The City Commission of the City of Fernandina Beach, Florida, met in a Regular Meeting on Tuesday, July 18, 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 Reverend Stephen Mazingo of St. Peter's Episcopal Church.

4.1 PROCLAMATION - RETIREMENT OF MS. JANET HARRIS: Mayor Lentz read the Proclamation in full recognizing Ms. Janet Harris upon her retirement May 31, 2017 after nineteen years and six months of dedicated service to the City of Fernandina Beach. Ms. Harris was present to accept the proclamation and thanked Comptroller Patricia Clifford and the entire finance staff noting she was very fortunate to live and work in the City of Fernandina Beach.

4.2 PROCLAMATION - STORMWATER PROJECT FUNDING: Mayor Lentz read the Proclamation in full and expressed appreciation to Florida State Senator Aaron Bean, Florida House of Representative Cord Byrd and Mr. Buddy Jacobs, Esquire, for successfully securing $500,000 in state funding for stormwater repairs. State Representative Cord Byrd, Austin Nicholas on behalf of Senator Aaron Bean and Buddy Jacobs were present to accept.

4.3 PROCLAMATION - GULLAH/GEECHEE NATION APPRECIATION WEEK: Mayor Lentz read the Proclamation in full proclaiming July 29, 2017 - August 6, 2017, as "Gullah/Geechee Nation Appreciation Week". Queen Quet, Chieftess of the Gullah/Geechee Nation and Glenda were present to accept the Proclamation and invited all to the festival on St. Helena Island.

4.4 PRESENTATION - ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD): Mr. Geoffrey Sample of SJRWMD made a ceremonial check presentation to the City Commission for the recently awarded Area-1 cost-share stormwater project. City Engineer Andre Desilet was in attendance to accept the award from Mr. Sample who commended the department on their presentation amidst the highly competitive process. Mr. Sample said it is critical to partner with local governments and is pleased to have a partnership with the City. Vice Mayor Kreger noted in the last two years the City has received almost $2 million dollars for the City's stormwater projects, thanks to state representatives.

4.5 PRESENTATION - LIGNOTECH FLORIDA: Mr. Anders Sjode representing Borregaard in partnership with Lignotech provided a brief update on the Lignotech expansion project. Mr. Sjode thanked the City and citizens for the opportunity to be part of the community and showed a slide presentation which explained the process of lingo extraction, environmental impact, and the end result product. Mr. Sjode introduced new team members including Mr. Lance Richardson of Manufacturing Operations, Ms. Kristina Vickers Human Resources Manager, Mr. Scott Saettel Production Manager and Mr. Mark Holt a thirty-five year employee of Rayonier, partnering in the project. Lignotech is slated to recruit approximately forty-five more employees.

4.6 PRESENTATION – OCEAN HIGHWAY AND PORT AUTHORITY: Mr. Adam Salzburg of the Ocean Highway and Port Authority (OHPA) presented a ceremonial check for $50,000 for the PILOT (Payment in Lieu of Taxes) program to the City Commission for Fiscal Years 2016/2017.

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

4.8 PRESENTATION – PROPOSED FY 17/18 BUDGET: City Manager Martin provided a brief overview and presentation regarding the proposed FY 17/18 budget and comparisons. The general fund is the City's primary checking account where most of the revenues and operations originate and is funded primarily by property taxes which came in at approximately $11 million dollars this year. 2017 millage rate is 6.0682 and 2018 is 6.0000, a mil is $1.00 for every $1000 of taxable property value. 2017 is $1.8 billion dollars, 2018 $2.02 billion dollars. Revenue is budgeted at an average 96%.

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

MARINA: Mr. Bob Allison, 96034 Sandy Point Circle, stated some citizens and elected officials may remember he was instrumental in developing the downtown waterfront in the 1980's. Mr. Allison acknowledged the engineers who designed the Marina did not foresee the costly and recurring dredging needs. Mr. Allison provided a presentation and noted he recently distributed a waterfront plan which allowed for enough new land for both a waterfront park and new parking. Mr. Allison recommended establishing a new bulk head line as the existing bulkhead has exceeded its life expectancy and extending the new bulkhead would create the land necessary for the new waterfront park and new parking.

PARKING: Mr. Philip Chapman, 2120 Florida Avenue, stated he was at the parking workshop last Friday night and is concerned with City staff's talk of moving forward with the idea of paid parking downtown. Mr. Chapman is concerned this will become another unconnected dot in the overall waterfront development area. Before the City looks into paid parking, Mr. Chapman recommends looking at the totality of the unconnected dots.

COYOTES: Ms. Tezmia Gray, 1100 Lime Street, #28, expressed concern regarding the many coyotes on the island, explaining the animals are out in the night time and day time and that residents are frightened and requested assistance. Mayor Lentz noted she has reached out to the Florida Fish and Wildlife Commission who indicated citizens can trap the coyotes themselves or hire a professional trapper. Information has been posted on the City's website and social media sites.

WATERFRONT CONSULTANT: Mr. Leslie Rohde, 645 King George Lane, indicated Fernandina Beach residents are engaged, skilled, very intelligent, highly invested and have the time available to assist the City in creating a waterfront master plan which would have community buy-in. Mr. Rohde stated the community involvement process is more desirable than hiring an outside consultant to do the same thing residents are willing to do at no charge to tax payers.

6.CONSENT AGENDA: The following two items were on the consent agenda and approved by one motion.

6.1. RESOLUTION 2017-108 APPROVING A LEASE AGREEMENT WITH CANON

SOLUTIONS AMERICA FOR COPY EQUIPMENT: According to the agenda support documents Resolution 2017-108 approves a lease agreement with Canon Solutions America for forty-eight months for the estimated amount of $3,625 per month. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Miller to approve Resolution 2017-108. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

6.2 RESOLUTION 2017-109 APPROVING THE EXTENSION OF WATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 1.51 ACRES LOCATED AT 1588 CLINCH DRIVE: According to the agenda support documents Resolution 2017-109 authorizes the extension of water services to the property owners identified, whose property is located at 1588 Clinch Drive and noted as parcel 00-00-30-0800-0000-0050. Also approves the Voluntary Annexation Petition. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Miller to approve Resolution 2017-109. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

7.1 RESOLUTION 2017-101 REQUIRED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S (FDEP) DIVISION OF WATER RESTORATION ASSISTANCE, TO DEMONSTRATE ONGOING SUPPORT FOR THE NASSAU COUNTY SHORE PROTECTION PROJECT BY AGREEING TO CONTINUE SERVING AS THE LOCAL SPONSOR, TO PROVIDE THE LOCAL COST SHARE, AND TO IDENTIFY THE SOURCE OF THE LOCAL COST SHARE: According to the agenda support documents Resolution 2017-101agrees to provide continuing support for the Nassau County Shore Protection project, to continue serving as the local sponsor of the project, and to provide the local cost share. **A motion was made by Commissioner Poynter, seconded by Commissioner Smith to approve Resolution 2017-101.** Vice Mayor Kreger explained he would like to clarify this Resolution and the following two Resolutions: this is a combination of the Navy program where we (City of Fernandina Beach) receive free sand almost every year, the City of Fernandina Beach 2008 fifty year plan which has a cost share of 79% federal, 9% funding from the State of Florida and the remaining 11% is split by the City and Nassau County. This represents an unbelievable savings to the City of Fernandina Beach. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

7.2 RESOLUTION 2017-102 APPROVING THE PROJECT COOPERATION AGREEMENT (PCA) FOR THE NASSAU COUNTY SHORE PROTECTION PROJECT: According to the agenda support documents Resolution 2017-102 approves the Project Cooperation Agreement with the Department of the Army for the Nassau County Shore Protection Project. **A motion was made by Commissioner Poynter, seconded by Vice Mayor Kreger to approve Resolution 2017-102. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

7.3 RESOLUTION 2017-103 APPROVING AN AMENDMENT TO THE CAPITAL IMPROVEMENT FUND BUDGET FOR FISCAL YEAR 2016/2017: According to the agenda support documents Resolution 2017-103 approves the transfer of funds for beach renourishment costs. City Manager Martin stated this is a funding project with a local match of $1.6 million of which the City is the lead agency. 46% will be funded by the Florida Department of Environmental (FDE), the balance will be funded by the City and Nassau County and upon his (City Manager Martin's) request to Nassau County for their share, Nassau County subsequently made a request to the Tourist Development Council (TDC) to fund the entire $864k City and County cost share. This tentatively scheduled to be considered by the Nassau County Board of County Commissioners on July 24, 2017. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Miller to approve Resolution 2017-103. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

7.4 RESOLUTION 2017-110 APPROVING THE NOTICE TO PROCEED FOR THE CONSTRUCTION OF THE GENERAL AVIATION TERMINAL BUILDING PROJECT AT FERNANDINA BEACH MUNICIPAL AIRPORT TO F&G CONSTRUCTION: According to the agenda support documents Resolution 2017-110 provides a Notice to Proceed to F&G Construction for the building and site work associated with the General Aviation Terminal Building project. City Manager Martin gave a power point presentation explaining the bid opening process, observing F&G Construction was the lowest bidder. City Manager Martin went on to explain the airport finances and repackaging debt, noting bond decisions are not critical at this time and therefore the City will wait to hear from its Financial Advisor for recommendations.

Mr. Andrew Curtin, 1227 South Fletcher Avenue, is opposed to the design of the general aviation terminal building which, as it stands now, will be constructed without the nose or tail assemblies. The general aviation terminal building was originally intended to be constructed as a Category 5 hurricane complaint structure which would have served as a multipurpose building and emergency services command post during storm events. Mr. Curtin expressed concern regarding expenses associated with the general aviation terminal building depleting the airports' reserves.

Mr. Clinch Kavanaugh, 102 North 6th Street, stated he agrees with Mr. Curtin's assessment. In the 1940's the tax payers of this community put together the money to buy the airport property for the Army to come and build an airport. Mr. Kavanaugh explained the City must start getting, somehow, the south end property owners, the primary beneficiaries of the airport, to begin paying local tax dollars island wide. As it is now, they pay zero which is fundamentally unfair.

Vice Mayor Kreger commented the Airport Master Plan defines the direction of the Airport. When it was determined the City was going to construct a new terminal building the City Commission formed a committee which was tasked with generating conceptual plans for the new general aviation terminal building. The conceptual building design was approved by the

City Commission. The Airport Advisory Committee has also endorsed this project. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to approve Resolution 2017-110.** Commissioner Smith stated the original general aviation terminal building project was approved by the City Commission for $2.8 million dollars. The project has since ballooned to $6 million dollars which makes the square foot pricing of the building over $400/per square foot; this is exceptionally high. The nose and tail sections, which will be bid separately, and a poor decision, are going to cost over $400,000 which is an unjustifiable expense. This bid has been poisoned and he does not agree with the way the City has handled this project.

Mayor Lentz asked City Manager Martin to explain how the airports capital projects and grant portions of the capital projects are guaranteed. City Manager Martin responded those projects, which are part of the airport five year Capital Improvement Plan (CIP), are submitted by application to the Florida Department of Transportation (FDOT) and the Federal Aviation Administration (FAA) - these applications go into their ques. FAA and FDOT then allocate their monies based upon the City's applications and project submissions. Passero & Associates Program Manager Andrew Holesko, commented FDOT has an approved six year work program which identifies projects and sources of funding based on the expected allocation of capital improvements state wide within the aviation program. Each of the projects that the City Manager mentioned this evening are listed on the City's CIP which the FAA and the FDOT review and the first three projects are the fuel farm, the bulk hangar and the t-hangar project; state funding is lined up for those projects in that year. Obviously with the FDOT noting as long as their expected capital improvement program is approved by the state. Mayor Lentz asked Mr. Holesko to elaborate on runway asphalt replacement grant funding. Mr. Holesko referred to a presentation slide and explained runway 4/22 is scheduled for FAA funded resurfacing in the year 2020 with the FAA providing 90% funding, FDOT and the City providing 5% funding each. Runway 13/31 is not scheduled to receive outside funding for resurfacing which means the City will have to bear the cost of resurfacing Runway 13/31in the approximately year 2025, the cost of which will be roughly $700,000. Runway 9/27 resurfacing is scheduled to receive 80% funding from FDOT 80 and 20% funding from the FAA. Mayor Lentz reflected she likes the different and unique design of the airport terminal building and expressed apprehension related to the finance plan noting she does not want to but the airport in a bad financial position when Runway 13/31 resurfacing will be needed.

Commissioner Smith asked City Manager Martin who would be supplying the approximate $480,000 to construct the airport terminal building nose and tail sections. City Manager Martin noted the nose and tail funding has not been discussed at this point in time because the focus for tonight is solely on the base site and the base building. Should additional funds become available whether from internal sources due to construction savings or other state funding, the plan is we will find a way to incorporate the nose and tail sections. **Vote upon passage of the motion was taken by ayes and nays as follows:**

Vice Mayor Kreger: Aye

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

Motion carried.

7.5 RESOLUTION 2017-111 APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2016/2017 FOR ITEMS RELATED TO HURRICANE MATTHEW: According to the agenda support documents Resolution 2017-111 approves the transfer of funds relating to Hurricane Matthew expenses. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to approve Resolution 2017-111. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

7.6 RESOLUTION 2017-112 APPROVING A "RIGHT-OF-WAY USE PERMIT" FOR 3670 SOUTH FLETCHER AVENUE: According to the agenda support documents Resolution 2017-112 approves the "Right-of-Way Use Permit" for 3670 South Fletcher Avenue. **A motion was made by Commissioner Poynter, seconded by Vice Mayor Kreger to approve Resolution 2017-112. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

7.7 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, 1899 South Fletcher, requested the City Commissioners support this grant submittal which supports the Marina moving north.

Vice Mayor Kreger stated this grant is from last year and what concerns him about this grant and the marina in general is that this grant requires a $1.5 million match. The City also has a $1.6 million dollar grant match for Federal Emergency Management Agency (FEMA) repairs related to Hurricane Matthew. Florida Inland Navigation District (FIND) funding will be received in the approximate amount of $180,000. The City's CIP has this project scheduled in 2019 and 2020. It seems this is more complicated because a permit has never been submitted to move the channel. He has a hard time with the whole financial status of the Marina. Commissioner Smith noted the City Golf Course hemorrhages money same as the Marina. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller to approve Resolution 2017-105. Vote upon passage of the motion was taken by ayes and nays as follows:**

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

Motion carried.

7.8 RESOLUTION 2017-113 REQUESTING ASSISTANCE UNDER THE FLORIDA INLAND NAVIGATION DISTRICT (FIND) WATERWAYS ASSISTANCE PROGRAM: According to the agenda support documents Resolution 2017-113 requests assistance under the Florida Inland Navigation District (FIND) Waterways Assistance Program for re-purposing an existing grant in the amount $89,306.00 for repairs to the Fuel Dock. **A motion was made by Commissioner Smith, seconded by Commissioner Miller to approve Resolution 2017-113. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

81. FIRST READING OF ORDINANCE 2016-40 APPROVING A VACATION OF PUBLIC RIGHT-OF-WAY FOR A PORTION OF GUM STREET TOTALING APPROXIMATELY 600 LINEAR FEET EXTENDING BETWEEN CITRONA DRIVE AND THE EGANS CREEK GREENWAY: City attorney Bach read Ordinance 2016-40 by title only which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A VACATION OF PUBLIC RIGHT-OF-WAY WITH SPECIFIC TERMS AND CONDITIONS FOR A PORTION OF GUM STREET TOTALING APPROXIMATELY 600 LINEAR FEET EXTENDING BETWEEN CITRONA DRIVE AND JUST WEST OF THE EGANS CREEK GREENWAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." City Attorney Bach noted the reason this Ordinance in numbered 2016-40 is because this goes back to last October. City Attorney Bach presented a slide and offered a brief history; this item was approved by the City Commission on first reading, on second reading it was removed from the agenda without any action. This Ordinance before the Commission tonight is different because the proposed buyer of the property, who is under contract with the Nassau County School Board, has met with some of the Commissioners and showed them plans to construct a residential subdivision. One of those plans is dependent on this right-of-way being vacated; another plan is assuming the right-of-way will not be vacated. Some of the things City Attorney Bach knows the proposed buyer has discussed and have now been put into the Ordinance as conditions which means the developer, or buyer, or eventual buyer and the Nassau County School Board are bound to these conditions. So if this Ordinance passes tonight and comes back for second reading and passes, with these conditions, the property owner and the City are bound by these conditions: Florida Department of Transportation (FDOT) surpluses and transfers clear title to the City to two parcels on Egans Creek Greenway that are contiguous to the Nassau County School Board property and Gum Street in order to satisfy the requirement of Section70-40 of the City Code

regarding access to other property, and if FDOT does not deed these parcels to the City by the time for approval of the preliminary plat for Amelia Bluff subdivision by the City, the property owner shall dedicate property sufficient for ingress/egress, satisfactory to the City, for access to/from the FDOT properties along the Egans Creek Greenway contiguous to the Gum Street right-of-way; and the Nassau County School Board or its successor in interest shall transfer clear title to all jurisdiction wetlands on the property to the City in fee simple to be set aside as conservation land; and the Nassau County School Board or its successor in interest shall donate $115,000 to the City for use in the City's land conservation efforts. According to the agenda support documents Ordinance 2016-40 approves the vacation of a portion of Gum Street, an unopened public right-of-way totaling approximately 535 linear feet between Citrona Drive and the Egans Creek Greenway. City Attorney Bach also noted that the area marked in red on the slide, which is the area that has been requested to be vacated, has been reduced.

Ms. Brenda Ezell, Esquire, 3560 Cardinal Point Drive, Jacksonville, Florida, representing the Nassau County School Board stated she was in attendance to answer any questions.

Mr. Wirt Beard, 80 Players Club Village Road, Ponte Verde Beach, Florida, on behalf of the company contracted to purchase the property. Commented City Attorney Bach accurately described what they are trying to accomplish, and wants to be clear there are two ways to develop the property and they prefer one as opposed to the other but they can do it either way and are committed to a doing a quality development.

Mr. Philip Chapman, 2120 Florida Avenue, asked the City Commissioners to review the Letter of Intent which is part of the agenda packet as there are several items to point out: the applicant believes that all criteria set forth in City of Fernandina Beach Ordinance Code Section Sec. 70-40 (Vacation of public rights-of-way), have been met as follows: Land Development Code Policy 2.04.04., the City shall not abandon any existing rights-of-way instead encourage dedication, preservation, and protection of existing and proposed rights-of-way during the development review process. The applicant indicates in the Letter of Intent that "in this instance, the right-of-way has never been constructed, open for public use or necessary for the access to any other property than the property being developed." Mr. Chapman asked City Attorney Bach whether there is a statute of limitation on the City use of a right-of-way. City Attorney Bach replied "no". Mr. Chapman indicated that then makes this part of the applicant's argument moot.

Mr. Chapman questioned Land Development Code Policy 2.04.05., when requesting abandonment of the existing rights-of-way is unavoidable, the applicant shall demonstrate the following for any proposed vacation of a City right of-way: "right-of-way is no longer required for public use and could not reasonably be utilized as a through street, sidewalk, bicycle lane or any other public function such as parking, stormwater management, utility location or open space. The applicant indicates in the Letter of Intent; "this right-of-way has never been used by the public, and has never been constructed, and therefore cannot be used as a through street, sidewalk, bicycle lane or any other public function." Mr. Chapman asked how this could be; if the property is of use to the applicant is surely is of use for the City. The Letter of Intent also references public interest; anyone who has traveled Citrona Drive knows that adding more homes is not in the public interest, especially during school dismissal times. The Letter of Intent also talks about no environmental feature being impacted; he has sat in these Chambers and with great pride listened to this Commission defend animals with anti-tethering laws and banning puppy mills and protecting turtles, if we vacate this right-of-way are we not impacting the animals around Egans Creek. Mr. Chapman requested the Commissioners not support this Ordinance and that although the Nassau County School Board would get the money from the sale of this property there is no guarantee any students in Fernandina Beach would benefit as the Nassau County School Board indicated they can do whatever they want with the money.

Ms. Margaret Kirkland, 1377 Plantation Point Drive, representing the Amelia Tree Conservancy, stated her organization is very concerned with the loss of this property on Egans Creek. It is a large piece of property and it's lose will determine what happens on the west side of Egans Creek from now on. This particular piece of property is the largest remaining and best example of a maritime forest in Fernandina Beach. This is not just any piece of property. As you know, we are dependent upon trees for a variety of reasons; they cool the island, avoid temperature extremes, help prevent further degradation of Egans Creek from fertilizer and other chemicals, they protect homes from wind damage and help protect from flooding and storms. Based on studies the trees on this property have the capacity to intercept 1,654,201gallons of storm water per year. The trees also have the capacity to improve the quality of our air greatly by removing 25.25 pounds of carbon monoxide annually, 94.16 pounds of nitrogen dioxide annually, 922.94 pounds of ozone annually, 46.9 pounds of ozone particulate matter annually, 28.68 pounds of sulfur dioxide annually. The value of this air quality is $4,000,603.90 per year.

Dr. Chip Ross, 210 North 6th Street, stated the City has an award winning Comprehensive Plan. Section 2.04.04 states the City shall not abandon any existing rights-of-way instead encourage dedication, preservation, and protection of existing and proposed rights-of-way during the development review process. This vacation of this right-of-way will be detrimental to the City's Comprehensive Plan. Comprehensive Plan 2.04.05., when requesting abandonment of the existing rights-of-way is unavoidable, the applicant shall demonstrate the following for any proposed vacation of a City right of-way: a. The right-of-way is no longer required for public use and could not reasonably be utilized as a through street, sidewalk, bicycle lane or any other public function such as parking, stormwater management, utility location or open space; b. The proposed vacation is in the public interest; c. The proposed vacation would preserve or protect an environmental, historical or cultural feature of the City; and d. The proposed vacation will be offset by at least one public access through street connection. The applicant has given no reason as to why the abandonment of the existing right-of-way is unavoidable. The applicant has not shown why this area cannot be used for open space connecting Egans Creek Greenway. The proposed vacation has the potential to degrade wetlands, the application has not demonstrated how the abandonment will preserve and protect adjacent wetlands and marshes. Dr. Ross urged the

City Commissioners not to support this vacation of right-of-way.

Vice Mayor Kreger noted this is private property zoned as R-1, the developer will build houses here. We have the choice of allowing twenty-nine houses or thirty-two houses. The plan to build twenty-nine houses is unacceptable in his mind. The wetlands donation is appropriate. Commissioner Poynter commented he has seen both plans and without the vacation the builder will have to use Hickory Street, which is right now, an unpaved nice walkway to Egans Creek Greenway. The developer would be able to pave Hickory Street because it is a Street but paving Hickory would absolutely be at the backdoor of the Shell Cove subdivision property owners. The property owners in Shell Cove are begging to have the Gum Street right-of-way vacated so that Hickory Street is not paved. But the vacation represents a poorer design for the neighborhood. Commissioner Poynter asked Ms. Ezell if, as a good will gesture, would the Nassau County School Board be willing to remove the chain link fence on Atlantic Avenue located in front of the School Board property? Ms. Ezell stated she is not a liberty at this time to make any concessions on behalf of the Nassau County School Board. **A motion was made by Vice Mayor Kreger seconded by Commissioner Poynter to approve Ordinance 2016-40 with the condition that the Nassau County School Board remove the chain link fence in front of the School Board property on Atlantic Avenue.** Commissioner Miller asked Mr. Beard, of the two plans presented, will the one that places the retention pond closer to Citrona Drive be the plan that is constructed. Mr. Beard replied "yes, sir". Mayor Lentz specified she would be abstaining from the vote because she works for the Nassau County School Board. City Attorney Bach stated she had one comment before the vote, on the fourth condition on the Ordinance; the Nassau County School Board has to agree to the fence removal on Atlantic Avenue. If we get to second reading and the School Board still has their heels dug in and they will not remove the fence then if it remains a condition of the Ordinance it will not pass at second reading. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried (Abstained – Mayor Lentz)**.

CITY MANAGER REPORTS:

BUDGET: City Manager Martin expressed gratefulness to Comptroller Patti Clifford for supporting the budgetary efforts.

CONGRATULATIONS: City Manager Martin congratulated the six candidates who have chosen to run for City Commission.

DEPARTMENTS: City Manager Martin provided copies of the monthly departmental reports and noted the following: he will be working with the Police Department Wednesday, July 19; newly hired Airport Manager Mr. Nathan Coyle begins August 15th, employment applications are being reviewed for the Grants Administrator and Comptroller open positions, Facilities Maintenance Director Jeremiah Glisson will lead a discussion on solid waste and recycling to prepare for the solid waste contract that expires next June 2018 at the August 15th City Commission Regular Meeting.

CONFERENCE: City Manager Martin announced reservations and applications are still open for the annual Florida League of Cities conference being held in Orlando, Florida, August 17-20.

CITY ATTORNEY REPORTS:

LAWSUIT: City Attorney Bach reported a motion to dismiss and strike portions of Dr. Ronald "Chip" Ross lawsuit resulted in five of seven issues being dropped. A public hearing will be held August 8th to address the two remaining issues regarding land use and Florida Statutes pertaining to City ordinances.

AIRPORT: City Attorney Bach eagerly anticipates the new Airport Manager Mr. Nathan Coyle's arrival. There are prospective leases being considered including a hangar with a projected thirty year lease.

CONFERENCE: City Attorney Bach will attend the Florida City Attorney conference July 26-28th.

CITY CLERK REPORTS:

CONGRATULATIONS: City Clerk Best congratulated the six candidates running for City Commission and offered guidance through the process in answering any questions in the Clerk's office if needed. Candidate and campaign treasure information is available on the City's website.

MAYOR/COMMISSIONER COMMENTS:

AFFORDABLE HOUSING: Vice Mayor Kreger reported the Nassau County Affordable Housing Committee will meet again this month to draft a survey to assess needs.

TRIATHLON: Vice Mayor Kreger expressed concern about the triathlon held this past weekend as five participants were hospitalized and the event closed the beach parking lots for three days forcing residents and vacationers to seek out other beaches that may not have been guarded, a safety issue.

EVENTS: Commissioner Smith suggested examining the for profit event that poses safety concerns.

VACATION: Commissioner Poynter noted he will not be in attendance for next week's special budget meeting and noted he supports the proposed millage rate which will be considered by his follow Commissioners at that time.

CONGRATULATIONS: Commissioner Miller congratulated and thanked City Manager

Dale Martin for the clear concise budget presentation.

<u>THANK YOU</u>: Commissioner Miller extended a thank you to City Clerk Caroline Best for the fantastic Gullah/Geechee proclamation and noted that as a friend of Queen Quet, the nation is very active in defending the Atlantic coastline.

<u>KUDOS:</u> Commissioner Miller expressed a big thank you to the City lifeguards who are doing a great job this summer enforcing beach and water safety. Ocean Rescue Lifeguard appreciation is August 12th.

<u>CONGRATULATIONS:</u> Mayor Lentz congratulated Finance Accountant Janet Harris on her retirement.

<u>WILDLIFE:</u> Mayor Lentz broached the increasing coyote population along with vocal citizen concern and asked the City Manager to research options and costs to control the situation.

<u>LIBRARY:</u> Mayor Lentz proffered naming the Nassau County Library Fernandina Beach Brach Public Library after Mr. Bill Flynn (ante mortem) for his dogged dedication to the many years long fund raising and subsequent library renovation project.

<u>ADJOURNMENT:</u> There being no further business to come before the City Commission, the meeting was adjourned at 8:34 pm.

ATTEST:

Caroline Best
____
Caroline Best
City Clerk

____
John A. Miller
Mayor-Commissioner