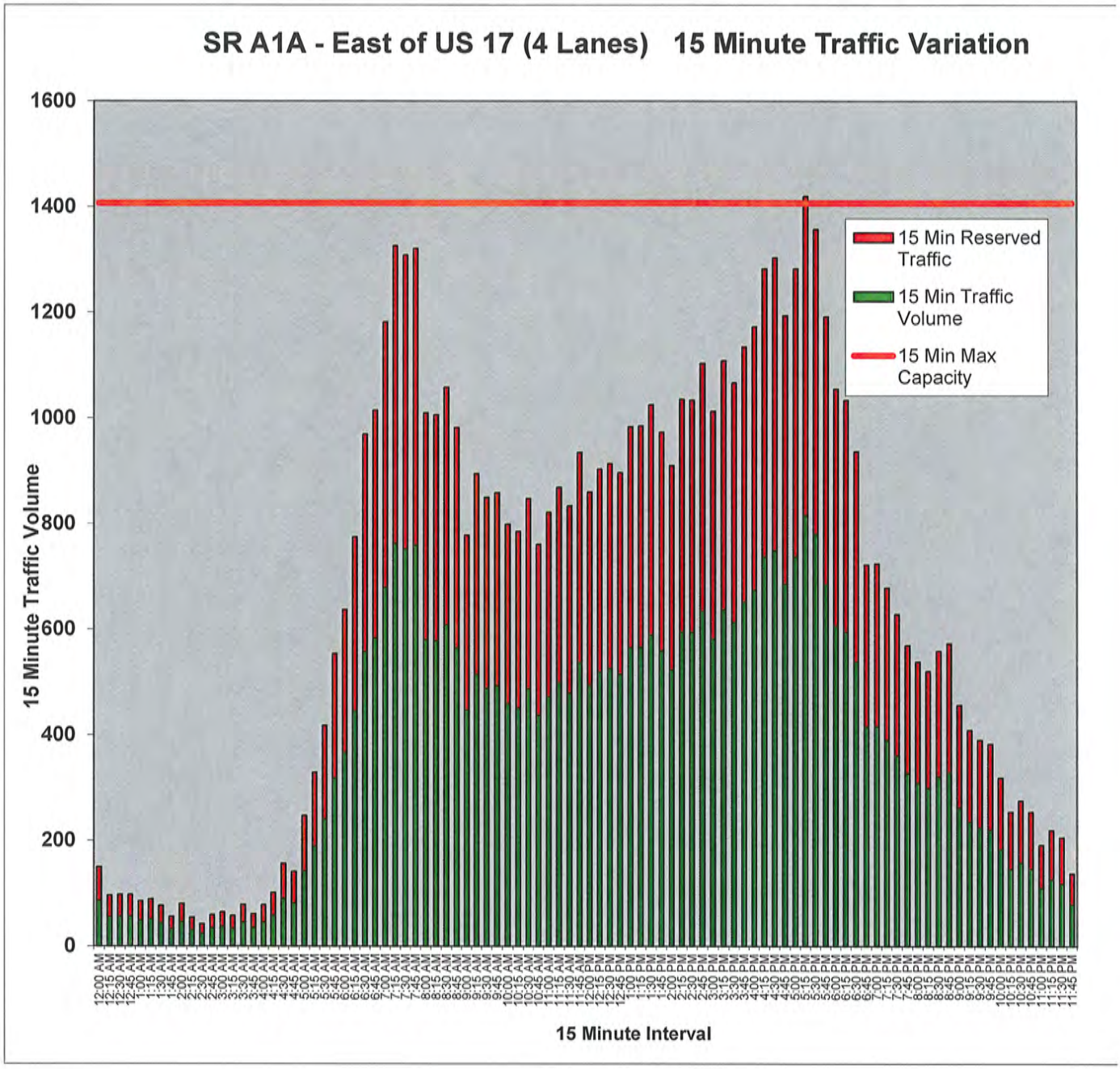


FIGURE 2 – P.M. PEAK HOUR TRAFFIC ANALYSIS

Source: FDOT Year 2012 Synopsis Report, Nassau County Transportation Analysis Spreadsheet (Appendix B)

2.0 Base Model

2.1 Model Description

The Northeast Regional Planning Model (NERPM4) travel demand model which was prepared as part of the North Florida Transportation Planning Organization (NFTPO) 2035 Long Range Transportation Plan update was used to develop year 2035 projects for the Nassau County roadway network. The NFTPO 2035 horizon year was used as the base model for the purposed of this analysis.

2.2 Model Modifications

The year 2035 travel demand model that was updated by VHB, Inc., who are the transportation planning consultants for the East Nassau Community Planning Association (ENCPA) Mobility Plan. This update considered the impact to the County's roadway network from the ENCPA Sector Plan and was used for this Plan as the preliminary model for the 2035 roadway network conditions for Nassau County.

A preliminary review of the socio-economic data and the roadway network characteristics of the year 2035 ENCPA model were performed to verify if the model included reasonable future land use patterns and projections.

The model provided included the entire ENCPA Sector Plan development and its corresponding transportation improvements as listed in the traffic impact analysis provided by ENCPA. However, an assumption was made that anticipating the build-out of the entire ENCPA and its related transportation improvements to be in place by year 2035 was unrealistic. As such, only the Phase 1 of the proposed ENCPA (Detailed Specific Area Plan (DSAP) #1) was included in the year 2035 NERPM 4 travel demand model that was used to determine the future conditions of Nassau County for the Mobility Plan purposes.

A review of the model socio-economic data revealed that some the currently built, approved and proposed developments along the A1A corridor were not included in the TPO's year 2035 model. The following are details of those developments:

- Amelia Concourse – between SR A1A and CR 107
- Proposed Radio Avenue extension – Miner Road to US 17
- Shops at Amelia Commercial Center – State Road A1A
- Shops at Midtown Commercial Center – State Road A1A
- Wal-mart Center - State Road A1A
- Villages of Amelia Commercial Center - State Road A1A

All of the above-referenced commercial centers had direct access to State Road 200/A1A between Yulee and Amelia Island.

As such, the socio-economic data for the year 2035 NERPM4 was adjusted to include the currently built, approved and proposed developments. The details of the socio-economic data added to the year 2035 NERPM4 model are shown in Appendix C.

Upon obtaining year 2035 projections on Nassau County Roads, a link analysis of all the roadway links was performed to determine the year 2035 conditions, roadway impacts and deficiencies. The year 2035 roadway conditions analysis was performed in conformance to the FDOT's roadway segment analysis procedures. However, the roadway segment analysis was performed using daily maximum service volumes (obtained from the corresponding FDOT's LOS Standard Tables) and daily volumes obtained from the year 2035 travel demand model runs.

A unique analysis approach of system wide or area wide (allow capacity from parallel facilities to address deficiencies – a Cordon Line approach) roadway segment analysis was adopted instead of link by link segment analysis. This helped in keeping the cost of future conditions needs at a reasonable level. Appendix D includes the year 2035 roadway conditions analysis.

3.0 Mobility Plan

3.1 Mobility Plan Zones

Based on the County demographics, the model demonstration of vehicles miles travelled, and the existing urban centers, it was determined that Interstate 95 was an appropriate split between a west and east zone for the County. Two zones were selected because the County is mostly urban on one side (east of I95) and rural on the other side (west of I95). The ENCPA has created its own Mobility Plan and was considered to be its own separate zone with its own fee structure. Consequently, the proposed zones are as follows:

Zone 1 – Area east of I-95
Zone 2 – ENCPA
Zone 3 - Area west of I-95

Figure 3 shows these zones graphically. Figures 4-6 show a detailed map of each area for the corresponding mobility zone.

3.2 Improvements Funded by the Mobility Plan

The improvements that are proposed to be funded as part of this Mobility Plan include roadways, sidewalks, multi-use paths, and any other vehicular or pedestrian improvements that the County determines will increase the operational efficiency of the roadway/pedestrian circulation network. Roadway improvements include new roadway construction, roadway widening, signalization, turn lane improvements, right of way acquisition, bike lane construction, sidewalks, multi-use path construction, and drainage improvements that are directly tied to an improvement which is necessary to enhance the operational efficiency of the system. Necessary design and legal fees may also be funded by Mobility Fees at the discretion of the County.

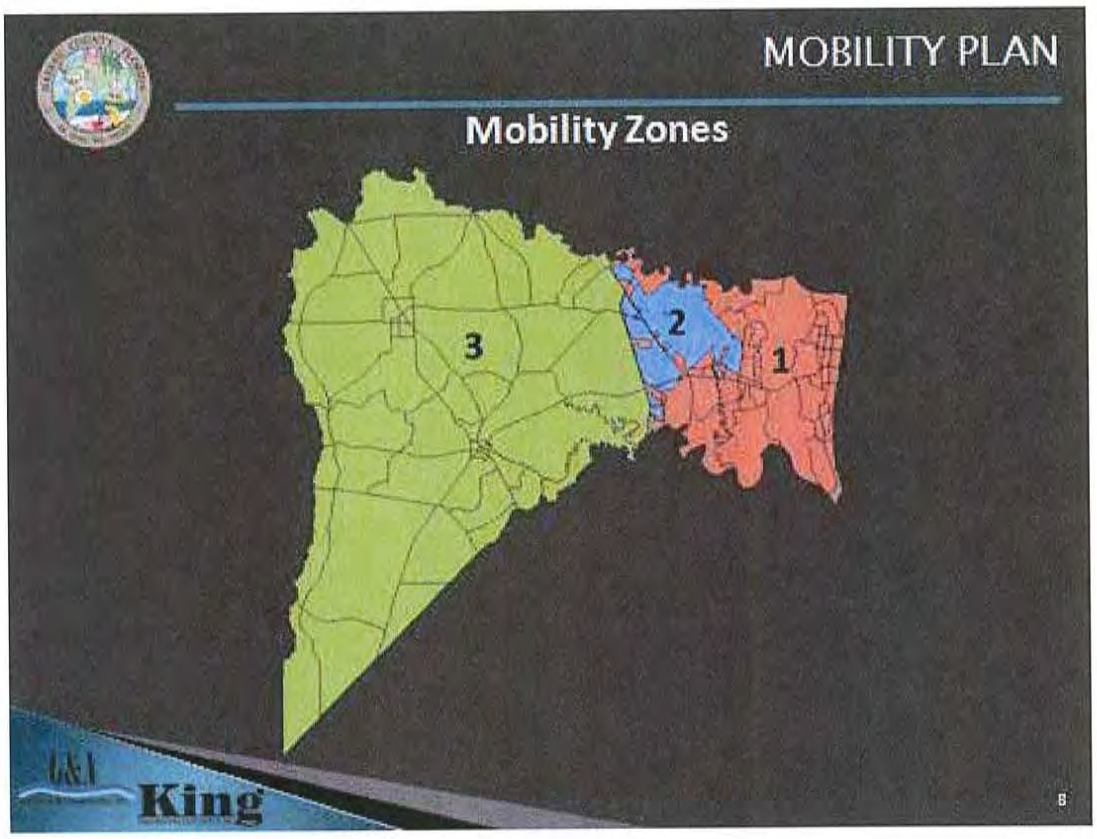


FIGURE 3 – MOBILITY ZONES

FIGURE 4 – MOBILITY ZONE 1

FIGURE 5 – MOBILITY ZONE 2

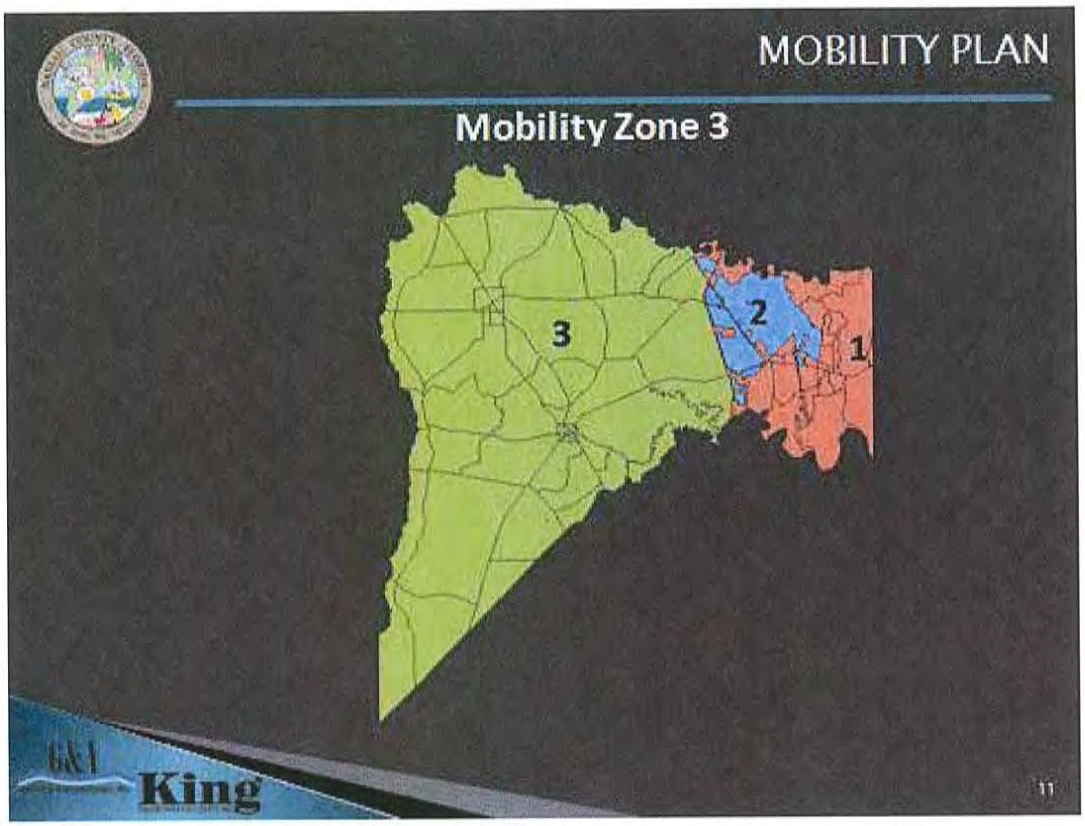


FIGURE 6 – MOBILITY ZONE 3

3.3 Vehicle Miles Traveled

The total daily trip generation for Nassau County was obtained from the NERPM4 model for the current year condition as well as the horizon year 2035 build-out condition. The total daily trip generation by each mobility zone in summarized in Table 1. The model results were shown with the ENCPA and without the ENCPA. As summarized in Table 2, the current year and the horizon year model runs were used to determine the average vehicle miles travelled (VMT) for each mobility zone (excluding Zone 2). The estimated vehicle miles traveled does not include the distances traveled in neighboring Counties (were restricted to limits of Nassau County only).

Table 1 : Trip Generation

Zones	NERPM4 Model Trips	
	Current Year	2035 Build-Out With DSAP1
Zone 1	172,514	264,952
Zone 2	---	41,191
Zone 3	86,670	155,682
Total Trips	259,184	461,825
% Increase from Current Year		78.18%

Table 2 : Average Vehicle Miles Traveled

Zones	NERPM4 Vehicle Miles Travelled (VMT)	
	Current Year	2035 Build-Out With DSAP1
Zone 1	1,052,052	1,768,229
Zone 2	-	380,714
Zone 3	609,613	1,138,033
Total VMT	**1,661,665**	**3,286,976**

The VMT's reported for each mobility zone (excluding Zone 2) were calculated based on the vehicle miles traveled from each Traffic Analysis Zone (TAZ). This average was considered representative for each Model zone since several TAZ's were present in each zone. The average

VMT within Zone 1 was reported to be 9.98 miles, while the average in Zone 3 was reported to be 16.31 miles. The horizon year VMT was reported to be 11.69 miles for Zone 1 and 16.59 miles for Zone 3. The horizon year VMT was used in the fee calculation schedule. This is summarized in Table 3.

Table 3 : Average Trip Length

Zones	NERPM4 Average Trip Length	
	Current Year	2035 Build-Out With DSAP1
Zone 1	9.98	11.69
Zone 2	-	10.53
Zone 3	16.31	16.59

3.4 Roadway Deficiencies

As part of the "Plan" approach, roadway link analysis in accordance to the FDOT QLOS procedures was performed using the daily traffic volumes obtained from the horizon year 2035 NERPM4 model run to determine the roadway deficiencies. The roadway projects that mitigate the identified deficiencies were included in the Mobility Plan. For roadway segments where the model indicated lower volumes for year 2035 than the existing volumes, the State approved annual growth rate of 1.8% was used to obtain the 2035 volumes. Interstates were not considered as part of this analysis, since Interstate improvements are not funded on the local level. The failures that were observed within the model run are shown in Table 4.

Table 4 – Roadway Needs

Link ID	Roadway	Termini
1	SR 200/A1A	Amelia Island Parkway to Sadler Road
20	Amelia Island Parkway	14th Street Ext. to Buccaneer Trail (C-105 A)
23	Buccaneer Trail (C-105A)	South Fletcher Ave. to Canopy Drive
26	First Coast Hwy (A1A)	South Fletcher Ave. to Amelia Island Parkway
27	First Coast Hwy (A1A)	Amelia Island Parkway to Beach Lagoon Road
45	SR 200/A1A	US 17 to Rubin Lane
45A	SR 200/A1A	Rubin Lane to Chester Road
55	US 17	Duval County Line to Harts Road
85	SR 200/US 301	Kingbird Drive to US 1
88	SR 115 (Lem Turner Rd)	Duval County Line to Church Road
89	SR 115 (Lem Turner Rd)	Church Road to US 1

3.5 Parallel Corridors

The use of parallel corridors is integral to the Mobility Plan and its affordability and function. In several cases, parallel roadways exist within Nassau County that provide alternative routes to congested corridors. This provides drivers an alternative when travel times are increased due to congestion on the major roadway networks.

Table 5 provides a list of parallel corridors that were used in the cordon line analysis for the Mobility Plan.

Table 5 – Roadway Links in Cordon Line Analysis

Major Roadway	Parallel Route	Area
State Road A1A	Clinch Drive	Amelia Island
State Road A1A	Amelia Concourse	Nassauville
State Road A1A	Pages Dairy Road	Yulee
State Road A1A	William Burgess Boulevard	Yulee
Buccaneer Trail (C-105A)	Amelia Island Parkway	Amelia Island
First Coast Hwy (A1A)	Amelia Island Parkway	Amelia Island
SR 115 (Lem Turner Road)	US.1/U.S. 23/S.R. 15	Callahan

As part of the cordon line analysis, the roadway traffic and roadway capacities from the major roadway and parallel route were added together. If the sum of the capacities was greater than or equal to the sum of the traffic, improvements to the failing segment were not considered necessary. The criteria used in this analysis included proximity and two connection points between the major roadway and parallel route (bypass condition). For the bypass condition, other roadways could be considered for making one or both of the connections. For example, Lime Street provides the second connection for Clinch Drive to State Road A1A on Amelia Island.

As part of this cordon line analysis, the observed failures reported for Links 1, 23, 26, 27, 45, 45A, 85, 88, and 89 were mitigated through parallel corridors.

3.6 Roadway Improvements

In order to address identified failures in the model within the 2035 time horizon, several roadway improvements are pipelined as part of the Mobility Plan. Pipelining is defined as collecting fees for future roadway projects that will be constructed in future years. These improvements are shown in Table 6.

Table 6 – Roadway Improvements

Link	Roadway	Termini	Improvement	Estimated Cost
1	SR 200/A1A	Amelia Island Parkway to Sadler Road	Widen A1A from 4 lanes to 6 lanes	$3,785,000
20	Amelia Island Parkway	14th Street Ext. to Buccaneer Trail (C-105 A)	Widen to 4 lane rural section; bike lanes; sidewalks; R/W acquisition	$4,173,000
23	Buccaneer Trail (C-105A)	South Fletcher Ave. to Canopy Drive	Turn lane improvements on Amelia Island Parkway/A1A, sidewalks on Amelia Island Parkway	$1,406,000
26	First Coast Hwy (A1A)	South Fletcher Ave. to Amelia Island Parkway	Targeted turn lane improvements (7 total)	$3,322,000
27	First Coast Hwy (A1A)	Amelia Island Parkway to Beach Lagoon Road	None; considered constrained segment due to existing roundabouts and connection to bridge	
55	US 17	Duval County Line to Harts Road	Realign intersection with Harts Road; move existing signal to William Burgess Blvd; add turn lane; move link to William Burgess	$2,965,000
85	SR 200/US 301	Kingbird Drive to US 1	Reconstruct US 301/US 1 intersection on all 4 approach legs	$7,156,000

The roadway improvements that are identified within this table are the improvements necessary to provide adequate public transportation facilities in the 2035 time horizon for Nassau County. However, it is understood that this plan can and likely will be modified in future years to identify the improvements necessary when growth corridors are selected for development.

The roadway costs were estimated based on the Florida Department of Transportation's Generic Costs per Mile Models. These improvement costs will be indexed for inflation for every year that they are pushed into future years. Maps showing each area targeted for improvements as included in Appendix E.

3.7 Mobility Fee Calculation

The following sections describe the methodology of estimating mobility cost per trip in each of the planning areas.

Plan/Improvement Based Mobility Fee (PLMF)

- Estimate the Cost of Plan or Improvements for Mobility Fee (Plan Cost)
    - Plan Cost = Cost of Improvements – Committed Revenue

Committed revenue is defined as the revenue committed to capital improvements prior to the implementation of the Plan.

- Estimate growth in VMT (New VMT_{grwoth})
    - New $VMT_{growth} = VMT_{Horizon\ year} - VMT_{base\ year}$
- Estimate Mobility Fee Rate
    - PL Mobility Fee Rate = Plan Cost/New VMT_{growth}
- Determine Mobility Fee for New Development
    - Mobility Fee = PL Mobility Fee Rate * ATL * TGR * ½

The following details are required for the determination of Mobility Fee for new developments:

- Average Trip Length (ATL) by Planning Area
    - Travel Demand Model Runs
    - Origin Destination Studies
    - Travel Survey Studies
- Daily Trip Generation for New Development (TGR)

- ITE Trip Generation Manual Rates
- Individual Trip Generation Studies (Local/State)
- Credit Internal Capture (IC) and Pass-by Trips (PB)

The Plan Based Mobility Fee (PLMF) for new developments can be estimated as follows.

- **PLMF = (PL Mobility Fee Rate) * (ATL) * (TGR * ½)**
- ATL is the average trip length.

The average trip length for non-residential land uses were obtained from the National Household Travel Survey (NHTS). The average trip lengths for non-residential land uses west of I-95 were further adjusted in the ratio of the average trip lengths between East of I-95 and West of I-95 from the NERPM travel demand model runs for Nassau County Mobility Plan Analysis. The average trip length data obtained from the NHTS and the adjusted trip lengths for non-residential land uses are included in Appendix F.

- TGR is the trip generation for the proposed development obtained as listed earlier
- Note: Multiplying by ½ divides the trip between each end resulting in net new one-way trips thus allocating responsibility to the development at each end.

3.8 Fee Schedule

As a replacement to the transportation impact fee and concurrency, a Mobility Fee is being proposed as part of this Mobility Plan to provide a funding source for the outlined improvements. The fee schedule is based on the roadway costs that were estimated as part of the Mobility Plan and an estimated 50% match from the State on all projects that propose improvements to a State facility or a proposed parallel corridor. The County has received these matches in the past through Strategic Intermodal System funding sources as well as other State/Federally funded programs. No debt obligations by Nassau County were considered in this analysis. The proposed fee schedule for Zones 1 and Zone 3 are listed in Table 7. The fees for the ENCPA (Zone 2) are included with the Mobility Plan applicable to that project.

If additional funding is secured in the future for these identified routes or other routes that are determined to mitigate identified deficiencies, the fee schedule will be adjusted accordingly. Also, if future modeling shows that isolated, targeted improvements can mitigate future roadway

deficiencies, these projects will be considered in the analysis and the fee schedule can be adjusted.

Table 7 – Fee Schedule

ITE Code	Land Use Type	Quantity Range		Units	Mobility Fee	
		Min	Max		East of I-95	West of I-95
	Residential					
210	Single Family Detached	-	-	Per DU	$1,150.00	$1,168.00
220	Multi-Family (Apartments)	-	-	Per DU	$807.00	$820.00
230	Condominium/Townhouse	-	-	Per DU	$712.00	$723.00
210	Other Residential (Same as Single Family)	-	-	Per DU	$1,150.00	$1,168.00
	Non - Residential (Per 1,000 SF unless otherwise stated)					
110	Industrial	-	-	SF	$592.00	$602.00
150	Warehouse	-	-	SF	$453.00	$460.00
151	Mini-warehouse	-	-	SF	$218.00	$222.00
710	General Office	0	10000	SF	$1,009.00	$1,025.00
710	General Office	10000	49999	SF	$1,434.00	$1,458.00
710	General Office	50000	99999	SF	$1,223.00	$1,243.00
710	General Office	100000	200000	SF	$1,044.00	$1,061.00
710	General Office	200000	299999	SF	$951.00	$966.00
710	General Office	300000		SF	$845.00	$859.00
720	Medical Office	-	-	SF	$3,388.00	$3,443.00
760	Research and Development Center	-	-	SF	$745.00	$757.00
812	Building Materials and Lumber Store	-	-	SF	$1,997.00	$2,030.00

ITE Code	Land Use Type	Quantity Range		Units	Mobility Fee	
		Min	Max		East of I-95	West of I-95
817	Garden Center	-	-	SF	$2,286.00	$2,323.00
820	Shopping Center	0	49999	SF	$2,866.00	$2,912.00
820	Shopping Center	50000	99999	SF	$2,623.00	$2,665.00
820	Shopping Center	100000	29999	SF	$2,098.00	$2,132.00
820	Shopping Center	300000		SF	$1,850.00	$1,880.00
841	Car Dealerships	-	-	SF	$3,082.00	$3,131.00
850	Supermarket	-	-	SF	$3,341.00	$3,395.00
853	Convenience Market w/ Gas Pumps	-	-	SF	$4,289.00	$4,358.00
890	Furniture Store	-	-	SF	$152.00	$154.00
932	Restaurant	-	-	SF	$2,170.00	$2,205.00
934	Fast Food Restaurant (w/ drive-thru)	-	-	SF	$4,861.00	$4,940.00
	Non - Residential (Per unit quantity as stated below)					
912	Drive-In bank			Per Lane/Window	$3,358.00	$3,413.00
310	Hotel/Motel			Per Room	$577.00	$586.00
560	Church			Per Seat	$62.00	$63.00

1. Descriptions listed within the ITE manual will be used to categorize the land uses listed within Table 7.

An applicant may choose to pre-pay a mobility fee in order to vest a proposed development. The amount will be calculated from the fee schedule that is in place at the time the applicant wishes to pre-pay. This is an at-risk process by the applicant and the applicant will not be afforded any recovery of these fees if he/she chooses to pre-pay and development does not occur. However, if a proposed development plan changes, credits will be given to an applicant for the fees that have already been pre-paid.

3.9 Indexing

Currently, Nassau County reviews its transportation impact fees to adjust them to respond to cost trends. With this update to its fee structure, the County is reserving the right to adjust mobility fees at any time, with full fee program reviews to be undertaken no less frequently than every three years. Fees will not be automatically indexed and Board of County Commissioner action will be required to alter the fees. Fee adjustments for inflation/deflation or other increases/decreases in costs will be performed when the plan is updated. It is the intent to update this Mobility Plan no less than 3 years after initial adoption or subsequent modification and no greater than 5 years after initial adoption or subsequent modification.

3.10 Mixed Use/Interconnectivity Incentives

As outlined in the Guiding Principles from the Mobility Impact Fee and Concurrency Task Force, a mixed use incentive is proposed to encourage a varying residential/commercial product as well as interconnectivity. The applicant must demonstrate that the internal capture of the mixed use development creates a minimum 10% reduction of overall transportation impacts in order to be eligible for this incentive. The fee reduction will be identical to the internal capture percentage demonstrated for a project. Only acceptable ITE methodologies and calculations can be used for this determination. This evaluation will be reviewed and approved by the County or the County's designee. The maximum fee reduction that can be observed for any project is 30%.

The applicant must demonstrate that all of the mixed land uses will be phased and constructed in a reasonable time frame such that the internal capture of trips that is proposed is realized after construction. For example, if a project consists of 80% residential and 20% commercial to achieve the requisite internal capture rate, both land uses must be constructed in an incremental fashion so that the construction percentages match the proposed land use percentages.

If an applicant phases a project such that a second land use is introduced at a later date, the applicant may request fee reductions for the future phase when the pre-established mixed use percentages are met. If County staff determines that a development does not construct in

accordance with the proposed mixed use percentages, the County reserves the right to recover previously credited Mobility Fees and/or discontinue the issuance of building permits for the development.

An additional 5% interconnectivity credit is also proposed as part of this Mobility Plan to encourage the interconnectivity of vehicles and pedestrians between adjacent developments and outside roadway facilities. The intent of this credit is also created to encourage infill. This credit will be applied when a development allows for cross access for vehicles and pedestrians on all bordering property boundaries (except where wetlands or surface waters exist). County staff will have the discretion to eliminate a vehicular or pedestrian access requirement if conflicting land uses or other circumstances exist where cross access is not in the best interest of the applicant and the adjacent property owner.

4.0 Implementation

4.1 Mobility Fee Application

Nassau County will create a form in which an applicant will describe a proposed project including the following:

1. Project Name
2. Project Location
3. Type of development, including uses and size of proposed development
4. Trip Generation for the project for use in driveway connection design
5. Proposed Phasing of Project

The trip generation portion of the application is solely used to determine the access management design, such as turn lane design, for a project. These improvements will relate solely to a project's driveway connection or improvements that are the direct result of U-turns for access into or out of the site and will be funded by the applicant as it relates to the project's access. Offsite improvements that are not tied to the access for a project will not be the responsibility of the applicant. All trip generation will be performed in accordance with accepted ITE methodologies.

4.2 Application Fee

In order for staff and/or outside consultant to review the application, a small administration fee may be adopted by the Nassau County Board of County Commissioners.

4.3 Mobility Fee Certificate

In order to provide assurance that an applicant's Mobility Fee will not change, a Mobility Fee Certificate will be issued to an applicant after an application is reviewed and approved by the County. This certificate will vest a specific fee amount for a specific land use based on the fee schedule in place at the time the application is made to the County and considered complete. This certificate will be valid for 12 months from the date of issuance and will assure an applicant that the fee amount will remain the same throughout the life of the certificate.

The Mobility Fee will be paid in full at the time of Certificate of Occupancy for a proposed project. If occupancy is phased over time for a project, the Fee will be paid when an applicant occupies the project and creates an actual impact on the roadway network.

4.4 Example Fee Calculation

It is useful to provide example calculations for the Mobility Fee for one of the land use categories. In the following examples, the net Mobility Fee is calculated for the General Office land use category (ITE 710) using information from the proposed suburban Mobility Fee schedule, and an example of the Total Impact Cost is also provided. For each land use category of the fee schedules, the same equations are used to calculate the net Mobility Fee:

Total Mobility Fee = Building SF x Cost per zone/1,000 SF.
For a 10,000 SF general office building west of I-95 (Zone 3), the fee is as follows:

Total Mobility Fee = 10,000 SF x $1,025 / 1,000 SF = $10,250.00

4.5 Calculation of Mobility Fee for Land Uses not listed within the Mobility Plan

When a land use is not specifically listed within Table 7 of this report and an equivalent land use cannot be reasonably assigned, as an alternative, the applicant may calculate the new trip generation using methodologies outlined in the Institute of Traffic Engineers (ITE) Trip Generation manual. When assessing the fee, the total trip generation will be divided by 2 to only account for the trips that enter the project. Internal capture may be considered as part of this trip calculation and must conform to acceptable ITE practices and standards. The fee will then be assessed on a predetermined fee rate and the Average Trip Length calculated for the specific land use. These manual calculations will rarely equate exactly to the values published in Table 7, as this table uses average values for common land uses. The cost should be based on the following equation:

Total Mobility Fee = (PL Mobility Fee Rate) * (ATL) * (TGR * ½)

For a 10,000 SF general office building west of I-95 (Zone 3), the fee is as follows:

TGR = 11.01 * 10 = 110.1 Daily Trips
ATL = 13.77 Miles for West of I-95 or Zone 3 (Appendix F)
PL Mobility Fee Rate = $ 13.54 (For Zone 3)

Mobility Fee for 10,000 SF General Office = $ 13.54 x 13.77 x 110.1 x ½ = $10,263.84

4.6 Challenges

If an applicant believes that their project has unique circumstances that results in lower trip generation or distribution, a specific traffic analysis may be performed for the project. The analysis will consider the unique characteristics of the use or site and will demonstrate this through methods that conform to standard ITE practices. This analysis will be subject to County staff review and may utilize the cost per trip calculation outlined in Section 4.4 of this report. If an applicant chooses to perform a site specific study, other incentives (e.g. mixed use incentive) may be eliminated or reduced at the discretion of staff.

4.7 Vesting

Existing uses that meet the County's definition as a legitimate business operation or a residential lot with vertical improvement(s) that meets the County's definition for occupancy will be vested for the applicable Mobility Fee. This fee may be credited toward a new fee that may be due as part of the redevelopment of a property.

4.8 Incentives

The medical office and commercial land uses were incentivized as part of this plan. They were chosen to be incentivized based on the job creation observed for these land uses and their importance throughout the County.

This reduction in fees for these land uses will translate into a shortfall of $2.82 million over the 2035 time horizon in Zone 1 ($128,000 per year) and $3.29 million for Zone 3 ($150,000 per year) over the 2035 time horizon. Since the build out of these elements will generate less revenue than what is necessary to fund the improvements within this plan, the County must look to another funding source to offset the shortfalls from these incentivized land uses. Consequently, ad valorum taxes, gas taxes, or other funding sources can be used to compensate for these reductions. If State or Federal funding is increased above the projections within this plan, these may also be used to compensate for the shortfall. Additionally, the assessments for the medical office and commercial properties will increase significantly after development and a percentage of the additional ad valorum taxes generated from these increased assessment may be used to mitigate the difference. At its discretion, the County may establish a tax increment finance program to cover these shortfalls.

4.9 Interlocal Participation

This Plan has been created for the residents of Nassau County, but funding is only contemplated from County, State or Federal sources and no funding is considered at the time of Plan adoption from any municipalities within Nassau County. Consequently, if new construction is contemplated within an incorporated area of the County, the provisions of this Plan shall not be enforced within a municipality unless the County and the municipality enter into an interlocal agreement setting forth the terms and conditions under which the provisions of this Plan shall be implemented within the municipality.

Appendix A
Nassau County TAS

Nassau County Transportation Analysis
February 15, 2012

Printed on 05/16/12

(A) LINK ID No.	(B) Count Station	(C) ROADWAY	(D) FROM/TO	(F) LANES/ CLASSI-FICATION	(G) SEG. LENG. (MI.)	(H) LOS STND.	(I) TABLE OR STUDY	(J) MAX. PK. HR. CAP. (Veh./Hr.)	(K) Year of Count	(L) 24-HR Volume (AADT)	(N) LINK K(100) FACTOR	(O) PM PK. HR. CURRENT VOLUME	(Q) Approved Concurrency Traffic	(R) PROJECTED PM PK. HR. (O+Q)	(S) Percent Capacity Used (R/J)	(T) PROJECTED PM PK. HR. CAPACITY (J-R)	(U) Link Status	(W) LINK ID No.
1	C-LOS5	S.R.200/S.R.A1A	Amelia Island Parkway to Sadler Road	4-MA	1.028	D	ART-TAB	4200	2007	39,000	0.0870	3393	1634	5,027	120%	(827)	Deficient	1
2	0102	S. 8th Street	Sadler Road to Lime Street	4-MA	1.138	D	ART-TAB	3950	2009	16,600	0.1020	1693	320	2,013	51%	1,937	OK	2
3	5002	S. 8th Street	Lime Street to Atlantic Avenue	2-MA	1.055	C(FB)	ART-TAB	1860	2009	10,500	0.1020	1071	153	1,224	66%	636	OK	3
4	5003	Atlantic Avenue (S.R.A1A)	8th Street to 14th Street	2-MA	0.444	C(FB)	4-5	1260	2009	5,300	0.1020	541	44	585	46%	675	OK	4
6	5012	Atlantic Avenue (S.R.A1A)	14th Street to Fletcher Avenue	2-MA	1.184	C(FB)	4-5	1260	2009	7,600	0.1020	775	88	863	69%	397	OK	6
8	5005	Fletcher Avenue (S.R.A1A)	Atlantic Avenue to Sadler Road	2-MA	2.021	C(FB)	4-5	1260	2009	4,700	0.1020	479	31	510	41%	750	OK	8
10	5007	Fletcher Avenue (S.R.A1A)	Sadler Road to Simmons Road	2-MA	1.003	C(FB)	4-5	1260	2009	7,800	0.1020	796	25	821	65%	439	OK	10
11	0138	Fletcher Avenue (S.R.A1A)	Simmons Road to Amelia Island Parkway	2-MA	1.892	C(FB)	4-5	1260	2009	6,600	0.1020	673	66	739	59%	521	OK	11
12	0114	Fletcher Avenue (S.R.A1A)	Amelia Island Parkway to Buccaneer Trail (S.R.105A)	2-MA	0.756	D	4-5	1490	2009	5,200	0.1020	530	178	708	48%	782	OK	12
14	C-02	14th Street	Pogy Place to Atlantic Avenue	2-MaC	2.200	D	4-5	720	2009	3,230	0.0960	310	154	464	64%	256	OK	14
15	C-03	14th Street	Atlantic Avenue to Hickory Street	2-MaC	0.700	D	ARTPLAN	1130	2009	9,097	0.0960	873	79	953	84%	177	OK	15
16	C-04	14th Street	Hickory Street to Jasmine Street	2-MaC	0.170	D	ARTPLAN	1750	2009	12,247	0.0960	1176	111	1,287	74%	463	OK	16
16A	C-04A	14th Street	Jasmine Street to Lime Street	2-MaC	0.170	D	ARTPLAN	2010	2009	12,247	0.0960	1176	194	1,370	68%	640	OK	16A
17	C-05	14th Street	Lime Street to Sadler Road	4-MaC	1.060	D	4-5	2810	2008	15,608	0.0960	1498	338	1,837	65%	973	OK	17
18	C-06	14th Street	Sadler Road to Amelia Island Parkway	2-MaC	1.110	D	4-5	1300	2009	7,405	0.0960	711	164	875	67%	425	OK	18
19	C-07	Amelia Island Parkway	S.R.200/S.R.A1A to 14th Street Extension	2-MaC	1.090	D	ARTPLAN	1870	2009	9,029	0.0960	867	686	1,552	83%	318	OK	19
20	C-08	Amelia Island Parkway	14th Street Extension to Buccaneer Trail (C-105A)	2-MaC	1.090	D	U2LTAB	1660	2009	12,895	0.0960	1238	252	1,490	90%	170	Critical	20
21	C-09	Amelia Island Parkway	Buccaneer Trail (C-105A) to Fletcher Avenue	2-MaC	1.080	D	4-5	1300	2009	4,326	0.0960	415	135	550	42%	750	OK	21
22	C-10	Amelia Island Parkway	Fletcher Avenue to Scott Road	2-MaC	0.950	D	4-5	1300	2008	5,226	0.0960	502	92	594	46%	706	OK	22
22A	C-10A	Amelia Island Parkway	Scott Road to S.R.A1A/Julia Street	2-MaC	0.095	D	4-5	1300	2009	3,101	0.0960	298	44	342	26%	958	OK	22A
23	C-11	Buccaneer Trail (C-105A)	Gerbing Road/South Fletcher Avenue to Canopy Drive	2-MiC	0.500	D	4-5	720	2009	8,608	0.0960	826	100	926	129%	(206)	Deficient	23
23A	C-11A	Buccaneer Trail (C-105A)	Canopy Drive to Amelia Island Parkway	2-MiC	0.720	D	4-5	1300	2006	8,100	0.0960	778	68	846	65%	454	OK	23A
24	C-12	Amelia Road	Amelia Island Parkway to S.R.200	2-MiC	1.420	D	4-5	720	2009	1,140	0.0960	109	93	203	28%	517	OK	24
26	0161	First Coast Highway (S.R.A1A)	Gerbing RD./S. Fletcher AV. to Amelia Island Pkwy./Julia ST.	2-MA	1.301	D	U2LN-TAB	1910	2009	10,500	0.1020	1071	287	1,358	71%	552	OK	26
27	C-14	First Coast Highway (S.R.A1A)	Amelia Island Parkway/Julia Street to Beach Lagoon Road	2-MA	1.591	D	4-5	1490	2004	9,643	0.0960	926	122	1,048	70%	442	OK	27
28	3066	First Coast Highway (S.R.A1A)	Beach Lagoon Road to Nassau Sound	2-MA	2.631	D	4-5	1490	2009	3,700	0.1020	377	20	397	27%	1,093	OK	28
29	C-15	Sadler Road	8th Street to 14th Street	4-MaC	0.290	D	4-5	2810	2008	20,105	0.0960	1930	467	2,397	85%	413	OK	29
30	C-16	Sadler Road	14th Street to Fletcher Avenue	4-MaC	1.000	D	4-5	2810	2009	10,154	0.0960	975	199	1,174	42%	1,636	OK	30
31	C-17	Lime Street	8th Street to 14th Street	2-MiC	0.490	D	4-5	720	2009	2,583	0.0960	248	37	285	40%	435	OK	31
32	C-18	Lime Street	14th Street to Citrona Drive	2-MiC	0.480	D	4-5	720	2009	3,665	0.0960	352	45	397	55%	323	OK	32
33	C-19	Citrona Drive	Atlantic Avenue to Jasmine Street	2-MiC	0.881	D	4-5	720	2009	3,510	0.0960	337	14	351	49%	369	OK	33
34	C-20	Citrona Drive	Jasmine Street to Sadler Road	2-MiC	1.167	D	4-5	900	2009	5,644	0.0960	542	122	664	74%	236	OK	34
35	C-21	Will Hardee Road	Sadler Road to Simmons Road	2-MiC	1.160	D	4-5	900	2009	2,170	0.0960	208	31	239	27%	661	OK	35
36	C-22	Simmons Road	Amelia Road to Will Hardee Road	2-MiC	0.530	D	4-5	720	2009	2,236	0.0960	215	37	252	35%	468	OK	36
37	C-23	Simmons Road	Will Hardee Road to Fletcher Avenue	2-MiC	0.520	D	4-5	720	2009	2,245	0.0960	216	21	236	33%	484	OK	37
38	C-24	Jasmine Street	14th Street to Citrona Drive	2-MiC	1.200	D	4-5	720	2009	3,021	0.0960	290	43	333	46%	387	OK	38
39	C-25	T. J. Courson Road	8th Street (S.R.200) to 14th Street	2-MiC	0.240	D	4-5	900	2009	5,025	0.0960	482	119	602	67%	298	OK	39
40	3889	I-95	Duval County Line to S.R.200/S.R.A1A	6-F	2.990	C	4-5	8110	2008	59,000	0.1021	6024	809	6,833	84%	1,277	OK	40
41	0158	I-95	S.R.200/S.R.A1A to U.S.17	6-F	5.140	C	4-5	8110	2009	49,500	0.1016	5029	932	5,961	74%	2,149	OK	41
42	0132	I-95	U.S.17 to Georgia State Line	6-F	4.100	C	4-5	8110	2009	56,261	0.1016	5716	271	5,987	74%	2,123	OK	42
43	0110	S.R.200/S.R.A1A	Griffin Road to Edwards Road	4-PA	3.754	C	4-5	4190	2009	9,100	0.1020	928	486	1,414	34%	2,776	OK	43
43A	0110	S.R.200/S.R.A1A	Edwards Road to I-95	4-PA	1.582	C	4-5	4190	2009	9,100	0.1020	928	1610	2,538	61%	1,652	Critical	43A
44	0182	S.R.200/S.R.A1A	I-95 eastbound off ramp to Still Quarters Road	4-MA	2.320	C	FDOT	4360	2009	17,536	0.0930	1631	2185	3,816	88%	544	OK	44
44A	0182	S.R 200/SR.A1A	Still Quarters Road To U.S. 17	6-MA	1.310	D	4	5628	2009	17,536	0.0930	1631	1630	3,261	58%	2,367	OK	44A
45	0101	S.R. 200/ S.R. A1A	U.S. 17 to Rubin Lane	6-MA	0.951	D	4	5628	2009	36,500	0.1020	3723	2323	6,046	107%	(418)	Deficient	45
45A	C-111	S.R.200/S.R.A1A	Rubin Lane to Chester Road	4-MA	2.600	D	ARTPLAN	5370	2007	35,000	0.0890	3115	2378	5,493	102%	(123)	Deficient	45A
46	C-110	S.R.200/S.R.A1A	Chester Road to Blackrock Road	4-MA	1.133	D	ARTPLAN	5370	2007	41,000	0.0900	3690	1638	5,328	99%	42	Critical	46
47	C-109	S.R.200/S.R.A1A	Blackrock Road to Old Nassauville Road	4-MA	0.900	D	ARTPLAN	4580	2007	41,000	0.0990	4059	1540	5,599	122%	(1,019)	Deficient	47
48	0103	S.R.200/S.R.A1A	Old Nassauville Road to Amelia Island Parkway	4-MA	2.869	D	ARTPLAN	5090	2009	40,500	0.1020	4131	2292	6,423	126%	(1,333)	Deficient	48
49	C-45	C.R.200A (Pages Dairy Road)	U.S.17 to Chester Road	2-MiC	3.940	D	4-5	1300	2009	3,004	0.0960	288	387	676	52%	624	OK	49
50	C-46	C.R.107N. (Blackrock Road)	Chester Road to S.R.200/S.R.A1A	2-MiC	5.130	D	4-5	900	2009	2,700	0.0960	259	524	784	87%	116	OK	50
51	C-47	C.R.107S. (Old Nassauville Road)	S.R.200/S.R.A1A to Amelia Concourse	2-MiC	1.910	D	4-5	1490	2009	6,403	0.0960	615	1521	2,135	143%	(645)	Deficient	51
51A	C-47A	C.R.107S. (Old Nassauville Road)	Amelia Concourse to Santa Juana Road	2-MiC	1.750	D	4-5	1490	2009	6,730	0.0960	646	642	1,288	86%	202	OK	51A
51B	C-122	Roses Bluff Road	Chester Road West	2-MiC	1.170	D	4-5	900	2009	1,597	0.0960	153	274	427	47%	473	OK	51B
52	C-48	Chester Road	S.R.200/S.R.A1A to Pages Dairy Road (C.R.200A)	4-MiC	0.460	D	5	3115	2009	7,931	0.0960	761	995	1,756	56%	1,359	OK	52
53	C-49	Chester Road	Pages Dairy Road to Blackrock Road	2-MiC	3.270	D	5	1480	2009	6,637	0.0840	558	754	1,312	89%	168	OK	53
53A	C-120	Amelia Concourse	S.R.200/S.R.A1A to C.R.107S. (Nassauville Road)	4-MaC	3.799	D	4-5	2810	2009	7,211	0.0960	692	2159	2,851	101%	(41)	Deficient	53A
54	C-50	Barnwell Road	S.R.200/S.R.A1A to Oyster Bay Drive	2-MiC	2.250	D	4-5	900	2009	3,251	0.0960	312	200	512	57%	388	OK	54
54A	C-103	Miner Road	Haddock Road to S.R.200/S.R.A1A	2-MiC	2.570	D	4-5	900	2009	7,070	0.0960	679	697	1,376	153%	(476)	Deficient	54A
55	C-51	U.S.17 (S.R.5)	Duval County Line to Harts Road	2-PA	1.758	D	ARTPLAN	1930	2009	11,057	0.0960	1061	682	1,743	90%	187	Critical	55
56	0011	U.S.17 (S.R.5)	Harts Road to S.R.200/S.R.A1A	2-PA	2.279	D	HIGHPLAN	1930	2009	10,800	0.1020	1102	743	1,845	96%	85	Critical	56
57	0104	U.S.17 (S.R.5)	S.R.200/S.R.A1A to Pages Dairy Road	4-PA	0.237	D	4-5	3290	2009	10,800	0.1020	1102	612	1,713	52%	1,577	OK	57
58	C-52	U.S.17 (S.R.5)	Pages Dairy Road to C.R.108	2-PA	4.446	D	HIGHPLAN	1960	2009	11,049	0.0960	1061	789	1,850	94%	110	Critical	58

(A) LINK ID No.	(B) Count Station	(C) ROADWAY	(D) FROM/TO	(F) LANES/ CLASSI-FICATION	(G) SEG. LENG. (MI.)	(H) LOS STND.	(I) TABLE OR STUDY	(J) MAX. PK. HR. CAP. (Veh./Hr.)	(K) Year of Count	(L) 24-HR Volume (AADT)	(N) LINK K(100) FACTOR	(O) PM PK. HR. CURRENT VOLUME	(Q) Approved Concurrency Traffic	(R) PROJECTED PM PK. HR. (O+Q)	(S) Percent Capacity Used (R/J)	(T) PROJECTED PM PK. HR. CAPACITY (J-R)	(U) Link Status	(W) LINK ID No.
59	C-53	U.S.17 (S.R.5)	C.R.108 to I-95	2-MA	2.228	D	4-5	1490	2009	7,589	0.0980	744	448	1,192	80%	298	OK	59
60	0162	U.S.17 (S.R.5)	I-95 to Georgia State Line	2-PA	2.427	D	4-6	1930	2009	3,000	0.1020	306	1572	1,878	97%	52	Critical	60
60A	C-106	Harts Road	S.R.200/S.R.A1A to U.S.17	2-MiC	2.350	D	4-5	900	2009	1,568	0.0960	151	320	471	52%	429	OK	60A
60B	C-107	Harts Road	U.S.17 to Haddock Road	2-MiC	1.030	D	4-5	900	2009	3,785	0.0960	363	74	437	49%	463	OK	60B
61	C-39	C.R.108	Middle Road (C.R.121A) to U.S.17 (S.R.5)	2-MaC	3.008	D	4-6	1190	2009	2,536	0.0980	249	96	345	29%	845	OK	61
62	C-112	William Burgess Boulevard	S.R.200/S.R.A1A to U.S.17	2-MiC	2.910	D	4-5	1300	2009	1,163	0.0960	112	383	495	38%	805	OK	62
63	0019	U.S.1/U.S.23/U.S.301(S.R.15)	Mussell White Road to C.R.108	4-PA	8.932	C	4-6	4000	2009	13,400	0.0950	1273	445	1,718	43%	2,282	OK	63
64	0140	U.S.1/U.S.23/U.S.301(S.R.15)	C.R.108 to C.R.121	4-PA	6.788	C	4-6	4000	2009	11,100	0.1020	1132	116	1,248	31%	2,752	OK	64
65	0047	U.S.1/U.S.23/U.S.301(S.R.15)	C.R.121 to Georgia State Line	4-PA	0.164	C	4-6	4000	2009	8,964	0.0950	852	20	872	22%	3,128	OK	65
66	C-30	C.R.121	C.R.108/C.R.121 Split to Bay Road (C.R.115)	2-MaC	9.560	D	4-6	1190	2009	423	0.0980	41	101	142	12%	1,048	OK	66
67	C-31	C.R.121	C.R.115 (Bay Road) to Andrews Road	2-MaC	3.895	D	4-6	1190	2009	875	0.0980	86	77	163	14%	1,027	OK	67
68	C-32	C.R.121	Andrews Road to U.S.1/U.S.301	2-MaC	3.555	D	4-6	1190	2009	1,146	0.0980	112	21	133	11%	1,057	OK	68
69	C-36	C.R.115 (Bay Road)	C.R.121 to C.R.108	2-MiC	5.970	D	4-6	1190	2009	1,479	0.0980	145	574	719	60%	471	OK	69
70	C-37	Kings Ferry Rd. (C.R.115A)	C.R.108 to Kings Ferry Road	2-MiC	8.020	D	4-6	1190	2009	1,169	0.0980	115	61	176	15%	1,014	OK	70
71	C-115	C.R.108	C.R.121 to C.R.115 (Bay Road)	2-MaC	1.530	D	4-6	1190	2009	1,032	0.0980	101	66	167	14%	1,023	OK	71
71A	C-38	C.R.108	Kings Ferry Road (C.R.115A) to Middle Road (C.R.121A)	2-MaC	6.264	D	4-6	1190	2009	2,154	0.0980	211	65	276	23%	914	OK	71A
72	C-40	Middle Road (C.R.121A)	Kings Ferry Road (C.R.115A) to C.R.108	2-MiC	6.510	D	4-6	1190	2009	585	0.0980	57	12	69	6%	1,121	OK	72
73	C-41	Middle Road (C.R.121A)	C.R.108 to Griffin Road	2-MiC	4.580	D	4-6	1190	2009	528	0.0980	52	16	68	6%	1,122	OK	73
74	C-42	Lessie Road	C.R.108 to Middle Road (C.R.121A)	2-MiC	7.500	D	4-6	1190	2009	427	0.0980	42	0	42	4%	1,148	OK	74
75	C-43	C.R.115 (Old Dixie Highway)	U.S.1/U.S.23/U.S.301 to Henry Smith Road	2-MiC	8.560	D	4-6	1190	2009	1,054	0.0980	103	471	574	48%	616	OK	75
76	C-54	Andrews Road	C.R.121 to U.S.1/U.S.23/U.S.301	2-MiC	3.180	D	4-6	1190	2009	1,072	0.0980	105	15	120	10%	1,070	OK	76
76A	C-105	Lake Hampton Road	U.S.1 to Murrhee Road	2-MiC	3.300	D	4-6	1190	2009	720	0.0980	71	19	90	8%	1,100	OK	76A
77	3229	U.S.1/U.S.23/S.R.15	Duval County Line to Ratliff Road	4-PA	0.532	C	4-6	4000	2008	16,900	0.0968	1636	208	1,844	46%	2,156	OK	77
78	0125	U.S.1/U.S.23/S.R.15	Ratliff Road to S.R.115 (Lem Turner Road)	4-PA	3.814	C	4-6	4000	2009	13,000	0.1020	1326	524	1,850	46%	2,150	OK	78
79	0122	U.S.1/U.S.23/U.S.301/S.R.15	S.R.115 (Lem Turner Road) to Old Dixie Highway (C.R.115)	4-PA	0.956	C	4-6	4000	2009	15,900	0.0950	1511	893	2,404	60%	1,597	OK	79
80	0004	U.S.1/U.S.23/U.S.301/S.R.15	C.R.115 to Mussell White Road	4-PA	1.315	C	4-6	4000	2009	14,700	0.0950	1397	320	1,717	43%	2,284	OK	80
81A	C206	Griffin Road East	A1A to Bridge	2-MiC	2.500	D	4-5	900	2009	952	0.0960	91	0	91	10%	809	OK	81A
81B	C205	Griffin Road West	Bridge to Musselwhite Road	2-MiC	1.700	D	4-5	900	2009	937	0.0960	90	0	90	10%	810	OK	81B
82	0235	S.R.200/U.S.301	Duval County Line to C.R.119	2-PA	1.930	C	4-5	1130	2008	4,279	0.0965	413	25	438	39%	692	OK	82
83	3160	S.R.200/U.S.301	C.R.119 to Crawford Road	2-PA	9.305	C	4-5	1130	2009	5,200	0.1020	530	113	643	57%	487	OK	83
84	0005	S.R.200/U.S.301	Crawford Road to Kingbird Drive	2-PA	2.943	C	4-5	1130	2009	5,300	0.1020	541	114	655	58%	475	OK	84
85	0109	S.R.200/U.S.301	Kingbird Drive to U.S.1/U.S.23	4-PA		C	4-5	3150	2009	6,500	0.1020	663	145	808	26%	2,342	OK	85
86	0117	S.R.200/S.R.A1A	U.S.1/U.S.23 to Evelyn Street	4-PA	2.121	C	4-5	3150	2009	13,700	0.0102	140	338	478	15%	2,672	OK	86
87	0110	S.R.200/S.R.A1A	Evelyn Street to Griffin Road	4-PA	5.881.92	C	4-5	4190	2009	9,100	0.1020	928	345	1,273	30%	2,917	OK	87
88	3914	S.R.115 (Lem Turner Road)	Duval County Line to Church Road	2-MA	4.321	D	4-5	1490	2008	9,700	0.0939	911	454	1,365	92%	125	Critical	88
89	0015	S.R.115 (Lem Turner Road)	Church Road to U.S.1/U.S.23	2-MA	3.117	D	4-5	1490	2009	7,400	0.1020	755	572	1,327	89%	163	OK	89
90	C-26	C.R.121	Duval County Line to C.R.119	2-MaC	7.970	D	4-6	1190	2009	1,493	0.0980	146	105	251	21%	939	OK	90
91	C-27	C.R.121	C.R.119 to C.R.2 (Crawford Road)	2-MaC	7.960	D	4-6	1190	2009	1,564	0.0980	153	133	286	24%	904	OK	91
92	C-28	C.R.121	C.R.2 (Crawford Road) to C.R.108 (River Road)	2-MaC	9.550	D	4-6	1190	2009	2,209	0.0980	216	34	250	21%	940	OK	92
93	C-29	C.R.121	C.R.108 (River Road) to C.R.108/C.R.121 Split	2-MaC	1.288	D	4-6	1190	2009	1,518	0.0980	149	94	243	20%	947	OK	93
94	C-33	C.R.119	U.S.301 to C.R.121	2-MiC	5.950	D	4-6	1190	2009	1,300	0.0980	127	6	133	11%	1,057	OK	94
95	C-34	C.R.108 (River Road)	C.R.121 to U.S.1	2-MaC	11.000	D	4-6	1100	2009	3,287	0.0980	322	521	843	77%	257	OK	95
96	C-121	Ford Road	U.S.301 to Duval County Line	2-MiC	3.310	D	4-6	1100	2009	1,277	0.0980	125	46	171	16%	929	OK	96
97	C-44	Ratliff Road	Thomas Creek Road to U.S.1	2-MiC	3.790	D	4-6	1100	2009	1,322	0.0980	130	36	166	15%	934	OK	97
98	C-55	C.R.2	C.R.121 to Georgia State Line	2-MaC	1.530	D	4-6	1100	2009	2,985	0.0980	293	0	293	27%	807	OK	98
99	C-108	Crawford Road	U.S.301 to C.R.121	2-MaC	7.330	D	4-6	1100	2009	166	0.0980	16	109	125	11%	975	OK	99
100	7001	8th Street	Alachua Street to Port	2-MA	0.456	C	4-5	670	2009	3,600	0.1020	367	0	367	55%	303	OK	100
101	F-02	8th Street	Atlantic to Alachua Street	2-MA	0.084	C	4-5	670	2007	4,500	0.0960	432	0	432	64%	238	OK	101
102	F-03	Alachua Street	Front Street to 8th Street	2-MiC	0.350	C	4-5	670	2001	1,604	0.0960	154	7	161	24%	509	OK	102
103	F-04	Centre Street	Front Street to 8th Street	2-MaC	0.359	C	4-5	670	2006	5,838	0.0960	560	44	604	90%	66	Critical	103
104	F-05	Ash Street	Front Street to 8th Street	2-MiC	0.364	C	4-5	670	2001	2,218	0.0960	213	0	213	32%	457	OK	104
105	F-06	N. Fletcher	1st Street North	2-MiC	1.337	C	4-5	670	2001	1,486	0.0960	143	0	143	21%	527	OK	105
106	F-07	N. Fletcher	Atlantic Avenue to 1st Street	2-MiC	0.174	C	4-5	670	2001	1,579	0.0960	152	0	152	23%	518	OK	106
107	F-08	Beech Street	14th Street to Citrona Drive	2-MiC	0.480	C	4-5	670	2001	2,239	0.0960	215	7	222	33%	448	OK	107
108	F-08	Beech Street	8th Street to 14th Street	2-MiC	0.446	C	4-5	670	2001	1,229	0.0960	118	5	123	18%	547	OK	108
109	F-09	Gum Street	3rd Street to 8th Street	2-MiC	0.020	C	4-5	670	2001	2,027	0.0960	195	0	195	29%	475	OK	109
110	F-09	3rd Street	Gum Street to Ash Street	2-MiC	0.535	C	4-5	670	2001	961	0.0960	92	0	92	14%	578	OK	110
111	F-10	Jasmine Street	Citrona Drive to S. Fletcher Avenue	2-MiC	0.722	C	4-5	670	2004	2,390	0.0960	229	6	235	35%	435	OK	111
117	B-3009	SR90	Baker County Lien to Duval County Line	2-MiC		D	4-6	1340	2009	4,500	0.0950	428	0	428	32%	913	OK	117
118	B-3134	I-10	Baker County Lien to Duval County Line	4-F		B	4-6	3670	2008	3,150	0.1059	334	0	334	9%	3,336	OK	118

Appendix B

FDOT Hourly Traffic Counts – Traffic Variation by 15 min Intervals

COUNTY: 74
STATION: 0101
DESCRIPTION: SRA1A 0.4MI E OF US 17 AT YULEE
START DATE: 08/17/2011
START TIME: 0800

	DIRECTION: E					DIRECTION: W					COMBINED
TIME	1ST	2ND	3RD	4TH	TOTAL	1ST	2ND	3RD	4TH	TOTAL	TOTAL
0000	48	21	26	18	113	38	34	30	38	140	253
0100	21	23	22	14	80	28	28	22	18	96	176
0200	18	12	11	12	53	28	19	13	22	82	135
0300	17	16	28	21	82	20	17	17	14	68	150
0400	17	22	37	28	104	28	36	53	53	170	274
0500	48	56	96	143	343	94	133	144	175	546	889
0600	116	153	238	248	755	250	292	319	335	1196	1951
0700	246	266	319	377	1208	433	496	433	382	1744	2952
0800	273	267	297	249	1086	307	311	311	315	1244	2330
0900	186	250	236	233	905	261	264	252	260	1037	1942
1000	236	210	239	210	895	223	241	248	227	939	1834
1100	224	256	239	267	986	248	243	240	270	1001	1987
1200	243	242	241	229	955	251	277	284	286	1098	2053
1300	253	249	307	287	1096	312	317	282	272	1183	2279
1400	287	280	275	322	1164	236	315	319	312	1182	2346
1500	268	339	332	322	1261	314	298	281	330	1223	2484
1600	343	364	432	344	1483	331	373	317	342	1363	2846
1700	434	403	412	391	1640	303	413	368	294	1378	3018
1800	359	316	309	245	1229	247	278	229	170	924	2153
1900	206	216	200	176	798	210	174	161	151	696	1494
2000	148	162	180	166	656	161	137	141	163	602	1258
2100	145	116	126	122	509	117	119	98	98	432	941
2200	91	78	82	73	324	92	68	76	73	309	633
2300	58	61	64	49	232	52	65	54	30	201	433
24-HOUR TOTALS:					17957					18854	36811

PEAK VOLUME INFORMATION

	DIRECTION: E		DIRECTION: W		COMBINED DIRECTIONS	
	HOUR	VOLUME	HOUR	VOLUME	HOUR	VOLUME
A.M.	730	1236	700	1744	700	2952
P.M.	1700	1640	1645	1426	1645	3019
DAILY	1700	1640	700	1744	1645	3019

GENERATED BY SPS 5.0.21

COUNTY: 74
STATION: 0101
DESCRIPTION: SRA1A 0.4MI E OF US 17 AT YULEE
START DATE: 08/18/2011
START TIME: 0800

	DIRECTION: E					DIRECTION: W					COMBINED
TIME	1ST	2ND	3RD	4TH	TOTAL	1ST	2ND	3RD	4TH	TOTAL	TOTAL
0000	40	35	33	29	137	39	49	28	32	148	285
0100	28	16	14	8	66	17	31	25	28	101	167
0200	24	10	19	20	73	26	26	12	22	86	159
0300	18	22	17	27	84	16	29	20	20	85	169
0400	16	26	31	43	116	28	36	54	50	168	284
0500	41	52	87	131	311	73	105	138	176	492	803
0600	95	153	200	240	688	223	238	267	302	1030	1718
0700	219	262	353	370	1204	420	366	462	352	1600	2804
0800	315	295	304	267	1181	324	308	349	275	1256	2437
0900	249	231	247	278	1005	260	239	272	266	1037	2042
1000	232	228	244	236	940	286	250	302	285	1123	2063
1100	246	252	281	253	1032	255	261	267	271	1054	2086
1200	267	249	215	293	1024	273	293	227	258	1051	2075
1300	276	269	265	285	1095	297	285	269	310	1161	2256
1400	307	270	288	313	1178	264	307	313	320	1204	2382
1500	293	346	339	360	1338	366	260	361	355	1342	2680
1600	377	384	448	414	1623	340	374	315	361	1390	3013
1700	404	410	422	390	1626	358	400	369	323	1450	3076
1800	372	309	264	263	1208	301	262	191	194	948	2156
1900	240	227	213	176	856	199	147	141	163	650	1506
2000	198	209	187	135	729	136	124	136	100	496	1225
2100	151	116	126	121	514	110	103	101	92	406	920
2200	97	91	95	63	346	85	71	59	79	294	640
2300	67	62	61	39	229	59	61	49	37	206	435
24-HOUR TOTALS:					18603					18778	37381

PEAK VOLUME INFORMATION

	DIRECTION: E		DIRECTION: W		COMBINED DIRECTIONS	
	HOUR	VOLUME	HOUR	VOLUME	HOUR	VOLUME
A.M.	730	1333	700	1600	700	2804
P.M.	1630	1676	1645	1488	1645	3138
DAILY	1630	1676	700	1600	1645	3138

GENERATED BY SPS 5.0.21

15 Minute Traffic Variation

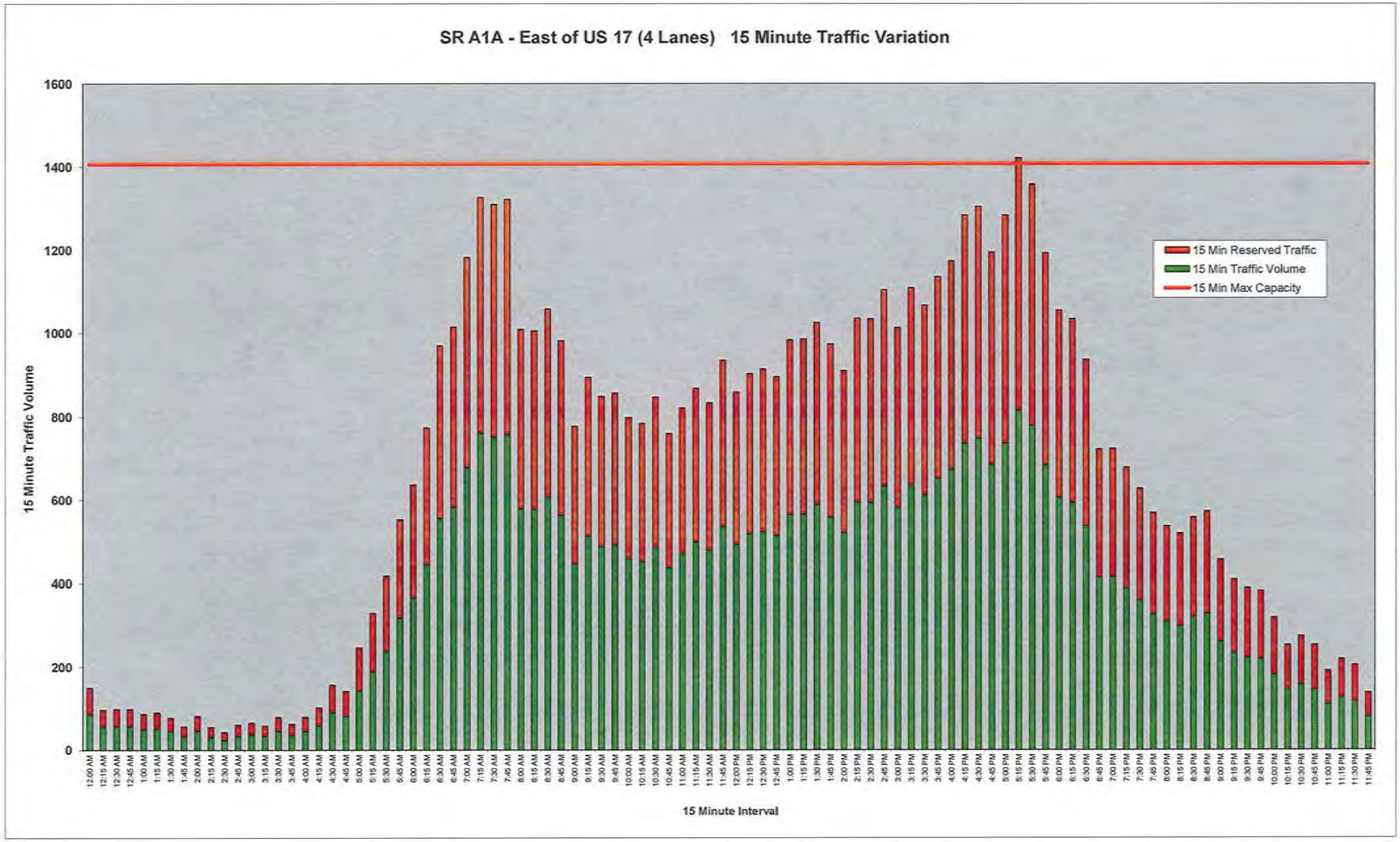
Ratio of Existing to Reserved Traffic 0.740263229

15 Min Interval	15 Min Traffic Volume	15 Min Reserved Traffi	15 Min Max Capacity
12:00 AM	86	64	1407
12:15 AM	55	41	1407
12:30 AM	56	41	1407
12:45 AM	56	41	1407
1:00 AM	49	36	1407
1:15 AM	51	38	1407
1:30 AM	44	33	1407
1:45 AM	32	24	1407
2:00 AM	46	34	1407
2:15 AM	31	23	1407
2:30 AM	24	18	1407
2:45 AM	34	25	1407
3:00 AM	37	27	1407
3:15 AM	33	24	1407
3:30 AM	45	33	1407
3:45 AM	35	26	1407
4:00 AM	45	33	1407
4:15 AM	58	43	1407
4:30 AM	90	67	1407
4:45 AM	81	60	1407
5:00 AM	142	105	1407
5:15 AM	189	140	1407
5:30 AM	240	178	1407
5:45 AM	318	235	1407
6:00 AM	366	271	1407
6:15 AM	445	329	1407
6:30 AM	557	412	1407
6:45 AM	583	432	1407
7:00 AM	679	503	1407
7:15 AM	762	564	1407
7:30 AM	752	557	1407
7:45 AM	759	562	1407
8:00 AM	580	429	1407
8:15 AM	578	428	1407
8:30 AM	608	450	1407
8:45 AM	564	418	1407
9:00 AM	447	331	1407
9:15 AM	514	380	1407
9:30 AM	488	361	1407
9:45 AM	493	365	1407
10:00 AM	459	340	1407
10:15 AM	451	334	1407
10:30 AM	487	361	1407
10:45 AM	437	323	1407
11:00 AM	472	349	1407
11:15 AM	499	369	1407
11:30 AM	479	355	1407
11:45 AM	537	398	1407
12:00 PM	494	366	1407

15 Minute Traffic Variation

Ratio of Existing to Reserved Traffic 0.740263229

15 Min Interval	15 Min Traffic Volume	15 Min Reserved Traffi	15 Min Max Capacity
12:15 PM	519	384	1407
12:30 PM	525	389	1407
12:45 PM	515	381	1407
1:00 PM	565	418	1407
1:15 PM	566	419	1407
1:30 PM	589	436	1407
1:45 PM	559	414	1407
2:00 PM	523	387	1407
2:15 PM	595	440	1407
2:30 PM	594	440	1407
2:45 PM	634	469	1407
3:00 PM	582	431	1407
3:15 PM	637	472	1407
3:30 PM	613	454	1407
3:45 PM	652	483	1407
4:00 PM	674	499	1407
4:15 PM	737	546	1407
4:30 PM	749	554	1407
4:45 PM	686	508	1407
5:00 PM	737	546	1407
5:15 PM	816	604	1407
5:30 PM	780	577	1407
5:45 PM	685	507	1407
6:00 PM	606	449	1407
6:15 PM	594	440	1407
6:30 PM	538	398	1407
6:45 PM	415	307	1407
7:00 PM	416	308	1407
7:15 PM	390	289	1407
7:30 PM	361	267	1407
7:45 PM	327	242	1407
8:00 PM	309	229	1407
8:15 PM	299	221	1407
8:30 PM	321	238	1407
8:45 PM	329	244	1407
9:00 PM	262	194	1407
9:15 PM	235	174	1407
9:30 PM	224	166	1407
9:45 PM	220	163	1407
10:00 PM	183	135	1407
10:15 PM	146	108	1407
10:30 PM	158	117	1407
10:45 PM	146	108	1407
11:00 PM	110	81	1407
11:15 PM	126	93	1407
11:30 PM	118	87	1407
11:45 PM	79	58	1407


SR A1A - East of US 17 (4 Lanes) 15 Minute Traffic Variation
15 Minute Traffic Volume
15 Minute Interval
15 Min Reserved Traffic
15 Min Traffic Volume
15 Min Max Capacity
0
200
400
600
800
1000
1200
1400
1600

Appendix C

Socio-Economic Data Additions for Year 2035 NERMP4

Appendix - C
Documentation of ZDATA Variables Used to Perform Approved Developments Check
Nassau County Mobility Plan

		ZDATA1 - Production Variables							ZDATA2 - Attraction Variables																
		Single Family		Multi-Family		Hotel-Motel			Industrial		Retail		Service												School
													Office							Hotel					School
New TAZ File Columns	Development	DU's 9-13	Pop. 20-24	DU's 34-38	Pop. 45-49	Rooms 59-63	% Occ. 64-66	Hotel Pop. 67-71	SF	Empl. 9-14	SF	Empl. 15-20	SF	Empl.	18 Hole Golf	Movie Theater	Ele School	Mid School	High School	Rooms	Empl.	Svc. Sum 21-26	Empl. Sum 27-32	School Enroll. 33-38
62	Shoppes at Amelia (NW Q of A1A at Chester Rd)		-		-	-	70%	-		-	388,584	971		-						-	-	-	971	-
60	Wal-Mart Center (SW Q of Blackrock Rd at A1A)		-		-	-	70%	-		-	172,491	431		-						-	-	-	431	-
51	Shoppes at Midtown (NE Q of A1A at US 17)		-		-	-	70%	-		-	16,250	41		-						-	-	-	41	-
61	Villages of Amelia (NE Q of A1A at Chester Rd)		-		-	-	70%	-		-	399,000	998		-						-	-	-	998	-
34	Amelia Concourse		-		-	-	70%	-		-	20,000	50		-						-	-	-	50	-
34	Amelia Concourse	100	280		-	-	70%	-		-		-		-						-	-	-	-	-
34	Amelia Concourse	749	2,097		-	-	70%	-		-		-		-						-	-	-	-	-
		849	2,377	0	0	0	2	0	0	0	20,000	50	0	0	0	0	0	0	0	0	0	0	50	0
57	Amelia Concourse	749	2,097		-	-	70%	-		-	175,000	438	45,000	108						-	-	108	546	-
58	Amelia Concourse	365	1,022		-	-	70%	-		-		-		-						-	-	-	-	-
58	Amelia Concourse		-	164	326	-	70%	-		-		-		-						-	-	-	-	-
58	Amelia Concourse	250	700		-	-	70%	-		-		-		-						-	-	-	-	-
		615	1,722	164	326	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
59	Amelia Concourse		-		-	-	70%	-		-	372,390	931		-						-	-	-	931	-
59	Amelia Concourse		-		-	-	70%	-		-	6,000	15	10,000	24						-	-	24	39	-
59	Amelia Concourse	94	263		-	-	70%	-		-		-		-						-	-	-	-	-
		94	263	0	0	0	2	0	0	0	378,390	946	10,000	24	0	0	0	0	0	0	0	24	970	0
89	Amelia Concourse	456	1,282		-	-	70%	-		-		-		-						-	-	-	-	-
89	Amelia Concourse	160	448		-	-	70%	-		-		-		-						-	-	-	-	-
89	Amelia Concourse	500	1,400		-	-	70%	-		-		-		-						-	-	-	-	-
89	Amelia Concourse	105	297		-	-	70%	-		-		-		-						-	-	-	-	-
		1,224	3,427	0	-	-	280%	-	-	-	0	-	0	-	-	-	-	-	-	-	-	-	-	-

Appendix D

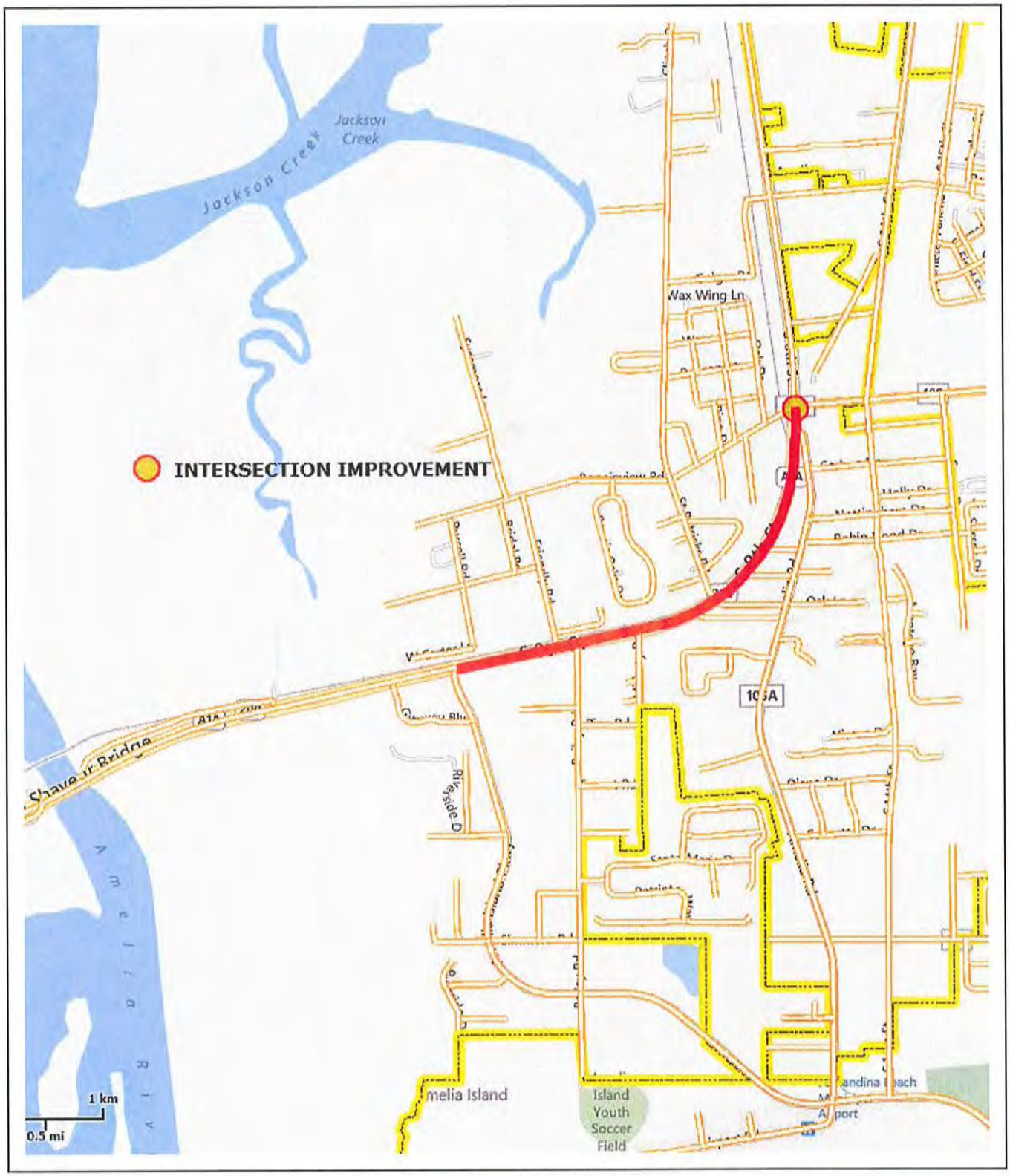
Horizon Year 2035 (DSAP1) – Roadway Link Analysis

Link ID	Roadway	Termini	Lanes/ Classification	Planned and Programmed Improvements	Segment Length (Miles)	LOS Standard	Modified LOS Standard	Table or Study	Max Peak Hour Capacity (Veh./Hr.)	Max Daily Capacity Veh/Day	Modified Daily Capacity Veh/Day		Final Max Daily Capacity Veh/Day	Parallel Roads for Cordon Line Analysis	(L) 24-HR Volume (AADT)	2035 DSAP1 Model AADT	2035 DSAP1 Model AADT < Existing AADT	Adjusted 2035 DSAP1 Model AADT	Year 2035 DSAP1 Model AADT Capacity Exceeded
1	S.R.200/S.R.A1A	Amelia Island Parkway to Sadler Road	4-MA		1.028	D		ART-TAB	4,200	36,700			36,700		39,000	40,459		40,459	Yes
2	S. 8th Street	Sadler Road to Lime Street	4-MA		1.138	D		ART-TAB	3,950	36,700			36,700		16,600	13,871	Yes	16,600	
3	S. 8th Street	Lime Street to Atlantic Avenue	2-MA		1.055	C(FB)		ART-TAB	1,860	16,200			16,200		10,500	12,751		12,751	
4	Atlantic Avenue (S.R.A1A)	8th Street to 14th Street	2-MA		0.444	C(FB)		4-5	1,260	16,500			16,500		5,300	7,072		7,072	
6	Atlantic Avenue (S.R.A1A)	14th Street to Fletcher Avenue	2-MA		1.184	C(FB)		4-5	1,260	16,500			16,500		7,600	6,177	Yes	7,600	
8	Fletcher Avenue (S.R.A1A)	Atlantic Avenue to Sadler Road	2-MA		2.021	C(FB)		4-5	1,260	16,500			16,500		4,700	12,435		12,435	
10	Fletcher Avenue (S.R.A1A)	Sadler Road to Simmons Road	2-MA		1.003	C(FB)		4-5	1,260	16,500			16,500		7,800	12,115		12,115	
11	Fletcher Avenue (S.R.A1A)	Simmons Road to Amelia Island Parkway	2-MA		1.892	C(FB)		4-5	1,260	16,500			16,500		6,600	12,728		12,728	
12	Fletcher Avenue (S.R.A1A)	Amelia Island Parkway to Buccaneer Trail (S.R.105A)	2-MA		0.756	D		4-5	1,490	16,500			16,500		5,200	7,337		7,337	
14	14th Street	Pogy Place to Atlantic Avenue	2-MaC		2.200	D		4-5	720	10,730			10,730		3,230	4,028		4,028	
15	14th Street	Atlantic Avenue to Hickory Street	2-MaC		0.700	D		ARTPLAN	1,130	10,730			10,730		9,097	5,117	Yes	9,097	
16	14th Street	Hickory Street to Jasmine Street	2-MaC		0.170	D		ARTPLAN	1,750	14,850			14,850		12,247	8,359	Yes	12,247	
16A	14th Street	Jasmine Street to Lime Street	2-MaC		0.170	D		ARTPLAN	2,010	14,850			14,850		12,247	7,741	Yes	12,247	
17	14th Street	Lime Street to Sadler Road	4-MaC		1.060	D		4-5	2,810	29,880			29,880		15,608	15,008	Yes	15,608	
18	14th Street	Sadler Road to Amelia Island Parkway	2-MaC		1.110	D		4-5	1,300	13,680			13,680		7,405	10,485		10,485	
19	Amelia Island Parkway	S.R.200/S.R.A1A to 14th Street Extension	2-MaC		1.090	D		ARTPLAN	1,870	15,200			15,200		9,029	14,332		14,332	
20	Amelia Island Parkway	14th Street Extension to Buccaneer Trail (C-105A)	2-MaC		1.090	D		U2LTAB	1,660	15,200			15,200		12,895	18,761		18,761	Yes
[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]		[illegible]	[illegible]	[illegible]			[illegible]		[illegible]	[illegible]		[illegible]	
22	Amelia Island Parkway	Fletcher Avenue to Scott Road	2-MaC		0.950	D		4-5	1,300	13,680			13,680		5,226	10,636		10,636	
22A	Amelia Island Parkway	Scott Road to S.R.A1A/Julia Street	2-MaC		0.095	D		4-5	1,300	13,680			13,680		3,101	6,793		6,793	
[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	D		4-5	[illegible]	[illegible]			[illegible]		[illegible]	[illegible]		[illegible]	
23A	Buccaneer Trail (C-105A)	Canopy Drive to Amelia Island Parkway	2-MIC		0.720	D		4-5	1,300	13,680			13,680		8,100	9,925		9,925	
24	Amelia Road	Amelia Island Parkway to S.R.200	2-MIC		1.420	D		4-5	720	7,740			7,740		1,140	Not in the model		1,140	
26	First Coast Highway (S.R.A1A)	Gerbing RD./S. Fletcher AV. to Amelia Island Pkwy./Julia ST.	2-MA		1.301	D		U2LN-TAB	1,910	16,400			16,400		10,500	18,280		18,280	Yes
27	First Coast Highway (S.R.A1A)	Amelia Island Parkway/Julia Street to Beach Lagoon Road	2-MA		1.591	D		4-5	1,490	24,265			24,265		9,643	22,439		22,439	
28	First Coast Highway (S.R.A1A)	Beach Lagoon Road to Nassau Sound	2-MA		2.631	D		4-5	1,490	21,100			21,100		3,700	13,328		13,328	
29	Sadler Road	8th Street to 14th Street	4-MaC		0.290	D		4-5	2,810	28,200			28,200		20,105	25,653		25,653	
30	Sadler Road	14th Street to Fletcher Avenue	4-MaC		1.000	D		4-5	2,810	28,200			28,200		10,154	12,310		12,310	
31	Lime Street (Jasmine in Model)	8th Street to 14th Street	2-MIC		0.490	D		4-5	720	7,740			7,740		2,583	Not in the model		2,583	
32	Lime Street (Jasmine in Model)	14th Street to Citrona Drive	2-MIC		0.480	D		4-5	720	7,740			7,740		3,665	Not in the model		3,665	
33	Citrona Drive	Atlantic Avenue to Jasmine Street	2-MIC		0.881	D		4-5	720	7,740			7,740		3,510	6,988		6,988	
34	Citrona Drive	Jasmine Street to Sadler Road	2-MIC		1.167	D		4-5	900	9,880			9,880		5,644	9,323		9,323	
35	Will Hardee Road	Sadler Road to Simmons Road	2-MIC		1.160	D		4-5	900	9,880			9,880		2,170	8,239		8,239	
36	Simmons Road	Amelia Road to Will Hardee Road	2-MIC		0.530	D		4-5	720	7,740			7,740		2,236	877	Yes	2,236	
37	Simmons Road	Will Hardee Road to Fletcher Avenue	2-MIC		0.520	D		4-5	720	7,740			7,740		2,245	2,305		2,305	
38	Jasmine Street	14th Street to Citrona Drive	2-MIC		1.200	D		4-5	720	7,740			7,740		3,021	4,246		4,246	
39	T. J. Courson Road	8th Street (S.R.200) to 14th Street	2-MIC		0.240	D		4-5	900	9,880			9,880		5,025	Not in the model		5,025	
40	I-95	Duval County Line to S.R.200/S.R.A1A	6-F		2.990	C	D	4-5	8,110	86,600	110,000		110,000		59,000	138,451		138,451	Yes
41	I-95	S.R.200/S.R.A1A to U.S.17	6-F		5.140	C	D	4-5	8,110	86,600	110,000		110,000		49,500	120,262		120,262	Yes
42	I-95	U.S.17 to Georgia State Line	6-F		4.100	C	D	4-5	8,110	86,600	110,000		110,000		56,261	96,986		96,986	
43	S.R.200/S.R.A1A	Griffin Road to Edwards Road	4-PA		3.754	C		4-5	4,190	45,400	58,800		58,800		9,100	39,718		39,718	
43A	S.R.200/S.R.A1A	Edwards Road to I-95	4-PA		1.582	C		4-5	4,190	45,400	58,800		58,800		9,100	49,467		49,467	
44	S.R.200/S.R.A1A	I-95 eastbound off ramp to Still Quarters Road	4-MA	6 MA	2.320	C	D	FOOT	4,380	45,400	55,300		55,300	Parallel Roads	17,536	55,700		55,700	
44A	S.R.200/S.R.A1A	Still Quarters Road To U.S. 17	6-MA	6 MA	1.310	D	D	4	5,628	36,700	55,300		55,300	Parallel Roads	17,536	55,502		55,502	
45	S.R. 200/ S.R. A1A	U.S. 17 to Rubin Lane	6-MA	6MA	0.951	D	D	4	5,628	36,700	55,300	68,980	55,300	Parallel Roads	36,500	62,225		82,225	
45A	S.R.200/S.R.A1A	Rubin Lane to Chester Road	4-MA	6 MA	2.600	D	D	ARTPLAN	5,370	36,700	55,300	68,980	55,300	Parallel Roads	35,000	67,124		57,124	
[illegible]	S.R.200/S.R.A1A	[illegible]	4-MA	6 MA	[illegible]	D	D	ARTPLAN	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Parallel Roads	[illegible]	[illegible]		53,450	
[illegible]	S.R.200/S.R.A1A	[illegible]	4-MA	6 MA	[illegible]	D	D	ARTPLAN	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Parallel Roads	[illegible]	[illegible]		50,899	
48	S.R.200/S.R.A1A	Old Nassauville Road to Amelia Island Parkway	4-MA		2.889	D		ARTPLAN	5,090	64,300			64,300		40,500	53,983		53,983	
49	C.R.200A (Pages Dairy Road)	U.S.17 to Chester Road	2-MIC		3.940	D		4-5	1,300	13,680		68,980	13,680	Parallel Roads	3,004	11,056		11,056	
50	C.R.107N. (Blackrock Road)	Chester Road to S.R.200/S.R.A1A	2-MIC		5.130	D		4-5	900	9,880			9,880		2,700	2,662	Yes	2,700	
51	C.R.107S. (Old Nassauville Road)	S.R.200/S.R.A1A to Amelia Concourse	2-MIC		1.910	D		4-5	1,490	15,200			15,200		6,403	9,617		9,617	
51A	C.R.107S. (Old Nassauville Road)	Amelia Concourse to Santa Juana Road	2-MIC		1.750	D		4-5	1,490	15,200			15,200		6,730	9,470		9,470	
51B	Roses Bluff Road	Chester Road West	2-MIC		1.170	D		4-5	900	9,880			9,880		1,597	0	Yes	1,597	
52	Chester Road	S.R.200/S.R.A1A to Pages Dairy Road (C.R.200A)	4-MIC		0.460	D	D	5	3,115	32,110	36,700		36,700		7,931	6,530	Yes	7,931	
52.1	Chester Road	Pages Dairy Road to CR 108 Extension	2-Mic	4-MIC	1.883	D	D	5	3,115	15,200	36,700		36,700		6,637	6,518	Yes	6,637	
53	Chester Road	CR 108 Extension to Blackrock Road	2-MIC		1.387	D	D	5	1,480	15,200	16,500		16,500		6,637	2,857	Yes	6,637	
[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	D		4-5	[illegible]	[illegible]		[illegible]	[illegible]	Parallel Roads	[illegible]	[illegible]		24,822	
54	Barnwell Road	S.R.200/S.R.A1A to Oyster Bay Drive	2-MIC		2.250	D		4-5	900	9,880			9,880		3,251	5,247		5,247	
54A	Miner Road	Haddock Road to S.R.200/S.R.A1A	2-MIC		2.570	D		4-5	900	13,680			13,680	Parallel Roads	7,070	10,259		10,259	
55	U.S.17 (S.R.5)	Duval County Line to 4-Lanes Section	2-PA		3.337	D		ARTPLAN	1,930	27,430			27,430		11,057	26,169		26,169	
56	U.S.17 (S.R.5)	4-Lanes Section to S.R.200/S.R.A1A	2-PA		0.700	D		HIGHPLAN	1,930	36,700			36,700	Parallel Roads	[illegible]	16,343		16,343	
57	U.S.17 (S.R.5)	S.R.200/S.R.A1A to Pages Dairy Road	4-PA		0.237	D		4-5	3,290	36,700			36,700		10,800	12,870		12,870	
58	U.S.17 (S.R.5)	Pages Dairy Road to C.R.108	2-PA		4.446	D		HIGHPLAN	1,960	16,500			16,500		11,049	15,669		15,669	
59	U.S.17 (S.R.5)	C.R.108 to I-95	2-MA		2.228	D		4-5	1,490	21,100			21,100		7,589	7,462	Yes	7,589	
60	U.S.17 (S.R.5)	I-95 to Georgia State Line	2-PA		2.427	D		4-6	1,930	21,100			21,100		3,000	10,260		10,260	
60A	Harts Road	S.R.200/S.R.A1A to U.S.17	2-MIC		2.350	D		4-5	900	9,880			9,880		1,568	8,514		8,514	
60B	Harts Road	U.S.17 to Haddock Road	2-MIC		1.030	D		4-5	900	9,880			9,880		3,785	8,514		8,514	
61	C.R.108	Middle Road (C.R.121A) to U.S.17 (S.R.5)	2-MaC		3.008	D		4-6	1,190	20,000			20,000		2,536	6,238		6,238	
62	William Burgess Boulevard	S.R.200/S.R.A1A to U.S.17	2-MIC		2.910	D		4-5	1,300	13,680			13,680		1,163	3,729		3,729	
63	U.S.1/U.S.23/U.S.301(S.R.15)	Mussell White Road to C.R.108	4-PA		8.932	C		4-6	4,000	41,100			41,100		13,400	26,377		26,377	
64	U.S.1/U.S.23/U.S.301(S.R.15)	C.R.108 to C.R.121	4-PA		6.788	C		4-6	4,000	41,100			41,100		11,100	21,789		21,789	
65	U.S.1/U.S.23/U.S.301(S.R.15)	C.R.121 to Georgia State Line	4-PA		0.164	C		4-6	4,000	41,100			41,100		8,964	16,034		16,034	
66	C.R.121	C.R.108/C.R.121 Split to Bay Road (C.R.115)	2-MaC		9.560	D		4-6	1,190	13,800			13,800		423	2,291		2,291	
67	C.R.121	C.R.115 (Bay Road) to Andrews Road	2-MaC		3.895	D		4-6	1,190	13,800			13,800		875	1,507		1,507	
68	C.R.121	Andrews Road to U.S.1/U.S.301	2-MaC		3.555	D		4-6	1,190	13,800			13,800		1,146	1,513		1,513	
69	C.R.115 (Bay Road)	C.R.121 to C.R.108	2-MIC		5.970	D		4-6	1,190	13,800			13,800		1,479	3,074		3,074	
70	Kings Ferry Rd. (C.R.115A)	C.R.108 to Kings Ferry Road	2-MIC		8.020	D		4-6	1,190	13,800			13,800		1,169	1,184		1,184	
71	C.R.108	C.R.121 to C.R.115 (Bay Road)	2-MaC		1.530	D		4-6	1,190	13,800			13,800		1,032	2,202		2,202	
71A	C.R.108	Kings Ferry Road (C.R.115A) to Middle Road (C.R.121A)	2-MaC		6.264	D		4-6	1,190	13,800			13,800		2,154	6,960		6,960	
72	Middle Road (C.R.121A)	Kings Ferry Road (C.R.115A) to C.R.108	2-MIC		6.510	D		4-6	1,190	13,800			13,800		585	348	Yes	585	

Link ID	Roadway	Termini	Lanes/ Classification	Planned and Programmed Improvements	Segment Length (Miles)	LOS Standard	Modified LOS Standard	Table or Study	Max Peak Hour Capacity (Veh./Hr.)	Max Daily Capacity Veh/Day	Modified Daily Capacity Veh/Day		Final Max Daily Capacity Veh/Day	Parallel Roads for Cordon Line Analysis	(L) 24-HR Volume (AADT)	2035 DSAP1 Model AADT	2035 DSAP1 Model AADT < Existing AADT	Adjusted 2035 DSAP1 Model AADT	Year 2025 DSAP1 Model AADT Capacity Exceeded
73	Middle Road (C.R.121A)	C.R.108 to Griffin Road	2-MiC		4.580	D		4-6	1,190	13,800			13,800		528	877		877	
74	Lessie Road	C.R.108 to Middle Road (C.R.121A)	2-MiC		7.500	D		4-6	1,190	13,800			13,800		427	4	Yes	427	
75	C.R.115 (Old Dixie Highway)	U.S.1/U.S.23/U.S.301 to Henry Smith Road	2-MiC		8.560	D		4-6	1,190	13,800			13,800		1,054	10,325		10,325	
76	Andrews Road	C.R.121 to U.S.1/U.S.23/U.S.301	2-MiC		3.180	D		4-6	1,190	13,800			13,800		1,072	2,320		2,320	
76A	Lake Hampton Road	U.S.1 to Murthee Road	2-MiC		3.300	D		4-6	1,190	13,800			13,800		720	764		764	
77	U.S.1/U.S.23/S.R.15	Duval County Line to Ratliff Road	4-PA		0.532	C		4-6	4,000	41,100			41,100	Parallel Roads	16,900	29,569		29,569	
78	U.S.1/U.S.23/S.R.15	Ratliff Road to S.R.115 (Lem Turner Road)	4-PA		3.814	C		4-6	4,000	41,100			41,100	Parallel Roads	13,000	32,360		32,360	
79	U.S.1/U.S.23/U.S.301/S.R.15	S.R.115 (Lem Turner Road) to Old Dixie Highway (C.R.115)	4-PA		0.956	C		4-6	4,000	41,100			41,100		15,900	37,022		37,022	
80	U.S.1/U.S.23/U.S.301/S.R.15	C.R.115 to Mussell White Road	4-PA		1.315	C		4-6	4,000	41,100			41,100		14,700	30,918		30,918	
81A	Griffin Road East	A1A to Bridge	2-MiC		2.500	D		4-5	900	9,880			9,880		952	5,224		5,224	
81B	Griffin Road West	Bridge to Musselwhite Road	2-MiC		1.700	D		4-5	900	9,880			9,880		937	5,218		5,218	
82	S.R.200/U.S.301	Duval County Line to C.R.119	2-PA	4 PA	1.930	C	D	4-5	1,130	15,100	45,400		45,400		4,279	43,782		43,782	
83	S.R.200/U.S.301	C.R.119 to Crawford Road	2-PA	4 PA	9.305	C	D	4-5	1,130	15,100	45,400		45,400		5,200	42,538		42,538	
84	S.R.200/U.S.301	Crawford Road to Kingbird Drive	2-PA	4 PA	2.943	C	D	4-5	1,130	15,100	45,400		45,400		5,300	38,711		38,711	
85	S.R.200/U.S.301	Kingbird Drive to U.S.1/U.S.23	4-PA		2.000	C	D	4-5	3,150	32,100	33,800		33,800		6,500	34,714		34,714	Yes
86	S.R.200/S.R.A1A	U.S.1/U.S.23 to Evelyn Street	4-PA		0.700	C	D	4-5	3,150	32,100	33,800		33,800		13,700	31,279		31,279	
87	S.R.200/S.R.A1A	Evelyn Street to Griffin Road	4-PA		3.600	C		4-5	4,190	45,400			45,400		9,100	38,117		38,117	
88	S.R.115 (Lem Turner Road)	Duval County Line to Church Road	2-MA		4.321	D		4-5	1,490	15,200			15,200	Parallel Roads	9,700	18,955		18,955	
89	S.R.115 (Lem Turner Road)	Church Road to U.S.1/U.S.23	2-MA		3.117	D		4-5	1,490	15,200			15,200	Parallel Roads	7,400	16,727		16,727	
90	C.R.121	Duval County Line to C.R.119	2-MaC		7.970	D		4-6	1,190	13,800			13,800		1,493	6,407		6,407	
91	C.R.121	C.R.119 to C.R.2 (Crawford Road)	2-MaC		7.960	D		4-6	1,190	13,800			13,800		1,564	5,698		5,698	
92	C.R.121	C.R.2 (Crawford Road) to C.R.108 (River Road)	2-MaC		9.550	D		4-6	1,190	13,800			13,800		2,209	5,091		5,091	
93	C.R.121	C.R.108 (River Road) to C.R.108/C.R.121 Split	2-MaC		1.288	D		4-6	1,190	13,800			13,800		1,518	4,360		4,360	
94	C.R.119	U.S.301 to C.R.121	2-MiC		5.950	D		4-6	1,190	13,800			13,800		1,300	2,294		2,294	
95	C.R.108 (River Road)	C.R.121 to U.S.1	2-MaC		11.000	D		4-6	1,100	14,200			14,200		3,287	6,923		6,923	
96	Ford Road	U.S.301 to Duval County Line	2-MiC		3.310	D		4-6	1,100	14,200			14,200		1,277	4,088		4,088	
97	Ratliff Road	Thomas Creek Road to U.S.1	2-MiC		3.790	D		4-6	1,100	14,200			14,200		1,322	7,188		7,188	
98	C.R.2	C.R.121 to Georgia State Line	2-MaC		1.530	D		4-6	1,100	14,200			14,200		2,985	3,025		3,025	
99	Crawford Road	U.S.301 to C.R.121	2-MaC		7.330	D		4-6	1,100	14,200			14,200		166	1,968		1,968	
100	8th Street	Alachua Street to Port	2-MA		0.456	C		4-5	670	7,740			7,740		3,600	1,452	Yes	3,600	
101	8th Street	Atlantic to Alachua Street	2-MA		0.084	C		4-5	670	7,740			7,740		4,500	1,452	Yes	4,500	
102	Alachua Street	Front Street to 8th Street	2-MiC		0.359	C		4-5	670	7,740			7,740	Parallel Roads	1,604	Not in the model		1,604	
103	Centre Street	Front Street to 8th Street	2-MaC		0.359	C		4-5	670	7,740			7,740	Parallel Roads	5,838	12,949		12,949	
104	Ash Street	Front Street to 8th Street	2-MiC		0.364	C		4-5	670	7,740			7,740	Parallel Roads	2,216	Not in the model		2,216	
105	N. Fletcher	1st Street North	2-MiC		1.337	C		4-5	670	7,740			7,740		1,486	8,472		8,472	Yes
106	N. Fletcher	Atlantic Avenue to 1st Street	2-MiC		0.174	C		4-5	670	7,740			7,740		1,579	8,225		8,225	Yes
107	Beech Street	14th Street to Citrona Drive	2-MiC		0.480	C		4-5	670	7,740			7,740		2,239	Not in the model		2,239	
108	Beech Street	8th Street to 14th Street	2-MiC		0.446	C		4-5	670	7,740			7,740		1,229	Not in the model		1,229	
109	Gum Street	3rd Street to 8th Street	2-MiC		0.020	C		4-5	670	7,740			7,740		2,027	Not in the model		2,027	
110	3rd Street	Gum Street to Ash Street	2-MiC		0.535	C		4-5	670	7,740			7,740		961	Not in the model		961	
111	Jasmine Street	Citrona Drive to S. Fletcher Avenue	2-MiC		0.722	C		4-5	670	7,740			7,740		2,390	1,299	Yes	2,390	
117	SR 90 (Beaver Street)	Baker County Line to Duval County Line	2-MiC			D		4-6	1,340	13,800			13,800		4,500	15,952		15,952	Yes
118	I-10	Baker County Line to Duval County Line	4-F			B		4-6	3,670	37,100			37,100		3,150	82,676		82,676	Yes
	NS Regional Center Arterial	SR A1A to DSAP Collector Loop Rd.	4D	4D						36,700	36,700		36,700			8469		8,469	
	NS Regional Center Arterial	DSAP Collector Loop Rd. to Interchange Rd.	4D	4D						36,700	36,700		36,700			2817		2,817	
	NS Regional Center Arterial	Interchange Rd. to CR 108	4D	4D						36,700	36,700		36,700			2107		2,107	
	NS Regional Center Arterial	CR 108 to US 17	4D	4D						36,700	36,700		36,700			99		99	
	Interchange Rd.	I95 to NS Regional Center Arterial	6D (2)	6D (2)						55,300	55,300		55,300	Parallel Roads		23432		23,432	
	Interchange Rd.	NS Regional Center Arterial to US 17	4D	4D						36,700	36,700		36,700	Parallel Roads		16576		16,576	
	Interchange Rd.	US 17 to CR 108	4D	4D						36,700	36,700		36,700			0		0	
	DSAP Collector Loop Rd.	NS Regional Center Arterial to Interchange Rd.	2U	2U						16,500	16,500		16,500			9770		9,770	
	DSAP Collector (A1A Connector)	SR A1A to DSAP Collector Loop Rd.	2U	2U						16,500	16,500		16,500			7693		7,693	
	CR 108 Extension	Interchange Rd. to US 17	2U	2U	1.700	D				16,500	16,500		16,500	Parallel Roads		0		0	
	CR 108 Extension	Chester Rd. to Interchange Rd.	2U	2U	5.300	D				16,500	16,500		16,500	Parallel Roads		0		0	
	Radio Avenue	Miner Road to US 17	2U	2U		D				16,500	16,500		16,500	Parallel Roads		11690		11,690	

Appendix E

Roadway Improvement Projects



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GIS NASSAU COUNTY

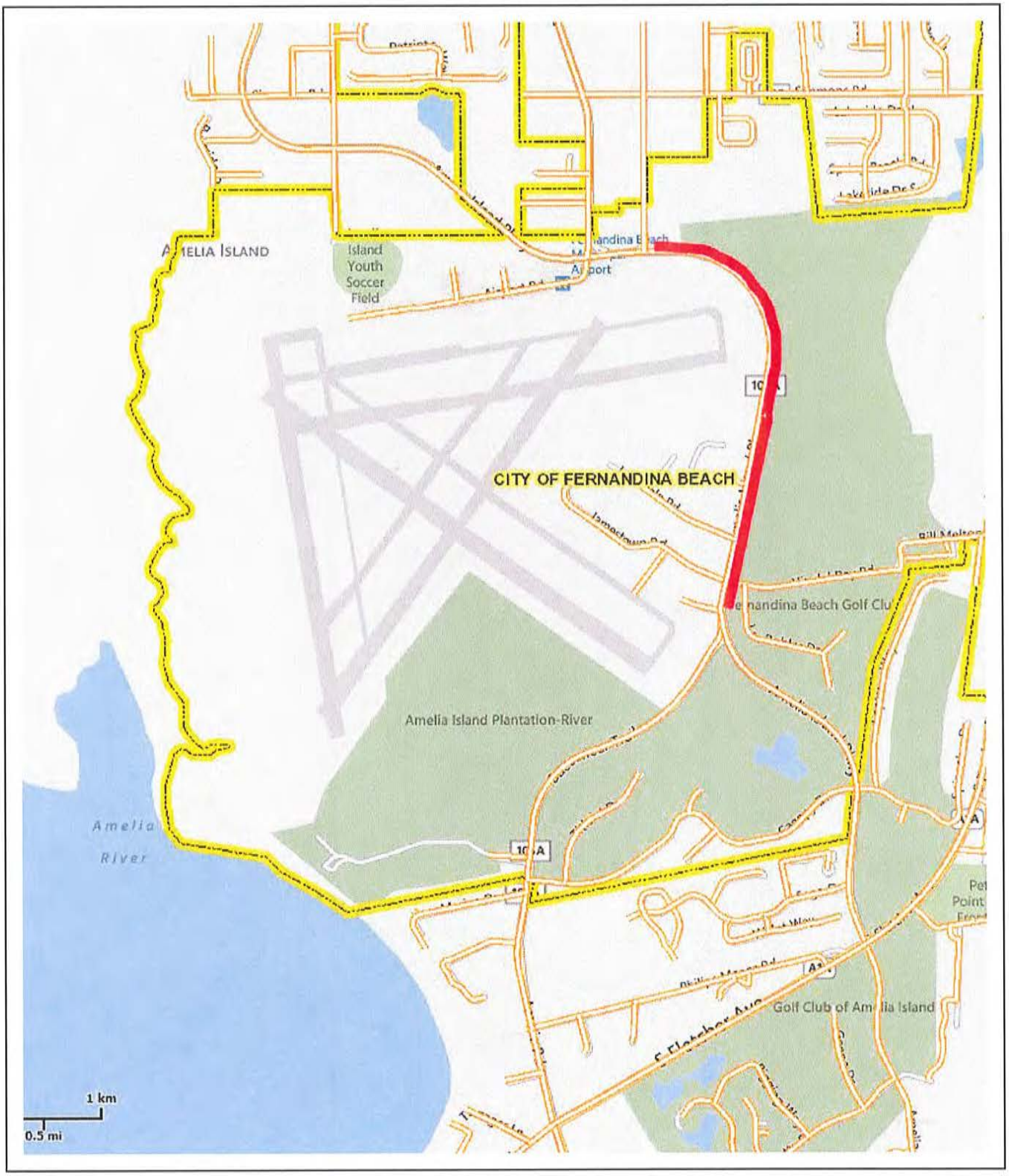
Nassau County Geographic Information System

A service provided by the Nassau County Property Appraiser's Office.

LINK 1 IMPROVEMENTS

Printed: Nov 14, 2013

N W E S



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GIS NASSAU COUNTY

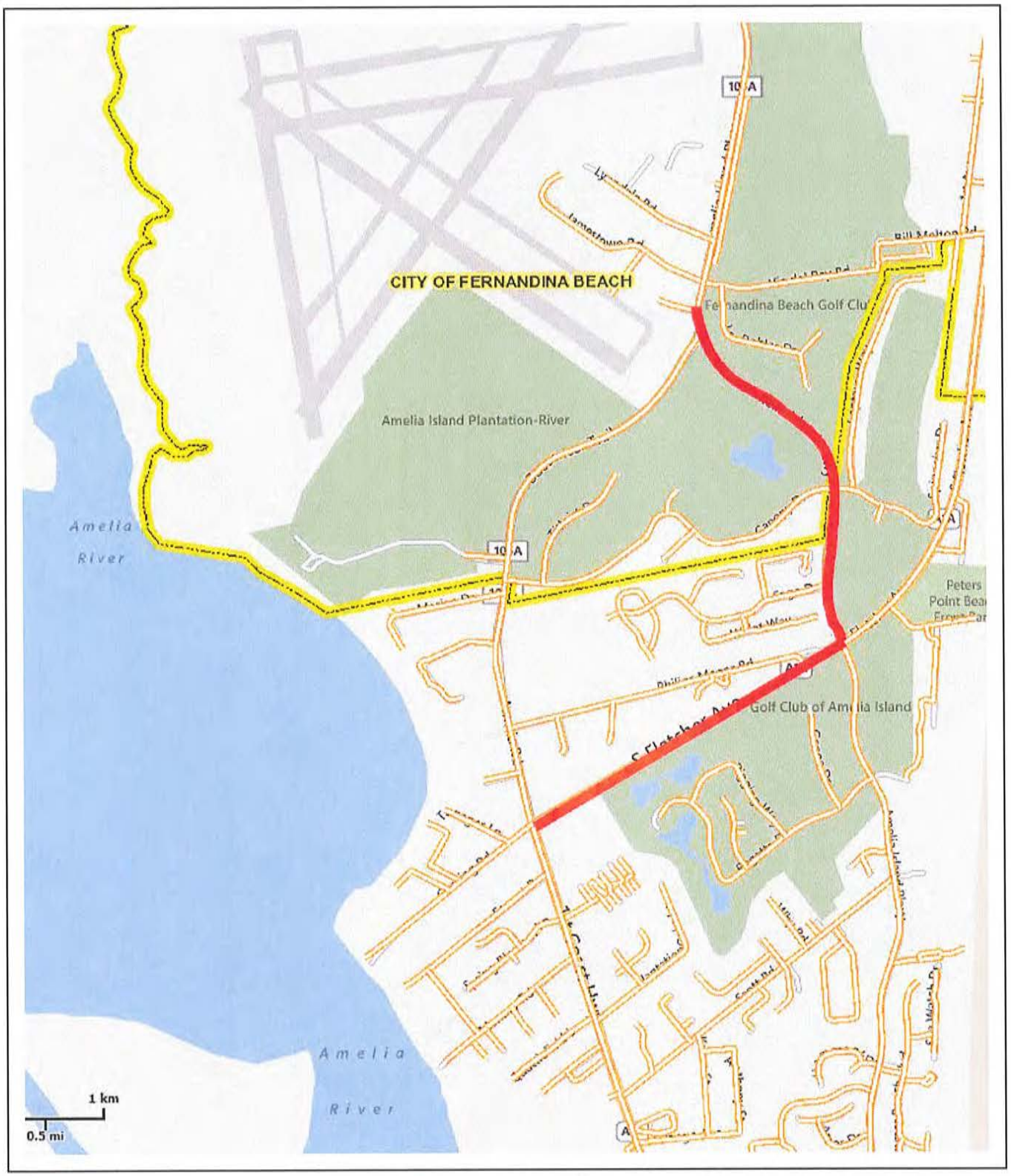
Nassau County Geographic Information System

A service provided by the Nassau County Property Appraiser's Office.

LINK 20 (AMELIA IS PKWY)

Printed: Feb 11, 2013

N W E S



THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE NEITHER NASSAU COUNTY, ITS MUNICIPALITIES, NOR THE NASSAU COUNTY PROPERTY APPRAISER\'S OFFICE ASSUMES RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED HEREIN. THIS IS NOT A SURVEY.

GIS NASSAU COUNTY

Nassau County Geographic Information System

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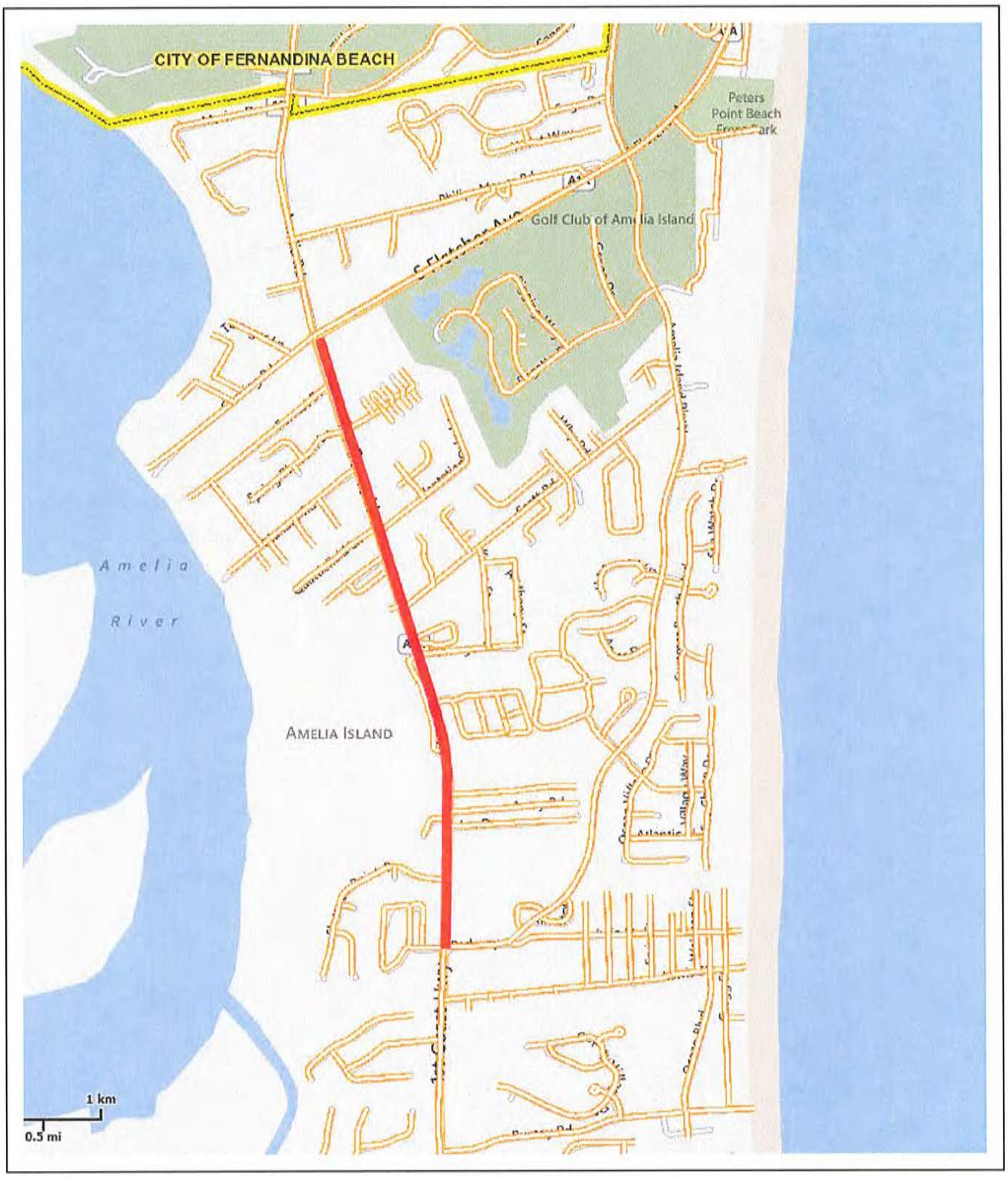
LINK 23 (BUC TRL)

Printed: Feb 11, 2013

N W E S



GIS NASSAU COUNTY

Nassau County Geographic Information System

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LINK 26 (FCH)

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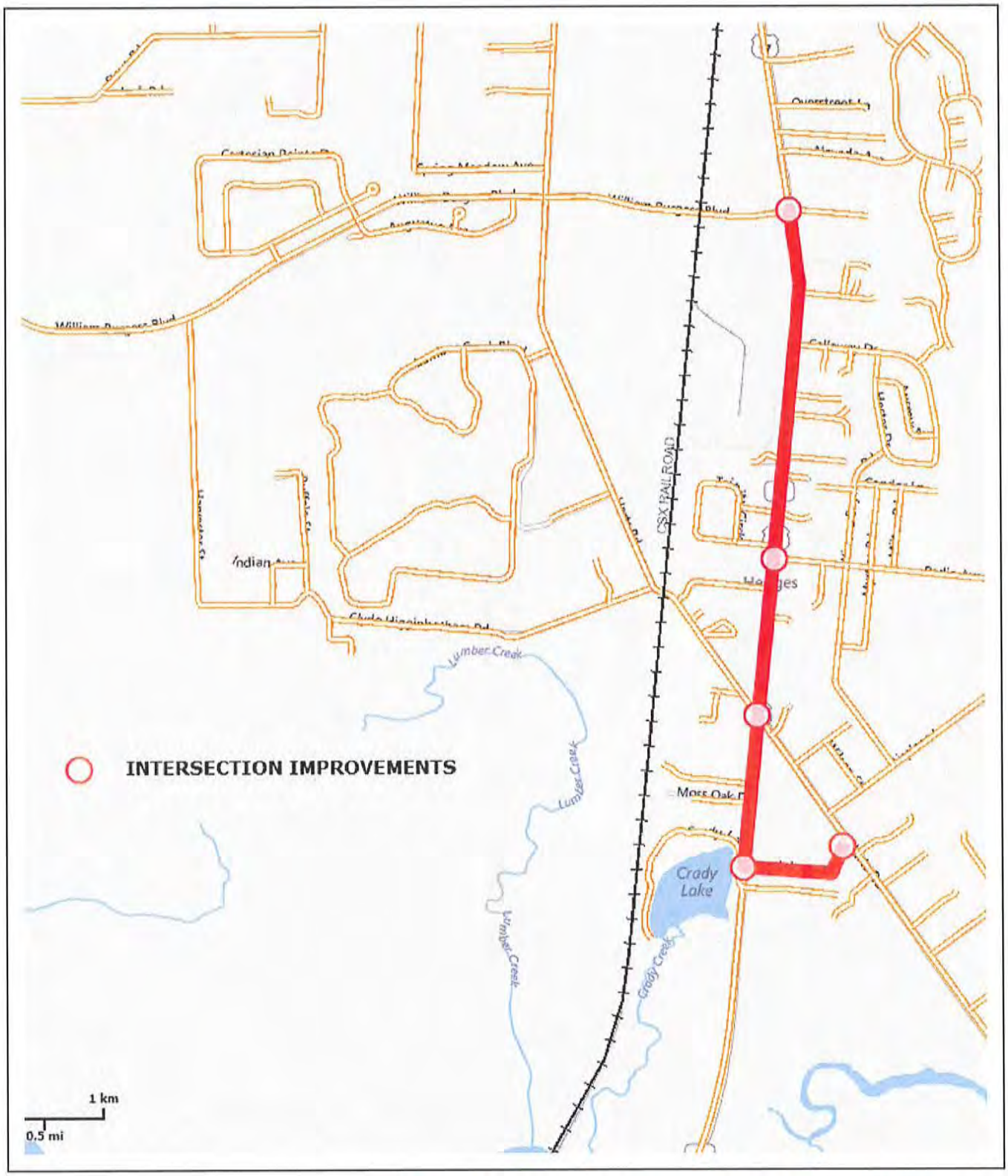
Printed: Feb 11, 2013

N W E S



LINK 55 IMPROVEMENTS

GIS NASSAU COUNTY

Nassau County Geographic Information System

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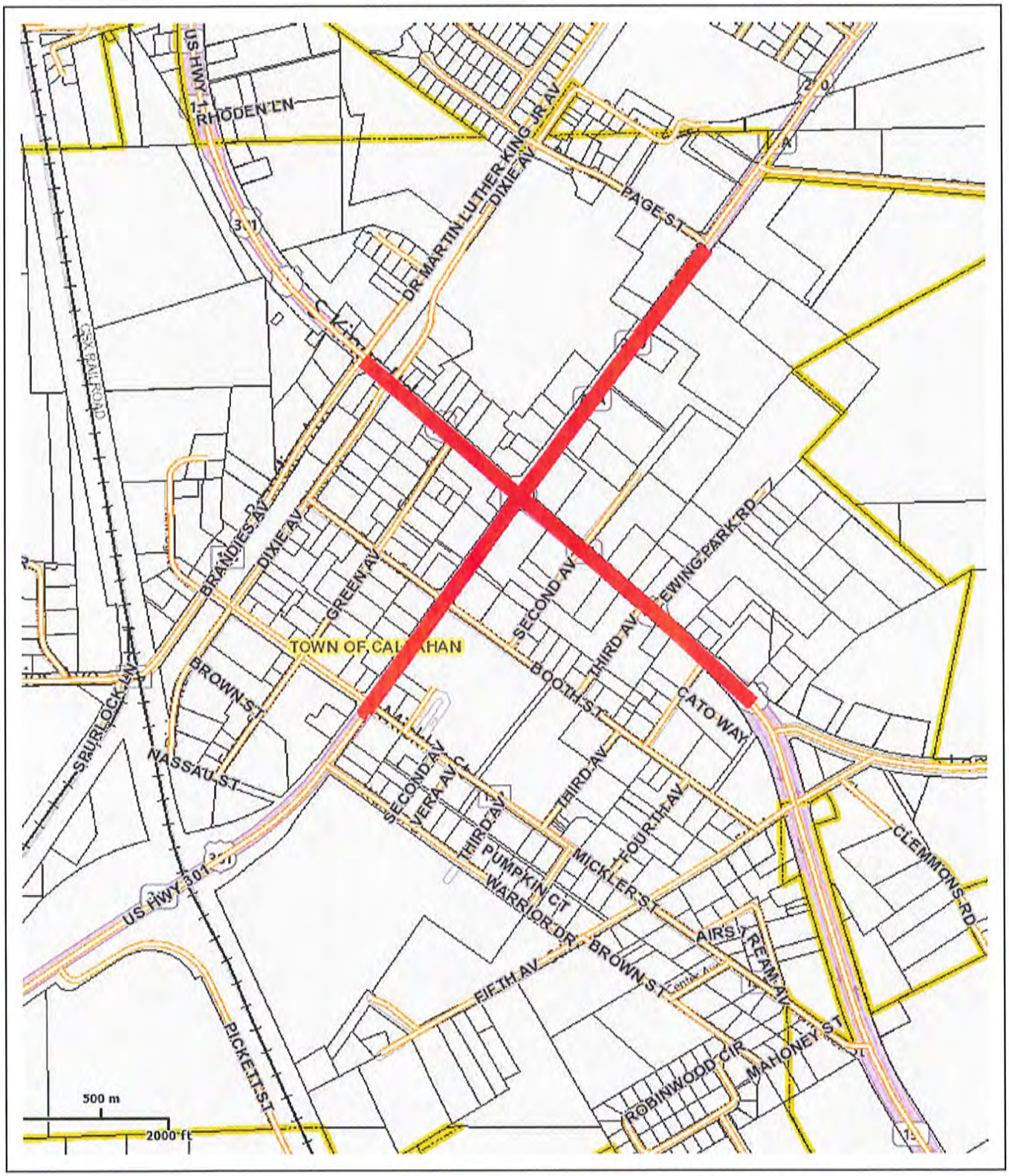
Printed: Aug 15, 2013

N W E S



LINK 85/79 IMPROVEMENTS

GIS NASSAU COUNTY

Nassau County Geographic Information System

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Printed: Aug 15, 2013

N W E S

Appendix F

Average Trip Length Data

Appendix F
Average Trip Lenghts for Non-Residential Land Uses
Nassau County Mobility Plan

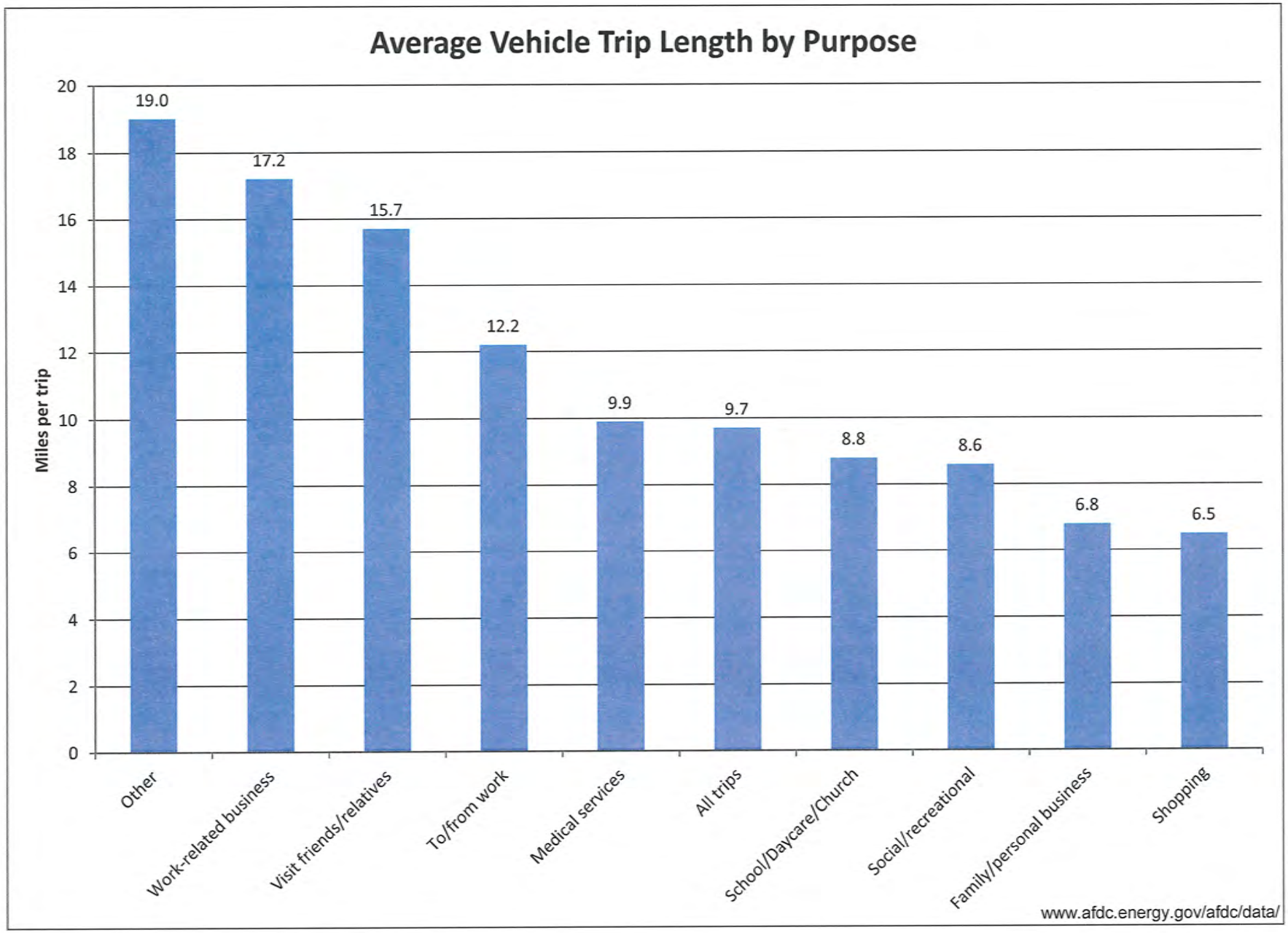
ITE Code	Land Use Type	Average Trip Length (miles) *	
		East of I-95	West of I-95 **
	Residential		
210	Single Family Detached	11.69	16.59
220	Multi-Family (Apartments)	11.69	16.59
230	Condominium/Townhouse	11.69	16.59
310	Hotel/Motel	11.69	16.59
210	Other Residential (Same as Single Family)	11.69	16.59
	Non - Residential (Per 1,000 SF unless otherwise stated)		
110	Industrial	9.70	13.77
150	Warehouse	9.70	13.77
151	Mini-warehouse	9.70	13.77
720	Medical Office	9.90	14.05
710	General Office	9.70	13.77
710	General Office	9.70	13.77
710	General Office	9.70	13.77
710	General Office	9.70	13.77
710	General Office	9.70	13.77
710	General Office	9.70	13.77
710	General Office	9.70	13.77
760	Research and Development Center	9.70	13.77
812	Building Materials and Lumber Store	5.40	7.66
817	Garden Center	6.70	9.51
820	Shopping Center	6.70	9.51
820	Shopping Center	6.70	9.51
820	Shopping Center	6.70	9.51
820	Shopping Center	6.70	9.51
820	Shopping Center	6.70	9.51
932	Restaurant ***	3.17	4.50
934	Fast Food Restaurant (w/ drive-thru) ***	2.05	2.91
841	Car Dealerships	9.70	13.77
850	Supermarket	5.40	7.66
853	Convenience Market w/ Gas Pumps ***	1.51	2.14
890	Furniture Store	6.70	9.51
	Non - Residential (Per unit quantity as stated below)		
912	Drive-In bank	4.80	6.81
560	Church	11.69	16.59

Notes:
* Average Trip Length for Residential Land Uses obtained from NERPM (Travel Demand Model) runs for Nassau County Mobility Plan Analysis.
* Average Trip Length for Non-residential Land Uses were adjusted based on the National Household Travel Survey (NHTS) and NERPM runs for Nassau County Mobility Plan Analysis
** NHTS Average Trip Length for Non-residential Land Uses West of I-95 were adjusted in the ratio similar to the NERPM Average Trip Lengths used in Residentail Land Uses
**** Average Trip Lengths for Land Use Codes 932, 934, 853 were obtained from Pasco County Mobility Plan

Average Vehicle Trip Length by Purpose	
Trip Purpose	Trip Length (miles)
Vacation	31.4
Other	19.0
Work-related business	17.2
Visit friends/relatives	15.7
To/from work	12.2
Medical services	9.9
All trips	9.7
School/Daycare/Church	8.8
Social/recreational	8.6
Family/personal business	6.8
Shopping	6.5

Data Source:
Oak Ridge National Laboratory. National Household Travel Survey and Transportation Energy Data Book #30.
Accessed 9-28-2011 at http://cta.ornl.gov/data/index.shtml

Notes:
Worksheet available at www.afdc.energy.gov/afdc/data/
Updated on 05/27/2011


Average Vehicle Trip Length by Purpose
Miles per trip
20
18
16
14
12
10
8
6
4
2
0
19.0
17.2
15.7
12.2
9.9
9.7
8.8
8.6
6.8
6.5
Other
Work-related business
Visit friends/relatives
To/from work
Medical services
All trips
School/Daycare/Church
Social/recreational
Family/personal business
Shopping
www.afdc.energy.gov/afdc/data/

Summary of Task Force Guiding Principles

- New Growth Should Pay for Itself
  - This goal can be met using a Mobility Fee to pay for new growth.
- Positive Impacts Credited.
  - Can be more competitive by adding an economic element (Alachua and Pasco).
- Competitive with Adjacent Jurisdictions
  - Mobility Fee is being used by our largest competitor to the south.
- Encourage infill
  - Mobility Fee could include an incentive to encourage infill.
- Fairness
  - System adopted should be predictable, fair, and efficient

Summary of Task Force Guiding Principles

- Keep it Simple
  - The Mobility Fee would include a clear system for staff use that would require minimal input from applicant in order to return the respective Fee.
- Encourage Mixed Use
  - The Mobility Fee would be reduced for mixed use projects since vehicle trip lengths could be reduced or eliminated
- Minimize Urban Sprawl
  - Mobility Fee will be based on VMT not Trips. Therefore, there is an incentive to reduce VMT.
  - Water and sewer will be encouraged in areas with higher densities.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Ordinance 2017-18
Code Amendment – Beach Driving Permits

ITEM TYPE: Ordinances

REQUESTED ACTION: Approve Ordinance 2017-18 at First Reading.

SYNOPSIS: There has been some confusion over the years with City issuance of special beach driving permits for emergency vehicles, handicapped persons, certain fishing licenses, and senior citizens. Deciphering which fishing licenses qualify for the special permit has been very difficult for staff to analyze due to changing state laws regarding fishing licenses.

The City Commission directed the City Attorney to amend Section 90-48 to provide for special permits for driving on the beach south of Sadler Road only for disabled persons with an annual maximum of fifteen permits.

FISCAL IMPACT: None

CITY ATTORNEY COMMENTS: See synopsis.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-18 at First Reading.

Dale Martin, City Manager
Tammi Bach, City Attorney
Vee Sellers, Paralegal Date:05/31/2017

COMMISSION ACTION: Approve

ORDINANCE 2017-18

AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA AMENDING ARTICLE II, BEACHES, SECTION 90-48 BY PROVIDING FOR SPECIAL BEACH DRIVING PERMITS FOR DISABLED PERSONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF FERNANDINA BEACH HEREBY ORDAINS:

SECTION 1. It is proposed that the Code of Ordinances, City of Fernandina Beach, Florida, Article II, Beaches, Section 90-48 is hereby amended to read as follows:

Sec. 90-48. - Traffic regulations; speed limit.

(a) It shall be unlawful for traffic to proceed on the Atlantic Ocean beaches except as follows:

(1) There shall be no vehicular driving except in those areas designated by the city commission.

(2) No vehicular traffic shall be permitted except at the designated parking area at the Sadler Road access, and except as permitted in subsection (a)(4) <u>and (a)(5)</u> of this section.

(3) There shall be a designated parking area for vehicular traffic that shall extend from the north line of the Sadler Road access to a point 600 feet south of the south line of the Sadler Road access along the Atlantic Ocean beach. This area may be changed, based upon demand, by action of the city commission; provided, however, that such areas may not be enlarged without a prior study and determination of a demonstrated need for such expanded or enlarged area.

(4) The city commission may, by resolution, authorize an individual special permission to operate a vehicle on the Atlantic Ocean beach in areas not otherwise authorized to traffic. This permit shall be granted under consideration of hardship and shall be limited to the purpose stated in the resolution.

(5) Certain vehicles permitted; issuance of permits.

a. In addition to the above, there shall be permitted two-way driving south of the Sadler Beach parking area only for:

~~1. Emergency and maintenance vehicles.~~

~~2. Sailboat launching.~~

~~3. Licensed fishermen, saltwater products licenses and seine licenses.~~

~~4.~~1. ~~Handicapped persons.~~ On a first come, first serve basis, disabled persons with a valid disabled person parking permit issued pursuant to Section 320.0848, Fla. Stats. Each disabled person eligible to receive a beach-driving permit hereunder shall be a City resident and is solely responsible for providing proof of successful completion of beach driving training. The City has information and options available for completing such beach driving training.

2. Only automobiles and trucks, as defined by Section 320.01, Fla. Stats., are permitted to be driven on City beaches with a valid permit issued by the City pursuant to subsection 5(a)(1) above.

~~5. Senior citizens, 65 years of age or older.~~

b. It is the intent of this subsection (a)(5) to permit restricted beach vehicular driving to accommodate disabled persons ~~the beach-related activities herein stated,~~ and shall not be construed in any manner to authorize or permit unrestricted beach driving or cruising. The number of permits to be issued pursuant to this subsection shall be limited to no more than 15 such permits per year, and such permits shall each expire on September 30th each year ~~one year after the date of issuance~~. The city manager shall promptly advise the city commission whenever the number of such permits outstanding equals 15.

(6) Upon presentation of proper identification, annual permits authorized by subsection (a)(5) of this section shall be issued at city hall. ~~at a fee of $25.00~~. The fee for ~~handicapped and senior citizens~~ disabled persons shall be waived.

(7) Any permit holder determined to have violated any of the provisions of this section shall be subject to having his/her permit revoked upon written notice and hearing before the city manager on the same.

(b) It is unlawful to exceed the vehicular speed limit of 15 miles per hour, or to operate a vehicle in a careless or reckless manner on the Atlantic Ocean beaches. By resolution, the speed limit may be reduced upon determination of the city police department or the proper authorities.

SECTION 2. Severability. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 3. Effective Date. This Ordinance shall take effect immediately upon its final passage and adoption.

ADOPTED this _____day of _____, 2017.

CITY OF FERNANDINA BEACH, FL

_____
Robin C. Lentz
Commissioner – Mayor

ATTEST:

_____
Caroline Best
City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Tammi E. Bach
City Attorney

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Ordinance 2017-10
Code Amendment – Bosque Bello Cemetery

ITEM TYPE: Ordinances

REQUESTED ACTION: Enact Ordinance 2017-10 at Second Reading.

SYNOPSIS:

The attached Ordinance proposes amendments to Chapter 30 of the Code of Ordinances which regulates the use and operations of Bosque Bello Cemetery. The proposed changes hereby repeal or amend provisions of the existing City Code of Ordinances that requires clarification. The amended sections are: definition clarifications; bulk cemetery lot purchase; transfer of ownership; perpetual care services and memorial; vault installations; and interment.

This Ordinance was approved at First Reading by the City Commission on May 2, 2017.

FISCAL IMPACT: None

CITY ATTORNEY COMMENTS: See synopsis.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-10 at Second Reading.

Dale Martin, City Manager
Tammi Bach, City Attorney
Dale Martin, City Manager Date:05/22/2017

COMMISSION ACTION: Enact

ORDINANCE 2017-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, AMENDING CHAPTER 30, CEMETERY, ARTICLES I-IV, OF THE CODE OF ORDINANCES; BY AMENDING SECTION 30-1 PROVIDING FOR DEFINITIONS; AMENDING SECTION 30-39 BULK PURCHASES; AMENDING SECTION 30-43 TRANSFER OF OWNERSHIP; AMENDING SECTION 30-57 PERPETUAL CARE SERVICES AND FEES; AMENDING SECTION 30-109 MEMORIAL AND VAULT INSTALLATIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach owns and operates the Bosque Bello Cemetery; and

WHEREAS, Chapter 30 of the City Code of Ordinances regulates the use and operation of said Cemetery; and

WHEREAS, certain revisions are necessary to update the Code of Ordinances regarding use and operation of the Bosque Bello Cemetery.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. It is hereby proposed that Section 30-1 of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 30-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Immediate Family the City defines immediate family as the employee's parent or step-parent, spouse or child (to include foster and adopted children),

SECTION 2. It is hereby proposed that Section 30-39 of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 30-39. Charges; bulk purchases.

(a) The price for the purchase of grave space shall be according to the following schedule:

(1) All grave spaces located in Bosque Bello Cemetery, shall be sold for a sum to be set by Resolution of the City Commission.

(2) All City of Fernandina Beach retirees or employees with a minimum of 15 years of consecutive part-time and/or full-time employment shall receive 50% off the City resident purchase price of a single lot

with a maximum of one lot to be purchased at the discounted price. This discount does not extend to temporary or seasonal employees.

(3) Eligible retirees and employees that have purchased at least one (1) discounted lot are not eligible to purchase additional lots at a discounted rate. Lots purchased at a discount shall be used for immediate family only.

(~~3~~4) The City will provide a grave space for an indigent who is a City resident. Proof of residency and indigency shall be provided by signed affidavits provided by the funeral home. The grave space will be determined by the Parks & Recreation Department.

(5) The City will provide a Cemetery lot, at no cost, for any sworn police officer or certified firefighter and any United States Uniformed Services member to include, Army, Navy/Marine Corp, Air Force, and Coast Guard whose residence at the time of death is within the City limits, who has been killed in the line of duty. Official documentation verifying the service position and cause of death shall be required prior to interment.

(b) Any cemetery lot purchase in excess of ten (10) lots requires written justification by the applicant and approval by the City Manager, prior to the sale.

SECTION 3. It is hereby proposed that Section 30-43 of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 30-43. Transfer of ownership.

(a) No lot owner shall allow interment in his or her lot for remuneration, nor shall any transfer of interest in the lot be valid except by written consent of the City. Such transfer or assignment shall be recorded in the records of the Cemetery. No transfer for consideration shall be authorized. Any attempted transfer of a lot or interest in a lot to one not authorized to own the lot shall be invalid and of no force and effect. The City shall not be obligated to honor the transfer. Transfer of ownership requires a copy of the existing deed and owner verification by affidavit (sworn statement) or other means as determined by the City.

(b) The City may refuse to consent a transfer or an assignment as long as there is any indebtedness due the City from the lot owner for interment rights in the lot involved.

(c) In every case where a lot owner wishes to dispose of a vacant lot, the City shall have the option to repurchase the lot at a price agreed upon between the lot owner and the official representative of the City. The price shall not exceed one thousand dollars ($1,000.00).

SECTION 4. It is hereby proposed that Section 30-57 of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 30-57. Perpetual care services: fees.

(a) Perpetual care service shall consist of cutting grass, tree and hedge trimming, weeding, and debris removal from grounds. Any additional care desired will be the responsibility of the owner. All owners of grave spaces for which perpetual care has not been previously included shall purchase perpetual care prior to the opening and closing of a grave and shall pay the City a sum to be set by Resolution of the City Commission.

(b) Perpetual care service fee must be paid prior to interment in the original section ("Old Section") of Bosque Bello.

(c) Upon the payment of the perpetual care fee, the Parks & Recreation Department or designee is authorized to deliver to the purchaser a certificate evidencing the purchase, signed by him or her on behalf of the City. Full perpetual care payment for a ~~grave space or~~ lot must be paid prior to interment.

SECTION 5. It is hereby proposed that Section 30-109 of the Code of Ordinances, City of Fernandina Beach, Florida is hereby amended to read as follows:

Sec. 30-109. Memorial, ~~and~~ vault installations, and interment.

(a) All memorial work shall be done between dawn and dusk.
(b) Persons in charge of memorial work within the Cemetery must provide a business license and proof of insurance. A permit is required prior to all installations.
(c) Granite, slate, marble, and bronze are the only approved materials for all monument work, coping or benches.
(d) Vaults are required for all full burials but not for cremains.
(e) Any structure not permitted by the Parks & Recreation Department will be removed.
(f) All interments and vault installations must be carried out by a professional licensed pursuant to Chapter 497, Florida Statutes (funeral director).
(g) All vases must be permanently attached to the monument or it may be removed.
(h) All items, such as statues, shells, wreaths, rocks and other momentous items are not permitted and may be removed.

SECTION 6. All ordinances or parts of ordinances and all resolutions in conflict herewith be and the same are hereby repealed.

SECTION 7. SEVERABILITY. If any provision or portion of the Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of the Ordinance shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final adoption.

ADOPTED this 6th day of June, 2017.

ATTEST:

_____
Caroline Best
City Clerk

CITY OF FERNANDINA BEACH

_____
Robin C. Lentz
Commissioner-Mayor

APPROVED AS TO FORM &
LEGALITY:

_____
Tammi E. Bach
City Attorney

ORDINANCE 2017-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, AMENDING CHAPTER 30, CEMETERY, ARTICLES I-IV, OF THE CODE OF ORDINANCES; BY AMENDING SECTION 30-1 PROVIDING FOR DEFINITIONS; AMENDING SECTION 30-39 BULK PURCHASES; AMENDING SECTION 30-43 TRANSFER OF OWNERSHIP; AMENDING SECTION 30-57 PERPETUAL CARE SERVICES AND FEES; AMENDING SECTION 30-109 MEMORIAL AND VAULT INSTALLATIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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a single lot with a maximum of ~~four~~ one lot to be purchased at the discounted price. This discount does not extend to temporary or seasonal employees.

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(c) Granite, slate, marble, and bronze are the only approved materials for all monument work, coping or benches.
(d) Vaults are required for all full burials but not for cremains.
(e) Any structure not permitted by the Parks & Recreation Department will be removed.
(f) All interments and vault installations must be carried out by a professional licensed pursuant to Chapter 497, Florida Statutes (funeral director).
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(h) All items, such as statues, shells, wreaths, rocks and other momentous items are not permitted and may be removed.

SECTION 6. All ordinances or parts of ordinances and all resolutions in conflict herewith be and the same are hereby repealed.

SECTION 7. SEVERABILITY. If any provision or portion of the Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of the Ordinance shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final adoption.

ADOPTED this 6th day of June, 2017.

ATTEST:

_____
Caroline Best
City Clerk

CITY OF FERNANDINA BEACH

_____
Robin C. Lentz
Commissioner-Mayor

APPROVED AS TO FORM &
LEGALITY:

_____
Tammi E. Bach
City Attorney

May 24, 2017
News Leader Edition

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, June 6, 2017, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2017-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, AMENDING CHAPTER 30, CEMETERY, ARTICLES I-IV, OF THE CODE OF ORDINANCES; BY AMENDING SECTION 30-1 PROVIDING FOR DEFINITIONS; AMENDING SECTION 30-39 BULK PURCHASES; AMENDING SECTION 30-43 TRANSFER OF OWNERSHIP; AMENDING SECTION 30-57 PERPETUAL CARE SERVICES AND FEES; AMENDING SECTION 30-109 MEMORIAL AND VAULT INSTALLATIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Ordinance 2017-12
Land Development Code Amendment - Downtown Density

ITEM TYPE: Ordinances

REQUESTED ACTION: Enact Ordinance 2017-12 at Second Reading.

SYNOPSIS: The requested Land Development Code (LDC) text amendments follow action by the City Commission at its meeting on April 18, 2017, to adopt a net density increase for Central Business District (CBD) land use properties. The Ordinance strikes sections of the LDC which are now in conflict with the Comprehensive Plan direction provided in policy 1.07.09, and removes references to the previous density bonus scorecard provisions.

The Planning Advisory Board issued a recommendation of approval at its Regular Meeting on December 14, 2016. Planning staff continues to recommended approval of the requested amendments as was previously directed by the City Commission goal setting meetings in 2016.

The City Commission approved this Ordinance at First Reading on May 2, 2017.

FISCAL IMPACT: None.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-12 at Second Reading.

Dale Martin, City Manager
Tammi Bach, City Attorney
Tammi E. Bach, City Attorney Date:05/23/2017

COMMISSION ACTION: Enact

ORDINANCE 2017-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY STRIKING SECTION 4.01.02 AND TABLE 4.01.02 (A) COMMUNITY REDEVELOPMENT AREA DENSITY BONUS INCENTIVE PROGRAM AND AMENDING SECTION 4.01.01 TO INCREASE THE BASE DENSITY WITHIN THE CENTRAL BUSINESS DISTRICT AND MODIFY PERMISSIBLE HOUSING TYPES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006, which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with state laws and current planning methods for growth and economic development; and

WHEREAS, in January 2016, the City Commission identified increasing downtown density as a priority goal; and

WHEREAS, Planning staff worked in concert with the Fernandina Beach Main Street Program to analyze density within the downtown area; and

WHEREAS, the Planning Advisory Board (PAB), acting as the City's Local Planning Agency, considered the application at its Regular Meeting on December 14, 2016, and unanimously recommended approval with the comment that staff prepare Code-based text amendments to address residential parking needs; and

WHEREAS, the Planning Advisory Board (PAB), at its Regular Meeting on January 11, 2017, discussed whether changes to require residential parking within the Central Business District (CBD) were necessary prior to the adoption of the density increase in the Comprehensive Plan and directed that consideration of any proposed parking changes be delayed until a traffic circulation and parking study was completed; and

WHEREAS, the City Commission adopted Ordinance 2017-02, providing for an increased base density within the Central Business District (CBD) of up to thirty-four units per acre within that future land use map category at Second Reading on April 18, 2017; and

WHEREAS, notice of public hearing on such Land Development Code amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on November 30, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT. The City Commission finds that the amendments, attached hereto as Exhibit "A," amending LDC Section 4.01.01 to address the base density permissible in the Central Business District as consistent with Comprehensive Plan and

to modify permissible housing types, and by striking LDC sections 4.01.02 and Table 4.01.02(A), density bonus scorecard provisions for the Community Redevelopment Area (CRA).

SECTION 2. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 3. COMPLIANCE. The Land Development Code text amendments adopted by this Ordinance are not effective until a final order is issued by the State Land Planning Agency finding the Comprehensive Plan amendments cited in Ordinance 2017-02 to be "in compliance" in accordance with Section 163.3184, Florida Statutes. If the Agency issues a final order finding the amendments not "in compliance," the amendments may nonetheless be made effective by adoption of a Resolution at a public hearing affirming the effective status of the amendments. No development orders or development permits dependent upon these amendments may be issued, and no development dependent upon these amendments may be undertaken, before the amendments become effective.

SECTION 4. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

_____
ROBIN C. LENTZ
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

_____
CAROLINE BEST
City Clerk

_____
TAMMI E. BACH
City Attorney

ORDINANCE 2017-12
EXHIBIT "A"

4.01.01 Density and Housing Types

Table 4.01.01. Density and Housing Types in Base Zoning Districts.

Zoning District	Maximum Gross Density (dwelling units per acre)	Permissible Housing Types
RE	1.0	Single-family detached
R1-G	4.0	Single-family detached
R-1	4.0	Single-family detached
RLM	6.0	Single-family detached
R-2	8.0	Single-family detached Duplex structures Triplex structures Townhouses
R-3	10.0	Single-family detached Duplex structures Triplex structures Townhouses Multi-family structures with 4 or more units
OT-1	10.0	Single-family detached
OT-2	10.0	Single-family detached
MU-1	8.0	Single-family detached Duplex structures Triplex structures Townhouses Mixed Use
MU-8	18.0	Single-family detached Duplex structures

		Triplex structures Townhouses Multi-family Structures with 4 or more units Mixed Use
C-1	Prohibited	
C-2	Prohibited	
C-3	34.0 ~~8.0~~	Single-family detached Duplex structures Triplex structures Townhouses Multi-family structures or mixed use
I-1	Not permitted as a principal use[1]	
I-A	Not permitted as a principal use[1]	
I-W	Not permitted as a principal use[1]	
W-1	2.0 with bonus potential to 4.0	Single-family within mixed use
PI-1	Not permitted as a principal use[1]	
CON	Not permitted as a principal use[1]	
REC	Prohibited	

a. [1]An accessory dwelling unit is permissible for caretakers or security personnel. See Section 5.01.04.

~~4.01.02 Density Bonus Provisions~~

~~**Fernandina Beach Community Redevelopment Area (CRA) Density Bonus Incentive Program**~~

~~The CRA Density Bonus Incentive Program is only available to those properties within the Fernandina Beach CRA, as adopted by Resolution 2006-28, which carry the Central Business District (CBD) future land use designation/ C-3 zoning and are not within the Coastal High Hazard Area (CHHA). This program has been developed as a mechanism to encourage additional residential density within the CRA and is not a development requirement. Property owners and developers wishing to take advantage of the potential additional density provided by the bonus program are required to demonstrate full compliance with its requirements through the site design review process. Further, the completed scorecard shall be approved as part of the local development order and recorded with the Nassau County Clerk of Courts in the form of a deed restriction. All committed improvements shall be inspected prior to issuance of a certificate of occupancy. Property dedications are subject to the City's acceptance of the land.~~

~~The Density Bonus Scorecard (Table 4.01.02(A)) is a tool created to evaluate a developments' ability to obtain a density bonus. It is composed of five (5) categories: Housing Type Mix, Mixed Use, Community Amenities, Green Building Certification and Sustainable Site Development Practices. Each category contains a maximum number of points within the overall category. Projects that obtain additional points within the category are not permitted to transfer those points to any other category. The total number of points in all five (5) categories combined equals 100 points. The density bonus multiplier is applied to the project's underlying lots of record. Projects are able to obtain a density bonus multiplier if they achieve the required total number of points as follows:~~

- ~~Eligibility for 1.5 multiplier dwelling units per lot of record bonus requires 40% of the Potential Points~~
- ~~Eligibility for 2.0 multiplier dwelling units per lot of record bonus requires 55% of the Potential Points~~
- ~~Eligibility for 2.5 multiplier dwelling units per lot of record bonus requires 70% of the Potential Points~~
- ~~Eligibility for 3.0 multiplier dwelling units per lot of record bonus requires 85% of the Potential Points~~

~~Each of the categories in the Density Bonus Incentive Program are intended to address a community identified need or goal. The Housing Type Mix category encourages a mixture of smaller dwelling units within the overall development scheme which provides an opportunity to achieve more affordable units and workforce housing within the CRA. The Mixed Use category seeks to obtain a development pattern compatible with the existing Central Business District whereby there is a mix of retail, restaurants and professional offices with residential units. A category for Community Amenities is included in order to realize several of the goals of the CRA such as retention of historic structures, maintenance of views, pedestrian corridors and providing for infrastructure improvements. The Green Building Certification category awards points to project that have taken the necessary steps to obtain a nationally recognized green building certification. Points for Sustainable Site Development Practices provide points for achieving certain measurable sustainable building techniques.~~

~~Table 4.01.02(A) CRA DENSITY BONUS SCORECARD~~		
~~CATEGORY~~	~~MEASURE~~	~~POINTS~~
~~HOUSING TYPE MIX~~	~~20% and above of total units- 750 sq ft or under~~	~~20~~
	~~20% through 80% of total units- 751- 1000 sq ft~~	~~20~~
	~~20% through 60% of total units- 1,001-1,250 sq ft~~	~~10~~
	~~**Housing Type Mix Maximum Points**~~	~~**35**~~
~~MIXED USE~~	~~Minimum 8% of gross floor area contains non-residential use (not including parking)~~	~~10~~
	~~**Mixed Use Maximum Points**~~	~~**10**~~
~~COMMUNITY AMENITIES~~	~~Project Reuses & Restores Existing Contributing or Non-Contributing Historic Structures On-Site~~	~~5~~
	~~Interconnected Public Spaces:~~ ~~Interconnected public spaces and pedestrian ways internal to the project site- *Partial Block* **OR***~~	~~5~~
	~~Interconnected public spaces and pedestrian ways internal to the project site- *Full Block*~~	~~10~~
	~~Project Contains Publicly Accessible Rooftop Amenities~~ ~~(Minimum of 400 sq. ft.)~~	~~8~~
	~~Project Contains Publicly Accessible Rooftop Green Open space~~ ~~(50% of rooftop)~~	~~8~~
	~~Implementing Streetscape Improvements in Accordance with Approved CRA Streetscape (Within Project ROW)~~	~~10~~
	~~Dedication of Land:~~ ~~City acquisition of 5% of the project site (minimum 2,500 sq. ft) to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition) **OR***~~	~~5~~
	~~City acquisition of 10% of the project site to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition)~~	~~10~~

	~~Public Outdoor Open Space:~~	
	~~2% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace **OR**~~	~~8~~
	~~4% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace **OR**~~	~~12~~
	~~6% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace~~	~~16~~
	~~Contribution of monies towards CRA infrastructure improvements above and beyond the costs of development impacts ($25,000 / point up to a maximum of 35 points)~~	~~35~~
	~~**Community Amenities Maximum Points**~~	~~**35**~~

~~**Table 4.01.02(A) – CRA DENSITY BONUS SCORECARD (continued)**~~

~~**CATEGORY**~~	~~**MEASURE**~~	~~**POINTS**~~
~~**GREEN BUILDING CERTIFICATION**~~	~~Nationally Recognized Sustainable Rating System (LEED, Green Globes, Earth Craft, etc.)~~	~~5~~
	~~**Green Building Certification Maximum Points**~~	~~**5**~~
~~**SUSTAINABLE SITE DEVELOPMENT PRACTICES**~~	~~HERS Rating OR Other Energy Conservation~~	
	~~HERS Rating of 70-61 **OR**~~	~~5~~
	~~HERS Rating of 60-51 **OR**~~	~~7~~
	~~HERS Rating of 50-16 **OR**~~	~~10~~
	~~HERS Rating of 15 or below~~	~~15~~
	~~**OR**~~	
	~~Project Uses Solar Water Heaters for all Commercial and Residential Units~~	~~1~~
	~~Project Contains On-site Renewable Energy~~	~~1~~
	~~Project Contains/ Requires All Energy Star Rated Appliances and Fixtures~~	~~1~~
	~~**ADDITIONAL CREDITS**~~	

	~~Project Uses Water Efficient Landscaping (Xeriscape & Rain Gardens)- Minimum of 75% of required landscaped area~~	~~1~~
	~~Florida Water Star Certified Project~~	~~2~~
	~~Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Parking Areas~~	~~1~~
	~~Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Tree Planting~~	~~1~~
	~~Project Diverts a Minimum of 50% of all Construction Waste Away from Landfills (re-use on-site or recycle hauler)~~	~~3~~
	~~Project Contains On-site Use of Collected Stormwater~~	~~2~~
	~~Reduced Non-Roof Heat Island Effect to a Minimum of 40% of Hardscape~~	~~2~~
	~~Reduced Roof Heat Island Effect (Green Roof or Reflective Roof)~~	~~3~~
	~~Project Provides a Central Storage Facility internal to the Project for the Collection of Recyclable Waste~~	~~2~~
	~~**Sustainable Site Development Practices**~~ ~~**Maximum Points**~~	~~**15**~~
	~~**TOTAL MAXIMUM POINTS**~~	~~**100**~~

OFFICE USE ONLY

REC'D: _____ BY: _____

PAYMENT: $ — TYPE: —

APPLICATION #: 2016-0001722

CASE #: 2016-27

BOARD MEETING DATE: DEC 14, 2016

PLANNING ADVISORY BOARD APPLICATION

- ☐ ZONING MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- ☐ LAND USE MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- ☒ LDC TEXT AMENDMENT ($850)
- ☒ COMP PLAN AMENDMENT ($850)
- ☐ SUBDIVISION PLAT – PRELIM ($750)
- ☐ SUBDIVISION PLAT – FINAL ($850)
- ☐ VACATION OF R.O.W. ($850)
- ☐ VOLUNTARY ANNEXATION ($1050)

APPLICANT INFORMATION

Owner Name: CITY OF FERNANDINA BEACH

Mailing Address: 204 ASH STREET FERNANDINA BEACH, FL 32034

Telephone: 904-310-3135 Fax: _____

Email: DMARTIN@FBFL.ORG

Agent Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email: _____

PROPERTY INFORMATION

Street Address: _____

Parcel Identification Number(s): _____

Lot Number: _____ Block Number: _____ Subdivision: _____

Section: _____ Township: _____ Range: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: _____

Less than One (1) acre Sq. Footage: _____ One (1) Acre or Greater: _____

Existing Zoning Classification: _____

Existing Future Land Use Classification: _____

Previous Planning/Zoning Approvals: _____

Description of Request:

SEE ATTACHED- COMPREHENSIVE PLAN TEXT AMENDMENT AND LDC CHANGES

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

11/29/16 — Date

Signature of Applicant

STATE OF FLORIDA
COUNTY OF NASSAU } ss

NICOLE BEDNAR
MY COMMISSION # FF929607
EXPIRES February 02, 2020
(407) 398-0153 FloridaNotaryService.com

Subscribed and sworn to before me this 29th day of November, 2016.

Notary Public: Signature

Nicole Bednar
Printed Name

Feb. 2, 2020
My Commission Expires

Personally Known X OR Produced Identification _____ ID Produced: _____

COMP PLAN AMENDMENT

Policy 1.07.09.

Central Business District (CBD)

a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
d. The density of residential development in the Central Business District land use category shall not exceed ~~eight (8)~~ thirty-four (34) units per acre.
e. The intensity of non-residential development shall not exceed a FAR of 2.0.
f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
    1. The need for additional land area within the Central Business District; land use category;
    2. Consistency of the land area with the characteristics of the Central Business District; and;
    3. Consistency of the land area with the characteristics of the downtown.

~~**Policy 1.04.05.**~~

~~The City shall implement a Density Bonus Incentive Program to encourage redevelopment within its Community Redevelopment Area (CRA). The CRA boundary is delineated on the City's Future Land Use Map and cannot be amended without a Comprehensive Plan amendment. The Density Bonus Incentive Program shall be available only to those properties within the CRA which carry or acquire the Central Business District (CBD) future land use designation and are not within the Coastal High Hazard Area (CHHA).~~

~~The Density Bonus Incentive Program shall utilize a scoring system as formalized within the Land Development Code by which redeveloping, eligible properties may choose to address categories of Housing Type Mix, Mixed Use, Community Amenities, Green Building Certification and Sustainable Site Development Practices to earn points toward a density increase.~~

~~Each category has a maximum number of points *(illustrated in Table 1.03.01)*. Points may be obtained in any combination of the categories with the total number of points not to exceed 100 points.~~

~~**Table 1.04.01. Density Bonus Incentive Program Maximum Points**~~

~~CATEGORY~~	~~MAXIMUM POINTS~~
~~HOUSING TYPE MIX~~	~~35~~
~~MIXED USE~~	~~10~~
~~COMMUNITY AMENITIES~~	~~35~~
~~GREEN BUILDING CERTIFICATION~~	~~5~~
~~SUSTAINABLE SITE DEVELOPMENT PRACTICES~~	~~15~~
~~TOTAL~~	~~100~~

~~Density bonuses may be earned on a site specific basis based on the following minimum thresholds in the scoring system:~~

~~a. Minimum of 40% of the potential points to achieve 1.5 times the allowable base density;~~
~~b. Minimum of 55% of the potential points to achieve 2.0 times the allowable base density;~~
~~c. Minimum of 70% of the potential points to achieve 2.5 times the allowable base density; or~~
~~d. Minimum of 85% of the potential points to achieve 3.0 times the allowable base density.~~

LAND DEVELOPMENT CODE CHANGES

4.01.01 Density and Housing Types

Table 4.01.01. Density and Housing Types in Base Zoning Districts.

Zoning District	Maximum Gross Density (dwelling units per acre)	Permissible Housing Types
RE	1.0	Single-family detached
R1-G	4.0	Single-family detached
R-1	4.0	Single-family detached
RLM	6.0	Single-family detached
R-2	8.0	Single-family detached Duplex structures Triplex structures Townhouses
R-3	10.0	Single-family detached Duplex structures Triplex structures Townhouses Multi-family structures with 4 or more units
OT-1	10.0	Single-family detached
OT-2	10.0	Single-family detached
MU-1	8.0	Single-family detached Duplex structures Triplex structures Townhouses Mixed Use
MU-8	18.0	Single-family detached Duplex structures Triplex structures Townhouses Multi-family Structures with 4 or more units Mixed Use
C-1	Prohibited	
C-2	Prohibited	
C-3	34.0 ~~8.0~~	Single-family detached Duplex structures Triplex structures

		<u>Townhouses</u> Multi-family structures or mixed use
I-1	Not permitted as a principal use[1]	
I-A	Not permitted as a principal use[1]	
I-W	Not permitted as a principal use[1]	
W-1	2.0 with bonus potential to 4.0	Single-family within mixed use
PI-1	Not permitted as a principal use[1]	
CON	Not permitted as a principal use[1]	
REC	Prohibited	

[1]An accessory dwelling unit is permissible for caretakers or security personnel. See Section 5.01.04.

~~4.01.02 Density Bonus Provisions~~

~~Fernandina Beach Community Redevelopment Area (CRA) Density Bonus Incentive Program~~

~~The CRA Density Bonus Incentive Program is only available to those properties within the Fernandina Beach CRA, as adopted by Resolution 2006-28, which carry the Central Business District (CBD) future land use designation/ C-3 zoning and are not within the Coastal High Hazard Area (CHHA). This program has been developed as a mechanism to encourage additional residential density within the CRA and is not a development requirement. Property owners and developers wishing to take advantage of the potential additional density provided by the bonus program are required to demonstrate full compliance with its requirements through the site design review process. Further, the completed scorecard shall be approved as part of the local development order and recorded with the Nassau County Clerk of Courts in the form of a deed restriction. All committed improvements shall be inspected prior to issuance of a certificate of occupancy. Property dedications are subject to the City's acceptance of the land.~~

~~The Density Bonus Scorecard (Table 4.01.02(A)) is a tool created to evaluate a developments' ability to obtain a density bonus. It is composed of five (5) categories: Housing Type Mix, Mixed Use, Community Amenities, Green Building Certification and Sustainable Site Development Practices. Each category contains a maximum number of points within the overall category. Projects that obtain additional points within the category are not permitted to transfer those points to any other category. The total number of points in all five (5) categories combined equals 100 points. The density bonus multiplier is applied to the project's underlying lots of record. Projects are able to obtain a density bonus multiplier if they achieve the required total number of points as follows:~~

- ~~Eligibility for 1.5 multiplier dwelling units per lot of record bonus requires 40% of the Potential Points~~
- ~~Eligibility for 2.0 multiplier dwelling units per lot of record bonus requires 55% of the Potential Points~~
- ~~Eligibility for 2.5 multiplier dwelling units per lot of record bonus requires 70% of the Potential Points~~
- ~~Eligibility for 3.0 multiplier dwelling units per lot of record bonus requires 85% of the Potential Points~~

~~Each of the categories in the Density Bonus Incentive Program are intended to address a community identified need or goal. The Housing Type Mix category encourages a mixture of smaller dwelling units within the overall development scheme which provides an opportunity to achieve more affordable units and workforce housing within the CRA. The Mixed Use category seeks to obtain a development pattern compatible with the existing Central Business District whereby there is a mix of retail, restaurants and professional offices with residential units. A category for Community Amenities is included in order to realize several of the goals of the CRA such as retention of historic structures, maintenance of views, pedestrian corridors and providing for infrastructure improvements. The Green Building Certification category awards points to project that have taken the necessary steps to obtain a nationally recognized green building certification. Points for Sustainable Site Development Practices provide points for achieving certain measurable sustainable building techniques.~~

~~Table 4.01.02(A) - CRA DENSITY BONUS SCORECARD~~		
~~CATEGORY~~	~~MEASURE~~	~~POINTS~~
~~HOUSING TYPE MIX~~	~~20% and above of total units- 750 sq ft or under~~	~~20~~
	~~20% through 80% of total units- 751 - 1000 sq ft~~	~~20~~
	~~20% through 60% of total units- 1,001-1,250 sq ft~~	~~10~~
	~~**Housing Type Mix Maximum Points**~~	~~**35**~~
~~MIXED USE~~	~~Minimum 8% of gross floor area contains non-residential use (not including parking)~~	~~10~~
	~~**Mixed Use Maximum Points**~~	~~**10**~~
~~COMMUNITY AMENITIES~~	~~Project Reuses & Restores Existing Contributing or Non-Contributing Historic Structures On-Site~~	~~5~~
	~~Interconnected Public Spaces:~~ ~~Interconnected public spaces and pedestrian ways internal to the project site- *Partial Block* **OR***~~	~~5~~
	~~Interconnected public spaces and pedestrian ways internal to the project site- *Full Block*~~	~~10~~
	~~Project Contains Publicly Accessible Rooftop Amenities (Minimum of 400 sq. ft.)~~	~~8~~
	~~Project Contains Publicly Accessible Rooftop Green Open space (50% of rooftop)~~	~~8~~
	~~Implementing Streetscape Improvements in Accordance with Approved CRA Streetscape (Within Project ROW)~~	~~10~~
	~~Dedication of Land:~~ ~~City acquisition of 5% of the project site (minimum 2,500 sq. ft) to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition) **OR***~~	~~5~~
	~~City acquisition of 10% of the project site to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition)~~	~~10~~
	~~Public Outdoor Open Space:~~ ~~2% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace **OR***~~	~~8~~
	~~4% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace **OR***~~	~~12~~
	~~6% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace~~	~~16~~
	~~Contribution of monies towards CRA infrastructure improvements above and beyond the costs of development impacts ($25,000 / point up to a maximum of 35 points)~~	~~35~~
	~~**Community Amenities Maximum Points**~~	~~**35**~~

~~Table 4.01.02(A) – CRA DENSITY BONUS SCORECARD (continued)~~		
~~CATEGORY~~	~~MEASURE~~	~~POINTS~~
~~GREEN BUILDING CERTIFICATION~~	~~Nationally Recognized Sustainable Rating System (LEED, Green Globes, Earth Craft, etc.)~~	~~5~~
	~~Green Building Certification Maximum Points~~	~~5~~
~~SUSTAINABLE SITE DEVELOPMENT PRACTICES~~	~~HERS Rating OR Other Energy Conservation~~	
	~~HERS Rating of 70-61 OR~~	~~5~~
	~~HERS Rating of 60-51 OR~~	~~7~~
	~~HERS Rating of 50-16 OR~~	~~10~~
	~~HERS Rating of 15 or below~~	~~15~~
	~~OR~~	
	~~Project Uses Solar Water Heaters for all Commercial and Residential Units~~	~~1~~
	~~Project Contains On-site Renewable Energy~~	~~1~~
	~~Project Contains/ Requires All Energy Star Rated Appliances and Fixtures~~	~~1~~
	~~ADDITIONAL CREDITS~~	
	~~Project Uses Water Efficient Landscaping (Xeriscape & Rain Gardens)- Minimum of 75% of required landscaped area~~	~~1~~
	~~Florida Water Star Certified Project~~	~~2~~
	~~Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Parking Areas~~	~~1~~
	~~Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Tree Planting~~	~~1~~
	~~Project Diverts a Minimum of 50% of all Construction Waste Away from Landfills (re-use on-site or recycle hauler)~~	~~3~~
	~~Project Contains On-site Use of Collected Stormwater~~	~~2~~
	~~Reduced Non-Roof Heat Island Effect to a Minimum of 40% of Hardscape~~	~~2~~
	~~Reduced Roof Heat Island Effect (Green Roof or Reflective Roof)~~	~~3~~
	~~Project Provides a Central Storage Facility internal to the Project for the Collection of Recyclable Waste~~	~~2~~
	~~Sustainable Site Development Practices Maximum Points~~	~~15~~
	~~TOTAL MAXIMUM POINTS~~	~~100~~

DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

COMPREHENSIVE PLAN & LDC TEXT AMENDMENTS- CBD DENSITY

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	City of Fernandina Beach/ City Commission as 2016 Priority Action Item
AGENT:	Dale L. Martin, City Manager → Community Development Department Planning Staff
REQUESTED ACTION:	Amending Comprehensive Plan Policies 1.04.05 and 1.07.09 and LDC Sections 4.01.01 and 4.01.02 to remove the density bonus provisions for the CRA and increasing net density within the Central Business District land use/ C-3 zoned properties
LOCATION:	All Central Business District (CBD) FLUMED and C-3 Zoned Properties totaling approximately 47.50 acres of land

**** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Community Development Department Office. ****

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

In 2016, the City Commission established a priority goal objective of increasing density in the City's downtown. This topic is not unfamiliar to the City and its residents. For over a decade, the issue of increased density in the urban core has been discussed at various boards and committees and even stems from the initial efforts of the City's waterfront visioning exercises in 2004-2005. The Waterfronts Florida Partnership provided an excellent starting point for the City to consider its long term planning as it relates to the riverfront area as well as downtown. The visioning which took place and subsequent follow up meetings pointed to the need to increase the City's capacity to provide additional downtown residential housing opportunities and support its local merchants. Initial efforts were completed to increase downtown density, prior Planning staff considered an Urban Core type land use category in which density could be higher than the CBD. Unfortunately, in 2004 the entire City was considered within a Coastal High Hazard Area, which virtually froze all existing residential densities city-wide. The discussion ceased and efforts were considered in other areas to support downtown. In 2006, the state changed its definition of Coastal High Hazard Area (CHHA) and updated maps were issued. Today, only the western most edges of waterfront property are impacted by the CHHA.

In the years that followed, the City established a Community Redevelopment Area (CRA) along its waterfront properties and immediately adjoining the westernmost portion of the Central Business District. In late 2010, the City created a density bonus system for CRA properties containing the CBD land use designation as a means to address concerns raised by the development community that there was insufficient density in place to create marketable residential structures. However, efforts were too late as the nationwide recession was in full effect and the housing market crashed. The density bonus program and Land Development Code (LDC) based "score card" has never been used.

Although, ten years have passed since the prior discussions, much remains the same. The development community continues to face obstacles in their ability to deliver marketable housing on underutilized and vacant lands located downtown. An additional challenge is the ability to residentially occupy the second and third floors of historic structures due to the financial burden involved with meeting accessibility, fire separation, and Florida building code requirements. Creating these units may be possible, but the rate of return on potential rents makes it difficult to justify the cost of improvements.

Today, the majority of second and third floor units remain vacant as most retail and offices want to be located on the first floor.

The Central Business District (CBD) Future Land Use category is comprised of approximately 47.50 acres. Its current maximum density is at 8 dwelling units per acre, except where a previously platted lot of record exists. Under Comprehensive Plan policy 1.05.04, existing platted lots of record located in the CBD (*and other districts*) are permitted one (1) residential unit.

The City's 1901 plat created lots of record at a scale of 25ft x100ft for properties extending from east of Front Street to 4th Street. Lots gradually become larger as they continue east with 50 ft x 100 ft lots on the 5th and 6th Street blocks and 100 ft. x 100 ft. lots extending east to Central Park.

Exhibits A – C depict the City's CBD land use with 1901 plat lines, current parcel configuration and location of the Downtown Historic District and Community redevelopment area.

Staff has evaluated the entire district from a land use perspective and found that when 8 dwelling units per acre is calculated the City is capable of achieving 380 dwelling units within the Central Business District. That same area contains 383 existing platted lots of record in total, each honored under Policy 1.05.04. From a broad brush approach, the base density is achieved district wide. Staff proposes elevating the base density to 34 dwelling units per acre, which would accommodate a potential maximum build-out of the district at 1,615 residential dwelling units. This quadrupling of density sounds alarming, however, the feasibility of fully achieving it must be considered.

Portion of 1901 Plat of Downtown Fernandina Beach

FEASIBILITY OF A MAXIMUM BUILD-OUT:

Properties located within the City's historic district are regulated by the Historic District Council for any exterior improvements or consideration of demolition. Structures which are "contributing" to the district face additional scrutiny prior to the allowance of demolition. Established procedures are in place to protect the City's historic resources. The proposed density increase is an effort to allow for residential dwellings to occupy existing vacant spaces within the 2nd and 3rd levels of these resources, not to encourage demolition.

The City has in place a forty-five (45) foot height limit for all CBD/C-3 zoned structures, which limits buildings to a maximum of four (4) stories tall. Lots located within the Central Business District are limited to a lot width of no less than 25 feet and each lot is required to have access from an adjoining public right-of-way. The City's LDC directs that 10% of the site be dedicated for landscaping improvements. Additionally, newly developed mixed use and apartment structures require on-site storm water management with permitting through the St. Johns River Water Management District. Due to the high value of the land within this area, staff presumes that new development would rely on subterranean vaults to meet the demands of their storm water impacts.

Within the CBD/C-3 zoning district, the City absorbs parking impacts tied to any commercial operation, so there is NO PARKING required for any commercial use downtown. However, the City does not extend this exemption to on-site parking for residential dwellings. With most of the downtown historic structures, especially those located on Centre Street, achieving parking on site will not be possible. This requirement may force additional changes to the LDC or variance requests to deviate from minimum parking standards.

Collectively, these requirements, along with standards contained in the Florida Building Code and Fire Code erode the ability to fully build out to the maximum build out and create a marketable residential unit.

Strategies for handling parking:

Parking as a topic was not originally addressed in the current staff proposal. This is not something that needs to be addressed immediately for the proposal to continue its progress, but is something that needs to be considered moving forward. It's also a topic that the PAB may wish to provide comment and offer a recommendation to the City Commission.

The City does extend a provision for properties located in the Community Redevelopment Area (CRA) to reduce minimum residential parking standards, dependent on the square footage of each dwelling unit. (LDC Section 7.01.04 (A) - Parking Space Requirements Table, Footnote 2). It may be appropriate to adjust the standard to apply to all C-3 zoned properties and consider if additional adjustments need to be made.

Alternatively, the City could consider allowing a payment in lieu of providing parking for residential for its historic structures. This mechanism is currently in place for non-residential uses within the CRA. A strategy like this would allow property owner to satisfy their parking requirement by paying a set fee for the City to provide parking.

Finally, the City could consider waiving parking requirements for redeveloping historic structures to accommodate residential uses and allow overnight parking within existing City Parking lots. With the latter approaches, staff suggests that a residential overnight parking permit program be established to monitor the number of vehicles that have been legally allowed to park overnight and to ensure compliance with the parking strategy chosen.

DENSITY (EXISTING AND PROPOSED):

The first three examples provide a quick summary of how the proposed change would impact the ability to provide residential units on a given piece of property. It depicts a maximum build out scenario and does not account for compliance with the technical standards of the City's LDC for adherence with historic district guidelines, providing parking, minimum landscape or stormwater requirements as may be necessary under a redevelopment scenario. It's simply for purposes of providing a graphical representation of the calculation and what could be possible.

A previously platted 25 x 100ft lot of record is permitted to construct a single dwelling unit downtown. In this example, like many this is a historic structure constructed in 1900. Creating a residential unit and satisfying code requirements involves a substantial financial burden and the owner is left with a 2,500 square foot apartment, an area that is in keeping with most suburban residential standards, not that of a downtown urban core. Under the proposed change, this property would have sufficient density to establish up to (2) two residential units.

Example Density Calculation:

25 X 100 ft Lot of Record	2,500 ft²
Add Half of Adjoining ROW (on Centre Street)	+1000 ft²
	3,500 ft²

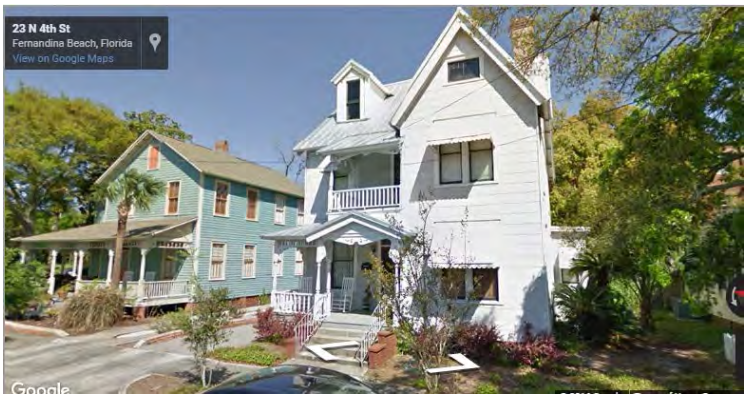
With Policy 1.04.05 (honors platted lots of record)	1 unit
Existing CBD Density (8 du/ acre or 5,445 ft²)	0 units
Proposed CBD Density (34 du/ acre or 1,281 ft²)	2 units

A 50 x 100 ft lot is also permitted to construct a single dwelling unit under both policy 1.04.05 and it also satisfies minimum existing density requirements when calculating ½ of the adjoining right-of- way (ROW). Under the proposed change the lot would be able to construct five (5) residential dwelling units.

Example Density Calculation:

50 X 100ft Lot of Record	5,000 ft²
Add Half of Adjoining ROW (on Side Numbered Streets = 60 ft)	+1500 ft²
	6,500 ft²

With Policy 1.04.05 (honors platted lots of record)	1 unit
Existing CBD Density (8 du/ acre or 5,445 ft²)	1 unit
Proposed CBD Density (34 du/ acre or 1,281 ft²)	5 units



The 1901 platted 100 x 100 ft. lots will go from being able to construct three (3) dwelling units to a maximum of twelve (12) dwelling units.

Example Density Calculation:

100 X 100ft Lot of Record	10,000 ft²
Add Half of Adjoining ROW (on Side Numbered Streets = 60 ft)	+ 6,000 ft²
	16,000 ft²

With Policy 1.04.05 (honors platted lots of record)	1 unit
Existing CBD Density (8 du/ acre or 5,445 ft²)	2 units
Proposed CBD Density (34 du/ acre or 1,281 ft²)	12 units

VACANT OR UNDERUTILIZED SITES AND DENSITY IMPACTS

Within the Central Business District/ C-3 zoning district remains a total of 18 "vacant" properties. These properties are scattered throughout the downtown area and contain a variety of lot configurations. This map depicts the location of remaining vacant lands.

Staff has provided a brief analysis of three (3) potential redevelopment sites. They were chosen because they are either currently vacant or underutilized properties with a high potential for future redevelopment. Calculations are reflective of a maximum build-out scenario and do not account for what may be a marketable residential unit when factoring requirements for adherence with the LDC standards for a 45 foot maximum building height, 10% landscape standard, parking requirements, or stormwater management. Requirements for compliance with the Florida Building Code and Florida Fire Code may also impact the total number of units achievable on a given site.

This 125x100 ft. parcel is a property which is likely to redevelop in the future and may take advantage of the potential for residential density through its redevelopment scheme. Under the proposed change the property would be able to construct up to 15 residential dwelling units.

Example Density Calculation:

125 X 100ft Lot with 5 Platted Lots	12,500 ft²
Add Half of Adjoining ROW (Approximately = 60 ft)	+ 6,750 ft²
	19,250 ft²

With Policy 1.04.05 (honors platted lots of record)	5 units
Existing CBD Density (8 du/ acre or 5,445 sq ft)	3 units
Proposed CBD Density (34 du/ acre or 1,281 sq ft)	15 units

Although, the property is currently being redeveloped in keeping with its prior use as a retail store, this 400 x 400 ft. parcel is a property which has the potential to redevelop in the future. Under the proposed change the property would be able to construct up to 45 residential dwelling units.

Example Density Calculation:

200 X 200ft Lot with 5 Platted Lots	40,000 ft²
Add Half of Adjoining ROW (Approximately = 60 ft)	+ 18,000 ft²
	58,000 ft²

With Policy 1.04.05 (honors platted lots of record)	4 units
Existing CBD Density (8 du/ acre or 5,445 sq ft)	10 units
Proposed CBD Density (34 du/ acre or 1,281 sq ft)	45 units

This property is located within the City's CRA and previously considered a redevelopment scenario that involved mixed use office/retail and apartments prior to the 2009 housing market crash. The site remains vacant and the existing Standard Marine Building is boarded up. Under the proposed density increase, the property has the potential for redevelopment of up to 99 dwelling units.

Example Density Calculation:

2.06 Acres – Full City Block on Front Street	89,733 ft²
Add Half of Adjoining ROW (on Side Numbered Streets = 60 ft)	+ 37,500 ft²
	127,233 ft²

With Policy 1.04.05 (honors platted lots of record)	34 units
Existing CBD Density (8 du/ acre or 5,445 sq ft)	23 units
Proposed CBD Density (34 du/ acre or 1,281 sq ft)	99 units

MAIN STREET FERNANDINA SURVEY ANALYSIS

With the support of Main Street Fernandina, the City devised and launched a survey in mid-September 2016. A total of 199 responses were obtained from the survey effort which closed on December 8, 2016. With exception of a few, those who responded to the survey indicated an interest in living downtown, if they were able to secure housing to meet their desired needs. An overwhelmingly (92%) stated that if they lived downtown they would drive less often. 60% of respondents stated they would be willing to park their cars a maximum of two-blocks from their place of residency and would rely on public transportation more frequently.

When it comes to desired housing preferences, most respondents are looking to secure 1,000 to 2,000 square feet of living area with 2-3 bedrooms and 1.5 -3 bathrooms. They would also like to have two (2) available parking spaces either within their place of residency or as a mix of secured parking and on-street parking. One-third (1/3) of respondents indicate a desire to live in a mixed-use building, however, nearly 50% would like either a detached single-family home or townhouse. Although, most respondents are desirous of buying their place downtown, of those willing to rent a 2-bedroom apartment 45% are looking for $1,000 or less in rent costs each month.

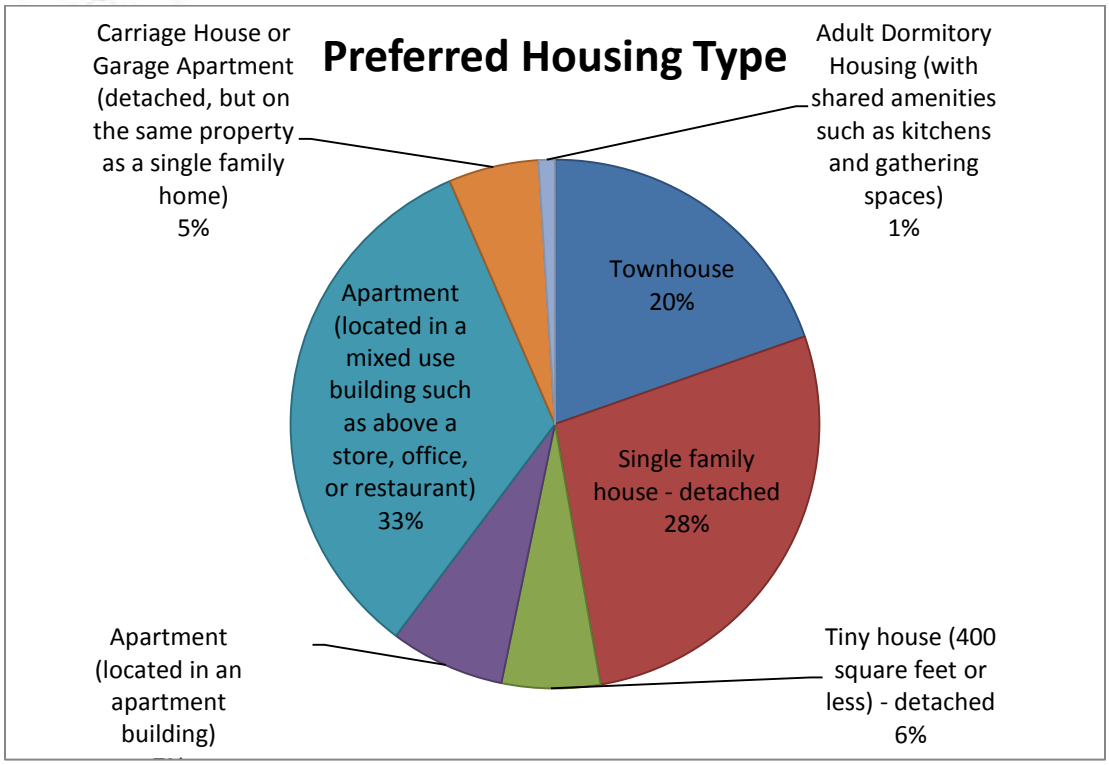
Here is a brief summary of the general demographics of survey respondents:

- 25% of respondents are employed in downtown Fernandina Beach.
- 61% of the respondents live on Amelia Island.
- Almost 70% are looking to buy or rent-to-buy a place downtown.
- Nearly 80% have 2+ people currently living in their household.
- Roughly 50% of respondents were aged 55+, with almost 23% of respondents under the age of 40.

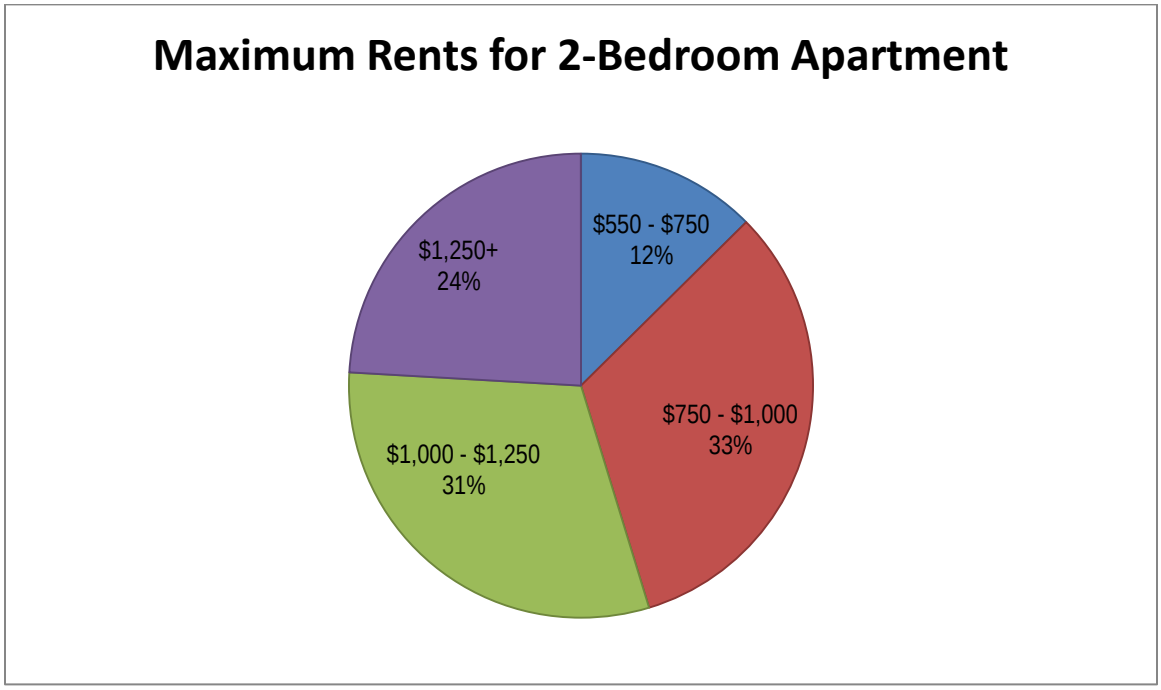
These top three items were tremendously supported as a primary factor to their decision to live in downtown Fernandina Beach

1. Dining, Nightlife, and Entertainment
2. Public Amenities such as the Marina, Library, Post Office, City Hall, Community Theater, Museum, etc.
3. Safe Walking and Biking.

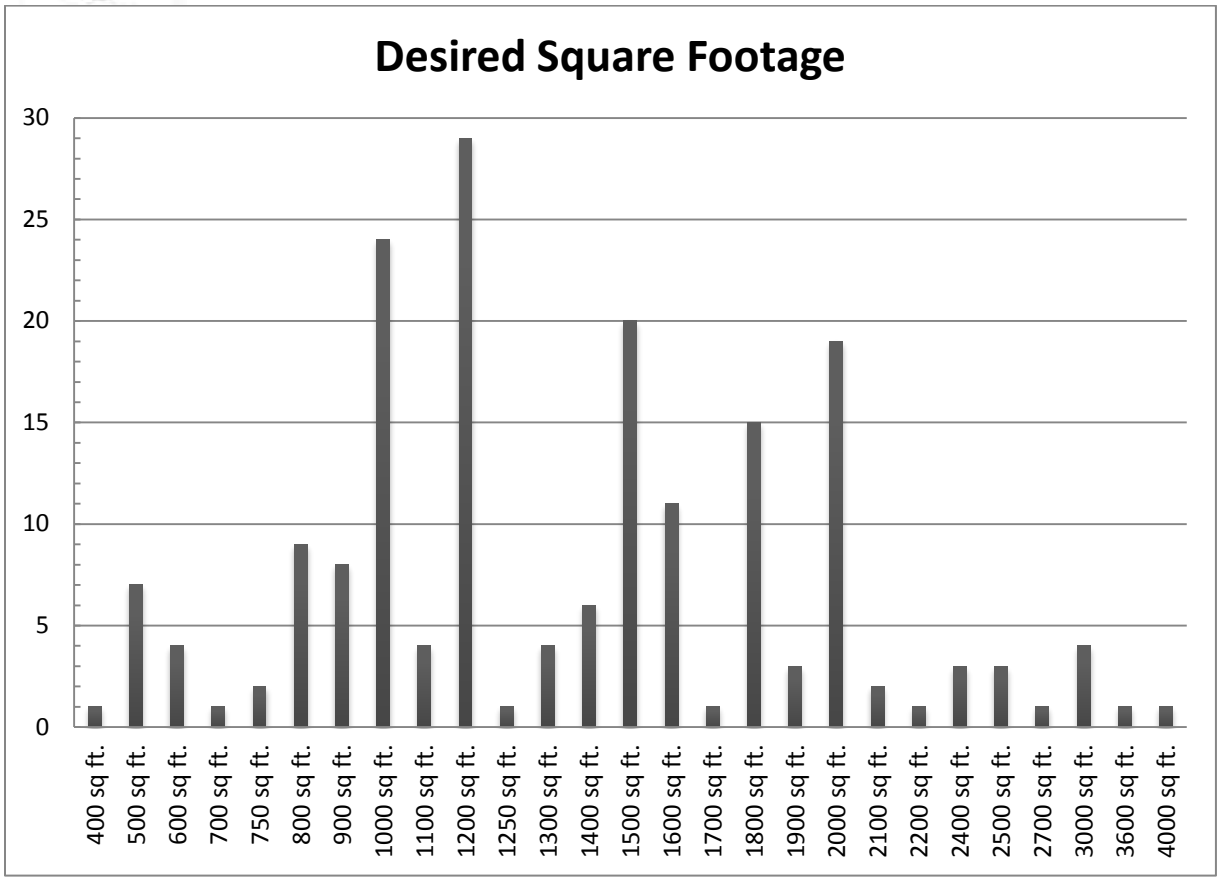
When asked "Why do you want to live downtown?" The primary responses were "Convenience, Walkable, Close to Everything, and Historic Charm." Responses are summarized in the word cloud, HERE →.

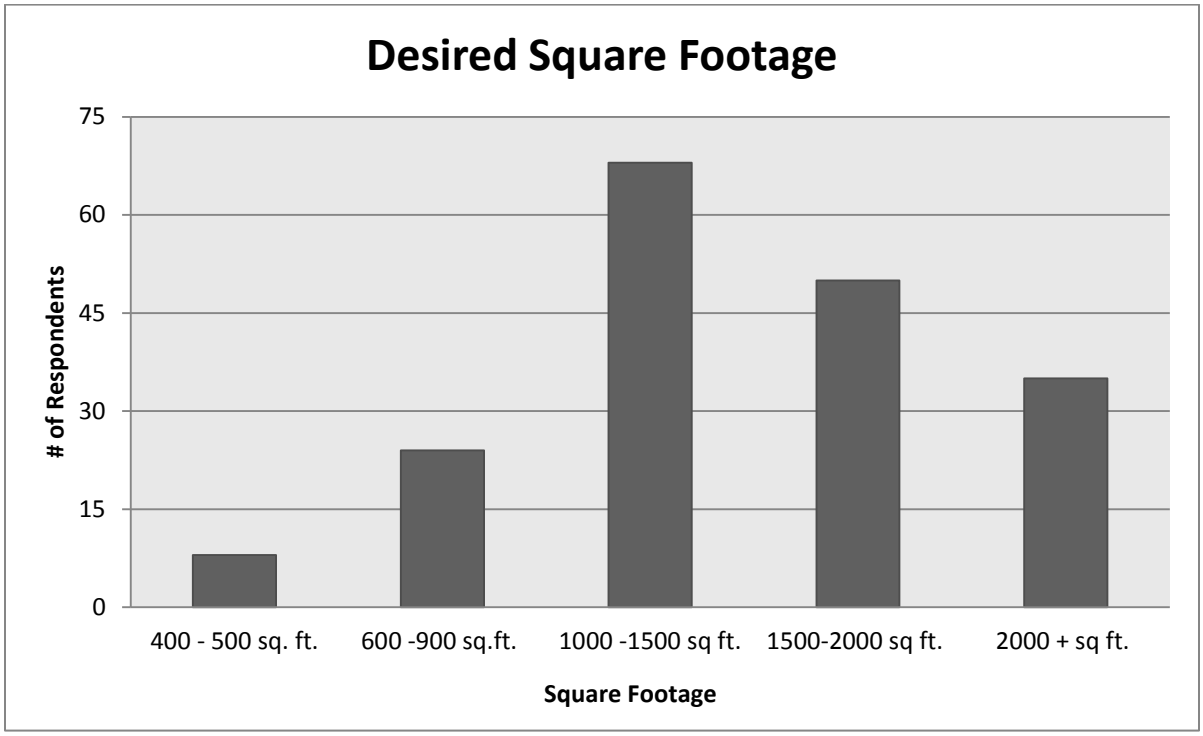


There is a fairly even split of survey respondents looking for either Single family detached homes, townhouses, or mixed –use living downtown .

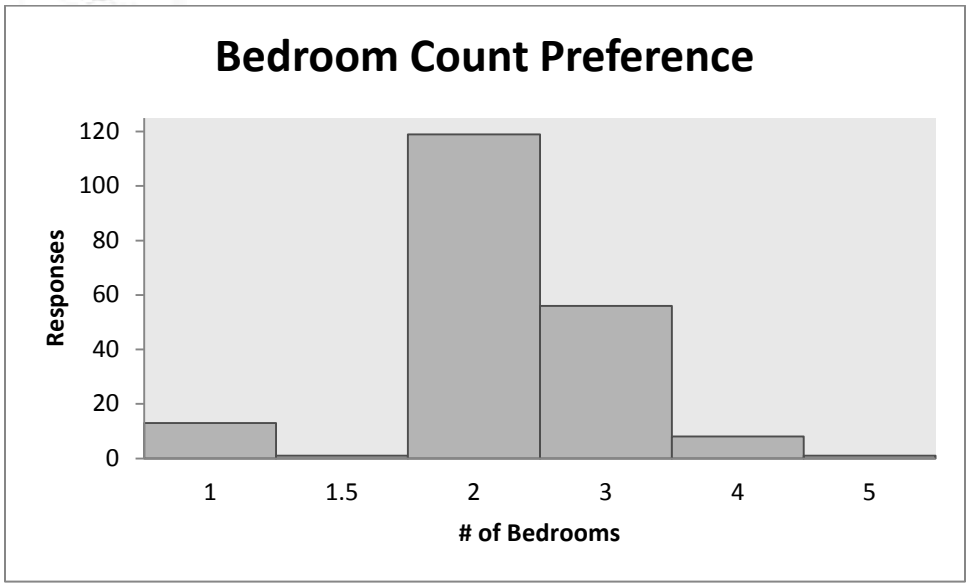


Roughly two-thirds of the respondents are willing to pay up to $1,250 for a two- bedroom apartment downtown. However, 45% of the respondents are looking to pay $1,000 or less.

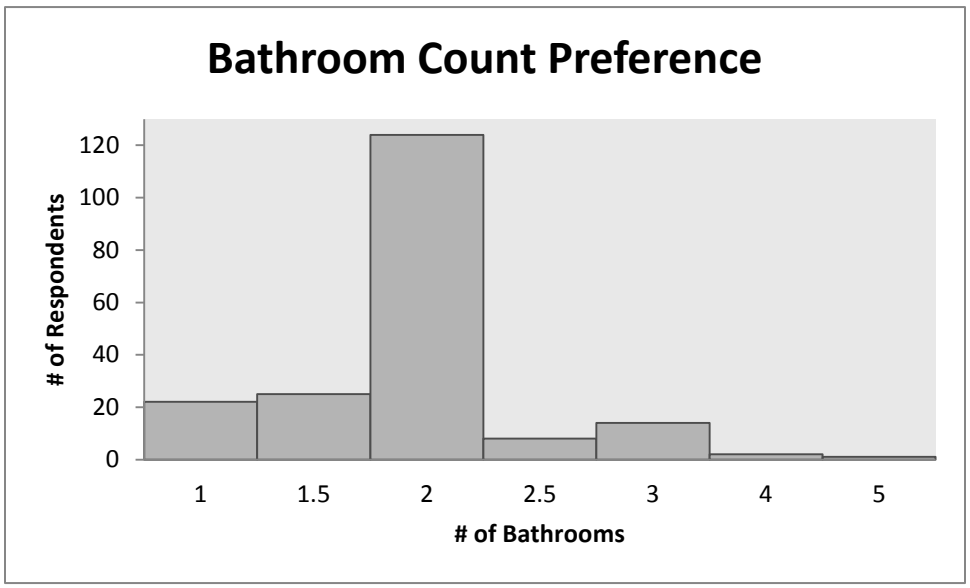




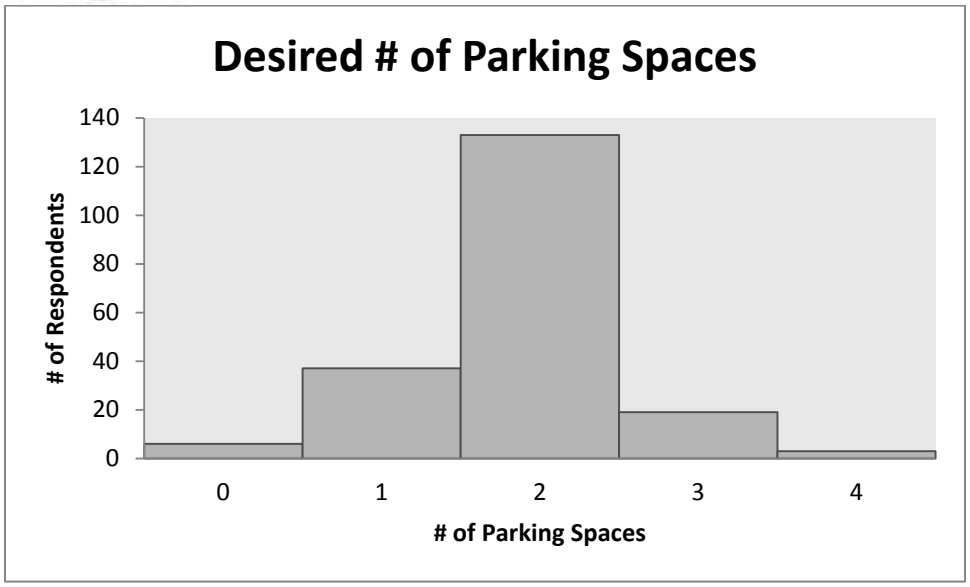
The majority of respondents desire between 1,000 – 2,000 square feet.



88% of respondents are looking for 2-3 bedrooms.



86% of respondents are looking for between 1.5 and 3 bathrooms with the majority requesting two (2) bathrooms.



67% of Respondents desire two (2) parking spaces with just over 20% stating that they would require either zero or one (1) space.

CONCLUSION:

The analysis contained within this report provides information to support a net density increase within the Central Business District (CBD)/ C-3 zoning district from 8 dwelling units per acre to 34 dwelling units per acre. This figure supports the City's ability to obtain residential dwelling units in its existing historic structures. It provides an opportunity to create dwelling units on vacant or underutilized sites which serve to support long term residential living downtown, whether those units support work force housing needs, senior co-housing, tiny houses, or an opportunity for an affordable 2nd home in downtown Fernandina Beach. It is a product which the City's urban core is currently unable to deliver under the existing base density. Increasing the number of residential units within the CBD serves to support existing business merchant's downtown by providing affordable housing options through smaller unit sizes for retail, office, and restaurant employees. It also increases the number of people likely to walk, dine, and shop weekly or even daily at their businesses. This adds vibrancy to the City's downtown core and supports previous long term visioning efforts. Staff fully supports the City Commission's request to increase net density downtown as directed by its 2016 priority action item.

Details regarding parking cannot be ignored, particularly as it will relate to established historic structures. At the present time, there are parking flexibility standards within the LDC which may help those property owners looking to meet minimum parking requirements through off-site parking agreements. A variance opportunity exists for these owners as well. Amendments regarding parking as contained in Chapter 7 of the LDC may be considered by PAB recommendations or addressed as a staff proposal under a separate application.

MOTION(S) TO CONSIDER:

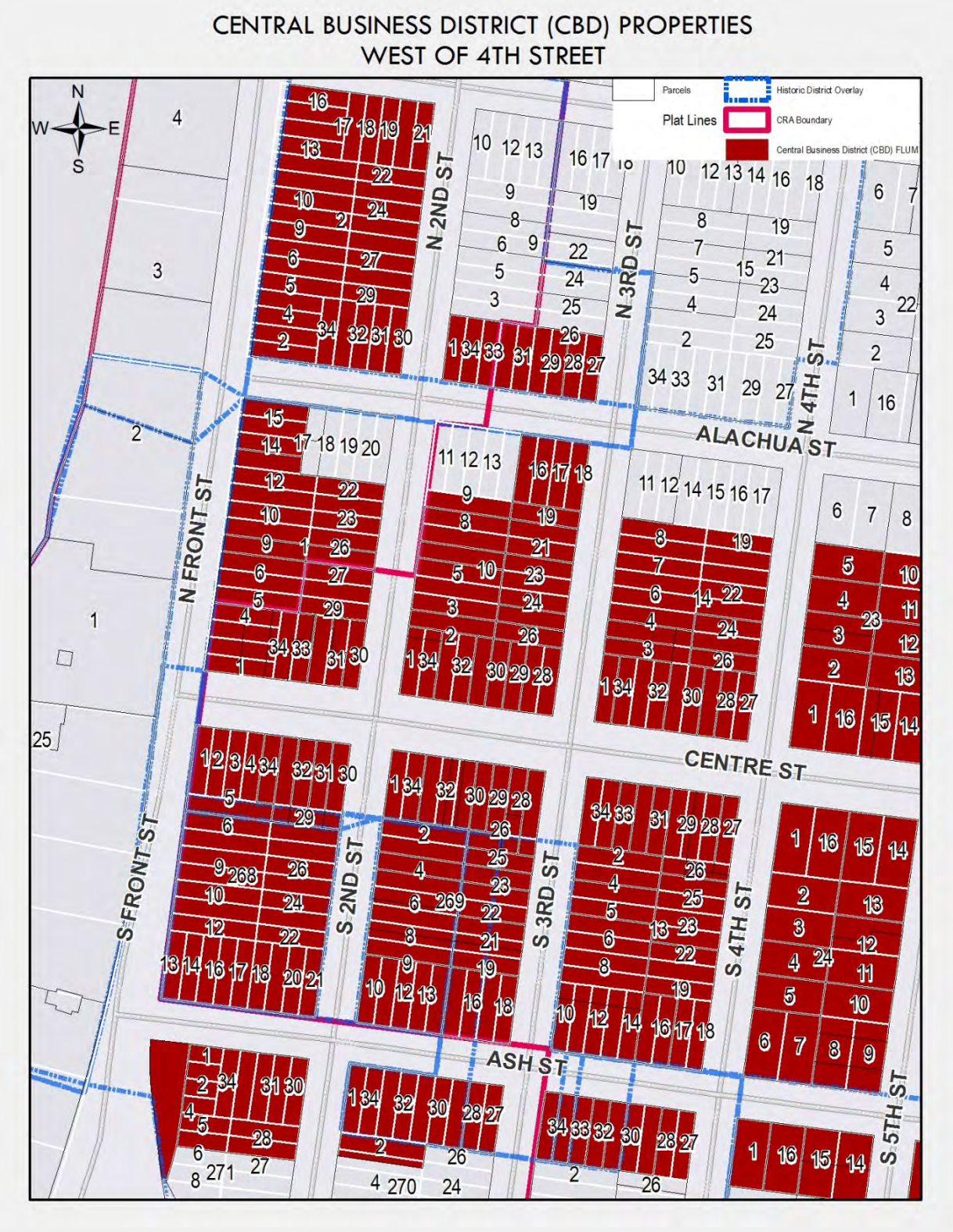
I move to recommend (approval or denial) of PAB case number 2016-27 to the City Commission requesting amendments to Comprehensive Plan Policies 1.04.05 and 1.07.09 and LDC Sections 4.01.01 and 4.01.02 as described and that PAB case 2016-27, as presented, (is or is not) sufficiently compliant with applicable sections of the Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson

Kelly N. Gibson, AICP
Senior Planner

EXHIBIT A


CENTRAL BUSINESS DISTRICT (CBD) PROPERTIES
WEST OF 4TH STREET
Parcels
Plat Lines
Historic District Overlay
CRA Boundary
Central Business District (CBD) FLUM
N
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E
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N 2ND ST
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N 4TH ST
ALACHUA ST
N FRONT ST
CENTRE ST
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S 2ND ST
S 3RD ST
S 4TH ST
ASH ST
S 5TH ST

EXHIBIT B

CENTRAL BUSINESS DISTRICT (CBD) PROPERTIES
BETWEEN 4TH AND 6TH STREETS
Parcels
Plat Lines
Historic District Overlay
CRA Boundary
Central Business District (CBD) FLUM
N
S
E
W
ALACHUA ST
CENTRE ST
ASH ST
N 3RD ST
N 4TH ST
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N 6TH ST
N 7TH ST
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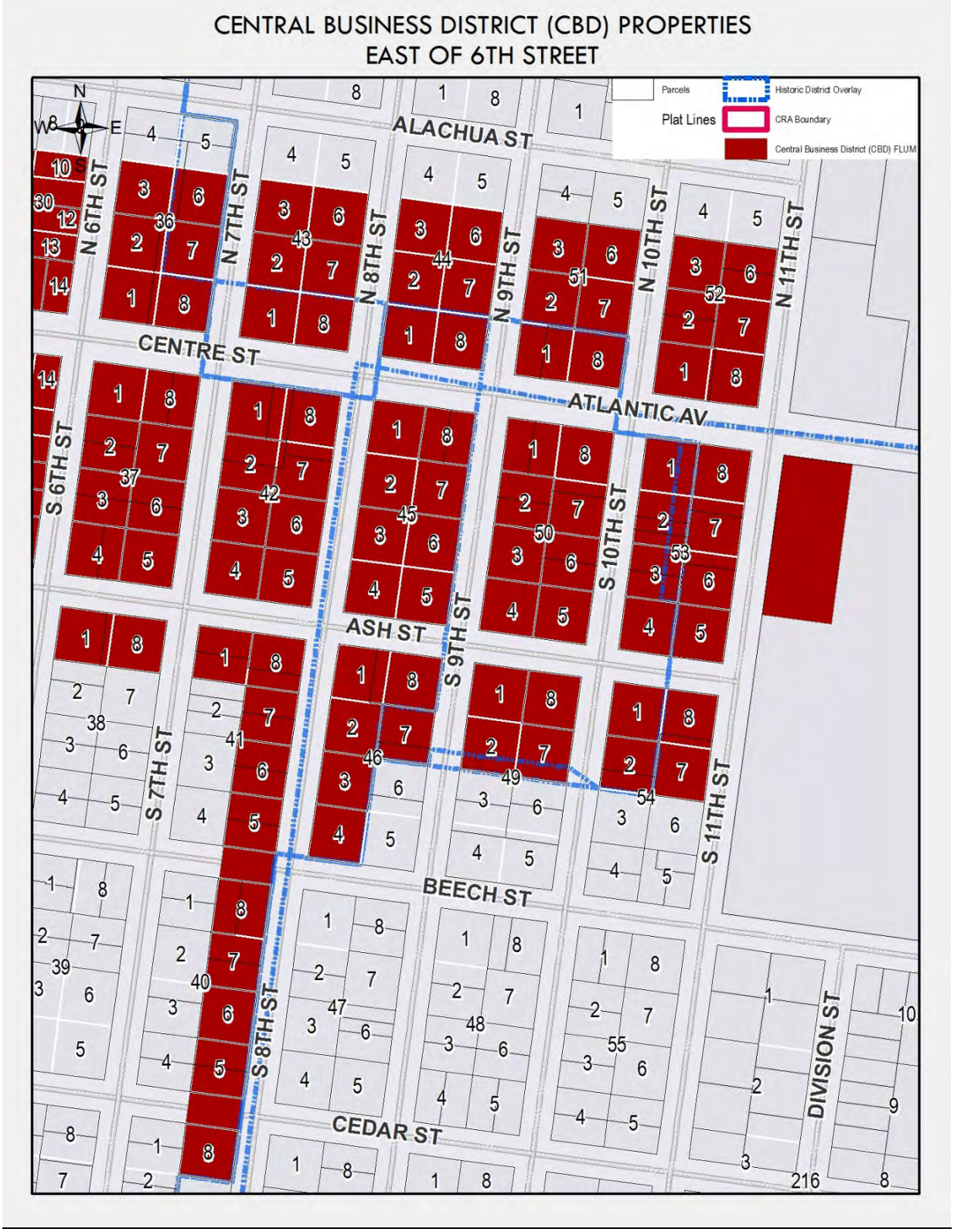
S 7TH ST

EXHIBIT C


CENTRAL BUSINESS DISTRICT (CBD) PROPERTIES
EAST OF 6TH STREET
Parcels
Plat Lines
Historic District Overlay
CRA Boundary
Central Business District (CBD) FLUM
N
W
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ALACHUA ST
CENTRE ST
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CITY OF FERNANDINA BEACH **Kelly N. Gibson, AICP**
Community Development Department Senior Planner

February 17, 2017

Joseph Addae- Mensa, Ph.D.
Florida Department of Economic Opportunity
Division of Community Development
107 E. Madison Street, MSC 160
Tallahassee, FL 32399
Joseph.addae-mensa@deo.myflorida.com

RE: Request for Additional Analysis of Public Facilities and Services

Mr. Addae-Mensa,

The purpose of this letter is to provide you with additional information as requested for your review of the City's proposed Comprehensive Plan Amendment (ESR 17-01). The data and analysis reflect an approximate land area for the Central Business District of 47.50 on page 2 of the staff report. The Planning Department confirmed that this figure is more accurately 42.43 acres through the Nassau County Property Appraiser's Office on February 14, 2017.

Fernandina Beach has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. All public facilities and services are currently available within the Central Business District and each service is able to maintain or exceed its level of service standards as required by Comprehensive Plan policies 1.01.02, 4.01.01 and 4.01.02, specific to storm water management. The amendments requested provide an opportunity for the City to more effectively utilize the existing services available within its urban core.

Compliance with level of service standards are assessed on a case by case basis for new and redeveloping properties within the Central Business District. Each redevelopment scenario is unique and its impact on public facilities must be determined at the time of technical site plan review application and prior to the issuance of a Local Development Order. The City establishes this process through Land Development Code policy 11.03.02.

The City's transportation network consists of numerous, highly connected roadways that provide mobility by giving more options for reaching a downtown destination and dispersing traffic. In 2009, the City conducted a downtown traffic circulation analysis which found that the existing network should be adequate to handle projected increases in traffic due to even a very aggressive redevelopment program. The Study found that Centre Street, the most heavily traveled roadway downtown was operating at only 36% of its daily capacity under the adopted LOS standard of C. In terms of network connectivity, the degree to which walkways and roadways allow direct pedestrian or vehicle travel between destinations, within the downtown area meets or exceeds standards for pedestrian and vehicular connectivity. The area defined as the Amelia River Waterfront, does not meet minimum standards. The City is actively working to pursue options, while working with FDOT railroad office and First Coast railroad to address vehicular connectivity. As this area is within a CRA, the City anticipates sidewalk connections and extension of the streetscape within deficient network areas as redevelopment activity occurs. The City is working to complete its mobility plan, looking towards adoption of a mobility fee structure. This plan is a phased planning document due to cost constraints which is currently in its second

year. The City's 2009 downtown parking and circulation study may be found at: http://www.fbfl.us/DocumentCenter/View/5389)

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Existing potable water customers on the average consume approximately 5 million gallons per day. At the adopted level of service and the maximum density allowed by the proposed Comprehensive Plan amendments, the residential units will consume 431,200 gallons of water per day (1,232[1] units x 350 gallons per ERC per day). This scenario is unlikely due to the constraining factors identified within the staff analysis. *(Policy 4.01.01)*

The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's existing customers currently generate, on average, 1.9 million gallons per day. At the adopted level of service and the maximum density allowed by the Comprehensive Plan, the increased density has the potential to generate 369,600 gallons of wastewater per day (1,232[1] units x 300 gallons per ERC per day). The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate any proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

Footnote 1: This figure is calculated assuming a maximum buildout scenario of residential units within the Central Business District. The existing potential units permissible total 383 dwelling units. The base density elevation to 34 units per acre generates a potential total of 1,611 dwelling units. Therefore, staff analyzed the potential maximum build out scenario of an additional 1,232 dwelling units. The staff report provides detailed rationale behind why this figure is unlikely due to development constraints tied to historic preservation, Florida Building Code requirements, and Fire Code requirements.

As for solid waste and drainage, the City currently has contracted services with Advanced Disposal to dispose of solid waste. The area is presently serviced through the existing contract and is expected to continue to be served through an independent entity. Drainage impacts from any new development or redevelopment will be reviewed by the City's Technical Review Committee. The City requires storm water drainage to be retained on-site and permitting through the St. John's River Water Management District.

The City's Fire-Rescue Department providing services to residents and visitors is an all hazards response system including; fire suppression, advanced life support/emergency medical services, fire prevention and public safety education, ocean rescue, special operations and emergency preparedness. Each member is professionally trained and certified by the State of Florida as a Firefighter/Emergency Medical Technician or a Firefighter/Paramedic and holds many additional specialty certifications. Operating out of two fire stations, the City's Fire-Rescue Department is fully staffed and prepared to respond to emergency and non-emergency calls for service 24 hours a day. This department is capable of delivering services within the Level of Service Standard requiring 240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response). *(Policy 4.01.01)*

The Fernandina Beach Police Department operates with the mission to "serve the public in partnership with our community, to protect life and property, to reduce crime through both proactive intervention and competent response, to resolve conflict through creative problem solving strategies, and to respect human dignity at all times." The Police Department has 33 sworn officers and 5 administrative employees in addition to an active police reserve unit and volunteer police auxiliary corps. At present, the Police Department assigns two (2) full time officers and a police service aide which are dedicated to the downtown area of the City. As such, the Department is capable of meeting or exceeding the minimum level of service needs for new and redeveloping downtown properties to deliver response times totaling 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls. *(Policy 4.01.01)*

The City maintains School Concurrency requirements through Element 10 of its Comprehensive Plan. The policies provided within the element required a determination of concurrency be considered for a specific residential development or phase of development requiring a subdivision plat approval, site plan approval, or functional equivalent. At present, the City has two (2) public elementary schools, one (1) middle school, and one (1) high school. Most of the growth anticipated for Nassau County is not within the City of Fernandina Beach. The City seeks to make efficient use of the existing school infrastructure in place on the Amelia Island. The Nassau County School Districts currently bring children from off the island to support the existing facilities within the City of Fernandina Beach while additional schools are being constructed in the western portions of Nassau County. The City of Fernandina Beach operates under an Interlocal Agreement with Nassau County School District to assess and collect impact fees tied to residential growth.

I look forward to receiving any additional feedback or follow-up questions that you may have regarding ESR 17-01.

Sincerely,

Kelly N. Gibson, AICP
Senior Planner

PAB Requests to support the drafting for the scope of services for any traffic circulation and parking study completed by the City.

Some initial thoughts on any parking study as provided through the board's discussion on January 11, 2017 are as follows:

- Downtown Traffic Circulation and Parking Study:
    - Is there a parking problem today?
    - Request to create list of parking stakeholders – Not just "the public"
    - Provide a review of the types of existing commercial development in the CBD to determine impact on parking.
        - With the increased number of food and beverage services over the past 24 months, has the parking dynamic shifted?
    - Consideration of additional on-street parking through one-way streets
    - Review of the number and scale of special events within the downtown area and its impact on parking within the district and surrounding neighborhoods. Further, consider the number of events that require the closing of streets.
    - Request to provide the ratio calculation of existing commercial square footage in CBD to # of existing parking spaces
    - Cost of Parking: Evaluate cost to construct structured parking spaces and include the land value
        - Re-evaluate cost to construct surface parking and include the land value – Are we charging enough?
    - Documenting accessibility of ADA spaces
        - How many exist and is it enough?

The board also discussed LDC based regulatory changes. The discussion included the following topics:

- Should new non-residential development pay into parking fund for new parking and parking maintenance?

- Make a distinction between the CBD historic structures where historic structures are being retrofitted constraints vs. New/ Infill/Vacant Development
    - Potential Options: Fee In Lieu Option similar to CRA requirements or provide greater flexibility for use of on-street parking as is currently provided in the LDC for up to 10% of parking demand.
- Consider options to allow for a parking reduction where legally defined affordable housing is provided as part of the development project.
- Consider accessible units and location of existing or new ADA Spaces or requirements to provide on-site for these units
- Provide incentives to create residential services (grocery, pharmacy, laundry, etc.)

Other discussion topics included a request to provide the board links to parking studies at www.fbfl.us/CRA and link to CM Presentation given on Tuesday, January 10, 2017. The board also asked about the possibility of including bike rack locations on the Chamber's Map.

APPROVED

1. **Call to Order -** The meeting was called to order at 5:00 pm.

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Judith Lane
Wayne L. Peterson
David Beal, Vice-Chair
Benjamin Morrison

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

2. **Selection of Board Officers (Chair and Vice Chair)**
Member Bennett stated he would like be the Chairperson of the Planning Advisory Board.

A motion was made by Member Beal, seconded by Member Morrison. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Member Lane motioned that Member Beal be elected as Vice Chair, seconded by Member Morrison. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

3. **Review and Approval of November 9, 2016 Regular Meeting Minutes – A motion was made by Member Beal, seconded by Member Lane to approve as presented. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

For information purposes, Chair Bennett explained that this Board operates by the Robert's Rules of Order.

Member Lane inquired about setting allotted time during the public hearing. Board Members and City attorney discussed what was elected during past Board meetings. **Member Lane motioned for a maximum of 5 minutes during public hearing, seconded by Member Peterson. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4. **New Business**

4.1 PAB 2016-25: 2700 ATLANTIC AVENUE- LAND USE AND ZONING CHANGE REQUEST - AMELIA ISLAND PROPERTIES, INC. REQUESTS A SMALL SCALE FUTURE LAND USE MAP AMENDMENT AND ZONING CHANGE FOR PROPERTY LOCATED AT 2700 ATLANTIC AVENUE (PARCEL #14-3N-29-0000-0003-0000) TOTALING APPROXIMATELY 4.73

ACRES FROM MEDIUM DENSITY RESIDENTIAL (MDR) LAND USE AND R-2 ZONING TO GENERAL COMMERCIAL (GC) LAND USE AND COMMUNITY COMMERCIAL/ C-1 ZONING.

Ms. Gibson introduced herself and presented the case. She explained that this case is for a zoning change for the property located at 2700 Atlantic Avenue for approximately 4.73 acres from Medium Density Residential (MDR) Land use and R-2 Zoning to General Commercial (GC) Land use and Community Commercial/C-1 Zoning. She also clarified that this was the old adult day care site which structure has now been demolished, across from Fort Clinch State Park and Prince of Peace Lutheran Church, and next to commercial vacant properties that lead up to Fletcher Avenue. Ms. Gibson stated that the request is to support future redevelopment of the property for commercial purposes capable of supporting resort style commercial development. The applicant has not provided an intended use for the property at this time, which makes it difficult to provide an accurate level of analysis, however the application's letter of intent describes that any future use would be consistent with the City's C-1 zoning designation and the goals described for economic development within the Comprehensive Plan noting that disclosure of an intended use is not required at the time of an applicant's request for land use and zoning changes and that if approved, any future uses of the site permissible in the C-1 zoning district would be allowed. There are adequate services are in place such as water, sewer, police, fire.

Ms. Gibson explained that this property although surrounded by residential zoned property in Low Density Residential R1 and R3 zoned properties, rests within the Coastal Upland Protection Zone area which extends 1000 feet inland from the Coastal Construction Control Line created by the State which requires Department of Environmental Protection permitting seaward of this line. This area was created in order to protect the topography and vegetation within the existing dune systems. Ms. Gibson explained that future redevelopment of the property will be required to obtain a Local Development Order through the City's Technical Review Committee (TRC) which will review any future projects for consistency with the City's technical standards as found in the Land Development Code, Municipal Code, Florida Building Code, and Fire Code. Ms. Gibson then stated that she recommended a favorable recommendation of approval to the Board.

Member Beal asked what the intensity in C-1. Ms. Gibson answered the level was 2.0 FAR. Member Lane asks if this was part of the Economic Development Plan reviewed previously this year; Ms. Gibson said it was not included in the City's Designated Job Opportunity Area and explained some criteria.

Member Morrison asked Ms. Gibson about the Coastal Upland Protection Zone. Ms. Gibson explained that this designated area acts as an overlay and helps limit grading and filling activity of coastal properties to maintain vegetation and natural topography as much as possible. There being no standards it is used in a case by case basis with cases to be presented through the City's Technical Review Committee (TRC) in commercial site. Member Morrison also asked about buffering minimum between commercial and residential to the south. Ms. Gibson stated that there are no minimum for commercial but a 15 feet width minimum buffering for residential properties with required planting or retention of native vegetation.

Mr. Ron Flick, representative for the applicant explained the purpose of the request. Mr. Flick briefly explained that the intent is to create a pedestrian center and a Job Opportunity area for Main beach. Mr. Flick also stated that they understand the requirement of the Coastal Upland Protection Zone applicant emphasized that the applicant wants to be a good neighbor and will follow all requirements once they determine what the final use is established.

Public Hearing was then opened.

Mr. Chip Wood, 2617 Gregor McGregor Boulevard, commented that Mr. Flick had not mentioned the intended use, noting that C-1 covers a lot of usage.

Stephen Hilker, 1530 Lisa Avenue, comments about permissible zoning use possibilities at proximity to the beach and that the zoning mentioned in the Comprehensive Plan should be followed as it protects the beachfront area against intense commercial development. He also mentioned that there are other intense commercial developed properties that are currently vacant and could offer plenty of job opportunities such as Sadler Road, South 14th Street, South 8th Street.

Lynn Williams, 1899 S. Fletcher Avenue, commented about going too far with commercial development and that other areas have experienced the downside of over developing.

Bridget Murphy, 403 Tarpon Avenue Unit 312, commented that the Comprehensive Plan had already established the zoning for this property and urged the Board to turn this recommend down.

Jamie Morrill, 3030 Robert Oliver Avenue, commented that going from R2 to C1 is a major step. Mr. Morrill also mentioned that the only reason given that this is a good idea by the applicant is the vague promise that they would be good neighbor and hoped that the Board rejects this request.

Diana Herman, 2116 Belvedere, comments that she would need to know what is going there before receiving approval.

Chair Bennett asked City Attorney Bach to explain requirements from applicants to conditioning of zoning approvals. Ms. Bach explained that we cannot condition the approval of zoning changes and retain the flexibility of the permissible usage. Mr. Flick commented on the differences between Commercial zonings C1, C2 and C3 and maintained that they would follow the requirements of C1. He also mentioned that the future use would be tourist focused and that this is one step of many other steps.

James Shroads, 119 S. 7th Street, commented that he lived in Fernandina for 30 years and was on Planning Board and a representative of the Amelia Island Care. He explained the reason of the R2 zoning for this residential care facility for disabled adults.

Philip Chapman, 2120 Florida Avenue, commented on Job Opportunity's traffic impact and the need to have the Board listen to citizens.

Ray Ternes, 403 Tarpon Unit 310, asked about how often do applicants apply for changes without providing information on future usage. Ms. Gibson answered that applicants are not required to do so. Mr. Ternes also addressed concerns about traffic and the need to enlarge streets. Member Lane asked what the previous zoning was before R2 zoning was established.

Chip Wood, 2617 Gregor McGregor Boulevard, commented about C1 permissible usage and its effect on his residential rights.

Chip Ross, 210 N. 3rd Street, commented that there has been no reason for changes of zoning, only an economic reason. He also commented on location of parking areas requirements for commercial projects and thought this should be defeated. Ms. Gibson explained that the City already has parking standards in place to be located in rear or back areas of the principal structure for new and redeveloping properties in order to create a pedestrian focused environment. She also mentioned that parking has to maintain a 10 foot landscape area.

Upon Chair Bennett's request, Ms. Gibson also explained the Main Beach Destination Area criteria in the Comprehensive Plan which includes Main Beach and Seaside.

Betty Kovalcik, 2609 Countess of Egmont Street, shared the fear about growth and density.

Public Hearing was then closed.

Mr. Flick commented about resort options to create pedestrian centered activity.

Member Beal asked about requirements for the mixed use. Ms. Gibson mentioned the 50% max floor ratio; density is restricted to 8 units per acre and no lodging accommodations (hotels). Member Morrison commented that commercial is appropriate zoning for this property and encourage the public to participate to the process. Member Beal asked Mr. Morrison's opinion as to what would be a good permissible use. Board Members then discussed the transitions between zoning with C1, R2, mixed use zoning and surrounding properties.

A motion was made by Member Morrison, seconded by Member Lane, to recommend approval of PAB case number 2016-25 to the City Commission requesting a Future Land Use Map assignment of General Commercial and zoning change to C-1 from Medium Density Residential land use and R-2 zoning, as described and that PAB case 2016-25 as presented, is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as followed:

Member Morrison:	***Aye***
Member Peterson:	***Nay***
Member Beal:	***Aye***
Member Lane:	***Aye***
Chair Bennett:	***Aye***

Member Lane recommended to Mr. Flick that developer and applicant should work closely with the Tree Conservancy Group.

4.2 PAB 2016-26: AMELIA PARK FINAL PLAT FOR PARK AVENUE NORTH - FINAL PLAT FOR PROPERTY LOCATED ON THE NORTH SIDE OF PARK AVENUE IN THE AMELIA PARK NEIGHBORHOOD TOTALING 13 NEW SINGLE FAMILY HOME SITES CONSISTENT WITH THE AMELIA PARK PUD.

Ms. Gibson explained the case, she first stated that the City had already approved this property's use under a Planned Unit Development back in late 1990's and that the PUD was most recently modified in August 2015, to remove a restriction for these sites which required first floor retail fronting Park Avenue. The applicant is requesting approval of a Final Plat for a section of Amelia Park along Park Avenue, straddling S. 15th Street and adjoining the Amelia Park Office Suites. The request is for development of 13 single family detached home sites with rear alleys maintained as private roads.

Ms. Gibson stated that this recommendation will be go to the City Commission for final approval via resolution, and Staff recommended approval.

Mike Antonopoulos, 115 Solana Road, Ponte Vedra, representative for the applicant, presented his case with no comments.
Public Hearing was then opened and closed.

Ms. Gibson stated that a Final Plat request for the south side should be presented in the next month or so.

A motion was made by Member Beal, seconded by Member Lane, to recommend approval of PAB case number 2016-26 to the City Commission requesting that a Final Plat of Park Avenue Properties within the Amelia Park neighborhood be (approved or denied) and that PAB case 2016-26, as presented, (is or is not) sufficiently compliant with the Comprehensive Plan, Land Development Code, and terms of the Amelia Park PUD overlay to be approved at this time. Vote upon passage of the motion was taken by ayes and nays being all ayes, carried.

4.3. PAB 2016-27: CENTRAL BUSINESS DISTRICT - COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE TEXT AMENDMENTS

CITY OF FERNANDINA BEACH, REQUESTS AMENDMENTS TO THE COMPREHENSIVE PLAN STRIKING POLICY 1.04.05, PROVISIONS FOR A DENSITY BONUS INCENTIVE PROGRAM, AND MODIFYING POLICY 1.07.09 FOR THE CENTRAL BUSINESS DISTRICT LAND USE CATEGORY DENSITY TO INCREASE THE BASE DENSITY FROM EIGHT (8) DWELLING UNITS PER ACRE TO THIRTY-FOUR (34) DWELLING UNITS PER ACRE AND AMENDING THE LAND DEVELOPMENT CODE, TABLE 4.01.01 DENSITY AND HOUSING TYPES IN THE BASE ZONING DISTRICT, TO ALLOW FOR 34 DWELLING UNITS PER ACRE AND MAKING PERMISSIBLE DUPLEX, TRIPLEX, AND TOWNHOUSE STRUCTURES, AND STRIKING POLICY 4.01.02, DENSITY BONUS PROVISIONS, AND STRIKING TABLE 4.01.02 (A), DENSITY BONUS SCORECARD.

Ms. Gibson presented the case, she explained that increasing density has been presented and discussed many time and that the development community continues to face obstacles and challenges to deliver marketable housing. She stated that the majority of second and third floor units in the downtown district remain vacant as most retail and offices want to be located on the first floor. She also stated that the ability to residentially occupy the second and third floors of historic structures is hindered due to the financial burden involved with meeting accessibility, fire separation, and Florida building code requirements. She explained that while the creation of these units may be possible, the rate of return on potential rents makes it difficult to justify the cost of improvements. She also emphasized that the main goal for this request is to get more people working, shopping and living downtown.

Ms. Gibson continued on explaining that the request which has become one of the City's priority is to increase the number of dwelling units per acre from 8 to 34 within the Central Business District and that this would essentially establish the ability to reduce the rental cost by reducing the square footage of each unit. She offered 2 examples of properties. She emphasized that there are some severed limitations on redeveloping such as being located within the Historic District but also mentioned that this request does not encourage demolition of historic structures but encourages reuse. She stated that for redevelopment and vacant land, there are some current requirements that still would have to be followed such as height, parking requirements, landscaping, storm water and fire and building code requirements.

In working closely with the Main Street Fernandina Beach Group, Ms. Gibson provided information regarding a survey which received 199 responses within 2 month time frame providing the information on the top three primary factors to their decision to live in downtown Fernandina Beach, the three being first, Dining, Nightlife, and Entertainment secondly, Public Amenities such as the Marina, Library, Post Office, City Hall, Community Theater, Museum and thirdly, Safe Walking and Biking.

Ms. Gibson summarized by adding that increasing the net density within the Central Business District/C3 zoning from 8 dwelling units per acres to 34 dwelling units per acre would support the City's ability to obtain residential dwelling units in its existing historic structures. It would also provide an opportunity to create dwelling units on vacant or underutilized sites which serve to support long term residential living downtown, whether those units support work force housing needs, senior co-housing, tiny houses, or an opportunity for an affordable 2nd home in downtown Fernandina Beach. This would also support existing downtown business merchants by providing affordable housing options through smaller unit sizes for retail, office, and restaurant employees while adding vibrancy to the City's downtown core.

Ms. Gibson recommends approval of its own request.

Member Lane comments that she wishes there would be a clearly picture of what the City Commission is looking for but has concerns about parking. Member Morrison agreed considering that the number of parking to be made available has to double the number of units. Member Peterson also is concerned about parking.

Member Morrison asked where the number 34 originated from and Ms. Gibson answered that it came from the ability to get 2 units in a 25ft x 100ft lot of record.

The Board then discussed at length their concerns about the impacts of parking, the necessary square footage size for residential unit to generate rental income, W1 zoning, landscaping requirements within the Historic District and storm water.

Public Hearing was then opened.

Mr. James Shroad, 119 S. 7th Street, lived in Fernandina Beach for 33 years, commented that this location is located 200 feet from the C3 district and stated that he is an affected party in regards to parking according to the State Comprehensive Planning Act which provided him with standing to challenge this in court. He mentioned that his house is R2 and the end of the block is zoned C3. He then commented that as per his experience, previous owners have converted their residence to businesses such as restaurants and offices which were reverted back because of many reasons mainly parking. Mr. Shroad opposed this change.

Jeff Kurtz, representing Fernandina Main Street, 715 Centre Street, commented that the Preservation of Main Street is the main goal along with keeping vacancy to a minimum. He then stated that living space square footage must be minimized even further to be successful. He emphasized on the enforcement of parking restriction to be able to have these parking spaces being utilized accordingly. He voiced support for the request.

Mr. Chip Ross, 210 N. 3rd Street – Mr. Ross first commented on a previously heard case and the fact that citizens came in and voiced their opinions and the Board voted contrary to these opinions. He also commented in the present case the issue is not parking, it is the management of parking. He then voiced that he's not against increasing the density but is asking the Board to defeat or table this request and come up with a Comprehensive Plan on how to maintain Historic building and develop them including parking as residential and commercial parking are different.

Mr. Lynn Williams, 1899 S. Fletcher Avenue, commented on parking issues and the cost of converting a building to multiple units versus the rental income.

Mr. Spurgeon Richardson, developer, 19 Harrison Creek, commented that he supports increasing the density to feed the vibrancy of downtown.

Mr. Mike McCloskey, 26 Belter Kingfisher, CMR Island Properties, commented that their focus is Downtown and that they acquired the Fred's building and supports the density. Member Peterson asked if they had contacted the Church next door about their ability to park in their parking lot.

The Public Hearing was then closed.

Chair Bennett asked Staff about noise and ADA requirements and parking. Ms. Gibson noted that should be addressed to the Building Official and noted that as for parking there were no modification to the current parking standards. She commented on spot zoning for commercial parking, parking agreement with adjacent owner and offsite parking. Ms. Gibson stated some examples.

Member Morrison commented on the density versus affordability and that City should work on getting affordable residential options and make this a priority. He also voiced that parking is an issue and that this request is a good first step but needs more work. Member Lane also commented about parking issues and the survey's statistics. The Board discussed density further and CRA bonus.

Member Beal suggested that denying this request will not help solve these issues and approving it will help solve some of these problems one step at the time.

Member Morrison asked Mr. McCloskey if they would move forward with their projects at Fred's if this request was denied. Mr. McCloskey mentioned that they would not proceed with the residential aspect of his projects only with the commercial side of it.

Member Lane asked Staff if a RFQ (Request for Quote) for an independent increase density design has ever been considered.

Member Morrison summarized that the 2 main issues of concern to address are parking and if the blanket approach of 34 units per acre makes sense or should there be flexibility with either overlays or incentive programs. He then asked Staff how she would address the density issue if this request would be approved.

Ms. Gibson explained that she would address this through the Comprehensive Plan Amendment to keep it moving forward which process requires a State review. The Land Development Code piece that requires parking specifically could be continued to workshops. She also commented further regarding the blanket approach and the complexity of creating overlays which could create pockets and more work.

Further discussion ensued regarding steps to improve parking such as parking enforcement, infrastructure and getting people out of their cars.

Ms. Gibson noted that she is involved with a transit system subcommittee with Nassau County regarding current transit systems such as Island Hopper and Nassau Transit which are very affordable.

A motion was made by Member Morrison, seconded by Member Beal, to recommend approval of PAB case number 2016-27 to the City Commission requesting amendments to Comprehensive Plan Policies 1.04.05 and 1.07.09 and LDC Sections 4.01.01 and 4.01.02 as described and that PAB case 2016-27, as presented, is sufficiently compliant with applicable sections of the Comprehensive Plan and Land Development Code to be approved at this time with the understanding that parking will

continue to be addressed as a priority. Vote upon passage of the motion was taken by ayes and nays being all ayes, carried.

City Attorney Bach noted that this is a Comprehensive Plan Amendment that will come back to the City Commission until late January 2017 at the earliest for 1st reading than to the State and back for 2nd reading in March 2017 to the City Commission. Board asked that Staff continue to work on the parking issue and have an update at the next PAB meeting.

5. Board Business –
5.1. Florida Sunshine Law Review - Brief presentation will be provided by City Attorney Bach

City Attorney Back gives a brief summary of the Florida Sunshine Law including S L and Public Record, voting conflicts and Code of Ethics.

6. Staff Report
Ms. Gibson welcomed new members and Mr. Mark Durham Nassau School District Liaison. She also noted that there will be a meeting in January 2017. Ms. Gibson stated that she's also working on updating the LDC and Comprehensive Plan and asked how many hard copies are needed for Members. Finally Ms. Gibson stated that earlier this summer the City applied for the American Planning Association Designation and Pilot Program to be considered for recognition of our Comprehensive Plan as being a sustaining place and that the application has been accepted in the 2nd phase of their Pilot Program.

Member Beal announced that the ongoing crosswalk at Atlantic Avenue and Citrona Drive will be starting soon.

7. Comments by the public – There were no comments from the public at this time.

8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:12 pm.

Secretary

Mark Bennett, Chair

APPROVED

1. **Call to Order -** The meeting was called to order at 5:00 pm.

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Judith Lane
Wayne L. Peterson
Jenny Schaffer (Alt 2)
David Beal, Vice-Chair
Benjamin Morrison
Donna Lewis (Alt 1)

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Chair Bennett requested that Item 6. Comments by the Public be moved to first item, the request was approved by all.

Chair Bennett also announced that item **3.2 PAB 2017-02: CENTRAL BUSINESS DISTRICT EXTENSION FOR CRA PROPERTIES AND CITY PARKING LOT** would not be heard this evening as it had been taken off the agenda.

1. **Comments by the public**

Chip Ross, 210 N. 3rd Street, commented on 3 points. First, Mr. Ross noted that the status of item 3.2 should have been changed to STAYED instead of TABLED or POSTPONED until the Board of Appeals make a decision. City Attorney Bach mentioned that her recommendation of postponed is fine to be used which has the same effect. Secondly, Mr. Ross mentioned his meeting at the Port that evening and asked if the Port Master Plan documents had been forwarded to them for review. Ms. Gibson answered that all documents had been directed to the City Manager and City Attorney asking for direction on how to proceed. Thirdly, Mr. Ross asked that the PAB take a lead in what the City envisions for future projects and ideas such as connectivity including changes to the Land Development Code.

Member Lane commented that although this is an excellent idea and that she would like to be able to undertake some of the projects, the Commission has been straightforward about the Board addressing items presented by Staff and staying away from ones instigated by the Board. Ms. Gibson noted that the local Planning Agency is tasked with reviewing changes to the Comprehensive Plan and Land Development Code as well as Land Use and Zoning Changes. She also mentioned that things tied to that would be appropriate for this Board to consider and discuss and that the attention to other items and projects should first be directed by the Commission. Chair Bennett then suggested that Staff asks the Commission to get a plan for the Board to address issues brought up by citizens. Member Lane mentioned that a bigger picture should be looked at from the Commission's point of view. Ms. Gibson noted that the Commission is now looking at this bigger picture considering the variety of issues currently being addressed. Member Morrison then summarized the process with the number of current issues by reiterating that any issues should be brought up to the attention of the Commission during monthly

meetings so the Commission could in turn consider them and delegate some of them to the Board Agency.

Mr. Ross commented on the amount of time spent on recurring projects, that the approach should differ and that the Board should address one small item at the time and then finalize it. He suggested that members should approach Commissioner Smith who is the City Commission's liaison and propose 5 current items to be looked at. Members discussed how working on different projects is really inefficient considering the need of approval delay is often impacted by second party, change of staff and changes of philosophy.

Public comments was then closed.

2. Review and Approval of December 14, 2016 Regular Meeting Minutes – A motion was made by Member Beal, seconded by Member Lane to approve as presented. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

3. New Business

3.1 PAB 2017-01: FINAL PLAT FOR RIVERBEND.

City Attorney welcomed the new members and explained the participation and voting process by alternates.

Ms. Gibson presented the item. She explained that the applicant is requesting approval of the Final Plat. She noted that this property was annexed in July 2015, and that this development is for 33 single family detached home sites. She also noted that the proposed developed density is for over 2 units per acre although the current land use is for up to 10 dwellings per acre and that this will be an estate style gated community with privately maintained roads. Ms. Gibson noted that Staff recommended approval.

Kathy Williford, 2955 Hartley Road, representative for the developer had no comments and welcomed questions. Member Lane asked about tree preservation. Mrs. Williford mentioned that they will save as many trees as they can and even try to over compensate. Member Lane suggested that the developer work closely with the Tree Conservancy Group. Ms. Gibson explained the development process which involves developers and then builders. Member Morrison emphasized the positive impact of working closely with the Tree Conservancy Group.

Public Hearing was then opened.

Mrs. Joanne Bean asked where the project is located. Ms. Gibson explained that it is located off the Amelia Island Parkway south of A1A.

Public Hearing was then closed.

Member Lane commented that the City limit expands to a wide area that doesn't always include the downtown area.

A motion was made by Member Beal, seconded by Member Morrison, to recommend approval of PAB case number 2017-01 to the City Commission requesting a Final Plat for Riverbend subdivision be approved and that PAB case 2017-01 as presented is sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

4. Board Business –
4.1. Downtown Residential Parking Follow-up Discussion

Ms. Gibson invited Board Members to start a discussion before Staff starts crafting a code amendment. Chair Bennett started the discussion with questioning the amount of spaces required for residential properties with 2nd level dwellings units along with redevelopment versus historic structures. Staff mentions that one of the strategies could be to reduce requirements depending on square footage. Member Morrison commented that the perceived problem seen by citizens should be discussed which is about available parking versus parking that is really needed. He further commented about the requirements for new development compared to existing dwellings, and the purchasing rights to a parking space.

Member Lewis spoke about the perception of what the need for parking really is. She also commented that amending the signage and maps showing where the parking areas are located could help utilize what parking is already available.

City Attorney addressed and questioned the issue of modifying and reducing the parking requirements before the change in density is addressed and finalized. Member Schaffer noted the possible advantage to streets being one way to allow parking on both sides of the street and Member Lane commented on Centre Street as a pedestrian street.

Ms. Gibson commented that surveys had been done back in 2002 and 2009 revealing that a parking problem is perceived but not realistic. She also mentioned that map updates have been done and blue signs are now in place showing where public parking is available and that enforcement continues to be a concern. She noted that another survey should be done and that this survey should consider higher density and closure of street during special events. She also commented that according to the Main Street survey the market will demand parking and voiced that before the higher density request item is approved, the parking requirement issues will have to be addressed. Ms. Gibson also mentioned that a lot of ratio information is located on www.fbfl.us/CRA. Members discussed the availability of bike racks, ADA requirements and realistic affordable housing possibilities.

Member Lewis cautioned everybody in basing information on a 2009 survey which reflects lean years and encouraged taking a fresh approach on what is happening now in 2017.

Ms. Gibson commented that completing a new parking survey within the timeframe of adoption of the Central District higher density may not be feasible. She added that regulatory changes in the LDC addressing parking outside of the parking study could be possible. A discussion ensued by the Board regarding fee in lieu and the management of its money. Member Morrison noted that any decision about parking and possible strategies is really an important decision that should be made before anything is address regarding the change in density. Member Schaffer asked what information a new survey would

really provide and Board Members then made some suggestions such as parking decks, satellite parking, parking spaces and for the public and stakeholders. Member Morrison asks if Ms. Gibson could create a list of these items for the next meeting.

Ms. Gibson made some clarification stating that parking has been improved since 2009 with new parking lots at Broome Street and N. 2nd Street with the City purchasing this land especially for this usage. She also mentioned that improvements of the property were based on funding from parking fee in-lieu proceeds and that said proceeds do go into a trust fund. Ms. Gibson also mentioned that in 2014 there was an engineering cost estimate done regarding the construction only of a surface parking lot and that she would confirm the fee in-lieu base amount being $1500 per space. She also noted that the funds could also be used to create on street parking. Ms. Gibson also explained that the Parking Flexibility Standard allows up to 10% allocation of parking requirement to be met through on-site parking. Chair Bennett then commented about transportation alternatives.

Ms. Gibson summarized that regulatory changes need to be proposed to coincide with the adoption of the increased density. She added that she'll draft a scope of services for a parking study and that areas of increased flexibility need to be looked at, to avoid increase of variance to be heard by the Historic District Council. She also noted that this draft then can be discussed during next meeting.

6. Staff Report

The meeting was closed at 6:43 but reopened at 6:45 to allow a member of the public to speak.

Laura Sweeney, Realtor, 2733 Sea Grove Lane, commented about the ratio of commercial spaces versus the square footage available and asked that this ratio be available before the study is ordered since this would help define the requirements of the study.

8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 6:48 pm.

Secretary

Mark Bennett, Chair

May 24, 2017
News Leader Edition

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, June 6, 2017, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2017-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY STRIKING SECTION 4.01.02 AND TABLE 4.01.02 (A) COMMUNITY REDEVELOPMENT AREA DENSITY BONUS INCENTIVE PROGRAM AND AMENDING SECTION 4.01.01 TO INCREASE THE BASE DENSITY WITHIN THE CENTRAL BUSINESS DISTRICT AND MODIFY PERMISSIBLE HOUSING TYPES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Ordinance 2017-13
Future Land Use Map Amendment - Broome Street

ITEM TYPE: Ordinances

REQUESTED ACTION: Enact Ordinance 2017-13 at Second Reading.

SYNOPSIS: The applicant, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at North 2nd Street and Broome Street .

The action is requested in order to correct existing non-conforming use of the properties where two single family homes have existed for many years. The property at 211 Broome Street has retained its single family home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years. The Planning Advisory Board considered the request at its Regular Meeting on April 12, 2017, and issued a recommendation of approval (4-1).

Staff finds the request consistent with the CRA Plan for eliminating inefficient and outdated land uses as well as Comprehensive Plan policy statements 1.01.02,1.02.03,1.02.04,1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02 and recommends approval.

The City Commission approved this Ordinance at First Reading on May 2, 2017.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-13 at Second Reading.

Dale Martin, City Manager
Tammi Bach, City Attorney
Tammi E. Bach, City Attorney Date:05/23/2017

COMMISSION ACTION: Enact

ORDINANCE 2017-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the small-scale Future Land Use Map Amendment application numbered PAB 2017-07 at its Regular Meeting on April 12, 2017, and recommended approval of the change to Central Business District (CBD) land use by a vote of 4-1; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 22, 2017; and

WHEREAS, City Planning staff found the applicant's request to be consistent with the direction of the Community Redevelopment Area Plan for eliminating inefficient land use patterns as well as consistency with Comprehensive Plan policies 1.01.02,1.02.03,1.02.04,1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Future Land Use Map is located in the City's Amelia River Waterfront Community Redevelopment Area and identified as Parcel ID 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, and 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010 totaling approximately 0.32 acres, and as shown on the map attached hereto as Exhibit "A".

SECTION 2. FUTURE LAND USE MAP CHANGE. For the properties in question, the City's Future Land Use Map is hereby changed to Central Business District (CBD).

SECTION 3. SEVERABILITY**.** If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

_____
ROBIN C. LENTZ
Mayor - Commissioner

ATTEST:

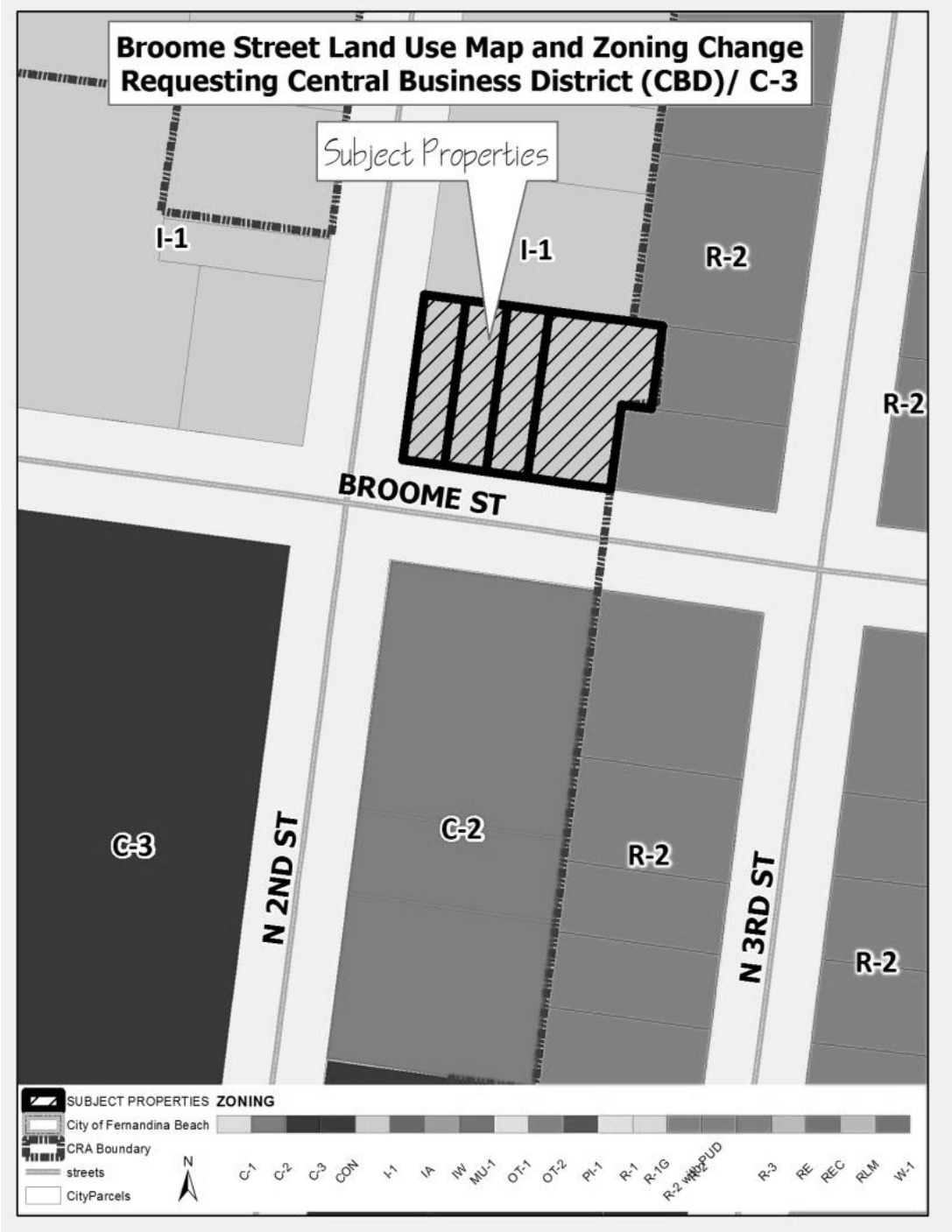
APPROVED AS TO FORM AND LEGALITY:

_____
CAROLINE BEST
City Clerk

_____
TAMMI E. BACH
City Attorney

ORDINANCE 2017-13
EXHIBIT "A"

REQUEST FOR A FUTURE LAND USE MAP CHANGE FOR 0.32 ACRES OF LAND FROM INDUSTRIAL (IND) TO CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES LOCATED ON BROOME STREET AS PARCEL ID#S 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, AND 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010.



STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Robert and Loretta Erickson, James and Kerstin Clayton				
AGENT:	Robert and Loretta Erickson				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	211 Broome Street, 205 Broome Street, and Vacant Properties at corner of N. 2nd Street and Broome Street – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	**211 Broome Street:** Existing SF Home totaling approximately 1,487 ft² with an estimated year built of 1900 **205 Broome Street:** Existing Vacant SF Home totaling approximately 1,188 ft² with an estimated year built of 1900 Vacant Land located at the corner of N. 2nd Street and Broome Street				
PROPERTY SIZE:	Totaling 0.32 Acres Parcel ID #s: 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010				
ADJACENT PROPERTIES:	Direction	Existing Use(s)	Year Built	Zoning	FLUM
CRA PROPERTY	North	Vacant Land	N/A	*I-1 Pending C-3 Zoning Request (PAB Case# 2017-05)*	*Industrial (IND) Pending CBD FLUM Request (PAB Case# 2017-05)*
CRA PROPERTY	South	Public Parking	2015	C-2	General Commercial (GC)
HISTORIC DISTRICT	East	Single Family Home	Est. 1900	R-2	Medium Density Residential (MDR)
CRA PROPERTY	West	Warehouse/Storage	Est. 1900	I-1	Industrial (IND)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at N.2nd Street and Broome Street (**Exhibit A**).

The action is requested in order to correct existing non-conforming use of the properties where two (2) single family homes have existed for many years. The property at 211 Broome Street has retained its single family

home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years. Under the City's LDC Section 10.01.02 (G), when a non-conforming use has been discontinued for a period greater than 180 days, the property shall be brought into compliance with all sections of the LDC. The current property owners recently acquired the structure in order to restore it. At this time, they are seeking to use the property for residential purposes. In order to make this property conforming, a land use and zoning designation which contains residential density must be applied to the site. The properties to the west of the restored structure are vacant.

All four parcels involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	**300 gallons per day per ERU (Equivalent Residential Unit)**
Solid Waste Facilities	**Average Solid Waste Generation Rate: 5.9 pounds per capita per day**
Stormwater Management Facilities	**Policy 4.01.02** *All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.*
Potable Water Facilities	**Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)**
Fire-Rescue Services	**240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)**

Police and Law Enforcement Services	**Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls**

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Medium Density Residential (MDR), 8 dwelling units per acre are supported. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Therefore, if the property is changed to a land use category containing residential density, the vacant properties and 205 Broome Street property would have the benefit of construction a residential unit on each parcel, despite not being able to meet minimum "net density" requirements under the requested change. Under the requested action, a total of up to five (5) residential units could be constructed on the properties.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

a. **No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
b. **No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
c. **No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
d. **No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east. The request is consistent with the Comprehensive Plan's policy statement 1.02.03, the configuration of the property by lot/block as well as the characteristics of the subject properties are in keeping with other properties found within the CBD.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing pubic facilities within this area. The CRA established a Finding of Necessity in 2005, one for the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The applicant's requested for a transitional land use category and zoning district serves to provide a logical step down in the land use patterns from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Sanborn Maps Exhibits**), the most appropriate land use and zoning district assignment under the City's current regulations are the Central Business District (CBD)/ C-3 zoning.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

a. **Type and density or intensity of surrounding uses;**
b. **Zoning districts in the surrounding area;**
c. **Demonstration of adequate water supply and water supply facilities;**
d. **Appropriateness of the size of the parcel compared to the proposed use;**
e. **Physical condition of the site, and the suitability of soils and topography for the proposed use;**
f. **Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
g. **Compatibility factors;**
h. **Impact on adopted levels of service standards and quality of service standards; and**
i. **Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' property are a wide range of existing uses including; a warehouse and storage area serving the port's needs; public parking directly facing the properties; and vacant land within the CRA which historically contained a variety of uses. On the eastern block face are homes located within the City's downtown historic district. The properties existing land use and zoning under Industrial/ I-1 is not compatible with the surrounding area. The applicant's requested action serves to provide a down-zoning or transition from the port's industrial operations to the adjoining residential areas.

The most compatible land use and zoning designation for these properties as well as the properties fronting N. 2nd Street is Central Business District (CBD)/ C-3 zoning. The CBD/C-3 zoning designation exists diagonally from the applicants' properties as part of the former Standard Marine property on North 2nd Street between Alachua and Broome Streets. Staff recognizes the need to assign the appropriate land use and zoning district of Central Business District (CBD)/ C-3 zoning to the public parking lots located at the corners of N. 2nd at Alachua Street and Broome Streets in keeping with the direction to create and extend the urban core through the CRA. Staff intends to file an application to correct the land use and zoning for these properties in 2017.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.
Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. By definition of the land use category requested, Central Business District (CBD) allows for a mixed use urban development pattern. Assignment of this land use category not only corrects the existing non-conformities on the subject properties, but it also permits the historic built pattern of this area to be realized through future redevelopment efforts whereby commercial and residential coexist. (**See Sanborn Maps Exhibits**)

Policy 1.02.09.
The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

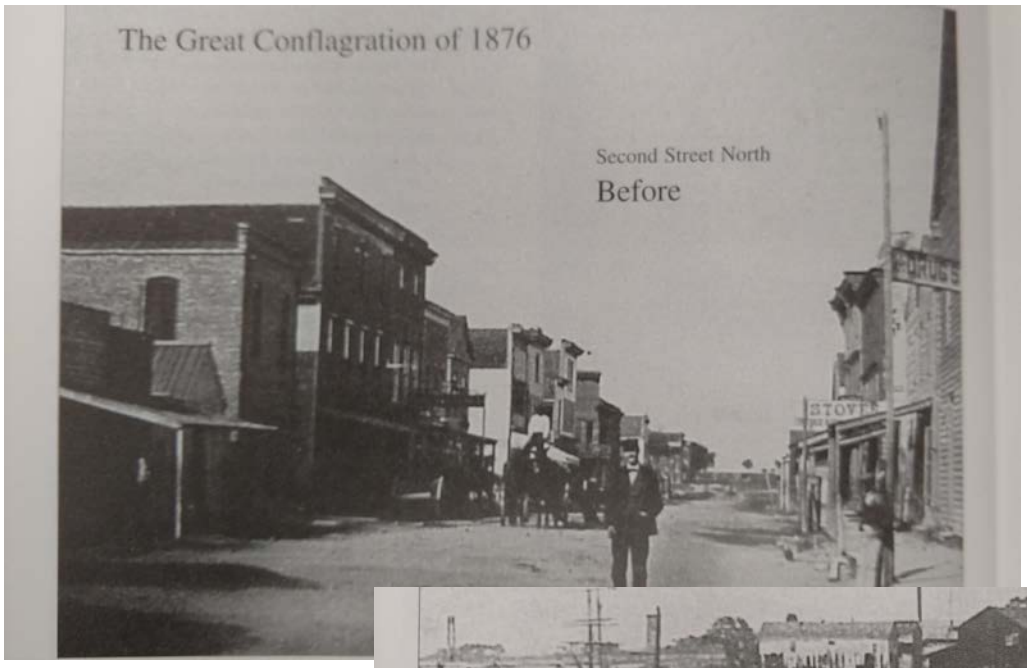
The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the CRA properties fronting North 2nd Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.
Central Business District (CBD)

a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
e. The intensity of non-residential development shall not exceed a FAR of 2.0.
f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
   1. The need for additional land area within the Central Business District land use category;
   2. Consistency of the land area with the characteristics of the Central Business District; and;
   3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (**See Sanborn Map Exhibits**).

Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.



Reference: Johannes, J. (2000). Yesterday's Reflections II Nassau County, Florida - A Pictorial History. Fernandina Beach: Lexington Ventures, Inc.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.
The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

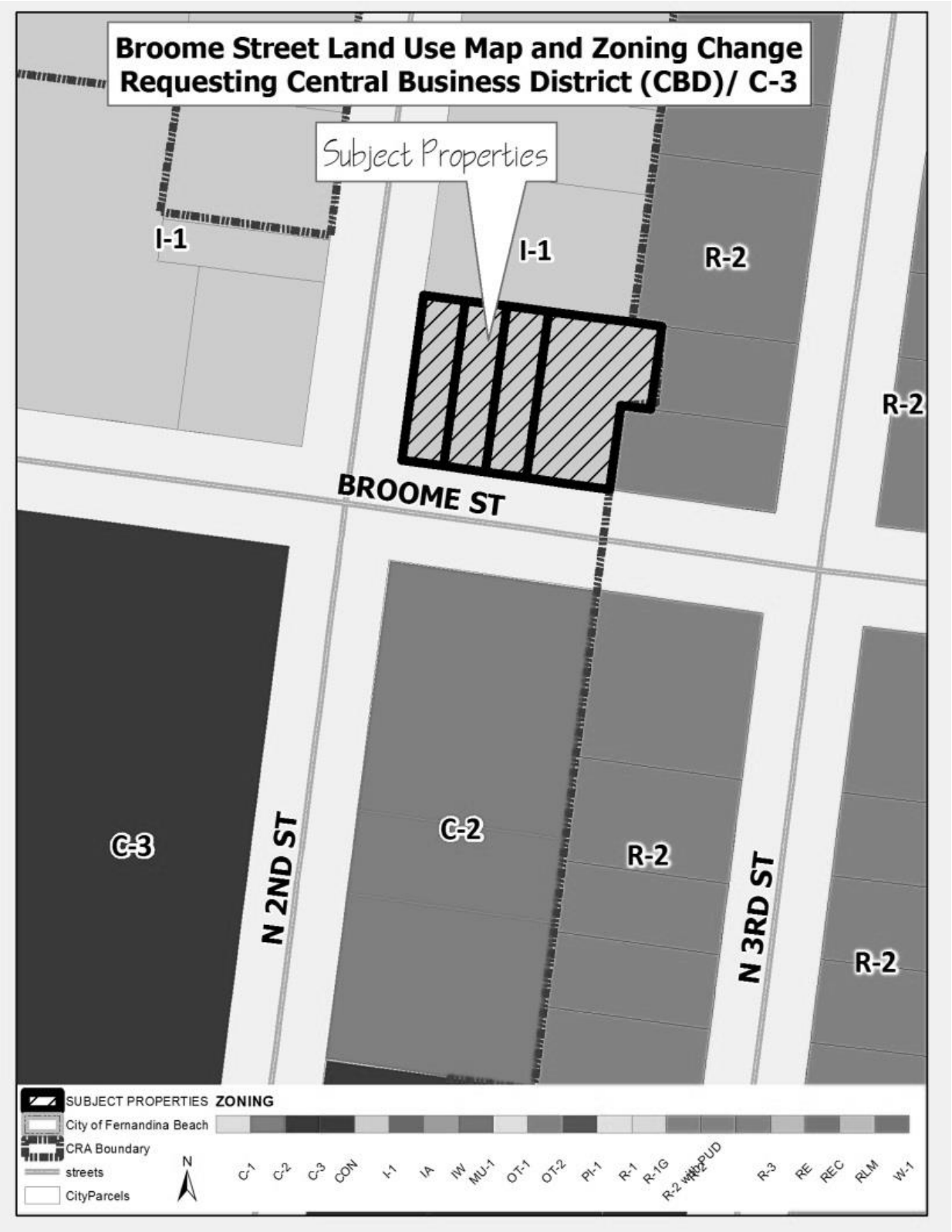
MOTIONS TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2017-07 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-07 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson, AICP
Senior Planner

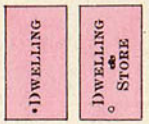
EXHIBIT A


Broome Street Land Use Map and Zoning Change
Requesting Central Business District (CBD)/ C-3
Subject Properties
I-1
I-1
R-2
R-2
BROOME ST
C-3
N 2ND ST
C-2
R-2
N 3RD ST
R-2
SUBJECT PROPERTIES
City of Fernandina Beach
CRA Boundary
streets
CityParcels
N
ZONING
C-1
C-2
C-3
CON
I-1
IA
IW
MU-1
OT-1
OT-2
PI-1
R-1
R-1G
R-2
R-2 with PUD
R-3
RE
REC
RLM
W-1

KEY

TILE 1ST / BRICK 1ST / PYROBAR 1ST	Fire proof construction. (OR FIRE RESISTIVE CONST'N)
ADOBE	Adobe building.
HEIGHT OF BUILDING IN FEET FROM GROUND TO ROOF LINE. 5	Stone building.
(C. BR.)	Concrete, lime, cinder or cement brick
(C. B.)	Hollow concrete or cement block const'n
(CONC.)	Concrete or reinforced concrete const'n
(TILE)	Tile building.
NUMBER OF STORIES 4	Brick building with frame cornice.
TWO STORIES AND B'SMT 2d COMPOSITION ROOF ●	" " " stone front.
SHINGLE ROOF X	" " " frame side. (DIVIDED BY FRAME PARTITION)
(VEN'D)	Brick veneered building.
BRICK 1ST	" and frame building.
FRAME, BRICK LINED	Frame building, brick lined.
F=FLAT S=STORE	" " metal clad.
D=DWELLING	Frame building.
A in B AUTO IN B'SMT	Iron building.
LOFT	Tenant building occupied by various manufacturing or occupancies
(ASB. CL.)	Frame building covered with asbestos
NON COMBUSTIBLE ROOF COVERING OF METAL, SLATE, TILE OR ASBESTOS SHINGLES ○	Brick building with brick or metal cornice.

DWELLINGS.



☞ Framed air-shafts are shown but *colored over*. Brick air-shafts are left white.

CLASSIFICATION OF BUILDINGS

Shown by varying number of dots or circles. Classed by New York Board of Fire Underwriters as follows:

BRICK	FRAME
1st Class (.) Slate or metal roof, coped walls.	1st Class (.) Slate or metal roof.
2nd " (. .) " " walls not coped.	2nd " (. .) Shingle roof.
3rd " (. . .) Shingle roof.	

Frame Buildings with BRICK FRONTS.

Height of Buildings, in Stories and feet (74 ft. 6 in. and over).

Fronts of marble or other stone.

Iron Fronts.

"Dotted line." Interior brick wall, omitted on one or more floors.

Superior construction. { Built of non-inflammable material *"throughout,"* except flooring and trim.

Communications protected by single fire-proof doors } With designation
" " double " " } of floors.

Openings exposing Buildings.

Elevators with steam or other power. { Where enclosed with Brick or Fire-proof material a *heavy line* is drawn around them.

Hatchways or "Dumb-waiters."

Sky-lights in Roof only.

" over Opening in floor.

Smoke-houses. Retorts, and Ovens.

Mansard Roofs. Corrugated Iron. Steam-boilers.

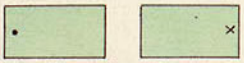
REFERENCE.

SPECIAL HAZARDS.

NAMES of Manufactories, &c., are written on buildings, when there is sufficient space, and their *construction* classified by the same marks as on Dwellings. Other Specially Hazardous Risks are **COLORED GREEN,** the varying number of dots (*brick*) and crosses (*frame*) showing the comparative danger from fire by occupancy.

NOTE.—In classifying a building as a Special, its CONSTRUCTION is obliterated, necessitating a series of letters, as follows:

BRICK.	FRAME.
A Construction = to 1st class Warehouse.	G Construction = to 1st class Store or Dwelling.
B " = " 2nd " "	
C " = " 3rd " "	H " = to 2nd class Store or Dwelling.
D " = " 1st " Store or D'w'g.	
E " = " 2nd " " "	
F " = " 3rd " " "	

Brick .....  ..... Frame

Bakeries (ovens in building). Breweries. Cooperages. Drug stores (retail, with privilege of compounding). Dyeing establishments. Fur dressers. Glass stainers. Hat finishers. Hay (open stock, loose). Lamp sellers (privilege for kerosene &c.) Laundries. Malt houses. Manufactories of Baskets, Bonnet-frames, Boots and shoes, Caps, Clothing, Combs, Envelopes, Feather dusters, Fringe &c., Gas-fixtures, Gold pens, Hats, Hemp, Jewelry cases, Morocco, Paper bags, Pocket-books, Ruffling and ruches, Segars, Shirts, Tobacco, Umbrellas, Vinegar, Watches, Watch-cases, Writing ink. Map mounting and varnishing. Metal mills. Molasses houses. Photographers. Private stables. Smoke-houses. Tanneries. Tin-shops. Wheelwrights. Wire workers. Wool-pullers.

Brick .... Frame

Bleaching works. Book-binderies. Brass and iron foundries. Coppersmiths. Cotton presses. Fulling mills. Junk shops. Letter-press printers. Lithographers. Livery and Cartmen's stables. Machine shops. Manufactories of Agricultural Implements. Artificial flowers, Brooms, Brushes, Carriages, Cedar-ware, Floor-cloth, Grates, Guns, Hoop-skirts, Jewelry, Lamps, Musical instruments, Oil-cloths, Paper boxes, Paper collars, Paper patterns, Patent Medicines, Plated ware, Rope and cordage, Safes, Silverware, Starch, Stoves, Tin cans, Upholstery. Oil stores (petroleum and products). Print works. Rag stores. Slaughter houses. Snuff mills. Type and stereotype foundries. (And generally buildings not occupied by workers of light wood).

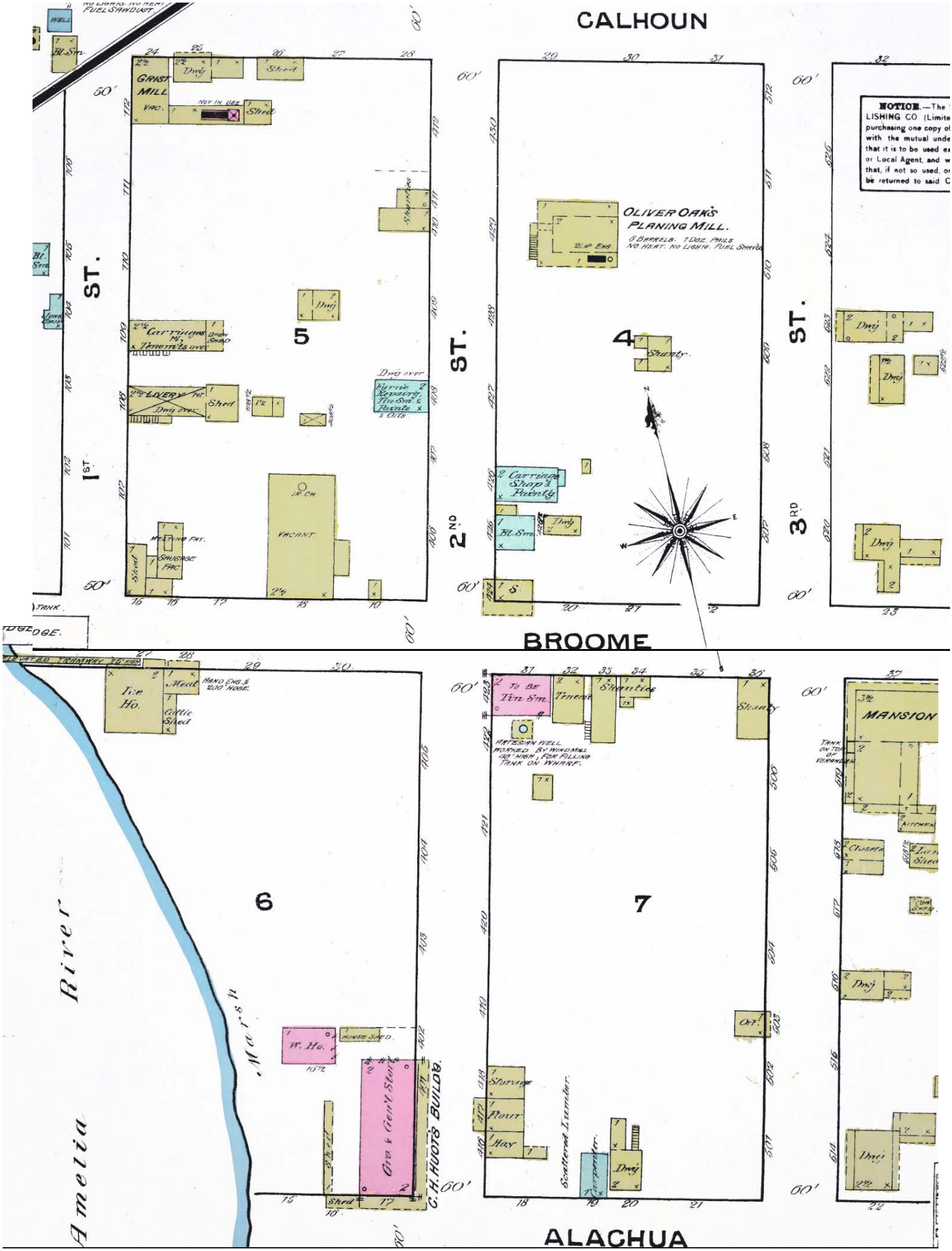
Brick .... Frame

Box repairing. Cabinet-making. Carpenters' shops. Distilleries. Flax mills. Flour or Grist mills. Japanners. Lard refineries. Manufactories of Artificial hair, Bagging, Candles, Chairs, Clocks, Confectionery, India-rubber or gutta-percha, Ivory or lamp-black, Looking-glass and Picture frames, Oiled clothing, Organs, Paper-hangings, Perfumery, Pianos, Soap, Trunks. Oil mills. Paper mills. Rectifying establishments. Sugar refineries. Tallow-melting or chandleries. Wholesale druggists (with compounding). Woolen mills. (And generally risks where much heat or light wood is used.)

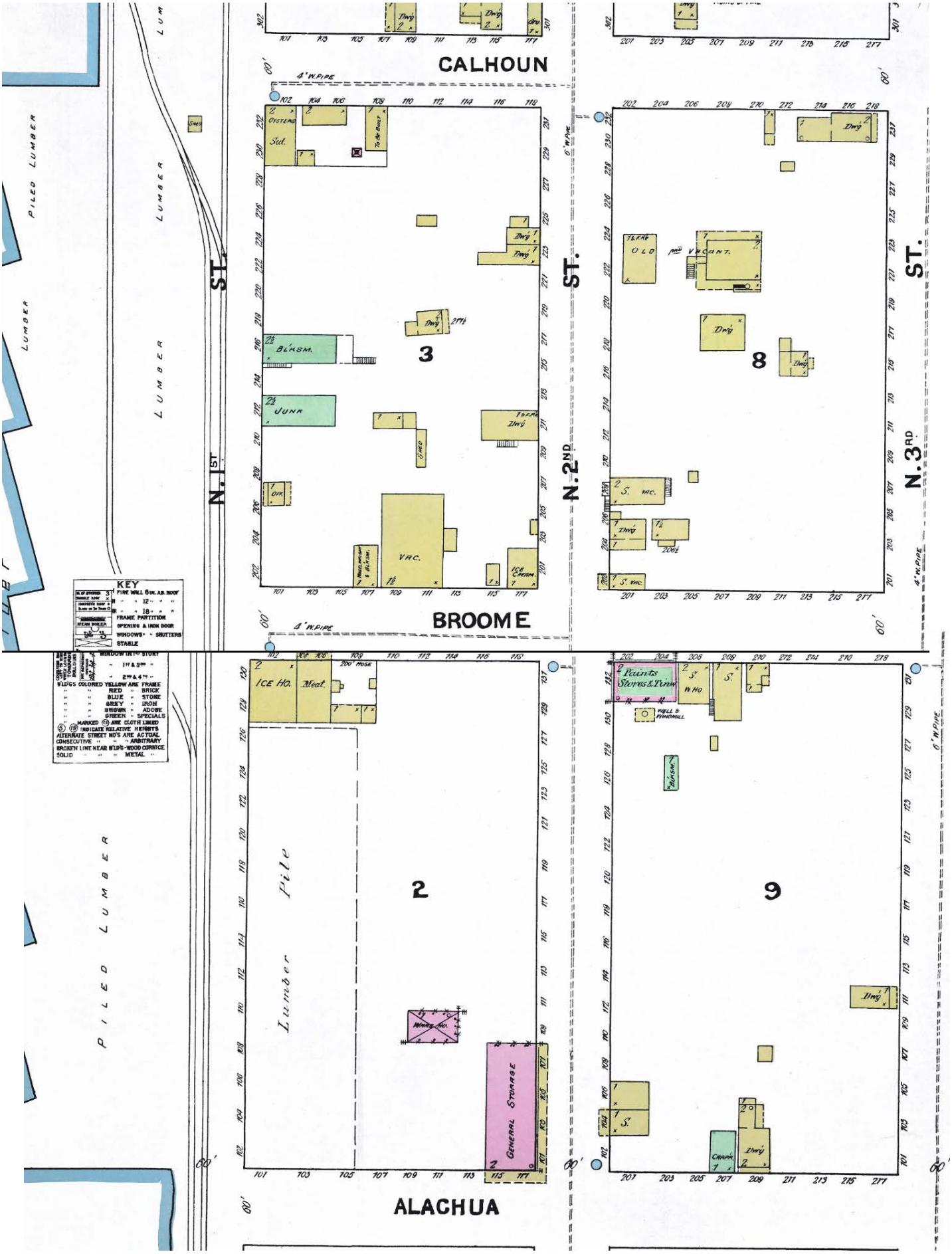
Brick .... Frame

Chemical laboratories. Coffee and Spice mills. Drug mills. Fireworks on sale. Match factories. Oil-boiling houses. Planing and Moulding mills. Printing-ink factories. Sash, blind and door factories. Saw mills. Tar-boiling houses. Turpentine distilleries. Varnish making. Window-shade factories.

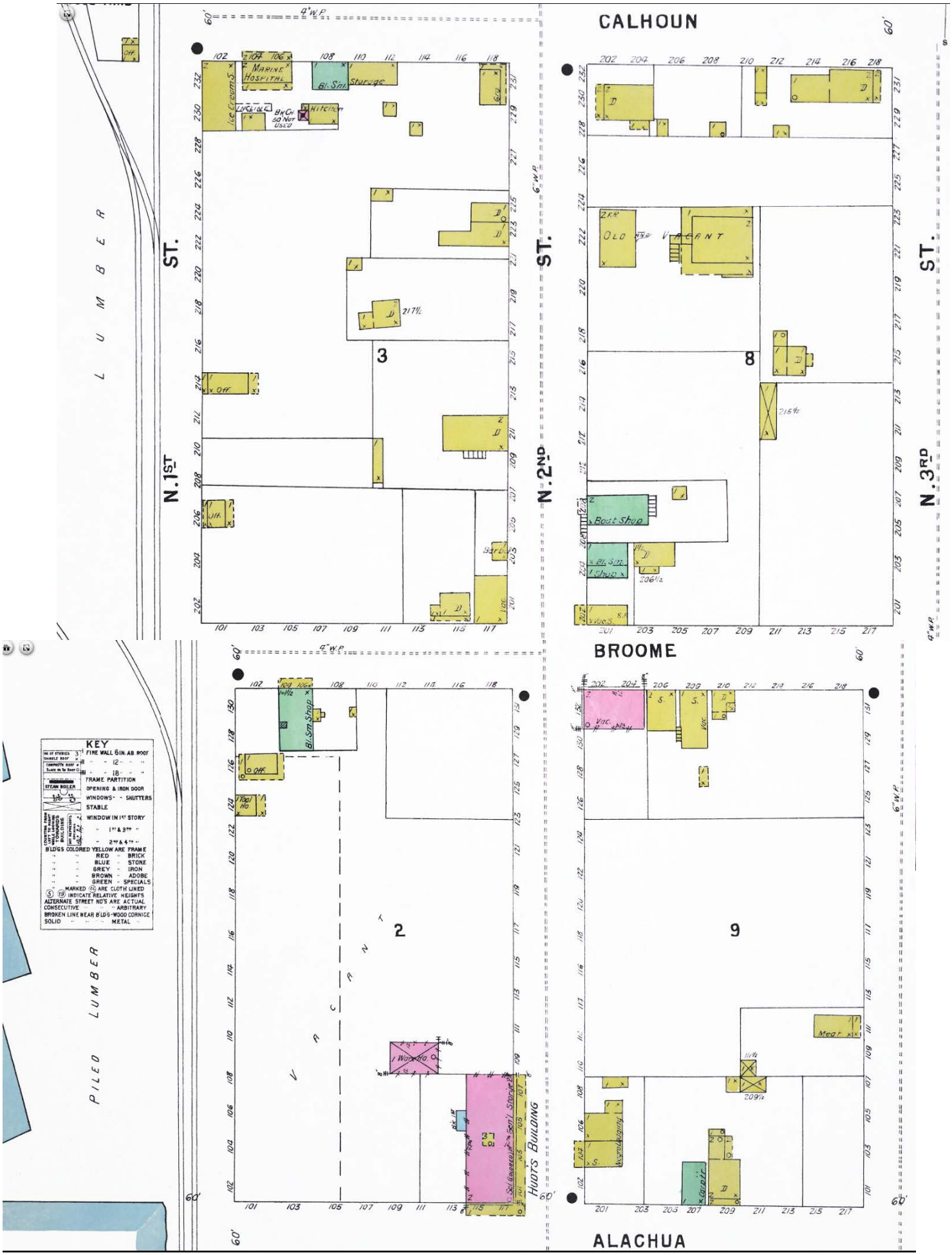
1884 Sanborn Map of North 2nd Street



1891 Sanborn Map of N. 2nd Street



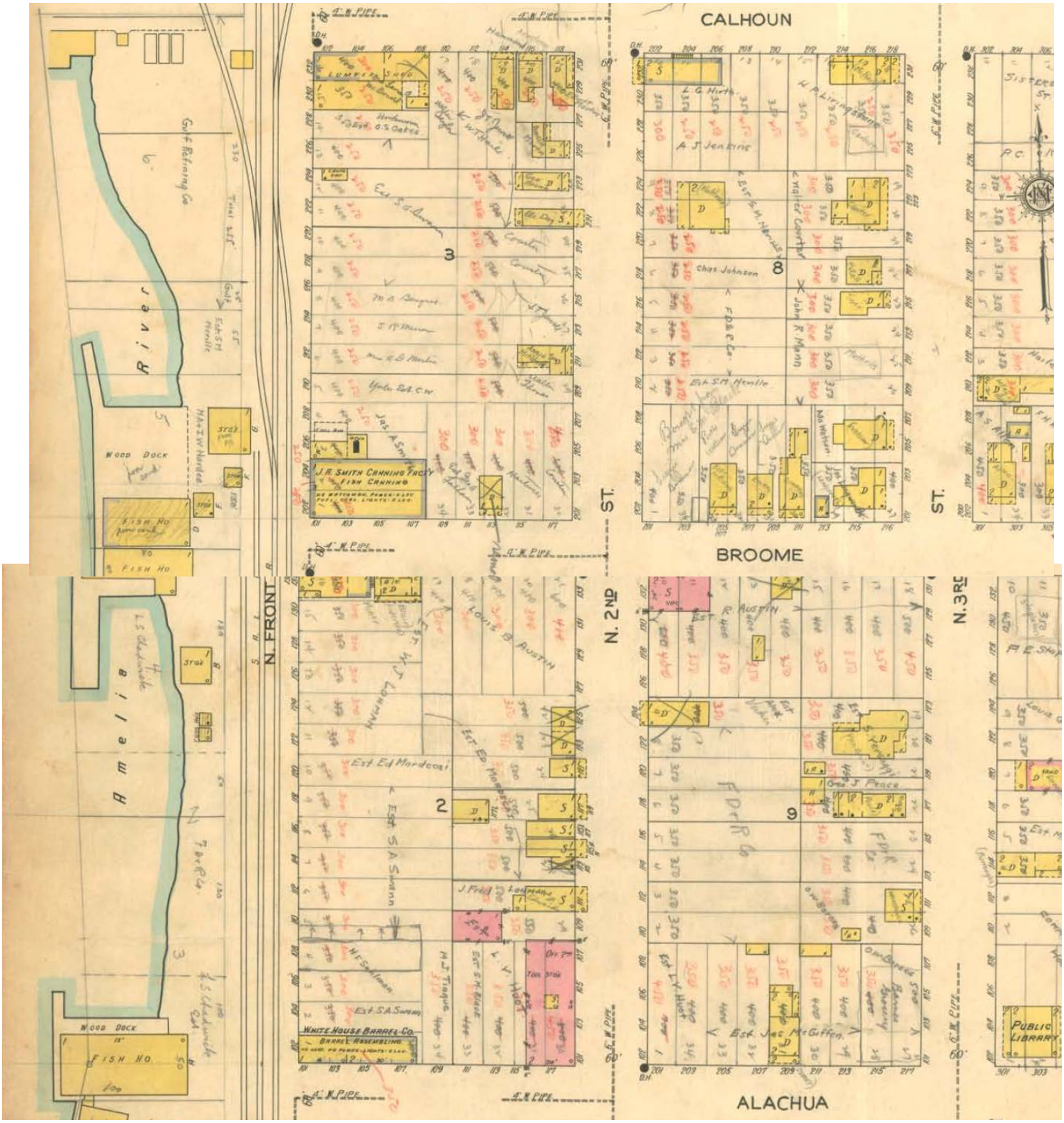
1897 Sanborn Map of N. 2nd Street



1903 Sanborn Map

1909 Sanborn Map of N. 2nd Street

1926 Sanborn Map of N. 2nd Street



OFFICE USE ONLY

REC'D: 3/1/10 BY: _____

PAYMENT: $ — TYPE: —

APPLICATION #: 2017 -

CASE #: PAB 2017-07

BOARD MEETING DATE: _____

PLANNING ADVISORY BOARD APPLICATION

- [x] ZONING MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- [x] LAND USE MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- [ ] LDC TEXT AMENDMENT ($850)
- [ ] COMP PLAN AMENDMENT ($850)
- [ ] SUBDIVISION PLAT – PRELIM ($750)
- [ ] SUBDIVISION PLAT – FINAL ($850)
- [ ] VACATION OF R.O.W. ($850)
- [ ] VOLUNTARY ANNEXATION ($1050)

APPLICANT INFORMATION

Owner Name: Robert And Loretta Erickson

Mailing Address: 30 S. 3rd St Fernandina Beach, FL 32030

Telephone: 479-270-0315 Fax: _____

Email: rettaerickson@aol.com

Agent Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email: _____

PROPERTY INFORMATION

Street Address: 205 Broome St Fernandina Beach, FL 32034

Parcel Identification Number(s): 00-00-31-1800-0008-0330, 0340, 0010, 0310

Lot Number: 1, 34, 33, 32 Block Number: _____ Subdivision: _____

Section: _____ Township: _____ Range: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: 4

Less than One (1) acre Sq. Footage: X One (1) Acre or Greater: _____

Existing Zoning Classification: I 1

Existing Future Land Use Classification: C-3

Previous Planning/Zoning Approvals: _____

Description of Request:

To rezone from I-1 to C3 to allow occupation of houses on 205 & 211 Broome St as residences and flexability of future development on Lots 1 & 34 See Attachment A, reference support statement from PAB 2017-05 Zoning Change I-1 to C3. See Attachment B reference Staff report PAB 2017-05 Zoning Change from I-1 to C3. See Attachment C reference Staff report PAB 2017-03 Zoning Change from I-1 to R-2

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

3-7-17
Date

Signature of Applicant

STATE OF FLORIDA
COUNTY OF NASSAU } ss

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104

Subscribed and sworn to before me this 7 day of March, 2017.

Karen M. Austin
Notary Public: Signature

Karen M. Austin
Printed Name

My Commission Expires

Personally Known _____ OR Produced Identification ✓ ID Produced: FL DL

OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION

I /WE Kerstin Clayton
(print name of property owner(s))

hereby authorize: ROBERT + LORETTA ERICKSON
(print name of agent)

to represent me/us in processing an application for: Zoning Change I1 TO C3
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

Kerstin W. Clay
(Signature of owner)

(Signature of owner)

Kerstin Clayton
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA
ss
COUNTY OF NASSAU

Subscribed and sworn to before me this 7 day of March, 2017.

Karen M. Austin
Notary Public: Signature

Karen M. Austin
Printed Name

My Commission Expires

Personally Known _____ OR Produced Identification ✓ ID Produced: FL DL
exp 8/28/18

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104

NASSAU | A. Michael Hickox, CFA, Cert.Res.RD1941 Nassau County Property Appraiser

Property Search Sales Search Nassau Home

OWNER NAME	ERICKSON ROBERT & LORETTA	**PARCEL NUMBER**	00-00-31-1800-0008-0330
MAILING ADDRESS	30 S 3RD ST	**TAX DISTRICT**	FERNANDINA BEACH (DISTRICT 2)
		MILLAGE	20.2467
		PROPERTY USAGE	SINGLE FAMILY
	FERNANDINA BEACH, FL 32034	**DEED ACRES**	0
LOCATION ADDRESS	205 BROOME ST	**HOMESTEAD**	N
	FERNANDINA BEACH 32034	**PARCEL MAP RECORD**	MAP THIS PARCEL
SHORT LEGAL	BLOCK 8 LOT 33 IN OR 2025/1013 CITY OF FDNA BEACH	**TAX COLLECTOR SEARCH**	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

	2016 Certified Values
JUST VALUE OF LAND	$35,000
LAND VALUE AGRICULTURAL	$0
TOTAL BUILDING VALUE	$7,926
TOTAL MISC VALUE	$0
JUST OR CLASSIFED TOTAL VALUE	$42,926
ASSESSED VALUE	$42,926
EXEMPT VALUE	$0
TAXABLE VALUE	$42,926

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
SFR 000100	25	FF	21-3N-28

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
SINGLE FAM	1,188	1,048	2	2	SINGLE SID		NONE	NONE	1900	SHOW SKETCH

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
01/22/2016	2025/1013	2025/1013	40000	WD	U	Y	INGEBRIGTSEN CATHERINE	ERICKSON ROBERT & LORETTA
02/14/2006	1389/290	1389/290	125000	WD	Q	Y	ROWE JASON N & COURTNEY M	INGEBRIGTSEN CATHERINE
10/05/2004	1263/1871	1263/1871	80000	WD	Q	Y	HOLMES JOHN T	ROWE JASON & COURTNEY M
03/19/1992	652/377	652/377	100	PR	U	Y	WILLIAMS SERENA EST	HOLMES JOHN T

NASSAU | A. Michael Hickox, CFA, Cert.Res.RD1941 Nassau County Property Appraiser

Property Search Sales Search Nassau Home

OWNER NAME	CLAYTON JAMES S (3/4%) &	**PARCEL NUMBER**	00-00-31-1800-0008-0340
MAILING ADDRESS	CLAYTON KEVIN (1/8%) &	**TAX DISTRICT**	FERNANDINA BEACH (DISTRICT 2)
	CLAYTON KERSTIN (1/8%)	**MILLAGE**	20.2467
	211 BROOME STREET	**PROPERTY USAGE**	VACANT INDUSTRIAL
	FERNANDINA BEACH, FL 32034	**DEED ACRES**	0
LOCATION ADDRESS	BROOME ST	**HOMESTEAD**	N
	FERNANDINA BEACH 32034	**PARCEL MAP RECORD**	MAP THIS PARCEL
SHORT LEGAL	BLOCK 8 LOT 34 PT OR 1104/446 & OR 1172/1741 CITY OF FDNA BEACH	**TAX COLLECTOR SEARCH**	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

	2016 Certified Values
JUST VALUE OF LAND	$35,000
LAND VALUE AGRICULTURAL	$0
TOTAL BUILDING VALUE	$0
TOTAL MISC VALUE	$0
JUST OR CLASSIFED TOTAL VALUE	$35,000
ASSESSED VALUE	$35,000
EXEMPT VALUE	$0
TAXABLE VALUE	$35,000

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
VAC INDUST 004000	25	FF	21-3N-28

Building Information

There is no Building Information for this record.

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
06/04/2003	1142/1487	1142/1487	100	PR	U	N	HOLMES LAWRENCE P/R FOR RUTH A SIMMONS	CLAYTON JAMES S
08/01/1984	433/345	433/345	100	MS	U	N		

NASSAU | A. Michael Hickox, CFA, Cert.Res.RD1941
Nassau County Property Appraiser

Property Search Sales Search Nassau Home

OWNER NAME	CLAYTON JAMES S (3/4%) &	**PARCEL NUMBER**	00-00-31-1800-0008-0010
MAILING ADDRESS	CLAYTON KEVIN (1/8%) &	**TAX DISTRICT**	FERNANDINA BEACH (DISTRICT 2)
	CLAYTON KERSTIN (1/8%)	**MILLAGE**	20.2467
	211 BROOME STREET	**PROPERTY USAGE**	VACANT INDUSTRIAL
	FERNANDINA BEACH, FL 32034	**DEED ACRES**	0
LOCATION ADDRESS	N 2ND & BROOME ST	**HOMESTEAD**	N
	FERNANDINA BEACH 32034	**PARCEL MAP RECORD**	MAP THIS PARCEL
SHORT LEGAL	BLOCK 8 LOT 1 PT OR 1104/446 & OR 1172/1741 CITY OF FDNA BEACH	**TAX COLLECTOR SEARCH**	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

	2016 Certified Values
JUST VALUE OF LAND	$35,000
LAND VALUE AGRICULTURAL	$0
TOTAL BUILDING VALUE	$0
TOTAL MISC VALUE	$0
JUST OR CLASSIFED TOTAL VALUE	$35,000
ASSESSED VALUE	$35,000
EXEMPT VALUE	$0
TAXABLE VALUE	$35,000

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
VAC INDUST 004000	25	FF	21-3N-28

Building Information

There is no Building Information for this record.

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
06/04/2003	1142/1487	1142/1487	100	PR	U	N	HOLMES LAWRENCE P/R FOR RUTH A SIMMONS	CLAYTON JAMES S
09/01/1984	433/345	433/345	100	MS	U	N		

NASSAU | A. Michael Hickox, CFA, Cert.Res.RD1941 Nassau County Property Appraiser

Property Search Sales Search Nassau Home

OWNER NAME	CLAYTON KERSTIN (3/16%) &	PARCEL NUMBER	00-00-31-1800-0008-0310
MAILING ADDRESS	HOLMES WM O & LAWRENCE &	TAX DISTRICT	FERNANDINA BEACH (DISTRICT 2)
	HOLMES THEODORE ETAL	MILLAGE	20.2467
	211 BROOME ST	PROPERTY USAGE	SINGLE FAMILY
	FERNANDINA BEACH, FL 32034	DEED ACRES	0
LOCATION ADDRESS	211 BROOME ST	HOMESTEAD	Y
	FERNANDINA BEACH 32034	PARCEL MAP RECORD	MAP THIS PARCEL
SHORT LEGAL	BLOCK 8 LOTS 31 & 32 & N1/2 OF LOT 30 (EX E7 FT) PT OR 1172/1741 & OR 1104/446	TAX COLLECTOR SEARCH	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

	2016 Certified Values
JUST VALUE OF LAND	$79,329
LAND VALUE AGRICULTURAL	$0
TOTAL BUILDING VALUE	$84,966
TOTAL MISC VALUE	$60
JUST OR CLASSIFED TOTAL VALUE	$164,355
ASSESSED VALUE	$158,525
EXEMPT VALUE	$25,000
TAXABLE VALUE	$133,525

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
SFR 000100	50	FF	21-3N-28
SFR 000100	18	FF	21-3N-28

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
SNGL FAM	1,487	1,277	3	2	AVERAGE		AIR DUCTED	FORCED AIR	1900	SHOW SKETCH

Miscellaneous Information

DESCRIPTION	DIMENSIONS L x W	UNITS	YEAR BUILT
CONCRETE A	25 X 3	75	1970
CONCRETE A	0 X 0	0	0

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
09/18/2003	1172/1741	1172/1741	100	PR	U	Y	HOLMES P/R FOR TUH ALBRITTON SIMMONS	HOLMES WILLIAM & LAWRENCE ET AL
01/01/1986	478/313	478/313	100	FS	U	Y		

Kelly Gibson

From: Loretta Erickson <rettaerickson@gmail.com>
Sent: Wednesday, March 08, 2017 2:51 PM
To: Kelly Gibson
Cc: Robert Erickson
Subject: Fwd: Detailed letter of Intent

Hi Kelly
Please let me know you received this.
Thanks
Loretta

Sent from my iPhone

Begin forwarded message:

> **From:** <rettaerickson@gmail.com>
> **Date:** March 7, 2017 at 12:11:45 PM EST
> **To:** <kgibson@fbfl.org>
> **Cc:** "Bob Erickson" <rettaerickson@aol.com>, <kerlos14@gmail.com>
> **Subject: Detailed letter of Intent**

3/7/17

Dear Kelly,

Our request to rezone is to allow for the home at 205 Broome St and at 211 Broome St to be occupy as residences and give the flexibility of future development on Lots 1 and 34.

In support of our zoning change request the following attachments show the consistency of the proposed amendment as well as the justification of the proposed amendment. Attachment A, a reference supporting statement taken form PAB 2017-05 zoning change from I-1 to C-3 . Attachment B referencing staff report PAB 2017-05 zoning change from I-1 to C-3 and Attachment C referencing staff report PAB 2017-03 zoning change from I-1 to R-2. Also included are various maps supporting the proposed zoning change for I-1 to C-3. These show the consistency of the proposed amendments with the City's Comprehensive Plan and a justification for the proposed amendment.

Sincerely,
Bob and Loretta Erickson

Attachment A

Attachment A

OBJECTIVE 1.01.
Energy Efficient Development
The City shall promote compact, mixed use, and energy efficient development arranged to encourage walkability, bicycle and transit use, which leads to a more sustainable community and a reduction in greenhouse gases (GHGs).
The CBD Future Land Use is designed to promote energy efficient development by promoting a walkable and sustainable environment. This is accomplished by allowing a mixture of residential and commercial uses to be placed within the same structure. In addition, when the subject property is assigned the CBD/C-3 and located amongst other CBO FLU/uses, this places new housing units within walkability of services and employment within the downtown area.

Policy 1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors: a. Type and density or htensity of surrounding uses; b. Zoning districts in the surrounding area; c. Demonstration of adequate water supply and water supply faculties; d. Appropriateness of the size of the parcel compared to the proposed use; e. Physical condition of the site, and the suitability of soils and topography for the proposed use; f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources; g. Compatibility factors; h. Impact on adopted levels of service standards and quality of service standards; and I. Location in a Coastal Upland Protection Zone (CUPZ).
The type and density and intensity of the surrounding uses are compatible with the CBD/C-3 FLU and Zoning combination as adjacent FLU and zoning is consistent with the proposed change. It is as equally intense as the adjacent industrial uses. Although more intense than the nearby residential, the CBD will act as a transitional use. The proposed change is a transitional use that will be compatible with both residential to the east and industrial to the west. The residential to the east will be buffered from the industrial uses by the CBD/C-3 uses and will be buffered from CBD/C-3 uses by 20' buffer with landscaping. Public water and sewer is available to the subject property and the increase development permitted will promote smart-growth principles by increasing growth where there is existing infrastructure. The area being considered for the change is appropriately sized considering the setback, densities and types of development permitted. Soils and topography are the same as other urban areas that are immediately adjacent. As can be seen from maps included with application, the soils for the subject property, Ortega Fine Sand, is prevalent in the downtown area, is not unique to the subject property, and is developed to urban levels in the city. According to the US Geologic Survey, the Ortega Series of soils are moderately well drained and are located on rises and knolls and is suitable for urban development As can be seen from the topographic map, a rise of six feet from front to rear will result in a slope over 125 feet of approximately 4.8%. There are no requirements in city code that correlate slope with types of development.
Essentially the lot/block and frontage characteristics of the subject property are very similar to the rest of the historic district CBD/C-3 area. The subject property is not covered by flood zone or other environmentally unsuitable conditions, and the historic structure on the subject property will be made conforming by the proposed amendment.

Policy 1.02.06. The City shall assure that specific density assigned to new development and redevelopment is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following: a. Protecting the integrity and stability of established residential areas; b. Assuring smooth transition in residential densities; c. Encouraging commercial and residential mixed use development patterns; d. Recognizing and being sensitive to the character and form of the surrounding neighborhoods; and e. Requiring application of low impact development (LID) principles, native and drought tolerant landscaping and urban design principles and practices; and f. Encouraging connectivity of pedestrian walkways and bicycle paths on and off site.
The City has expressed interest in pursuing a CBD/C-3 on the subject property as a city-sponsored application due to the sound planning criteria stated in Policy 1.02.06 above. The current situation of exposing residential areas to direct contact with industrial areas is deleterious to the development of industrial areas and the continuation of residential areas. Sound planning principles dictate that a transitional land use be used to buffer these two uses from each other. Such a transitional land use is available in the CBD/C-3 which contains a multi-family element that is both transitional in use and in residential densities. By definition, the CBD/C-3 combination encourages residential and commercial mixed use and is therefore compatible with residential. The proposed CBD/C-3 combination recognizes sensitivity to adjacent neighborhoods as it contains both residential and commercial elements. In addition, the city code contains buffer and setback requirements to residential that will provide additional sensitivity to existing neighborhoods. By definition, development in the CBD will be heavily reliant on pedestrian and bicycle access as these forms of transportation are more practical than auto in the subject area.

Policy 1.02.08. Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations. Compliance with this policy requires very little elaboration. The CBD/C-3 is a mixed use concept and the policy calls for mixed use transitional areas. The subject property is in between and immediately adjacent to industrial (to the west) and residential (to the east) and therefore, the application to change the subject property to CBD/C-3 is precisely what the city's Comprehensive Plan requires.

Policy 1.02.09. The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by hcompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.
See above response. Again the City's Comprehensive Plan not only supports the change, it requires it.

OBJECTIVE 1.04. REDEVELOPMENT AND NFILL DEVELOPMENT The City shall reduce blight and encourage redevelopment of underutilized areas and inefficient land use patterns through redevelopment, reuse, and/or removal and replacement of blighted structures and uses. The City will focus its redevelopment and infill efforts to encourage development in its already urbanized areas that provide housing near job centers, preserve open space, capitalize on existing community assets such as parks, create new community assets such as child-care centers, arts districts and shopping centers and removes the crime associated with vacant, underutilized or abandoned properties.
The subject property is adjacent to nearby job centers and valuable historic resources. The current historic structure is nonconforming to the existing Industrial FLU and zoning and it is therefore difficult to improve the property as financing for non-conforming structures is not possible
to obtain. If this effort to amend the FLU and zoning is deterred, and the industrial FLU and zoning remains, then blight will be inevitablee, in direct conflict with this policy. Although the future of the existing structure is not guaranteed, it has a greater chance of survival if the financing to adaptively reuse is available.

OBJECTIVE 1.05. NONCONFORMING STRUCTURES, USES AND LOTS To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses.
As stated in the above response, the decline and eventual removal of the structure on the subject property will be inevitable if there is no way for the current or future owner(s) to obtain financing to repair and/or adaptively re-use the structure. Considering that the use of the land as industrial conflicts with aforementioned policies regarding transitional uses and the protection of residential,

it is dear the solution is to eliminate the industrial zoning, not the use.
OBJECTIVE 5.04. COASTAL HIGH HAZARD AREAS {CHHA) The City shall protect property, residents, and visitors within the Coastal High Hazard Area. Protection shall be provided through appropriate designations on the Future Land Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the Coastal High Hazard Area, and coordination with hazard mitigation and post-disaster plans.
The subject property is not within the CHHA and therefore additional residential development in the area is not in conflict with Objective 5.04

OBJECTIVE 12.05. LAND USE AND INFRASTRUCTURE EXPANSION The City shall protect existing land designated for employment-generating uses, whether vacant or developed, from encroachment of incompatible uses and promote sustainable development and redevelopment of properties within its designated Job Opportunity Areas.

The existing FLU and zoning of Industrial could be considered a "job creating" land use and this policy seeks to limit the loss of job creating land uses. This state of affairs in ameliorated by two factors: 1) the current size of the industrial district {half block) makes use of the

industrial area for creating jobs limited at best and 2) the proposed CBD/C-3 will also have a commercial element that can provide jobs from primary and secondary economic impacts (people directly employed on subject property or economic development associated with subject property that spawns off-site employment).

In addition, I offer the following section from the City's Land Development Code, Community Redevelopment Area (CRA) section:

8.01.02 Amelia River Waterfront Community Redevelopment Area A. Purpose: It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area. In order to promote revitalization of the working waterfront and adjacent area.
In addition to complying with the Comprehensive Plan elements above, the subject property is within the CRA, which has a goal of providing a mix of uses and compatible with the design with the downtown area. The CBD/C-3 combination is tailored made for this use as it is the predominant zoning and landuse within the downtown area.

In conclusion it is clear that the proposed Future Land Use and Zoning amendment for the subject property complies with the City's Comprehensive Plan and the CRA.

Attachment B

STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Susan Courtney McCranie, Daniel McCranie Sr., Marilyn Leibman				
AGENT:	Peter J. King, AICP				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	North 2nd Street Community Redevelopment Area (CRA) properties – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	**Parcel ID #: 00-00-31-1800-0008-0080** (Courtney McCranie) – 224 N. 2nd Street, Multifamily Structure (2,905 conditioned square feet) totaling 0.22 acres of land and constructed in the early 1900's- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft. **Parcel ID #: 00-00-31-1800-0008-0050** (Daniel McCranie, Sr.) - Vacant totaling 0.15 acres of land , This property contains 2 underlying lots of record and measures approximately 50ft. x 125ft. **Parcel ID #: 00-00-31-1800-0008-0020** (Leibman) - Vacant totaling 0.22 acres of land- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft.				
PROPERTY SIZE:	In total 0.59 acres of land are included within the applicant's request.				
ADJACENT PROPERTIES:	Direction	Existing Use(s)	Year Built	Zoning	FLUM
CRA PROPERTY	North	Warehouse	1980	I-1	Industrial (IND)
		Restaurant/Bar	1902		
CRA PROPERTY/ HISTORIC DISTRICT	South	Vacant and Non-Conforming Single Family Homes	Est. 1900	I-1	Industrial (IND)
CRA PROPERTY	West	Warehouse Storage	Est. 1900	I-1	Industrial (IND)
PORT PROPERTY (NOT IN THE CRA)		Warehouse Storage	1990		
CRA PROPERTY	East	Single Family and Multi-Family residential dwellings	Est. 1909-1925	R-2	Medium Density Residential (MDR)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on N.2nd Street **(Exhibit A)**.

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development. All three (3) properties involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council. Although the structure located at 224 N. 2nd Street is not within the City's historic district, its location within the CRA would require that any request for demolition of the structure to be approved by the Historic District Council and follow all established procedures identified in LDC Section 8.03.03.01.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	**300 gallons per day per ERU (Equivalent Residential Unit)**
Solid Waste Facilities	**Average Solid Waste Generation Rate: 5.9 pounds per capita per day**
Stormwater Management Facilities	**Policy 4.01.02** *All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.*
Potable Water Facilities	**Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)**

Fire-Rescue Services	**240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)**
Police and Law Enforcement Services	**Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls**

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Central Business District (CBD), 8 dwelling units per acre are supported at this time. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Under the requested action, a total of up to five (5) residential units could be constructed on the vacant properties. The property located at 224 N. 2nd Street contains a non-conforming multi-use structure with two (2) residential dwelling units at the present time.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

a. **No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
b. **No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
c. **No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
d. **No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structure for residential purposes. The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing pubic facilities within this area. The CRA established a

Finding of Necessity in 2005, one of the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The requested Central Business District (CBD) land use category and C-3 zoning district serves to create a transitional step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the applicant's request is the most appropriate land use and zoning district assignment under the City's current regulations.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

a. **Type and density or intensity of surrounding uses;**
b. **Zoning districts in the surrounding area;**
c. **Demonstration of adequate water supply and water supply facilities;**
d. **Appropriateness of the size of the parcel compared to the proposed use;**
e. **Physical condition of the site, and the suitability of soils and topography for the proposed use;**
f. **Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
g. **Compatibility factors;**
h. **Impact on adopted levels of service standards and quality of service standards; and**
i. **Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' properties are a range of existing uses including; a warehouse and storage area serving the port's needs to the west, warehousing for a light manufacturing business to the North, and restaurant/ bar located at the corner of Calhoun Street and N. 2nd Street. On the eastern block face are homes located within the City's downtown historic district.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.
Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement.

Policy 1.02.09.
The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

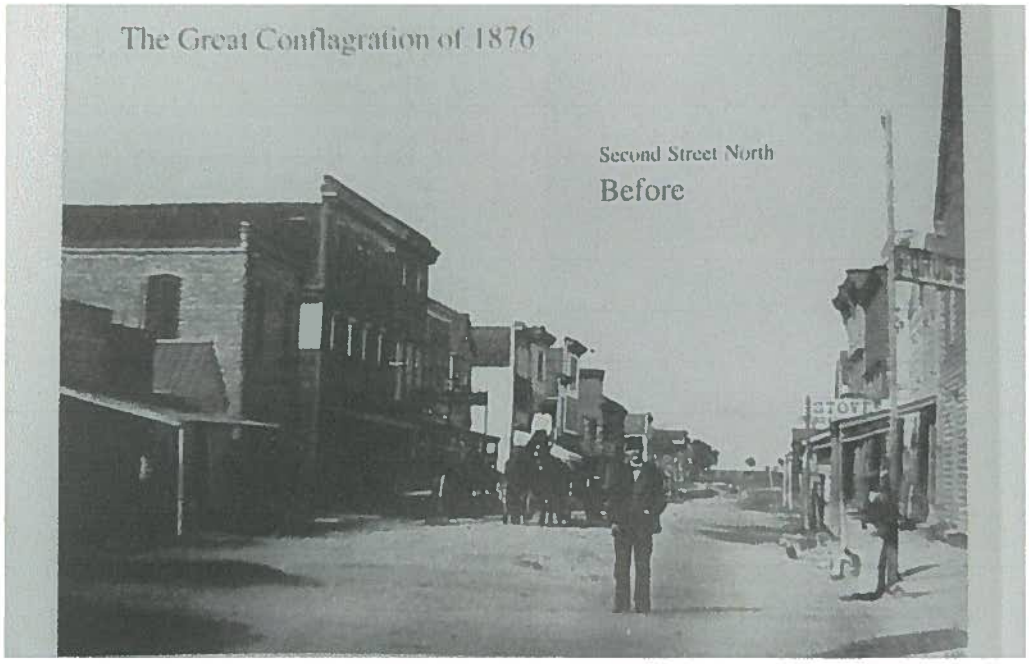
The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the properties fronting Broome Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

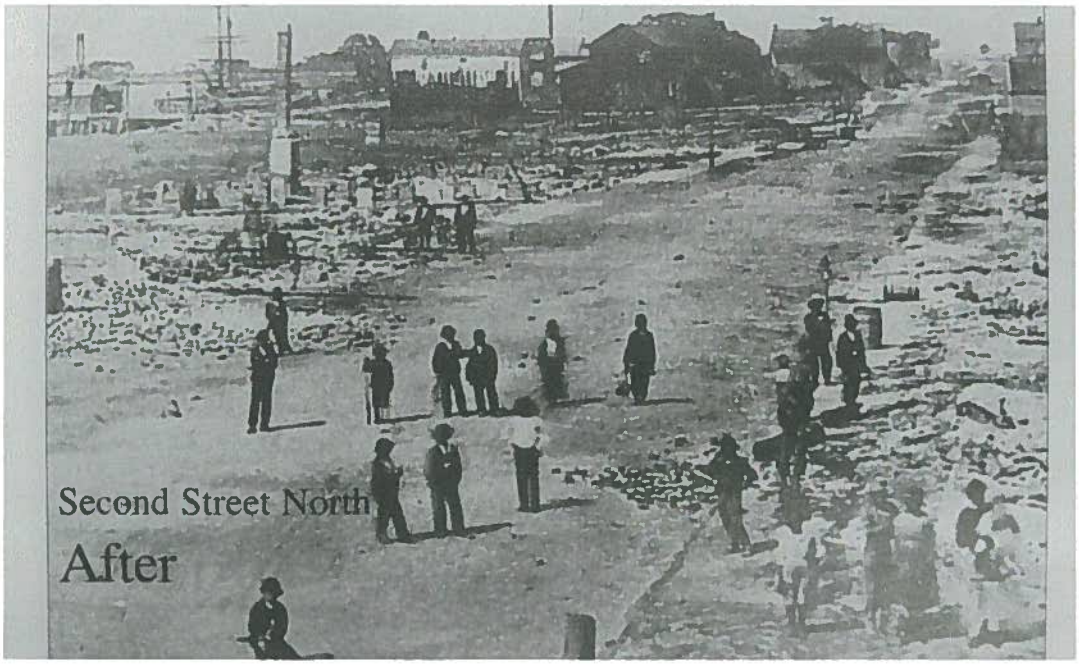
Policy 1.07.09.
Central Business District (CBD)

a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
e. The intensity of non-residential development shall not exceed a FAR of 2.0.
f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
   1. The need for additional land area within the Central Business District land use category;
   2. Consistency of the land area with the characteristics of the Central Business District; and;
   3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (**See Sanborn Map Exhibits**). Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that

existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.





Reference: Johannes, J. (2000). Yesterday's Reflections II Nassau County, Florida - A Pictorial History. Fernandina Beach: Lexington Ventures, Inc.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.
The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

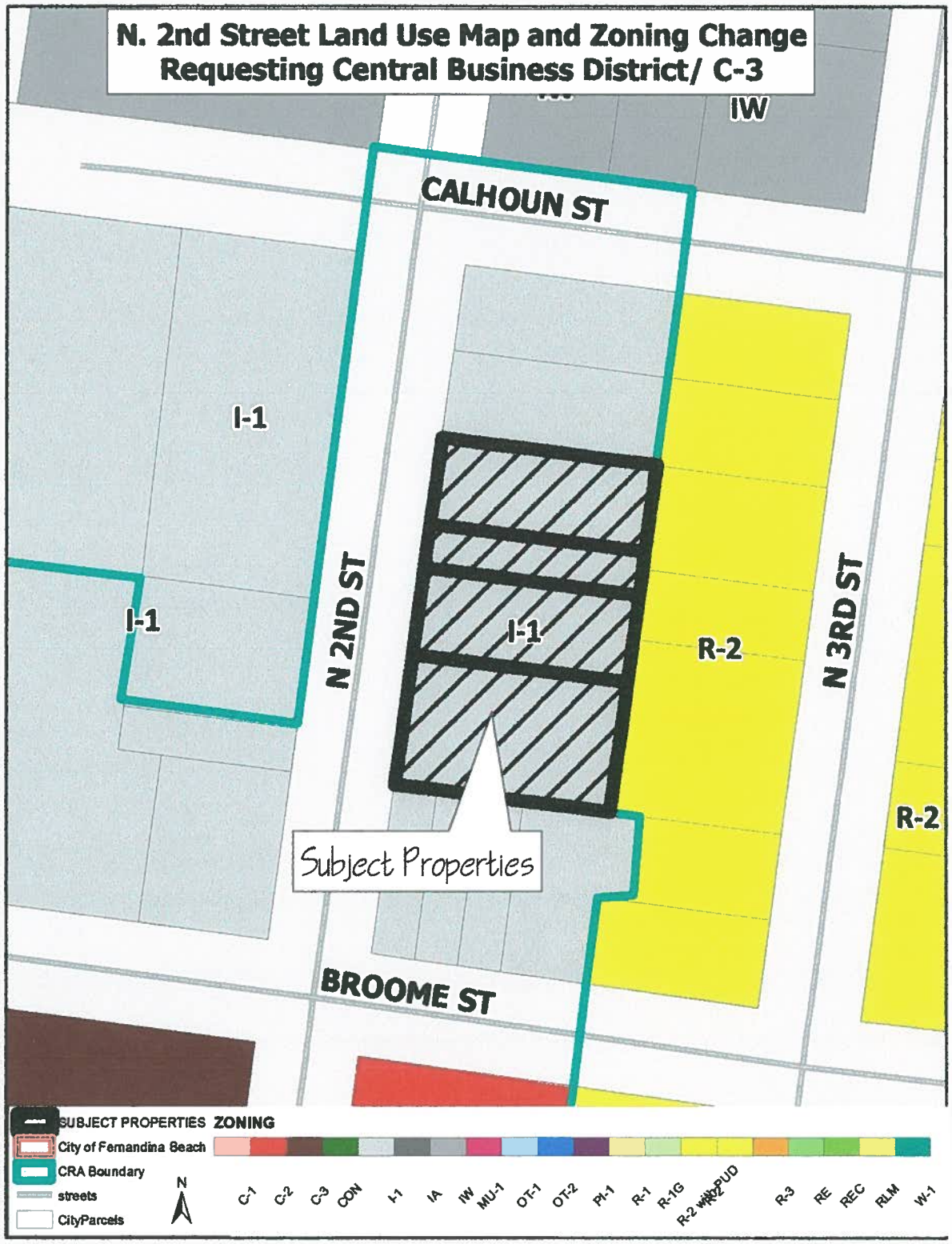
MOTIONS TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2017-05 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson
Senior Planner

EXHIBIT A


N. 2nd Street Land Use Map and Zoning Change
Requesting Central Business District/ C-3
IW
CALHOUN ST
I-1
I-1
N 2ND ST
I-1
R-2
N 3RD ST
R-2
Subject Properties
BROOME ST
SUBJECT PROPERTIES
City of Fernandina Beach
CRA Boundary
streets
CityParcels
N
ZONING
C-1
C-2
C-3
CON
I-1
IA
IW
MU-1
OT-1
OT-2
PI-1
R-1
R-1G
R-2 w/PUD
R-3
RE
REC
RLM
W-1

Attachment C

STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Robert and Loretta Erickson, James and Kerstin Clayton				
AGENT:	Robert and Loretta Erickson				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	211 Broome Street, 205 Broome Street, and Vacant Properties at corner of N. 2nd Street and Broome Street – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Medium Density Residential (MDR)/ R-2				
EXISTING USES ON SITE:	**211 Broome Street:** Existing SF Home totaling approximately 1,487 ft² with an estimated year built of 1900 **205 Broome Street:** Existing Vacant SF Home totaling approximately 1,188 ft² with an estimated year built of 1900 Vacant Land located at the corner of N. 2nd Street and Broome Street				
PROPERTY SIZE:	Totaling 0.32 Acres Parcel ID #s: 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010				
ADJACENT PROPERTIES:	Direction	Existing Use(s)	Year Built	Zoning	FLUM
CRA PROPERTY	North	Vacant Land	N/A	I-1	Industrial (IND)
CRA PROPERTY	South	Public Parking	2015	C-2	General Commercial (GC)
HISTORIC DISTRICT	East	Single Family Home	Est. 1900	R-2	Medium Density Residential (MDR)
CRA PROPERTY	West	Warehouse/Storage	Est. 1900	I-1	Industrial (IND)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Medium Density Residential (MDR) land use, and R-2 (Medium Density Residential) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at N.2nd Street and Broome Street (**Exhibit A**).

The action is requested in order to correct existing non-conforming use of the properties where two (2) single family homes have existed for many years. The property at 211 Broome Street has retained its single family home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years. Under the City's LDC Section 10.01.02 (G), when a non-conforming use has

been discontinued for a period greater than 180 days, the property shall be brought into compliance with all sections of the LDC. The current property owners recently acquired the structure in order to restore it. At this time, they are seeking to use the property for residential purposes. In order to make this property conforming, a land use and zoning designation which contains residential density must be applied to the site. The properties to the west of the restored structure are vacant.

All four parcels involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	**300 gallons per day per ERU (Equivalent Residential Unit)**
Solid Waste Facilities	**Average Solid Waste Generation Rate: 5.9 pounds per capita per day**
Stormwater Management Facilities	**Policy 4.01.02** *All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.*
Potable Water Facilities	**Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)**
Fire-Rescue Services	**240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)**
Police and Law Enforcement Services	**Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls**

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Medium Density Residential (MDR), 8 dwelling units per acre are supported. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Therefore, if the property is changed to a land use category containing residential density, the vacant properties and 205 Broome Street property would have the benefit of construction a residential unit on each parcel, despite not being able to meet minimum "net density" requirements under the requested change. Under the requested action, a total of up to five (5) residential units could be constructed on the properties.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

a. **No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
b. **No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
c. **No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
d. **No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structures as single family homes. The applicant's requested land use of Medium Density Residential (MDR) and R-2 zoning fails to achieve the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing pubic facilities within this area. The CRA established a Finding of Necessity in 2005, one for the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action does not serve to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. Staff suggests that the applicant consider use of a transitional land use category and zoning district that

serves to step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the most appropriate land use and zoning district assignment under the City's current regulations are the Central Business District (CBD)/ C-3 zoning.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- **a. Type and density or intensity of surrounding uses;**
- **b. Zoning districts in the surrounding area;**
- **c. Demonstration of adequate water supply and water supply facilities;**
- **d. Appropriateness of the size of the parcel compared to the proposed use;**
- **e. Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- **f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
- **g. Compatibility factors;**
- **h. Impact on adopted levels of service standards and quality of service standards; and**
- **i. Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' property are a wide range of existing uses including; a warehouse and storage area serving the port's needs; public parking directly facing the properties; and vacant land within the CRA which historically contained a variety of uses. On the eastern block face are homes located within the City's downtown historic district. The existing land use and zoning under Industrial/ I-1 is certainly not compatible with the surrounding area and staff recognizes that this should be corrected though a land use and zoning change to a district which serves to provide a down-zoning or transition from the port's industrial operations to the adjoining residential areas.

The most compatible land use and zoning designation for these properties as well as the properties fronting N. 2nd Street is Central Business District (CBD)/ C-3 zoning. The CBD/C-3 zoning designation exists diagonally from the applicants' properties and staff recognizes the need to assign the appropriate land use and zoning district for the public parking lots located on N. 2nd at Alachua Street and Broome Street in keeping with the direction to create and extend the urban core through the CRA.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested zoning is Medium Density Residential R-2, provides for residential land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.05 of the LDC states the intent of the R-2, Medium Density Residential, zoning classification.
The R-2 District is intended for the development, redevelopment, or maintenance of stable medium-density residential neighborhoods. The medium-density residential designation includes a mixture of single- and multi-family structure types.

The R-2 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of several of the properties involved in the application. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be inconsistent with the Comprehensive Plan and Land Development Code, as it is an inappropriate extension of an exclusively residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends an incompatible zoning district to properties adjoining industrial and commercial land uses, instead a mixed land use and zoning designation should be considered. Further, the requested action does not serve to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a more harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2017-03 to the City Commission requesting a Future Land Use Map assignment of Medium Density Residential land use and R-2 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-03 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson

Kelly N. Gibson
Senior Planner

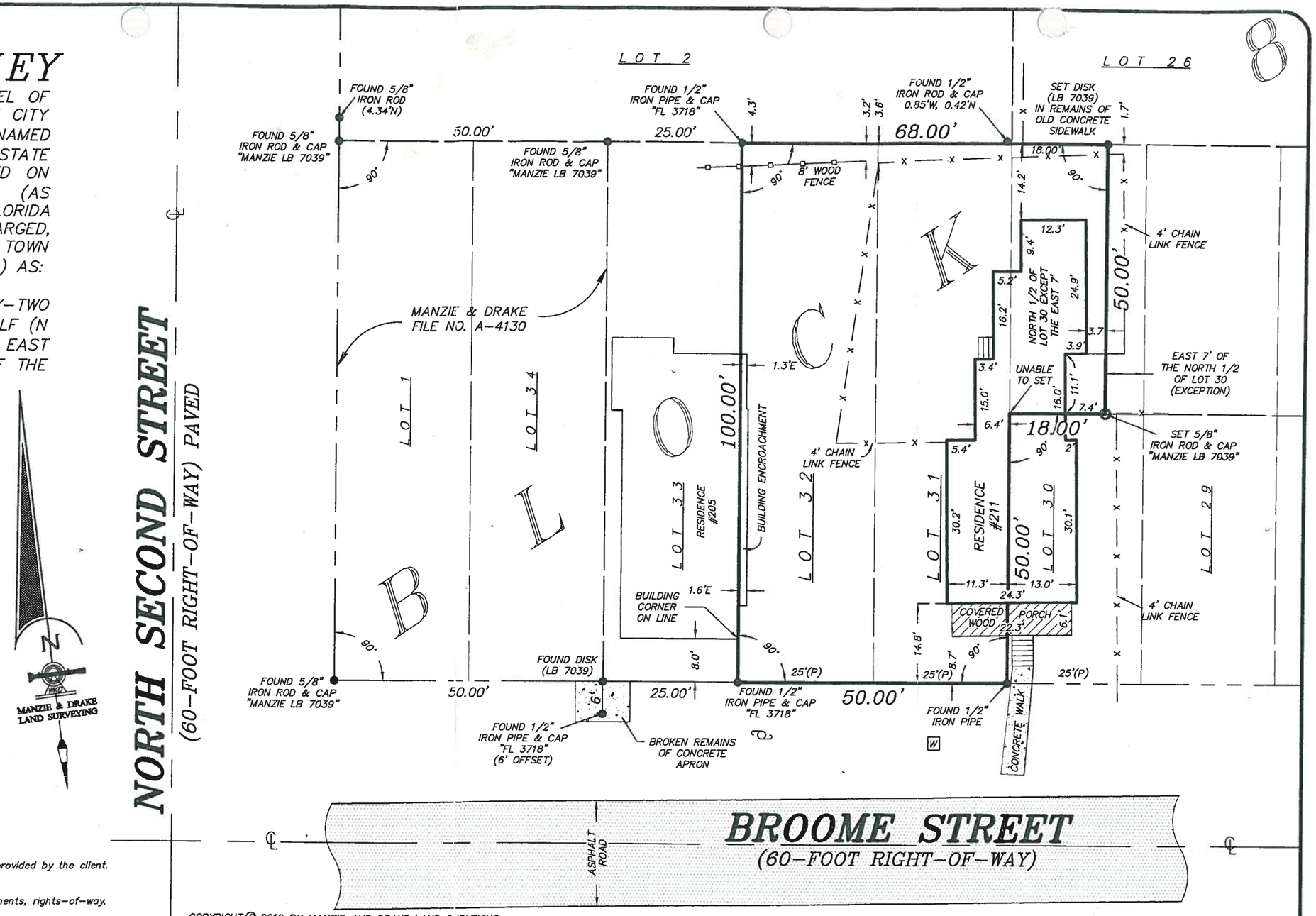
MAP OF BOUNDARY SURVEY

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA AND KNOWN AND DESCRIBED ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS:

LOT THIRTY-ONE (31) AND LOT THIRTY-TWO (32), TOGETHER WITH THE NORTH ONE-HALF (N 1/2) OF LOT THIRTY (30), EXCEPT THE EAST SEVEN (7) FEET, IN BLOCK EIGHT (8), OF THE CITY OF FERNANDINA BEACH, FLORIDA.

PREPARED FOR:

CLAYTON PROPERTIES



LEGEND

- ℄ = CENTERLINE
- —x—x— = CHAIN LINK FENCE
- = CONCRETE FLATWORK
- (P) = PLAT
- W = WATER METER
- —o—o— = WOOD OR VINYL FENCE
- = WOOD FLATWORK
- = WOOD POWER POLE
- = 5/8" IRON ROD & CAP (LB 7039) SET

SURVEY NOTES:

1) The "Legal Description" hereon is in accord with the description provided by the client.
2) Underground improvements were not located or shown.
3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
4) Internal lot angles shown hereon are based on recovered monumentation.
5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
6) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C 0237 F, Dated 12/17/2010. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
7) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.

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THE INFORMATION SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William D Pinkston

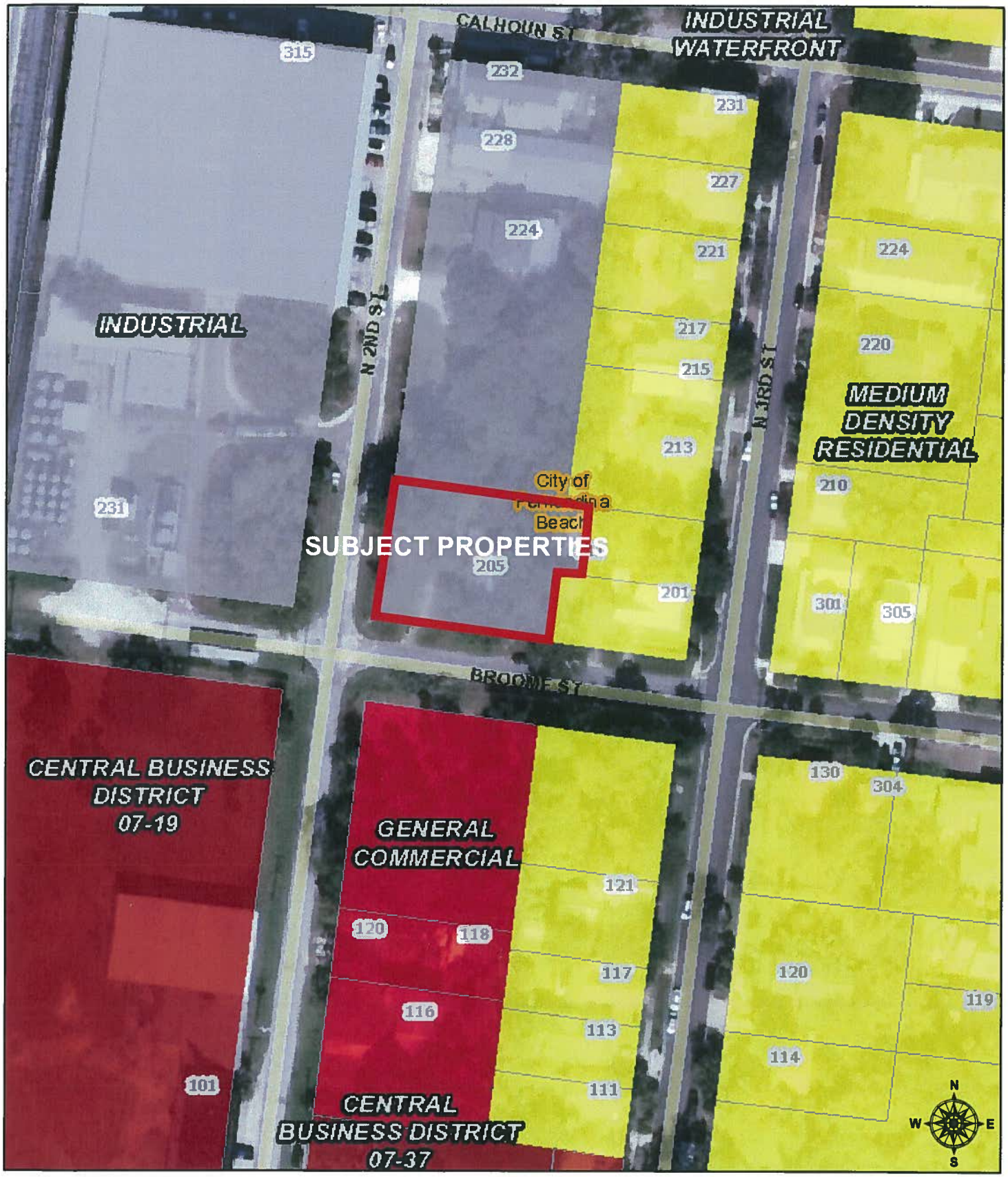
☐ MICHAEL A. MANZIE, P.L.S. 4069
☒ WILLIAM D. PINKSTON, P.S.M. 6793

MANZIE & DRAKE LAND SURVEYING
117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5777
Certificate of Authorization Number "LB 7039"

"OUR *SIGHTS* ARE ON THE FUTURE, SET YOUR *SITES* ON US."

SCALE: 1"=20' JOB NO: 19686 DATE: 7/29/16 CADD: WKD
F.B. NO: X-289 PAGE NO: 34 FIELD CREW: SS FILE NO: A-4131

FUTURE LAND USE MAP



March 6, 2017

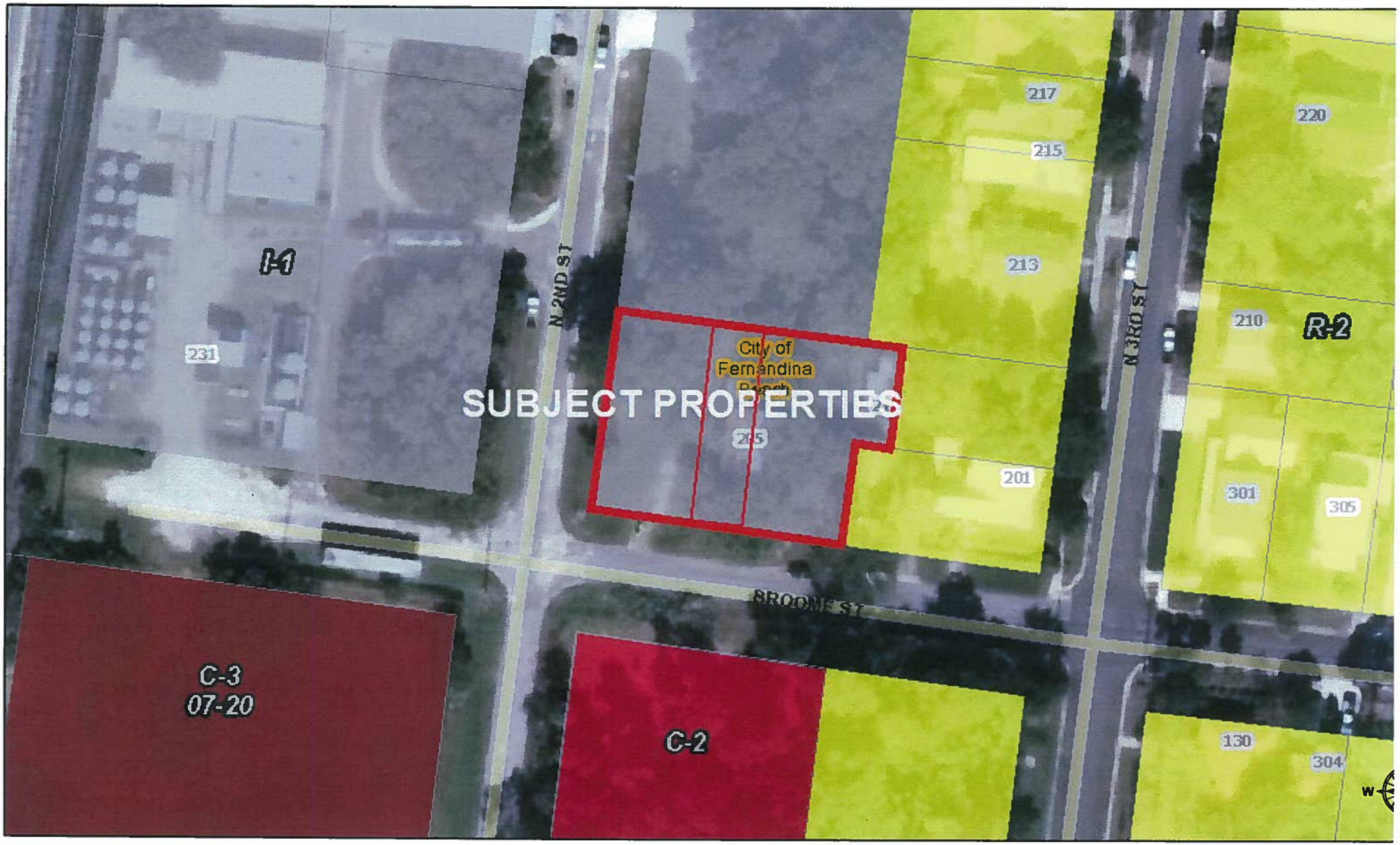
1:1,335

0 0.01 0.02 0.04 mi

0 0.0175 0.035 0.07 km

Land Parcels

ZONING MAP



March 6, 2017

1:915

0 0.0075 0.015 0.03 r

0 0.01 0.02 0.04 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N
Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M
NGCC, © OpenStreetMap contributors, and the GIS User Community

FLOOD MAP (2010 EFFECTIVE)

March 6, 2017

Flood Zones -Effective Dec.17th 2010, NAD 1988

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- VE
- X

1:915

0 0.0075 0.015 0.03 r

0 0.01 0.02 0.04 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M NGCC, © OpenStreetMap contributors, and the GIS User Community

FLOOD MAP (2016 PRELIMINARY)

March 6, 2017

Preliminary Flood Zones 2016

- A,
- AE,
- AO,
- VE,
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- X, AREA OF MINIMAL FLOOD HAZARD

1:915

0 0.0075 0.015 0.03 r

0 0.01 0.02 0.04 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N
Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M
NGCC, © OpenStreetMap contributors, and the GIS User Community

SOILS MAP

March 6, 2017

Land Parcels

Nassau Soils

1:2,065

0 0.0175 0.035 0.07

0 0.0275 0.055 0.11

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N
Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M
NGCC, © OpenStreetMap contributors, and the GIS User Community

TOPOGRAPHICAL MAP

March 6, 2017

Land Parcels

1:915

0 0.0075 0.015 0.03 r

0 0.01 0.02 0.04 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M NGCC, © OpenStreetMap contributors, and the GIS User Community

CRA/HDC MAP

March 6, 2017

City of F.B. Historic District

City of F.B. Community Development District

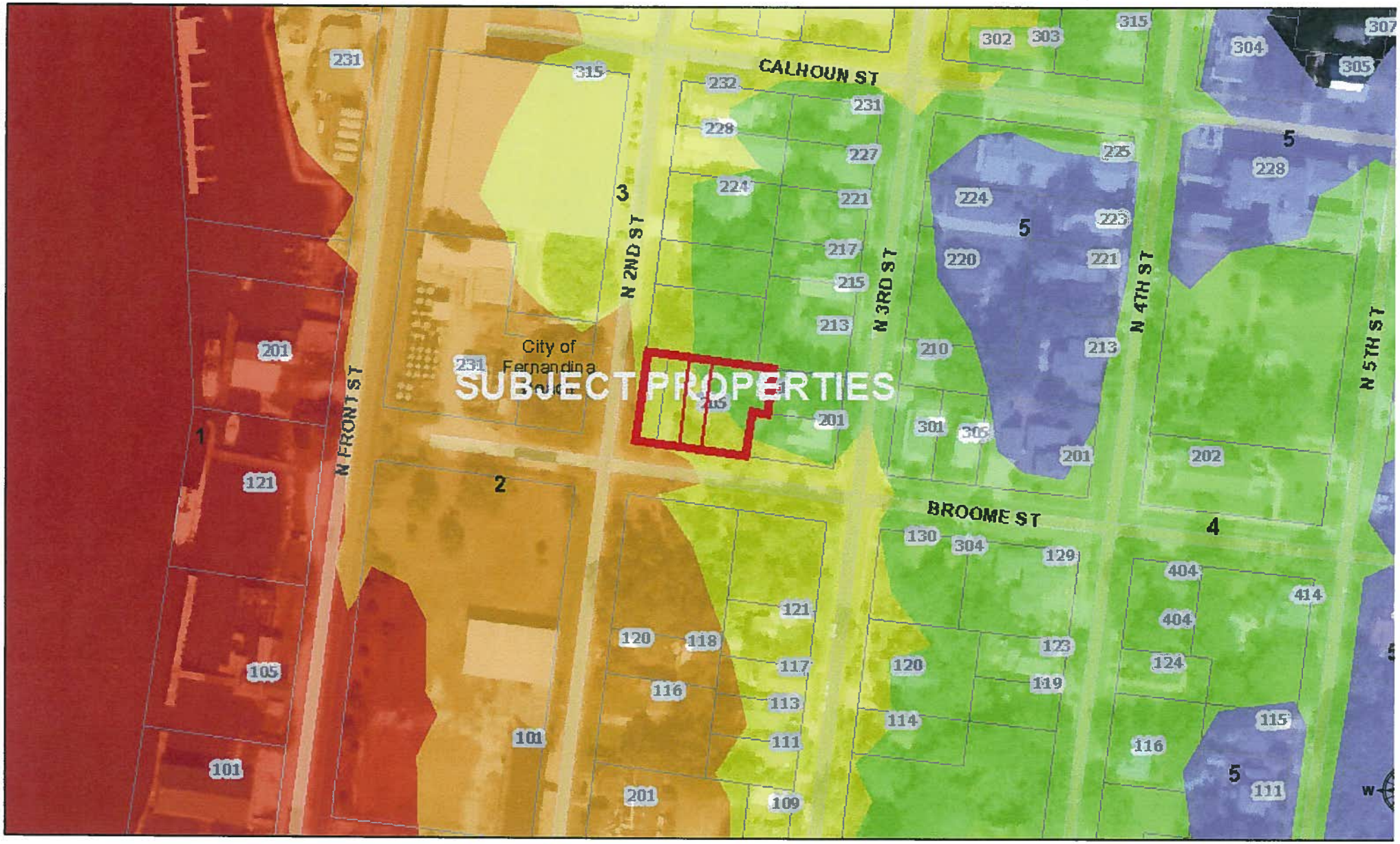
1:4,131

0 0.035 0.07 0.14

0 0.05 0.1 0.2 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N
Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M
NGCC, © OpenStreetMap contributors, and the GIS User Community

COASTAL HIGH HAZARD MAP (STORM SURGE)



March 6, 2017

Land Parcels

Storm Surge

1

2

3

4

5

1:2,065

0 0.0175 0.035 0.07

0 0.0275 0.055 0.11

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N
Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M
NGCC, © OpenStreetMap contributors, and the GIS User Community

FIRE HYDRANT LOCATION MAP

March 6, 2017

Land Parcels

Water Hydrant

1:2,065

0 0.0175 0.035 0.07

0 0.0275 0.055 0.11

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N
Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M
NGCC, © OpenStreetMap contributors, and the GIS User Community

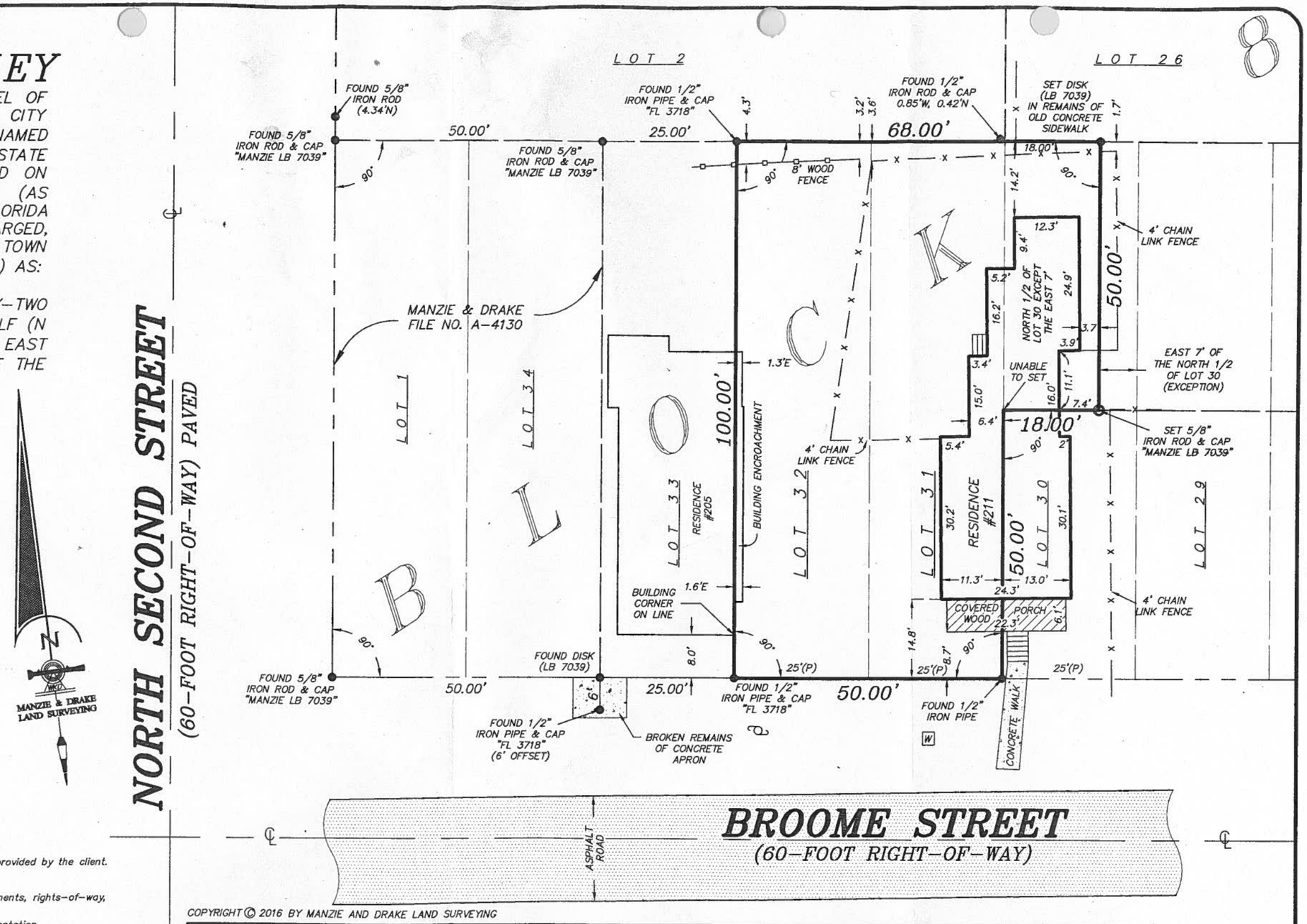
MAP OF BOUNDARY SURVEY

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA AND KNOWN AND DESCRIBED ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS:

LOT THIRTY-ONE (31) AND LOT THIRTY-TWO (32), TOGETHER WITH THE NORTH ONE-HALF (N 1/2) OF LOT THIRTY (30), EXCEPT THE EAST SEVEN (7) FEET, IN BLOCK EIGHT (8), OF THE CITY OF FERNANDINA BEACH, FLORIDA.

PREPARED FOR:

CLAYTON PROPERTIES



LEGEND

- ℄ = CENTERLINE
- —x—x— = CHAIN LINK FENCE
- = CONCRETE FLATWORK
- (P) = PLAT
- W = WATER METER
- —o—o— = WOOD OR VINYL FENCE
- = WOOD FLATWORK
- = WOOD POWER POLE
- O = 5/8" IRON ROD & CAP (LB 7039) SET

SURVEY NOTES:

1) The "Legal Description" hereon is in accord with the description provided by the client.
2) Underground improvements were not located or shown.
3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
4) Internal lot angles shown hereon are based on recovered monumentation.
5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
6) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C 0237 F, Dated 12/17/2010. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
7) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.

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THE INFORMATION SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William D Pinkston

☐ MICHAEL A. MANZIE, P.L.S. 4069

☒ WILLIAM D. PINKSTON, P.S.M. 6793

MANZIE & DRAKE LAND SURVEYING
117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5777
Certificate of Authorization Number "LB 7039"

"OUR *SIGHTS* ARE ON THE FUTURE, SET YOUR *SITES* ON US."

SCALE: 1"=20' JOB NO: 19686 DATE: 7/29/16 CADD: WKD

F.B. NO: X-289 PAGE NO: 34 FIELD CREW: SS FILE NO: A-4131

1. Call to Order - The meeting was called to order at 5:00 pm.

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Judith Lane
Wayne L. Peterson
Jenny Schaffer (Alt 2)
David Beal, Vice-Chair
Benjamin Morrison
Donna Lewis (Alt 1)

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Chair Bennett announced that Member Peterson will be leaving the meeting around 6:00 p.m. and Member Lewis will be seated in his place.

2. Review and Approval of February 11, 2016 Regular Meeting Minutes – A motion was made by Member Beal, seconded by Member Lane to approve as presented. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

4. New Business

4.1 PAB 2017-03: 211 BROOME STREET, 205 BROOME STREET, VACANT PROPERTIES AT CORNER OF N. 2ND STREET AND BROOME STREET – REQUEST CHANGES FOR A FUTURE LAND USE MAP AMENDMENTS AND ZONING MAP AMENDMENT.

Ms. Gibson introduced herself and presented the case. She explained that this case is for a Small Scale Land Use and Zoning Change for the properties located at the corner of Broome Street and N. 2nd Street totaling approximately .32 acres currently containing Industrial (ind) and I-1 zoning to medium density residential (MDR) and R-2 zoning. She also mentioned that 2 of the 4 properties in the applicants request are single family built in the 1900's; one being occupied retaining a grandfathered status under the Industrial Land Use and Zoning, the other being vacant for more than 6 months and in a deteriorating state for several years. Ms. Gibson mentioned that the owner's purpose of the request is for these properties to be used for residential purposes which are not allowed within the Industrial zoning.

Ms. Gibson then explained that these parcels are located within the City's Amelia River Waterfront Community Redevelopment Area (CRA) and that future structures constructed on vacant properties must comply with LDC provisions specific to CRA properties mainly Finding of Necessity and transitional zoning district for the area of N. 2nd Street. Ms. Gibson noted that across from the subject properties there currently is an improved municipal public parking lot which usage is anticipated to increase considering the redevelopment activity in the specific corridor.

Ms. Gibson summarized that because of non-compatibility of the current Industrial/A-1 zoning with the current existing usage surrounding the applicants' properties, she recommended that a move to a transitional mixed use zoning district of Central Business District (CBD) and C-3 zoning be approved.

Member Lane and Chair Bennett asked if these properties were still part of the CRA. Member Morrison asked about the request from the applicant being a zoning change to R-2 and Staff's recommendation of (CBD) C-3 zoning and the Board's recommendation to the City Commission.

Member Lane voiced concerns about the transition from industrial zoning to residential and would support a mixed use zoning. Member Beal asked Staff to explain the benefit between R-2 and C-3. Ms. Gibson explained that the applicants are requesting usage for residential and C-3 provides that usage while the C-3 zoning standards would be achieve much easier than R-2 standards. A short discussion ensued regarding properties within the CRA not necessarily being in the Historic District.

Member Morrison asked if these properties were included in the recent item withdrawn from the last agenda regarding change in zoning to CBD. Staff confirmed that the request was a City initiated application to rezone these properties on the property owner's behalf since they were located in the CRA and avoid separate applications. Ms. Gibson then added that property owners had been notified by mail with no request for formal signatures from owners acknowledging or approving that change.

Member Lane asked Ms. Gibson if Staff explained the benefits of R-2 and C-3.

Robert Erickson, 30 S. 3rd Street, owner of 205 Broome Street, explained his 2 year experience in restoring their present house. He then explained that when they purchased this property on Broome Street he always had intention to use it as a residence. He explained that he approached the adjoining owners to join him with this application and was happy when the City's zoning change request was submitted to only be very disappointed when it was withdrawn. He then explained his decision for applying for the R-2 zoning change and that after speaking with Ms. Gibson he found that C-3 also gives the applicants what they are seeking which is residential use while respecting the transitional zoning required in the CRA; he subsequently made the request to the board to amend his application to a C-3 zoning change request.

James Clayton, 120 N. 10th Street, owner of 211 Broome Street, explained that his objective is to be able to build a residence either with R-2 or C-3.

Lawrence Holmes, partial owner of 211 Broome Street, expressed support for the area in question to allow residential usage. Chair Bennett commented about C-3 zoning impacting on abutting properties. Ms. Gibson clarified that there are additional standards within the CRA for abutting residential non-CRA properties such as recess requirements and design requirements.

Member Lane asked that all applicants clarify with the Board that they understand the difference between R-2 and C-3. All applicants confirmed that they understood.

Member Beal asked and parking requirements and Ms. Gibson clarified that under the CRA there is an obligation to provide for parking.

Public Hearing was then opened.

Mr. Chip Ross, 210 N. 3rd Street, mentioned that as an affected property owners residing 167 feet from this property he has certain rights under the Florida Statutes, presented a power point presentation of

surrounding properties along with covering several points such as, what is the task of the PAB, what standards does the Board go by, the application's request and the sections it affects, requirements of the CBD zoning, Standards of R-2 compared to C-3. He then asked the Board to support residential zoning.

Peter King, representative for 3 property owners of properties fronting N. 2nd Street, disclosed his background as ASEP Planner and Planning Director for Nassau County, he then explained that although he appreciated the previous presentation it only presented the portions of the comprehensive plan that complied with the application and didn't present the portions that didn't comply with the comprehensive plan which includes requirements for transitional use. Mr. King explained his support for the C-3 zoning changed since it meets what the applicant is seeking and that unlike the R-2 zoning, C-3 zoning meets all the requirements of the Comprehensive Plan as the R-2 does not meet the requirements of the Comprehensive Plan nor does it meet the recommendations of Staff.

Public Hearing was then closed.

Robert Erickson, commented on 2 notes from Mr. Ross' presentation.

Lawrence Holmes, asked about the differences between R-2 and C-3. Ms. Gibson explained. Member Morrison then suggested that a motion could be presented and since this would have to be presented to the City Commission for approval, the owner would have time to do its due diligence and seek a clear a concise definition of the C-3 zoning requirements. Member Peterson agreed with Mr. Morrison.

The Board discussed concerns about what was advertised and the amendment done during the meeting. It was then explained by Staff and City Attorney Bach that first reading at the City Commission will be advertised in the newspaper with any updates to this request. Further discussion ensued about historic district guidelines, contributing and non-contributing structures, CRA guidelines the impact of these guidelines with C-3.

Member Beal asked about buffer requirements on these subject properties regarding C-3 zoning and also mentioned that he feels the CBD need to expand. Staff then provided more information about buffer requirements which satisfied Member Beal's concerns.

Chair Bennett voiced his opposition to the C-3 zoning change because of possibility of large scale development to the north. Board members discussed this possibility further.

A motion was made by Member Lane, seconded by Member Peterson, to recommend approval of PAB case number 2017-03 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning as requested by the applicant from Industrial land use and I-1 as described and that PAB case 2017-03 as presented, is sufficiently compliant with modifications applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as followed:

Member Morrison:	***Aye***
Member Peterson:	***Aye***
Member Beal:	***Aye***
Member Lane:	***Aye***
Chair Bennett:	***Nay***

Motion carried.

At this point and time, Member Peterson departed.

5. Board Business –

Member Beal addressed 3 points, first he inquired about a metal clad building at the corner of Indigo and S. 7th Street which is zoned MU1 and was permitted as a single family, mentioning that it might be time to revisit a compatibility survey. Ms. Gibson noted that this property is now in a MU8 zoning. Secondly, Member Beal mentioned that the crosswalk at Citrona Drive is now done. Lastly, he inquired about the process to remove a dead tree.

Chair Bennett asked about 2 structures north of Sliders on S. Fletcher which have been connected. Ms. Gibson guessed that it could be an accessory structure that has been connected to the main structure.

6. Staff Report

7. Comments by the public

Chip Ross, 210 N. 3rd Street, asked about changes made to the LDC after repeated changes were presented to an application. City Attorney answered that the PAB and City Commission only changed the LDC to provide for a completeness and sufficiency review process.

8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 6:38 pm.

_____ _____

Secretary **Mark Bennett, Chair**

May 24, 2017 Newsheader. Edition

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

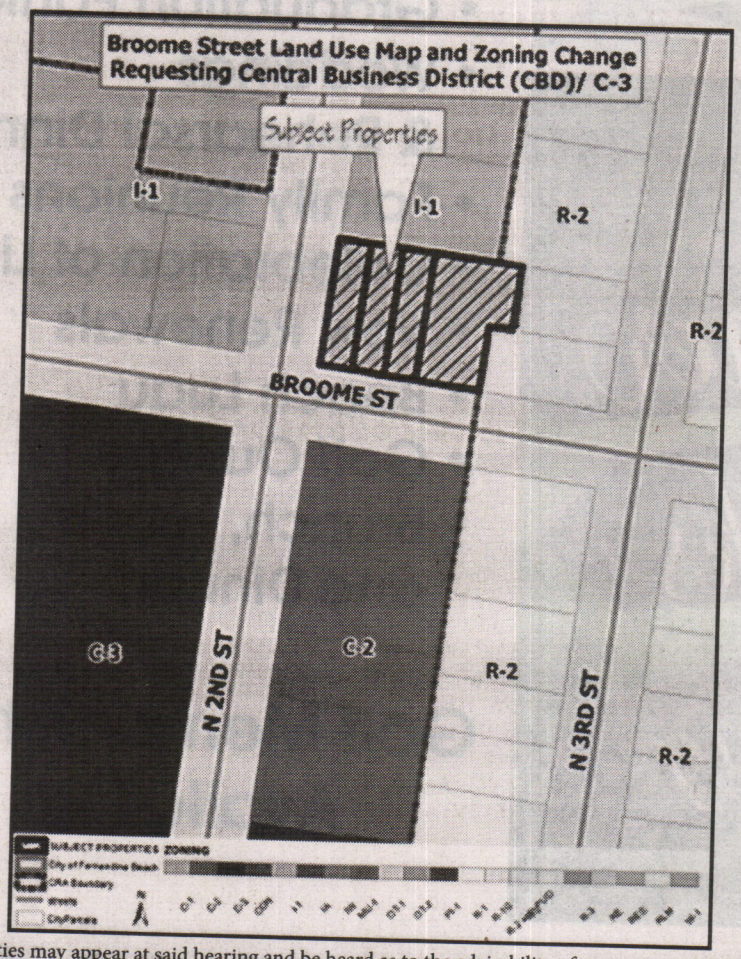
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, June 6, 2017, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2017-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Ordinance 2017-14
Zoning Map Amendment - Broome Street

ITEM TYPE: Ordinances

REQUESTED ACTION: Enact Ordinance 2017-14 at Second Reading.

SYNOPSIS: The applicants, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at North 2nd Street and Broome Street .

The action is requested in order to correct existing non-conforming use of the properties where two single family homes have existed for many years. The property at 211 Broome Street has retained its single family home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years.

The Planning Advisory Board considered the request at its Regular Meeting on April 12, 2017, and issued a recommendation of approval (4-1). Staff finds the request consistent with the CRA Plan for eliminating inefficient and outdated land uses as well as Comprehensive Plan policy statements 1.01.02,1.02.03,1.02.04,1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02 and recommends approval.

The City Commission approved this Ordinance at First Reading after a quasi-judicial hearing on May 2, 2017.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-14 at Second Reading.

Dale Martin, City Manager
Tammi Bach, City Attorney
Tammi E. Bach, City Attorney Date:05/23/2017

COMMISSION ACTION: Enact

ORDINANCE 2017-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Map Change application numbered PAB 2017-05 at its Regular Meeting on April 12, 2017, and by a vote of 4-1 recommended approval of the change to Central Business District (C-3) zoning; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 22,2017; and

WHEREAS, City Planning staff found the applicant's request to be consistent with the direction of the Community Redevelopment Area Plan for eliminating inefficient land use patterns as well as consistency with Comprehensive Plan policies 1.01.02,1.02.03,1.02.04,1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Zoning Map is located in the City's Amelia River Waterfront Community Redevelopment Area and identified as Parcel ID numbers 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, and 00-00-31-1800-0008-0010 totaling approximately 0.32 acres, and as shown on the map attached hereto as Exhibit "A".

SECTION 2. ZONING MAP CHANGE. For the properties in question, the City's Zoning Map is hereby changed to Central Business District (C-3).

SECTION 3. SEVERABILITY**.** If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

_____
ROBIN C. LENTZ
Mayor - Commissioner

ATTEST:

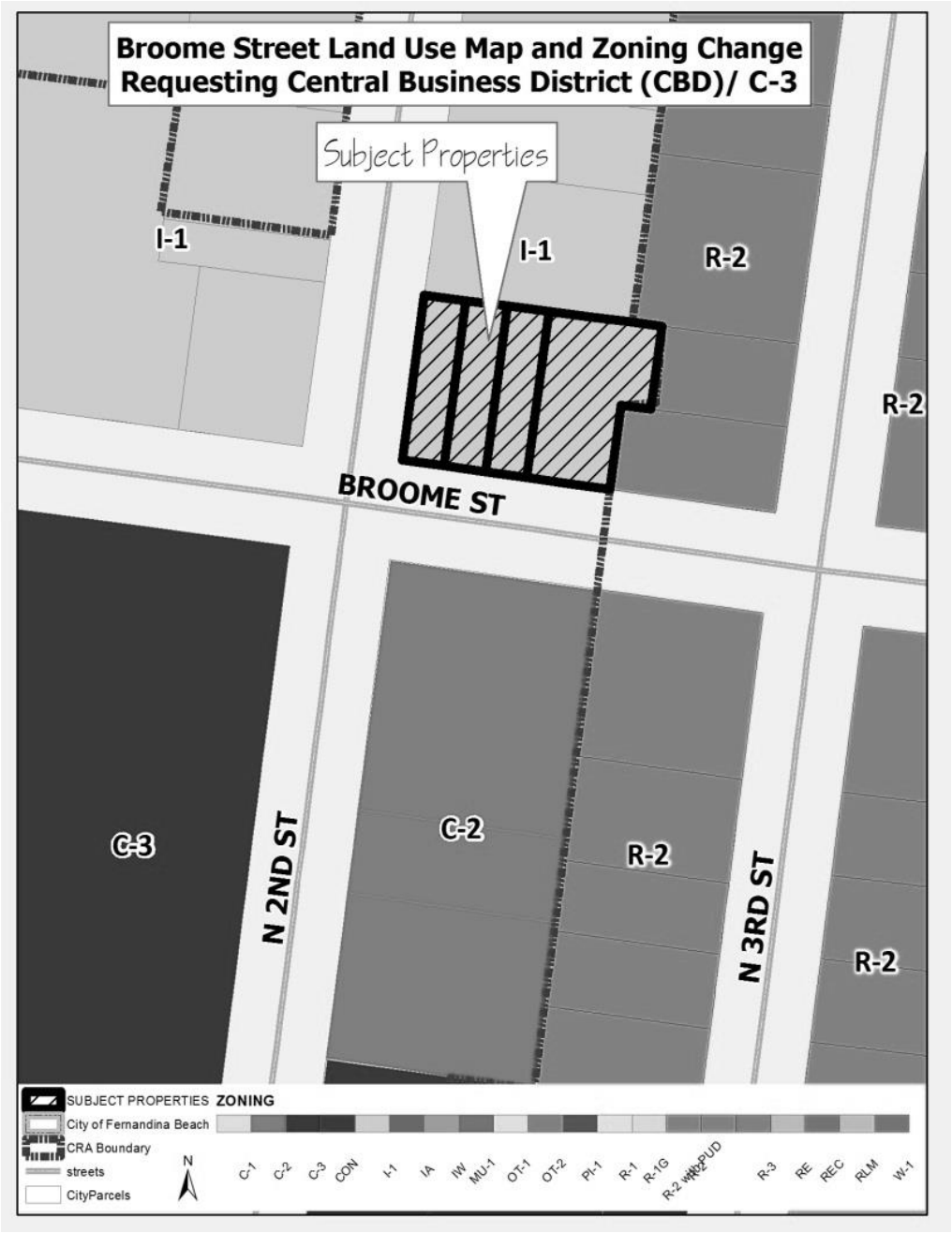
APPROVED AS TO FORM AND LEGALITY:

_____
CAROLINE BEST
City Clerk

_____
TAMMI E. BACH
City Attorney

ORDINANCE 2017-14
EXHIBIT "A"

REQUEST FOR A ZONING MAP CHANGE FOR 0.32 ACRES OF LAND FROM INDUSTRIAL (I-1) TO CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES LOCATED BROOME STREET AS PARCEL ID#S 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, AND 00-00-31-1800-0008-0010.



STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Robert and Loretta Erickson, James and Kerstin Clayton				
AGENT:	Robert and Loretta Erickson				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	211 Broome Street, 205 Broome Street, and Vacant Properties at corner of N. 2nd Street and Broome Street – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	**211 Broome Street:** Existing SF Home totaling approximately 1,487 ft² with an estimated year built of 1900 **205 Broome Street:** Existing Vacant SF Home totaling approximately 1,188 ft² with an estimated year built of 1900 Vacant Land located at the corner of N. 2nd Street and Broome Street				
PROPERTY SIZE:	Totaling 0.32 Acres Parcel ID #s: 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010				
ADJACENT PROPERTIES:	Direction	Existing Use(s)	Year Built	Zoning	FLUM
CRA PROPERTY	North	Vacant Land	N/A	*I-1 Pending C-3 Zoning Request (PAB Case# 2017-05)*	*Industrial (IND) Pending CBD FLUM Request (PAB Case# 2017-05)*
CRA PROPERTY	South	Public Parking	2015	C-2	General Commercial (GC)
HISTORIC DISTRICT	East	Single Family Home	Est. 1900	R-2	Medium Density Residential (MDR)
CRA PROPERTY	West	Warehouse/Storage	Est. 1900	I-1	Industrial (IND)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at N.2nd Street and Broome Street (**Exhibit A**).

The action is requested in order to correct existing non-conforming use of the properties where two (2) single family homes have existed for many years. The property at 211 Broome Street has retained its single family

home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years. Under the City's LDC Section 10.01.02 (G), when a non-conforming use has been discontinued for a period greater than 180 days, the property shall be brought into compliance with all sections of the LDC. The current property owners recently acquired the structure in order to restore it. At this time, they are seeking to use the property for residential purposes. In order to make this property conforming, a land use and zoning designation which contains residential density must be applied to the site. The properties to the west of the restored structure are vacant.

All four parcels involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	**300 gallons per day per ERU (Equivalent Residential Unit)**
Solid Waste Facilities	**Average Solid Waste Generation Rate: 5.9 pounds per capita per day**
Stormwater Management Facilities	**Policy 4.01.02** *All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.*
Potable Water Facilities	**Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)**
Fire-Rescue Services	**240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)**

Police and Law Enforcement Services	**Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls**

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Medium Density Residential (MDR), 8 dwelling units per acre are supported. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Therefore, if the property is changed to a land use category containing residential density, the vacant properties and 205 Broome Street property would have the benefit of construction a residential unit on each parcel, despite not being able to meet minimum "net density" requirements under the requested change. Under the requested action, a total of up to five (5) residential units could be constructed on the properties.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

a. **No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
b. **No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
c. **No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
d. **No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east. The request is consistent with the Comprehensive Plan's policy statement 1.02.03, the configuration of the property by lot/block as well as the characteristics of the subject properties are in keeping with other properties found within the CBD.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing pubic facilities within this area. The CRA established a Finding of Necessity in 2005, one for the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The applicant's requested for a transitional land use category and zoning district serves to provide a logical step down in the land use patterns from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Sanborn Maps Exhibits**), the most appropriate land use and zoning district assignment under the City's current regulations are the Central Business District (CBD)/ C-3 zoning.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

a. **Type and density or intensity of surrounding uses;**
b. **Zoning districts in the surrounding area;**
c. **Demonstration of adequate water supply and water supply facilities;**
d. **Appropriateness of the size of the parcel compared to the proposed use;**
e. **Physical condition of the site, and the suitability of soils and topography for the proposed use;**
f. **Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
g. **Compatibility factors;**
h. **Impact on adopted levels of service standards and quality of service standards; and**
i. **Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' property are a wide range of existing uses including; a warehouse and storage area serving the port's needs; public parking directly facing the properties; and vacant land within the CRA which historically contained a variety of uses. On the eastern block face are homes located within the City's downtown historic district. The properties existing land use and zoning under Industrial/ I-1 is not compatible with the surrounding area. The applicant's requested action serves to provide a down-zoning or transition from the port's industrial operations to the adjoining residential areas.

The most compatible land use and zoning designation for these properties as well as the properties fronting N. 2nd Street is Central Business District (CBD)/ C-3 zoning. The CBD/C-3 zoning designation exists diagonally from the applicants' properties as part of the former Standard Marine property on North 2nd Street between Alachua and Broome Streets. Staff recognizes the need to assign the appropriate land use and zoning district of Central Business District (CBD)/ C-3 zoning to the public parking lots located at the corners of N. 2nd at Alachua Street and Broome Streets in keeping with the direction to create and extend the urban core through the CRA. Staff intends to file an application to correct the land use and zoning for these properties in 2017.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.
Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. By definition of the land use category requested, Central Business District (CBD) allows for a mixed use urban development pattern. Assignment of this land use category not only corrects the existing non-conformities on the subject properties, but it also permits the historic built pattern of this area to be realized through future redevelopment efforts whereby commercial and residential coexist. (**See Sanborn Maps Exhibits**)

Policy 1.02.09.
The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

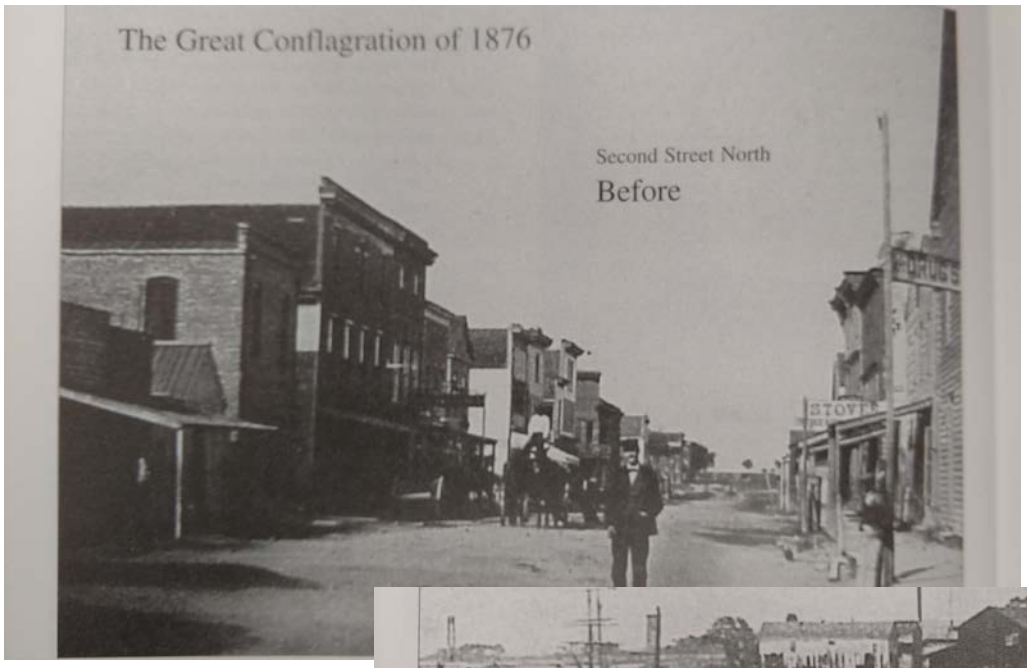
The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the CRA properties fronting North 2nd Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.
Central Business District (CBD)

a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
e. The intensity of non-residential development shall not exceed a FAR of 2.0.
f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
   1. The need for additional land area within the Central Business District land use category;
   2. Consistency of the land area with the characteristics of the Central Business District; and;
   3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (**See Sanborn Map Exhibits**).

Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.



Reference: Johannes, J. (2000). Yesterday's Reflections II Nassau County, Florida - A Pictorial History. Fernandina Beach: Lexington Ventures, Inc.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.
The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

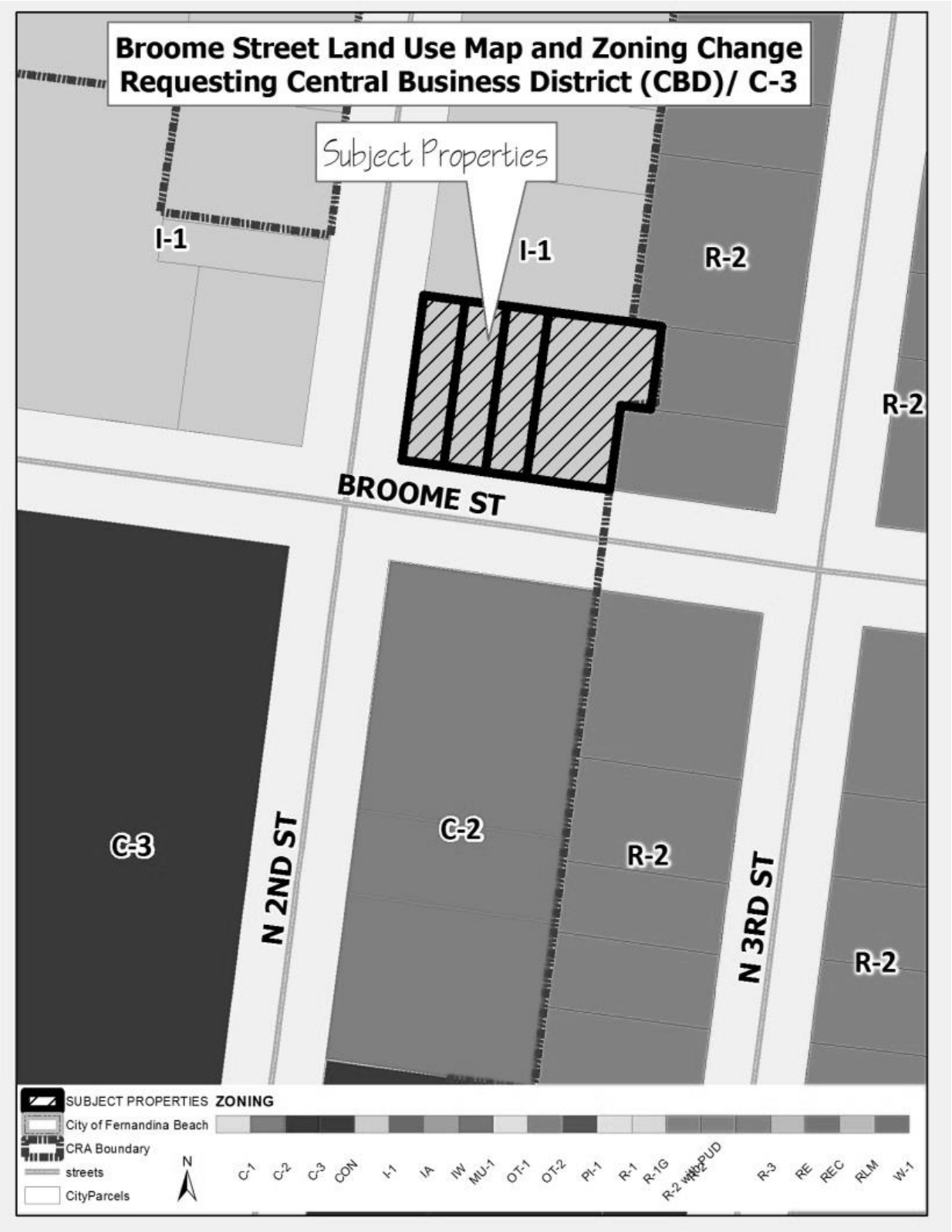
MOTIONS TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2017-07 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-07 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson, AICP
Senior Planner

EXHIBIT A


Broome Street Land Use Map and Zoning Change
Requesting Central Business District (CBD)/ C-3
Subject Properties
I-1
I-1
R-2
R-2
BROOME ST
C-3
N 2ND ST
C-2
R-2
N 3RD ST
R-2
SUBJECT PROPERTIES
City of Fernandina Beach
CRA Boundary
streets
CityParcels
N
ZONING
C-1
C-2
C-3
CON
I-1
IA
IW
MU-1
OT-1
OT-2
PI-1
R-1
R-1G
R-2
R-2 with PUD
R-3
RE
REC
RLM
W-1

KEY

TILE 1ST BRICK 1ST PYRODAK 1ST	Fire proof construction. (OR FIRE RESISTIVE CONST'N)
ADOBE	Adobe building.
HEIGHT OF BUILDING IN FEET FROM GROUND TO ROOF LINE.	Stone building.
(C. BR)	Concrete, lime, cinder or cement brick
(C. B.)	Hollow concrete or cement block const'n
(CONC)	Concrete or reinforced concrete const'n
(TILE)	Tile building.
NUMBER OF STORIES 4	Brick building with frame cornice.
TWO STORIES AND B'SMT 2B COMPOSITION ROOF	" " " stone front.
SHINGLE ROOF X	" " " frame side. (DIVIDED BY FRAME PARTITION)
(VEND)	Brick veneered building.
BRICK 1ST	" and frame building.
FRAME, BRICK LINED	Frame building, brick lined.
F=FLAT S=STORE	" " metal clad.
D=DWELLING	Frame building.
A in B AUTO IN B'SMT	Iron building.
LOFT	Tenant building occupied by various manufacturing or occupancies
(ASB. CL.)	Frame building covered with asbestos
NON COMBUSTIBLE ROOF COVERING OF METAL, SLATE, TILE OR ASBESTOS SHINGLES	Brick building with brick or metal cornice.

DWELLINGS.

DWELLING · DWELLING STORE

☞ Framed air-shafts are shown but *colored over*. Brick air-shafts are left white.

CLASSIFICATION OF BUILDINGS

Shown by varying number of dots or circles. Classed by New York Board of Fire Underwriters as follows:

DWELLING · DWELLING STORE

BRICK		FRAME	
1st Class (.)	Slate or metal roof, coped walls.	1st Class (.)	Slate or metal roof.
2nd " (..)	" " walls not coped.	2nd " (..)	Shingle roof.
3rd " (...)	Shingle roof.		

Frame Buildings with BRICK FRONTS.

B' 5 — Height of Buildings, in Stories and feet (74 ft. 6 in. and over).

Fronts of marble or other stone.

Iron Fronts.

"Dotted line." Interior brick wall, omitted on one or more floors.

S — Superior construction. { Built of non-inflammable material *"throughout,"* except flooring and trim.

1.2. / 1-4 — Communications protected by single fire-proof doors / " " double " " } With designation of floors.

IRON SHUTTERS. NONE. — Openings exposing Buildings.

E — Elevators with steam or other power. / Hatchways or "Dumb-waiters." { Where enclosed with Brick or Fire-proof material a *heavy line* is drawn around them.

Sky-lights in Roof only.

" over Opening in floor.

Smoke-houses. — Retorts, and Ovens.

IRON. FRAME. — Mansard Roofs. — Corrugated Iron. — Steam-boilers.

REFERENCE.

SPECIAL HAZARDS.

NAMES of Manufactories, &c., are written on buildings, when there is sufficient space, and their *construction* classified by the same marks as on Dwellings. Other Specially Hazardous Risks are **COLORED GREEN,** the varying number of dots (*brick*) and crosses (*frame*) showing the comparative danger from fire by occupancy.

A

NOTE.—In classifying a building as a Special, its CONSTRUCTION is obliterated, necessitating a series of letters, as follows:

G

BRICK.		FRAME.	
A Construction	= to 1st class Warehouse.	G Construction	= to 1st class Store or Dwelling.
B "	= " 2nd " "		
C "	= " 3rd " "	H "	= to 2nd class Store or Dwelling.
D "	= " 1st " Store or D'w'g.		
E "	= " 2nd " " "		
F "	= " 3rd " " "		

Brick ····· ····· Frame

Bakeries (ovens in building). Breweries. Cooperages. Drug stores (retail, with privilege of compounding). Dyeing establishments. Fur dressers. Glass stainers. Hat finishers. Hay (open stock, loose). Lamp sellers (privilege for kerosene &c.) Laundries. Malt houses. Manufactories of Baskets, Bonnet-frames, Boots and shoes, Caps, Clothing, Combs, Envelopes, Feather dusters, Fringe &c., Gas-fixtures, Gold pens, Hats, Hemp, Jewelry cases, Morocco, Paper bags, Pocket-books, Ruffling and ruches, Segars, Shirts, Tobacco, Umbrellas, Vinegar, Watches, Watch-cases, Writing ink. Map mounting and varnishing. Metal mills. Molasses houses. Photographers. Private stables. Smoke-houses. Tanneries. Tin-shops. Wheelwrights. Wire workers. Wool-pullers.

Brick ····· ····· Frame

Bleaching works. Book-binderies. Brass and iron foundries. Coppersmiths. Cotton presses. Fulling mills. Junk shops. Letter-press printers. Lithographers. Livery and Cartmen's stables. Machine shops. Manufactories of Agricultural Implements. Artificial flowers, Brooms, Brushes, Carriages, Cedar-ware, Floor-cloth, Grates, Guns, Hoop-skirts, Jewelry, Lamps, Musical instruments, Oil-cloths, Paper boxes, Paper collars, Paper patterns, Patent Medicines, Plated ware, Rope and cordage, Safes, Silverware, Starch, Stoves, Tin cans, Upholstery. Oil stores (petroleum and products). Print works. Rag stores. Slaughter houses. Snuff mills. Type and stereotype foundries. (And generally buildings not occupied by workers of light wood).

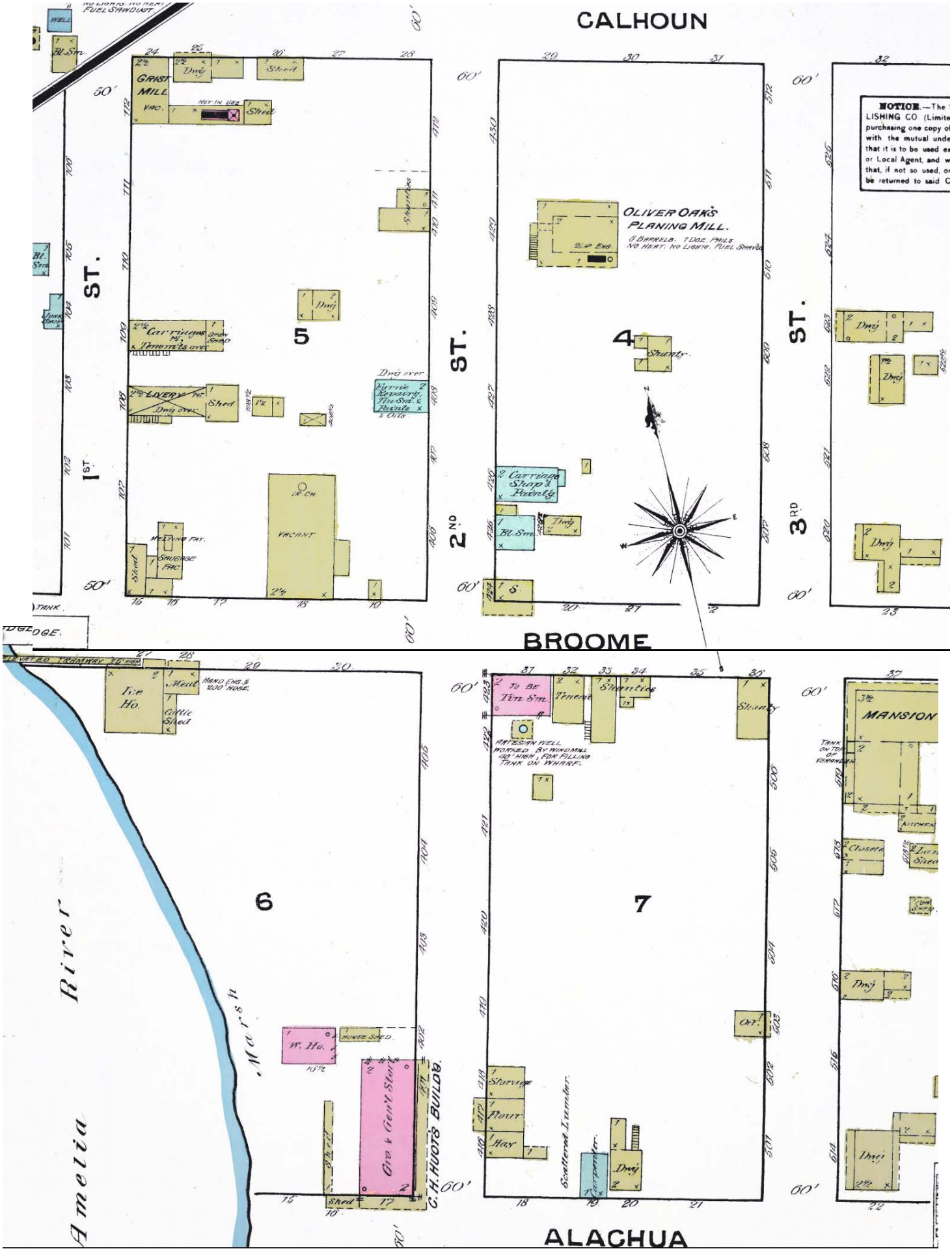
Brick ····· ····· Frame

Box repairing. Cabinet-making. Carpenters' shops. Distilleries. Flax mills. Flour or Grist mills. Japanners. Lard refineries. Manufactories of Artificial hair, Bagging, Candles, Chairs, Clocks, Confectionery, India-rubber or gutta-percha, Ivory or lamp-black, Looking-glass and Picture frames, Oiled clothing, Organs, Paper-hangings, Perfumery, Pianos, Soap, Trunks. Oil mills. Paper mills. Rectifying establishments. Sugar refineries. Tallow-melting or chandleries. Wholesale druggists (with compounding). Woolen mills. (And generally risks where much heat or light wood is used.)

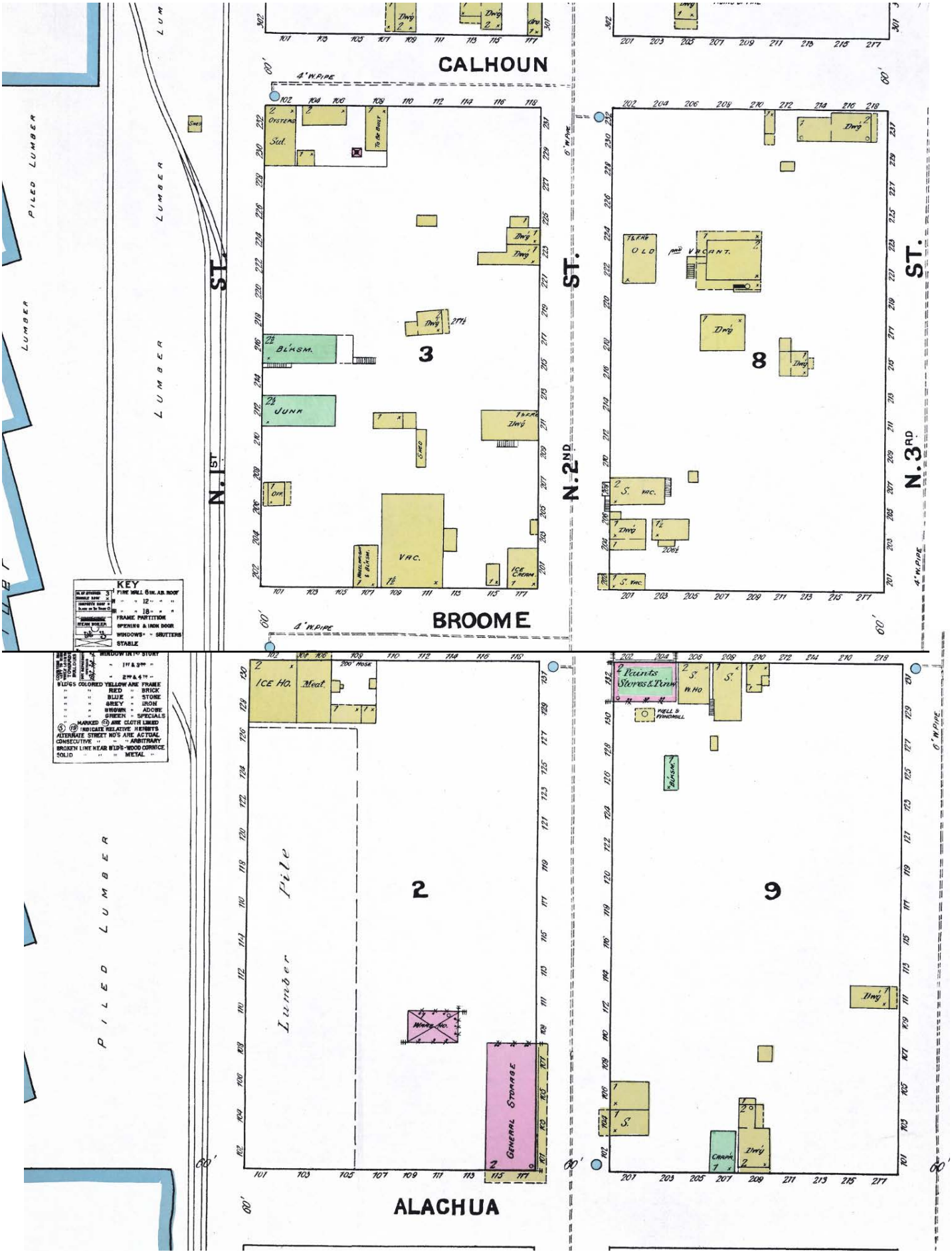
Brick ····· ····· Frame

Chemical laboratories. Coffee and Spice mills. Drug mills. Fireworks on sale. Match factories. Oil-boiling houses. Planing and Moulding mills. Printing-ink factories. Sash, blind and door factories. Saw mills. Tar-boiling houses. Turpentine distilleries. Varnish making. Window-shade factories.

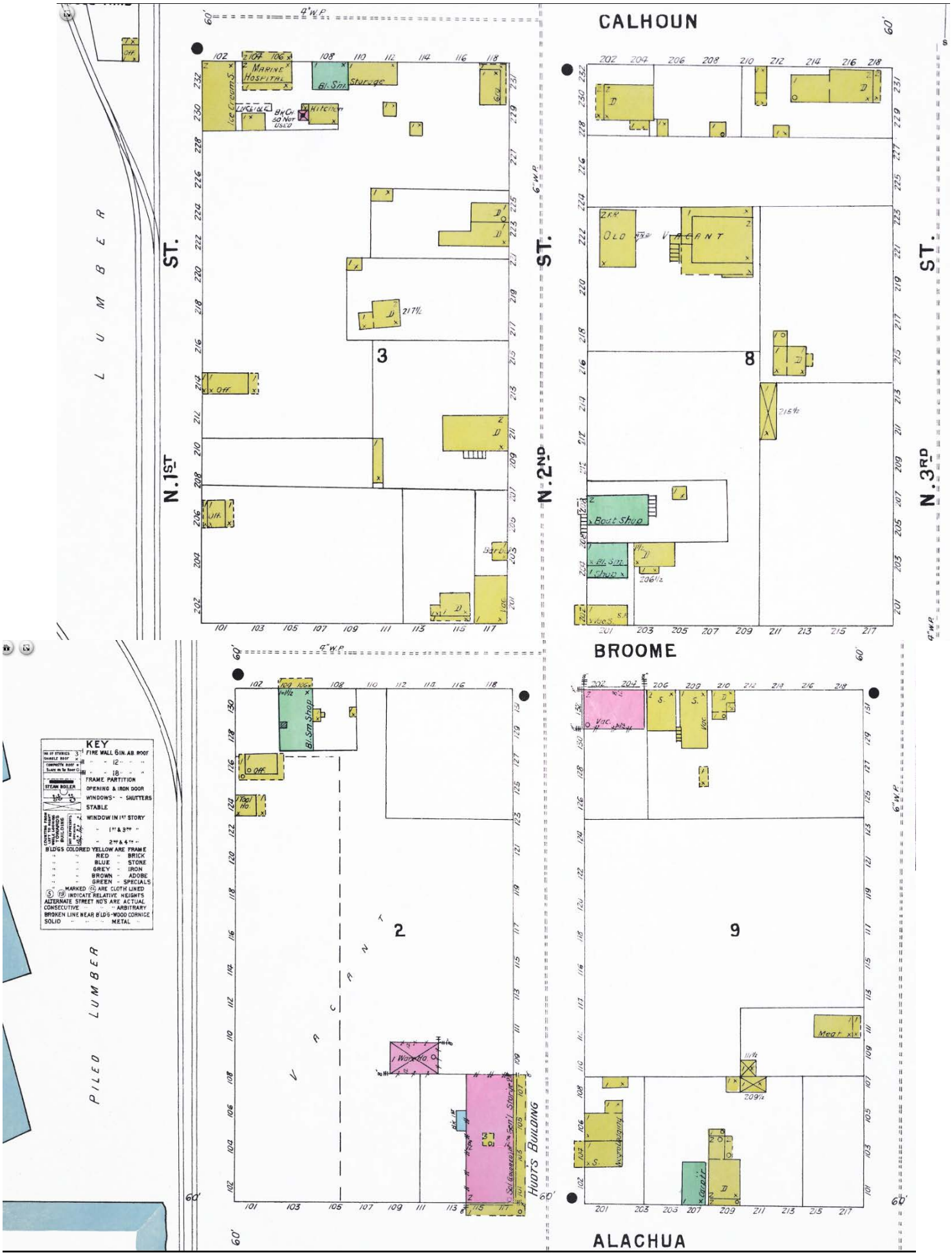
1884 Sanborn Map of North 2nd Street



1891 Sanborn Map of N. 2nd Street



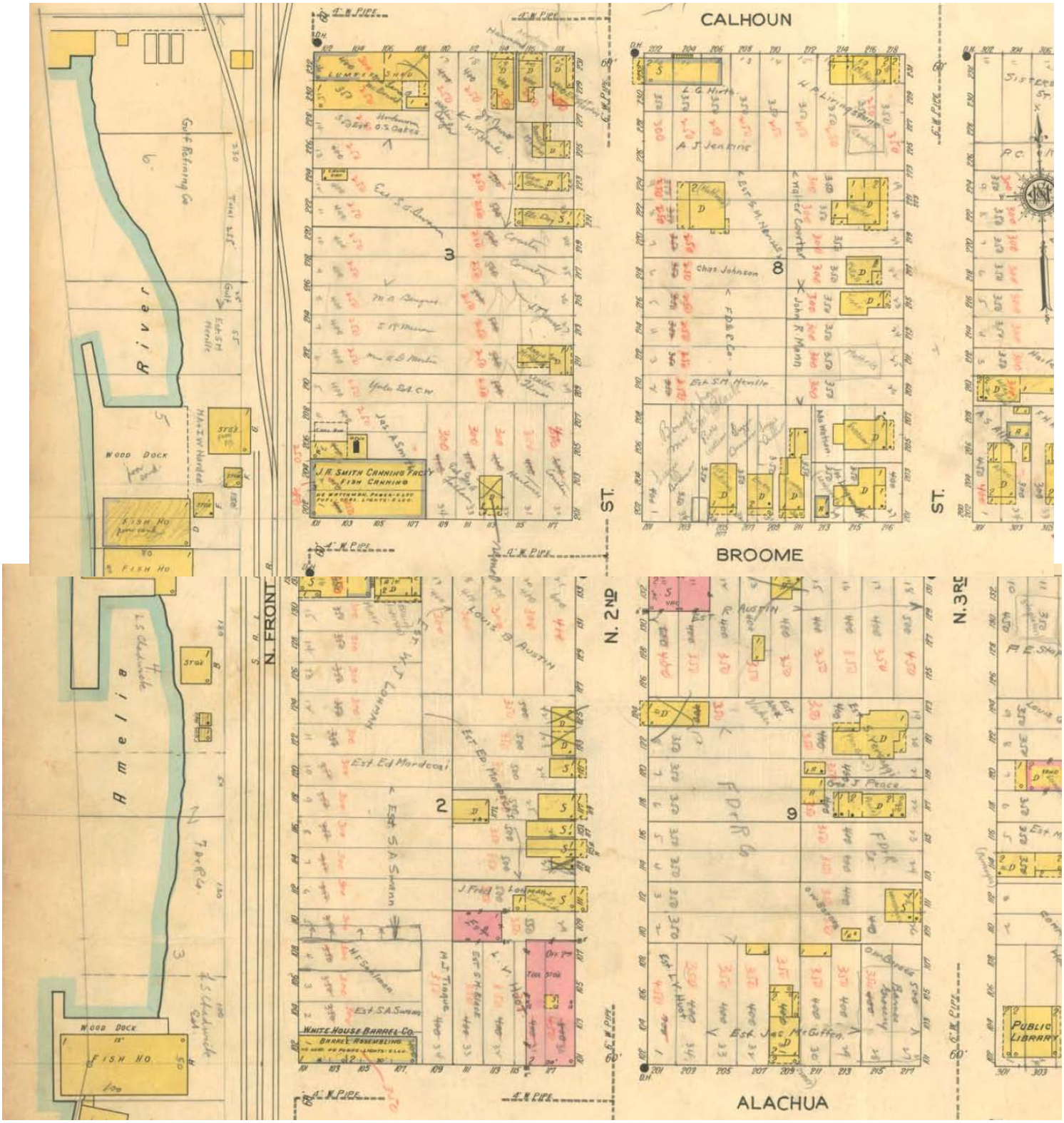
1897 Sanborn Map of N. 2nd Street



1903 Sanborn Map

1909 Sanborn Map of N. 2nd Street

1926 Sanborn Map of N. 2nd Street



OFFICE USE ONLY

REC'D: 3/1/10 BY: _____

PAYMENT: $ — TYPE: —

APPLICATION #: 2017 -

CASE #: DAB 2017-07

BOARD MEETING DATE: _____

PLANNING ADVISORY BOARD APPLICATION

- [x] ZONING MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- [x] LAND USE MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- [ ] LDC TEXT AMENDMENT ($850)
- [ ] COMP PLAN AMENDMENT ($850)
- [ ] SUBDIVISION PLAT – PRELIM ($750)
- [ ] SUBDIVISION PLAT – FINAL ($850)
- [ ] VACATION OF R.O.W. ($850)
- [ ] VOLUNTARY ANNEXATION ($1050)

APPLICANT INFORMATION

Owner Name: Robert And Loretta Erickson

Mailing Address: 30 S. 3rd St Fernandina Beach, FL 32030

Telephone: 479-270-0315 Fax: _____

Email: rettaerickson@aol.com

Agent Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email: _____

PROPERTY INFORMATION

Street Address: 205 Broome St Fernandina Beach, FL 32034

Parcel Identification Number(s): 00-00-31-1800-0008-0330, 0340, 0010, 0310

Lot Number: 1, 34, 33, 32 Block Number: _____ Subdivision: _____

Section: _____ Township: _____ Range: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: 4

Less than One (1) acre Sq. Footage: X One (1) Acre or Greater: _____

Existing Zoning Classification: I 1

Existing Future Land Use Classification: C-3

Previous Planning/Zoning Approvals: _____

Description of Request:

To rezone from I-1 to C3 to allow occupation of houses on 205 & 211 Broome St as residences and flexability of future development on Lots 1 & 34 See Attachment A, reference support statement from PAB 2017-05 Zoning Change I-1 to C3. See Attachment B reference Staff report PAB 2017-05 Zoning Change from I-1 to C-3. See Attachment C reference Staff report PAB 2017-03 Zoning Change from I-1 to R-2

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

3-7-17
Date

Signature of Applicant

STATE OF FLORIDA
COUNTY OF NASSAU } ss

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104

Subscribed and sworn to before me this 7 day of March, 2017.

Karen M. Austin
Notary Public: Signature

Karen M. Austin
Printed Name

My Commission Expires

Personally Known _____ OR Produced Identification ✓ ID Produced: FL DL

OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION

I /WE Kerstin Clayton
(print name of property owner(s))

hereby authorize: ROBERT + LORETTA ERICKSON
(print name of agent)

to represent me/us in processing an application for: Zoning Change I1 TO C3
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

Kerstin W. Clay
(Signature of owner)

(Signature of owner)

Kerstin Clayton
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA
ss
COUNTY OF NASSAU

Subscribed and sworn to before me this 7 day of March, 2017.

Karen M. Austin
Notary Public: Signature

Karen M. Austin
Printed Name

My Commission Expires

Personally Known _____ OR Produced Identification ✓ ID Produced: FL DL
exp 8/28/18

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104

NASSAU | A. Michael Hickox, CFA, Cert.Res.RD1941
Nassau County Property Appraiser

Property Search Sales Search Nassau Home

OWNER NAME	ERICKSON ROBERT & LORETTA	PARCEL NUMBER	00-00-31-1800-0008-0330
MAILING ADDRESS	30 S 3RD ST	TAX DISTRICT	FERNANDINA BEACH (DISTRICT 2)
		MILLAGE	20.2467
		PROPERTY USAGE	SINGLE FAMILY
	FERNANDINA BEACH, FL 32034	DEED ACRES	0
LOCATION ADDRESS	205 BROOME ST	HOMESTEAD	N
	FERNANDINA BEACH 32034	PARCEL MAP RECORD	MAP THIS PARCEL
SHORT LEGAL	BLOCK 8 LOT 33 IN OR 2025/1013 CITY OF FDNA BEACH	TAX COLLECTOR SEARCH	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

	2016 Certified Values
JUST VALUE OF LAND	$35,000
LAND VALUE AGRICULTURAL	$0
TOTAL BUILDING VALUE	$7,926
TOTAL MISC VALUE	$0
JUST OR CLASSIFED TOTAL VALUE	$42,926
ASSESSED VALUE	$42,926
EXEMPT VALUE	$0
TAXABLE VALUE	$42,926

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
SFR 000100	25	FF	21-3N-28

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
SINGLE FAM	1,188	1,048	2	2	SINGLE SID		NONE	NONE	1900	SHOW SKETCH

Miscellaneous Information

There is no Miscellaneous information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
01/22/2016	2025/1013	2025/1013	40000	WD	U	Y	INGEBRIGTSEN CATHERINE	ERICKSON ROBERT & LORETTA
02/14/2006	1389/290	1389/290	125000	WD	Q	Y	ROWE JASON N & COURTNEY M	INGEBRIGTSEN CATHERINE
10/05/2004	1263/1871	1263/1871	80000	WD	Q	Y	HOLMES JOHN T	ROWE JASON & COURTNEY M
03/19/1992	652/377	652/377	100	PR	U	Y	WILLIAMS SERENA EST	HOLMES JOHN T

NASSAU | A. Michael Hickox, CFA, Cert.Res.RD1941
Nassau County Property Appraiser

Property Search Sales Search Nassau Home

OWNER NAME	CLAYTON JAMES S (3/4%) &	PARCEL NUMBER	00-00-31-1800-0008-0340
MAILING ADDRESS	CLAYTON KEVIN (1/8%) &	TAX DISTRICT	FERNANDINA BEACH (DISTRICT 2)
	CLAYTON KERSTIN (1/8%)	MILLAGE	20.2467
	211 BROOME STREET	PROPERTY USAGE	VACANT INDUSTRIAL
	FERNANDINA BEACH, FL 32034	DEED ACRES	0
LOCATION ADDRESS	BROOME ST	HOMESTEAD	N
	FERNANDINA BEACH 32034	PARCEL MAP RECORD	MAP THIS PARCEL
SHORT LEGAL	BLOCK 8 LOT 34 PT OR 1104/446 & OR 1172/1741 CITY OF FDNA BEACH	TAX COLLECTOR SEARCH	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

	2016 Certified Values
JUST VALUE OF LAND	$35,000
LAND VALUE AGRICULTURAL	$0
TOTAL BUILDING VALUE	$0
TOTAL MISC VALUE	$0
JUST OR CLASSIFED TOTAL VALUE	$35,000
ASSESSED VALUE	$35,000
EXEMPT VALUE	$0
TAXABLE VALUE	$35,000

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
VAC INDUST 004000	25	FF	21-3N-28

Building Information

There is no Building information for this record.

Miscellaneous Information

There is no Miscellaneous information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
06/04/2003	1142/1487	1142/1487	100	PR	U	N	HOLMES LAWRENCE P/R FOR RUTH A SIMMONS	CLAYTON JAMES S
08/01/1984	433/345	433/345	100	MS	U	N		

NASSAU | A. Michael Hickox, CFA, Cert.Res.RD1941
Nassau County Property Appraiser

Property Search Sales Search Nassau Home

OWNER NAME	CLAYTON JAMES S (3/4%) &	PARCEL NUMBER	00-00-31-1800-0008-0010
MAILING ADDRESS	CLAYTON KEVIN (1/8%) &	TAX DISTRICT	FERNANDINA BEACH (DISTRICT 2)
	CLAYTON KERSTIN (1/8%)	MILLAGE	20.2467
	211 BROOME STREET	PROPERTY USAGE	VACANT INDUSTRIAL
	FERNANDINA BEACH, FL 32034	DEED ACRES	0
LOCATION ADDRESS	N 2ND & BROOME ST	HOMESTEAD	N
	FERNANDINA BEACH 32034	PARCEL MAP RECORD	MAP THIS PARCEL
SHORT LEGAL	BLOCK 8 LOT 1 PT OR 1104/446 & OR 1172/1741 CITY OF FDNA BEACH	TAX COLLECTOR SEARCH	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

	2016 Certified Values
JUST VALUE OF LAND	$35,000
LAND VALUE AGRICULTURAL	$0
TOTAL BUILDING VALUE	$0
TOTAL MISC VALUE	$0
JUST OR CLASSIFED TOTAL VALUE	$35,000
ASSESSED VALUE	$35,000
EXEMPT VALUE	$0
TAXABLE VALUE	$35,000

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
VAC INDUST 004000	25	FF	21-3N-28

Building Information

There is no Building Information for this record.

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
06/04/2003	1142/1487	1142/1487	100	PR	U	N	HOLMES LAWRENCE P/R FOR RUTH A SOMMONS	CLAYTON JAMES S
09/01/1984	433/345	433/345	100	MS	U	N		

NASSAU | A. Michael Hickox, CFA, Cert.Res.RD1941 Nassau County Property Appraiser

Property Search Sales Search Nassau Home

OWNER NAME	CLAYTON KERSTIN (3/16%) &	PARCEL NUMBER	00-00-31-1800-0008-0310
MAILING ADDRESS	HOLMES WM O & LAWRENCE &	TAX DISTRICT	FERNANDINA BEACH (DISTRICT 2)
	HOLMES THEODORE ETAL	MILLAGE	20.2467
	211 BROOME ST	PROPERTY USAGE	SINGLE FAMILY
	FERNANDINA BEACH, FL 32034	DEED ACRES	0
LOCATION ADDRESS	211 BROOME ST	HOMESTEAD	Y
	FERNANDINA BEACH 32034	PARCEL MAP RECORD	MAP THIS PARCEL
SHORT LEGAL	BLOCK 8 LOTS 31 & 32 & N1/2 OF LOT 30 (EX E7 FT) PT OR 1172/1741 & OR 1104/446	TAX COLLECTOR SEARCH	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

	2016 Certified Values
JUST VALUE OF LAND	$79,329
LAND VALUE AGRICULTURAL	$0
TOTAL BUILDING VALUE	$84,966
TOTAL MISC VALUE	$60
JUST OR CLASSIFED TOTAL VALUE	$164,355
ASSESSED VALUE	$158,525
EXEMPT VALUE	$25,000
TAXABLE VALUE	$133,525

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
SFR 000100	50	FF	21-3N-28
SFR 000100	18	FF	21-3N-28

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
SNGL FAM	1,487	1,277	3	2	AVERAGE		AIR DUCTED	FORCED AIR	1900	SHOW SKETCH

Miscellaneous Information

DESCRIPTION	DIMENSIONS L x W	UNITS	YEAR BUILT
CONCRETE A	25 X 3	75	1970
CONCRETE A	0 X 0	0	0

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
09/18/2003	1172/1741	1172/1741	100	PR	U	Y	HOLMES P/R FOR TUH ALBRITTON SIMMONS	HOLMES WILLIAM & LAWRENCE ET AL
01/01/1986	478/313	478/313	100	FS	U	Y		

Kelly Gibson

From: Loretta Erickson <rettaerickson@gmail.com>
Sent: Wednesday, March 08, 2017 2:51 PM
To: Kelly Gibson
Cc: Robert Erickson
Subject: Fwd: Detailed letter of Intent

Hi Kelly
Please let me know you received this.
Thanks
Loretta

Sent from my iPhone

Begin forwarded message:

> **From:** <rettaerickson@gmail.com>
> **Date:** March 7, 2017 at 12:11:45 PM EST
> **To:** <kgibson@fbfl.org>
> **Cc:** "Bob Erickson" <rettaerickson@aol.com>, <kerlos14@gmail.com>
> **Subject: Detailed letter of Intent**

3/7/17

Dear Kelly, .

Our request to rezone is to allow for the home at 205 Broome St and at 211 Broome St to be occupy as residences and give the flexibility of future development on Lots 1 and 34.

In support of our zoning change request the following attachments show the consistency of the proposed amendment as well as the justification of the proposed amendment. Attachment A, a reference supporting statement taken form PAB 2017-05 zoning change from I-1 to C-3 . Attachment B referencing staff report PAB 2017-05 zoning change from I-1 to C-3 and Attachment C referencing staff report PAB 2017-03 zoning change from I-1 to R-2. Also included are various maps supporting the proposed zoning change for I-1 to C-3. These show the consistency of the proposed amendments with the City's Comprehensive Plan and a justification for the proposed amendment.

Sincerely,
Bob and Loretta Erickson

Attachment A

Attachment A

OBJECTIVE 1.01.
Energy Efficient Development
The City shall promote compact, mixed use, and energy efficient development arranged to encourage walkability, bicycle and transit use, which leads to a more sustainable community and a reduction in greenhouse gases (GHGs).
The CBD Future Land Use is designed to promote energy efficient development by promoting a walkable and sustainable environment. This is accomplished by allowing a mixture of residential and commercial uses to be placed within the same structure. In addition, when the subject property is assigned the CBD/C-3 and located amongst other CBO FLU/uses, this places new housing units within walkability of services and employment within the downtown area.

Policy 1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors: a. Type and density or htensity of surrounding uses; b. Zoning districts in the surrounding area; c. Demonstration of adequate water supply and water supply faculties; d. Appropriateness of the size of the parcel compared to the proposed use; e. Physical condition of the site, and the suitability of soils and topography for the proposed use; f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources; g. Compatibility factors; h. Impact on adopted levels of service standards and quality of service standards; and i. Location in a Coastal Upland Protection Zone (CUPZ).
The type and density and intensity of the surrounding uses are compatible with the CBD/C-3 FLU and Zoning combination as adjacent FLU and zoning is consistent with the proposed change. It is as equally intense as the adjacent industrial uses. Although more intense than the nearby residential, the CBD will act as a transitional use. The proposed change is a transitional use that will be compatible with both residential to the east and industrial to the west. The residential to the east will be buffered from the industrial uses by the CBD/C-3 uses and will be buffered from CBD/C-3 uses by 20' buffer with landscaping. Public water and sewer is available to the subject property and the increase development permitted will promote smart-growth principles by increasing growth where there is existing infrastructure. The area being considered for the change is appropriately sized considering the setback, densities and types of development permitted. Soils and topography are the same as other urban areas that are immediately adjacent. As can be seen from maps included with application, the soils for the subject property, Ortega Fine Sand, is prevalent in the downtown area, is not unique to the subject property, and is developed to urban levels in the city. According to the US Geologic Survey, the Ortega Series of soils are moderately well drained and are located on rises and knolls and is suitable for urban development As can be seen from the topographic map, a rise of six feet from front to rear will result in a slope over 125 faet of approximately 4.8%. There are no requirements in city code that correlate slope with types of development.
Essentially the lot/block and frontage characteristics of the subject property are very similar to the rest of the historic district CBD/C-3 area. The subject property is not covered by flood zone or other environmentally unsuitable conditions, and the historic structure on the subject property will be made conforming by the proposed amendment.

Policy 1.02.06. The City shall assure that specific density assigned to new development and redevelopment is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following: a. Protecting the integrity and stability of established residential areas; b. Assuring smooth transition in residential densities; c. Encouraging commercial and residential mixed use development patterns; d. Recognizing and being sensitive to the character and form of the surrounding neighborhoods; and e. Requiring application of low impact development (LID) principles, native and drought tolerant landscaping and urban design principles and practices; and f. Encouraging connectivity of pedestrian walkways and bicycle paths on and off site.
The City has expressed interest in pursuing a CBD/C-3 on the subject property as a city-sponsored application due to the sound planning criteria stated in Policy 1.02.06 above. The current situation of exposing residential areas to direct contact with industrial areas is deleterious to the development of industrial areas and the continuation of residential areas. Sound planning principles dictate that a transitional land use be used to buffer these two uses from each other. Such a transitional land use is available in the CBD/C-3 which contains a multi-family element that is both transitional in use and in residential densities. By definition, the CBD/C-3 combination encourages residential and commercial mixed use and is therefore compatible with residential. The proposed CBD/C-3 combination recognizes sensitivity to adjacent neighborhoods as it contains both residential and commercial elements. In addition, the city code contains buffer and setback requirements to residential that will provide additional sensitivity to existing neighborhoods. By definition, development in the CBD will be heavily reliant on pedestrian and bicycle access as these forms of transportation are more practical than auto in the subject area.

Policy 1.02.08. Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations. Compliance with this policy requires very little elaboration. The CBD/C-3 is a mixed use concept and the policy calls for mixed use transitional areas. The subject property is in between and immediately adjacent to industrial (to the west) and residential (to the east) and therefore, the application to change the subject property to CBD/C-3 is precisely what the city's Comprehensive Plan requires.

Policy 1.02.09. The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.
See above response. Again the City's Comprehensive Plan not only supports the change, it requires it.

OBJECTIVE 1.04. REDEVELOPMENT AND NFILL DEVELOPMENT The City shall reduce blight and encourage redevelopment of underutilized areas and inefficient land use patterns through redevelopment, reuse, and/or removal and replacement of blighted structures and uses. The City will focus its redevelopment and infill efforts to encourage development in its already urbanized areas that provide housing near job centers, preserve open space, capitalize on existing community assets such as parks, create new community assets such as child-care centers, arts districts and shopping centers and removes the crime associated with vacent, underutilized or abandoned properties.
The subject property is adjacent to nearby job centers and valuable historic resources. The current historic structure is nonconforming to the existing Industrial FLU and zoning and it is therefore difficult to improve the property as financing for non-conforming structures is not possible
to obtain. If this effort to amend the FLU and zoning is deterred, and the industrial FLU and zoning remains, then blight will be inevitablee, in direct conflict with this policy. Although the future of the existing structure is not guaranteed, it has a greater chance of survival if the financing to adaptively reuse isavailable.

OBJECTIVE 1.05. NONCONFORMNG STRUCTURES, USES AND LOTS To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses.
As stated in the above response, the decline and eventual removal of the structure on the subject property will be inevitable if there is no way for the current or future owner(s) to obtain financing to repair and/or adaptively re-use the structure. Considering that the use of the land as industrial conflicts with aforementioned policies regarding transitional uses and the protection of residential,

it is dear the solution is to eliminate the industrial zoning, not the use.
OBJECTIVE 5.04. COASTAL HIGH HAZARD AREAS (CHHA) The City shall protect property, residents, and visitors within the Coastal High Hazard Area. Protection shall be provided through appropriate designations on the Future Land Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the Coastal High Hazard Area, and coordination with hazard mitigation and post-disaster plans.
The subject property is not within the CHHA and therefore additional residential development in the area is not in conflict with Objective 5.04

OBJECTIVE 12.05. LAND USE AND INFRASTRUCTURE EXPANSION The City shall protect existing land designated for employment-generating uses, whether vacant or developed, from encroachment of incompatible uses and promote sustainable development and redevelopment of properties within its designated Job Opportunity Areas.

The existing FLU and zoning of Industrial could be considered a "job creating" land use and this policy seeks to limit the loss of job creating land uses. This state of affairs in ameliorated by two factors: 1) the current size of the industrial district (half block) makes use of the

industrial area for creating jobs limited at best and 2) the proposed CBD/C-3 will also have a commercial element that can provide jobs from primary and secondary economic impacts (people directly employed on subject property or economic development associated with subject property that spawns off-site employment).

In addition, I offer the following section from the City's Land Development Code, Community Redevelopment Area (CRA) section:

8.01.02 Amelia River Waterfront Community Redevelopment Area A. Purpose: It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area. In order to promote revitalization of the working waterfront and adjacent area.
In addition to complying with the Comprehensive Plan elements above, the subject property is within the CRA, which has a goal of providing a mix of uses and compatible with the design with the downtown area. The CBD/C-3 combination is tailored made for this use as it is the predominant zoning and landuse within the downtown area.

In conclusion it is clear that the proposed Future Land Use and Zoning amendment for the subject property complies with the City's Comprehensive Plan and the CRA.

Attachment B

STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Susan Courtney McCranie, Daniel McCranie Sr., Marilyn Leibman				
AGENT:	Peter J. King, AICP				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	North 2nd Street Community Redevelopment Area (CRA) properties – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	**Parcel ID #: 00-00-31-1800-0008-0080** (Courtney McCranie) – 224 N. 2nd Street, Multifamily Structure (2,905 conditioned square feet) totaling 0.22 acres of land and constructed in the early 1900's- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft. **Parcel ID #: 00-00-31-1800-0008-0050** (Daniel McCranie, Sr.) - Vacant totaling 0.15 acres of land , This property contains 2 underlying lots of record and measures approximately 50ft. x 125ft. **Parcel ID #: 00-00-31-1800-0008-0020** (Leibman) - Vacant totaling 0.22 acres of land- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft.				
PROPERTY SIZE:	In total 0.59 acres of land are included within the applicant's request.				
ADJACENT PROPERTIES:	Direction	Existing Use(s)	Year Built	Zoning	FLUM
CRA PROPERTY	North	Warehouse	1980	I-1	Industrial (IND)
		Restaurant/Bar	1902		
CRA PROPERTY/ HISTORIC DISTRICT	South	Vacant and Non-Conforming Single Family Homes	Est. 1900	I-1	Industrial (IND)
CRA PROPERTY	West	Warehouse Storage	Est. 1900	I-1	Industrial (IND)
PORT PROPERTY (NOT IN THE CRA)		Warehouse Storage	1990		
CRA PROPERTY	East	Single Family and Multi-Family residential dwellings	Est. 1909-1925	R-2	Medium Density Residential (MDR)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on N.2nd Street **(Exhibit A)**.

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development. All three (3) properties involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council. Although the structure located at 224 N. 2nd Street is not within the City's historic district, its location within the CRA would require that any request for demolition of the structure to be approved by the Historic District Council and follow all established procedures identified in LDC Section 8.03.03.01.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	**300 gallons per day per ERU (Equivalent Residential Unit)**
Solid Waste Facilities	**Average Solid Waste Generation Rate: 5.9 pounds per capita per day**
Stormwater Management Facilities	**Policy 4.01.02** *All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.*
Potable Water Facilities	**Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)**

Fire-Rescue Services	**240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)**
Police and Law Enforcement Services	**Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls**

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Central Business District (CBD), 8 dwelling units per acre are supported at this time. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Under the requested action, a total of up to five (5) residential units could be constructed on the vacant properties. The property located at 224 N. 2nd Street contains a non-conforming multi-use structure with two (2) residential dwelling units at the present time.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

a. **No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
b. **No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
c. **No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
d. **No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structure for residential purposes. The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing pubic facilities within this area. The CRA established a

Finding of Necessity in 2005, one of the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The requested Central Business District (CBD) land use category and C-3 zoning district serves to create a transitional step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the applicant's request is the most appropriate land use and zoning district assignment under the City's current regulations.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

a. **Type and density or intensity of surrounding uses;**
b. **Zoning districts in the surrounding area;**
c. **Demonstration of adequate water supply and water supply facilities;**
d. **Appropriateness of the size of the parcel compared to the proposed use;**
e. **Physical condition of the site, and the suitability of soils and topography for the proposed use;**
f. **Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
g. **Compatibility factors;**
h. **Impact on adopted levels of service standards and quality of service standards; and**
i. **Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' properties are a range of existing uses including; a warehouse and storage area serving the port's needs to the west, warehousing for a light manufacturing business to the North, and restaurant/ bar located at the corner of Calhoun Street and N. 2nd Street. On the eastern block face are homes located within the City's downtown historic district.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.
Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement.

Policy 1.02.09.
The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the properties fronting Broome Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.
Central Business District (CBD)

a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
e. The intensity of non-residential development shall not exceed a FAR of 2.0.
f. A praposed amendment to the FLUM to increase the land area within the Central Business District; land use category sholl demonstrate the suitability of the proposed site based on:
   1. The need far additional land area within the Central Business District land use category;
   2. Consistency of the land area with the characteristics of the Central Business District; and;
   3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (**See Sanborn Map Exhibits**). Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that

existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.

Reference: Johannes, J. (2000). Yesterday's Reflections II Nassau County, Florida - A Pictorial History. Fernandina Beach: Lexington Ventures, Inc.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.
The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

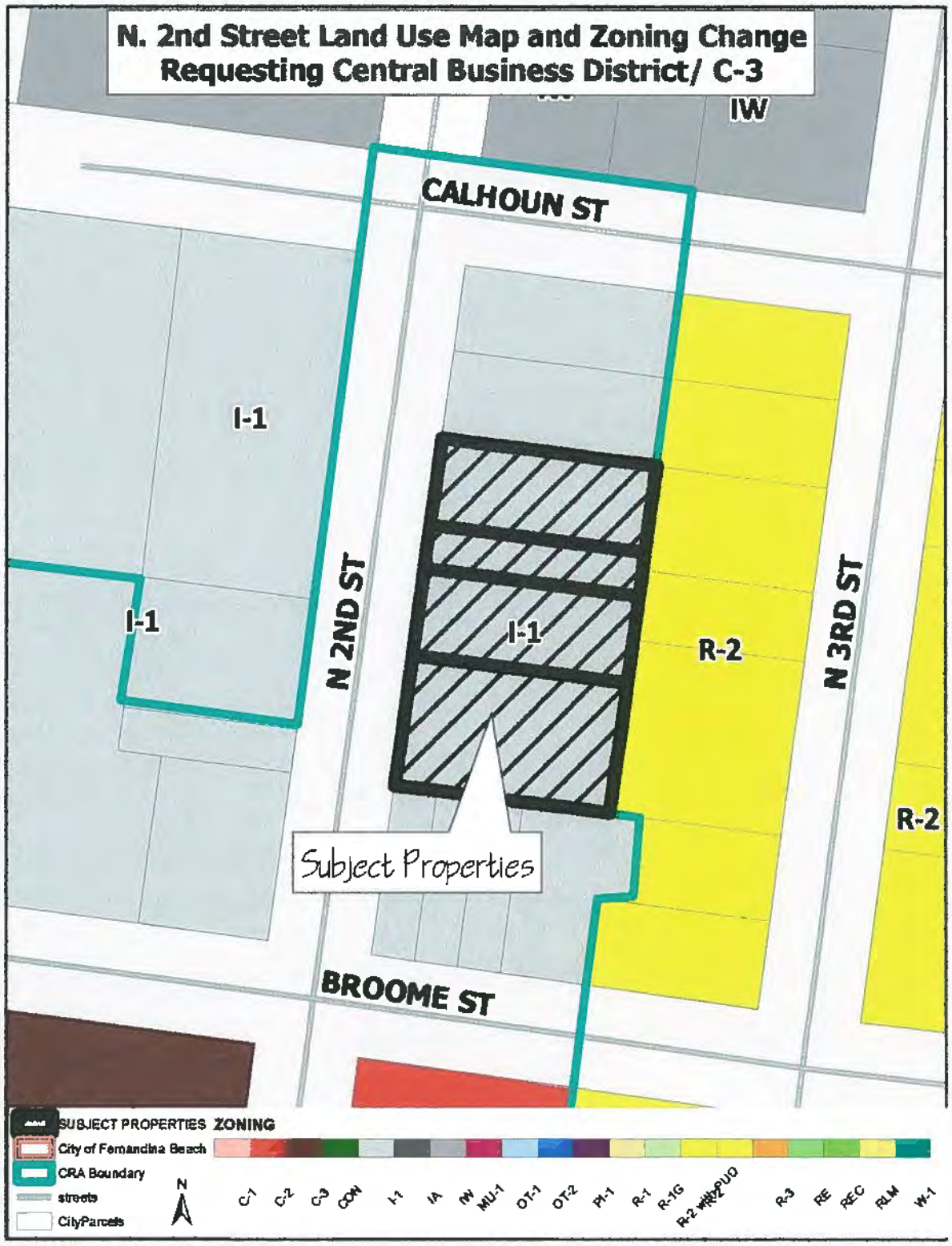
MOTIONS TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2017-05 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson
Senior Planner

EXHIBIT A


N. 2nd Street Land Use Map and Zoning Change
Requesting Central Business District/ C-3
IW
CALHOUN ST
I-1
I-1
N 2ND ST
I-1
R-2
N 3RD ST
R-2
Subject Properties
BROOME ST
SUBJECT PROPERTIES
City of Fernandina Beach
CRA Boundary
streets
CityParcels
ZONING
N
C-1
C-2
C-3
CON
I-1
IA
IW
MU-1
OT-1
OT-2
PI-1
R-1
R-1G
R-2
PUD
R-3
RE
REC
RLM
W-1

Attachment C

STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Robert and Loretta Erickson, James and Kerstin Clayton				
AGENT:	Robert and Loretta Erickson				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	211 Broome Street, 205 Broome Street, and Vacant Properties at corner of N. 2nd Street and Broome Street – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Medium Density Residential (MDR)/ R-2				
EXISTING USES ON SITE:	**211 Broome Street:** Existing SF Home totaling approximately 1,487 ft² with an estimated year built of 1900 **205 Broome Street:** Existing Vacant SF Home totaling approximately 1,188 ft² with an estimated year built of 1900 Vacant Land located at the corner of N. 2nd Street and Broome Street				
PROPERTY SIZE:	Totaling 0.32 Acres Parcel ID #s: 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010				
ADJACENT PROPERTIES:	Direction	Existing Use(s)	Year Built	Zoning	FLUM
CRA PROPERTY	North	Vacant Land	N/A	I-1	Industrial (IND)
CRA PROPERTY	South	Public Parking	2015	C-2	General Commercial (GC)
HISTORIC DISTRICT	East	Single Family Home	Est. 1900	R-2	Medium Density Residential (MDR)
CRA PROPERTY	West	Warehouse/Storage	Est. 1900	I-1	Industrial (IND)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Medium Density Residential (MDR) land use, and R-2 (Medium Density Residential) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at N.2nd Street and Broome Street (**Exhibit A**).

The action is requested in order to correct existing non-conforming use of the properties where two (2) single family homes have existed for many years. The property at 211 Broome Street has retained its single family home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years. Under the City's LDC Section 10.01.02 (G), when a non-conforming use has

been discontinued for a period greater than 180 days, the property shall be brought into compliance with all sections of the LDC. The current property owners recently acquired the structure in order to restore it. At this time, they are seeking to use the property for residential purposes. In order to make this property conforming, a land use and zoning designation which contains residential density must be applied to the site. The properties to the west of the restored structure are vacant.

All four parcels involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	**300 gallons per day per ERU (Equivalent Residential Unit)**
Solid Waste Facilities	**Average Solid Waste Generation Rate: 5.9 pounds per capita per day**
Stormwater Management Facilities	**Policy 4.01.02** *All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.*
Potable Water Facilities	**Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)**
Fire-Rescue Services	**240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)**
Police and Law Enforcement Services	**Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls**

The existing land use and zoning (industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Medium Density Residential (MDR), 8 dwelling units per acre are supported. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Therefore, if the property is changed to a land use category containing residential density, the vacant properties and 205 Broome Street property would have the benefit of construction a residential unit on each parcel, despite not being able to meet minimum "net density" requirements under the requested change. Under the requested action, a total of up to five (5) residential units could be constructed on the properties.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

a. **No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
b. **No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
c. **No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
d. **No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structures as single family homes. The applicant's requested land use of Medium Density Residential (MDR) and R-2 zoning fails to achieve the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing pubic facilities within this area. The CRA established a Finding of Necessity in 2005, one for the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action does not serve to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. Staff suggests that the applicant consider use of a transitional land use category and zoning district that

serves to step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the most appropriate land use and zoning district assignment under the City's current regulations are the Central Business District (CBD)/ C-3 zoning.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

a. **Type and density or intensity of surrounding uses;**
b. **Zoning districts in the surrounding area;**
c. **Demonstration of adequate water supply and water supply facilities;**
d. **Appropriateness of the size of the parcel compared to the proposed use;**
e. **Physical condition of the site, and the suitability of soils and topography for the proposed use;**
f. **Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
g. **Compatibility factors;**
h. **Impact on adopted levels of service standards and quality of service standards; and**
i. **Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' property are a wide range of existing uses including; a warehouse and storage area serving the port's needs; public parking directly facing the properties; and vacant land within the CRA which historically contained a variety of uses. On the eastern block face are homes located within the City's downtown historic district. The existing land use and zoning under Industrial/ I-1 is certainly not compatible with the surrounding area and staff recognizes that this should be corrected though a land use and zoning change to a district which serves to provide a down-zoning or transition from the port's industrial operations to the adjoining residential areas.

The most compatible land use and zoning designation for these properties as well as the properties fronting N. 2nd Street is Central Business District (CBD)/ C-3 zoning. The CBD/C-3 zoning designation exists diagonally from the applicants' properties and staff recognizes the need to assign the appropriate land use and zoning district for the public parking lots located on N. 2nd at Alachua Street and Broome Street in keeping with the direction to create and extend the urban core through the CRA.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested zoning is Medium Density Residential R-2, provides for residential land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.05 of the LDC states the intent of the R-2, Medium Density Residential, zoning classification.
The R-2 District is intended for the development, redevelopment, or maintenance of stable medium-density residential neighborhoods. The medium-density residential designation includes a mixture of single- and multi-family structure types.

The R-2 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of several of the properties involved in the application. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be inconsistent with the Comprehensive Plan and Land Development Code, as it is an inappropriate extension of an exclusively residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends an incompatible zoning district to properties adjoining industrial and commercial land uses, instead a mixed land use and zoning designation should be considered. Further, the requested action does not serve to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a more harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2017-03 to the City Commission requesting a Future Land Use Map assignment of Medium Density Residential land use and R-2 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-03 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson
Senior Planner

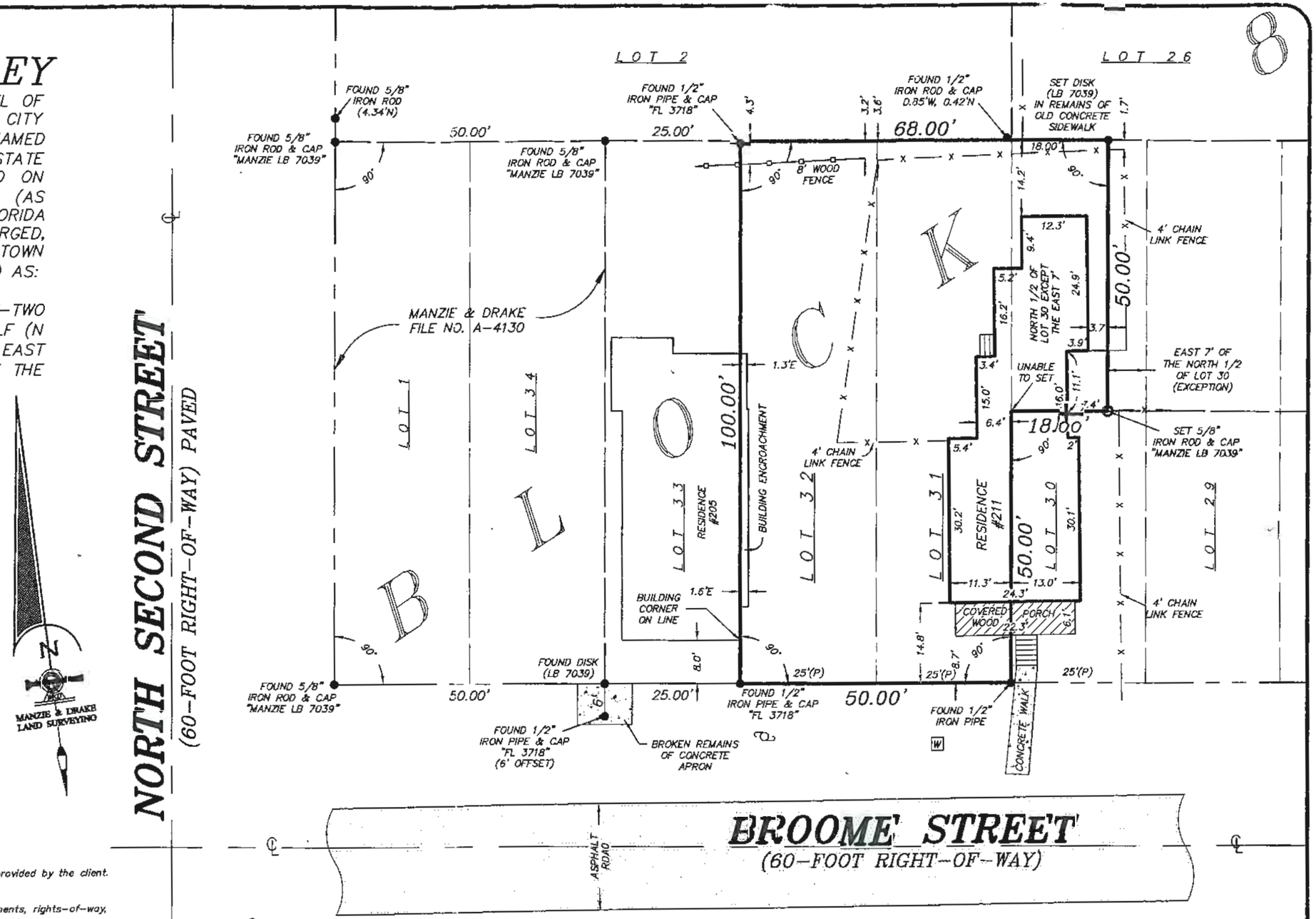
MAP OF BOUNDARY SURVEY

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA AND KNOWN AND DESCRIBED ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS:

LOT THIRTY-ONE (31) AND LOT THIRTY-TWO (32), TOGETHER WITH THE NORTH ONE-HALF (N 1/2) OF LOT THIRTY (30), EXCEPT THE EAST SEVEN (7) FEET, IN BLOCK EIGHT (8), OF THE CITY OF FERNANDINA BEACH, FLORIDA.

PREPARED FOR:

CLAYTON PROPERTIES



LEGEND

- ℄ = CENTERLINE
- —x—x— = CHAIN LINK FENCE
- = CONCRETE FLATWORK
- (P) = PLAT
- W = WATER METER
- —o—o— = WOOD OR VINYL FENCE
- = WOOD FLATWORK
- = WOOD POWER POLE
- = 5/8" IRON ROD & CAP (LB 7039) SET

SURVEY NOTES:

1) The "Legal Description" hereon is in accord with the description provided by the client.
2) Underground improvements were not located or shown.
3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
4) Internal lot angles shown hereon are based on recovered monumentation.
5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
6) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C 0237 F. Dated 12/17/2010. Flood Zone Information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
7) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.

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THE INFORMATION SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William D Pinkston

☐ MICHAEL A. MANZIE, P.L.S. 4069
☒ WILLIAM D. PINKSTON, P.S.M. 6793

MANZIE & DRAKE LAND SURVEYING
117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5777
Certificate of Authorization Number "LB 7039"

"OUR *SIGHTS* ARE ON THE FUTURE, SET YOUR *SITES* ON US."

SCALE: 1"=20' JOB NO: 19686 DATE: 7/29/16 CADD: WKD
F.B. NO: X-289 PAGE NO: 34 FIELD CREW: SS FILE NO: A-4131

FUTURE LAND USE MAP

March 6, 2017

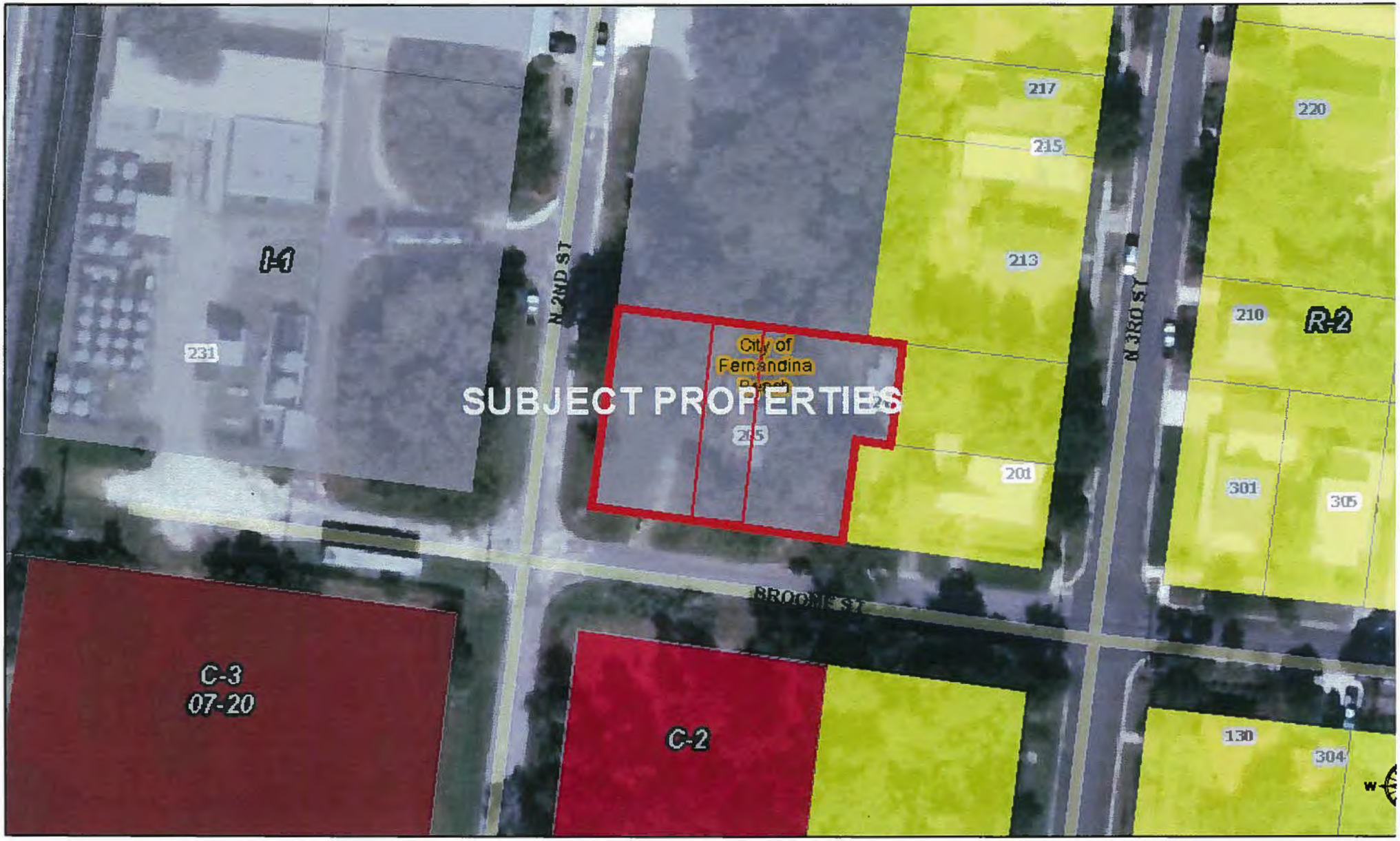
Land Parcels

1:1,335

0 0.01 0.02 0.04 mi

0 0.0175 0.035 0.07 km

ZONING MAP



March 6, 2017

1:915

0 0.0075 0.015 0.03 r

0 0.01 0.02 0.04 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N
Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M
NGCC, © OpenStreetMap contributors, and the GIS User Community

FLOOD MAP (2010 EFFECTIVE)

March 6, 2017

Flood Zones -Effective Dec.17th 2010, NAD 1988

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- VE
- X

1:915

0 0.0075 0.015 0.03 r

0 0.01 0.02 0.04 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M NGCC, © OpenStreetMap contributors, and the GIS User Community

FLOOD MAP (2016 PRELIMINARY)

March 6, 2017

Preliminary Flood Zones 2016

- A,
- AE,
- AO,
- VE,
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- X, AREA OF MINIMAL FLOOD HAZARD

1:915

0 0.0075 0.015 0.03 r

0 0.01 0.02 0.04 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M NGCC, © OpenStreetMap contributors, and the GIS User Community

SOILS MAP

March 6, 2017

Land Parcels

Nassau Soils

1:2,065

0 0.0175 0.035 0.07

0 0.0275 0.055 0.11

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M NGCC, © OpenStreetMap contributors, and the GIS User Community

TOPOGRAPHICAL MAP

March 6, 2017

Land Parcels

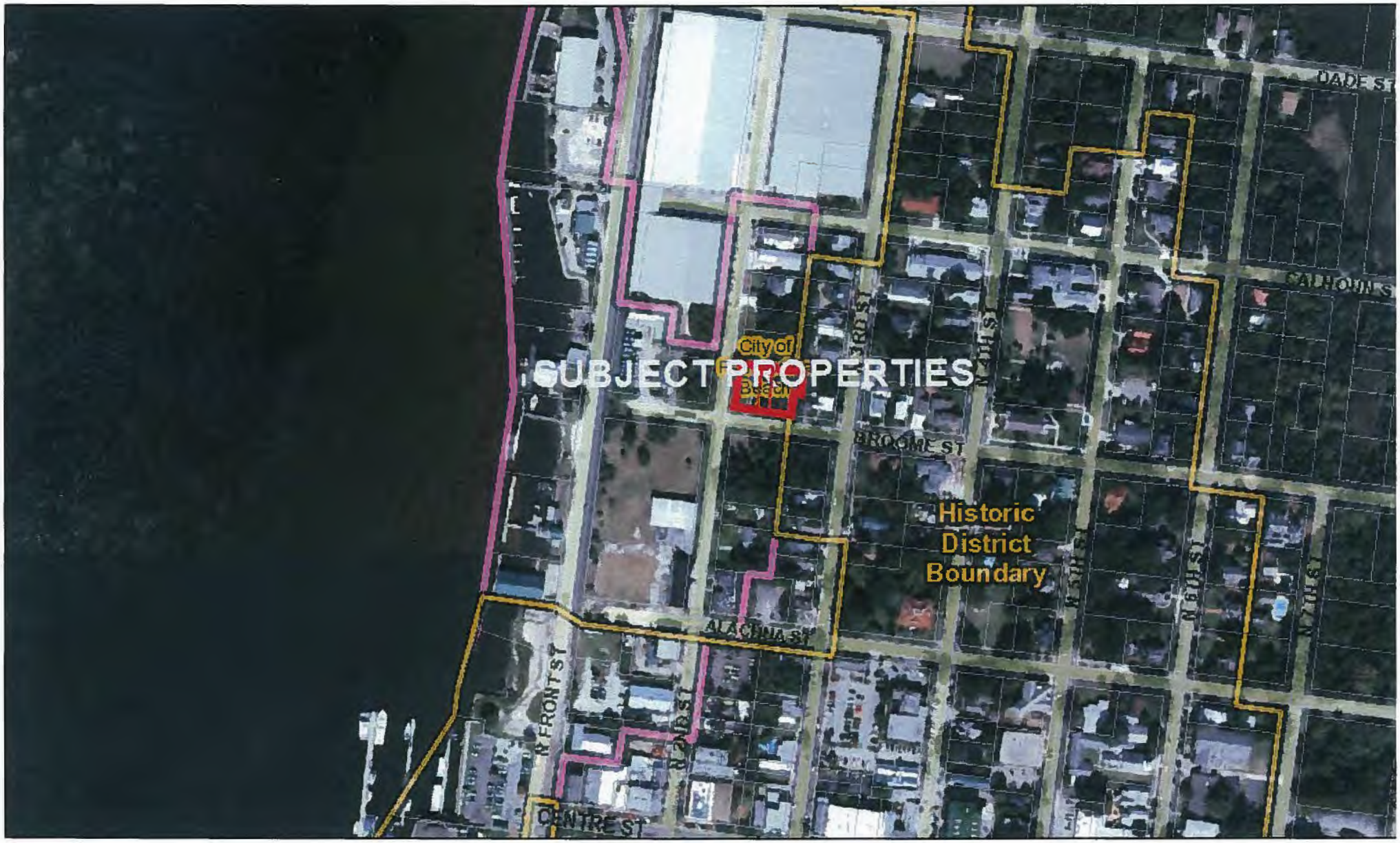
1:915

0 0.0075 0.015 0.03 r

0 0.01 0.02 0.04 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M NGCC, © OpenStreetMap contributors, and the GIS User Community

CRA/HDC MAP



March 6, 2017

- City of F.B. Historic District
- City of F.B. Community Development District

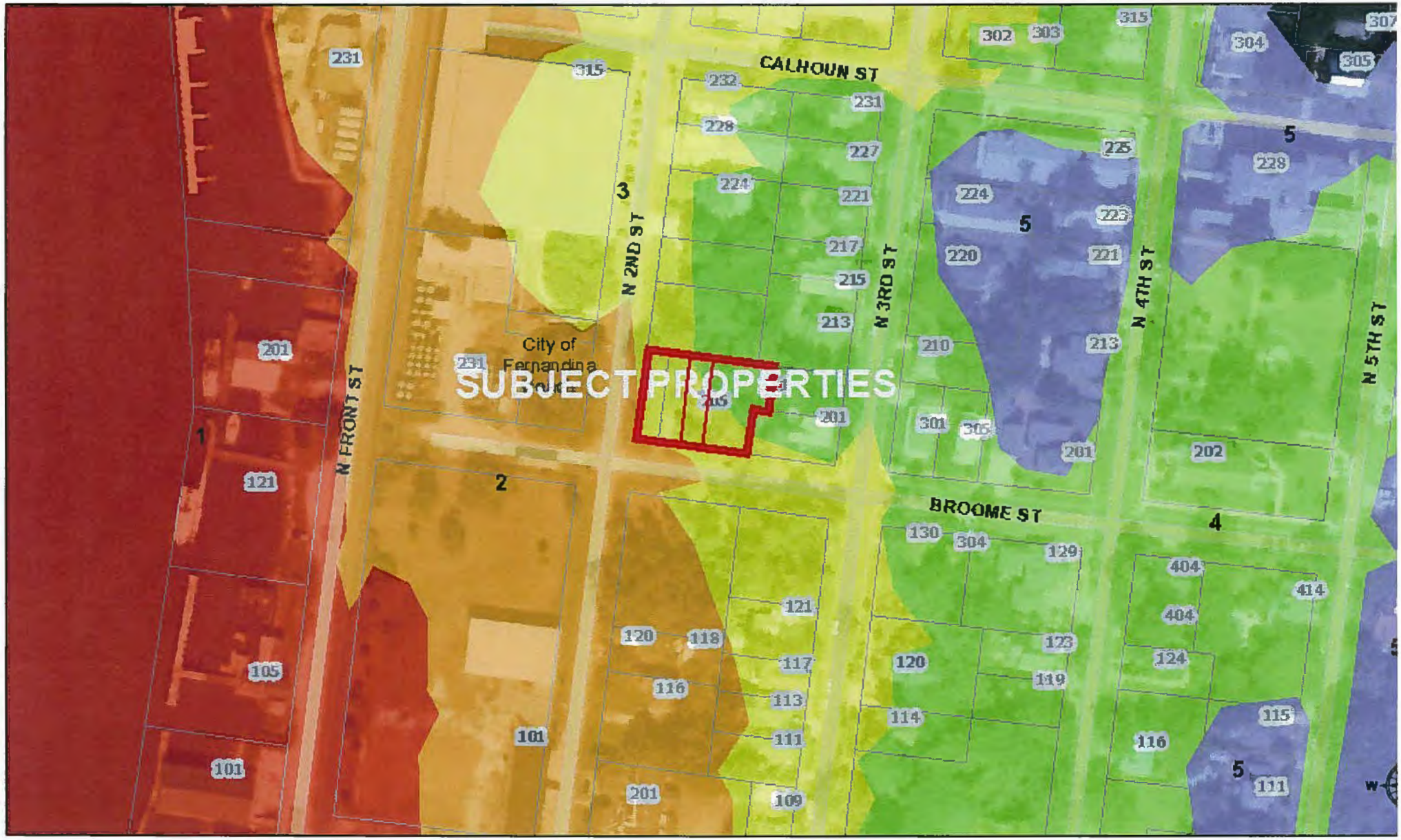
1:4,131

0 0.035 0.07 0.14

0 0.05 0.1 0.2 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M NGCC, © OpenStreetMap contributors, and the GIS User Community

COASTAL HIGH HAZARD MAP (STORM SURGE)



March 6, 2017

Land Parcels

Storm Surge

1 2 3 4 5

1:2,065

0 0.0175 0.035 0.07

0 0.0275 0.055 0.11

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M NGCC, © OpenStreetMap contributors, and the GIS User Community

FIRE HYDRANT LOCATION MAP

March 6, 2017

Land Parcels

Water Hydrant

1:2,065

0 0.0175 0.035 0.07

0 0.0275 0.055 0.11

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M NGCC, © OpenStreetMap contributors, and the GIS User Community

MAP OF BOUNDARY SURVEY

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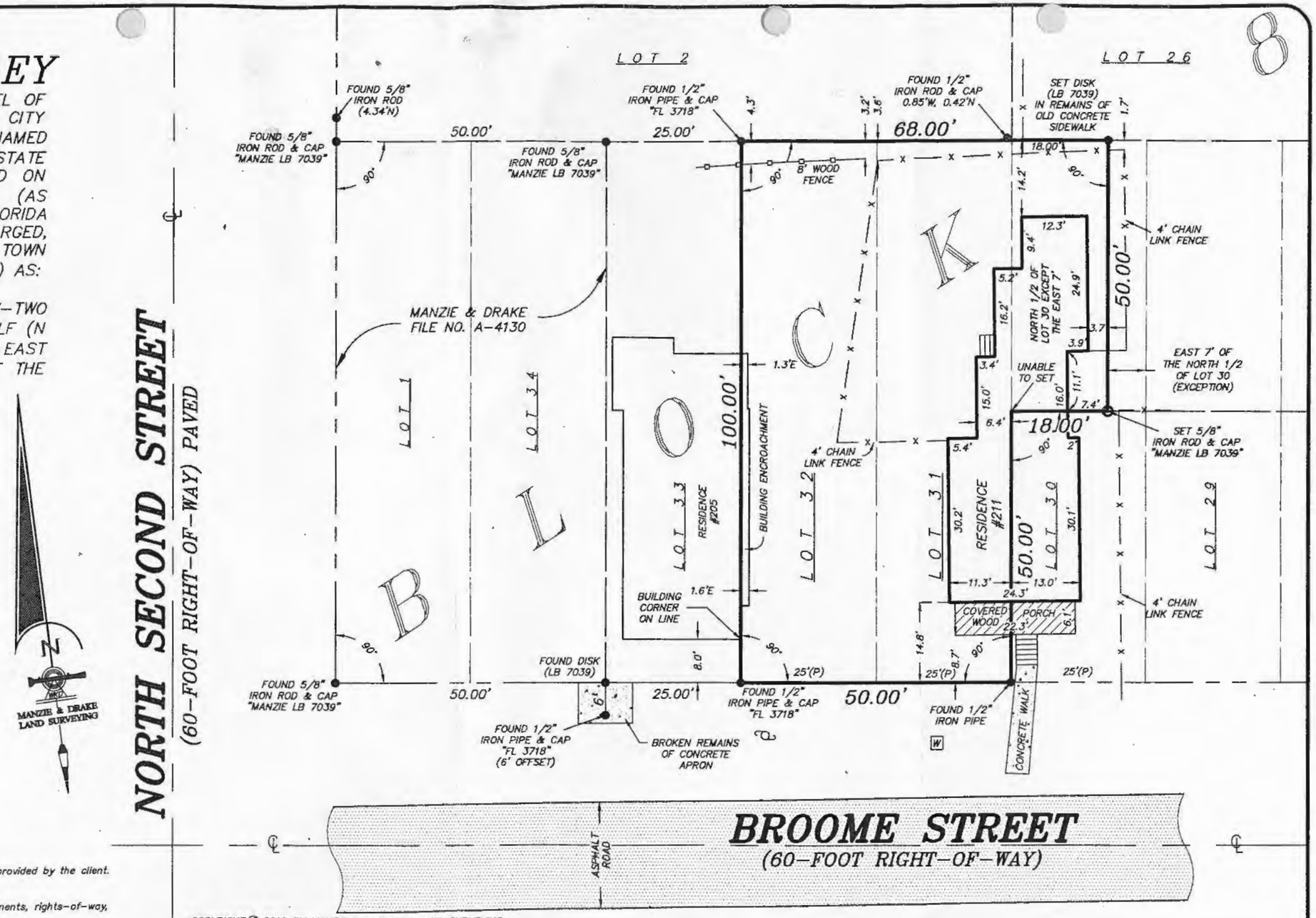
PREPARED FOR:

CLAYTON PROPERTIES



LEGEND

℄ = CENTERLINE
—x—x— = CHAIN LINK FENCE
= CONCRETE FLATWORK
(P) = PLAT
W = WATER METER
—o—o— = WOOD OR VINYL FENCE
= WOOD FLATWORK
= WOOD POWER POLE
O = 5/8" IRON ROD & CAP (LB 7039) SET

SURVEY NOTES:

1) The "Legal Description" hereon is in accord with the description provided by the client.
2) Underground improvements were not located or shown.
3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
4) Internal lot angles shown hereon are based on recovered monumentation.
5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
6) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C 0237 F, Dated 12/17/2010. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
7) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.

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THE INFORMATION SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William D Pinkston

☐ MICHAEL A. MANZIE, P.L.S. 4069
☒ WILLIAM D. PINKSTON, P.S.M. 6793

MANZIE & DRAKE LAND SURVEYING
117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5777
Certificate of Authorization Number "LB 7039"

"OUR *SIGHTS* ARE ON THE FUTURE, SET YOUR *SITES* ON US."

SCALE: 1"=20' JOB NO: 19686 DATE: 7/29/16 CADD: WKD
F.B. NO: X-289 PAGE NO: 34 FIELD CREW: SS FILE NO: A-4131

1. Call to Order - The meeting was called to order at 5:03 pm.

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Judith Lane
Donna Lewis (Alt 1)
David Beal, Vice-Chair
Benjamin Morrison
Jenny Schaffer (Alt 2)

Board Members Absent

Wayne L. Peterson

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Considering the absence of Member Peterson, Chair Bennett seated Member Lewis as a voting member, with all Members approving by voice vote.

2. Approval of Meeting Minutes

2.1 Review and Approval of February 8, 2017 Regular Meeting Minutes – A motion was made by Member Beal, seconded by Member Lane to approve as presented. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

2.2 Review and Approval of March 8, 2017 Regular Meeting Minutes – Chair Bennett asked that the discussion regarding item 4.6 be more detailed and Minutes be presented to the next meeting for approval.

3. New Business

3.1 PAB CASE 2017-07: FUTURE LAND USE MAP AND ZONING CHANGE REQUEST FOR PROPERTY LOCATED ON BROOME STREET AND NORTH 2ND STREET.
PAB case 2017-07: Property owners Erickson and Clayton, et Al. request a small scale Future Land Use Map Amendment and Zoning Map change for properties located along Broome Street and N. 2nd Street totaling approximately 0.32 acres of land from industrial (IND) land use and I-1 zoning to Central Business District future land use and C-3 zoning for parcel ID numbers: 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010.

Ms. Gibson presented the case and summarized the applicants' request to amend zoning from Industrial (IND) land use and I1 zoning to Central Business District future land use and C-3 zoning for properties located at 211 Broome Street, 205 Broome Street, and vacant properties at N. 2nd Street and Broome Street.

She explained that this change would be correcting non-conforming use of properties where there are two (2) single family homes which have existed for many years. This request will also be consistent with the associated Land Development Code policies, the CRA and the historic built pattern of the area. Staff recommended approval of the applicant's request to move forward towards C-3 zoning and Central Business District land use.

Member Morrison asked about the reason why this case is coming back. City Attorney Bach explained that an administrative appeal of Staff's finding of sufficiency and completeness of the application was questioned and was to be presented in front of the Board of Adjustment on March 15th, 2017 and that based on Mr. Ross's arguments and the reason of the appeal, the decision was made that the Board of Adjustment wasn't right outlet for this appeal. Ms. Bach also noted that after meeting with Mr. Ross it was established that if the applicants withdrew their application and re-submitted it with the same amount of details included in a similar case presented by neighboring owners, Mr. Ross would withdraw his appeal, which he has done. Ms. Gibson then confirmed that this latest application is complete and sufficient and that this stretch of the City on N. 2nd Street is consistent with the CRA and is in keeping with what was previously built.

Member Morrison then asked Ms. Gibson to go through the additional documents presented with the most recent application. Ms. Gibson stated that the principal difference is the requested zoning change as the original application requested Medium Density Residential and this most recent application requested a Central Business District zoning. She added that the applicant also provided a more detail statement of justification through attachments and documentation, and relied in resources noted in said additional attachments and documentation.

Robert Erickson, 30 S. 3rd Street, reiterated the difference between the 2 applications and that he provided more documentation and justification. He then asked that the Board consider this request favorably.

Public Hearing was then opened.

John Sauer, 205 Broome Street, future owner of record of this property, is looking forward in moving into the property and has been renovating it for about a year.

Lynn Williams, 1899 S. Fletcher Avenue, voiced his opposition to C3 zoning as oppose as R2 which abuts to the property. He also voiced concerns about the upcoming review to increase the density from 8 to 34 units per acre under this C3 zoning.

Lou Goldman, 23 S. 6th Street, voiced his support for the change in zoning and also explained his positive experience living downtown in a C3 zoning amongst residential and commercial properties.

Public Hearing was then closed.

Member Lane voiced her support for this change and hope that this would bring the vibrancy back in that area. Member Schaffer lives downtown and also voiced her support to this change along with Member Beal and Member Lewis who noted that she feels this is a good transitional change.

Member Morrison asked Ms. Gibson if previously approved zoning changes from this Board had already been presented to the Commission for final approval. Ms. Gibson answered that they would be presented at the same time as this one.

Chair Bennett then commented about his opposition to this change especially about the increase in density and transitional zoning. He then asked Ms. Gibson about funds for sidewalks, water retention, etc. Ms. Gibson answered that through redevelopment efforts a funding mechanism in the TIF account (Tax Increment Financing), would be created to support infrastructure related improvements and that streetscape improvements would be included in and that a minimum sidewalk connection would be established at the front of a new development site. Ms. Gibson then explained the process of TIF and how the tax benefit portion returns to the general fund. Chair Bennett also questioned possible issues with truck traffic and asked about any traffic studies. Ms. Gibson answered that in 2009 a traffic analysis was performed which indicated circulation enhancement was required. She also answered Chair Bennett question about density.

Public Hearing was then closed.

A motion was made by Member Morrison, seconded by Member Lane, to recommend approval of PAB case number 2017-07 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-07 as presented, is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.
Vote upon passage of the motion was taken by ayes and nays and was as followed:

Member Morrison:	***Aye***
Vice Chair Beal:	***Aye***
Member Lane:	***Aye***
Member Lewis:	***Aye***
Chair Bennett:	***Nay***

Motion carried.

4. Board Business –

Member Lane asked if a private drive can be designated a City Street to which Ms. Gibson answered that it can if the City accepts it as a Right of Way.

Member Morrison spoke about previous discussions regarding the need for studies such as street lighting, traffic and parking, and also asked if the current RFQ being put together includes some of these studies. Ms. Gibson answered that parking and traffic circulation would be addressed within this RFQ. City Attorney Bach also mentioned that there had was a discussion during a Commission workshop about the scope of this RFQ which includes a Master Plan for the waterfront specifically, but also includes a traffic circulation study. She also mentioned that the Commission has not yet approved the final scope and are questioning the fees.

Member Morrison asked when the density change would be presented in from of the Commission, Ms. Gibson answered April 18, 2017 but only as a Comprehensive Plan change, the Land Development Code amendment would be presented in May 2017 as 1st reading. Chair Bennett then asked if there are changes to be expected to reduce the parking requirements to which Ms. Gibson answered in the negative. She noted that no changes would be made until results of parking studies would be received.

5. Comments by the public –

Mr. Erickson 30 S. 3rd Street commented on the inevitable movement of growth and its impact and shared the story of growth in Bentonville, Arkansas starting with Walmart moving in and noted similarities with our area. He also cautioned Board members not to be complacent and know that growth is coming and to plan carefully and accordingly.

Member Lane commented that although there is a lack of vision regarding growth on the part of the City, caused mainly by changes with the Commission and waves of anti-growth movement, the growth is here and is happening.

6. Staff Report

Ms. Gibson announced that the City was recognized the day before by the American Planning Association for its 2030 Comprehension Plan as a sustained place. She added that communities were reviewed nationally starting with 30, out of thirty (30) five (5) were selected and the City ranked third. She also added that a proclamation and formal award would possibly be issued on the May 2, 2017 Commission meeting. Ms. Gibson also noted that there is not meeting in May 2017 with the next meeting being June 14, 2017.

7. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 5:49 pm.

_____ _____

Secretary **Mark Bennett, Chair**

May 24, 2017 Newsheader. Edition

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

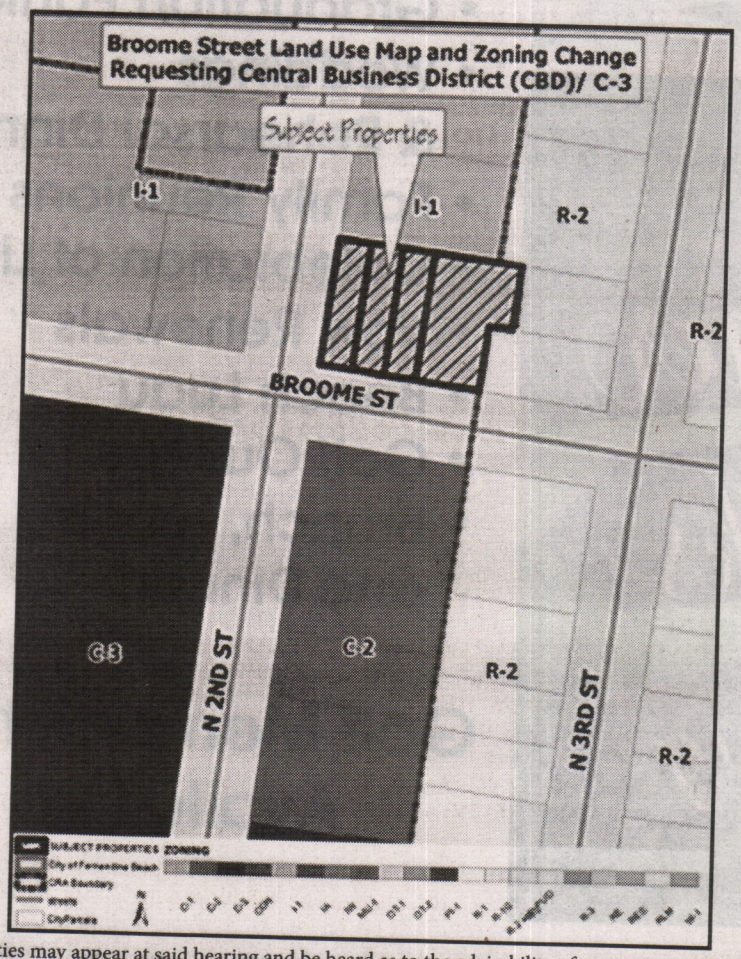
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, June 6, 2017, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2017-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Ordinance 2017-15
Future Land Use Map Amendment - North 2nd Street

ITEM TYPE: Ordinances

REQUESTED ACTION: Enact Ordinance 2017-15 at Second Reading.

SYNOPSIS: The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on North 2nd Street .

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development.

The Planning Advisory Board considered the request at its Regular Meeting on March 8, 2017, and issued a recommendation of approval (4-1). Staff finds the request consistent with the CRA Plan for eliminating inefficient and outdated land uses as well. as Comprehensive Plan policy statements 1.01.02,1.02.03,1.02.04,1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02 and recommends approval.

The City Commission approved this Ordinance at First Reading on May 2, 2017.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-15 at Second Reading.

Dale Martin, City Manager
Tammi Bach, City Attorney
Tammi E. Bach, City Attorney Date:05/23/2017

COMMISSION ACTION: Enact

ORDINANCE 2017-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the small-scale Future Land Use Map Amendment application numbered PAB 2017-05 at its Regular Meeting on March 8, 2017, and by a vote of 4-1 recommended approval of the change to Central Business District (CBD) land use; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on February 22,2017; and

WHEREAS, City Planning staff found the applicant's request to be consistent with the direction of the Community Redevelopment Area Plan for eliminating inefficient land use patterns as well as consistency with Comprehensive Plan policies 1.01.02,1.02.03,1.02.04,1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Future Land Use Map is located in the City's Amelia River Waterfront Community Redevelopment Area and identified as Parcel ID numbers 00-00-31-1800-0008-0080, 00-00-31-1800-0008-0050, and 00-00-31-1800-0008-0020 totaling approximately 0.59 acres, and as shown on the map attached hereto as Exhibit "A".

SECTION 2. FUTURE LAND USE MAP CHANGE. For the properties in question, the City's Future Land Use Map is hereby changed to Central Business District (CBD).

SECTION 3. SEVERABILITY**.** If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

_____
ROBIN C. LENTZ
Mayor - Commissioner

ATTEST:

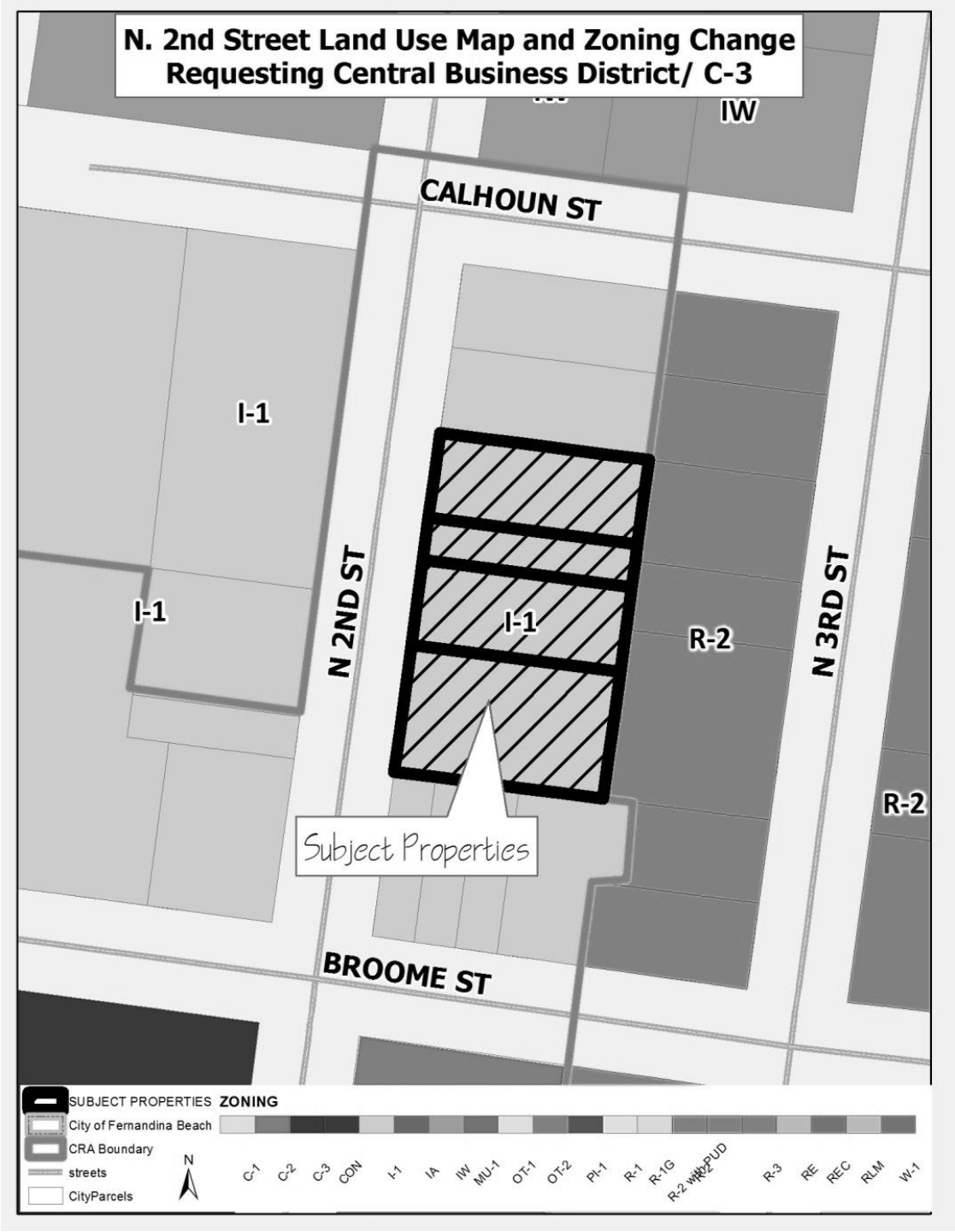
APPROVED AS TO FORM AND LEGALITY:

_____
CAROLINE BEST
City Clerk

_____
TAMMI E. BACH
City Attorney

ORDINANCE 2017-15
EXHIBIT "A"

REQUEST FOR A FUTURE LAND USE MAP CHANGE FOR 0.59 ACRES OF LAND FROM INDUSTRIAL (IND) TO CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES LOCATED ON N. 2ND STREET AS PARCEL ID#S 00-00-31-1800-0008-0080, 00-00-31-1800-0008-0050, AND 00-00-31-1800-0008-0020.



STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Susan Courtney McCranie, Daniel McCranie Sr., Marilyn Leibman				
AGENT:	Peter J. King, AICP				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	North 2nd Street Community Redevelopment Area (CRA) properties – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	**Parcel ID #: 00-00-31-1800-0008-0080** (Courtney McCranie) – 224 N. 2nd Street, Multifamily Structure (2,905 conditioned square feet) totaling 0.22 acres of land and constructed in the early 1900's- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft. **Parcel ID #: 00-00-31-1800-0008-0050** (Daniel McCranie, Sr.) - Vacant totaling 0.15 acres of land , This property contains 2 underlying lots of record and measures approximately 50ft. x 125ft. **Parcel ID #: 00-00-31-1800-0008-0020** (Leibman) - Vacant totaling 0.22 acres of land- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft.				
PROPERTY SIZE:	In total 0.59 acres of land are included within the applicant's request.				
ADJACENT PROPERTIES:	Direction	Existing Use(s)	Year Built	Zoning	FLUM
CRA PROPERTY	North	Warehouse Restaurant/Bar	1980 1902	I-1	Industrial (IND)
CRA PROPERTY/ HISTORIC DISTRICT	South	Vacant and Non-Conforming Single Family Homes	Est. 1900	I-1	Industrial (IND)
CRA PROPERTY **PORT PROPERTY (NOT IN THE CRA)**	West	Warehouse Storage Warehouse Storage	Est. 1900 1990	I-1	Industrial (IND)
CRA PROPERTY	East	Single Family and Multi-Family residential dwellings	Est. 1909-1925	R-2	Medium Density Residential (MDR)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on N.2nd Street (**Exhibit A**).

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development. All three (3) properties involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council. Although the structure located at 224 N. 2nd Street is not within the City's historic district, its location within the CRA would require that any request for demolition of the structure to be approved by the Historic District Council and follow all established procedures identified in LDC Section 8.03.03.01.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	**300 gallons per day per ERU (Equivalent Residential Unit)**
Solid Waste Facilities	**Average Solid Waste Generation Rate: 5.9 pounds per capita per day**
Stormwater Management Facilities	**Policy 4.01.02** *All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.*
Potable Water Facilities	**Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)**

Fire-Rescue Services	**240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)**
Police and Law Enforcement Services	**Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls**

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Central Business District (CBD), 8 dwelling units per acre are supported at this time. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Under the requested action, a total of up to five (5) residential units could be constructed on the vacant properties. The property located at 224 N. 2nd Street contains a non-conforming multi-use structure with two (2) residential dwelling units at the present time.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

a. **No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
b. **No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
c. **No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
d. **No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structure for residential purposes. The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing pubic facilities within this area. The CRA established a

Finding of Necessity in 2005, one of the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The requested Central Business District (CBD) land use category and C-3 zoning district serves to create a transitional step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the applicant's request is the most appropriate land use and zoning district assignment under the City's current regulations.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

a. **Type and density or intensity of surrounding uses;**
b. **Zoning districts in the surrounding area;**
c. **Demonstration of adequate water supply and water supply facilities;**
d. **Appropriateness of the size of the parcel compared to the proposed use;**
e. **Physical condition of the site, and the suitability of soils and topography for the proposed use;**
f. **Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
g. **Compatibility factors;**
h. **Impact on adopted levels of service standards and quality of service standards; and**
i. **Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' properties are a range of existing uses including; a warehouse and storage area serving the port's needs to the west, warehousing for a light manufacturing business to the North, and restaurant/ bar located at the corner of Calhoun Street and N. 2nd Street. On the eastern block face are homes located within the City's downtown historic district.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.
Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement.

Policy 1.02.09.
The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the properties fronting Broome Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.
Central Business District (CBD)

a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
e. The intensity of non-residential development shall not exceed a FAR of 2.0.
f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
   1. The need for additional land area within the Central Business District land use category;
   2. Consistency of the land area with the characteristics of the Central Business District; and;
   3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (**See Sanborn Map Exhibits**). Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that

existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.

Reference: Johannes, J. (2000). Yesterday's Reflections II Nassau County, Florida - A Pictorial History. Fernandina Beach: Lexington Ventures, Inc.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.
The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

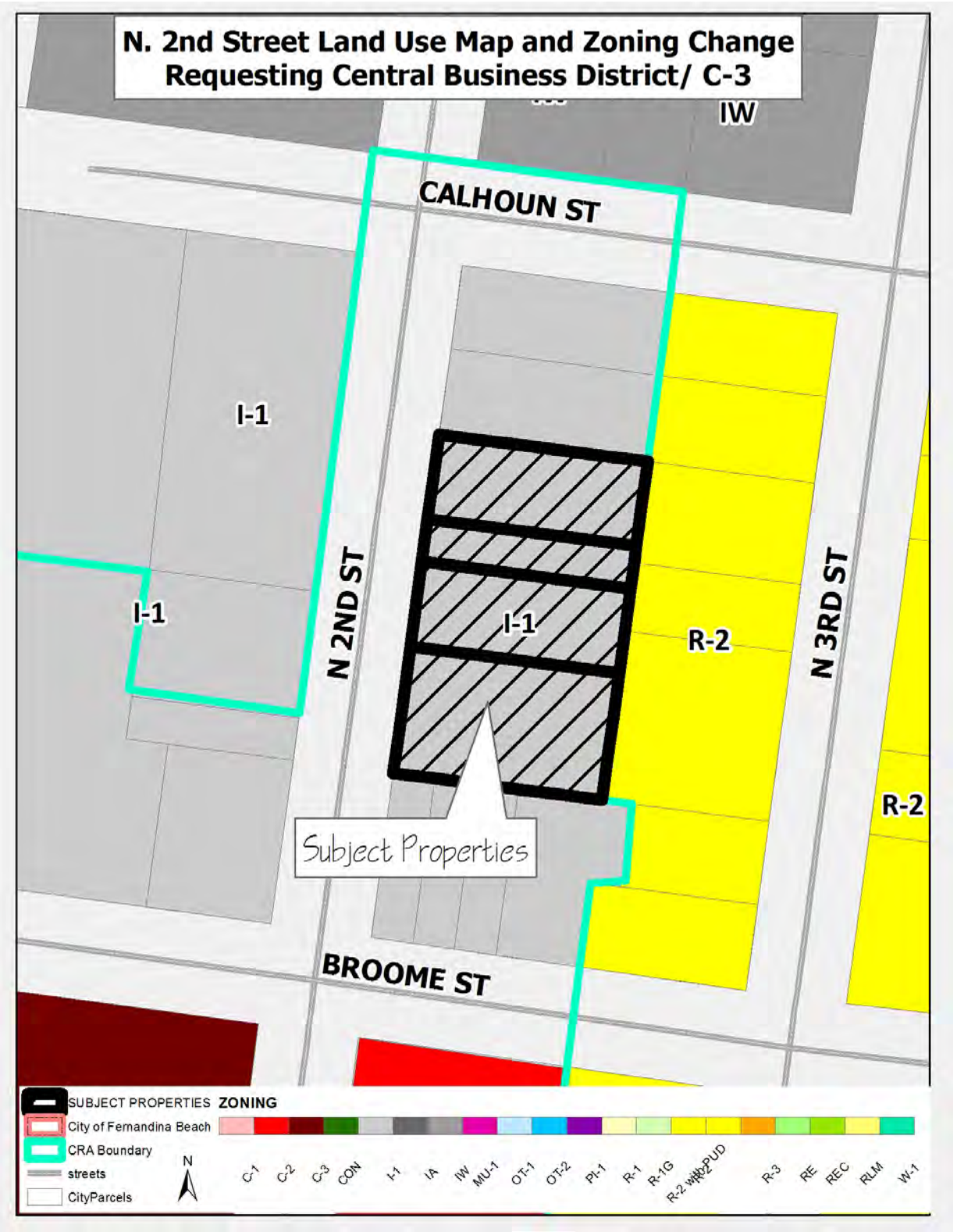
MOTIONS TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2017-05 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson
Senior Planner

EXHIBIT A


N. 2nd Street Land Use Map and Zoning Change
Requesting Central Business District/ C-3
IW
CALHOUN ST
I-1
I-1
N 2ND ST
I-1
R-2
N 3RD ST
R-2
Subject Properties
BROOME ST
SUBJECT PROPERTIES
City of Fernandina Beach
CRA Boundary
streets
CityParcels
N
ZONING
C-1
C-2
C-3
CON
I-1
IA
IW
MU-1
OT-1
OT-2
PI-1
R-1
R-1G
R-2
R-2 w/PUD
R-3
RE
REC
RLM
W-1

KEY

TILE 1ST BRICK 1ST PYROBAK 1ST	Fire proof construction. (OR FIRE RESISTIVE CONST'N)
ADOBE	Adobe building.
HEIGHT OF BUILDING IN FEET FROM GROUND TO ROOF LINE	Stone building
(C. BR)	Concrete, lime, cinder or cement brick
(C. B)	Hollow concrete or cement block const'n
(CONC)	Concrete or reinforced concrete const'n
(TILE)	Tile building.
NUMBER OF STORIES 4	Brick building with frame cornice.
TWO STORIES AND B'SMT 2B COMPOSITION ROOF	" " " stone front. " " " frame side. (DIVIDED BY FRAME PARTITION)
SHINGLE ROOF X	
(VEN'D)	Brick veneered building.
BRICK 1ST	" and frame building.
FRAME, BRICK LINED	Frame building, brick lined.
F=FLAT S=STORE	" " metal clad.
D=DWELLING	Frame building.
A in B AUTO IN B'SMT	Iron building.
LOFT	Tenant building occupied by various manufacturing or occupancies
(ASB. CL.)	Frame building covered with asbestos
NON COMBUSTIBLE ROOF COVERING OF METAL, SLATE, TILE OR ASBESTOS SHINGLES	Brick building with brick or metal cornice.

DWELLINGS.

DWELLING · DWELLING STORE

Framed air-shafts are shown but *colored over*. Brick air-shafts are left white.

CLASSIFICATION OF BUILDINGS

Shown by varying number of dots or circles. Classed by New York Board of Fire Underwriters as follows:

DWELLING · DWELLING STORE

BRICK		FRAME	
1st Class (.)	Slate or metal roof, coped walls.	1st Class (.)	Slate or metal roof.
2nd " (..)	" " walls not coped.	2nd " (..)	Shingle roof.
3rd " (...)	Shingle roof.		

Frame Buildings with BRICK FRONTS.

B' 5 — Height of Buildings, in Stories and feet (74 ft. 6 in. and over).

Fronts of marble or other stone.

Iron Fronts.

"Dotted line." Interior brick wall, omitted on one or more floors.

S — Superior construction. { Built of non-inflammable material *"throughout,"* except flooring and trim.

1.2" / 1-4 — Communications protected by single fire-proof doors / " " double " " } With designation of floors.

IRON SHUTTERS. NONE. — Openings exposing Buildings.

E — Elevators with steam or other power. / Hatchways or "Dumb-waiters." { Where enclosed with Brick or Fire-proof material a *heavy line* is drawn around them.

Sky-lights in Roof only.

" over Opening in floor.

Smoke-houses. Retorts, and Ovens.

IRON. FRAME. — Mansard Roofs. Corrugated Iron. Steam-boilers.

REFERENCE.

SPECIAL HAZARDS.

NAMES of Manufactories, &c., are written on buildings, when there is sufficient space, and their *construction* classified by the same marks as on Dwellings. Other Specially Hazardous Risks are **COLORED GREEN,** the varying number of dots (*brick*) and crosses (*frame*) showing the comparative danger from fire by occupancy.

A

NOTE.—In classifying a building as a Special, its CONSTRUCTION is obliterated, necessitating a series of letters, as follows:

G

BRICK.		FRAME.	
A Construction = to 1st class Warehouse.		G Construction = to 1st class Store or Dwelling.	
B " = " 2nd " "			
C " = " 3rd " "		H " = to 2nd class Store or Dwelling.	
D " = " 1st " Store or D'w'g.			
E " = " 2nd " " "			
F " = " 3rd " " "			

Brick ····· • × ····· Frame

Bakeries (ovens in building). Breweries. Cooperages. Drug stores (retail, with privilege of compounding). Dyeing establishments. Fur dressers. Glass stainers. Hat finishers. Hay (open stock, loose). Lamp sellers (privilege for kerosene &c.) Laundries. Malt houses. Manufactories of Baskets, Bonnet-frames, Boots and shoes, Caps, Clothing, Combs, Envelopes, Feather dusters, Fringe &c., Gas-fixtures, Gold pens, Hats, Hemp, Jewelry cases, Morocco, Paper bags, Pocket-books, Ruffling and ruches, Segars, Shirts, Tobacco, Umbrellas, Vinegar, Watches, Watch-cases, Writing ink. Map mounting and varnishing. Metal mills. Molasses houses. Photographers. Private stables. Smoke-houses. Tanneries. Tin-shops. Wheelwrights. Wire workers. Wool-pullers.

Brick ····· ⁝ XX ····· Frame

Bleaching works. Book-binderies. Brass and iron foundries. Coppersmiths. Cotton presses. Fulling mills. Junk shops. Letter-press printers. Lithographers. Livery and Cartmen's stables. Machine shops. Manufactories of Agricultural Implements. Artificial flowers, Brooms, Brushes, Carriages, Cedar-ware, Floor-cloth, Grates, Guns, Hoop-skirts, Jewelry, Lamps, Musical instruments, Oil-cloths, Paper boxes, Paper collars, Paper patterns, Patent Medicines, Plated ware, Rope and cordage, Safes, Silverware, Starch, Stoves, Tin cans, Upholstery. Oil stores (petroleum and products). Print works. Rag stores. Slaughter houses. Snuff mills. Type and stereotype foundries. (And generally buildings not occupied by workers of light wood).

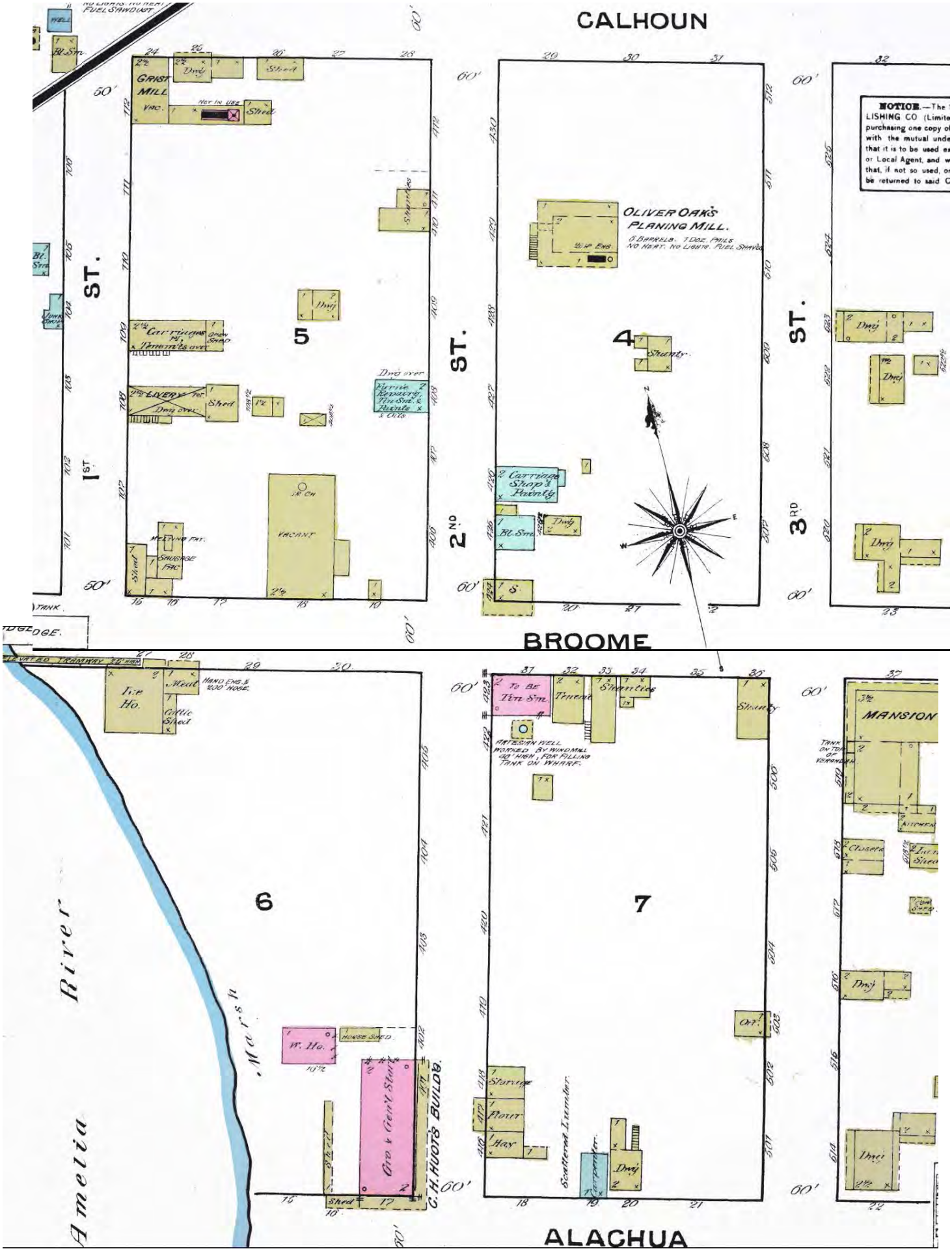
Brick ····· ⁝ XXX ····· Frame

Box repairing. Cabinet-making. Carpenters' shops. Distilleries. Flax mills. Flour or Grist mills. Japanners. Lard refineries. Manufactories of Artificial hair, Bagging, Candles, Chairs, Clocks, Confectionery, India-rubber or gutta-percha, Ivory or lamp-black, Looking-glass and Picture frames, Oiled clothing, Organs, Paper-hangings, Perfumery, Pianos, Soap, Trunks. Oil mills. Paper mills. Rectifying establishments. Sugar refineries. Tallow-melting or chandleries. Wholesale druggists (with compounding). Woolen mills. (And generally risks where much heat or light wood is used.)

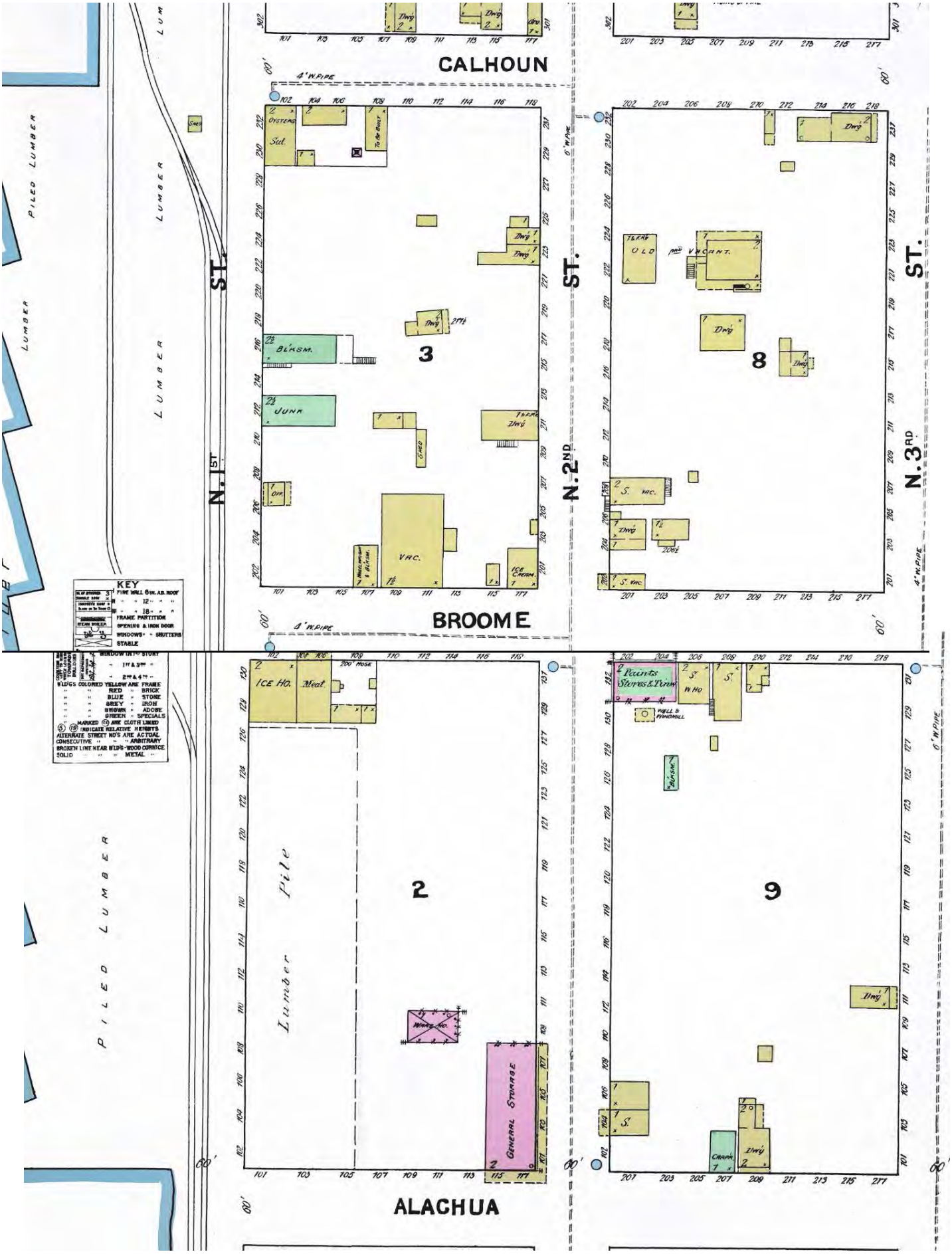
Brick ····· ⁝ XXXX ····· Frame

Chemical laboratories. Coffee and Spice mills. Drug mills. Fireworks on sale. Match factories. Oil-boiling houses. Planing and Moulding mills. Printing-ink factories. Sash, blind and door factories. Saw mills. Tar-boiling houses. Turpentine distilleries. Varnish making. Window-shade factories.

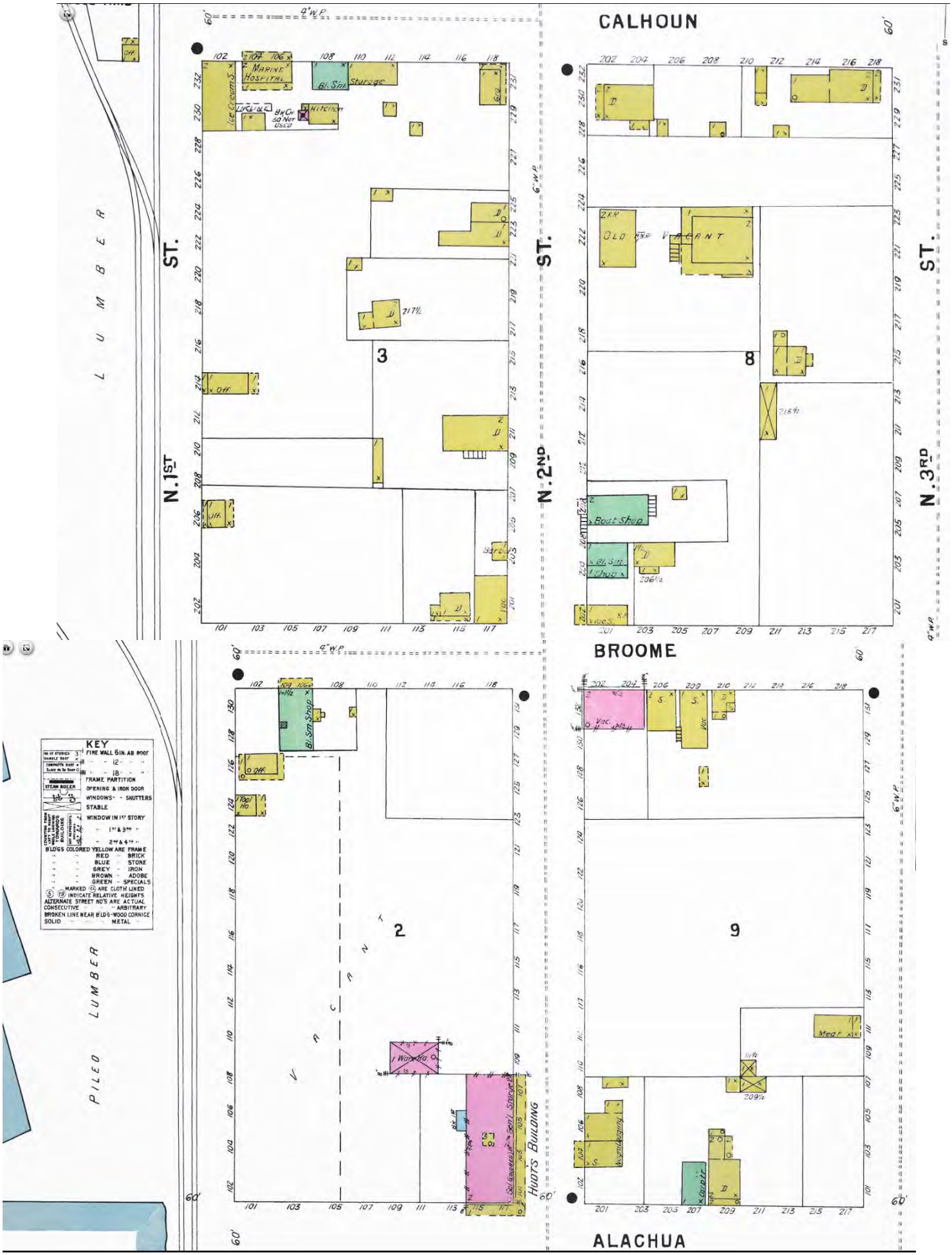
1884 Sanborn Map of North 2nd Street



1891 Sanborn Map of N. 2nd Street



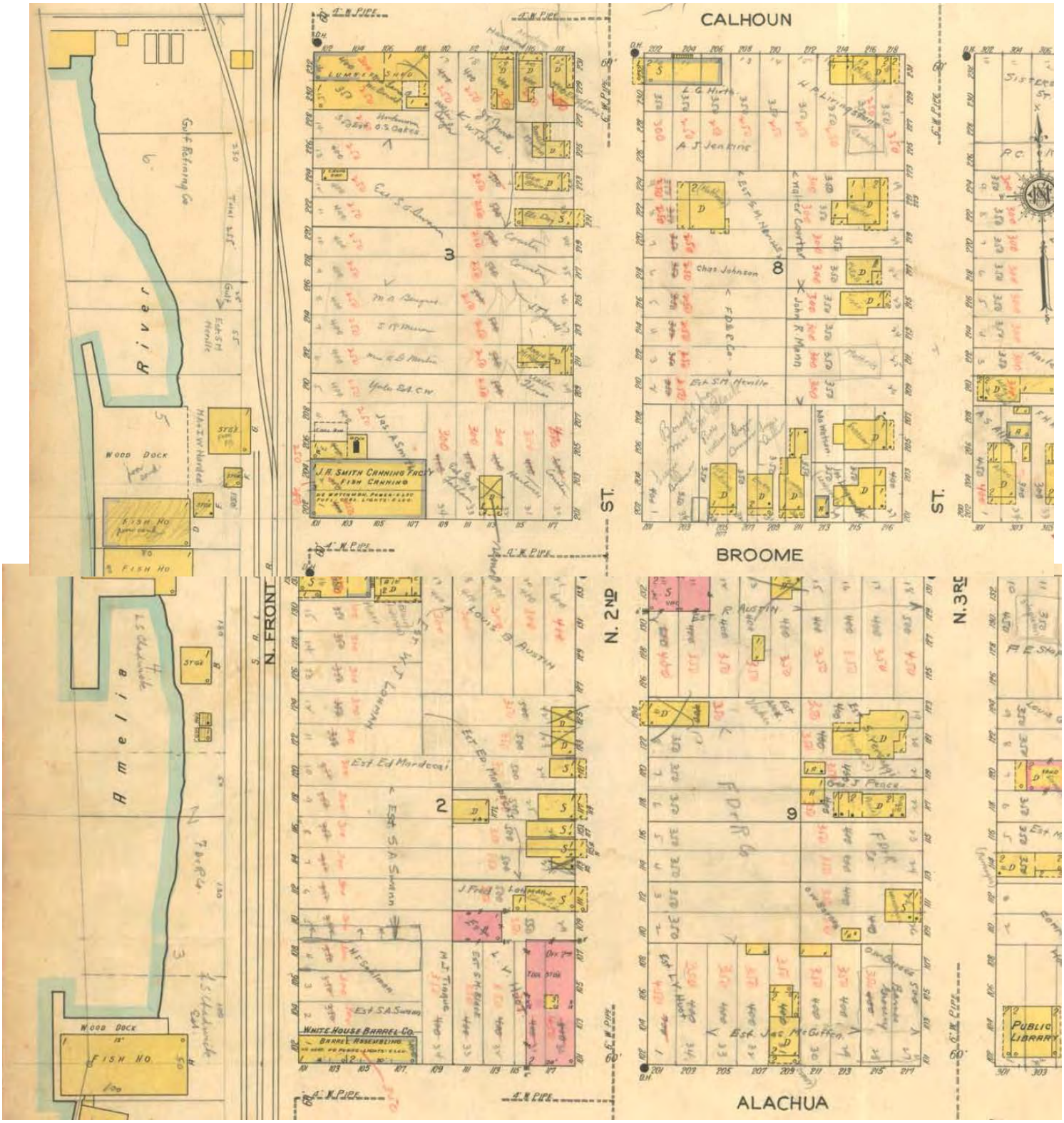
1897 Sanborn Map of N. 2nd Street



1903 Sanborn Map

1909 Sanborn Map of N. 2nd Street

1926 Sanborn Map of N. 2nd Street



IMS# 2017-0000223

OFFICE USE ONLY

REC'D: 2/10/2017 BY: KG

PAYMENT: $ ✓#460 ✓#228
TYPE: $1,700.00

APPLICATION #: 2017-05

CASE #:

BOARD MEETING DATE:

RECEIVED
FEB 2017
City of Fernandina Bch
Building Zoning
Planning

PLANNING ADVISORY BOARD APPLICATION

- [x] ZONING MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- [x] LAND USE MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- [ ] LDC TEXT AMENDMENT ($850)
- [ ] COMP PLAN AMENDMENT ($850)
- [ ] SUBDIVISION PLAT – PRELIM ($750)
- [ ] SUBDIVISION PLAT – FINAL ($850)
- [ ] VACATION OF R.O.W. ($850)
- [ ] VOLUNTARY ANNEXATION ($1050)

APPLICANT INFORMATION

Owner Name: Susan Courtney McCranie and Daniel McCranie, MARILYN LEIBMAN

Mailing Address: 1301 Quattlefield Lane, Fernandina Beach, 32034

Telephone: (904) 321-2222 Fax: N/A

Email: McCranie2222@Gmail.Com

Agent Name: Peter J. King, AICP

Mailing Address: 404 West 70th Street, Jacksonville, FL 32208

Telephone: (904) 710-9375 Fax: N/A

Email: PeterKingJax@Gmail.Com

PROPERTY INFORMATION

Street Address: 224 2nd Street, BY AC

Parcel Identification Number(s):

00-00-31-1800-0008-0080, 00-00-31-1800-0008-0070,

00-00-31-1800-0008-0050, 00-00-31-1800-0008-0020

Lot Number: ~~5~~ 2 though 9 Block Number: 8 Subdivision: City of Fernandina Beach

Section: 21 Township: 3N Range: 28E

PROJECT INFORMATION

Total Number of Lots/Parcels: Five platted lots. However, no additional lots are planned

Less than One (1) acre Sq. Footage: .37 acre (One (1) Acre or Greater: N/A

Existing Zoning Classification: I-1

Existing Future Land Use Classification: Industrial

Previous Planning/Zoning Approvals: Unknown

Description of Request:

Amend Future Land Use Map (FLUM) from "Industrial" to Central Business District (CBD) and a companion application to amend the zoning map from "I-1" to "C-3". This application is an effort to provide a transitional land use between the residential district to the east and the industrial district to the south.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

2/10/17
Date

Signature of Applicant

STATE OF FLORIDA
ss
COUNTY OF NASSAU

Subscribed and sworn to before me this 10 day of February, 2017.

Karen M. Austin
Notary Public: Signature

Karen M. Austin
Printed Name

My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104

OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION

I /WE Susan Courtney McCranie
(print name of property owner(s))

hereby authorize: Peter King
(print name of agent)

to represent me/us in processing an application for: Rezone & FLUM
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

(Signature of owner) _____ (Signature of owner)

S. Courtney McCranie
(Print name of owner) _____ (Print name of owner)

STATE OF FLORIDA
ss
COUNTY OF NASSAU

Subscribed and sworn to before me this 9 day of February, 2017.

MELANIE LIDDELL
Notary Public, State of Florida
My Comm. Expires August 31, 2019
Commission No. FF 240149

Melanie Liddell — Melanie Liddell — _____
Notary Public: Signature — Printed Name — My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____

OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION

I /WE DANIEL I. MCCRANIE, TRUSTEE
(print name of property owner(s))

hereby authorize: PETER KING
(print name of agent)

to represent me/us in processing an application for: REZONING / COMP PLAN MAP
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

, Trustee
(Signature of owner)

(Signature of owner)

DANIEL I. MCCRANIE
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA
ss
COUNTY OF NASSAU

Subscribed and sworn to before me this 8th day of February, 2017.

Notary Public: Signature

Printed Name

My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____

DONNA L. ROWLAND
MY COMMISSION # FF 148007
EXPIRES: August 31, 2018
Bonded Thru Notary Public Underwriters

OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION

I/~~we~~ MARILYN C. LEIBMAN
(print name of property owner(s))

hereby authorize: PETER KINN
(print name of agent)

to represent me/us in processing an application for: REZONING / FLUM
(type of application)

on our behalf. In authorizing the agent to represent me/~~us~~, I/~~we~~, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

Marilyn C Leibman
(Signature of owner)

(Signature of owner)

MARILYN C LEIBMAN
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA
ss
COUNTY OF NASSAU

Subscribed and sworn to before me this 10 day of February, 2017.

Cherry Skarpalezos — Notary Public: Signature

Cherry Skarpalezos — Printed Name

10/2/17 — My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____

CHERRY SKARPALEZOS
Notary Public - State of Florida
My Comm. Expires Oct 2, 2017
Commission # FF 40705

BELLATRIX VENTURES
LAND PLANNING | DEVELOPMENT

Peter J King, AICP
404 West 70th Street
Jacksonville, FL 32208

February 6, 2017

Kelly Gibson, Senior Planner
City of Fernandina Beach
Community Development Department
204 Ash Street
Fernandina Beach, FL 32034

Re: FLUM amendment and rezoning

Hi Kelly:

In accordance with procedures for submitting an application to the Planning Advisory Board, I am including this Detailed Letter of Intent stating the consistency of the amendment with the City's Comprehensive Plan and a justification for the proposed amendments.

OBJECTIVE 1.01.
Energy Efficient Development
The City shall promote compact, mixed uee, and energy efficient development arranged to encourage walkability, bicycle and transit use, which leads to a more sustainable community and a reduction in greenhouse gases (GHGs).
The CBD Future Land Use is designed to promote energy efficient development by promoting a walkable and sustainable environment. This is accomplished by allowing a mixture of residential and commercial uses to be placed within the same structure. In addition, when the subject property is assigned the CBD/C-3 and located amongst other CBD FLU/uses, this places new housing units within walkability of services and employment within the downtown area.

Policy 1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors: a. Type and density or intensity of surrounding uses; b. Zoning districts in the surrounding area; c. Demonstration of adequate water supply and water supply facilities; d. Appropriateness of the size of the parcel compared to the proposed use; e. Physical condition of the site, and the suitability of soils and topography for the proposed use; f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources; g. Compatibility factors; h. Impact on adopted levels of service standards and quality of service standards; and i. Location in a Coastal Upland Protection Zone (CUPZ).
The type and density and intensity of the surrounding uses are compatible with the CBD/C-3 FLU

and Zoning combination as adjacent FLU and zoning is consistent with the proposed change. It is as equally intense as the adjacent industrial uses. ALthough more intense than the nearby residential, the CBD will act as a transitional use. The proposed change is a transitional use that will be compatible with both residential to the east and industrial to the west. The residential to the east will be buffered from the industrial uses by the CBD/C-3 uses and will be buffered from CBD/C-3 uses by 20' buffer with landscaping. Public water and sewer is available to the subject property and the increase development permitted will promote smart-growth principles by increasing growth where there is existing infrastructure. The area being considered for the change is appropriately sized considering the setback, densities and types of development permitted. Soils and topography are the same as other urban areas that are immediately adjacent. As can be seen from maps included with application, the soils for the subject property, Ortega Fine Sand, is prevalent in the downtown area, is not unique to the subject property, and is developed to urban levels in the city. According to the US Geologic Survey, the Ortega Series of soils are moderately well drained and are located on rises and knolls and is suitable for urban development. As can be seen from the topographic map, a rise of six feet from front to rear will result in a slope over 125 feet of approximately 4.8%. There are no requirements in city code that correlate slope with types of development.

Essentially the lot/block and frontage characteristics of the subject property are very similar to the rest of the historic district CBD/C-3 area. The subject property is not covered by flood zone or other environmentally unsuitable conditions, and the historic structure on the subject property will be made conforming by the proposed amendment.

Policy 1.02.06. The City shall assure that specific density assigned to new development and redevelopment is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following: a. Protecting the integrity and stability of established residential areas; b. Assuring smooth transition in residential densities; c. Encouraging commercial and residential mixed use development patterns; d. Recognizing and being sensitive to the character and form of the surrounding neighborhoods; and e. Requiring application of low impact development (LID) principles, native and drought tolerant landscaping snd urban design principles and practices; and f. Encouraging connectivity of pedestrian walkways and bicycle paths on and off site.

The City has expressed interest in pursuing a CBD/C-3 on the subject property as a city-sponsored application due to the sound planning criteria stated in Policy 1.02.06 above. The current situation of exposing residential areas to direct contact with industrial areas is deleterious to the development of industrial areas and the continuation of residential areas. Sound planning principles dictate that a transitional land use be used to buffer these two uses from each other. Such a transitional land use is available in the CBD/C-3 which contains a multi-family element that is both transitional in use and in residential densities. By definition, the CBD/C-3 combination encourages residential and commercial mixed use and is therefore compatible with residential. The proposed CBD/C-3 combination recognizes sensitivity to adjacent neighborhoods es it contains both residential and commercial elements. In addition, the city code contains buffer and setback requirements to residential that will provide additional sensitivity to existing neighborhoods. By definition, development in the CBD will be heavily reliant on pedestrian and bicycle access as these forms of transportation are more practical than auto in the subject area.

Policy 1.02.08. Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.
Compliance with this policy requires very little elaboration. The CBD/C-3 is a mixed use concept and the policy calls for mixed use transitional areas. The subject property is in between and immediately adjacent to industrial (to the west) and residential (to the east) and therefore, the application to change the subject property to CBD/C-3 is precisely what the city's Comprehensive Plan requires.

Policy 1.02.09. The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjecent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.
See above response. Again the City's Comprehensive Plan not only supports the change, it requires it.

OBJECTIVE 1.04. REDEVELOPMENT AND INFILL DEVELOPMENT The City shall reduce blight and encourage redevelopment of underutilized areas and inefficient land use patterns through redevelopment, reuse, and/or removal and replacement of blighted structures and uses. The City will focus its redevelopment and infill efforts to encourage development in its already urbanized areas that provide housing near job centers, preserve open space, capitalize on existing community aasets such as parks, create new community assets such as child-care centers, arts districts and shopping centers and removes the crime associated with vacant, underutilized or abandoned properties.
The subject property is adjacent to nearby job centers and valuable historic resources. The current historic structure is nonconforming to the existing industrial FLU and zoning and it is therefore difficult to improve the property as financing for non-conforming structures is not possible to obtain. If this effort to amend the FLU and zoning is deterred, and the industrial FLU and zoning remains, then blight will be inevitable, in direct conflict with this policy. Although the future of the existing structure is not guaranteed, it has a greater chance of survival if the financing to adaptively reuse is available.

OBJECTIVE 1.05. NONCONFORMING STRUCTURES, USES AND LOTS To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses.
As stated in the above response, the decline and eventual removal of the structure on the subject property will be inevitable if there is no way for the current or future owner(s) to obtain financing to repair and/or adaptively re-use the structure. Considering that the use of the land as industrial conflicts with aforementioned policies regarding transitional uses and the protection of residential,

it is clear the solution is to eliminate the industrial zoning, not the use.

OBJECTIVE 5.04. COASTAL HIGH HAZARD AREAS (CHHA) The City shall protect property, residents, and visitors within the Coastal High Hazard Area. Protection shall be provided through appropriate designations on the Future Land Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the Coastal High Hazard Area, and coordination with hazard mitigation and post-disaster plans.

The subject property is not within the CHHA and therefore additional residential development in the area is not in conflict with Objective 5.04

OBJECTIVE 12.05. LAND USE AND INFRASTRUCTURE EXPANSION The City shall protect existing land designated for employment-generating uses, whether vacant or developed, from encroachment of incompstible uses and promote sustainable development and redevelopment of properties within its designated Job Opportunity Areas.

The existing FLU and zoning of Industrial could be considered a "job creating" land use and this policy seeks to limit the loss of job creating land uses. This state of affairs in ameliorated by two factors: 1) the current size of the industrial district (half block) makes use of the industrial area for creating jobs limited at best and 2) the proposed CBD/C-3 will also have a commercial element that can provide jobs from primary and secondary economic impacts (people directly employed on subject property or economic development associated with subject property that spawns off-site employment).

In addition, I offer the following section from the City's Land Development Code, Community Redevelopment Area (CRA) section:

8.01.02 Amelia River Waterfront Community Redevelopment Area A. Purpose: It is the purpose of the CRA overlay to provide a <u>broader</u> <u>mix</u> <u>of</u> <u>uses</u> and <u>compatible</u> <u>design</u> <u>with</u> <u>the</u> <u>downtown</u> <u>area</u> in order to promote revitalization of the working waterfront and adjacent area.

In addition to complying with the Comprehensive Plan elements above, the subject property is within the CRA, which has a goal of providing a mix of uses and compatible with the design with the downtown area. The CBD/C-3 combination is tailored made for this use as it is the predominant zoning and landuse within the downtown area.

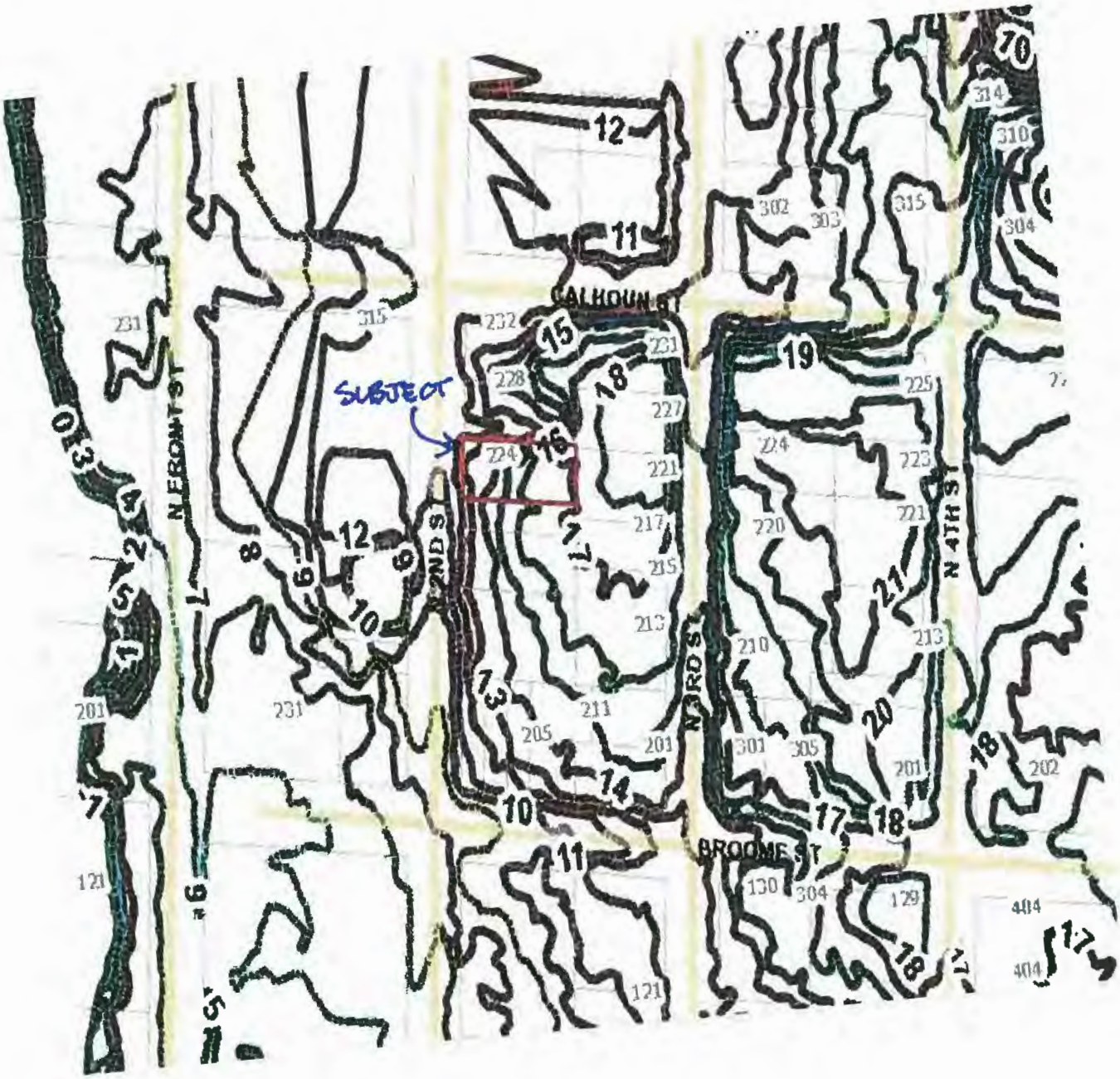
In conclusion, it is clear that the proposed Future Land Use and Zoning amendment for the subject property complies with the City's Comprehensive Plan and the CRA.

Professional regards,

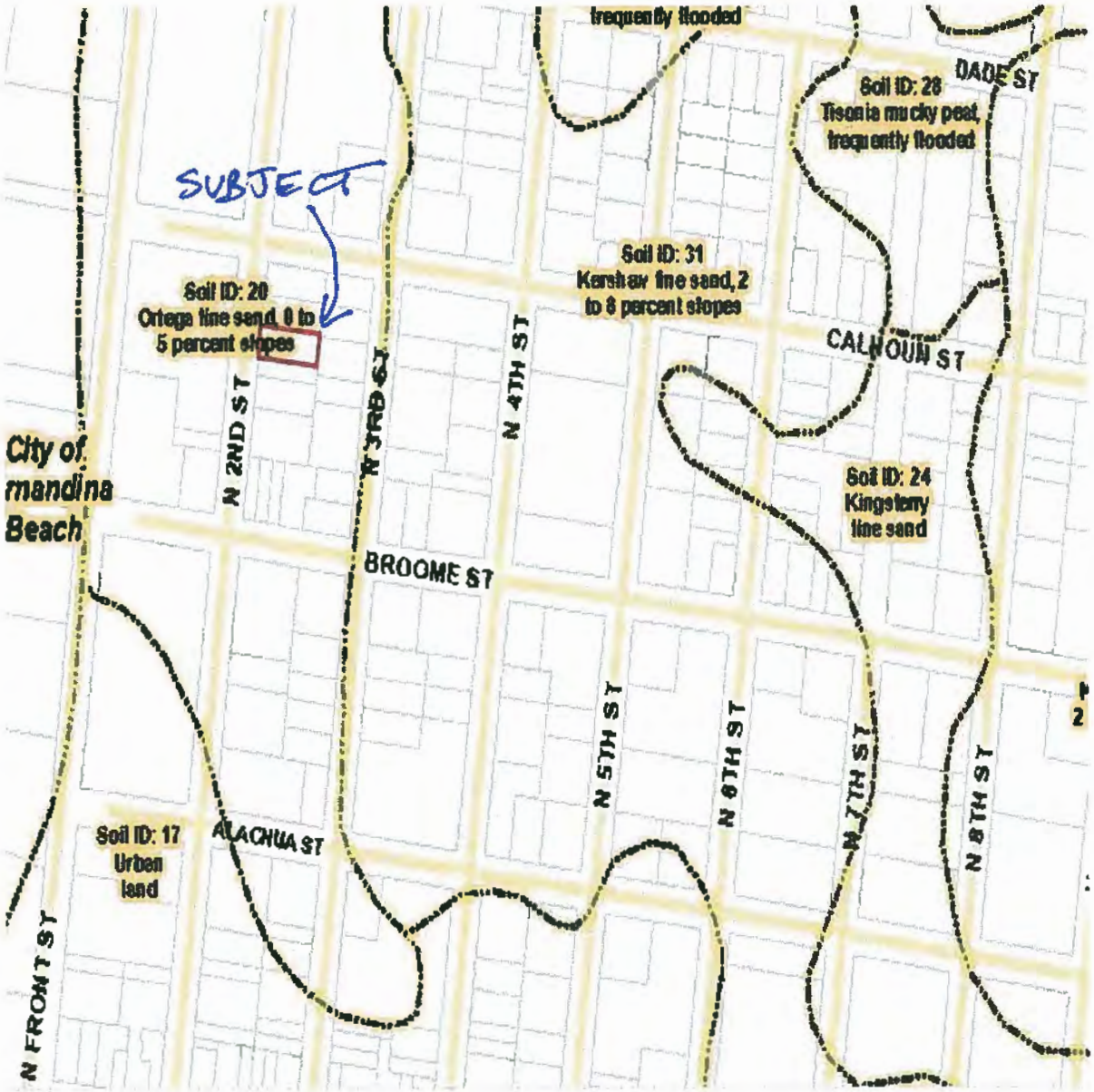
Peter J. King, AICP
Professional city planner
Licensed real estate sales associate

FLUM and ZONING MAP

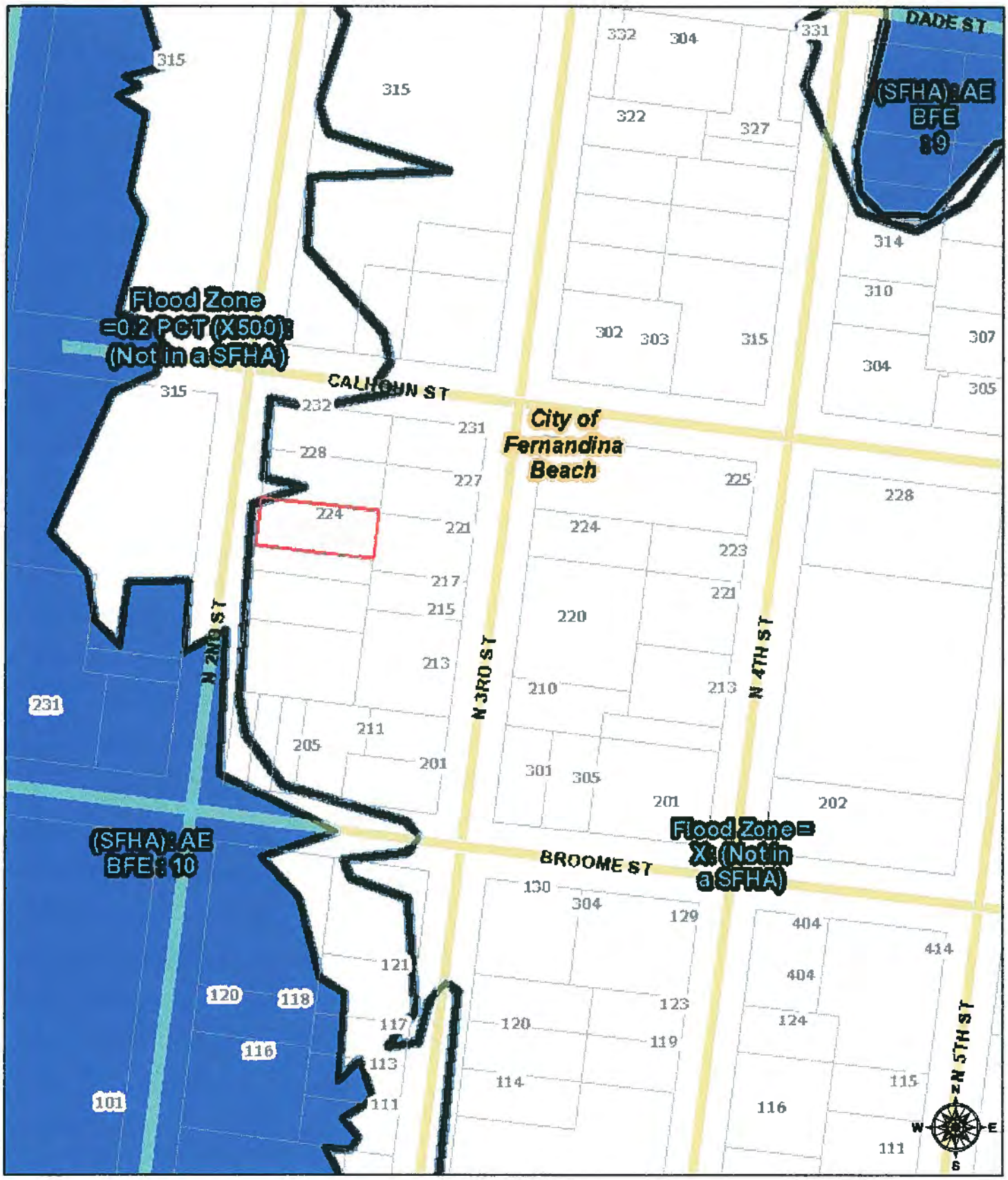
Topographic Map



Soils Map


frequently flooded
DADE ST
Soil ID: 28
Tisonia mucky peat, frequently flooded
SUBJECT
Soil ID: 31
Kershaw fine sand, 2 to 8 percent slopes
Soil ID: 20
Ortega fine sand, 0 to 5 percent slopes
CALHOUN ST
N 2ND ST
N 3RD ST
N 4TH ST
City of
mandina
Beach
Soil ID: 24
Kingsferry fine sand
BROOME ST
N 5TH ST
N 6TH ST
N 7TH ST
N 8TH ST
Soil ID: 17
Urban land
ALACHUA ST
N FRONT ST

Flood Map



February 9, 2017

1:1,949

0 0.015 0.03 0.06 mi

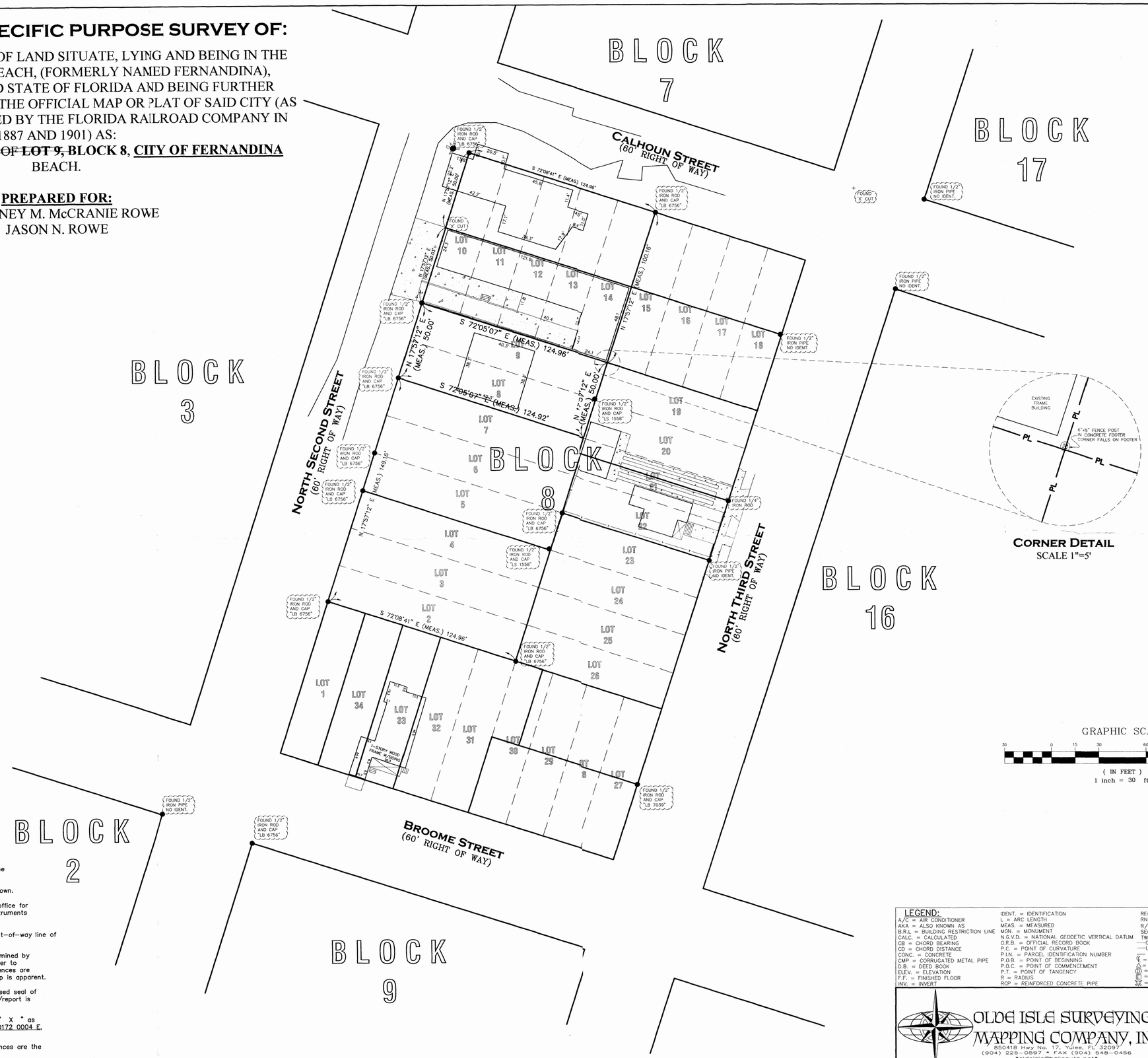
0 0.025 0.05 0.1 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan,

MAP SHOWING SPECIFIC PURPOSE SURVEY OF:

ALL THAT CERTAIN PIECE OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH, (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA AND BEING FURTHER DESCRIBED ACCORDING TO THE OFFICIAL MAP OR PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1887 AND 1901) AS:
~~THE NORTHEAST CORNER OF LOT 9,~~ **BLOCK 8, CITY OF FERNANDINA** BEACH.

PREPARED FOR:
COURTNEY M. McCRANIE ROWE
JASON N. ROWE



CORNER DETAIL
SCALE 1"=5'

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

SURVEY NOTES:

1) The "Legal Description" hereon is in accord with the the description provided by the client.
2) Underground improvements were not located or shown.
3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
4) Bearings based on N 17°57'12" E for the East right-of-way line of North Second Street, (Assumed).
5) Fence ownership, if applicable, has not been determined by this office. Fences are drawn out of scale in order to accentuate their relationship to property lines. Fences are not deemed to be encroachments unless ownership is apparent.
6) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid.
7) The property shown hereon lies within flood zone " X " as per F.E.M.A. Flood Insurance Rate Map, Panel 120172 0004 E, Dated 5/18/03.
8) Unless otherwise noted Measured angles and distances are the same as Plat or Deed angles and distances.

LEGEND:

A/C = AIR CONDITIONER
AKA = ALSO KNOWN AS
B.R.L. = BUILDING RESTRICTION LINE
CALC. = CALCULATED
CB = CHORD BEARING
CD = CHORD DISTANCE
CONC. = CONCRETE
CMP = CORRUGATED METAL PIPE
D.B. = DEED BOOK
ELEV. = ELEVATION
F.F. = FINISHED FLOOR
INV. = INVERT
IDENT. = IDENTIFICATION
L = ARC LENGTH
MEAS. = MEASURED
MON. = MONUMENT
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
O.R.B. = OFFICIAL RECORD BOOK
P.C. = POINT OF CURVATURE
P.I.N. = PARCEL IDENTIFICATION NUMBER
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.T. = POINT OF TANGENCY
R = RADIUS
RCP = REINFORCED CONCRETE PIPE
REC. = RECORD
RNG = RANGE
R/W = RIGHT OF WAY
SEC = SECTION
TWP = TOWNSHIP
—OHE— = OVERHEAD ELECTRIC
—UGE— = UNDERGROUND ELECTRIC
—X— = FENCE AS NOTED
℄ = CENTERLINE
Δ = CENTRAL ANGLE
= DRAINAGE MANHOLE
= ELECTRIC METER
= FIRE HYDRANT
= GAS METER
= LIGHT POLE
= SANITARY MANHOLE
= SEWER CLEANOUT
= TELEPHONE PEDESTAL
= TELEVISION PEDESTAL
= UTILITY POLE
= WATER METER
= WELL
= SET 4x4" CONC. MON. & DISK (LB 7366)
= SET 1/2" IRON ROD & CAP (LB 7366)
● = FOUND IRON AS NOTED
■ = FOUND MONUMENT AS NOTED

OLDE ISLE SURVEYING & MAPPING COMPANY, INC.
852418 Hwy No. 17, Yulee, FL 32097
(904) 225-0597 * FAX (904) 548-0456
"oldeisle@bellsouth.net"
Certificate of Authorization Number "LB 7366"

THE INFORMATION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BY: STEPHEN W. HOFFMAN
FLORIDA REGISTERED SURVEYOR AND MAPPER CERTIFICATE No. 5774

SCALE: 1"=30'
DATE: 11/27/07
DRN BY: RCR
CKD BY: SWH
JOB NO: 04308SP
F.B. NO: 167
PAGE NO. 56

DWG NO. 04308SP

1. Call to Order - The meeting was called to order at 5:01 pm.

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Benjamin Morrison
Donna Lewis
Judith Lane
Wayne L. Peterson
Jenny Schaffer (Alt 2)

Board Members Absent

Member Beal

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Member Lewis (Alt 1) was seated as a voting member in place of Member Beal's absence.

2. New Business

2.1 PAB 2017-04: FINAL PLAT/ REPLAT OF THE SURF UNIT 2
FINAL PLAT/ REPLAT REQUEST FOR THE SURF UNIT 2 TO CREATE EIGHT (8) SINGLE FAMILY HOME SITES. THE 2007 APPROVED PLAT ALLOWED FOR 10 SINGLE FAMILY HOME SITES.

Ms. Gibson introduced herself and presented the case. She explained that the property is located on the west side of South Fletcher Avenue between Eventide Court and unimproved Ocklawaha Avenue and accessed from First Avenue. She also noted that the applicant is modifying the original approved plat allowing 10 single family homes sites to 8 single family home sites. Ms. Gibson then stated that she recommended a favorable recommendation of approval to the Board.

Mike Antonopoulos, 115 Solana Road, Ponte Vedra, welcomed questions from the Board.

Member Lane asked where the main access to the community would be located. Mr. Antonopoulos confirmed that the main access would remain the same common driveway as the one already approved off of First Avenue. Member Morrison asked if these would be zero lot line lots to which Mr. Antonopoulos answered in the negative. Member Schaffer asked if these properties would be zoned for short term rental and Ms. Gibson confirmed that these properties are zoned R3 which allows short term rentals.

The Public Hearing was then opened.

James Roach, St. Augustine, representative for the Surf Owner's Association which includes 4 town home owners and 1 single home owner. Mr. Roach presented Power Point slides showing the current driveway and homes and explained that the narrowness of the driveway and materials would not be able to serve and sustain two-way traffic very efficiently. He also commented about the existing recorded

Covenants and Restrictions and its funding mechanism for common infrastructure and storm water management. He also mentioned that the increased density also brings a safety issue pertaining to the visibility triangle. Mr. Roach then suggested that opening Ocklawaha Avenue for access would address the safety concern. He also noted that the current permit from St. John's Water Management is expired and still under the previous owner's name. Mr. Roach addressed some LDC sections 7.03.03 Water Management requirement, 7.01.01 Access and Driveway Requirements and 7.01.08 Visibility Triangle and asked that Board Members to consider denial of this request.

Carlton Tolbert, 3205 Eventide Court, current resident explained the impact this increase in density would have on the current driveway and their concern about drainage with the added development.

Member Morrison asked Staff about point of access requirements exemption. Member Lane then asked Mr. Antonopoulos about construction vehicles and a secondary access to which a discussion ensued. Chair Bennett then asked about the previously approved condition of having no direct access through Fletcher Avenue and First Avenue.

Frank Miller, Gunster, Yoakley & Stewart, 225 Water Street Suite 1715, Jacksonville, representative for the applicant discussed the right of using the existing easement and the possibility of the Surf 2 joining the existing Surf 1 HOA.

Sandra Buice, 3201 Eventide Court, current owner explained that her concern is about safety and presented pictures of the drainage area and the driveway. She commented that the driveway/easement is deeded to her and was only designed for access to 5 residences.

Tim Schremmer, 3215 Eventide Court, current resident discussed his concerns for safety regarding the common driveway being used by additional home owners.

Member Morrison asked Staff whose responsibility it was to review and approve the final plat. Ms. Gibson answered that this proposal was presented to the Technical Review Board and except for some changes to be incorporated was approved by the Planning Dept., Building Dept., Code Enforcement, Emergency Services, Street Department and also noted that it be maintained by a HOA. Members then discussed the issue with the easement, the common driveway and sizes of roadways according to code.

Member Lane asked Ms. Gibson to reiterate the role of the Board in regards to this case. Ms. Gibson reiterated that the Board's role is to review the proposed final plat/replat for the Surf Unit 2 and to look for consistency with what was previously approved through the preliminary plat and with consistency with the City's Land Development Code and Comprehensive Plan justified but Staff's analysis. She also added that it is not the Board's purview to make recommendation regarding maintenance or water management permitting.

Eric Bartell, 3820 S. Fletcher Avenue, commented about the developer considering widening the driveway.

Eddie Buice, 3201 Eventide, current resident commented further about his issue with the driveway's ownership and usage through easement.

Carlton Tolbert, 3205 Eventide Court, current resident and President of the HOA, asked the Board to confirm that their approval recommendation is for a plat that has been reconfigured and changed.

Public Hearing was then closed.

Chair Bennett asked Ms. Gibson about ingress and egress according to the plat and the usage of the southern access to which Board members added comments.

City Attorney Bach then also reconfirmed the role of the Board.

Member Lane suggested to Mr. Antonopoulos to work closely with the residents of the existing homes.

Ms. Gibson then commented that if changes are suggested this Board has the option to table this discussion or continue and make a recommendation to the City Commission.

Public Hearing was then closed.

A motion was made by Member Morrison, seconded by Member Peterson, to recommend denial of PAB case number 2017-04 to the City Commission requesting that a Final Plat/ Replat for The Surf Unit 2 subdivision be denied and that PAB case 2017-04, as presented, is not sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time for the following reason: questions are still not clear pertaining to requirements to vehicle circulation within this property and the Board's responsibility regarding enforcement. Vote upon passage of the motion was taken by ayes and nays and was as followed:

Member Morrison:	***Aye***
Member Peterson:	***Aye***
Member Lane:	***Nay***
Member Lewis:	***Aye***
Chair Bennett:	***Nay***

Motion carried.

City Attorney Bach explained that this recommendation will be presented to the City Commission and that all parties should expect the same questions to be presented at that meeting. She also suggested that at that time, Staff be able to provide explanations pertaining the Land Development Code citations associated with this case.

2.2 PAB 2017-05: FUTURE LAND USE MAP AMENDMENT AND ZONING CHANGE FOR CRA PROPERTIES LOCATED ON N. 2ND STREET.

PROPERTY OWNERS MARILYN LEIBMAN, DANIEL MCCRANIE TRUSTEE, AND COURTNEY MCCRANIE REQUEST A SMALL SCALE FUTURE LAND USE MAP AMENDMENT AND ZONING MAP CHANGE FOR PROPERTIES LOCATED ALONG N. 2ND STREET TOTALING APPROXIMATELY 1.22 ACRES OF LAND FROM INDUSTRIAL (IND) LAND USE AND I-1 ZONING TO CENTRAL BUSINESS DISTRICT (CBD) FUTURE LAND USE AND C-3 ZONING FOR PARCEL ID NUMBERS: 00-00-31-1800-0008-0020, 00-00-31-1800-0008-0050, 00-00-31-1800-0008-0070, AND 00-00-31-1800-0008-0080.

Ms. Gibson explained the case, she first stated that the property is zoned Industrial (IND) and Light Industrial (I-1) and that the property is surrounded by a variety of usage including Medium Density

Residential, Industrial Warehousing, General Commercial as well as Central Business District. She added that this request is consistent with the direction of the CRA moving forward with the extension of the Central Business District to this area. She commented that the staff report provides explanation of her findings and is consistent with the intent of the CRA and recommended approval.

Peter King, 404 West 70th Street, Jacksonville, representing the Mr. & Mrs. McCranie and Ms. Leibman, presented slides showing the area and explained the request and the reasons why the Comprehensive Plan needs to be amended. He also referred to the CRA guidelines.

Public Hearing was then opened.

Robert Erickson, 30 S. 3rd Street, owner of property at 205 Broome Street which is adjacent to the subject property, expressed support for this case.

Lynn Williams, 1899 S. Fletcher Avenue, asked about property owned by Mrs. Leibman.

Lawrence Holmes, owner of property on Broome Street, commented about past zoning decisions that destroyed the character of the Historic District and advised the Board to weigh their decisions. He also mentioned that he supported the change of zoning.

Public Hearing was then closed.

Member Morrison commented about his support for this change and suggested that any addition submissions may be presented simultaneously to the Commission.

Chair Bennett voiced that he did not support this change and commented about leap frogging according to section 1.02.03(D). City Attorney expressed that this was not spot zoning. Chair Bennett continued his comments with regards to transitional zoning, step down zoning and density restrictions within the CRA as stated in section 1.07.09. Member Lewis voiced her definition of transitional zoning and Member Lane reiterated her support for this change.

A motion was made by Member Lane, seconded by Member Lewis, to recommend approval of PAB case number 2017-05 the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays, and was as followed:

Member Morrison:	***Aye***
Member Peterson:	***Aye***
Member Lane:	***Aye***
Member Lewis:	***Aye***
Chair Bennett:	***Nay***

Motion carried.

At this time, Member Lane departed and Member Schaffer (Alt 2) was seated as a voting member.

2.3. PAB 2017-06: LDC Text Amendments Outdoor Lighting for Wildlife
THE CITY OF FERNANDINA BEACH REQUESTS AMENDMENTS TO LAND DEVELOPMENT CODE SECTION 1.07.00 AND 3.06.00 ADDING DEFINITIONS FOR WILDLIFE LIGHTING (SEA TURTLE), PROVIDING UPDATED STANDARDS, COMPLIANCE PROCEDURES, PENALTIES, AND ESTABLISHING A SEA TURTLE FRIENDLY FUND.

Ms. Gibson presented the request which is a proposal for new wildlife standards for outdoor lighting. She explained that this bundle of changes previously approved by the PAB Board was moved to the City Commission and a request for additional coordination with different stakeholders, agencies and departments was requested by the Commissioners. Ms. Gibson then stated that the coordination had been completed and presented the revisions. She mentioned that all stakeholders have agreed to the changes.

Board Members discussed correcting the description of the area affected and an amendment to that description was made. Board Member then discussed guidelines regarding window tinting, compliance requirements, citations and penalties and a consensus was established by Board Members that a map of the defined area would be created.

Len Kreger, 1739 S. Fletcher Avenue, spoke about the proposal mainly emphasizing that although window tinting requirements are necessary and helpful the main focus should be applied to public education and effective enforcement. Member Morrison asked about street lighting and Mr. Kreger clarified that street lighting posts are excluded but do have some kind of shielding.

City Attorney Bach explained the procedures for citations, penalties and fees from Code Enforcement.

A motion was made by Member Peterson, seconded by Member Morrison, to recommend approval of PAB case number 2017-06 for LDC amendment adding definitions for Wildlife Lighting (sea turtle). Vote upon passage of the motion was taken by ayes and nays, being all ayes, carried.

5. Board Business –

Chair Bennett asked why the TRC Minutes were not available online. Staff explained that this is caused by the agenda system currently used and a new agenda system will be implemented in the very near future.

Members then discussed the time limits of case presentation along with time limit for public input.

7. Comments by the public – There were no comments from the public at this time.

6. Staff Report

8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 7:47 pm.

_____ _____

Secretary **Mark Bennett, Chair**

May 26, 2017 Newsleader Edition

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

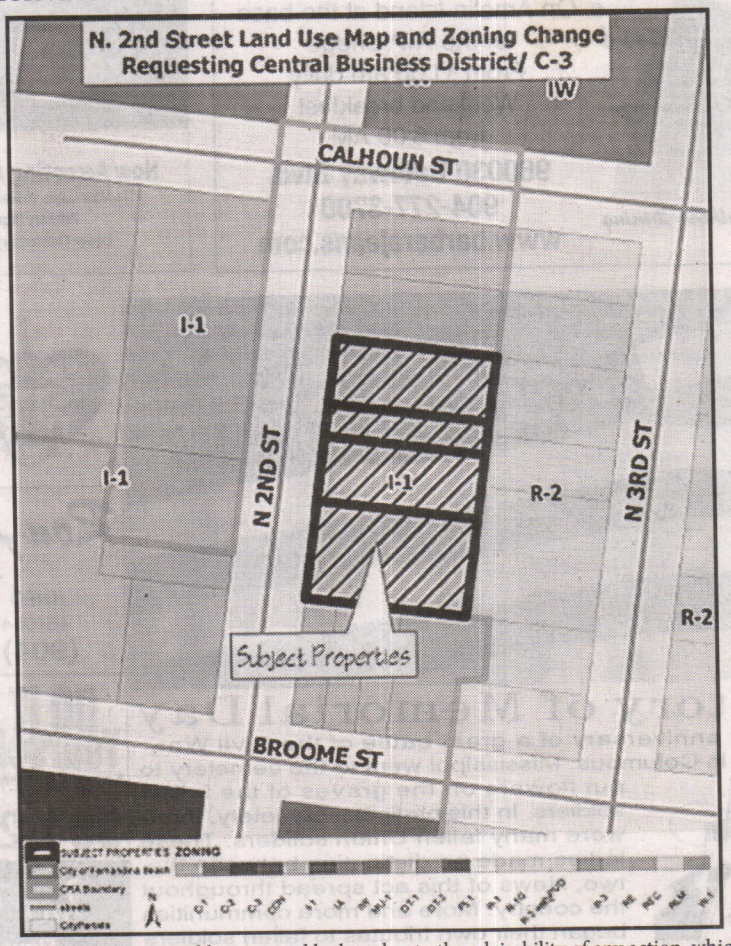
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, June 6, 2017, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2017-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Ordinance 2017-16
Zoning Map Amendment - North 2nd Street

ITEM TYPE: Ordinances

REQUESTED ACTION: Enact Ordinance 2017-16 at Second Reading.

SYNOPSIS: The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on N. 2nd Street .

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development. The Planning Advisory Board considered the request at its Regular Meeting on March 8, 2017, and issued a recommendation of approval (4-1).

Staff finds the request consistent with the CRA Plan for eliminating inefficient and outdated land uses as well as Comprehensive Plan policy statements 1.01.02,1.02.03,1.02.04,1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02 and recommends approval.

The City Commission approved this Ordinance at First Reading on May 2, 2017.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-16 at Second Reading.

Dale Martin, City Manager
Tammi Bach, City Attorney
Tammi E. Bach, City Attorney Date:05/23/2017

COMMISSION ACTION: Enact

ORDINANCE 2017-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Map Change application numbered PAB 2017-05 at its Regular Meeting on March 8, 2017, and by a vote of 4-1 recommended approval of the change to Central Business District (C-3) zoning; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on February 22,2017; and

WHEREAS, City Planning staff found the applicant's request to be consistent with the direction of the Community Redevelopment Area Plan for eliminating inefficient land use patterns as well as consistency with Comprehensive Plan policies 1.01.02,1.02.03,1.02.04,1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Zoning Map is located in the City's Amelia River Waterfront Community Redevelopment Area and identified as Parcel ID numbers 00-00-31-1800-0008-0080, 00-00-31-1800-0008-0050, and 00-00-31-1800-0008-0020 totaling approximately 0.59 acres, and as shown on the map attached hereto as Exhibit "A".

SECTION 2. ZONING MAP CHANGE. For the properties in question, the City's Zoning Map is hereby changed to Central Business District (C-3).

SECTION 3. SEVERABILITY**.** If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH

_____
ROBIN C. LENTZ
Mayor - Commissioner

ATTEST:

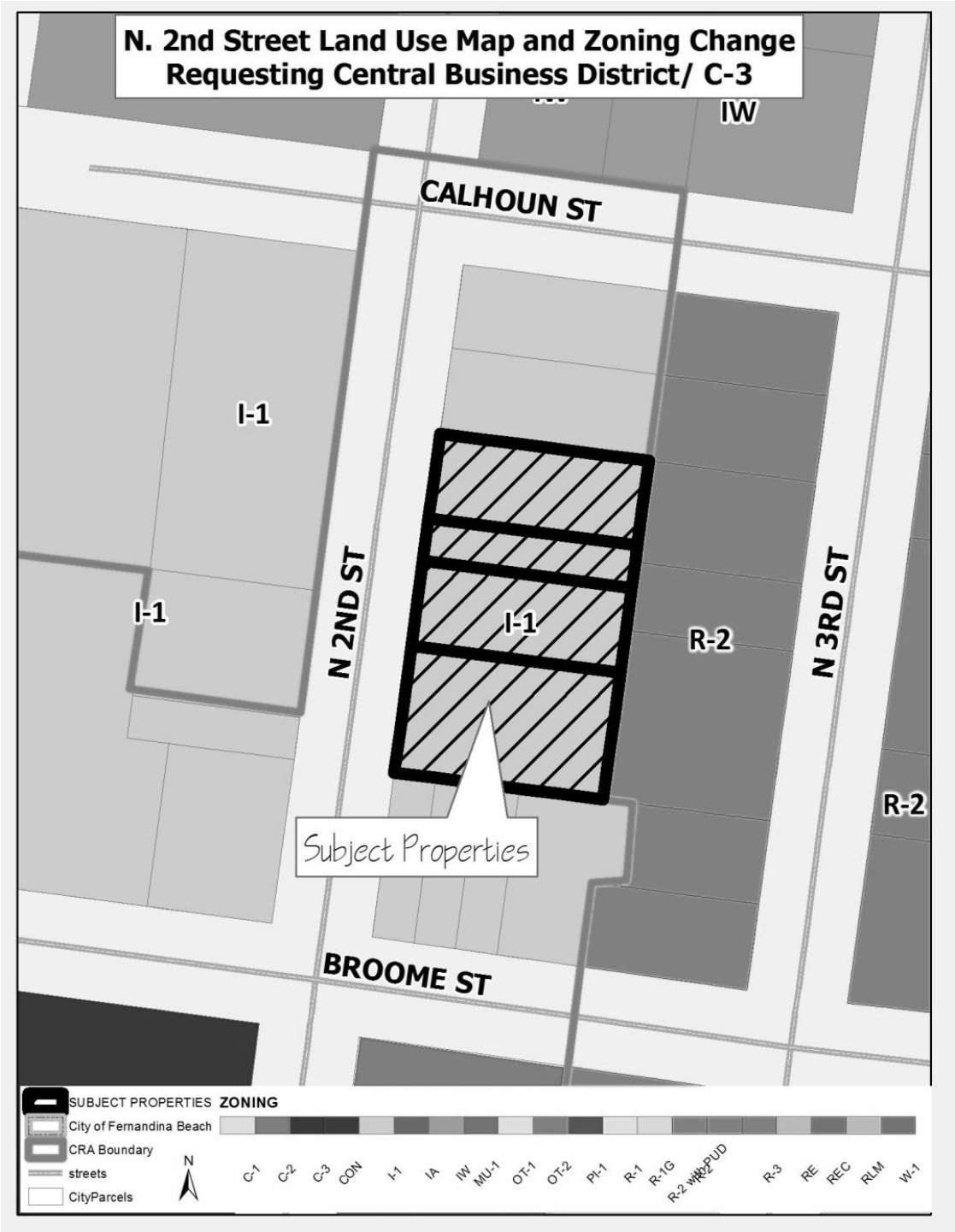
_____
CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
TAMMI E. BACH
City Attorney

ORDINANCE 2017-16
EXHIBIT "A"

REQUEST FOR A ZONING MAP CHANGE FOR 0.59 ACRES OF LAND FROM INDUSTRIAL (I-1) TO CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES LOCATED ON N. 2ND STREET AS PARCEL ID#S 00-00-31-1800-0008-0080, 00-00-31-1800-0008-0050, AND 00-00-31-1800-0008-0020.



STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Susan Courtney McCranie, Daniel McCranie Sr., Marilyn Leibman				
AGENT:	Peter J. King, AICP				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	North 2nd Street Community Redevelopment Area (CRA) properties – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	**Parcel ID #: 00-00-31-1800-0008-0080** (Courtney McCranie) – 224 N. 2nd Street, Multifamily Structure (2,905 conditioned square feet) totaling 0.22 acres of land and constructed in the early 1900's- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft. **Parcel ID #: 00-00-31-1800-0008-0050** (Daniel McCranie, Sr.) - Vacant totaling 0.15 acres of land , This property contains 2 underlying lots of record and measures approximately 50ft. x 125ft. **Parcel ID #: 00-00-31-1800-0008-0020** (Leibman) - Vacant totaling 0.22 acres of land- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft.				
PROPERTY SIZE:	In total 0.59 acres of land are included within the applicant's request.				
ADJACENT PROPERTIES:	Direction	Existing Use(s)	Year Built	Zoning	FLUM
CRA PROPERTY	North	Warehouse Restaurant/Bar	1980 1902	I-1	Industrial (IND)
CRA PROPERTY/ HISTORIC DISTRICT	South	Vacant and Non-Conforming Single Family Homes	Est. 1900	I-1	Industrial (IND)
CRA PROPERTY **PORT PROPERTY (NOT IN THE CRA)**	West	Warehouse Storage Warehouse Storage	Est. 1900 1990	I-1	Industrial (IND)
CRA PROPERTY	East	Single Family and Multi-Family residential dwellings	Est. 1909-1925	R-2	Medium Density Residential (MDR)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

STAFF REPORT
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SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on N.2nd Street (**Exhibit A**).

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development. All three (3) properties involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council. Although the structure located at 224 N. 2nd Street is not within the City's historic district, its location within the CRA would require that any request for demolition of the structure to be approved by the Historic District Council and follow all established procedures identified in LDC Section 8.03.03.01.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	**300 gallons per day per ERU (Equivalent Residential Unit)**
Solid Waste Facilities	**Average Solid Waste Generation Rate: 5.9 pounds per capita per day**
Stormwater Management Facilities	**Policy 4.01.02** *All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.*
Potable Water Facilities	**Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)**

Fire-Rescue Services	**240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)**
Police and Law Enforcement Services	**Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls**

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Central Business District (CBD), 8 dwelling units per acre are supported at this time. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Under the requested action, a total of up to five (5) residential units could be constructed on the vacant properties. The property located at 224 N. 2nd Street contains a non-conforming multi-use structure with two (2) residential dwelling units at the present time.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

a. **No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
b. **No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
c. **No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
d. **No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structure for residential purposes. The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing pubic facilities within this area. The CRA established a

Finding of Necessity in 2005, one of the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The requested Central Business District (CBD) land use category and C-3 zoning district serves to create a transitional step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the applicant's request is the most appropriate land use and zoning district assignment under the City's current regulations.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

a. **Type and density or intensity of surrounding uses;**
b. **Zoning districts in the surrounding area;**
c. **Demonstration of adequate water supply and water supply facilities;**
d. **Appropriateness of the size of the parcel compared to the proposed use;**
e. **Physical condition of the site, and the suitability of soils and topography for the proposed use;**
f. **Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
g. **Compatibility factors;**
h. **Impact on adopted levels of service standards and quality of service standards; and**
i. **Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' properties are a range of existing uses including; a warehouse and storage area serving the port's needs to the west, warehousing for a light manufacturing business to the North, and restaurant/ bar located at the corner of Calhoun Street and N. 2nd Street. On the eastern block face are homes located within the City's downtown historic district.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.
Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement.

Policy 1.02.09.
The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the properties fronting Broome Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.
Central Business District (CBD)

a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
e. The intensity of non-residential development shall not exceed a FAR of 2.0.
f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
   1. The need for additional land area within the Central Business District land use category;
   2. Consistency of the land area with the characteristics of the Central Business District; and;
   3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (**See Sanborn Map Exhibits**). Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that

existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.

Reference: Johannes, J. (2000). Yesterday's Reflections II Nassau County, Florida - A Pictorial History. Fernandina Beach: Lexington Ventures, Inc.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.
The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

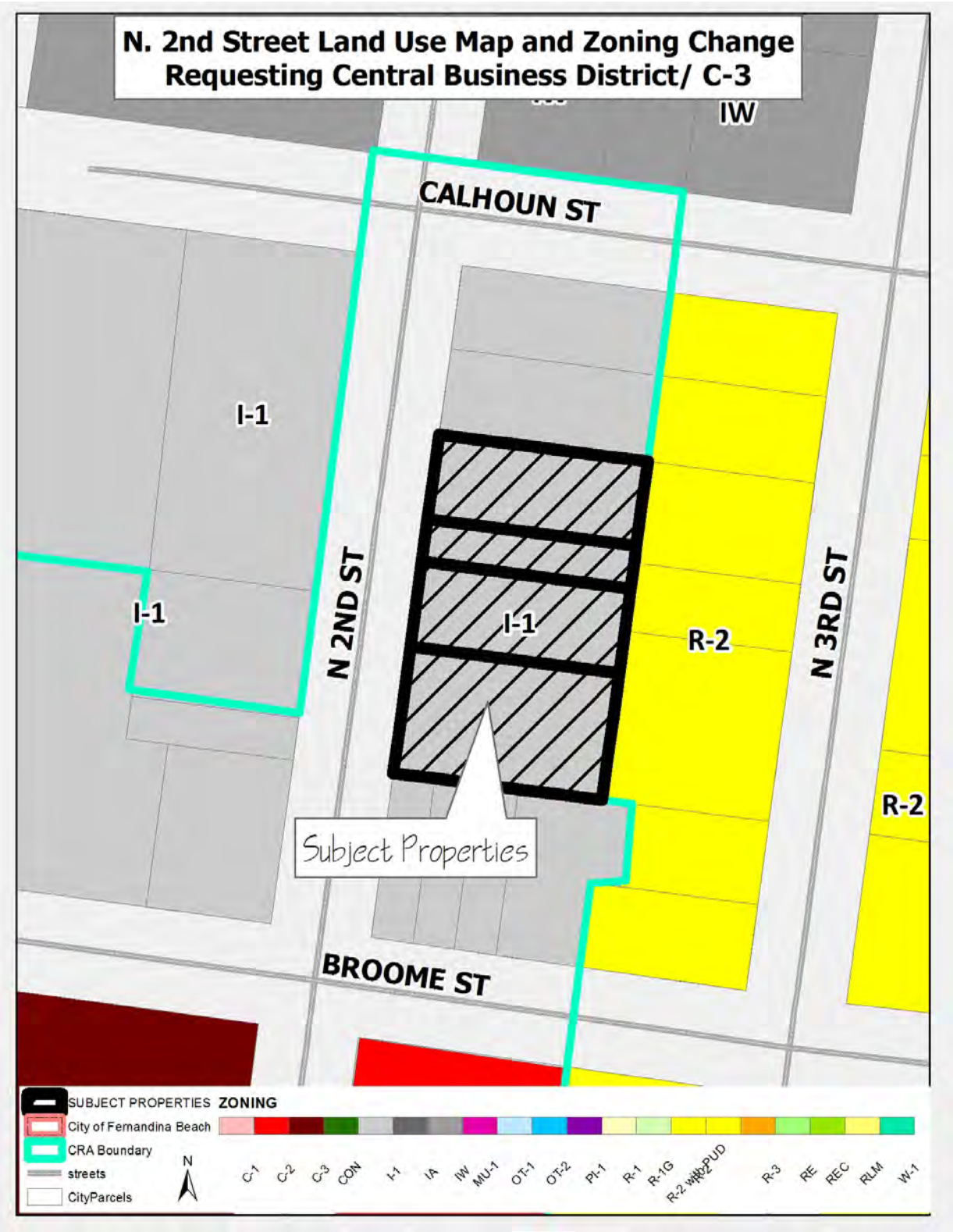
MOTIONS TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2017-05 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson
Senior Planner

EXHIBIT A


N. 2nd Street Land Use Map and Zoning Change
Requesting Central Business District/ C-3
IW
CALHOUN ST
I-1
I-1
N 2ND ST
I-1
R-2
N 3RD ST
R-2
Subject Properties
BROOME ST
SUBJECT PROPERTIES
City of Fernandina Beach
CRA Boundary
streets
CityParcels
N
ZONING
C-1
C-2
C-3
CON
I-1
IA
IW
MU-1
OT-1
OT-2
PI-1
R-1
R-1G
R-2
R-2 w/PUD
R-3
RE
REC
RLM
W-1

KEY

TILE 1ST BRICK 1ST PYRODAK 1ST	Fire proof construction. (OR FIRE RESISTIVE CONST'N)
ADOBE	Adobe building.
HEIGHT OF BUILDING IN FEET FROM GROUND TO ROOF LINE.	Stone building.
(C. BR)	Concrete, lime, cinder or cement brick
(C. B.)	Hollow concrete or cement block const'n
(CONC)	Concrete or reinforced concrete const'n
(TILE)	Tile building.
NUMBER OF STORIES 4	Brick building with frame cornice.
TWO STORIES AND B'SMT 2B COMPOSITION ROOF	" " " stone front.
SHINGLE ROOF X	" " " frame side. (DIVIDED BY FRAME PARTITION)
(VEND)	Brick veneered building.
BRICK 1ST	" and frame building.
FRAME, BRICK LINED	Frame building, brick lined.
F=FLAT S=STORE	" " metal clad.
D=DWELLING	Frame building.
A in B AUTO IN B'SMT	Iron building.
LOFT	Tenant building occupied by various manufacturing or occupancies
(ASB. CL.)	Frame building covered with asbestos
NON COMBUSTIBLE ROOF COVERING OF METAL, SLATE, TILE OR ASBESTOS SHINGLES	Brick building with brick or metal cornice.

DWELLINGS.

DWELLING · DWELLING STORE

☞ Framed air-shafts are shown but *colored over*. Brick air-shafts are left white.

CLASSIFICATION OF BUILDINGS

Shown by varying number of dots or circles. Classed by New York Board of Fire Underwriters as follows:

DWELLING · DWELLING STORE

BRICK		FRAME	
1st Class (.)	Slate or metal roof, coped walls.	1st Class (.)	Slate or metal roof.
2nd " (..)	" " walls not coped.	2nd " (..)	Shingle roof.
3rd " (...)	Shingle roof.		

Frame Buildings with BRICK FRONTS.

B' 5 — Height of Buildings, in Stories and feet (74 ft. 6 in. and over).

Fronts of marble or other stone.

Iron Fronts.

"Dotted line." Interior brick wall, omitted on one or more floors.

S — Superior construction. { Built of non-inflammable material *"throughout,"* except flooring and trim.

1.2. / 1-4 — Communications protected by single fire-proof doors / " " double " " } With designation of floors.

IRON SHUTTERS. NONE. — Openings exposing Buildings.

E — Elevators with steam or other power. / Hatchways or "Dumb-waiters." { Where enclosed with Brick or Fire-proof material a *heavy line* is drawn around them.

Sky-lights in Roof only.

" over Opening in floor.

Smoke-houses. — Retorts, and Ovens.

IRON. FRAME. — Mansard Roofs. — Corrugated Iron. — Steam-boilers.

REFERENCE.

SPECIAL HAZARDS.

NAMES of Manufactories, &c., are written on buildings, when there is sufficient space, and their *construction* classified by the same marks as on Dwellings. Other Specially Hazardous Risks are **COLORED GREEN,** the varying number of dots (*brick*) and crosses (*frame*) showing the comparative danger from fire by occupancy.

A

NOTE.—In classifying a building as a Special, its CONSTRUCTION is obliterated, necessitating a series of letters, as follows:

G

BRICK.		FRAME.	
A Construction	= to 1st class Warehouse.	G Construction	= to 1st class Store or Dwelling.
B "	= " 2nd " "		
C "	= " 3rd " "	H "	= to 2nd class Store or Dwelling.
D "	= " 1st " Store or D'w'g.		
E "	= " 2nd " " "		
F "	= " 3rd " " "		

Brick ····· ····· Frame

Bakeries (ovens in building). Breweries. Cooperages. Drug stores (retail, with privilege of compounding). Dyeing establishments. Fur dressers. Glass stainers. Hat finishers. Hay (open stock, loose). Lamp sellers (privilege for kerosene &c.) Laundries. Malt houses. Manufactories of Baskets, Bonnet-frames, Boots and shoes, Caps, Clothing, Combs, Envelopes, Feather dusters, Fringe &c., Gas-fixtures, Gold pens, Hats, Hemp, Jewelry cases, Morocco, Paper bags, Pocket-books, Ruffling and ruches, Segars, Shirts, Tobacco, Umbrellas, Vinegar, Watches, Watch-cases, Writing ink. Map mounting and varnishing. Metal mills. Molasses houses. Photographers. Private stables. Smoke-houses. Tanneries. Tin-shops. Wheelwrights. Wire workers. Wool-pullers.

Brick ····· ····· Frame

Bleaching works. Book-binderies. Brass and iron foundries. Coppersmiths. Cotton presses. Fulling mills. Junk shops. Letter-press printers. Lithographers. Livery and Cartmen's stables. Machine shops. Manufactories of Agricultural Implements. Artificial flowers, Brooms, Brushes, Carriages, Cedar-ware, Floor-cloth, Grates, Guns, Hoop-skirts, Jewelry, Lamps, Musical instruments, Oil-cloths, Paper boxes, Paper collars, Paper patterns, Patent Medicines, Plated ware, Rope and cordage, Safes, Silverware, Starch, Stoves, Tin cans, Upholstery. Oil stores (petroleum and products). Print works. Rag stores. Slaughter houses. Snuff mills. Type and stereotype foundries. (And generally buildings not occupied by workers of light wood).

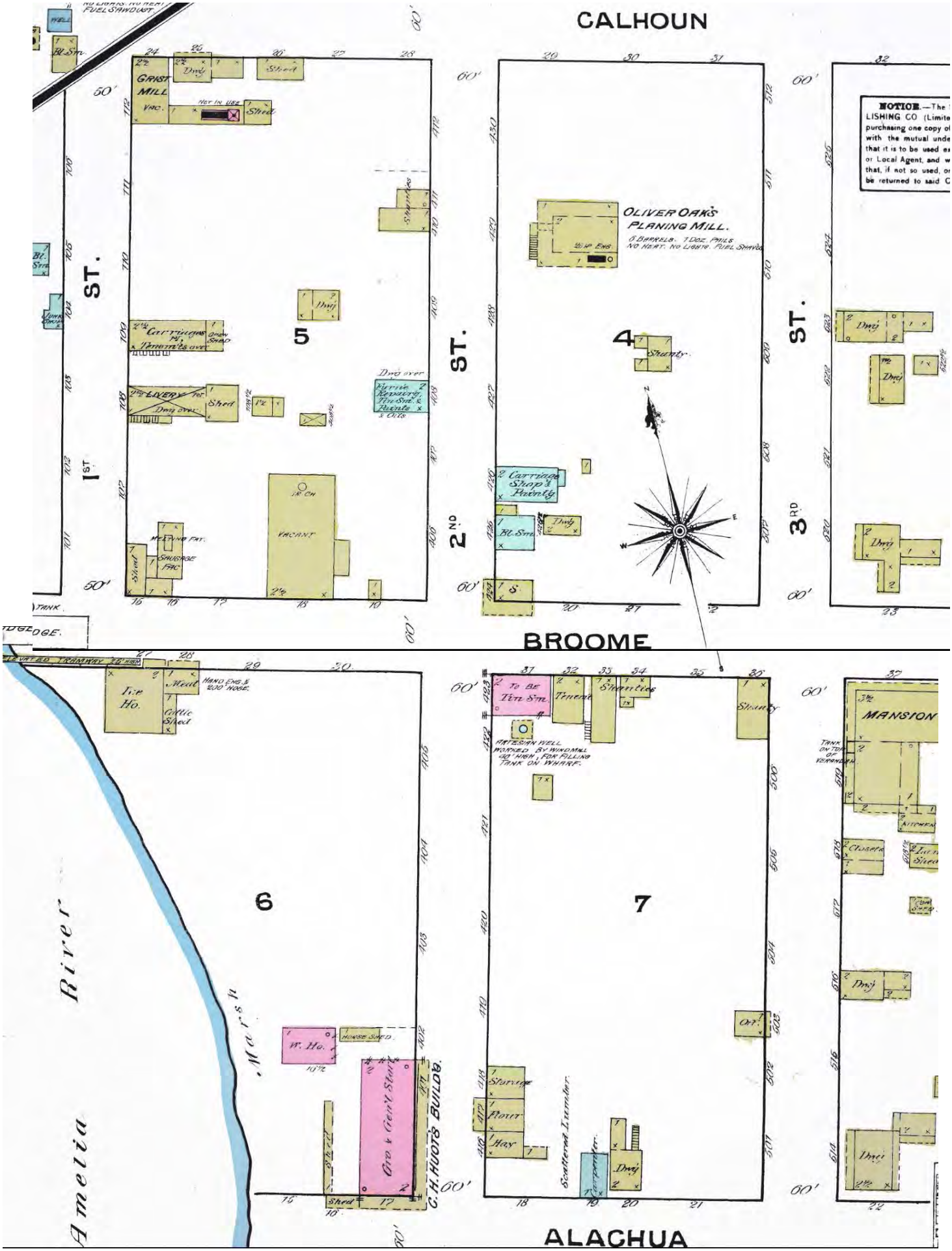
Brick ····· ····· Frame

Box repairing. Cabinet-making. Carpenters' shops. Distilleries. Flax mills. Flour or Grist mills. Japanners. Lard refineries. Manufactories of Artificial hair, Bagging, Candles, Chairs, Clocks, Confectionery, India-rubber or gutta-percha, Ivory or lamp-black, Looking-glass and Picture frames, Oiled clothing, Organs, Paper-hangings, Perfumery, Pianos, Soap, Trunks. Oil mills. Paper mills. Rectifying establishments. Sugar refineries. Tallow-melting or chandleries. Wholesale druggists (with compounding). Woolen mills. (And generally risks where much heat or light wood is used.)

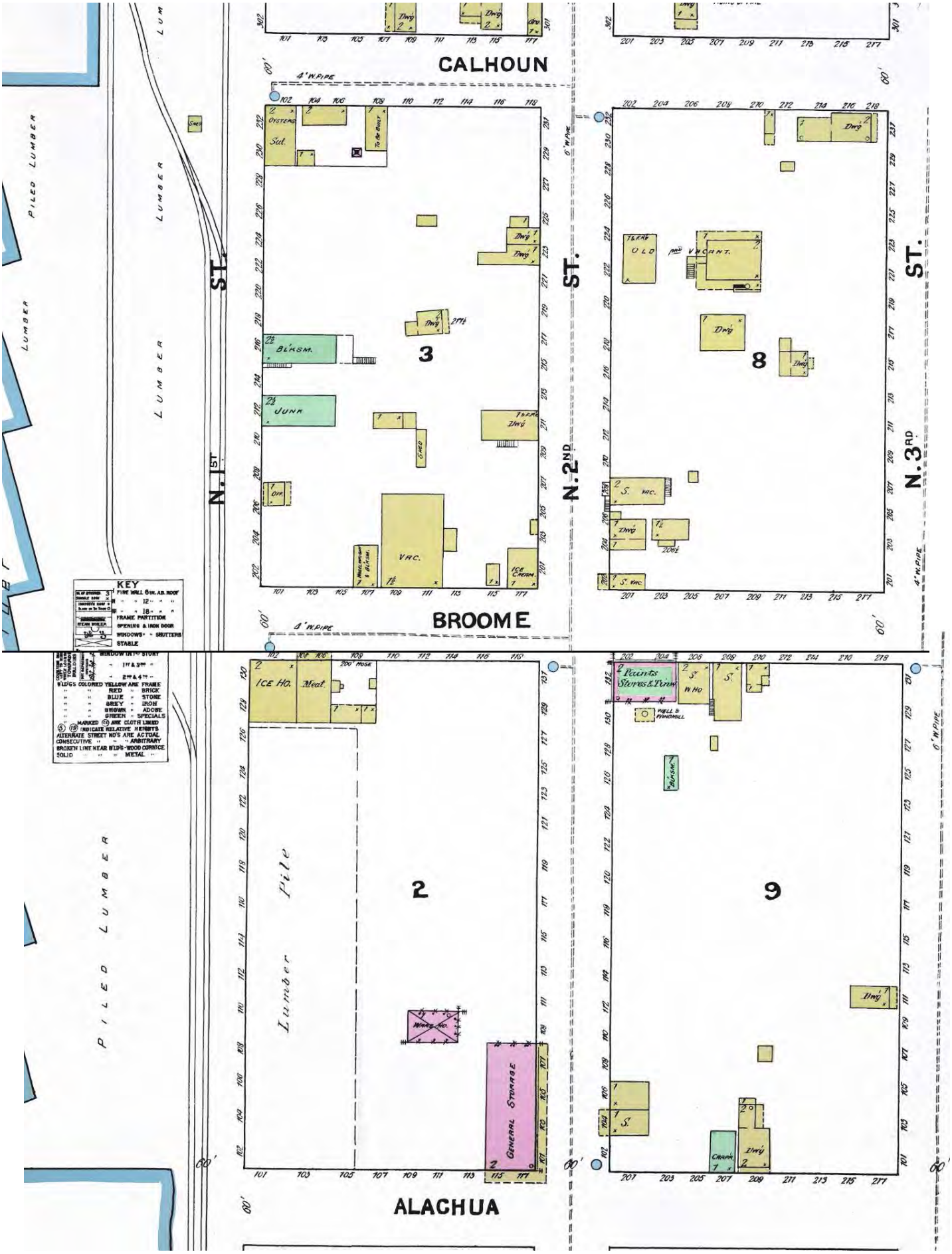
Brick ····· ····· Frame

Chemical laboratories. Coffee and Spice mills. Drug mills. Fireworks on sale. Match factories. Oil-boiling houses. Planing and Moulding mills. Printing-ink factories. Sash, blind and door factories. Saw mills. Tar-boiling houses. Turpentine distilleries. Varnish making. Window-shade factories.

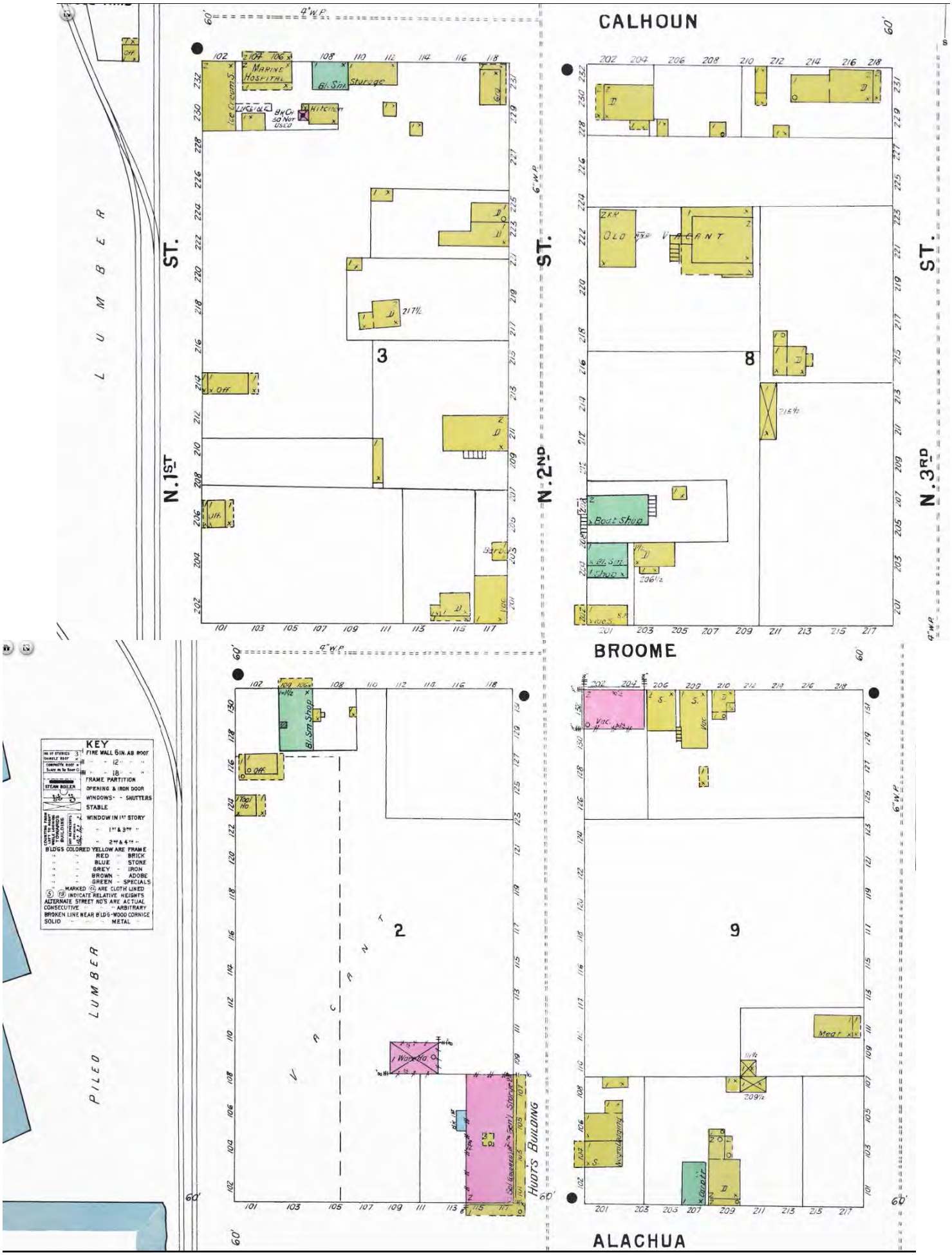
1884 Sanborn Map of North 2nd Street



1891 Sanborn Map of N. 2nd Street



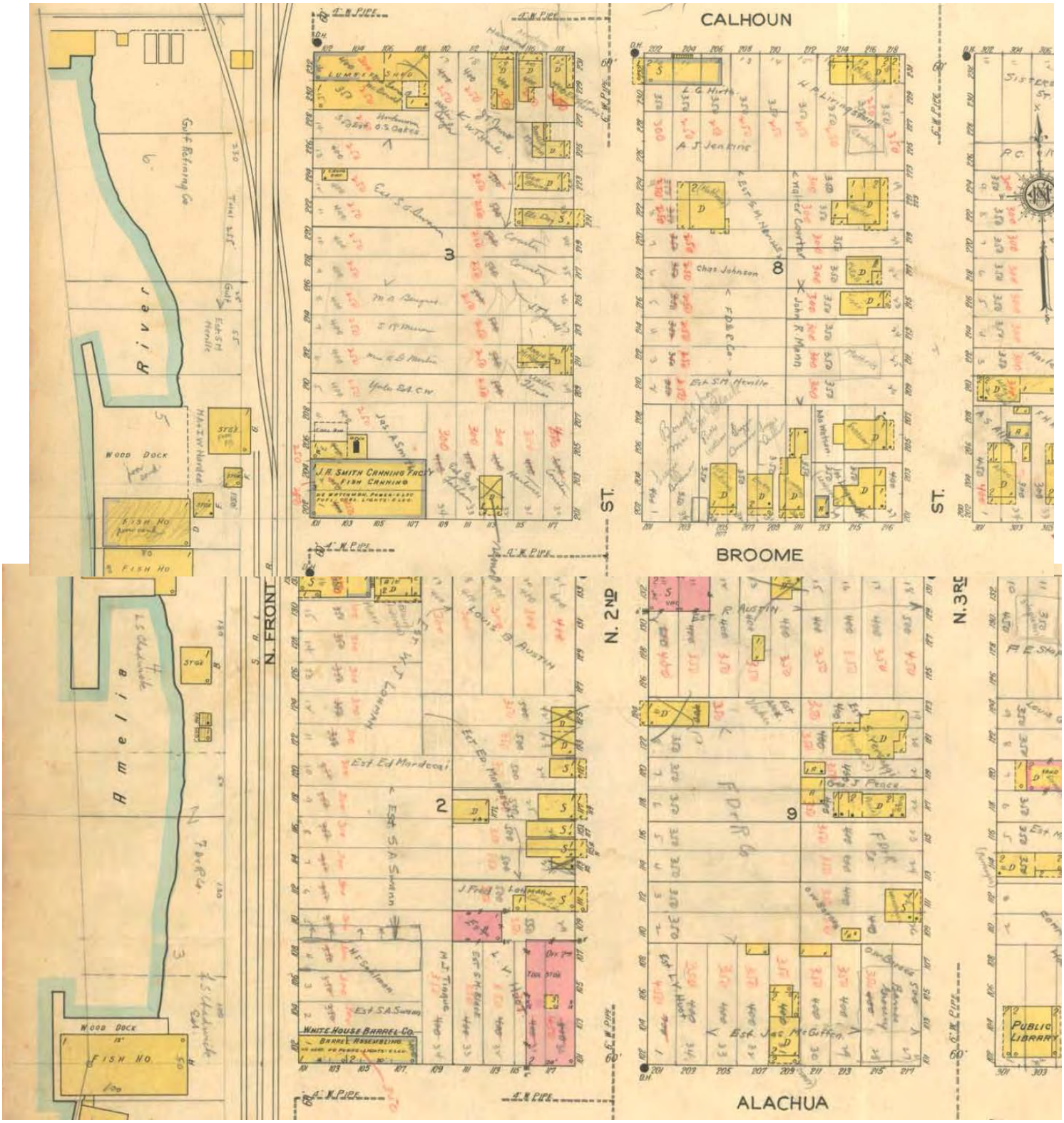
1897 Sanborn Map of N. 2nd Street



1903 Sanborn Map

1909 Sanborn Map of N. 2nd Street

1926 Sanborn Map of N. 2nd Street



IMS# 2017-0000223

OFFICE USE ONLY

REC'D: 2/10/2017 BY: KG

PAYMENT: $ ✓#460 ✓#228
TYPE: $1,700.00

APPLICATION #: 2017-05

CASE #:

BOARD MEETING DATE:

RECEIVED
FEB 2017
City of Fernandina Bch
Building Zoning
Planning

PLANNING ADVISORY BOARD APPLICATION

- [x] ZONING MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- [x] LAND USE MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- [ ] LDC TEXT AMENDMENT ($850)
- [ ] COMP PLAN AMENDMENT ($850)
- [ ] SUBDIVISION PLAT – PRELIM ($750)
- [ ] SUBDIVISION PLAT – FINAL ($850)
- [ ] VACATION OF R.O.W. ($850)
- [ ] VOLUNTARY ANNEXATION ($1050)

APPLICANT INFORMATION

Owner Name: Susan Courtney McCranie and Daniel McCranie, MARILYN LEIBMAN

Mailing Address: 1301 Quattlefield Lane, Fernandina Beach, 32034

Telephone: (904) 321-2222 Fax: N/A

Email: McCranie2222@Gmail.Com

Agent Name: Peter J. King, AICP

Mailing Address: 404 West 70th Street, Jacksonville, FL 32208

Telephone: (904) 710-9375 Fax: N/A

Email: PeterKingJax@Gmail.Com

PROPERTY INFORMATION

Street Address: 224 2nd Street, BY AC

Parcel Identification Number(s):

00-00-31-1800-0008-0080, 00-00-31-1800-0008-0070,

00-00-31-1800-0008-0050, 00-00-31-1800-0008-0020

Lot Number: ~~5~~ 2 though 9 Block Number: 8 Subdivision: City of Fernandina Beach

Section: 21 Township: 3N Range: 28E

PROJECT INFORMATION

Total Number of Lots/Parcels: Five platted lots. However, no additional lots are planned

Less than One (1) acre Sq. Footage: .37 acre (One (1) Acre or Greater: N/A

Existing Zoning Classification: I-1

Existing Future Land Use Classification: Industrial

Previous Planning/Zoning Approvals: Unknown

Description of Request:

Amend Future Land Use Map (FLUM) from "Industrial" to Central Business District (CBD) and a companion application to amend the zoning map from "I-1" to "C-3". This application is an effort to provide a transitional land use between the residential district to the east and the industrial district to the south.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

2/10/17
Date

Signature of Applicant

STATE OF FLORIDA
ss
COUNTY OF NASSAU

Subscribed and sworn to before me this 10 day of February, 2017.

Karen M. Austin
Notary Public: Signature

Karen M. Austin
Printed Name

My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104

OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION

I /WE Susan Courtney McCranie
(print name of property owner(s))

hereby authorize: Peter King
(print name of agent)

to represent me/us in processing an application for: Rezone & FLUM
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

(Signature of owner) _____ (Signature of owner)

S. Courtney McCranie
(Print name of owner) _____ (Print name of owner)

STATE OF FLORIDA
ss
COUNTY OF NASSAU

Subscribed and sworn to before me this 9 day of February, 2017.

MELANIE LIDDELL
Notary Public, State of Florida
My Comm. Expires August 31, 2019
Commission No. FF 240149

Melanie Liddell — Melanie Liddell — _____
Notary Public: Signature — Printed Name — My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____

OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION

I /WE DANIEL I. MCCRANIE, TRUSTEE
(print name of property owner(s))

hereby authorize: PETER KING
(print name of agent)

to represent me/us in processing an application for: REZONING / COMP PLAN MAP
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

, Trustee
(Signature of owner)

(Signature of owner)

DANIEL I. MCCRANIE
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA
ss
COUNTY OF NASSAU

Subscribed and sworn to before me this 8th day of February, 2017.

Notary Public: Signature

Printed Name

My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____

DONNA L. ROWLAND
MY COMMISSION # FF 148007
EXPIRES: August 31, 2018
Bonded Thru Notary Public Underwriters

OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION

I/~~we~~ MARILYN C. LEIBMAN
(print name of property owner(s))

hereby authorize: PETER KINN
(print name of agent)

to represent me/us in processing an application for: REZONING / FLUM
(type of application)

on our behalf. In authorizing the agent to represent me/~~us~~, I/~~we~~, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

Marilyn C Leibman
(Signature of owner)

(Signature of owner)

MARILYN C LEIBMAN
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA
ss
COUNTY OF NASSAU

Subscribed and sworn to before me this 10 day of February, 2017.

Cherry Skarpalezos — Notary Public: Signature

Cherry Skarpalezos — Printed Name

10/2/17 — My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____

CHERRY SKARPALEZOS
Notary Public - State of Florida
My Comm. Expires Oct 2, 2017
Commission # FF 40705

BELLATRIX VENTURES
LAND PLANNING | DEVELOPMENT

Peter J King, AICP
404 West 70th Street
Jacksonville, FL 32208

February 6, 2017

Kelly Gibson, Senior Planner
City of Fernandina Beach
Community Development Department
204 Ash Street
Fernandina Beach, FL 32034

Re: FLUM amendment and rezoning

Hi Kelly:

In accordance with procedures for submitting an application to the Planning Advisory Board, I am including this Detailed Letter of Intent stating the consistency of the amendment with the City's Comprehensive Plan and a justification for the proposed amendments.

OBJECTIVE 1.01.
Energy Efficient Development
The City shall promote compact, mixed uee, and energy efficient development arranged to encourage walkability, bicycle and transit use, which leads to a more sustainable community and a reduction in greenhouse gases (GHGs).
The CBD Future Land Use is designed to promote energy efficient development by promoting a walkable and sustainable environment. This is accomplished by allowing a mixture of residential and commercial uses to be placed within the same structure. In addition, when the subject property is assigned the CBD/C-3 and located amongst other CBD FLU/uses, this places new housing units within walkability of services and employment within the downtown area.

Policy 1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors: a. Type and density or intensity of surrounding uses; b. Zoning districts in the surrounding area; c. Demonstration of adequate water supply and water supply facilities; d. Appropriateness of the size of the parcel compared to the proposed use; e. Physical condition of the site, and the suitability of soils and topography for the proposed use; f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources; g. Compatibility factors; h. Impact on adopted levels of service standards and quality of service standards; and i. Location in a Coastal Upland Protection Zone (CUPZ).
The type and density and intensity of the surrounding uses are compatible with the CBD/C-3 FLU

and Zoning combination as adjacent FLU and zoning is consistent with the proposed change. It is as equally intense as the adjacent industrial uses. ALthough more intense than the nearby residential, the CBD will act as a transitional use. The proposed change is a transitional use that will be compatible with both residential to the east and industrial to the west. The residential to the east will be buffered from the industrial uses by the CBD/C-3 uses and will be buffered from CBD/C-3 uses by 20' buffer with landscaping. Public water and sewer is available to the subject property and the increase development permitted will promote smart-growth principles by increasing growth where there is existing infrastructure. The area being considered for the change is appropriately sized considering the setback, densities and types of development permitted. Soils and topography are the same as other urban areas that are immediately adjacent. As can be seen from maps included with application, the soils for the subject property, Ortega Fine Sand, is prevalent in the downtown area, is not unique to the subject property, and is developed to urban levels in the city. According to the US Geologic Survey, the Ortega Series of soils are moderately well drained and are located on rises and knolls and is suitable for urban development. As can be seen from the topographic map, a rise of six feet from front to rear will result in a slope over 125 feet of approximately 4.8%. There are no requirements in city code that correlate slope with types of development.

Essentially the lot/block and frontage characteristics of the subject property are very similar to the rest of the historic district CBD/C-3 area. The subject property is not covered by flood zone or other environmentally unsuitable conditions, and the historic structure on the subject property will be made conforming by the proposed amendment.

Policy 1.02.06. The City shall assure that specific density assigned to new development and redevelopment is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following: a. Protecting the integrity and stability of established residential areas; b. Assuring smooth transition in residential densities; c. Encouraging commercial and residential mixed use development patterns; d. Recognizing and being sensitive to the character and form of the surrounding neighborhoods; and e. Requiring application of low impact development (LID) principles, native and drought tolerant landscaping snd urban design principles and practices; and f. Encouraging connectivity of pedestrian walkways and bicycle paths on and off site.

The City has expressed interest in pursuing a CBD/C-3 on the subject property as a city-sponsored application due to the sound planning criteria stated in Policy 1.02.06 above. The current situation of exposing residential areas to direct contact with industrial areas is deleterious to the development of industrial areas and the continuation of residential areas. Sound planning principles dictate that a transitional land use be used to buffer these two uses from each other. Such a transitional land use is available in the CBD/C-3 which contains a multi-family element that is both transitional in use and in residential densities. By definition, the CBD/C-3 combination encourages residential and commercial mixed use and is therefore compatible with residential. The proposed CBD/C-3 combination recognizes sensitivity to adjacent neighborhoods es it contains both residential and commercial elements. In addition, the city code contains buffer and setback requirements to residential that will provide additional sensitivity to existing neighborhoods. By definition, development in the CBD will be heavily reliant on pedestrian and bicycle access as these forms of transportation are more practical than auto in the subject area.

Policy 1.02.08. Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.
Compliance with this policy requires very little elaboration. The CBD/C-3 is a mixed use concept and the policy calls for mixed use transitional areas. The subject property is in between and immediately adjacent to industrial (to the west) and residential (to the east) and therefore, the application to change the subject property to CBD/C-3 is precisely what the city's Comprehensive Plan requires.

Policy 1.02.09. The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjecent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.
See above response. Again the City's Comprehensive Plan not only supports the change, it requires it.

OBJECTIVE 1.04. REDEVELOPMENT AND INFILL DEVELOPMENT The City shall reduce blight and encourage redevelopment of underutilized areas and inefficient land use patterns through redevelopment, reuse, and/or removal and replacement of blighted structures and uses. The City will focus its redevelopment and infill efforts to encourage development in its already urbanized areas that provide housing near job centers, preserve open space, capitalize on existing community aasets such as parks, create new community assets such as child-care centers, arts districts and shopping centers and removes the crime associated with vacant, underutilized or abandoned properties.
The subject property is adjacent to nearby job centers and valuable historic resources. The current historic structure is nonconforming to the existing industrial FLU and zoning and it is therefore difficult to improve the property as financing for non-conforming structures is not possible to obtain. If this effort to amend the FLU and zoning is deterred, and the industrial FLU and zoning remains, then blight will be inevitable, in direct conflict with this policy. Although the future of the existing structure is not guaranteed, it has a greater chance of survival if the financing to adaptively reuse is available.

OBJECTIVE 1.05. NONCONFORMING STRUCTURES, USES AND LOTS To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses.
As stated in the above response, the decline and eventual removal of the structure on the subject property will be inevitable if there is no way for the current or future owner(s) to obtain financing to repair and/or adaptively re-use the structure. Considering that the use of the land as industrial conflicts with aforementioned policies regarding transitional uses and the protection of residential,

it is clear the solution is to eliminate the industrial zoning, not the use.

OBJECTIVE 5.04. COASTAL HIGH HAZARD AREAS (CHHA) The City shall protect property, residents, and visitors within the Coastal High Hazard Area. Protection shall be provided through appropriate designations on the Future Land Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the Coastal High Hazard Area, and coordination with hazard mitigation and post-disaster plans.

The subject property is not within the CHHA and therefore additional residential development in the area is not in conflict with Objective 5.04

OBJECTIVE 12.05. LAND USE AND INFRASTRUCTURE EXPANSION The City shall protect existing land designated for employment-generating uses, whether vacant or developed, from encroachment of incompstible uses and promote sustainable development and redevelopment of properties within its designated Job Opportunity Areas.

The existing FLU and zoning of Industrial could be considered a "job creating" land use and this policy seeks to limit the loss of job creating land uses. This state of affairs in ameliorated by two factors: 1) the current size of the industrial district (half block) makes use of the industrial area for creating jobs limited at best and 2) the proposed CBD/C-3 will also have a commercial element that can provide jobs from primary and secondary economic impacts (people directly employed on subject property or economic development associated with subject property that spawns off-site employment).

In addition, I offer the following section from the City's Land Development Code, Community Redevelopment Area (CRA) section:

8.01.02 Amelia River Waterfront Community Redevelopment Area A. Purpose: It is the purpose of the CRA overlay to provide a <u>broader</u> <u>mix</u> <u>of</u> <u>uses</u> and <u>compatible</u> <u>design</u> <u>with</u> <u>the</u> <u>downtown</u> <u>area</u> in order to promote revitalization of the working waterfront and adjacent area.

In addition to complying with the Comprehensive Plan elements above, the subject property is within the CRA, which has a goal of providing a mix of uses and compatible with the design with the downtown area. The CBD/C-3 combination is tailored made for this use as it is the predominant zoning and landuse within the downtown area.

In conclusion, it is clear that the proposed Future Land Use and Zoning amendment for the subject property complies with the City's Comprehensive Plan and the CRA.

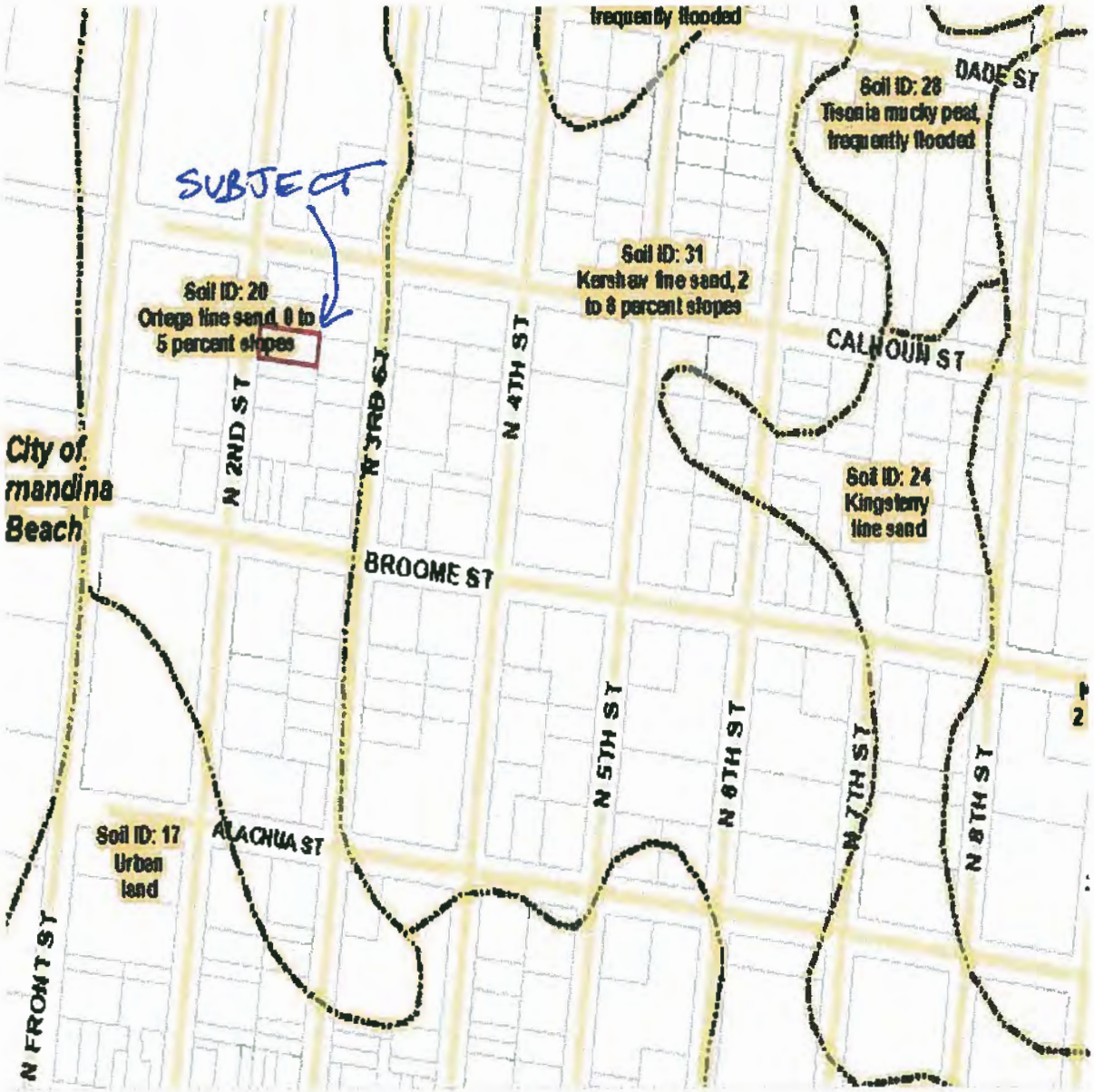
Professional regards,

Peter J. King, AICP
Professional city planner
Licensed real estate sales associate

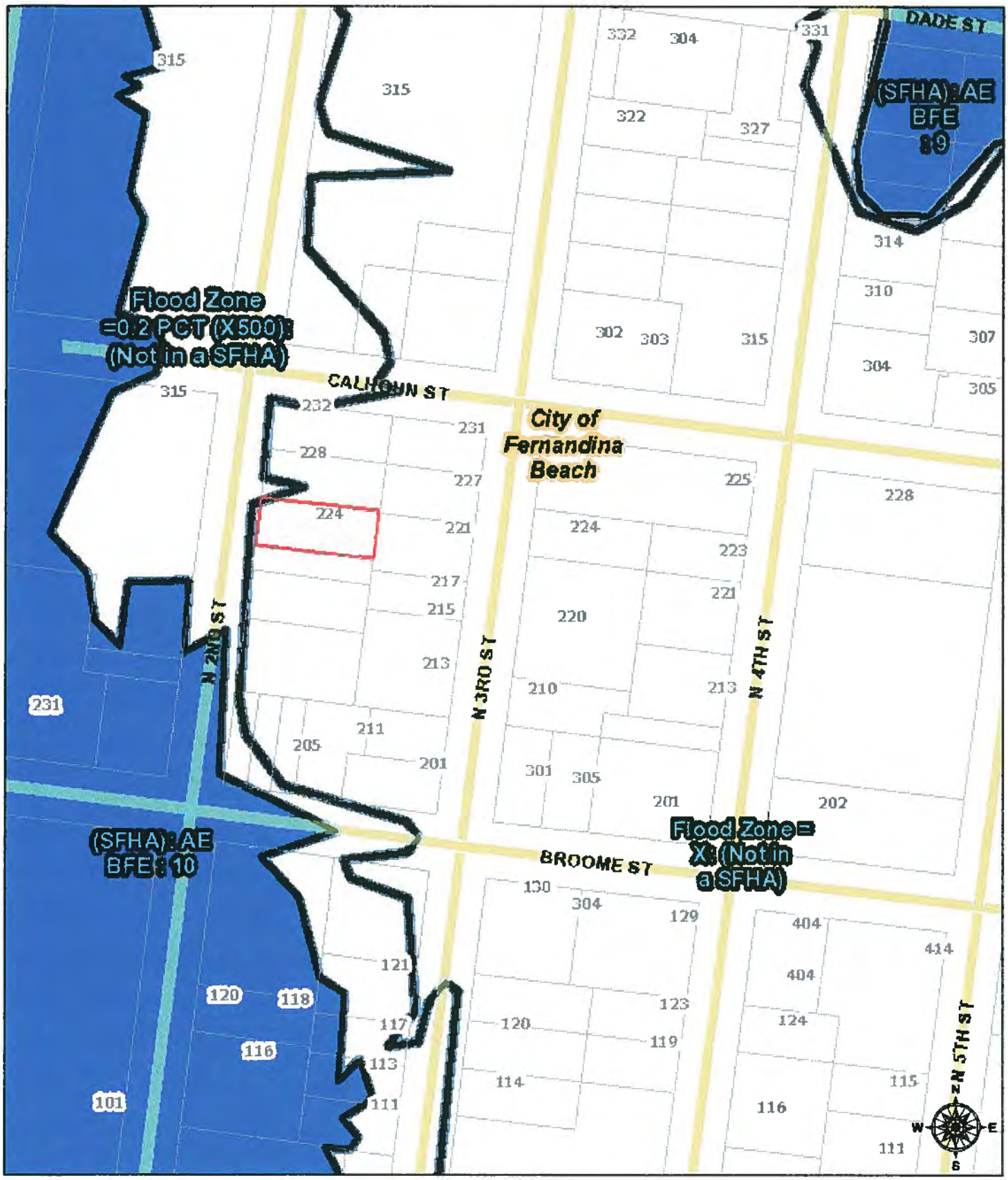
FLUM and ZONING MAP

Topographic Map

Soils Map


frequently flooded
DADE ST
Soil ID: 28
Tisonia mucky peat, frequently flooded
SUBJECT
Soil ID: 31
Kershaw fine sand, 2 to 8 percent slopes
Soil ID: 20
Ortega fine sand, 0 to 5 percent slopes
CALHOUN ST
N 2ND ST
N 3RD ST
N 4TH ST
City of
mandina
Beach
Soil ID: 24
Kingsferry fine sand
BROOME ST
N 5TH ST
N 6TH ST
N 7TH ST
N 8TH ST
Soil ID: 17
Urban land
ALACHUA ST
N FRONT ST

Flood Map



February 9, 2017

1:1,949

0 0.015 0.03 0.06 mi

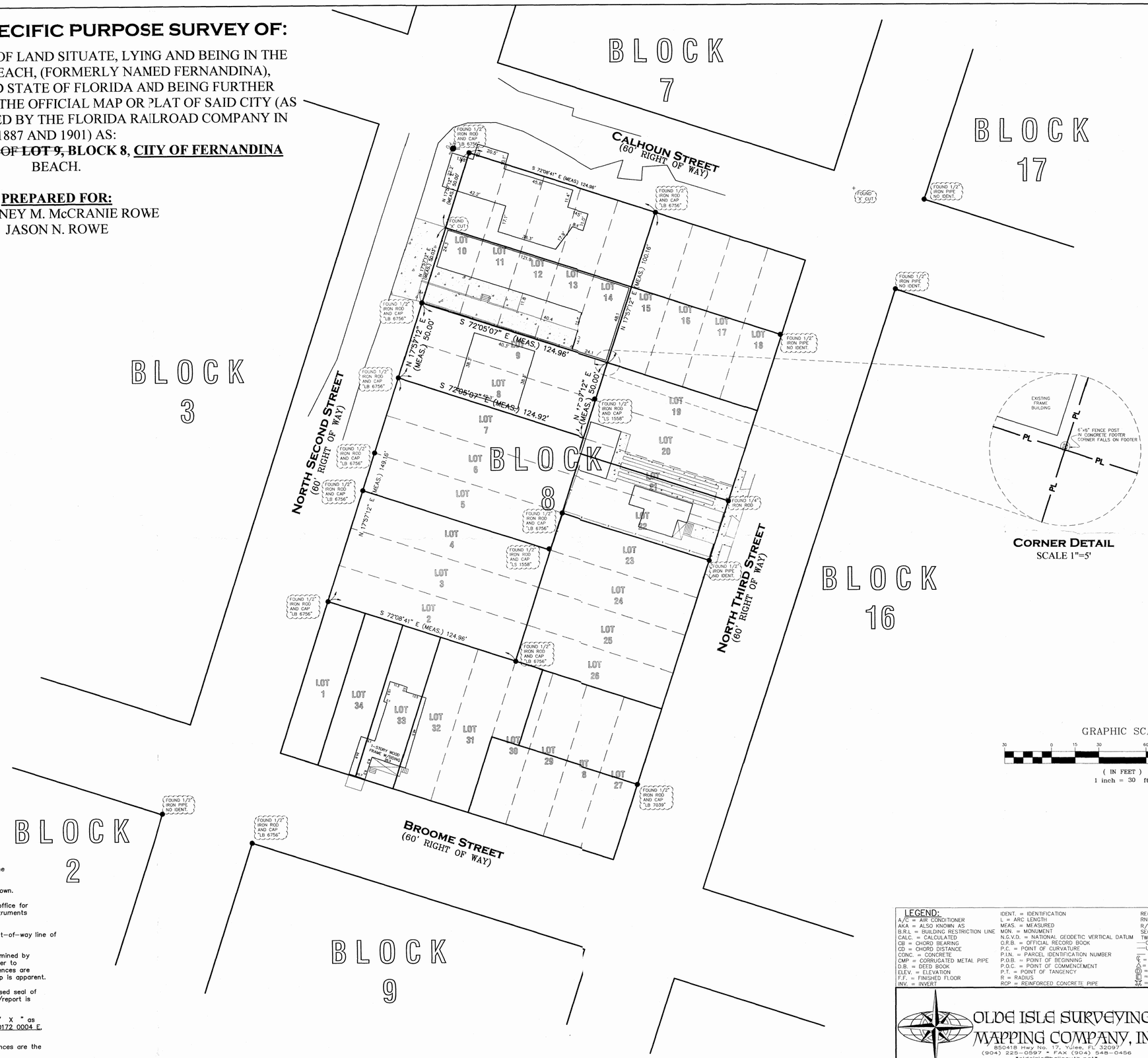
0 0.025 0.05 0.1 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan,

MAP SHOWING SPECIFIC PURPOSE SURVEY OF:

ALL THAT CERTAIN PIECE OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH, (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA AND BEING FURTHER DESCRIBED ACCORDING TO THE OFFICIAL MAP OR PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1887 AND 1901) AS:
~~THE NORTHEAST CORNER OF LOT 9,~~ **BLOCK 8, CITY OF FERNANDINA** BEACH.

PREPARED FOR:
COURTNEY M. McCRANIE ROWE
JASON N. ROWE



CORNER DETAIL
SCALE 1"=5'

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

SURVEY NOTES:

1) The "Legal Description" hereon is in accord with the the description provided by the client.
2) Underground improvements were not located or shown.
3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
4) Bearings based on N 17°57'12" E for the East right-of-way line of North Second Street, (Assumed).
5) Fence ownership, if applicable, has not been determined by this office. Fences are drawn out of scale in order to accentuate their relationship to property lines. Fences are not deemed to be encroachments unless ownership is apparent.
6) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid.
7) The property shown hereon lies within flood zone " X " as per F.E.M.A. Flood Insurance Rate Map, Panel 120172 0004 E, Dated 5/18/03.
8) Unless otherwise noted Measured angles and distances are the same as Plat or Deed angles and distances.

LEGEND:

A/C = AIR CONDITIONER
AKA = ALSO KNOWN AS
B.R.L. = BUILDING RESTRICTION LINE
CALC. = CALCULATED
CB = CHORD BEARING
CD = CHORD DISTANCE
CONC. = CONCRETE
CMP = CORRUGATED METAL PIPE
D.B. = DEED BOOK
ELEV. = ELEVATION
F.F. = FINISHED FLOOR
INV. = INVERT
IDENT. = IDENTIFICATION
L = ARC LENGTH
MEAS. = MEASURED
MON. = MONUMENT
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
O.R.B. = OFFICIAL RECORD BOOK
P.C. = POINT OF CURVATURE
P.I.N. = PARCEL IDENTIFICATION NUMBER
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.T. = POINT OF TANGENCY
R = RADIUS
RCP = REINFORCED CONCRETE PIPE
REC. = RECORD
RNG = RANGE
R/W = RIGHT OF WAY
SEC = SECTION
TWP = TOWNSHIP
—OHE— = OVERHEAD ELECTRIC
—UGE— = UNDERGROUND ELECTRIC
—X— = FENCE AS NOTED
℄ = CENTERLINE
Δ = CENTRAL ANGLE
= DRAINAGE MANHOLE
= ELECTRIC METER
= FIRE HYDRANT
= GAS METER
= LIGHT POLE
= SANITARY MANHOLE
= SEWER CLEANOUT
= TELEPHONE PEDESTAL
= TELEVISION PEDESTAL
= UTILITY POLE
= WATER METER
= WELL
= SET 4x4" CONC. MON. & DISK (LB 7366)
= SET 1/2" IRON ROD & CAP (LB 7366)
● = FOUND IRON AS NOTED
■ = FOUND MONUMENT AS NOTED

OLDE ISLE SURVEYING & MAPPING COMPANY, INC.
852418 Hwy No. 17, Yulee, FL 32097
(904) 225-0597 * FAX (904) 548-0456
"oldeisle@bellsouth.net"
Certificate of Authorization Number "LB 7366"

THE INFORMATION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BY: STEPHEN W. HOFFMAN
FLORIDA REGISTERED SURVEYOR AND MAPPER CERTIFICATE No. 5774

SCALE: 1"=30'
DATE: 11/27/07
DRN BY: RCR
CKD BY: SWH
JOB NO: 04308SP
F.B. NO: 167
PAGE NO. 56

DWG NO. 04308SP

1. Call to Order - The meeting was called to order at 5:01 pm.

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Benjamin Morrison
Donna Lewis
Judith Lane
Wayne L. Peterson
Jenny Schaffer (Alt 2)

Board Members Absent

Member Beal

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Member Lewis (Alt 1) was seated as a voting member in place of Member Beal's absence.

2. New Business

2.1 PAB 2017-04: FINAL PLAT/ REPLAT OF THE SURF UNIT 2
FINAL PLAT/ REPLAT REQUEST FOR THE SURF UNIT 2 TO CREATE EIGHT (8) SINGLE FAMILY HOME SITES. THE 2007 APPROVED PLAT ALLOWED FOR 10 SINGLE FAMILY HOME SITES.

Ms. Gibson introduced herself and presented the case. She explained that the property is located on the west side of South Fletcher Avenue between Eventide Court and unimproved Ocklawaha Avenue and accessed from First Avenue. She also noted that the applicant is modifying the original approved plat allowing 10 single family homes sites to 8 single family home sites. Ms. Gibson then stated that she recommended a favorable recommendation of approval to the Board.

Mike Antonopoulos, 115 Solana Road, Ponte Vedra, welcomed questions from the Board.

Member Lane asked where the main access to the community would be located. Mr. Antonopoulos confirmed that the main access would remain the same common driveway as the one already approved off of First Avenue. Member Morrison asked if these would be zero lot line lots to which Mr. Antonopoulos answered in the negative. Member Schaffer asked if these properties would be zoned for short term rental and Ms. Gibson confirmed that these properties are zoned R3 which allows short term rentals.

The Public Hearing was then opened.

James Roach, St. Augustine, representative for the Surf Owner's Association which includes 4 town home owners and 1 single home owner. Mr. Roach presented Power Point slides showing the current driveway and homes and explained that the narrowness of the driveway and materials would not be able to serve and sustain two-way traffic very efficiently. He also commented about the existing recorded

Covenants and Restrictions and its funding mechanism for common infrastructure and storm water management. He also mentioned that the increased density also brings a safety issue pertaining to the visibility triangle. Mr. Roach then suggested that opening Ocklawaha Avenue for access would address the safety concern. He also noted that the current permit from St. John's Water Management is expired and still under the previous owner's name. Mr. Roach addressed some LDC sections 7.03.03 Water Management requirement, 7.01.01 Access and Driveway Requirements and 7.01.08 Visibility Triangle and asked that Board Members to consider denial of this request.

Carlton Tolbert, 3205 Eventide Court, current resident explained the impact this increase in density would have on the current driveway and their concern about drainage with the added development.

Member Morrison asked Staff about point of access requirements exemption. Member Lane then asked Mr. Antonopoulos about construction vehicles and a secondary access to which a discussion ensued. Chair Bennett then asked about the previously approved condition of having no direct access through Fletcher Avenue and First Avenue.

Frank Miller, Gunster, Yoakley & Stewart, 225 Water Street Suite 1715, Jacksonville, representative for the applicant discussed the right of using the existing easement and the possibility of the Surf 2 joining the existing Surf 1 HOA.

Sandra Buice, 3201 Eventide Court, current owner explained that her concern is about safety and presented pictures of the drainage area and the driveway. She commented that the driveway/easement is deeded to her and was only designed for access to 5 residences.

Tim Schremmer, 3215 Eventide Court, current resident discussed his concerns for safety regarding the common driveway being used by additional home owners.

Member Morrison asked Staff whose responsibility it was to review and approve the final plat. Ms. Gibson answered that this proposal was presented to the Technical Review Board and except for some changes to be incorporated was approved by the Planning Dept., Building Dept., Code Enforcement, Emergency Services, Street Department and also noted that it be maintained by a HOA. Members then discussed the issue with the easement, the common driveway and sizes of roadways according to code.

Member Lane asked Ms. Gibson to reiterate the role of the Board in regards to this case. Ms. Gibson reiterated that the Board's role is to review the proposed final plat/replat for the Surf Unit 2 and to look for consistency with what was previously approved through the preliminary plat and with consistency with the City's Land Development Code and Comprehensive Plan justified but Staff's analysis. She also added that it is not the Board's purview to make recommendation regarding maintenance or water management permitting.

Eric Bartell, 3820 S. Fletcher Avenue, commented about the developer considering widening the driveway.

Eddie Buice, 3201 Eventide, current resident commented further about his issue with the driveway's ownership and usage through easement.

Carlton Tolbert, 3205 Eventide Court, current resident and President of the HOA, asked the Board to confirm that their approval recommendation is for a plat that has been reconfigured and changed.

Public Hearing was then closed.

Chair Bennett asked Ms. Gibson about ingress and egress according to the plat and the usage of the southern access to which Board members added comments.

City Attorney Bach then also reconfirmed the role of the Board.

Member Lane suggested to Mr. Antonopoulos to work closely with the residents of the existing homes.

Ms. Gibson then commented that if changes are suggested this Board has the option to table this discussion or continue and make a recommendation to the City Commission.

Public Hearing was then closed.

A motion was made by Member Morrison, seconded by Member Peterson, to recommend denial of PAB case number 2017-04 to the City Commission requesting that a Final Plat/ Replat for The Surf Unit 2 subdivision be denied and that PAB case 2017-04, as presented, is not sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time for the following reason: questions are still not clear pertaining to requirements to vehicle circulation within this property and the Board's responsibility regarding enforcement. Vote upon passage of the motion was taken by ayes and nays and was as followed:

Member Morrison:	***Aye***
Member Peterson:	***Aye***
Member Lane:	***Nay***
Member Lewis:	***Aye***
Chair Bennett:	***Nay***

Motion carried.

City Attorney Bach explained that this recommendation will be presented to the City Commission and that all parties should expect the same questions to be presented at that meeting. She also suggested that at that time, Staff be able to provide explanations pertaining the Land Development Code citations associated with this case.

2.2 PAB 2017-05: FUTURE LAND USE MAP AMENDMENT AND ZONING CHANGE FOR CRA PROPERTIES LOCATED ON N. 2ND STREET.

PROPERTY OWNERS MARILYN LEIBMAN, DANIEL MCCRANIE TRUSTEE, AND COURTNEY MCCRANIE REQUEST A SMALL SCALE FUTURE LAND USE MAP AMENDMENT AND ZONING MAP CHANGE FOR PROPERTIES LOCATED ALONG N. 2ND STREET TOTALING APPROXIMATELY 1.22 ACRES OF LAND FROM INDUSTRIAL (IND) LAND USE AND I-1 ZONING TO CENTRAL BUSINESS DISTRICT (CBD) FUTURE LAND USE AND C-3 ZONING FOR PARCEL ID NUMBERS: 00-00-31-1800-0008-0020, 00-00-31-1800-0008-0050, 00-00-31-1800-0008-0070, AND 00-00-31-1800-0008-0080.

Ms. Gibson explained the case, she first stated that the property is zoned Industrial (IND) and Light Industrial (I-1) and that the property is surrounded by a variety of usage including Medium Density

Residential, Industrial Warehousing, General Commercial as well as Central Business District. She added that this request is consistent with the direction of the CRA moving forward with the extension of the Central Business District to this area. She commented that the staff report provides explanation of her findings and is consistent with the intent of the CRA and recommended approval.

Peter King, 404 West 70th Street, Jacksonville, representing the Mr. & Mrs. McCranie and Ms. Leibman, presented slides showing the area and explained the request and the reasons why the Comprehensive Plan needs to be amended. He also referred to the CRA guidelines.

Public Hearing was then opened.

Robert Erickson, 30 S. 3rd Street, owner of property at 205 Broome Street which is adjacent to the subject property, expressed support for this case.

Lynn Williams, 1899 S. Fletcher Avenue, asked about property owned by Mrs. Leibman.

Lawrence Holmes, owner of property on Broome Street, commented about past zoning decisions that destroyed the character of the Historic District and advised the Board to weigh their decisions. He also mentioned that he supported the change of zoning.

Public Hearing was then closed.

Member Morrison commented about his support for this change and suggested that any addition submissions may be presented simultaneously to the Commission.

Chair Bennett voiced that he did not support this change and commented about leap frogging according to section 1.02.03(D). City Attorney expressed that this was not spot zoning. Chair Bennett continued his comments with regards to transitional zoning, step down zoning and density restrictions within the CRA as stated in section 1.07.09. Member Lewis voiced her definition of transitional zoning and Member Lane reiterated her support for this change.

A motion was made by Member Lane, seconded by Member Lewis, to recommend approval of PAB case number 2017-05 the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays, and was as followed:

Member Morrison:	***Aye***
Member Peterson:	***Aye***
Member Lane:	***Aye***
Member Lewis:	***Aye***
Chair Bennett:	***Nay***

Motion carried.

At this time, Member Lane departed and Member Schaffer (Alt 2) was seated as a voting member.

2.3. PAB 2017-06: LDC Text Amendments Outdoor Lighting for Wildlife
THE CITY OF FERNANDINA BEACH REQUESTS AMENDMENTS TO LAND DEVELOPMENT CODE SECTION 1.07.00 AND 3.06.00 ADDING DEFINITIONS FOR WILDLIFE LIGHTING (SEA TURTLE), PROVIDING UPDATED STANDARDS, COMPLIANCE PROCEDURES, PENALTIES, AND ESTABLISHING A SEA TURTLE FRIENDLY FUND.

Ms. Gibson presented the request which is a proposal for new wildlife standards for outdoor lighting. She explained that this bundle of changes previously approved by the PAB Board was moved to the City Commission and a request for additional coordination with different stakeholders, agencies and departments was requested by the Commissioners. Ms. Gibson then stated that the coordination had been completed and presented the revisions. She mentioned that all stakeholders have agreed to the changes.

Board Members discussed correcting the description of the area affected and an amendment to that description was made. Board Member then discussed guidelines regarding window tinting, compliance requirements, citations and penalties and a consensus was established by Board Members that a map of the defined area would be created.

Len Kreger, 1739 S. Fletcher Avenue, spoke about the proposal mainly emphasizing that although window tinting requirements are necessary and helpful the main focus should be applied to public education and effective enforcement. Member Morrison asked about street lighting and Mr. Kreger clarified that street lighting posts are excluded but do have some kind of shielding.

City Attorney Bach explained the procedures for citations, penalties and fees from Code Enforcement.

A motion was made by Member Peterson, seconded by Member Morrison, to recommend approval of PAB case number 2017-06 for LDC amendment adding definitions for Wildlife Lighting (sea turtle). Vote upon passage of the motion was taken by ayes and nays, being all ayes, carried.

5. Board Business –

Chair Bennett asked why the TRC Minutes were not available online. Staff explained that this is caused by the agenda system currently used and a new agenda system will be implemented in the very near future.

Members then discussed the time limits of case presentation along with time limit for public input.

7. Comments by the public – There were no comments from the public at this time.

6. Staff Report

8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 7:47 pm.

_____ _____

Secretary **Mark Bennett, Chair**

May 26, 2017 Newsleader Edition

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

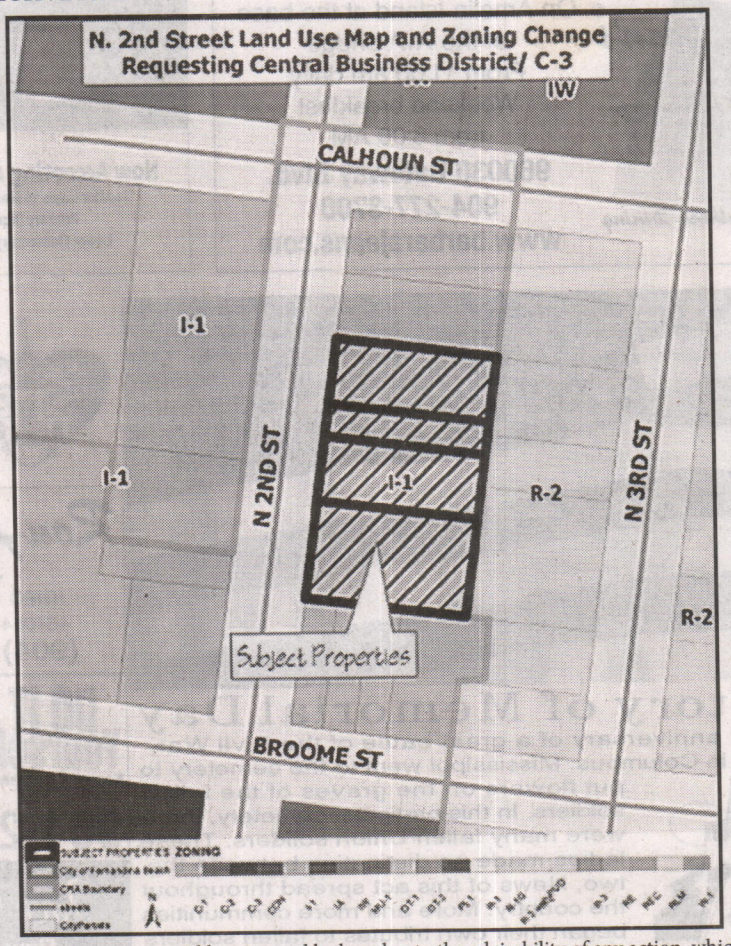
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, June 6, 2017, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2017-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Discussion - Dune and Beach Management

ITEM TYPE: Discussion items

REQUESTED ACTION: Discussion

SYNOPSIS:

This item is placed on the agenda by Vice Mayor Kreger.

Overview of beach management issues including: shoreline renourishment projects, dune management, Special Events on the beach, endangered species, native habitat issues, as well as code compliance and enforcement issues.

Discussion to include preparation of a Dune and Beach Management Plan in compliance with Comprehensive Plan policy 5.02.02 and personnel responsible for future implementation.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager
Tammi Bach, City Attorney
Dale Martin, City Manager Date:05/24/2017

COMMISSION ACTION:

From:	Len Kreger
To:	Kelly Gibson; Marshall, D. McCrary; Dale Martin
Cc:	Andre Desilet; Rex Lester; Kathy Russell; Tammi Bach; Caroline Best; Robin Marley; Tony Perez; Angie Lester
Subject:	Beach and Dune Management Plan
Date:	Sunday, May 14, 2017 11:17:44 AM

As you know the Comprehensive Plan Policy 5.02.02 requires the implementation of a Dune Management program by 2013. As with some other established deadline the completion of this task has been deferred for various reasons. In fact there was a draft completed in 2012 but as noted action was deferred.

I have working with Kelly on reviewing the initial draft and updating it to ensure we have a good plan to monitor and manage both our dunes and have now included our beaches. This plan will include the applicable polices in our Comp Plan. (5.02.01 through 5.02.13)

To start out it is essential to define Beaches and Dunes.

BEACH: A deposit of unconsolidated sediment ranging from boulders to sand formed by wave and wind actions along the cost. The beach extends from the base of dunes Seaward to the low-tide line.

DUNES: Foredunes are the dunes immediately behind the backshore. They function as a reservoir of sand nourishing beaches during high water and are a levee preventing high water and waves from damaging the backshore areas. They are valuable unrestricted shore protection structures created naturally by the Combined action of sand, wind and vegetation, often forming a continuous protective.
(Army Corps of Engineers Shore Protection Manual Volume 2 Attached)

Rather than rewrite already published procedures the Plan will reference appropriate documents and procedures.

The Nassau County Shore Protection Project includes 3.7 miles of our beaches and the State of Florida/Navy MOU also provides Renourishments services. Both these programs along hybrid "Alternate Plan" have significant impact on our beaches and dunes. (References Attached)

Both North Beach Park and Seaside Park are governed by Management Plans, this information will be referenced and/or incorporated as required. (Management Plans attached)

Also included will be references and procedures for:

1. DEP Coastal Construction Control Line
2. The Florida Beaches Habitat Conservation Plan. (Soon to be complete)
3. Endangered and Imperiled Species.
4. FEMA Flood Infomation

I have attached a lot of the appropriated references you may want to review.

Completion of the draft is anticipated by the end of the month (May 2017). The draft will be forwarded for review to the DEP, FWC, Olsen Associates along with appropriate staff.

I will be making a presentation to the Commission 6 June 2017.

Another element of this planning process is the establishment of a Conservation Land Manager position. It will also include the oversight and management of the Greenway.

Comments and recommendation are important to this planning effort.

Len

REC'D DEC 1 8 1986

BETWEEN
THE UNITED STATES DEPARTMENT OF THE NAVY
AND
THE STATE OF FLORIDA

MEMORANDUM OF UNDERSTANDING CONCERNING DREDGING OF THE ST. MARYS INLET CHANNEL

ON THE DATE LAST EXECUTED, the parties hereto, the United States Department of the Navy (hereinafter "Navy"), acting by and through Everett Pyatt, Assistant Secretary of the Navy (Shipbuilding and Logistics), and the State of Florida (hereinafter "State" or "Florida"), acting by and through Elton J. Gissendanner, Executive Director, Department of Natural Resources, and the Trustees of the Internal Improvement Trust Fund, as authorized by Bob Graham, Governor, and the Members of the Cabinet, sitting as head of Department of Natural Resources and the Board of Trustees, have entered into this Memorandum of Understanding (hereinafter "MOU") as more fully described below:

PREAMBLE

I. WHEREAS, the St. Marys inlet is a natural boundary between Florida and the State of Georgia, which has for many years been dredged by the United States Army Corps of Engineers, Jacksonville District (hereinafter "COE"), for the purpose of maintaining a navigable channel for civil works purposes; and

II. WHEREAS, the Navy is in the process of constructing a fleet ballistic missile submarine support base for the TRIDENT submarine at Kings Bay, Georgia, and incident thereto must deepen and lengthen the entrance channel to the St. Marys inlet and create a submarine operational turning basin as currently scheduled to avoid jeopardizing the arrival of the first TRIDENT submarine; and

III. WHEREAS, it is the State's position that the State of Florida Department of Natural Resources is an agency of the State of Florida authorized to regulate coastal construction activities upon state sovereignty lands below the line of mean high-water of any tidal water of the state, pursuant to Section 161.041, Florida Statutes; and further is authorized to direct the placement of excavated sediment resulting from activities conducted to maintain navigable depths within or immediately adjacent to any coastal barrier beach inlet within sovereignty lands, pursuant to Section 161.042, Florida Statutes; and

IV. WHEREAS, it is the State's position that the State of Florida Board of Trustees of the Internal Improvement Trust Fund hold title, in trust for the benefit of the citizenry of the State of Florida, to all sovereign lands of the State of Florida, pursuant to the provisions of Article II, Section 7, and Article X, Section II, Constitution of the State of Florida, and pursuant to the provisions of Chapter 253, Florida Statutes, and are responsible

for the administration, management, control, supervision, conservation and protection, of all such lands including sovereign submerged lands below the line of mean high-water in and around St. Marys inlet; and

V. WHEREAS, it is the State's position that the use of such sovereign lands of the State of Florida requires the consent of the Trustees, pursuant to Section 253.77, Florida Statutes; and

VI. WHEREAS, the Governor and Members of the Cabinet of the State of Florida, sit as the collegial head of the DNR and the Trustees, pursuant to Sections 20.25 and 253.02, Florida Statutes, respectively; and

VII. WHEREAS, the Navy has applied to the State for: 1) a coastal construction permit, pursuant to the provisions of Section 161.041, Florida Statutes; and 2) consent of use to conduct the dredge and fill activities, in recognition of the provisions of section 253.77, Florida Statutes; and

VIII. WHEREAS, the Navy has applied to the State for a dredge and fill permit/certification, pursuant to Chapter 403, Florida Statutes, and a determination of consistency with the Coastal Zone Management Act, as amended, 16 U.S.C. 1451 et seq., (hereinafter "CZMA"); and

IX. WHEREAS, the State has long noted, in relation to the proposed dredging actitivites, its concern for the placement of beach quality sand, a valuable natural resource and asset, upon the beaches of the State, to the Navy and the COE; and

X. WHEREAS, the Navy has prepared and published its Final Third Supplement To The Environmental Impact Statement For A Fleet Ballistic Missile Submarine Support Base At Kings Bay, Georgia, St. Marys Entrance Channel, dated September, 1986, (hereinafter "EIS"), which proposes action that does not require the placement of all beach quality sand produced during dredging upon the beaches of the State; and

XI. WHEREAS, the State has advised the Navy it finds the proposed action not to be in the best interest of the State, in conflict with the provisions of Chapters 161 and 253, Florida Statutes, and inconsistent with the approved Florida Coastal Management Program, and

XII. WHEREAS, the Record of Decision (hereinafter "ROD") concerning the EIS, signed by the Navy on November 24, 1986, and published in the Federal Register on December ____, 1986, adopts the action proposed in the EIS but also expresses a willingness to enter into a cost sharing arrangement with Florida for the placement of additional sand on the beaches of the State; and

XIII. WHEREAS, representatives of the parties have met on several occasions and have reached an accommodation which positively

addresses the concerns of the State while recognizing the cost constraints of the Navy, the Navy's need to expeditiously begin and complete the inlet channel dredging activities, and the Navy's previously proposed mitigative efforts; and

XIV. WHEREAS, it is the Navy's opinion that this MOU is entered into for the purpose of giving effect to 33 U.S.C. 426(j), as amended by the Water Development Act of 1986, P.L. 99-662.

XV. THEREFORE, in consideration of the mutual promises made herein, which the parties hereby affirm as good and valuable consideration, the parties do hereby agree to the following particulars:

AGREEMENT

I. Scope and Purpose

A. This MOU is entered into for the purpose of placing as much beach quality sand recovered in the construction phase of the subject dredging activity on the beaches of the State as can be accomplished within the funding and time constraints of the respective parties, it being recognized and acknowledged by the parties that funds currently available for such work in excess of that proposed in the EIS are limited to $1,000,000 held by the State, and that the proposed dredging operations must be completed in accordance with the current schedule. This MOU is also intended to make provision for the disposal of beach quality sand obtained during maintenance dredging and the cost associated therewith. Therefore, this MOU establishes a mechanism by which the parties will cooperate with each other to achieve these goals.

B. This MOU is entered into with the intent and purpose of fully carrying out the provisions of the ROD, it being recognized by both parties hereto that the ROD and this MOU are complementary.

C. It is not the intention or purpose of the signatories hereto to violate any of the statutes of their respective governments that concern the commitment or obligation of funds in advance of appropriation or authorization by the legislative branches of their governments. Therefore, it is expressly agreed that:

1) nothing contained in this MOU shall constitute an expenditure, obligation, or contract for payment of money within the meaning of 31 U.S.C. 1341(a) or applicable sections of the Florida Statutes.

2) all references to the provision, payment, or expenditure of money in this MOU are subject to the availability of appropriations and/or authorization as required by the United States Congress with respect to the Navy, and the State Legislature with respect to the State.

3) the failure of the legislative branch of one party to make available the funds addressed in this agreement shall not by itself constitute a breach of this agreement, but in such case, each party may limit its funding contribution to the amount provided by the other.

II. Provision for Sand from Construction Dredging

A. Current Proposed Disposal Plan. The proposed action, delineated in the EIS and adopted by the ROD, anticipates the dredging of approximately nine million seven hundred thousand cubic yards (9.7 mcy) of material from in and around the St. Marys inlet entrance channel. The disposal plan proposes:

1) placing approximately one million four hundred thousand cubic yards (1.4 mcy) of beach quality sand along a 4.5 mile beach segment south of the south jetty (hereinafter the "Northern Beach Site");

2) placing approximately three million one hundred thousand cubic yards (3.1 mcy) of sand in a Navy designated "nearshore" disposal area with water depths of 18 to 36 feet below mean low water at a location 4.5 to 6.5 miles south of the south jetty (hereinafter the "Nearshore Disposal Area"); and

3) placing the remaining dredge spoil, approximately five million two hundred thousand cubic yards (5.2 mcy) of material categorized by the Navy as rock, fines and sand, in a proposed four mile square United States Environmental Protection Agency (EPA) approved offshore disposal area.

B. Modification of Proposed Disposal Plan. The Navy agrees to modify the disposal plan contained in the EIS as follows:

1) approximately one million four hundred thousand cubic yards (1.4 mcy) of beach quality sand will be placed at the Northern Beach Site as proposed in the EIS;

2) as determined in accordance with paragraph II(D) below, up to the lesser of the total volume of beach quality sand recoverable during dredging, or three million one hundred thousand cubic yards (3.1 mcy), of beach quality sand, proposed in the EIS to be placed in the Nearshore Disposal Area, will be placed on the beach at Amelia Island, Nassau County, Florida, between DNR range monuments R-48 and R-75 (hereinafter the "Southern Beach Site"), in such locations and manner as determined by the COE;

3) the Nearshore Disposal Area may be utilized for disposal of that portion of the beach quality sand for which funding does not become available, for the emergency maintenance dredging referred to in paragraph III(B) below, and when necessary, as indicated in paragraphs II(E)(2) and II(E)(3) below, to ensure that the dredging schedule is maintained; and

4) the remaining five million two hundred thousand cubic yards (5.2 mcy) of material will be disposed of in an EPA approved offshore disposal area.

C. Cost Sharing for Southern Beach Site. Funding for the work delineated in paragraph II(B)(2) above shall be as follows:

1) the Navy shall be responsible for funding one half of the additional cost of placing sand on the Southern Beach Site rather than in the Nearshore Disposal Area;

2) the State shall be responsible for funding one half of the additional cost of placing sand on the Southern Beach Site rather than in the Nearshore Disposal Area;

D. Amount and Provision of Funding. Inasmuch as not all of the funds described in paragraph II(C) above are currently available, the Navy and the State agree to seek necessary funding for their respective 1/2 shares of the cost and to provide funding as soon as possible given the acknowledged constraints of legislative approval. The actual quantity of sand placed on the Southern Beach Site will be based on the actual bid price and the amount and timing of the state funds as follows:

1. the additional cost of placing sand on the beach shall be determined by inserting a base bid in the COE contract that will require placement of all sand in the Nearshore Disposal Area, and a series of additive bids that will require direct placement of various amounts of sand on the Southern Beach Site (with a corresponding reduction in the amount of sand placed in the Nearshore Disposal Area);

2. upon the opening of bids, each additive bid item shall be escalated by the customary amounts used by the Navy to provide for contingency and supervision, inspection, and overhead (SIOH) costs, and the escalated amount so obtained shall be deemed the initial additional cost of placing the quantity of sand on the beach;

3. within 10 days after the opening of bids, the parties shall meet and select the quantity of sand for which they will seek funding, based on the amount of the bids and their expectations of the amount of funding their respective legislative branches will provide;

4. within 30 days after the opening of bids, the State shall provide its initial $1,000,000.00, and shall provide the remaining portion of its share on or before July 15, 1987; should the State fail to provide its total funding share by July 15, 1987, the Navy will have an obligation to place sand on the Southern Beach Site only to the extent of available funding. The parties may enter into a supplemental agreement with each other for the placement of additional sand on the Southern Beach site as will not jeopardize the dredging schedule and as funds will permit.

5. the method of payment by the State for its share of funding shall be specified by a subsequent agreement.

6. the Navy shall provide its share of funding on such schedule as to match the State payments made pursuant to paragraph II(D)(4) above.

E. Provision for Contingencies. The parties also agree that:

1. The cost of any change orders issued by the COE as a result of work associated with placing sand on the Southern Beach Site or in order to places and on the Southern Beach Site shall be treated as part of the additional cost of placing sand on the Southern Beach Site and the parties will share the cost of such change orders equally. Funding for such change orders shall be made by use of the contingency funds obtained pursuant to paragraph II(D)(2) above or, when required, by new appropriation.

2. In the event it becomes necessary to cease placing sand on the Southern Beach Site in order to maintain the schedule for the completion of this dredging established by the COE upon award of the contract that will accomplish this work, the Navy may place the remaining sand in the Nearshore Disposal Area, provided however, that the Navy shall place at least that amount of sand on the Southern Beach Site during calendar year 1987, as may be obtained for $2,000,000.00, if the State has provided at least $1,000,000.00 on or before the date determined pursuant to paragraph II(D)(4) above.

3. In the event a third party, seeking to prevent placement of sand on the Southern Beach Site, obtains a temporary restraining order, preliminary injunction, or similar order, the effect of which is to prevent the placement of sand on the Southern Beach Site but permit the placement of sand in the Nearshore Disposal Area, then, until such order or injunction is dissolved, the Navy may place sand in the Nearshore Disposal Area, if such action is necessary to maintain the dredging schedule established by the COE upon award of the contract that shall accomplish this work.

III. Provision for Sand from Maintenance Dredging.

A. The Navy agrees to place up to one hundred percent (100%) of all beach quality sand resulting from routine maintenance dredging of the project area on the beaches of Amelia Island, Nassau County Florida, and Cumberland Island, Camden County, Georgia, as follows:

B. Only beach quality sand resulting from routine maintenance dreding is subject to this provision. This provision does not apply to material dredged by or on behalf of the Navy pursuant to a bona fide emergency which necessitates immediate action.

C. This provision applies only to that portion of the beach quality sand resulting from routine maintenance dredging attributable to the Navy, which portion is estimated to be approximately three-fourth (3/4) of the total St. Marys inlet channel maintenance dredging, and not to the remaining one-fourth (1/4) portion attributable to dredging performed by the COE for the purpose of maintaining a civil works project channel.

D. Until completion of the proposed Department of Interior (hereinafter "DOI") study initiated to determine the impact,

if any, on Amelia and Cumberland Islands of the additional channel dredging for the Navy (hereinafter the "DOI Study"), or until the expiration of five (5) years from the date of completion of the construction phase, whichever is later, the Navy shall place any beach quality sand resulting from routine maintenance dredging on the Northern Beach Site, or other disposal area as may be agreed upon by the Navy and the State, subject to the provisions of paragraphs III (E) and (G) below.

E. Subject to the limitation in paragrapah III(G) below, if the State desires that any of the beach quality sand obtained during maintenance dredging be placed on the Southern Beach Site, the State and the Navy equally will share the additional cost of placing that sand on the Southern Beach Site rather than the Northern Beach Site.

F. Should the DOI Study conclude, based upon actual data developed during the study, that significant additional erosion to the southern end of Amelia Island is being directly caused by the dredging of the St. Marys channel for Navy purposes, the Navy thereafter will place on the Southern Beach Site, or such other site on Amelia Island designated by the State, from routine maintenance dredging an amount of beach quality sand equivalent to the amount obtained from dredging and pay the entire cost associated therewith, subject to the provisions of paragraph III(G) below. Should the DOI Study conclude the dredging for the Navy is not the cause of additional erosion at the southern end of Amelia Island, the Navy may continue to place beach quality sand resulting from routine maintenance dredging in accordance with paragraph III(D) above.

G. In the event the State of Georgia, or the DOI acting on Georgia's behalf and with Georgia's concurrence, desires to obtain sand from maintenance dredging, then Florida shall be entitled to no more than one-half of the beach quality sand resulting from maintenance dredging. However, Florida shall be entitled to use on its beaches any maintenance dreding beach quality sand not desired by Georgia for placement on Georgia beaches.

H. This document does not specify how the Navy and State of Georgia will deal with the location or payment for sand which may be placed on Cumberland Island. This document is not intended to create any rights for Georgia. The provisions herein concerning Georgia or the DOI are merely intended to limit the rights of Florida in recognition of the interest Georgia or the DOI may have in obtaining sand from maintenance dredging.

IV. <u>Additional Assurances of the State of Florida</u>. The State of Florida further agrees to the following:

A. The State shall issue an intent to issue a dredge and fill permit/certification, pursuant to Chapter 403, Florida Statutes, and a determination of consistency with the Coastal Zone Management Act, as amended, 16 U.S.C. 1451, et seq., on or before January 5, 1987.

B. The State shall grant the permit applied for by the Navy pursuant to Section 161.041, Florida Statutes, and the dredge and fill consent of use application submitted by the Navy in recognition of Section 253.77, Florida Statutes, as expeditiously as possible.

C. The State shall expeditiously establish an erosion control line or a mean high water line survey for the Southern Beach Site.

D. The State agrees to defend the intent to issue and the issuance of the permits issued by it pursuant to the provisions hereof.

E. The State agrees to withdraw its objections to the proposed EPA offshore disposal site.

F. The State agrees to withdraw its objections to the EIS.

G. If the Navy complies with the terms of this MOU, the State agrees it will forego engaging the Navy in litigation, in either the administrative or judicial forum, relative to any subject matter which is addressed herein.

H. The State agrees to assist the Navy in compliance with any additional environmental requirements that may be necessary for placing sand on the Southern Beach Site.

I. Upon request by the COE, the State agrees to expeditiously ensure provision all rights of entry for survey and exploration, all lands easements and rights of way, and all utility and facility relocation, upon state lands, required to place sand on the Southern Beach Site.

J. The State agrees to ensure adequate public access to the Southern Beach Site consistent with the standards for inlet sand transfer projects, as determined by the Division of Beaches and Shores, Department of Natural Resources.

K. The State agrees, subject to the provisions of Section 768.28, Florida Statutes, to save and hold harmless the United States from any and all damages occuring during or resulting from the work of placing sand on the Southern Beach Site, including all damages due to the fault or negligence of the United States, its employees, agents, or contractors.

V. Statutory Clauses.

A. Gratuities. The Navy may, by written notice to the State, terminate the rights of the State under this Agreement if it is found after notice and hearing by the Secretary of the Navy or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the State, to any officer or employee of the Navy with a view toward securing an Agreement or securing favorable treatment with respect to the awarding or amendment, or the making of any determination with respect to the performing of such Agreement; provided, that the existence of the facts upon which the Secretary or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court. In the event this Agreement is so terminated, the Navy shall be entitled (1) to pursue the same remedies against the State as it could pursue in the event of a breach of the contract by the State and (2) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in any amount (as determined by the Secretary or his duly authorized representative) which shall be not less than three nor more than ten times the cost incurred by the State in providing such gratuities to any such officer or employee. The rights and remedies of the Navy provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement (10 USC 2207).

B. Officials not to Benefit. No member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom (41 USC 22).

C. Covenant Against Contingent Fees. The State warrants that no person or selling agency has been employed or retained to solicit or secure this agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial, architectural/engineering or selling agencies maintained by the State for the purpose of securing business. For breach or violation of this warranty the Navy shall have the right to annul this agreement without liability or, in its discretion, recover the full amount of such commission, percentage, brokerage, or contingent fee (10 USC 2306(b), 41 USC 254(a)).

VI. Communications Regarding the MOU. Until otherwise notified, the parties hereto agree that all notices, requests, demands and other communications pursuant to this MOU shall be in writing and shall be deemed to have been duly given if delivered or mailed, postage prepaid to each party, at the addresses set forth below.

B. The State:

Executive Director
State of Florida
Department of Natural Resources
10th Floor, Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32303

VI. Modification of MOU. Modification and/or wavier of any provision of this agreement shall be effective only if made in writing and executed with the same formality as this MOU. The failure of any party to insist upon strict performance of any provision of this agreement shall not be construed as a waiver of any subsequent defaults or breaches of the same or similar nature.

VII. Duration. This MOU shall remain in full force and effect until terminated by the mutual consent of the parties and reduced to a writing executed with the same formality as this MOU.

VIII. Reservation of Legal Rights and Remedies. In the event either party breaches the provisions of this MOU, the other party reserves to itself all rights and remedies available to it at the time of the execution hereof.

IX. Permits Conditioned Upon Navy Compliance with MOU. The parties hereto agree that the permits and easements issued pursuant to the provisions hereof may be conditioned upon compliance with the provisions hereof.

SIGNED:

ON BEHALF OF THE NAVY:

Everett Pyatt

EVERETT PYATT
ASSISTANT SECRETARY OF THE NAVY
(Shipbuilding and Logistics)

12/16/86
DATE

ON BEHALF OF THE DNR AND THE TRUSTEES:

ELTON J. GISSENDANNER
Executive Director
Department of Natural Resources

DATE

ST. MARYS RIVER ENTRANCE INLET MANAGEMENT STUDY IMPLEMENTATION PLAN

CERTIFICATE OF ADOPTION

WHEREAS the Department of Environmental Protection, in partnership with the Nassau Soil and Water Conservation District, sponsored a study of the inlet known as St. Marys River Entrance, under the provisions of Section 161.161, Florida Statutes, for the purposes of evaluating the erosive impact of the inlet on adjacent beaches, and

WHEREAS the Department has developed an implementation plan which contains corrective measures to mitigate the identified impacts of the inlet, and

WHEREAS the implementation plan is consistent with the Department's program objectives under Chapter 161, Florida Statutes,

The Department does hereby adopt the following implementation actions:

1) **Continue to bypass suitable sediment to the downdrift beaches.**

   As a first priority, place material on the beach in areas of greatest need as determined by the Department meeting an annual placement objective of between 554,000 and 779,000 cubic yards as determined by the sediment budget. The sediment budget contained in the study report is adopted as an interim measure and shall be formally validated or redefined in subsequent revisions of the plan based on a comprehensive monitoring plan by December 31, 2003.

2) **Restore the downdrift beaches, designated by the Department as experiencing critical erosion, to mitigate the effects of the inlet.**

   This action may be pursued under the Nassau County Shore Protection Project or other available state or federal authorizations.

3) **Investigate the feasibility of constructing sand traps within the inlet interior and making modifications to the south jetty.**

   This study should be conducted in conjunction with the Fernandina Harbor Navigation Project in the form of a General Reevaluation Report or other appropriate study.

4) **Restore the existing groin field and construct additional shore protection structures as necessary to protect Fort Clinch.**

   Initiate discussions with the State of Georgia and National Park Service to pursue

removal of the interior north jetty shoal. This action is intended as a means of reducing erosional stress to Amelia Island and Fort Clinch resulting from the southerly migration of the entrance channel.

5) **Investigate alternative means to recover suitable sandy maintenance material currently being placed offshore.**

Evaluations should consider the use of silt separation technology and the determination of acceptable sediment qualities for beach and nearshore placement.

6) **Develop an agreement between local, state and federal governments to identify proponents for cost sharing to facilitate the bypassing and monitoring of maintenance material dredged from the entrance channel.**

7) **Implement a comprehensive beach and offshore monitoring program subject to the approval of the Department.**

The program will be used to identify beach placement locations for future bypassing efforts and to revalidate the sediment budget.

This plan is based on the supporting data contained in the study report, St. Marys Entrance Inlet Management Study, November 1997, Olsen Associates, Inc., and comments provided by public agencies and the citizenry of Nassau County. Each implementation action contained in this plan is subject to further evaluation, and subsequent authorization, as part of the Department's environmental permitting and authorization process. Any action that may affect navigation associated with the inlet shall be consistent with all applicable Federal requirements and subject to authorization from the U.S. Army Corps of Engineers. Further, actions affecting the State of Georgia and other federal agencies shall be subject to applicable permitting and authorization processes.

It is the intent of the Department to assist in the implementation of the plan through the provision of funds granted under the Florida Beach Erosion Control Program. The Department's financial obligations shall be contingent upon sufficient legislative appropriations.

Nothing in this plan precludes the evaluation and potential adoption of other alternatives or strategies for management at St. Marys Entrance.

APPROVED FOR ADOPTION

Kathy B. Cu

Kathy Virginia B. Wetherell, Secretary
Department of Environmental Protection

5.18.98
Date

Conservation Management Plan

This management plan form is intended for Board of Trustees leases and subleases of conservation properties that are 160 acres or less. It is intended to address the requirements of Chapter 253.034, 259.032 and rule 18-2.021. Attachments to, or expansion of this form are welcome, if the space provided below is not sufficient. Please answer all of the items below and number all attachments and reference them in the appropriate location below. You are under no obligation to use this form. Any plan format is acceptable, provided it includes all of the appropriate items from the above mentioned statutes and rule. This form is available in electronic format upon request. For additional information pertaining to management plans, please visit the Division of State Lands Stewardship page on the web at http://www.dep.state.fl.us/lands/stewardship.htm.

A. General Information

1. Common Name of the Property: North Beach Park
2. Lease Number: 3944
3. Acres: 0.81 BOT, 0.72 FCT, 1.14 City right of way
4. Managing Agency: City of Fernandina Beach
5. Provide an executive summary/description of this property that includes a brief description of the resources, uses and proposed uses, outstanding features etc.

North Beach Park is composed of 2.67 acres of primary dune and coastal grasslands. 0.81 acres was leased from the Board of Trustees of the Internal Improvement Trust Fund of Florida in 1992, 0.72 acres was acquired by the City through the Save Our Coast Program and the Florida Communities Trust P-2000 Conservation Program in 1995, and 1.14 acres of the Park is within the City's right of way. The park is located in a medium density residential development area on the north end of Amelia Island, within the City of Fernandina Beach. It is designated as Recreational Open Space by the City's Comprehensive Plan, which protects it from future development. Allocated as a passive recreational area by the City of Fernandina Beach, no alternate or multiple uses of this property have been considered.

The park lies adjacent to ocean beach and the Ft. Clinch Aquatic Preserve. Endangered sea oats are found in the primary dune, and the beach is part of a documented nesting area for the threatened Loggerhead and the endangered Green and Leatherback sea turtles. The park may provide a vantage point from which to see endangered Right Whales during their calving season from December through March. The property's beach and dune structure are representative of the beach found on /'barrier islands along the eastern sea coast. There is a partial limestone revetment parallel with the beach and slightly seaward of the primary dune. This revetment is covered with sand most of the year. The beach is affected by jetties bordering the ship channel at the St. Mary's River entrance to Cumberland Sound. North Beach Park possesses a broad, flat beach with adjacent dunes and native vegetation. There are no known archaeological, mineral, water or historical resources on this property.

The property provides an attractive break in the landscape, affording residents and visitors a vista to the beach and Atlantic Ocean. Its open land and sandy soil allow for natural percolation of storm and floodwaters. Visitors to North Beach Park are provided with a parking area, boardwalk, two pavilions, picnic tables, public beach access, and opportunities for passive recreation such as bird watching, nature photography, seasonal right whale observation, and access to beachcombing, swimming, surfing, fishing and hiking.

6. Attach a map showing the location and boundaries of the property including:

   a) The location and type of structures or improvements currently on the property.

   b) The location and type of proposed improvements. Appendix A

7. Attach a map showing the proximity of this managed area to other conservation areas within 10 miles. Appendix B

8. Please attach a legal description of the property. Appendix C

9. Provide a physical description of the land including a quantitative data description of the land which includes an inventory of forest and other natural resource, exotic and invasive plants, hydrologic features, infrastructure including recreational facilities, and other significant land, cultural or historical features.

The leased and City owned parcels of North Beach Park consist of 0.52 acres of foredune,1.97 acres of Coastal Grassland, and .18 acres of parking area. Within the BOT leased area, .04 acres are foredune and .77 acres are Coastal Grassland.

Controlled species of exotic and invasive plants that have occurred for which ongoing control measures are applied are: Asparagus fern (Asparagus setaceus), Century plant (Agave americana), Crow-foot grass (Dactyloctenium aegyptium), Pampass grass (Cortaderia selloana), Torpedo grass (Panicum repens), and Silverthorn (Elaeagnus pungens).

Infrastructure includes a parking area along its western border, an elevated walkway that provides beach access, and 2 pavilions with picnic tables.

There are no hydrologic features or significant cultural or historical features.

10. A brief description of soil types, attaching USDA maps when available.

Corolla and Newhan-Corolla fine sand. See Appendix D.

11. Is the property adjacent to an aquatic preserve or designated area of critical state concern? YES X NO ____

If YES, please identify:

Ft. Clinch Aquatic Preserve.

12. Was the property acquired by a conservation land acquisition program? If YES, please identify.

Yes. North Beach Park consists of 0.81 acres leased in 1992 for 50 years from The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and 0.72 acres held under fee simple title by the City of Fernandina Beach, acquired through funding from the Florida Communities Trust Fund in 1995.

13. Do any agency-specific statute requirements or legislative/executive directives constrain the use of the property? (These restrictions can frequently be found in the lease) YES X_____ NO _____

If YES, please identify

Lease Agreement: Lessee shall manage the leased premises only for the establishment and operation of a beach accessway, the conservation and protection of natural and historical resources, and for resource based public outdoor recreation which is compatible with the conservation and protection of these public lands.

14. Are there any reservations or encumbrances on the property?
YES _____ NO X_____

If YES, please identify:

NA

B. Natural and Cultural Resources

15. Are there any archeological or historical sites on this property? YES _____ NO X_____
If YES,

A) How do you plan to locate, protect and preserve these resources?

NA

B) Please describe the actions the agency plans to take to locate and identify unknown Resources such as surveys of unknown archeological or historical sites.

In December, 1999 the Florida Department of State, Division of Historical Resources conducted a review of for the purpose of determining whether historical properties exist or potentially exist within this management area. Their determination was that no archaeological sites or historic buildings are recorded in the subject tract and that it was their determination that potential for the existence of significant unrecorded resources was low. If fortuitous archaeological or historic remains are encountered within the parcel this agency will be immediately notified. It was their determination that historic property considerations will otherwise not be an issue in the management of this property. See Appendix E.

16. Are there any buildings on the property that are fifty or more years old?

YES _____ NO _X_____ If YES,

A) Please Identify: NA

B) Have these buildings been evaluated by a historian or historic architect to determine their historical and/or architectural significance. If YES, please identify both the building(s) and the evaluators(s):

NA

C) Please state whether any such buildings are listed in the Florida Master Site File, National Register of Historic Places or a local register of historic places and identify such buildings.

NA

By law, the managing agency must consult with the Division of Historical Resources with regard to any proposed land clearing or ground disturbing activities or with regard to any proposed rehabilitation, restoration or demolition of structures 50 or more years old. Please contact the Division of Historic Resources if you would like to obtain information on archeological/historical sites.

Division of Historical Resources
Florida Department of State
R.A. Gray Building, MS-8
Tallahassee, Florida 32399
(850) 245-6312

17. Please identify natural resources on the property that are listed in the Florida Natural Areas Inventory.

See Appendix F.
Beach Dune Community - G3/S2: vulnerable to extinction, found locally in restricted range/imperiled in Florida due to rarity or natural or man-made factors. Active coastal dune with sand substrate; xeric; statewide; marine influence; open herbaceous vegetation with no canopy; Sea oats (Uniola paniculata) , railroad vine (Ipomoea pes-caprae), large leaf or beach pennywort (Hydrocotyle bonariensis), seacoast marsh elder (Iva imbricata), bitter panicgrass (Panicum amarulum), and/ or mixed salt-spray tolerant grasses and herbs.

Coastal Grassland - G3/S2: Coastal herbaceous flatland behind dunes with stable sand substrate; mesic-hydric; marine influence; statewide excluding Keys; herbaceous vegetation with no canopy; salt-tolerant grasses and herbs; large leaf or beach pennywort (Hydrocotyle bonariensis), seabeach evening primrose (Oenothera humifusa), camphorweed (Heterotheca subaxillaris), common prickly pear (Optunia strictra), spurge-nettle (Cnidoscolus stimulosus), beach morning-glory (Ipomoea stolonifera), greenbrier (Smilax auriculata), saltgrass (Distichlis sp.).

18. Are any imperiled natural communities, unique natural features, or any State and federally listed endangered or threatened plant or animal species, on site?
YES X_____ NO _____

If YES, please provide a specific description of how you plan to identify, locate, protect and preserve these species.

The Beach Dune and Coastal Grassland Communities are imperiled in Florida. Construction of a boardwalk/dune walkover in 2001 ensures that the dunes and associated plant and animal species are protected from pedestrian traffic.

The eastern border, beachside, is a potential nesting area for endangered and threatened species of sea turtles. Amelia Island Sea Turtle Watch monitors, evaluates and ensures the application of federal and state protective measures. The beach walkover keeps pedestrians off the dunes, providing beach access without disturbing valuable dune stabilizing plants such as endangered sea oats.

If you would like further information regarding natural resources or endangered species please contact the Florida Natural Areas Inventory (FNAI).

Florida Natural Areas Inventory
1018 Thomasville Road, Suite 200-C
Tallahassee, Florida 32303
(850) 224-8207

19. Please identify the water resources including swamps, marshes or other wetlands, on the property including the water quality classification for each water body and if the water body has been designated "Outstanding Florida Waters".

There are no water resources on this property. North Beach Park lies adjacent to a section of the Atlantic Ocean that is part of the Ft. Clinch Aquatic Preserve, designated as "Outstanding Florida Waters."

20. Are any known mineral resources, such as oil, gas and phosphates, or any unique natural features, such as coral reefs, beaches, dunes, natural springs, caverns, large sinkholes, virgin timber stands, scenic vistas, and natural rivers and streams, and outstanding native landscapes containing relatively unaltered flora, fauna, and geological features on site? YES _____ NO X_____

If YES, Please identify and provide locations of these resources on a map.
Appendix NA

21. Are there fish or wildlife resources (both game and non-game) on the property?
YES _____ NO _x_____ If YES, please describe:

C. Use of the Property

22. Please provide a statement of the purpose for which the lands were acquired, the projected use or uses as defined in Chapter 253.034, Florida Statutes, and the statutory authority you have for such uses.

This land acquisition was for passive recreation and beach access. This property is designated as Recreational Open Space by the City's Comprehensive Plan. See Appendix G for relevant components of the City's Comprehensive Plan.

23. Please state the desired outcome for this property, and key management activities necessary to achieve the desired outcome, including public access.

The desired outcome for this property is the provision of beach access while maintaining this fragile Beach Dune Community through the presence of an elevated walkway, pavilion, and designated parking area.

24. Please state the single or multiple uses currently made of the property and if the property is single use, please provide an analysis of its potential for multiple-use.

Single _x_____ Multiple _____ use/s is/are:

This property is designated for passive recreational activities only, such as bird and other wildlife watching, nature photography, and access for beachcombing, swimming, surfing, fishing, and hiking. Additional uses would not be appropriate on this small and fragile beach dune community. No alternate or multiple uses of this property have been

25. Were multiple uses considered but not adopted? YES _____ NO _x_____

If YES, please describe why:

NA

26. Please provide an analysis of the potential use of private land managers to facilitate the restoration or management of these lands.

Private land managers for this 2.67 acres for the purpose of restoration or management has not been considered. North Beach Park is effectively managed by the City of Fernandina Beach Parks and Recreation Department.

27. Please provide an analysis of the potential of the property to generate revenues to enhance the management of the property.

This small coastal dune property does not have the potential to effectively generate revenue for management enhancement. Sufficient management funding is provided by the City of Fernandina Beach.

28. Describe the projected, current and recent past uses of the property, and any unauthorized uses, if known.

The projected, current and recent past use of the property will be, are, and have been for passive recreation, including beach access.

29. Do the planned uses impact renewable and non-renewable resources on the property?

YES _____ NO X_____

If YES, please describe what specific activities will be taken to protect or enhance and conserve those resources and to compensate/mitigate the damage that is caused by the impacting use.

There are no planned changes/additions to planned uses of this property.

30. Should any parcels of land within or adjacent to the property be purchased because they are essential to management of the property? YES _____ NO X_____

If YES, please attach a map of this area. Appendix

31. Are there any portions of this property no longer needed for your use?

YES _____ NO X_____ If YES, please attach a map of this area. NA

32. Please describe what public uses and public access that would be consistent with the purpose for which this property was acquired.

The property was acquired for the purpose of passive recreation. The existing boardwalk/walkover, pavilion, and parking area are consistent with this objective.

D. Management Activities

33. If more than one agency manages this property, describe the management responsibilities of each agency and how such responsibilities will be coordinated.

NA

34. Please discuss management needs and problems on the property including conservation of soil and water resources and control and prevention of soil erosion and water and soil contamination.

There are no issues with soil conservation, water resources (non-existent), or the control and prevention of soil erosion or contamination. Erosion of the adjacent beach is managed through alternating years of beach renourishment.

35. Identify adjacent land uses that will conflict with the planned use of this property, if any.

None.

36. Please describe measures used to prevent/control invasive, non-native plants.

The Nassau County Extension Office and Master Gardeners conduct annual plant surveys in North Beach Park. This service is budgeted for annually through the Parks and Recreation Department. Any non-native, invasive plants are identified and reported to the Parks and Recreation Department which in turn notifies the City Maintenance Department that eradication measures are called for.

37. Was there any public or local government involvement / participation in the development of this plan? YES _____ NO X_____ If YES, please describe:

This plan was developed by the Parks and Recreation Department within the City of Fernandina Beach.

38. If an arthropod control plan has been established for this property, please include it as an attachment. (Attachment) If one does not exist, provide a statement as to what arrangement exists between the local mosquito control district and the managing agency. See Chapter 388.4111 regarding mosquito control on public lands.

There is no arthrodpod control plan in place for this property. Amelia Island Mosquito Control does not regularly apply control measures because mosquitoes are rarely a problem due to sea breezes. If called for, AIMC would be contacted for a single spray treatment.

39. Management Goals – **The following 8 goals may not all be applicable to your site. Write N/A where appropriate. Also, please add as many goals, objectives, and measures as you wish.**

	Core Objectives	Measure	Timeframe 2 yrs = Short Term 10 yrs = Long Term	Expenses and Manpower Budget
1	**Habitat restoration and improvement (Description):** NA			
	Prescribe burn_____ acres per year	_____ acres burned per year	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
	Maintain _____ acres per year within target fire return interval.	_____ acres within fire return interval target	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
	Conduct habitat/natural community improvement on _____ acres	_____ acres with restoration underway	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
	Conduct habitat/natural community restoration activities on _____ acres.	_____ acres restored	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
	Conduct timber harvest for the purposes of habitat restoration on _____ acres	_____ acres harvested	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____

2	**Public Access and recreational opportunities (Description):** A boardwalk/walkover is in place, which includes a pavilion, for the purpose of passive recreation and beach access. A parking area for 10-12 vehicles borders the western property line. Common passive recreational activities include bird watching, nature photography, seasonal Right Whale observation, ocean viewing, and for those who access the beach, beachcombing, swimming, surfing, fishing and hiking. Interpretive signage is posted along the boardwalk.			
	Maintain public access and recreational opportunities to allow for a recreational carrying capacity of 50 visitors per day	50 visitor opportunities/day	Within 2 yrs 0 Within 10 yrs 0	Expense $0 Personnel $0
	Develop additional public access and recreational opportunities to allow for a carrying capacity of NA visitors/day	0 visitor opportunities/day	Within 2 yrs 0 Within 10 yrs 0	Expense $0 Personnel $0
	Continue to provide signage interpretive/education programs	0 interpretive/education programs	Within 2 yrs 0 Within 10 yrs 0	Expense $0 Personnel $0
	Develop 0 new interpretive/education programs	0 interpretive/education programs	Within 2 yrs 0 Within 10 yrs 0	Expense $0 Personnel $0
3	**Hydrological preservation and restoration (Description):** NA			
	Conduct or obtain a site assessment/study to identify potential hydrology restoration needs	Assessment conducted? Y__ N__	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
	Restore natural hydrologic condition and functions to _____ acres on site	____ acres for which hydrologic restoration is underway (planning, grant writing, earth moving, etc.)	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____

		____ acres for which natural hydrologic conditions and function are restored	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
4	**Sustainable forest management (Description):** NA			
	Prepare& implement a silviculture management plan including reforestation, harvesting, prescribed burning, restoration, and timber stand improvement activities and goals.	Silviculture management plan complete? Y __ N __ _____acres treated	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
	Develop and implement a process for conducting stand descriptions and forest inventory including a GIS database containing forest stands, roads & other attributes (including but not limited to: threatened & endangered species, archeological resources, exotic species locations, historical areas)	Complete GIS database and re-inventory all attributes every 3-5 years or as needed.	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
		____ acres of forest inventoried annually	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
5	**Exotic and invasive species maintenance and control (Description):** Exotic and invasive species maintenance and control measures are applied as needed. Annual plant surveys are conducted and such species can be controlled in short notice by volunteers or City staff an a nominal cost, without treating the entire property needlessly.			

	Annually treat varies acres of EPPC Category I and Category II invasive exotic plant species.	up to 2 acres acres treated	Within 2 yrs 0 Within 10 yrs 0	Expense $ 300 Personnel $ 1000
	Implement control measures on NA exotic and nuisance animal species	As needed nuisance and exotic species for which control measures are implemented	Within 2 yrs 0 Within 10 yrs 0	Expense $ 300 Personnel $ 1000/year
6	**Capital facilities and infrastructure** **Description-** The infrastructure on this property includes a parking area and a boardwalk/walkover with 2 associated pavilions with picnic tables.			
	To maintain 0 facilities, 0 miles of roads, and 0.1 miles of trails existing on site (as applicable)	0 facilities, 0 miles roads, 0 miles trails maintained	Within 2 yrs 0 Within 10 yrs 0	Expense $ 200 Personnel $ 1100
	To construct 0 facilities. 0 miles of roads, and 0 miles of trails (as applicable)	0 facilities, 0 miles roads, 0 miles trails constructed	Within 2 yrs 0 Within 10 yrs 0	Expense $ 0 Personnel $ 0
	To improve or repair 0 facilities. 0 miles of roads, and 0 miles of trails existing on site (as applicable)	0 facilities, 0 miles roads, 0 miles trails improved or repaired	Within 2 yrs 0 Within 10 yrs 0	Expense $ 0 Personnel $ 0
7	**Cultural and historical resources** **Description-** NA - no cultural or historical resources present			
	Ensure all known sites are recorded in the FL Division of Historical Resources Master Site file	____ of recorded sites	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
	Monitor _____ recorded sites and send updates to DHR Master Site file as needed	_____ of sites monitored	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____

	Bring ___ of ____ recorded sites/cultural resources into good condition	_____ of sites in good condition	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
8	**Imperiled species habitat maintenance, enhancement, restoration, or population restoration.** **Description-** Imperiled species that may occur on this property include several species of nesting sea turtles. Data collection, monitoring and management activities are performed by Amelia Island Sea Turtle Watch, a non-City entity			
	Develop baseline imperiled species occurrence inventory list	Baseline imperiled species occurrence inventory list complete Y X N___	Within 2 yrs ___ Within 10 yrs ___	Expense $ 0 _____ Personnel $ 0 _____
	Develop monitoring protocols for _____selected imperiled species	_____ imperiled species for which monitoring protocols are developed	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
	Implement monitoring protocols for _____ imperiled species	_____ species for which monitoring is ongoing	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____
	[If applicable, provide additional measurable objective(s) for new or ongoing species-specific management activities for each of the priority species such as population augmentation, translocations, nest box projects, etc.]	Examples: Project-specific quantity, _____ of nest boxes, # of individuals introduced or trans-located, etc.	Within 2 yrs ___ Within 10 yrs ___	Expense $_____ Personnel $_____

40. Costs

Activity	Yearly Estimated Cost		
	Priority Cost	Other Management Cost	Cost Effective Methods
Resource Management	$250	0	
Administration	$300	0	
Support	$1100	0	

Capital Improvements	$0	$0	
Recreation Visitor Services	$0	$0	
Law Enforcement Activities	$0	$0	

41. A finding regarding whether each planned use conforms to the appropriate policies and guidelines of the State Lands Management Plan is required. The Plan can be found at http://www.dep.state.fl.us/lands/oes/slmp.pdf, by writing to the State of Florida Department of Environmental Protection, Division of State Lands, Office of Environmental Services, 3900 Commonwealth Boulevard, Mail Station 140, Tallahassee, Florida 32399-3000, or by calling (850) 245-2784. Does this plan conform to the State Lands Management Plan?

YES X NO _____

42. Please provide the following contact information below:

Name:	Kathy Russell
Managing Agency:	City of Fernandina Beach, Parks and Recreation Department
Address:	2500 Atlantic Ave Fernandina Beach, FL 32034
Phone:	904-310-3350 x1
Email Address:	nvoit@fbfl.org

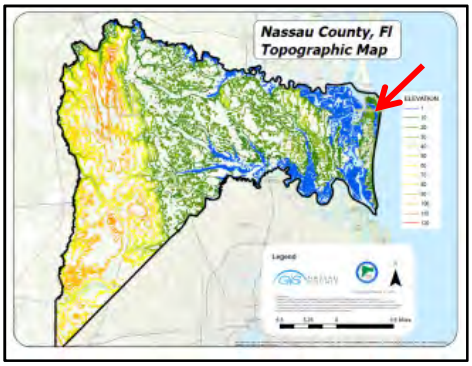
Date Management Plan Prepared: 2-1-2017

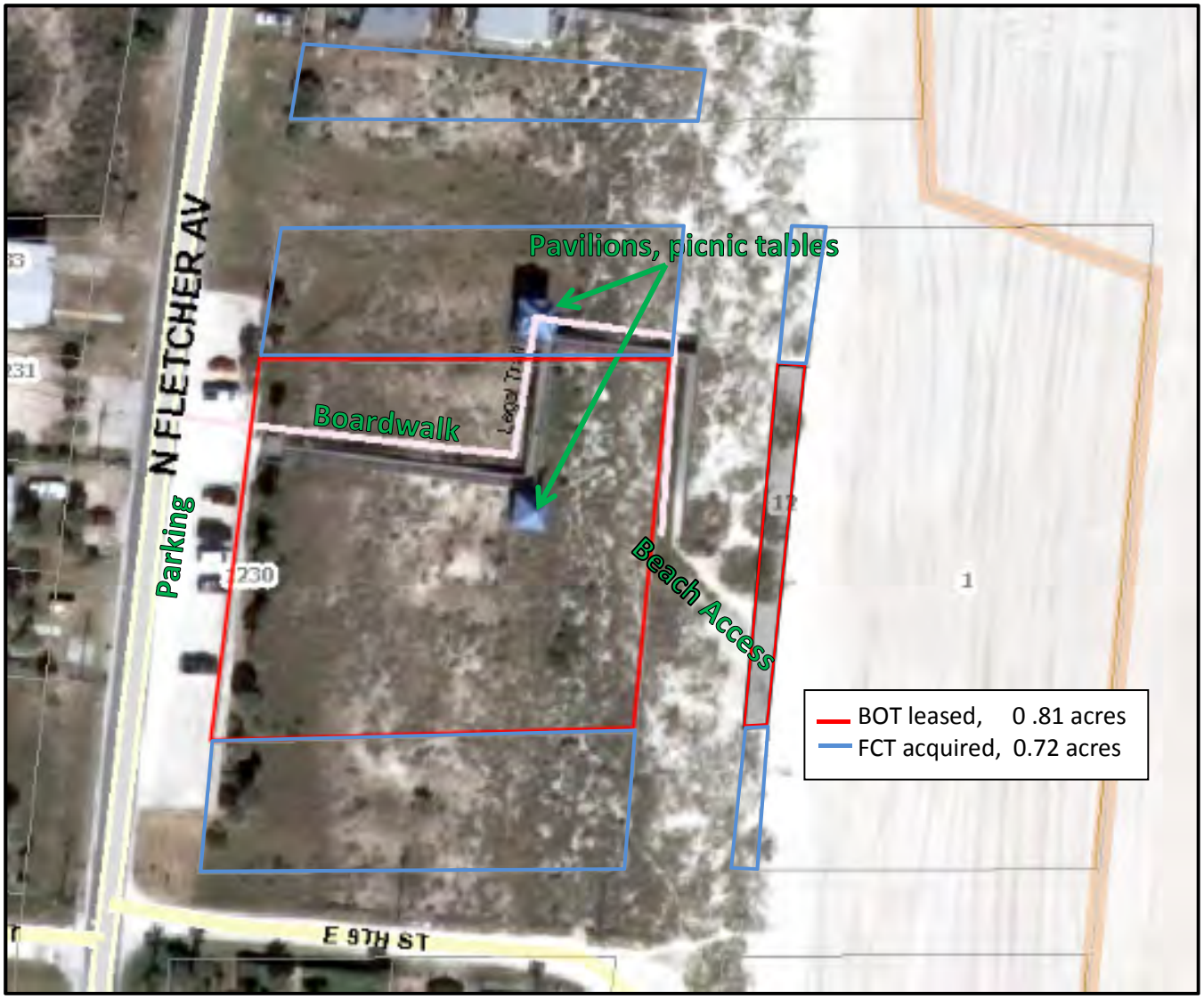
Please send this completed form
and attachments to:

james.parker@dep.state.fl.us, Or
to: Division of State Lands
D.E.P. M.S. 140
3900 Commonwealth Blvd.
Tallahassee Fl. 32399-3000
850-245-3045

Appendix A

Location, Boundaries, Structures and Improvements





Appendix B

Proximity to Other Conservation Areas

Ft. Clinch State Park Aquatic Preserve	**0.00 miles**
Ft. Clinch State Park	**0.03 miles**
Egans Creek Greenway	**1.05 miles**
Cumberland Island National Seashore	**2.50 miles**
Seaside Park	**3.03 miles**

Appendix C

Legal Description

LEGAL DESCRIPTION OF THE LEASED PREMISES

ALL OF LOTS 22, 23 AND A PORTION OF LOTS 15, 16, 17, 18, 21 AND 24, FERREIRA'S REPLAT OF FERNANDINA BEACH, FERNANDINA BEACH, FLORIDA, ACCORDING TO PLAT THEREOF RECORDED IN THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 34.

ALSO A PORTION OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 29 EAST, CITY OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, BEING ALSO A PORTION OF THE LANDS DESCRIBED IN DEED RECORDED IN THE PUBLIC RECORDS OF AFORESAID COUNTY, IN DEED BOOK 190, PAGE 306.

ALL OF THE ABOVE DESCRIBED PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT REFERENCE COMMENCE AT THE NORTHEAST CORNER OF LOT 20, FERREIRA'S REPLAT AFOREMENTIONED; AND RUN SOUTH 5° 43' 26" WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF OCEAN AVENUE (A 49.73 FOOT R/W), A DISTANCE OF 64.57 FEET TO THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING THUS DESCRIBED RUN THENCE SOUTH 89° 15' 22" EAST, A DISTANCE OF 64.20 FEET TO THE EROSION CONTROL LINE ESTABLISHED JULY 1977, FILED MAY 18, 1978, IN ORIGINAL SET BACK LINES BOOK, PAGES 7 THROUGH 9 INCLUSIVE, IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF NASSAU COUNTY, FLORIDA, PURSUANT TO CHAPTER 161, FLORIDA STATUTES; RUN THENCE SOUTH 6° 41' 53" WEST ALONG SAID LINE, A DISTANCE OF 170.43 FEET; RUN THENCE SOUTH 88° 48' 15" WEST A DISTANCE OF 61.49 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF OCEAN AVENUE AFOREMENTIONED; CONTINUE SOUTH 88° 48' 15" WEST, A DISTANCE OF 191.40 FEET TO THE EASTERLY RIGHT-OF-WAY OF NORTH FLETCHER AVENUE (A 80 FOOT R/W); RUN THENCE IN A NORTHERLY DIRECTION ALONG SAID RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE EASTERLY, HAVING A RADIUS OF 11,340.896 FEET, PASSING THROUGH A CENTRAL ANGLE OF 0° 54' 16" AN ARC DISTANCE OF 179.02 FEET (THE AFORESAID ARC HAS A CHORD DISTANCE OF 179.02 FEET THAT BEARS NORTH 6° 48' 46" EAST); RUN THENCE SOUTH 89° 15' 22" EAST, A DISTANCE OF 187.32 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPTING THEREFROM THAT PORTION OF OCEAN AVENUE RIGHT-OF-WAY RUNNING THROUGH SAID LANDS.

CONTAINING 0.81 ACRES, MORE OR LESS.

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Nassau County, Florida

North Beach Park

Appendix D

USDA NRCS Soil Resource Report for North Beach Park

December 28, 2016

Custom Soil Resource Report
Soil Map

Map Scale: 1:718 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 10 20 40 60

Feet: 0 30 60 120 180

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Nassau County, Florida
Survey Area Data: Version 15, Sep 23, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 13, 2011—Mar 15, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Nassau County, Florida (FL089)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
3	Beaches	0.7	32.0%
12	Newhan-Corolla, rarely flooded, fine sands, rolling	0.9	37.2%
44	Corolla fine sand, 2 to 6 percent slopes, rarely flooded	0.7	30.8%
Totals for Area of Interest		**2.3**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The

delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Nassau County, Florida

3—Beaches

Map Unit Setting

National map unit symbol: 4g9n
Elevation: 0 to 10 feet
Mean annual precipitation: 47 to 55 inches
Mean annual air temperature: 64 to 72 degrees F
Frost-free period: 305 to 335 days
Farmland classification: Not prime farmland

Map Unit Composition

Beaches: 98 percent
Minor components: 2 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Beaches

Setting

Landform: Beaches on marine terraces
Landform position (three-dimensional): Rise
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Beach sand

Properties and qualities

Slope: 1 to 5 percent
Natural drainage class: Poorly drained
Runoff class: Very high
Depth to water table: About 0 to 72 inches
Frequency of flooding: Very frequent

Interpretive groups

Land capability classification (irrigated): None specified
Other vegetative classification: Forage suitability group not assigned (G153AA999FL)
Hydric soil rating: Unranked

Minor Components

Corolla

Percent of map unit: 2 percent
Landform: Rises on dunes on marine terraces on coastal plains
Landform position (three-dimensional): Interfluve
Down-slope shape: Convex
Across-slope shape: Linear
Other vegetative classification: Sandy soils on rises and knolls of mesic uplands (G153AA131FL)
Hydric soil rating: No

12—Newhan-Corolla, rarely flooded, fine sands, rolling

Map Unit Setting

National map unit symbol: 4g91
Elevation: 0 to 30 feet
Mean annual precipitation: 47 to 55 inches
Mean annual air temperature: 64 to 72 degrees F
Frost-free period: 305 to 335 days
Farmland classification: Not prime farmland

Map Unit Composition

Newhan and similar soils: 77 percent
Corolla and similar soils: 21 percent
Minor components: 2 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Newhan

Setting

Landform: Dunes, marine terraces, ridges
Landform position (three-dimensional): Interfluve, side slope
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Sandy eolian deposits

Typical profile

A - 0 to 8 inches: fine sand
C - 8 to 80 inches: fine sand

Properties and qualities

Slope: 5 to 20 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Salinity, maximum in profile: Slightly saline to moderately saline (4.0 to 8.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 20.0
Available water storage in profile: Very low (about 1.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: A
Other vegetative classification: Sandy soils on strongly sloping to steep side slopes of xeric uplands (G153AA113FL)
Hydric soil rating: No

Description of Corolla

Setting

Landform: Dunes, marine terraces, ridges
Landform position (three-dimensional): Interfluve, side slope
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Sandy marine deposits

Typical profile

A - 0 to 6 inches: fine sand
C - 6 to 80 inches: fine sand

Properties and qualities

Slope: 2 to 6 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 in/hr)
Depth to water table: About 18 to 36 inches
Frequency of flooding: Rare
Frequency of ponding: None
Salinity, maximum in profile: Moderately saline to strongly saline (8.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 20.0
Available water storage in profile: Very low (about 1.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: A
Other vegetative classification: Sandy soils on rises and knolls of mesic uplands (G153AA131FL)
Hydric soil rating: No

Minor Components

Beaches

Percent of map unit: 1 percent
Landform: Beaches on marine terraces
Landform position (three-dimensional): Rise
Down-slope shape: Convex
Across-slope shape: Linear
Other vegetative classification: Forage suitability group not assigned (G153AA999FL)
Hydric soil rating: Unranked

Fripp

Percent of map unit: 1 percent
Landform: Dunes, marine terraces, ridges
Landform position (three-dimensional): Interfluve, side slope
Down-slope shape: Convex
Across-slope shape: Linear
Other vegetative classification: Sandy soils on strongly sloping to steep side slopes of xeric uplands (G153AA113FL)
Hydric soil rating: No

44—Corolla fine sand, 2 to 6 percent slopes, rarely flooded

Map Unit Setting

National map unit symbol: 4gb5
Elevation: 0 to 30 feet
Mean annual precipitation: 47 to 55 inches
Mean annual air temperature: 64 to 72 degrees F
Frost-free period: 305 to 335 days
Farmland classification: Not prime farmland

Map Unit Composition

Corolla and similar soils: 93 percent
Minor components: 7 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Corolla

Setting

Landform: Rises on dunes on marine terraces on coastal plains
Landform position (three-dimensional): Interfluve
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Sandy marine deposits

Typical profile

A - 0 to 6 inches: fine sand
C - 6 to 80 inches: fine sand

Properties and qualities

Slope: 2 to 6 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 in/hr)
Depth to water table: About 18 to 36 inches
Frequency of flooding: Rare
Frequency of ponding: None
Salinity, maximum in profile: Moderately saline to strongly saline (8.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 20.0
Available water storage in profile: Very low (about 1.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: A
Other vegetative classification: Sandy soils on rises and knolls of mesic uplands (G153AA131FL)
Hydric soil rating: No

Minor Components

Beaches

Percent of map unit: 4 percent
Landform: Beaches on marine terraces
Landform position (three-dimensional): Rise
Down-slope shape: Convex
Across-slope shape: Linear
Other vegetative classification: Forage suitability group not assigned (G153AA999FL)
Hydric soil rating: Unranked

Newhan

Percent of map unit: 3 percent
Landform: Dunes, marine terraces, ridges
Landform position (three-dimensional): Interfluve, side slope
Down-slope shape: Convex
Across-slope shape: Linear
Other vegetative classification: Sandy soils on strongly sloping to steep side slopes of xeric uplands (G153AA113FL)
Hydric soil rating: No

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Appendix E

Florida Department of State, Division of Historical Resources
Historic Properties Review and Management Procedures
For North Beach Park

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services

MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

JAN 2000 RECEIVED

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Ms. Vicki Wolfinger
City of Fernandina Beach
Post Office Box 668
Fernandina Beach, Florida 32034

December 30, 1999

RE: DHR Project File No. 999464
Request for Land Management Plan Information
North Beach Park (2.3 acres)
Fernandina Beach, Nassau County, Florida

Dear Ms. Wolfinger:

In accordance with this agency's responsibilities under Sections 253.034(4) and 259.032, Florida Statutes, we have reviewed the information in the Florida Master Site File to determine whether any historic properties are recorded in the referenced management area, and also to determine the potential for such resources which are presently unrecorded to be located within it.

Our review indicates that no archaeological sites or historic buildings are recorded in the subject tract. Furthermore, it is the opinion of this agency that there is a low probability of significant, unrecorded sites being located in this tract. Fortuitous finds may occur within this parcel and our agency should be immediately notified if archaeological or historic remains are encountered. Ground disturbing activities in the immediate vicinity of artifact finds should also be halted until the area can be investigated. However, historic property considerations will otherwise not be an issue in the management of this property.

We have enclosed for your use a copy of Management Procedures for Archaeological and Historic Sites and Properties on State-Owned or Controlled Lands. This document should be referenced where appropriate in your land management plan, and attached to it.

If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservation Planner, at 850-487-2333 or 800-847-7278. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Laura A. Kammerer

for Janet Snyder Matthews, Ph.D., Director
Division of Historical Resources
State Historic Preservation Officer

JSM/Ese

Enclosure

MANAGEMENT PROCEDURES FOR ARCHAEOLOGICAL AND HISTORICAL SITES AND PROPERTIES ON STATE - OWNED OR CONTROLLED LANDS

(revised August, 1995)

A. GENERAL DISCUSSION

Archaeological and historic sites are defined collectively in 267.021(3), F.S., as "historic properties" or "historic resources". They have several essential characteristics which must be recognized in a management program.

First of all, they are a finite and non-renewable resource. Once destroyed, presently existing resources, including buildings, other structures, shipwreck remains, archaeological sites and other objects of antiquity, cannot be renewed or revived. Today, sites in the State of Florida are being destroyed by all kinds of land development, inappropriate land management practices, erosion, looting, and to a minor extent even by well-intentioned professional scientific research (e.g., archaeological excavation). Measures must be taken to ensure that some of these resources will be preserved for future study and appreciation.

Secondly, sites are unique because individually they represent the tangible remains of events which occurred at a specific time and place.

Thirdly, while sites uniquely reflect localized events, these events and the origin of particular sites are related to conditions and events in other times and places. Sites can be understood properly only in relation to their natural surroundings and the activities of inhabitants of other sites. Managers must be aware of this "systemic" character of historic and archaeological sites. Also, it should be recognized that archaeological sites are time capsules for more than cultural history; they preserve traces of past biotic communities, climate, and other elements of the environment that may be of interest to other scientific disciplines.

Finally, the significance of sites, particularly archaeological ones, derives not only from the individual artifacts within them, but equally from the spatial arrangement of those artifacts in both horizontal and vertical planes. When archaeologists excavate, they recover, not merely objects, but also a record of the positions of these objects in relation to one another and their containing matrix (e.g., soil strata). Much information is sacrificed if the so-called "context" of archaeological objects is destroyed or not recovered, and this is what archaeologists are most concerned about when a site is threatened with destruction or damage. The artifacts themselves can be recovered even after a site is heavily disturbed, but the context - the vertical and horizontal relationships - cannot. Historic structures also contain a wealth of cultural (socio-economic) data which can be lost if historically sensitive maintenance, restoration or rehabilitation procedures are not implemented, or if they are demolished or extensively altered without appropriate documentation. Lastly, it should not be forgotten that historic structures often have associated potentially significant historic archaeological features which must be considered in land management decisions.

B. STATUTORY AUTHORITY

Chapter 253, Florida Statutes ("State Lands") directs the preparation of "single-use" or "multiple-use" land management plans for all state-owned lands and state-owned sovereignty submerged lands. In this document, 253.034(4), F.S., specifically requires that "all management plans, whether for single-use or multiple-use properties, shall specifically describe how the managing agency plans to identify, locate, protect and preserve, or otherwise use fragile non-renewable resources, such as archaeological and historic sites, as well as other fragile resources..."

Chapter 267, Florida Statutes is the primary historic preservation authority of the state. The importance of protecting and interpreting archaeological and historic sites is recognized in 267.061(1)(a), F.S.:

> The rich and unique heritage of historic properties in this state, representing more than 10,000 years of human presence, is an important legacy to be valued and conserved for present and future generations. The destruction of these nonrenewable historic resources will engender a significant loss to the state's quality of life, economy, and cultural environment. It is therefore declared to be state policy to:
>
> 1. Provide leadership in the preservation of the state's historic resources; [and]
> 2. Administer state-owned or state-controlled historic resources in a spirit of stewardship and trusteeship;...

Responsibilities of the Division of Historical Resources in the Department of State pursuant to 267.061(3), F.S., include the following:

1. Cooperate with federal and state agencies, local governments, and private organizations and individuals to direct and conduct a comprehensive statewide survey of historic resources and to maintain an inventory of such responses.

2. Develop a comprehensive statewide historic preservation plan.

3. Identify and nominate eligible properties to the *National Register of Historic Places* and otherwise administer applications for listing properties in the National Register of Historic Places.

4. Cooperate with federal and state agencies, local governments, and organizations and individuals to ensure that historic resources are taken into consideration at all levels of planning and development.

5. Advise and assist, as appropriate, federal and state agencies and local governments in carrying out their historic preservation responsibilities and programs.

6. Carry out on behalf of the state the programs of the National Historic Preservation Act of 1966, as amended, and to establish, maintain, and administer a state historic preservation program meeting the requirements of an approved program and fulfilling

the responsibilities of state historic preservation programs as provided in subsection 101(b) of that act.

7. Take such other actions necessary or appropriate to locate, acquire, protect, preserve, operate, interpret, and promote the location, acquisition, protection, preservation, operation, and interpretation of historic resources to foster an appreciation of Florida history and culture. Prior to the acquisition, preservation, interpretation, or operation of a historic property by a state agency, the Division shall be provided a reasonable opportunity to review and comment on the proposed undertaking and shall determine that there exists historic authenticity and a feasible means of providing for the preservation, interpretation and operation of such property.

8. Establish professional standards for the preservation, exclusive of acquisition, of historic resources in state ownership or control.

9. Establish guidelines for state agency responsibilities under subsection (2).

Responsibilities of other state agencies of the executive branch, pursuant to 267.061(2), F.S., include:

1. Each state agency of the executive branch having direct or indirect jurisdiction over a proposed state or state-assisted undertaking shall, in accordance with state policy and prior to the approval of expenditure of any state funds on the undertaking, consider the effect of the undertaking on any historic property that is included in, or eligible for inclusion in, the *National Register of Historic Places*. Each such agency shall afford the division a reasonable opportunity to comment with regard to such an undertaking.

2. Each state agency of the executive branch shall initiate measures in consultation with the division to assure that where, as a result of state action or assistance carried out by such agency, a historic property is to be demolished or substantially altered in a way which adversely affects the character, form, integrity, or other qualities which contribute to [the] historical, architectural, or archaeological value of the property, timely steps are taken to determine that no feasible and prudent alternative to the proposed demolition or alteration exists, and, where no such alternative is determined to exist, to assure that timely steps are taken either to avoid or mitigate the adverse effects, or to undertake an appropriate archaeological salvage excavation or other recovery action to document the property as it existed prior to demolition or alteration.

3. In consultation with the division [of Historical Resources], each state agency of the executive branch shall establish a program to locate, inventory, and evaluate all historic properties under the agency's ownership or control that appear to qualify for the National Register. Each such agency shall exercise caution to assure that any such historic property is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

4. Each state agency of the executive branch shall assume responsibility for the preservation of historic resources which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for the purpose of carrying out agency responsibilities, the agency shall use, to the maximum extent feasible, historic properties available to the agency. Each agency shall undertake, consistent with preservation of such properties, the mission of the agency, and the professional standards established pursuant to paragraph (3)(k), any preservation actions necessary to carry out the intent of this paragraph.

5. Each state agency of the executive branch, in seeking to acquire additional space through new construction or lease, shall give preference to the acquisition or use of historic properties when such acquisition or use is determined to be feasible and prudent compared with available alternatives. The acquisition or use of historic properties is considered feasible and prudent if the cost of purchase or lease, the cost of rehabilitation, remodeling, or altering the building to meet compliance standards and the agency's needs, and the projected costs of maintaining the building and providing utilities and other services is less than or equal to the same costs for available alternatives. The agency shall request the division to assist in determining if the acquisition or use of a historic property is feasible and prudent. Within 60 days after making a determination that additional space is needed, the agency shall request the division to assist in identifying buildings within the appropriate geographic area that are historic properties suitable for acquisition or lease by the agency, whether or not such properties are in need of repair, alteration, or addition.

6. Consistent with the agency's mission and authority, all state agencies of the executive branch shall carry out agency programs and projects, including those under which any state assistance is provided, in a manner which is generally sensitive to the preservation of historic properties and shall give consideration to programs and projects which will further the purposes of this section.

Section 267.12 authorizes the Division to establish procedures for the granting of research permits for archaeological and historic site survey or excavation on state-owned or controlled lands, while Section 267.13 establishes penalties for the conduct of such work without first obtaining written permission from the Division of Historical Resources. The Rules of the Department of State, Division of Historical Resources, for research permits for archaeological sites of significance are contained in Chapter 1A-32,F.A.C.

Another Florida Statute affecting land management decisions is Chapter 872, F.S. Section 872.02, F.S., pertains to marked grave sites, regardless of age. Many state-owned properties contain old family and other cemeteries with tombstones, crypts, etc. Section 872.05, F.S., pertains to unmarked human burial sites, including prehistoric and historic Indian burial sites. Unauthorized disturbance of both marked and unmarked human burial sites is a felony.

C. MANAGEMENT POLICY

The choice of a management policy for archaeological and historic sites within state-owned or controlled lands obviously depends upon a detailed evaluation of the characteristics and conditions of the individual sites and groups of sites within those tracts. This includes an interpretation of the significance (or potential significance) of these sites, in terms of social and political factors, as well as environmental factors. Furthermore, for historic structures architectural significance must be considered, as well as any associated historic landscapes.

Sites on privately owned lands are especially vulnerable to destruction, since often times the economic incentives for preservation are low compared to other uses of the land areas involved. Hence, sites in public ownership have a magnified importance, since they are the ones with the best chance of survival over the long run. This is particularly true of sites which are state-owned or controlled, where the basis of management is to provide for land uses that are minimally destructive of resource values.

It should be noted that while many archaeological and historical sites are already recorded within state-owned or controlled-lands, the majority of the uplands areas and nearly all of the inundated areas have not been surveyed to locate and assess the significance of such resources. The known sites are, thus, only an incomplete sample of the actual resources - i.e., the number, density, distribution, age, character and condition of archaeological and historic sites - on these tracts. Unfortunately, the lack of specific knowledge of the actual resources prevents formulation of any sort of detailed management or use plan involving decisions about the relative historic value of individual sites. For this reason, a generalized policy of conservation is recommended until the resources have been better addressed.

The generalized management policy recommended by the Division of Historical Resources includes the following:

1. State land managers shall coordinate all planned activities involving known archaeological or historic sites or potential site areas closely with the Division of Historical Resources in order to prevent any kind of disturbance to significant archaeological or historic sites that may exist on the tract. Under 267.061(1)(b), F.S., the Division of Historical Resources is vested with title to archaeological and historic resources abandoned on state lands and is responsible for administration and protection of such resources. The Division will cooperate with the land manager in the management of these resources. Furthermore, provisions of 267.061(2) and 267.13, F.S., combined with those in 267.061(3) and 253.034(4), F.S., require that other managing (or permitting) agencies coordinate their plans with the Division of Historical Resources at a sufficiently early stage to preclude inadvertent damage or destruction to known or potentially occurring, presently unknown archaeological and historic sites. The provisions pertaining to human burial sites must also be followed by state land managers

when such remains are known or suspected to be present (see 872.02 and 872.05, F.S., and 1A-44, F.A.C.)

2. Since the actual resources are so poorly known, the potential impact of the managing agency's activities on historic archaeological sites may not be immediately apparent. Special field survey for such sites may be required to identify the potential endangerment as a result of particular management or permitting activities. The Division may perform surveys, as its resources permit, to aid the planning of other state agencies in their management activities, but outside archaeological consultants may have to be retained by the managing agency. This would be especially necessary in the cases of activities contemplating ground disturbance over large areas and unexpected occurrences. It should be noted, however, that in most instances Division staff's knowledge of known and expected site distribution is such that actual field surveys may not be necessary, and the project may be reviewed by submitting a project location map (preferably a 7.5 minute U.S.G.S. Quadrangle map or portion thereof) and project descriptive data, including detailed construction plans. To avoid delays, Division staff should be contacted to discuss specific project documentation review needs.

3. In the case of known significant sites, which may be affected by proposed project activities, the managing agency will generally be expected to alter proposed management or development plans, as necessary, or else make special provisions to minimize or mitigate damage to such sites.

4. If in the course of management activities, or as a result of development or the permitting of dredge activities (see 403.918(2)(6)a, F.S.), it is determined that valuable historic or archaeological sites will be damaged or destroyed, the Division reserves the right, pursuant to 267.061(1)(b), F.S., to require salvage measures to mitigate the destructive impact of such activities to such sites. Such salvage measures would be accomplished before the Division would grant permission for destruction of the affected site areas. The funding needed to implement salvage measures would be the responsibility of the managing agency planning the site destructive activity. Mitigation of historic structures at a minimum involves the preparation of measured drawings and documentary photographs. Mitigation of archaeological resources involves the excavation, analysis and reporting of the project findings and must be planned to occur sufficiently in advance to avoid project construction delays. If these services are to be contracted by the state agency, the selected consultant will need to obtain an Archaeological Research Permit from the Division of Historical Resources, Bureau of Archaeological Research (see 267.12, F.S. and Rules 1A-32 and 1A-46 F.A.C.).

5. For the near future, excavation of non-endangered (i.e., sites not being lost to erosion or development) archaeological sites is discouraged. There are many endangered sites in Florida (on both private and public lands) in need of excavation because of the threat of development or other factors. Those within state-owned or controlled lands should be left undisturbed for the present - with particular attention devoted to preventing site looting by "treasure hunters". On the other hand, the archaeological and historic survey of these tracts is encouraged in order to build an inventory of the resources present, and to assess their scientific research potential and historic or architectural significance.

6. The cooperation of land managers in reporting sites to the Division that their field personnel may discover is encouraged. The Division will help inform field personnel from other resource managing agencies about the characteristics and appearance of sites. The Division has initiated a cultural resource management training program to help accomplish this. Upon request the Division will also provide to other agencies archaeological and historical summaries of the known and potentially occurring resources so that information may be incorporated into management plans and public awareness programs (See Management Implementation).

7. Any discovery of instances of looting or unauthorized destruction of sites must be reported to the agent for the Board of Trustees of the Internal Improvement Trust Fund and the Division so that appropriate action may be initiated. When human burial sites are involved, the provisions of 872.02 and 872.05, F. S. and Rule 1A-44, F.A.C., as applicable, must also be followed. Any state agent with law enforcement authority observing individuals or groups clearly and incontrovertibly vandalizing, looting or destroying archaeological or historic sites within state-owned or controlled lands without demonstrable permission from the Division will make arrests and detain those individuals or groups under the provisions of 267.13, 901.15, and 901.21, F.S., and related statutory authority pertaining to such illegal activities on state-owned or controlled lands. County Sheriffs' officers are urged to assist in efforts to stop and/or prevent site looting and destruction.

In addition to the above management policy for archaeological and historic sites on state-owned land, special attention shall be given to those properties listed in the *National Register of Historic Places* and other significant buildings. The Division recommends that the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Revised 1990) be followed for such sites.

The following general standards apply to all treatments undertaken on historically significant properties.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. (see *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* [Revised 1990]).

Division of Historical Resources staff are available for technical assistance for any of the above listed topics. It is encouraged that such assistance be sought as early as possible in the project planning.

D. MANAGEMENT IMPLEMENTATION

As noted earlier, 253.034(4), F.S., states that "all management plans, whether for single-use or multiple-use properties, shall specifically describe how the managing agency plans to identify, locate, protect and preserve, or otherwise use fragile non-renewable resources, such as archaeological and historic sites..." The following guidelines should help to fulfill that requirement.

1. All land managing agencies should contact the Division and send U.S.G.S. 7.5 minute quadrangle maps outlining the boundaries of their various properties.

2. The Division will in turn identify site locations on those maps and provide descriptions for known archaeological and historical sites to the managing agency.

3. Further, the Division may also identify on the maps areas of high archaeological and historic site location probability within the subject tract. These are only probability zones, and sites

may be found outside of these areas. Therefore, actual ground inspections of project areas may still be necessary.

4. The Division will send archaeological field recording forms and historic structure field recording forms to representatives of the agency to facilitate the recording of information on such resources.

5. Land managers will update information on recorded sites and properties.

6. Land managers will supply the Division with new information as it becomes available on previously unrecorded sites that their staff locate. The following details the kind of information the Division wishes to obtain for any new sites or structures which the land managers may report:

   A. Historic Sites

      (1) Type of structure (dwelling, church, factory, etc.).

      (2) Known or estimated age or construction date for each structure and addition.

      (3) Location of building (identify location on a map of the property, and building placement, i.e., detached, row, etc.).

      (4) General Characteristics: (include photographs if possible) overall shape of plan (rectangle, "L" "T" "H" "U", etc.); number of stories; number of vertical divisions of bays; construction materials (brick, frame, stone, etc.); wall finish (kind of bond, coursing, shingle, etc.); roof shape.

      (5) Specific features including location, number and appearance of:

         (a) Important decorative elements;
         (b) Interior features contributing to the character of the building;
         (c) Number, type, and location of outbuildings, as well as date(s) of construction;
         (d) Notation if property has been moved;
         (e) Notation of known alterations to building.

   B. Archaeological Sites

      (1) Site location (written narrative and mapped location).

      (2) Cultural affiliation and period.

      (3) Site type (midden, burial mound, artifact scatter, building rubble, etc.)
      (4) Threats to site (deterioration, vandalism, etc.).

      (5) Site size (acreage, square meters, etc.).

(6) Artifacts observed on ground surface (pottery, bone, glass, etc.).

(7) Description of surrounding environment.

7. No land disturbing activities should be undertaken in areas of known archaeological or historic sites or areas of high site probability without prior review by the Division early in the project planning.

8. Ground disturbing activities may proceed elsewhere but land managers should stop disturbance in the immediate vicinity of artifact finds and notify the Division if previously unknown archaeological or historic remains are uncovered. The provisions of Chapter 872, F.S., must be followed when human remains are encountered.

9. Excavation and collection of archaeological and historic sites on state lands without a permit from the Division is a violation of state law and shall be reported to a law enforcement officer. The use of metal detectors to search for historic artifacts shall be prohibited on state lands except when authorized in a 1A-32, F.A.C., research permit from the Division.

10. Interpretation and visitation which will increase public understanding and enjoyment of archaeological and historic sites without site destruction or vandalism is strongly encouraged.

11. Development of interpretive programs including trails, signage, kiosks, and exhibits is encouraged and should be coordinated with the Division.

12. Artifacts found or collected on state lands are by law the property of the Division. Land managers shall contact the Division whenever such material is found so that arrangements may be made for recording and conservation. This material, if taken to Tallahassee, can be returned for public display on a long term-loan.

E. ADMINISTERING AGENCY

Questions relating to the treatment of archaeological and historic resources on state lands may be directed to:

Compliance Review Section
Bureau of Historic Preservation
Division of Historical Resources
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Contact Person:
Scott B. Edwards
Historic Preservation Planner
Telephone (850) 487-2333
Suncom 277-2333
FAX (850) 922-0496

Appendix F

Florida Natural Area Inventory (FNAI) Report
for North Beach Park
12/9/2016

FLORIDA
Natural Areas
INVENTORY

1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
850-224-8207
fax 850-681-9364
www.fnai.org

December 16, 2016

Kathy Russell
City of Fernandina Beach
2500 Atlantic Ave.
Fernandina Beach, FL 32034

Dear Ms. Russell,

Thank you for requesting information from the Florida Natural Areas Inventory (FNAI). We have compiled the following information for your project area.

Project: North Beach Park

Date Received: 12/9/2016

Location: Nassau County

Element Occurrences

A search of our maps and database indicates that we currently have several element occurrences mapped in the vicinity of the study area (see enclosed map and element occurrence table). Please be advised that a lack of element occurrences in the FNAI database is not a sufficient indication of the absence of rare or endangered species on a site.

Federally Listed Species

Our data indicate federally listed species, particularly *Caretta caretta* (Loggerhead Sea Turtle), *Chelonia mydas* (Green Sea Turtle), and *Dermochelys coriacea* (Leatherback Sea Turtle), are present on or very near this site (see enclosed map and tables for details). This statement should not be interpreted as a legal determination of presence or absence of federally listed species on a property.

The element occurrences data layer includes occurrences of rare species and natural communities. The map legend indicates that some element occurrences occur in the general vicinity of the label point. This may be due to lack of precision of the source data, or an element that occurs over an extended area (such as a wide ranging species or large natural community). For animals and plants, element occurrences generally refer to more than a casual sighting; they usually indicate a viable population of the species. Note that some element occurrences represent historically documented observations which may no longer be extant. Extirpated element occurrences will be marked with an 'X' following the occurrence label on the enclosed map.

Likely and Potential Rare Species

In addition to documented occurrences, other rare species and natural communities may be identified on or near the site based on habitat models and species range models (see enclosed Biodiversity Matrix Report). These species should be taken into consideration in field surveys, land management, and impact avoidance and mitigation.

FNAI habitat models indicate areas, which based on land cover type, offer suitable habitat for one or more rare species that is known to occur in the vicinity. Habitat models have been developed for approximately 300 of the rarest species tracked by the Inventory, including all federally listed species.

Florida Resources
and Environmental
Analysis Center

Institute of Science
and Public Affairs

The Florida State University

FNAI species range models indicate areas that are within the known or predicted range of a species, based on climate variables, soils, vegetation, and/or slope. Species range models have been developed for approximately 340 species, including all federally listed species.

The FNAI Biodiversity Matrix Geodatabase compiles Documented, Likely, and Potential species and natural communities for each square mile Matrix Unit statewide.

The Inventory always recommends that professionals familiar with Florida's flora and fauna conduct a site-specific survey to determine the current presence or absence of rare, threatened, or endangered species.

Please visit www.fnai.org/trackinglist.cfm for county or statewide element occurrence distributions and links to more element information.

The database maintained by the Florida Natural Areas Inventory is the single most comprehensive source of information available on the locations of rare species and other significant ecological resources. However, the data are not always based on comprehensive or site-specific field surveys. Therefore this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. Inventory data are designed for the purposes of conservation planning and scientific research, and are not intended for use as the primary criteria for regulatory decisions.

Information provided by this database may not be published without prior written notification to the Florida Natural Areas Inventory, and the Inventory must be credited as an information source in these publications. FNAI data may not be resold for profit.

This report is made available at no charge due to funding from the Florida Department of Environmental Protection, Division of State Lands.

Thank you for your use of FNAI services. If I can be of further assistance, please contact me at (850) 224-8207 or at npasco@fnai.fsu.edu.

Sincerely,

Nathan Pasco

Nathan Pasco
GIS / Data Services

Encl

North Beach Park

Nassau County

Site boundaries are approximate.

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FLORIDA Natural Areas INVENTORY

Element Occurrences

- Animals
- Plants
- Communities
- Other
- Data Sensitive
- Point Indicates General Vicinity of Element
- U.S. Fish & Wildlife Service Scrub Jay Survey 1992-96

Conservation Lands

- Federal
- State
- Local
- Private
- State Aquatic Preserves

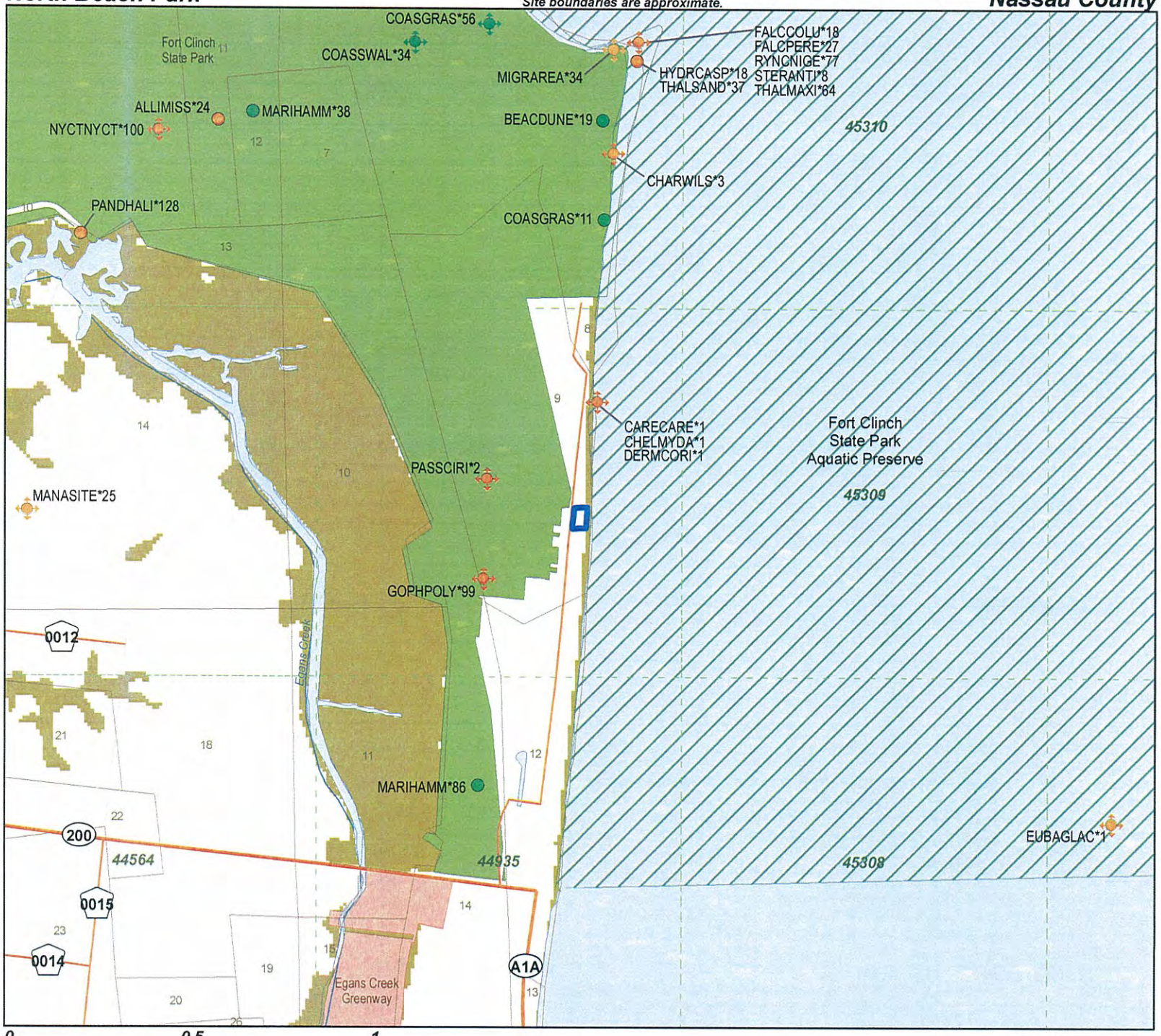
Land Acquisition Projects

- Florida Forever Board of Trustees Projects

- FNAI Rare Species Habitat
- FNAI Biodiversity Matrix Square Mile Units

- County Boundary
- Interstate
- Turnpike
- Major Highway
- Local Road
- Railroad [Inactive railroads shown in Gray]
- Water

NOTE
Map should not be interpreted without accompanying documents.



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Map produced by NDP
12/16/2016

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FLORIDA Natural Areas INVENTORY

FNAI ELEMENT OCCURRENCE REPORT on or near

North Beach Park

Map Label	Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing	Observation Date	Description	EO Comments
BEACDUNE*19	Beach dune		G3	S2	N	N	2004	1986-04-04: three rows of well-developed sea oats dunes north of pier (PNDYOU01FLUS). 1983: beach dunes on north and east margins of park.	2004: Update to last obs date was based on interpretation of aerial photography (U05FNA02FLUS). 1986-04-04: well developed dunes with sea oats, Panicum amarulum, railroad vine, beach morning glory, pennywort and Iva imbricata (PNDYOU01FLUS).
CARECARE*1	*Caretta caretta*	Loggerhead Sea Turtle	G3	S3	T	FT	2012	Atlantic Coast beaches and dunes. Some beaches are adjacent to highly developed lands, and others are included within managed natural areas.	Nesting beaches of the North Florida genetic subunit as defined by Shamblin et al. (2011) (A11SHA01FLUS). This includes all observed and likely habitat from Fort Clinch to Ponce de Leon Inlet. From 2008-2012, the surveyed beaches had annual nesting den
CHARWILS*3	*Charadrius wilsonia*	Wilson's Plover	G5	S2	N	N	2001-06-17	2005: Accreting sandy beach (PNDNES03FLUS).	2001: Small numbers of nesting plovers (less than 10 nests per year) have been observed in the park since 1996. Up to 12 birds have been observed (U04MCP01FLUS, PNDPEA03FLUS).
CHELMYDA*1	*Chelonia mydas*	Green Sea Turtle	G3	S2S3	T	FT	2012	Atlantic Coast beaches and dunes. Many are bordered by development, though some are protected as natural areas.	Observed and likely nesting beaches from the Georgia border to Cape Florida State Park. From 2008-2012, the surveyed beaches had annual nesting densities ranging from 0.02 to 240.14 nests per km; the highest nesting densities were in the vicinities of J
COASGRAS*11	Coastal grassland		G3	S2	N	N	2004	No general description given	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1986-04-04) (U05FNA02FLUS). Herbaceous flat behind sea oats foredune: Hydrocotyle bonariensis, Oenothera humifusa, Heterotheca subaxillaris, Distichlis sp
COASGRAS*56	Coastal grassland		G3	S2	N	N	2004	HERBACEOUS DUNE COVER INLAND FROM SEA OATS-DOMINATED DUNES (I.E. 3 DEGREE RIDGE ISLAND).	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1991-10-14) (U05FNA02FLUS). HETEROTHECA SUBAXILLARIS-65%; OPUNTIA STRICTA-5%; CNIDOSCOLUS STIMULOSUS-2%; IPOMOEA STOLONIFERA-10%; SMILAX AURICULATA-15%; U

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North Beach Park

Map Label	Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing	Observation Date	Description	EO Comments
COASSWAL*34	Coastal interdunal swale		G3	S2	N	N	2004	(100%) DENSE COVER OF HERBS WITH SCATTERED SHRUBS OF WAX MYRTLE AND BUCKTHORN BECOMING CONTINUOUS ALONG DITCHES.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1991-10-14) (U05FNA02FLUS). EUTHAMIA TENUIFOLIA-50%; EUPATORIUM CAPILLIFOLIUM-50%; SMILAX AURICULATA-20%; SALIX CAROLINIANA-5%; HYMENOCALLIS SP. (NATURALI
DERMCORI*1	*Dermochelys coriacea*	Leatherback Sea Turtle	G2	S2	E	FE	2012	Atlantic coast beaches and dunes.	Observed and likely nesting beaches from Georgia border to Cape Florida. Between 2008-2012, the surveyed beaches had annual nesting densities ranging from 0.03 to 20.75 nests per kilometer (U13FWC01FLUS). Nesting densities are highest on beaches in the
EUBAGLAC*1	*Eubalaena glacialis*	North Atlantic Right Whale	G1	S1	E	FE	1999	1999: Warm shallow Atlantic coastal waters (U91NEU01FLUS).	2006: Estimated population size of 300 animals (U06NOA01FLUS). 1999: population estimate is 325 adults. The coastal waters of southern Georgia and northern Florida play an important role for this species. The waters are the only known calving grounds.
FALCCOLU*18	*Falco columbarius*	Merlin	G5	S2	N	N	2002-10-16	2002-10-16: Using shoreline mostly on Cumberland Island (U04MCP01FLUS).	2002-10-16: Total of 22 individuals observed in October 2002, up to 9 individuals per survey day. Behaviors included flying aloft and pursuing and capturing prey. Observed during migration in 200-2002 (U04MCP01FLUS).
FALCPERE*27	*Falco peregrinus*	Peregrine Falcon	G4	S2	N	N	2002-10-16	2002-10-16: beach and aerial perches on shoreline from north shore to south park boundary and south tip of Amelia island (U04MCP01FLUS)	2002-10-16: A total of 221 adults and juveniles observed in October, as many as 93 in one day. Behaviors include flying aloft, perching on beach and aerial perches, and pursuing and capturing prey (U04MCP01FLUS, PNDLEA01FLUS).

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FLORIDA Natural Areas INVENTORY

FNAI ELEMENT OCCURRENCE REPORT on or near

North Beach Park

Map Label	Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing	Observation Date	Description	EO Comments
GOPHPOLY*99	*Gopherus polyphemus*	Gopher Tortoise	G3	S3	C	ST	2002-02-23	2002-02-23: In beach dune, coastal grassland, hammock edges, roadside and disturbed areas (PNDMAX01FLUS, U04MCP01FLUS). IN COASTAL STRAND AND HAMMOCK. F93SCH08FLUS - SCATTERED SLASH PINE CANOPY COVERED AN OPEN GROUND COVER DOMINATED BY GRASSES AND CACTU	2002-02-23: Tortoises and burrows seen in open areas in dune fields and along roadways, and foraging in newer dunes. Each point observation represents an active burrow (PNDMAX01FLUS, U04MCP01FLUS). 1993-07-29: 2 ACTIVE BURROWS, 1 INACTIVE - N OF ROAD; 8
HYDRCASP*18	*Hydroprogne caspia*	Caspian Tern	G5	S2	N	N	2002-10-15	2002-10-15: Accreting sand south of St. Mary's River jetty and Fort Clinch fishing pier are used heavily by resting and loafing shorebirds (PNDLEA01FLUS).	2002-10: Forty six total individuals ovserved on two different days, resting on beach (PNDLEA01FLUS, U04MCP01FLUS).
MANASITE*25	Manatee Aggregation Site		GNR	SNR	N	N	ZZ	WARM-WATER EFFLUENT FROM PAPER MILL INTO AMELIA RIVER.	UP TO SEVEN MANATEES HAVE BEEN KNOWN TO UTILIZE THIS SITE AS A WARM-WATER REFUGE.
MARIHAMM*86	Maritime hammock		G3	S2	N	N	2004	Mature oak hammock.	2004: Update to last obs date was based on interpretation of aerial photography (previous value was 1986-04-04) (U05FNA02FLUS). Percent of total number of trees encountered (N=54): Quercus virginiana-43%, Q. laurifolia-19%, Magnolia grandiflora-13%, Prun
MIGRAREA*34	Migratory Bird Concentration Area		G3	SNR	N	N	2003-01-04	2003: Most occurrences are concentrated in northeast of polygon. Accreting sand south of St. Mary's river jetty and Fort Clinch fishing pier are used heavily (PNDLEA01FLUS).	2003-01-04: Large numbers of resting and loafing birds congregating on beaches. Species include Pelicanus occidentalis, Sterna caspia, Sternamaxima, Sterna sandvicensis, Rynchops niger, Haematopus palliatus, Falco peregrinus, Falco columbarius. See indi
PASSCIRI*2	*Passerina ciris*	Painted Bunting	G5	S3	N	N	2004-02-04	2004-02-04: Birds are seen on edges and in early successional habitats (coastal grassland, maritime hammock edges with saltmarsh or dunes) (PNDPEA03FLUS).	2004-02-04: In the peak nesting season 25 or more birds are often counted on 6 transects located throughout the park. Singing males, females, and juveniles are seen (PNDPEA03FLUS).

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FNAI ELEMENT OCCURRENCE REPORT on or near

North Beach Park

Map Label	Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing	Observation Date	Description	EO Comments
RYNCNIGE*77	*Rynchops niger*	Black Skimmer	G5	S3	N	SSC	2003-01-04	2003-01-04: The accreting beach at base of Fort Clinch fishing pier is a heavily used area. The shore north of the pier is used less heavily (PNDLEA01FLUS).	2003-01-04, 2002-11-09: 1000 and 200 individuals, respectively, seen roosting and loafing. Small flocks of 20+ individuals were observed roosting along the north shore (PNDLEA01FLUS).
STERANTI*8	*Sternula antillarum*	Least Tern	G4	S3	N	ST	2003-07-25	2004-02-02: Least terns congregate just south of the jetty (fishing pier) on accreting beach with many other bird species. Least terns also use north beach. (U04MCP01FLUS, PNDPEA03FLUS).	2004-02-02: Terns regularly seen loafing and foraging within the park, particularly just south of the pier. Commonly aggregations of 30 to 100 birds are observed by park staff. Sporadic nesting attempts have occurred over the years, most recent succes
THALMAXI*64	*Thalasseus maximus*	Royal Tern	G5	S3	N	N	2003-01-04	2003-01-04: Accreting sand south of St. Mary's river jetty and Fort clinch fishing pier is used heavily by resting shorebirds. North beach is also used but to a lesser extent, and is generally eroding (U04MCP01FLUS).	2001-2003: 12 to 20 terns observed resting on northern shore. 12 to 375 individuals observed resting and loafing just south of pier (U04MCP01FLUS, PNDLEA01FLUS).
THALSAND*37	*Thalasseus sandvicensis*	Sandwich Tern	G5	S2	N	N	2002-11-09	2002-11-09: Accreting sand south of St. Mary's river jetty and Fort clinch fishing pier is used heavily by resting shorebirds (U04MCP01FLUS).	2002-11-09: 25 (estimate) and 5 (counted) individuals observed on two days resting and loafing just south of pier (U04MCP01FLUS, PNDLEA01FLUS).

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FLORIDA Natural Areas INVENTORY

Florida Natural Areas Inventory

Biodiversity Matrix Report

Matrix Unit ID: 44936

Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing
Documented					
Dermochelys coriacea	Leatherback Sea Turtle	G2	S2	E	FE
Gopherus polyphemus	Gopher Tortoise	G3	S3	C	ST
Passerina ciris	Painted Bunting	G5	S3	N	N
Likely					
Caretta caretta	Loggerhead Sea Turtle	G3	S3	T	FT
Chelonia mydas	Green Sea Turtle	G3	S2S3	T	FT
Mycteria americana	Wood Stork	G4	S2	LT	FT
Trichechus manatus	West Indian Manatee	G2	S2	LE, PT	FE
Potential					
Acipenser oxyrinchus oxyrinchus	Atlantic Sturgeon	G3T3	S1	LE	FE
Ammodramus maritimus macgillivraii	Macgillivray's Seaside Sparrow	G4T3	S2	N	N
Charadrius melodus	Piping Plover	G3	S2	LT	FT
Cistothorus palustris griseus	Worthington's Marsh Wren	G5T3	S2	N	SSC
Coreopsis integrifolia	Ciliate-leaf Tickseed	G1G2	S1	N	E
Drymarchon couperi	Eastern Indigo Snake	G3Q	S3	T	FT
Heterodon simus	Southern Hognose Snake	G2	S2	N	N
Matelea floridana	Florida Spiny-pod	G2	S2	N	E
Neovison vison lutensis	Atlantic Salt Marsh Mink	G5T3	S3	N	N
Notophthalmus perstriatus	Striped Newt	G2G3	S2	C	N

Definitions: *Documented - Rare species and natural communities documented on or near this site.*
Documented-Historic - Rare species and natural communities documented, but not observed/reported within the last twenty years.
Likely - Rare species and natural communities likely to occur on this site based on suitable habitat and/or known occurrences in the vicinity.
Potential - This site lies within the known or predicted range of the species listed.

Elements and Element Occurrences

An **element** is any exemplary or rare component of the natural environment, such as a species, natural community, bird rookery, spring, sinkhole, cave, or other ecological feature.

An **element occurrence (EO)** is an area of land and/or water in which a species or natural community is, or was, present. An EO should have practical conservation value for the Element as evidenced by potential continued (or historical) presence and/or regular recurrence at a given location.

Element Ranking and Legal Status

Using a ranking system developed by NatureServe and the Natural Heritage Program Network, the Florida Natural Areas Inventory assigns two ranks for each element. The global rank is based on an element's worldwide status; the state rank is based on the status of the element in Florida. Element ranks are based on many factors, the most important ones being estimated number of Element Occurrences (EOs), estimated abundance (number of individuals for species; area for natural communities), geographic range, estimated number of adequately protected EOs, relative threat of destruction, and ecological fragility.

FNAI GLOBAL ELEMENT RANK

G1 = Critically imperiled globally because of extreme rarity (5 or fewer occurrences or less than 1000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor.
G2 = Imperiled globally because of rarity (6 to 20 occurrences or less than 3000 individuals) or because of vulnerability to extinction due to some natural or man-made factor.
G3 = Either very rare and local throughout its range (21-100 occurrences or less than 10,000 individuals) or found locally in a restricted range or vulnerable to extinction from other factors.
G4 = Apparently secure globally (may be rare in parts of range).
G5 = Demonstrably secure globally.
GH = Of historical occurrence throughout its range, may be rediscovered (e.g., ivory-billed woodpecker).
GX = Believed to be extinct throughout range.
GXC = Extirpated from the wild but still known from captivity or cultivation.
G#? = Tentative rank (e.g., G2?).
G#G# = Range of rank; insufficient data to assign specific global rank (e.g., G2G3).
G#T# = Rank of a taxonomic subgroup such as a subspecies or variety; the G portion of the rank refers to the entire species and the T portion refers to the specific subgroup; numbers have same definition as above (e.g., G3T1).
G#Q = Rank of questionable species - ranked as species but questionable whether it is species or subspecies; numbers have same definition as above (e.g., G2Q).
G#T#Q = Same as above, but validity as subspecies or variety is questioned.
GU = Unrankable; due to a lack of information no rank or range can be assigned (e.g., GUT2).
GNA = Ranking is not applicable because the element is not a suitable target for conservation (e.g. a hybrid species).
GNR = Element not yet ranked (temporary).
GNRTNR = Neither the element nor the taxonomic subgroup has yet been ranked.

FNAI STATE ELEMENT RANK

S1 = Critically imperiled in Florida because of extreme rarity (5 or fewer occurrences or less than 1000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor.
S2 = Imperiled in Florida because of rarity (6 to 20 occurrences or less than 3000 individuals) or because of vulnerability to extinction due to some natural or man-made factor.
S3 = Either very rare and local in Florida (21-100 occurrences or less than 10,000 individuals) or found locally in a restricted range or vulnerable to extinction from other factors.
S4 = Apparently secure in Florida (may be rare in parts of range).
S5 = Demonstrably secure in Florida.
SH = Of historical occurrence in Florida, possibly extirpated, but may be rediscovered (e.g., ivory-billed woodpecker).
SX = Believed to be extirpated throughout Florida.
SU = Unrankable; due to a lack of information no rank or range can be assigned.
SNA = State ranking is not applicable because the element is not a suitable target for conservation (e.g. a hybrid species).
SNR = Element not yet ranked (temporary).

FEDERAL LEGAL STATUS

Legal status information provided by FNAI for information only. For official definitions and lists of protected species, consult the relevant federal agency.

Definitions derived from U.S. Endangered Species Act of 1973, Sec. 3. Note that the federal status given by FNAI refers only to Florida populations and that federal status may differ elsewhere.

C = Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.
E = Endangered: species in danger of extinction throughout all or a significant portion of its range.
E, T = Species currently listed endangered in a portion of its range but only listed as threatened in other areas
E, PDL = Species currently listed endangered but has been proposed for delisting.
E, PT = Species currently listed endangered but has been proposed for listing as threatened.
E, XN = Species currently listed endangered but tracked population is a non-essential experimental population.
T = Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.
PE = Species proposed for listing as endangered
PS = Partial status: some but not all of the species' infraspecific taxa have federal
PT = Species proposed for listing as threatened
SAT = Treated as threatened due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.
SC = Not currently listed, but considered a "species of concern" to USFWS.

STATE LEGAL STATUS

Provided by FNAI for information only. For official definitions and lists of protected species, consult the relevant state agency.

Animals: Definitions derived from "Florida's Endangered Species and Species of Special Concern, Official Lists" published by Florida Fish and Wildlife Conservation Commission, 1 August 1997, and subsequent updates.

C = Candidate for listing at the Federal level by the U. S. Fish and Wildlife Service
FE = Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service
FT = Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service
FXN = Federal listed as an experimental population in Florida
FT(S/A) = Federal Threatened due to similarity of appearance
ST = State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.
SSC = Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC* for Pandion haliaetus (Osprey) indicates that this status applies in Monroe county only.)
N = Not currently listed, nor currently being considered for listing.

Plants: Definitions derived from Sections 581.011 and 581.185(2), Florida Statutes, and the Preservation of Native Flora of Florida Act, 5B-40.001. FNAI does not track all state-regulated plant species; for a complete list of state-regulated plant species, call Florida Division of Plant Industry, 352-372-3505 or see: http://www.doacs.state.fl.us/pi/.

E = Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.
T = Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.
N = Not currently listed, nor currently being considered for listing.

Element Occurrence Ranking

FNAI ranks of quality of the element occurrence in terms of its viability (EORANK). Viability is estimated using a combination of factors that contribute to continued survival of the element at the location. Among these are the size of the EO, general condition of the EO at the site, and the conditions of the landscape surrounding the EO (e.g. an immediate threat to an EO by local development pressure could lower an EO rank).

A = Excellent estimated viability
A? = Possibly excellent estimated viability
AB = Excellent or good estimated viability
AC = Excellent, good, or fair estimated viability
B = Good estimated viability
B? = Possibly good estimated viability
BC = Good or fair estimated viability
BD = Good, fair, or poor estimated viability
C = Fair estimated viability
C? = Possibly fair estimated viability
CD = Fair or poor estimated viability
D = Poor estimated viability
D? = Possibly poor estimated viability
E = Verified extant (viability not assessed)
F = Failed to find
H = Historical
NR = Not ranked, a placeholder when an EO is not (yet) ranked.
U = Unrankable
X = Extirpated

*For additional detail on the above ranks see: http://www.natureserve.org/explorer/eorankguide.htm

FNAI also uses the following EO ranks:

H? = Possibly historical
F? = Possibly failed to find
X? = Possibly extirpated

The following offers further explanation of the H and X ranks as they are used by FNAI:

The rank of H is used when there is a lack of recent field information verifying the continued existence of an EO, such as (a) when an EO is based only on historical collections data; or (b) when an EO was ranked A, B, C, D, or E at one time and is later, without field survey work, considered to be possibly extirpated due to general habitat loss or degradation of the environment in the area. This definition of the H rank is dependent on an interpretation of what constitutes "recent" field information. Generally, if there is no known survey of an EO within the last 20 to 40 years, it should be assigned an H rank. While these time frames represent suggested maximum limits, the actual time period for historical EOs may vary according to the biology of the element and the specific landscape context of each occurrence (including anthropogenic alteration of the environment). Thus, an H rank may be assigned to an EO before the maximum time frames have lapsed. Occurrences that have not been surveyed for periods exceeding these time frames should not be ranked A, B, C, or D. The higher maximum limit for plants and communities (i.e., ranging from 20 to 40 years) is based upon the assumption that occurrences of these elements generally have the potential to persist at a given location for longer periods of time. This greater potential is a reflection of plant biology and community dynamics. However, landscape factors must also be considered. Thus, areas with more anthropogenic impacts on the environment (e.g., development) will be at the lower end of the range, and less-impacted areas will be at the higher end.

The rank of X is assigned to EOs for which there is documented destruction of habitat or environment, or persuasive evidence of eradication based on adequate survey (i.e., thorough or repeated survey efforts by one or more experienced observers at times and under conditions appropriate for the Element at that location).

Appendix G

City of Fernandina Beach Comprehensive Plan
Conservation and Coastal Management Element

(Code 1955, § 12-39(1)(k), (m); Ord. No. 399, 4-12-67; Code 1991, §§ 52.05, 52.60)

Comprehensive Plan

The Conservation and Coastal Management Element is intended to provide direction for preservation, protection, and sensitive use of the City's natural and coastal resources. The conservation objectives and policies address protection of natural resources, such as wetlands, wildlife, trees, air, and environmentally sensitive lands. The coastal management objectives and policies address protection of the coastal environment, enhancement of public access, assurance of compatible development, and promotion of disaster preparedness. The Element goal is that the City shall conserve and plan for the natural and coastal resources of the area to ensure that resources are protected and available for future generations.

Conservation & Coastal Management Highlights

1. Expand public access to include all shorelines and waterways, not just beach access;
2. Protect the beaches and dune systems;
3. Decrease dependence on hard shoreline control systems;
4. Mitigate hazard threats, prepare for disasters and plan for post-disaster redevelopment;
5. Minimize uses and development located in the Coastal High Hazard Area;
6. Recognize sea-level rise as an area of concern;
7. Incorporate working waterfronts legislative requirements and plan for riverfront uses and development;
8. Ensure development is compatible and sensitive to coastal resources;
9. Maintain or improve water quality and encourage water conservation;
10. Protect and preserve wetlands;
11. Monitor dredge, fill and excavation activities;
12. Incorporate wildlife planning strategies;
13. Continue tree preservation and protection efforts and urban forestry programming;
14. Address air quality and reduce impacts from greenhouse gases;
15. Promote energy conservation;

16. Identify natural resource lands eligible for acquisition and preservation; and
17. Increase intergovernmental coordination regarding natural resources.

OBJECTIVE 5.02.
BEACH AND DUNE PRESERVATION

The City shall implement a beach and dune management program to ensure the protection, conservation, and enhancement of the coastal barrier dunes and beaches within the City, including identification of the City Department responsible for implementing the program.

Policy 5.02.01.

The City will identify and prioritize those beaches and dune systems which are in need of protection, enhancement, and re-nourishment through consultation with the Florida Department of Environmental Protection.

Policy 5.02.02.

The City shall establish a dune management program by 2013, including developing and implementing standards for dune protection at public and private crossovers, and for dune stabilization and restoration projects. The dune management program will strictly limit excavation, destruction of native vegetation, and other activities which cumulatively or separately interfere with the normal transport of dune sediments or interfere with the natural protection afforded by natural beach dunes and dune systems.

Policy 5.02.03.

The City shall protect beach wrack as an important component of the beach ecosystem and eliminate or minimize any mechanical cleaning or sweeping of the beach surfaces.

Policy 5.02.04.

The City shall continue implementation of the Coastal Upland Protection Zone (CUPZ) in the Land Development Regulations and shall monitor and evaluate the CUPZ regulations for changes as needed to best implement the dune management system priorities.

Policy 5.02.05.

The City shall identify all deficient public beach access points, including those with no boardwalks, crossovers, or other protective mechanism for the dunes, and establish a schedule and procedure for improving any deficiencies.

Policy 5.02.06.

The City shall adopt Land Development Code regulations directing professional evaluation of the potential for beach erosion as part of the site plan and permitting process for any coastal structure.

Policy 5.02.07.

No motorized vehicles shall be allowed on dune systems except in an emergency situation as designated by the local law enforcement and emergency management agencies. The City shall enforce this policy through the City Police Department. Beach driving is prohibited except in designated areas as defined by City

ordinances.

Policy 5.02.08.

The City shall coordinate with DEP in evaluating the location of the CCCL.

Policy 5.02.09.

The City shall guide and direct the location, construction, and maintenance of development adjacent to the Atlantic shoreline, and shall maintain standards to address the following issues:

a. Avoid adverse impacts on the contours and topography 1,000 feet landward of the CCCL;

b. Avoid adverse impacts on the contours and topography for properties eastward of the CCCL;

c. Preserve existing vegetation;

d. Set maximum impervious surface ratios;

e. Allowance or removal of shore-hardening structures;

f. Setbacks for shoreline protection;

g. Construction standards in hurricane vulnerability zones;

h. Reconstruction or modification of existing hard erosion control structures

i. Use of living shoreline strategies for erosion management ;

j. Underground storage tanks; and

k. Location of septic tanks.

Policy 5.02.10.

The City shall identify existing hard erosion control structures and incorporate into the City's GIS mapping system.

Policy 5.02.11.

The City shall prohibit the use of habitat-destroying vertical seawalls along natural water body shorelines. The City will encourage the removal of existing seawalls when the opportunity arises. Restoration will be accomplished by replacing existing, deteriorating seawalls with sloped shorelines,vegetated riprap, or other living shoreline techniques in order to recreate habitat and provide storm protection to upland areas.

Policy 5.02.12.

The City shall request that the DEP promptly notify the City of all applications within the City seeking variances or other relief from the CCCL.

Policy 5.02.13.

The City shall continue to fund and implement projects associated with the Nassau County

OBJECTIVE 5.10.
WILDLIFE PLANNING

The City shall encourage development and management of resources in a manner which

sustains local wildlife, their habitat and the ecological services of the land, and shall protect

significant habitats of populations of threatened or endangered species in accordance with
the provisions of the Endangered Species Act (ESA) 16 USC 1531, and Florida Administrative Code Division 68A.

Policy 5.10.01.

When reviewing development proposals for public or private development, the City shall take into account the following strategies:

a. When planning for a larger parcel or contiguous smaller parcels, emphasize a compact, clustered development pattern over a sprawling one;

b. Preserve water body and riverine green edges in order to conserve an upland buffer that links the water to larger habitat patches;

c. Where possible do not subdivide properties in a manner that creates multiple lots to the water's edge; instead, maintain a common community shoreline corridor with an upland component that links to larger habitat patches;

d. Preserve native vegetation and habitat types;

e. Preserve forested areas, the understory and native soil associations; and

f. Avoid activities that dehydrate landscape features or alter the seasonal water flows or duration of inundation to wetlands, hammocks or water bodies.

Policy 5.10.02.

The City shall protect significant habitats for native wildlife and vegetation in areas of known environmentally sensitive habitats, including habitats of endangered species. The Land Development Code shall be updated with regulations to ensure that prior to the issuance of development permits in such areas, detailed inventories and assessments of impacts of development shall be conducted. If onsite habitat will be disturbed by new development, the habitat shall be relocated or the impacts mitigated, if viable by virtue of its size, configuration, and connecting habitat. The City shall ensure an enforcement mechanism is in place to monitor inventories and assessments, and any required mitigation. The City shall seek assistance from the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission in assessing identification of habitat, and any needed relocation or mitigation.

Policy 5.10.03.

The City shall identify and maintain an inventory of any "Outstanding Florida Waters"; aquatic preserves; wildlife sanctuaries; wildlife refuges; State preserves; sanctuaries; forests; and publicly owned parks, gardens, and wildlife management areas within or adjacent to the City. Proposed development adjacent to any of these areas shall be limited by type and intensity through the Land Development Code in order to conserve wildlife populations and habitat.

Policy 5.10.04.

The City shall plan for the provision of wildlife corridors to allow for survival of species, prevent isolation of natural communities, and decrease fragmentation of habitat. In planning for wildlife corridors, the City should take into account

GOAL 5

maintaining large, connected patches of natural vegetation, wide vegetation corridors along major water courses, and connectivity for movement of key species among the large patches.

Policy 5.10.05.

The City shall evaluate the presence of native upland habitats and their linkages to contiguous or related lowland and wetland habitats, and consider implementation of regulations to protect these native upland habitats including strategies such as retaining native vegetation, providing for undeveloped habitat buffers around waterways, protecting areas of temporary or seasonal wetlands and ponds, and identifying opportunities for linking open space, stormwater facilities and buffers to create separation from human and wildlife communities.

Policy 5.10.06.

The City shall coordinate with Nassau County regarding the County's Conservation and Habitat Network and how it may be connected to lands within City limits as a means of furthering protection of wildlife habitat. The City shall work with Nassau County in creating joint policies to plan for how to protect this network and appropriately plan for adjacent development.

Policy 5.10.07.

The City shall identify areas conducive to wildlife corridors and incorporate acquisition and protection of these lands and waterways as a high priority into any land acquisition priority assessment. The City shall encourage the use of conservation easements where feasible.

Policy 5.10.08.

The City shall identify areas of outdoor lighting along natural resource areas and ensure this lighting is minimized to limit impacts to wildlife, particularly along the beach during sea turtle nesting season. The City shall explore implementation of a "dark sky" ordinance for areas adjacent to natural resource areas that includes keeping lights low to the ground and shielded in order to reduce light trespass. The City shall work with County and State managed land officials to limit light pollution.

Policy 5.10.09.

The City shall evaluate proposed transportation improvements and related facilities for potential impacts on wildlife and their habitat. The City shall further evaluate opportunities for wildlife ecopassages in areas of known wildlife migration and movement routes and coordinate with County and State officials regarding possibilities for construction or maintenance of Eco passages on or adjacent to highly trafficked roadways.

Policy 5.10.10.

The City shall strive to integrate stormwater, transportation and recreational infrastructure networks and proposed projects for wildlife integration opportunities, including coordination with the City Golf Course regarding wildlife-friendly golf course management.

Policy 5.10.11.

The City shall restore impaired dunes and coastal wetlands ecosystems and habitats, including submerged aquatic vegetation, through re-vegetation and

shoreline softening projects

OBJECTIVE 6.05. OPEN SPACE

Open spaces shall be protected within urbanized areas for their aesthetic, health, environmental, and economic benefits. The City shall continue to maintain standards in its land development regulations for the provision and maintenance of open space in the community, including in private developments and publiclyowned lands.

Policy 6.05.01.

The City shall continue to include conservation areas on the FLUM.

Policy 6.05.02

The City shall determine uses for publicly-owned open space areas, and shall evaluate the presence of environmentally sensitive lands within an open space. If it is determined that open space has environmentally sensitive lands, the City shall limit activities to passive recreation where it is determined that such activities will not endanger the public health, safety, welfare or environment.

Policy 6.05.03.

Privately-owned open space, such as those within subdivisions or PUD developments, which consists of a conservation future land use or contains environmentally sensitive lands, shall be protected through the acquisition of conservation easements.

Policy 6.05.04.

In order to protect environmentally sensitive coastal dunes and promote public safety, no additional areas, or expansion of existing areas, allocated to parking or driving on the public beach shall be permitted.

OBJECTIVE 6.06.
LAND ACQUISITION

The City shall maintain a program to continually evaluate the potential purchase of land for parks, recreation, conservation, and open space needs, and shall identify and map potential land for acquisition as recreation or open space.

Policy 6.06.01.

The City shall use City-owned floodplains, conservation lands or environmentally sensitive lands, and other similar areas for passive recreational land, provided that the City determines that passive recreational use of these sites would not endanger the public health, safety, welfare, or environment.

Policy 6.06.02.

The City will give high priority to acquisition of lands in the CHHA and in or adjacent to jurisdictional wetlands for passive recreational purposes, provided that that the City determines that recreational use of these sites would not endanger the public health, safety, welfare or environment.

Policy 6.06.03.

The City will give priority to acquisition of lands that provide access to parks, recreation or open space areas.county Shore Protection Project.

Policy 6.06.04.

Whenever possible, recreational sites should be established with active and passive uses to provide both recreational facilities and to ensure preservation or conservation of environmentally sensitive lands. The City shall identify those recreational sites containing environmentally sensitive lands and limit those portions to passive use recreation only; where it is determined that passive recreational use of these lands would not endanger the public health, safety, welfare, or environment.

Policy 6.06.05.

The City shall add proposed land acquisition projects, based on the Parks, Recreation and Open Space Master Plan, to the City's Capital Improvements Plan.

Policy 6.06.06.

The City shall seek public and private support for the acquisition, development, operation, and maintenance of parks, recreational facilities and open space areas.

Policy 6.06.07.

The City shall continue to use ad valorem taxes and impact fees to fund the acquisition of parks and recreation facilities. Use of other funding mechanisms, shall also be utilized, if feasible.

I. INTRODUCTION

Seaside Park is a 2.65-acre tract on the beach at the intersection of South Fletcher Avenue (SR A1A) and Sadler Road (SR 108). This park is a public beach access park with 300 feet of beach front, parking, boardwalks, and picnic facilities. All of the facilities were designed and managed to protect and enhance the endangered beach dune environment. The project has a prominent sign identifying the park as a publicly owned recreation and conservation area purchased with State and local funds.

Seaside Park is within three miles of most of the City's residents and provides access to a long stretch of beach. Amelia Island beaches have traditionally been oriented toward family entertainment and use. This park will be developed and cater to family group participation.

This management plan consists of:

1. A general description of the project and its purpose.
2. A description of the site and the facilities to be installed.
3. Management activities, procedures, and responsibilities.
4. Resource enhancement and protection.
5. Backup data and information.

Project Description

Seaside Park consists of 2.65 acres of beachfront property located at the intersection of South Fletcher Avenue and Ocean Street (extension of Sadler Road) in Fernandina Beach, Florida. At this intersection, the traffic light was recently removed and replaced with a landscaped roundabout.

Facilities at the park include parking spaces for approximately 44 vehicles, bike racks, a picnic area, gazebos with observation decks, and educational signage. The facilities are linked with a boardwalk that leads to the beach, which prevents pedestrian interference with the dune system.

The park also features landscaping that was designed to protect the beach and dunes using indigenous species to provide a low-maintenance and natural background for passive recreational facilities.

II. PURPOSE OF THE PROJECT

This project implements the City's Comprehensive Plan objectives of providing access to public beaches and maintaining recreational facilities (Objective 5a.01 and 6.01), preserving the dune system (Objective 5a.02), controlling coastal zone development (Objective 5a.08), assuring and maintaining open space (Objective 6.03), acquiring lands and natural resources (Objective 6.04 and 5b.04), protecting the habitat of threatened or endangered species (Objective 5b.05), and establishing a level of service (Objective 8.06). In addition, the recent Comprehensive Plan Amendments of adding greenway corridors and nature trails (Objective 93B.02), acquiring sensitive land for greenway corridors and trails (93B.03), and adding pathways to lands for acquisition (93B.04) are all served by this project.

This property has resident sea oats in the protected plant category and is a natural habitat and nesting site for the green turtle and the protected loggerhead turtle. The intent of this project is to maintain the site for conservation, protection, and enhancement of its natural resources, while providing for compatible recreational use.

Management objectives for Seaside Park in order of priority are:

1. Protect and enhance the dune structure and the natural appearance of the beach and coastal grassland.
2. Provide boardwalk access to the beach for passive recreational activities.
3. Create educational displays and environmental awareness programs.
4. Make the park user-friendly by providing parking, bike accessibility, and picnic facilities.

After acquisition of the property, the City enacted a small-scale amendment to its adopted Future Land Use Map and Comprehensive Plan to change the land use from Commercial to Recreation Open Space. Accordingly, the zoning map was amended to reflect the change to recreation in order to be consistent with the amended future land use designation for the property. These changes were made according to Chapter 163 Florida Statutes and 9J-11 Florida Administrative Code.

III. SITE DEVELOPMENT

A. Physical Improvements

A derelict house originally stood on the center of the property, and was removed in 1999. The north part of the property has been used as a turn-around, parking area, and for trash dumping.

The following is a list of recently completed improvements to the property:

1. Restoration of damaged dune and coastal grassland to its natural condition.
2. Construction of parking area, walkways, educational displays, picnic tables, bike accessibility, gazebos and observation stations.
3. Landscaping with indigenous plants.

Access to the above-listed improvements is compatible with all applicable state and federal construction standards, including the Americans with Disabilities Act.

Seaside Park is identified by a sign that recognizes it as a publicly owned facility and outdoor recreational site purchased with funds provided by the Florida Communities Trust and the City of Fernandina Beach. All literature and advertising will also state that the park is publicly owned.

Improvements to the property were designed to minimize the impact on the property. All improvements were pervious surfaces; no ponding or water retention was necessary for runoff. The boardwalks were constructed per Florida Department of Environmental Protection (DEP) standards to allow water and light to the ground below for minimal degradation of existing vegetation.

B. Master Site Plan

The master site plan that was attached to the previous Management Plan update in November 2002 accurately depicts the overall development of the site.

For any alterations or physical improvements that are not addressed in this management plan, written approval will be secured from the Florida Communities Trust.

C. Permits

The City of Fernandina Beach has jurisdiction over the subject property and issued permits for construction of facilities and landscaping after the plans had been approved by the DEP's Division of Beaches and Shores.

D. Easements, Concessions, or Leases

There are no current or planned easements, leases, or concessions. In the event that a lease is required for the operation of a concession, for the use by a party other than a member of the public, or for any management contract with a non-governmental person or agency, a 60-day prior notice will be provided to the Florida Communities Trust.

IV. KEY MANAGEMENT ACTIVITIES

A. Natural Resource Protection

The coastal grasslands, dunes and beaches are fragile ecosystems which require varying degrees of protection to maintain their viability. The listed plant species are incorporated into the landscaping scheme and protected by educational signs and control of traffic to prevent damage to the individual plants. The turtle nesting areas and beach will also be a subject of educational displays, and any turtle nest which is found will be protected by barricades and patrols.

The dune system is the primary resource that is endangered and requires protection. An inventory of plant and animal species found at the park site will be compiled by a qualified person using professionally accepted methods. The inventory will document the name (common and scientific) and frequency of each species and its designated status on the "official list of endangered and potentially endangered flora and fauna in Florida." Information about listed species will be forwarded to the Florida Natural Areas Inventory (FNAI).

Special protective measures for listed plant and animal species will be developed and implemented in conjunction with the Florida Fish and Wildlife Conservation Commission, DEP, and FNAI. A sea turtle nesting protection plan is currently in place manned by volunteer help from the Amelia Island Sea Turtle Watch, Inc. Data from this activity is forwarded to interested state organizations.

No future structures will be constructed in the beach area during sea turtle nesting season (May 1st to October 31st).

The City will submit site development plans to the DEP, Office of Protected Species Management for review and comments prior to start of any new work at the park.

The City has established a yearly inventory of plant and animal species that is used to evaluate the site enhancement and protection program. The City is currently working in conjunction with the Nassau District School Board to use inventorying as an educational tool.

B. Resource Enhancement

Dune stabilization at this site is a vital part of the resource protection plan. The coastal grassland behind the primary dune is at a low elevation, which creates the possibility that if the primary dune were lost a major storm event could endanger the entire park. The City will coordinate with the Soil Conservation Service and the DEP to prepare a dune enhancement plan after acquisition of the site.

The indigenous species of plants on the site are protected and, where damaged, will be restored. Landscape plantings of sabal palm trees and other native species have been used for beautification of the park and will also contribute to traffic control and protection of the dunes. Boardwalks and gazebos within the park have been designed to complement the natural appearance of the landscape. The dunes and fore dune area, which have been scarred by vehicle and pedestrian traffic, were restored to their natural appearance.

Annual site inventories include a program to remove and prevent the infestation of invasive exotic plant species, which could affect the native ecosystem.

C. Archaeological and Historical Resource Protection

There are no known archaeological sites located on this property. If any archaeological or historical sites are found in the future the area will be protected until the site can be assessed by the Department of State, Division of Historical Resources. The collection of artifacts or disturbance of historical sites will be prohibited until prior approval has been obtained from the Division of Historical Resources.

D. Educational Programs

The City of Fernandina Beach has a partnership with the local school system to provide environmental monitoring and educational exhibits at the park.

E. Coordination

Management of the park will be coordinated with the DEP Recreation and Parks Division, and various departments within the City.

The Parks Department is responsible for trash and garbage pickup. The Recreation Department provides maintenance and will coordinate educational displays and programs in conjunction with the Biology Department of Fernandina Beach High School. The City Fire Department provides lifeguards. City police are responsible for patrols and policing the area during off-season times. Parks personnel will continually monitor the site to ensure the protection of the facilities and the environment.

F. Maintenance

Maintenance of the park, including clean-up, trash removal, landscaping, and maintenance of structures is handled by the City Parks and Recreation Department. Money is budgeted for these services. The maintenance of the parking areas and street are the responsibility of the City's Streets Department. The upkeep and renewal of environmental education and informational displays is under the supervision of the City Parks and Recreation Director and the Parks Department staff.

Seaside Park is intended to provide passive recreation, with the beach and ocean as the main attractions. The facilities provided were constructed for low maintenance. The beach is subject to heavy usage from May to September, and during that time the park is staffed by lifeguards during daylight hours.

G. Security

The security needs of the park are the responsibility of the Parks and Recreation Department during daylight hours. There are no plans for fencing the park, and since it is a neighborhood park the incidence of vandalism should be low. Emergency response is the responsibility of the City Fire Department, which has a facility less than two blocks away and can be on site in minutes. City Police patrols provide nighttime security during the summer.

H. Staffing

The City Parks and Recreation Department employs staff who are responsible for maintaining the landscaping and upkeep of the City's parks. The Parks and Recreation Director and the staff are responsible for the protection of the dune and landscaping in the park. Maintenance personnel and cleanup are the responsibility of the Parks and Recreation Department.

Lifeguards are provided by the Fernandina Beach Fire Department.

V. COST ESTIMATE AND FUNDING

The cost of the development of the park was approximately $349,200 for landscaping and facilities. One hundred and ninety-nine thousand two hundred dollars of this money came from capital expansion trust funds, and one hundred and fifty thousand came from the Florida Department of Environmental Protection though the FRDAP grant program.

A breakdown of the costs for the development and management of the park is as follows:

1.	Landscaping	$15,000
2.	Construction of gazebos, boardwalks, beach accesses	$159,000
3.	Picnic facilities	$62,200
4.	Parking improvements	$113,000
	TOTAL	$349,200

The City of Fernandina Beach Fire Department provides lifeguard services and supervision.

VI. PRIORITY SCHEDULE

The City of Fernandina Beach will implement the key management activities as stated in this plan immediately upon transfer of title to the City. The restoration and construction of the facilities occurred according to the following schedule, as revised November 2003:

1.	Project Plan Approval	2/15/98
2.	Transfer of Property	2/16/98
3.	Structural and Site Engineering	10/15/01
4.	Estimates and Bids on Construction	06/15/02
5.	Construction of Facilities	2/28/02
6.	Biological Inventory and Assessment	Ongoing
7.	Landscaping	4/30/03
8.	Project Completion	5/1/03

VII. Monitoring

An annual report to the Florida Communities Trust will be submitted annually no later than December 15th. The report will discuss the status of structures and improvements, management activities, and new information on the condition of the site and any listed species. The annual report shall be used to evaluate the compatibility of the recreational activities and the habitat at the project site.

AGREEMENT No: 13NA2

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESTORATION ASSISTANCE
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
STATE OF FLORIDA
GRANT AGREEMENT FOR
NASSAU COUNTY SHORE PROTECTION PROJECT

THIS AGREEMENT is entered into between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT" or "DEP"), whose address is 3900 Commonwealth Boulevard, MS 3601, Tallahassee, Florida 32399, and the CITY OF FERNANDINA BEACH, a local government (hereinafter referred to as the "LOCAL SPONSOR"), whose address is 204 Ash Street, Fernandina Beach, Florida 32034, for the project described herein.

WHEREAS, the DEPARTMENT, pursuant to Section 161.091 - Section 161.161, Florida Statutes, provides financial assistance to eligible governmental entities for beach erosion control and inlet management activities under the Florida Beach Management Funding Assistance Program; and

WHEREAS, pursuant to 62B-36.005(1)(d), Florida Administrative Code, the LOCAL SPONSOR has resolved to support and serve as local sponsor, has demonstrated a financial commitment, and has demonstrated the ability to perform the tasks associated with the beach erosion control project as described herein.

WHEREAS, the FY 2012-2013 funds have been provided for design, permitting and construction of the Nassau County Shore Protection Project; and

NOW, THEREFORE, in consideration of the mutual benefits to be derived here from, the DEPARTMENT and the LOCAL SPONSOR do hereby agree as follows:

1. The DEPARTMENT does hereby retain the LOCAL SPONSOR to implement the beach erosion control project known as the **NASSAU COUNTY SHORE PROTECTION PROJECT**, (hereafter referred to as the PROJECT), as defined in **Attachment A (Grant Work Plan)**, attached hereto and made a part hereof. The LOCAL SPONSOR does hereby agree to perform such services as are necessary to implement the PROJECT in accordance with the terms and conditions set forth in this Agreement, and all attachments and exhibits named herein that are attached hereto and incorporated by reference. For purposes of this Agreement, the terms "Grantee", "Recipient" and "Local Sponsor" are used interchangeably.

2. This Agreement shall begin on the last date executed and end on **October 1, 2018**. Pursuant to Section 161.101 (18), Florida Statutes (F.S.), and 62B-36.009, Florida Administrative Code (F.A.C.), work conducted on this PROJECT by the LOCAL SPONSOR or its subcontractor and approved by the DEPARTMENT beginning on or after October 1, 2016, may be eligible for reimbursement by the DEPARTMENT.

3. The LOCAL SPONSOR shall implement the PROJECT and complete said PROJECT upon the terms and conditions set forth in this Agreement and all present and future requisite authorizations and environmental permits. The PROJECT consists of design, permitting and construction.

4. For tasks specified in Table 1 in Attachment A, the LOCAL SPONSOR shall develop a detailed Scope of Work, which shall include a narrative description of each task, a corresponding detailed budget for each deliverable under that task and a schedule for completion of each task and deliverable. Each Scope of Work shall be approved by the DEPARTMENT as to content, deliverables, and schedule prior to incorporating into Attachment A, as an amendment or change order to this Agreement pursuant to paragraph 39.

5. The DEPARTMENT has determined that 92.88 percent of the non-federal PROJECT cost is eligible for state cost sharing. Therefore, the DEPARTMENT's financial obligation shall not exceed the sum of $1,183,320.16 for this PROJECT or up to 46.44 percent of the non-federal PROJECT cost, if applicable, for the specific eligible PROJECT items listed, whichever is less. Any indicated federal cost sharing percentage is an estimate and shall not affect the cost sharing percentages of the non-federal share.

6. The DEPARTMENT and the LOCAL SPONSOR agree that any and all activities associated with the PROJECT that are not shown in the Grant Work Plan in Attachment A are the responsibility of the LOCAL SPONSOR and are not a part of this Agreement. The LOCAL SPONSOR agrees that any costs for the specific eligible PROJECT tasks that exceed the estimated PROJECT costs for that task shall be the responsibility of the LOCAL SPONSOR. Any modifications to the estimated TOTAL PROJECT COSTS shown in Attachment A, Table 1, shall be provided through formal amendment to this Agreement.

7. All notices and written communication between the parties shall be sent by electronic mail, United States Mail, a courier delivery service, or delivered in person. Notices shall be considered delivered when reflected by an electronic mail read receipt, a courier service delivery receipt, other mail service delivery receipt, or when receipt is acknowledged by recipient. Any notices between the parties shall be delivered to the contact person at the addresses below:

LOCAL SPONSOR
Dale Martin
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 277-7300
dmartin@fbfl.org

DEPARTMENT
Dena VanLandingham, Program Grant Administrator
Department of Environmental Protection
Beach Management Funding Assistance Program
3900 Commonwealth Blvd, MS 3601
Tallahassee, Florida 32399
(850) 245-2970
Dena.Vanlandingham@dep.state.fl.us

Any changes to the contact information for DEPARTMENT personnel shown above or in paragraph 8 must be reduced to writing in the form of an email notification from the DEPARTMENT.

8. The LOCAL SPONSOR's Project Manager for all matters is Dale Martin, Phone: (904) 277-7300. The DEPARTMENT's Project Manager for all technical matters is Thomas J. Edwards Phone: (850) 245-2976 and the DEPARTMENT's Program Grant Administrator for all administrative matters is Dena VanLandingham, Phone: (850) 245-2970.

9. The LOCAL SPONSOR shall perform as an independent contractor and not as an agent, representative, or employee of the DEPARTMENT.

10. The LOCAL SPONSOR shall perform the services in a proper and satisfactory manner as determined by the DEPARTMENT.

11. Any and all equipment, products or materials necessary to perform these services, or requirements as further stated herein, shall be supplied by the LOCAL SPONSOR.

12. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature of the State of Florida and subject to the release of funds appropriated to the DEPARTMENT. The parties hereto understand that this Agreement is not a commitment of future appropriations. Authorization for continuation and completion of work and payment associated therewith may be rescinded with proper notice at the discretion of the DEPARTMENT if Legislative appropriations are reduced or eliminated.

13. The LOCAL SPONSOR agrees to maintain the public beach access sites and public parking spaces or other eligible units, as identified in **Attachment B (Funding Eligibility)**, attached hereto and made a part hereof, for public beach use throughout the life of the PROJECT as established under this Agreement. Pursuant to 62B-36.003(4), F.A.C, the life of the PROJECT is defined as ten (10) years following the completion of each construction event commencing upon execution of this Agreement. If at any time the LOCAL SPONSOR fails to maintain the public beach access sites and public parking or eligibility units the LOCAL SPONSOR agrees to reimburse the DEPARTMENT all funds provided by the DEPARTMENT associated with any beach access site and/or parking spaces or eligibility units which are no longer available to the public for a 10-year period. All public parking must be clearly signed or otherwise designated as public beach access parking.

14. Paragraph Reserved.

15. As consideration for the satisfactory completion of the eligible work identified in **Attachment A** and approval of the work by the DEPARTMENT, the DEPARTMENT agrees to compensate the LOCAL SPONSOR on a cost-reimbursement basis. All requests for reimbursement shall be made in accordance with **Attachment C (Contract Payment Requirements)**, attached hereto and made a part hereof, and State guidelines for allowable costs found in the Department of Financial Services' Reference Guide for State Expenditures at http://www.fldfs.com/aadir/reference%5Fguide. The LOCAL SPONSOR shall submit a request for reimbursement of funds on the forms provided as **Attachment D (Request for Payment, PARTS I – IV)**, attached hereto and made a part hereof. These forms are to be submitted upon completion of deliverables identified in the approved Grant Work Plan. These forms shall be certified as accurate by the LOCAL SPONSOR's Project Manager and the LOCAL SPONSOR's Project Financial Officer and submitted to the DEPARTMENT as a payment request. All bills for amounts due under this Agreement shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof. All requests for the reimbursement of travel expenses shall be based on the travel limits established in Section 112.061, F.S. A final invoice shall be due no later than thirty (30) calendar days following the completion date of this Agreement. The DEPARTMENT will not release funds for construction activities until such time as all requisite authorizations, environmental permits, and variances, including those required pursuant to Chapters 161, 253, 258 and 373, F.S., have been obtained. The final payment will not be processed until the match requirement has been met.

16. The DEPARTMENT's Project Manager shall have thirty (30) calendar days after receipt of each request for payment to determine that the work has been accomplished in accordance with the terms and conditions of this Agreement prior to approving the request for payment. It is understood and agreed that any request for payment that requires the DEPARTMENT to request additional information of the LOCAL SPONSOR shall stop time for the DEPARTMENT's review period and will reset when such information is received as requested by the DEPARTMENT. Upon approval of the request for

payment, the DEPARTMENT shall disburse the funds due the LOCAL SPONSOR. Retainage of 10% of the disbursement may be held on account for each deliverable in the disbursement that represents a portion of the complete subtask. The cumulative amount retained for each eligible deliverable item shall be disbursed to the LOCAL SPONSOR after the DEPARTMENT has certified that the LOCAL SPONSOR has complied with all the terms and conditions of the Agreement. The DEPARTMENT will periodically request proof of a transaction (invoice, payroll register, etc.) to evaluate the appropriateness of costs to the Agreement pursuant to State and Federal guidelines (including cost allocation guidelines), as appropriate. When requested, this information must be provided within thirty (30) calendar days of such request. If applicable, the LOCAL SPONSOR may also be required to submit a cost allocation plan to the DEPARTMENT in support of its multipliers (overhead, indirect, general administrative costs, and fringe benefits).

17. For the duration of this Agreement, the LOCAL SPONSOR shall submit to the DEPARTMENT's Project Manager on a quarterly basis, **Attachment D (Project Progress Report, Part III** of the **Request for Payment** package**),** as updates to the PROJECT schedule, no later than thirty (30) calendar days following the completion date of the quarterly reporting period in which the PROJECT is underway. The term "quarterly" shall reflect the calendar quarters ending March 31, June 30, September 30, and December 31. Progress reports are to be submitted electronically in Microsoft Word ® (.doc) or Adobe Acrobat ® (.pdf). Information provided shall be the best available and shall represent the most accurate forecast of future events. Specific information to be included in the quarterly report: tasks to be completed, start and finish dates, task duration, and actual start and finish dates with actual task duration. In cases where no reimbursement is sought for a given quarter, all applicable portions of the progress report must still be completed and submitted. The timely submittal of these quarterly reports will result in points for the ranking of future projects under the Beach Management Funding Assistance Program (PROGRAM).

18. Upon completion of a task or the PROJECT, the LOCAL SPONSOR shall submit to the DEPARTMENT a certification of completion, attached hereto as **Attachment E (Project Completion Certification)**. A final PROJECT certification inspection shall be made by the DEPARTMENT within sixty (60) calendar days after the PROJECT is certified complete by the LOCAL SPONSOR.

19. The LOCAL SPONSOR shall, at a minimum, comply with monetary limits for competitive acquisition of both materials and services as required by Chapters 287 and 255, F.S., as applicable, and Subsection 161.101(17), F.S. which are expressly made a part of this Agreement and incorporated herein by reference as if fully set forth.

    A. Pursuant to Section 255.0991, F.S., for a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds which have been appropriated at the time of the competitive solicitation, a state, college, county, municipality, school district, or other political subdivision of the state may not use a local ordinance or regulation that provides a preference based upon:

        1) The contractor's maintaining an office or place of business within a particular local jurisdiction;
        2) The contractor's hiring employees or subcontractors from within a particular local jurisdiction; or
        3) The contractor's prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

    B. For any competitive solicitation that meets the criteria in Paragraph A., a state college, county, municipality, school district, or other political subdivision of the state *shall disclose in the solicitation document* that any applicable local ordinance or regulation does not include any preference that is prohibited by Paragraph A.

20. The applicable provisions of Chapter 161, F.S., entitled "Dennis L. Jones Beach and Shore Preservation Act", and any rules promulgated therefrom, are expressly made a part of this Agreement and are incorporated herein by reference as if fully set forth.

21. Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, F.S. Further, nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract or this Agreement.

22. A. The DEPARTMENT may terminate this Agreement at any time in the event of the failure of the LOCAL SPONSOR to fulfill any of its obligations under this Agreement. Prior to termination, the DEPARTMENT shall provide ten (10) calendar days' written notice of its intent to terminate and shall provide the LOCAL SPONSOR an opportunity to consult with the DEPARTMENT regarding the reason(s) for termination.

B. The DEPARTMENT may terminate this Agreement without cause and for its convenience by giving thirty (30) calendar days' written notice to the LOCAL SPONSOR. Notice shall be sufficient if delivered pursuant to paragraph 7 as set forth in this Agreement.

C. The DEPARTMENT may terminate this Agreement in the event that all tasks identified in **Attachment A, Grant Work Plan** have been certified complete and approved by the DEPARTMENT, and all eligible reimbursements have been provided to the LOCAL SPONSOR. Prior to termination, the DEPARTMENT shall provide ten (10) calendar days' written notice of its intent to terminate and shall provide the LOCAL SPONSOR an opportunity to consult with the DEPARTMENT to verify that all eligible items have been completed and reimbursed.

23. No payment will be made for deliverables deemed unsatisfactory by the DEPARTMENT. In the event that a deliverable is deemed unsatisfactory by the DEPARTMENT, the LOCAL SPONSOR shall perform the services again as needed for submittal of a satisfactory deliverable, at no additional cost to the DEPARTMENT, within ten (10) calendar days of being notified of the unsatisfactory deliverable. If a satisfactory deliverable is not submitted within the specified timeframe, the DEPARTMENT may, in its sole discretion, either: 1) terminate this Agreement for failure to perform, or 2) the DEPARTMENT'S Project Manager may, by letter specifying the failure of performance under this Agreement, request that a proposed Corrective Action Plan (CAP) be submitted by the LOCAL SPONSOR to the DEPARTMENT. All CAPs must be able to be implemented and performed in no more than sixty (60) calendar days.

A. A CAP shall be submitted within ten (10) calendar days of the date of the letter request from the DEPARTMENT. The CAP shall be sent to the DEPARTMENT's Project Manager for review and approval. Within ten (10) calendar days of receipt of a CAP, the DEPARTMENT shall notify the LOCAL SPONSOR in writing whether the CAP proposed has been accepted. If the CAP is not accepted, the LOCAL SPONSOR shall have ten (10) calendar days from receipt of the DEPARTMENT letter rejecting the proposal to submit a revised proposed CAP. Failure to obtain the DEPARTMENT approval of a CAP as specified above shall result in the DEPARTMENT'S termination of this Agreement for cause as authorized in this Agreement.

B. Upon the DEPARTMENT'S notice of acceptance of a proposed CAP, the LOCAL SPONSOR shall have ten (10) calendar days to commence implementation of the accepted plan. Acceptance of the proposed CAP by the DEPARTMENT does not relieve the LOCAL SPONSOR of any of its obligations under the Agreement. In the event the CAP fails to correct or eliminate performance deficiencies by LOCAL SPONSOR, the DEPARTMENT shall retain the right to require additional or further remedial steps, or to terminate this Agreement for

failure to perform. No actions approved by the DEPARTMENT or steps taken by the LOCAL SPONSOR shall preclude the DEPARTMENT from subsequently asserting any deficiencies in performance. The LOCAL SPONSOR shall continue to implement the CAP until all deficiencies are corrected. Reports on the progress of the CAP will be made to the DEPARTMENT as requested by the DEPARTMENT's Project Manager.

C. Failure to respond to the DEPARTMENT's request for a CAP or failure to correct a deficiency in the performance of the Agreement as specified by the DEPARTMENT may result in termination of this Agreement.

The remedies set forth above are not exclusive and the DEPARTMENT reserves the right to exercise other remedies in addition to or in lieu of those set forth above, as permitted by this Agreement.

24. Records made or received in conjunction with this Agreement are public records. This Agreement may be unilaterally canceled by the DEPARTMENT for unlawful refusal by the LOCAL SPONSOR to allow public access to all documents, papers, letters, or other material made or received by the LOCAL SPONSOR in conjunction with this Agreement and subject to disclosure under Chapter 119, F.S. and Section 24(a) of Article I of the State Constitution.

IF THE GRANTEE HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE GRANTEE'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE DEPARTMENT'S CUSTODIAN OF PUBLIC RECORDS by telephone at (850) 245-2118, by email at ombudsman@dep.state.fl.us, **or at the mailing address below:**

Department of Environmental Protection
ATTN: Office of Ombudsman and Public Services
Public Records Request
3900 Commonwealth Blvd, Mail Slot 49
Tallahassee, FL 32399

25. A. The LOCAL SPONSOR shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with generally accepted accounting principles consistently applied. The DEPARTMENT, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five (5) years following the completion date of this Agreement. In the event any work is subcontracted, the LOCAL SPONSOR shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.

B. The LOCAL SPONSOR understands its duty, pursuant to Section 20.055(5), F.S., to cooperate with the DEPARTMENT's Inspector General in any investigation, audit, inspection, review, or hearing. The LOCAL SPONSOR will comply with this duty and ensure that its subcontracts issued under this Grant, if any, impose this requirement, in writing, on its subcontractors.

26. A. In addition to the requirements of the preceding paragraph, the LOCAL SPONSOR shall comply with the applicable provisions contained in **Attachment F (Special Audit Requirements)**, attached hereto and made a part hereof. **Exhibit 1 to Attachment F** summarizes the funding sources supporting the Agreement for purposes of assisting the LOCAL SPONSOR in complying with the requirements of **Attachment F**. A revised copy of **Exhibit 1** must be provided to the LOCAL SPONSOR for each amendment that authorizes a funding increase or decrease. If the LOCAL SPONSOR fails to receive a revised copy of Exhibit 1, the LOCAL SPONSOR shall notify the DEPARTMENT's Grant Administrator at 850/245-2970, to request a copy of the updated information.

B. The LOCAL SPONSOR is hereby advised that the Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. The LOCAL SPONSOR shall consider the type of financial assistance (federal and/or state) identified in **Attachment F, Exhibit 1** when making its determination. For federal financial assistance, the LOCAL SPONSOR shall utilize the guidance provided under U.S. Office of Management and Budget (OMB) Circular A-133, Subpart B, Section ___.210 for determining whether the relationship represents that of a subrecipient or vendor. For state financial assistance, the LOCAL SPONSOR shall utilize the form entitled "Checklist for Nonstate Organizations Recipient/Subrecipient vs Vendor Determination" (form number DFS-A2-NS) that can be found under the "Links/Forms" section appearing at the following website:

https://apps.fldfs.com/fsaa

The LOCAL SPONSOR should confer with its chief financial officer, or audit director or contact the DEPARTMENT for assistance with questions pertaining to the applicability of these requirements.

27. In accordance with Section 216.347, F.S., the LOCAL SPONSOR is hereby prohibited from using funds provided by this Agreement for the purposes of lobbying the Legislature, the judicial branch or a state agency. Further, in accordance with Section 11.062, F.S., no state funds, exclusive of salaries, travel expenses, and per diem, appropriated to, or otherwise available for use by, any executive, judicial, or quasi-judicial department shall be used by any state employee or other person for lobbying purposes.

28. The LOCAL SPONSOR covenants that it presently has no interest and shall not acquire any interest that would conflict in any manner or degree with the performance of services required.

29. This Agreement has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida. Wherever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law. If any provision of this Agreement shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement. Any action hereon or in connection herewith shall be brought in Leon County, Florida.

30. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this Agreement, shall impair any such right, power or remedy of either party. Nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

31. To the extent required by law, the LOCAL SPONSOR will be self-insured against, or will secure and maintain during the life of this Agreement, Workers' Compensation Insurance for all of its employees connected with the work of this PROJECT. In the case any work is subcontracted, the LOCAL SPONSOR shall require the subcontractor similarly to provide Workers' Compensation Insurance for all of the subcontractor's employees unless such employees are covered by the protection afforded by the LOCAL SPONSOR. Such self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation Law, Chapter 440, F.S. In case any class of employees engaged in hazardous work under this Agreement is not protected under Workers' Compensation statutes, the LOCAL SPONSOR shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the DEPARTMENT, for the protection of its employees not otherwise protected.

32. To the extent required by law, the Grantee will secure and maintain insurance coverages in the amounts and categories specified below, during the life of this Agreement. The Grantee shall provide documentation of any private insurance or self-insurance, as may be applicable to governmental entities, to the Department's Grant Manager *prior to* performance of any work pursuant to this Agreement.

A. The Grantee shall secure and maintain Workers' Compensation Insurance for all of its employees connected with the work of this project and, in case any work is subcontracted, the Grantee shall require the subcontractor similarly to provide Workers' Compensation Insurance for all of its employees unless such employees are covered by the protection afforded by the Grantee. Any self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation law. In case any class of employees engaged in hazardous work under this Agreement is not protected under Workers' Compensation statutes, the Grantee shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the Department, for the protection of its employees not otherwise protected.

B. The Grantee shall secure and maintain, and ensure that any of its subcontractors similarly secure and maintain, Commercial General Liability insurance including bodily injury and property damage. The minimum limits of liability shall be $200,000 each individual's claim and $300,000 each occurrence. This insurance will provide coverage for all claims that may arise from the services and/or operations completed under this Agreement, whether such services and/or operations are by the Grantee or any of its subcontractors. Such insurance shall include the State of Florida, the Department, and the State of Florida Board of Trustees of the Internal Improvement Trust Fund, as Additional Insureds for the entire length of the Agreement.

C. The Grantee shall secure and maintain, and ensure that any of its subcontractors similarly secure and maintain, Commercial Automobile Liability insurance for all claims which may arise from the services and/or operations under this Agreement, whether such services and/or operations are by the Grantee or any of its subcontractors. Such insurance shall include the State of Florida, the Department, and the State of Florida Board of Trustees of the Internal Improvement Trust Fund, as Additional Insureds for the entire length of the Agreement. The minimum limits of liability shall be as follows:

$300,000 Automobile Liability Combined Single Limit for Company-Owned Vehicles, if applicable

$300,000 Hired and Non-owned Automobile Liability Coverage

D. If any work proceeds over or adjacent to water, the Grantee shall secure and maintain, as applicable, any other type of required insurance, including but not limited to Jones Act, Longshoreman's and Harbormaster's, or the inclusion of any applicable rider to worker's

compensation insurance, and any necessary watercraft insurance, with limits of not less than $300,000 each. In addition, the Grantee shall include these requirements in any sub grant or subcontract issued for the performance of the work specified in **Attachment A, Grant Work Plan.** Questions concerning required coverage should be directed to the U.S. Department of Labor (http://www.dol.gov/owcp/dlhwc/lscontac.htm) or to the parties' insurance carriers.

E. All insurance policies shall be with insurers licensed or eligible to do business in the State of Florida. The Grantee's current certificate of insurance shall contain a provision that the insurance will not be canceled for any reason except after thirty (30) calendar days' written notice (with the exception of non-payment of premium which requires a 10-calendar-day notice) to the Department's Procurement Administrator. In addition, the Grantee shall include these requirements in any sub grant or subcontract issued for the performance of the work specified in **Attachment A, Grant Work Plan.**

F. If the Grantee is a Florida governmental entity that is self-funded for liability insurance, this paragraph 32.F. supersedes 32.A. through E., above.

Grantee warrants and represents that it is self-funded for liability insurance, appropriate and allowable under Florida law, and that such self-insurance offers protection applicable to the Grantee's officers, employees, servants and agents while acting within the scope of their employment with the Grantee.

33. This Agreement is neither intended nor shall it be construed to grant any rights, privileges or interest in any third party without the mutual written agreement of the parties hereto.

34. A. No person, on the grounds of race, creed, color, religion, national origin, age, gender, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.

B. An entity or affiliate who has been placed on the discriminatory vendor list pursuant to section 287.134, F.S., may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact business with any public entity. The Florida Department of Management Services (DMS) is responsible for maintaining the discriminatory vendor list and posts the list on its website. Questions regarding the discriminatory vendor list may be directed to the Florida DMS, Office of Supplier Diversity at (850) 487-0915.

35. A. The LOCAL SPONSOR is prohibited from commingling funds on either a program-by-program or a project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another project. Funds from each agency must be accounted for separately. Where a LOCAL SPONSOR's, or subrecipient's, accounting system cannot comply with this requirement, the LOCAL SPONSOR, or subrecipient, shall establish a system to provide adequate fund accountability for each project it has been awarded.

B. If the DEPARTMENT finds that these funds have been commingled, the DEPARTMENT shall have the right to demand a refund, either in whole or in part, of the funds provided to the LOCAL SPONSOR under this Agreement for non-compliance with the material terms of this Agreement. The LOCAL SPONSOR, upon such written notification from the DEPARTMENT shall refund, and shall forthwith pay to the DEPARTMENT, the amount of money demanded by the DEPARTMENT. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the

original payment(s) are received from the DEPARTMENT by the LOCAL SPONSOR to the date repayment is made by the LOCAL SPONSOR to the DEPARTMENT.

C. In the event that the LOCAL SPONSOR recovers costs, incurred under this Agreement and reimbursed by the DEPARTMENT, from another source(s), the LOCAL SPONSOR shall reimburse the DEPARTMENT for all recovered funds originally provided under this Agreement. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the payment(s) are recovered by the LOCAL SPONSOR to the date repayment is made to the DEPARTMENT by the LOCAL SPONSOR.

36. A. The LOCAL SPONSOR shall not subcontract, assign, or transfer any work under this Agreement without the prior written consent of the DEPARTMENT's Project Manager. Regardless of any subcontract, the LOCAL SPONSOR is ultimately responsible for all work to be performed under this Agreement. The LOCAL SPONSOR shall submit a copy of the executed subcontract to the DEPARTMENT within ten (10) calendar days after execution. The LOCAL SPONSOR agrees to be responsible for the fulfillment of all work elements included in any subcontract consented to by the DEPARTMENT and agrees to be responsible for the payment of all monies due under any subcontract. It is understood and agreed by the LOCAL SPONSOR that the DEPARTMENT shall not be liable to any subcontractor for any expenses or liabilities incurred under the subcontract and that the LOCAL SPONSOR shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract. The LOCAL SPONSOR will be responsible for auditing all travel reimbursement expenses based on the travel limits established in Section 112.061, F.S.

1. The LOCAL SPONSOR may award, on a competitive basis, fixed price subcontracts to consultants/contractors in performing the work described in **Attachment A**. Invoices submitted to the DEPARTMENT for fixed price subcontracted activities shall be supported with a copy of the subcontractor's invoice and a copy of the tabulation form for the competitive procurement process (Invitation to Bid or Request for Proposals) resulting in the fixed price subcontract.

2. The LOCAL SPONSOR may request approval from the DEPARTMENT to award a fixed price subcontract resulting from procurement methods other than those identified in the paragraph above. In this instance, the LOCAL SPONSOR shall request the advance written approval from the DEPARTMENT's Project Manager of the fixed price negotiated by the LOCAL SPONSOR. The letter of request shall be supported by a detailed budget and Scope of Services to be performed by the subcontractor. Upon receipt of the DEPARTMENT Project Manager's approval of the fixed price amount, the LOCAL SPONSOR may proceed in finalizing the fixed price subcontract.

3. All subcontracts are subject to the provisions of this Agreement which affect subcontracting activities.

B. The DEPARTMENT supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State of Florida. A list of Minority Owned firms that could be offered subcontracting opportunities may be obtained by contacting the Office of Supplier Diversity at (850) 487-0915.

37. When applicable, the LOCAL SPONSOR shall also notify the DEPARTMENT's Project Manager of the selection of an intended subcontractor for a construction task and provide a tabulation list from which the intended subcontractor was selected. The LOCAL SPONSOR shall also provide the bid form for the successful bidder. The LOCAL SPONSOR shall select eligible consultants licensed to

offer services in the State of Florida for studies, design and permitting and monitoring tasks in accordance with Chapter 287, F. S. Upon the DEPARTMENT's request, the LOCAL SPONSOR shall furnish copies of the respective solicitation documents. Solicitation documents include, but are not limited to, the solicitation and responses thereto, the bid tabulations, and the resulting contract(s), including a detailed Scope of Work.

38. The purchase of non-expendable equipment costing $1,000 or more is not authorized under the terms and conditions of this Agreement.

39. The DEPARTMENT may at any time, by written order designated to be a change order, make any minor modifications, as described below. All change orders are subject to the mutual agreement of both parties as evidenced in writing. Any change, which causes an increase or decrease in the LOCAL SPONSOR's cost or time, shall require formal amendment to this Agreement. Minor modifications which will be handled with a change order include notification of a modification of deliverable due dates when such change does not involve an extension of contract, and modification to the Grant Work Plan when such modifications would not involve a decrease/increase in total cost of the Agreement or an extension of the performance period of this Agreement.

40. The LOCAL SPONSOR shall comply with all applicable federal, state and local rules and regulations in providing services to the DEPARTMENT under this Agreement. The LOCAL SPONSOR acknowledges that this requirement includes, but is not limited to, compliance with all applicable federal, state and local health and safety rules and regulations. The LOCAL SPONSOR further agrees to include this provision in all subcontracts issued as a result of this Agreement.

41. The LOCAL SPONSOR shall obtain from each owner of upland property, which is adjacent to the erosion control PROJECT, a sufficient property interest in order to construct, maintain, monitor, and repair the erosion control PROJECT prior to entering each individual property to conduct such activities.

42. If a force majeure occurs that causes delays or the reasonable likelihood of delay in the fulfillment of the requirements of this Agreement, the LOCAL SPONSOR shall promptly notify the DEPARTMENT orally. Within seven (7) calendar days, the LOCAL SPONSOR shall notify the DEPARTMENT in writing of the anticipated length and cause of the delay, the measures taken or to be taken to minimize the delay and the LOCAL SPONSOR's intended timetable for implementation of such measures. If the parties agree that the delay or anticipated delay was caused, or will be caused by a force majeure, the DEPARTMENT may, at its discretion, extend the time for performance under this Agreement for a period of time equal to the delay resulting from the force majeure upon execution of an amendment to this Agreement. Such agreement shall be confirmed by letter from the DEPARTMENT accepting, or if necessary, modifying the extension. A force majeure shall be an act of God, strike, lockout, or other industrial disturbance, act of the public enemy, war, blockade, public riot, lightning, fire, flood, explosion, failure to receive timely necessary third party approvals through no fault of the LOCAL SPONSOR, and any other cause, whether of the kind specifically enumerated herein or otherwise, that is not reasonably within the control of the LOCAL SPONSOR and/or the DEPARTMENT. The LOCAL SPONSOR is responsible for the performance of all services issued under this Agreement. Failure to perform by the LOCAL SPONSOR's consultant(s) or subcontractor(s) shall not constitute a force majeure event.

43. This Agreement may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of an electronic data file, such as Adobe Acrobat ® (.pdf), such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof, pursuant to s. 668.004, F.S.

44. State and federal monitoring required by permit is eligible for reimbursement pursuant to program statute and rule. In order to comply with Florida Auditor General report 2014-064 regarding conflicts of interest and to be consistent with s. 287.057(17)(a)(1), F.S., all monitoring data and statistical analysis must be provided directly and concurrently from the monitor to the DEPARTMENT/LOCAL SPONSOR/permittee/engineering consultant. The LOCAL SPONSOR's engineering consultant must provide an adequate mitigation plan, consistent with s. 287.057(17)(a)(1), F.S., including a description of organizational, physical, and electronic barriers to be used by the LOCAL SPONSOR's engineering consultant, that addresses conflicts of interest when contracting multi-disciplinary firms for PROJECT engineering and post-construction environmental monitoring services, or when the PROJECT engineering consultant firm subcontracts for post-construction environmental monitoring. Environmental monitoring includes hardbottom, seagrass, and mangrove resources. DEPARTMENT approval of the mitigation plan will be required prior to execution of this Agreement. If at any time the LOCAL SPONSOR and/or its engineering consultant fails to comply with this provision, the LOCAL SPONSOR agrees to reimburse the DEPARTMENT all funds provided by the DEPARTMENT associated with environmental monitoring for the PROJECT listed in Attachment A.

45. In executing this Agreement, the Local Sponsor (or affiliate, subcontractor) certifies that it is not listed on the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, and/or Scrutinized Companies with Activities in Israel List (eff. 10.1.2016), created pursuant to section 215.473, F.S. Pursuant to subsection 287.135(5), F.S., the Local Sponsor (or affiliate, subcontractor) agrees the Department may immediately terminate this Agreement for cause if the Local Sponsor (or affiliate, subcontractor) is found to have submitted a false certification or if the Local Sponsor (or affiliate, subcontractor) is placed on the Scrutinized Companies list during the term of the Agreement.

46. This Agreement represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement, unless otherwise provided herein.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the undersigned have signed and executed this Agreement on the respective dates under their signatures:

CITY OF FERNANDINA BEACH

By:_____
Title: Dale Martin, City Manager

_____
Print Name and Title

Date:_____

FEID No. 59-6000317

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:_____
Department of Environmental Protection
Secretary or designee

_____
Print Designee Name and Title

Date:_____

_____
Dena VanLandingham
Program Grant Administrator

_____
Thomas J. Edwards
DEP Project Manager

_____
Local Sponsor's Attorney (if necessary)

_____
Print Name and Title

*If someone other than the City Manager signs this Agreement, a resolution, statement or other documentation authorizing that person to sign the Agreement on behalf of the County/City must accompany the Agreement.

List of Attachments/Exhibits included as part of this Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A	Grant Work Plan (4 pages)
Attachment	B	Funding Eligibility (1 page)
Attachment	C	Contract Payment Requirements (1 page)
Attachment	D	Request for Payment, Parts I - IV (4 pages)
Attachment	E	Project Completion Certification (1 page)
Attachment	F	Special Audit Requirements (5 pages)

ATTACHMENT A
GRANT WORK PLAN

Project Title: Nassau County Shore Protection Project.

Project Location: The Project is located between Department reference monuments R11-R34 along the Atlantic Ocean, in Nassau County, Florida.

Project Background: The federal Nassau County Shore Protection Project consists of approximately 4.4 miles of Atlantic shoreline between DEP Monuments R11-R34 in Nassau County. Restoration was completed in 2008. Although the nourishment interval was designed to be five years, the project has exceeded design expectations due to limited storm impacts and the placement of periodic bypass material from the St. Marys River Entrance Channel by the U.S. Navy. The first periodic nourishment is scheduled for 2017-2018.

Project Description: The Project consists of design and construction of the federally authorized nourishment, between Department reference monuments R11-R34 along the Atlantic Ocean, in Nassau County, Florida.

The Project shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable Department permits and the eligible Project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standards and technical specifications contained in the Department's Monitoring Standards for Beach Erosion Control Projects (2014) and all associated state and federal permits, unless otherwise specified in the approved Scope of Work for an eligible Project item. The monitoring standards may be found at:

http://www.dep.state.fl.us/beaches/publications/pdf/PhysicalMonitoringStandards.pdf.

One (1) electronic copy of all written reports developed under this Agreement shall be forwarded to the Department, unless otherwise specified.

Acronyms:

USACE - United States Army Corps of Engineers

For the purpose of this Attachment A, Grant Work Plan, the term "Grantee" and "Local Sponsor" will be used interchangeably.

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The Department and the Local Sponsor/Grantee agree that the state grant funding, not to exceed the estimated costs of the Project, are identified in Table 1 below:

TABLE 1
Estimated Eligible Project Cost

Task #	Eligible Project Tasks	State Cost Share (%)	Federal Estimated Project Costs	DEP	Local	Total
2.0	**Design and Permitting**					
2.1	Annual Planning, Implementation and Post-Fill Phases of Work	46.44%		$13,926.43	$16,061.57	**$29,988.00**
2.2	Post Hurricane Matthew Damage Analysis	46.44%		$4,627.28	$5,336.72	**$9,964.00**
	Subtotal			$18,553.71	$21,398.29	**$39,952.00**
3.0	**Construction**					
3.1	Construction (Nourishment)	46.44%		$1,152,071.61	$1,328,702.74	**$2,480,774.35**
3.2	Post-Fill Tilling and Scarp Removal	46.44%		$12,694.84	$14,641.16	**$27,336.00**
	Subtotal			$1,164,766.45	$1,343,343.90	**$2,508,110.35**
	TOTAL PROJECT COSTS			**$1,183,320.16**	**$1,364,742.19**	**$2,548,062.35**

Changes in Project costs that increase or decrease the total funding amount shall require a formal amendment to the Agreement.

TASKS and DELIVERABLES:
Tasks must be completed as outlined below and in the Department-approved scope(s) of work prepared by the Local Sponsor for the Project. Deliverables listed below are to be completed by the Local Sponsor or submitted to the Department by the due date listed in this Work Plan. The Deliverable due by dates established in this Grant Work Plan indicate the time by which a Deliverable is received. The dates do not necessarily correspond with permit required due by dates. The Local Sponsor must meet the terms of the permit for compliance. The Department shall provide review and comment/approval of each Deliverable prior to reimbursement.

TASK 2.0 Design

Task Description: The Local Sponsor will acquire the professional services required for engineering and design, obtaining environmental permits and other authorizations and the preparation of plans and specifications for beach nourishment. All data and analysis will be presented in a Department-approved format per the scope of work required by paragraph 4 of this agreement.

Performance Standard: All deliverables, reports, and monitoring results will be circulated to the Department for review and comment. The Department's Grant Manager will review the deliverables to verify that they meet the specifications in the Scope of Work and this Grant Work Plan and this task description, and that work is being performed in accordance with the Grantee's service provider contracted documents and specifications. Reimbursement requests may be submitted once a deliverable has been submitted to and approved by the Department's Project Manager, in writing.

2.1 Annual Planning, Implementation, and Post-Fill Phases of Work

The Local Sponsor's consultant shall assist the USACE and local interests in the monitoring and analysis of sequential sand placement events to improve or optimize subsequent design and fill operations, as well as provide necessary information on project performance.

Deliverable A: Memorandums of findings or recommendations to the US Navy and USACE by the Local Sponsor's consultant regarding project design, costing, implementation, permit compliance, surveys and analysis of performance.
Total Cost: $29,988.00 **(Department Cost:** $13,926.43**)**.
Due Date: June 1, 2018.

2.2 Post - Hurricane Mathew Damage Analysis

The Local Sponsor's consultant will conduct wading profiles to determine the damage caused by Hurricane Matthew. The results will assist the USACE to determine whether to enact remedial measures.

Deliverable B: One copy of the Report-of-Findings, including wading profiles on 2,000 foot intervals throughout the project limits.
Total Cost: $9,964.00 **(Department Cost:** $4,627.28**)**.
Due Date: June 1, 2018.

TASK 3.0 Construction

Task Description: This task includes work performed and costs incurred associated with the placement of fill material and/or the construction of erosion control structures within the Project area. The task includes work associated with eligible beach restoration construction associated with the Project such as those costs approved through bids and construction-phase engineering and monitoring services. Eligible costs may include mobilization, demobilization, construction observation or inspection services, beach fill, tilling and scarp removal, erosion control structures, dune stabilization measures and native beach-dune vegetation. Construction shall be conducted in accordance with any and all State or Federal permits. The Local Sponsor will submit a construction activity package for task work completed during the period. The construction activity package must include:

(1) An itemized summary of the materials, labor, or services to identify the nature of the work performed; the amount expended for such work; the name of the person/entity providing the service or performing the work; and proof of payment of the invoices, the period activity was performance;

(2) A certification signed by the Local Sponsor's project manager as to the current cost of the Project; stating that the materials, labor, or services represented by the invoice have been satisfactorily purchased or performed and applied to the Project; and that all funds expended to date have been applied toward completing the Project; and

(3) A certification signed and sealed by the Engineer responsible for overseeing construction stating that equipment, materials, labor and services represented by the construction invoices have been satisfactorily invoiced, purchased, received, approved and applied to the Project, as described in the Grant Work Plan, in accordance with construction contract documents; that payment is in accordance with construction contract provisions; and that construction, up to the point of the request, is in compliance with the contract documents; and identifying all additions or deletions to the Project that have altered the Project's performance standards, scope of work, or purpose since the issuance of the Department construction permit.

Performance Standard: The Department's Project Manager will review the construction activity package and other deliverables to verify that 1) work was performed in accordance with the service provider's-contracted documents and specifications in this task description and 2) that the deliverables meet the specifications in this task description. Reimbursement requests may be submitted once a deliverable has been submitted to and approved by the Department's Project Manager.

3.1 Construction (Nourishment)

The local sponsor has contracted with the USACE to conduct a nourishment of the Federal project. The proposal consists of the nourishment of approximately 4.4 miles of beach using sand from an offshore borrow source or dredge material from St. Marys Inlet. Advance payment of the non-federal cost share for construction will be requested in a letter from the USACE.

Deliverable A: Construction of the Federal nourishment of the Nassau County Shore Protection Project, as verified by the permit-required, immediate post-construction surveys.
Total Cost: $2,480,774.35 **(Department Cost:** $1,152,071.61**)**.
Due Date: June 1, 2018.

3.2 Post-Fill Tilling and Scarp Removal

The Local Sponsor will conduct any post-fill tilling and scarp removal necessary on behalf of the US Navy for permit compliance.

Deliverable A: Provide a summary report of all tilling and scarp removal efforts, including schedule of events.
Total Cost: $27,336.00 **(Department Cost:** $12,694.84**)**.
Due Date: June 1, 2018.

NOTE: The deliverable due dates established in this Grant Work Plan indicate the time by which a deliverable is received. The dates do not necessarily correspond with permit required due dates. The Local Sponsor must meet the terms of the permit for compliance. All Tasks are Contractual Services.

ATTACHMENT B
FUNDING ELIGIBILITY
NASSAU COUNTY SHORE PROTECTION PROJECT

Project Boundary: Approximately 200 feet north of DEP Monuments R-11 to 500 feet south of R-34.

Approximate Shoreline Length: 23,080 feet or 4.4 miles FEET

Public Access

Location/Name	R- Mon	Type of Access	Width of Access/ Frontage	Total parking spaces/units	Additional width from eligibility Units	Total Eligible shoreline (ft)
Ft. Clinch State Park *	R11 – R13	Primary	2,065	300 +	2640	4,705
North Beach Park	R15.6 – R16	Secondary	375	29	1531	1906
6th Street E	R17 - R18	Secondary	40	20	431	471
Main Beach Park*	R20.6 to R21.7	Primary	1,024	213 +	5280	6304
New York Avenue	R24.9	Secondary	60	6	310	370
Maryland Avenue	R25.4	Secondary	60	4	216	275
Jasmine Street	R26.3	Secondary	60	21	1120	1180
Kentucky Avenue	R27.6	Secondary	25	4	220	245
Jefferson Avenue	R29.1	Secondary	40	13	686	726
Cleveland Avenue and 1st Avenue	R30.7 to R32	Secondary	80	40	1320	1400
Saddler Road	R32.7	Secondary	80	25	1320	1400
Seaside Park	R32.6 to R33	Secondary	300	59	1320	1620
“B” Street	R33.4	Secondary	25	5	264	289
“D” Street	R34.2	Secondary	16	10	528	544
Total						**21,435**

Areas determined to be publicly accessible:	Total Length (feet)
200’ north of R11 to 410’ north of R25	13,386’
300’ north of R25 to 80’ south of R25	370’
270’ south of R25 to 545’ south of R25	275’
260’ north of R26 to 60’ south of R27	1180’
472’ south of R27 to 717’ south of R27	245’
530’ north of R-29 to 500’ south of R-34	5979’

Total eligible shoreline length: 21,435 FEET
Total project shoreline length: 23,080 FEET

Percent eligible for State funding: 92.88 PERCENT
State Cost Share: 46.44 PERCENT

ATTACHMENT C

Contract Payment Requirements
Florida Department of Financial Services, Reference Guide for State Expenditures
Cost Reimbursement Contracts

Invoices for cost reimbursement contracts must be supported by an itemized listing of expenditures by category (salary, travel, expenses, etc.). Supporting documentation must be provided for each amount for which reimbursement is being claimed indicating that the item has been paid. Check numbers may be provided in lieu of copies of actual checks. Each piece of documentation should clearly reflect the dates of service. Only expenditures for categories in the approved contract budget should be reimbursed.

Listed below are examples of the types of documentation representing the minimum requirements:

(1) Salaries: A payroll register or similar documentation should be submitted. The payroll register should show gross salary charges, fringe benefits, other deductions and net pay. If an individual for whom reimbursement is being claimed is paid by the hour, a document reflecting the hours worked times the rate of pay will be acceptable.

(2) Fringe Benefits: Fringe Benefits should be supported by invoices showing the amount paid on behalf of the employee (e.g., insurance premiums paid). If the contract specifically states that fringe benefits will be based on a specified percentage rather than the actual cost of fringe benefits, then the calculation for the fringe benefits amount must be shown.

Exception: Governmental entities are not required to provide check numbers or copies of checks for fringe benefits.

(3) Travel: Reimbursement for travel must be in accordance with Section 112.061, Florida Statutes, which includes submission of the claim on the approved State travel voucher or electronic means.

(4) Other direct costs: Reimbursement will be made based on paid invoices/receipts. If nonexpendable property is purchased using State funds, the contract should include a provision for the transfer of the property to the State when services are terminated. Documentation must be provided to show compliance with Department of Management Services Rule 60A-1.017, Florida Administrative Code, regarding the requirements for contracts which include services and that provide for the contractor to purchase tangible personal property as defined in Section 273.02, Florida Statutes, for subsequent transfer to the State.

(5) In-house charges: Charges which may be of an internal nature (e.g., postage, copies, etc.) may be reimbursed on a usage log which shows the units times the rate being charged. The rates must be reasonable.

(6) Indirect costs: If the contract specifies that indirect costs will be paid based on a specified rate, then the calculation should be shown.

Contracts between state agencies, and or contracts between universities may submit alternative documentation to substantiate the reimbursement request that may be in the form of FLAIR reports or other detailed reports.

The Florida Department of Financial Services, online Reference Guide for State Expenditures can be found at this web address: http://www.fldfs.com/aadir/reference_guide.htm

ATTACHMENT D

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
REQUEST FOR PAYMENT – PART I

PAYMENT SUMMARY

NAME OF PROJECT: Nassau County Shore Protection Project

LOCAL SPONSOR: City of Fernandina Beach

REMITTANCE ADDRESS:_____

_____

DEP Agreement Number: 13NA2

Billing Number:_____

Billing Type: ☐ Interim Billing ☐ Final Billing

Costs Incurred This Payment Request:

Federal Share*	State Share	Local Share	Total
$_____	$_____	$_____	$_____

*if applicable

Cost Summary:

State Funds Obligated
$_____

Less Advance Pay
$_____

Less Previous Payment
$_____

Less Previous Retained
$_____

Less This Payment
$_____

Less This Retainage (10%)
$_____

State Funds Remaining
$_____

Local Funds Obligated
$_____

Less Advance Pay
$_____

Less Previous Credits
$_____

Less This Credit
$_____

Local Funds Remaining
$_____

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
REQUEST FOR PAYMENT – PART II

Name of Project:_____ Billing Period (1):_____
Billing Number:_____ Person Completing Form & Telephone Number (2):_____
DEP Agreement Number:_____

REIMBURSEMENT DETAIL

Item #	Vendor Name	Invoice Number	Invoice Date	Check Number	Deliverable Number (3)	Invoice Amount(4)	Eligible Cost (5)	% Fed Share (6)	Federal Share of Invoice Amount (7)**	Non-Federal Share (8)	% State Share (9)	State Share (10)	Local Share (11)	Retainage Payment (12)	Withheld Retainage (13)	State Payment (14)
									-	-		**$0.00**	0.00		0.00	0.00
							-		**Totals**	-		-	-	-	-	-

Total Due to Local Sponsor (15)_____

Form Instructions:
1. Billing Period: Should reflect Invoice services performed date. (beginning date - earliest date of services, end date - latest date of services performed).
2. Person responsible for completing this form: Please identify the person responsible for completing information if clarification is needed.
3. Deliverable #: Must identify completed deliverable(s) for each invoice. If invoice covers multiple deliverables, that invoice would be listed multiple times, a line item for each deliverable.
4. Invoice Amount
5. Eligible Cost: Invoice amount paid by Local Sponsor less ineligible cost for Line Item Deliverable only.
6. % Federal Share: If applicable this should be the percentage listed in Agreement. Federal Share will be listed on Table 1 if applicable.
7. Federal Share: If applicable, Local Sponsor will multiply Eligible Cost by Federal Share Percentage.
8. Non-Federal Share: Eligible Cost (5) minus Federal Share of Invoiced Amount (7).
9. Percentage of State Share: This should be the State Share Percentage listed in Agreement.
10. State Share: Multiply Non-Federal Share by State Share Percentage.
11. Local Share: Subtract State Share from Non-Federal Share.
12. Retainage Payment: Requires separate line for each completed **Task, Sub-Task and or Deliverable** that retainage is being requested.
13. Withheld Retainage: Multiply State Share by 10%.
14. State Payment: Subtract Retainage from State Share.
15. Total Due to Local Sponsor: Add Retainage Payment Total (12) to State Payment Total (14).

Notes: For questions or concerns regarding this form please contact: Janice Simmons - (850)245-2978 or email at Janice.L.Simmons@dep.state.fl.us

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
REQUEST FOR PAYMENT – PART III
PROJECT PROGRESS REPORT

NAME OF PROJECT: Nassau County Shore Protection Project

LOCAL SPONSOR: City of Fernandina Beach

DEP Agreement Number: 13NA2

Billing Number:_____

Report Period: _____
Status of Eligible Project Items: (Describe progress accomplished during report period, including statement(s) regarding percent of task completed to date. Describe any implementation problems encountered, if applicable.)

Task No: Eligible Project Item:

2.0 DESIGN AND PERMITTING

2.1 Annual Planning, Implementation, and Post-Fill Phases of Work

_____

_____

_____

2.2 Post - Hurricane Mathew Damage Analysis

_____

_____

_____

3.0 CONSTRUCTION

3.1 Construction (Nourishment)

_____

_____

_____

3.2 Post-Fill Tilling and Scarp Removal

_____

_____

_____

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
CERTIFICATION OF DISBURSEMENT REQUEST
REQUEST FOR PAYMENT – PART IV

NAME OF PROJECT: Nassau County Shore Protection Project

LOCAL SPONSOR: City of Fernandina Beach

DEP Agreement Number: 13NA2

Billing Number:_____

Certification: I certify that this billing is correct and is based upon actual obligations of record by the LOCAL SPONSOR; that payment from the State Government has not been received; that the work and/or services are in accordance with the Department of Environmental Protection, Beach Management Funding Assistance Program's approved PROJECT Agreement including any amendments thereto; and that progress of the work and/or services are satisfactory and are consistent with the amount billed. The disbursement amount requested on Page 1 of this form is for allowable costs for the PROJECT described in the grant work plan.

I certify that the purchases noted were used in accomplishing the PROJECT; and that invoices, check vouchers, copies of checks, and other purchasing documentation are maintained as required to support the cost reported above and are available for audit upon request.

Name of Project Administrator	Signature of Project Administrator	Date
Name of Project Financial Officer	Signature of Project Financial Officer	Date

ATTACHMENT E

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
PROJECT COMPLETION CERTIFICATION

NAME OF PROJECT: Nassau County Shore Protection Project

LOCAL SPONSOR: City of Fernandina Beach

DEP Agreement Number: 13NA2

Task Completion ☐ (List Task)

Project Completion ☐

*I hereby certify that the above mentioned PROJECT task has been completed in accordance with the PROJECT Agreement, including any amendments thereto, between the DEPARTMENT and LOCAL SPONSOR, and all funds expended for the PROJECT were expended pursuant to this Agreement. All unused funds and interest accrued on any unused portion of advanced funds which have not been remitted to the DEPARTMENT, have been returned to the DEPARTMENT, or will be returned to the DEPARTMENT within sixty (60) days of the completion of construction portion of this PROJECT. Unused funds advanced to the United States Army Corps of Engineers through LOCAL SPONSORS will be due sixty (60) days after the Federal final accounting has been completed.

_____	_____	_____
Name of Project Manager	Signature of Project Manager	Date

ATTACHMENT F

SPECIAL AUDIT REQUIREMENTS

The administration of resources awarded by the Department of Environmental Protection *(which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the contract/agreement*) to the recipient *(which may be referred to as the "Contractor", Grantee" or other name in the contract/agreement)* may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends $500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this Attachment indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this part.

2. In connection with the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.

3. If the recipient expends less than $500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than $500,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).

4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at **http://12.46.245.173/cfda/cfda.html.**

PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(m), Florida Statutes.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of $500,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this Attachment indicates state financial assistance awarded through the Department of Environmental Protection by this Agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the recipient expends less than $500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than $500,000 in state financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).

4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at https://apps.fldfs.com/fsaa for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website at http://www.leg.state.fl.us/Welcome/index.cfm, State of Florida's website at http://www.myflorida.com/, Department of Financial Services' Website at http://www.fldfs.com/ and the Auditor General's Website at http://www.state.fl.us/audgen.

PART III: OTHER AUDIT REQUIREMENTS

(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)

PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this Attachment shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:

A. The Department of Environmental Protection at one of the following addresses:

By Mail:
Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:
FDEPSingleAudit@dep.state.fl.us

B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

Submissions of the Single Audit reporting package for fiscal periods ending on or after January 1, 2008, must be submitted using the Federal Clearinghouse's Internet Data Entry System which can be found at http://harvester.census.gov/fac/

C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. Pursuant to Section .320(f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the Department of Environmental Protection at one the following addresses:

By Mail:
Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:
FDEPSingleAudit@dep.state.fl.us

3. Copies of financial reporting packages required by PART II of this Attachment shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department of Environmental Protection at one of the following addresses:

By Mail:
Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:
FDEPSingleAudit@dep.state.fl.us

B. The Auditor General's Office at the following address:

State of Florida Auditor General
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at one of the following addresses:

By Mail:
Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:
FDEPSingleAudit@dep.state.fl.us

5. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

6. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with OMB Circular A-133, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

PART V: RECORD RETENTION

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of **5** years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of **3** years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

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EXHIBIT – 1

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	General Revenue, Chapter 2012-118, L.O.F.; GAA Line Item # 1669	2012-2013	37.003	Beach Management Funding Assistance Program	$1,183,320.16	140126

Total Award	$1,183,320.16	

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [http://12.46.245.173/cfda/cfda.html] and/or the Florida Catalog of State Financial Assistance (CSFA) [https://apps.fldfs.com/fsaa/searchCatalog.aspx]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.