The City Commission of the City of Fernandina Beach, Florida, met in a Regular Meeting on Tuesday, July 5, 2017 at 6:00 pm in the City Commission Chambers. Present were Mayor Robin C. Lentz presiding, Vice-Mayor Len Kreger, Commissioners, John Miller, Tim Poynter, and Roy G. Smith. 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 Chaplain James Tippins of Baptist Medical Center Nassau.

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

MARINA: Mr. Lynn Williams, 1899 S. Fletcher Avenue, commenced the marina is three separate projects, north, south and the mooring field which do not need to be funded all at once. The north basin being the most involved needing grants, permitting, etc. is a lengthy process. The mooring field would be optimal and could be done quickly. The south basin, south of Brett's Waterway café, will have bids on July 17th. The south basin will have more details, funding and information in a few weeks. The center dock is still desired having been recommended by Applied Technology Management (ATM) in 1996.

SURVEY: Mr. Philip Chapman, 2120 Florida Avenue, began by passing out small rubber ducks to the City Commissioners and stated after spending thirty-eight years in education he learned there are two types of learners; auditory and visual. Explaining the rubber ducks are a visual cue it's time for the City to get "its ducks in a row and take action." Recently, the newspaper reported City Manager Martin proposed a parking survey be conducted. Mr. Chapman questioned what prompted the survey at this time, who developed the survey questions, what was the cost of the survey and why was the parking survey only sent out to local merchants. In closing, by not having its ducks in a row, the City spent $11,500 in one day for Dix. Hite + Partners to meet with the City Commissioners individually. Mr. Chapman hopes the City will get all of its ducks in row before spending money in the future. Mayor Lentz responded the parking survey was proposed in the December 2016 City Commission Visioning Session to gather feedback and data. City Manager Martin explained he developed the parking survey questions which were reviewed by the City Commission, and then the research company reviewed the questions and made further recommendations. The cost of the survey is $14,625 and is a budgeted line item for the City Manager who has spending authority up to $20,000. City Manager Martin explained the parking survey is the first phase in a series of parking surveys from Police Chief James Hurley, future surveys will be sent to other stakeholders i.e. residents, visitors, etc.

Vice Mayor Kreger noted that as an elected official he has a difficult time knowing what the citizens really think and say. With 12,000 residents the parking survey can be an extremely valuable device at a reasonable cost and is well worth it as a way to represent and support all of the citizens. Mayor Lentz added the survey company is used by the International City Managers Association (ICMA), a professional organization of City Managers.

WATERFRONT: Ms. Joan Bean, 141 N. 15th Street, questioned confusing agenda item 6.6 rejection of responses – request for quote # 17-01 for waterfront consultants, and asked where it stands. Mayor Lentz explained there needs to be a discussion amongst the Commission as it has not been discussed since the last meeting.

5.1. RESOLUTION 2017-95 - APPROVING THE AMENDMENT TO THE TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT): According to the agenda support documents Resolution 2017-95 approves the Amendment to the Traffic Signal Maintenance and Compensation Agreement between the City of Fernandina Beach and FDOT. **A motion was made by Commissioner Miller, seconded by Commissioner Poynter to approve Resolution 2017-95. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

5.2. RESOLUTION 2017-96 - EXTENDING THE MASTER BANKING SERVICES AGREEMENT: According to the agenda support documents Resolution 2017-96 extends the Master Banking Services Agreement with First Coast Community Bank, a division of Synovus, for one year. **A motion was made by Commissioner Miller, seconded by Commissioner Poynter to approve Resolution 2017-96. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

5.3. *RESOLUTION 2017-97 - APPROVING AN AMENDMENT TO THE MAINTENANCE STREETS/PARKS BUDGET FOR FISCAL YEAR 2016/2017: According to the agenda support documents Resolution 2017-97 approves a budget transfer of $36,000 from the Streets/Parks Professional Services account to the: Streets/Parks Contractual account; Street/Parks Operating Supplies account; and Streets/Parks Overtime account. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Miller to approve Resolution 2017-96. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

5.4. RESOLUTION 2017-98 - 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 2017-98 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 2017-98. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.1. RESOLUTION 2017-99 - APPROVING AN ADDITIONAL PAYMENT RELATED TO BID # 16-16 IN THE AMOUNT OF $17,879.63 TO PRITCHETT TRUCKING, INC: According to the agenda support documents Resolution 2017-99 approve payment to Pritchett Trucking, Inc. for material delivered in an additional amount of $17,879.63. **A motion was made by Commissioner Poynter, seconded by Vice Mayor Kreger to approve Resolution 2017-99. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

6.2. RESOLUTION 2017-100 - AUTHORIZING THE USE OF AIRPORT PROPERTY BY RS COLLECTOR AUTOMOBILE AUCTIONS IN CONJUNCTION WITH ANNUAL AMELIA ISLAND CONCOURS D'ELEGANCE EVENT IN MARCH, 2018: According to the agenda support documents Resolution 2017-100 approves the use of Airport property for the RS Collector Automobile Auctions event to be held on March 8-10, 2018, along with the Facilities Use Agreement.

A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to approve Resolution 2017-100. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

6.3. RESOLUTION 2017-104 - APPROVING THE SOLE SOURCE PURCHASE OF PLAN REVIEW SERVICES FOR THE BUILDING DEPARTMENT FROM THE INTERNATIONAL CODE COUNCIL (ICC); AUTHORIZING EXECUTION: According to the agenda support documents Resolution 2017-104 approves the sole source purchase of plan review services for the Aspire at Amelia project from ICC in the amount of $24,255.00 **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to approve Resolution 2017-104. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.4. RESOLUTION 2017-105 - AUTHORIZING THE SUBMISSION OF A BOATING INFRASTRUCTURE GRANT PROGRAM (BIG-P) APPLICATION TO THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC) TO EXPAND THE EXISTING FERNANDINA HARBOR MARINA TO THE NORTH AND IMPROVE THE OVERALL FACILITIES FOR TRANSIENT BOATERS: According to the agenda support documents Resolution 2017-105 authorizes the submittal of a BIG-P application to the FWC in the amount of $1,500,000 and agrees to provide a 51.4% match in the amount of $1,585,695 for expansion northward of the Fernandina Harbor Marina.

Mr. Lynn Williams, 1889 S. Fletcher Avenue, is hopeful the City Commission will approve this grant application as it will be very useful to expand the marina to the north. The Boating Infrastructure Grant Program (BigP) is the key is getting a permit which looks very good because it doesn't commit the City to spending money now and it is considered vitally important for the City to expand the marina to the north. The grant is payable over five years and can be drawn down on if needed.

Vice Mayor Kreger questioned why the grant is from last year. Mr. Williams explained the problem was a tight deadline and approval from the City Commission is needed. Vice Mayor Kreger queried as to the deadline and asked that it be postponed until the next meeting until the application is updated. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to postpone Resolution 2017-105 until the next City Commission Regular Meeting. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

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

Motion carried.

6.5. RESOLUTION 2017-106 - AUTHORIZING THE CITY ATTORNEY TO DEFEND THE CITY IN CERTAIN LITIGATION: According to the agenda support documents Resolution 2017-106 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 Ronald "Chip" Ross v. City of Fernandina Beach, Case No.:2017-003286GM in the Fourth Judicial Circuit Court in and for Nassau County, Florida. City Attorney Bach stated the City's insurance company has agreed to provide defense council. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller to approve Resolution 2017-106. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.6. RESOLUTION 2017-107 - REJECTING ALL RESPONSES TO RFQ # 17-01 FOR WATERFRONT CONSULTANTS: According to the agenda support documents Resolution 2017-107 rejects all responses to RFQ #17-01 for waterfront consultants. City Manager Martin explained this is following a presentation last meeting from Dix.+Hite officials and the concern that despite there was no consensus achieved, and based upon discussions the City Manager and City Attorney Bach had with outside counsel this is one of several options to consider; other option were to move on to the second highest scoring firm; forgoing the Dix.+Hite individual meeting with Commissioners payment ($11,500) payment and accepting Dix.+Hite original proposal in the amount of approximately of $268,000 or rejecting all bids and starting the process over again. With the apparent lack of consensus and discussions with City Attorney Bach this may be the best course of action to take at this time.

Mayor Lentz asked if Resolution 2017-107 is rejected will that mean the Commission does not want to hire a consultant to review the City plans and create a master plan.

Vice Mayor Kreger stated the City needs to seriously look at a realistic scope for the waterfront which was one of the Visioning Session goals. Issues of concern are where Alachua Street, Marina and traffic issues. The stormwater project A-5 will start this year with cost share from FEMA which will begin to address infrastructure on Front Street, parking lot B sinkholes and other concerns. A scope can be achieved by doing workshops and working with others. As an enterprise fund it is supposed to be self-supporting and it's not.

Commissioner Poynter noted there was a defined project scope which cost significantly more than was anticipated resulting in "sticker shock". By voting no it's to dial back the scope and investigate more as to what people want and then put it out again.

Commissioner Smith agreed stating there are a lot of irons in the fire and it's time to move forward with current projects and seemingly everything is in the air and nothing is on the ground. Commissioner Miller asked Commissioner Smith for clarification of which projects should move forward. Commissioner Smith noted Alachua Street, the airport terminal project and parking studies. Commissioner Miller acknowledged there is a project scope but the consultants are too expensive however it does need to keep going and the money should not be a complete deal breaker.

Commissioner Poynter commented that historically there have been numerous (waterfront) studies; however the dots have not connected. Nothing was done with the previous parking study from 2009. Without connecting the dots to the connecting projects nothing gets resolved. The consultants would be the necessary liaison between the Commission and the community. Mayor Lentz concurred with Commissioner Poynter.

Commissioner Smith suggested delaying this matter until January 2018 as a new Commissioner will have been elected in the November 2017 election. It's a big project which should not be rushed and there are other projects that need to be completed. Mayor Lentz explained moving forward is not necessarily completing it rather hiring a consultant to connect the dots and then complete the master plan to present to the community and get it on referendum to find out what the community wants going forward.

Vice Mayor Kreger stated it would be problematic to move forward with hiring Dix.+Hite. The bids need to be rejected and move to the second consultant. ATM was involved and then taken out of it and the marina is a major problem. Mayor Lentz said the consultants noted they were working with ATM. Vice Mayor explained the way the qualification system works is to reject the first proposal and move to the second proposal. Commissioner Miller expressed his desire to move forward and despaired over the embarrassing condition of the waterfront stating our community deserves better. Commissioner Smith concurred and said the marina is the biggest problem and conveyed the second bidder had an undesirable presentation. Commissioner Poynter suggested all the bids should be rejected and resent. The project has been in "rush" mode for over twenty years and numerous election cycles have contributed to precluding completion. Commissioner Smith disagreed stating the community does not want something just thrown together before the marina is fixed.

Dr. Chip Ross, 210 N. 3rd Street, quoted Albert Einstein "Insanity is doing the same thing over and over again and expecting a different result." City Hall has boxes of consultant reports accumulated over the last several years and questioned what will be different this time. Connecting the dots is key and a consideration would be to utilize our community of smart, talented citizens who could potentially be the consultants. Also, our planning board is composed of experts, whom the Commission appointed, that could be tasked as the consultants. Staff is overburdened; hiring a full time planner could be an option. An emergent workshop is needed with the railroad to address logistic and safety concerns; without the railroad input a consultant plans are worthless. Replacing the fuel terminal at the marina is paramount and where money should be spent immediately to get the marina up and working. Dr. Ross expressed his desire that the commission vote against hiring another consultant and to ask the planning board for input. **A motion was made by Commissioner Poynter, seconded by Vice Mayor Kreger to reject the bids associated with Resolution 2017-107. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

<u>7.1. SECOND READING OF ORDINANCE 2017- 18 - AMENDING ARTICLE II, BEACHES, SECTION 90-48 BY PROVIDING FOR SPECIAL BEACH DRIVING PERMITS FOR DISABLED PERSONS:</u> City Attorney Bach read Ordinance 2017-18 by title only, which was as follows: 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. The public hearing was opened at this time. There being no comments from the floor, the public hearing was closed. According to the agenda support documents Ordinance 2017-18 amends Section 90-48 of the City Code pertaining to special beach driving permits for disabled persons. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller to approve Ordinance 2017-18. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

<u>8.1. PLANNING ADVISORY BOARD</u> - According to the agenda support documents there was one appointment for the Planning Advisory Board. **A motion was made by Vice-Mayor Kreger, seconded by Commissioner Miller to approve the appointment of Mr. John Boylan. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

<u>9. CITY COMMISSION DISCUSSION ONLY (NO ACTION):</u>

<u>9.1. ENTERPRISE FUNDS</u> - This item is placed on the agenda at the request of Commissioner Smith. This item is postponed until the July 18th City Commission Regular meeting.

CITY MANAGER REPORTS:

THANK YOU: City Manager Martin thanked the City of Fernandina Beach Community Development Department for organizing a working lunch workshop with the Northeast Florida Builders Association to enhance communication between contractors and city staff.

ACKNOWLEDGEMENT: City Manager Martin expressed thanks for Representative Cord Byrd speaking at the recent Chamber of Commerce luncheon.

KUDOS: City Manager Martin thanked Light up Amelia for the annual downtown 4th of July fireworks.

SPEECH: City Manager Martin had the privilege of listening to Mayor Lentz speak to the Chambers Island Council.

BUDGET REVIEW: City Manager Martin continues with the budget reviews that are due on July 18th at the next City Commission Regular meeting.

FUNDS: City Manager Martin announced Federal Emergency Management Agency (FEMA) funds due from Hurricane Matthew for debris removal in the amount of $355,000 are forthcoming approximately $310,000 from FEMA and $45,000 from the State of Florida.

VACATION: City Manager Martin stated he will be out of the office for the remainder of the week.

NOTICE: City Manager Martin announced that Mr. Jeff Kurtz of Fernandina Main Street notified him that the Fernandina Beach United States Post Office will receive an award at the Secretary of State Awards banquet on August 25th.

CITY ATTORNEY REPORTS:

UPDATE: City Attorney Bach stated the Nassau County School Board requested the vacation of right-of-way for Gum Street be placed on the July 18th City Commission Regular meeting agenda. Noting the City Commission previously voted to table this matter, City Attorney Bach requested the City Commission make a motion to remove the vacation of right-of-way for Gum Street from the table so that it may be placed on the July 18th City Commission Regular meeting agenda.

ADMINISTRATIVE APPEAL: City Attorney Bach noted the administrative appeal filed by Dr. Ronald “Chip” Ross will be defended through the City’s insurance company.

CITY CLERK REPORTS: The City Clerk had no reports at this time.

MAYOR/COMMISSIONER COMMENTS:

MARINA: Vice Mayor Kreger asked for an update on fueling for the marina. City Manager Martin explained he is working with Marina Manager Joe Springer on preparing bids and repurposing grants from the Florida Inland Navigation District (FIND).

SEAWALL HOLES: Commissioner Smith asked City Manager Martin to have an engineer determine why there are holes in the seawall and make permanent repairs as it is a liability for pedestrians.

COMMUNICATION: Commissioner Poynter noted social media comments are circulating indicating the Commission is not listening to the public. Commissioner Poynter assured everyone he is listening to everyone, not just the folks who show up at City Commission meetings and noted his votes represent the 12,000 citizens of the City of Fernandina Beach.

FENCE AT ATLANTIC PARK: Commissioner Miller requested City Attorney Bach draft a letter to the Nassau County School Board stating the City will accept responsibility for the removal of the fencing and maintenance of the lawn area located on Atlantic Avenue (across from Central Park) as was pledged by the school board at the joint meeting on March 28, 2017.

HEIGHT RESTRICTION: Mayor Lentz consulted the Commission about the possible height restriction violation at a house on Fletcher Avenue.

ANTI-TETHERING: Mayor Lentz asked for clarification on the status of the County's anti-tethering law. Consensus is that the law has been passed.

ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 7:26 pm.

ATTEST:

Caroline Best

Caroline Best
City Clerk

John A. Miller
Mayor