The City Commission of the City of Fernandina Beach, Florida, met in a Regular Meeting on Tuesday, November 8, 2017 at 6:00 pm in the City Commission Chambers. Present were Mayor Robin Lentz presiding, Vice Mayor Kreger, Commissioners John A. 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 Baptist Medical Center Nassau Senior Chaplain Reverend James Tippins.

4.1 PROCLAMATION - NATIONAL AMERICAN INDIAN HERITAGE MONTH: Mayor Lentz read the Proclamation in full proclaiming the month of November, 2017, as "National American Indian Heritage Month". Dr. Nadine D'Ardenne, American Indian Representative, was present to accept the Proclamation. Dr. D'Ardenne offered her thanks and noted being finally at a place in this country where it is known what native America Indians have experienced.

4.2 PROCLAMATION - TREES FOR AMERICA'S TROOPS, INC.: Mayor Lentz read the Proclamation in full recognizing Trees for America's Troops, Inc. for providing United States military servicemen and servicewomen on deployment with decorated Christmas trees and essential items to help them overcome the drudgery and hardships of faraway duty. Trees for America's Troops, Inc. President Ms. Judi Brown-Mixon and Mr. Brown were in attendance to accept the proclamation and spoke to her great-nephew, Kelly Mixon, who graduated from Fernandina Beach High School, attended FL State and decided to follow in his Father's military footsteps only to be slain in the line of duty days before his 24th birthday. Dedicated community support with ongoing fundraisers makes for successful, well received donations to the troops in honor of Mr. Mixon's sacrifice.

4.3 PROCLAMATION - PÉTANQUE AMELIA ISLAND OPEN: Mayor Lentz read the Proclamation in full recognizing the 8th Annual Pétanque Amelia Island Open and the tournament's founder, Mr. Philippe Boets, the Official Ambassador of the Pétanque Amelia Island Open. Mr. Boets was in attendance to accept the proclamation and shared the credit for the help and assistance noting "sometimes the best captains are on shore".

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

WETLANDS: Mr. Lynn Williams, 1899 S. Fletcher Avenue, as a member of the Board of Adjustment (BOA), although not speaking for the BOA, is in support of changing the rules somewhat however filling wetlands cannot be considered for a variance. Showing a presentation which included language from the Comprehensive Plan that clearly states wetlands cannot be filled and the state of Florida law concurs and deems any structure built on wetlands can be razed if in violation. A suggestion would be to offer workshops on variances and making the law clear in an effort to avoid legal issues and costs.

ELECTION RESULT OBSERVATION: Mr. Leslie Rohde, 645 King George Lane, is a marketer whose job is to understand what people want. Mr. Rohde most recently worked on prospective candidate Mr. Medardo Monzon's unsuccessful campaign. Observations from this year's election included a 50% increase in mail in votes with a 30% voter turnout resulting in the defeat in Group 2 of the longest sitting Commissioner losing to a relatively unknown newcomer. In Group 3 there were three candidates with the most moderate candidate finishing at the bottom with two controversial candidates vying in a runoff to be determined on December 12th. The seemingly much ignored marina and questionable airport terminal building construction may be two reasons for the vote results. The two tenured commission member's departures will be marred by two widely held perceptions, one the failure to restore the marina and two, a "dereliction of duty" to go forward with the airport terminal building construction contrary to public opposition. Mr. Rohde offered his assistance to the remaining commission members as the same "perceived crimes" may surface next year and be their unseating.

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

6.1 RESOLUTION 2017-167 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 2017-167 declares certain property as surplus, and authorizes the disposal of such. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-167. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.2 RESOLUTION 2017-168 APPROVING THREE ADDITIONAL APPLICATIONS FOR CITY SEWER, REFUSE, AND STORMWATER EXEMPTION FOR FISCAL YEAR 2017/2018: According to the agenda support documents Resolution 2017-168 approves three additional applications for exemption of payment for City Sewer, Refuse, and Stormwater costs for the months of October 1, 2017, through September 30, 2018. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-168. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

6.3 RESOLUTION 2017-169 AWARDING RFP# 17-03 FOR DISASTER PUBLIC ASSISTANCE SERVICES TO WITT O'BRIEN'S, LLC; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR SAME: According to the agenda support documents Resolution 2017-169 Awards RFP #17-03 for the City's disaster public assistance services to Witt O'Brien's, LLC. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-169. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.4 RESOLUTION 2017-170 APPROVING THE UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION: According to the agenda support documents Resolution 2017-170 approves the Utility Work by Highway Contractor Agreement between the City of Fernandina Beach and the Florida Department of Transportation (FDOT). Also authorizes the City Manager to bind the City for deeds, easements, agreements, licenses, permits and other agreements related to any services, facilities or usage of properties and rights-of-way owned by the FDOT costing no more than $20,000**. A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-170. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.5 RESOLUTION 2017-171 APPROVING FINAL PLAT, PAB CASE 2017-10 TITLED "DUNES OF AMELIA, PHASE TWO": According to the agenda support documents Resolution 2017-171 accept and approves the plat titled "Dunes of Amelia, Phase Two" as a final plat. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-171. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

6.6 RESOLUTION 2017-172 APPROVING PRELIMINARY PLAT, PAB CASE 2017-11 TITLED "LAKESIDE RESERVE": According to the agenda support documents Resolution 2017-172 accepts and approves the plat titled "Lakeside Reserve" as a preliminary plat.**A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-172. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.7 RESOLUTION 2017-173 APPROVING AMENDMENTS TO THE POLICE, FIRE, STREETS, PARKS & RECREATION, GOLF, WASTEWATER, WATER, AND FLEET BUDGETS IN FY 2016/2017: According to the agenda support documents Resolution 2017-173 approves transfers within respective Departments/Funds for FY 2016/2017. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-173. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.1 RESOLUTION 2017-174 APPROVING A MASTER SERVICES AGREEMENT WITH COMCAST ENTERPRISE SERVICES TO PROVIDE A MANAGED METRO-ETHERNET WIDE AREA NETWORK SOLUTION: According to the agenda support documents Resolution 2017-174 approves the Comcast Enterprise Services Master Services Agreement, the First Amendment to the agreement, and the Renewal Service Order. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution 2017-174. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.2 RESOLUTION 2017-175 APPROVING THE PURCHASE OF TWO SERVERS AND A STORAGE DEVICE FROM DELL, INC.; AUTHORIZING EXECUTION: According to the agenda support documents Resolution 2017-175 approves the purchase of two servers and a storage device from Dell, Inc. and the purchasing agreement. **A motion was made by Commissioner Poynter, seconded by Commissioner Smith to approve Resolution 2017-175. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**.

7.3 RESOLUTION 2017-176 APPROVING AMENDMENTS TO THE GOLF COURSE AND AIRPORT FUNDS IN FISCAL YEAR 2017/2018 FOR TWO PROJECTS CARRIED OVER FROM FISCAL YEAR 2016/2017: According to the agenda support documents Resolution 2017-176 approves a transfer of $35,600 to the Golf Repairs/Maintenance Grounds account from the Golf Reserve account and a transfer of $202,850 to the Airport Repairs/Maintenance Building and Grounds account from the Airport Reserve account. **A motion was made by Commissioner Miller, seconded by Commissioner Poynter to approve Resolution 2017-176.** Mr. C.N. Corbett, 106 N. 15th Street, asked if the $202,000 was coming out of the airport fund and how much money would be left over. City Manager Martin believed the money to be coming from the insurance proceeds of $80,000 and $24,000 from the airport enterprise fund and the additional $100,000 will transfer from the airport reserve account leaving approximately $200,000. Finance Comptroller Patti Clifford commented the project was slated to be finished by the end of the last fiscal year leaving reserves higher than anticipated and is just being carried forward into this year leaving the same amount of reserves. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.4 RESOLUTION 2017-177 AUTHORIZING A GRANT AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) TO ACCEPT $500,000 AWARD FOR NORTH FLETCHER DRAINAGE IMPROVEMENTS – NORTH DOWNTOWN DRAINAGE IMPROVEMENTS – AREA 5: According to the agenda support documents Resolution 2017-177 authorizes the City to enter into Agreement No. LP45011 with FDEP in the amount of $500,000 for the North Fletcher Drainage Basin Project. Vice Mayor Kreger commented this grant is from the state of Florida and is non matching following the $900,000 from last year along with a $271,000 cost share from St. John's River Water Management District, this funding has significantly reduced the stormwater problem, an issue all the candidates support. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to approve Resolution 2017-177. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.5 RESOLUTION 2017-178 AUTHORIZING A COST-SHARE AGREEMENT WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) TO ACCEPT $251,283 TO UPGRADE EXISTING DRAINAGE IN AREA 1 (NORTH 15TH STREET AREA): According to the agenda support documents Resolution 2017-178 authorizes the City to enter into a cost-share agreement with SJRWMD to accept an award of $251,283 for the construction improvements to the Area 1 drainage system. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to approve Resolution 2017-178. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.6 RESOLUTION 2017-179 REQUESTING AN EASEMENT TO BE GRANTED FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR THE AREA BY FT. CLINCH STATE PARK PROPERTY FOR MAINTENANCE OF EXISTING DRAINAGE DITCH: According to the agenda support documents Resolution 2017-179 authorizes the City to request a maintenance easement along the existing ditch from the FDEP. Stormwater Manager Andre Desilet noted in 2014 this easement was originally requested as part of the N. Fletcher drainage improvements using the $900,000 state grant. There were some obstacles regarding permitting through the FDEP and stormwater was rerouted to the south. During the recent hurricane there was significant flooding on the north end, the only drainage is an abandoned mosquito control ditch that crosses Ft. Clinch State Park property however the ditch is not maintained by the park. The current proposal offers to acquire the ditch, lower the maintenance impact, and alleviate concerns raised during the original easement process. Vice Mayor Kreger interjected a cost share was requested from SJRWD and Stormwater Manager Desilet crafted a local mitigation strategy and once it is identified it will be done. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Smith to approve Resolution**

2017-179. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

7.7 RESOLUTION 2017-180 DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE ITSELF FROM THE PROCEEDS OF DEBT FOR EXPENSES TO BE INCURRED WITH RESPECT TO A CERTAIN PROJECT; AUTHORIZING CERTAIN INCIDENTAL ACTIONS: According to the agenda support documents Resolution 2017-180 approves reimbursement to the City from a future debt issue for costs related to the General Aviation Terminal project incurred before the debt is issued. **A motion was made by Commissioner Miller, seconded by Commissioner Poynter to approve Resolution 2017-180.** Mr. C.N. Corbett, 106 N. 15th Street, inquired as to where the money would be borrowed from and how it would be repaid. City Manager Dale Martin explained the City will borrow $1 million dollars and preparations are taking place to go out for bid. Finance Comptroller Patti Clifford explained this is a reimbursement resolution, not the resolution that will be presented when the debt is issued. The advertisement for the bid will be placed in Friday's newspaper to borrow $1 million dollars and $450,000 refinancing, which is included in the budget. The current resolution is to spend the money now and repay (the City) with the proceeds from the borrowed money. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.8 RESOLUTION 2017-181 APPROVING TASK ORDER #2017-02 WITH OLSEN ASSOCIATES, INC. FOR THE NASSAU COUNTY SHORE PROTECTION PROJECT: According to the agenda support documents Resolution 2017-181 approves Task Order #2017-02 with Olsen Associates, Inc. for Coastal Engineering Services for Beach Management. Vice Mayor Kreger noted on November 17th the U.S. Army Corps of Engineers will issue a purchase order/construction contract for $35 million dollars to renourish the beach, the City portion; $800,000 was paid by the Tourist District Council and the Municipal Service Taxing Unit (MSTU) which was established two years ago, it is the best beach renourishment in the US and approval is highly recommended. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Poynter to approve Resolution 2017-181. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.9 RESOLUTION 2017-182 APPROVING TASK ORDER #2017-03 WITH OLSEN ASSOCIATES, INC. FOR THE NASSAU COUNTY SHORE PROTECTION ALTERNATE RENOURISHMENT PROJECT: According to the agenda support documents Resolution 2017-182 approves Task Order#2017-03 with Olsen Associates, Inc. for coastal engineering services for the Alternate Renourishment Project. **A motion was made by Commissioner Poynter, seconded by Vice Mayor Kreger to approve Resolution 2017-182. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.10 RESOLUTION 2017-183 ACCEPTING THE RECOMMENDATION OF THE RFQ #17-03 EVALUATION COMMITTEE TO ENTER INTO AN AGREEMENT BETWEEN BROCKINGTON AND ASSOCIATES, INC. AND THE CITY OF FERNANDINA BEACH FOR THE CREATION OF A HISTORIC RESOURCES SURVEY UPDATE FOR THE DOWNTOWN AND OLD TOWN HISTORIC DISTRICTS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES CONTRACT: According to the agenda support documents Resolution 2017-183 awards RFQ #17-03 to Brockington and Associates, Inc. for the Historic Resources Survey Update. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller to approve Resolution 2017-183. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.11 RESOLUTION 2017-184 APPROVING THE CONSTRUCTION AND FINANCIAL AGREEMENT WITH EIGHT FLAGS AVIATION, LLC FOR FINANCIAL CONTRIBUTION TOWARD DESIGN AND CONSTRUCTION OF THE AIRPORT TERMINAL; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PUBLIC RAMP APRON MANAGEMENT AGREEMENT; APPROVING CHANGE ORDER 1 WITH F&G CONSTRUCTION: According to the agenda support documents Resolution 2017-184 approves the Construction and Financial agreement between Eight Flags Aviation, LLC and the City of Fernandina Beach. Authorizes the City Manager to negotiate and execute a public ramp apron management agreement with Eight Flags Aviation, LLC and authorizes the City Manager to execute Change Order 1 with F&G Construction, not to exceed the original award amount, for the addition of a nose and tail section to the Airport Terminal.

Airport Manager Mr. Nathan Coyle gave a presentation outlining the airport terminal project. Beginning with the timeline of the Fixed Base Operator (FBO) selection through the airport terminal facility background including the committee selections, the Corsair terminal building design approved by the City Commission via Resolution 2017-10 and the notice to proceed in the amount of $4.395M, awarding the bid to F&G Construction. At the time of bid award the nose, tail, generator and a few other costs deemed not necessary resulted in a cost reduction to $4.09M. The project funding includes; Federal Aviation Administration (FAA) $356,355, FDOT $1,644,797.50, and Florida Department of Economic Opportunity (FDEO) $819,590 (second phase eligible when first phase is fully drawn). Passero & Associates Project Manager Mr. Mike Cornell stated he anticipates a thirty day turnaround upon completion of phase one, airport fund balance $751,028, airport bond financing $1M (not yet in place) and Eight Flags Aviation $337,500. Eight Flags Aviation is the FBO and as of 2015 has a twenty year lease with two five year renewals at a ground lease rate of $.20 per square foot. The City maintains a non-exclusive public parking apron cost sharing with the FBO who manages the apron. There is a provision to develop a separate construction and financial agreement for Eight Flags Aviation's contribution to the terminal building project in exchange for rent credits. Commissioner Smith clarified the $337,500 from Eight Flags Aviation is a repayment loan through rent credits.

Commissioner Miller questioned if there was a disagreement regarding apron usage who would mediate. Mr. Coyle responded it would still maintain its status as a public apron and the FBO would manage it for the City. Eight Flags Aviation had submitted capital projects to provide future contributions at 0% interest loans to the cities. Financial projections are currently estimates as information changes, repayment could be within a six year window with a 50/50 rent credit. The new terminal building will have an office rental rate of $10 per square foot; Eight Flags Aviation has requested a favorable and equitable lease rate with the City providing temporary (trailer) space by March 1 for $2000 per month until the terminal building is completed. City Attorney Bach clarified the new FBO will not be selling fuel or providing services until April 1 or later.

Commissioner Smith asked about a completion date and if there was a liquidator clause damage in the contract. Mr. Coyle responded that although the contract notes substantial completion as of April 1, 2018 current construction and ordering could delay completion until July 2018. Mr. Mike Cornell stated April 1 is the contracted date but due to conflict with the current FBO the target completion date will likely not be met.

Mr. Coyle explained a piece that needs to be completed in the leasehold is due to a drainage improvement issue and the location of the facility. Mr. Coyle further surmised the revenue stream may change moving forward and gave current estimates and noted there is a current change order for the nose and tail for City Commission approval.

Mr. Brian Echard, 5007 First Coast Highway, owner of Eight Flags Aviation, explained up to $500,000 is going to be building improvements. Vice Mayor Kreger clarified the $500,000 is real property owned by the City. Mr. Coyle further expounded there is a Corsair replica to be hung from the ceiling and finish upgrades that will remain with the facility.

Commissioner Smith mentioned that along with having a finance background as well as being a taxpayer is disappointed because it is taxpayer money being spent as federal grants come from federal taxes. There is also disappointment with the contractor's overhead and profit at 4.56% is crazy, the numbers work out evenly which does not make sense. Commissioner Smith also asked for a definition of PBC. Mr. Cornell explained PBC is a batten system that was an option proposed by F&G Construction; PBC is a better seaming metal, less expensive, lasts as long and has been around since the 1960's. Commissioner Smith asked why PBC was not originally included. Mr. Cornell noted he is not the designer but the project manager.

Mr. C.N. Corbett, N. 15th Street asked how much money would come from Eight Flags Aviation/Mr. Echard. Airport Manager Coyle responded the total loan is for $337,500 at 0% interest. City Attorney Bach clarified all of the money is not coming from Eight Flags Aviation up front, as there are phases. The first phase will be the $337,500 and if the change order is approved it will contribute directly to the airport terminal buildings nose and tail purchase and installation. In the future the city is expecting grant monies for fuel farm upgrades, ramp apron improvement, bulk hangar construction and other improvements that Eight Flags Aviation will put money towards in rent credits.

Mr. Sean McGill, 650 Airport Road, current FBO owner (McGill Aviation) complimented Airport Manager Nathan Coyle as a great person and a pleasure to work with at the airport. Clarifying a line in the agreement which states Eight Flags Aviation is not obligated to do the projects it does obligate the City to work exclusively with Eight Flags Aviation on those projects, with a ten year non-compete clause and reimbursement for cancellation. As a one sided document it is interesting that Eight Flags Aviation was obligated to contribute a nose and tail that had not been designed as yet in the request for proposal. Vice Mayor Kreger stated the nose and tail were included in the design and is an integral part of the terminal and are needed. Commissioner Miller agreed, reiterating the building was approved by the Commission and it would be a bad idea to remove the nose and tail. City Attorney Bach provided clarification that Eight Flags Aviation will not be able to walk away from their financial obligation. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller to approve Resolution 2017-184.** Commissioner Smith further stated his displeasure for the airport terminal design; specifically the nose and tail sections. **Vote upon passage of the motion was taken by ayes and nays as follows:**

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

Motion carried.

8.1 ORDINANCE 2017-24 AMENDING THE LAND DEVELOPMENT CODE (LDC) SECTION 10.02.01 (B) AND (C)(8) LIMITATIONS ON THE GRANTING OF A VARIANCE: According to the agenda support documents Ordinance 2017-24 amends the Land Development Code specific to variances. City Attorney Bach read Ordinance 2017-24 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OFFERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) SECTION 10.02.01 (B) AND (C)(8) LIMITATIONS ON THE GRANTING OF A VARIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." City Attorney Bach explained this is a proposed LDC amendment that would have lot combination variances appear before the City Commission for a quasi-judicial hearing instead of the Board of Adjustment.

Mr. Lynn Williams, 1899 S. Fletcher Avenue, a member of the BOA, explained many with whom he has talked are opposed to taking this kind of responsibility away from the BOA and putting it into a totally political group such as the City Commission. Among those opposing this are the five members that each of the City Commissioners appointed to the Planning Advisory Board (PAB) and they voted unanimously against what the City Commission is now proposing to do. Mr. Williams believes this is a bad idea and encouraged the City Commissioners to read the fourteen page document prepared by City Attorney Bach which speaks to the responsibilities associated with the proposed changes. **A motion was made by Commissioner Miller, seconded by Vice Mayor Kreger to approve Ordinance 2017-24 with the following amendments; the City Commission has secondary oversight on BOA decisions regarding filling wetlands and lot combination and the variance application fee shall be increased from $650 to $2000.** City Attorney Bach stated these conditions make things really complicated; the BOA historically, here and across the state of Florida, is really a board that holds quasi-judicial hearings and considers variance requests. To have the BOA now make *recommendations* changes the BOA's role, which the City Commission can do but now other areas will have to be addressed in the Land Development Code. After additional discussion among the City Commissioners, **City Attorney Bach recommended the motion be changed to state the following: "create an ordinance from this and take it back to the Planning Advisory Board with those changes."** City Attorney Bach advised it is a mistake to remove the option of a variance from the Comprehensive Plan as it represents a taking under the eyes of the law and may serve as a cause for property owners to file Bert Harris Jr. law suits against the City. **Vote upon passage of the motion was taken by ayes and nays as follows:**

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

Commissioner Smith: **Aye**
Mayor Lentz: **Nay**

Motion carried.

8.2 Quasi-judicial – FIRST READING OF ORDINANCE 2017-25 CHANGING THE CITY'S ZONING MAP TO ASSIGN A PLANNED UNIT DEVELOPMENT OVERLAY FOR A PARCEL TOTALING 5.10 ACRES OF LAND LOCATED ON S. 13TH STREET BETWEEN HICKORY STREET AND FIR STREET: City Attorney Bach read Ordinance 2017-25 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP TO ASSIGN A PLANNED UNIT DEVELOPMENT OVERLAY FOR A PARCEL TOTALING 5.10 ACRES OF LAND LOCATED ON S. 13TH STREET BETWEEN HICKORY STREET AND FIR STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Ordinance 2017-25 approves a Planned Unit Development (PUD) overlay to approximately 5.10 acres located on S. 13th Street between Hickory Street and Fir Street.

City Attorney Bach explained the quasi-judicial process; the three minute speaking time limit will not be observed during the quasi-judicial hearing, staff will give a presentation and/or introduce evidence into the record, the applicant will then give a presentation and/or introduce evidence into the record. Any affected parties who wish to speak, including the applicant and staff, will take an oath. City Attorney Bach asked the City Commissioners whether any ex-parte communication occurred between themselves and the applicant; Vice Mayor Kreger stated he had a conversation with the applicant related to affordable housing, Commissioner Smith stated Mr. Mock phoned him at home to talk about the project, Commissioner Smith noted Mr. Mock told him (Commissioner Smith) that Vice Mayor Kreger desired affordable housing be included in the development, Mayor Lentz stated she was contacted by Mr. Gillette who asked if she had any questions about the project and noted they did not have an in-depth conversation, Commissioner Poynter stated Mr. Mock left him a phone message but he did not get back to him, Commissioner Miller stated both Mr. Mock and Mr. Gillette met with him (Commissioner Miller) who told the applicants he'd seen the property and supports the project. City Attorney Bach then administered the oath.

Community Development Department Senior Planner Kelly Gibson provided a presentation stating the proposed development meets the requirements of the Land Development Code. Staff recommends approval.

Mr. Nick Gillette, 20 South 4th Street, owner/developer, noted this is a 5.1 acre parcel of which approximately two acres will be open space. Affordable housing is a product he and his partners are looking into providing.

Mr. Lynn Williams, 1899 South Fletcher Avenue, stated this is a good project. It is interesting however that every one of the City Commissioners was contacted by the developer to discuss the merits of this project which speaks to his comments from earlier this evening related to the political-ness that accompanies being a City Commissioner. Mr. Williams also noted the likelihood of this development having true affordable housing is remote. Vice Mayor Kreger stated he had discussions with the developer regarding delivering a product with real Housing Urban Development (HUD) price points. The quasi-judicial hearing was closed at this time. **A motion was made by Commissioner Poynter, seconded by Commissioner Miller to approve Ordinance 2017-25. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

CITY MANAGER REPORTS:

CONGRATULATIONS: City Manager Martin offered his congratulations to newly elected Commissioner Chapman and candidates Orlando Avila and Dr. Chip Ross on the upcoming runoff December 12th to determine the seat.

HOLIDAY: City Manager Martin advised city offices will be closed Friday in observance of Veterans Day and the annual parade downtown will take place Saturday November 11th @11 am and encouraged all veterans to participate. City offices will also be closed Thursday November 23rd in observance of Thanksgiving and the following Friday November 24th.

BIDS: City Manager Martin announced the bids for the marina projects southern attenuator are due by the end of November. The sanitation request for qualifications bids will likely extend the deadline to December 1st due to bidder requests.

EVENTS: City Manager Martin reminded the Northeast Florida Regional Council of Governments Awards luncheon will take place in Jacksonville and the dinner in Lake Butler for the Northeast Florida League of Cities is scheduled for December 11th if anyone is interested in attending.

CITY ATTORNEY REPORTS:

ELECTION: City Attorney Bach expressed pride for our citizens in light of the great voter turnout for the 2017 General Election at 25% considering previous voter turnouts have been below 10%.

THANKS City Attorney Bach offered thanks in observance of Veterans Day to all the veterans who have served.

SENATE BILL 574: City Attorney Bach alerted all that Senate Bill 574, a sweeping preemption bill, not worthy of support, regarding tree trimming and tree removal on private property, commercial or residential, allowing removal of any tree.

SUNSHINE LAW: City Attorney Bach reminded newly elected Commissioner Chapman that the Sunshine Law is in effect to refrain from conversing with his fellow Commissioners except for outgoing Commissioner Poynter.

CITY CLERK REPORTS:

ELECTION: City Clerk Best expressed anticipation in working with Candidate Chapman and reminded all that the runoff will take place December 12th.

CONTEST: City Clerk Best reported in conjunction with the City Manager's Office a selfie contest took place on social media website, Instagram, to promote Florida Cities Government Week. The winners were Mr. Jordan Gallop, Pippi Longstocking representing VillaVillakeula and Ms. Kate Harris.

CONDOLENCES: City Clerk Best offered condolences to Vice Mayor Len Kreger on the recent loss of his mother.

MAYOR/COMMISSIONER COMMENTS:

CONDOLENCES: Commissioner Miller extended condolences to Vice Mayor Kreger, on the loss of his Mother.

MAYOR/COMMISSIONER COMMENTS:

CONDOLENCES: Commissioner Miller extended condolences to Vice Mayor Kreger on the loss of his Mother.

CONGRATULATIONS: Commissioner Miller offered congratulations to Mr. Chapman, a friend who will serve with him on the City Commission.

MARINA: Commissioner Miller asked if a state of the marina monthly update would be considered for commission meetings.

SPECIAL EVENT FEES: Commissioner Poynter inquired about the fees and actual costs to citizens and city to put on a special event and would like to see city staff quantify the new special event fees. If the downtown business association wants to have those fees they should step up and help offset the fees for the events they want to take place rather than it being a tax burden.

THANK YOU: Vice Mayor Kreger acknowledged and thanked all for their condolences on the recent loss of his Mother who lived a wonderful 95 years.

ANNIVERSARY: Vice Mayor Kreger recognized the 241st anniversary of the United States Marine Corps.

CONGRATULATIONS: Vice Mayor Kreger congratulated newly elected Commissioner Chapman and the runoff candidates.

CONGRATULATIONS: Mayor Lentz extended her congratulations to Mr. Chapman on winning the Group Two General Election contest.

THANK YOU: Mayor Lentz thanked all the veterans for their service.

DEBRIS: Mayor Lentz inquired about debris pickup to which City Manager Martin responded it has been resumed by Advanced Disposal and a last pass by subcontractors for storm debris is currently underway to conclude in the coming week.

PETANQUE: Mayor Lentz invited all to the Amelia Island International Petanque Tournament on the waterfront that is free to the public.

INCIDENT: Mayor Lentz remarked on a recent incident regarding dogs on the beach and noted a citizens email offering suggestions based on other beach areas that allow dogs on the beach in certain areas at designated days and times. Commissioner Miller spoke with City Attorney Bach after the incident who said that it can be done and noted there is more liability from beach driving than dogs on the beach. There are cities and county beaches that allow dogs and Vice Mayor Kreger offered his input and assistance to research how to designate a dog beach area.

GOODNIGHT: Mayor Lentz said to goodnight to her children watching at home.

ADJOURNMENT: 8:31 pm

ATTEST:

CAROLINE BEST	JOHN A. MILLER
City Clerk	Mayor