

The City Commission of the City of Fernandina Beach, Florida met in a Regular Meeting on Tuesday, May 16, 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 Bernard Thompson of New Zion Missionary Baptist Church was in attendance to give the invocation.

4.1 PROCLAMATION – RETIREMENT OF MR. KENNETH FOREHAND: Mayor Lentz read the Proclamation is full recognizing Mr. Kenneth Forehand upon his retirement on April 30, 2017 after thirty-two years and seven months of dedicated service to the City of Fernandina Beach. Mr. Forehand thanked Utilities Director John Mandrick and Utilities Superintendent Gabriel Davis, for improving the lift stations and redesigning, updating and modernizing.

4.2 PROCLAMATION -- PEACE OFFICERS MEMORIAL DAY AND NATIONAL POLICE WEEK: Mayor Lentz read the Proclamation is full proclaiming May 15, 2017, as "National Police Week". Police Department Chief James T. Hurley was present to accept the Proclamation and thanked the Commission, police officers and volunteers and declared how very proud he is of all of them.

4.3 PROCLAMATION – MEMORIAL DAY: Mayor Lentz read the Proclamation is full recognizing May 29, 2017 as Memorial Day. Vietnam Veterans of America, Chapter 1088, Nassau County Member Mr. John Crow along with another member of the Vietnam Veterans of Nassau County were in attendance to accept the Proclamation. John Crow Memorial Day services will be at Front and Centre streets at 11am with the laying of the wreath 12 noon. The names on the downtown memorial deserve our presence at the memorial. Mayor Lentz also acknowledged veterans Vice Mayor Kreger, Commissioner Miller and City Manager Martin who have served in the armed forces to protect our freedoms.

4.4 PROCLAMATION - NATIONAL SAFE BOATING WEEK: Mayor Lentz read the Proclamation is full proclaiming the week of May 20-26 2017, as "National Safe Boating Week." Coast Guard Commander Tipper and Mr. Kris Bordnick and other members of the Coast Guard were present to accept the Proclamation and thanked the public for keeping Fernandina Beach as one of the safest boating areas in Florida.

Mayor Lentz announced an additional proclamation that will be presented at a later date at an off-site location recognizing the month of May as National Posture Month. Chiropractor Dr. Mark Brown introduced Dr. Jade Gray, a fellow chiropractor who is a new resident to Fernandina Beach.

4.5 PRESENTATION-NORTH FLORIDA TRANSPORTATION PLANNING ORGANIZATION (NFTPO): Ms. Wanda Forrest, Transportation Planning Manager of the North Florida Transportation Planning Organization (TPO) gave a brief update and answered questions regarding projects planned and programmed for the area. The organization covers four counties annually with a short range transportation improvement plan a subset of a twenty year long range transportation improvement plan. A public meeting will be held at the headquarters on May 24TH 4-5:30pm, A board meeting June 8th will be for the approval of the transportation improvement plan program.

Currently, from State Road A1A to Fletcher Avenue is programmed for design in 2020, Bailey & Simmons Road to Fletcher has construction funded for 2017-2018, Amelia River Bridge to Centre Street is slated for resurfacing 2017-2018.

4.6 PRESENTATION - FERNANDINA BEACH MAIN STREET PROGRAM: Fernandina Beach Main Street Executive Director Mr. Jeff Kurtz, 715 Centre Street, stated it continues to be an honor to serve the City Commission and downtown community. With ongoing demand for space downtown it has been exciting to welcome the new lavender shop, the new beer garden at Pajama Dave's and new projects on North 4TH Street and Centre Streets. Mr. Kurtz applauded Community Development Department Senior Planner Kelly Gibson and the City Commission for passing the downtown density increase. Though there are numerous current challenges including the waterfront development, parking, and opening and/or closing streets, Mr. Kurtz encouraged getting input from stake holders and seizing the opportunity to move forward as a community. The newspaper ordinance will be reviewed on May 25th by the Historic District Council which will be the first public review. Flowering Fernandina received tremendous support from Director Nan Voit and her staff at the Parks and Recreation department, the Merchants Association and Main Street. A new round of plantings has been installed and new bike racks and benches have been ordered for Centre Street. Stating that new lights downtown are needed and Mr. Kurtz asked for direction from City Manager Martin and Streets Maintenance Director Rex Lester. Sounds on Centre in collaboration with the Shrimp Festival were a great success and the hope is to continue. Shrimp Festival numbers were down slightly due to weather, wine vending was added and successful. The new walking tour app can be downloaded. The art walk continues to work on new marketing materials like signs and t-shirts. New Public Information Officer Mary Hamburg is a great hire to promote special events and be a point person. The Noise ordinance continues to be discussed, night life is an important part of a vibrant downtown and Mr. Kurtz comments at the previous meeting were never meant at the expense of the neighbors, however he is opposed to the idea of eliminating amplified music. Planning is ongoing for the upcoming Main Street State Conference and the Secretary of State Preservation banquet in August as Fernandina Beach hosts officials from all over the state of Florida. The Post Office has been nominated for an award.

Mayor Lentz thanked Mr. Kurtz for the update and inquired as to the percentage of vacancies still available in August. Mr. Kurtz stated he will provide the information as soon as he receives it.

4.7 BUDGET SUMMARY:- Comptroller Patti Clifford was in attendance to answer any questions regarding the budget summary for April 2017. There were no questions at this time.

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

NOISE ORDINANCE: Mr. Ron Sapp, 415 Alachua Street, stated that Mr. Kurtz alluded to the fact that the noise ordinance may come back up which is what brought him to the meeting. Noting that at Shrimp Festival there was an outdoor stage with an extremely loud band which could be heard in Mr. Sapp's backyard. Mr. Sapp stopped a passing police officer who explained the noise ordinance is complaint driven. Mr. Sapp filed a complaint with the Officer and asked if law enforcement could, at their discretion, enforce establishments to lower music without a complaint. City Attorney Bach responded yes and historically police officers have addressed noisy establishments without issuing citations.

MARINA RENOVATION: Mr. Kevin McCarthy, 2220 Florida Avenue, pled the case for the Fernandina Harbor Marina. Due to Hurricane Matthew damages the marina still lacks fueling ability and to pump out services for local boaters. On a daily basis, Mr. McCarthy has to take his boats four miles upriver to get fuel, which averages out to 1000 per month, pump out his own tanks that costs over \$1000 a month, his business expenses have increased over \$2000/month since Hurricane Matthew. When he signed his berthing agreement he assumed he had access to these amenities and he does not. Mr. McCarthy is requesting the city at least get fuel and pump out capabilities operational until the marina is completely renovated.

Mayor Lentz responded the City is trying to follow procedures in order to receive the Federal Emergency Management Agency (FEMA) reimbursement.

City Manager Dale Martin noted he met with FEMA representatives who assured it's beneficial the City has not moved forward at this point so that FEMA can determine the exact extent of the damage. A meeting is scheduled this week with Florida Inland Navigation District (FIND) officials to get written financial fund guarantees which will be used for short term repairs broached by Mr. McCarthy.

CONSULTANT MEETING: Mr. C.N. Corbett, 106 N. 15TH, asked about the consultant meeting which was preliminarily set for May 15th that didn't happen. City Manager Martin replied the consultant has offered two days to meet one on one with the Commissioners to determine the scope of wants and needs, following that a public meeting will be scheduled. A date has not been determined.

NOISE ORDINANCE: Mr. Chris Bordnik, 1526 Coventry Lane, asked for clarification on the noise ordinance. As a patron at The Patio Place Restaurant during the Shrimp Festival, neighbors filed complaints and the music was shut down. Numerous other downtown venues had loud music, the problem is that its complaint driven. Two favorite restaurants are owned by a City Commissioner who Mr. Bordnik claimed knowingly violated the ordinance he voted in favor of recently. Mayor Lentz explained the noise ordinance has exemption for special events. City Attorney Bach equated the issue with not obeying speed limit. The City does not have enough resources to respond to and ticket every noise ordinance complaint. Mr. Bordnik responded that the Police Officers say its complaint driven and spent an entire evening responding to noise ordinance complaints. Commissioner Smith remarked there are rules and if the community can't live by the Ordinance it may need to be stopped; suggesting that all be good neighbors and the importance of everybody getting along. Rights need to be respected; establishments need to respect the rules.

Commissioner Poynter commented as the proprietor of Café Karibo, he had music during Shrimp Festival until 5:00 pm and noted Ms. Petroy from the Patio Place Restaurant came to Café Karibo and asked why there was amplified music when Commissioner Poynter had voted against it. Commissioner Poynter clarified he voted to have a noise ordinance. The next day, Ms. Petro showed up, Commissioner Poynter reiterated he did not vote against amplified music, he voted to have a noise ordinance. Noting past noise complaints received from Mr. Sapp resulted in music being turned down which constitutes being a good neighbor. The noise ordinance is about being reasonable.

Commissioner Miller concurred it is a noise ordinance that becomes a nuisance. The way the ordinance is written is if no one is complaining there is no nuisance. It's not a violation until someone complains.

Mr. Bordnik asked how can multiple businesses be prevented from colluding with one another. Commissioner Miller offered that having Main Street Executive Director Jeff Kurtz, mediate with business owners would be a solution. Commissioner Smith disagreed with Commissioner Miller stating business's know when music is too loud thus are not necessarily being good neighbors. Commissioner Miller

reiterated that legally there is no violation unless there is a noise complaint. Commissioner Smith countered it is a violation if music can be heard over 100 feet. If a business is aware that noise is excessive than it is breaking the rules and not being a good neighbor. Commissioner Miller commented it is arbitrary as to what defines a good neighbor and no violation exists without a complaint. After continued banter between the Commissioners as to definition, Mayor Lentz interjected and suggested adding a future agenda item to discuss further and shared that a personal friend had been the subject of a complaint for hosting an eight year old child's birthday celebration. City Attorney Bach suggested having Police Chief Hurley and officers come and speak to the issue. Commissioner Poynter noted he has spoken to Police Chief Hurley at length who believes the noise ordinance is reasonable as written and dealt with it appropriately. The Police department is not looking for any guidance from the City Commission on the ordinance. City Attorney Bach stated the Police department uses discretion every single day in handling noise complaints. Often the most common approach is to discuss the complaint with citizens. City Attorney Bach stated that clarifying the language of the ordinance would be beneficial as she does not want to put this on the agenda again. City Manager Martin indicated he will ask Police Chief Hurley to provide a memorandum to share with the Commission the instructions of how officers respond to noise complaints.

6.1 RESOLUTION 2017-75 - DISPOSAL OF SURPLUS PROPERTY - 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 2017-75 authorizes the disposal of surplus property. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller to approve Resolution 2017-75. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.1 RESOLUTION 2017-76 - ITEMS - APPROVING AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2016/2017 FOR ITEMS RELATED TO HURRICANE MATTHEW; According to the agenda support documents Resolution 2017-76 approves the transfer of funds for items relating to Hurricane Matthew.

Vice Mayor Kreger asked what money would be recoverable from FEMA. City Manager Martin responded FEMA will reimburse 75%. Vice Mayor Kreger confirmed that the 25% would be out of the City reserve. Commissioner Miller asked if there was also state reimbursement. Comptroller Clifford explained it is being considered. The budget needed to be in place to afford to pay the bills. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to approve Resolution 2017-76. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.2 RESOLUTION 2017-77 - APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE COASTAL FLORIDA POLICE BENEVOLENT ASSOCIATION, INC. (CFPBA), CONCERNING THE USE OF STATE PREMIUM TAX FUNDS; According to the agenda support documents Resolution 2017-77 approves the Memorandum of Understanding to the Collective Bargaining Agreement with the Coastal Florida Police Benevolent Association (CFPBA). **A motion was made by Commissioner Poynter, seconded by Commissioner Smith to approve Resolution 2017-77. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.1 FIRST READING OF ORDINANCE 2017-17 - AMENDING THE CODE OF ORDINANCES SECTION 18-4 BY PROHIBITING OUTDOOR TETHERING OR RESTRAINT OF DOGS AND

CATS: According to the agenda support documents Ordinance 2017-17 amends Section 18-4 of the City Code pertaining to outdoor tethering or restraint of dogs and cats.

City of Fernandina Beach Animal Control Officer Ms. Sherry Merritt, stated the current ordinance precludes animal control officers from being able to enforce tethering due to monitoring time and manpower constraints. A law which makes tethering illegal allows officers to quickly respond and take action and it is time to outlaw tethering in the city.

Mr. Octavio Martin, 1008 S. 8th Street, owner of Hot Paws, a dog training, grooming and day care business with over ten years in the industry and as the owner of show dogs; speaking from experience, stated dogs that have been tethered too long are very hard to rehabilitate, they can become very aggressive, and can reach a point where they are impossible to rehabilitate when psychological damage is extreme. Tethered dogs also have numerous health issues.

Vice Mayor Kreger shared considers this is a nuisance ordinance. Having attended the recent Nassau County meeting regarding tethering, it is a different problem with those advocating for a complete tethering ban. Vice Mayor Kreger stated it's a good interim step for the City and recommends approval. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Miller to approve Resolution 2017-17. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

9.1 SECOND READING OF ORDINANCE 2017-09- AMENDING SECTION 66-41, DISPOSAL OF GARBAGE AND TRASH, BY PROHIBITING PLACEMENT OF YARD WASTE, TRASH OR RUBBISH ON RESIDENTIAL PROPERTY BY A BUSINESS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; According to the agenda support documents Ordinance 2017-09 amends Section 66-41 of the City Code pertaining to disposal of garbage and trash. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller to approve Resolution 2017-09. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

10.1 HISTORIC DISTRICT COUNCIL (HDC) APPEAL - CASE NO. 2017-08 - 121 NORTH 6TH STREET; According to the agenda support documents this is an appeal of the denial of a variance by the Historic District Council ("HDC) pursuant to Section 8.03.09 of the Land Development Code. **A motion was made by Commissioner Poynter** to send HDC Case NO. 2017-08 back to HDC noting the City Commission should not be hearing this case. The HDC had only four members at that meeting, the hope is the next meeting will have five members present and asked that city staff clarify the appeal goes to the court. **Seconded by Commissioner Miller** who agreed there are two different areas in the Land Development Code that says it goes back to the Historic District Council. Vice Mayor Kreger concurred there is a conflict that should be fixed. City Attorney Bach noted that procedurally this is not a formal hearing and Mr. Dressler will be afforded three minutes as are general public when they speak.

Mr. David Dressler, 121 N 6th Street, is the co-owner with two brothers and one sister, on behalf of all the petitioners Mr. Dressler thanked the Commission for the opportunity to speak, the property known as the Chadwick House sits on six full contiguous lots in the historic district. To sell one or more of the lots separately requires variances subject to Historic District Council approval. After being assured paperwork was in order City of Fernandina Beach Historic Preservation Planner, Mr. Sal Cumella, recommended against approval, the petitioners were alarmed, distressed by the arbitrary, capricious and unfair manner of the quasi-judicial discussions and final motion for vote by the HDC with City Attorney Bach in attendance to advise. Commissioner Poynter clarified this issue should go before the HDC and the courts not the City Commission. Mr. Dressler stated the goal is to see the property preserved, there are no lawyers involved and the hope is to resolve the situation without litigation. Mayor Lentz reiterated this

requires the Historic District Council involvement not the City Commission. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

11. CITY COMMISSION DISCUSSION ONLY (NO ACTION)

11.1 BEACH DRIVING PERMITS: City Attorney Bach added the beach driving permit discussion item for clarification of the fifteen beach driving permits issued per year to five different groups. The concern is to whether the licenses should be issued, if the categories should be more specific and determining handicap status.

Vice Mayor Kreger offered that permits be issued on a one time basis. Commissioner Poynter suggested confining the area for all beach access and work on something for handicapped only. Mayor Lentz stated the Mobimats making the beach accessible for the handicapped the permits are no longer needed. Commissioner Smith commented some of the permit permissions are outdated. City Attorney Bach reflected on the history of the driving permits and offered to standardize and edit the ordinance and bring it back for approval. Mayor Lentz mentioned criteria and making certain that it is specific. Commissioner Miller suggested for those with disabilities, the permits should be considered on a case by case basis.

City Manager Martin asked that as the one year permits continue to be issued and will expire at the end of the calendar year should the language be changed. Commissioner Miller asked about training for beach driving. Vice Mayor Kreger stated there is a best practices sheet that needs to be signed and driving on beaches is against the law in Florida and these are permits are exempted. City Attorney Bach noted there is a \$25 fee that is waived for the disabled. Commissioner Smith mentioned the Commission reviewing the driving areas.

CITY MANAGER REPORTS:

MARINA: City Manager Martin noted he had a discussion with the FIND officials related to previously awarded grants: flexibility and extensions for completion due to Hurricane Matthew; follow-up meeting scheduled next week.

FEMA: City Manager Martin explained he expects a report from FEMA this week quantifying Hurricane Matthew damage at the Marina. City Manager Martin anticipates FEMA will recommend replacement rather than repair, this is likely due to the extensive value of damage which has required a higher level of review.

CHANNEL RELOCATION: City Manager Martin noted he is working with Applied Technology & Management (ATM) to schedule a meeting with Port officials, official sponsor of the navigational channel, related to channel location.

AIRPORT: City Manager Martin reported the employment application review of airport manager candidates is complete and interviews will be scheduled this month.

AIRPORT TERMINAL BID: City Manager Martin stated the airport terminal bid documents have been published and bid opening is scheduled for June 8.

GOLF COURSE: City Manager Martin stated the HGTV Television channel series "Island Life" is scheduled to film on location at the Fernandina Beach Municipal Golf Course this Sunday.

WATERFRONT: City Manager Martin explained that waterfront consultant Dix.Hite + Partners, Inc. is working to schedule one-on-one discussions with City Commissioners to determine the desired scope of work before proceeding with public involvement.

EVENT: City Manager Martin attended the Farm Share event First Responders food giveaway.

BUDGET: City Manager Martin noted the fiscal year 2017/2018 initial budget documents are under review.

PUBLIC INFORMATION OFFICER: City Manager Martin announced that the City's Public Information Officer Ms. Mary Hamburg created an Instagram account for the City of Fernandina Beach. Ms. Hamburg has also started a "Day in the Life" series on the City's Facebook page, highlighting City staff- the inaugural episode featured Records Coordinator Ms. Lillie Russell.

DEPARTMENTAL WORK DAY: City Manager Martin will have a departmental work day tomorrow with the Fire Department.

CONFERENCE: City Manager Martin will attend the City Managers conference May 31-June 2 in Orlando.

CITY ATTORNEY REPORTS:

LEGISLATIVE UPDATES: City Attorney Bach gave updates on legislative actions including homesteads, wireless communications, charter schools, building permit surcharges, public records, transportation companies and drones.

CITY CLERK REPORTS:

ELECTION UPDATE: City Clerk Best reported the announced candidates to date for the 2017 General Election as follows: Group 2; Commissioner Tim Poynter and Mr. Phillip Chapman, III. Group 3; Mr. Orlando Avila, Mr. Medardo Monzon, and Dr. Ronald "Chip" Ross.

PETITION DEADLINE: City Clerk Best reminded all that the candidate petition deadline is June 12th prior to noon in accordance with Florida Statute.

MAYOR/COMMISSIONER COMMENTS:

STORMWATER FUNDS: Vice Mayor Len Kreger reported there is \$500,000 in the state budget for City of Fernandina Beach stormwater repairs and infrastructure upgrades, barring a veto by the Governor, Vice Mayor Kreger is hopeful the City will obtain the needed funding for stormwater improvements.

EVENT: Vice Mayor Kreger along with various Fernandina Beach Police Officers and City Manager Martin attended the impressive Farm Share event First Responders food giveaway coordinated by State Representative Cord Byrd. Vice Mayor Kreger announced this will be a recurring event.

SHRIMP FESTIVAL: Commissioner Smith attended the 54th Annual Isle of Eight Flags Shrimp Festival and stated it was well attended with notable arts & crafts booths.

CONDOLENCES: Commissioner Smith expressed his condolences to City Attorney Bach on the recent loss of her father.

CONDOLENCES: Commissioner Poynter voiced sentiments and condolences to City Attorney Bach on the loss of her father.

DISCLAIMER: Commissioner Poynter dispelled a rumor regarding a disparaging claim about a fellow local business owner.

CONGRATULATIONS: Commissioner Miller extended congratulations to City Manager Martin on his daughter's recent college graduation.

MEMORIAL: Commissioner Miller attended the Police Peace Memorial, a moving event that included a tribute to fallen Nassau County Sheriff's Deputy Eric Oliver.

KUDOS: Commissioner Miller reiterated the success of the 54th Annual Isle of Eight Flags Shrimp Festival and praised city staff for their monumental efforts for efficient set up and breakdown of the event.

ANNOUNCEMENTS: Commissioner Miller noted two nationally recognized events take place this Saturday May 20th; Hands Across the Sand sponsored by The Sierra Club at 11:30am at Main Beach and Relay for Life at 3:00pm.

CONDOLENCES: Commissioner Miller expressed his condolences to City Attorney Bach on the loss of her father.

CONDOLENCES: Mayor Lentz acknowledged Ms. Bach's recent loss and also extended condolences to the Alvarez family on the loss of their patriarch, Ronald Alvarez, an important community member.

RECOGNITION: Mayor Lentz noted new Public Information Officer Mary Hamburg, and the positive feedback on social media.

ACKNOWLEDGEMENT: Mayor Lentz acknowledged the wonderful out of town visitors she served at the 54th Annual Isle of Eight Flags Shrimp Festival at the Friends of Fernandina Aviation booth and while parking cars for the Friends of the Library.

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 7:50pm.

ATTEST:



CAROLINE BEST
City Clerk



ROBIN C. LENTZ
Mayor-Commissioner