

The City Commission of the City of Fernandina Beach, Florida met in a Regular Meeting on Tuesday, April 18, 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. Reverend Jeremiah Robinson, Jr. of New Zion Baptist Church was not in attendance to give the invocation.

4.1 PROCLAMATION - RETIREMENT OF MS. SUZANNE BASS: Mayor Lentz read the Proclamation is full recognizing Ms. Suzanne Bass upon her retirement after thirty years of dedicated service to the City of Fernandina Beach. Ms. Bass retired on March 31, 2017. Ms. Bass thanked the Commission and noted that her family has worked for the City for a combined total of over 120 years. Police Chief James Hurley thanked Ms. Bass calling her the most loyal, hardworking, caring, remarkable, person and expressed his gratitude on behalf of the Police Department.

4.2 BUDGET SUMMARY: Comptroller Patti Clifford was available to answer any questions regarding the budget summary for March 2017.

5 PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA: There were no individuals who spoke to this item.

6 CONSENT AGENDA: The following four items were on the Consent Agenda and were approved by one motion with the exception of item 6.4, Resolution 2017-60, which was removed from the agenda at the request of Mayor Lentz.

6.1 APPROVAL OF MINUTES: According to the agenda support documents the City Commission Regular Meeting minutes of January 17, 2017 were presented for approval. Staff recommended approval of the minutes as presented. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**

6.2. RESOLUTION 2017-58 - PECK CENTER WINDOW SOLE SOURCE PURCHASE/ INSTALLATION APPROVAL – RPM LUMBER / FLORIDA RESTORATION & CONSTRUCTION, LLC: According to the agenda support documents Resolution 2017-58 approves the sole source purchase of replacement windows from RPM Lumber for the Peck Center in the amount of \$19,814.73 and the sole source installation of windows by Florida Restoration & Construction, LLC in the amount of \$17,500. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller, to approve Resolution 2017-58. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.3 RESOLUTION 2017-59 - SEWER, REFUSE AND STORM WATER FEE EXEMPTIONS FOR FY 2016/2017: According to the agenda support documents Resolution 2017-59 approves five additional applications for fee exemption of City Sewer, Refuse, and

Storm Water Services in FY 2016/2017. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller, to approve Resolution 2017-59. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.4 RESOLUTION 2017-60 - GRANT APPLICATION - FLORIDA DIVISION OF HISTORICAL RESOURCES: According to the agenda support documents Resolution 2017-60 authorizes the City to submit a Florida Division of Historical Resources Small Matching Grant application in the amount of \$50,000.- This item was removed subject to a change to the application. **Resolution 2017-60 was removed from consideration by Mayor Lentz.**

7.1. RESOLUTION 2017-61 - AWARD OF RFP 17-01 - TRACE SECURITY TO PERFORM AN IT SECURITY AUDIT: According to the agenda support documents Resolution 2017-61 authorizes the City Manager to negotiate the Trace Security contract in an amount not to exceed \$27,217.50 for the IT Security Audit. **A motion was made by Commissioner Smith, seconded by Vice Mayor Kreger, to approve Resolution 2017-61. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.2 RESOLUTION 2017-62 - AWARD OF CONTRACT - DARLEY'S PLUMBING: According to the agenda support documents Resolution 2017- 62 authorizes the City Manager to execute a construction contract with Darley's Plumbing in an amount not to exceed \$40,000. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller, to approve Resolution 2017-62. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.3 RESOLUTION 2017-63 - PROPOSAL APPROVAL – ADVANCED DISPOSAL SERVICES: According to the agenda support documents Resolution 2017- 63 approves the proposal in the amount of \$36,803 from Advanced Disposal Services to provide solid waste removal and clean-up services for the 2017 Shrimp Festival. **A motion was made by Commissioner Miller, seconded by Commissioner Smith to approve Resolution 2017-63. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.4 RESOLUTION 2017-64 - RIGHT-OF-WAY USE PERMIT - 2298 SOUTH FLETCHER AVENUE: According to the agenda support documents Resolution 2017- 64 approves the “Right-of-Way Use Permit” for 2298 South Fletcher Avenue. City Manager Martin explained this is an issue related to beach access encroachments which originally resulted from an amendment to Ordinance 2015-27, amending Section 70-2 of the City Code of Ordinances which requires all applications for encroachments into public beach accesses receive prior City Commission approval. The property owners at 2298 South Fletcher installed landscaping that does encroach into beach access 23, they are asking for after the fact approval. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to approve Resolution 2017-64. Vice Mayor Kreger believes all property owners adjacent to beach accesses are going to be sent a certified letter informing them of the need to seek prior City Commission approval along with a copy of the Code of Ordinances. Commissioner Poynter explained the property owners unwittingly installed an irrigation system and grass that encroached on City property. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.5 RESOLUTION 2017-65 - AUTHORIZATION TO DEFEND IN CERTAIN LITIGATION - DENNIS T. HUTTO: According to the agenda support documents Resolution 2017-65 authorizes the City Attorney to work with City claims administrator, PGCS, appear on behalf of, if necessary, and defend the City of Fernandina Beach in the matter of Dennis T. Hutto v. City of Fernandina Beach, Case No.:2017-CA- 17 in the Fourth Judicial Circuit Court in and for Nassau County, Florida. City Attorney Bach explained the City Charter requires the City Attorney to seek permission from the City Commission to defend the City in a law suit, In this case, the City has a law suit that has been filed by a gentleman who is currently incarcerated; Mr. Hutto who is asserting the City had a forfeiture action against his truck. City Attorney Bach explained the truck was sold by the tow operator when Mr. Hutto was put into prison. Mr. Hutto is also charging the City arrested him outside the City limits which he alleges is in violation of the City/County mutual aid agreement. City Attorney Bach stated the City does not agree with the allegations. City Attorney Bach is working closely with the City's insured council and they plan to file a motion to dismiss. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter, to approve Resolution 2017-65. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.6 RESOLUTION 2017-66 - CONTRACT APPROVAL - ROLLINS SNELLING, LLC / BUDGET AMENDMENT – PARKS: According to the agenda support documents Resolution 2017-66 approves the contract with Rollins Snelling, LLC based upon the Nassau County contract for beach cleaning services to enforce the City's "Leave No Trace" Ordinance. Also approves a budget amendment in the amount of \$15,200 increasing the total budget from \$115,320,156 to \$115,335,356. City Attorney Bach explained the contract is to "piggyback" off the Leave No Trace portion of the contract only; this vendor will be picking up items left on the beach unattended overnight. The cost is 100% reimbursed by the Tourist Development Council. Commissioner Miller responded part of this contract provides for a twenty four hour call service.

Vice Mayor Kreger expressed concerns with the specific scope because the contract is convoluted due to "piggybacking" with Nassau County. Vice Mayor Kreger believes it is important to specify what will be picked up per our contract and an important element is the disposal. The City is specifying that the trash be picked up accordingly and recycled or disposed of per the contract and removed in a timely fashion. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-66. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.** Commissioner Miller commended Mr. Brendan Drake who picks up the trash every day and having spent a day with him, he takes it very seriously and does a great job.

8.1 FIRST READING OF ORDINANCE 2017-09 CODE AMENDMENT DISPOSAL OF GARBAGE AND TRASH - AMENDING SECTION 66-41, DISPOSAL OF GARBAGE AND TRASH, BY PROHIBITING PLACEMENT OF YARD WASTE, TRASH OR RUBBISH ON PROPERTY OTHER THE PROPERTY WHERE ORIGINATED; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH: City Attorney Bach read Ordinance 2017-09 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, AMENDING SECTION 66-41, DISPOSAL OF GARBAGE AND TRASH, BY PROHIBITING PLACEMENT OF YARD WASTE, TRASH OR RUBBISH ON PROPERTY OTHER THE PROPERTY WHERE ORIGINATED; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Resolution 2017-09 amends Section 66-41 of the City Code pertaining to disposal of garbage and trash.

Ms. Joan Corey, 408 Beech Street, has an issue with disposition of yard waste which states it must be picked up from the property where it originated and if it is moved to another property, that owner is responsible. Ms. Corey stated she has a small yard, the lot adjacent to her property has been vacant for eight years and this is where she and her neighbors are dispose of debris.

Commissioner Miller asked City Manager Dale Martin if this code is complaint driven.

City Attorney Tammi Bach explained per Code Enforcement, there have been a few complaints from neighbors who have seen a lawn care business dump a trailer full of yard waste from other properties on a vacant lot. It's for the egregious problems and keeping with the franchise agreement.

Dr. Chip Ross, 210 N. 3rd, acknowledged he is one of the neighbors who uses the lot that has been vacant for eight years. Showing slides, Dr. Ross questioned why the City has jurisdiction over permission from an owner to dispose of yard waste. Noting a problem with the way the Ordinance is written, Dr. Ross asked for clarification about the disposal on private property or the right of way and questioned why the "dumpee" is being fined as opposed to the person who is doing the dumping and how will it be enforced.

City Attorney Bach stated the legal authority is called the police power of local government, which is derived from the United States constitution and the Florida State constitution. Police power is the legal authority and there is a franchise that the City abides by, code enforcement and the city police will regulate. **A motion was made by Commissioner Poynter, seconded by Vice Mayor Kreger, to approve Ordinance 2017-09. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

9.1 SECOND READING OF ORDINANCE 2017-02 - COMPREHENSIVE PLAN AMENDMENT – DOWNTOWN: City Attorney Bach read Ordinance 2017-02 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY STRIKING POLICY 1.04.05 COMMUNITY REDEVELOPMENT AREA DENSITY BONUS INCENTIVE PROGRAM AND AMENDING POLICY 1.07.09 TO INCREASE THE BASE DENSITY WITHIN THE CENTRAL BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Resolution 2017-02 amends the Comprehensive Plan specific to downtown density. The public hearing was opened at this time.

Community Development Senior Planner Ms. Kelly Gibson introduced herself as a ten year City employee and a professionally certified credentialed planner. From the beginning of her tenure the topic of getting more people to live downtown has been relevant. Increasing downtown density was set as a City Commission driven priority for 2016-2017 and has been a topic of discussion for over ten years. Increased downtown density was proposed in 2003-2004 through the original visioning efforts that the City conducted and through the Waterfront Florida partnership effort and the establishment of the Community Redevelopment Area (CRA) in 2005-2006. In 2010, the City established a density bonus incentive program for its CRA. In an effort to dispel myths, Ms. Gibson provided a list of what the Ordinance 2017-02 does not do, it does not increase density city wide, there are no parking changes contemplated, there are no height increases and no relaxed design requirements. Ordinance 2017-02 seeks to increase density of downtown Fernandina Beach for properties only with a land use category of Central Business District. Parking stays exactly the same.

Currently parking is only required for establishments that have lodging accommodations; bed and breakfast inns or a CRA property. Structures continue to be limited to forty five feet in height; portions of properties within the CRA are limited to thirty five feet. Properties within the historic district and the CRA are required to receive certificates of approval for their exterior design with formal review by the Historic District Council for new and redevelopment which must also conform to requirements of the standards contained within the Florida Building Code, Fire Code and the American Disability Act (ADA). A 10% minimum landscape area is also required for new and redevelopment properties. Compliance with the City's tree protection ordinance and onsite storm water management practices continue to be in effect. The Central Business District extends from Front Street to 11th Street terminating where Central Park is located and generally located between the northern blocks of Broome Street and southern blocks of Ash Street. There is a portion of 8TH Street that is also located within the historic district. Ms. Gibson explained the 1901 plat created lots of record of a scale of 25x100 feet for properties extending from Front Street east to 4th Street; lots gradually become larger as they continue east to 50x100 ft. lots on 5th & 6th Street then out to 100x100 ft. lots extending east to Central Park. The proposed change contemplated at thirty four units per acre considers what is possible on a 25x100 foot plotted lot of record. Historically, these lots could have been developed with office or retail space on the first floor and two residential units above. Staff has evaluated the entire land use district and when calculated at eight dwelling units per acre (the current density) the City is capable of achieving 380 total dwelling units in its entire Central Business District. Net density is a land use term to determine how many residential dwelling units can be achieved on a piece of property. Fernandina Beach has a very specific definition of net density which includes a portion that is considered as net buildable land area (the property itself plus adjoining existing rights of way, calculating half of the right of way). Exclusions include wetlands, wetland transitional areas and flood plains. All have been contemplated through the land use analysis. The ability to obtain one dwelling unit on a single lot of record comes from a Comprehensive Plan policy that honors underlying platted lots of record for the development of a single unit. However, existing zoning for the Central Business District at eight units per acre would not allow for that to occur. The net density term is how the City serves to set a residential intensity factor for growth and development. It is also a term that the State looks at for the City to set a meaningful and predictable development standard. Today's structures built along Centre Street can accommodate a single dwelling unit equaling roughly 2500 square feet assuming the lot is fully developed. Creating a residential unit above an existing store or office becomes financially difficult when required to meet all building, ADA and fire separation requirements. This could be the reason there are few residential units on Centre Street. If allowed to have two dwelling units on the 25x100 foot platted lots of record, the City is able to make residential living more economically feasible. The proposed figure is the absolute minimum necessary in order to achieve two residential dwelling units on a single 25x100 foot plot of record. The Central Business District under eight dwelling units per acre the maximum buildout analysis is at 383 dwelling units. Where there are 25x100 foot plotted lots of record the density looks like 17.5 units per acre, under the proposed change there would be a full maximum buildout scenario of 1600 units however that is not realistic. 95% of properties within the Central Business District are within the historic districts purview; more than 50% of the properties are considered contributing historic resources. Demolition of these structures has a heightened level of scrutiny over any other structures within the same area. Ordinance 2017-02 provides an opportunity for historically sensitive reuse of the existing structures but does not condone nor envision demolition of the City's historic resources. 9% of the Central Business District is owned by governmental entities, city, county and state resources. 15% of the land area is owned by religious entities. 10% of the land is lodging accommodations. There are twenty two vacant land parcels in the Central Business District which represents less than half a percent of the entire land area in the Central Business District. When combining the vacant land and assumed redevelopable properties it is 23%

of the Central Business District land area. When calculated under the proposed ordinance it provides for potential of an additional 383 dwelling units, 125 of which are already permissible. This provides for a realistic development potential of less than 260 new dwelling units. Increased net density for the central business district has a potential effect of providing nearly 260 families with the opportunity to live and work downtown. Using examples to show the increase in potential units, Ms. Gibson explained there are 900 parking places that the City maintains there is also availability for additional parking on City owned unimproved sites. Noting examples from the resource, Institute of Transportation Engineers Handbook 3rd edition, that validate increased density. The City devised and launched a survey from September-December 2016 and received nearly 200 responses. Decisive factors in residents desire to live downtown include dining, nightlife/entertainment, public amenities, safe walking and biking with a desire for suburban living in a downtown environment, spacious living and parking. All Comprehensive Plan amendments in Florida have state agency review. Numerous agencies are involved and plans are closely reviewed and there were no comments from any state agencies regarding the plan. A Comprehensive Plan reviewer at the Florida Department of Transportation noted "this transmittal is not an issue". Although the City has a constrained facility, the mobility plan with anticipated fees and continued support for complete streets and leveraging partnerships with FDOT will be appropriate mitigation strategies. There is also support through an amended capital improvement plan where the project may have potential funding. Personally, Ms. Gibson noted there are several reasons increased density is beneficial to the City's downtown 1) it allows for financially feasible and historically sensitive reuse of the City's historic structures for residential living while achieving requirements for ADA, fire and Florida building codes 2) it encourages redevelopment of vacant and underutilized lots in a form and scale that is reflective of the historic built pattern 3) all infill development is occurring not green fill development on already improved infrastructure and resources readily available to support development 4) for every residential unit delivered there is likely less commercial development tied to it 5) residential dwelling have less impact on the City's infrastructure as a whole than commercial development 6) more residents increase patronage at local establishments and encourage retail growth. Increased density in a small town urban core makes sense, in author Jane Jacobs book *The Death and Life of Great American Cities* she wrote "Small scale development and diversity of uses are keys to a lively and safe city". The American Planning Association recently reviewed the City's Comprehensive Plan through a pilot program that evaluates plans that advance principles of process and attributes of sustainability, they wrote "The City of Fernandina Beach comprehensive plan has a heavy focus on multi-modal transportation, compact development and a focus of fostering distinctive attractive communities with a strong sense of place" and recognized the Comprehensive Plan as a "top resource for providing policy standards that shape sustaining places." Ms. Gibson lobbied the Commission to make a decision that she professionally states will positively impact the long term sustainability and health of Fernandina Beach.

Nassau County Economic Development Board (NCEDB) Executive Director Laura DiBella, 76346 William Burgess Blvd., Yulee and resident 31 South 5th Street, speaking on behalf of the NCEDB and from a personal standpoint the numbers is why the density increase is important. The key amenities that are desired downtown and supporting the fact that significant changes are not wanted, Ms. DiBella fully supports increasing density. Personally, Ms. DiBella loves living in downtown Fernandina for its walkability, shops, amenities and historic base and welcomes those who want the same opportunity.

Mr. Lynn Williams, 1899 South Fletcher, is diametrically opposed to the increased density plan. Noting there is a parking problem; Mr. Williams questioned whether infrastructure is in fact adequate citing possible underground plumbing issues, the stormwater problem downtown which does not get

covered by someone building a new structure. From personal experience in an attempt to construct a condo downtown it is very costly and it's a "dream" that affordable housing will come out of the plan. It also has the possibility to change the tenor of the downtown completely. The Commission was elected and entrusted with the budget and having a city wide change is a mistake. The plan needs to be refined and placed on a referendum in the fall.

Dr. Chip Ross, 210 N. 3rd Street, showed a presentation and explained the definition of density as how tightly matter is crammed together. The density in the central business district shall not exceed thirty-four units per acre, density and units are not defined in the codes. Reciting the City of Fernandina Beach mission statement it is unclear how the a greater than 400% increase in the number of residential units in the central business district enhances the quality of life for the citizens who live here, improves the environment or preserves history. Disputing how the density number arose and reciting a Florida statute asked where the analysis about affordable housing is and how that will happen with this proposal. This will increase traffic and parking issues. Dr. Ross asked that this be referred to the Planning Advisory Board or placed on referendum.

Mr. Frank Santry, 1005 S. 19th Street, is troubled by the proposal for a few reasons and supportive of it for a few reasons and there could be a compromise. Undertaking a density change due to a historic interest and there is some merit to getting two units or possibly three out of one. The plan could be changed so that it would not have a significant impact on the City structure and go back to the drawing board and deal with the issue in the narrowest possible way.

Mr. Michael Harrison, 820 Somerelus Street, it's widely held in historic preservation circles that a building needs to be used if it's going to stand the greatest chance of being preserved. This ordinance will increase the use of downtown historic buildings and therefore help to preserve our existing structures.

Mr. Dale Spencer, 542 Patriots Way, appreciates the presentation by Senior Planner Kelly Gibson and is specifically here to address the parking issue. From reading the newspaper, it was said that for the new density proposal it would give City parking spaces to residents with permits. The downtown is for people from the outside who support the downtown, very few residents live in town and support the shops.

Mr. Spencer suggested including language in the zoning change that would require the builder to provide the parking.

Mr. Spurgeon Richardson, 18 Harrison Creek, is in support of the density increase. With a long history, in depth analysis and a good footprint to move forward and bring it to closure. The community spends a lot of money marketing the City to visitors but when the tourists leave it is the local residents that will loyally support the merchants. As a developer, it is still challenging to develop a thirty four unit per acre development. High land costs, small lots with height restrictions, parking issues, the historic district as well as the Commission will continue to be challenging, including the current boathouse project Mr. Richardson is working on. The real impact will be with the historic buildings being rehabbed to provide affordable housing.

Mr. Jose Miranda, 109 S. 16th Street and owner of Miranda Architects, stated as a twenty five year resident, one of the biggest detriments to develop and improve economic base has been the lack of density in the downtown area and speaks positively of the proposed ordinance. The facts are the residents of the island support the businesses on the island and help pay bills. Tourists help pay for profit and taxes. The tax base must be broadened in order to have viability going forward. Land is at

a premium the island isn't getting any bigger and doing more with less is needed. In working with a client because of density they were limited to constructing one residential unit on the second floor which is a large 3bdr 2 bath unit that incited demand prior to completion. The City currently has the most professional staff ever and most professionally qualified members of the Historic District Council and it is important to look to the future and get more out of less.

Mr. Michael Smith, 636 N. Fletcher, used to live in downtown and it was wonderful however it is not an option for numerous people in the community who are on a limited income. This plan will make that more of an option and is in favor.

Mr. Mike McCloskey, 26 Belted Kingfisher, has a company called CMR Island Properties with partners and has built in downtown the last ten years. The property values are increasing drastically, the cost of providing housing is increasing and the only way to stop it is to increase density. There are different views of affordable housing but the way to do it is to increase density. Having recently purchased the former Fred's building, it's a perfect opportunity for a mix of retail and in demand residential if increased density is approved. Mr. McCloskey remarking that as a longtime resident who has seen the changes that keep getting better and better, he stated it's great to be involved in making it better.

Mr. Randy Bowman, 636 N. Fletcher, one of the co-owners of Buy Go that will be moving into the former Fred's space that is now known as The Grand Oak Plaza. As a former resident of a loft space on Centre Street with two cars he realized there was only a need for one car because all of the shops and restaurants were walkable. More individuals need the opportunity to work, live and play in downtown. As a small business owner it's beneficial for the thriving business community downtown.

Mr. Greg Rowland, 302 S. 7th and 126 S. 6th Street, is in support of an increase in density downtown but not at thirty four units an acre. There is a need to increase it from eight to sixteen but thirty four changes the total character of the downtown area. Long term effects will include a general change in character of why people come to downtown Fernandina. More customers are needed for the local businesses and all it needs to be changed is on Centre Street and then move to the periphery after seeing the effects. The other change in character that comes along with a thirty four unit building is it becomes a second home type market that becomes a short term rental market which doesn't help the downtown residency at all. Downtown needs families' not transient rentals.

Mrs. Marie Santry, 865 Atlantic View Drive, does not live downtown but frequents downtown and does not want the character to change. A thirty four per acre density downtown is going to change the character and hopes it won't change the beauty although that could happen. As a longtime resident family members struggle to find parking and an increase parking issues. The increase can be done in another way and be very specific to the property without going a blanket thirty four unit per acre. Although the developers say it will be a challenge, developers love the challenge and will do their best to get as close as they can to get to the thirty four. Ms. Santry asked the Commission to do something less.

Mr. Chip Sasser, 407 Tarpon Avenue, is a homebuilder in Fernandina Beach in support of the density increase. The benefits of development will reduce traffic and create areas for walking, bicycling, shopping, entertainment and a livelier downtown. Mr. Sasser believes it will provide diversity for all people of various ages and incomes. The backbone of our country is built on small businesses and they are the ones who carry the load, the downtown area needs the support that a higher density will bring. The Commission's vote for increased density will support them and help others come in the

future, it will reduce traffic, have better use of existing water and sewer and will be a positive impact on taxpayers.

Mr. Sasser does not believe there is a parking problem but a “lazy American” parking problem. There are plenty of places to walk that are not “right in front” and believes in “walk a step, burn a calorie”.

Mrs. Jo-an Bean, 141 N. 15TH Street, has a business downtown and is a longtime resident. The parking is like “the elephant in the room” no one wants to discuss. Parking needs to be a priority and for her walking with a cane is a consideration that needs to be addressed.

Mr. Jeff Kurtz, 314 N. 5th, representing Fernandina Main Street, as part of group who works every day for the economic success of this community; he supports the density increase. Other endorsers include Amelia Island Chamber of Commerce, Nassau County Economic Development Board, Gil Langley of Amelia Island Convention and Visitors Bureau and the Nassau County Association of Realtors. As a person who is fond of old buildings, Mr. Kurtz said that beautiful old buildings are razed for parking lots.

Referring to it as “civic vandalism” it occurs all over the country however the tide is turning as people are moving from the suburbs to the city. As a downtown resident who has lived in the suburbs it’s a much better quality of life. As a proponent of old buildings and an avid walker who often sees empty spots along his route, he does not believe there is a parking problem.

Mr. Bill Moore, 5457 Marsh View Lane, is a local certified urban planner for over forty five years with thirty four years on Amelia Island and has seen the City grow and change over the years. The one agreed component is change and the question is what that change is going to be, the best way is to agree on an outcome and map a plan. The analysis that Senior Planner Kelly Gibson provided the Commission is excellent and a great plan to move forward. As a member of the Chamber of Commerce and Main Street Design Council, Mr. Moore is in support of the plan.

Ms. Julie Ferreira, 501 Date Street, remarked it is interesting that those in support of the plan will benefit. The live/work city center regeneration argument works in urban core areas like Jacksonville, Atlanta, and Dallas etc. because of their size and substantial downtown jobs. The units proposed will not be affordable for service workers thus the decision should not be considered, demolition of historic buildings is not being discussed however its non-conforming buildings that will be taken down and bringing in something new that will change the character of downtown. Without a parking study this plan should not be considered and developers should not be allowed to purchase parking spaces in public parking lots. Allowing loft spaces above commercial spaces should be allowed. Ash and Alachua Streets are buffer zones between historic residences and downtown and allowing a thirty four acre increase is a drastic change, if it were doubled that could be discussed. Because of Rayonier and Terra Point 40,000 people will be coming to this island and as elected officials the Commission should think “out of the box” for downtown.

Mr. Chuck Hall, 315 Calhoun Street, wears many hats and has been with the Merchants Association for ten years and the Restoration Foundation and as a resident he is divided. Seeing the benefits and the problems of having more residents downtown and believes the plan has not been vetted correctly. Parking is a serious issue and needs to be addressed before more residences are crammed into the area. Mr. Hall thanked the Commission for the “thankless job” they are doing and asked that the parking issue be addressed before doing anything drastic.

Mr. Phillip Chapman, 2120 Florida Avenue, remarked when a rock is thrown in the water it makes ripples and equated the proposed plan will have negative ripple effects. ADA is important and asked if and how second floor units would be ADA accessible. Parking is an issue with most households having two vehicles without a mass transit system in town this will create problems. The market will drive units as high as possible thereby reducing affordability. Asking that the ripples be considered including the noise ordinance which has been of concern lately, with more density that will increase. Mr. Chapman asked the Commission that before they throw the “boulder” tonight to please consider the ripples that will come to the City if the plan is approved.

Vice Mayor Kreger noted he has received numerous emails from the public and is going to vote against the plan. In 2009 there were numerous public hearings and workshops around increasing density. As a former PAB member for six years and the port master plan had twenty hours of workshops and because that hasn’t been done with this plan and for that reason alone he is voting against the plan.

Commissioner Poynter stated this has been discussed on and off for the seventeen years he has lived here and does not see how more public hearings, more misinformation that gets put out with thirty four acres as the minimum number to get one more unit over a shop on Centre Street. If it was eighteen units it would not work. There is an overlay of the CRA for the bigger properties and it still has to have a parking component for C-3. Currently downtown there can be twenty offices or a restaurant with no parking requirements, consumers come and go throughout the day with a residence it’s different and less traffic. It’s a very restricted area being talked about and it is not that significant a change and will clearly be voting yes for this plan.

Mayor Lentz concurred with Commissioner Poynter and believes in the data and the comparison Senior Planner Kelly Gibson made with business and residential parking. Noting many of the public comments were excellent and is a concern and in looking at LDC language that a parking requirement may be added. Moving forward to vote yes it is a priority to address the parking. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller, to approve Ordinance 2017-02. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

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

Motion carried.

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

10.2 BOARD APPOINTMENT - PARKS AND RECREATION ADVISORY COMMITTEE: According to the agenda support documents there were two appointments for the Parks and Recreation Advisory Committee. **A motion was made by Commissioner Miller, seconded by Commissioner Smith, to approve the appointment of Ms. Trudy Richards and Mr. Paul**

Martinez. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

10.3 BOARD APPOINTMENT - ARTS AND CULTURE NASSAU: According to the agenda support documents there was one appointment for Arts and Culture Nassau. **A motion was made by Commissioner Miller, seconded by Commissioner Smith, to approve the appointment of Ms. Dawson. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

11. CITY COMMISSION DISCUSSION:

11.1 HORSES ON THE BEACH: This item was placed on the agenda at the request of Vice Mayor Kreger. Vice Mayor Kreger presented photos and explained there are complaints of horses on the beach. There is a good ordinance however it could be improved focused on cleanup and a permit procedure.

Many of the stables are doing a reasonable job but there are those who do not comply. The question is how we get people to clean up.

Ms. Sheila Parks, 96845 Blackrock Road, a good friend of Debbie Manser, owner of Amelia Island Horseback Riding for twenty two years, who could not attend the meeting. Recognizing there are opportunities for improvement, though noting their staff does a good job cleaning up after the horses; Ms. Parks offered a workshop would help resolve some of the issues around horseback riding on the beach. One suggestion is to make the permits more visible so they can be identified more easily if waste is left on the beach. There are riders who do not have permits and may not realize or care that they have to clean up the horse waste. Ms. Parks noted most people have cameras and can document who the culprits are and that her team knows their horses and can easily recognize a pile. Stating there is a huge tourism demand for horseback riding on the beach, Ms. Parks avowed that being a good neighbor is a priority.

Dr. Carly Miller, 96383 Bayview Drive, moved here from a farm in Pennsylvania and stated horse manure is not unsafe. Dr. Miller is adamantly opposed to banning horseback riding on the beach. Discussions about how to get people to stop littering, clean up their trash and take it with them from the beach is a greater issue and horse manure dissolves and blends with the ocean water. As a collective and being responsible about reporting and holding people accountable is a way to preserve horseback riding on the beach.

Ms. Carol Woodmansee, 96027 Skipper Lane, owner of Amelia Fernandina Real Estate commented that horseback riding on the beach has been part of the culture and history since Fernandina's inception. Economically it provides jobs as guides, stable staff and handlers and appeals to the horseback riding niche that attracts visitors. It's an activity that does not cost the town or taxpayers. Horses leave no environmental footprint, horse waste is not dangerous in any way and they walk close to the water's edge away from nesting turtles. In an effort to preserve the culture and unique attraction, a request to the Commission to please abstain from removing horses from the beach.

Mr. Kris Bordnick, 1526 Coventry Lane, asked that the Commission drop this issue. As a beachgoer he has seen horses that did not leave any waste and were well behaved around children. Knowing Commissioner Miller to be a staunch ocean environmentalist will know that manure is not having an impact on the water or the beach. Although not pleasant to look at it but it is not hurting anyone. A

much bigger problem is cars at Seaside Park leaving oil and transmission fluids on the beach. Horse owners are conscientious and there is not a manure problem.

Ms. Carolyn Peeples, 96549 Parliament Drive, speaking on behalf of Ms. Debbie Mansur and as a private rider, there were 2,618 rides last year through Ms. Mansur's company. Horse manure is not trash and it is not an ongoing problem. Horse manure dissipates and is environmentally sustainable and organic. There is garbage, dog poop and other trash on the beach that is more detrimental. As a private rider who picks up, Ms. Peeples suggested a workshop or signs that state what is expected of riders might be helpful. Upon permitting it should be outlined what is expected and what the rules are about horses on the beach.

Mr. Stan Potter, 5272 Miner Road, represents Happy Trails Walking Horses that work very hard to keep horse manure off the beach. Horseback riding is banned from sunset to sunrise and when they load the last horses at the end of the day and come back in the morning, manure has been seen. Mr. Potter has reported to the police chief errant riders who did not pick up and some have been addressed some have not. Believing the issue stems from casual riders as the two main horseback riding companies have staff to clean up. A suggestion is to have a plain clothes officer patrolling especially at access 38 up in the dunes with a pair of binoculars violators will be caught.

Commissioner Miller thanked the speakers and reflected on the passion of this subject. The process with the Sunshine Law is that when a topic is added to the agenda the Commission does not speak to each other privately. This is not a banning issue it is a discussion for amicable resolution. An excellent point is to have the plain clothes officer to ticket. The tourism aspect is incredible; this is the only area in NE Florida where horseback riding is allowed. The Tourism Development Council regularly uses photos displaying horses on the beach to promote the island.

Commissioner Smith noted this came up last year and after researching the internet, bags are available to outfit horses to contain the excrement and violators would be fined at least \$125-\$150 to make it effective. There are dog leash laws and there are dogs running loose on the beach, their excrement is worse than horses and owners not picking up dogs' defecation are not enforced. When the topic appears on the agenda, the companies clean up manure until the topic goes away again and don't follow through. There needs to be a fine and possibly a part-time police officer to enforce it.

Commissioner Poynter stated in a prior meeting the bags were discussed and the issues were that not much can be collected, it's hard to gallop or trot, the excrement flies out. As a homeowner at beach access 39, the three pictures of dung piles that Vice Mayor Kreger showed, happens all the time at that location. There are groups that are attentive to picking up but having witnessed the piles a lot and recently a group of three private riders let their horse defecate without picking up. Seemingly, it is the private owners who are less conscientious than the owners who do it for a living. A suggestion to have a larger identifier for the permit and to make it so that it is only group riding would be a way to enforce it. Private riders are allowed in the south end state park and this would be an option for them. Not being in favor of an enforcement officer, there needs to be a better way to bring riders into compliance.

Mayor Lentz believes a workshop would be a great idea and bring together the horseback riding owners and staff to come up with a resolution because it is an issue that people complain who are touring the beach. Wasting police resources to track down violators is not the answer as there are larger issues that need to be addressed. Enforcement often only works temporarily as is witnessed in the community with other issues.

Vice Mayor Kreger noted the County issues permits which contribute to the problem as the riding commences at Peters Point and then crosses over to city beaches. Riding is also happening during turtle season. The County prohibited horseback riding on what they termed "swimming and sunbathing" beaches which has since been struck from the Ordinance. Suggesting permits for city beaches and educating the owners about requirements would be a start to resolving. Private riders are a problem as they gallop down the beach. St. Johns County has an excellent ordinance that allows horses on their beach and requires endangered species training.

Commissioner Miller concurred a workshop is a good idea. This issues arises every few years because there are not "tons" of complaints, it comes up because someone brings it up. If it were a big problem emails would be numerous and they are not as are daily emails about potholes. If there is a workshop it will be noted why bags don't actually work as opposed to the carriage horses where the bag does not bother the horses.

Mayor Lentz proposed code enforcement and city staff orchestrate a workshop at a convenient time.

Commissioner Smith questioned that if it wasn't a big problem then why don't the Omni and the Ritz hotels allow horses. The collective answer is that horses are allowed at the hotel beaches.

Mayor Lentz thanked Vice Mayor Kreger for originally bringing forth the topic of horses on the beach. ***The consensus of the City Commission was to direct staff to schedule a workshop with appropriate City staff, including Code Enforcement, as well as area horseback riding business owners to explore possible horse manure solutions.***

CITY MANAGER REPORTS:

AIRPORT: City Manager Martin stated thirty five employment applications were received for the Airport Manager position and are presently under review. The airports new terminal site plans are currently under review and anticipated re-bids are expected for early May.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): City Manager Martin commented that additional FEMA project worksheets have been submitted related to Category A; debris removal for \$306,000 and Category B; emergency preparedness for \$148,000. City Manager Martin noted FEMA will reimburse the City 75% and the State of Florida divides the other half. The City will receive approximately 87% reimbursement. The City is working on the Hazard Mitigation Grant program through the State of Florida provided to Nassau County.

2016 GOALS: City Manager Martin thanked the City Commission for their leadership on the successful completion of the 2016 goals with the exception of Alachua Street. Goals reached included beach safety, stormwater, soccer field lights, and downtown density and accessibility efforts.

ANNUAL RECYCLING EVENT: City Manager Martin reminded all that the City sponsored Annual Recycle Event and Barnabas Food Drive will be held Saturday April 22, from 7:00am - 3:00pm at the City garage.

BEAUTIFICATION: City Manager Martin noted the Community Action Agency and Compassionate Fernandina organization are sponsoring a beautification project. These agencies are

soliciting for volunteers April 26 and April 29 to assist with plantings along South 11th & Jasmine Streets.

EGAN'S CREEK PARK: City Manager Martin indicated the Egan's Creek Park Grand Re-opening will be held April 29th at 4:00pm.

WATERFRONT CONSULTANT: City Manager Martin explained that Waterfront Consultant discussions are continuing and the scope of work should be ready for presentation at the next City Commission Regular meeting.

TRAINING: City Manager Martin noted he will be out of the office for annual Disaster Assistance training April 19th – April 25th. Community Development Director Marshall McCrary has signing approval during this time.

CITY ATTORNEY REPORTS:

STATE LEGISLATION: City Attorney Bach explained the CRA bill is stalled at the State level but still available for some action.

QUASI-JUDICIAL PROCEDURES: City Attorney Bach noted that at Mayor Lentz's direction the Legal Department will prepare a Resolution regarding Quasi-Judicial procedures which will be on the May 2nd City Commission Regular meeting agenda.

ANTI-TETHERING ORDINANCE: City Attorney Bach requested direction from the City Commission on whether the Legal Department should craft an Ordinance which prohibits the tethering of dogs and cats within the City limits. The consensus of the City Commission was for City Attorney Bach to draft an anti-tethering Ordinance for their consideration at a later City Commission meeting. City Attorney Bach noted a recent animal cruelty case involving tethering was resolved successfully.

BEACH DRIVING: City Attorney Bach informed the Commissioners she will be bringing the matter of Special Beach Parking Permits before the City Commission for language clarification.

CITY CLERK REPORTS:

VOLUNTEER AWARDS LUNCHEON: City Clerk Best reminded all of the annual Elsie Harper awards luncheon to be held Thursday, April 20th from Noon-1:30pm at the Atlantic Avenue Recreation Center.

MAYOR/COMMISSIONER COMMENTS:

AFFORDABLE HOUSING: Vice Mayor Kreger announced that Nassau County will be forming an affordable housing committee which he will be joining.

PARKING: Commissioner Smith recommended the property on 11th Street between Alachua Street and Broome Streets be developed to meet the City's parking demands.

EIGHT FLAGS PLAYScape: Commissioner Poynter announced Eight Flags Playscape has a workday scheduled Saturday, April 22nd from 8:00am - 2:00pm in preparation for the Eight Flags Playscape Grand Re-opening Ceremony on April 29th and encouraged community members to volunteer for this worthy organization.

CUMBERLAND ISLAND: Commissioner Miller expressed concerns regarding recent proposed construction and development on Cumberland Island and asked that the City Commission direct City Clerk Best to research the matter which may, at a later date, move creating a Resolution in opposition to construction/development on Cumberland Island.

ANNUAL RECYCLING EVENT: Mayor Lentz reiterated the upcoming Annual City Recycling event April 22nd and the Eight Flags Playscape volunteer workday and encouraged all to come out to support and participate in these community events.

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 9:03pm.

ATTEST:



CAROLINE BEST
City Clerk



ROBIN C. LENTZ
Mayor-Commissioner