



AGENDA
FERNANDINA BEACH CITY COMMISSION
REGULAR MEETING
NOVEMBER 4, 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 Bishop Dr. Dewayne Campbell of Elm Street Church of God.

4. PROCLAMATIONS / PRESENTATION

4.1 **PRESENTATION - NASSAU HUMANE SOCIETY** - *Representatives of the Nassau Humane Society will present the "City Commission Dog of the Month."*

4.2 **PROCLAMATION - RETIREMENT OF MR. JOHN MANDRICK** - *Recognizes Mr. John Mandrick upon his retirement after seventeen years and seven months of dedicated service to the City of Fernandina Beach. Mr. Mandrick retired on October 31, 2020.*

4.3 **PROCLAMATION - GENERAL FEDERATION OF WOMEN'S CLUB OF FERNANDINA BEACH** - *Recognizing the General Federation of Women's Club of Fernandina Beach 100th Anniversary.*

4.4 **PRESENTATION - AMELIA ISLAND BEACH AND MARINE LIFE CONSERVANCY BEACH AMBASSADORS** - *Amelia Island Beach and Marine Life Conservancy Co-Founder Christine Harmon will provide an update on the Beach Ambassador's Divisions' activities.*

4.5 **PRESENTATION - WATERFRONT COMMUNITY HUB** - *Marquis Latimer & Halbeck will present the findings from the community feedback on the waterfront development plan.*

5. CITY COMMISSION DISCUSSION

5.1 **CONSERVATION / ENVIRONMENT - REVIEW OF TREE CANOPY REPLACEMENT PLAN.** *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 **MARINA** - *This item is placed on the agenda at the request of Commissioner Ross.*

5.4 **OCEAN HIGHWAY AND PORT AUTHORITY (OHPA)** - *This item is placed on the agenda at the request of Commissioner Ross.*

5.5 **COVID-19**

5.6 **LEVELS OF SERVICE** - *This item is placed on the agenda at the request of Vice Mayor Kreger.*

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

7. CONSENT AGENDA

7.1 **APPROVAL OF MINUTES** - *City Commission Regular Meeting - September 1, 2020; City Commission Regular Meeting - September 15, 2020; and the City Commission Special Meeting - September 22, 2020.*

7.2 **VOLUNTARY ANNEXATION AGREEMENT - 1515 S. 5TH STREET** - RESOLUTION 2020-161 APPROVING THE EXTENSION OF WATER/WASTEWATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 0.23 ACRES OF LAND LOCATED AT 1515 S. 5TH STREET; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the extension of water/wastewater services to the property located at 1515 S. 5th Street. Also approves the Voluntary Annexation Petition.*

7.3 **BUDGET AMENDMENT - VARIOUS DEPARTMENTS** - RESOLUTION 2020-162 APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2019/2020; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the transfer of funds in various Departments and various accounts in the FY 2019/2020 budget to ensure expenditures do not exceed the budget on a line-by-line basis.*

7.4 **LETTER TO FDOT** RESOLUTION 2020-163 AUTHORIZING THE CITY ATTORNEY TO NOTIFY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) THAT THE OCEAN, HIGHWAY AND PORT AUTHORITY OF NASSAU COUNTY MUST FOLLOW LOCAL LAWS AND REGULATIONS IN ACCORDANCE WITH GRANT APPLICATION REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the City Attorney to notify FDOT of ongoing disputes with the Ocean Highway and Port Authority.*

8. RESOLUTIONS

8.1 **PASSERO WORK ORDER 20-95** - RESOLUTION 2020-164 APPROVING WORK ORDER 20-95 WITH PASSERO ASSOCIATES, LLC TO PROVIDE FINAL DESIGN, CONSTRUCTION DOCUMENTS AND BIDDING FOR RESILIENCY AND STABILIZATION OF THE AMELIA RIVERFRONT; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves Work Order 20-95 with Passero Associates for Phase 4 of the Amelia Riverfront Resiliency Project.*

8.2 **OASIS MARINA CONTRACT** - RESOLUTION 2020-165 ACCEPTING AND APPROVING A MANAGEMENT AGREEMENT WITH OASIS MARINA, LLC; AUTHORIZING EXECUTION; PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the management agreement with Oasis Marina, LLC, for operating the City's Marina.*

8.3 **CODE ENFORCEMENT FINE REDUCTION AND RELEASE OF LIEN - DEXTER & REGINA N. RAINEY**- RESOLUTION 2020-166 APPROVING A SETTLEMENT OF CODE ENFORCEMENT FINES AND FEES FOR DEXTER & REGINA N. RAINEY UPON FULL

PAYMENT OF \$_____ NO LATER THAN DECEMBER 15, 2020, FOR CODE ENFORCEMENT VIOLATIONS AT 1002 CEDAR STREET; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes full releases/satisfactions of liens be executed based upon the Code Enforcement and Appeals Board order that fines and fees be reduced for violations now in compliance at 1002 Cedar Street under the name of Dexter & Regina N. Rainey.*

- 8.4 **SOLE SOURCE VENDOR APPROVAL – MUNICIPAL EMERGENCY SERVICES –** RESOLUTION 2020-167 APPROVING MUNICIPAL EMERGENCY SERVICES AS A SOLE SOURCE VENDOR IN FISCAL YEAR 2020/2021; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves Municipal Emergency Services as a sole source vendor in FY 2020/2021 for the purchase of Hurst eDraulic rescue tools in an amount not to exceed \$35,110.*
- 8.5 **AMENDED AND EXTENDED - EMERGENCY ORDER – COVID-19 - MANDATORY MASKS -** RESOLUTION 2020-168 AMENDING AND EXTENDING RESOLUTION 2020-143 RELATED TO THE EMERGENCY ORDER REQUIRING MASKS OR FACE COVERINGS IN PUBLIC SPACES, PROVIDING FOR EXCEPTIONS, PROVIDING FOR A NEW EXPIRATION DATE. *Synopsis: Extends the Emergency Order requiring face coverings, Resolution 2020-143, to December 6, 2020.*
- 8.6 **OPTION AGREEMENT FOR SALE AND PURCHASE - PHEASANT RUN, LLC -** RESOLUTION 2020-169 APPROVING AN OPTION AGREEMENT FOR SALE AND PURCHASE OF APPROXIMATELY 5.35 ACRES OF VACANT LAND ADJACENT TO EGANS CREEK GREENWAY FOR THE PUBLIC PURPOSE OF CONSERVATION OR PASSIVE PARKS; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the Option Agreement for Sale and Purchase for the purchase price of \$675,000 with Pheasant Run, LLC for the acquisition of vacant land near Egans Creek Greenway for conservation.*
- 8.7 **SPECIAL EVENTS APPROVAL** RESOLUTION 2020-170 APPROVING CERTAIN SPECIAL EVENTS WITH CONDITIONS FOR THE REMAINDER OF THE 2020 CALENDAR YEAR; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves 4 annual special events to occur in downtown as long as certain health and safety measures are met.*

9. **ORDINANCE - FIRST READING**

- 9.1 **LAND DEVELOPMENT CODE AMENDMENT - MINOR CHANGES AND DISCREPANCIES** - ORDINANCE 2020-42 AMENDING THE LAND DEVELOPMENT CODE (LDC) TO UPDATE THE FHB AIRPORT ARCHITECTURE AND BUILDING STANDARDS REFERENCE DOCUMENT, ADDING DEFINITION OF RACETRACK IN SECTION 1.00.07 AND MAKING RACETRACKS PROHIBITED AS PRINCIPAL AND ACCESSORY USES IN SECTIONS 2.03.03 AND 2.03.03, MODIFYING STANDARDS FOR STORMWATER MANAGEMENT DESIGN BY STRIKING DESIGN BASIS IN SECTION 7.03.03(E) AND ADDING A REFERENCE TO SECTION 3.05.03, AND AMENDING SECTIONS 3.05.02 AND 3.05.03 TO INCLUDE STORMWATER DESIGN REQUIREMENTS, MODIFYING SECTION 8.01.01 (D) TO INCLUDE REVIEW HDC REVIEW OF PROPOSED REUSE OF STRUCTURES AND TO ADD SUBSECTION 8.01.01 (D) (12) REVIEW OF EXTERIOR MOUNTED MODERN DEVICES, TO ADD SECTION 8.01.01 (G) PROVIDING REVIEW STANDARDS FOR PLACEMENT OF EXTERIOR MOUNTED MODERN DEVICES AND AMENDING SECTION 8.03.03 (B) CERTIFICATE OF APPROVAL MATRIX TO INCLUDE REVIEW OF EXTERIOR MOUNTED MODERN DEVICES AS PROVIDED IN THE SUBSECTION, AND TO MODIFY SECTION 7.01.01 ACCESS AND DRIVEWAY DESIGN REQUIRMENTS TO CLARIFY WIDTHS AND MATERIALS; TO PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Land Development Code with various changes to address minor inconsistencies and discrepancies.*

10. ORDINANCE - SECOND READING

- 10.1 **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 AND CREATING AN INITIAL ELECTION TO ELIMINATE RUNOFFS AFTER THE GENERAL ELECTION DATE; AMENDING SECTION 10 TO REQUIRE CITY COMMISSIONERS TO COMPLETE ANNUAL PERFORMANCE EVALUATIONS FOR CHARTER OFFICERS AND TO INCLUDE PENALTIES FOR COMMISSIONERS INTERFERING WITH ADMINISTRATIVE SERVICE; AMENDING SECTION 11 BY ADDRESSING COMMISSIONER ABSENCES AND VACANCIES, INCORPORATING STATE CODE OF ETHICS FOR COMMISSIONERS AND PROVIDING DUE PROCESS PRIOR TO FORFEITURE OF COMMISSION SEAT FOR VIOLATIONS OF RULES; AMENDING SECTION 16 BY CHANGING STRAW BALLOT VOTE 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 COMMISSIONERS' COMPLETION OF CHARTER OFFICER EVALUATIONS; AMENDING SECTION 21 BY INCLUDING A PROVISION TO ALLOW COMMISSIONERS TO ATTEND 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 31 BY INCLUDING MINIMUM PROFESSIONAL QUALIFICATIONS FOR CITY ATTORNEY AND REQUIRING THAT THE CITY ATTORNEY PROVIDE A LIST OF QUALIFIED ATTORNEYS FOR CONSIDERATION BY THE CITY COMMISSION FOR CITY ATTORNEY PRO TEM; AMENDING SECTION 41 BY PROVIDING THAT A REFERENDUM VOTE OF THE PEOPLE IS REQUIRED BEFORE THE POLICE DEPARTMENT CAN BE DISSOLVED; AMENDING SECTION 44 BY PROVIDING THAT A REFERENDUM VOTE OF THE PEOPLE IS REQUIRED BEFORE THE FIRE DEPARTMENT CAN BE DISSOLVED; AMENDING SECTION 47 BY INCLUDING MINIMUM PROFESSIONAL QUALIFICATIONS FOR CITY CLERK AND REQUIRING DESIGNATION OF CITY CLERK PRO TEM; AMENDING SECTIONS 58 AND 60

BY PROVIDING MINIMUM PROFESSIONAL QUALIFICATIONS FOR COMPTROLLER AND REQUIRING COMPTROLLER TO PROPOSE SOUND, WRITTEN INVESTMENT POLICIES FOR APPROVAL BY COMMISSION; AMENDING SECTION 64 BY REQUIRING COMPTROLLER TO SCHEDULED ANNUAL FINANCIAL AUDIT BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT; AMENDING SECTIONS 74 AND 75 BY PROHIBITING TRANSFER OF FUNDS OUT OF CONSERVATION TRUST FUND TO BE USED FOR ANY OTHER PURPOSE BESIDES CONSERVATION; REPEALING SECTION 107A TO REMOVE RESTRICTIONS ON COMMUNITY REDEVELOPMENT AREAS (CRA's); AMENDING SECTION 121 BY PROVIDING AN OATH OF OFFICE IN COMPLIANCE WITH STATE LAW INCLUDING FLORIDA CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES; AMENDING SECTION 136 PROVIDING THAT BY MAJORITY VOTE, CITY COMMISSIONERS, CHARTER OFFICERS AND MEMBERS OF APPOINTED CITY BOARDS MAY REQUEST THAT THE CITY COMMISSION INVESTIGATE A DEPARTMENT, OFFICER OR EMPLOYEE; CREATING SECTION 141 PROVIDING FOR CITIZEN INITIATIVES TO PROPOSE OR AMEND CITY ORDINANCES AND PROVIDING FOR AN INITIATIVE PROCESS; AMENDING RESERVED SECTION 142 TO REQUIRE THE CHARTER TO BE REVIEWED EVERY EIGHT YEARS BY A CHARTER REVIEW COMMITTEE MADE UP OF CITY RESIDENTS; AMENDING SECTIONS 6-8, 12-13, 22, 29-30, 59, 62, 71, 79, 137, 143, AND 144 TO CLARIFY CERTAIN PROVISIONS WITHOUT CHANGING THEIR MEANING; REPEALING SECTIONS 10b, 14-15, 20, 32-33, 45, 61, 69, 72, 78, 120, 122 AND 125 TO BE CONSISTENT WITH STATE LAW AND/OR INCORPORATING SECTIONS INTO OTHER EXISTING SECTIONS; 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 a mail ballot for voters in 2021.*

11. BOARD APPOINTMENTS

11.1 **PARKS AND RECREATION ADVISORY COMMITTEE** - two appointments, one reappointment.

12. CITY MANAGER REPORTS

13. CITY ATTORNEY REPORTS

14. CITY CLERK REPORTS

15. MAYOR/COMMISSIONER COMMENTS

16. 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).