



AGENDA
FERNANDINA BEACH CITY COMMISSION
REGULAR MEETING
JUNE 16, 2020
6:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

Due to the ongoing COVID-19 pandemic, occupancy in the Commission Chambers will be limited. This meeting will be broadcasted live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE / INVOCATION

Invocation by Pastor Bernard Thompson of New Zion Missionary Baptist Church.

4. PROCLAMATIONS / PRESENTATIONS

4.1 **PROCLAMATION - "NATIONAL FLAG DAY" AND "NATIONAL FLAG WEEK"** - *Proclaims June 14, 2020, as "National Flag Day," and the week of June 14-20, 2020, as "National Flag Week."*

4.2 **PROCLAMATION - "PRIDE MONTH"**- *Proclaims the month of June 2020, as "Pride Month." Recognizes progress towards equality for lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (L.G.B.T.Q.I.A.+) people.*

4.3 **PROCLAMATION - AMERICAN BUSINESS WOMEN'S ASSOCIATION (ABWA) EIGHT FLAGS CHARTER CHAPTER** - *Recognizes the ABWA Eight Flags Charter Chapter for their contributions to the betterment of working women and women business owners within Fernandina Beach and Nassau County.*

4.4 **PRESENTATION - SCHOOLS TO DOWNTOWN WATERFRONT TRAIL** - *Coyle and Caron, Inc. will present a summary and the outcome of their completed planning study for the proposed "Schools to Downtown Waterfront Trail." Mike Spino of the North Florida Bicycle Club will also provide an overview of the community outreach efforts completed to date related to the proposed trail.*

4.5 **BUDGET SUMMARY** - *Comptroller Pauline Testagrose will answer any questions regarding the budget summary for May 2020.*

5. CITY COMMISSION DISCUSSION

5.1 **LAND CONSERVATION** - *This item is placed on the agenda at the request of Commissioner Lednovich.*

5.2 **WATERFRONT DEVELOPMENT** - *This item is placed on the agenda at the request of Commissioner Lednovich.*

- 5.3 **BEACHES** - *This item is placed on the agenda at the request of Vice Mayor Kreger.*
- 5.4 **MARINA** - *This item is placed on the agenda at the request of Commissioner Ross.*
- 5.5 **OCEAN HIGHWAY AND PORT AUTHORITY (OHPA)** - *This item is placed on the agenda at the request of Commissioner Ross.*

6. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA

7. CONSENT AGENDA

- 7.1 **AMENDING RESOLUTION 2005-189** - RESOLUTION 2020-79 AMENDING RESOLUTION 2005-189; AUTHORIZING THE UTILITIES DIRECTOR AND THE CITY MANAGER TO SIGN PERMITS, APPLICATIONS, ETC. AS THE OWNER/OPERATOR OF THE CITY WATER AND WASTEWATER SYSTEMS; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends Resolution 2005-189 by requiring both the Utilities Director and the City Manager to sign, on behalf of the City as owner/operator of the City Water and Wastewater systems, required applications, permits, agreements, etc.*
- 7.2 **VOLUNTARY ANNEXATION AGREEMENT - 529 PINE ROAD** - RESOLUTION 2020-80 APPROVING THE EXTENSION OF WATER AND WASTEWATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 0.33 ACRES OF LAND LOCATED AT 529 PINE ROAD; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the extension of water and wastewater services to the property located at 529 Pine Road. Also approves the Voluntary Annexation Petition.*

8. RESOLUTIONS

- 8.1 **PURCHASING POLICIES AND PROCEDURES MANUAL AMENDMENT - IMPACT FEES** - RESOLUTION 2020-47 AMENDING THE PURCHASING POLICIES AND PROCEDURES MANUAL, SPECIFICALLY ADDING SECTION "W" FOR USE OF IMPACT FEES; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Purchasing Policies and Procedures Manual by adding a section titled, "Use/Expenditures of Impact Fees."*
- 8.2 **AWARD OF BID # 2020-04 - CGC, INC. / WORK ORDER 20-89R - PASSERO ASSOCIATES LLC / GRANT ACCEPTANCE - FEDERAL AVIATION ADMINISTRATION (FAA)** - RESOLUTION 2020-81 AWARDED BID #2020-04 TO CGC, INC. FOR THE REHABILITATION OF RUNWAY 4/22 PAVEMENT, STORMWATER, AND DRAINAGE; AUTHORIZING PASSERO WORK ORDER 20-89R FOR GRANT ADMINISTRATION, CONSTRUCTION ADMINISTRATION, AND RESIDENT OBSERVATION SERVICES RELATED TO THE RUNWAY 4/22 REHABILITATION PROJECT; AUTHORIZING ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION (FAA) GRANT OFFER #3-12-0022-2020; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Awards Bid # 2020-04 to CGC, Inc. in an amount not to exceed \$2,246,497 and authorizes Passero Associates Work Order 20-89R in the amount of \$229,700. Also accepts FAA grant funding for rehabilitation of Runway 4/22 pavement, stormwater, and drainage at the Fernandina Beach Municipal Airport.*
- 8.3 **AWARD OF BID #2020-05 - CWA DEVELOPMENT** - RESOLUTION 2020-82 AUTHORIZING THE AWARD OF BID #2020-05 FOR IMPROVEMENTS TO EXISTING BELLINGHAM DOCKS, NORTHERN BASIN DOCKS TWO AND THREE, TO CWA DEVELOPMENT; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the award of Bid # 2020-05 to CWA Development for improvements to existing docks at the Fernandina Harbor*

Marina in the amount of \$63,851.04.

- 8.4 **AWARD OF BID# 2020-03 - CBI DBA COLE BUILDERS** - RESOLUTION 2020-83 AWARDING BID #2020-03 TO CBI DBA COLE BUILDERS FOR THE CONSTRUCTION OF SIMMONS ROAD PARK; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Awards Bid #2020-03 to CBI dba Cole Builders in the amount of \$320,872 for Simmons Road Park Construction.*
- 8.5 **AGREEMENT AMENDMENT - BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY** - RESOLUTION 2020-84 APPROVING AMENDMENT NO. 02 TO THE INTERLOCAL AGREEMENT FOR OCEAN RESCUE SERVICES, WITH THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves Amendment No. 02 to the Interlocal Agreement for Ocean Rescue Services with the Board of County Commissioners of Nassau County in the amount of \$125,000.*
- 8.6 **BUDGET AMENDMENT - MARINA** - RESOLUTION 2020-85 APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2019/2020; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves a transfer of \$16,200 from the Marina Building account to the Marina Seasonal Temporary account and Marina FICA account. Also, a transfer of \$6,425 from the Marina Operating Supplies account to the Marina Rental/Leases account and the Marina Machinery and Equipment account.*
- 8.7 **PERSONNEL POLICY MANUAL AMENDMENT**– RESOLUTION 2020-86 RESTATING AND AMENDING THE CITY’S PERSONNEL POLICY MANUAL; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES, RESOLUTIONS AND POLICIES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves and adopts the restated and amended Personnel Policy Manual.*
- 8.8 **UNITED STATES ARMY CORPS OF ENGINEERS (USACE) ENGINEERING DOCUMENTATION REPORT** - RESOLUTION 2020-87 ADOPTING THE UNITED STATES ARMY CORPS OF ENGINEERS (USACE) ENGINEERING DOCUMENTATION REPORT; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Adopts the USACE Engineering Documentation Report as a guiding document for the City’s dune management efforts, making use of the document for recommendations and planning for public access and dune preservation.*

9. ORDINANCE - FIRST READING

- 9.1 **PROPOSED CHARTER AMENDMENTS** - ORDINANCE 2020-21 SUBMITTING TO THE CITY ELECTORS PROPOSED AMENDMENTS TO THE CHARTER; AMENDING SECTION 1 TO REFLECT ACCURATE HISTORY OF THE CREATION OF THE CITY OF FERNANDINA BEACH; AMENDING SECTION 9 TO CHANGE “GROUP” TO “SEAT” FOR CITY COMMISSIONERS FOR CLARITY; AMENDING SECTION 10 TO REQUIRE CITY COMMISSIONERS TO COMPLETE PERFORMANCE EVALUATIONS FOR CHARTER OFFICERS ANNUALLY AND TO INCLUDE PENALTIES FOR COMMISSIONERS INTERFERING WITH ADMINISTRATIVE SERVICE; AMENDING SECTION 10A TO PROVIDE THAT CONSERVATION LANDS CAN NEVER BE SOLD OR LEASED BY THE CITY AND TO PROVIDE THAT RECREATION LANDS CAN ONLY BE SOLD OR LEASED FOR FORTY YEARS OR MORE WITH UNANIMOUS VOTE OF COMMISSION AND 70% OF VOTERS APPROVAL AT REFERENDUM ELECTION; AMENDING SECTION 11 BY INCORPORATING SECTIONS 14, 15 AND 20 REGARDING QUALIFICATIONS OF CITY COMMISSIONERS, ABSENCES AND VACANCIES, ADDRESSING CODE OF ETHICS IN STATE LAW FOR COMMISSIONERS AND PROVIDING DUE PROCESS PRIOR TO FORFEITURE OF COMMISSION SEAT; REPEALING SECTIONS 14, 15 AND 20 BY INCORPORATING THESE SECTIONS INTO SECTION 11; AMENDING SECTION 16 BY CHANGING STRAW BALLOT

VOTE OF THE PEOPLE FOR MAYOR TO BINDING VOTE OF THE PEOPLE FOR MAYOR, REQUIRING THAT MAYORAL CANDIDATE WITH SECOND HIGHEST VOTES BE ELECTED AS VICE MAYOR; AMENDING SECTION 17 BY MAKING MAYOR RESPONSIBLE FOR COMPLETION OF CHARTER OFFICER EVALUATIONS BY COMMISSIONERS; AMENDING SECTION 21 BY INCLUDING A PROVISION TO ALLOW COMMISSIONERS TO ATTEND COMMISSION MEETINGS USING COMMUNICATION TECHNOLOGY DUE TO A SERIOUS MEDICAL CONDITION IN COMPLIANCE WITH STATE LAW; AMENDING SECTION 25 BY INCLUDING MINIMUM PROFESSIONAL QUALIFICATIONS FOR CITY MANAGER, INCREASING THE TIME FOR NEW CITY MANAGER TO BECOME CITY RESIDENT FROM THIRTY TO NINETY DAYS AND REQUIRING DESIGNATION OF CITY MANAGER PRO TEM; AMENDING SECTION 136 ALLOWING COMMISSION TO AUTHORIZE INVESTIGATIONS BY MAJORITY VOTE AND CLARIFYING THAT CITY COMMISSIONERS, CHARTER OFFICERS AND MEMBERS OF APPOINTED CITY BOARDS HAVE THE POWER TO INVESTIGATE A DEPARTMENT, OFFICER OR EMPLOYEE; AMENDING RESERVED SECTION 142 TO REQUIRE THE CHARTER TO BE REVIEWED EVERY SEVEN YEARS BY A CHARTER REVIEW COMMITTEE MADE UP OF CITY RESIDENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the recommended changes to the City's Charter submitted by the Charter Review Committee to be placed on the ballot for voters in November 2020.*

10. ORDINANCES - SECOND READING

- 10.1 **LAND DEVELOPMENT CODE AMENDMENT - BUILDING HEIGHT ENCROACHMENTS -** ORDINANCE 2020-16 AMENDING THE LAND DEVELOPMENT CODE (LDC) TO MODIFY STANDARDS FOR HEIGHT ENCROACHMENTS BY AMENDING SECTIONS 1.07.00 ADDING OR AMENDING CERTAIN DEFINITIONS, AMENDING SECTION 4.02.03 STANDARDS FOR BUILDINGS AND BUILDING PLACEMENT AND AMENDING LDC SECTION 10.02.01(D) VARIANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Land Development Code setting limitations on building height encroachments for properties located within the landward and seaward sides of the Coastal Upland Protection Zone (CUPZ) as defined in LDC Section 3.01.02.*
- 10.2 **LAND DEVELOPMENT CODE AMENDMENT - PLANNING ADVISORY BOARD MEMBERSHIP -** ORDINANCE 2020-17 AMENDING THE LAND DEVELOPMENT CODE TO MODIFY SECTION 9.02.02 MEMBERSHIP AND TERMS OF OFFICE FOR THE PLANNING ADVISORY BOARD; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Land Development Code changing the makeup of the Planning Advisory Board from five to seven members and making appointments to the Board in the same way other City board members are appointed.*
- 10.3 **LAND DEVELOPMENT CODE AMENDMENT - HISTORIC DISTRICT -** ORDINANCE 2020-18 AMENDING THE LAND DEVELOPMENT CODE (LDC) TO CREATE SECTION 8.01.01.01(F) TO ADD A REQUIREMENT FOR ROOFTOP MECHANICAL SCREENING IN THE DOWNTOWN HISTORIC DISTRICT, CRA, AND OLD TOWN; TO DELETE SECTION 8.01.01.02(H) RELATING TO TOWERS IN OLD TOWN; TO MODIFY SECTION 8.01.01.02(J) TO ALLOW KITCHENETTES IN ACCESSORY DWELLING UNITS WITHIN OLD TOWN; TO DELETE SECTION 8.01.02(E)10 AS IT RELATES TO THE DENSITY BONUS INCENTIVE WHICH WAS ELIMINATED IN 2018; TO DELETE SECTION 8.01.03(E) AS IT RELATES TO THE NOW SUNSETTED "SIDE STREET BUSINESS SIGNAGE" PROGRAM; TO CREATE A NEW SECTION 8.01.03(E) RESERVED FOR "DOWNTOWN WAYFINDING SIGNAGE;" TO MODIFY SECTION 8.03.03(C) TO SET AFTER THE FACT FEES BASED ON THE ANNUALLY ADOPTED MASTER FEE SCHEDULE; TO CREATE SECTION 8.03.03.01(F) TO CREATE A DEMOLITION DELAY PERIOD; TO MODIFY SECTION 8.03.04(B) TO CLARIFY EMERGENCY DEMOLITION PROCEDURES; TO MODIFY SECTION 8.03.03(A)(1) TO ESTABLISH AN OFFICIAL INVENTORY OF RESOURCES LIST

THAT DESIGNATES CONTRIBUTING STRUCTURE STATUS; TO MODIFY SECTION 5.01.10 TO ADD STANDARDS FOR FENCING DESIGN/INSTALLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Land Development Code with various changes to the Historic District.*

- 10.4 **FEE SCHEDULE AMENDMENT – SANITATION** - ORDINANCE 2020-19 ESTABLISHING AND AMENDING FEES FOR SANITATION FOR FY 2019/2020; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the amended Sanitation Fee Schedule for Fiscal Year 2019/2020.*

11. CITY MANAGER REPORTS

12. CITY ATTORNEY REPORTS

13. CITY CLERK REPORTS

14. MAYOR/COMMISSIONER COMMENTS

15. ADJOURNMENT

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- A THREE (3) MINUTE TIME LIMIT MAY BE IMPOSED FOR ALL SPEAKERS (EXCEPT IN A QUASI-JUDICIAL HEARING). A “REQUEST TO SPEAK” FORM IS AVAILABLE ON THE COUNTER AT THE ENTRANCE TO THE COMMISSION CHAMBERS. THE FORM SHOULD BE GIVEN TO THE CITY CLERK UPON COMPLETION.
 - THE MAYOR WILL DETERMINE THE ORDER OF THE SPEAKERS AND MAY IMPOSE MORE RESTRICTIVE TIME LIMITS.
 - ONE PERSON WILL SPEAK AT A TIME AND ADDRESS COMMENTS TO THE MAYOR, NOT INDIVIDUAL CITY COMMISSION MEMBERS.
 - THE CITY COMMISSION MAY ASK QUESTIONS OF SPEAKERS WHO WILL HAVE ONE MINUTE TO RESPOND. ADDITIONAL TIME MAY BE GRANTED AT THE DISCRETION OF THE MAYOR OR BY A MOTION BY THE CITY COMMISSION.
 - SPEAKERS MAY FILE COPIES OF THEIR REMARKS WITH THE CITY CLERK WHO WILL MAKE THEM AVAILABLE TO THE COMMISSION.
 - MULTI-MEDIA PRESENTATIONS MUST BE SUBMITTED TO THE CITY CLERK NO LATER THAN THE FRIDAY BEFORE THE MEETING.
 - FERNANDINA BEACH CITIZENS WILL SPEAK BEFORE NONRESIDENTS AND SPEAKERS WILL LIMIT REMARKS TO THE SPECIFIC SUBJECT MATTER.
 - DISCUSSION – DIRECTION - ACTIONS ITEMS MAY BE ACTED UPON BY THE CITY COMMISSION BY EITHER A MOTION AND VOTE IN ACCORDANCE WITH ROBERTS RULES OF ORDER, OR BY A CONSENSUS OF THE CITY COMMISSION.
 - PURSUANT TO RESOLUTION 95-32, IF AN ITEM IS NOT ON THE AGENDA IT REQUIRES A FOUR-FIFTHS VOTE OF THE CITY COMMISSION DECLARING THE ITEM AN EMERGENCY BEFORE ACTION CAN BE TAKEN.
 - *QUASI-JUDICIAL* - DENOTES THAT THE ITEM MUST BE CONDUCTED AS A QUASI-JUDICIAL HEARING IN ACCORDANCE WITH CITY COMMISSION ESTABLISHED PROCEDURE AND FLORIDA STATUTES. ANY PERSON WISHING TO APPEAL ANY QUASI-JUDICIAL DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.
 - AT THE DISCRETION OF THE MAYOR, A RECESS MAY BE SCHEDULED EVERY NINETY MINUTES.

Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired).