



AGENDA
FERNANDINA BEACH CITY COMMISSION
REGULAR MEETING
JANUARY 5, 2021
6:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE / INVOCATION

Invocation provided by Reverend John Casper of Blackrock Baptist Church.

4. PRESENTATIONS

4.1 **PRESENTATION - AIRPORT ADVISORY COMMISSION** - *Airport Advisory Commission Chairperson Doug Geib and Vice Chairperson Chuck Colcord will provide an update regarding the achievements and goals of the Airport Advisory Commission.*

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

5. CITY COMMISSION DISCUSSION

5.1 **CONSERVATION / ENVIRONMENT** - *This item is placed on the agenda at the request of Mayor Lednovich.*

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

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

5.4 **COVID-19**

5.5 **FERNANDINA BEACH MUNICIPAL GOLF COURSE** - *This item is placed on the agenda at the request of Mayor Lednovich.*

5.6 **CITY COMMISSION RULES OF PROCEDURE** - *This item is placed on the agenda at the request of Mayor Lednovich.*

5.7 **MARINA - SLIP AGREEMENTS/RATES** - *This item is placed on the agenda at the request of Mayor Lednovich.*

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 - November 17, 2020; Canvassing Board Meeting - December 8, 2020; City Commission Workshop - December 10, 2020; Canvassing Board Meeting - December 11, 2020.*

8. RESOLUTIONS

- 8.1 **CODE ENFORCEMENT FINE REDUCTION AND RELEASE OF LIEN - 409 FIR STREET - RESOLUTION 2021-01** APPROVING A SETTLEMENT OF CODE ENFORCEMENT FINES AND FEES FOR PROPERTY LOCATED AT 409 FIR STREET UPON FULL PAYMENT OF \$ _____ NO LATER THAN _____, 2021, FOR CODE ENFORCEMENT VIOLATIONS AT SAID PROPERTY; 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 at 409 Fir Street under the name of Jessup Properties LLC.*
- 8.2 **AMENDED AND EXTENDED - EMERGENCY ORDER – COVID-19 - MANDATORY MASKS - RESOLUTION 2021-02** AMENDING AND EXTENDING RESOLUTION 2020-180 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 2020-180, to February 6, 2021.*
- 8.3 **CARES ACT FUNDING - NONPROFIT CONTRIBUTIONS / BUDGET AMENDMENTS - RESOLUTION 2021-03** APPROVING CONTRIBUTIONS TO THE NASSAU COUNTY COUNCIL ON AGING, BARNABAS CENTER, AND SALVATION ARMY; APPROVING AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2020/2021; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves Contributions to Nassau County Council on Aging (\$120,000); Barnabas (\$60,000); Salvation Army (\$30,000), Nassau County Mental Health D/B/A Starting Point Behavioral Healthcare (\$30,000), Micah's Place (\$15,000), and America's Youth (\$3,000). Also approves the transfer of \$258,000 from the General Fund Contingency account to: Council On Aging Account (\$120,000), to non-profit Barnabas Account (\$60,000); to non-profit Salvation Army Account (\$30,000), to non-profit Nassau County Mental Health (\$30,000), to non-profit Micah's Place (\$15,000), and to non-profit America's Youth (\$3,000) in the Fy 2020/2021 Budget. This amendment increases the total City budget from \$161,171,905 to \$161,440,905.*
- 8.4 **PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) CHANNEL COMMITTEE BUSINESS PLAN APPROVAL - RESOLUTION 2021-04** APPROVING THE PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) CHANNEL COMMITTEE STRATEGIC PLAN; REACTIVATING THE PEG CHANNEL COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves reactivating the PEG Channel Committee, the PEG Channel Committee business plan, and engagement in new content/programming on the City's public access television channel.*

9. ORDINANCE - FIRST READING

- 9.1 **CODE AMENDMENT - STREET PERFORMERS** - ORDINANCE 2021-01 AMENDING THE CODE OF ORDINANCES OF THE CITY OF FERNANDINA BEACH, FLORIDA BY AMENDING CHAPTER 70, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV, STREET PERFORMERS, BY AMENDING SECTION 172 TO ALLOW FOR PERMITS TO BE GRANTED ON A ROLLING BASIS REMOVING THE REQUIREMENT FOR IN-PERSON APPLICATION; AND SECTIONS 170, 171, 172, 173, 174, 175, 176, 177, 178 TO EDIT FOR CLARITY WITHOUT CHANGING THEIR MEANING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Changes the street performer permit application process to allow for application submittal any time of year and removes legalese in favor of plain language within the Article.*

10. ORDINANCE - SECOND READING

- 10.1 **COMPREHENSIVE PLAN AMENDMENT** - ORDINANCE 2020-30 STATING ITS INTENT TO AMEND ORDINANCE 2003-36 IN ACCORDANCE WITH THE RECOMMENDATIONS CONTAINED IN THE ADOPTED EVALUATION AND APPRAISAL REPORT BY RESOLUTION 2020-37; AND APPROVING THE TRANSMITTAL OF SUCH PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR REVIEW IN ACCORDANCE WITH SECTION 163.3184(3), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves transmittal of Evaluation and Appraisal Report (EAR) legislative required amendments related specifically to water supply facilities work plans, peril of flood, and seasonal population.*

11. BOARD APPOINTMENTS

- 11.1 **BOARD OF TRUSTEES OF THE FIREFIGHTERS' AND POLICE OFFICERS' PENSION PLAN** - *one reappointment.*
- 11.2 **HOUSING AUTHORITY** - *one appointment.*
- 11.3 **PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) CHANNEL COMMITTEE** - *four appointments.*

12. CITY MANAGER REPORTS

13. CITY ATTORNEY REPORTS

14. CITY CLERK REPORTS

15. MAYOR/COMMISSIONER COMMENTS

16. ADJOURNMENT

-
- 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).

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Presentation
Airport Advisory Commission

ITEM TYPE: Presentation

REQUESTED ACTION:

SYNOPSIS: Airport Advisory Commission Chairperson Doug Geib and Vice Chairperson Chuck Colcord will provide an update regarding the achievements and goals of the Airport Advisory Commission.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale L. Martin, City Manager 12/21/2020

Monica Benischeck, Administrative Services Manager 12/21/2020

Date: February 04, 2020

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Presentation
Nassau Humane Society

ITEM TYPE: Presentation

REQUESTED ACTION:

SYNOPSIS: Representatives of the Nassau Humane Society will present the "City Commission Dog of the Month." This item is placed on the agenda at the request of Mayor Lednovich.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale L. Martin, City Manager 12/21/2020

Submitted By: 
Caroline Best, City Clerk

Date: December 14, 2020

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
Conservation / Environment

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda at the request of Commissioner Lednovich.

FISCAL IMPACT: To be determined based upon Commission direction.

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale L. Martin, City Manager 12/21/2020

Monica Benischeck, Administrative Services Manager 12/21/2020



Date: December 11, 2020

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
Waterfront Development

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda at the request of Commissioner Lednovich.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale L. Martin, City Manager 12/21/2020

Monica Benischeck, Administrative Services Manager 12/21/2020



Date: December 11, 2020

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
Ocean Highway and Port Authority (OHPA)

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda at the request of Commissioner Ross.

FISCAL IMPACT: To be determined based upon City Commission direction.

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale L. Martin, City Manager 12/21/2020

Monica Benischeck, Administrative Services Manager 12/21/2020

Date: December 11, 2020

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
COVID-19

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: City Commission will discuss COVID-19 related issues.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale L. Martin, City Manager 12/21/2020

Monica Benischeck, Administrative Services Manager 12/21/2020



Date: December 11, 2020

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
Fernandina Beach Municipal Golf Course

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda at the request of Mayor Lednovich who will discuss the Fernandina Beach Municipal Golf Course debt and provide a third party greens and turf assessment.

FISCAL IMPACT:

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Caroline Best, City Clerk	12/18/2020
Monica Benischeck, Administrative Services Manager	12/18/2020
Dale L. Martin, City Manager	12/21/2020


Date: December 11, 2020

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
City Commission Rules of Procedure.

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: At the December 10, 2020 City Commission Orientation Workshop, consensus was achieved to add "City Commission Rules of Procedure" to the January 5, 2021 Regular Meeting agenda for discussion.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Monica Benischeck, Administrative Services Manager	12/16/2020
Dale L. Martin, City Manager	12/21/2020
Tammi E. Bach, City Attorney	12/21/2020

Date: December 11, 2020

Submitted By: Monica Benischeck, Administrative Services Manager

COMMISSION ACTION:

CITY COMMISSION RULES OF PROCEDURE CITY OF FERNANDINA BEACH, FLORIDA

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Section 1. AUTHORITY

Florida Statutes provide for open meetings of the City Commission at which reasonable opportunity shall be given for citizens to be heard under such rules as the City Commission may provide. The Rules of Procedure establish guidelines to be followed by all persons attending a City Commission meeting, including members of the City Commission, administrative staff, news media, and visitors. [Section 286.011, Florida Statutes, and City Charter Section 19]

Section 2. MEETINGS

2.1. Regular Meetings. The City Commission shall meet at 6:00 P.M. on the first and third Tuesdays of each month [Section 2-61 City Code]

2.2. Special Meetings. The Mayor, any two members of the Commission or the City Manager may call special meetings of the Commission upon at least twenty-four (24) hours written notice to every Commissioner [City Charter Section 19] in accordance with Florida Sunshine Law requirements.

(A) Special Meetings of Boards and Committees. The City Manager or any two members of the Commission may call special meetings of any ad hoc or standing committee or board whose members are appointed by the City Commission.

2.3. Public Notice. The agenda for all regular meetings and the notice listing items to be considered shall be posted by the City Clerk's Office on the City's official bulletin board at City Hall and on other public bulletin boards on City property in accordance with the Florida Open Meetings Laws. [Chapter 286, Florida Statutes]

2.4. Quorum. A majority of the members of the City Commission shall constitute a quorum. A quorum of the City Commission must be present to conduct a City Commission regular or special meeting, except that a quorum is not required to hear proclamations and special recognitions. [City Charter Section 21].

2.5. City Manager Participation. The City Manager or City Manager pro tem, shall attend all meetings of the City Commission. The City Manager may make recommendations to the City Commission and shall have the right to take part in all discussions, but shall have no vote. [City Charter Section 29]

2.6. City Attorney Participation. The City Attorney or City Attorney pro tem shall attend all meetings of the City Commission and shall upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the City Commission's parliamentarian. [City Charter Section 31].

2.7. City Clerk Participation. The City Clerk or designated Deputy City Clerk shall attend all meetings of the City Commission and shall keep accurate records of all actions taken by the City Commission. [City Charter Section 47].

2.8. Workshop or Work Session Meetings. During workshop or work session meetings, City Commission members shall refrain from calling on members of the public to speak unless a majority of the City Commission decides by consensus to allow members of the public to speak at a particular workshop or work session.

Section 3 - CODE OF CONDUCT

3.1. City Commission Members.

(a) During City Commission meetings, City Commission members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the Mayor (or other presiding officer) or the rules of the City Commission.

(b) A City Commission member desiring to speak shall address the Mayor and, upon recognition by the Mayor, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

(c) A City Commission member desiring to question the administrative staff shall address questions to the City Manager who shall be entitled either to answer the inquiries or to designate some member of city staff for that purpose. City Commission members shall not berate nor admonish staff members.

(d) A City Commission member, once recognized, shall not be interrupted while speaking unless called to order by the Mayor, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a city Commission member is called to order while speaking, that member shall cease speaking

immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with rules of the City Commission.

(e) City Commission members shall confine their questions to the particular matters before the Commission and in debate shall confine their remarks to the issues before the City Commission.

(f) When there is more than one speaker on the same subject, City Commission members will delay their comments until after all speakers on the subject have been heard.

3.2 Administrative Staff.

(a) Members of the administrative staff and employees of the City shall observe the same rules of procedures and decorum applicable to members of the City Commission.

(b) Although the Mayor has the authority to preserve decorum in meetings, the City Manager also is responsible for the orderly conduct and decorum of all city employees under the City Manager's direction and control.

(c) The city manager shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by city employees in City Commission meetings.

(d) All persons addressing the City Commission, including the city manager, other staff members, or members of the public shall be recognized by the Mayor and shall limit their remarks to the matter under discussion.

(e) All remarks and questions addressed to the City Commission shall be addressed to the City Commission as a whole and not to any individual member.

(f) No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Mayor.

3.3 Citizens and Other Visitors.

(a) Citizens and other visitors are welcome to attend all public meetings of the City Commission and will be admitted to the City Commission chamber or other room in which the City Commission is meeting up to the fire safety capacity of the room.

(b) Everyone attending the meeting will refrain from private conversations while the City Commission is in session.

(c) Citizens and other visitors attending City Commission meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Commission.

(d) Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Commission or while attending the City Commission meeting shall be removed from the room if the Chief of Police or his/her designee is so directed by the Mayor, and the person shall be barred from further audience before the City Commission during that session of the City Commission. If the presiding officer fails to act, any member of the City Commission may move to require enforcement of the rules, and the affirmative vote of a majority of the City Commission shall require the Mayor to act.

(e) Unauthorized remarks from the audience, stamping of feet, whistles, yells, clapping and similar demonstrations shall not be permitted by the Mayor, who may direct the Chief of Police or his/her designee to remove offenders from the room. In case the Mayor shall fail to act, any member of the City Commission may move to require enforcement of the rules, and the affirmative vote of the majority of the City Commission shall require the Mayor to act.

(f) No placards, banners, or signs will be permitted in the City Commission chamber or in any other room in which the City Commission is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Commission, however, are permitted. Video presentations requested by citizens as visual aids will not be broadcasted over cable television.

(g) Citizens or other visitors attending City Commission meetings shall not bring food or drink into the city Commission chamber or into any other room in which the City Commission is meeting.

3.4 Enforcement. The Chief of Police or his/her designee shall act as sergeant-at-arms for the City Commission and shall furnish whatever assistance is needed to enforce the rules of the City Commission.

Section 4 - DUTIES AND PRIVILEGES OF MEMBERS

4.1. Seating Arrangement. City Commission members shall occupy the seats in the City Commission chamber assigned to them by the City Clerk.

4.2. Right of Floor. A City Commission member who desires to speak must be recognized by the Mayor. No member shall address the Mayor or demand the floor while a vote is being taken.

4.3. Conflict of Interest. A Commission member prevented from voting by a conflict of interest shall not vote on the matter, but may participate in the discussion, disclose the nature of the conflict of interest to the Commission prior to a vote being taken, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest.

4.4. Right of Appeal. Any member may appeal to the City Commission from a ruling of the Mayor. If the appeal is seconded, the Commissioner making the appeal may briefly explain the ruling; but there shall be no debate on the appeal, and no other Commissioner shall participate in the discussion. The Mayor shall then put the question, "Shall the decision of the chair be sustained?"

If a majority of the members present vote "Aye," (or "Yes") the ruling of the chair is sustained; otherwise, it is overruled.

4.5. Voting.

(a) Every Commission member present when a question is called shall vote either "Yes" or "No" except on matters involving a conflict of interests.

(b) After the result of a vote is announced, a Commission member may not change a vote unless, before the adjournment of that meeting, that member or a City Commission member on the prevailing side of the vote makes a motion to reconsider the action.

4.6. Excusal from Attendance. City Commission members are expected to attend meetings and stay in attendance during each meeting. No member shall be excused from attendance at a City Commission meeting except for good and valid reasons.

4.7. Excusal During Meetings. No member should leave a City Commission meeting while in session without advising the Mayor.

4.8. No Cell Phones or Mobile Devices During Meetings. Commissioners shall not have cell phones or other mobile devices on the dais during workshops or meetings of the Commission, and all such devices must be silenced. There shall be no text messaging or emailing during Commission meetings by City Commissioners. The dais is equipped with computers and/or tablets that provide internet access for research during meetings. City staff and the public are specifically exempted from this rule. However, City staff, contractors and consultants shall be mindful of the distracting nature of using mobile devices during Commission meetings and take care to silence all mobile devices.

Section 5 - CHAIR AND DUTIES

5.1. Chair. The Mayor, if present, shall preside as chair at all meetings of the City Commission. In the absence of the mayor, the Vice Mayor shall preside. In the absence of both the Mayor and Vice Mayor, the Commission shall elect a chair. If the Mayor vacates the chair during a meeting, and the Vice Mayor is not available, the Mayor may, subject to the approval of the City Commission, appoint a temporary chair.

5.2. Call to Order. The meetings of the City Commission shall be called to order by the Mayor.

5.3. Preservation of Order. The Mayor shall preserve order and decorum, call upon the sergeant-at-arms as necessary to enforce compliance with the rules, and confine members in debate to the question under discussion.

5.4. Questions to be Stated. The Mayor shall state all questions (restate motions) submitted for a vote and announce the result of the vote.

Section 6 – AGENDA AND PUBLIC SPEAKING

6.1. Citizen Speakers. At City Commission regular meetings, a person may address the City Commission concerning voting items on the agenda or may speak during the portion of the agenda providing for citizen and non-citizen speakers to speak on items not on the agenda in accordance with the following rules:

(a) Speakers to Register. A person wishing to address the City Commission must register with the City Clerk and complete a speaker's form provided by the City Clerk prior to the end of the meeting at which they speak.

(b) Speaker Rules. In order that the City Commission may properly consider each matter brought to it by citizens, speakers are asked to observe the following rules:

(1) Only one person may approach the microphone at any one time, and only the person at the microphone will be allowed to speak.

(2) There will be no substitutions or pooling of speakers.

(3) Speakers must address their comments to the Mayor rather than individual City Commission members or staff.

(4) Speakers may file copies of their remarks or supporting information with the City Clerk. The City Clerk will make the information available to the City Commission and City manager if requested.

(5) A person who addresses the City Commission during a public hearing must limit remarks to the specific subject matter being considered by the City Commission in that public hearing.

(6) Fernandina Beach citizens will be allowed to speak before nonresidents.

(c) Time Limits on Voting Items. The length of time a person will be allowed to speak on voting items at City Commission meetings will be determined according to the following rules:

(1) A person who registers to speak on a voting item on the agenda will be called on at the time the item is considered by the City Commission and will have a maximum of three (3) minutes to speak. The Mayor determines the order in which speakers are called. The order in which speakers are called is not required to be in the order that items appear on the agenda, nor are all speakers on a particular item required to be called at the same time. If an item is deferred from a City Commission agenda, a speaker who signed up to speak on the item may not be heard until the item is actually considered by the City Commission.

(2) The Mayor may impose more restrictive time limits on voting items

that are not public hearings, but for which a large number of persons register to speak.

(d) Time Limits for Speaking about Items not on the Agenda. The City Commission will provide an opportunity for citizens to present concerns or address issues that are not matters for consideration listed on a posted meeting agenda during the portion of the agenda providing for citizen and non-citizen comments at regular City Commission meetings, subject to the following rules:

(1) Each speaker may speak only once, and the length of time a person will be allowed to speak during the open citizen or non-citizen comment is (3) three minutes. If a large number of speakers register for the open comment portion of the agenda, however, the Mayor may, with the concurrence of a majority of the City Commission, impose more restrictive time limits in order to allow the maximum number of persons to speak.

(2) The order in which speakers will be called will be determined by the Mayor.

(e) During designated speaker times, City Commission members may ask factual questions or make a brief acknowledgement of speakers. Speakers will have one (1) minute to respond. More time may be granted to the speaker for a response at the discretion of the Mayor or by a non-debatable motion approved by the City Commission. Commission members will refrain from debate on any item during time allotted to speakers unless a specific time is granted by the Mayor or by a non-debatable motion approved by the City Commission.

(f) Use of Interpreters. Whenever it is necessary for a speaker to use an interpreter to translate his/her comments to the City Commission, the time required for the translation will not be counted against the designated time allotted for the speaker to address the City Commission.

6.2 Order of Business; Public Speaking and Motions. For voting items on an agenda, the order of business shall be: 1) public input for speakers who registered to speak on that agenda item; 2) discussion by the City Commission; 3) motion made by Commission member and seconded by another Commission member; 4) any further discussion; 5) motion or amended motion restated by Mayor; and 6) Mayor asks the City Clerk to conduct the roll call vote.

6.3 Agenda. All discussion items (not resolutions or ordinances) and presentations shall be added to Commission agendas through the City Manager's Office in accordance with deadlines for submission approved by the City Manager. Only discussion items related to health, safety and welfare may be added to a Commission agenda with short notice. Presentations shall be limited to ten (10) minutes unless the City Manager or a majority of the City Commission waives or alters the time limit.

6.4 Information Provided by Commissioners. Any and all documents, information, memoranda, research materials and agenda item backup materials must be submitted to the City Manager and/or City Clerk in accordance with deadlines for submission approved by the City Manager for Commission meetings. PowerPoint or other projectable presentation formats may be prepared and submitted to the City Clerk for public display in the Commission Chambers on the projection screen as late as 24 hours prior to the public meeting as long as everything in the projectable presentation was previously submitted as backup material in accordance with agenda submission deadlines. If a Commissioner receives the meeting agenda and backup materials for a meeting and wishes to provide supplemental or rebuttal information, documents, research materials in response to information on a published agenda but too late to meet the City Manager's agenda deadlines, the Commissioner should still submit the information to the City Manager with the understanding that the applicable agenda item may be moved to the next available Commission meeting date by majority vote of the City Commission, subject to the Florida Sunshine Law.

Section 7 - CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS

7.1. Printed Form. All ordinances and resolutions shall be presented to the City Commission only in printed form.

7.2. Rules of Order. These Rules of Order shall govern the proceedings of the City Commission of the City of Fernandina Beach. If there is a motion or action that is not covered by these Fernandina Beach City Commission Rules of Order, state law, City Charter, City ordinances, City resolutions and then the most recent edition of Roberts Rules of Order Revised shall govern the proceedings of the City Commission, in that order.

7.3. Order of Precedence of Motions. The following motions shall have priority in the order indicated:

1. Adjourn (when privileged) - See notes 1 and 2
2. Take a recess (when privileged) - See notes 1 and 3
3. Raise a question of privilege
4. Lay on the table
5. Previous question - See note 5
6. Limit or extend limits of debate - See notes 3 and 5
7. Postpone to a certain time - See note 3
8. Commit or refer - See note 3
9. Amend - See notes 3 and 4
10. Postpone indefinitely
11. Main motion - See note 3

Note 1: The first two motions are not always privileged. To adjourn shall lose its privileged character and be a main motion if in any way qualified. To take a recess shall be privileged only when

other business is pending.

Note 2: A motion to adjourn is not in order: (1) when repeated without intervening business or discussion; (2) when made as an interruption of a member while speaking; (3) while a vote is being taken.

Note 3: Can be amended - others cannot be amended.

Note 4: A motion to amend shall be non-debatable when the question to be amended is non-debatable.

Note 5: Two-thirds vote of members present required.

7.4. Reconsideration.

(a) A motion to reconsider any action of the City Commission may be made, seconded, and voted on not later than the next succeeding voting agenda meeting of the City Commission. If reconsideration of the Commission action has not been posted on the Commission agenda for the meeting at which the motion to reconsider is made, however, actual reconsideration of the item must be delayed until the next voting agenda meeting after the posting requirements of the Sunshine Law are met.

(b) A motion to reconsider an action of the City Commission may only be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Commission, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

7.5. The Previous Question (Calling the Question). When the previous question is moved and seconded, it shall be put as follows: "Shall the main question be considered now?" There shall be no further amendment or debate, but pending amendments shall be put in their order before the main question. If the motion for the previous question is lost, the main question remains before the City Commission. An affirmative vote of two-thirds of the City Commission members present shall be required to approve the previous question. (To demand the previous question is equivalent in effect to moving "that debate now cease, and the City Commission immediately proceed to vote on the pending motion." In practice, this is done with the phrase "Call for the Question," or by simply saying "Question.")

7.6. Withdrawal of Motions. A motion may be withdrawn, or modified, by its mover without asking permission until the motion has been restated by the Mayor. If the mover modifies the motion, the seconder may withdraw the second. After the question has been restated, the mover shall neither withdraw it nor modify it without the consent of the City Commission.

7.7. Amendments to Motions. No proposal of a subject different from that under consideration shall be admitted as a motion or amendment to a motion. A main motion may be amended by the mover stating the main motion with the amended language and having a seconder to the amended motion. If a majority of the City Commission concede, an amended motion may be amended several times and until the Mayor restates the amended the motion and asks for a vote.

7.8 Suspension of Rules. Subject only to the limitations imposed by the City Charter and state law, any of the foregoing rules may be suspended for the meeting then in session by unanimous vote of the City Commission.

Proposed Changes – submitted by Commissioner Ross
CITY COMMISSION
RULES OF PROCEDURE
CITY OF FERNANDINA BEACH, FLORIDA

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Section 1. AUTHORITY

Florida Statutes provide for open meetings of the City Commission at which reasonable opportunity shall be given for citizens to be heard under such rules as the City Commission may provide. The Rules of Procedure establish guidelines to be followed by all persons attending a City Commission meeting, including members of the City Commission, administrative staff, news media, and visitors. [Section 286.011, Florida Statutes, and City Charter Section 19]

Section 2. MEETINGS

2.1. Regular Meetings. The City Commission shall meet at 6:00 P.M. on the first and third Tuesdays of each month [Section 2-61 City Code]

2.2. Special Meetings. The Mayor, any two members of the Commission or the City Manager may call special meetings of the Commission upon at least twenty-four (24) hours written notice to every Commissioner [City Charter Section 19] in accordance with Florida Sunshine Law requirements.

(A) Special Meetings of Boards and Committees. The City Manager or any two members of the Commission may call special meetings of any ad hoc or standing committee or board whose members are appointed by the City Commission.

2.3. Public Notice. The agenda for all regular meetings and the notice listing items to be considered shall be posted by the City Clerk's Office on the City's official bulletin board at City Hall and on other public bulletin boards on City property in accordance with the Florida Open Meetings Laws. [Chapter 286, Florida Statutes]

2.4. Quorum. A majority of the members of the City Commission shall constitute a quorum. A quorum of the City Commission must be present to conduct a City Commission regular or special meeting, except that a quorum is not required to hear proclamations and special recognitions. [City Charter Section 21].

2.5. City Manager Participation. The City Manager or City Manager pro tem, shall attend all meetings of the City Commission. The City Manager may make recommendations to the City Commission and shall have the right to take part in all discussions, but shall have no vote. [City Charter Section 29]

2.6. City Attorney Participation. The City Attorney or City Attorney pro tem shall attend all meetings of the City Commission and shall upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the City Commission's parliamentarian. [City Charter Section 31].

2.7. City Clerk Participation. The City Clerk or designated Deputy City Clerk shall attend all meetings of the City Commission and shall keep accurate records of all actions taken by the City Commission. [City Charter Section 47].

2.8. Workshop or Work Session Meetings. During workshop or work session meetings, ~~City Commission members shall refrain from calling on members of the public to speak unless a majority of the City Commission decides by consensus to allow members of the public to speak at a particular workshop or work session~~ **public comment will be allowed using the same rules as City Commission meetings**

Section 3 - CODE OF CONDUCT

3.1. City Commission Members.

(a) During City Commission meetings, City Commission members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the Mayor (or other presiding officer) or the rules of the City Commission.

(b) A City Commission member desiring to speak shall address the Mayor and, upon recognition by the Mayor, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

(c) A City Commission member desiring to question the administrative staff shall address questions to the City Manager who shall be entitled either to answer the inquiries or to designate some member of city staff for that purpose. City Commission members shall not berate nor admonish staff members.

(d) A City Commission member, once recognized, shall not be interrupted while

speaking unless called to order by the Mayor, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a city Commission member is called to order while speaking, that member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with rules of the City Commission.

(e) City Commission members shall confine their questions to the particular matters before the Commission and in debate shall confine their remarks to the issues before the City Commission.

~~(f) When there is more than one speaker on the same subject, City Commission members will delay their comments until after all speakers on the subject have been heard.~~

3.2 Administrative Staff.

(a) Members of the administrative staff and employees of the City shall observe the same rules of procedures and decorum applicable to members of the City Commission.

(b) Although the Mayor has the authority to preserve decorum in meetings, the City Manager also is responsible for the orderly conduct and decorum of all city employees under the City Manager's direction and control.

(c) The city manager shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by city employees in City Commission meetings.

(d) All persons addressing the City Commission, including the city manager, other staff members, or members of the public shall be recognized by the Mayor and shall limit their remarks to the matter under discussion.

(e) All remarks and questions addressed to the City Commission shall be addressed to the City Commission as a whole and not to any individual member.

(f) No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Mayor.

3.3 Citizens and Other Visitors.

(a) Citizens and other visitors are welcome to attend all public meetings of the City Commission and will be admitted to the City Commission chamber or other room in which the City Commission is meeting up to the fire safety **and public health** capacity of the room

(b) Everyone attending the meeting will refrain from private conversations

while the City Commission is in session.

(c) Citizens and other visitors attending City Commission meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Commission.

(d) Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Commission or while attending the City Commission meeting shall be removed from the room if the Chief of Police or his/her designee is so directed by the Mayor, and the person shall be barred from further audience before the City Commission during that session of the City Commission. If the presiding officer fails to act, any member of the City Commission may move to require enforcement of the rules, and the affirmative vote of a majority of the City Commission shall require the Mayor to act.

(e) Unauthorized remarks from the audience, stamping of feet, whistles, yells, clapping and similar demonstrations shall not be permitted by the Mayor, who may direct the Chief of Police or his/her designee to remove offenders from the room. In case the Mayor shall fail to act, any member of the City Commission may move to require enforcement of the rules, and the affirmative vote of the majority of the City Commission shall require the Mayor to act.

(f) No placards, banners, or signs will be permitted in the City Commission chamber or in any other room in which the City Commission is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Commission, however, are permitted. **Video presentations requested by citizens as visual aids will not be broadcasted over cable television. *[Clarify meaning of the previous sentence]***

(g) Citizens or other visitors attending City Commission meetings shall not bring food or drink into the city Commission chamber or into any other room in which the City Commission is meeting.

3.4 Enforcement. The Chief of Police or his/her designee shall act as sergeant-at-arms for the City Commission and shall furnish whatever assistance is needed to enforce the rules of the City Commission.

Section 4 - DUTIES AND PRIVILEGES OF MEMBERS

4.1. Seating Arrangement. City Commission members shall occupy the seats in the City Commission chamber assigned to them by the City Clerk.

4.2. Right of Floor. A City Commission member who desires to speak must be recognized by the Mayor. No member shall address the Mayor or demand the floor while a vote is being taken.

4.3. Conflict of Interest. A Commission member prevented from voting by a conflict of interest shall not vote on the matter, but may participate in the discussion, disclose the nature of the conflict

of interest to the Commission prior to a vote being taken, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest.

4.4. Right of Appeal. Any member may appeal to the City Commission from a ruling of the Mayor. If the appeal is seconded, the Commissioner making the appeal may briefly explain the ruling; but there shall be no debate on the appeal, and no other Commissioner shall participate in the discussion. The Mayor shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "Aye," (or "Yes") the ruling of the chair is sustained; otherwise, it is overruled.

4.5. Voting.

(a) Every Commission member present when a question is called shall vote either "Yes" or "No" except on matters involving a conflict of interests.

(b) After the result of a vote is announced, a Commission member may not change a vote **unless, before the adjournment of that meeting, that member or a City Commission member on the prevailing side of the vote makes a motion to reconsider the action.**

4.6. Excusal from Attendance. City Commission members are expected to attend meetings and stay in attendance during each meeting. **No member shall be excused from attendance at a City Commission meeting except for good and valid reasons.**

4.7. Excusal During Meetings. No member should leave a City Commission meeting while in session without advising the Mayor.

4.8. No Cell Phones or Mobile Devices During Meetings. ~~Commissioners shall not have cell phones or other mobile devices on the dais during workshops or meetings of the Commission, and all such devices must be silenced.~~ There shall be no text messaging or emailing **cell phone use** during Commission meetings by City Commissioners. The dais is equipped with computers and/or tablets that provide internet access for research during meetings.

City staff and the public are specifically exempted from this rule. However, City staff, contractors and consultants shall be mindful of the distracting nature of using mobile devices during Commission meetings and take care to silence all mobile devices.

Section 5 - CHAIR AND DUTIES

5.1. Chair. The Mayor, if present, shall preside as chair at all meetings of the City Commission. In the absence of the mayor, the Vice Mayor shall preside. In the absence of both the Mayor and Vice Mayor, the Commission shall elect a chair. If the Mayor vacates the chair during a meeting, and the Vice Mayor is not available, the Mayor may, subject to the approval of the City Commission, appoint a temporary chair.

5.2. Call to Order. The meetings of the City Commission shall be called to order by the Mayor.

5.3. Preservation of Order. The Mayor shall preserve order and decorum, call upon the sergeant-at-arms as necessary to enforce compliance with the rules, and confine members in debate to the question under discussion.

5.4. Questions to be Stated. **The Mayor shall state all questions (restate motions) submitted for a vote and announce the result of the vote. *[As this is not being done should this be removed or enforced?]***

Section 6 – AGENDA AND PUBLIC SPEAKING

6.1. Citizen Speakers. At City Commission regular meetings, a person may address the City Commission concerning voting items on the agenda or may speak during the portion of the agenda providing for citizen and non-citizen speakers to speak on items not on the agenda in accordance with the following rules:

(a) Speakers to Register. A person wishing to address the City Commission must register with the City Clerk and complete a speaker's form provided by the City Clerk prior to the end of the meeting at which they speak.

(b) Speaker Rules. In order that the City Commission may properly consider each matter brought to it by citizens, speakers are asked to observe the following rules:

(1) Only one person may approach the microphone at any one time, and only the person at the microphone will be allowed to speak.

(2) There will be no substitutions or pooling of speakers.

(3) Speakers must address their comments to the Mayor rather than individual City Commission members or staff.

(4) Speakers may file copies of their remarks or supporting information with the City Clerk. The City Clerk will make the information available to the City Commission and City manager if requested.

(5) A person who addresses the City Commission during a public hearing must limit remarks to the specific subject matter being considered by the City Commission in that public hearing.

(6) Fernandina Beach citizens will be allowed to speak before nonresidents.

(c) Time Limits on Voting Items. The length of time a person will be allowed to speak on voting items at City Commission meetings will be determined according to the following rules:

(1) A person who registers to speak on a voting item on the agenda will be called on at the time the item is considered by the City Commission and will have a maximum of three (3) minutes to speak. The Mayor determines the order in which speakers are called. The order in which speakers are called is not required to be in the order that items appear on the agenda, nor are all speakers on a particular item required to be called at the same time. If an item is deferred from a City Commission agenda, a speaker who signed up to speak on the item may not be heard until the item is actually considered by the City Commission.

(2) The Mayor may impose more restrictive time limits on voting items that are not public hearings, but for which a large number of persons register to speak.

(d) Time Limits for Speaking about Items not on the Agenda. The City Commission will provide an opportunity for citizens to present concerns or address issues that are not matters for consideration listed on a posted meeting agenda during the portion of the agenda providing for citizen and non-citizen comments at regular City Commission meetings, subject to the following rules:

(1) Each speaker may speak only once, and the length of time a person will be allowed to speak during the open citizen or non-citizen comment is (3) three minutes. If a large number of speakers register for the open comment portion of the agenda, however, the Mayor may, with the concurrence of a majority of the City Commission, impose more restrictive time limits in order to allow the maximum number of persons to speak.

(2) The order in which speakers will be called will be determined by the Mayor.

(e) During designated speaker times, City Commission members may ask factual questions or make a brief acknowledgement of speakers. Speakers will have one (1) minute to respond. More time may be granted to the speaker for a response at the discretion of the Mayor or by a non-debatable motion approved by the City Commission. Commission members will refrain from debate on any item during time allotted to speakers unless a specific time is granted by the Mayor or by a non-debatable motion approved by the City Commission.

(f) Use of Interpreters. Whenever it is necessary for a speaker to use an interpreter to translate his/her comments to the City Commission, the time required for the translation will not be counted against the designated time allotted for the speaker to address the City Commission.

6.2 Order of Business; Public Speaking and Motions. For voting items on an agenda, the order of business shall be:

1) The City Manager or Attorney will introduce the item

2) Staff presentation if appropriate

3) 1) public input for speakers who registered to speak on that agenda item;

4) 2) discussion by the City Commission;

5) 3) motion made by Commission member and seconded by another Commission member

6) 4) any further discussion or motion amendments;

7) 5) motion or amended motion restated by Mayor; and

8) 6) Mayor asks the City Clerk to conduct the roll call vote.

6.3 Agenda. All discussion items (not resolutions or ordinances) and presentations shall be added to Commission agendas through the City Manager's Office in accordance with deadlines for submission approved by the City Manager. Only discussion items related to health, safety and welfare may be added to a Commission agenda with short **without proper** notice. Presentations shall be limited to ten (10) minutes unless the City Manager or a majority of the City Commission waives or alters the time limit.

6.4 Information Provided by Commissioners. Any and all documents, information, memoranda, research materials and agenda item backup materials must be submitted to the City Manager and/or City Clerk in accordance with deadlines for submission approved by the City Manager for Commission meetings. *[Does this prohibit "paper handouts at the meeting?]*

PowerPoint or other projectable presentation formats may be prepared and submitted to the City Clerk for public display in the Commission Chambers on the projection screen as late as 24 hours prior to the public meeting as long as everything in the projectable presentation was previously submitted as backup material in accordance with agenda submission deadlines.

If a Commissioner receives the meeting agenda and backup materials for a meeting and wishes to provide supplemental or rebuttal information, documents, research materials in response to information on a published agenda but too late to meet the City Manager's agenda deadlines, the Commissioner should still submit the information to the City Manager with the understanding that the applicable agenda item may be moved to the next available Commission meeting date by majority vote of the City Commission, subject to the Florida Sunshine Law.

Section 7 - CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS

7.1. Printed Form. All ordinances and resolutions shall be presented to the City Commission ~~only~~ in printed and **electronic form**

7.2. Rules of Order. These Rules of ~~Order~~ **Procedure** shall govern the proceedings of the City Commission of the City of Fernandina Beach. If there is a motion or action that is not covered by these Fernandina Beach City Commission Rules of ~~Order~~ **Procedure, then** state law, City Charter, City ordinances, City resolutions and ~~then~~ the most recent edition of Roberts Rules of Order Revised **for Small Boards** shall govern the proceedings of the City Commission, in that order.

Additionally

- **Members may remain seated while making motions or speaking.**
-
- **There is no limit to the number of times a member may speak to a debatable question.**
-
- **Motions to close or limit debate are not be permitted.**
- **Informal discussion of a subject is permitted while no motion is pending.**
-
- **The chair need not rise while putting questions to a vote.**
-
- **The chair must relinquish the chair to make a motion or amend a motion**
- **The chair may, without leaving the chair, speak in informal discussions, participate in debate of a motion, second a motion or an amendment to a motion and must vote on all questions.**

7.3. Order of Precedence of Motions. The following motions shall have priority in the order indicated:

1. Adjourn (when privileged) - See notes 1 and 2
2. Take a recess (when privileged) - See notes 1 and 3

3. Raise a question of privilege
4. Lay on the table
5. Previous question - See note 5
6. Limit or extend limits of debate - See notes 3 and 5
7. Postpone to a certain time - See note 3
8. Commit or refer - See note 3
9. Amend - See notes 3 and 4
10. Postpone indefinitely
11. Main motion - See note 3

Note 1: The first two motions are not always privileged. To adjourn shall lose its privileged character and be a main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.

Note 2: A motion to adjourn is not in order: (1) when repeated without intervening business or discussion; (2) when made as an interruption of a member while speaking; (3) while a vote is being taken.

Note 3: Can be amended - others cannot be amended.

Note 4: A motion to amend shall be non-debatable when the question to be amended is non-debatable.

Note 5: Two-thirds vote of members present required.

7.4. Reconsideration.

(a) A motion to reconsider any action of the City Commission may be made, seconded, and voted on not later than the next succeeding voting agenda meeting of the City Commission. If reconsideration of the Commission action has not been posted on the Commission agenda for the meeting at which the motion to reconsider is made, however, actual reconsideration of the item must be delayed until the next voting agenda meeting after the posting requirements of the Sunshine Law are met.

(b) A motion to reconsider an action of the City Commission may only be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Commission, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

~~7.5. The Previous Question (Calling the Question). When the previous question is moved and seconded, it shall be put as follows: "Shall the main question be considered now?" There shall be no further amendment or debate, but pending amendments shall be put in their order before the main question. If the motion for the previous question is lost, the main question remains before the City Commission. An affirmative vote of two-thirds of the City Commission members present shall be required to approve the previous question. (To demand the previous question is equivalent in effect to moving "that debate now cease, and the City Commission immediately proceed to vote~~

on the pending motion." In practice, this is done with the phrase "Call for the Question," or by simply saying "Question.")

7.6. Withdrawal of Motions. A motion may be withdrawn, or modified, by its mover without asking permission until the motion has been restated by the Mayor. If the mover modifies the motion, the seconder may withdraw the second. After the question has been restated, the mover shall neither withdraw it nor modify it without the consent of the City Commission.

7.7. Amendments to Motions. ~~No proposal of a subject different from that under consideration shall be admitted as a motion or amendment to a motion.~~ A main motion may be amended by the mover stating the main motion with the amended language and having a seconder to the amended motion. ~~If a majority of the City Commission concedes, an amended motion may be amended several times and until the Mayor restates the amended the motion and asks for a vote.~~

by any member by moving to amend the motion by either :

- 1) inserting or adding words;**
- 2) striking (deleting) consecutive words; or**
- 3) striking and inserting new language.**

In making the motion to amend the member specifies the location for the deletions and/or insertions.

The amendment must relate to the subject of the motion it is amending. A motion to amend may be amended.

Any member may move to amend a primary amendment with a secondary amendment.

Primary and secondary amendments require a second and a majority vote to pass.

7.8 Suspension of Rules. Subject only to the limitations imposed by the City Charter and state law, any of the foregoing rules may be suspended for the meeting then in session by unanimous

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
Marina - Slip Agreements/Rates

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda at the request of Mayor Lednovich.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S):

Caroline Best, City Clerk	12/18/2020
Monica Benischeck, Administrative Services Manager	12/18/2020
Dale L. Martin, City Manager	12/21/2020

Submitted By: 
Caroline Best, City Clerk

Date: December 18, 2020

COMMISSION ACTION:

Caroline Best

From: Mr. Dale L. Martin
Sent: Thursday, December 17, 2020 4:30 PM
To: Chip Ross; Johnny Miller; Len Kreger; Mike Lednovich; Philip Chapman III
Cc: Tammi E. Bach; Caroline Best; Taylor Fitzsimmons
Subject: RE: Marina Slip Agreements/Rates

Comm. Ross:

You may be referring to the information provided below from FIND related to rates (part of the contract review prior to approval):

From Ms. Janet Zimmerman (October 16, 2020):

For the City to remain in compliance with the numerous FIND Waterway Assistance Program grant agreements (and Rule 66B-2 attached) that encumber the City Marina and Mooring Field, the following requirements still need to be addressed in the agreement:

- Project accessibility (66B-2.004(4)). This rule requires that the user fees (for example, slip rent) be the same for the general public of all of the member counties. In other words, there can be no preferential rates or discounts for City or Nassau County residents that are not also extended to users from the District's other 11 counties.
- Public Marina Qualifications (66B-2.008(4)). This rule requires that dockage rates be within market comparison of the dockage rates of other area marinas. Also, this rule requires that at least 10% of the slips or mooring areas shall be available for transient vessels.
- Definition of Public Marina (66B-2.003) By definition, in order to qualify for WAP assistance, the marina must be a "pubic marina", meaning that it must be open to the general public on a first-come, first-served basis without any qualifying requirements such as club membership, stock ownership, or differential in price. There is no clear statement of this principle in the agreement.

I will review this language with Ms. Bach and the implications on Marina slip pricing.

If you have further questions, please contact me.

Mr. Dale L. Martin
City Manager
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3101 | dmartin@fbfl.org
www.fbfl.us



If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.

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From: Chip Ross <cross@fbfl.org>
Sent: Thursday, December 17, 2020 4:07 PM

To: Mr. Dale L. Martin <dmartin@fbfl.org>
Cc: Chip Ross <cross@fbfl.org>
Subject: RE: Marina Slip Agreements/Rates

Is my recollection correct, that to accept FIND grants their must be a uniform rate?

Chip Ross
Commissioner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
(410) 394-0220 | cross@fbfl.org
www.fbfl.us



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From: Mr. Dale L. Martin [dmartin@fbfl.org] **Sent:** Thursday, December 17, 2020 3:32 PM
To: Chip Ross; Johnny Miller; Len Kreger; Mike Lednovich; Philip Chapman III
Cc: Tammi E. Bach; Caroline Best; Taylor Fitzsimmons
Subject: FW: Marina Slip Agreements/Rates

Good afternoon, Commissioners:

As some of you have asked about recent news regarding Marina slip rates, please see the information provided below from Mr. Fitzsimmons.

Please contact me if you have any questions.

Mr. Dale L. Martin
City Manager
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3101 | dmartin@fbfl.org
www.fbfl.us



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From: Taylor Fitzsimmons <tfitzsimmons@oasismarinas.com>
Sent: Thursday, December 17, 2020 1:56 PM
To: Mr. Dale L. Martin <dmartin@fbfl.org>
Cc: Eric Bradley <EBradley@oasismarinas.com>; Kirk Gautreau <kgautreau@oasismarinas.com>
Subject: Marina Slip Agreements/Rates

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

Good Afternoon Dale,

Just reaching out to advise that we have sent out slip agreements to all the long term slip renters today at a rate of \$19.25 per foot per month, which was a pre existing advertised rate for the marina. While the records passed along from Westrec were vague, from what we pieced together the vast majority (over 50%) of customers were paying the \$19.25 per foot rate already.

In the few hours since the agreements went out it has been brought to our attention that Westrec was charging only \$15.50 per foot for a handful of boats further down the docks. Due to the demand for long term slips and most vessels already paying the higher rate we felt it necessary to standardize and have all customers paying the same.

Just wanted to keep you in the loop in case there is any customers coming to you or the commission regarding a rate changes.

All the best,

Taylor J. Fitzsimmons | General Manager | Oasis Marinas

(904) 310-3300 | tfitzsimmons@oasismarinas.com



CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Approval of Minutes

ITEM TYPE: Approval of Minutes

REQUESTED ACTION: Approve Minutes

SYNOPSIS: The following minutes are attached for the City Commission's review and consideration for approval:

City Commission Regular Meeting	November 17, 2020
Canvassing Board Meeting	December 8, 2020
City Commission Workshop	December 10, 2020
Canvassing Board Meeting	December 11, 2020

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale L. Martin, City Manager	12/21/2020
Monica Benischeck, Administrative Services Manager	12/21/2020

Caroline Best

Date: December 11, 2020

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION: Approve

The City Commission of the City of Fernandina Beach, Florida, met in a Regular Meeting on Tuesday, November 17, 2020 6:00 pm. Present in Chambers were Mayor John A. Miller presiding, Vice Mayor Len Kreger, Commissioners Philip Chapman, Mike Lednovich, and Chip Ross. Also, in attendance were City Clerk Caroline Best, City Manager Dale L. Martin, and City Attorney Tammi Bach. Due to the ongoing COVID-19 pandemic, occupancy in the Commission Chambers was limited. The meeting was broadcast live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

Mayor Miller called the meeting to order and led the Pledge of Allegiance to the Flag. The invocation was given by Bishop Dr. Dewayne Campbell of Elm Street Church of God.

4.1 PROCLAMATION - "RIGHT WHALE MONTH": Mayor Miller read the Proclamation in full recognizing the month of November 2020 as "Right Whale Month." Right Whale Festival organizer Ms. Cheryl Munday was in attendance to accept the Proclamation.

4.2 BUDGET SUMMARY: Comptroller Pauline Testagrose was available to answer any questions regarding the budget summary for October 2020. The current year to date revenue is at 4% of the annual budget with year-to-date expenses overall below the mark at 7.3% although some departments are over due to payments for annual maintenance and service contracts. A summary of various funds was given for city departments.

5.1 CONSERVATION/ENVIRONMENT/ REVIEW OF TREE CANOPY REPLACEMENT PLAN: This item is placed on the agenda at the request of Commissioner Lednovich. Planning and Conservation Department Arborist Dave Holley gave a detailed presentation, explanation for future tree planning and planting, noting that 110 trees have been planted to date in 2020.

5.2 WATERFRONT DEVELOPMENT: This item is placed on the agenda at the request of Commissioner Lednovich who reiterated that waterfront development has serious budget constraints and suggested a voter referendum to gauge the taxpayer's interest on the matter.

5.3 MARINA: This item is placed on the agenda at the request of Commissioner Ross who yielded his time

5.4 OCEAN HIGHWAY AND PORT AUTHORITY (OHPA): This item is placed on the agenda at the request of Commissioner Ross who yielded his time.

5.5 COVID-19: Commissioner Lednovich gave an updated presentation on local cases and the upward trend around the country.

6. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA: No individuals spoke to this item,

7. CONSENT AGENDA: There were no items for consideration on the Consent Agenda.

8.1 Quasi- Judicial RESOLUTION 2020-171 APPROVING/DENYING THE APPEAL FILED BY RICE ARCHITECT, AGENT FOR FIRST PRESBYTERIAN CHURCH, REGARDING THE DECISION OF THE HISTORIC DISTRICT COUNCIL FOR CASE #2019-37, IN ACCORDANCE WITH CITY LAND DEVELOPMENT CODE SECTION 8.03.09; MAKING FINDINGS: According to the agenda support documents Resolution 2020-171 approves or denies the appeal filed by Rice Architect

agent for First Presbyterian Church for HDC Case #2019-37. City Attorney Bach explained the quasi-judicial hearing process. Commissioner Ross, Commissioner Lednovich, and Vice Mayor Kreger disclosed ex-parte communications. City Clerk Best administered the oath.

SUPPORT: Randy Rice, Rice Architect, LLC., 961687 Gateway Blvd, explained the history of the project and advocated for moving forward.

SUPPORT: Mark Akins, Rice Architect, LLC., 961687 Gateway Blvd, clarified points, questioned standards for applications and finding of fact and presented arguments advocating for approval of the project. Commissioner Lednovich broached areas of concern and asked questions regarding materials and design. Commissioner Ross questioned Mr. Akins regarding design, guidelines, and committee evaluation.

SUPPORT: David Sturges, 319 Benjamin Street, serves on the First Presbyterian Church building committee and advocated for mediation to complete the project.

SUPPORT: Mike Bowling, 4682 Carlton Dunes Drive, serves on the First Presbyterian Church building committee, advocated for approval, showed photo examples of downtown structures that do not necessarily meet historic district guidelines and urged the Commission to approve the project which will benefit area youth.

Planning and Conservation Department Historic Preservation Planner Sal Cumella relied on the findings of fact submitted, recorded agendas, and minutes and was available to answer questions.

A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Resolution 2020-171. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

8.2 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: According to the agenda support documents Resolution 2020-166 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. City Attorney Bach gave a detailed history of the case and explained the process culminating in Resolution 2020-166.

DEFENSE: Dexter Rainey, 1002 Cedar Street, explained that costly repairs were not affordable, and the vehicle was offered for sale, a pending sale ensued however the deal did not close.

Commissioner Ross questioned Dexter and Regina Rainey regarding code enforcement notices, communications, hearings, clarification, intent, and resolution. Commissioner Chapman spoke to setting precedents and suggested the incoming Commission review the cost of daily code enforcement fines. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Lednovich, to approve Resolution 2020-166, as amended by, reducing the fine to \$350.00 payable on or before January 1, 2021.** Commissioner Chapman voiced opposition and concern for fines, setting precedents and undermining code enforcement. Commissioner Ross expressed concern regarding notices and policy. Commissioner Lednovich concurred with Commissioner Chapman. Further discussion ensued regarding cases and clarification. Mayor Miller remarked that the code enforcement process has proven successful for past cases and the Commission has been successful bringing the most extreme delinquent cases into

compliance. Mayor Miller expressed positivity for a successful outcome to the Rainey case which seemed to escalate due to miscommunication.

Code Enforcement Director Michelle Forstrom clarified the extensive violation identification and notification processes, extensions are provided when needed, timely notices of hearings and agenda announcements, consideration of severity of cases for non-compliant offenders. The current compliance rate is over 90%. Reductions in fines may adversely affect code compliance and the support of the Commission is needed to maintain standards in the difficult realm of code enforcement. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Vice Mayor Kreger:	Aye
Commissioner Lednovich:	Aye
Commissioner Chapman:	Nay
Commissioner Ross:	Aye
Mayor Miller:	Aye

4-1 motion carried.

8.3 Reconsideration RESOLUTION 2020-170 APPROVING CERTAIN SPECIAL EVENTS WITH CONDITIONS FOR THE REMAINDER OF THE 2020 CALENDAR YEAR: According to the agenda support documents Resolution 2020-170 approves 4 annual special events to occur in downtown as long as certain health and safety measures are met. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman, to reconsider Resolution 2020-170. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.4 RESOLUTION 2020-172 APPROVING/CANCELING CERTAIN HOLIDAY SPECIAL EVENTS WITH CONDITIONS FOR THE REMAINDER OF THE 2020 CALENDAR YEAR: According to the agenda support documents Resolution 2020-172 approves 2 annual special holiday events to occur in downtown as long as certain health and safety measures are met.

EVENT REQUEST: C.N. Corbett, 106 N. 15th Street, Light Up Amelia Vice President, gave a history of the organization's events. Several recent and upcoming events have been cancelled due to the pandemic and ensuring public safety however the Commission is asked to approve New Year's Eve fireworks.

EVENT REQUEST: Sarah Pelican, 425 N. Fletcher Avenue, reiterated Mr. Corbett's comments and advocated on behalf of approving the end of year fireworks.

EVENT REQUEST: Colleen Hodge, 2812 Ocean Sound Drive, advocated on behalf of the Amelia Island Runners Stuff the Turkey 5K run and explained the scaled down non-spectator event and process for keeping runners appropriately distanced and safe. The event benefits a community soup kitchen.

Vice Mayor Kreger expressed concerned for all the events proposed as "high risk" in accordance with the Center for Disease Control (CDC) guidelines and recommended all events be cancelled. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Lednovich, to approve Resolution 2020-172, cancelling special events for the remainder of the 2020 calendar year.** Commissioner Chapman implored the community to comprehend the seriousness of the pandemic, abide by CDC guidelines and forgo gatherings. Commissioner Ross expressed ambivalence noting some of the proposed events were reasonable.

EVENTS: Amelia Island Convention Visitors Bureau CEO President Gil Langley, spoke to non-threatening/non safety events including the lighting downtown merchant district and asked for

clarification on the proposed resolution. Commissioner Ross supports cancelling the Christmas parade however other events are more nuanced.

City Attorney Bach explained Resolution 2020-170 and Resolution 2020-172 are proposed to be voted on by the Commission. Mayor Miller reasoned his decision is based on CDC guidelines that outline the highest possible risks that include gathering and expressed his concern for protect public safety. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Vice Mayor Kreger:	Aye
Commissioner Lednovich:	Aye
Commissioner Chapman:	Aye
Commissioner Ross:	Nay
Mayor Miller:	Aye

4-1 motion carried.

8.5 RESOLUTION 2020-173 APPROVING A PROPOSAL FROM WEATHERPROOFING TECHNOLOGIES, INC. IN AN AMOUNT NOT TO EXCEED \$55,000.00 FOR REPAIRS AT THE ATLANTIC RECREATION CENTER: According to the agenda support documents Resolution 2020-173 approves the proposal from Weatherproofing Technologies, Inc. for resurfacing of the Atlantic Recreation Center roof in an amount not to exceed \$55,000.00. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Resolution 2020-173. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.6 RESOLUTION 2020-174 APPROVING A PROPOSAL FROM WEATHERPROOFING TECHNOLOGIES, INC. TO PERFORM ROOF REPAIRS TO THE GOLF COURSE EQUIPMENT BUILDING ROOF IN AN AMOUNT NOT TO EXCEED \$24,997.22: According to the agenda support documents Resolution 2020-174 approves the proposal from Weatherproofing Technologies, Inc. for resurfacing of the Golf Course Equipment Building Roof in an amount not to exceed \$24,997.22. **A motion was made by Commissioner Ross, seconded by Commissioner Chapman, to approve Resolution 2020-174. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.7 RESOLUTION 2020-175 DECLARING ITS INTENT TO RENEW/NOT RENEW THE CITY'S CONTRACT WITH INDIGO GOLF PARTNERS (FORMERLY BILLY CASPER GOLF, LLC); AUTHORIZING THE CITY MANAGER TO PROCEED WITH THE APPROVED COURSE OF ACTION: According to the agenda support documents Resolution 2020-175 authorizes the City Manager to 1) renew the agreement with Billy Casper Golf, LLC, now doing business as Indigo Golf Partners or 2) authorizes the City Manager to pursue in-house management of the City Golf Course.

Indigo Golf Partners Vice President of Operations Dan Zimmer introduced his team and gave a detailed presentation explaining the benefits of re-signing the contract with the city.

Vice Mayor Kreger voiced concerns regarding the negotiations and requested more information including hard numbers. Commissioner Lednovich concurred noting the lack of information and the need to review further. Further discussion ensued regarding negotiations and financial review. ***The consensus of the City Commission was to direct the City Manager to negotiate possible contract savings with Indigo Golf Partners to be considered at the December 1st City Commission Regular Meeting.***

8.8 RESOLUTION 2020-176 APPROVING THE PURCHASE OF ONE CANON DR-G2110 PRODUCTION SCANNER FROM CANON SOLUTIONS AMERICA IN AN AMOUNT NOT TO

EXCEED \$4,225 IN FISCAL YEAR 2020/2021: According to the agenda support documents Resolution 2020-176 approves the purchase of one Canon DR-G2110 Production Scanner from Canon Solutions America in an amount not to exceed \$4,225. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Lednovich, to approve Resolution 2020-176. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.9 RESOLUTION 2020-177 AMENDING RESOLUTION 2017-124 AND RESOLUTION 2019-158; APPROVING AT&T CORPORATION WIDE AREA NETWORK BANDWIDTH SERVICES: According to the agenda support documents Resolution 2020-177 approves the increased spending level for AT&T Corporation from that which was approved via Resolution 2019-158. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to approve Resolution 2020-177. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.10 RESOLUTION 2020-178 APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2020/2021 TO REPAIR A DAMAGED FUEL LINE AT THE MARINA: According to the agenda support documents Resolution 2020-178 approves a budget amendment in the amount of \$215,000 to repair a damaged fuel line at the Marina. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to approve Resolution 2020-178.**

Vice Mayor Kreger voiced opposition to supporting the resolution due to purchasing and request for proposal concerns. Commissioner Ross spoke to the emergent need for repair and providing fuel however in concurrence with Vice Mayor Kreger the purchasing policy needs to be reworked. City Manager Martin clarified the emergency was indicated in a letter from the Department of Environmental Protection (DEP). City Attorney Bach explained there have been two DEP notices and importance of the situation. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Commissioner Ross:	Aye
Commissioner Lednovich:	Aye
Commissioner Chapman:	Aye
Vice Mayor Kreger:	Nay
Mayor Miller:	Aye

4-1 motion carried.

8.11 RESOLUTION 2020-179 APPROVING A PROPOSAL FROM MILLER ELECTRIC COMPANY IN THE AMOUNT OF \$52,500.20 FOR A GENETEC ACCESS CONTROL TO INSTALL NEW ACCESS EQUIPMENT ON ADDITIONAL DOORS BY WAY OF A PIGGYBACK PURCHASE TO THE OSCEOLA COUNTY, FLORIDA, CONTRACT. According to the agenda support documents this Resolution 2020-179 approves the proposal from Miller Electric Company for the purchase of a Genetec Access Control System to install new access equipment on additional doors in an amount not to exceed \$52,500.20 as a piggyback purchase to the Osceola County, Florida, Contract. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger to approve Resolution 2020-179. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

9.1 Quasi-judicial - FIRST READING OF ORDINANCE 2020-43: City Attorney Bach read Ordinance 2020-43 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ANNEXING APPROXIMATELY 0.50 ACRES OF LAND LOCATED AT 3001 S. 14TH STREET CONTIGUOUS TO THE CITY LIMITS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN

EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-43 requests voluntary annexation of properties located at 3001 S. 14th Street totaling 0.50 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-43. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried**

9.2 Legislative - FIRST READING OF ORDINANCE 2020-44: City Attorney Bach read Ordinance 2020-44 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A FUTURE LAND USE MAP CATEGORY OF LOW DENSITY RESIDENTIAL (LDR) FOR 0.50 ACRES OF LAND LOCATED AT 3001 S.14TH STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents, Ordinance 2020-44 requests a Future Land Use Map assignment of Low Density Residential (LDR) for property located at 3001 S. 14th Street, totaling 0.50 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-44. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

9.3 Quasi-judicial - FIRST READING OF ORDINANCE 2020-45 City Attorney Bach read Ordinance 2020-45 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A ZONING CATEGORY OF LOW DENSITY RESIDENTIAL (R-1) FOR 0.50 ACRES OF LAND LOCATED AT 3001 S. 14TH STREET; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-45 requests a Zoning Map change for property located at 3001 S. 14th Street, assigning the Low Density residential (R-1) zoning district for properties totaling 0.50 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger to approve Ordinance 2020-45. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

9.4 Quasi-judicial - FIRST READING OF ORDINANCE 2020-46: City Attorney Bach read Ordinance 2020-46 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION, OF THE CITY OF FERNANDINA BEACH, FLORIDA, ANNEXING APPROXIMATELY 3.87 ACRES OF LAND LOCATED AT 1440 AND 1420 SOUTH 14TH STREET, 1410 AND 1412 AND 1416 NECTARINE STREET, AND 1409 PAPPY’S PLACE, 1415 AND 1505 SOUTH 15TH STREET; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-46 requests voluntary annexation of properties located on S. 14th Street, S. 15th Street, Nectarine Street and Pappy's Place totaling 3.87 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-46. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

9.5 Legislative - FIRST READING OF ORDINANCE 2020-47: City Attorney Bach read Ordinance 2020-47 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A FUTURE LAND USE MAP CATEGORY OF GENERAL COMMERCIAL (GC) FOR 3.87 ACRES OF LAND LOCATED AT 1440 AND 1420 S. 14TH STREET, 1409 PAPPY’S PLACE, 1410, 1412, 1416 NECTARINE STREET AND 1415 AND 1505 S. 15TH STREET; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-47 requests for Future Land Use Map assignment of General Commercial (GC) for properties located in the on-S. 14th Street, S. 15th Street, Pappy's Place and Nectarine Street, totaling 3.87 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve**

Ordinance 2020-47. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

9.6 *Quasi-judicial* - FIRST READING OF ORDINANCE 2020-48: City Attorney Bach read Ordinance 2020-48 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA ASSIGNING A ZONING CATEGORY OF COMMUNITY COMMERCIAL(C-1) AND GENERAL COMMERCIAL (C-2) FOR 3.87 ACRES OF LAND LOCATED 1440 AND 1420 S. 14TH STREET, 1409 PAPPY'S PLACE, 1410, 1412, 1416 NECTARINE STREET and 1415 and 1505 S. 15TH STREET; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-48 requests Zoning Map changes for properties located on S. 14th Street, Pappy's Place, Nectarine Street, and S. 15th Street. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-48. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

10.1 SECOND READING OF ORDINANCE 2020-30: STATING ITS INTENT TO AMEND ORDINANCE 2003-36 IN ACCORDANCE WITH THE RECOMMENDATIONS CONTAINED IN THE ADOPTED EVALUATION AND APPRAISAL REPORT BY RESOLUTION 2020-37; AND APPROVING THE TRANSMITTAL OF SUCH PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR REVIEW IN ACCORDANCE WITH SECTION 163.3184(3), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. According to the agenda support documents Ordinance 2020-30 approves transmittal of Evaluation and Appraisal Report (EAR) legislative required amendments related specifically to water supply facilities work plans, peril of flood, and seasonal population. ***This item was removed from consideration due to advertisement requirements not being met.***

10.2 SECOND READING OF ORDINANCE 2020-33: City Attorney Bach read Ordinance 2020-33 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, STATING ITS INTENT TO AMEND ORDINANCE 2003-36 IN ACCORDANCE WITH THE RECOMMENDATIONS CONTAINED IN THE ADOPTED EVALUATION AND APPRAISAL REPORT BY RESOLUTION 2020-37; AND APPROVING THE TRANSMITTAL OF SUCH PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR REVIEW IN ACCORDANCE WITH SECTION 163.3184(3), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-33 requests for annexation of properties located in the Plantation Hammock subdivision located on Simmons Road between S. 14th Street and Amelia Road and 847 Simmons Road, totaling 4.32 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-33. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

10.3 SECOND READING OF ORDINANCE 2020-34: City Attorney Bach read Ordinance 2020-34 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A FUTURE LAND USE MAP CATEGORY OF LOW DENSITY RESIDENTIAL (LDR) FOR 4.32 ACRES OF LAND LOCATED AT 847 SIMMONS ROAD AND PROPERTIES IN THE PLANTATION HAMMOCK SUBDIVISION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-34 requests for Future Land Use Map assignment of Low Density Residential (LDR) for properties located in the Plantation Hammock subdivision located on Simmons Road between S. 14th Street and Amelia Road and 847 Simmons Road, totaling 4.32 acres of land. **A motion was**

made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-34. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

10.4 SECOND READING OF ORDINANCE 2020-35: City Attorney Bach read Ordinance 2020-35 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A ZONING CATEGORY OF LOW DENSITY RESIDENTIAL (R-1) FOR 4.32 ACRES OF LAND LOCATED AT 847 SIMMONS ROAD AND PROPERTIES IN THE PLANTATION HAMMOCK SUBDIVISION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-35 requests Zoning Map changes for properties located in the Plantation Hammock subdivision located on Simmons Road between S. 14th Street and Amelia Road and 847 Simmons Road, assigning the Low Density residential (R-1) zoning district for properties totaling 4.32 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-35. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

10.5 SECOND READING OF ORDINANCE 2020-36: City Attorney Bach read Ordinance 2020-36 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ANNEXING APPROXIMATELY 3.70 ACRES OF LAND LOCATED AT 2246 SADLER ROAD AND 2233 SADLER ROAD CONTIGUOUS TO THE CITY LIMITS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-36 requests voluntary annexation of properties located at 2246 Sadler Road totaling 3.24 acres of land and annexation of property at 2233 Sadler Road totaling 0.46 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-36. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

10.6 SECOND READING OF ORDINANCE 2020-37: City Attorney Bach read Ordinance 2020-37 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A FUTURE LAND USE MAP CATEGORY OF GENERAL COMMERCIAL (GC) FOR 3.24 ACRES OF LAND LOCATED AT 2246 SADLER ROAD AND MIXED USE (MU) FOR 0.46 ACRES OF LAND LOCATED AT 2233 SADLER ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-37 requests properties located at 2246 Sadler Road to be assigned the General Commercial (GC) Future Land Use Map category for property totaling 3.24 acres of land; and requests property located at 2233 Sadler Road to be assigned the Mixed Use (MU) Future Land Use Map category and Mixed Use (MU-1) zoning district for properties totaling 0.46 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-37. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

10.7 SECOND READING OF ORDINANCE 2020-38: City Attorney Bach read Ordinance 2020-38 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A ZONING MAP CATEGORY OF COMMUNITY COMMERCIAL (C-1) FOR 3.24 ACRES OF LAND LOCATED AT 2246 SADLER ROAD AND MIXED USE (MU-1) FOR 0.46 ACRES OF LAND LOCATED AT 2233 SADLER ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-38 request for zoning map change of property located at 2246 Sadler Road to assign the Community Commercial (C-1) zoning district for property totaling 3.24 acres of land; and zoning map change for 2233 Sadler Road to assign the Mixed Use (MU-1) zoning district for properties totaling 0.46 acres of land. **A motion was made by**

Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-38. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

10.8 SECOND READING OF ORDINANCE 2020-39: City Attorney Bach read Ordinance 2020-39 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ANNEXING APPROXIMATELY 31.39 ACRES OF LAND LOCATED ON THE BAPIST MEDICAL CENTER AT 1250 S. 18TH STREET, 1367 S. 18TH STREET AND INCLUDING VACANT LANDS CONTIGUOUS TO THE CITY LIMITS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-39 request for annexation of the Baptist Medical Center properties located at 1250 S. 18th Street, 1367 S. 18th Street, and vacant parcels with identification numbers of 00-00-31-0160-000-000 and 00-00-31-1600-0205-0021 or properties totaling 31.39 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-39. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

11.1 BOARD OF ADJUSTMENT - three appointments: According to the agenda support documents, there were appointments for the Board of Adjustment. **A motion was made by Commissioner Lednovich, seconded by Commissioner Ross, to appoint Regular Member: Geoffrey Grant; Alternate #1: Anthony Oliva; and Alternate #2: Bill Skulmis to the Board of Adjustment. Vote upon passage of the vote was taken by ayes and nays and being all ayes, carried.**

CITY MANAGER REPORTS:

OASIS MARINA MANAGEMENT: City Manager Martin will meet with Oasis Marina Management tomorrow to continue transition talks.

THANKSGIVING: City Manager Martin reminded all that City offices will be closed next Thursday and Friday and wished all a happy Thanksgiving.

CITY ATTORNEY REPORTS:

DOWNTOWN CHRISTMAS LIGHTING: City Attorney Bach confirmed that although Special Events have been cancelled, the Tourist Development Council may proceed with the downtown lighting decorations as planned.

CITY CLERK REPORTS:

2020 RUNOFF ELECTION: City Clerk Best announced the 2020 Runoff Election Canvassing Board schedule and the Precinct 201 polling location change notification are available on the City’s website.

MAYOR/COMMISSIONER COMMENTS:

BARNABAS EMPTY BOWLS: Commissioner Ross announced the 7th Annual Barnabas Empty Bowls event will take place November 20, 2020.

THANK YOU: Commissioner Ross thanked Police Department Officers Sears and Finely as well as an unknown Florida Fish and Wildlife employee for recently assisting he and his wife in the middle of the night when an errant armadillo found its way into their home.

THANKSGIVING: Commissioner Chapman wished all a happy and healthy Thanksgiving.

MONTHLY REPORTS: Commissioner Chapman remarked the Department Director monthly reports are always interesting, especially the Police Departments.

SPECIAL EVENT CANCELLATIONS: Commissioner Lednovich noted canceling Special Events due to COVID-19 is the last thing any of the Commissioners wanted but they have a responsibility to protect public health and safety.

WELL WISHES: Commissioner Lednovich wished a speedy recovery to a City employee recently diagnosed with COVID-19.

HABITAT FOR HUMANITY: Vice Mayor Kreger, along with Commissioner Ross attended the recent groundbreaking for Habit for Humanity: 6th and Elm, which will construct six affordable housing units.

FOOD GIVEAWAY: Vice Mayor Kreger attended the Barnabus/Elm Street Sportsman Association food giveaway which occurs the 2nd Saturday of each month.

MILITARY VETERANS JOB FAIR: Vice Mayor Kreger announced the City of Jacksonville will host a Military Veterans Job Fair this coming Saturday.

THANKSGIVING: Vice Mayor Kreger wished all a happy Thanksgiving.

INDIAN DUGOUT CANOE: Mayor Miller announced a gentleman is crafting a dugout canoe using traditional Indian techniques at the Museum of History, on November 20th at 6:00PM, the craftsman will conduct a lecture.

CONDOLENCES: Mayor Miller expressed condolences to the family and friends of Joshua Buffer, a vibrant and engaging young man whose life was taken too soon.

16. ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 9:12pm.

ATTEST:

Caroline Best
City Clerk

MICHAEL A. LEDNOVICH
Mayor-Commissioner

The City of Fernandina Beach Canvassing Board met on Tuesday, December 8, 2020 at 3:00 p.m. in the James S. Page Governmental Complex, Supervisor of Elections' Canvassing Board Room, located at 96135 Nassau Place, Yulee, Florida, 32097. Present on behalf of the City were Mayor John A. Miller, presiding, Vice Mayor Len Kreger and Commissioner Philip Chapman, Commissioner Mike Lednovich, Commissioner Chip Ross, City Clerk Caroline Best, and City Attorney Tammi Bach. The following Nassau County Supervisor of Elections' Office employees were in attendance: Candidate Coordinator Maria Pearson, Assistant Supervisor of Elections Lori Wilkinson, Director of Elections Scott Miller, and Tabulation & Technology Specialist Missy Minton. The following poll workers were in attendance and served as the Opening Team: Victoria Blackwell, Nancy Crabtree, Rae Pritchard and Fida Webb.

Mayor Miller called the meeting to order.

CITY CLERK ADVISES OF MEETING NOTICE PUBLICATION IN COMPLIANCE WITH FLORIDA STATUTE: City Clerk Best announced the meeting had been publicly noticed in the November 20, 2020 edition of the Fernandina Beach News Leader. The notice was also posted at Fernandina Beach City Hall; one interior and one exterior bulletin board, Atlantic Avenue Recreation Center, Peck Center, Utility Billing, City of Fernandina Beach website, and the Nassau County Supervisor of Elections' website.

REQUESTS FROM THE PUBLIC TO BE HEARD: There were no requests from the public to be heard.

UPDATE ON PUBLIC INSPECTION FOR VOTE BY MAIL BALLOTS: City Clerk Best explained the public inspection for the absentee ballots was held today between 2:30 p.m. and 3:00 p.m., no citizens or interested parties appeared to inspect the absentee ballots.

REVIEW OF ABSENTEE BALLOT INFORMATION: A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to adopt the Canvassing Board criteria. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

City Clerk Best indicated that out of 4658 Vote by Mail/absentee ballot requests, a total of 2236 ballots had been received as follows:

2236 Ballots Received
- 4 Referrals for Canvassing Board Review
2232 To be tabulated

ADVISE THAT ANY PROTEST/CHALLENGE AGAINST THE CANVASS OF A BALLOT MUST BE MADE PRIOR TO THE BALLOT BEING REMOVED FROM THE CERTIFICATE ENVELOPE. "IS THERE ANY ONE PRESENT WHO WISHES TO CHALLENGE THE CANVASS OF A BALLOT?": Mayor Miller asked if anyone was present who wished to challenge the canvass of a ballot, none were present.

CANVASS VOTE BY MAIL BALLOTS BY DETERMINING LEGALITY OF EACH BALLOT PURSUANT TO THE CANVASSING CRITERIA 2020: Assistant Supervisor of Elections Lori Wilkinson provided instruction to the Opening Teams on the vote by mail opening process. Candidate Coordinator Pearson led the ballot duplication process with the assistance of City Clerk Best.

Opening Team members, with the assistance of Candidate Coordinator Pearson and City Clerk Best, proceeded to open the vote by mail ballots, e-mailed ballots, overseas ballots, and facsimile machine ballots as well as any ballots that were damaged, over voted or blank in which voter intent could not be determined. All vote by mail ballots were opened and separated from the envelope and secrecy sleeves by precinct. The teams were asked to advise if there was more than one ballot enclosed in an envelope or if no ballot was enclosed.

PROCESS ACCEPTED BALLOTS THROUGH THE HIGH-SPEED TABULATORS: Director of Elections Miller processed the absentee ballots through the high-speed tabulator. Ballots were opened and tabulated as they were received for the remainder of the meeting.

PROCESS ELECTION DAY RESULTS: Director of Elections Miller led the receipt of Election Day results from the modems and advised the Canvassing Board members that any provisional ballots may cause the process to be delayed to protect the secrecy of voter ballots.

DETERMINE STATUS OF PROVISIONAL BALLOTS CAST: Candidate Coordinator Maria Pearson advised three provisional ballots need to be canvassed. Two were accepted, one was rejected due to the voter relocating to Broward County prior to the Runoff Election taking place.

CANVASS/PROCESS REMAINING VOTE BY MAIL BALLOTS, UNSCANNED BALLOTS AND PROVISIONAL BALLOTS, IF ANY: There were no remaining absentee ballots, unscanned ballots or provisional ballots.

REVIEW AND SIGN CERTIFICATION OF TABULATION SOFTWARE AND FIRMWARE VERSION NUMBERS: Director of Elections Miller produced the certification of the tabulation software for the Canvassing Board members to sign. The official report for absentee and Runoff Election Day ballots tabulated were reviewed, and the official results report signed.

CERTIFY ELECTION RESULTS AND SEAL RECORDS: Director of Elections Miller presented the official election result summaries for the Canvassing Board members to sign. After signatures were obtained Director of Elections Miller sealed the records.

IF ALL PROVISIONAL BALLOTS HAVE BEEN CANVASSED, ADVISE THAT THE MEETING SCHEDULED FOR DECEMBER 10, 2020 WILL BE CANCELLED: City Clerk Best announced the meetings scheduled for December 10, 2020 at 12:00 noon and 4:00pm are cancelled.

DRAFT

MINUTES
Canvassing Board Meeting
Runoff Election Night
December 8, 2020
Page 3 of 3

ANY OTHER BUSINESS: City Clerk Best advised the next Canvassing Board meeting will be held Friday, December 11, 2020 at 10:00 a.m. in the Canvassing Board meeting room to conduct the Post-Election Audit.

ADJOURNMENT: There being no further business to come before the Canvassing Board, the meeting was adjourned at 8:22 p.m.

ATTEST:

CAROLINE BEST
City Clerk

MICHAEL A. LEDNOVICH
Mayor-Commissioner

The City Commission of the City of Fernandina Beach, Florida, met in a Workshop on Thursday, December 10, 2020 at 5:00 pm. Present in Chambers were Mayor-Elect Michael A. Lednovich, presiding, Vice Mayor Len Kreger, Commission-Elect Bradley Bean and Commissioner Chip Ross. Also present were City Clerk Caroline Best, City Manager Dale L. Martin, and City Attorney Tammi Bach. Due to the ongoing COVID-19 pandemic, occupancy in the Commission Chambers was limited. The meeting was broadcasted live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

Mayor-Elect Lednovich called the meeting to order and led the Pledge of Allegiance to the Flag.

3.1 PRESENTATION - SUNSHINE, PUBLIC RECORDS, AND ETHICS LAW ORIENTATION: City Clerk Best provided an overview of the Sunshine, Public Records and Ethics Law presentation which was included with the agenda support documents.

3.2 PRESENTATION - COMMISSION RULES OF PROCEDURE & ROBERTS RULES OF ORDER: City Attorney Bach provided an overview of the Commission Rules of Procedure and Roberts Rules of Order which were included with the agenda support documents

4. DISCUSSION: Mayor-Elect Lednovich discussed the possibility of imposing a three-minute time limit on Commissioner agenda item rebuttal during City Commission Regular Meetings.

RESEARCH: Commissioner Ross asked City Attorney Bach to research when a Commissioner's vote is considered final.

COMMISSION RULES OF ORDER: Mayor-Elect Lednovich, with the consent of those seated on the dais, the Commission Rules of Order be placed on the next available City Commission Regular Meeting agenda for consideration.

BOOKLET PURCHASE: Commissioner Ross requested City Manager Martin purchase: "*Government Finance, 2nd Edition*" authored by the Government Finance Office Association for seated Commissioners as he found it to be very helpful in understanding the mechanics of government budgets.

City Clerk Best will order 2021 Sunshine Manuals for seated Commissioners.

PRESENTATION MATERIALS DEADLINE: Discussion was held related to the Friday deadline for Commissioners to submit agenda presentation materials for the Tuesday Regular Meetings.

WEBSITE TUTORIAL: City Clerk Best will provide a website tutorial to locate agenda materials from meetings which occurred previously.

PUBLIC COMMENT: None.

ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 6:33pm.

ATTEST:

Caroline Best
City Clerk

MICHAEL A. LEDNOVICH
Mayor-Commissioner

The City of Fernandina Beach Canvassing Board met on Friday, December 11, 2020 at 10:00 am in the James S. Page Governmental Complex, Supervisor of Elections' Canvassing Board Room, located at 96135 Nassau Place, Yulee, Florida, 32097. Present on behalf of the City were Vice Mayor Len Kreger, presiding, Commissioner Philip Chapman, Commissioner Mike Lednovich, Commissioner Chip Ross, City Clerk Caroline Best, and City Attorney Tammi Bach. The following Nassau County Supervisor of Elections' Office employees were in attendance: Assistant Supervisor of Elections Lori Wilkinson and Design Coordinator Kassy Jackson.

Vice Mayor Kreger called the meeting to order.

CITY CLERK ADVISES OF MEETING NOTICE PUBLICATION IN COMPLIANCE WITH FLORIDA STATUTE: City Clerk Best announced the meeting had been publicly noticed in the November 20, 2020 edition of the Fernandina Beach News Leader. The notice was also posted at Fernandina Beach City Hall on interior and exterior bulletin boards, the Atlantic Avenue Recreation Center, the Peck Center, Utility Billing, the City of Fernandina Beach website, and the Nassau County Supervisor of Elections Office website.

4. REQUESTS FROM THE PUBLIC TO BE HEARD: There were no requests from the public to be heard.

5. REVIEW OF STATUTE, RULE AND SECURITY PROCEDURES PERTAINING TO INDEPENDENT AUDIT PROCESS: Design Coordinator Kassy Jackson lead the review process of the statute, rule and security procedures pertaining to the Independent Audit process with the Canvassing Board.

6. REVIEW PROCEDURE FOR THE INDEPENDENT AUDIT PROCESS: Design Coordinator Kassy Jackson reviewed the procedure for the Independent Audit process with the Canvassing Board.

7. BOARD COMPLETES VOTING SYSTEM POST-ELECTION AUDIT REPORT AND CONCLUDES AUDIT: Supervisor of Elections Wilkinson presented the voting system post-election audit report, which contained no irregularities, for approval. A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to approve the post-election audit report results. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

8. ADJOURNMENT: There being no additional matters to come before the Canvassing Board the meeting was adjourned at 10:10 AM.

ATTEST:

CAROLINE BEST
City Clerk

MICHAEL A. LEDNOVICH
Mayor-Commissioner

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Resolution 2021-01
Code Enforcement Fine Reduction and Release of Lien - 409 Fir Street

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2021-01.

SYNOPSIS: Jessup Properties LLC. owns property located at 409 Fir Street where violations of the City Code Of Ordinances Section 42-116 – Duty To Maintain Property have occurred: Code Enforcement case 2019-0439 and Code Enforcement case 2020-0407.

Mr. Bruce Palmer wishes to purchase this property and bring it into compliance with Code of Ordinances Section 42-116 and requests a reduction of accumulated fines in order to facilitate the property sale.

FISCAL IMPACT: The payment amount approved by the City Commission will be deposited into the General Fund Code Enforcement Fees & Fines account, 001 32900.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): No recommendation.

Michelle Forstrom, Code Enforcement Director	12/17/2020
Dale L. Martin, City Manager	12/21/2020
Pauline Testagrose, Comptroller	12/21/2020
Tammi E. Bach, City Attorney	12/22/2020
Katie Newton, Legal Assistant	12/27/2020

Date: December 15, 2020

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION: Adopt

RESOLUTION 2021-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A SETTLEMENT OF CODE ENFORCEMENT FINES AND FEES FOR PROPERTY LOCATED AT 409 FIR STREET UPON FULL PAYMENT OF \$_____ NO LATER THAN _____, 2021, FOR CODE ENFORCEMENT VIOLATIONS AT SAID PROPERTY; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jessup Properties LLC. owns property located at 409 Fir Street where violations of Code Of Ordinances Section 42-116 – Duty To Maintain Property have occurred: Code Enforcement case 2019-0439 and Code Enforcement case 2020-0407; and

WHEREAS, Mr. Bruce Palmer wishes to purchase this property and bring it into compliance with Code Of Ordinances Section 42-116 – Duty To Maintain Property; and

WHEREAS, Mr. Palmer requests a reduction of accumulated fines associated with Code Enforcement cases 2019-0439 and 2020-0407 in order to facilitate the property sale; and

WHEREAS, Section 162.09, Florida Statutes provides that the reduction of principal lien amounts and releases must be approved by the City Commission because the liens are in favor of (owned by) the City of Fernandina Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby authorizes full releases/satisfactions of liens be executed based upon the Code Enforcement and Appeals Board order that fines and fees be reduced to a total of \$_____ for violations now in compliance at 409 Fir Street under the name of Jessup Properties LLC/Jim Jessup, specifically conditioned upon their paying the entire amount to the City on or before _____, 2021.

SECTION 2. The City Manager is authorized to execute such releases/satisfactions of liens upon the City's receipt of full payment from Jessup Properties LLC/Jim Jessup, and the City Clerk is authorized to record such executed releases/satisfactions of liens in the public records of Nassau County, Florida.

SECTION 3. This Resolution shall become effective immediately upon passage.

ADOPTED this 5th day of January, 2021.

CITY OF FERNANDINA BEACH

MICHAEL A. LEDNOVICH
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

**RECEIVED**CASE NO. CODE - 2019-0439 = 2020-0407

DEC 14 2020

**CODE ENFORCEMENT
FERNANDINA BEACH, FLORIDA****CITY COMMISSION HEARING
SETTLEMENT OF LIEN REQUEST****IF THE PROPERTY IS NOT IN COMPLIANCE, THE CITY COMMISSION WILL
NOT CONSIDER A REQUEST FOR REDUCTION.**

INSTRUCTIONS: Please fill in all of the pages of this form completely. Be specific when writing your statement. Please return it to the Code Enforcement Director at 516 South 10th Street, Fernandina Beach, FL 32034 or *mailing address* at 204 Ash Street, Fernandina Beach, FL 32034 **The Code Enforcement Director must receive the request at least 30 days prior to a scheduled City Commission Meeting in order for your case to be scheduled for the hearing.** You will be notified in writing of the City Commission's decision within 10 days after the hearing. If you are claiming medical or financial hardship, attach supporting documentation (i.e. a doctor's statement or proof of income). If you have any questions, please call the Code Enforcement Department at (904) 310-3440. **The City Commission will consider requests for reduction of fine only one time for each case. The City Commission's decision shall be the final action on the case.**

Property Owner's Name Jessup Properties LLCProperty Owner's Email JVJJessup@GMAIL.comProperty Address 409 Fir Street, Fernandina Beach, FLDaytime telephone number 904-3730990Hardship claimed? medical financial other (specify)

If the property owner is unable to complete this form, list the name of the person who is authorized to act for the property owner and their relationship. Attach a notarized affidavit from the property owner authorizing the representation. _____

Bruce Palmer -- see notarized authorization attached.

**YOU SHOULD BE PRESENT AT THE HEARING TO ANSWER ANY QUESTIONS
THE CITY COMMISSION MAY HAVE CONCERNING THIS REQUEST. YOUR
ONLY OPPORTUNITY TO ADDRESS THE CITY COMMISSION WILL BE IN
RESPONSE TO THEIR QUESTIONS. IT IS IN YOUR BEST INTEREST TO MAKE
CERTAIN THAT THIS FORM AND ANY ATTACHMENTS COMPLETELY SET
FORTH YOUR POSITION.**

Complete statements on pages 2-4. You should include the reasons why you did not comply with the Code Enforcement and Appeals Board's Original Order within the time specified.

- 1. Explain how you have attempted to cooperate with the City of Fernandina Beach personnel to achieve compliance of the Code Enforcement and Appeals Board.**

I, Bruce Palmer, am attempting to bring the property into compliance by first, purchasing the property and second, demolishing all structures and providing ongoing appropriate maintenance and care. I am currently under contract to purchase the property..

- 2. Did you or your representative appear at the Code Enforcement and Appeals Board's previous hearing(s) concerning this matter? If not, please state the specific reasons why you did not appear at the hearing(s) and whether you notified the City of Fernandina Beach personnel of the fact that you would not be present.**

No. I, Bruce Palmer, was not involved with the property at that time.

I do not believe that Mr. Jessup either appeared or provided notification tot he city. I cannot provide any reasons.

- 3. Have you ever been (previous to this case) found by the Code Enforcement and Appeals Board to be in violation of the Code, which is the subject matter of the present case? If so, please advise what your response to the previous violation was.**

Yes. See attached detail.

- 4. Do you claim a homestead exemption on this property that is the subject of this case? Yes _____ No ☒**

- 5. Were you the owner of the property at the time the Code Enforcement case against the property began? Yes _____ No ☒. If not, did you become aware of the Code Enforcement proceedings, Order, or Lien prior to recording title to the property?**

I am currently not the owner but have an assigned purchase contract. I will have title once the existing title is cleared and closing has occurred.

- 6. What other liens exist against the property which is the subject matter of this Code Enforcement case?**

None

- 7. Has the property been abandoned?**

Yes. Owner has moved away.

- 8. Is the property in need of rehabilitation? If yes, explain.**

Yes. Both structures are beyound repair and will be demolished once I, Bruce Palmer, have acquired the property and have been issued the appropriate permits for demolition.

9. Is the City of Fernandina Beach's lien interfering with the sale or rehabilitation of the property or will the lien prevent the property from being conveyed to a new owner?

Yes

10. Provide your suggestion for an amount you would like the lien reduced to \$ 1,000.00. In the statement below, please provide your justification for requesting the lien reduction.

I, Bruce Palmer, do hereby submit this petition in request for a reduction in the fine imposed and in support offer the following statement:

Administrative fees incurred by the City of Fernandina Beach for 409 Fir Street related to Case Numbers 2020-0407 and 2019-0439 total \$931.77. I have rounded this up to allow for additional fees subsequent to the information that I currently have.

If I am able to acquire the property, I intend to obtain the necessary permits and demolish both structures as quickly as possible.

****I HEREBY UNDERSTAND AND ACKNOWLEDGE THAT BY SUBMITTING THIS APPLICATION FOR SETTLEMENT OF LIEN TO THE CITY, I WAIVE MY RIGHTS TO SEEK JUDICIAL REVIEW OF THE CITY COMMISSION'S DECISION WHETHER OR NOT TO REDUCE FINES AND IF SO, BY HOW MUCH****

Signed: Bruce Palmer

Date: 12/14/20

Printed Name: BRUCE R. PALMER

STATE OF Florida

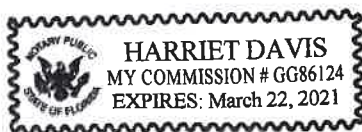
COUNTY OF

Nassau

SWORN TO (OR AFFIRMED) and subscribed before me this 14th day of December, 2020 by Bruce Palmer who is/is not personally known to me OR who has produced identification Florida DL (type).

Date 12/14/2020

Harriet Davis
Notary Public



Harriet Davis
Printed Signature

My commission expires: 3/22/2021

Bruce R Palmer

2162 White Sands Way
Fernandina Beach, FL 32034

802-989-0115

Bruce@BrucePalmer.com

December 14, 2020

The following documents are attached to this Settlement of Lien Request.

1. Settlement Hearing Request – Question #3 – Code Violation Detail
2. Owner's Authorization for Agent Representation authorizing Bruce Palmer LLC to represent Jessup Properties LLC to Code Enforcement and Appeals Boards. It is notarized as requested by the City of Fernandina Beach.
3. As Is" Residential Contract for Sale and Purchase between Jessup Properties LLC and Matthew Miller. (note printed on 2 sides)
4. Lead-Based Paint Disclosure for Residential Sales Addendum between Jessup Properties LLC and Matthew Miller.
5. Assignment of Sale and Purchase Agreement between Matthew Miller and Bruce Palmer LLC.
6. Addendum to Contract between Matthew Miller, Bruce Palmer LLC & Jessup Properties LLC covering:
 - a. The assignment of the sales contract to Bruce Palmer LLC from Matthew Miller
 - b. Closing date moved to January 14, 2020
 - c. Seller appointing Bruce Palmer LLC as Agent Representative with the City of Fernandina Beach.
7. Addendum to Contract between Matthew Miller, Bruce Palmer and Jessup Properties LLC covering:
 - a. This is a restatement of the same Addendum shown above as #4 but with the closing date corrected to January 14, 2021.
8. Code Enforcement & Appeals Board Notice of Violation/Notice of Hearing Code 2019-0439
9. Code Enforcement & Appeals Board Notice of Violation/Notice of Hearing Code 2020-0407

Bruce R. Palmer

Settlement Hearing Request – Question #3

Code Violation Detail – Jessup Properties LLC

409 Fir Street

Case Opened 7-25-19 for overgrown yard & broken window. 9-16-19 in compliance – yard cut & window boarded up.

Case Opened 10-2-19 for overgrown yard. No response from property owner(s). City cut yard. Admin fees plus daily fine still accruing and outstanding. **Case still open.**

Case Opened 10-6-19. House is in disrepair and needs to be secured. Homeless have lived there. No response from property owner(s). Board ordered City to secure the property. Admin fees owed. Daily fines are accruing and outstanding. No lien yet. **Case still open.**

11 S. 7th Street

Case opened 4-24-19 for overgrown yard and disrepair of structure. No response from property owner(s). Compliance occurred after foreclosure proceedings 4-30-20. Admin fees were paid in full by current property owners.



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Jessup Properties LLC

(print name of property owner(s))

hereby authorize: Bruce Palmer LLC

(print name of agent)

to represent me/us in processing an application for: Code Enforcement and Appeals Boards

(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

(Signature of owner)

(Signature of owner)

James Jessup

(Print name of owner)

(Print name of owner)

STATE OF FLORIDA

COUNTY OF NASSAU

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ onlinenotarization, this 9th day

of December, 2020, by James Jessup

Susanna J. Byler
Notary Public

Susanna J. Byler
Printed Name

Aug. 2, 2022
My Commission Expires

Personally Known ☒ OR Produced Identification ☐ ID Produced: ☐



"AS IS" Residential Contract For Sale And Purchase

THIS FORM HAS BEEN APPROVED BY THE FLORIDA REALTORS AND THE FLORIDA BAR



PARTIES: JESSUP PROPERTIES LLC ("Seller"),
and Matthew Miller ("Buyer"),
agree that Seller shall sell and Buyer shall buy the following described Real Property and Personal Property (collectively "Property") pursuant to the terms and conditions of this AS IS Residential Contract For Sale And Purchase and any riders and addenda ("Contract"):

1. PROPERTY DESCRIPTION:

- (a) Street address, city, zip: 409 Fir Street, Fernandina Beach, FL 32034
(b) Located in: Nassau County, Florida. Property Tax ID #: 00-00-31-1800-0280-0080
(c) Real Property: The legal description is BLOCK 280 LOT 8 IN OR 2191/701 CITY OF FDNA BEACH

together with all existing improvements and fixtures, including built-in appliances, built-in furnishings and attached wall-to-wall carpeting and flooring ("Real Property") unless specifically excluded in Paragraph 1(e) or by other terms of this Contract.

- (d) Personal Property: Unless excluded in Paragraph 1(e) or by other terms of this Contract, the following items which are owned by Seller and existing on the Property as of the date of the initial offer are included in the purchase: range(s)/oven(s), refrigerator(s), dishwasher(s), disposal, ceiling fan(s), intercom, light fixture(s), drapery rods and draperies, blinds, window treatments, smoke detector(s), garage door opener(s), security gate and other access devices, and storm shutters/panels ("Personal Property").

Other Personal Property items included in this purchase are:

Personal Property is included in the Purchase Price, has no contributory value, and shall be left for the Buyer.

- (e) The following items are excluded from the purchase:

PURCHASE PRICE AND CLOSING**2. PURCHASE PRICE (U.S. currency):** \$ 135,000.00

- (a) Initial deposit to be held in escrow in the amount of (checks subject to COLLECTION) \$ 2,500.00

The initial deposit made payable and delivered to "Escrow Agent" named below
(CHECK ONE): (i) ☐ accompanies offer or (ii) ☒ is to be made within 3 (if left blank, then 3) days after Effective Date. IF NEITHER BOX IS CHECKED, THEN
OPTION (ii) SHALL BE DEEMED SELECTED.

Escrow Agent Information: Name: Amelia Coastal Realty LLC

Address: 608 S 8th St, Fernandina Beach, FL 32034

Phone: 904-261-2770 E-mail: info@acrfl.com Fax:

- (b) Additional deposit to be delivered to Escrow Agent within (if left blank, then 10) days after Effective Date \$

(All deposits paid or agreed to be paid, are collectively referred to as the "Deposit")

- (c) Financing: Express as a dollar amount or percentage ("Loan Amount") see Paragraph 8

- (d) Other: \$

- (e) Balance to close (not including Buyer's closing costs, prepaids and prorations) by wire transfer or other COLLECTED funds \$ 132,500.00

NOTE: For the definition of "COLLECTION" or "COLLECTED" see STANDARD S.

3. TIME FOR ACCEPTANCE OF OFFER AND COUNTER-OFFERS; EFFECTIVE DATE:

- (a) If not signed by Buyer and Seller, and an executed copy delivered to all parties on or before October 13, 2020, this offer shall be deemed withdrawn and the Deposit, if any, shall be returned to Buyer. Unless otherwise stated, time for acceptance of any counter-offers shall be within 2 days after the day the counter-offer is delivered.

- (b) The effective date of this Contract shall be the date when the last one of the Buyer and Seller has signed or initialed and delivered this offer or final counter-offer ("Effective Date").

4. CLOSING DATE: Unless modified by other provisions of this Contract, the closing of this transaction shall occur and the closing documents required to be furnished by each party pursuant to this Contract shall be delivered ("Closing") on 15 days after inspection period ("Closing Date"), at the time established by the Closing Agent.

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5. EXTENSION OF CLOSING DATE:

- (a) If Paragraph 8(b) is checked and Closing funds from Buyer's lender(s) are not available on Closing Date due to Consumer Financial Protection Bureau Closing Disclosure delivery requirements ("CFPB Requirements"), then Closing Date shall be extended for such period necessary to satisfy CFPB Requirements, provided such period shall not exceed 10 days.
- (b) If an event constituting "Force Majeure" causes services essential for Closing to be unavailable, including the unavailability of utilities or issuance of hazard, wind, flood or homeowners' insurance, Closing Date shall be extended as provided in STANDARD G.

6. OCCUPANCY AND POSSESSION:

- (a) Unless the box in Paragraph 6(b) is checked, Seller shall, at Closing, deliver occupancy and possession of the Property to Buyer free of tenants, occupants and future tenancies. Also, at Closing, Seller shall have removed all personal items and trash from the Property and shall deliver all keys, garage door openers, access devices and codes, as applicable, to Buyer. If occupancy is to be delivered before Closing, Buyer assumes all risks of loss to the Property from date of occupancy, shall be responsible and liable for maintenance from that date, and shall be deemed to have accepted the Property in its existing condition as of time of taking occupancy.
- (b) ☐ **CHECK IF PROPERTY IS SUBJECT TO LEASE(S) OR OCCUPANCY AFTER CLOSING.** If Property is subject to a lease(s) after Closing or is intended to be rented or occupied by third parties beyond Closing, the facts and terms thereof shall be disclosed in writing by Seller to Buyer and copies of the written lease(s) shall be delivered to Buyer, all within 5 days after Effective Date. If Buyer determines, in Buyer's sole discretion, that the lease(s) or terms of occupancy are not acceptable to Buyer, Buyer may terminate this Contract by delivery of written notice of such election to Seller within 5 days after receipt of the above items from Seller, and Buyer shall be refunded the Deposit thereby releasing Buyer and Seller from all further obligations under this Contract. Estoppel Letter(s) and Seller's affidavit shall be provided pursuant to STANDARD D. If Property is intended to be occupied by Seller after Closing, see Rider U. POST-CLOSING OCCUPANCY BY SELLER.

- 7. ASSIGNABILITY: (CHECK ONE):** Buyer ☐ may assign and thereby be released from any further liability under this Contract; ☒ may assign but not be released from liability under this Contract; or ☐ may not assign this Contract.

FINANCING**8. FINANCING:**

☒ (a) Buyer will pay cash for the purchase of the Property at Closing. There is no financing contingency to Buyer's obligation to close. If Buyer obtains a loan for any part of the Purchase Price of the Property, Buyer acknowledges that any terms and conditions imposed by Buyer's lender(s) or by CFPB Requirements shall not affect or extend the Buyer's obligation to close or otherwise affect any terms or conditions of this Contract.

☐ (b) This Contract is contingent upon Buyer obtaining approval of a ☐ conventional ☐ FHA ☐ VA or ☐ other _____ (describe) loan within _____ (if left blank, then 30) days after Effective Date ("Loan Approval Period") for **(CHECK ONE):** ☐ fixed, ☐ adjustable, ☐ fixed or adjustable rate in the Loan Amount (See Paragraph 2(c)), at an initial interest rate not to exceed _____ % (if left blank, then prevailing rate based upon Buyer's creditworthiness), and for a term of _____ (if left blank, then 30) years ("Financing").

(i) Buyer shall make mortgage loan application for the Financing within _____ (if left blank, then 5) days after Effective Date and use good faith and diligent effort to obtain approval of a loan meeting the Financing terms ("Loan Approval") and thereafter to close this Contract. Loan Approval which requires a condition related to the sale by Buyer of other property shall not be deemed Loan Approval for purposes of this subparagraph.

Buyer's failure to use diligent effort to obtain Loan Approval during the Loan Approval Period shall be considered a default under the terms of this Contract. For purposes of this provision, "diligent effort" includes, but is not limited to, timely furnishing all documents and information and paying of all fees and charges requested by Buyer's mortgage broker and lender in connection with Buyer's mortgage loan application.

(ii) Buyer shall keep Seller and Broker fully informed about the status of Buyer's mortgage loan application, Loan Approval, and loan processing and authorizes Buyer's mortgage broker, lender, and Closing Agent to disclose such status and progress, and release preliminary and finally executed closing disclosures and settlement statements, to Seller and Broker.

(iii) Upon Buyer obtaining Loan Approval, Buyer shall promptly deliver written notice of such approval to Seller.

(iv) If Buyer is unable to obtain Loan Approval after the exercise of diligent effort, then at any time prior to expiration of the Loan Approval Period, Buyer may provide written notice to Seller stating that Buyer has been unable to obtain Loan Approval and has elected to either:

- (1) waive Loan Approval, in which event this Contract will continue as if Loan Approval had been obtained; or
(2) terminate this Contract.

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(v) If Buyer fails to timely deliver either notice provided in Paragraph 8(b)(iii) or (iv), above, to Seller prior to expiration of the Loan Approval Period, then Loan Approval shall be deemed waived, in which event this Contract will continue as if Loan Approval had been obtained, provided however, Seller may elect to terminate this Contract by delivering written notice to Buyer within 3 days after expiration of the Loan Approval Period.

(vi) If this Contract is timely terminated as provided by Paragraph 8(b)(iv)(2) or (v), above, and Buyer is not in default under the terms of this Contract, Buyer shall be refunded the Deposit thereby releasing Buyer and Seller from all further obligations under this Contract.

(vii) If Loan Approval has been obtained, or deemed to have been obtained, as provided above, and Buyer fails to close this Contract, then the Deposit shall be paid to Seller unless failure to close is due to: (1) Seller's default or inability to satisfy other contingencies of this Contract; (2) Property related conditions of the Loan Approval have not been met (except when such conditions are waived by other provisions of this Contract); or (3) appraisal of the Property obtained by Buyer's lender is insufficient to meet terms of the Loan Approval, in which event(s) the Buyer shall be refunded the Deposit, thereby releasing Buyer and Seller from all further obligations under this Contract.

☐ (c) Assumption of existing mortgage (see rider for terms).

☐ (d) Purchase money note and mortgage to Seller (see riders; addenda; or special clauses for terms).

CLOSING COSTS, FEES AND CHARGES

9. CLOSING COSTS; TITLE INSURANCE; SURVEY; HOME WARRANTY; SPECIAL ASSESSMENTS:

(a) COSTS TO BE PAID BY SELLER:

- Documentary stamp taxes and surtax on deed, if any
- Owner's Policy and Charges (if Paragraph 9(c)(i) is checked)
- Title search charges (if Paragraph 9(c)(iii) is checked)
- Municipal lien search (if Paragraph 9(c)(i) or (iii) is checked)
- HOA/Condominium Association estoppel fees
- Recording and other fees needed to cure title
- Seller's attorneys' fees
- Other: _____

If, prior to Closing, Seller is unable to meet the AS IS Maintenance Requirement as required by Paragraph 11 a sum equal to 125% of estimated costs to meet the AS IS Maintenance Requirement shall be escrowed at Closing. If actual costs to meet the AS IS Maintenance Requirement exceed escrowed amount, Seller shall pay such actual costs. Any unused portion of escrowed amount(s) shall be returned to Seller.

(b) COSTS TO BE PAID BY BUYER:

- Taxes and recording fees on notes and mortgages
- Recording fees for deed and financing statements
- Owner's Policy and Charges (if Paragraph 9(c)(ii) is checked)
- Survey (and elevation certification, if required)
- Lender's title policy and endorsements
- HOA/Condominium Association application/transfer fees
- Municipal lien search (if Paragraph 9(c)(ii) is checked)
- Loan expenses
- Appraisal fees
- Buyer's Inspections
- Buyer's attorneys' fees
- All property related insurance
- Owner's Policy Premium (if Paragraph 9 (c)(iii) is checked.)
- Other: _____

(c) **TITLE EVIDENCE AND INSURANCE:** At least _____ (if left blank, then 15, or if Paragraph 8(a) is checked, then 5) days prior to Closing Date ("Title Evidence Deadline"), a title insurance commitment issued by a Florida licensed title insurer, with legible copies of instruments listed as exceptions attached thereto ("Title Commitment") and, after Closing, an owner's policy of title insurance (see STANDARD A for terms) shall be obtained and delivered to Buyer. If Seller has an owner's policy of title insurance covering the Real Property, a copy shall be furnished to Buyer and Closing Agent within 5 days after Effective Date. The owner's title policy premium, title search and closing services (collectively, "Owner's Policy and Charges") shall be paid, as set forth below. The title insurance premium charges for the owner's policy and any lender's policy will be calculated and allocated in accordance with Florida law, but may be reported differently on certain federally mandated closing disclosures and other closing documents. For purposes of this Contract "municipal lien search" means a search of records necessary for the owner's policy of title insurance to be issued without exception for unrecorded liens imposed pursuant to Chapters 159 or 170, F.S., in favor of any governmental body, authority or agency.

(CHECK ONE):

☐ (i) Seller shall designate Closing Agent and pay for Owner's Policy and Charges, and Buyer shall pay the premium for Buyer's lender's policy and charges for closing services related to the lender's policy, endorsements and loan closing, which amounts shall be paid by Buyer to Closing Agent or such other provider(s) as Buyer may select; or

☒ (ii) Buyer shall designate Closing Agent and pay for Owner's Policy and Charges and charges for closing services related to Buyer's lender's policy, endorsements and loan closing; or

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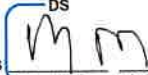
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- 164* ☐ (iii) [MIAMI-DADE/BROWARD REGIONAL PROVISION]: Seller shall furnish a copy of a prior owner's policy
165 of title insurance or other evidence of title and pay fees for: (A) a continuation or update of such title evidence,
166 which is acceptable to Buyer's title insurance underwriter for reissue of coverage; (B) tax search; and (C)
167 municipal lien search. Buyer shall obtain and pay for post-Closing continuation and premium for Buyer's owner's
168* policy, and if applicable, Buyer's lender's policy. Seller shall not be obligated to pay more than \$_____
169 (if left blank, then \$200.00) for abstract continuation or title search ordered or performed by Closing Agent.
170 (d) **SURVEY:** On or before Title Evidence Deadline, Buyer may, at Buyer's expense, have the Real Property
171 surveyed and certified by a registered Florida surveyor ("Survey"). If Seller has a survey covering the Real
172 Property, a copy shall be furnished to Buyer and Closing Agent within 5 days after Effective Date.
173* (e) **HOME WARRANTY:** At Closing, ☐ Buyer ☐ Seller ☒ N/A shall pay for a home warranty plan issued by
174* _____ at a cost not to exceed \$_____. A home
175 warranty plan provides for repair or replacement of many of a home's mechanical systems and major built-in
176 appliances in the event of breakdown due to normal wear and tear during the agreement's warranty period.
177 (f) **SPECIAL ASSESSMENTS:** At Closing, Seller shall pay: (i) the full amount of liens imposed by a public body
178 ("public body" does not include a Condominium or Homeowner's Association) that are certified, confirmed and
179 ratified before Closing; and (ii) the amount of the public body's most recent estimate or assessment for an
180 improvement which is substantially complete as of Effective Date, but that has not resulted in a lien being
181 imposed on the Property before Closing. Buyer shall pay all other assessments. If special assessments may
182 be paid in installments (**CHECK ONE**):
183* ☐ (a) Seller shall pay installments due prior to Closing and Buyer shall pay installments due after Closing.
184 Installments prepaid or due for the year of Closing shall be prorated.
185* ☒ (b) Seller shall pay the assessment(s) in full prior to or at the time of Closing.
186 IF NEITHER BOX IS CHECKED, THEN OPTION (a) SHALL BE DEEMED SELECTED.
187 This Paragraph 9(f) shall not apply to a special benefit tax lien imposed by a community development district
188 (CDD) pursuant to Chapter 190, F.S., which lien shall be prorated pursuant to STANDARD K.

DISCLOSURES**10. DISCLOSURES:**

- 190
191 (a) **RADON GAS:** Radon is a naturally occurring radioactive gas that, when it is accumulated in a building in
192 sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that
193 exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding
194 radon and radon testing may be obtained from your county health department.
195 (b) **PERMITS DISCLOSURE:** Except as may have been disclosed by Seller to Buyer in a written disclosure, Seller
196 does not know of any improvements made to the Property which were made without required permits or made
197 pursuant to permits which have not been properly closed. If Seller identifies permits which have not been
198 properly closed or improvements which were not permitted, then Seller shall promptly deliver to Buyer all plans,
199 written documentation or other information in Seller's possession, knowledge, or control relating to
200 improvements to the Property which are the subject of such open permits or unpermitted improvements.
201 (c) **MOLD:** Mold is naturally occurring and may cause health risks or damage to property. If Buyer is concerned or
202 desires additional information regarding mold, Buyer should contact an appropriate professional.
203 (d) **FLOOD ZONE; ELEVATION CERTIFICATION:** Buyer is advised to verify by elevation certificate which flood
204 zone the Property is in, whether flood insurance is required by Buyer's lender, and what restrictions apply to
205 improving the Property and rebuilding in the event of casualty. If Property is in a "Special Flood Hazard Area"
206 or "Coastal Barrier Resources Act" designated area or otherwise protected area identified by the U.S. Fish and
207 Wildlife Service under the Coastal Barrier Resources Act and the lowest floor elevation for the building(s) and/or
208 flood insurance rating purposes is below minimum flood elevation or is ineligible for flood insurance coverage
209 through the National Flood Insurance Program or private flood insurance as defined in 42 U.S.C. §4012a, Buyer
210* may terminate this Contract by delivering written notice to Seller within 20 (if left blank, then 20) days after
211 Effective Date, and Buyer shall be refunded the Deposit thereby releasing Buyer and Seller from all further
212 obligations under this Contract, failing which Buyer accepts existing elevation of buildings and flood zone
213 designation of Property. The National Flood Insurance Program may assess additional fees or adjust premiums
214 for pre-Flood Insurance Rate Map (pre-FIRM) non-primary structures (residential structures in which the insured
215 or spouse does not reside for at least 50% of the year) and an elevation certificate may be required for actuarial
216 rating.
217 (e) **ENERGY BROCHURE:** Buyer acknowledges receipt of Florida Energy-Efficiency Rating Information Brochure
218 required by Section 553.996, F.S.

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- (f) **LEAD-BASED PAINT:** If Property includes pre-1978 residential housing, a lead-based paint disclosure is mandatory.
- (g) **HOMEOWNERS' ASSOCIATION/COMMUNITY DISCLOSURE: BUYER SHOULD NOT EXECUTE THIS CONTRACT UNTIL BUYER HAS RECEIVED AND READ THE HOMEOWNERS' ASSOCIATION/COMMUNITY DISCLOSURE, IF APPLICABLE.**
- (h) **PROPERTY TAX DISCLOSURE SUMMARY:** BUYER SHOULD NOT RELY ON THE SELLER'S CURRENT PROPERTY TAXES AS THE AMOUNT OF PROPERTY TAXES THAT THE BUYER MAY BE OBLIGATED TO PAY IN THE YEAR SUBSEQUENT TO PURCHASE. A CHANGE OF OWNERSHIP OR PROPERTY IMPROVEMENTS TRIGGERS REASSESSMENTS OF THE PROPERTY THAT COULD RESULT IN HIGHER PROPERTY TAXES. IF YOU HAVE ANY QUESTIONS CONCERNING VALUATION, CONTACT THE COUNTY PROPERTY APPRAISER'S OFFICE FOR INFORMATION.
- (i) **FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT ("FIRPTA"):** Seller shall inform Buyer in writing if Seller is a "foreign person" as defined by the Foreign Investment in Real Property Tax Act ("FIRPTA"). Buyer and Seller shall comply with FIRPTA, which may require Seller to provide additional cash at Closing. If Seller is not a "foreign person", Seller can provide Buyer, at or prior to Closing, a certification of non-foreign status, under penalties of perjury, to inform Buyer and Closing Agent that no withholding is required. See STANDARD V for further information pertaining to FIRPTA. Buyer and Seller are advised to seek legal counsel and tax advice regarding their respective rights, obligations, reporting and withholding requirements pursuant to FIRPTA.
- (j) **SELLER DISCLOSURE:** Seller knows of no facts materially affecting the value of the Real Property which are not readily observable and which have not been disclosed to Buyer. Except as provided for in the preceding sentence, Seller extends and intends no warranty and makes no representation of any type, either express or implied, as to the physical condition or history of the Property. Except as otherwise disclosed in writing Seller has received no written or verbal notice from any governmental entity or agency as to a currently uncorrected building, environmental or safety code violation.

PROPERTY MAINTENANCE, CONDITION, INSPECTIONS AND EXAMINATIONS

- 11. PROPERTY MAINTENANCE:** Except for ordinary wear and tear and Casualty Loss, Seller shall maintain the Property, including, but not limited to, lawn, shrubbery, and pool, in the condition existing as of Effective Date ("AS IS Maintenance Requirement").
- 12. PROPERTY INSPECTION; RIGHT TO CANCEL:**
- (a) **PROPERTY INSPECTIONS AND RIGHT TO CANCEL:** Buyer shall have 45 (if left blank, then 15) days after Effective Date ("Inspection Period") within which to have such inspections of the Property performed as Buyer shall desire during the Inspection Period. If Buyer determines, in Buyer's sole discretion, that the Property is not acceptable to Buyer, Buyer may terminate this Contract by delivering written notice of such election to Seller prior to expiration of Inspection Period. If Buyer timely terminates this Contract, the Deposit paid shall be returned to Buyer, thereupon, Buyer and Seller shall be released of all further obligations under this Contract; however, Buyer shall be responsible for prompt payment for such inspections, for repair of damage to, and restoration of, the Property resulting from such inspections, and shall provide Seller with paid receipts for all work done on the Property (the preceding provision shall survive termination of this Contract). Unless Buyer exercises the right to terminate granted herein, Buyer accepts the physical condition of the Property and any violation of governmental, building, environmental, and safety codes, restrictions, or requirements, but subject to Seller's continuing AS IS Maintenance Requirement, and Buyer shall be responsible for any and all repairs and improvements required by Buyer's lender.
- (b) **WALK-THROUGH INSPECTION/RE-INSPECTION:** On the day prior to Closing Date, or on Closing Date prior to time of Closing, as specified by Buyer, Buyer or Buyer's representative may perform a walk-through (and follow-up walk-through, if necessary) inspection of the Property solely to confirm that all items of Personal Property are on the Property and to verify that Seller has maintained the Property as required by the AS IS Maintenance Requirement and has met all other contractual obligations.
- (c) **SELLER ASSISTANCE AND COOPERATION IN CLOSE-OUT OF BUILDING PERMITS:** If Buyer's inspection of the Property identifies open or needed building permits, then Seller shall promptly deliver to Buyer all plans, written documentation or other information in Seller's possession, knowledge, or control relating to improvements to the Property which are the subject of such open or needed Permits, and shall promptly cooperate in good faith with Buyer's efforts to obtain estimates of repairs or other work necessary to resolve such Permit issues. Seller's obligation to cooperate shall include Seller's execution of necessary authorizations,

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- consents, or other documents necessary for Buyer to conduct inspections and have estimates of such repairs or work prepared, but in fulfilling such obligation, Seller shall not be required to expend, or become obligated to expend, any money.
- (d) **ASSIGNMENT OF REPAIR AND TREATMENT CONTRACTS AND WARRANTIES:** At Buyer's option and cost, Seller will, at Closing, assign all assignable repair, treatment and maintenance contracts and warranties to Buyer.

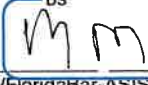
ESCROW AGENT AND BROKER

- 13. ESCROW AGENT:** Any Closing Agent or Escrow Agent (collectively "Agent") receiving the Deposit, other funds and other items is authorized, and agrees by acceptance of them, to deposit them promptly, hold same in escrow within the State of Florida and, subject to **COLLECTION**, disburse them in accordance with terms and conditions of this Contract. Failure of funds to become **COLLECTED** shall not excuse Buyer's performance. When conflicting demands for the Deposit are received, or Agent has a good faith doubt as to entitlement to the Deposit, Agent may take such actions permitted by this Paragraph 13, as Agent deems advisable. If in doubt as to Agent's duties or liabilities under this Contract, Agent may, at Agent's option, continue to hold the subject matter of the escrow until the parties agree to its disbursement or until a final judgment of a court of competent jurisdiction shall determine the rights of the parties, or Agent may deposit same with the clerk of the circuit court having jurisdiction of the dispute. An attorney who represents a party and also acts as Agent may represent such party in such action. Upon notifying all parties concerned of such action, all liability on the part of Agent shall fully terminate, except to the extent of accounting for any items previously delivered out of escrow. If a licensed real estate broker, Agent will comply with provisions of Chapter 475, F.S., as amended and FREC rules to timely resolve escrow disputes through mediation, arbitration, interpleader or an escrow disbursement order.
- In any proceeding between Buyer and Seller wherein Agent is made a party because of acting as Agent hereunder, or in any proceeding where Agent interpleads the subject matter of the escrow, Agent shall recover reasonable attorney's fees and costs incurred, to be paid pursuant to court order out of the escrowed funds or equivalent. Agent shall not be liable to any party or person for mis-delivery of any escrowed items, unless such mis-delivery is due to Agent's willful breach of this Contract or Agent's gross negligence. This Paragraph 13 shall survive Closing or termination of this Contract.
- 14. PROFESSIONAL ADVICE; BROKER LIABILITY:** Broker advises Buyer and Seller to verify Property condition, square footage, and all other facts and representations made pursuant to this Contract and to consult appropriate professionals for legal, tax, environmental, and other specialized advice concerning matters affecting the Property and the transaction contemplated by this Contract. Broker represents to Buyer that Broker does not reside on the Property and that all representations (oral, written or otherwise) by Broker are based on Seller representations or public records. **BUYER AGREES TO RELY SOLELY ON SELLER, PROFESSIONAL INSPECTORS AND GOVERNMENTAL AGENCIES FOR VERIFICATION OF PROPERTY CONDITION, SQUARE FOOTAGE AND FACTS THAT MATERIALLY AFFECT PROPERTY VALUE AND NOT ON THE REPRESENTATIONS (ORAL, WRITTEN OR OTHERWISE) OF BROKER.** Buyer and Seller (individually, the "Indemnifying Party") each individually indemnifies, holds harmless, and releases Broker and Broker's officers, directors, agents and employees from all liability for loss or damage, including all costs and expenses, and reasonable attorney's fees at all levels, suffered or incurred by Broker and Broker's officers, directors, agents and employees in connection with or arising from claims, demands or causes of action instituted by Buyer or Seller based on: (i) inaccuracy of information provided by the Indemnifying Party or from public records; (ii) Indemnifying Party's misstatement(s) or failure to perform contractual obligations; (iii) Broker's performance, at Indemnifying Party's request, of any task beyond the scope of services regulated by Chapter 475, F.S., as amended, including Broker's referral, recommendation or retention of any vendor for, or on behalf of, Indemnifying Party; (iv) products or services provided by any such vendor for, or on behalf of, Indemnifying Party; and (v) expenses incurred by any such vendor. Buyer and Seller each assumes full responsibility for selecting and compensating their respective vendors and paying their other costs under this Contract whether or not this transaction closes. This Paragraph 14 will not relieve Broker of statutory obligations under Chapter 475, F.S., as amended. For purposes of this Paragraph 14, Broker will be treated as a party to this Contract. This Paragraph 14 shall survive Closing or termination of this Contract.

DEFAULT AND DISPUTE RESOLUTION

15. DEFAULT:

- (a) **BUYER DEFAULT:** If Buyer fails, neglects or refuses to perform Buyer's obligations under this Contract, including payment of the Deposit, within the time(s) specified, Seller may elect to recover and retain the Deposit for the account of Seller as agreed upon liquidated damages, consideration for execution of this Contract, and in full settlement of any claims, whereupon Buyer and Seller shall be relieved from all further obligations under

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this Contract, or Seller, at Seller's option, may, pursuant to Paragraph 16, proceed in equity to enforce Seller's rights under this Contract. The portion of the Deposit, if any, paid to Listing Broker upon default by Buyer, shall be split equally between Listing Broker and Cooperating Broker; provided however, Cooperating Broker's share shall not be greater than the commission amount Listing Broker had agreed to pay to Cooperating Broker.

- (b) **SELLER DEFAULT:** If for any reason other than failure of Seller to make Seller's title marketable after reasonable diligent effort, Seller fails, neglects or refuses to perform Seller's obligations under this Contract, Buyer may elect to receive return of Buyer's Deposit without thereby waiving any action for damages resulting from Seller's breach, and, pursuant to Paragraph 16, may seek to recover such damages or seek specific performance.

This Paragraph 15 shall survive Closing or termination of this Contract.

- 16. DISPUTE RESOLUTION:** Unresolved controversies, claims and other matters in question between Buyer and Seller arising out of, or relating to, this Contract or its breach, enforcement or interpretation ("Dispute") will be settled as follows:

- (a) Buyer and Seller will have 10 days after the date conflicting demands for the Deposit are made to attempt to resolve such Dispute, failing which, Buyer and Seller shall submit such Dispute to mediation under Paragraph 16(b).
- (b) Buyer and Seller shall attempt to settle Disputes in an amicable manner through mediation pursuant to Florida Rules for Certified and Court-Appointed Mediators and Chapter 44, F.S., as amended (the "Mediation Rules"). The mediator must be certified or must have experience in the real estate industry. Injunctive relief may be sought without first complying with this Paragraph 16(b). Disputes not settled pursuant to this Paragraph 16 may be resolved by instituting action in the appropriate court having jurisdiction of the matter. This Paragraph 16 shall survive Closing or termination of this Contract.

- 17. ATTORNEY'S FEES; COSTS:** The parties will split equally any mediation fee incurred in any mediation permitted by this Contract, and each party will pay their own costs, expenses and fees, including attorney's fees, incurred in conducting the mediation. In any litigation permitted by this Contract, the prevailing party shall be entitled to recover from the non-prevailing party costs and fees, including reasonable attorney's fees, incurred in conducting the litigation. This Paragraph 17 shall survive Closing or termination of this Contract.

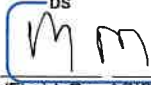
STANDARDS FOR REAL ESTATE TRANSACTIONS ("STANDARDS")

18. STANDARDS:

A. TITLE:

(i) **TITLE EVIDENCE; RESTRICTIONS; EASEMENTS; LIMITATIONS:** Within the time period provided in Paragraph 9(c), the Title Commitment, with legible copies of instruments listed as exceptions attached thereto, shall be issued and delivered to Buyer. The Title Commitment shall set forth those matters to be discharged by Seller at or before Closing and shall provide that, upon recording of the deed to Buyer, an owner's policy of title insurance in the amount of the Purchase Price, shall be issued to Buyer insuring Buyer's marketable title to the Real Property, subject only to the following matters: (a) comprehensive land use plans, zoning, and other land use restrictions, prohibitions and requirements imposed by governmental authority; (b) restrictions and matters appearing on the Plat or otherwise common to the subdivision; (c) outstanding oil, gas and mineral rights of record without right of entry; (d) unplatted public utility easements of record (located contiguous to real property lines and not more than 10 feet in width as to rear or front lines and 7 1/2 feet in width as to side lines); (e) taxes for year of Closing and subsequent years; and (f) assumed mortgages and purchase money mortgages, if any (if additional items, attach addendum); provided, that, none prevent use of Property for **RESIDENTIAL PURPOSES**. If there exists at Closing any violation of items identified in (b) – (f) above, then the same shall be deemed a title defect. Marketable title shall be determined according to applicable Title Standards adopted by authority of The Florida Bar and in accordance with law.

(ii) **TITLE EXAMINATION:** Buyer shall have 5 days after receipt of Title Commitment to examine it and notify Seller in writing specifying defect(s), if any, that render title unmarketable. If Seller provides Title Commitment and it is delivered to Buyer less than 5 days prior to Closing Date, Buyer may extend Closing for up to 5 days after date of receipt to examine same in accordance with this STANDARD A. Seller shall have 30 days ("Cure Period") after receipt of Buyer's notice to take reasonable diligent efforts to remove defects. If Buyer fails to so notify Seller, Buyer shall be deemed to have accepted title as it then is. If Seller cures defects within Cure Period, Seller will deliver written notice to Buyer (with proof of cure acceptable to Buyer and Buyer's attorney) and the parties will close this Contract on Closing Date (or if Closing Date has passed, within 10 days after Buyer's receipt of Seller's notice). If Seller is unable to cure defects within Cure Period, then Buyer may, within 5 days after expiration of Cure Period,

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STANDARDS FOR REAL ESTATE TRANSACTIONS ("STANDARDS") CONTINUED

383 deliver written notice to Seller: (a) extending Cure Period for a specified period not to exceed 120 days within which
384 Seller shall continue to use reasonable diligent effort to remove or cure the defects ("Extended Cure Period"); or
385 (b) electing to accept title with existing defects and close this Contract on Closing Date (or if Closing Date has
386 passed, within the earlier of 10 days after end of Extended Cure Period or Buyer's receipt of Seller's notice), or (c)
387 electing to terminate this Contract and receive a refund of the Deposit, thereby releasing Buyer and Seller from all
388 further obligations under this Contract. If after reasonable diligent effort, Seller is unable to timely cure defects, and
389 Buyer does not waive the defects, this Contract shall terminate, and Buyer shall receive a refund of the Deposit,
390 thereby releasing Buyer and Seller from all further obligations under this Contract.

391 **B. SURVEY:** If Survey discloses encroachments on the Real Property or that improvements located thereon
392 encroach on setback lines, easements, or lands of others, or violate any restrictions, covenants, or applicable
393 governmental regulations described in STANDARD A (i)(a), (b) or (d) above, Buyer shall deliver written notice of
394 such matters, together with a copy of Survey, to Seller within 5 days after Buyer's receipt of Survey, but no later
395 than Closing. If Buyer timely delivers such notice and Survey to Seller, such matters identified in the notice and
396 Survey shall constitute a title defect, subject to cure obligations of STANDARD A above. If Seller has delivered a
397 prior survey, Seller shall, at Buyer's request, execute an affidavit of "no change" to the Real Property since the
398 preparation of such prior survey, to the extent the affirmations therein are true and correct.

399 **C. INGRESS AND EGRESS:** Seller represents that there is ingress and egress to the Real Property and title to
400 the Real Property is insurable in accordance with STANDARD A without exception for lack of legal right of access.

401 **D. LEASE INFORMATION:** Seller shall, at least 10 days prior to Closing, furnish to Buyer estoppel letters from
402 tenant(s)/occupant(s) specifying nature and duration of occupancy, rental rates, advanced rent and security
403 deposits paid by tenant(s) or occupant(s) ("Estoppel Letter(s)"). If Seller is unable to obtain such Estoppel Letter(s)
404 the same information shall be furnished by Seller to Buyer within that time period in the form of a Seller's affidavit
405 and Buyer may thereafter contact tenant(s) or occupant(s) to confirm such information. If Estoppel Letter(s) or
406 Seller's affidavit, if any, differ materially from Seller's representations and lease(s) provided pursuant to Paragraph
407 6, or if tenant(s)/occupant(s) fail or refuse to confirm Seller's affidavit, Buyer may deliver written notice to Seller
408 within 5 days after receipt of such information, but no later than 5 days prior to Closing Date, terminating this
409 Contract and receive a refund of the Deposit, thereby releasing Buyer and Seller from all further obligations under
410 this Contract. Seller shall, at Closing, deliver and assign all leases to Buyer who shall assume Seller's obligations
411 thereunder.

412 **E. LIENS:** Seller shall furnish to Buyer at Closing an affidavit attesting (i) to the absence of any financing
413 statement, claims of lien or potential lienors known to Seller and (ii) that there have been no improvements or
414 repairs to the Real Property for 90 days immediately preceding Closing Date. If the Real Property has been
415 improved or repaired within that time, Seller shall deliver releases or waivers of construction liens executed by all
416 general contractors, subcontractors, suppliers and materialmen in addition to Seller's lien affidavit setting forth
417 names of all such general contractors, subcontractors, suppliers and materialmen, further affirming that all charges
418 for improvements or repairs which could serve as a basis for a construction lien or a claim for damages have been
419 paid or will be paid at Closing.

420 **F. TIME:** Calendar days shall be used in computing time periods. **Time is of the essence in this Contract.** Other
421 than time for acceptance and Effective Date as set forth in Paragraph 3, any time periods provided for or dates
422 specified in this Contract, whether preprinted, handwritten, typewritten or inserted herein, which shall end or occur
423 on a Saturday, Sunday, or a national legal holiday (see 5 U.S.C. 6103) shall extend to 5:00 p.m. (where the Property
424 is located) of the next business day.

425 **G. FORCE MAJEURE:** Buyer or Seller shall not be required to perform any obligation under this Contract or be
426 liable to each other for damages so long as performance or non-performance of the obligation, or the availability of
427 services, insurance or required approvals essential to Closing, is disrupted, delayed, caused or prevented by Force
428 Majeure. "Force Majeure" means: hurricanes, floods, extreme weather, earthquakes, fire, or other acts of God,
429 unusual transportation delays, or wars, insurrections, or acts of terrorism, which, by exercise of reasonable diligent
430 effort, the non-performing party is unable in whole or in part to prevent or overcome. All time periods, including
431 Closing Date, will be extended a reasonable time up to 7 days after the Force Majeure no longer prevents
432 performance under this Contract, provided, however, if such Force Majeure continues to prevent performance under
433 this Contract more than 30 days beyond Closing Date, then either party may terminate this Contract by delivering
434 written notice to the other and the Deposit shall be refunded to Buyer, thereby releasing Buyer and Seller from all
435 further obligations under this Contract.

436 **H. CONVEYANCE:** Seller shall convey marketable title to the Real Property by statutory warranty, trustee's,
437 personal representative's, or guardian's deed, as appropriate to the status of Seller, subject only to matters
438 described in STANDARD A and those accepted by Buyer. Personal Property shall, at request of Buyer, be

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STANDARDS FOR REAL ESTATE TRANSACTIONS ("STANDARDS") CONTINUED

transferred by absolute bill of sale with warranty of title, subject only to such matters as may be provided for in this Contract.

I. CLOSING LOCATION; DOCUMENTS; AND PROCEDURE:

(i) **LOCATION:** Closing will be conducted by the attorney or other closing agent ("Closing Agent") designated by the party paying for the owner's policy of title insurance and will take place in the county where the Real Property is located at the office of the Closing Agent, or at such other location agreed to by the parties. If there is no title insurance, Seller will designate Closing Agent. Closing may be conducted by mail, overnight courier, or electronic means.

(ii) **CLOSING DOCUMENTS:** Seller shall at or prior to Closing, execute and deliver, as applicable, deed, bill of sale, certificate(s) of title or other documents necessary to transfer title to the Property, construction lien affidavit(s), owner's possession and no lien affidavit(s), and assignment(s) of leases. Seller shall provide Buyer with paid receipts for all work done on the Property pursuant to this Contract. Buyer shall furnish and pay for, as applicable, the survey, flood elevation certification, and documents required by Buyer's lender.

(iii) **FinCEN GTO NOTICE.** If Closing Agent is required to comply with the U.S. Treasury Department's Financial Crimes Enforcement Network ("FinCEN") Geographic Targeting Orders ("GTOs"), then Buyer shall provide Closing Agent with the information related to Buyer and the transaction contemplated by this Contract that is required to complete IRS Form 8300, and Buyer consents to Closing Agent's collection and report of said information to IRS.

(iv) **PROCEDURE:** The deed shall be recorded upon **COLLECTION** of all closing funds. If the Title Commitment provides insurance against adverse matters pursuant to Section 627.7841, F.S., as amended, the escrow closing procedure required by STANDARD J shall be waived, and Closing Agent shall, **subject to COLLECTION of all closing funds**, disburse at Closing the brokerage fees to Broker and the net sale proceeds to Seller.

J. ESCROW CLOSING PROCEDURE: If Title Commitment issued pursuant to Paragraph 9(c) does not provide for insurance against adverse matters as permitted under Section 627.7841, F.S., as amended, the following escrow and closing procedures shall apply: (1) all Closing proceeds shall be held in escrow by the Closing Agent for a period of not more than 10 days after Closing; (2) if Seller's title is rendered unmarketable, through no fault of Buyer, Buyer shall, within the 10 day period, notify Seller in writing of the defect and Seller shall have 30 days from date of receipt of such notification to cure the defect; (3) if Seller fails to timely cure the defect, the Deposit and all Closing funds paid by Buyer shall, within 5 days after written demand by Buyer, be refunded to Buyer and, simultaneously with such repayment, Buyer shall return the Personal Property, vacate the Real Property and re-convey the Property to Seller by special warranty deed and bill of sale; and (4) if Buyer fails to make timely demand for refund of the Deposit, Buyer shall take title as is, waiving all rights against Seller as to any intervening defect except as may be available to Buyer by virtue of warranties contained in the deed or bill of sale.

K. PRORATIONS; CREDITS: The following recurring items will be made current (if applicable) and prorated as of the day prior to Closing Date, or date of occupancy if occupancy occurs before Closing Date: real estate taxes (including special benefit tax assessments imposed by a CDD), interest, bonds, association fees, insurance, rents and other expenses of Property. Buyer shall have option of taking over existing policies of insurance, if assumable, in which event premiums shall be prorated. Cash at Closing shall be increased or decreased as may be required by prorations to be made through day prior to Closing. Advance rent and security deposits, if any, will be credited to Buyer. Escrow deposits held by Seller's mortgagee will be paid to Seller. Taxes shall be prorated based on current year's tax. If Closing occurs on a date when current year's millage is not fixed but current year's assessment is available, taxes will be prorated based upon such assessment and prior year's millage. If current year's assessment is not available, then taxes will be prorated on prior year's tax. If there are completed improvements on the Real Property by January 1st of year of Closing, which improvements were not in existence on January 1st of prior year, then taxes shall be prorated based upon prior year's millage and at an equitable assessment to be agreed upon between the parties, failing which, request shall be made to the County Property Appraiser for an informal assessment taking into account available exemptions. In all cases, due allowance shall be made for the maximum allowable discounts and applicable homestead and other exemptions. A tax proration based on an estimate shall, at either party's request, be readjusted upon receipt of current year's tax bill. This STANDARD K shall survive Closing.

L. ACCESS TO PROPERTY TO CONDUCT APPRAISALS, INSPECTIONS, AND WALK-THROUGH: Seller shall, upon reasonable notice, provide utilities service and access to Property for appraisals and inspections, including a walk-through (or follow-up walk-through if necessary) prior to Closing.

M. RISK OF LOSS: If, after Effective Date, but before Closing, Property is damaged by fire or other casualty ("Casualty Loss") and cost of restoration (which shall include cost of pruning or removing damaged trees) does not exceed 1.5% of Purchase Price, cost of restoration shall be an obligation of Seller and Closing shall proceed pursuant to terms of this Contract. If restoration is not completed as of Closing, a sum equal to 125% of estimated

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STANDARDS FOR REAL ESTATE TRANSACTIONS ("STANDARDS") CONTINUED

cost to complete restoration (not to exceed 1.5% of Purchase Price) will be escrowed at Closing. If actual cost of restoration exceeds escrowed amount, Seller shall pay such actual costs (but, not in excess of 1.5% of Purchase Price). Any unused portion of escrowed amount shall be returned to Seller. If cost of restoration exceeds 1.5% of Purchase Price, Buyer shall elect to either take Property "as is" together with the 1.5%, or receive a refund of the Deposit thereby releasing Buyer and Seller from all further obligations under this Contract. Seller's sole obligation with respect to tree damage by casualty or other natural occurrence shall be cost of pruning or removal.

N. 1031 EXCHANGE: If either Seller or Buyer wish to enter into a like-kind exchange (either simultaneously with Closing or deferred) under Section 1031 of the Internal Revenue Code ("Exchange"), the other party shall cooperate in all reasonable respects to effectuate the Exchange, including execution of documents; provided, however, cooperating party shall incur no liability or expense related to the Exchange, and Closing shall not be contingent upon, nor extended or delayed by, such Exchange.

O. CONTRACT NOT RECORDABLE; PERSONS BOUND; NOTICE; DELIVERY; COPIES; CONTRACT EXECUTION: Neither this Contract nor any notice of it shall be recorded in any public records. This Contract shall be binding on, and inure to the benefit of, the parties and their respective heirs or successors in interest. Whenever the context permits, singular shall include plural and one gender shall include all. Notice and delivery given by or to the attorney or broker (including such broker's real estate licensee) representing any party shall be as effective as if given by or to that party. All notices must be in writing and may be made by mail, personal delivery or electronic (including "pdf") media. A facsimile or electronic (including "pdf") copy of this Contract and any signatures hereon shall be considered for all purposes as an original. This Contract may be executed by use of electronic signatures, as determined by Florida's Electronic Signature Act and other applicable laws.

P. INTEGRATION; MODIFICATION: This Contract contains the full and complete understanding and agreement of Buyer and Seller with respect to the transaction contemplated by this Contract and no prior agreements or representations shall be binding upon Buyer or Seller unless included in this Contract. No modification to or change in this Contract shall be valid or binding upon Buyer or Seller unless in writing and executed by the parties intended to be bound by it.

Q. WAIVER: Failure of Buyer or Seller to insist on compliance with, or strict performance of, any provision of this Contract, or to take advantage of any right under this Contract, shall not constitute a waiver of other provisions or rights.

R. RIDERS; ADDENDA; TYPEWRITTEN OR HANDWRITTEN PROVISIONS: Riders, addenda, and typewritten or handwritten provisions shall control all printed provisions of this Contract in conflict with them.

S. COLLECTION or COLLECTED: "COLLECTION" or "COLLECTED" means any checks tendered or received, including Deposits, have become actually and finally collected and deposited in the account of Escrow Agent or Closing Agent. Closing and disbursement of funds and delivery of closing documents may be delayed by Closing Agent until such amounts have been COLLECTED in Closing Agent's accounts.

T. RESERVED.

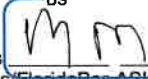
U. APPLICABLE LAW AND VENUE: This Contract shall be construed in accordance with the laws of the State of Florida and venue for resolution of all disputes, whether by mediation, arbitration or litigation, shall lie in the county where the Real Property is located.

V. FIRPTA TAX WITHHOLDING: If a seller of U.S. real property is a "foreign person" as defined by FIRPTA, Section 1445 of the Internal Revenue Code ("Code") requires the buyer of the real property to withhold up to 15% of the amount realized by the seller on the transfer and remit the withheld amount to the Internal Revenue Service (IRS) unless an exemption to the required withholding applies or the seller has obtained a Withholding Certificate from the IRS authorizing a reduced amount of withholding.

(i) No withholding is required under Section 1445 of the Code if the Seller is not a "foreign person". Seller can provide proof of non-foreign status to Buyer by delivery of written certification signed under penalties of perjury, stating that Seller is not a foreign person and containing Seller's name, U.S. taxpayer identification number and home address (or office address, in the case of an entity), as provided for in 26 CFR 1.1445-2(b). Otherwise, Buyer shall withhold the applicable percentage of the amount realized by Seller on the transfer and timely remit said funds to the IRS.

(ii) If Seller is a foreign person and has received a Withholding Certificate from the IRS which provides for reduced or eliminated withholding in this transaction and provides same to Buyer by Closing, then Buyer shall withhold the reduced sum required, if any, and timely remit said funds to the IRS.

(iii) If prior to Closing Seller has submitted a completed application to the IRS for a Withholding Certificate and has provided to Buyer the notice required by 26 CFR 1.1445-1(c) (2)(i)(B) but no Withholding Certificate has been received as of Closing, Buyer shall, at Closing, withhold the applicable percentage of the amount realized by Seller on the transfer and, at Buyer's option, either (a) timely remit the withheld funds to the IRS or (b) place the funds in escrow, at Seller's expense, with an escrow agent selected by Buyer and pursuant to terms negotiated by the

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parties, to be subsequently disbursed in accordance with the Withholding Certificate issued by the IRS or remitted directly to the IRS if the Seller's application is rejected or upon terms set forth in the escrow agreement.

(iv) In the event the net proceeds due Seller are not sufficient to meet the withholding requirement(s) in this transaction, Seller shall deliver to Buyer, at Closing, the additional COLLECTED funds necessary to satisfy the applicable requirement and thereafter Buyer shall timely remit said funds to the IRS or escrow the funds for disbursement in accordance with the final determination of the IRS, as applicable.

(v) Upon remitting funds to the IRS pursuant to this STANDARD, Buyer shall provide Seller copies of IRS Forms 8288 and 8288-A, as filed.

W. RESERVED

X. BUYER WAIVER OF CLAIMS: *To the extent permitted by law, Buyer waives any claims against Seller and against any real estate licensee involved in the negotiation of this Contract for any damage or defects pertaining to the physical condition of the Property that may exist at Closing of this Contract and be subsequently discovered by the Buyer or anyone claiming by, through, under or against the Buyer. This provision does not relieve Seller's obligation to comply with Paragraph 10(j). This Standard X shall survive Closing.*

ADDENDA AND ADDITIONAL TERMS

19. ADDENDA: The following additional terms are included in the attached addenda or riders and incorporated into this Contract (**Check if applicable**):

- | | | |
|--|---|---|
| ☐ A. Condominium Rider | ☐ K. RESERVED | ☐ T. Pre-Closing Occupancy |
| ☐ B. Homeowners' Assn. | ☐ L. RESERVED | ☐ U. Post-Closing Occupancy |
| ☐ C. Seller Financing | ☐ M. Defective Drywall | ☐ V. Sale of Buyer's Property |
| ☐ D. Mortgage Assumption | ☐ N. Coastal Construction Control Line | ☐ W. Back-up Contract |
| ☐ E. FHA/VA Financing | ☐ O. Insulation Disclosure | ☐ X. Kick-out Clause |
| ☐ F. Appraisal Contingency | ☒ P. Lead Paint Disclosure (Pre-1978) | ☐ Y. Seller's Attorney Approval |
| ☐ G. Short Sale | ☐ Q. Housing for Older Persons | ☐ Z. Buyer's Attorney Approval |
| ☐ H. Homeowners/Flood Ins. | ☐ R. Rezoning | ☐ AA. Licensee Property Interest |
| ☐ I. RESERVED | ☐ S. Lease Purchase/ Lease Option | ☐ BB. Binding Arbitration |
| ☐ J. Interest-Bearing Acct. | | ☐ CC. Miami-Dade County Special Taxing District Disclosure |
| | | ☐ Other: _____ |

20. ADDITIONAL TERMS:

COUNTER-OFFER/REJECTION

☐ Seller counters Buyer's offer (to accept the counter-offer, Buyer must sign or initial the counter-offered terms and deliver a copy of the acceptance to Seller).

☐ Seller rejects Buyer's offer.

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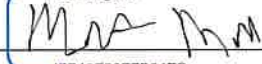
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THIS IS INTENDED TO BE A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, SEEK THE ADVICE OF AN ATTORNEY PRIOR TO SIGNING.

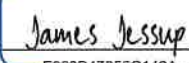
THIS FORM HAS BEEN APPROVED BY THE FLORIDA REALTORS AND THE FLORIDA BAR.

Approval of this form by the Florida Realtors and The Florida Bar does not constitute an opinion that any of the terms and conditions in this Contract should be accepted by the parties in a particular transaction. Terms and conditions should be negotiated based upon the respective interests, objectives and bargaining positions of all interested persons.

AN ASTERISK (*) FOLLOWING A LINE NUMBER IN THE MARGIN INDICATES THE LINE CONTAINS A BLANK TO BE COMPLETED.

DocuSigned by: 
Buyer: _____ Date: 10/11/2020

47B13F20E7B94EB...
Buyer: _____ Date: _____

DocuSigned by: 
Seller: _____ Date: 10/21/2020

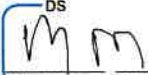
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Seller: _____ Date: _____

Buyer's address for purposes of notice	Seller's address for purposes of notice
_____	_____
_____	_____
_____	_____

BROKER: Listing and Cooperating Brokers, if any, named below (collectively, "Broker"), are the only Brokers entitled to compensation in connection with this Contract. Instruction to Closing Agent: Seller and Buyer direct Closing Agent to disburse at Closing the full amount of the brokerage fees as specified in separate brokerage agreements with the parties and cooperative agreements between the Brokers, except to the extent Broker has retained such fees from the escrowed funds. This Contract shall not modify any MLS or other offer of compensation made by Seller or Listing Broker to Cooperating Brokers.

Philip Griffin, 2.5%	Philip Griffin, 2.5%
Cooperating Sales Associate, if any	Listing Sales Associate

Amelia Coastal Realty LLC	Amelia Coastal Realty LLC
Cooperating Broker, if any	Listing Broker

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LEAD-BASED PAINT DISCLOSURE FOR RESIDENTIAL SALES ADDENDUM



DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS

This Addendum is made by the undersigned BUYER and SELLER and is incorporated into and made a part of the Purchase and Sale Agreement between BUYER and SELLER (the "Agreement"). This Addendum is referenced in the Agreement and pertains to the following Property: 409 Fir Street, Fernandina Beach, FL 32034.

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure (initial)

(a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

☐ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

☒ Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the seller (check one below):

☐ Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

☒ Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Buyer's Acknowledgment (initial)

(c) Buyer has received copies of all information listed above.

(d) Buyer has received the pamphlet *Protect Your Family from Lead in Your Home*.

(e) Buyer has (check one below):

☒ Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

☐ Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

Licensee's Acknowledgment (initial)

(f) Licensee has informed the Seller of the Seller's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signator is true and accurate.

[Signature] 10/11/2020
BUYER SIGNATURE DATE

DocuSigned by:
James Jessup 10/21/2020
SELLER SIGNATURE DATE

BUYER SIGNATURE DATE

SELLER SIGNATURE DATE

BUYER SIGNATURE DATE

SELLER SIGNATURE DATE

BUYER SIGNATURE DATE

DocuSigned by:
[Signature] 10/9/2020
SELLER SIGNATURE DATE

SELLING LICENSEE SIGNATURE DATE

LISTING LICENSEE SIGNATURE DATE

Any person or persons who knowingly violate the provisions of the Residential Lead-Based Paint Hazard Reduction Act of 1992 may be subject to civil and criminal penalties and potential triple damages in a private civil lawsuit.

LPDFRSA (SALES)

Serial#: 025272-200160-2277869
Prepared by: Philip Griffin | Amelia Coastal Realty, LLC | phil@acrfl.com | 9042612770

Form
Simplicity

ASSIGNMENT OF SALE AND PURCHASE AGREEMENT

This Assignment of Sale and Purchase (the "Assignment") is made and entered on December ____, 2020 (the "Effective Date"), by and between **Matthew Miller** ("Assignor") and **Bruce Palmer LLC** ("Assignee") (collectively referred to as the "Parties"). Assignor is the original "Buyer" in the "**AS IS**" Real Estate Sale and Purchase agreement dated **October 22, 2020** between the Assignor and **Jessup Properties LLC** ("Seller"), for the premises located at **409 Fir Street, Fernandina Beach, Florida 32034**, attached hereto as Exhibit A.

The Parties agree as follows:

- 1. ASSIGNMENT:** For value received, the sufficiency of which is hereby acknowledged, Assignor hereby assigns to Assignee all of his/her interests, rights and title held by Assignor in and to the Sale and Purchase Agreement.
- 2. ASSUMPTION OF RIGHTS AND OBLIGATIONS:** Assignee hereby (i) assumes all of Assignor's right, title and interest to the Sale and Purchase Agreement and (ii) agrees to comply with all the terms, make all payments, and perform all conditions required after the Effective Date as if Assignee were the original buyer therein.
- 3. INDEMNIFICATION:** Assignee will indemnify, protect, and hold Assignor harmless from and against any and all loss, cost, or damage in any way related to Assignee's breach or default of the obligations in this Assignment.
- 4. ASSIGNOR'S REPRESENTATIONS:** Assignor warrants that the Sale and Purchase Agreement is in full force and effect and fully assignable or may be assigned with consent of seller (such consent to be obtained by Assignor before executing this Assignment). Assignor warrants that he has performed all duties and obligations and made all payments required under the Sale and Purchase Agreement. Assignor further warrants that the contract rights transferred in this Assignment are free of lien, encumbrance or adverse claim.
- 5. BINDING EFFECT:** The covenants and conditions contained in the Assignment shall apply to and bind the Parties and their heirs, legal representatives, successors and permitted assigns.
- 6. GOVERNING LAW:** This Assignment shall be governed by and construed in accordance with the laws of the State of **Florida**.
- 7. NOTICE:** Any notice required or otherwise given pursuant to this Assignment shall be in writing and mailed certified return receipt requested, postage prepaid, or delivered by overnight delivery service to:

Assignor:

Matthew Miller
416 Fir Street
Fernandina Beach, FL 32034

Assignee:

Bruce Palmer LL
2162 White Sands Way
Fernandina Beach, FL 32034

WAIVER: The failure of either party to enforce any provisions of this Assignment shall not be deemed a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Assignment.

IN WITNESS WHEREOF, the Parties have caused this Assignment to be executed the day and year first above written.

Assignor:

Matthew Miller
Sign

Matthew Miller
Print

12/4/20
Date

Assignee:

Bruce Palmer
Sign

Bruce R. Palmer
Print

12/4/20
Date



Addendum to Contract

Addendum No. 1 to the Contract with the Effective Date of 10/22/2020 between
Jessup Properties LLC (Seller)
 and Matthew Miller (Buyer)
 concerning the property described as: 409 Fir Street, Fernandina Beach, FL 32034

(the "Contract"). Seller and Buyer make the following terms and conditions part of the Contract:

- 1) Buyer assigns the contract to Bruce Palmer LLC.
- 2) Closing is moved to on or before January 14, 2020
- 3) Seller hereby appoints Buyer as Agent Representative for the property with the City of Fernandina Beach. Seller authorizes Buyer to negotiate a reduced settlement of the outstanding liens against the property. The settlement reduction amount shall be split equally between Buyer and Seller. Amelia Coastal Realty LLC. to be paid an additional \$1,000 at closing to be split between the parties for assisting with the settlement.
- 4) All other terms and conditions remain the same.

Buyer: [Signature]
 Buyer: [Signature]
 Seller: [Signature]
 Seller: [Signature]

Date: 12/4/20
 Date: 12/4/20
 Date: 12/4/2020
 Date: _____

CLOSE

DocuSign Envelope ID: F0BD5722-2D8B-405F-9B0C-6EC625C8CF53

DocuSign Envelope ID: EC9FE76E-E0B8-4019-BC7D-14D8E3B877C5

Addendum to ContractAddendum No. 1 to the Contract with the Effective Date of 10/22/2020 betweenJessup Properties LLC (S)and Matthew Miller (E)concerning the property described as: 409 Fir Street, Fernandina Beach, FL 32034

(the "Contract"). Seller and Buyer make the following terms and conditions part of the Contract:

1) Buyer assigns the contract to Bruce Palmer LLC.

2) Closing is moved to on or before January 14, ~~2020~~ 2021

3) Seller hereby appoints Buyer as Agent Representative for the property with the City of Fernandina Beach. Seller authorizes Buyer to negotiate a reduced settlement of the outstanding liens against the property. The settlement reduction amount shall be split equally between Buyer and Seller. Amelia Coastal Realty LLC. to be paid an addition \$1,000 at closing to be split between the parties for assisting with the settlement.

4) All other terms and conditions remain the same.

Buyer: Buyer: Date: 12/4/20Date: 12/4/20



CITY OF FERNANDINA BEACH

Code Enforcement Department

George Wells

Code Enforcement Officer

CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

June 2, 2020

Case Number: CODE-2019-0439

Cert. #: 7018 1830 0001 9845 0371

IN THE MATTER OF:

Jim Jessup
Jessup Properties
24409 Moss Creek Lane
Ponte Vedra, FL 32082

PREMISES: 409 FIR ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 280
LOT 8 IN OR 2191/701 CITY OF FDNA BEACH

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s)
of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land
Development Code and contends that the following violation(s) exist:

42-116 Duty to Maintain Property
Cut and/or clean up property

By 6/12/2020

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code
Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: July 2, 2020

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).

A handwritten signature in black ink that reads "George Wells". The signature is written in a cursive, flowing style.

George Wells

Code Enforcement Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.



City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: July 2, 2020
Case Number: 2019-0439

IN THE MATTER OF: Respondent Name: **JESSUP PROPERTIES/JIM JESSUP**
Respondent Address: 24409 MOSS CREEK LANE
PONTE VEDRA, FL 32082

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on July 2, 2020, a violation hearing having been held, and the Board having heard testimony, does hereby make the following finding of facts, and conclusions of law therefore imposing the following order and penalty:

SECTION 1 - FINDINGS OF FACT

1. The Respondent was properly served notice of these proceedings as required by law on June 2, 2020, and the Respondent was not present at the hearing.
2. The real property on which the violations occurred is 409 Fir Street, Fernandina Beach, FL and a brief legal description being **BLOCK 280 LOT 8 IN OR 2191/701 CITY OF FDNA BEACH.**
3. The Respondent is the owner of record of the aforementioned real property.
4. The Respondent violated sections of the Fernandina Beach Code of Ordinances: **42-116, Duty to Maintain Property.**

SECTION 2 - CONCLUSION OF LAW & IMPOSITION OF FINE

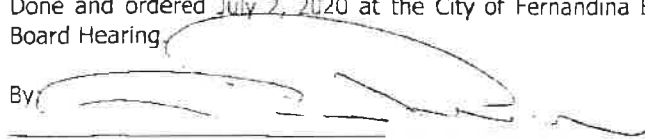
1. Based on the foregoing findings of fact, the Board voted to find the property in violation of 42-116, Duty to Maintain Property, to assess administrative fees and to assess fines of \$250 per day beginning July 17, 2020 until the property is in compliance or cleaned by the City. Any and all cleaning costs will be assessed to the property owner in addition to the fines. Fines will continue thereafter at a rate of \$50 per day until all fines and administrative fees are paid.
2. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order shall constitute a lien against the real property on which the violations exist and upon any other real or personal property owned by the Respondent if fines are not paid within thirty (30) days.
3. If the lien remains unpaid for a period of three (3) months from the date of the filing of the lien, the City of Fernandina Beach may foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.



City of Fernandina Beach

SECTION 3 - CERTIFICATION OF VOTE

Done and ordered July 2, 2020 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing

By: 

Chair, Adam Kaufman

COUNTY OF NASSAU

STATE OF FLORIDA

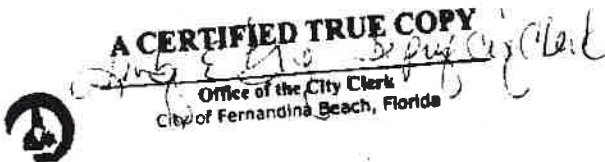
I HEREBY CERTIFY that on this day before me, the undersigned, a Notary Public in and for the State of Florida at Large, personally appeared Adam Kaufman to me well known to be the Chair of the Code Enforcement and Appeals Board of the City of Fernandina Beach, and known to me to be the persons who executed the foregoing Findings of Fact for the City of Fernandina Beach as such Chair: and they severally acknowledged the execution of the same to be their free act and deed by authority and on behalf of the City of Fernandina Beach for the uses and purposes therein expressed.

WITNESS my hand and official seal at Fernandina Beach, said County and State on this 2nd day of July, 2020.

(NOTARY SEAL)



Notary Public, State of Florida



Katie A. Newton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG123910
Expires 7/13/2021

**Florida Statute 162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.*



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department
(904) 310-3440

Code Enforcement Officer
(904) 310-3442

FINES & FEES INCURRED FROM
409 Fir Street
As of 12/8/2020
CODE CASE #2020-0439

<u>DATES</u>	<u># OF DAYS</u>	<u>FINE PER DAY</u>	<u>TOTAL</u>
July 17 - August 19, 2020	34	\$250.00	\$8,500.00
August 20 - August 31, 2020	12	\$50.00	\$600.00
September 1 - 30, 2020	30	\$50.00	\$1,500.00
October 1 - 31, 2020	31	\$50.00	\$1,550.00
November 1 - 30, 2020	30	\$50.00	\$1,500.00
December 1 - 8, 2020	8	\$50.00	\$400.00
		\$50.00	\$0.00
		\$50.00	\$0.00
		\$50.00	\$0.00
		\$50.00	\$0.00
		\$50.00	\$0.00
		\$50.00	\$0.00
		\$50.00	\$0.00
		\$50.00	\$0.00

TOTAL FINES **\$14,050.00**

TOTAL ADMINISTRATIVE FEES **\$626.09**

GRAND TOTAL DUE **\$14,676.09**

**** TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY ****



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department
(904) 310-3440

Code Enforcement Officer
(904) 310-3442

ADMINISTRATIVE FEES INCURRED FROM
409 Fir Street
As of 10/28/2020
CODE CASE #2020-0439

<u>STAFF PERSONNEL OR ITEMS</u>	<u># OF UNITS OR HOURS</u>	<u>PRICE OR RATE PER HOUR</u>	<u>TOTAL</u>
Michelle Forstrom, Code Enforcement Director	1	\$25.24	\$25.24
George Wells, Code Enforcement Officer	4.5	\$22.50	\$101.25
Katie Newton, Board Secretary/Legal Assistant	1	\$23.40	\$23.40
Tammi Bach, City Attorney	0.5	\$68.64	\$34.32
Harriet Davis, Administrative Coordinator	2	\$19.29	\$38.58
 Record Findings of Facts with the Clerk of Circuit Court of Nassau County	 1	 \$23.50	 \$23.50
 Certified letters mailed	 2	 \$6.90	 \$13.80
First Class letters mailed	2	\$0.50	\$1.00
Maintenance Invoice (8-21-20)			\$365.00

TOTAL ADMINISTRATIVE FEES DUE

\$626.09

****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY****



CITY OF FERNANDINA BEACH

Code Enforcement Department

George Wells

Code Enforcement Officer

CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

October 19, 2020

Case Number: CODE-2020-0407

POSTED

IN THE MATTER OF:

Jim Jessup
Jessup Properties
24409 Moss Creek Lane
Ponte Vedra, FL 32082

PREMISES: 409 FIR ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 280 LOT 8 IN OR 2191/701 CITY OF FDNA BEACH

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

42-117 Exterior Structure (Maintenance)

Repair leaning concrete block piers and wood posts that support the front porch overhang roof that is unsafe. By 10/26/2020
Secure and lock all windows, doors, and openings to keep the vagrants out. The rear shed also needs to be locked and secured so that vagrants are not living in there as well.

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: December 3, 2020
TIME: 5:30 PM
LOCATION: City Commission Chambers, 204 Ash St

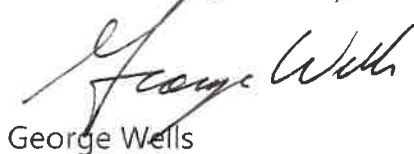
YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).



George Wells

Code Enforcement Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.



City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: December 3, 2020
Case Number: 2020-0407

IN THE MATTER OF: Respondent Name: **JESSUP PROPERTIES, LLC – JIM JESSUP**
Respondent Address: 24409 MOSS CREEK LANE
PONTE VEDRA, FL 32082

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on December 3, 2020, a violation hearing having been held, and the Board having heard testimony, does hereby make the following finding of facts, and conclusions of law therefore imposing the following order and penalty:

SECTION 1 - FINDINGS OF FACT

1. The Respondent was properly served notice of these proceedings as required by law on October 19, 2020, and the Respondent was not present at the hearing.
2. The real property on which the violations occurred is 409 Fir Street, Fernandina Beach, FL and a brief legal description being **BLOCK 280 LOT 8 IN OR 2191/701 CITY OF FDNA BEACH.**
3. The Respondent is the owner of record of the aforementioned real property.
4. The Respondent violated sections of the Fernandina Beach Code of Ordinances: **42-117, Exterior Structure – Maintenance.**

SECTION 2 - CONCLUSION OF LAW & IMPOSITION OF FINE

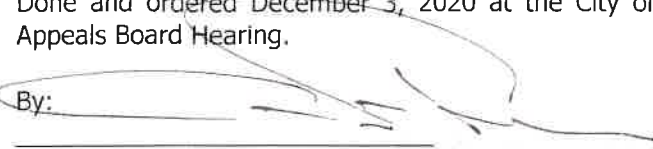
1. Based on the foregoing findings of fact, the Board voted to find the property in violation of 42-117 (Exterior Structure-Maintenance), giving the respondent ten (10) days to secure all doors, windows, and openings on the house and shed by December 10, 2020. A fine of \$50 per day will begin on December 11, 2020 if the property is not secured. If the property is not secured by the respondent, the Board requests the City secure the property by December 15, 2020 and assess all costs associated with this work. The respondent shall repair the leaning concrete piers and wood porch posts by January 4, 2021. An additional fine of \$50 per day along with administrative fees will begin on January 5, 2021 if the property is not brought into full compliance.
2. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order shall constitute a lien against the real property on which the violations exist and upon any other real or personal property owned by the Respondent if fines are not paid within thirty (30) days.
3. If the lien remains unpaid for a period of three (3) months from the date of the filing of the lien, the City of Fernandina Beach may foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.



City of Fernandina Beach

SECTION 3 - CERTIFICATION OF VOTE

Done and ordered December 3, 2020 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing.

By: 

Chair, Adam Kaufman

COUNTY OF NASSAU

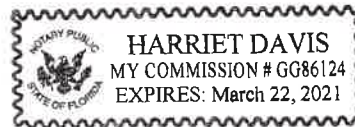
STATE OF FLORIDA

I HEREBY CERTIFY that on this day before me, the undersigned, a Notary Public in and for the State of Florida at Large, personally appeared Adam Kaufman to me well known to be the Chair of the Code Enforcement and Appeals Board of the City of Fernandina Beach, and known to me to be the persons who executed the foregoing Findings of Fact for the City of Fernandina Beach as such Chair: and they severally acknowledged the execution of the same to be their free act and deed by authority and on behalf of the City of Fernandina Beach for the uses and purposes therein expressed.

WITNESS my hand and official seal at Fernandina Beach, said County and State on this 7th day of December, 2020.



(NOTARY SEAL)



Notary Public, State of Florida

cc: City Manager
City Attorney

**Florida Statute 162.11 Appeals. —An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.*



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department

Code Enforcement Officer

ADMINISTRATIVE FEES INCURRED FROM
409 Fir Street
As of 12/03/2020
CODE CASE #2020-0407

<u>STAFF PERSONNEL OR ITEMS</u>	<u># OF UNITS OR HOURS</u>	<u>PRICE OR RATE PER HOUR</u>	<u>TOTAL</u>
Michelle Forstrom, Code Enforcement Director	1	\$27.07	\$27.07
George Wells, Code Enforcement Officer	5.5	\$23.24	\$127.82
Katie Newton, Board Secretary/Legal Assistant	1	\$25.87	\$25.87
Tammi Bach, City Attorney	0.5	\$72.29	\$36.15
Harriet Davis, Administrative Coordinator	3	\$19.29	\$57.87
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	1	\$23.50	\$23.50
Certified letters mailed	1	\$6.90	\$6.90
First Class letters mailed	1	\$0.50	\$0.50

TOTAL ADMINISTRATIVE FEES DUE

\$305.68

****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY****



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department
(904) 310-3440

Code Enforcement Officer
(904) 310-3442

FINES & FEES INCURRED FROM
409 Fir Street
As of 1/5/2021
CODE CASE #2019-0439

<u>DATES</u>	<u># OF DAYS</u>	<u>FINE PER DAY</u>	<u>TOTAL</u>
July 17 - August 19, 2020	34	\$250.00	\$8,500.00
August 20 - August 31, 2020	12	\$50.00	\$600.00
September 1 - 30, 2020	30	\$50.00	\$1,500.00
October 1 - 31, 2020	31	\$50.00	\$1,550.00
November 1 - 30, 2020	30	\$50.00	\$1,500.00
December 1 - 31, 2020	31	\$50.00	\$1,550.00
January 1 - 5, 2021	5	\$50.00	\$250.00
		\$50.00	\$0.00
		\$50.00	\$0.00
		\$50.00	\$0.00
		\$50.00	\$0.00
		\$50.00	\$0.00
		\$50.00	\$0.00
		\$50.00	\$0.00

TOTAL FINES **\$15,450.00**

TOTAL ADMINISTRATIVE FEES **\$704.82**

GRAND TOTAL DUE **\$16,154.82**

**** TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY ****



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department
(904) 310-3440

Code Enforcement Officer
(904) 310-3442

ADMINISTRATIVE FEES INCURRED FROM

409 Fir Street

As of 1/5/2021

CODE CASE #2019-0439

<u>STAFF PERSONNEL OR ITEMS</u>	<u># OF UNITS OR HOURS</u>	<u>PRICE OR RATE PER HOUR</u>	<u>TOTAL</u>
Michelle Forstrom, Code Enforcement Director	2	\$25.24	\$50.48
George Wells, Code Enforcement Officer	5.5	\$22.50	\$123.75
Katie Newton, Board Secretary/Legal Assistant	1.5	\$23.40	\$35.10
Tammi Bach, City Attorney	0.5	\$68.64	\$34.32
Harriet Davis, Administrative Coordinator	3	\$19.29	\$57.87
 Record Findings of Facts with the Clerk of Circuit Court of Nassau County	 1	 \$23.50	 \$23.50
 Certified letters mailed	 2	 \$6.90	 \$13.80
First Class letters mailed	2	\$0.50	\$1.00
Maintenance Invoice (8-21-20)			<u>\$365.00</u>

TOTAL ADMINISTRATIVE FEES DUE

\$704.82

****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY****



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department
(904) 310-3440

Code Enforcement Officer
(904)310-3442

FINES & FEES INCURRED FROM
409 Fir Street
As of 1/5/2021
CODE CASE #2020-0407

<u>DATES</u>	<u># OF DAYS</u>	<u>FINE PER DAY</u>	<u>TOTAL</u>
December 11 - 31, 2020	21	\$50.00	\$1,050.00
January 1 - 5, 2021	5	\$50.00	\$250.00

TOTAL FINES **\$1,300.00**

TOTAL ADMINISTRATIVE FEES **\$322.09**

GRAND TOTAL DUE **\$1,622.09**

**** TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY ***



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department
(904) 310-3440

Code Enforcement Officer
(904)310-3442

ADMINISTRATIVE FEES INCURRED FROM

409 Fir Street

As of 1/5/2021

CODE CASE #2020-0407

STAFF PERSONNEL OR ITEMS

	<u># OF UNITS OR HOURS</u>	<u>PRICE OR RATE PER HOUR</u>	<u>TOTAL</u>
Michelle Forstrom, Code Enforcement Director	1.25	\$27.07	\$33.84
George Wells, Code Enforcement Officer	5.5	\$23.24	\$127.82
Katie Newton, Board Secretary/Legal Assistant	1	\$25.87	\$25.87
Tammi Bach, City Attorney	0.5	\$72.29	\$36.15
Harriet Davis, Administrative Coordinator	3.5	\$19.29	\$67.52
 Record Findings of Facts with the Clerk of Circuit Court of Nassau County *	 1	 \$23.50	 \$23.50
 Certified letters mailed	 1	 \$6.90	 \$6.90
First Class letters mailed	1	\$0.50	<u>\$0.50</u>

* not recorded yet

****City cost to secure property including time and materials TBD****

TOTAL ADMINISTRATIVE FEES DUE

\$322.09

****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY****



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department
(904) 310-3440

Code Enforcement Officer
(904) 310-3442

**FINES & FEES INCURRED FROM
409 Fir Street
As of 1/5/2021
CODE CASES #2019-0439 & #2020-0407**

#2019-0439

Daily Fines	\$15,450.00
Administrative Fees	\$704.82

#2020-0407

Daily Fines	\$1,300.00
Administrative Fees	\$322.09

Grand Total	\$17,776.91
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STAFF REPORT
Case 2019-0439
City of Fernandina Beach Code Enforcement & Appeals Board
July 2, 2020

Violation Information

Owner	Jessup Properties Jim Jessup 24409 Moss Creek Lane Ponte Vedra, Florida 32082
Violation	City of Fernandina Beach – Code Of Ordinances, Section 42-116– Duty To Maintain Property
Location:	409 Fir Street, Fernandina Beach, Florida 32034

Summary and Background Information

October 1, 2019 – During a proactive sweep I observed this property had excessive overgrowth of weeds and grass on this property. I left a notice of visit on the front door giving the owner 10 days to correct the violation. I recorded photographs of the posted notice of visit and of the violation.

October 14, 2019 – I performed a second inspection of this property and found the property was still in violation of 42-116 – Duty To Maintain Property.

February 6, 2020 - A NOV/NOH letter was prepared and sent out via certified mail to the owner giving an additional (10) ten days to come into compliance. The return receipt was returned with the owners' signature on it showing proper service.

February 17, 2020 – A NOV/NOH inspection was performed showing the property is still overgrown and in violation. This case was scheduled to be presented at the April 2, 2020 CEAB Hearing, but was cancelled due to Covid 19.

June 2, 2020 – A 2nd NOV/NOH letter was prepared and mailed out via certified mail to the owner giving an additional (10) days to come into compliance. The return receipt was returned with proper service.

June 15, 2020 – A 2nd NOV/NOH inspection was performed showing the property is still overgrown and in violation of 42-116.

June 25, 2020 – A pre-agenda inspection was performed showing the property is still overgrown and in violation. I recorded current photographs of the violation..

Conclusion:

We have notified the owner via certified mail that the property is in violation of 42-116 Duty To Maintain Property. The owner has not contacted our office in regards to this case.

Recommendation:

The City recommends a motion to be made to find the property in violation of 42-116-Duty to Maintain Property giving the respondent (10) additional days to come into compliance by 7/13/20. The City recommends a motion to be made that all administration fees be paid by the Respondent and that a fine of \$ 25.00 a day per violation to begin on 7/14/20 if not in compliance, along with filing a lien on this property on 8/14/2020.

Submitted by:

George Wells
Code Enforcement Officer



City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: July 2, 2020
Case Number: 2019-0439

IN THE MATTER OF: Respondent Name: **JESSUP PROPERTIES/JIM JESSUP**
Respondent Address: 24409 MOSS CREEK LANE
PONTE VEDRA, FL 32082

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on July 2, 2020, a violation hearing having been held, and the Board having heard testimony, does hereby make the following finding of facts, and conclusions of law therefore imposing the following order and penalty:

SECTION 1 - FINDINGS OF FACT

1. The Respondent was properly served notice of these proceedings as required by law on June 2, 2020, and the Respondent was not present at the hearing.
2. The real property on which the violations occurred is 409 Fir Street, Fernandina Beach, FL and a brief legal description being **BLOCK 280 LOT 8 IN OR 2191/701 CITY OF FDNA BEACH.**
3. The Respondent is the owner of record of the aforementioned real property.
4. The Respondent violated sections of the Fernandina Beach Code of Ordinances: **42-116, Duty to Maintain Property.**

SECTION 2 - CONCLUSION OF LAW & IMPOSITION OF FINE

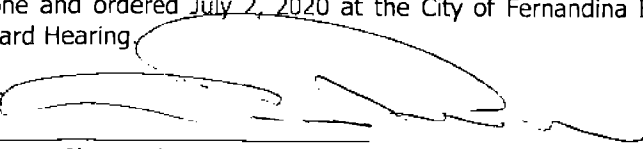
1. Based on the foregoing findings of fact, the Board voted to find the property in violation of 42-116, Duty to Maintain Property, to assess administrative fees and to assess fines of \$250 per day beginning July 17, 2020 until the property is in compliance or cleaned by the City. Any and all cleaning costs will be assessed to the property owner in addition to the fines. Fines will continue thereafter at a rate of \$50 per day until all fines and administrative fees are paid.
2. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order shall constitute a lien against the real property on which the violations exist and upon any other real or personal property owned by the Respondent if fines are not paid within thirty (30) days.
3. If the lien remains unpaid for a period of three (3) months from the date of the filing of the lien, the City of Fernandina Beach may foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.



City of Fernandina Beach

SECTION 3 - CERTIFICATION OF VOTE

Done and ordered July 2, 2020 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing

By: 

Chair, Adam Kaufman

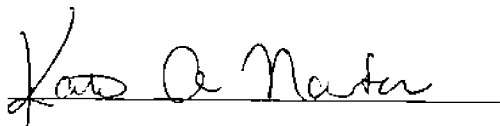
COUNTY OF NASSAU

STATE OF FLORIDA

I HEREBY CERTIFY that on this day before me, the undersigned, a Notary Public in and for the State of Florida at Large, personally appeared Adam Kaufman to me well known to be the Chair of the Code Enforcement and Appeals Board of the City of Fernandina Beach, and known to me to be the persons who executed the foregoing Findings of Fact for the City of Fernandina Beach as such Chair: and they severally acknowledged the execution of the same to be their free act and deed by authority and on behalf of the City of Fernandina Beach for the uses and purposes therein expressed.

WITNESS my hand and official seal at Fernandina Beach, said County and State on this 2nd day of July, 2020.

(NOTARY SEAL)



Notary Public, State of Florida



Katie A. Newton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG123910
Expires 7/13/2021

**Florida Statute 162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.*

STAFF REPORT
Case 2020-0407
City of Fernandina Beach Code Enforcement & Appeals Board
December 3, 2020

Violation Information

Owner	Jessup Properties Jim Jessup 24409 Moss Creek Lane Ponte Vedra, Florida 32082
Violation	City of Fernandina Beach – Code of Ordinances, Section 42-117 (Exterior Structure-Maintenance)
Location:	409 Fir Street, Fernandina Beach, Florida 32034

Summary and Background Information

October 6, 2020 – We received a complaint this house was open and unsecure and homeless people were trespassing and living in the house and shed. We confirmed the house was open and unsecure and opened a code enforcement case. We also cited the front porch roof for being in violation of 42-117 (Exterior Structure-Maintenance). The roof support piers and posts were severely leaning needing to be repaired. We posted a notice of visit on the front door giving (30) thirty days to correct the violations. I recorded a photograph of the posted notice of visit and the violations.

October 19, 2020 – We decided to expediate the process due to numerous safety complaints with a lack of respond from the notice of visit from the owner. We mailed a certified NOV/NOH letter to the owner along with posting a copy of the NOV/NOH letter at 409 Fir St., City Hall, and the Peck Ctr. with a compliance date of 10/26/20 to correct the violations. The signed receipt was not returned, so we posted all required locations filling out notarized affidavits of service for each location.

October 27, 2020 – A NOV/NOH inspection was performed showing the property was still in violation.

October 28, 2020 – We e-mailed Mr. Mathew Miller a copy of the fines and fees that were due to date.

October 29, 2020 - We e-mailed Mr. Mathew Miller a copy of the Findings of Fact from this case.

October 30, 2020 – We e-mailed a copy of the NOV/NOH letter to Matthew Miller the prospective owner/buyer

November 6, 2020 – A inspection was performed (30) thirty days from the original posting. The property was still in violation.

November 24, 2020 – A pre-agenda inspection was performed showing the property is still in violation of 42-117 (Exterior Structure-Maintenance). Recorded Photographs of the violation.

Conclusion:

Jessup Properties still has ownership of this property according to the Property Appraisers web site, but according to Mathew Miller he is the new prospective owner/buyer. He has the property up for sale by ARC Realty. He is trying to make a quick sale and control what is to be built there. The violation of 42-117 (Exterior Structure-Maintenance) has not been corrected.

Recommendation:

The City recommends a motion to be made to find the property in violation of 42-117 (Exterior Structure-Maintenance) giving the respondent (15) additional days to come into compliance by 12/18/20. The City recommends a motion to be made that all administration fees be paid by the Respondent and that a fine of \$ 50.00 a day to begin on 12/19/2020 if not in compliance, along with filing a lien on this property on 1/19/2021.

Submitted by:

George Wells
Code Enforcement Officer



City of Fernandina Beach

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF ENFORCEMENT

Date: December 3, 2020
Case Number: 2020-0407

IN THE MATTER OF: Respondent Name: **JESSUP PROPERTIES, LLC – JIM JESSUP**
Respondent Address: 24409 MOSS CREEK LANE
PONTE VEDRA, FL 32082

This case having come before the Code Enforcement & Appeals Board of the City of Fernandina Beach on December 3, 2020, a violation hearing having been held, and the Board having heard testimony, does hereby make the following finding of facts, and conclusions of law therefore imposing the following order and penalty:

SECTION 1 - FINDINGS OF FACT

1. The Respondent was properly served notice of these proceedings as required by law on October 19, 2020, and the Respondent was not present at the hearing.
2. The real property on which the violations occurred is 409 Fir Street, Fernandina Beach, FL and a brief legal description being **BLOCK 280 LOT 8 IN OR 2191/701 CITY OF FDNA BEACH.**
3. The Respondent is the owner of record of the aforementioned real property.
4. The Respondent violated sections of the Fernandina Beach Code of Ordinances: **42-117, Exterior Structure – Maintenance.**

SECTION 2 - CONCLUSION OF LAW & IMPOSITION OF FINE

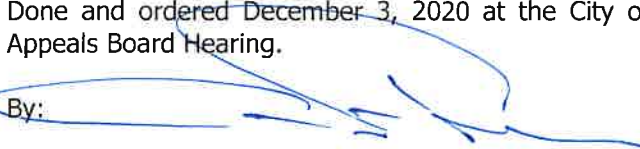
1. Based on the foregoing findings of fact, the Board voted to find the property in violation of 42-117 (Exterior Structure-Maintenance), giving the respondent ten (10) days to secure all doors, windows, and openings on the house and shed by December 10, 2020. A fine of \$50 per day will begin on December 11, 2020 if the property is not secured. If the property is not secured by the respondent, the Board requests the City secure the property by December 15, 2020 and assess all costs associated with this work. The respondent shall repair the leaning concrete piers and wood porch posts by January 4, 2021. An additional fine of \$50 per day along with administrative fees will begin on January 5, 2021 if the property is not brought into full compliance.
2. The City of Fernandina Beach shall record a certified copy of this order in the public records and this Order shall constitute a lien against the real property on which the violations exist and upon any other real or personal property owned by the Respondent if fines are not paid within thirty (30) days.
3. If the lien remains unpaid for a period of three (3) months from the date of the filing of the lien, the City of Fernandina Beach may foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.



City of Fernandina Beach

SECTION 3 - CERTIFICATION OF VOTE

Done and ordered December 3, 2020 at the City of Fernandina Beach, Nassau County, Florida Code Enforcement & Appeals Board Hearing.

By: 

Chair, Adam Kaufman

COUNTY OF NASSAU

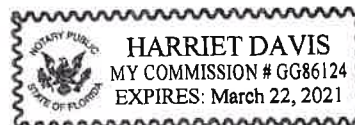
STATE OF FLORIDA

I HEREBY CERTIFY that on this day before me, the undersigned, a Notary Public in and for the State of Florida at Large, personally appeared Adam Kaufman to me well known to be the Chair of the Code Enforcement and Appeals Board of the City of Fernandina Beach, and known to me to be the persons who executed the foregoing Findings of Fact for the City of Fernandina Beach as such Chair: and they severally acknowledged the execution of the same to be their free act and deed by authority and on behalf of the City of Fernandina Beach for the uses and purposes therein expressed.

WITNESS my hand and official seal at Fernandina Beach, said County and State on this 7th day of December, 2020.

(NOTARY SEAL)





Notary Public, State of Florida

cc: City Manager
City Attorney



**Florida Statute 162.11 Appeals. —An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.*

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Resolution 2021-02
Amended and Extended Emergency Order - COVID-19 - Mandatory Masks

ITEM TYPE: Resolution (w/o fiscal impact)

REQUESTED ACTION: Consider Resolution 2021-02.

SYNOPSIS: The City Commission adopted Resolution 2020-94 on July 21, 2020, which extended the state of emergency due to COVID-19 and requires face coverings or masks in public places. Subsequently, the Commission adopted Resolution 2020-126, extending the order to October 6, 2020 and Resolution 2020-143, extending to November 6, 2020, and Resolution 2020-168, extending to December 6, 2020, and Resolution 2020-180, extending to January 6, 2021. Due to the ongoing nature of the pandemic, this amendment extends the order until February 6, 2021.

FISCAL IMPACT: None known

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2021-02.

Tammi E. Bach, City Attorney 12/18/2020

Dale L. Martin, City Manager 12/21/2020

Date: December 02, 2020

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION: Adopt

CITY OF FERNANDINA BEACH, FLORIDA CITY COMMISSION

EMERGENCY ORDER – COVID19-MANDATORY MASKS

RESOLUTION 2021-02

AMENDING AND EXTENDING RESOLUTION 2020-180 TO FEBRUARY 6, 2020

WHEREAS, on March 1, 2020, in response to the World Health Organization's declaration of COVID-19 as a Public Health Emergency of International Concern, Governor Ron DeSantis issued Executive Order Number 20-51, declaring a State of Florida Public Health Emergency associated with the threat to Florida residents associated with COVID-19 and invoking the State of Florida emergency response actions by the Florida Department of Health and the State Health Officer; and

WHEREAS, on March 9, 2020, in response to eight counties in Florida with positive COVID-19 cases, Governor Ron DeSantis issued Executive Order Number 20-52, directing the Director of the Division of Emergency Management, as the State Coordinating Officer, to execute State of Florida's Comprehensive Emergency Management Plan and other response, recover, and mitigation plans necessary to cope with the emergency; and

WHEREAS, Governor DeSantis' Executive Orders 20-51 and 20-52 are hereby incorporated and adopted into this Emergency Order to the extent City of Fernandina Beach is obligated to respond thereto; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency to combat COVID-19; and

WHEREAS, on March 19, 2020, the City Manager and Mayor John A. Miller declared a local state of emergency via Resolution 2020-48 pursuant to the City of Fernandina Beach Emergency Management Plan; and

WHEREAS, the CDC advises that, while a significant portion of individuals with COVID-19 are asymptomatic, the virus can still spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain or are not being followed in order to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, the CDC defines “social distancing” as limiting close contact (less than 6 feet of separation) with others outside your household in indoor and outdoor spaces; and

WHEREAS, the CDC does not recommend wearing cloth face covering for children under the age of 6, or anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance; and

WHEREAS, cloth face coverings are relatively inexpensive and readily available as the CDC states they can be made from household items and provides online guidance for making “do-it-yourself” coverings for people that cannot or do not want to buy one from the increasing sources producing and selling coverings; and

WHEREAS, an increasing number of state and local governments throughout the United States and Florida are requiring facial coverings to be worn in public; and

WHEREAS, the State of Florida has not completely preempted local governments from regulating in the field of minimum health requirements with respect to COVID19; and

WHEREAS, it is necessary to invoke the City’s Home Rule Powers under the Florida Constitution and the City’s Emergency Management Plan in order to enable the City of Fernandina Beach to appropriately respond to the health and safety needs of the City of Fernandina Beach and its citizens.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

- (1) Every person over the age of six (6) who is in a public indoor space must wear a face mask or covering.
- (2) Every operator, employee, customer or patron of a business establishment must wear a face mask or covering at all times while indoors at that business establishment unless wearing a face mask or covering significantly interferes with the provision or receipt of goods or services offered or received at that establishment (i.e. patrons at a restaurant, patrons at fitness centers and yoga studios, clients at a barber shop or hair salon, patients at a dentist’s office).
- (3) Public safety, fire, law enforcement, and other life safety personnel are exempted from this requirement, as their personal protective equipment requirements will be governed by their respective agencies.
- (4) Due to the continuing public health emergency caused by the COVID-19 virus, the City Commission hereby extends the local state of emergency declared via Resolution 2020-48 to February 6, 2021, pursuant to Section 252.38, Florida Statutes.

- (5) The City Commission authorizes the City Manager to extend the local state of emergency in 7-day increments as necessary for up to 30 days, and such authority shall expire on January 6, 2021.

ADA ACCOMODATION. When a customer of a business establishment asserts that he or she has a disability that prevents the individual from wearing a face mask or covering, the owner, manager, or employee of the business establishment may exclude the individual, even if they have a disability, as they pose a direct threat to the health and safety of employees and other customers, even if asymptomatic, and must accommodate the disabled individual in a manner that does not fundamentally alter the operations of the business establishment nor jeopardize the health of that business's employees and other customers, such as providing curb service or delivery or other reasonable accommodation.

EFFECTIVE DATE. This Emergency Order shall be effective immediately upon executing and will expire on February 6, 2021 at 11:59PM unless extended by subsequent order.

NOT IN CONFLICT WITH STATE LAW. This Order is in addition to any Executive Orders issued by Governor DeSantis.

ADOPTED this 5th day of January, 2021, with a quorum present and voting.

ATTEST:

CITY OF FERNANDINA BEACH

Caroline Best
City Clerk

Michael A. Lednovich
Commissioner – Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

END OF EMERGENCY ORDER

CITY OF FERNANDINA BEACH, FLORIDA CITY COMMISSION

EMERGENCY ORDER – COVID19-MANDATORY MASKS

RESOLUTION 2020-180

AMENDING AND EXTENDING RESOLUTION 2020-168 TO JANUARY 6, 2020

WHEREAS, on March 1, 2020, in response to the World Health Organization's declaration of COVID-19 as a Public Health Emergency of International Concern, Governor Ron DeSantis issued Executive Order Number 20-51, declaring a State of Florida Public Health Emergency associated with the threat to Florida residents associated with COVID-19 and invoking the State of Florida emergency response actions by the Florida Department of Health and the State Health Officer; and

WHEREAS, on March 9, 2020, in response to eight counties in Florida with positive COVID-19 cases, Governor Ron DeSantis issued Executive Order Number 20-52, directing the Director of the Division of Emergency Management, as the State Coordinating Officer, to execute State of Florida's Comprehensive Emergency Management Plan and other response, recover, and mitigation plans necessary to cope with the emergency; and

WHEREAS, Governor DeSantis' Executive Orders 20-51 and 20-52 are hereby incorporated and adopted into this Emergency Order to the extent City of Fernandina Beach is obligated to respond thereto; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency to combat COVID-19; and

WHEREAS, on March 19, 2020, the City Manager and Mayor John A. Miller declared a local state of emergency via Resolution 2020-48 pursuant to the City of Fernandina Beach Emergency Management Plan; and

WHEREAS, the CDC advises that, while a significant portion of individuals with COVID-19 are asymptomatic, the virus can still spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain or are not being followed in order to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, the CDC defines “social distancing” as limiting close contact (less than 6 feet of separation) with others outside your household in indoor and outdoor spaces; and

WHEREAS, the CDC does not recommend wearing cloth face covering for children under the age of 6, or anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance; and

WHEREAS, cloth face coverings are relatively inexpensive and readily available as the CDC states they can be made from household items and provides online guidance for making “do-it-yourself” coverings for people that cannot or do not want to buy one from the increasing sources producing and selling coverings; and

WHEREAS, an increasing number of state and local governments throughout the United States and Florida are requiring facial coverings to be worn in public; and

WHEREAS, the State of Florida has not completely preempted local governments from regulating in the field of minimum health requirements with respect to COVID19; and

WHEREAS, it is necessary to invoke the City’s Home Rule Powers under the Florida Constitution and the City’s Emergency Management Plan in order to enable the City of Fernandina Beach to appropriately respond to the health and safety needs of the City of Fernandina Beach and its citizens.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

- (1) Every person over the age of six (6) who is in a public indoor space must wear a face mask or covering.
- (2) Every operator, employee, customer or patron of a business establishment must wear a face mask or covering at all times while indoors at that business establishment unless wearing a face mask or covering significantly interferes with the provision or receipt of goods or services offered or received at that establishment (i.e. patrons at a restaurant, patrons at fitness centers and yoga studios, clients at a barber shop or hair salon, patients at a dentist’s office).
- (3) Public safety, fire, law enforcement, and other life safety personnel are exempted from this requirement, as their personal protective equipment requirements will be governed by their respective agencies.
- (4) Due to the continuing public health emergency caused by the COVID-19 virus, the City Commission hereby extends the local state of emergency declared via Resolution 2020-48 to January 6, 2021, pursuant to Section 252.38, Florida Statutes.

- (5) The City Commission authorizes the City Manager to extend the local state of emergency in 7-day increments as necessary for up to 30 days, and such authority shall expire on January 6, 2021.

ADA ACCOMODATION. When a customer of a business establishment asserts that he or she has a disability that prevents the individual from wearing a face mask or covering, the owner, manager, or employee of the business establishment may exclude the individual, even if they have a disability, as they pose a direct threat to the health and safety of employees and other customers, even if asymptomatic, and must accommodate the disabled individual in a manner that does not fundamentally alter the operations of the business establishment nor jeopardize the health of that business's employees and other customers, such as providing curb service or delivery or other reasonable accommodation.

EFFECTIVE DATE. This Emergency Order shall be effective immediately upon executing and will expire on January 6, 2021 at 11:59PM unless extended by subsequent order.

NOT IN CONFLICT WITH STATE LAW. This Order is in addition to any Executive Orders issued by Governor DeSantis.

ADOPTED this 1st day of December, 2020 with a quorum present and voting.

ATTEST:

CITY OF FERNANDINA BEACH



Caroline Best
City Clerk



John A. Miller
Commissioner – Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

END OF EMERGENCY ORDER

CITY OF FERNANDINA BEACH, FLORIDA CITY COMMISSION

EMERGENCY ORDER – COVID19-MANDATORY MASKS

RESOLUTION 2020-168

AMENDING AND EXTENDING RESOLUTION 2020-143 TO DECEMBER 6, 2020

WHEREAS, on March 1, 2020, in response to the World Health Organization's declaration of COVID-19 as a Public Health Emergency of International Concern, Governor Ron DeSantis issued Executive Order Number 20-51, declaring a State of Florida Public Health Emergency associated with the threat to Florida residents associated with COVID-19 and invoking the State of Florida emergency response actions by the Florida Department of Health and the State Health Officer; and

WHEREAS, on March 9, 2020, in response to eight counties in Florida with positive COVID-19 cases, Governor Ron DeSantis issued Executive Order Number 20-52, directing the Director of the Division of Emergency Management, as the State Coordinating Officer, to execute State of Florida's Comprehensive Emergency Management Plan and other response, recover, and mitigation plans necessary to cope with the emergency; and

WHEREAS, Governor DeSantis' Executive Orders 20-51 and 20-52 are hereby incorporated and adopted into this Emergency Order to the extent City of Fernandina Beach is obligated to respond thereto; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency to combat COVID-19; and

WHEREAS, on March 19, 2020, the City Manager and Mayor John A. Miller declared a local state of emergency via Resolution 2020-48 pursuant to the City of Fernandina Beach Emergency Management Plan; and

WHEREAS, the CDC advises that, while a significant portion of individuals with COVID-19 are asymptomatic, the virus can still spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain or are not being followed in order to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, the CDC defines “social distancing” as limiting close contact (less than 6 feet of separation) with others outside your household in indoor and outdoor spaces; and

WHEREAS, the CDC does not recommend wearing cloth face covering for children under the age of 6, or anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance; and

WHEREAS, cloth face coverings are relatively inexpensive and readily available as the CDC states they can be made from household items and provides online guidance for making “do-it-yourself” coverings for people that cannot or do not want to buy one from the increasing sources producing and selling coverings; and

WHEREAS, an increasing number of state and local governments throughout the United States and Florida are requiring facial coverings to be worn in public; and

WHEREAS, the State of Florida has not completely preempted local governments from regulating in the field of minimum health requirements with respect to COVID19; and

WHEREAS, it is necessary to invoke the City’s Home Rule Powers under the Florida Constitution and the City’s Emergency Management Plan in order to enable the City of Fernandina Beach to appropriately respond to the health and safety needs of the City of Fernandina Beach and its citizens.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

- (1) Every person over the age of six (6) who is in a public indoor space must wear a face mask or covering.
- (2) Every operator, employee, customer or patron of a business establishment must wear a face mask or covering at all times while indoors at that business establishment unless wearing a face mask or covering significantly interferes with the provision or receipt of goods or services offered or received at that establishment (i.e. patrons at a restaurant, patrons at fitness centers and yoga studios, clients at a barber shop or hair salon, patients at a dentist’s office).
- (3) Public safety, fire, law enforcement, and other life safety personnel are exempted from this requirement, as their personal protective equipment requirements will be governed by their respective agencies.
- (4) Due to the continuing public health emergency caused by the COVID-19 virus, the City Commission hereby extends the local state of emergency declared via Resolution 2020-48 to December 6, 2020, pursuant to Section 252.38, Florida Statutes.

- (5) The City Commission authorizes the City Manager to extend the local state of emergency in 7-day increments as necessary for up to 30 days, and such authority shall expire on December 6, 2020.

ADA ACCOMODATION. When a customer of a business establishment asserts that he or she has a disability that prevents the individual from wearing a face mask or covering, the owner, manager, or employee of the business establishment may exclude the individual, even if they have a disability, as they pose a direct threat to the health and safety of employees and other customers, even if asymptomatic, and must accommodate the disabled individual in a manner that does not fundamentally alter the operations of the business establishment nor jeopardize the health of that business's employees and other customers, such as providing curb service or delivery or other reasonable accommodation.

EFFECTIVE DATE. This Emergency Order shall be effective immediately upon executing and will expire on December 6, 2020 at 11:59PM unless extended by subsequent order.

NOT IN CONFLICT WITH STATE LAW. This Order is in addition to any Executive Orders issued by Governor DeSantis.

ADOPTED this 4th day of November, 2020 with a quorum present and voting.

ATTEST:

CITY OF FERNANDINA BEACH



Caroline Best
City Clerk



John A. Miller
Commissioner – Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

END OF EMERGENCY ORDER

CITY OF FERNANDINA BEACH, FLORIDA CITY COMMISSION

EMERGENCY ORDER – COVID19-MANDATORY MASKS

RESOLUTION 2020-143

AMENDING AND EXTENDING RESOLUTION 2020-126 TO NOVEMBER 6, 2020

WHEREAS, on March 1, 2020, in response to the World Health Organization's declaration of COVID-19 as a Public Health Emergency of International Concern, Governor Ron DeSantis issued Executive Order Number 20-51, declaring a State of Florida Public Health Emergency associated with the threat to Florida residents associated with COVID-19 and invoking the State of Florida emergency response actions by the Florida Department of Health and the State Health Officer; and

WHEREAS, on March 9, 2020, in response to eight counties in Florida with positive COVID-19 cases, Governor Ron DeSantis issued Executive Order Number 20-52, directing the Director of the Division of Emergency Management, as the State Coordinating Officer, to execute State of Florida's Comprehensive Emergency Management Plan and other response, recover, and mitigation plans necessary to cope with the emergency; and

WHEREAS, Governor DeSantis' Executive Orders 20-51 and 20-52 are hereby incorporated and adopted into this Emergency Order to the extent City of Fernandina Beach is obligated to respond thereto; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency to combat COVID-19; and

WHEREAS, on March 19, 2020, the City Manager and Mayor John A. Miller declared a local state of emergency via Resolution 2020-48 pursuant to the City of Fernandina Beach Emergency Management Plan; and

WHEREAS, the CDC advises that, while a significant portion of individuals with COVID-19 are asymptomatic, the virus can still spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain or are not being followed in order to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, the CDC defines “social distancing” as limiting close contact (less than 6 feet of separation) with others outside your household in indoor and outdoor spaces; and

WHEREAS, the CDC does not recommend wearing cloth face covering for children under the age of 6, or anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance; and

WHEREAS, cloth face coverings are relatively inexpensive and readily available as the CDC states they can be made from household items and provides online guidance for making “do-it-yourself” coverings for people that cannot or do not want to buy one from the increasing sources producing and selling coverings; and

WHEREAS, an increasing number of state and local governments throughout the United States and Florida are requiring facial coverings to be worn in public; and

WHEREAS, the State of Florida has not preempted local governments from regulating in the field of minimum health requirements with respect to COVID19; and

WHEREAS, it is necessary to invoke the City’s Home Rule Powers under the Florida Constitution and the City’s Emergency Management Plan in order to enable the City of Fernandina Beach to respond to its obligations under Governor DeSantis’ Executive Orders 20-51 and 20-52 and to appropriately respond to the needs of the City of Fernandina Beach and its citizens.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

- (1) Every person over the age of six (6) who is in a public indoor space must wear a face mask or covering.
- (2) Every operator, employee, customer or patron of a business establishment must wear a face mask or covering at all times while indoors at that business establishment unless wearing a face mask or covering significantly interferes with the provision or receipt of goods or services offered or received at that establishment (i.e. patrons at a restaurant, patrons at fitness centers and yoga studios, clients at a barber shop or hair salon, patients at a dentist’s office).
- (3) Public safety, fire, law enforcement, and other life safety personnel are exempted from this requirement, as their personal protective equipment requirements will be governed by their respective agencies.
- (4) Due to the continuing public health emergency caused by the COVID-19 virus, the City Commission hereby extends the local state of emergency declared via Resolution

2020-48 to August 9, 2020, pursuant to Section 252.38, Florida Statutes.

- (5) The City Commission authorizes the City Manager to extend the local state of emergency in 7-day increments as necessary for up to 30 days, and such authority shall expire on ~~October 6, 2020~~ **November 6, 2020**.

ADA ACCOMODATION. When a customer of a business establishment asserts that he or she has a disability that prevents the individual from wearing a face mask or covering, the owner, manager, or employee of the business establishment may exclude the individual, even if they have a disability, as they pose a direct threat to the health and safety of employees and other customers, even if asymptomatic, and must accommodate the disabled individual in a manner that does not fundamentally alter the operations of the business establishment nor jeopardize the health of that business's employees and other customers, such as providing curb service or delivery or other reasonable accommodation.

EFFECTIVE DATE. This Emergency Order Resolution 2020-94 shall be effective immediately upon executing and will expire on ~~October 6, 2020~~ **November 6, 2020** at 11:59PM unless extended by subsequent order.

NOT IN CONFLICT WITH STATE LAW. This Order is in addition to any Executive Orders issued by Governor DeSantis.

ENFORCEMENT. This Emergency Order will be enforced pursuant to Section 252.47, Florida Statutes by local law enforcement. Violation of this Emergency Order is punishable pursuant to Section 252.50, Florida Statutes as a criminal misdemeanor of the second degree.

ADOPTED this 6th day of October, 2020 with a quorum present and voting.

ATTEST:

CITY OF FERNANDINA BEACH



Caroline Best
City Clerk



John A. Miller
Commissioner – Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

END OF EMERGENCY ORDER

CITY OF FERNANDINA BEACH, FLORIDA CITY COMMISSION

EMERGENCY ORDER – COVID19-MANDATORY MASKS

RESOLUTION 2020-126

AMENDING AND EXTENDING RESOLUTION 2020-94 TO OCTOBER 6, 2020

WHEREAS, on March 1, 2020, in response to the World Health Organization's declaration of COVID-19 as a Public Health Emergency of International Concern, Governor Ron DeSantis issued Executive Order Number 20-51, declaring a State of Florida Public Health Emergency associated with the threat to Florida residents associated with COVID-19 and invoking the State of Florida emergency response actions by the Florida Department of Health and the State Health Officer; and

WHEREAS, on March 9, 2020, in response to eight counties in Florida with positive COVID-19 cases, Governor Ron DeSantis issued Executive Order Number 20-52, directing the Director of the Division of Emergency Management, as the State Coordinating Officer, to execute State of Florida's Comprehensive Emergency Management Plan and other response, recover, and mitigation plans necessary to cope with the emergency; and

WHEREAS, Governor DeSantis' Executive Orders 20-51 and 20-52 are hereby incorporated and adopted into this Emergency Order to the extent City of Fernandina Beach is obligated to respond thereto; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency to combat COVID-19; and

WHEREAS, on March 19, 2020, the City Manager and Mayor John A. Miller declared a local state of emergency via Resolution 2020-48 pursuant to the City of Fernandina Beach Emergency Management Plan; and

WHEREAS, the CDC advises that, while a significant portion of individuals with COVID-19 are asymptomatic, the virus can still spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain or are not being followed in order to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, the CDC defines “social distancing” as limiting close contact (less than 6 feet of separation) with others outside your household in indoor and outdoor spaces; and

WHEREAS, the CDC does not recommend wearing cloth face covering for children under the age of 6, or anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance; and

WHEREAS, cloth face coverings are relatively inexpensive and readily available as the CDC states they can be made from household items and provides online guidance for making “do-it-yourself” coverings for people that cannot or do not want to buy one from the increasing sources producing and selling coverings; and

WHEREAS, an increasing number of state and local governments throughout the United States and Florida are requiring facial coverings to be worn in public; and

WHEREAS, the State of Florida has not preempted local governments from regulating in the field of minimum health requirements with respect to COVID19; and

WHEREAS, it is necessary to invoke the City’s Home Rule Powers under the Florida Constitution and the City’s Emergency Management Plan in order to enable the City of Fernandina Beach to respond to its obligations under Governor DeSantis’ Executive Orders 20-51 and 20-52 and to appropriately respond to the needs of the City of Fernandina Beach and its citizens.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

- (1) Every person over the age of six (6) who is in a public indoor space must wear a face mask or covering.
- (2) Every operator, employee, customer or patron of a business establishment must wear a face mask or covering at all times while indoors at that business establishment unless wearing a face mask or covering significantly interferes with the provision or receipt of goods or services offered or received at that establishment (i.e. patrons at a restaurant, patrons at fitness centers and yoga studios, clients at a barber shop or hair salon, patients at a dentist’s office).
- (3) Public safety, fire, law enforcement, and other life safety personnel are exempted from this requirement, as their personal protective equipment requirements will be governed by their respective agencies.
- (4) Due to the continuing public health emergency caused by the COVID-19 virus, the City Commission hereby extends the local state of emergency declared via Resolution

2020-48 to August 9, 2020, pursuant to Section 252.38, Florida Statutes.

- (5) The City Commission authorizes the City Manager to extend the local state of emergency in 7-day increments as necessary for up to 30 days, and such authority shall expire on September 9, 2020. October 6, 2020.

ADA ACCOMODATION. When a customer of a business establishment asserts that he or she has a disability that prevents the individual from wearing a face mask or covering, the owner, manager, or employee of the business establishment may exclude the individual, even if they have a disability, as they pose a direct threat to the health and safety of employees and other customers, even if asymptomatic, and must accommodate the disabled individual in a manner that does not fundamentally alter the operations of the business establishment nor jeopardize the health of that business's employees and other customers, such as providing curb service or delivery or other reasonable accommodation.

EFFECTIVE DATE. This Emergency Order Resolution 2020-94 shall be effective immediately upon executing and will expire thirty (30) days from the date below unless extended by subsequent order. on October 6, 2020 at 11:59PM unless extended by subsequent order.

NOT IN CONFLICT WITH STATE LAW. This Order is in addition to any Executive Orders issued by Governor DeSantis.

ENFORCEMENT. This Emergency Order will be enforced pursuant to Section 252.47, Florida Statutes by local law enforcement. Violation of this Emergency Order is punishable pursuant to Section 252.50, Florida Statutes as a criminal misdemeanor of the second degree.

ADOPTED this 1st day of September, 2020 with a quorum present and voting.

ATTEST:

CITY OF FERNANDINA BEACH



Caroline Best
City Clerk



John A. Miller
Commissioner – Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

END OF EMERGENCY ORDER

CITY OF FERNANDINA BEACH, FLORIDA CITY COMMISSION

EMERGENCY ORDER – COVID19-MANDATORY MASKS

RESOLUTION 2020-94

WHEREAS, on March 1, 2020, in response to the World Health Organization's declaration of COVID-19 as a Public Health Emergency of International Concern, Governor Ron DeSantis issued Executive Order Number 20-51, declaring a State of Florida Public Health Emergency associated with the threat to Florida residents associated with COVID-19 and invoking the State of Florida emergency response actions by the Florida Department of Health and the State Health Officer; and

WHEREAS, on March 9, 2020, in response to eight counties in Florida with positive COVID-19 cases, Governor Ron DeSantis issued Executive Order Number 20-52, directing the Director of the Division of Emergency Management, as the State Coordinating Officer, to execute State of Florida's Comprehensive Emergency Management Plan and other response, recover, and mitigation plans necessary to cope with the emergency; and

WHEREAS, Governor DeSantis' Executive Orders 20-51 and 20-52 are hereby incorporated and adopted into this Emergency Order to the extent City of Fernandina Beach is obligated to respond thereto; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency to combat COVID-19; and

WHEREAS, on March 19, 2020, the City Manager and Mayor John A. Miller declared a local state of emergency via Resolution 2020-48 pursuant to the City of Fernandina Beach Emergency Management Plan; and

WHEREAS, the CDC advises that, while a significant portion of individuals with COVID-19 are asymptomatic, the virus can still spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain or are not being followed in order to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, the CDC defines “social distancing” as limiting close contact (less than 6 feet of separation) with others outside your household in indoor and outdoor spaces; and

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WHEREAS, cloth face coverings are relatively inexpensive and readily available as the CDC states they can be made from household items and provides online guidance for making “do-it-yourself” coverings for people that cannot or do not want to buy one from the increasing sources producing and selling coverings; and

WHEREAS, an increasing number of state and local governments throughout the United States and Florida are requiring facial coverings to be worn in public; and

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NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

- (1) Every person over the age of six (6) who is in a public indoor space must wear a face mask or covering.
- (2) Every operator, employee, customer or patron of a business establishment must wear a face mask or covering at all times while indoors at that business establishment unless wearing a face mask or covering significantly interferes with the provision or receipt of goods or services offered or received at that establishment (i.e. patrons at a restaurant, patrons at fitness centers and yoga studios, clients at a barber shop or hair salon, patients at a dentist’s office).
- (3) Public safety, fire, law enforcement, and other life safety personnel are exempted from this requirement, as their personal protective equipment requirements will be governed by their respective agencies.
- (4) Due to the continuing public health emergency caused by the COVID-19 virus, the City Commission hereby extends the local state of emergency declared via Resolution

2020-48 to August 9, 2020, pursuant to Section 252.38, Florida Statutes.

- (5) The City Commission authorizes the City Manager to extend the local state of emergency in 7-day increments as necessary for up to 30 days, and such authority shall expire on September 9, 2020.

ADA ACCOMODATION. When a customer of a business establishment asserts that he or she has a disability that prevents the individual from wearing a face mask or covering, the owner, manager, or employee of the business establishment may exclude the individual, even if they have a disability, as they pose a direct threat to the health and safety of employees and other customers, even if asymptomatic, and must accommodate the disabled individual in a manner that does not fundamentally alter the operations of the business establishment nor jeopardize the health of that business's employees and other customers, such as providing curb service or delivery or other reasonable accommodation.

EFFECTIVE DATE. This Emergency Order Resolution 2020-94 shall be effective immediately upon executing and will expire thirty (30) days from the date below unless extended by subsequent order.

NOT IN CONFLICT WITH STATE LAW. This Order is in addition to any Executive Orders issued by Governor DeSantis.

ENFORCEMENT. This Emergency Order will be enforced pursuant to Section 252.47, Florida Statutes by local law enforcement. Violation of this Emergency Order is punishable pursuant to Section 252.50, Florida Statutes as a criminal misdemeanor of the second degree.

ADOPTED this 21st day of July, 2020 with a quorum present and voting.

ATTEST:

CITY OF FERNANDINA BEACH



Caroline Best
City Clerk



John A. Miller
Commissioner – Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

END OF EMERGENCY ORDER

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Resolution 2021-03
Non Profit Contributions / Budget Amendments

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2021-03

SYNOPSIS: On December 15, 2020 the Federal Government, through the State of Florida and Nassau County, reimbursed the City of Fernandina Beach \$269,000 for the City expenses related to the Covid-19 pandemic, including significant contributions to area non-profit agencies. The City Commission has expressed preliminary interest in again redistributing funds to local non-profits.

On March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19 Virus.

The Nassau County Council on Aging is involved as a Senior Crisis Response Center with a widescale “boots on the ground effort” providing free meals to the residents of the City of Fernandina Beach and Nassau County.

The Barnabas Center through their food pantry program supplies a short-term supply of food to adults and children who are residents of the City of Fernandina Beach and Nassau County who are hungry or do not know when their next meal will be.

The Salvation Army located at 410 South 9th Street through their food pantry program supplies a short-term supply of food to adults and children who are residents of the City of Fernandina Beach and Nassau County who are hungry with limited financial resources.

Nassau County Mental Health D/B/A Starting Point Behavioral Healthcare, Micah's Place, and America's Youth also provide a variety of needed services to area residents, especially during the current pandemic.

According to Code Section 2-412 and Charter Section 74, the City Commission must approve any budget transfers over \$7,500.

FISCAL IMPACT: Staff recommends a transfer of \$258,000 from the General Fund Contingency account, 0018200 59900, to: Council on Aging account, 0015640 55601 (\$120,000), to Non Profit Barnabas account, 0015640 55604 (\$60,000) to Non Profit Salvation Army account, 0015640 55610, (\$30,000) to Non Profit Nassau County Mental Health D/B/A Starting Point Behavioral Healthcare account, 0015640 55606 (\$30,000) to Non Profit Micah's Place account, 0015640 55605 (\$15,000) to Non Profit America's Youth account, 0015640 55608 (\$3,000);

This amendment increases the total City Budget from \$161,171,905 to \$161,440,905.

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2021-.

Monica Benischeck, Administrative Services Manager	12/29/2020
Dale L. Martin, City Manager	12/29/2020
Tammi E. Bach, City Attorney	12/29/2020

Date: December 16, 2020

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION: Adopt

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



RESOLUTION 2021-03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING CONTRIBUTIONS TO THE NASSAU COUNTY COUNCIL ON AGING, BARNABAS CENTER, MICAH'S PLACE, NASSAU MENTAL HEALTH AND SALVATION ARMY; APPROVING AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2020/2021; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19 Virus; and

WHEREAS, the Nassau County Council on Aging is involved as a Senior Crisis Response Center with a widescale "boots on the ground effort" providing free meals to the residents of the City of Fernandina Beach and Nassau County; and

WHEREAS, the Barnabas Center through their food pantry program supplies a short-term supply of food to adults and children who are residents of the City of Fernandina Beach and Nassau County who are hungry or do not know when their next meal will be; and

WHEREAS, the Salvation Army located at 410 South 9th Street through their food pantry program supplies a short-term supply of food to adults and children who are residents of the City of Fernandina Beach and Nassau County who are hungry with limited financial resources; and

WHEREAS, Micah's Place provides necessary support for the victims of domestic violence; and

WHEREAS, Nassau County Mental Health (formerly Starting Point) provides psychological and mental health support services; and

WHEREAS, America's Youth provides youth engagement and camp activities for local children; and

WHEREAS, funds were not budgeted for this purpose in FY 2020/2021; and

WHEREAS, a recommended funding source is the county reimbursement of Coronavirus Aid, Relief, and Economic Security funds (\$269,000) to the City received in December, 2020;

WHEREAS, according to Code Section 2-412 and Charter Section 74, the City Commission must approve any budget transfers over \$7,500; and

WHEREAS, staff recommends amending the budget by increasing the General Fund Contingency account, 0018200 59900, and County Grant account, 001 33710, both by \$269,000; and

WHEREAS, staff recommends a transfer of \$258,000 from the General Fund Contingency account, 0018200 59900, to: Council on Aging account, 0015640 55601 (\$120,000), to Non Profit Barnabas account, 0015640 55604 (\$60,000) to Non Profit Salvation Army account, 0015640 55610, (\$30,000) to Non Profit Nassau County Mental Health account, 0015640 55606 (\$30,000) to Non Profit Micah's Place account, 0015640 55605 (\$15,000) to Non Profit America's Youth account, 0015640 55608 (\$3,000); and

WHEREAS, this amendment increases the total City Budget from \$161,171,905 to \$161,440,905.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City of Fernandina Beach immediately contribute \$40,000 to Nassau County Council on Aging to be used to help fund their effort in providing free meals to senior residents of the City of Fernandina Beach and Nassau County.

SECTION 2. The City of Fernandina Beach immediately contribute \$20,000 to the Barnabas Center to enable the Barnabas Food pantry program to continue providing food to residents of the City of Fernandina Beach and Nassau County.

SECTION 3. The City of Fernandina Beach immediately contribute \$10,000 to the local Salvation Army to enable the Salvation Army food pantry program to continue providing food to residents of the City of Fernandina Beach and Nassau County.

SECTION 4. The City of Fernandina Beach immediately contribute \$10,000 to Nassau Mental Health to be used to for psychological and counselling services;

SECTION 5. The City of Fernandina Beach immediately contribute \$5,000 to Micah's Place for support, counseling, and legal assistance for victims of domestic abuse.

SECTION 6. The City of Fernandina Beach immediately contribute \$3,000 to America's Youth for youth engagement activities

SECTION 7. The City of Fernandina Beach contribute \$40,000 on February 1, 2021, to Nassau County Council on Aging to be used to help fund their effort in providing free meals to senior residents of the City of Fernandina Beach and Nassau County.

SECTION 8. The City of Fernandina Beach contribute \$20,000 on February 1, 2021, to the Barnabas Center to enable the Barnabas food pantry program to continue providing food to the residents of the City of Fernandina Beach and Nassau County.

SECTION 9. The City of Fernandina Beach contribute \$10,000 on February 1, 2021, to the local Salvation Army to enable the Salvation Army food pantry to continue providing food to the residents of the City of Fernandina Beach and Nassau County.

SECTION 10. The City of Fernandina Beach contribute \$10,000 on February 1, 2021, to Nassau Mental Health to be used to for psychological and counselling services;

SECTION 11. The City of Fernandina Beach contribute \$5,000 on February 1, 2021, to Micah's Place for support, counseling, and legal assistance for victims of domestic abuse.

SECTION 12. The City of Fernandina Beach contribute \$40,000 on March 1, 2021, to Nassau County Council on Aging to be used to help fund their effort in providing free meals to senior residents of the City of Fernandina Beach and Nassau County.

SECTION 13. The City of Fernandina Beach contribute \$20,000 on March 1, 2021, to the Barnabas Center to enable the Barnabas food pantry program to continue providing food to the residents of the City of Fernandina Beach and Nassau County.

SECTION 14. The City of Fernandina Beach contribute \$10,000 on March 1, 2021, to the local Salvation Army to enable the Salvation Army food pantry to continue providing food to the residents of the City of Fernandina Beach and Nassau County.

SECTION 15. The City of Fernandina Beach contribute \$10,000 on March 1, 2021, to Nassau Mental Health to be used to for psychological and counselling services;

SECTION 16. The City of Fernandina Beach contribute \$5,000 on February 1, 2021, to Micah's Place for support, counseling, and legal assistance for victims of domestic abuse.

SECTION 17. The City Commission hereby approves amending the budget by increasing the General Fund Contingency account, 0018200 59900, and County Grant account, 001 33710, both by \$269,000.

SECTION 18. The City Commission hereby approves a transfer of \$258,000 from the General Fund Contingency account, 0018200 59900, to: Council on Aging account, 0015640 55601 (\$120,000), to Non Profit Barnabas account, 0015640 55604 (\$60,000) to Non Profit Salvation Army account, 0015640 55610, (\$30,000) to Non Profit Nassau County Mental Health account, 0015640 55606 (\$30,000) to Non Profit Micah's Place account, 0015640 55605 (\$15,000) to Non Profit America's Youth account, 0015640 55608 (\$3,000).

SECTION 19. The City Commission hereby approves increasing the total City Budget from \$161,171,905 to \$161,440,905.

SECTION 20. This Resolution shall become effective immediately upon passage.

ADOPTED this 5th day of January, 2021.

CITY OF FERNANDINA BEACH

MICHAEL A. LEDNOVICH
Mayor – Commissioner

ATTEST:

APPROVED AS TO FORM & LEGALITY:



CITY CLERK
Caroline Best

CITY ATTORNEY
Tammi E. Bach

Mr. Dale L. Martin

From: Wanda J Lanier <wlanier@barnabasnassau.org>
Sent: Monday, December 14, 2020 9:23 AM
To: Mr. Dale L. Martin
Subject: City of Fernandina Beach CARES Act funds
Attachments: City of Fernandina Beach Covid Expenses FYE 2020.xlsx

Importance: High

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

Good morning, Dale, I hope this finds you doing well and staying healthy!

We are extremely grateful for the support of the City during this pandemic as we stretch our resources to help as many individuals and families as possible who continue to struggle. In response to your letter dated December 1 regarding CARES Act funding to Barnabas, I am attaching an accounting report that provides the detail of how the funds provided by the City were used, summarized as follows:

Food assistance (purchase of food & supplies for our drive through pantry and mobile food distributions)	\$60,000
Mental health services (employ of a Licensed Mental Health Counselor to provide virtual individual counseling sessions)	\$ 9,000

We continue to see an increase in the number of people who need food assistance and mental health services as a result of the ongoing pandemic. It is not unusual for more than 200 families to line up two hours early on a Saturday at the MLK Community Center to receive food through our monthly mobile food distribution, which a partnership with local churches and the Elm Street Sportsman's Association. Therefore, if funding becomes available, we could utilize additional CARES Act funding to support food assistance and mental health services.

Please let me know if you need any additional information. Thank you again for your support and that of the City Commissioners!

Wanda Lanier | Chief Executive Officer

Barnabas Center, Inc.
1303 Jasmine Street, Suite 101
Fernandina Beach, FL 32034
Office 904-261-7000 x101
Mobile 904-321-7674
Fax 904-277-2984
www.BarnabasNassau.org



City of Fernandina Beach
Mr. Dale Martin
204 Ash St
Fernandina Beach, FL 32034-4230

December 2020

Dear Dale,

During this special time of year, as we reflect and give thanks, I take this opportunity to thank you for your generous support. You are helping us weather a devastating pandemic and have made a difference in the lives of thousands of people in our community, and I share with you just one of the stories of someone for whom you provided help and hope...

The year 2020 started out great for Rebecca, a 24-year-old single mother with two young children. In fact, it seemed like a dream come true.

Rebecca shared, "Things were starting to come together for me and my kids, and we were going to be able to move into our very first apartment together."

Instead, March brought shattered dreams for Rebecca and her daughters with the onset of the COVID-19 pandemic and the closing of her stable place of employment. "Losing my job was devastating," Rebecca recounted. "I lost my job the day before we planned to move into our new apartment."

Rebecca was terrified that her only source of income and means of caring for her children was gone, without warning and by no fault of her own. She was suddenly without the ability to pay for everyday basics such as food, medications and housing. "Someone told me to contact Barnabas for help and I did. Without the financial rental assistance from Barnabas, we would not have been able to move into our new apartment. I've also benefitted from the food assistance program and am feeding my children healthy foods from their mobile food distributions."

2020 has been very difficult for so many of our Nassau County neighbors – and Barnabas is working hard to help them all. During this special holiday time of year, as we pause to give thanks, we thank YOU for your gifts and for making our community a better place.

From all of us at Barnabas, heartfelt wishes for happy & safe holidays and many blessings in the coming year!

With much gratitude,

Wanda Lanier
President & CEO

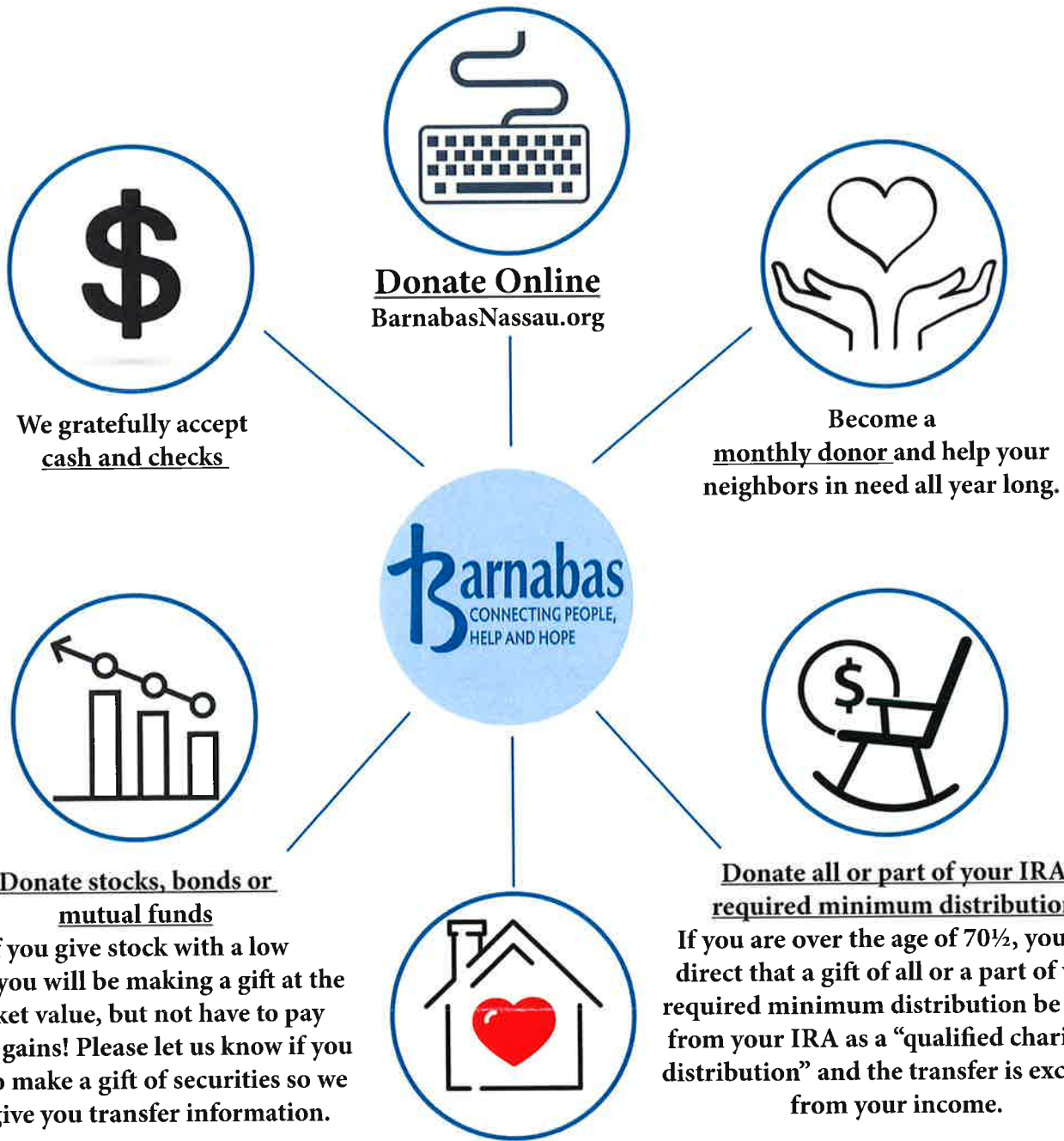
*Dale,
We appreciate the support of
the City, especially this year
when the need has been extraordinary
(Oyer, please)*

**Your Support Helps Save
Lives Right Here in Nassau
County and We Thank You.**



*Rebecca and her children in west
Nassau County.*

Thank You for your Support this Holiday Season and Throughout the Year!



Consider a planned gift and leave a legacy
by remembering Barnabas in your will, trust or estate plan.

URGENT NEWS: With the recent passing of the CARES Act, there are new tax rules that may have a positive impact for you AND Barnabas. The following two opportunities are available to ALL taxpayers but hurry, they expire on 1.1.2021 and are only good for the 2020 tax year:

- Non-itemizing taxpayers can deduct up to \$300 in charitable contributions in tax year 2020!
- Itemizing taxpayers can take charitable deductions for this year up to 100% of your adjusted gross income (AGI).

We hope you will contact your financial planner for additional information and take advantage of these new, but short-lived opportunities!

Contact: tyount@barnabasnassau.org for more information

Mr. Dale L. Martin

From: Janice Ancrum <jancrum@nassaucountycoa.org>
Sent: Wednesday, December 23, 2020 2:58 PM
To: Mr. Dale L. Martin
Cc: Janice Ancrum
Subject: Nassau County Council on Aging - COVID Expenditures
Attachments: Nassau County Council on Aging - COVID Expense Report.pdf
Importance: High

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

Dear Mr. Martin,

We could never thank you and the Commission enough for the support provided to us in our greatest time of need. We have been able to account for every expenditure, as well as every source of income related to the pandemic. I have attached a summary of income and expenditures, especially the City of Fernandina Beach's contribution. Restaurants were a great resource in being able to meet the needs of seniors, as our regular meal vendor could not handle the volume of meals needed. By month's end, we will be at approximately 100,000 meals for 2020, which is more than 3x the amount in a normal year. As we know, 2020 is anything but normal.

We served about 3,000 seniors and caregivers throughout this pandemic to include Meals, Caregiver Support, Counseling via phone, virtual and face-to-face, Electric bill payments, Water exemptions, other food assistance, Medicare and Medicaid Assistance, Home Health, referral assistance and more. Our entire organization turned into a "Boots on the Ground" campaign in early March, and that has been our total focus. All direct staff were working on COVID related issues, with the exception of Transportation, which has its own funding source. Should you need more information or more clarification, please let me know.

Thank you so much for everything!

Janice

Janice Ancrum, President & CEO

Nassau County Council on Aging & NassauTRANSIT

1901 Island Walk Way

Fernandina Beach, FL 32034 (904) 261-0701

Hilliard Office - 37002 Ingham Road

Hilliard, FL 32046 (904) 845-3331

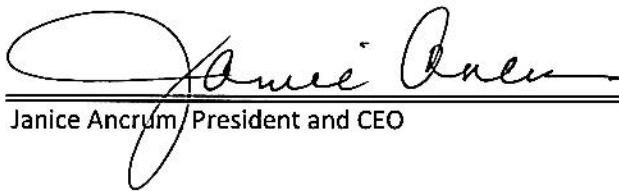
Transportation Office - (904) 261-0700

SENIORS LIVING HAPPY, HEALTHY LIVES

Please consider a gift to NCCOA today!

Nassau County Council on Aging, Inc.
Accounting for the City of Fernandina Beach
March 1, 2020 - December 23, 2020

COVID Expenses	Amount
<u><i>Vendors for COVID Meals:</i></u>	
Ciao Italian Eatery	26,769
GA FOOD SERVICE	215,616
Garden Street Bistro	29,600
Independent Living Systems	55,795
M and B Products	3,262
POGO's Kitchen	94,200
The Picnic Basket LLC	94,400
Other Costs	
Total COVID Meals	519,642
 <u><i>COVID Salary Expenses:</i></u>	
Total Covid Salaries, PR Taxes and Benefits	\$2,169,135
 Total Covid Expenses	 \$2,688,776.85
COVID Reimbursements	Amount
Reimbursements from other Sources, Programs and Grants	2,349,095
<i>Total COVID Expenses Not Reimbursed</i>	<i>\$339,682</i>
COVID Expenses Reimbursed by City	\$120,000
<i>Balance of COVID Expenses not Reimbursed</i>	<i>\$219,682</i>


Janice Ancrum President and CEO

12/23/2020
Date

Prepared by: Karen Medina
Title: Senior Accountant
Prepared on 12/23/2020

STARTING POINT

Behavioral Healthcare

Healing Begins Here

December 15, 2020

City of Fernandina Beach
Attn: Dale L. Martin
204 Ash Street
Fernandina Beach, FL 32034

Dear Mr. Martin,

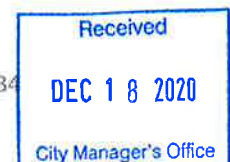
First let me start off by thanking you and the City Commissioners for your support of Starting Point Behavioral Healthcare during this COVID19 pandemic. This has been a difficult time for everyone, especially those with limited resources and existing mental health conditions. We have seen a rise in depression and anxiety particularly among youth and young adults and a significant increase in substance use. Data from the Florida Department of Health shows a 140% increase in fatal overdoses in Nassau County for the first six months of 2020 compared to the previous 4 years. DOH reports 44 non-fatal drug/Opioid overdoses for the 32034-zip code from January – August 2020 and 13 fatal overdoses.

The CARES Act funding of \$30,000 we received was instrumental in enabling us to expand crisis support services for the residents of Fernandina Beach through increased outreach in the community, expansion of our 24/7 crisis line, in-person mobile crisis response, and use of incidental funding requests to pay for medications, labs and other medically needed care.

Half of the funding, \$15,000, was used to hire an additional staff person to handle the increase in crisis calls and follow up visits for April, May and June. More than 50% of the calls coming into our crisis lines were from the 32034-zip code. The Licensed therapist was available during varying daytime and evening hours to provide crisis care and consult for Law Enforcement. Baker Acts initiated by Fernandina Beach Police Department increased 350% from the previous 3 months.

The remaining \$15,000 provided support for those who lost their insurance due to unemployment as a result of COVID and could no longer afford their medical care including expensive medications and lab work. Our target population were those individuals in our Medication Assisted Treatment program for Opioid Use Disorder and being prescribed either Vivitrol or Suboxone. Those medications cost on average \$800 - \$1,000 per month. As mentioned earlier we have seen a significant increase in Opioid related overdoses and deaths. These individuals were most at risk of relapsing and dying without continued use on their medications. We were able to assist 7 high risk clients in maintaining their treatment regime and maintain recovery, due to your support.

463142 SR 200, Yulee, FL 32097
371015 Eastwood Road, Hilliard, FL 32046 ♦ 2201 Sadler Road, Fernandina Beach, FL 32034
904.225.8280 ♦ www.spbh.org



If there were future funding available our focus would be on expanding mental health services at Fernandina Beach High School and Middle school. Teenagers are experiencing an increase in stress and anxiety due to COVID19 and report increased mental health problems. SPBH would place a counselor at each of the schools 1 day a week. Continuing to support individuals with an Opioid use disorder is critical given the alarming increase of overdoses and deaths in the Nassau County and the 32034-zip code. The funds would be used to pay for medications, assistance with supportive housing, Recovery tools and Narcan.

The amount required would vary based on client needs, however another \$25,000 - \$30,000 would be extremely beneficial in helping us to address the increased need in our community.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Pagel', written over the word 'Sincerely,'.

Laureen Pagel, CEO
Starting Point Behavioral Healthcare



904-624-5383
americayouth.org
americasyouthinc@comcast.net
john@americayouth.org

December 12, 2020

Mr. Dale Martin, City Manager
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034-4230

Dear Mr. Martin:

I am grateful for the support that you and the City of Fernandina Beach have provided to America's Youth, Inc. over the years. I also have been most appreciative of the annual grant funding since 2015 which has greatly supported our Camp America every summer and the afterschool program. The funding has provided the enrichment which helps our youth engage in productive activities throughout the summer. I realize that this has been a most difficult year for all and that we are all trying to do what we can with limited resources and funds.

At the present time, I am projecting our needs for 2021 with a very limited budget. Unfortunately, America's Youth was not granted the requested amount of \$3,000 in COFB grants awarded to non-profit organizations for 2020-2021. Would it be still be possible for COFB to be considered for any funds in this budget year? This is in hopeful anticipation that we will be past the worst of Covid and that children will definitely need Camp America in summer of 2021 as a safe and healthy environment. The projected number of children served will likely be approximately 45 to 50 based on previous years. I hope you and the COFB Grant Committee would reconsider funds for 2020-2021 for America's Youth programs and services for this coming year.

Thank you for your consideration.

Happy Holidays,

John Gilbert, Sr., CEO
America's Youth, Inc.

907 South 11th Street
Fernandina Beach, Florida 32034

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Resolution 2021-04
Public, Educational, and Government (PEG) Channel Committee Business Plan Approval

ITEM TYPE: Resolution (w/o fiscal impact)

REQUESTED ACTION: Consider Resolution 2021-04.

SYNOPSIS: The City Commission, at their October 20, 2020, Regular Meeting approved Resolution 2020-152 as amended, requiring the PEG Channel Committee submit a strategic business plan by December 31, 2020; to include a budget, programming, and goals.

FISCAL IMPACT: Based upon the presentation provided, the estimated "start-up" costs are \$7,200. Additional costs associated with other operations may be incurred. The likely source of funding, if desired, would be the City's Contingency Line.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): No recommendation.

Tammi E. Bach, City Attorney 12/18/2020

Dale L. Martin, City Manager 12/21/2020

Pauline Testagrose, Comptroller 12/22/2020

Date: October 21, 2020

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION: Adopt

RESOLUTION 2021-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING THE PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) CHANNEL COMMITTEE BUSINESS PLAN; REACTIVING THE PEG CHANNEL COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach is responsible for the programming of the local public access cable television channel (Comcast 264); and

WHEREAS, the City Commission approved the Public, Educational, and Government Channel Broadcast Policy via Resolution 2009-109; and

WHEREAS, following several years of PEG Channel Committee inactively, the City Commission, at their October 2020 Regular Meeting, considered sunsetting PEG via Resolution 2020-152 which was approved as amended to require the PEG Channel Committee submit a business plan by December 31, 2020 to include a budget, programming, and goals; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby approves the proposed business plan to reactivate the PEG Channel Committee, hereto attached as Exhibit "A".

SECTION 2. The PEG Channel Committee is hereby reactivated as a City Commission-appointed Committee and subject to Florida Sunshine Laws.

SECTION 3. This Resolution shall become effective immediately upon passage.

ADOPTED this 5th day of January, 2021.

CITY OF FERNANDINA BEACH

MICHAEL A. LEDNOVICH
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:

CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

**PUBLIC
EDUCATIONAL
&
GOVERNMENT
CHANNEL
ADVISORY
COMMITTEE**

PEG CHANNEL // BUSINESS PLAN

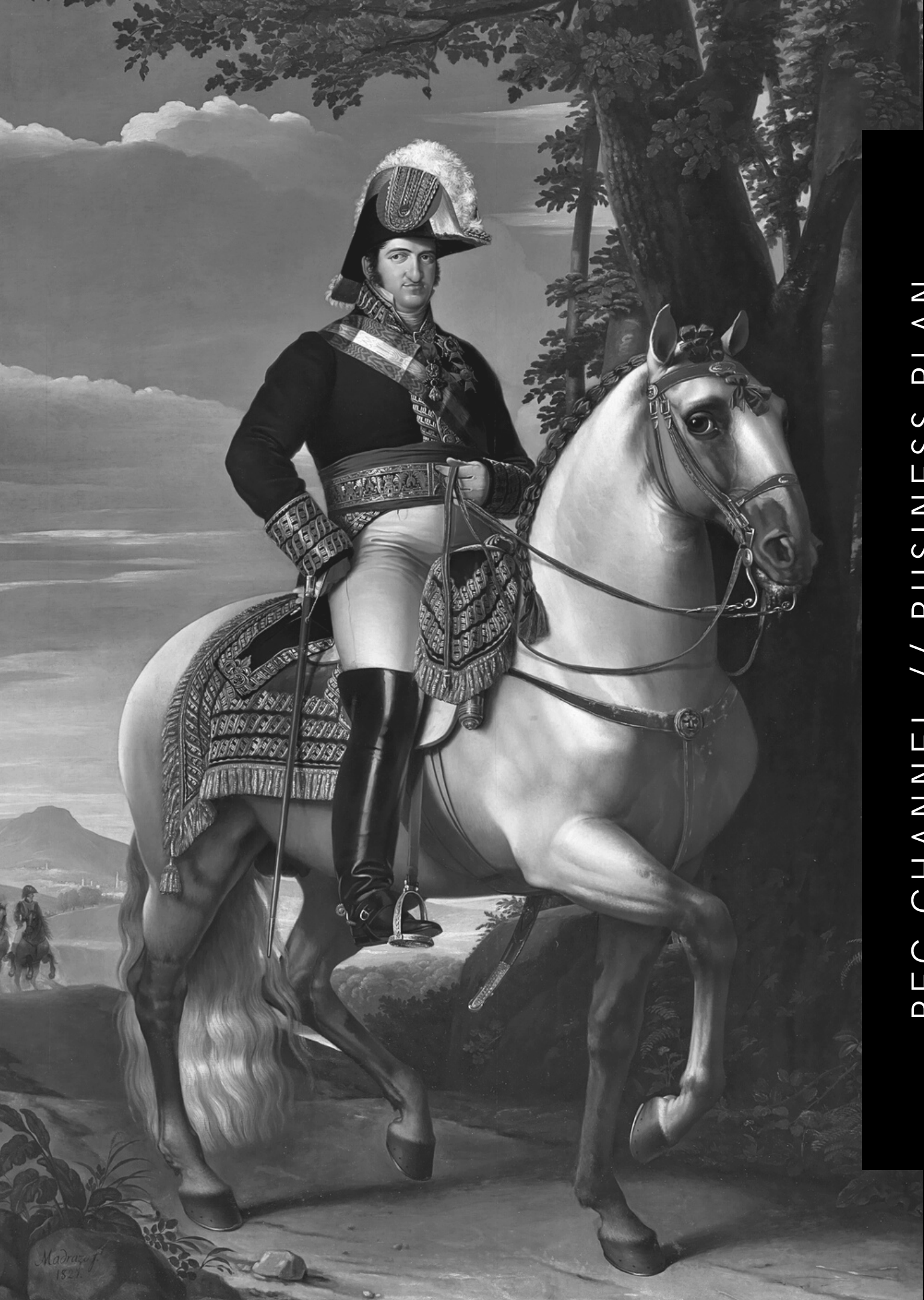


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Business Model

Programming Guidelines

Goals

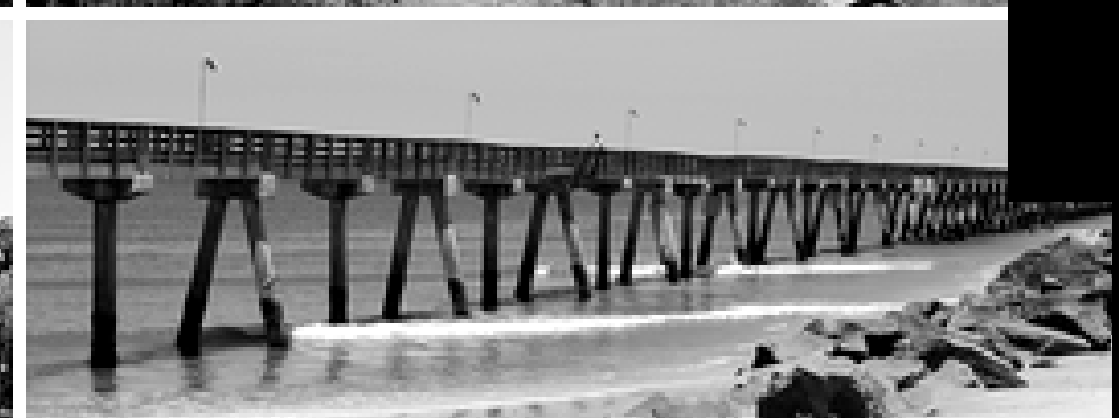
Programming Examples

Budget

Team

MISSION

The Public, Educational and Government (PEG) Channel Advisory Committee exists to serve and engage the community by providing educational, informational, entertainment and public service content.



PEG CHANNEL // BUSINESS PLAN



PURPOSE

To work with strategic partners across Amelia Island and Fernandina Beach to provide programming that educates, informs and inspires the citizens of our unique city.



BUSINESS MODEL

PEG CHANNEL // BUSINESS PLAN

The Advisory Committee will work with strategic partners to develop, produce and place content in accordance with our programming guidelines and in compliance with The Florida Sunshine Law (TITLE XIX - Chapter 286).

We will act as a conduit and platform with local educational systems to promote the local television station to student media producers, who may gain opportunities to have their work broadcast and gain production experience in a broadcast environment.

For college students, the channel can provide broadcast work experience and apprenticeships. We will also provide unique educational opportunities open to the community at large.

Our vision for the public access channel draws on the City of Fernandina Beach's unique history, culture and diversity.

With its beautiful beaches, native wildlife and pristine waters, Fernandina Beach is a city rich in opportunity.

The City is full of authentic stories to share including its fascinating local heritage, environmental conservation, and exciting prospects for innovation.

Our programming guidelines should reflect the mission and purpose of the channel while honoring the values of Fernandina Beach.

Simply put, we can
THINK P.E.G.

PEG CHANNEL // BUSINESS PLAN

**PROGRAMMING
GUIDELINES**



P - Public Benefit

- Non-profit + Arts & Culture + Lifestyle & Nature:

The PEG channel can entertain, raise awareness and celebrate the vibrant culture through music, cuisine, talent, comedy, festivals and events.

E - Educational Programming

- Financial Literacy, History, Science, Children's education:

The PEG channel can educate constituents on various subject matter such as history, science and literacy.

G - Government

- City and Other Government Meetings, Notices & Events:

The PEG channel can inform the public and raise awareness of the city and local government.

PEG CHANNEL // BUSINESS PLAN

**PROGRAMMING
GUIDELINES**



Q1 - 2021

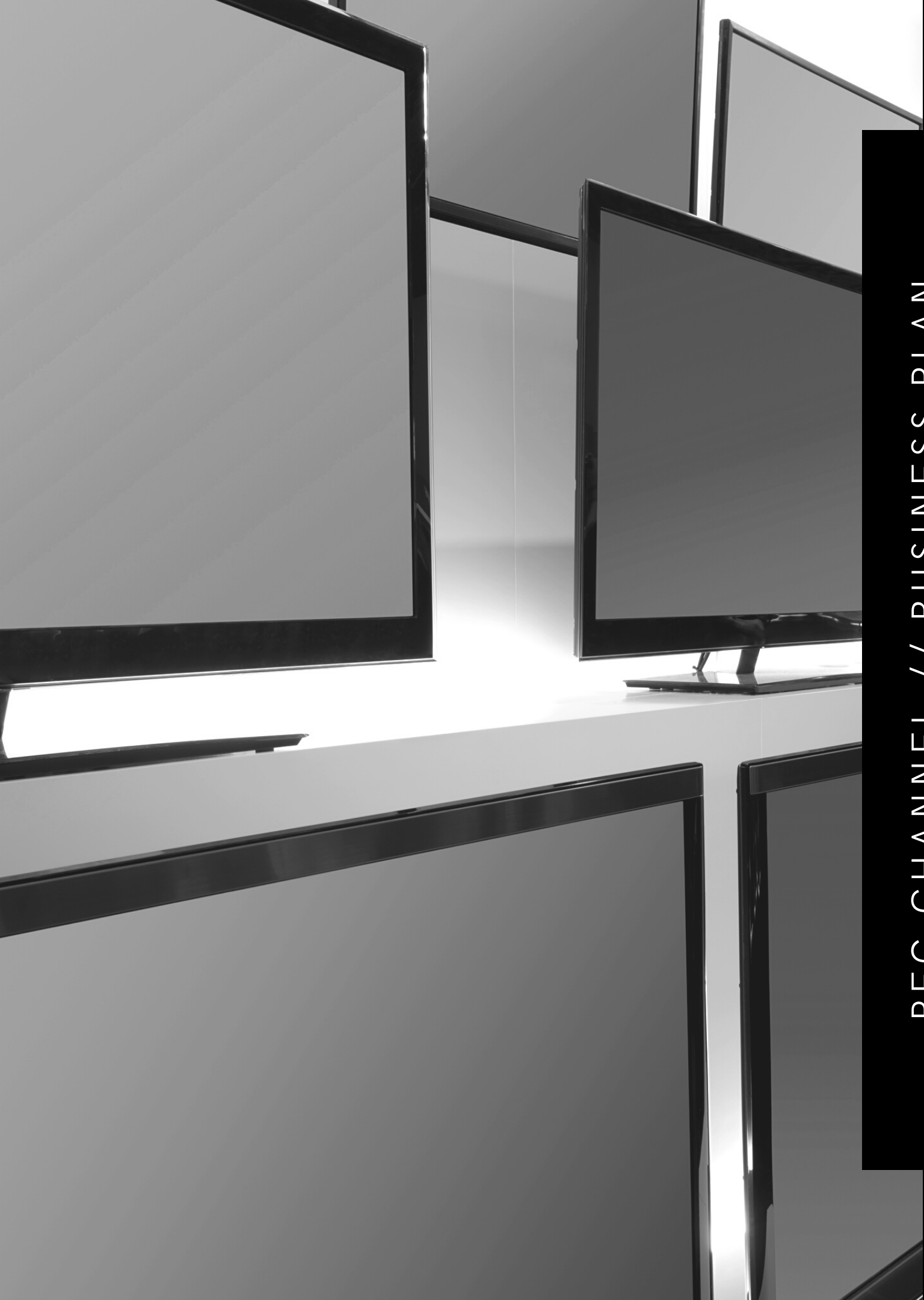
PEG CHANNEL // BUSINESS PLAN

1. Form a group of individuals with diverse talent and experience to serve on the PEG committee.
2. Create a robust 2021 Business Plan inclusive of quarterly milestones to guide our activities and to regularly measure our progress and success.
3. Secure additional members to serve on the PEG committee.
4. Identify and list key strategic partnerships for programming, marketing and fundraising.
5. Secure 2 strategic community partners.
6. Establish a programming calendar incorporating annual community events and strategic partnerships.

Q2 - 2021

PEG CHANNEL // BUSINESS PLAN

1. Continue generating interest in PEG committee by inviting citizens to join the regular meetings on social media platforms.
2. Secure a total of 4 strategic community partners.
3. Expand access to PEG channel programming for non-Comcast subscribers.
4. Implement marketing strategies to engage and build an audience across platforms including social media networks.
5. Launch virtual content production training series.



Q3 - 2021

PEG CHANNEL // BUSINESS PLAN

1. Continue building interest in PEG committee by inviting citizens to join the regular meetings on social media platforms.
2. Secure a total of 6 strategic community partners.
3. Measure and analyze engagement data to identify key trends across platforms to continue bolstering audience engagement.
4. Host quarterly virtual content production trainings.
5. Increase new programming by 10% from January 1, 2021.

Q4 - 2021

PEG CHANNEL // BUSINESS PLAN

1. Continue bolstering interest in PEG committee by inviting citizens to join the regular meetings on social media platforms.
2. Secure a total of 10 strategic community partners.
3. Increase new programming by 15% since January 1, 2021.
4. Develop 2022 themes and goals to drive programming, marketing and fundraising activities.

PROGRAMMING EXAMPLES



Program to highlight current events happening around Fernandina Beach and the surrounding area

Program to highlight the history of the Isle of Eight Flags from before the first boat landed on the island to today.



PEG CHANNEL // BUSINESS PLAN

BUDGET

LINE ITEMS INCLUDE:

FACILITIES / EQUIPMENT

MARKETING

CLOSED CAPTIONING

SUPPLIES



PEG CHANNEL // BUSINESS PLAN

BUDGET TOP SHEET

EQUIPMENT / \$5000.00

MARKETING / \$750.00

CLOSED CAPTIONING / \$1000.00

SUPPLIES / \$500.00

GoPro Camera's, Editing Software,
Printing, Paper and rental fees for
space.

TOTAL: \$7250



ADVISORY COMMITTEE MEMBERS

(proposed)

Taylor Owenby

Judie Mackie

Connor Fasel

Julie Ferreira

Megan Stewart

The City Commission of the City of Fernandina Beach, Florida, met in a Regular Meeting on Tuesday, October 20, 2020 at 6:00 pm. Present in Chambers were Mayor John A. Miller presiding, Vice Mayor Len Kreger, Commissioners Philip Chapman, Mike Lednovich, and Chip Ross. Also, in attendance were City Clerk Caroline Best, City Manager Dale L. Martin, and City Attorney Tammi Bach. Due to the ongoing COVID-19 pandemic, occupancy in the Commission Chambers was limited. The meeting was broadcast live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

Mayor Miller called the meeting to order and led the Pledge of Allegiance to the Flag. The invocation was given by Pastor Shad Goltz of First Baptist Church.

4.1 PROCLAMATION - 15TH ANNUAL NATIONAL FRIENDS OF LIBRARIES WEEK: Mayor Miller read the Proclamation in full recognizing Friends of the Fernandina Beach Library (FOL) and acknowledging the volunteers who work tirelessly to support and fund our local library. FOL President and Volunteer Chair Ms. Jody Mackle and Secretary Ms. Mary Louise Hester were in attendance to accept the Proclamation.

4.2 PRESENTATION - PLANNING ADVISORY BOARD: Planning Advisory Board Chairperson Genece Minshaw provided an update regarding the achievements and goals of the Planning Advisory Board.

4.3 BUDGET SUMMARY: Comptroller Pauline Testagrose was available to answer any questions regarding the PRELIMINARY budget summary for September 2020.

5.1 CONSERVATION/ENVIRONMENT: This item is placed on the agenda at the request of Commissioner Lednovich who yielded his time.

5.2 WATERFRONT DEVELOPMENT: This item is placed on the agenda at the request of Commissioner Lednovich. Vice Mayor Kreger showed a slide presentation regarding sea level rise and stressed the need for project planning, shoreline stabilization and funding. Discussion ensued regarding downtown flooding, sea level rise and the need for protection.

5.3 MARINA: This item is placed on the agenda at the request of Commissioner Ross. City Manager Martin advised that a contractor recommends the entire fuel line be replaced. City Manager Martin, City Attorney Bach and Marina Administrative Coordinator Chapman will meet Thursday to discuss the project. Negotiations with Oasis Marina Management have concluded, and a draft contract has been provided to the Commission, the Marina Advisory Board, bond counsel and Florida Inland Navigational District (FIND) for consideration at the November 4th City Commission Regular Meeting.

5.4 OCEAN HIGHWAY AND PORT AUTHORITY (OHPA): This item is placed on the agenda at the request of Commissioner Ross who reported he and Commissioner Lednovich attended the recent OHPA meeting where the Port Commissioners expressed anger with the City Commissions' legislative priorities referring to them as "extortion and manipulation." The Port does not appear to have a flood plan. A recent report states the Port intends to build a 1,000-foot pier extension, and a 500,000 square foot warehouse in the next five years. The Port Operator was asked not to attend OHPA meetings and City Attorney Bach's letter regarding the custom house was not well received. Commissioner Ross suggested City Attorney Bach draft correspondence to OHPA outlining Florida Department of Transportation requirements to have a Master Plan that complies with City rules and ordinances prior to moving forward with any new port projects. Discussion ensued regarding impact and local assessment fees, City Attorney Bach sent correspondence regarding the requirement of water and sewer impact fees for the proposed warehouse and the need for a building permit and associated inspections.

5.5 COVID-19: Commissioner Lednovich gave a presentation on trending COVID-19 cases. Commissioner Ross restated recommended guidelines to maintain six feet distance, wear a mask and wash hands frequently to prevent spread and continue to monitor the changing situation. Vice Mayor Kreger noted the discouraging fifty local deaths and the need to maintain the mask ordinance and adhere to Center for Disease Control (CDC) regulations. Commissioner Lednovich concurred although there is concern for events that attract crowds in limited spaces such as the Christmas tree lighting and Shrimp Drop, at risk people should avoid such events and the City should reinforce safety protocols. Commissioner Chapman is concerned about the country wide case increase and the risk of large gatherings in small places including outdoors where social distancing may not be possible. City Attorney Bach proposed drafting a Resolution addressing holiday events and applications for Special Events as an agenda item for the November 4th City Commission Regular Meeting. Discussion ensued regarding permitted and non-permitted events, enforcement and safely navigating holiday happenings. Amelia Island Convention and Visitors Bureau President Gil Langley gave an update on tourism, virtual events, economic impact, future ideas and plans for safe implementation of festivals.

6. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA: The following individual spoke to this item:

COMPREHENSIVE PLAN: Ms. Margaret Kirkland, 1377 Plantation Pointe Drive, representing the Amelia Tree Conservancy and a subcommittee working group to review the Comprehensive Plan and Land Development Code to address resiliency, environmental sustainability, and Evaluation and Appraisal Review (EAR) citizen concerns. The group looks forward to working with the Planning Advisory Board (PAB) and City staff and a draft plan which will be forthcoming by mid-November.

7.1 RESOLUTION 2020-148 ACCEPTING THE RANKING RFQ #2020-02 FOR REVISING THE CITY’S COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE TO PROCEED WITH NEGOTIATIONS AND DEVELOPMENT OF SCOPE OF WORK: According to the agenda support documents Resolution 2020-148 approves the ranked order for purposes of negotiating price and scope of work to complete revisions to the City's Comprehensive Plan and Land Development Code. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman, to approve Resolution 2020-148.** Commissioner Ross expressed concerns regarding the consultants and requested references be checked. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Vice Mayor Kreger:	Aye
Commissioner Chapman:	Aye
Commissioner Ross:	Nay
Commissioner Lednovich:	Aye
Mayor Miller:	Aye

Motion carried.

7.2 RESOLUTION 2020-149 APPROVING PASSERO ASSOCIATES, LLC WORK ORDER 20-92 FOR PLANNING SERVICES ASSOCIATED WITH RAILROAD CROSSINGS AT ASH, CENTRE, AND ALACHUA STREETS IN AN AMOUNT NOT TO EXCEED \$25,000: According to the agenda support documents Resolution 2020-149 provides for design services related to Front Street railroad crossings. **A motion was made by Commissioner Lednovich, seconded by Vice Mayor Kreger, to approve Resolution 2020-149. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.3 RESOLUTION 2020-150 APPROVING A REIMBURSEMENT AGREEMENT FOR ENGINEERING SERVICES RELATED TO A NORTH FRONT STREET ROADWAY IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$18,000: According to the agenda support documents Resolution 2020-150 approves reimbursement to First Coast Railroad for engineer review costs associated with railroad safety improvements at Ash, Centre, and Alachua Streets. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to approve Resolution 2020-150. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.4 RESOLUTION 2020-151 APPROVING THE PROPOSAL SUBMITTED BY SILLING ARCHITECTS, INC. IN THE AMOUNT OF \$48,500: According to the agenda support documents Resolution 2020-151 approves professional services agreement for architecture and engineering services for needs and site assessment associated with City Hall. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to approve Resolution 2020-151. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.5 RESOLUTION 2020-152 SUNSETTING THE PUBLIC, EDUCATIONAL AND GOVERNMENTAL (PEG) COMMITTEE: According to the agenda support documents Resolution 2020-152 permanently sunsets the PEG Committee. **A motion was made by Commissioner Chapman, seconded by Commissioner Lednovich, to approve Resolution 2020-152.**

PEG COMMITTEE SUPPORT/FLOODING: Julie Ferreira, 501 Date Street, commented that areas of Escambia, Dade and Calhoun Streets are notorious for flooding which is another vital reason to protect wetland lots from over development. The PEG channel is underutilized and can be a community asset, several local citizens are interested in becoming Committee members. A meeting could be arranged to discuss regulations and bylaws to educate the Committee. Ms. Ferreira requests the Commission refrain from sunsetting the PEG committee.

PEG COMMITTEE SUPPORT: Taylor Owenby, 15 Vintage Way, supports maintaining the PEG Committee and channel which is an opportunity to provide a resource for the community and offer area youth an introduction to the media/tv production career field. As a successful independent film producer and committed pro bono provider, he will work to organize and develop the channel alongside the committee members.

City Attorney Bach gave a brief history and explained the legal department currently reviews the content and will continue to do so if the committee is sunsetted. Vice Mayor Kreger welcomed the opportunity for citizens to be involved. Commissioner Lednovich will reconsider the committee under the condition they submit a business plan. **Vote upon passage of the motion was taken by ayes and nays and being all nays, failed.**

A motion was made by Commissioner Lednovich, seconded by Vice Mayor Kreger, to approve Resolution 2020-152 as amended to require the PEG Committee submit a business plan by December 31, 2020 to include the budget, programming, and goals. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

7.6 RESOLUTION 2020-153 AMENDING RESOLUTION 2005-67 BY REMOVING "AD HOC" FROM SECTION 1 OF THE PARKS AND RECREATION COMMITTEE ENABLING LEGISLATION: According to the agenda support documents Resolution 2020-153 amends Resolution 2005-67 by removing "ad hoc" from Section 1 of the Parks and Recreation Advisory Committee enabling legislation. City Attorney Bach recommended the title be amended to include RESOLUTION 2020-153 AMENDING RESOLUTION 2005-67 **AND RESOLUTION 2009-05** BY REMOVING "AD HOC" FROM SECTION 1 OF THE PARKS AND RECREATION COMMITTEE ENABLING LEGISLATION. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to approve Resolution 2020-153. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.7 RESOLUTION 2020-154 APPROVING AN UPDATED DRUG-FREE WORKPLACE POLICY; PROVIDING FOR REPEAL OF ANY PREVIOUS POLICIES IN CONFLICT HEREWITH: According to the agenda support documents Resolution 2020-154 approves the updates to the Drug-Free Workplace Policy. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to approve Resolution 2020-154. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.8 BUDGET AMENDMENT - MARINA - RESOLUTION 2020-155 APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2020/2021: According to the agenda support documents Resolution 2020-155 approves an amendment to the budget of \$95,900 for the Northern Attenuator Project. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to approve Resolution 2020-155. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.9 RESOLUTION 2020-156 APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2020/2021: According to the agenda support documents Resolution 2020-156 approves a budget transfer of \$191,120 from the Building Fees Fund Reserve account to the Building Fees Fund Professional Services account. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Resolution 2020-156. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.10 RESOLUTION 2020-157 AUTHORIZING THE CITY ATTORNEY TO DEFEND THE CITY IN CERTAIN LITIGATION: According to the agenda support documents Resolution 2020-157 authorizes the City Attorney to work with the City claims administrator to defend the City of Fernandina Beach in the matter of Purple Creek, LLC, v. City of Fernandina Beach, Case No: 20-CA-211, in the Fourth Judicial Circuit Court for the State of Florida. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to approve Resolution 2020-157. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.11 RESOLUTION 2020-158 AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH FILING A LAWSUIT AGAINST ROYAL AIR FREIGHT, INC., IN CIRCUIT COURT FOR DAMAGES RELATED TO A FUEL SPILL ON AIRPORT PROPERTY: According to the agenda support documents Resolution 2020-158 authorizes the City Attorney to engage in litigation against Royal Air Freight, Inc. **A motion was made by Commissioner Ross, seconded by Commissioner Chapman, to approve Resolution 2020-158. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.12 RESOLUTION 2020-159 APPROVING THE CITY ATTORNEY TO PROCEED WITH A FORECLOSURE COMPLAINT AGAINST KIMBERLY A ROSS PERKINS FOR DEFAULT ON A DEFERRED PAYMENT MORTGAGE FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REHABILITATION AND REPLACEMENT HOUSING PROGRAM: According to the agenda support documents Resolution 2020-159 authorizes the City Attorney to engage in a foreclosure action for property located 610 Vernon Street. **A motion was made by Commissioner Ross, seconded by Vice**

Mayor Kreger, to approve Resolution 2020-159. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

7.13 RESOLUTION 2020-160 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING CITY OF FERNANDINA BEACH AND NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS PROGRAM FOR PUBLIC INFORMATION (PPI) PLANNING DOCUMENT IN SUPPORT OF THE CITIES PARTICIPATION IN THE COMMUNITY RATING SYSTEM (CRS) PROGRAM: According to the agenda support documents Resolution 2020-160 adopts a joint program with Nassau County to provide resources on flood hazards and floodplain-related functions. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Lednovich, to approve Resolution 2020-160.**

FLOOD INSURANCE: Del Schwalls, 946 Bradshaw Terrace, Orlando Florida explained a class one rating could reduce flood insurance by 45% for city residents. When the next big storm hits the City will be in better shape, including the community in the process allows for bonus points based on the activities that are done. Currently the City is at a 6 rating saving residents 20%, City Manager Martin noted the recent community conservation efforts will help get the rating to a 5.

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

8.1 Quasi-judicial - FIRST READING OF ORDINANCE 2020-33: City Attorney Bach read Ordinance 2020-33 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ORDINANCE 2020-33 ANNEXING APPROXIMATELY 4.32 ACRES OF LAND LOCATED IN THE PLANTATION HAMMOCK SUBDIVISION ON SIMMONS ROAD BETWEEN 14TH STREET AND AMELIA ROAD AND 847 SIMMONS ROAD CONTIGUOUS TO THE CITY LIMITS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-33 requests for annexation of properties located in the Plantation Hammock subdivision located on Simmons Road between S. 14th Street and Amelia Road and 847 Simmons Road, totaling 4.32 acres of land.

The quasi-judicial hearing was opened at this time.

Planning and Conservation Department Director Kelly Gibson relied on the staff report as agenda backup materials as the City’s evidence and testimony for this item. Mayor Miller queried the Commission on ex-parte communication, none was reported. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-33.** Vice Mayor Kreger questioned the tax base rate increase being beneficial to the City. City Attorney Bach will direct staff to provide the information at the second reading of Ordinance 2020-33. **City Attorney Bach explained that although a motion and second were made, ordinances are voted on at second reading only.**

8.2 Legislative – FIRST READING OF ORDINANCE 2020-34: City Attorney Bach read Ordinance 2020-34 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A FUTURE LAND USE MAP CATEGORY OF LOW DENSITY RESIDENTIAL (LDR) FOR 4.32 ACRES OF LAND LOCATED AT 847 SIMMONS ROAD AND PROPERTIES IN THE PLANTATION HAMMOCK SUBDIVISION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-34 requests for Future Land Use Map assignment of Low Density Residential (LDR) for properties located in the Plantation Hammock subdivision located on Simmons Road between S. 14th Street and Amelia Road and 847 Simmons Road, totaling 4.32 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-34. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.3 Quasi-judicial - FIRST READING OF ORDINANCE 2020-35: City Attorney Bach read Ordinance 2020-35 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A ZONING CATEGORY OF LOW DENSITY RESIDENTIAL (R-1) FOR 4.32 ACRES OF LAND LOCATED AT 847 SIMMONS ROAD AND PROPERTIES IN THE PLANTATION HAMMOCK SUBDIVISION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-35 requests Zoning Map changes for properties located in the Plantation Hammock subdivision located on Simmons Road between S. 14th Street and Amelia Road and 847 Simmons Road, assigning the Low Density residential (R-1) zoning district for properties totaling 4.32 acres of land.

The quasi-judicial hearing was opened at this time.

Planning and Conservation Department Director Kelly Gibson relied on the staff report as agenda backup materials as the City's evidence and testimony for this item.

8.4 Quasi-judicial - FIRST READING OF ORDINANCE 2020-36: City Attorney Bach read Ordinance 2020-36 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ANNEXING APPROXIMATELY 3.70 ACRES OF LAND LOCATED AT 2246 SADLER ROAD AND 2233 SADLER ROAD CONTIGUOUS TO THE CITY LIMITS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Ordinance 2020-36 requests voluntary annexation of properties located at 2246 Sadler Road totaling 3.24 acres of land and annexation of property at 2233 Sadler Road totaling 0.46 acres of land.

The quasi-judicial hearing was opened at this time.

Planning and Conservation Director Kelly Gibson relied on the staff report and agenda backup materials as the City's evidence and testimony for this item.

8.5 Legislative – FIRST READING OF ORDINANCE 2020-37: City Attorney Bach read Ordinance 2020-37 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A FUTURE LAND USE MAP CATEGORY OF GENERAL COMMERCIAL (GC) FOR 3.24 ACRES OF LAND LOCATED AT 2246 SADLER ROAD AND MIXED USE (MU) FOR 0.46 ACRES OF LAND LOCATED AT 2233 SADLER ROAD; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Ordinance 2020-37 requests properties located at 2246 Sadler Road to be assigned the General Commercial (GC) Future Land Use Map category for property totaling 3.24 acres of land; and requests property located at 2233 Sadler Road to be assigned the Mixed Use (MU) Future Land Use Map category and Mixed Use (MU-1) zoning district for properties totaling 0.46 acres of land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Ordinance 2020-37. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.6 Quasi-judicial – FIRST READING ORDINANCE 2020-38: City Attorney Bach read Ordinance 2020-38 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A ZONING MAP CATEGORY OF COMMUNITY COMMERCIAL (C-1) FOR 3.24 ACRES OF LAND LOCATED AT 2246 SADLER ROAD AND MIXED USE (MU-1) FOR 0.46 ACRES OF LAND LOCATED AT 2233 SADLER ROAD; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Ordinance 2020-38 request for zoning map change of property located at 2246 Sadler Road to assign the Community Commercial (C-1) zoning district for property totaling 3.24 acres of land; and zoning map change for 2233 Sadler Road to assign the Mixed Use (MU-1) zoning district for properties totaling 0.46 acres of land.

The quasi-judicial hearing was opened at this time.

Planning and Conservation Department Director Kelly Gibson relied on the staff report and agenda backup materials as the City's evidence and testimony for this item.

8.7 Quasi-judicial - FIRST READING ORDINANCE 2020-39: City Attorney Bach read Ordinance 2020-39 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ANNEXING APPROXIMATELY 31.39 ACRES OF LAND LOCATED ON THE BAPTIST MEDICAL CENTER AT 1250 S. 18TH STREET, 1367 S. 18TH STREET AND INCLUDING VACANT LANDS CONTIGUOUS TO THE CITY LIMITS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Ordinance 2020-39 request for annexation of the Baptist Medical Center properties located at 1250 S. 18th Street, 1367 S. 18th Street, and vacant parcels with identification numbers of 00-00-31-0160-000-000 and 00-00-31-1600-0205- 0021 or properties totaling 31.39 acres of land.

The quasi-judicial hearing was opened at this time.

Planning and Conservation Department Director Kelly Gibson relied on the staff report and agenda backup materials as the City's evidence and testimony for this item.

8.8 Legislative - FIRST READING OF ORDINANCE 2020-40: City Attorney Bach read Ordinance 2020-40 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP TO PUBLIC AND INSTITUTIONAL FOR APPROXIMATELY 31.39

ACRES OF LAND LOCATED AT 1250 S. 18TH STREET AND 1367 S. 18TH STREET AND VACANT LANDS FROM THE NASSAU COUNTY FUTURE LAND USE MAP DESIGNATION OF PUBLIC BUILDING GROUNDS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-40 request for Large-Scale Future Land Use Map Assignment for the Baptist Medical Center properties located at 1250 S. 18th Street, 1367 S. 18th Street, and vacant parcels with identification numbers of 00-00-31-0160-000-000 and 00-00-31-1600-0205-0021, assignment of the Public & Institutional (PI) Future Land Use Map category for properties totaling 31.39 acres of land. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Lednovich, to approve Ordinance 2020-40. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.9 Quasi-judicial – FIRST READING OF ORDINANCE 2020-41: City Attorney Bach read Ordinance 2020-41 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A ZONING CATEGORY OF PUBLIC AND INSTITUTIONAL (PI-1) FOR 31.39 ACRES OF LAND LOCATED AT 1250 S. 18TH STREET, 1367S. 18TH STREET, AND VACANT LANDS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2020-41 request for Zoning Map Change for the Baptist Medical Center properties located at 1250 S. 18th Street, 1367 S. 18th Street, and vacant parcels with identification numbers of 00-00-31-0160-000-000 and 00-00-31-1600-0205-0021, assignment of the Public & Institutional (PI) zoning district for properties totaling 31.39 acres of land.

The quasi-judicial hearing was opened at this time.

Planning and Conservation Department Director Kelly Gibson clarified that due to scale the Ordinance’s 2020-40 and 2020-41 they are required to be reviewed by the state, upon state review these ordinances will be presented at a City Commission Regular Meeting in December 2020 or January 2021, however the annexation will proceed. Ms. Gibson relied on the staff report as agenda backup materials as the City’s evidence for this item. City Attorney Bach explained annexation deadlines are December 31st to be on subsequent year tax rolls.

9.1 BOARD OF TRUSTEES OF THE FIREFIGHTERS' AND POLICE OFFICERS' PENSION PLAN: According to the agenda support documents there was one appointment for the Board of Trustees of the Firefighters and Police Officers Pension Plan. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to appoint David Sampson. Vote upon passage of the vote was taken by ayes and nays and being all ayes, carried. one appointment.**

9.2 GOLF COURSE ADVISORY BOARD: According to the agenda support documents there were two appointments for the Golf Course Advisory Board. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to appoint Jayne Paige and Sue Simpson to the Golf Course Advisory Board. Vote upon passage of the vote was taken by ayes and nays and being all ayes, carried. one appointment.**

CITY MANAGER REPORTS:

PINK DAY: City Manager Martin received a staff request to recognize October breast cancer awareness and observe Pink Day Wednesday October 21st, all are encouraged to wear pink.

BEACH ACCESS COMMITTEE: City Manager Martin met with Planning Advisory Board Victoria Robas to form the Beach Access Committee and will be announcing the six new members of the board this week.

PERSONNEL: City Manager Martin announced Mr. Charles George has accepted the City Engineer position and will start Monday, November 2nd, and Ms. Monica Benischeck has accepted the Administrative Services Manager position and will start November 9th.

CARES FUNDING: City Manager is awaiting word from the Nassau County Board of Commissioners on the Coronavirus Aid, Relief and Economic Security (CARES) funding, more information will be forthcoming on distribution.

CITY ATTORNEY REPORTS:

RECOGNITION: City Attorney Bach recognized Legal Assistant Katie Newton and Maintenance Administrative Coordinator Cathy Sabattini for their valiant efforts in temporarily assisting City Manager Martin due to the recent departure of his assistant.

CITY CLERK REPORTS:

ELECTION: City Clerk Best reminded all that early voting began October 19 and concludes November 1st.

PINK DAY: City Clerk Best thanked City Manager Martin for allowing staff to wear pink in recognition of the month of October for Breast Cancer Awareness.

DEDICATION: City Clerk Best thanked the Bean family for the recent invitation to the Atlantic Avenue Recreation Center Auditorium Dedication Ceremony in honor of Ms. Joan Bean.

MAYOR/COMMISSIONER COMMENTS:

RECOGNITION: Commissioner Ross recognized Firefighter/Paramedic Brian Cook and Baptist Medical Center for their expedient expertise in recognizing and saving a local stroke victim who is recovering. Commissioner Ross acknowledged Director of Maintenance and Streets Rex Lester who intervened to resolve a state road issue that was the subject of constituent complaints. Commissioner Ross recognized Building Director Stephen Beckman for his impressive response to social media negativity regarding building department fees.

FUNDRAISER: Commissioner Ross encouraged all to participate in the Barnabas Empty Bowls fundraiser November 20th to benefit local families.

VOTE: Commissioner Ross reminded all to vote in the upcoming election.

HONOR: Commissioner Chapman was honored to attend the Atlantic Recreation Center Auditorium naming ceremony dedicated to Ms. Joan Bean.

THANK YOU: Commissioner Chapman wished his wife, Marlene, a happy anniversary and expressed gratitude for her support during his three-year tenure on the City Commission.

MARCH: Commissioner Lednovich acknowledged his wife and their participation in the recent Women's March and espoused the importance of moving forward with women's equality, rights and recognizing women's contributions. Commissioner Lednovich thanked the Police Department for their additional safety, security, and traffic control efforts during the march.

ATTENDANCE: Vice Mayor Kreger recognized the recent attendance for the Barnabas food distribution and COVID-19 testing and inquired on the status of Halloween.

SURVEY: Vice Mayor Kreger commented on the recent trash disposal survey and is optimistic about improving and implementing ideas for better service.

ELECTION: Vice Mayor Kreger reminded all to vote.

POWER OUTAGE: Mayor Miller expressed concerned thoughts to the families of the two injured workmen involved in yesterday's island wide power outage and thanked Florida Public Utilities (FPU) for their timely restoration of service.

ELECTION: Mayor Miller reminded all to vote.

14. ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 8:39pm.

ATTEST:



Caroline Best
City Clerk



John A. Miller
Mayor-Commissioner

RESOLUTION 2009-109

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ADOPTING A PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) CHANNEL BROADCAST POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is operating a Public, Educational and Government access channel; and

WHEREAS, it is necessary to develop a broadcasting policy to govern the usage of the channel; and

WHEREAS, the City of Fernandina Beach's PEG Channel Broadcasting Policy will provide the requirements and rules for acceptable program content for the City's PEG channel 29 and 264.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

SECTION 1. The City Commission hereby adopts the City of Fernandina Beach Public, Educational, and Government (PEG) Channel Broadcasting Policy for the City's PEG Channel, attached hereto as Exhibit A.

SECTION 2. The City Manager is hereby authorized to execute all aspects of the policy.

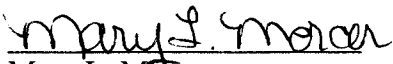
SECTION 3. This Resolution shall take effect immediately upon adoption.

ADOPTED this 21st day of July, 2009.

CITY OF FERNANDINA BEACH


Susan Hardee Steger
Mayor - Commissioner

ATTEST:


Mary L. Mercer
City Clerk

APPROVED AS TO FORM:


Tammi E. Bach
City Attorney

City of Fernandina Beach Public, Educational, Government (PEG) Channel Broadcasting Policy

I. Purpose and Goals

The purpose of this policy is to specify the appropriate use of the City of Fernandina Beach's municipal cable access channel, hereinafter called the PEG (Public, Educational and Government) channel. By effectively utilizing this channel, the city will strive to meet the following goals:

- Inform the public about City services, programs, events, and deliberations of local government;
- Broadcast meetings of the City Commission and other city boards and committees;
- Broadcast in a timely manner emergency related information before, during and after the emergencies;
- ~~Enhance and complement local communication venues, methods and opportunities by working with other government agencies, educational institutions and community based not for profit organizations to expand PEG programming when feasible and appropriate.~~
- To cooperate with other governments and government agencies to share information about other government activities that may be of interest to residents served by the PEG channel;
- To provide limited programming time slots for pre-approved public and educational content on a first come, first serve basis.

II. Administration of the PEG Channel

The City Manager is responsible for programming, technical operations, policy enforcement and monitoring, liaising with the cable franchise holder, and coordinating all related activities within the City of Fernandina Beach. The City Manager may delegate this responsibility in whole or in part to a committee, individuals employed by the City as employees, independent contractors, or a company.

III. Programming and broadcast priorities

First priority shall be given to broadcasts, live or taped, of municipal business of the City of Fernandina Beach. Municipal business shall include, but not be limited to, municipal service and event information, public meetings of the City Commission and other City ~~polymaking~~ boards and commissions, City job postings, emergency management information, and municipal-related statistics and data. City-appointed boards, committees and commissions may also submit material to be considered for broadcast on the PEG channel.

Second priority. While priority will be given to shows produced by the City of Fernandina Beach staff, other programs may also be shown if they fall within the criteria established in this section. The following types of programs (in order of priority) ~~will~~ may be aired on the PEG Channel:

- Other local, state and/or Federal government information and programs;
- Policy-compliant programming likely to be of interest to the City of Fernandina Beach that has been produced by other government entities or agencies; ~~PEG entities or non-religious-based not-for-profit organizations~~;
- Other policy-compliant and pre-approved programming produced by organizations or individuals.

IV. Content guidelines

All programming must comply with all applicable Federal, State and local laws and regulations and meet community standards for decency. Live or taped broadcasts will be considered unacceptable and will not be broadcast by the City if in the opinion of the City Manager they contain any of the following:

- Any advertising material designed to promote the sale of commercial products or services, including advertising by or on behalf of candidates seeking public office;
- Any obscene or indecent material, including but not limited to sexual content;
- Any advertisement of or information concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part on chance; ~~except where it is run by and completely for the benefit of a City of Fernandina Beach department; or a city-based not-for-profit organization~~;
- Use of unauthorized copyrighted material;
- Any ~~direct~~ solicitation of funds; ~~that would benefit the user or his/her agent except where the funds would be completely for the benefit of the City of Fernandina Beach or a Fernandina Beach not-for-profit~~;
- Material that defames any racial, ethnic, sexual, age or religious group;
- Material primarily designed to promote, proselytize or otherwise recruit members to religious organizations or causes or to promote membership in political, racial, ethnic, age or sexual advocacy groups;
- Any avocation of violence or fighting words which are designed to invoke violence;
- Any slanderous, defamatory or libelous materials;
- Any deliberate misinformation, unfair competition, invasion of privacy or publicity rights which may result in harm to any individuals or organizations.

V. General Operating Conditions

A. PEG Channel use limitations will be applied only in cases where the public interest is not being maintained, as determined by the City. It is not the intent to inhibit access to the public channel, but to ensure in as fair a manner as possible, that all persons and groups wishing to use the public access facilities have an equal and fair opportunity to

take advantage of communication potentials in public access. The Fernandina Beach City Manager, or his/her designee, shall determine whether content proposed for broadcasting on the PEG channel complies with published policies. Any material submitted for broadcast on the PEG channel may be modified, edited or denied as deemed appropriate to assure compliance with these policies. No material shall be broadcast on the PEG channel except in strict compliance with these policies.

B. The uploading and maintenance of content onto the PEG channel shall be the sole responsibility of the City, unless otherwise noted in PEG channel related contracts that the City may establish with outside organizations. All material posted on the PEG channel shall be limited to available broadcast space.

C. The City reserves the right to fully preview all material submitted for public access to determine compliance with the requirements set forth in this Policy, and to reject any materials, which do not comply. In the event any material is deemed by the City to expose it to an unreasonable risk of liability, the material may either be rejected or, after receiving satisfactory assurances of indemnification, accepted.

D. Indemnification — As a precondition to use of the public access channel, any person who submits material for broadcast must agree to defend, indemnify and hold harmless the City of Fernandina Beach from and against any and all claims, demands, causes of action, liabilities, judgments, cost and expenses (including legal attorneys' fees) arising out of the use of the access channel. Furthermore, the City of Fernandina Beach will not assume responsibility for answering any complaints that may be received from the general public as to the quality or contents of such programming. Any person submitting material for broadcast on the access channel will be expected to assume full and complete responsibility for and to answer any inquires which are received from any regulatory body, including the Federal Communications Commission, respecting such programming.

E. Request for channel time will be processed on a first come first served basis, once the broadcasting needs of the City have been met.

F. The applicant is responsible to assure that materials are not copyrighted or that the appropriate copyrighted clearances have been obtained. Written documentation of copyright clearance may be required.

G. File format conversions are the responsibility of the party submitting material for broadcast.

H. The city will establish and promulgate specific procedures for submission, scheduling and reservation of time; however, all non-city broadcast slots are subject to change based upon business needs of the city and/or emergency situations.

I. Should an individual or organization be found in violation of city policies, sanctions may be imposed up to and including a ban on future broadcasting privileges.

J. Appeals. Any individual or organization that has been denied broadcast privileges may appeal such decision in writing to the City Commission within thirty (30) days of denial. The City Commission shall hear the appeal within sixty (60) days of receipt of the appealing party's written request for appeal and their decision is final.

K. This policy shall be subject to periodic revision by the City of Fernandina Beach.

approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

RESOLUTION #2008-12 AUTHORIZING THE CITY GRANTS ADMINISTRATOR TO SUBMIT A MAXIMUM OF ONE GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, FOR THE EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE (EMPA) GRANT: According to the agenda support documents, this Resolution approved a grant application for Fire Stations 1 and 2 to install storm shutters and a generator to better prepare the City in the event of a disaster. Staff recommended approval of Resolution #2008-12. A motion was made by Commissioner Sapp, seconded by Commissioner Walker, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

RESOLUTION #2008-13 APPROVING THE FIRST AMENDMENT TO THE SUBLEASE BETWEEN RENAL TREATMENT CENTERS – SOUTHEAST, LP, AND GIL A. CU, M.D.: According to the agenda support documents, this Resolution amended the terms of the Sublease to extend the initial term through and including November 30, 2008, and amends Sections 3(a) and 3(b). Staff recommended approval of Resolution #2008-13. A motion was made by Commissioner Sapp, seconded by Commissioner Walker, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

REQUESTS FROM THE PUBLIC TO BE HEARD ON ITEMS NOT ON THE AGENDA: There were no requests from the public to be heard on items not on the agenda.

RESOLUTION #2008-14 AMENDING SECTION 307.1 OF THE CITY OF FERNANDINA BEACH PERSONNEL POLICY AND PROCEDURE MANUAL, ENTITLED "PAID TIME OFF": A motion was made by Commissioner Walker, seconded by Commissioner Sapp, to approve Resolution #2008-14. Vice-Mayor Gerrity requested clarification of this Resolution. City Manager Czymbor explained that in 2005 the City Commission authorized "paid time off" that allows an employee to use that time at their discretion. He clarified that this Resolution gives the employee some more flexibility to use time and the City benefits because there is no liability when they leave as a result of paying the amounts of "paid time off". He pointed out that "paid time off" was less than what an employee would accrue for sick time and vacation time based on the years of service. He related an example of an exempt employee with a year or less of service they would only get seven days of "paid time off" where vacation and sick time they earn seventeen days. There was some further discussion to clarify this system. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.



RESOLUTION #2008-15 ADOPTING A PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) CHANNEL BROADCAST POLICY: City Manager Czymbor explained that pursuant to the franchise agreement it recommends that the City adopt rules and regulations governing the use the public, educational, government channel. He pointed out that staff recommended the proposed policy to specifically designate the type of acceptable uses to allow on the channel and designate unacceptable uses that the City didn't believe benefit the general public. Mayor Leeper questioned if this would prohibit any of the current uses. City Manager Czymbor replied yes and pointed out under unacceptable programming (G) included religious programming. He explained that there was one religious denomination that does extensive programming and what staff was suggesting was that they pay for leased access through Comcast. Commissioner Sapp briefly explained that in the early franchises the people who furnished cable had to provide the equipment and the studio. He stated that

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now it all shifts over to the City of Fernandina Beach and the taxpayers have to provide the equipment. He pointed out that constitutional restrictions like the first amendment separation issue wouldn't apply to Comcast, but it applies to the City. He commented that it relieves the franchisee from all of the financial considerations. He noted that State law has come into play in a lot of this, but he hated to see any organization who have been providing programming to the citizens of Fernandina Beach to now not be able to do so. City Manager Czymbor explained that this channel was an informational, government, and education channel not a political driven, religious driven, or commercial driven channel. Commissioner Sapp questioned how a person that wanted to make a political statement would make their statement. City Manager Czymbor explained that there were not any rules or regulations. Commissioner Sapp questioned after the rules and regulations. City Manager Czymbor replied that they would have to go to Comcast and ask to buy a leased access. He stated that they would buy leased access not on the PEG channel. Commissioner Sapp commented that then it really isn't a community access channel. City Manager Czymbor explained that this was a public, education, and government channel and if it doesn't benefit the public either through information or education then it would not be played. After some discussion about the proposed Resolution, Commissioner Malcolm questioned if this has been misused or a difficulty. He commented that there haven't been people lined up to take advantage of this channel at this point. City Manager Czymbor explained that since he has been here there has been one other religious institution that would like to do programming. Commissioner Malcolm referred to political or civic issues and questioned if there has been a problem or the channel had been misused in any way. City Manager Czymbor stated that he didn't believe that it had been misused. He related a couple of examples and explained that without rules and regulations the City would have to run those tapes. There was further discussion about having rules and regulations for the channel to define what is appropriate and what is not appropriate. It was noted that the channel was underutilized at this time by the City, the County, and the school district.

City Attorney Bach explained that there was a State Statute that required that franchisee cable companies have at least one PEG channel available and that is no longer a requirement. She pointed out that there are constitutional issues, because it is either have all religious, political, and all these other groups that are now broadcasting or none. She stated that the constitutional issue has come before the courts where religious organizations have fought these policies saying that if you are going to have educational and government that they have to be allowed as well. She explained that it was found that you don't have to and if you have a PEG policy and a PEG channel rather than a community access channel you can indeed do that. She pointed out that not every city has them and they are not required. She stated that it was before the City Commission for a decision, but they are very standard. Commissioner Malcolm briefly commented that times change. After some deliberation about how to proceed with the proposed Resolution, Commissioner Walker questioned if there was an expense for the First Baptist Church to run their programming on the channel. City Manager Czymbor replied no because they have a direct feed to Comcast, but they will not have that when their new building is complete because Comcast no longer allows that. A motion was made by Vice-Mayor Gerrity, seconded by Commissioner Malcolm, to table Resolution #2008-15. Commissioner Sapp explained that he would vote against a motion to table because he had no problem with it being a community access channel. Vice-Mayor Gerrity pointed out that if you support the motion to table then it goes on the way that it is. After a brief discussion, Vice-Mayor Gerrity withdrew his motion.

City Manager Czymbor welcomed the City Commission's suggestions for improvements to the policy. He explained that his main concern was if an issue was to come up where a group asks to play something then the City does not have the authority to say that it cannot be played.

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Commissioner Sapp pointed out that there has been a community access channel since the late 1970's and to his knowledge there has been no conflict or controversy. He explained that if there begins to be a concern or a problem with organizations asking for time on the access channel then the City should look at that. Commissioner Walker agreed and explained that if the City incurred any expense he would like to recoup that expense. No motion was made regarding this Resolution.

RESOLUTION #2008-16 AUTHORIZING THE AWARD OF BID #07-37 FOR THE MARINA FUEL SYSTEM PROJECT AT THE FERNANDINA HARBOR MARINA TO MECO OF NORTH FLORIDA, INC; AUTHORIZING THE USE OF RC DEVELOPMENT GROUP, INC. TO ASSIST CITY STAFF WITH QUALITY CONTROL AND INSPECTIONS DURING THE TANK INSTALLATION PROCESS: According to the agenda support documents, this Resolution awarded Bid #07-37 to MECO of North Florida, Inc. in the amount of \$365,532.00 and approving the proposal from RC Development Group, Inc. in the amount of \$5,000.00. Marina Director Coleman Langshaw presented a PowerPoint presentation that included answers to some frequently asked questions (i.e. Why does the Marina need a new fuel system? The State of Florida rule requires that underground storage tanks be compliant with 2009 regulations requiring double walled fuel tanks and the City currently has two single walled fiberglass tanks that were installed during the early 1990's by the Fernandina Joint Venture.). Vice-Mayor Gerrity questioned the down time of two weeks. Marina Director Langshaw explained that when it gets to the point to connect to the dispensers the outdated existing dispensers would be removed and run new piping to connect the new system. He pointed out that if it reverts to the existing location then everything shuts down because all of the old lines and tanks have to come out of the way before starting with the new system. He explained that if the project were to commence right after the Shrimp Festival the biggest impact would be during the slowest time. Commissioner Sapp inquired if the underground tanks would be able to be left there. Marina Director Langshaw replied that they could be abandoned underground or they could be removed. He pointed out that Aerostar Engineering had been hired by the State to monitor the tanks around the City and they are specialists in tank closures and contamination monitoring. He explained that staff would have to talk with them about the viability and the costs of one methodology over the other. There was a brief discussion about what would be done with the existing tanks if there were left in the ground.

Vice-Mayor Gerrity questioned if this would be a good argument for not burying the second set of tanks. He commented that they have to be filled in or dug up. Marina Director Langshaw pointed out that having them underground has its benefits, but if for some reason the City wants to do something out there and they have to be moved later on then that is a consideration of more cost if they have sand in them. Mayor Leeper questioned if they would be required in the future to be above ground tanks. Marina Director Langshaw stated that he had not heard about future requirements for that. He pointed out that underground storage tanks are not exposed to the weather and are less prone to vandalism and other issues exposed tanks are. He presented a picture of the south end and noted that some people suggested putting the tanks there. He explained that location is very far away from Marina operations and makes it problematic to make sure security is good and it was further away from the fuel dispensers. He commented that above ground tanks are what they are and they will obstruct the view. He explained that the City has had a very successful operation with underground storage tanks. He provided further details of the answers to the frequently asked questions as contained in the agenda support documents. Vice-Mayor Gerrity questioned if staff was proposing quadrupling the current capacity. Marina Director Langshaw clarified that the City currently has two 10,000 tanks and was proposing to double the capacity to 40,000. Vice-Mayor Gerrity inquired if the Marina runs out of fuel during the Shrimp Festival. Marina Director Langshaw replied yes every year. He explained that they get deliveries as close to the festival, but as things set up they are unable



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: Resolution 2009-109
Adopting the Public, Educational and Government (PEG) Channel Broadcasting Policy.

DEPARTMENT: City Manager's Office

ATTACHMENTS: ☐ Ordinance ☒ Resolution
☐ Support Documents ☐ Other

SUMMARY: The City of Fernandina Beach has been granted the use of a Public, Educational and Government (PEG) Channel through out Cable Franchise Agreement with Comcast Corporation. The proposed policy will provide the rules and requirements for proper use of the PEG Channel and program content. The policy specifically states which types of programming will be broadcast on the cable channel (only city, county, or government educational programming) and unacceptable types of programming which will not be broadcast.

The City Manager previously proposed in January, 2008, a similar policy in which the City Commission took no action on the recommended policy (see attached minutes).

In addition staff previously polled the FLGISA (Florida Local Government Information Systems Association) members about the allowed/acceptable content of their PEG channels. The entire responding City's only allowed broadcasting of local government, school districts, or other government programming.

If adopted, the City Manager is proposing to solicit volunteers to serve as an advisory board to develop a robust and informative programming schedule.

RECOMMENDED MOTION: Approve Resolution 2009-109

DEPARTMENT HEAD	Submitted: Michael J. Czymbor City Manager	Date: 7/13/09
	Requested Agenda	Date: 7/21/09
FINANCE DEPARTMENT	Financial Impact ☐ Yes ☐ No	
	Budgeted: ☐ Yes ☐ No ☒ N/A	Date
CITY ATTORNEY	Approved for Form	Date:
CITY MANAGER	Approved Agenda Item for 	Date: 7/17/09

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Tabled Indefinitely ☐ Continued to a Certain Date
☐ Approved with Modification

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CD ☐ FI ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PR ☐ PW ☐ UD

City of Fernandina Beach Public, Educational, Government (PEG) Channel Broadcasting Policy

I. Purpose and Goals

The purpose of this policy is to specify the appropriate use of the City of Fernandina Beach's municipal cable access channel, hereinafter called the PEG channel. By effectively utilizing this channel, the city will strive to meet the following goals:

- Inform the public about City services, programs, events, and deliberations of local government;
- Broadcast meetings of the City Commission and other city boards and committees;
- Broadcast in a timely manner emergency related information before, during and after the emergencies;
- Enhance and complement local communication venues, methods and opportunities by working with other government agencies, educational institutions and community based not-for-profit organizations to expand PEG programming when feasible and appropriate.

II. Administration of the PEG Channel

The City Manager is responsible for programming, technical operations, policy enforcement and monitoring, liaising with the cable franchise holder, and coordinating all related activities within the City of Fernandina Beach. The City Manager may delegate this responsibility in whole or in part to a committee, individuals employed by the City as employees, independent contractors, or a company.

III. Programming and broadcast priorities

First priority shall be given to broadcasts, live or taped, of municipal business of the City of Fernandina Beach. Municipal business shall include, but not be limited to, municipal service and event information, public meetings of the City Commission and other City policymaking boards and commissions, City job postings, emergency management information, and municipal-related statistics and data. City-appointed boards, committees and commissions may also submit material to be considered for broadcast on the PEG channel.

Second priority. While priority will be given to shows produced by the City of Fernandina Beach staff, other programs may also be shown if they fall within the criteria established in this section. The following types of programs (in order of priority) will be aired on the PEG Channel:

- Other local, state and/or Federal government information;
- Policy-compliant programming likely to be of interest to the City of Fernandina Beach that has been produced by other PEG cities or non-religious based not-for-profit organizations;

- Other policy-compliant programming produced by organizations or individuals.

IV. Content guidelines

All programming must comply with all applicable Federal, State and local laws and regulations and meet community standards for decency. Live or taped broadcasts will be considered unacceptable and will not be broadcast by the City if in the opinion of the City Manager they contain any of the following:

- Any advertising material designed to promote the sale of commercial products or services, including advertising by or on behalf of candidates seeking public office;
- Any obscene or indecent material;
- Any advertisement of or information concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part on chance, except where it is run by and completely for the benefit of a City of Fernandina Beach department or a city-based not-for-profit organization;
- Use of unauthorized copyrighted material;
- Any direct solicitation of funds that would benefit the user or his/her agent, except where the funds would be completely for the benefit of the City of Fernandina Beach or a Fernandina Beach not-for-profit;
- Material that defames any racial, ethnic, sexual, age or religious group;
- Material primarily designed to promote, proselytize or otherwise recruit members to religious organizations or causes or to promote membership in political, racial, ethnic, age or sexual advocacy groups;
- Any avocation of violence or fighting words which are designed to invoke violence;
- Any slanderous or libelous materials;
- Any deliberate misinformation, which may result in harm to any individuals.

V. General Operating Conditions

A. PEG Channel use limitations will be applied only in cases where the public interest is not being maintained, as determined by the City. It is not the intent to inhibit access to the public channel, but to ensure in as fair a manner as possible, that all persons and groups wishing to use the public access facilities have an equal and fair opportunity to take advantage of communication potentials in public access. The Fernandina Beach City Manager, or his/her designee, shall determine whether content proposed for broadcasting on the PEG channel complies with published policies. Any material submitted for broadcast on the PEG channel may be modified, edited or denied as deemed appropriate to assure compliance with these policies. No material shall be broadcast on the PEG channel except in strict compliance with these policies.

B. The uploading and maintenance of content onto the PEG channel shall be the sole responsibility of the City, unless otherwise noted in PEG channel related contracts that the City may establish with outside organizations. All material posted on the PEG channel shall be limited to available broadcast space.

C. The City reserves the right to fully preview all material submitted for public access to determine compliance with the requirements set forth in this Policy, and to reject any materials, which do not comply. In the event any material is deemed by the City to expose it to an unreasonable risk of liability, the material may either be rejected or, after receiving satisfactory assurances of indemnification, accepted.

D. Indemnification — As a precondition to use of the public access channel, any person who submits material for broadcast must agree to defend, indemnify and hold harmless the City of Fernandina Beach from and against any and all claims, demands, causes of action, liabilities, judgments, cost and expenses (including legal fees) arising out of the use of the access channel. Furthermore, the City of Fernandina Beach will not assume responsibility for answering any complaints that may be received from the general public as to the quality or contents of such programming. Any person submitting material for broadcast on the access channel will be expected to assume full and complete responsibility for and to answer any inquiries which are received from any regulatory body, including the Federal Communications Commission, respecting such programming.

E. Request for channel time will be processed on a first come first served basis, once the broadcasting needs of the City have been met.

F. The applicant is responsible to assure that materials are not copyrighted or that the appropriate copyrighted clearances have been obtained. Written documentation of copyright clearance may be required.

G. File format conversions are the responsibility of the party submitting material for broadcast.

H. The city will establish and promulgate specific procedures for submission, scheduling and reservation of time; however, all non-city broadcast slots are subject to change based upon business needs of the city and/or emergency situations.

I. Should an individual or organization be found in violation of city policies, sanctions may be imposed up to and including a ban on future broadcasting privileges.

J. Appeals. Any individual or organization that has been denied broadcast privileges may appeal such decision in writing to the City Commission within thirty (30) days of denial. The City Commission shall hear the appeal within sixty (60) days of receipt of the appealing party's written request for appeal and their decision is final.

K. This policy shall be subject to periodic revision by the City of Fernandina Beach.

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Ordinance 2021-01
Street Performers

ITEM TYPE: Ordinance (w/o fiscal impact)

REQUESTED ACTION: Consider Ordinance 2021-01 at First Reading.

SYNOPSIS: This ordinance amends Chapter 70, Article IV, of the Code of Ordinances regarding street performers. Currently performers must submit an application to the City by a certain deadline if they wish to utilize City rights-of-way for the year. This allows for applicants to submit applications any time of year for processing.

Additionally, the Legal Department is working to remove legalese in favor of plain language, the Article is modified to remove "shall", which had multiple meanings, in favor of "must", "will", or "may" as appropriate.

FISCAL IMPACT: No fiscal impact.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): No additional comments.

Tammi E. Bach, City Attorney	12/18/2020
Monica Benischeck, Administrative Services Manager	12/21/2020
Dale L. Martin, City Manager	12/21/2020
Tammi E. Bach, City Attorney	12/27/2020

Date: December 15, 2020

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION: Approve

ORDINANCE 2021-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FERNANDINA BEACH, FLORIDA BY AMENDING CHAPTER 70, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV, STREET PERFORMERS, BY AMENDING SECTION 172 TO ALLOW FOR PERMITS TO BE GRANTED ON A ROLLING BASIS REMOVING THE REQUIREMENT FOR IN-PERSON APPLICATION; AND SECTIONS 170, 171, 172, 173, 174, 175, 176, 177, 178 TO EDIT FOR CLARITY WITHOUT CHANGING THEIR MEANING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the interest of the health, safety, and welfare of pedestrian traffic within City rights-of-way, the City Commission of the City of Fernandina Beach, Florida, regulates certain activities such as street performances; and

WHEREAS, from time to time, these regulations are reviewed to ensure they are meeting the needs of the City and its citizens; and

WHEREAS, in order to better serve the citizens of Fernandina Beach, it was determined that the current system of all permit applications having a certain deadline and requiring an in-person application was inefficient and could be for applicants; and

WHEREAS, the City has been making an effort to ensure that the Code of Ordinances is written in plain language.

NOW, THEREFORE, THE CITY OF FERNANDINA BEACH, FLORIDA, HEREBY ENACTS:

SECTION 1. It is hereby proposed that Chapter 70, Section 170 of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Sec. 70-170. Legislative findings and intent.

The City Commission of the City of Fernandina Beach hereby ratifies, approves, and adopts all of the foregoing predicate "Whereas" clauses. The City Commission of the City of Fernandina Beach finds that the existence in the City of street performers, street artists and art vendors, as hereinafter defined, without permits, as hereinafter defined, would interfere with the public health, safety, and welfare of the pedestrian traffic, including residents and tourists by, among other things, attracting audiences which congest the public rights-of-way including but not limited to City sidewalks. The City finds that without the requirement of a permit and regulations, the existence of street performers, art vendors and street artists in the City further would adversely affect the City's interests in the aesthetics incident to the historic character of the central business district and historic district overlays and the beauty and serenity of the public beaches, and would adversely affect the interest of residents and the regulated, code compliant businesses in the enjoyment of peace and quiet in their homes and businesses. Also, the City finds that the existence of street performers, street artists and art vendors would pose a safety risk to the public and passers-by by congestion and clutter in some areas of Fernandina Beach such as the central business district. Therefore, it is the intent of the City to prohibit street performers from performing in the City without a permit, and the

street artists and art vendors from vending in the City without a permit, and to have access to reasonable alternative avenues of communication on all public beaches and in most public parks of the City, including but not limited to the "pocket parks" in the central business district.

SECTION 2. It is proposed that Chapter 70, Section 171 of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Sec. 70-171. Definitions.

[The following words, terms, and phrases, when used in this article, ~~shall~~ have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Art ~~shall~~ means painting, sketching, photography and sculpture. Other mediums of artistic expression ~~shall~~ may also be permitted upon the City Manager's or designee's studied determination that such other mediums are established and recognized in the artistic community, including by professional institutions such as museums and art galleries.

Art vendor (or *street artists*) ~~shall~~ means the following activities (or one who engages in it): The creation, display and/or sale of art that is created on public property only by the permit holder. An art vendor or street artist ~~shall~~ does not include a person who creates a work of art while in a public area, but has no intention to display for sale or sell the work of art in that area.

Historic district ~~shall~~ means all property located within any historic district overlay and/or the central business district as defined by the Land Development Code.

Street performance (or *street performer*) ~~shall~~ means the following activities (or one who engages in them): Acting, singing, playing a musical instrument with or without amplification, pantomime, juggling, magic, dancing, comedy, acrobatics, puppetry, and other similar types of public performance. A street performer may be an individual or an ensemble.

SECTION 3. It is proposed that Chapter 70, Section 172 of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Sec. 70-172. - Permit required; application; appeal.

- (a) A permit system for street performers and street artists is hereby established. It ~~shall be~~ is unlawful for any person to engage in any street performance or art vending on public property in the City without first obtaining a permit as required by this article. This article ~~shall~~ does not apply to impromptu behavior by persons not holding themselves out as public performers.
- (b) The City ~~shall~~ issues street performer permits (permit "A"); and art vending or street artist permits (permit "B") for use in the City. Each permit "A" and "B" ~~shall be~~ are effective for a period of one year from the date the permit is issued.
- (c) The City ~~shall~~ will establish a standard application form for "A" and "B" permits. This application form ~~shall~~ will include (but not be limited to): (i) name, address and telephone number of the applicant; (ii) a photograph of the applicant or each member of the ensemble; (iii) a declaration under penalty of perjury that the applicant for a "B" permit ~~shall~~ will vend art that is only of his or her own original creation; (iv) a hold harmless and indemnification agreement releasing the City and its employees from all claims and actions arising out of the street performance or art vending on public property; and (v) a description of the performance or the art. ~~All applications to the City must be made in person by the applicant.~~

(d) A permit is nontransferable.

~~(e) A person who misses the application deadline set forth in subsection (b) shall appeal to the city manager, in writing, so long as the following criteria are met: (i) the person was approved for a permit for the same proposed activity in the previous year; and (ii) the ground for appeal is a demonstrable hardship directly related to the missed application deadline. The appellant shall file the appeal with the city clerk.~~

(f) (e) A person whose permit application is denied ~~for a reason other than that set forth in subsection (e)~~ shall may appeal to the City Manager for review of the denial. The appellant shall must file the appeal in writing to the City Clerk within ten days from the date of the denial. The City Manager shall will provide notice and an opportunity to be heard.

SECTION 4. It is proposed that Chapter 70, Section 173 of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Sec. 70-173. - Providing for locations on public property.

(a) A street performer, art vendor or street artist with a valid permit may perform or vend art in City parks during the hours the parks are open to the public, including but not limited to Jean Ribault Park, Hook Pocket Park, Central Park, Main Beach Park and Seaside Park; however, the Amelia Island Lighthouse, Bosque Bello Cemetery, and City streets and sidewalks shall may not be used by street performers or street artists permitted under this Article.

(b) The use of a location in a City park by a permit holder is on a daily, first-come, first-served basis. No permit holder shall ~~make efforts to~~ may exclusively reserve a location; and each permit holder shall must abandon a location at the end of his or her working day, including the removal of all personal property of the permit holder. Special events held pursuant to a City-issued permit shall have first priority for any public property, space or location that a permit holder under this article could otherwise occupy. Street performers, street artists and art vendors shall are not be permitted to perform or vend art within a specified City-permitted special event area; without written permission from the special event sponsor.

SECTION 5. It is proposed that Chapter 70, Section 174 of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Sec. 70-174. - Permit regulations.

(a) Throughout the period of time the permit holder is located on public property and engaged in performance or vending art, he or she shall must maintain the permitted area, within a radius of ten feet, free of trash and debris and deposit the trash and debris in proper receptacles.

(b) A street performer or art vendor or street artist shall may not create noise that violates the Fernandina Beach Noise Control Ordinance set forth in chapter 42 of the Code of Ordinances.

(c) A street performer or art vendor or street artist shall may not create an undue interference with the passage of the public through a public area. If a street performer or art vendor or street artist attracts a crowd sufficient to obstruct the public way, a police or code enforcement officer shall will disperse the crowd that is creating the obstruction. The officer shall will ask the street performer or art vendor or street artist temporarily to suspend a performance or vending activity or to leave the location when such action is necessary to protect the public safety or public order.

- (d) A street performer or art vendor or street artist may request donations of money or property at a performance. Art vendors or street artist ~~shall~~ may offer for sale their own original art (or a reproduction thereof so long as it is identified as a reproduction), provided that the display of the art is contained in an area within the immediate reach of the art vendor or street artist.
- (e) No street performer or art vendor or street artist ~~shall~~ may create a fire hazard or use fire in a performance.
- (f) No street performer or art vendor or street artist ~~shall~~ may engage in the application of tattoos or body piercing.
- (g) No street performer or art vendor or street artist ~~shall~~ may include obscenity in a performance or vending activity.
- (h) No street performer or art vendor or street artist ~~shall~~ may engage in harassment or coercion of passersby.
- (i) Spray painting ~~shall be~~ is permitted, so long as the artist provides ground cover, a wind screen, and confines the spray painting to an area not greater than five feet by five feet; and otherwise ensures that the spray paint ~~shall will~~ will not damage or implicate property not involved in the subject art.
- (j) No food or drink, whether made by a permit holder or otherwise, ~~shall be~~ is permitted to be displayed or offered for sale.
- (k) No display tables, lounge chairs, push carts or mobile display racks (other than one easel) ~~shall~~ may be placed on public property. One small chair or stool shall be allowed; a portrait artist shall provide a folding chair for the customer which shall be stored when not in use.
- (l) No street performer or art vendor or street artist ~~shall~~ may block access to an entrance to any building.
- (m) No street performer or art vendor or street artist ~~shall~~ may interfere with a motorist, either regarding the passage of a vehicle or the sight of its driver.
- (n) A permit holder ~~shall~~ may not engage in fraudulent practices or solicitations, including but not limited to misrepresentation about any sale or solicitation, misrepresentation about the nature and type of any organization with which the permit holder is associated, misrepresentation or concealment of any material fact in the application process, or misrepresentation regarding any art being vended.
- (o) No street performer or art vendor or street artist ~~shall~~ may connect to electric outlets or power sources owned or utilized by the City, and must provide his or her own safe power sources, if any are required.
- (q) No street performer ~~shall~~ may use an animal as part of his or her act while on public property unless the performer is licensed by the United States Department of Agriculture under the Animal Welfare Act and provides the City with proof thereof.
- (r) Persons operating under Permit "B" ~~shall~~ may not engage in performances of any kind, except for the creation of an original work of art.
- (s) No street performer or art vendor or street artist is allowed to engage in permitted activity (with a valid permit) under this article after 10:00 p.m. Sunday through Thursday or after 11:00 p.m. on Friday and Saturday.
- (t) The City may promulgate administrative rules to effectuate this section.

SECTION 6. It is proposed that Chapter 70, Section 175 of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Sec. 70-175. - Display of permits.

- (a) Permits "A" and "B," as applicable, ~~shall~~ must be displayed so as to be clearly visible at the performance or art vending location at all times. The permit must contain a photograph of the permit holder. ~~The permit shall be displayed so as to be clearly visible at the performance or art vending location.~~
- (b) Holders of permit "B" who are vending art ~~shall~~ must display the sales price for each work of art created in the public area for sale. The sales price either ~~shall~~ must be affixed to the work of art or be on a temporary sign ~~whose~~ with dimensions ~~shall~~ not to exceed 8½ by 11 inches.

SECTION 7. It is proposed that Chapter 70, Section 176 of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Sec. 70-176. - Suspension and revocation of permits.

- (a) If, in the opinion of the City Manager, a special event or major festival approved by the City Commission will cause extraordinary sidewalk congestion, then the City Manager ~~shall~~ may suspend permits issued under this article during the period of the festival. The City Manager may contract with a sponsor of a special event to allow additional street performers and art vendors or street artists in the public right-of-way during the special event.
- (b) A permit obtained through fraud or through material misrepresentation on the permit holder's application is deemed void ab initio and may be revoked. ~~The city manager shall revoke the permit.~~ Prior to revocation, the City Manager or ~~his/her~~ designee ~~shall~~ will provide the permit holder written notice and an informal opportunity to be heard on the decision to revoke.
- (c) If a permit holder is found ~~by the special magistrate~~ to have violated the regulations set forth in this article twice within a one-year period, then the City Manager ~~shall~~ may revoke the permit. Prior to revocation, the City Manager or ~~his/her~~ designee ~~shall~~ will provide the permit holder written notice and an informal opportunity to be heard on the decision to revoke.
- (d) Any revocation of a permit under subsections (a) or (b) ~~shall~~ will be for the duration of the current permitting period and for the next subsequent permitting period.
- (e) The decision of the city manager or his/her designee to revoke a permit under subsection (b) or (c) ~~shall~~ will be provided in writing to the permit holder. The revocation decision ~~shall~~ constitutes final administrative agency action.

SECTION 8. It is proposed that Chapter 70, Section 177 of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Sec. 70-177. - Permit fee.

The annual permit fee for a street performer or street artist permit ~~shall be~~ is \$300.00 per person or ensemble, per year. It shall be payable at the time of permit issuance. The permit ~~shall~~ must be renewed every year and a new permit fee paid by the street performer or street artist. The City Commission reserves the right to increase the permit fee from time to time and include such permit fee in the city's fee ordinance.

SECTION 9. It is proposed that Chapter 70, Section 178 of the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended to read as follows:

Sec. 70-178. - Penalties.

- (a) A person charged with violating this article ~~shall be~~ is subject to prosecution and fines under Section 1-12 of the Fernandina Beach Code of Ordinances. An alleged violator may appeal a citation to the special magistrate in accordance with section 2-399 of this Code.
- (b) A street performer or street artist who is located in whole or in part on private property without the consent of the private property owner is subject to prosecution for trespass under Florida State Law.

SECTION 10. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof is held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application must not be affected thereby.

SECTION 11. The provisions of this Ordinance will take effect immediately upon its passage and enactment.

ENACTED this ____ day of _____, 2021.

CITY OF FERNANDINA BEACH

MICHAEL A. LEDNOVICH
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:



CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Ordinance 2020-30
Comprehensive Plan Amendment

ITEM TYPE: Ordinance (w/o fiscal impact)

REQUESTED ACTION: Consider Ordinance 2020-30 at Second Reading.

SYNOPSIS: This Ordinance amends the City's 2030 Comprehensive Plan to address State of Florida mandated legislative requirements for "Peril of Flood," "Seasonal Population," and "Water Supply Facilities Work Plan" as determined by the 2019 Evaluation and Appraisal Review (EAR) report adopted by Resolution 2020-37.

Specifically, revisions are proposed to policies 1.02.04, 4.03.05, 4.03.12, 5.02.08, Objective 5.03, 5.03.12, 5.04.01, 5.04.05, adding new Objective 4.12 Water Supply Facilities Work Plan with supporting policies 4.12.01 through 4.12.05 and adding new policies 5.03.14 through 5.03.22. The City contracted with the Northeast Florida Regional Council to prepare draft amendments to meet minimum compliance with state statutes. At a Special Meeting on July 22, 2020, the Planning Advisory Board met to consider the proposed amendments. The board has issued a recommendation of approval. City Planning staff has also issued a recommendation of approval.

The City Commission must approve the proposed amendments for transmittal to State Land Planning Agency to conduct State Coordinated Review process.

Next Steps: Following the City Commission consideration of the proposed Ordinance, the document will be transmitted to applicable State, Regional, and local agencies as part of the State Coordinated review Process. The review time frame can take between four to six weeks. This item is anticipated to appear for Second Reading in late October 2020.

FISCAL IMPACT: None

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2020-30 at Second Reading.

Kelly N. Gibson, AICP, Planning Director	12/18/2020
Dale L. Martin, City Manager	12/21/2020
Tammi E. Bach, City Attorney	12/21/2020
Katie Newton, Legal Assistant	12/21/2020

Caroline Best

Date: November 17, 2020

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION: Enact

ORDINANCE 2020-30

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, STATING ITS INTENT TO AMEND ORDINANCE 2003-36 IN ACCORDANCE WITH THE RECOMMENDATIONS CONTAINED IN THE ADOPTED EVALUATION AND APPRAISAL REPORT BY RESOLUTION 2020-37; AND APPROVING THE TRANSMITTAL OF SUCH PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR REVIEW IN ACCORDANCE WITH SECTION 163.3184(3), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development; and

WHEREAS, pursuant to Resolution 2020-37, the City Commission of the City of Fernandina Beach adopted its Evaluation and Appraisal Report and stated its intention to amend its Comprehensive Plan in accordance with the recommendations contained therein; and

WHEREAS, the Planning Advisory Board (PAB), acting as the City's Local Planning Agency, considered the application at a Special Meeting on Wednesday, July 22, 2020, and unanimously recommended approval of the proposed amendments; and

WHEREAS, notice of public hearing on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on July 10, 2020.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT. The City Commission finds that the amendments, attached hereto as Exhibit "A."

SECTION 2. TRANSMITTAL OF PROPOSED AMENDMENTS. The City Commission hereby endorses the proposed Comprehensive Plan amendments for transmittal to the State Land Planning Agency for the purpose of a Coordinated State Review in accordance with Section 163.3191, Florida Statutes.

SECTION 3. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding ~~shall~~ must in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. COMPLIANCE. The proposed plan amendments adopted by this Ordinance are not effective until a final order is issued by the State Land Planning Agency finding the amendments to be "in compliance" in accordance with Section 163.3184, Florida Statutes. If the Agency issues a final order finding the amendments not "in compliance," the amendments may nonetheless be made effective by adoption of a Resolution at a public hearing affirming the effective status of the amendments. No development orders or development permits dependent upon these

amendments may be issued, and no development dependent upon these amendments may be undertaken before the amendments become effective.

SECTION 5. This Ordinance ~~shall~~ will become effective immediately upon enactment.

ENACTED this 5th day of January, 2021.

CITY OF FERNANDINA BEACH

MICHAEL A. LEDNOVICH
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

Date of First Reading Advertisement (LPA Hearing):	July 10, 2020
Date of Local Planning Agency (LPA) Hearing:	July 22, 2020
Date of First Reading and Public Hearing:	August 18, 2020
Date of transmittal proposed amendments to State Land Planning Agency:	August 21, 2020
Date of Compliance Report Received from State Land Planning Agency:	
Anticipated Date of Second Reading Advertisement:	October 7, 2020
Anticipated Date of Second Reading and Public Hearing:	October 20, 2020
Date of transmittal adopted amendments to State Land Planning Agency:	

ORDINANCE 2020-30
EXHIBIT “A”

2030 Comprehensive Plan, Coastal Management Element

‘Peril of Flood’ legislative updates depicting through strikethrough/underline the changes made for consistency with Section 163.3178(2)(f), Florida Statutes

Policy 5.02.08 (REVISED)

The City ~~shall~~ must coordinate with DEP in evaluating the location of the Coastal Construction Control Line (CCCL) and must require that any construction activities seaward of the CCCL established pursuant to Chapter 161.058 be consistent with statutory provisions.

Policy 5.04.01 (REVISED)

The City ~~shall~~ must designate Coastal High Hazard Areas (CHHA) on the Future Land Use Map (FLUM) series and ensure the criteria for mitigation found in a coastal high-hazard area is met, as defined in F.S. 163.3178(9). The CHHA is the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, ~~and as mapped in the Storm Tide Atlas 2011 as part of the Regional Evacuation Study.~~

Policy 5.04.05 (REVISED)

~~The City shall maintain a list of infrastructure facilities located in the CHHA which could be relocated, mitigated or replaced should state or federal funding become available for such activities. It is the City’s intent to relocate, replace, or mitigate impacts to listed infrastructure facilities as funds become available. The City must identify and assess all infrastructure located within the CHHA to determine its vulnerability. This vulnerability assessment will be based on data and analysis contained in the adopted Local Mitigation Strategy. Any decision to abandon or relocate infrastructure outside the CHHA following a natural disaster will be based on a benefit-cost analysis of vulnerable infrastructure consistent with the methodology provided for in the Local Mitigation Strategy.~~

REVISED OBJECTIVE: 5.03. FLOOD RESILLENCY, HAZARD MITIGATION, DISASTER PREPAREDNESS, AND POST-DISASTER REDEVELOPMENT

The City ~~shall~~ must protect the safety of residents and visitors through limitations on development within the Coastal High Hazard Area, preparation of a post-disaster plan, ~~and~~ through maintaining evacuation routes and standards for evacuation times and by implementing regulations which serve to reduce risks to human life and property from the effects of coastal flooding, erosion, storm surge, sea level rise, or damage to environmental systems and other natural hazards in the coastal and riverine areas through sound planning practices.

Policy 5.03.12 (REVISED)

Construction in floodplains ~~shall~~ must adhere to local development standards in keeping with the requirements of the National Flood Insurance Program (NFIP). The City ~~shall~~ must maintain and update as needed maps of existing development and densities within the floodplain, FEMA flood zones and repetitive loss maps, storm surge/Coastal High Hazard Area maps, and sea level rise impact maps – identifying current and potential future areas subject to inundation.

Policy 5.03.14

The City must document and maintain maps of extreme high tides (“king tides”), more frequent severe rainfall events, and newly revealed areas at risk of flooding to efficiently target mitigation efforts.

Policy 5.03.15

The City has adopted and must maintain a floodplain management ordinance that establishes requirements to safeguard the public health, safety, and general welfare, and minimizes public and private losses due to flooding through regulation of development in flood hazard areas.

Policy 5.03.16

The City must monitor the floodplain ordinance for consistency with the Florida Building Code and any needed updates, and must ensure that future modifications of flood-resistant construction requirements in the floodplain ordinance continue to be consistent with, or more stringent than, requirements of the Florida Building Code and applicable floodplain management regulations set forth in 44 C.F.R. part 60.

Policy 5.03.17

The City floodplain manager and/or Building Official or designee must review all permit applications and site development plans to determine whether proposed development sites will reasonably be safe from flooding. If a proposed development site is in a flood hazard area, all site development activities (including grading, filling, utility installation, and drainage modification), all new construction and substantial improvements must be designed and constructed with methods, practices and materials that minimize flood damage and that are in accordance with the City floodplain ordinance.

Policy 5.03.18

The City must continue to upgrade stormwater infrastructure through drainage improvements, installation of tidal backflow preventers, and seawall/bulkhead repair in addition to sustainable flood management actions such as installation of bioswales, recharge through drainage wells, use of pervious pavement, maintenance of natural preserve and open space areas, and protection of tidal beaches that will be adaptable to future climate events.

Policy 5.03.19

The City must consider purchasing properties in areas most vulnerable to destructive storm surge and flooding for recreational uses, conservation, and open space, based on availability of funding.

Policy 5.03.20

The City must ensure that adequate debris staging areas exist and that such staging areas are not in the CHHA, the floodplain, wetlands, other environmentally sensitive area, or area with known cultural or archaeological resources.

Policy 5.03.21

The City must continue participation in the National Flood Insurance Program Community Rating System to reduce flood losses, achieve flood insurance premium discounts for residents, and strive toward Higher Regulatory Standards in order to improve the City’s score with each recertification process.

Policy 5.03.22

The City must pursue, through partnerships, hydrologic and hydraulic studies for areas of the City without known base flood elevation information. This information can be used as the basis for updates to Federal Emergency Management Agency (FEMA) flood insurance studies (FIS), flood insurance rate maps (FIRM), and the City's floodplain management ordinance.

2030 Comprehensive Plan, Future Land Use Element

'Seasonal Population' legislative updates depicting through strikethrough/underline the changes made for consistency with Sections 163.3177(6)(a)(4) and 163.3177(6)(a)(8)

Future Land Use Policy 1.02.04.

Decisions on amendments to the FLUM ~~shall~~ must be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;
- b. Zoning districts in the surrounding area;
- c. Demonstration of adequate water supply and water supply facilities;
- d. Appropriateness of the size of the parcel compared to the proposed use;
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;
- g. Compatibility factors;
- h. Impact on adopted levels of service standards and quality of service standards;
- i. Location in a Coastal Upland Protection Zone (CUPZ);
- j. The community vision; and
- k. Allowing for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business. This analysis must analyze at least three aspects of seasonal population: hotel/motel occupants, short-term rentals, and occupancy of second homes. The City must track the best available data on the three aspects of seasonal population, if available. If the data is unavailable then the City will compile the data internally.

2030 Comprehensive Plan, Public Facilities Element

Referenced in the Water Supply Facilities Work Plan depicting through strikethrough/underline the changes made for Consistency with Section 163.3177(6)(c)3, Florida Statutes

Policy 4.03.12.

~~Voluntary water conservation measures as defined by the St. Johns River Water Management District shall be promoted and become mandatory during water shortage emergencies for all potable water users including domestic, public, institutional, industrial, commercial, and agricultural. The City shall must cooperate with SJRWMD during declared water shortage emergencies by conserving water resources and assisting with enforcement of water shortage emergency declaration, orders, and plans (Rule 40C-21, F.A.C., SJRWMD water shortage plan).~~

OBJECTIVE 4.12.

The City shall must maintain a Water Supply Facilities Work Plan as required by Florida Statutes.

Policy 4.12.01.

The City ~~shall~~ must maintain a Water Supply Facilities Work Plan (Work Plan) that is coordinated with SJRWMD's North Florida Regional Water Supply Plan (NFRWSP). The Work Plan and related comprehensive plan policies will be updated, as necessary, within 18 months of an update of the NFRWSP that affects the City.

Policy 4.12.02.

The City's Water Supply Facilities Work Plan (2020-2035) is incorporated into the comprehensive plan as Exhibit A of the Public Facilities Element.

Policy 4.12.03.

The Water Supply Facilities Work Plan ~~shall~~ must identify the water conservation and reuse practices, along with the traditional and alternative water supply projects, necessary to meet existing and future water demands.

Policy 4.12.04.

The Water Supply Facilities Work Plan will incorporate and identify the projects contained in the North Florida Regional Water Supply Plan and selected by the City for implementation (if any).

Policy 4.12.05.

The City will participate in the development of updates to the St. Johns River Water Management District (SJRWMD) Regional Water Supply Plan and other water supply development-related initiatives facilitated by the SJRWMD that affect the City.

2030 Comprehensive Plan, Coastal Management Element

‘Peril of Flood’ Legislative Updates Background Data & Analysis

F.S. 163.3178(2)(f) specifies components that must be contained in the coastal management element required for a local government comprehensive plan. Each must contain a coastal redevelopment component that addresses how to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The redevelopment component must (outlined in sections 1 – 6 below with reference to existing, revised, and new policies):

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.

Existing Policies

Policy 1.07.03 – Requiring compliance with Florida Statute 163.3178(9)(a) prior to approving a density change in land use within the CHHA

Policy 5.03.04 – Providing a hurricane guide to citizens

Policy 5.03.05 – Developing a post-disaster redevelopment plan that provides the basis for executing specific activities during times of natural disaster

Policy 5.04.02 – Requiring proposed development in CHHA to be evaluated for impacts on traffic circulation, evacuation routes, and proximity to off-island shelter facilities

Policy 5.04.03 – Not allowing public expenditures for infrastructure improvements which subsidize increases in development in the CHHA

Policy 5.04.04 – Requiring that, prior to the development of public facilities in the CHHA, it shall be determined that no other feasible sites exist outside the area

Policy 5.04.06 – Meeting standards for construction within coastal high hazard area and flood proofing

Policy 5.04.07 – Prohibiting amendments to the FLUM which result in a net increase in residential density in the CHHA

Policy 5.04.08 – Directing population concentrations, including nonresidential development, away from the CHHA

Policy 5.04.09 – Prohibiting the location of new assisted living facilities, nursing homes, hospitals, or other similar facilities within the CHHA

Policy 5.04.10 – Recognizing sea-level rise as a potential coastal hazard; working with partners and relevant entities to develop strategies for responding to sea-level rise

Revised Policies

Policy 5.04.01 – Designating CHHA on FLUM and ensuring criteria for mitigation found in CHHA is met

New Policies

Policy 5.03.14 – Documenting and maintaining maps of extreme high tides, more frequent severe rainfall events, and newly revealed areas at risk of flooding

Policy 5.03.15 – Maintaining an adopted floodplain management ordinance

Policy 5.03.17 – Reviewing all permit applications and site development plans to determine whether proposed development sites will be reasonably safe from flooding

Policy 5.03.18 – Continuing to upgrade stormwater infrastructure through drainage improvements, installation of tidal backflow preventers, and other site specific techniques

Policy 5.03.20 – Ensuring that adequate debris staging areas exist and that such staging areas are not in the CHHA

2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

Existing Policies

Policy 5.03.05 – Developing a post-disaster redevelopment plan that provides the basis for executing specific activities during times of natural disaster. The PDRP should provide a basis for executing the following activities during times of natural disaster:

Policy 5.03.05 (d) – Analyzing and recommending hazard mitigation options, including reconstruction or relocation of damaged public facilities.

Policy 5.03.05 (e) – Developing a redevelopment plan including limitations on redevelopment in areas which have experienced destruction or severe damage from storm surge, waves, erosion, or other manifestations of storm-driven waters

Policy 5.03.05 (f) – Discouraging the rebuilding and redevelopment of facilities which encourage growth in hazardous areas

Policy 5.03.05 (m) – Considering development credits or transfer of development rights for use as incentives to reduce rebuilding damaged structures in the CHHA

Policy 5.04.08 – Directing population concentrations, including nonresidential development, away from the CHHA

Revised Policies

Policy 5.04.05 – Identifying and assessing all infrastructure located within the CHHA to determine its vulnerability so that decisions on abandonment or relocation outside the CHHA are better informed

New Policies

Policy 5.03.19 – Purchasing properties in areas most vulnerable to destructive storm surge and flooding for recreational uses and open spaces

3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

Existing Policies

Policy 5.04.06 – Requiring permanent building construction to meet the standards of the National Flood Insurance Program and local floodplain protection regulations

Policy 5.03.05 (n) – Recommending techniques and methods that lower densities along the oceanfront, as part of PDRP

Policy 5.05.09 – Protecting recreational and commercial working water fronts, helping to prevent losses from disasters

New Policies

Policy 5.03.22 – Pursuing hydrologic and hydraulic studies for areas of the City without known base flood elevation information

4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

Revised Policies

Policy 5.03.12 – Ensuring that construction in floodplains must adhere to local development standards in keeping with the requirements of the NFIP

New Policies

Policy 5.03.16 – Monitoring the local floodplain ordinance for consistency with the Florida Building Code and any needed updates; and ensuring that future modifications of flood-resistant construction requirements continue to be consistent, or more stringent than, requirements of the Florida Building Code

5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.

Existing Policies

Policy 5.02.09 (a) – Avoiding adverse impacts on the contours and topography 1,000 feet landward of the CCCL

Policy 5.02.09 (b) – Avoiding adverse impacts on the contours and topography for properties eastward of the CCCL

Policy 5.02.12 – Requesting that DEP promptly notify the City of all applications within the City seeking variances or other relief from the CCCL

Revised Policies

Policy 5.02.08 – Coordinating with DEP in evaluating the location of CCCL and require any construction activities seaward of the CCCL be consistent with statutory provisions

6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

Revised Policies

Policy 5.03.12 – NFIP construction standards and mapping of existing development and densities. Ensuring that construction in floodplains must adhere to local development standards in keeping with the requirements of the NFIP

New Policies

Policy 5.03.21 – Continuing to participate in the National Flood Insurance Program (NFIP) Community Rating System (CRS)

Other Existing Generalized Floodplain References

Policy 5.03.12 – NFIP construction standards and mapping of existing development

Policy 5.03.13 – Storage of hazardous materials

Policy 5.04.06 – meeting standards for construction within CHHA area

Policy 5.07.20 – requirements of LDRs

Policy 5.14.08 – Special requirements for development activities within floodplain

Policy 1.02.05 – LDC requirements

Policy 1.02.04 – Decisions on FLUM

Policy 1.03.01 – resource protection, LDRs to address development in floodplain

Objective 4.05 – Stormwater Management, **Policies 4.05.04, 4.05.07, 4.05.12, 4.05.15**

Policy 6.06.01 – city-owned floodplains and conservation lands

Policy 7.03.02 – compatible regulations with Nassau County and SJRWMD

Policy 7.04.10 – Work to establish a single regulatory framework

Policy 10.03.08 – Future School siting outside of flood prone areas

Objective 11.05 – Post-disaster strategies in Historic District

2030 Comprehensive Plan, Future Land Use Element

‘Seasonal Population’ Legislative Updates Background Data & Analysis

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Relevant Excerpts from the 2019 FERNANDINA BEACH EVALUATION AND APPRAISAL REVIEW (EAR)

Excerpt from Part 1, Section 3

The following amendments will be made to address statutory charges:

- Chapters 2011-139 and 2012-99, amending Sections 163.3177(6)(a)(4) and 163.3177(6)(a)(8), Florida Statutes, required and optional elements of the comprehensive plan; studies and surveys. The required updates relate to providing a balance of uses while allowing for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and businesses and accommodating the minimum amount of land needed to achieve these goals, and the analysis required to support changes to the future land use map.

The April 23, 2019 public workshop considered a draft of text addressing this issue. The text below has distributed as it has been used successfully to satisfy State requirements on this issue, and there was significant consensus on the additional, underlined text.

Objective: The amount of land designated for future land uses in the City shall, consistent with community vision, allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business.

Policy: Future Land Use Map amendments shall include the following analyses:

- a. An analysis of the availability of facilities and services. This shall include data and analysis regarding the capacity of the future land use to accommodate the proposed amendment, and data and analysis addressing at least three aspects of seasonal population: hotel/motel occupants, short-term rentals, and occupancy of second homes.
- b. An analysis of the sustainability of the plan amendment for its proposed use considering the character of undeveloped land, soils, topography, natural resources, and historic resources on site.
- c. An analysis of the minimum amount of land needed to achieve the goals and requirements of the Objective above.

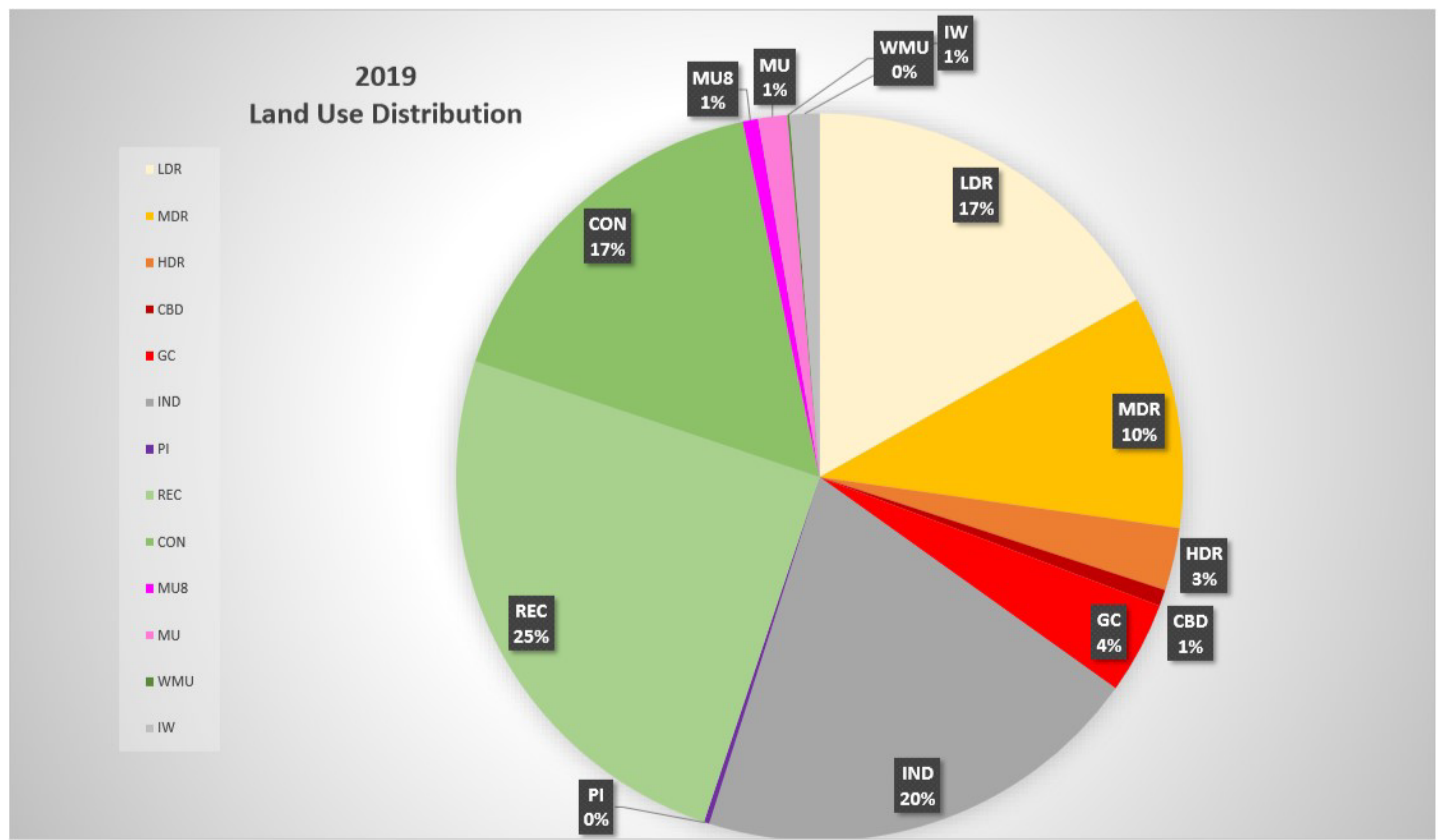
Excerpt from Part 2, Section 3

3) Future Land Use Map Distribution

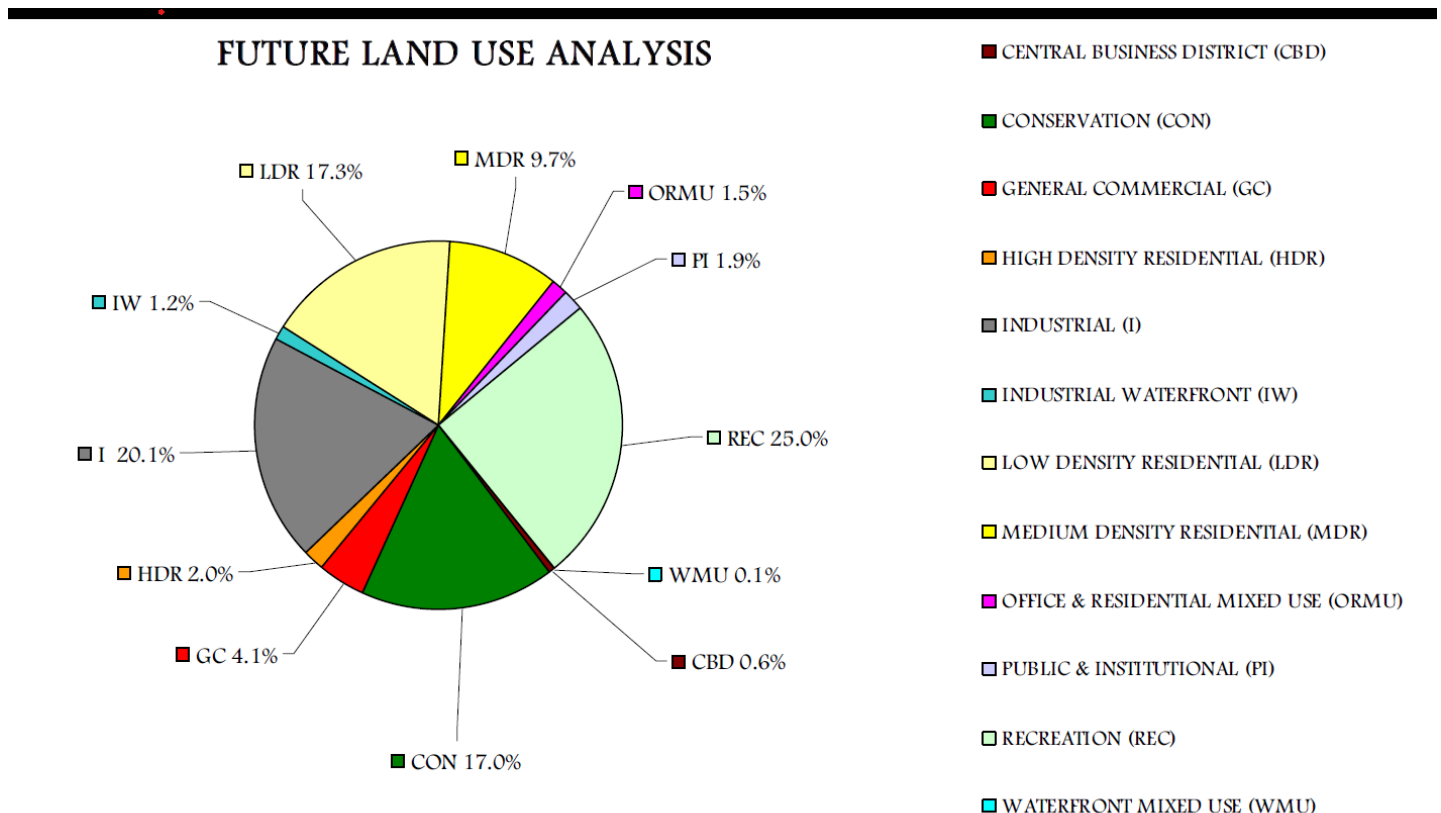
The City is comprised of four primary land use categories: Conservation/ Parks & Open Space, Residential, Commercial and Industrial as depicted on the Future Land Use Map (FLUM). Almost half (42%) of the City is held in conservation or recreational land use. The City’s available residential land makes up another 29%. Just over 21% of the City is held as industrial land and about 4% of the City is commercial. The remaining land use designations are mixed use districts comprised of both commercial and residential uses (CBD, ORMU, and WMU) and public/ institutional lands (PI); combined, these categories hold the remaining 4% of the City’s available land uses.

A comparison of the Future Land Use Map categories in 2009 and 2019 reveals that very little change has occurred to the overall land use composition the City. Some land use categories have marginally changed. The marked increase within the High-Density Residential land use category is attributed to a large-scale annexation within this district. The Central Business District witnessed an increase due to the previously anticipation conversion of lands for properties within the established Community Redevelopment Area (CRA). Nominal change occurred as part of the 8th Street effort which modified General Commercial and Medium Density Residential lands to a new 8th Street Mixed Use designation.

2019 Future Land Use Distribution



2009 Future Land Use Distribution



Residential land uses in Fernandina Beach vary from low densities of four units per acre to high density allowing up to a maximum of ten units per acre. Higher densities are found primarily along the North/South Fletcher Avenue (A1A) beach area and the City's historic "Old Town" area, where the City maintains the original 1811 Spanish plat. The City permits residential, office and retail mixed uses in its Central Business District (CBD) at 34 dwelling units per acre, Office & Residential Mixed Use (ORMU) at eight dwelling units per acre, and Waterfront Mixed Use (WMU) at two dwelling

units per acre future land use categories. Commercial uses within the City are clustered around the dominant commercial “corridors,” located along the major roadways of A1A/S.R.200/ 8th Street, 14th Street and Sadler Road. Only a few commercial land use designations are found along the Fletcher Avenue/ A1A corridor.

Industrial (I) and Industrial Waterfront (IW) land use categories surround the City’s National Register designated historic downtown Central Business District area. West Rock and Rayonier pulp/paper mill factories are located on the north and south ends of downtown. Front Street historically held industrial waterfront related uses such as shrimp docks, processing plants and marinas. Today, the Front Street area is within the City’s Community Redevelopment Area (CRA) and most of the remaining privately-owned small IW properties are eligible to apply for a Waterfront Mixed Use land use designation that provides the opportunity to have both commercial/waterfront industrial and low-density residential uses. The area surrounding the City’s Airport is the other area allocated for industrial land uses.

It is anticipated that Low and Medium Density land use categories will witness the greatest amount of infill development. This equates to just over 700 new single-family residential structure within the 2045 planning horizon.

Table II-4 describes all Future Land Use Map categories containing residential density. Under the existing Future Land Use Map an estimated buildout on existing lots will bring approximately 1990 people to add to the City’s population on a total of 913 new residential structures.

<u>Table II-4.</u> <u>Vacant</u> <u>Residential</u> <u>Lands FLUM</u>	<u>Vacant Land</u> <u>(acres)</u>	<u>Density</u> <u>(dwelling</u> <u>units/acre)</u>	<u>Potential</u> <u>Residential</u> <u>Dwelling Units</u>	<u>Average</u> <u>Household</u> <u>size (2.18)</u>
<u>CBD</u>	<u>0.87</u>	<u>34</u>	<u>30</u>	<u>64</u>
<u>MU</u>	<u>3.97</u>	<u>8</u>	<u>32</u>	<u>69</u>
<u>MU8</u>	<u>0.72</u>	<u>18</u>	<u>13</u>	<u>28</u>
<u>LDR</u>	<u>54.26</u>	<u>4</u>	<u>217</u>	<u>473</u>
<u>MDR</u>	<u>62.37</u>	<u>8</u>	<u>499</u>	<u>1088</u>
<u>HDR</u>	<u>12.24</u>	<u>10</u>	<u>122</u>	<u>267</u>
<u>WI</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>
<u>TOTAL</u>	<u>134.43</u>	<u>84</u>	<u>913</u>	<u>1990</u>

SOURCE: Fernandina Beach Future Land Use Map, US Census Bureau (Avg. Household Size)

2030 Comprehensive Plan, Public Facilities Element

Addressing the Designation of Nassau County as a Water Resource Caution Area

Background Data & Analysis

According to Chapter 163.3177(6)(c) of the Florida Statutes, local governments subject to a Regional Water Supply Plan (RWSP) are required to amend their comprehensive plan to adopt a Water Supply Facilities Work Plan within 18 months of RWSP approval. The Northeast Florida Regional Water Supply Plan, approved in January 2017, designated the planning area as a Water Resource Caution Area. The City is required to update its Comprehensive Plan to address this requirement. A new objective 4.12 has been added with related policies to address this issue, and the Water Supply Facilities Work Plan is proposed to be added to the Public Facilities Element as an Appendix. It is proposed to be added in its entirety and as such, is not presented in underline/strikethrough format.

City of Fernandina Beach Water Supply Facilities Work Plan

Public Facilities Element

Exhibit A

(2020 - 2035)

Prepared by:
Northeast Florida Regional Council
2020

Section 1: Introduction

The purpose of the Fernandina Beach (the City) Water Supply Facilities Work Plan (Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the City's jurisdiction. The Work Plan planning period of 2020-2035 was determined after reviewing the 2035 expiration for the North Florida Regional Water Supply Plan (NFRWSP). At a minimum, it will be necessary to update this document prior to the end of the planning period.

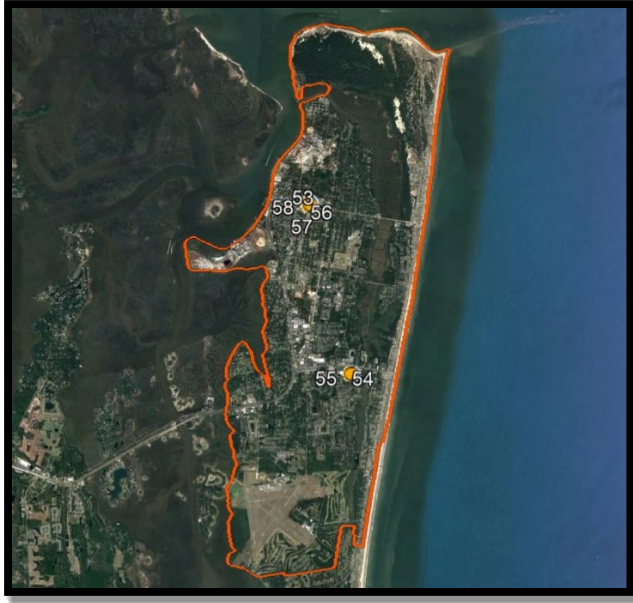
In addition, in accordance with Section 163.3177(6)(c), and Section 163.3177(4)(a), F.S., the City must ensure coordination of its comprehensive plan with the plans of the St. Johns River Water Management District (SJRWMD). Therefore, if SJRWMD updates its NFRWSP and affects the City, it will be necessary to update the Work Plan during the planning period. Public Facilities Element Policy 4.12.01 and related policies contains enabling language to ensure coordination with SJRWMD's plans.

Section 2: Potable Water Supplier(s) and Service Agreement(s)

2.1 Potable and Nonpotable Water Supplier(s) Information

Figure 1 contains a map of the City's potable water service area, with well station locations identified. Within the City's municipal limits, there are six active stations (#53, #54, #55, #56, #57, and #58) permitted for public supply use. The City of Fernandina Beach supplies its own potable water and does not have any agreements with outside water suppliers.

Figure 1: City of Fernandina Beach Water Supply Service Area (Boundaries Depicted in Orange)



2.2 Water Supply Agreements

Nassau County

The City provides potable water and sanitary sewer services to a portion of unincorporated areas within Nassau County. However, the City does not currently have a written agreement with Nassau County regarding these services. The City plans on exploring options for establishing an agreement with Nassau County regarding its provision of utility services.

2.3 Voluntary Annexation Agreements

City of Fernandina Beach and Property Owners Pursuant to 82-44 and 82-403 of the Municipal Code the City extends potable water and sanitary sewer services to properties in unincorporated areas of Nassau County following the execution of a voluntary annexation agreement. As of July 2020, the City has documented 52 agreements which were entered into between the years of 2001-2020. Of this total, four agreements contain properties which are currently contiguous to the City's jurisdictional boundary and will become incorporated by the end of the calendar year. These properties total approximately 40 acres of land. The remaining properties continue to receive City services and pay a 25% surcharge on monthly bills until they become continuous and are eligible for annexation.

Section 3: Potable Water Sources, Demand, Supply, and Facilities

3.1 Water Sources

The City's current Consumptive Use Permit (CUP #122) expires in 2021. The CUP authorizes the use of 2,400.45 million gallons per year of groundwater from the Floridan aquifer to serve an estimated population of 29,601 with potable water for household, commercial/industry, water utility, essential uses and unaccounted for water losses in 2020.

3.2 Potable Water Demand, Supply, and Facility Capacity

Table 2 contains projected population and water demand for the City's potable water service area. The table shows the City's CUP allocation and WTP facility data.

Table 2. City of Fernandina Beach Water Supply Service Area Projections

	2020	2025	2030	2035
Population ¹	21,412	23,315	25,142	25,910
Demand ²	3.75	4.08	4.40	4.53
CUP Allocation (mgd) ³	6.14	6.58	6.58	6.58

¹ North Florida Regional Water Supply Plan (2015-2035), Appendix B.

² Ibid.

³ City's CUP expires in 2021. Therefore, table utilized the CUP allocation for the last year of the CUP [2021] for 2025, 2030, and 2035.

WTP Capacity (mgd) ⁴	18.2	18.2	18.2	18.2
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Table 2 demonstrates that the City has adequate potable water supply and facility capacity to accommodate the existing population and projected growth within its service area throughout the planning period.

Section 4: Non-potable Water Suppliers, Sources, Services, and Facilities

4.1 Non-Potable Water Services

The City of Fernandina Beach owns and operates a 3.5 MGD wastewater treatment plant. One hundred percent of the discharge of wastewater from the WWTP is sent into the Amelia River. In 2020, the average daily flow is 1.71 MGD. The wastewater facility is located at 1007 S. 5th Street in Fernandina Beach, Florida. Recognizing that this discharge is a potential source of nonpotable water, the City has future intentions to study this issue. Policy 4.03.05 addresses the timing and development of a reclaimed water program.

Section 5: Water Supply and Facility Concurrency

5.1 Potable Water Level of Service

The City is ultimately responsible for authorizing development within its municipal limits. All future development and redevelopment in the City shall be compatible with the adopted LOS standards. Policy 4.01.01 contains enabling language that establishes the City's potable water facilities level of service.

5.2 Water Supply and Facility Concurrency

The current legislative requirements for concurrency [i.e., Section 163.3180(2)(a), F.S.] require that the City's comprehensive plan and land development regulations to ensure that adequate water supplies and facilities are available to serve new development no later than the date on which the City anticipates issuing a certificate of occupancy. In addition, the City must, prior to the approval of a building permit, determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy. Policy 4.03.02 contains language that addresses water supply concurrency statute provisions.

Section 6: Water Supply and Facility Capacity Projects – Alternative and Traditional; Potable and Nonpotable

⁴ City of Fernandina Beach Utilities Department.

6.1 Fernandina Beach Water Supply Projects

Fernandina Beach does not currently have any projects listed in the NFRWSP.

Section 7: Water Conservation Practices

The City currently implements water conservation practices, including some that are enabled by comprehensive plan policies.

7.1 Water Source Protection Practices

Water conservation is important to reduce potable water demand. The City's water conservation practices include the following:

- Provide a safe and adequate supply of potable water to meet demands of residents (Policy 4.03.01) (Public Facilities)
- Establish water conservation programs and methods (Policy 4.03.06) (Public Facilities)
- Include standards in City's land development regulations that will assist in achieving a reduction in the current rates of water consumption (Policy 4.03.08) (Public Facilities)
- Promote Voluntary Water Conservation measures and enforce mandate of measures during water shortage emergencies (Policy 4.03.2) (Public Facilities)
- Implement water conservation practices as detailed in the City's CUP (Policy 4.03.15) (Public Facilities)

Section 8: Nonpotable Water (reuse) Practices

The City currently implements reuse practices, including some that are enabled by comprehensive plan policies.

8.1 Reuse Practices

Utilization of reuse water is important to reduce potable water demand. The City's reuse practices include the following:

- Encourage pulp mill industries and City facilities in the reuse of reclaimed wastewater (Policy 4.03.07) (Public Facilities)
- Evaluate the feasibility of a reclaimed water program for uses, such as irrigation, that do not require potable water (Policy 4.03.05) (Public Facilities)
- Include standard in City's land development regulations allowing for installation of irrigation systems designed to accept non potable water and connection to a nonpotable

water distribution system, when feasible, and available (Policy 4.03.08) (Public Facilities)

- Retrofit existing public irrigation systems to utilize reclaimed water or other non-potable water sources as soon as it becomes available (Policy 4.03.11) (Public Facilities)



**MINUTES
PLANNING ADVISORY BOARD
SPECIAL MEETING (VIRTUAL)
JULY 22, 2020
5:00 PM**

The Special Planning Advisory Board Meeting was held as a VIRTUAL MEETING with board members and City staff participating through video conferencing. This virtual meeting was 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 5:00

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT VIRTUALLY

*Genece Minshew (Chair) (Physical Presence)
Jenny Schaffer (Vice-Chair) (Virtual Presence)
Victoria Robas (Virtual Presence)
Barbara Gingher (Virtual Presence)*

*Mark Bennett (Virtual Presence)
Peter Stevenson (Physically Presence)
John Boylan (Virtual Presence)*

MEMBERS ABSENT:

OTHERS PRESENT PHYSICALLY

*Tammi Bach, Board Attorney (Physical Presence)
Kelly Gibson, Planning Director (Physical Presence)
Sylvie McCann, Recording Secretary (Physical Presence)*

Chair Minshew welcomed member Gingher and Member Boylan as new voting members. She clarified the terms of each member with member Gingher's term ending on December 31, 2021 and member Boylan's term ending December 31, 2022.

2. PLEDGE OF ALLEGIANCE

3. NEW BUSINESS

3.1 Evaluation and Appraisal Report (EAR) Amendments for Legislative Compliance:

The Northeast Florida Regional Council will present required amendments addressing State of Florida mandated legislative requirements for "Peril of Flood," "Seasonal Population," and "Water Supply Facilities Work Plan" as determined by the 2019 Evaluation and Appraisal Review (EAR) report.

Specifically, revisions are proposed to policies 1.02.04, 4.03.05, 4.03.12, 5.02.08, Objective 5.03, 5.03.12, 5.04.01, 5.04.05, adding new Objective 4.12 Water Supply Facilities Work Plan with supporting policies 4.12.01 through 4.12.05 and adding new policies 5.03.14 through 5.03.22.

Amendments are available for review as part of this agenda item and on the City's Website at www.fbfl.us/EAR.

Chair Minshew thanked the Tree Conservation staff for a great analysis.

Ms. Gibson provided a brief recap of the EAR discussion which took place at the July 8th, 2020 Regular PAB Meeting.

Board members reviewed the proposed amendments to the 2030 Comprehensive Plan, Coastal Management Elements, “Peril of Flood” - Policy 5.02.08, Policy 5.04.01, and Policy 5.04.05 and suggested some changes. All members agreed to the proposed and suggested changes.

They also reviewed the proposed amendments to Objective 5.03 “Flood Resiliency” with Policies 5.03.12, 5.03.14, 5.03.15, 5.03.16, 5.03.17, 5.03.18, 5.03.19, 5.03.20, 5.03.21 and Policy 5.03.22. Member also suggested some changes with Sean Lahav, virtually present, providing some clarification. All members agreed to the proposed and suggested changes.

Board member then moved on to the Seasonal Population 2020 text amendment, Future Land Use Policy 1.02.04 and discussed map discrepancy, water availability and data of occupancy for second home and rentals. All members agreed to the proposed and suggested changes.

Board members reviewed amendments to the Water Supply Work Plan 2020 and discussed and agreed to some proposed and suggested changes in Exhibit B.

Public Hearing was opened.

Margaret Kirkland, from the Tree Conservancy, mentioned that these changes were good suggestions and is looking forward to discussing these topics further.

Public Hearing was closed

ACTION TAKEN:

A motion was made by Member Stevenson, seconded by Member Bennett to approve all suggested changes mentioned. Motion was approved by all member by voice vote, being all ayes, carried.

4. BOARD BUSINESS

Chair Minshew commented that she contacted the chair of the HDC regarding LDC language about TV and solar panels. She mentioned that Mr. Spino, Chair of the HDC, will be at the August 12, 2020 PAB meeting to discuss further.

Chair Minshew then spoke about the next step in the EAR process. She mentioned that next Thursday there is a meeting to review the Request For Proposals consultant applications submitted. She also spoke of Mr. Martin’s speaking of the creation of a Planner/Project Manager position, this during the July 21, 2020 City Commission meeting. Chair Minshew also mentioned that she would arrange a meeting with Mr. Martin to discuss this further. Member Robas asked if this position was a full-time position. Commissioner Lednovich, physically present, commented that this position is temporary.

5. STAFF REPORT

6. PUBLIC COMMENT

7. ADJOURNMENT 5:56

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

September 3, 2019

Ms. Kelly N. Gibson, AICP
Planning Director
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

RE: Fernandina Beach Evaluation and Appraisal Notification Letter

Dear Ms. Gibson:

This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter which was due on September 1, 2019, and received by the Department on August 30, 2019.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to the Department by **August 30, 2020**, within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes. The amendments are subject to the State Coordinated Review Process as outlined in Section 163.3184(4), Florida Statutes.

Ms. Sherry Spires of the Department's staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at (850) 717-8499.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendments, please contact Mr. Ray Eubanks, Plan Processing Administrator, at (850) 717-8483.

Sincerely,

D. Ray Eubanks
Plan Processing Administrator

DRE/me

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.



CITY OF FERNANDINA BEACH

Department of Planning & Conservation

Kelly Gibson, AICP

Planning Director

August 27, 2019

Mr. James Stansbury
Division of Community Development
Florida Department of Economic Opportunity
Office of Community Planning
107 Madison Street
Tallahassee, Florida 32399

Attention: Ray Eubanks, Plan Processing Administrator

RECEIVED
Div. of Community Planning and Growth
AUG 30 2019

Div. of Community Planning and Growth
Dept. Economic Opportunity

Re: City of Fernandina Beach Evaluation and Appraisal Notification Determination

Dear Mr. Stansbury:

Pursuant to Florida Statutes Section 163.3191, at least once every seven years local governments must evaluate their comprehensive plans to determine if changes are necessary to reflect changes to state requirements in Chapter 163, Part II of the Florida Statutes since the last update to the plan. Our City is required to submit the results of that review to the Florida Department of Economic Opportunity by September 1, 2019. Additionally, the City will review the planning timeframe and applicable data analysis and update the plan accordingly. In accordance with these provisions, the City of Fernandina Beach hereby submits our notification of necessary evaluation and appraisal plan amendments.

The following amendments will be made to address statutory charges:

- Chapters 2011-139 and 2012-99, amending Sections 163.3177(6)(a)(4) and 163.3177(6)(a)(8), Florida Statutes, required and optional elements of the comprehensive plan; studies and surveys: The required updates relate to providing a balance of uses while allowing for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and businesses and accommodating the minimum amount of land needed to achieve these goals. The City's amendments will reflect a balanced approach to address statutory requirements working together with the Comprehensive Plan goals of environmental protection, concurrency, and growth management.
- "Peril of Flood": Goals, objectives and policies will be added as appropriate to address the new requirements of Section 163.3178 regarding flood risk.

The following amendments will be made to address the designation of Nassau County as a Water Resource Caution Area:

- Chapter 163.3177(6)(c) Florida Statutes requires that local governments within Water Resource Caution Areas adopt a Water Supply Facility Work Plan and adopt comprehensive plan amendments related to it.

Additional amendments will be made to the Comprehensive Plan to address identified local issues.

Sincerely,

Kelly N. Gibson, AICP
Planning Director

FERNANDINA BEACH EVALUATION AND APPRAISAL REVIEW (EAR) REPORT



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- 1) Managing growth
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- 2) Multi-modal Transportation Element
- 3) Housing Element
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- 5) Conservation and Coastal Management Element
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- 8) Capital Improvements Element
- 9) Port Element
- 10) Public School Facilities Element
- 11) Historic Preservation Element
- 12) Economic Development Element
- 13) Comprehensive Plan Implementation Measures

Part 1. OVERVIEW

1) Overview of Process

The State of Florida requires communities to review and assess their Comprehensive Plans periodically. The City of Fernandina Beach evaluation and appraisal report, which is frequently simply a letter outlining in general terms what is anticipated to be changed in the plan, and why. Once that letter is received by the Department of Economic Opportunity, the jurisdiction has one year to make changes to the plan. The City of Fernandina Beach opted to seek public input into the current plan, including what was working and what requires change. The Northeast Florida Regional Council (NEFRC) was engaged to facilitate the public conversation, document it, and produce a document in a format like the evaluation and appraisal of the Comprehensive Plan in 2009. Public input and the detailed input of members of the Planning Advisory Board were the principal sources for the local major issues and suggested changes to the plan.

2) Public Participation

The City of Fernandina Beach held four public open house meetings to gather input on the current plan from residents and business owners. These were held on April 23, 25, 28, and 30 of 2019, in four different, publicly accessible locations throughout the City. The open houses were well-attended, and participation was robust. Each open house focused on related elements of the current plan, and efforts were made to match the location to the topic where this was possible. Below is the flyer used as an invitation to the meeting.

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The meeting format was consistent. NEFRC staff provided a quick overview of the comprehensive planning process in Florida and the need for an evaluation and appraisal of the current, 2030 Comprehensive Plan. The input gathered on the current plan was to be used to create an Evaluation and Appraisal Report on the 2030 plan to be submitted to the State by September 1, 2019. That work, along with any comments on the report received by the State and its reviewing agencies, would be used to update the plan into the 2040 Comprehensive Plan. That update will be due by approximately September 1, 2020.

3) Legislative and Regulatory Changes

The following amendments will be made to address statutory charges:

- Chapters 2011-139 and 2012-99, amending Sections 163.3177(6)(a)(4) and 163.3177(6)(a)(8), Florida Statutes, required and optional elements of the comprehensive plan; studies and surveys. The required updates relate to providing a balance of uses while allowing for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and businesses and accommodating the minimum amount of land needed to achieve these goals, and the analysis required to support changes to the future land use map.

The April 23, 2019 public workshop considered a draft of text addressing this issue. The text below was distributed as it has been used successfully to satisfy State requirements on this issue, and there was significant consensus of the additional, underlined text.

Objective: The amount of land designated for future land uses in the City shall, consistent with community vision, allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business.

Policy: Future Land Use Map amendments shall include the following analyses:

- a. An analysis of the availability of facilities and services. This shall include data and analysis regarding the capacity of the future land use to accommodate the proposed amendment, and data and analysis addressing at least three aspects of seasonal population: hotel/motel occupants, short-term rentals, and occupancy of second homes.
 - b. An analysis of the sustainability of the plan amendment for its proposed use considering the character of undeveloped land, soils, topography, natural resources, and historic resources on site.
 - c. An analysis of the minimum amount of land needed to achieve the goals and requirements of the Objective above.
- Chapter 2015-69, section 1, amending Section 163.3178, adding requirements to the Coastal Management Element to reduce the flood risk in coastal areas that result from high tide events, storm surge, flash floods, stormwater runoff and the related impacts of sea level rise.

The following amendments will be made to address the designation of Nassau County as a Water Resource Caution Area:

- Chapter 163.3177(6)(c) Florida Statutes requires that local governments within Water Resource Caution Areas adopt a Water Supply Facility Work Plan and adopt comprehensive plan amendments related to it.

Part 2. COMMUNITY ASSESSMENT

1) CHANGES IN LAND AREA- The City's current boundary measures at 12.49 square miles. Its land area represents just under 2% of Nassau County. Growth of the City is overwhelmingly dependent upon annexation through its provision of water and sewer services to area residents which abut the City's jurisdictional limits. Over the past 10 years, the City has increased its land area by approximately ½ a square mile, with the Crane Island development representing roughly half that land area in 2018. It is anticipated that the City will continue to experience a similar rate of growth into the next planning horizon. This will be witnessed through the execution of voluntary annexation agreements and anticipated development along the City's southern boundaries. **Table II-1** identifies the annexations which occurred between 2009-2019.

Table II-1. Annexations 2009-2019 (with missing 2003 case)

ORDINANCE NUMBER	TOTAL ACREAGE	OWNER	ADDRESS	DATE
2002-39 / RESO 2003-15	5.58	Joseph S. Francis M. Lee	2707 Sadler Rd	1/21/2003
2009-13	0.492	Richard A. & Kimberly Crawford	1220 S. 14th Street	9/1/2009
2010-28	2.67	COFB	2203 Ryan Road	10/19/2010
2012-24	2.06	Steve Johnson	1505 S. 14th St	11/7/2012
			1545 S. 14th St	11/7/2012
			1551 S. 14th St	11/7/2012
2013-04	0.71	CEMR Inc.	1463 Nectarine St	6/4/2013
(total 8.52)	4.75	Various	1601 Nectarine St	6/4/2013
	0.83	Trevett Homes Inc.	1603 Nectarine St	6/4/2013

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	2.23	Nassau BOCC	1620 Nectarine St	6/4/2013
2013-30	22.1	Various	2851 Bailey Road	11/19/2013
2013-38	4.47	Kermit G. Philipps Charitable Trust	Hirth Road	1/7/2014
2013-41	6.53	Kermit G. Philipps Charitable Trust	Hirth Road	1/7/2014
2014-08	1.18	Just Amelia LLC	960030 Gateway Blvd	5/20/2014
(Total 17.46)	1.22	Zions First Nat. Bank	960062 Gateway Blvd	5/20/2014
	0.33	Gaspar Holdings LLC	960062 Gateway Blvd	5/20/2014
	2.31	J Twenty-Nine Eleven LLC	960108 Gateway Blvd	5/20/2014
	1.31	Starmax Florida LLC	960144 Gateway Blvd	5/20/2014
	1.66	Various	960135 Gateway Blvd	5/20/2014
(reso 2013-45)	0.81	Hess Realty LLC	3100 S 8th Street	5/20/2014
	2.9	Gateway to Amelia	961687 Gateway Blvd	5/20/2014
	1.24	Gateway Commons	960185 Gateway Blvd	5/20/2014
	1.27	Gateway Commons	960194 Gateway Blvd	5/20/2014
	1.29	Corner Stone of Amelia	9900 A I Parkway	5/20/2014
	1.88	FPU	3076 S. 8th Street	5/20/2014
2014-31	1.3	Steve Johnson	1505 S. 14th St	12/2/2014

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2015-02	15.7	Summerwoods of Amelia	AI Pkwy / Hirth Rd (Riverbend)	7/21/2015
2015-31	0.46	James Hardwick	3133 Bailey Road	12/15/2015
	4.43	James Hardwick	3141 Bailey Road	12/15/2015
2016-24	0.96	Aspire at Amelia II LLC	3017 Amelia Road	10/4/2016
(total 7.91)	6.95	Aspire at Amelia II LLC	3021 Amelia Road	10/4/2016
2016-35	9.26	First National Bank South	S. 14th + Lime Street	1/17/2017
2018-22	0.46	Louis A & Rosemarie C. Llerandi	1336 S. 14 Street	9/18/2018
(total .66)	0.2	Louis A & Rosemarie C. Llerandi	1451 Nectarine St	9/18/2018
2018-25	0.57	Prestar LTD	TJ Courson	9/18/2018
2018-33	187.29	Crane Island	Crane Island	2/19/2019
2018-45	0.61	AI Pkwy / Entry to Aspire	The Aspire at Amelia LLC	1/15/2019
TOTAL ACREAGE	298.012			

2) POPULATION TRENDS AND ESTIMATES

Fernandina Beach has experienced stable growth increases over the past 50 years. During the decade between 1960 -1970 the City's population dropped by roughly 300 people. This decrease may be attributed in part to the September 1964 hurricane, Hurricane Dora. Dora, with 110 mph winds, severely damaged the City's waterfront and downtown CBD causing over \$3.1 billion (1995 USD) in damages to the Northeast Florida region (NOAA-American Meteorological Society). The City was able to recover from a 4% population decrease by 1980 and grew at a more rapid rate of roughly 20% in the two decades (1980-2000) that followed, respectively. The City's population estimate in 2010 indicated less than 8% growth within that decade. When viewed collectively, the City has maintained a steady rate of growth measuring around 1% each year since 1960. **Table II-2** displays the population estimates and changes for the City for the decades between 1960 and 2010. **Table II-3** illustrates an estimated continued pattern of growth at 1% annually between the years of 2010-2019.

This annual trend is forecasted to continue through the next planning horizon with the City's estimated population nearing 14,500 by the year 2045 according to the University of Florida, Bureau of Economic and Business Research (BEBR) population models. Models indicate most of the growth is expected early within the planning horizon and predict even slower rates of increase as we near the year 2045. Forecasting models predict that the City's 2070 population will be near 15,000 people. The City's share of the County's population is expected to decline over the next 25 years. By 2045, the City's population will comprise approximately 13% of the County's overall population. Based on BEBR projections Nassau County is expected to grow about 5% between 2020-2025. The average annual rate of population increase for Nassau County is anticipated to decline to around 1% by 2045. Between 2025-2045, Nassau County is expected to grow by almost 23,800 people of which the City's share of population is approximately 2,300 new residents during the same timeframe." *These figures are expected to be refined with the final population model prepared by BEBR in late- December 2019.*

Table II-2. Historical US Census Counts for Fernandina Beach, Florida

YEAR	POPULATION ESTIMATE	NUMERICAL CHANGE	PERCENTAGE CHANGE	ANNUAL RATE OF GROWTH
1960	7276			
1970	6955	-321	-4.41%	
1980	7224	269	3.87%	0.39%
1990	8765	1541	21.33%	2.13%

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2000	10654	1889	21.55%	2.16%
2010	11487	833	7.82%	0.78%
GROWTH 1960-2010			55%	
AVG. ANNUAL RATE OF GROWTH				1%
<i>Source: Population Division, US Census Bureau 1960-2010</i>				

Table II -3. Fernandina Beach Estimated Population Change 2010-2019

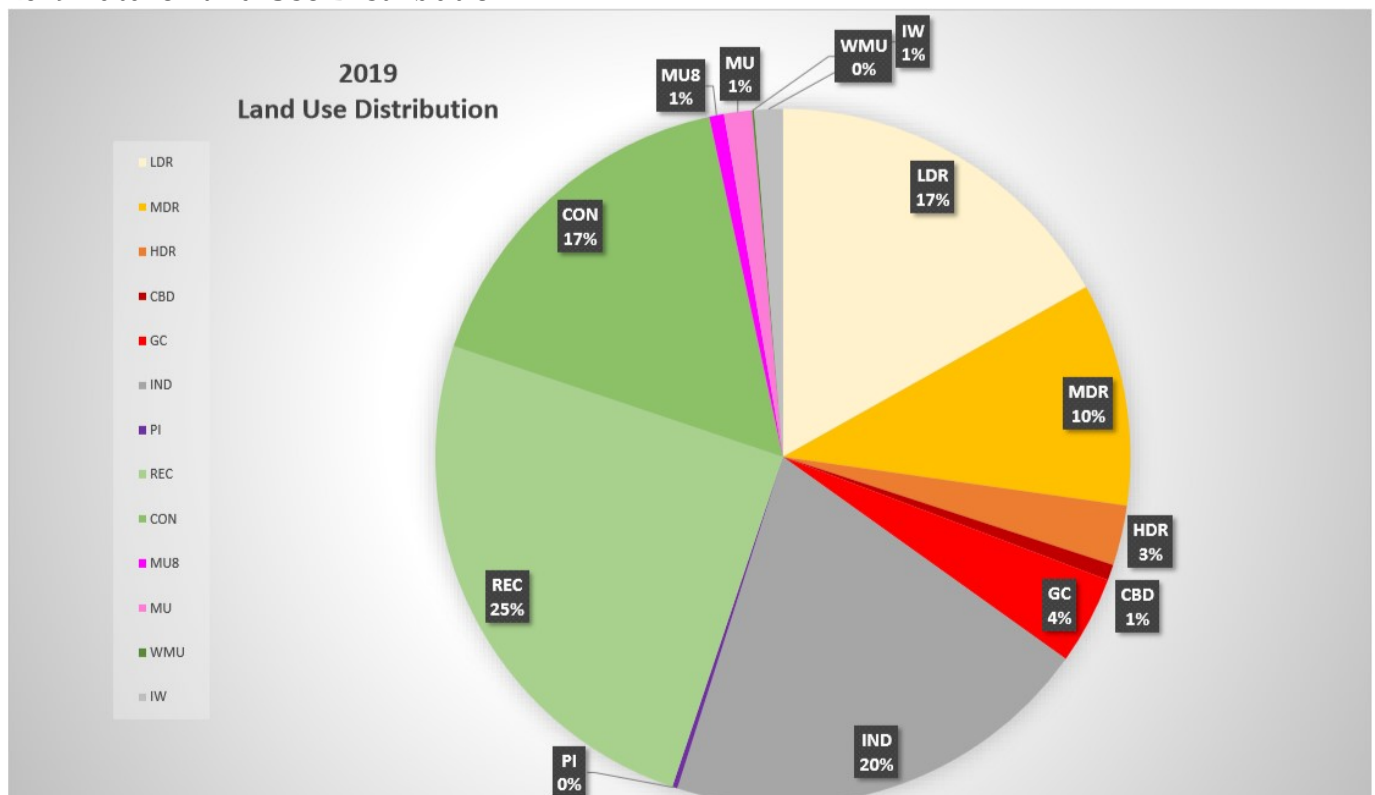
YEAR	EST. POPULATION	NUMERICAL CHANGE
2010	11,487	
2011	11,409	-78
2012	11,486	77
2013	11,524	38
2014	11,636	112
2015	11,705	69
2016	11,881	176
2017	11,960	79
2018	12,234	274
2019	12,558	324
% Change in 9 Years = 9.32%		
Annual Rate of Growth = 1%		
<i>Source: US Bureau, American Community Survey 2010 - 2019</i>		

3) Future Land Use Map Distribution

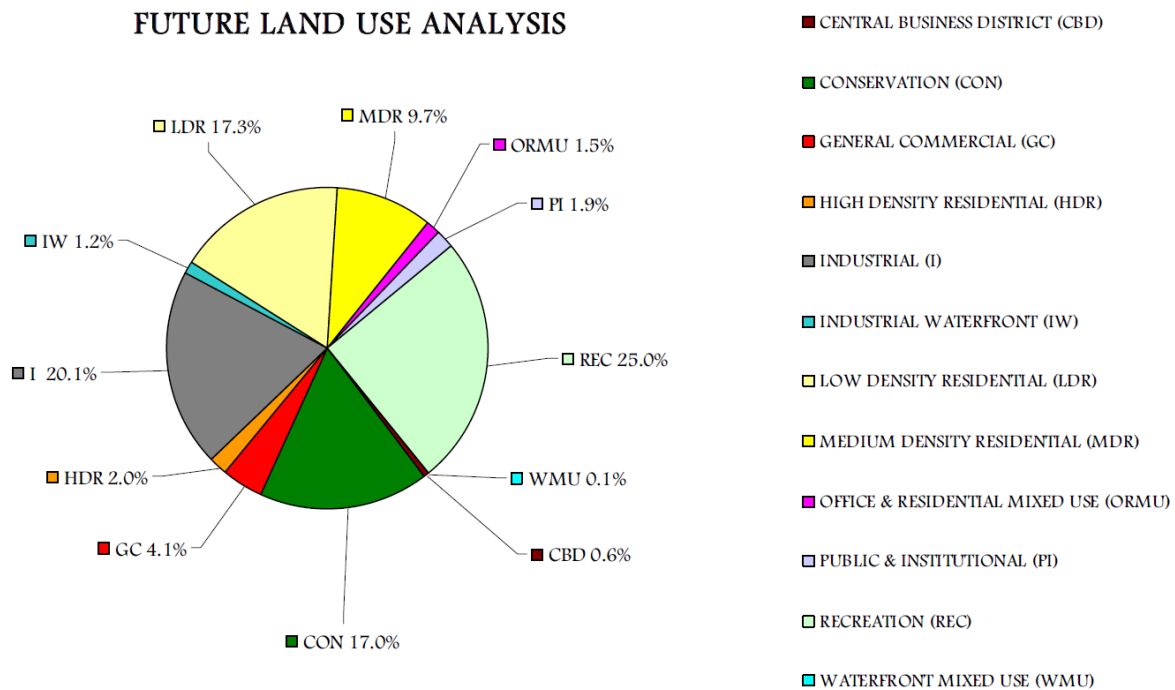
The City is comprised of four primary land use categories: Conservation/ Parks & Open Space, Residential, Commercial and Industrial as depicted on the Future Land Use Map (FLUM). Almost half (42%) of the City is held in conservation or recreational land use. The City's available residential land makes up another 29%. Just over 21% of the City is held as industrial land and about 4% of the City is commercial. The remaining land use designations are mixed use districts comprised of both commercial and residential uses (CBD, ORMU, and WMU) and public/ institutional lands (PI); combined, these categories hold the remaining 4% of the City's available land uses.

A comparison of the Future Land Use Map categories in 2009 and 2019 reveals that very little change has occurred to the overall land use composition in the City. Some land use categories have marginally changed. The marked increase within the High-Density Residential land use category is attributed to a large-scale annexation within this district. The Central Business District witnessed an increase due to the previously anticipation conversion of lands for properties within the established Community Redevelopment Area (CRA). Nominal change occurred as part of the 8th Street effort which modified General Commercial and Medium Density Residential lands to a new 8th Street Mixed Use designation.

2019 Future Land Use Distribution



2009 Future Land Use Distribution



Residential land uses in Fernandina Beach vary from low densities of four units per acre to high density allowing up to a maximum of ten units per acre. Higher densities are found primarily along the North/South Fletcher Avenue (A1A) beach area and the City's historic "Old Town" area, where the City maintains the original 1811 Spanish plat. The City permits residential, office and retail mixed uses in its Central Business District (CBD) at 34 dwelling units per acre, Office & Residential Mixed Use (ORMU) at eight dwelling units per acre, and Waterfront Mixed Use (WMU) at two dwelling units per acre future land use categories. Commercial uses within the City are clustered around the dominant commercial "corridors," located along the major roadways of A1A/S.R.200/ 8th Street, 14th Street and Sadler Road. Only a few commercial land use designations are found along the Fletcher Avenue/ A1A corridor.

Industrial (I) and Industrial Waterfront (IW) land use categories surround the City's National Register designated historic downtown Central Business District area. West Rock and Rayonier pulp/paper mill factories are located on the north and south ends of downtown. Front Street historically held industrial waterfront related uses such as shrimp docks, processing plants and marinas. Today, the Front Street area is within the City's Community Redevelopment Area (CRA) and most of the remaining privately-owned small IW properties are eligible to apply for a Waterfront Mixed Use land use designation that provides the opportunity to have both commercial/waterfront industrial

and low-density residential uses. The area surrounding the City's Airport is the other area allocated for industrial land uses.

It is anticipated that Low and Medium Density land use categories will witness the greatest amount of infill development. This equates to just over 700 new single-family residential structure within the 2045 planning horizon. **Table II-4** describes all Future Land Use Map categories containing residential density. Under the existing Future Land Use Map an estimated buildout on existing lots will bring approximately 1990 people to add to the City's population on a total of 913 new residential structures.

Table II-4. Vacant Residential Lands

FLUM	Vacant Land (acres)	Density (dwelling units/acre)	Potential Residential Dwelling Units	Average Household size (2.18)
CBD	0.87	34	30	64
MU	3.97	8	32	69
MU8	0.72	18	13	28
LDR	54.26	4	217	473
MDR	62.37	8	499	1088
HDR	12.24	10	122	267
WI	0	2	0	0
TOTAL	134.43	84	913	1990

SOURCE: Fernandina Beach Future Land Use Map, US Census Bureau (Avg. Household Size)

4) DEMOGRAPHIC PROFILE

The City of Fernandina Beach demographic profile based on 2010 Census data is summarized in **Table II-5**. The City's household size is less than the national average and its population is 13 years older than the US average age (37.2). Similar to other Florida cities, Fernandina Beach tends to have an older population with almost 10% more people aged 65+ compared to the national average of 13%.

Table II-5. Demographic Snapshot

CATEGORY	FIGURE
Population (2010 Census)	11,487 people
Average Household Size	2.18 people
Average Family Size	2.65 people

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Speaks Language other than English at Home	1,031 people
Median Age	50 years old
65 years and over	22.3% of the population
Per Capita Income (2010 dollars)	\$30,019
Median Family Income (2010 dollars)	\$61,523
Owner Occupied Housing units	3,464 units
Renter Occupied Housing Units	1,712 units
Vacant Housing Units	1,888 units
Mean Travel Time to Work	26 minutes

Source: US Census Bureau, American Community Survey

5) INTERNAL AND EXTERNAL ECONOMIC FACTORS

The City of Fernandina Beach is located about 35 miles from downtown Jacksonville on Amelia Island, roughly half an hour from Jacksonville International Airport. The City is served by two major railways (First Coast Rail and CSX) and is home to a natural deep-water port. Fernandina Beach provides a unique combination of pristine beaches and a small-town atmosphere. The City's economy is diverse, ranging from tourism-based employment to pulp and paper mill industries to charter fishing and shrimping. The Port of Fernandina, operated by the Nassau County Ocean Highway and Port Authority, continues to play a crucial role in future economic development. The significance of its role has been recognized by its inclusion in the Florida Strategic Intermodal System (SIS) Plan of the Florida Department of Transportation (FDOT). The Fernandina Beach Airport, located on 602 acres and operated by the City, has general aviation and transport facilities. Recent investments at the airport include a new terminal.

The targeted industries that have the potential to be eligible for incentives from Nassau County have changed since the last review of the Comprehensive Plan. They now include Aviation and Aerospace, Health and Life Sciences, Manufacturing, Defense and Homeland Security, Information Technology, Financial and Professional Services, Logistics and Distribution, Cleantech, Corporate Headquarters, and Research and Development. Fernandina Beach has maintained its manufacturing uses and the jobs they support. According to the Bureau of Workforce Statistics and Economic Research at the Florida Department of Economic Opportunity, the most jobs by industry in Workforce Development Area 8, which includes Nassau County, are Trade, Transportation and Utilities, with the most jobs, followed by Education and Health Services, Professional and Business Services, Financial Activities, Construction, and Self-Employment. That data source also identifies the fastest growing industries in Area 8

(those projected to grow more than 15% between 2018 and 2026) as Ambulatory Care Health Services (25.4%), Educational Services (19.5%), Professional, Scientific and Technical Services (15.5%) and Food Services and Drinking Places (15.4%). Of those, all but Educational Services are projected to add 15% or more to the number of people they employ. Nassau County's unemployment as of April 2019 was 2.7%.

On the local level, the City of Fernandina Beach has focused on its downtown and commercial corridors. In 2015, it was designated a Florida Main Street Community. This program of the Florida Department of State, Bureau of Historic Preservation is a technical assistance program for traditional historic commercial corridors. The Nassau County Chamber of Commerce, the City of Fernandina Beach, the Nassau County Economic Development Board and business and community leaders make up the Board of Directors that oversees this program with the goal of generating greater economic stability for downtown. This includes revitalizing the area by encouraging reuse of vacant buildings, creating civic pride, and preserving the historic aspects that make downtown Fernandina Beach unique. In addition, the City has focused on the commercial corridor at 8th Street as the gateway to downtown and updated the land development regulations in the area to support infill, redevelopment and economic opportunities.

Part 3. LOCAL MAJOR ISSUES

1. Managing Growth

One takeaway from the community meetings was the need for a philosophical read and revision of the comprehensive plan to acknowledge that manmade and natural systems are stressed, and changes need to be made to ensure that they are not further stressed.

2. Implementation

Mechanisms to implement the comprehensive plan need to be examined and modernized as needed, and ways to fund robust implementation and enforcement of rules are needed.

Intergovernmental Coordination

Especially on Amelia Island, agreed upon policies that outline the parameters of collaboration are needed. Nassau County, the School District and the Military are important partners, but State and regional agencies will also be required to succeed in addressing the local major issues.

Part 4. ASSESSMENT OF PLAN GOALS, OBJECTIVES AND POLICIES

The following are overall observations of the themes that came out of each of the public discussions on each element. It is not reflective of every issue raised in the four public meetings and transcriptions of public comment and other relevant materials are posted on the [website](#), accessed from the NEFRC homepage at www.nefrc.org.

1. Future Land Use Element

Adaptive reuse should be incentivized over new development. Resiliency to wind and flooding should be required in new construction and significant retrofits, and subject to rigorous enforcement. Low impact and sustainable development should be strictly defined and required, as opposed to encouraged. The new policy considered to address Sections 163.3177(6)(a)(4) and 163.3177(6)(a)(8), Florida Statutes was recommended to be balanced by policies that ensure the quality of life for full-time residents. It was mentioned in the context of the future land use categories that changes from the conservation or recreation/open space future land use category should not be considered unless approved by a voter referendum. An overall theme was that the policy context that encourages development needs to be replaced by a policy of growth management, relying on good data regarding capacity and analysis that anticipates future conditions including climate change and anticipated development in all impact areas including schools, clear rules that require that developers provide reliable and verifiable data and analysis so that impacts may be assessed, clear policies on when development is appropriate or not, and rigorous enforcement. It came up in several discussions that the example of Monroe County's process for consideration of changes to the future land use map should be considered.

2. Multi-modal Transportation

Congestion issues were extensively discussed at the April 30, 2019 meeting on this element. All major roads present a problem, including state and county roads. 8th Street is a problem. Several approaches were discussed including a toll on the bridge, congestion pricing, and charging for beach parking. Ultimately it was discussed that the options and the feasibility of their implementation needs to be studied. This might be a project fundable through the TPO, and it could look both at revenue for the city to address mobility costs as well as congestion. There was consensus on the need to establish a mobility fee, as a mechanism to charge new developments for their share of added traffic, and to take another look at how potential impacts to traffic are assessed and how

concurrency is enforced. The fee would fund transportation projects including bike trails. The need for a City-wide network for bike trails was identified, along with the need for education on bicycle safety. There was consensus on the need for a roundabout at Atlantic and South Fletcher.

3. Housing

The April 23, 2019 discussion included emphasis on resiliency and affordability in housing construction, and the need for consistent and rigorous enforcement of City codes. There were concerns expressed regarding the need for maintenance and protection of existing subsidized and affordable housing. Concerns were expressed that it might be unrealistic to envision much more new affordable housing in the City, given limited opportunities for new or redevelopment. There was some consensus on the elimination of Policy 3.03.10, the policy which suggests offering incentives such as lessening of development requirements to those who would build affordable housing. There was discussion that incentives would be better used to facilitate the reuse of existing buildings or infill development rather than building on sites that have never been developed. Partnerships with the county might result in more units with a better chance of sustaining affordability. Public transit will be needed to ensure that there is access to housing and jobs in the City and county. There was consensus that the number of trees should increase as new houses are constructed, and that the protection of conservation areas needs to be enhanced. It was noted that the capacity of green and man-made infrastructure needs to be revisited and understood before new housing is considered. The overall theme that the concurrency system needs to be reviewed, modernized to reflect current conditions and capacities and strictly enforced came up in the context of housing.

4. Public Facilities

At the April 30, 2019 meeting, it was discussed that the Water Supply Facility Work Plan that will be added to the comprehensive plan should include high volume users. A handout was provided as an overview of the requirements of such a plan. The need for better data on the capacity of the Floridan Aquifer, the potential for increased salinity due to sea level rise and the amount of water available for withdrawal based on permitting was noted as being necessary in order to develop a meaningful concurrency standard. The need to eliminate septic tanks and assist homeowners with the expense was noted. Overall, the need to collaborate with the county on all aspects of the capacity of systems on Amelia Island was strongly supported.

5. Conservation and Coastal Management

The public discussion of the conservation policies was extremely robust, and took place on the same day, April 29, 2019, that the EPA upgraded Nassau County from non-attainment to attainment for the 2010 1-hour sulfur dioxide standard. There was consensus on the need to restrict access to dunes, and that 48 of them need to be rebuilt, extended and then maintained. Other areas of consensus as reflected by the public who attended the meeting include the need for a beach parking management plan, elimination of driving on the beach, enhanced communication on emergency preparedness and better access to emergency plans, better enforcement of tree protection (Policy 5.11.06), replacement of gas-powered golf carts at the public course to electric, acquisition of sensitive lands, a plan for invasive species in public lands, maintenance of wildlife corridors, expansion of bike trails, clarification and reconsideration of the definition of open space in new residential development, encouragement and funding to support connections to the City sewer, City-wide dark sky lighting policies, focus on turtle protection, and encouragement of water conservation. There was discussion of the “Peril of Flood” comprehensive plan amendments adopted by the City of Boynton Beach and Nassau County, as a place to start in identifying how to respond to the requirements of the legislative change to Section 163.3178 of the Florida Statutes. Please see the facilitated notes from the April 29 meeting for all the issues considered and all the areas of consensus.

6. Recreation and Open Space

The public discussion on April 29, 2019 blended discussion of conservation and recreation and open space. See above.

7. Intergovernmental Coordination

County staff that attended the April 25, 2019 meeting agreed on the need for City/County coordination on all of Amelia Island. This came up in the context of annexations, where County regulations were different than those of Fernandina Beach, so that when a site was annexed into the City it was non-complying. The issues of land conservation, environmental protection, beach and dune protection, land use, stormwater and infrastructure planning, traffic congestion and mitigation, emergency preparedness and adaptation, bike trails, beach access and parks as well as annexation were identified as appropriate for collaboration. The County referred to the concept of “joint planning areas” as an approach to address collaboration and is considering including them on the

future land use map. The idea that Amelia Island should have such a designation or that City/County collaboration on all aspects of green and built infrastructure should be the norm on the Island came up in this discussion and later at the discussion on public facilities. The City and County should mirror each other's actions in the comprehensive plan in order to address the issue of collaboration. County and City should coordinate on school locations. Coordination with the military was noted in the discussions on public facilities. There was consensus that the element needs to be modernized to reflect current and desired future collaboration on issues beyond the control of just the City.

8. Capital Improvements

There was consensus on the four issues that arose at the April 30, 2019 public meeting. There is a need for a 20-year capital improvement plan, and it needs to be recognized that it is a plan and not a budget. More emphasis needs to be placed on maintenance and operating funding. Capital projects need to be considered with longevity, life cycle and maintenance costs in mind. Using the example of the airport, the need for information sharing and coordination with the military is critical.

9. Port Facilities

The Port of Fernandina is located such that when it is accessed by trucks, they must take 8th Street and go through the neighboring historic and residential districts. There was extensive public discussion on the impacts of the port on the community, including its impact outside the boundaries of the port. At the public discussion on April 25, 2019, there was conversation indicating that trucks stop or slow down in residential communities, often late at night or very early in the morning, resulting in noise, fumes, trash, safety concerns and a negative impact on community character. The port itself was identified as negatively impacting community character and safety, as it handles materials that could be hazardous, it can generate loud noises at usually quiet times, it can stack containers in such a way that residential views of the river are blocked, and its lighting is not designed with the comfort of adjacent neighborhoods in mind.

A deep-water port might be viewed as a land use that is incompatible with adjacent residential land uses. Its economic value to the City of Fernandina Beach must have been considered when siting the port. This was recognized in public input, and solutions were suggested to address the issues raised. The Port Sub-Element/Master Plan, Ordinance 2018-30, has been proposed but never adopted by the City. It was seen by the public in attendance as addressing most of the community character and safety issues. Chapter

311.14(2) requires that the Port of Fernandina 10-year strategic plan be consistent with the City's comprehensive plan, making the consideration of goals, objectives and policies in the comprehensive plan a useful community conversation and a mechanism for implementation. There was discussion of the port hiring security and cleanup personnel to implement policies that would address impacts on the residential neighborhood, and to allow port personnel to enforce the rules off port grounds by arrangement with the Fernandina Beach Police Department. There was also a call to develop a suite of solutions, such as use of software to better regulate port traffic, staging areas for trucks using public property or by arrangement with private landowners, and unloading of trucks off Amelia Island and the use of trains to access the port. When energy efficiency was discussed at the April 29, 2019 meeting, there was consensus that vessels should use port-side power, to eliminate as much as possible the need for them to run their engines. The need for a plan to adapt to and mitigate for sea level rise in the area between the mill and the port was noted. Overall, there was consensus that the port should not increase its current footprint and that it should use its assets to the benefit of the port and the City. There was discussion of a port/community advisory board.

10. Public School Facilities

At the April 23, 2019 meeting, there was much agreement that the City should have a right of first refusal on School District-owned properties within its boundaries, and that land should be used, or buildings should be repurposed in support of community goals. There was discussion that the concurrency evaluation regarding schools be more rigorous and that developers be asked to pay for mitigation whenever their proposed development will impact schools. Schools were recognized as a topic requiring intergovernmental coordination between the city, the School District and the County.

11. Historic Preservation

Concerns were expressed at the April 23, 2019 meeting that the character of new construction in historic districts falls short of the desired vision for those special areas. It was raised in the context particularly of historic schools that such buildings should be included in historic districts. The importance of historic structures and their vulnerability to the impacts of climate change was noted. It was suggested that a larger area be designated a historic district, bounded by the river, Dade Street, 8th Street and Lime Street, or that a downtown district be established. The need for policy, rules and enforcement to preserve archaeological artifacts was noted.

12. Economic Development

There was consensus at the April 25, 2019 public workshop that this element should be renamed “Resilient and Sustainable Economic Development”, and that the environment should be considered whenever economic development is considered. Maintenance of the sense of community, the sense of place, tourism, seasonal population, and the vision for the City are all required to be considered when considering economic development. The impact of waterfront industry is important, beyond just the port, as these large employers also have the potential for negative impacts on the adjacent residential community. It is noted that air quality near these facilities is improving, and efforts should be continued to collaborate on their environmental and visual impact on community character. As was brought up in discussions on every element, the impacts of economic development proposals must be evaluated under strict concurrency standards and such standards require rigorous enforcement.

13. Comprehensive Plan Implementation Measures

The City's 2030 Comprehensive Plan took an aggressive approach in its efforts for implementation. Budget constraints, redirection of staff, staffing shortfalls, and leadership for certain implementation measures have left many of the directed studies and activities remaining as incomplete. It is suggested that the timeframes be removed from corresponding policies directing each study. Alternatively, studies should be funded or evaluated to determine if they need to remain within the Comprehensive Plan. Table IV-1 identifies the status of Comprehensive Plan directed studies and planning efforts.

Table IV-1 – Comprehensive Plan Studies

STUDY	DUE	STATUS
Stormwater Management Plan	2011	2012
Downtown Market Study to develop overall marketing strategy <i>Formulate Partnership with Merchants Association and TDC</i>	2012	Main Street Est. 2015
Overall Mobility Assessment including Bicycle and Pedestrian Needs	2012	2018-2019
20-year Capital Improvements Program	2012	
Waste Management Plan (to include recycling, waste reduction strategy, etc.)	2012	
Fire Department Master Plan	2012	2018
Police Department Master Plan	2012	Accreditation Process Fulfills
Animal Services Strategic Plan	2012	
Archaeological Predictive Model	2012	2014
Housing Needs Assessment	2013	2018
Establish Neighborhood Planning Areas	2013	Preliminary Analysis performed in 2015
Reclaimed Water Feasibility Study	2013	

2019
FERNANDINA BEACH
EVALUATION AND APPRAISAL REVIEW (EAR)

Dune Management Plan	2013	Partially Completed
Green Local Government Designation Requirements	2013	
Energy Conservation Plan	2014	Partially Completed
Economic and Taxation Assessment for Annexation	2014	
Urban Forestry Inventory Assessment (working towards completion)	2014	2018
Boating & Waterways Needs Assessment	2015	
City-wide Parking Needs Assessment	2015	
Parks & Recreation Master Plan	2015	2015
Community and Regional Food Planning Assessment	2015	
Cemetery Master Plan	2016	2016
10 -year Water Supply Plan (as directed by SJRWMD)	2018	

City of Fernandina Beach Small-Area Population Estimates and Projections

Prepared For



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INTRODUCTION

The University of Florida's Bureau of Economic and Business Research (BEBR) produces the official population estimates and projections for the State of Florida through a contract with the Florida Legislature. That contract funds the development of estimates at the state, county and city levels, and projections at the state and county levels. Because this data is often required at much smaller levels of geography for many planning activities and other purposes, BEBR also develops estimates and projections for smaller geographic units.

The City of Fernandina Beach requires small-area population estimates and projections in support of planning and decision support. This project generated those data using a GIS-based model which develops forecasts based on historical growth by census tract, constrains and directs population change using property parcel-level build-out analysis, and controls population totals at the county level to BEBR's 2019 official county forecast. The purpose of this document is to describe the methods used by BEBR to develop small-area population estimates and projections for City of Fernandina Beach.

GEOSPATIAL SMALL-AREA POPULATION ESTIMATION AND FORECASTING MODEL OVERVIEW

The Geospatial Small-Area Population Estimation and Forecasting Model ("Model") developed by GIS Associates, Inc., was used to estimate and project permanent residential population at the parcel level, and then normalize those projections to BEBR's latest county level population estimates and forecasts. First, a Build-out Submodel was developed to estimate the maximum residential development potential at the parcel level. Current permanent population was estimated, and then build-out values were forecasted with the Build-out Submodel. Areas which cannot physically or lawfully allow residential development (built-out areas, water bodies, public lands, commercial areas, etc.) were excluded from the Build-out Submodel. Conversely, the Growth Drivers Submodel identified areas where growth is more likely to occur based on proximity to certain spatial features (e.g., roads) that tend to drive growth to certain areas.

Growth was projected based on a combination of historic growth trends (using an approach similar to what BEBR uses for its county level forecasts), and spatial constraints and influences, which both restrict and direct growth. Population growth calculations were controlled to BEBR's 2019 medium projections (BEBR's latest population forecasts), which were available in five-year increments to the year 2045. The source of this data is the BEBR publication *Projections of Florida Population by County, 2020-2045, with Estimates for 2018*. (Florida Population Studies, Bulletin 183, April 2019).

BUILD-OUT SUBMODEL

The Build-out Submodel was developed using county property appraiser's GIS parcel database, including the associated tax roll information. Existing housing units were identified using data provided by the property appraiser which was vetted by city planners. BEBR applied average unit occupancy and average household size from the 2010 decennial census tract data to convert housing units to population. BEBR then controlled the city population total to BEBR's 2018 official population estimate, resulting in a slightly upward adjustment of 2.6%. This is likely attributable to an increase in unit occupancy since the 2010 Census.

GROWTH DRIVERS SUBMODEL

The Growth Drivers Submodel is a raster (cell-based) GIS model representing development potential. The submodel is a continuous surface of 10-meter cells containing values of 0-100, with '100' having the highest development potential and '0' having the lowest development potential. (See Figure 2). It influences the Model by factoring in the attraction of certain spatial features, or growth drivers on development. These drivers were identified from transportation and land use/land cover data. They include the following:

1. Proximity to roads and interchanges prioritized by level of use (with each road type modeled separately)
2. Proximity to existing residential development
3. Proximity to existing commercial development (based on parcels with commercial land use codes deemed attractors to residential growth)
4. Proximity to coastal and inland waters
5. Proximity to large planned developments



Figure 1. Parcels shaded by projected housing unit density (yellow is low, tan is medium, and brown is high)

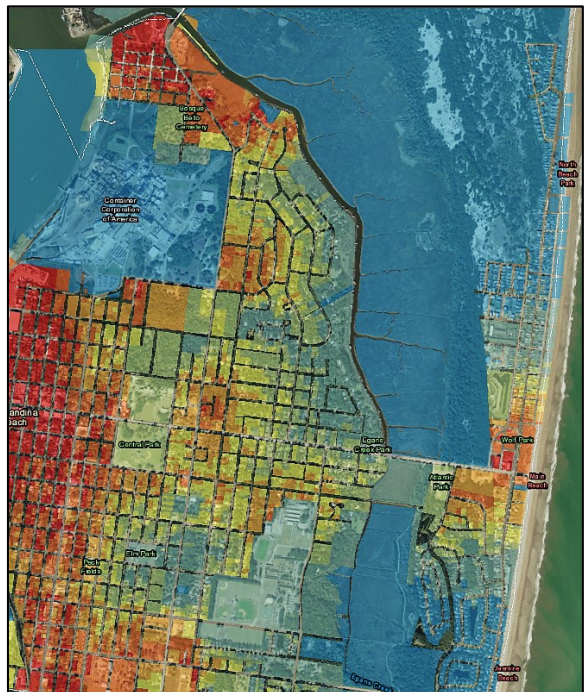


Figure 2. Parcels shaded by growth driver values (high development potential in red, moderate in yellow and low in blue)

Data used for generating the Growth Drivers Submodel and their sources are listed in Table 1 below.

Table 1. GIS datasets used in the Growth Drivers Submodel

Growth Driver	Data Source
Roads and Limited Access Road Interchanges	Florida Department of Transportation (FDOT) Major Roads: Functional Classification (FUNCLASS), and FDOT Limited Access Road Interchanges
Existing Residential Land Uses	County Property Appraiser Parcel Data
Selected Existing Commercial Land Uses	County Property Appraiser Parcel Data
Coastal and Inland Waters	Land Cover Data, and Florida Geographic Data Library (FGDL) Coastline Data
Large Planned Developments	Multiple sources, including the city and county, the North-east Florida Regional Council, GIS Associates and BEBR

Each of the drivers listed in Table 1 were used as independent variables in a logistic regression equation. Dependent variables included existing residential units built during or after 1995 as the measure of “presence”, and large undeveloped vacant parcels outside of large planned developments were used to measure “absence”. The resulting equation could then be applied back to each of the regional grids resulting in a single regional grid with values 0 through 100, for which a value of 0 represented the lowest relative likelihood of development, and a value of 100 represented the highest relative likelihood of development.

This submodel encompasses the City of Fernandina Beach and its surrounding areas to account for the presence or absence of growth drivers outside the city that could influence growth within it. This submodel was used by the Model to rank undeveloped parcels based on their development potential, which is explained in the Growth Calculation Methodology section. Note that growth can still occur in areas assigned relatively low values from this submodel based on the historical growth trends.

GEOSPATIAL SMALL-AREA POPULATION ESTIMATION AND FORECASTING MODEL

The Geospatial Small-Area Population Estimation and Forecasting Model (“Model”) integrates the Build-out Submodel and the Growth Drivers Submodel with the Population Projection Engine™, which makes the projection calculations using a combination of those submodel values, historic growth trends, and growth controls from BEBR’s county-level forecasts.

Historic Growth Trends

The historic growth trends were derived from historic census population counts for 1990, 2000, and 2010, and parcel-based population estimates for 2018. For 1990 and 2000, census block population estimates were summarized at the 2010 tract level and combined with the 2010 tract

population estimates. For 2018, population was estimated by applying average unit occupancy and persons per household (from tract-level data from the 2010 Census) to parcel-based housing unit counts by census tract, and then adding population in group quarters. These estimates were used to produce up to twelve tract level projections using five different demographic extrapolation methods.

The five demographic extrapolation methods for projecting housing units and population utilized by the model were Linear, Exponential, Constant Share, Share-of-Growth and Shift-Share. The Linear and Exponential techniques employ a bottom-up approach, extrapolating the historic housing units for each census tract with no consideration for the county's overall growth. The Constant Share, Share-of-Growth and Shift-Share techniques employ a ratio allocation, or top-down approach, allocating a portion of the total projected county population or growth to each census tract based on that tract's percentage of county population or growth over the historical period. Each of the five methods is a good predictor of growth in different situations and growth patterns, so using a combination was the best way to avoid the largest possible errors resulting from the least appropriate techniques for each census tract (Sipe and Hopkins 1984). This approach is similar to the one BEBR uses for its county population forecasts.

The launch year was 2018, which we estimated using parcel-level data and controlled to the 2018 BEBR estimate. The projections were made for 2020, 2025, 2030, 2035, 2040 and 2045. Note that for the 2018-2020 iteration, the typical five-year growth was reduced to reflect only a two-year change. The methods and base periods used were the following:

1. **Linear Projection Method:** The Linear Projection Method assumes that the future change in the number of persons for each census tract will be the same as during the base period (Rayer and Wang, 2019). For the 2020-2030 projections, one linear trend from 2010 through 2018 (8-year period) was used. For the 2035-2045 projections, two additional linear trends were used, one from 1990 through 2018 (28-year period) and one from 2000 through 2018 (18-year period).
2. **Exponential Projection Method:** The Exponential Projection Method assumes that population will continue to change at the same percentage rate as during the base period (Rayer and Wang, 2019). One calculation was made from 2000 through 2018 (18-year period).
3. **Constant Share Projection Method:** The Constant Share Projection Method assumes that each census tract's future percentage of the county's total population will be the same as over the base period (Rayer, 2015). Two Constant Share (CS) calculations were made, one based on the 2010 shares and one based on 2018 shares.
4. **Share-of-Growth Projection Method:** The Share-of-Growth Projection Method assumes that each census tract's future percentage of the county's total growth will be the same as over the base period (Smith and Rayer, 2013). However, if population change is negative at the tract level and positive at the county level (or vice versa), higher county-level

projections would result in larger declines in tract projections. This is counterintuitive, so the “Plus-minus” variant of the Share-of-Growth Method was used (Smith, Tayman and Swanson, 2001). For the 2020-2030 projections, one Share-of-Growth trend from 2010 through 2018 (8-year period) was used. For the 2035-2045 projections, two additional Share-of-Growth trends were used, one from 1990 through 2018 (28-year period) and one from 2000 through 2018 (18-year period).

5. **Shift-Share Projection Method:** The Shift-Share Projection Method assumes that each census tract’s future percentage of the county’s total annual growth will change by the same annual amount as over the base period (Smith and Rayer, 2013). For the 2020-2030 projections, one Shift-Share trend from 2010 through 2018 (8-year period) was used. For the 2035-2045 projections, two additional Shift-Share trends were used, one from 1990 through 2018 (28-year period) and one from 2000 through 2018 (18-year period).
6. **Average of the Projection Extrapolations:** For the 2020-2030 projections, six calculations were made using base periods of 8 and 18 years; the highest and lowest were excluded, and the remaining four were averaged. For the 2035-2045 projections, twelve calculations were made using base periods of 8, 18, and 28 years; the highest four and lowest 4 were excluded, and the remaining four were averaged.

Growth Calculation Methodology

After the development of the Build-out Submodel, the Growth Drivers Submodel, and the historical growth trends, GIS Associates’ Population Projection Engine™ tool was used to make the growth calculations. The methodology for calculating growth for each projection increment included the following steps:

1. Applying projected tract-level population growth to parcels within each tract.
2. Checking growth projections against build-out population and reducing any projections exceeding build-out to the build-out numbers.
3. Summarizing the resulting population growth and comparing it against BEBR’s county-wide population growth.
 - a. If the sum of the model’s small-area projections exceeded the BEBR county projection, projected growth for all tracts was reduced proportionally.
 - b. If the model’s projections were less than the BEBR projections (which tends to be more common), the Growth Drivers Sub-model would be repeatedly applied until the BEBR projected growth for each five-year increment was reached. This process involved raising the populations of parcels in which growth driver values in the highest decile had available capacity for growth.

The final population projections were delivered in GIS format (Esri file geodatabase), with a single feature class containing parcel-level results. This format is useful for quality assuring the results and inputs, for maintaining the projection inputs over time, and for graphically depicting projected patterns of future population growth (See Figure 3). The projection summary for the City of Fernandina Beach is in Table 2. These projections are of permanent residents and do not include seasonal residents or tourists.

Year	Population
2018	12,761
2020	13,523
2025	14,357
2030	15,085
2035	15,480
2040	15,658
2045	15,816



Figure 3. Parcels shaded by 2045 population per acre (yellow is low, tan is medium, and brown is high)

Small area estimates and projections of population provide an essential foundation for planning and decision making. BEBR implemented GIS Associates' Geospatial Small-Area Population Estimation and Forecasting Model because it was the ideal tool for this purpose. Controlling to BEBR's own official estimates and projections provided consistency with other estimates and projections, while at the same time providing the spatial precision needed for a wide range of planning and other purposes.

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McGlynn Labs Inc

ENVIRONMENTAL LABORATORIES

Summary of conclusions concerning the Amelia Bluffs Development (06/30/19):

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Other organizations supported by Dr. McGlynn (this document does not reflect their opinions or concerns): Wakulla Springs Alliance, Chair; Florida Springs Council, Board of Directors; Florida Lake Management Society, NW Florida Chapter President; Florida Water Resources Monitoring Council, Board of Directors; Friends of Wakulla Springs, former President; Big Bend Sierra Club, former President; Leon County Soil and Water Conservation District, former Supervisor; Apalachee Audubon Society, former President.

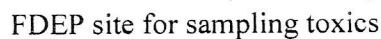
Summary

Egan's creek is a vitally important fresh water recharge feature in the center of Amelia Island and it's "extremely degraded." The aquifer is stressed and subject to saltwater intrusion. This development will further later this coastal dune habitat, decimate the maritime forest, destabilize the dune ridge, and endanger the salt marsh and hurricane protection of this fragile coastal dune habitat.

Harmful Bacteria were found in Egans Creek

Bacteria counts are "sky high". On June 7th, 2017, the Florida Department of Environmental Protection (FDEP) reported Escherichia Coli (E coli) bacteria at 3972.6 colonies per 100 ml (cfu) and Enterococci Bacteria Colonies at 19862.9 cfu in Egans Creek. The June 20th, 2018 edition of the Newsleader had a front page article entitled the "Riverkeeper's tests show elevated levels of E. coli in Egans Creek, again..." The levels of E. coli reportedly found in the June tests was 400 cfu in Egans Creek at Atlantic Avenue; 1,933 cfu near the mouth of Egans Creek at the Amelia River; and 2,567 cfu in Egans Creek, just north of Sadler Road, in the Greenway. On June 19th, 2019, McGlynn Laboratories Inc sampled Egans Creek at the Beech and Hickory Street Bridges, also on the Greenway, upstream and downstream from the proposed Amelia Bluffs site, and results were equally contaminated, and a health hazard at over 6046 and 10494 cfu of fecal coliform bacteria. On June 26, 2019, this sampling was repeated and at the Beech site, 152 cfus were found and at the Hickory site 16500 cfu. Salinity data indicate that the bacteria were higher upstream where the salinity was less implying that the bacteria are associated with the urban stormwater. Septic or sewage sources are both possible. The Class III Recreational Water, according to the Florida Statutes, set a maximum possible count of 800 cfu (Florida Administrative Code 62-302.530). The waters of Egans Creek exceed this on numerous occasions.

The FDEP lab, at stations on Egans Creek at Atlantic and at Sadler Rd on 06/07/2017 found the following organic substances in the Egan Creek water in the Greenway. FDEP found: Sucralose a zero-calorie artificial sweetener and Splenda is the most common sucralose-based product. It is used as an indicator of human sewage in water. Sucralose at 0.15 ug/L and 0.18 ug/L. FDEP found: 2,4-D is a weed killer, a toxic herbicide that comes with known health risks, it is commonly discovered by the military and was in Agent Orange, but it is still being used on crops, in parks, and was found in Egans Creek. 2,4-D at 0.0046 ug/L and 0.012 ug/L, at Egan Creek at Atlantic and at Sadler Rd on 06/07/17, respectively. FDEP found: Diuron is a white crystalline solid herbicide developed by Bayer in 1954. It is a powder. The primary hazard is the threat to the environment. Immediate steps should be taken to limit its spread to the environment. It can cause illness by inhalation, skin absorption and/or ingestion. It is used as a herbicide. Diuron at 0.0008 ug/L, at the first site only, Atlantic Street, in Egans Creek. FDEP found: Imidacloprid is an insecticide that was made to mimic nicotine. Nicotine is naturally found in many plants, including tobacco, and is toxic to insects. Imidacloprid is used to control sucking insects, termites, some soil insects, and fleas on pets. It has been used in products sold in the United States since 1994. Imidacloprid at 0.016 ug/L and 0.015 ug/L, at Egan Creek at Atlantic and at Sadler Rd on 06/07/17, respectively. FDEP found: Bentazon is a chemical manufactured by BASF Chemicals for use in herbicides. It is categorized under the thiadiazine group of chemicals. Bentazon at 0.0053 ug/L and 0.0058 ug/L, at Egan Creek at Atlantic and at Sadler Rd on 06/07/17, respectively. FDEP found: Fluridone is an organic compound that is used as aquatic herbicide often used to control invasive plants. It is sold under the names Sonar, Avast and Whitecap and is used in the United States to control hydrilla and Eurasian watermilfoil among other species. Fluridone at 0.0022 ug/L, at the first site only, Atlantic Street, in Egans Creek.



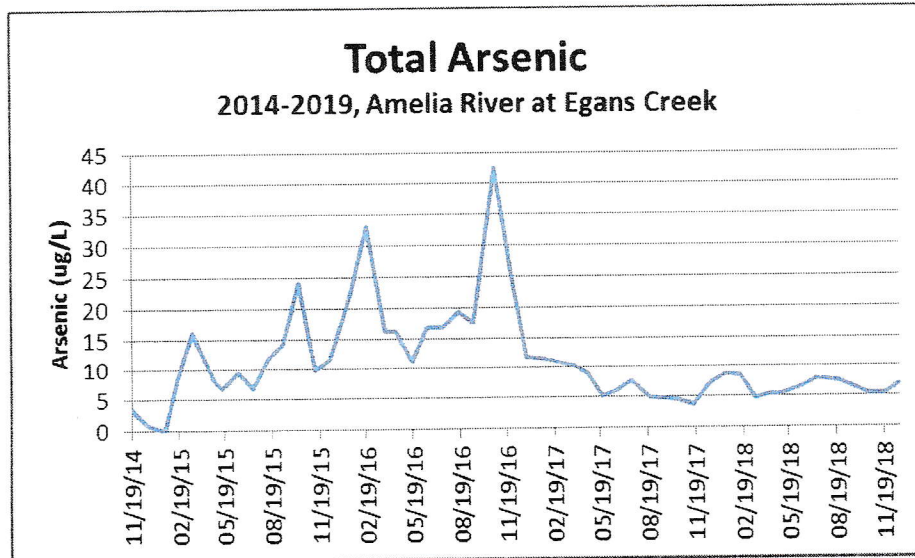
Elevated nutrients, metals and other physical properties

Nutrients, metals and other physical properties were elevated in Egans Creek

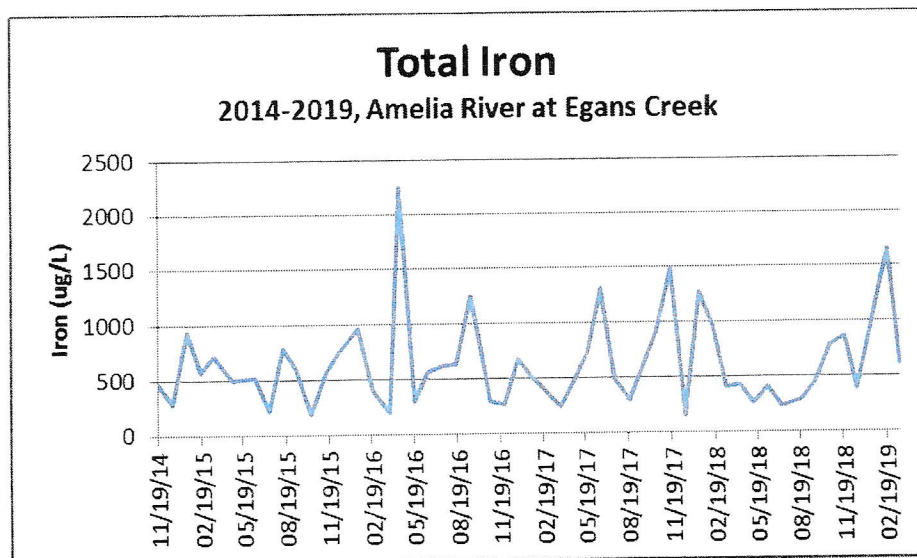
Egans Creek should be classified as “impaired.” But it is not listed as a TMDL on DEP website.

The samples in the graphs were taken by the St Johns River Water Management District

(SJRWMD) and analyzed by their laboratory. Samples taken and analyzed by MLI are mentioned in the text, as more of these analysis are finished they may be added in a separate section.

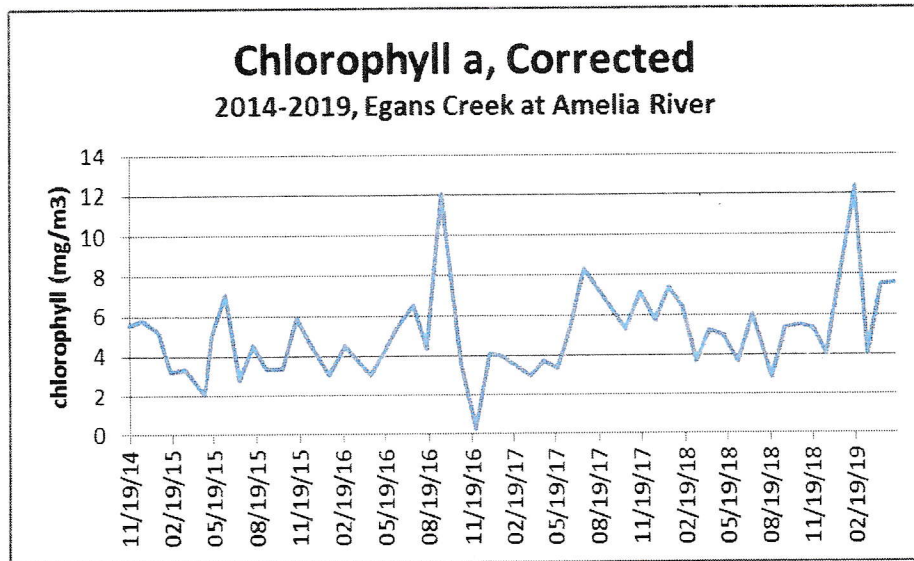


The average arsenic levels, for the period of record, for the Amelia River Egans Creek is below this level, this average is 11 ug/L. According to the Table 62-302.530: Surface Water Quality Standards, arsenic levels should be below 50 ug/ L (Florida Administrative Code 62-302.530, SJRWMD data).

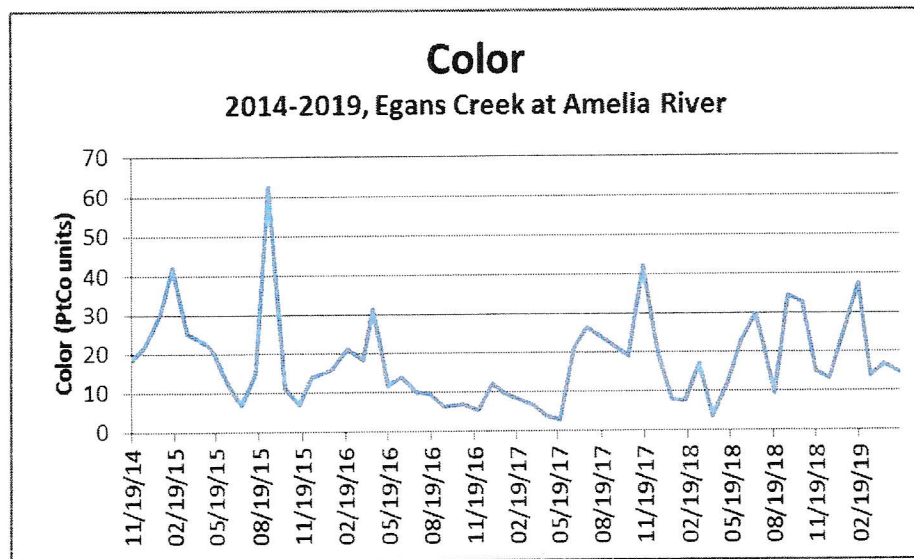


The average iron levels, for the period of record, for the Amelia River Egans Creek exceeds this level, this average is 632 ug/L. According to the Table 62-302.530: Surface Water Quality

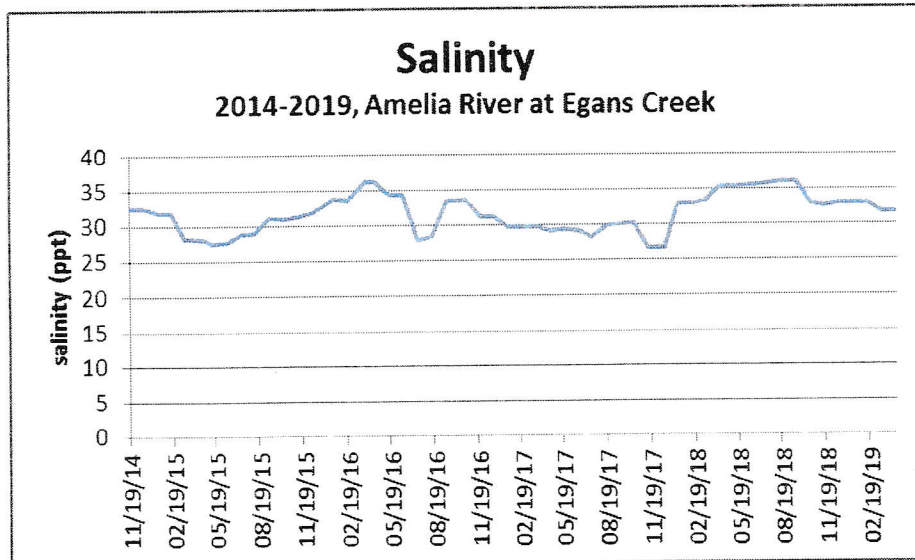
Standards, Iron levels should be below 300 ug/ L (Florida Administrative Code 62-302.530, SJRWMD data).



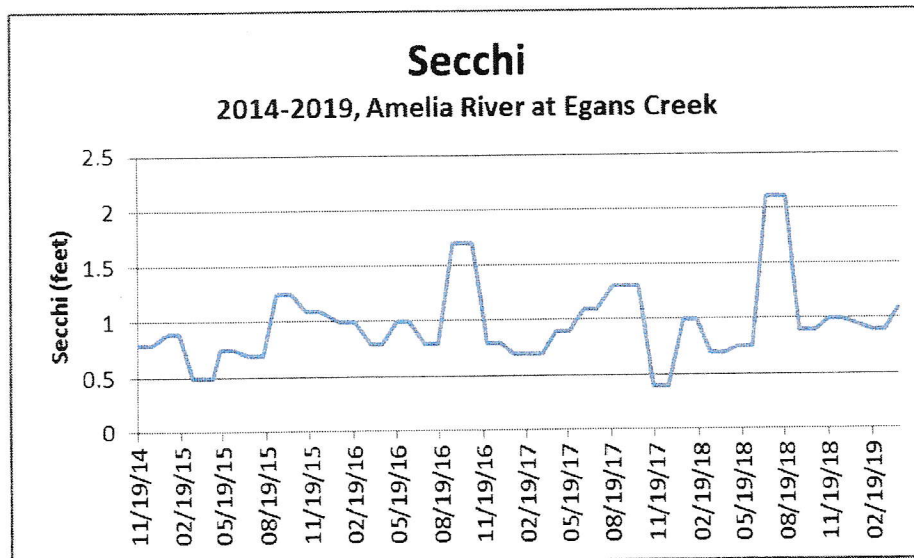
The chlorophyll was 29.1 mg/m3 in the sample collected by MLI in Egans Creek on 05/19/19. Florida LakeWatch considers values over 6 elevated or hypereutrophic and Florida's Numeric Nutrient Criteria cites waterbodies with values over 20 impaired (SJRWMD data).



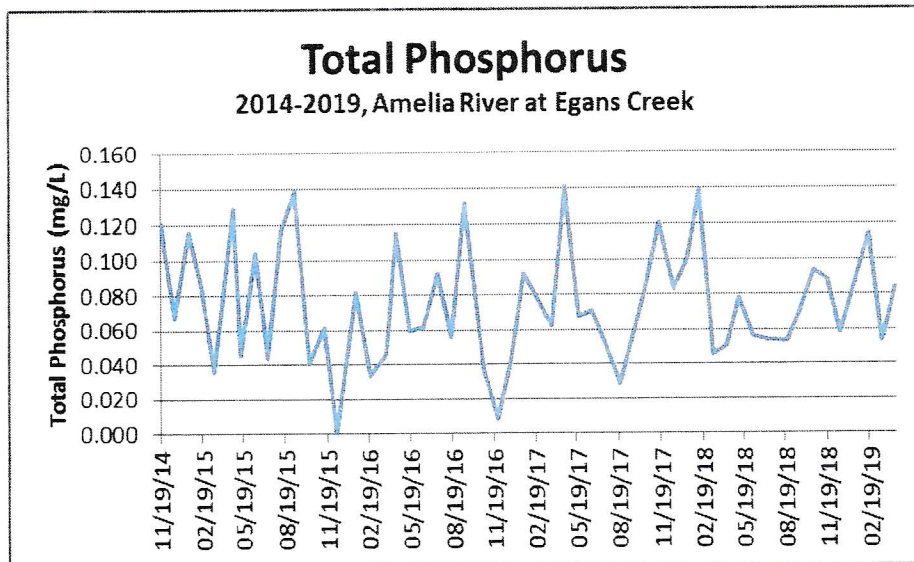
Color values over 40 are considered tannic, or 'black water' (SJRWMD data). The sample collected by MLI in Egans Creek on 05/19/19, at the above and below the Amelia Bluffs site, on Egans Creek, at the Beech and Hickory Street Bridges, also on the Greenway, upstream and downstream from the proposed site very tannic at 58.8 and 67.3 ptco units.



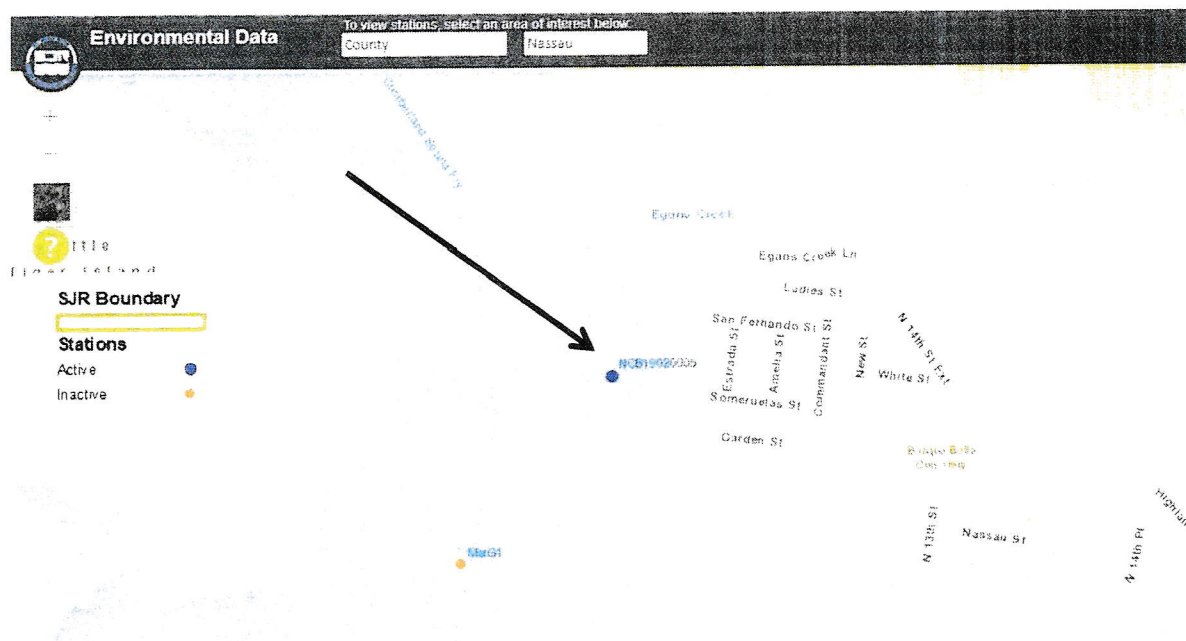
The water was very saline, not fresh (SJRWMD data). It is salt water but should be if the system should be fresh water if were in its natural state. According old aerial photography, channeling and straightening of Egan's Creek occurred before 1943. Spoil was deposited along the edges of the marsh. In the 1950s, coastal managers constructed mosquito control ditches throughout the Egan's Creek marshes (Coastal Engineering Lab 1958). The ditches extended well into the uplands, changing the drainage characteristics of the freshwater interdunal swale wetlands and introducing saltwater tidal influences. In 2007 a restoration project was begun with the SJRWMD.



Secchi is the depth at which a standard disc is visible. Values for this visibility averaged less than a foot. Many localities, like Missouri, the land of 10,000 lakes, do not allow swimming when the secchi is less than 3 feet (SJRWMD data).



Total phosphorous levels are frequently over the maximum NNC criteria
For streams in Peninsula Florida: TP < 0.12 mg/L (SJRWMD data).

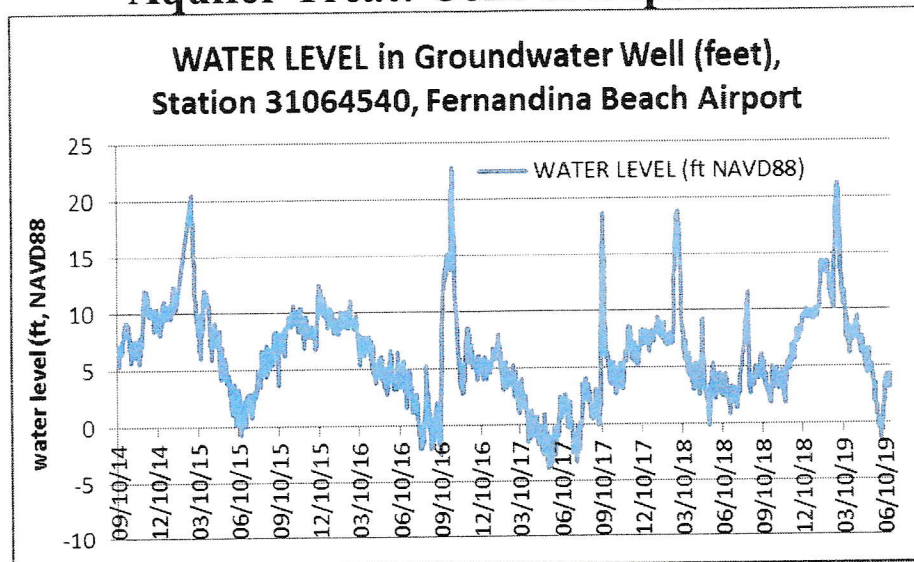


SJRWMD site for sampling nutrients, metals and other physical properties

Drinking water threat: pollutant loading

The shallow sandy holding ponds, as well as the underlying sands of the dune the development will sit upon, offer little treatment for dissolved pollutants in the urban stormwater of the proposed development. Surface discharges through thru 12 inch wide outfall pipe, into the wetlands will have little treatment as well. If we know the discharge volumes of each, we could quantify this impact, and this needs to be disclosed. Either way, it will add t the already pollutant laden stormwater in Egans Creek.

Aquifer Treat: Cone of Depression



The piezometric surface of the aquifer has varied by as much as 25 feet between readings over the past 5 years. This is an indication of stress (SJRWMD data).

Fernandina Beach Municipal Airport is a city-owned public-use airport located on Amelia Island three nautical miles south of the central business district of Fernandina Beach, in Nassau County, Florida. The graph of the water level in this well shows dramatic fluctuations indicating stress on the aquifer. Since groundwater pumping first began, water scientists have closely monitored subsurface “cones of depression” that have developed on the vicinity of the Amelia Island aquifer. Major cones of depression over the past 10 years or more have occurred in four specific Florida/Georgia locations including Fernandina Beach and Jacksonville, Florida, and St. Marys and Brunswick. Since 2011, groundwater withdrawals in the Fernandina Beach region appear to have stabilized with a much-reduced cone of depression; however, aquifer deficits are still nearly 70 feet below historic levels (Fort Clinch State Park, Approved Unit Management Plan, STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, Division of Recreation and Parks, August 2017).

Drinking water threat: Saltwater Intrusion

The USGS predicts that groundwater levels underlying Amelia Island will continue to decline. With the lowering of groundwater levels comes increased coastal saltwater intrusion into the Floridan aquifer. Saltwater intrusion already adversely affects the residents of the Fernandina Beach and Fort Clinch State Park. Potable groundwater used to be available from onsite wells that pumped freshwater from the surficial aquifer that at the time ranged between 20 feet to 120 feet in depth as well as from deeper units in the Upper Floridan. As early as the 1970s, the surficial at both of these locations had already shown significant signs of saltwater intrusion as measured by increased chloride levels. Chloride levels greater than 250 milligrams/liter (mg/l) exceed Florida’s primary drinking water standards for public supply (Florida Administrative Code 62-302.530). By the late 1990s, Fort Clinch’s groundwater quality precipitously declined to a point that the decision was made to cap all park supply wells and hook up to the Florida

Public Utility Commission of Fernandina Beach to receive its potable water (Fort Clinch State Park, Approved Unit Management Plan, STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, Division of Recreation and Parks, August 2017).

Saltwater intrusion as well as artificial ditching and draining can also negatively affect the freshwater ecology of natural communities (FNAI 2010). Small coastal islands such as Amelia at Fort Clinch can have an extremely limited diversity of freshwater wetland communities. On Amelia Island, the two important freshwater communities that make up surface wetlands are coastal interdunal swales and depression marshes have been impacted by Mosquito control ditches have considerably altered the natural topography and thus the freshwater wetlands of the park. The ditches connected all low-lying areas of the park and drained westward toward the marshes of Egan's Creek. With each tidal exchange, saltwater enters these fragile wetlands through these ditches. In 2007 a restoration effort began to restore the salt marsh and flows in the tidal basin of Egans Creek (Fort Clinch State Park, Approved Unit Management Plan, STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, Division of Recreation and Parks, August 2017).

The sample collected by MLI in Egans Creek on 05/19/19, at the above and below the Amelia Bluffs site, on Egans Creek, at the Beech and Hickory Street Bridges, also on the Greenway, upstream and downstream from the proposed site very saline at 29 and 16 parts per thousand (PPT) salinity. On June 26, 2019 these two stations showed similar results of 30 and 15 ppt. This indicates that the area between these two bridges, also the area where the proposed Amelia Bluffs development is planning its outfall is a mixing zone, where the salinity is already currently flux, possibly destabilizing the existing salt marsh. The unknown volume of discharge, both surface stormwater and seepage through the ponds will add to this.

Island Stability Threat

Considering the fragile and imperiled habitats on Amelia Island, the biggest risk from the proposed Amelia Bluffs Development is adding even more of these human pollutants. There will be greater volumes of stormwater runoff including bacteria, nutrients, heavy metals, herbicides and pesticides. This will further degrade the water quality. However, the hydrological change due to the proposed Amelia Bluffs Development will also have profound effects. By replacing the maritime forest with residential structures, impervious surfaces and manicured lawns stormwater runoff will increase. This runoff will be funneled by an elaborate stormwater system designed to concentrate the runoff into stormwater ponds along the ridge of the dune. The soils of this dune, soils in dune area, Kureb-Resota fine sands, have negligible absorption or treatment capacity. This stormwater will infiltrate downward inside the dune, destabilizing it while the deforested ridge will lack structural support from the roots of the logged trees, or physical resistance of the buffering capacity their limbs serve as a wind break. Erosion and sloughing off will reduce the once mighty ridge of rolling dunes into de-stabilizing fragile Dunes, like other topographic changes that have occurred on Amelia Island, on the east side, to opposite shore of Egans Creek called the "walking dune", which was destabilized by a similar residentially development east of the park.

The Amelia Bluff development will have adverse water quality, quantity and geological impacts of the proposed development of 6.4 acres of Conservation land. Post-development the natural

vegetation will be replaced, with roof tops, road and driveway paving; natural vegetation will be destroyed to plant lawns and landscaping; there will be runoff to the waterway from fertilizer, herbicides, and pesticides applied by homeowners. In sum, discharge from the development will further degrade the Greenway waters. If the storm water runoff detention area has a sand bottom, there is virtually no treatment for exfiltration runoff. The existing site hydrology with maritime forest vegetation is significantly more beneficial for the health of the waterway.

The section including calculations of the expected runoff from the home sites IS STILL BEING CALCULATED.



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Introduction: Our Context

In spring 2019 a series of four **EAR public input** sessions were held in preparation for revision of the Fernandina Beach Comprehensive Plan. These sessions were well attended and there was a great deal of consistency in the input provided by participants. The most dominant concerns were:

- **Overdevelopment and its implications:** This was the dominant concern. Participants focused on the following implications:
 - Exceeding the carrying capacity of the island, resulting in inability to evacuate in hurricanes, heavy traffic, etc.
 - Loss of quality of life
 - Loss of the character (“sense of place”) of the City, which impacts social and economic sustainability
 - Loss of the trees that we rely on to moderate our temperature and protect us from wind damage, erosion, flooding, etc.
 - The need for multi-modal transportation
- The need for affordable housing
- Noise and litter from the 24-hour-a-day flow of trucks through the historic district to the port and WestRock, impacting small businesses.

These concerns were reported in the notes for each session (which, unfortunately, are no longer on the Planning and Conservation web page) and to some extent in the final EAR report. They reflect the perspective of the community, although they have grown dim in the Northeast Florida Regional Council data and analysis for the mandated elements.

Because Fernandina Beach is located on a barrier island, we do not have the luxury of unlimited expansion. Roads cannot be increased in number or size and we cannot simply add land to our jurisdiction at will. Most importantly, parcel development must be limited to what our environment can support without eroding sustainability and resiliency. Based on the “peril of flood” and the water supply mandated elements, it seems clear that the State understands this. We also know that we are not expected to grow in size; rather, we can expect gradual redevelopment and infill. In order to plan, we must know the **carrying capacity** of the City and island and manage growth within those limitations.

In the past few years, most of us have realized the severity of the impacts of climate change and sea level rise and how this relates to our barrier island. **Environmental sustainability and resiliency** are crucial and our circumstances necessitate researched-based action. The “peril of flood” and water supply mandates seem to communicate this from the State as well. Our



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resiliency and our social and economic sustainability on this island depend on how we manage our environmental sustainability and ecological resiliency. At this point in time, we must generate the foresight and courage to prepare well for the future.

The City has begun to prepare for the future through land conservation, dune renourishment and protection, improved stormwater management, upgraded building standards to conform to FEMA updates, changing the design of the marina and constructing a sea wall to protect the downtown. However, to prepare well for the future, we need to utilize all of the research available. Over the past couple of years, the County has been studying our environment in relation to floodplain resiliency and land conservation by pulling in a variety of experts from the State, University of Florida and a range of areas of expertise. The report on this work should be available soon. Most recently, Phase II of their Vulnerability Assessment study was completed and presented to County Commissioners by the Balmoral Group. These data include Fernandina Beach and are highly relevant. We need to incorporate this data into our planning and make a far greater effort to work with Nassau County, the State and the federal government.

As always, there are many things we need to do, but now it is critical that we at least focus on the following to optimize our future:

- Protect primary and secondary dunes as well as relic dunes within proximity of creeks and wetlands
- Protect wetlands, marshes and creeks
- Protect and expand our green infrastructure
- Protect the historic district from flooding
- Conserve habitat and wildlife corridors
- Optimize stormwater management
- Adapt our conceptualization of future land use and the associated strategies to fit current realities
- Continue to update building standards using sustainable design to meet current needs

We will address these points along with others related to recent changes in our input on the overall Comprehensive Plan.

The Comp Plan/LDC Working Group is a group of community volunteers interested in providing input for both the Fernandina Beach and Nassau County comprehensive plans and land development codes. It was organized by Margaret Kirkland under the auspices of Amelia Tree Conservancy, although members perceive themselves as concerned citizens representing their community. In the research process we have garnered information from a number of experts in our community. This report responds to the proposed Northeast Florida Regional Council (NEFRC) text addressing the three legislative comprehensive plan mandates.



“Seasonal Population”

Data and Analysis:

The “Seasonal Population” updates proposed by NEFRC constitute a step in the right direction in responding to this mandate, but as a community located on a barrier island with a finite carrying capacity and the need to prepare for storm surge and sea level rise, we feel the community needs far greater protection. Many of the other coastal communities around the state have been built out to a point where they are no longer environmentally sustainable in the face of storm surge and sea level rise. They have also lost all character and uniqueness. Our community would prefer smarter growth that contributes to quality of life and environmental, social and economic sustainability as opposed to greatly increasing densities that destroy the protection we depend on for our sustainability and resiliency—our environment. For this reason, we feel that it is critical that we maintain a conservative balance between our permanent and seasonal residents. It is, after all, essential to have sufficient permanent residents to maintain a community and a functional local government.

The following notes present commentary on the data and analysis provided by NEFRC and provide a foundation for the recommendations to follow. Paragraph headers in red indicate recommended additions while those in black indicate comments or edits of NEFRC recommendations.

- **Clarity:** All objectives and policies must be crystal clear. Currently, the language resembles that of our current Comprehensive Plan, which is interpreted as unenforceable.
- **Excerpt from Part 2, Section 3: 3) FLUM Line 203:** **“Almost half (42%) of the City is held in conservation or recreational land use.”** (NEFRC Data and Analysis)
Combining conservation and recreational land use is a misrepresentation that has been used to argue that the city doesn’t need more conservation land. A grass ball field with grass that has roots 2 inches long does not prevent erosion or contribute to sustainability like trees or even native grasses with extensive root systems. According to the NEFRC Data and Analysis, the actual amount of conservation land is approximately 17%, and it must be clear that these categories are not the same.
- **Carrying capacity:** Before we move further with development, we need to understand the carrying capacity of the city and the island. Fernandina Beach and the unincorporated part of the island are almost completely built out. The rapid pace of development in recent years means that we are either close to or have exceeded our carrying capacity. This must be studied and adhered to with the current storm surge and sea level rise threats to the sustainability of the city and island and to our resiliency. Overdevelopment and carrying



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capacity were the most dominant concern in the EAR public input sessions in 2019. Carrying capacity must be determined prior to further development.

- **Current data:** The data do not consider our current reality. In recent months, completion of Phase II of the Nassau County Vulnerability Study (See Attachment.) has provided updated data on the vulnerability of Amelia Island that must be considered in the Comp Plan. The County also undertook a year-long study of floodplain resiliency and conservation that included experts from throughout the state. The report on this latter study should be available very soon. This research also must be reflected in any analysis.
- **Seasonal populations:** No data are included related to permanent residents or the three seasonal populations: hotel/motel occupants, short-term rentals, and occupancy of second homes. To make any specific statements regarding this, we need current reliable data, including representation of the new hotels being built, which are quite large for the size of the city and island. If we do not have this data, we can only say that these studies must be conducted.
- **2019 EAR Public Input:** Citizen input from the April 2019 public input sessions was quite strong and clear, and the numbers were impressive. In this analysis and draft, that input has been greatly diminished.

Policy Recommendations:

The following policy recommendations include edits and additions to the Future Land Use Element recommendations proposed by NEFRC. Our edits and additions appear in red.

- **Future Land Use Policy 1.02.04:**
Decisions on amendments to the FLUM ~~shall~~ **must** be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:
 - a. Type and density or intensity of surrounding uses;
 - b. Zoning districts in the surrounding area;
 - c. Demonstration of adequate water supply and water supply facilities;
 - d. Appropriateness of the size of the parcel compared to the proposed use;
 - e. Physical condition of the site, and the suitability of soils and topography for the proposed use;
 - f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, **wildlife habitat or corridors**, flood zones, or historic resources;



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- g. Compatibility factors; [What does this mean?]
- h. Impact on adopted levels of service standards and quality of service standards; and
- i. Location in a Coastal Upland Protection Zone (CUPZ); and
- j. The community vision and ~~allowing for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business~~ **analysis of the city and island real estate market for permanent residents, seasonal residents and businesses.** This analysis must ~~analyze~~ **include** at least three aspects of seasonal population: hotel/motel occupants, short-term rentals, and occupancy of second homes. **Maintaining the current balance between permanent residents and seasonal residents is critical to the “community vision” of the City, to the future “sense of place” and social and economic sustainability of the City. (See Policy 1.02.16 below.)**
- k. Consistency with the environmental, social, and economic sustainability and resiliency standards of the island (Policy 1.02.14)
- l. Consistency with the carrying capacity of the City and island (Policy 1.02.15)

- **Policy 1.02.14:**

Based on thorough research, the City Planning and Conservation Department and the County Planning and Economic Opportunity Department must develop environmental, social and economic sustainability and resiliency standards for Amelia Island, including Fernandina Beach, by June 1, 2021. No new development of undeveloped parcels may be approved until these standards have been codified and approved by the City Commission.

- **Policy 1.02.15:**

Based on thorough research, the City Planning and Conservation Department and the County Planning and Economic Opportunity Department must develop standards for the carrying capacity of Amelia island and Fernandina Beach by December 30, 2021. No new development of undeveloped parcels may be approved until these standards have been codified and approved by the City Commission.

- **Policy 1.02.16:**

The City Planning and Conservation Department and the County Planning and Economic Opportunity Department must analyze the real estate market in the City and on Amelia Island to ensure that there are adequate choices for permanent residents, seasonal residents and businesses within the limits of the carrying capacity and sustainability and resiliency standards of the City and island by March 30, 2022. (At least three aspects of the seasonal population must be included in the analysis: hotel/motel occupants, short-term rentals, and occupancy of second homes.)



“Peril of Flood”

Data and Analysis:

The “peril of flood” updates proposed by NEFRC constitute major improvements in this area, but we believe they can go further. The following data and analysis notes relate to the subsequent edits and additions to those provided by NEFRC. Paragraph headers in red indicate recommended additions while those in black indicate edits of or commentary on NEFRC recommendations.

- **Policy 5.02.08 (REVISED):** We have little existing construction east of the Coastal Construction Control Line and therefore can prohibit new construction in this area since it would inhibit natural dune development and create additional damage and debris in the event of a hurricane.
- **Policy 5.03.18:** This edit simply serves as a reminder that our marshes are tidal and will be impacted by climate events.
- **Policy 5.03.19:** This edit simply adds further specificity.
- **Policy 5.03.23:** In an era of climate change, this addition ensures that zoning maps and the FLUM reflect reality and inform the public and staff in as accurate a manner as possible.
- **Policy 5.03.24:** Because Amelia Island is a barrier island, clear standards promoting environmental sustainability and resiliency must be established and updated regularly. These standards must be communicated to the public. Since Amelia Island is one geological and environmental entity, it is critical that such policies be uniform for the entire island.
- **Policy 5.03.25:** It has been established by prior research by FDEP, SJRWMD and McGlynn Labs (See McGlynn Labs report in Attachment) that Egans Creek and the marsh known as Escambia Slough (the marsh east of the port and south of WestRock) are polluted by E.Coli, pesticides, herbicides and other substances. Residents fish in these waters, and in a storm event, these substances could be spread through nearby neighborhoods of the City and beaches as a result of storm surge and flooding. FDEP has established a water body identification (WBID) for these sites and testing will be conducted by the State. The City and County need to explore State and federal support and develop a cleanup plan.
- **Policy 5.03.26:** As a result of sea level rise (as documented by the city), threat of surge and potential changes in storm patterns, it is important that the City expand its required buffers around wetlands and bodies of water. It is important that these buffers be measured horizontally because buffers with a significant grade do not function as intended.
- **Policy 5.3.27:** It is essential that the City educate the population regarding the challenges and responsibilities of living on a barrier island. This lack of understanding constitutes a hazard during storm events and often results in residents impacting the sustainability and resiliency of the City. This should involve distribution of brochures, newspaper articles, and



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information available on the City web site and social media. Periodic informational meetings could also be scheduled.

- **Policy 5.03.28:** In the past, ordinances have been changed that negatively impacted the City's FEMA Community Rating for flood insurance because of lack of sufficiently careful review. We therefore need to lay a foundation to ensure careful consideration of flood-related decisions in the future.
- **Policies 5.03.29-5.03.34:** These policies strengthen the City's flood-related policies by aligning them more closely with the Code of Federal Regulation (CFR).
- **Policy 5.04.08. (REVISED):** Since the state seems to be trying to get development out of the Coastal High Hazard Area (Refer to the Storm Surge map available on County Appraisers maps under Public Safety), the City should prohibit new construction in the Coastal High Hazard Zone. Objective 5.04 and several policies mention directing population away from this area. Conservation of this land would contribute to environmental sustainability and resiliency. This would include the CHHZ low-lying parcels on the coast, around Egans Creek and Escambia Slough and low-lying parcels close to the river.

OBJECTIVE 5.04. COASTAL HIGH HAZARD AREAS (CHHA)

The City shall protect property, residents, and visitors within the Coastal High Hazard Area. Protection shall be provided through appropriate designations on the Future Land Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the Coastal High Hazard Area, and coordination with hazard mitigation and post-disaster plans.

Refer also to Policy 5.04.05, Policy 5.04.05 and Objective 5.3 revisions.

Policy recommendations:

The following policy recommendations include edits and additions to the recommendations proposed by NEFRC. Our edits and additions appear in red.

- **Policy 5.02.08 (REVISED)**
The City shall must coordinate with DEP in evaluating **and updating** the location of the Coastal Construction Control Line (CCCL) and must ~~require that any construction activities seaward of the CCCL established pursuant to Chapter 161.058 be consistent with statutory provisions.~~ **prohibit new construction east of the CCCL.**
- **Policy 5.03.18**
The City must continue to upgrade stormwater infrastructure through drainage improvements, installation of tidal backflow preventers, and seawall/bulkhead repair in addition to sustainable flood management actions such as installation of bioswales, recharge through drainage wells, use of pervious pavement, maintenance of natural



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preserve and open space areas, and protection of tidal beaches and marshes that will be adaptable to future climate events.

- **Policy 5.03.19**

The City must consider purchasing properties in areas most vulnerable to destructive storm surge and flooding for recreational uses and ~~open space~~ land conservation, subject to available financial resources and funding priorities. Transfer of development rights and acquisition by a land trust are among the options for consideration.

- **Policy 5.03.23**

Every two years, the Planning and Conservation Department must review its Zoning and FLUM maps for accuracy and consistency with current environmental conditions.

- **Policy 5.03.24**

The City and Nassau County must develop uniform environmental sustainability and resiliency standards for Amelia Island by May 31, 2021. Among other elements, this plan must include land conservation, identification of lands and those critical to sustainability, policies regarding development, and grants acquisition strategies. The Planning and Conservation Department and the Department of Planning and Economic Opportunity shall coordinate the project, reporting to their respective planning boards and Commissioners. The City must incorporate Nassau County research on floodplain resiliency and vulnerability into its planning strategies and processes.

- **Policy 5.03.25**

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Water Supply Facilities Work Plan

Data and Analysis:

The Water Supply Facilities Work Plan (WSFWP) proposed by Northeast Florida Regional Council (NEFRC) significantly strengthens this aspect of the Comprehensive Plan. We do believe, however, that it will be stronger if accountability aspects of the tasks are clearly defined (e.g. whose responsibility it is to complete a task).

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Questions and comments related to this report should be addressed to kirkland.mrk@gmail.com for distribution to the entire group.

Respectfully submitted,

Beth Foster, Pam Green, Lauree Hemke, Betsie Huben, Christine Joblon, Ann Kemp, Margaret Kirkland, Alexandra Lajoux, Pat Quealy Moore, Helen Perry, and Shameera Wiest

Comp Plan/LDC Working Group

July 6, 2020



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Introduction: Our Context

In spring 2019 a series of four **EAR public input** sessions were held in preparation for revision of the Fernandina Beach Comprehensive Plan. These sessions were well attended and there was a great deal of consistency in the input provided by participants. The most dominant concerns were:

- **Overdevelopment and its implications:** This was the dominant concern. Participants focused on the following implications:
 - Exceeding the carrying capacity of the island, resulting in inability to evacuate in hurricanes, heavy traffic, etc.
 - Loss of quality of life
 - Loss of the character (“sense of place”) of the City, which impacts social and economic sustainability
 - Loss of the trees that we rely on to moderate our temperature and protect us from wind damage, erosion, flooding, etc.
 - The need for multi-modal transportation
- The need for affordable housing
- Noise and litter from the 24-hour-a-day flow of trucks through the historic district to the port and WestRock, impacting small businesses.

These concerns were reported in the notes for each session (which, unfortunately, are no longer on the Planning and Conservation web page) and to some extent in the final EAR report. They reflect the perspective of the community, although they have grown dim in the Northeast Florida Regional Council data and analysis for the mandated elements.

Because Fernandina Beach is located on a barrier island, we do not have the luxury of unlimited expansion. Roads cannot be increased in number or size and we cannot simply add developable land to our jurisdiction at will. Most importantly, parcel development must be limited to what our environment can support without eroding sustainability and resiliency. Based on the “peril of flood” and the water supply mandated elements, it seems clear that the State understands this, particularly since it is a common phenomenon in Florida. We also know that we are not expected to grow in size; rather, we can expect gradual redevelopment and infill. In order to plan, we must know the **carrying capacity** of the City and island and manage growth within those constraints, planning for the hazards that we face.

In the past few years, most of us have realized the severity of the impacts of climate change and sea level rise and how this relates to our barrier island. **Environmental sustainability and resiliency** are crucial and our circumstances necessitate researched-based action. The “peril of



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flood” and water supply mandates seem to communicate an awareness of this at the State level as well. Our resiliency and our social and economic sustainability on this island depend on how we manage our environmental sustainability and ecological resiliency. At this point in time, we must generate the foresight and courage to prepare well for the future.

The City has begun to prepare for the future through land conservation, dune renourishment and protection, improved stormwater management, upgraded building standards to conform to FEMA updates, changing the design of the marina and constructing a sea wall to protect the downtown. However, to prepare well for the future, we need to utilize all of the research available. Over the past couple of years, the County has been studying our environment in relation to floodplain resiliency and land conservation by convening a variety of experts from the State, University of Florida and nonprofits with a range of expertise. The report on this work should be available soon. Most recently, Phase II of their Vulnerability Assessment study was completed and presented to County Commissioners by the Balmoral Group. These data include Fernandina Beach and indicate that we are vulnerable to even a Category 1 hurricane storm surge, which will be exacerbated by sea level rise. The report also includes impacts on cultural resources, areas of poverty and areas where septic systems are in use. We need to incorporate this data into our planning and make a far greater effort to work with Nassau County, the State and the federal government.

As always, there are many things we need to do, but now it is critical that we at least focus on the following to optimize our future:

- Protect primary and secondary dunes as well as relic dunes within proximity of creeks and wetlands
- Protect wetlands, marshes and creeks
- Protect and expand our green infrastructure, our canopy
- Protect the historic district from flooding
- Conserve habitat and wildlife corridors
- Optimize stormwater management
- Adapt our conceptualization of future land use and the associated strategies to fit current realities
- Continue to update building standards using sustainable design to meet current needs

The Comp Plan/LDC Working Group will address these points along with others related to recent contextual changes in our input on the overall Comprehensive Plan.

The Comp Plan/LDC Working Group is a group of community volunteers interested in providing input for both the Fernandina Beach and Nassau County comprehensive plans and land development codes. It was organized by Margaret Kirkland under the auspices of Amelia Tree



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Conservancy, although members perceive themselves as concerned citizens representing their community. In the research process we have garnered information from a number of experts in our community. This report responds to the proposed Northeast Florida Regional Council (NEFRC) text addressing the three legislative comprehensive plan mandates, which is posted to the Planning & Conservation Department web site under Evaluation and Appraisal Review (EAR) (<http://www.fbfl.us/1013/Evaluation-and-Appraisal-Review-EAR>).

“Seasonal Population”

Data and Analysis:

The “Seasonal Population” updates proposed by NEFRC constitute a step in the right direction in responding to this mandate, but as a community located on a barrier island with a finite carrying capacity and the need to prepare for storm surge and sea level rise, we feel the community needs far greater protection and more data to support policy formulation. Many of the other coastal communities around the state have been built out to a point where they are no longer environmentally sustainable in the face of storm surge and sea level rise. They have also lost all character and uniqueness. Our community would prefer smarter growth that contributes to quality of life and environmental, social and economic sustainability, as opposed to greatly increasing densities that destroy the protection we depend on for our sustainability and resiliency—our environment. For this reason, we feel that it is critical that we maintain a conservative balance between our permanent and seasonal residents. It is, after all, essential to have sufficient permanent residents to maintain a community and a functional local government.

The following notes present commentary on the data and analysis provided by NEFRC and provide a foundation for the recommendations to follow. Paragraph headers in red indicate recommended additions while those in black indicate comments or edits of NEFRC recommendations.

- **Clarity:** All objectives and policies must be crystal clear. Currently, the language resembles that of our current Comprehensive Plan, which has been interpreted as unenforceable.
- **2019 EAR Public Input:** Citizen input from the April 2019 public input sessions was quite strong and clear (refer to highlights in the introduction), and the numbers were impressive. In this analysis and draft, that input has been greatly diminished.
- **Excerpt from Part 2, Section 3: 3) FLUM Line 203: “Almost half (42%) of the City is held in conservation or recreational land use.”** (NEFRC Data and Analysis)



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Combining conservation and recreational land use is a misrepresentation that has been used in Fernandina Beach to argue that the city doesn't need more conservation land. A grass ball field with grass that has roots 2 inches long does not prevent erosion or contribute to sustainability like trees or even native grasses with extensive root systems. According to the NEFRC Data and Analysis, the actual amount of conservation land is approximately 17%, and it must be clear that these categories are not the same.

- **Future Land Use Policy 1.02.04:** Note that this “policy” probably should be an objective that identifies a clear, mutually-exclusive list of factors appropriate to the context of Fernandina Beach. This should be followed by a list of policies addressing each factor with a methodology for assessing that factor. If these methodologies are not currently part of City policy, the policy must specify that assessment tools must be developed within a particular time frame. A methodology for assessing each factor and for weighting them must be included.
- **Policy 1.02.14: Current data & the need for sustainability and resiliency standards:** The data in the NEFRC response to this mandate do not consider our current reality. In recent months, completion of Phase II of the Nassau County Vulnerability Study (See Attachment.) has provided updated data on the vulnerability of Amelia Island that must be considered in the Comp Plan. Based on this study, Amelia Island is highly vulnerable to storm surge from even a Category 1 hurricane. Sea level rise exacerbates that hazard. The County also undertook a year-long study of floodplain resiliency and conservation that included experts from throughout the state. The report on this latter study should be available very soon and also must be reflected in any analysis. Based on this and existing NOAA and FEMA data, Fernandina Beach and Nassau County need to develop concrete standards for maximizing sustainability and community resiliency on the island. Because the island has been built out dramatically in recent years, changes in individual parcels now impact sustainability and resiliency. As a result, the City will need a pause in new development of undeveloped parcels in certain areas and of certain types: parcels in the CHHA and CUPZ, parcels east of the CCCL and all parcels with 30% or more canopy.
- **Policy 1.02.15: Carrying capacity:** Before we move further with development, we need to understand the carrying capacity of the city and the island in light of the hazards we face. Fernandina Beach and the unincorporated part of the island are almost completely built out. The rapid pace of development in recent years means that we are either close to or have exceeded our carrying capacity. Some environmental experts in our community believe that we have already exceeded the island's carrying capacity. This must be studied and standards need to be developed that address the storm surge and sea level rise hazards that threaten the city and island and our resiliency. Overdevelopment and carrying capacity were the most dominant concern in the EAR public input sessions in 2019 (refer to



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highlights in the introduction). Effective policies and strategies for addressing these hazards must be determined very soon.

- **Policy 1.02.16: Seasonal populations:** No data are included in the NEFRC analysis related to permanent residents or the three seasonal populations: hotel/motel occupants, short-term rentals, and occupancy of second homes. While the Growth Trends study of the County (attached) contains some data, it does not address the categories in this mandate. To make any specific statements regarding this, we need current reliable data, including representation of the new hotels being built, which are quite large for the size of the city and island. If we do not have this data, we can only say that these studies must be conducted.

Policy Recommendations:

The following policy recommendations include edits and additions to the Future Land Use Element recommendations proposed by NEFRC. Our edits and additions appear in red.

- **Future Land Use Policy 1.02.04:** [Note that this “policy” probably should be expressed as an objective. The policy needs to be that a clear, mutually-exclusive list of factors appropriate to the context of Fernandina Beach must be developed along with the methodology for assessing each factor and weighting them.]

Decisions on amendments to the FLUM ~~shall~~ **must** be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;
 - b. Zoning districts in the surrounding area;
 - c. Demonstration of adequate water supply and water supply facilities;
 - d. Appropriateness of the size of the parcel compared to the proposed use;
 - e. Physical condition of the site, and the suitability of soils and topography for the proposed use;
 - f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, **wildlife habitat or corridors**, flood zones, or historic resources;
 - g. Compatibility factors;
 - h. Impact on adopted levels of service standards and quality of service standards; ~~and~~
 - i. Location in a Coastal Upland Protection Zone (CUPZ); ~~and~~
 - j. The community vision and ~~allowing for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business~~ **analysis of the city and island real estate market for permanent residents, seasonal residents and businesses.**
- This analysis must ~~analyze~~ **include** at least three aspects of seasonal population:



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hotel/motel occupants, short-term rentals, and occupancy of second homes. (See Policy 1.02.16 below.)

k. Consistency with the environmental, social, and economic sustainability and resiliency standards of the island (Policy 1.02.14)

l. Consistency with the carrying capacity of the City and island in addressing current hazards. (Policy 1.02.15)

- **Policy 1.02.14:**

Based on thorough research, the City Planning and Conservation Department and the County Planning and Economic Opportunity Department must develop concrete standards for maximizing sustainability and community resiliency on Amelia Island, including Fernandina Beach, by June 1, 2021. These standards are necessitated by storm surge, sea level rise, and flooding hazards on this barrier island. During this process of standard development and continuing through Commission approval, a renewable six-month temporary moratorium must be placed on new development of undeveloped parcels, particularly those parcels in the CHHA and CUPZ, parcels east of the CCCL and all parcels with 30% or more canopy.

- **Policy 1.02.15:**

Based on thorough research, the City Planning and Conservation Department and the County Planning and Economic Opportunity Department must develop standards for the carrying capacity of Amelia island and Fernandina Beach by December 30, 2021. No new development of undeveloped parcels may be approved until these standards have been codified and approved by the City Commission.

- **Policy 1.02.16:**

The City Planning and Conservation Department and the County Planning and Economic Opportunity Department must analyze the real estate market in the City and on Amelia Island to ensure that there are adequate choices for permanent residents, seasonal residents and businesses within the limits of the physical constraints of the island and sustainability and resiliency standards of the City and island by March 30, 2022. (At least three aspects of the seasonal population must be included in the analysis: hotel/motel occupants, short-term rentals, and occupancy of second homes.)

“Peril of Flood”

Data and Analysis:



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The “peril of flood” updates proposed by NEFRC constitute major improvements in this area, but we believe they can go further. The following data and analysis notes relate to the subsequent edits and additions to those provided by NEFRC. Paragraph headers in red indicate recommended additions while those in black indicate edits of or commentary on NEFRC recommendations.

- **Policy 5.02.08 (REVISED):** Periodic updates of the location of the CCCL need to be coordinated with DEP and incorporated into our GIS mapping. Based on this legislative mandate and other Goal 5 policies, there is an apparent effort to direct populations and density away from storm surge, sea level rise and flood hazards. Perhaps the City should prohibit new construction east of the CCCL since it will inhibit natural dune development and create additional damage, debris and expense in the event of a hurricane.
- **Policy 5.03.18:** This edit simply serves as a reminder that our marshes are tidal and will be impacted by climate events. In fact, surge will advance primarily through the marshes.
- **Policy 5.03.19:** This edit simply adds further specificity.
- **Policy 5.03.23:** In an era of climate change and sea level rise, this addition ensures that zoning maps and the FLUM reflect reality and inform the public and staff in as accurate a manner as possible.
- **Policy 5.03.24:** Because Amelia Island is a barrier island, clear standards promoting environmental sustainability and resiliency must be established and updated regularly. These standards must be communicated to the public. Since Amelia Island is one geological and environmental entity, it is critical that such policies be uniform for the entire island.
- **Policy 5.03.25:** It has been established by prior research by FDEP, SJRWMD and McGlynn Labs (See McGlynn Labs report in Attachment) that Egans Creek and the marsh known as Escambia Slough (the marsh east of the port and south of WestRock) are polluted by E.Coli, pesticides, herbicides and other substances. Residents and tourists fish in these waters, and in a storm event, these pollutants could be spread through nearby neighborhoods and beaches as a result of storm surge and flooding. FDEP has established a water body identification (WBID) for these sites and testing will be conducted by the State. The City and County need to explore State and federal support and develop a cleanup plan.
- **Policy 5.03.26:** As a result of sea level rise (as documented by the city), threat of surge and potential changes in storm patterns, it is important that the City expand its required buffers around wetlands and bodies of water. It is important that these buffers be measured horizontally because buffers with a significant grade do not function as intended.
- **Policy 5.3.27:** It is essential that the City educate the population regarding the challenges and responsibilities of living on a barrier island. This lack of understanding constitutes a hazard during storm events and often results in residents impacting the sustainability and resiliency of the City in decisions they make regarding their property (e.g., changes in topography, destruction of protective dunes, tree and understory removal). This should



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involve distribution of brochures, newspaper articles, and information available on the City web site and social media. Periodic informational meetings could also be scheduled.

- **Policy 5.03.28:** In the past, ordinances have been changed that negatively impacted the City's FEMA Community Rating for flood insurance because of lack of sufficiently careful review. We therefore need to lay a foundation to ensure careful consideration of flood-related decisions in the future.
- **Policies 5.03.29-5.03.34:** These policies strengthen the City's flood-related policies by aligning them more closely with the Code of Federal Regulation (CFR).
- **Policy 5.04.08. (REVISED):** Since the State seems to be trying to get populations away from hazard and out of the Coastal High Hazard Area (Refer to the Storm Surge map available on County Appraisers maps under Public Safety and the Comprehensive Plan map indicating densities in the CHHA), the City should prohibit new construction in the Coastal High Hazard Zone, with the exception of the CRA. Objective 5.04 and several policies mention directing population away from this area. Conservation of this land would contribute to environmental sustainability and resiliency. This would include the CHHA low-lying parcels on the coast, around Egans Creek and Escambia Slough and low-lying parcels close to the river.

OBJECTIVE 5.04. COASTAL HIGH HAZARD AREAS (CHHA)

The City shall protect property, residents, and visitors within the Coastal High Hazard Area. Protection shall be provided through appropriate designations on the Future Land Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the Coastal High Hazard Area, and coordination with hazard mitigation and post-disaster plans.

Refer also to Policy 5.04.05, Policy 5.04.05 and Objective 5.3 revisions.

Policy recommendations:

The following policy recommendations Include edits and additions to the recommendations proposed by NEFRC. Our edits and additions appear in red.

- **Policy 5.02.08 (REVISED)**
The City ~~shall~~ must coordinate with DEP in evaluating the location of the Coastal Construction Control Line (CCCL) and **implement the update in GIS. In order to direct populations away from storm, flood and sea level rise hazard areas, the City must** ~~require that any construction activities seaward of the CCCL established pursuant to Chapter 161.058 be consistent with statutory provisions.~~ **prohibit new construction east of the CCCL. (See policy 5.03.19.)**
- **Policy 5.03.18**



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The City must continue to upgrade stormwater infrastructure through drainage improvements, installation of tidal backflow preventers, and seawall/bulkhead repair in addition to sustainable flood management actions such as installation of bioswales, recharge through drainage wells, use of pervious pavement, maintenance of natural preserve and open space areas, and protection of tidal beaches and marshes that will be adaptable to future climate events.

- **Policy 5.03.19**

The City must consider purchasing properties in areas most vulnerable to destructive storm surge, sea level rise and flooding for recreational uses and open space land conservation, subject to available financial resources. Transfer of development rights, conservation easements and acquisition by a land trust are among the options for consideration.

- **Policy 5.03.23**

Every two years, the Planning and Conservation Department must review its Zoning and FLUM maps for accuracy and consistency as well as consistency with current conditions related to environmental hazards.

- **Policy 5.03.24**

The City and Nassau County must develop uniform standards to optimize environmental sustainability and resiliency for Amelia Island by May 31, 2021. Among other elements, these standards must include identification of lands critical to protection from hazards of storm surge, flooding, erosion and sea level rise; relevant policies regarding development; land conservation; and grants acquisition strategies. The Planning and Conservation Department and the Department of Planning and Economic Opportunity must coordinate the project, reporting to their respective planning boards and Commissioners. The City must incorporate Nassau County research on floodplain resiliency and vulnerability and other current research into its planning strategies and processes.

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amelia tree conservancy

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Questions and comments related to this report should be addressed to
kirkland.mrk@gmail.com for distribution to the entire group.

Respectfully submitted,

Beth Foster, Pam Green, Lauree Hemke, Betsie Huben, Christine Joblon, Ann Kemp, Margaret Kirkland, Alexandra Lajoux, Pat Quealy Moore, Helen Perry, and Shameera Wiest

Comp Plan/LDC Working Group

July 20, 2020

From: noreply@civicplus.com
To: [Kelly N. Gibson](#)
Subject: Online Form Submittal: EAR Feedback
Date: Wednesday, July 1, 2020 2:25:46 PM

EAR Feedback

First Name	GERALD
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Last Name	DECKER
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Email Address for reply (if desired)	jdecker1145@gmail.com
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EAR Feedback	Policy 5.03.19 is overreach as written, and is not required by Florida Statute. Policy 1.02.04j contains the undefined term "community vision" and must either be defined or removed.
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Email not displaying correctly? [View it in your browser.](#)

From: [Nick Gillette](#)
To: [Kelly N. Gibson](#)
Subject: EAR based review comments
Date: Wednesday, July 1, 2020 8:50:50 AM

Kelly,

I'm emailing you some review comments I had concerning the EAR based amendments – dated Jun 2020. I can send via the website form if that is better for you.

Policy 5.04.05 – identifying vulnerable infrastructure in CHHA and relocation.

The City likely has regional sewer lift stations and supporting underground utilities in the CHHA that are surely considered critical elements. This language would imply that these may need to be relocated which would be very difficult and very costly for the City. I'm wondering why this section exists and what would pass the "cost-benefit analysis" for relocation. Is there something specific targeted here for relocation?

Policy 5.03.17-floodplain manager review

This gives the building official (who is usually the floodplain manager) great latitude to grant or deny construction within a flood hazard area without any real criteria on which to base a decision on. The language states "reasonably safe from flooding", which is not defined. This seems arbitrary. It is noteworthy that "temporary flooding" is allowed under SJRWMD and FDOT criteria for drainage design (usually 1" in height). The City should consider this since many households abut roadways that have been designed according to FDOT/SJRWMD criteria.

Policy 5.03.21-participation in NFIPCRS

The language states that a goal is to "achieve flood insurance premium discounts for residents". This language is constantly used by the City and Nassau County (I see it on the County Planning Board) to justify new floodplain management regulations. Do we actually know if resident's flood insurance premiums are going down? Personally, my flood insurance is going up 6.8% this year (I just got my renewal), but there may be a lag to this. I believe people are under the impression the cost benefit should be immediate. I'm not sure why there would be a lag.

Thanks for taking my comments.

Nick E. Gillette, P.E.
Principal/Engineer
Gillette & Associates, Inc.
20 South 4th Street
Fernandina Beach, FL 32034
904-261-8819 – P

From: noreply@civicplus.com
To: [Kelly N. Gibson](#)
Subject: Online Form Submittal: EAR Feedback
Date: Thursday, July 2, 2020 8:40:11 AM

EAR Feedback

First Name	Jack
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Last Name	Knocke
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Email Address for reply (if desired)	jack@iotadvisorgroup.com
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EAR Feedback	Planning Department, I respectfully request that the Planning Department and the Review team pay keen attention to the existing plan and proposed changes to ensure that the existing plan and proposed changes do not cause undo burdens on any project to develop the Fernandina Beach waterfront. As one of the most valuable assets in Fernandina Beach, we need to ensure that when we collectively determine how we would like to develop this area, we need that development to not face unreasonable regulation that could prevent a project moving forward.
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Nassau County Vulnerability Assessment: Phases I & II

NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS

JUNE 17 2020



Project Background

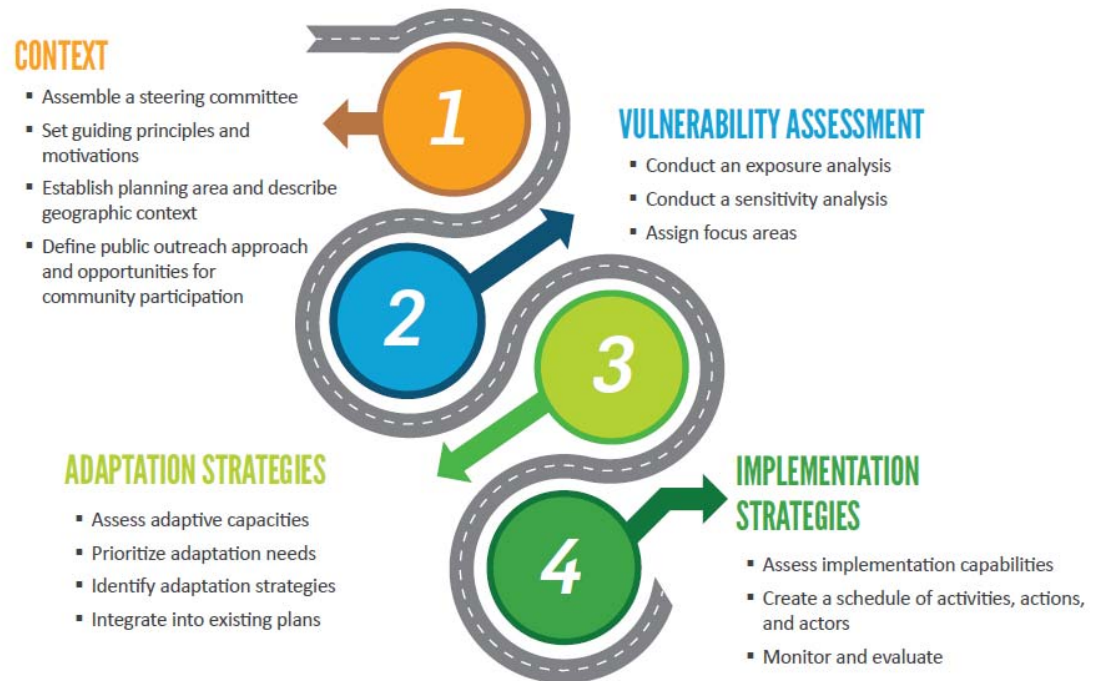
Flooding, stormwater, and drainage are top of mind with elected officials and community based on events like Hurricanes Matthew and Irma, but also because of flooding after typical thunderstorms. The County hears on a weekly basis from citizens regarding road flooding issues or that they have been dropped from their flood insurance. This is illustrated by the County Road and Bridge Department's "open work orders" map. Blue flags indicate open work orders related to drainage and flooding; present throughout the County, a concentration around Callahan demonstrates existing vulnerabilities.



Project Background

In 2019, Nassau County adopted the state statutory requirements regarding “Peril of Flood” into the County’s Comprehensive Plan. This was an important step forward in resilience and adaptation planning for the County. Completing the Vulnerability Assessment will move the County further along the Adaptation Planning process suggested by the State of Florida in the *Florida Adaptation Planning Guidebook*.

Steps to Create Adaptation Plans



Project Background

Nassau County was awarded a pair of Resiliency Planning Grants through the Florida Dept. of Environmental Protection

- ***The intent of the grants was to evaluate rapidly growing areas and areas with demonstrated flooding issues to better prepare Nassau County policymakers as they progress long-range planning projects throughout the county***

Phase I:

- east of I-95, *excluding Amelia Island*
- south and east of SR 200/301

Phase II:

- Amelia Island, including the City of Fernandina Beach
- west of I-95, north and west of SR 200/301

Consultant Team

The Balmoral Group – economists, data scientists, and engineers

- Specializing in analysis of infrastructure, water resources, and natural resources
- Based in Florida; our economic and water resource work spans to Utah and Australia
- We use Geographic Information Systems (GIS) to manage and interpret the data required to assess risks and scenarios
- GIS provides a way to integrate a broad array of data with locations

➤ **Vulnerability Assessments incorporate a lot of GIS data**

Balmoral was supported by *Dr. Randall Parkinson, Coastal Geologist*

Objectives of project:

The Approach: *Support Planning and County response efforts with a detailed assessment of types of flooding. Three types of flooding evaluated:*

- Occasional or Episodic (Existing Conditions-driven)
- Event-driven (i.e., Storm Surge)
- Long-term (Sea Level Rise)

Primary Deliverable: *The primary product of the Assessment is a comprehensive Map Series showing each flooding type as it relates to various data that reflect planning and development concerns.*

Also, the County is in receipt of the entire geo-database supporting the study and can use it for vulnerability and other analyses.

Public Input:

Two Public Workshops held for each Phase of the Project

- Phase I (May 2019)
 - Yulee
 - Callahan
- Phase II (Feb 2020)
 - Amelia Island
 - Hilliard

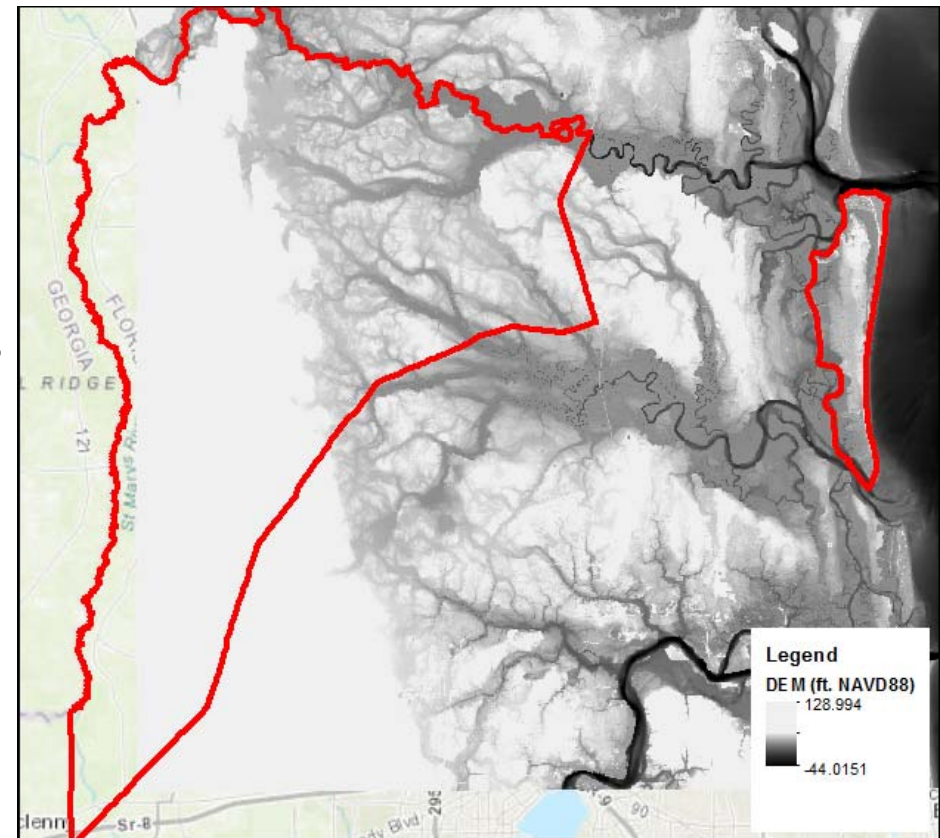


Presentations from Staff (including NFIP-CRS, Emergency Management); attendance by elected officials; information on local flood conditions; Q&A

Background to Data Presented

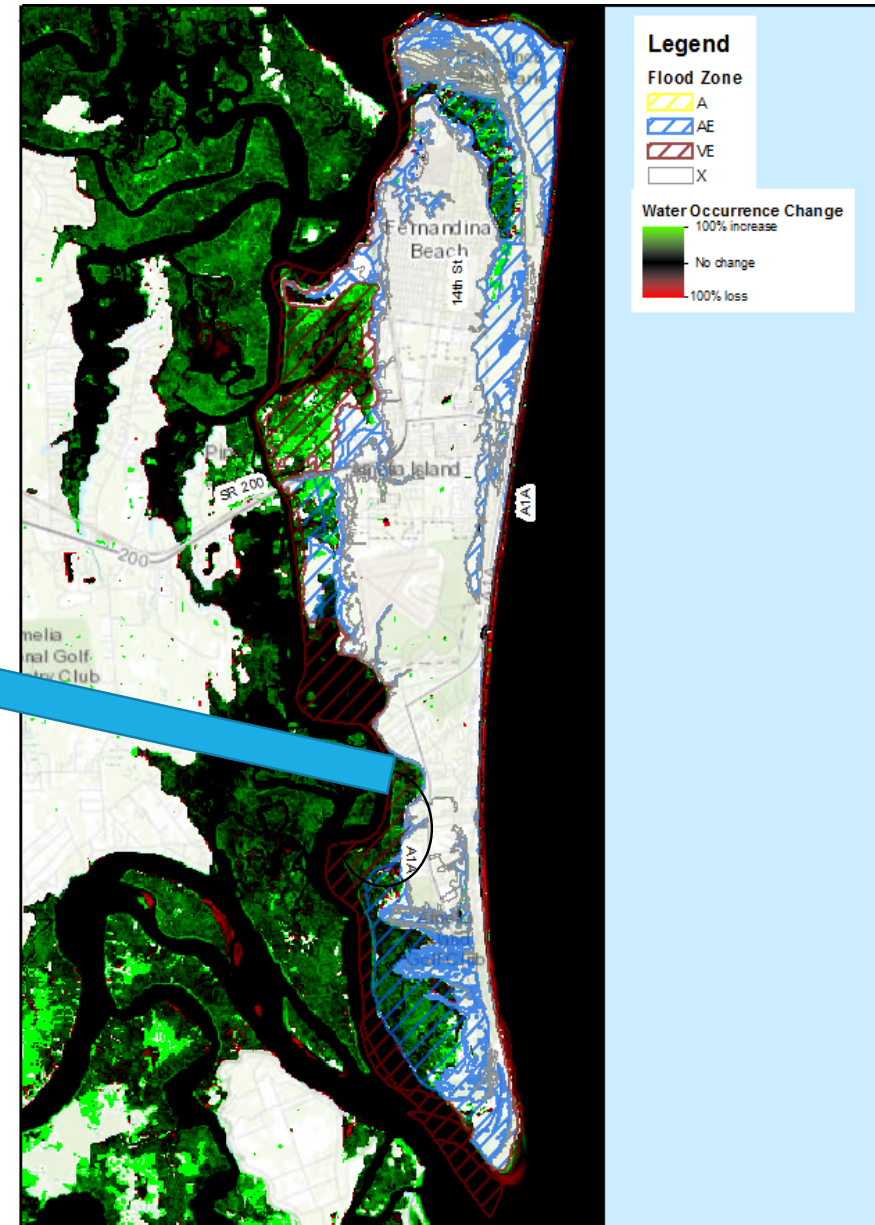
As planning efforts may respond differently to episodic flooding versus long-term changes in flooding conditions, the maps are organized in threes, by type of inundation for each new data theme introduced:

1. The first map in each sequence displays seasonal, episodic flooding or inundation, based on satellite data reflecting the presence or absence of surface water.
2. The second map in each sequence displays storm surge inundation, based on NOAA-modeled impacts associated with each of five hurricane categories.
3. The third map presents three sea level rise projections.



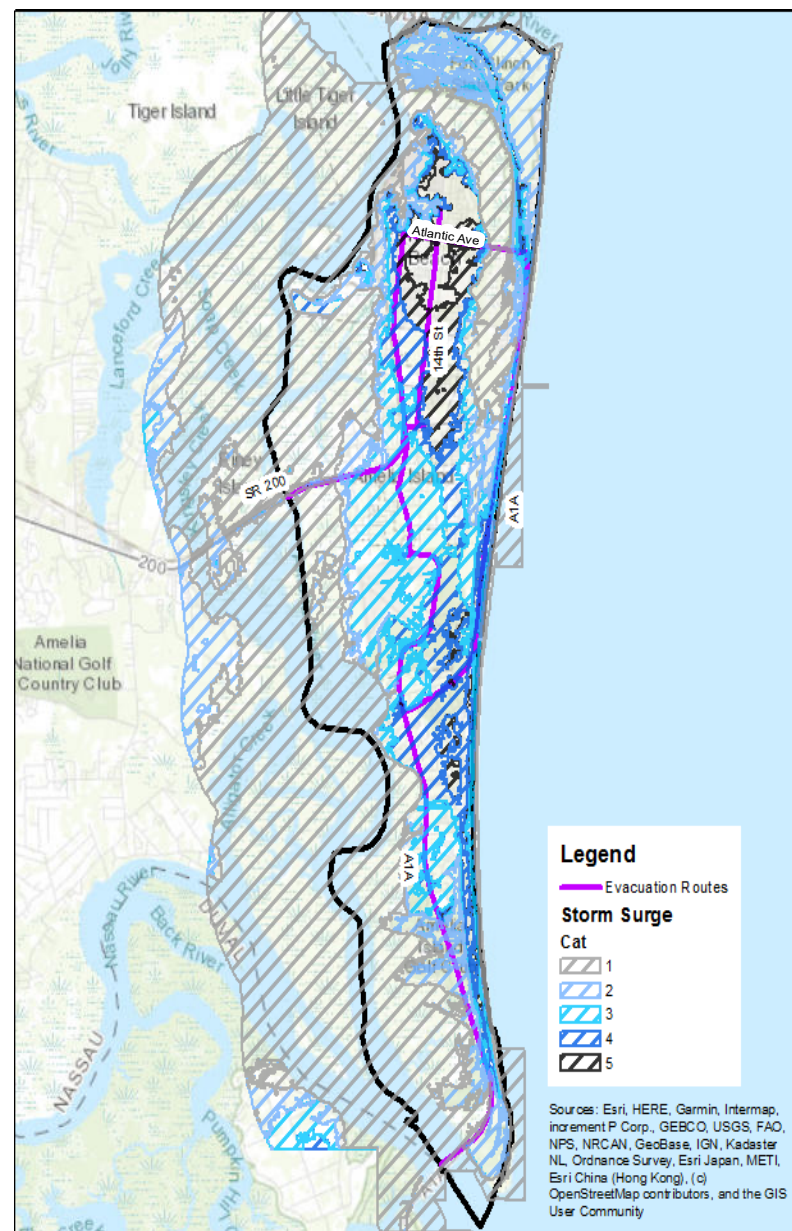
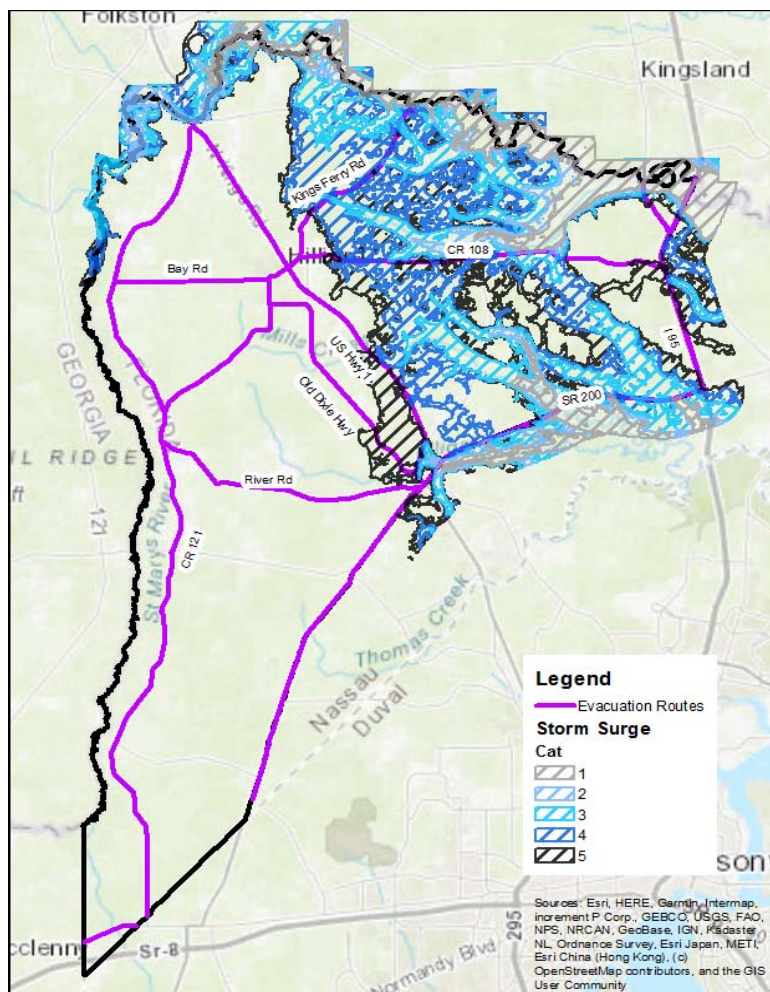
Flood Zones and Water Occurrence Change

Amelia Island: how FEMA Flood Zones overlap with changes in surface water frequency.



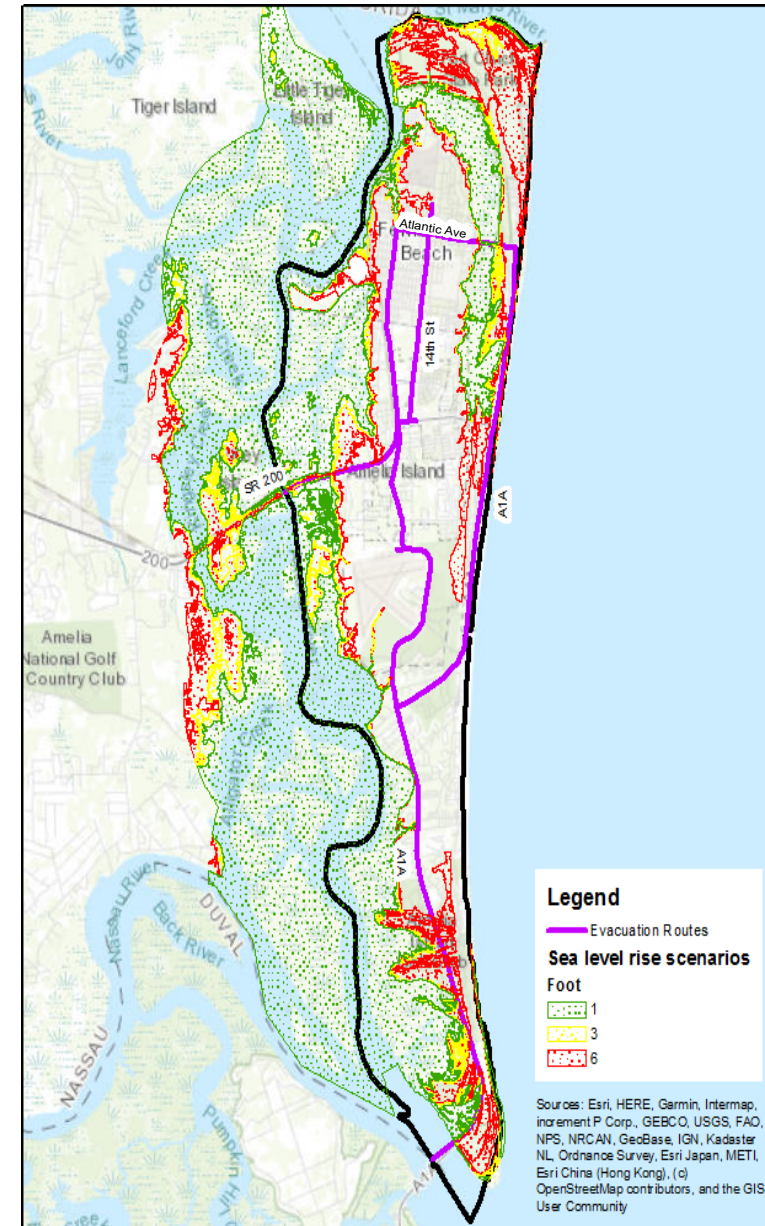
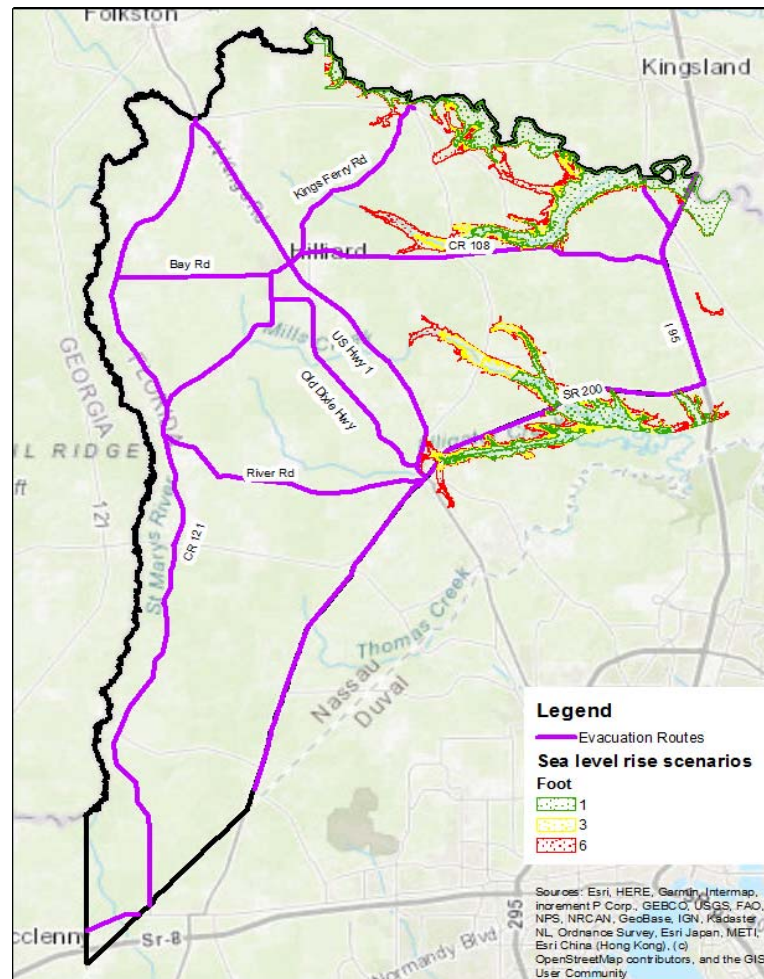
Storm Surge Projections

Storm Surge associated with hurricane categories 1-5 are mapped (along with evacuation routes). Note Amelia Island in context of Cat 1 and Cat 2 events



Sea Level Rise Projections

As with storm surge, large portions of Amelia Island are impacted by the 1 ft. sea level rise scenario, which is the scenario with the earliest occurrence.



Themes Evaluated

- **Land Use**
 - Existing Land Use
 - Future Land Use
 - Current Zoning and Patterns of Development
 - Approved (but largely unbuilt) Subdivisions
 - Conservation Lands
- **Infrastructure**
 - Critical locations (eg, fire stations, schools, police stations and hospitals)
 - Wastewater Treatment (central sewer vs septic)
 - Water Lines
 - Bridges

Themes Evaluated

- **Demographics / Socio-economics (Census Tract Level)**
 - **Racial Composition**
 - **Population over 65**
 - **Households with Income below Poverty Threshold**
 - **Non-institutionalized Population over 18 with a Disability**
 - **Employment (Block Group Level)**
- **Housing and Buildings**
 - **Pre-FIRM**
 - **Manufactured Homes**

Themes Evaluated

- **Cultural Resources**
 - Historical Structures
 - Cemeteries
 - Archaeological Sites (MSF)
 - Areas that have been surveyed
- **Special Topics (Phase II)**
 - Fernandina Historic District
 - Paper Mills
 - Airport, Marina, FAA Air Route Traffic Control Center
 - Other – Amelia Island Tourist Destinations, Egan's Creek Greenway, White Oak Conservation

Thank You!

Questions?



Select Data Sources

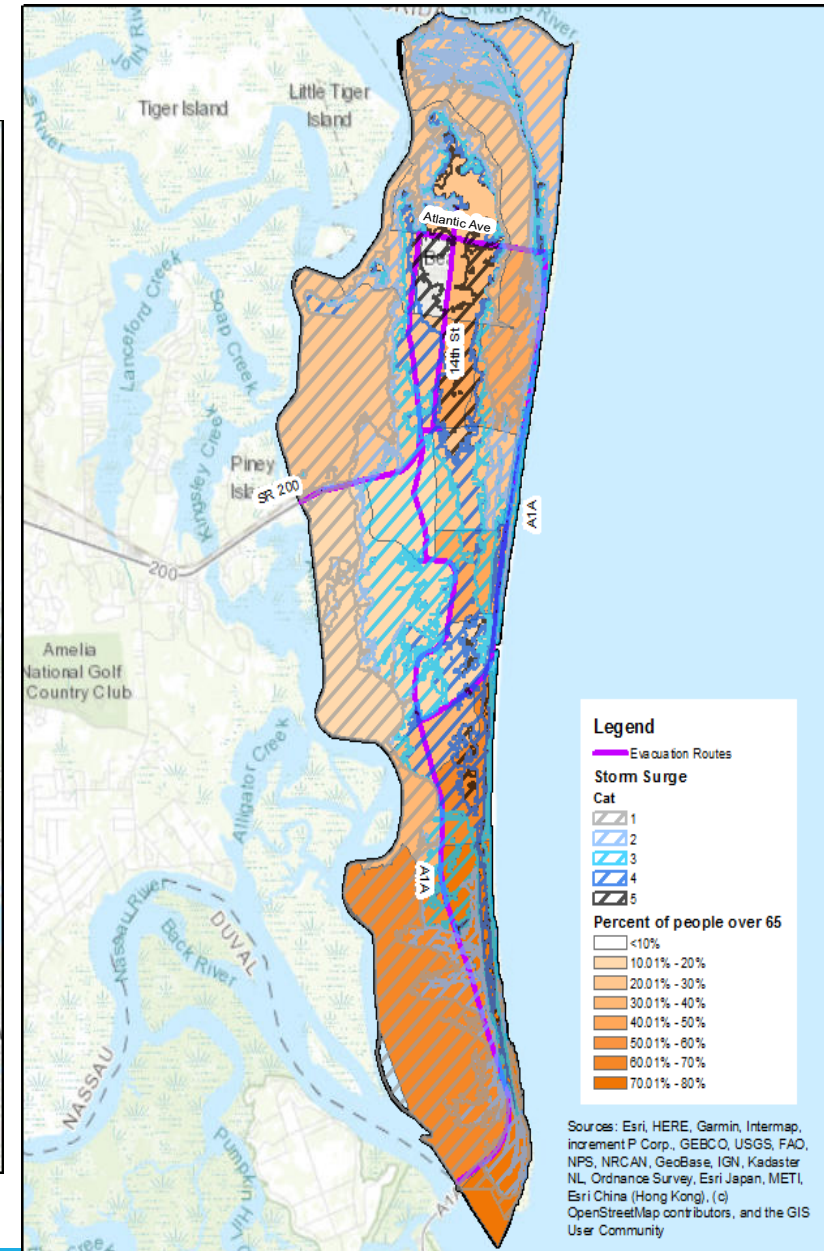
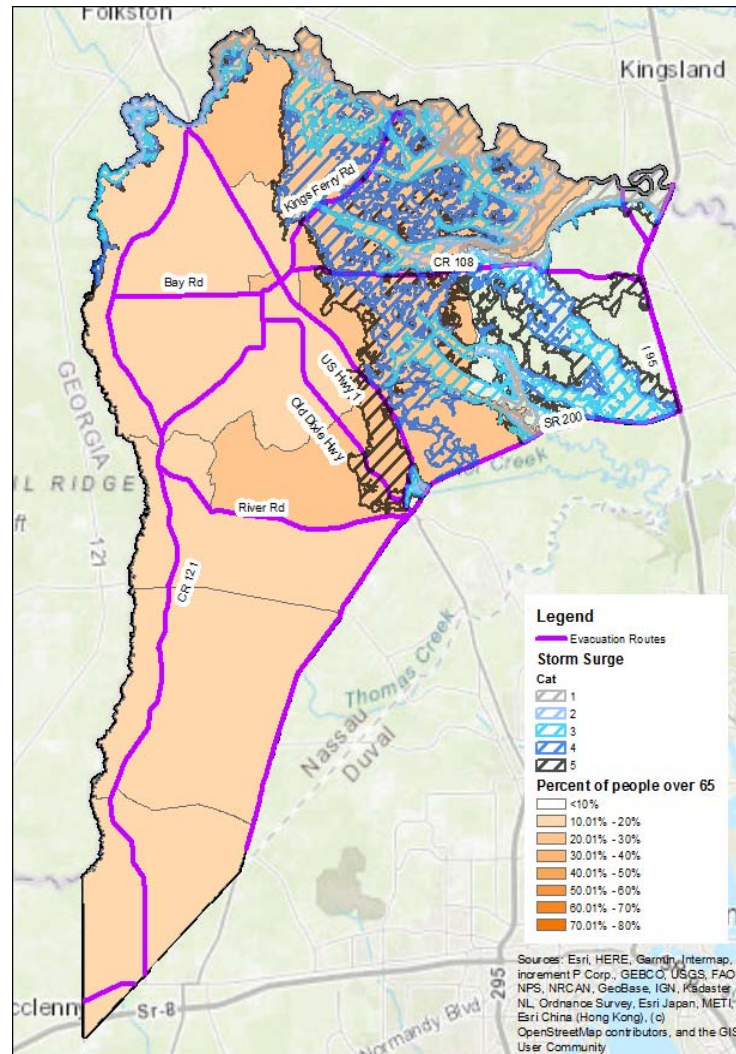
- European Commission Joint Research Centre (EC JRC)
- National Oceanic and Atmospheric Administration (NOAA)
- Northeast Florida Regional Council (NEFRC)
- Florida Department of Revenue
- Florida Division of Historical Resources
- Florida Natural Areas Inventory
- U.S. Census Bureau Topologically Integrated Geographic Encoding and Referencing (TIGER) data
- U.S. Census Bureau Longitudinal Employer-Household Dynamics data
- U.S. Department of Health, Florida Water Management Inventory

Select Examples

- Percent of Population over 65 and Storm Surge
- Percent of Households with Income below Poverty Threshold and Sea Level Rise
- Cultural Resources and Storm Surge
- Fernandina Historic District
- Paper Mills
- FAA Control Center

Percent of Population over 65 and Storm Surge

Block groups on the south end of Amelia Island have higher shares of elderly population (70-80%) and these overlap areas with higher likelihood of storm surge. The block groups west of I-95 have lower percentages of the elderly (30-40% in more flood-prone areas).

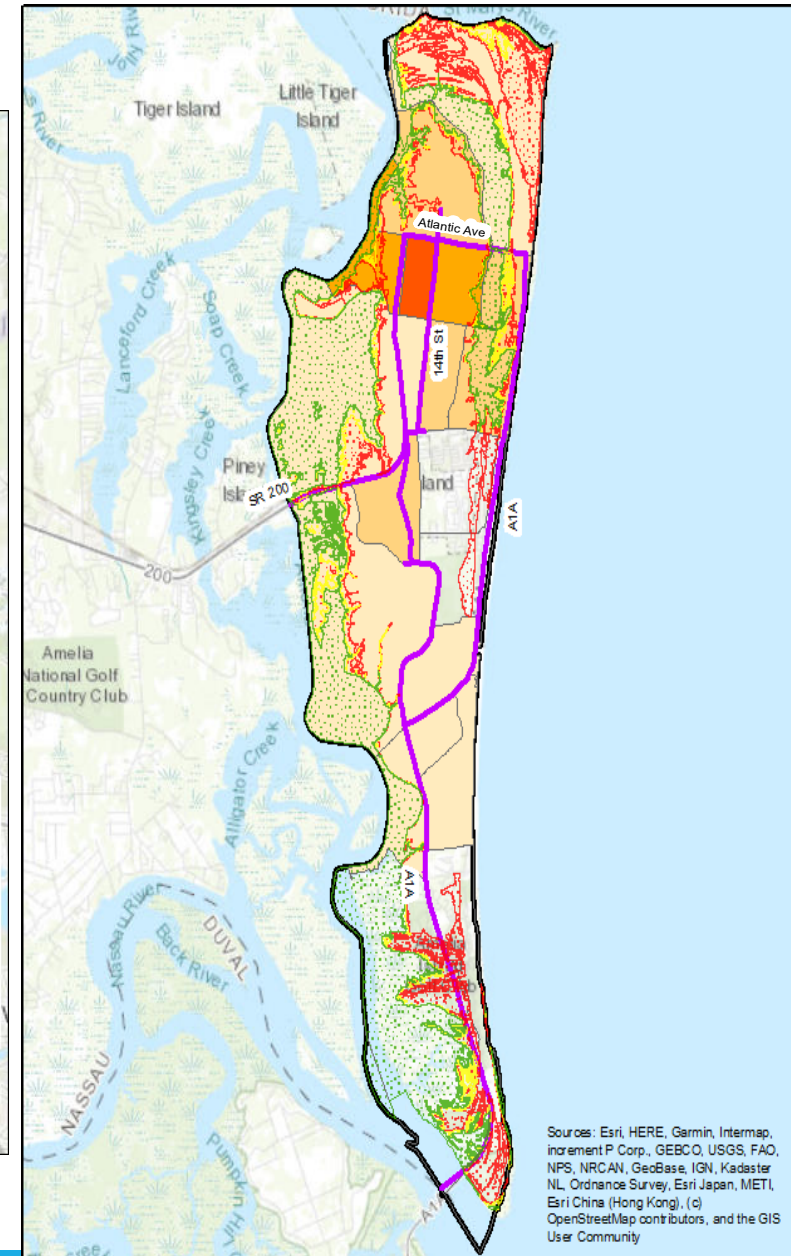
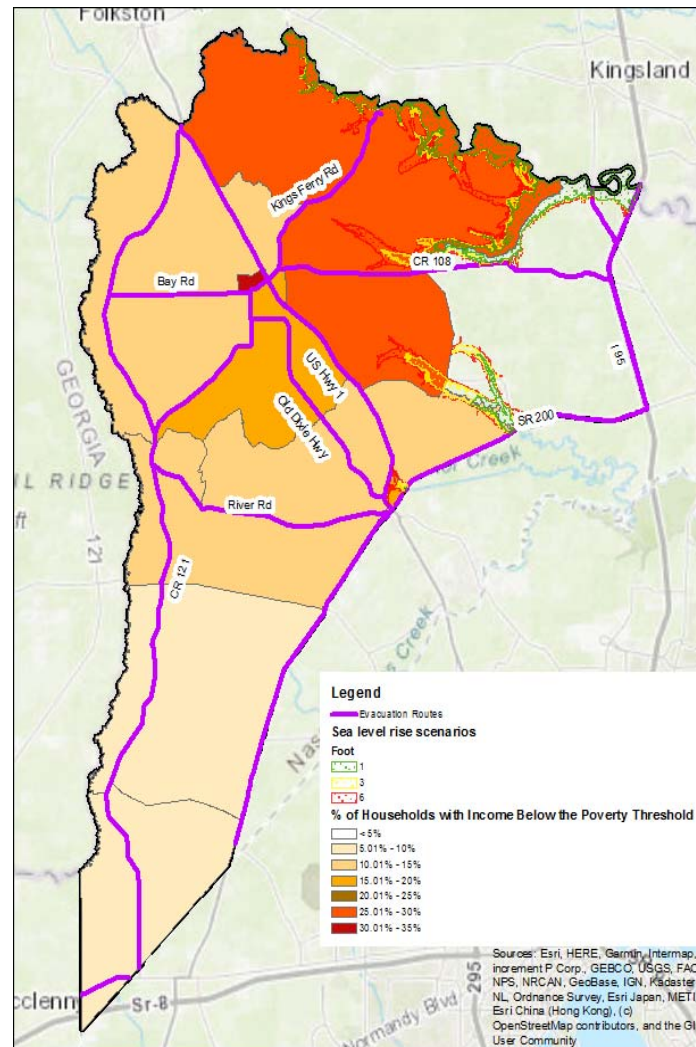


Sources: TBG Work Product; U.S. Census; NOAA

Percent of Households with Income below Poverty Threshold and Sea Level Rise

West of I-95, sea level rise will impact block groups with higher percentages of households with income below the poverty threshold (ie, along the St. Marys River).

The block groups on Amelia Island between Jasmine and Atlantic Ave with the highest percentages of households with income below the poverty threshold would not be impacted by any of three sea level rise scenarios.

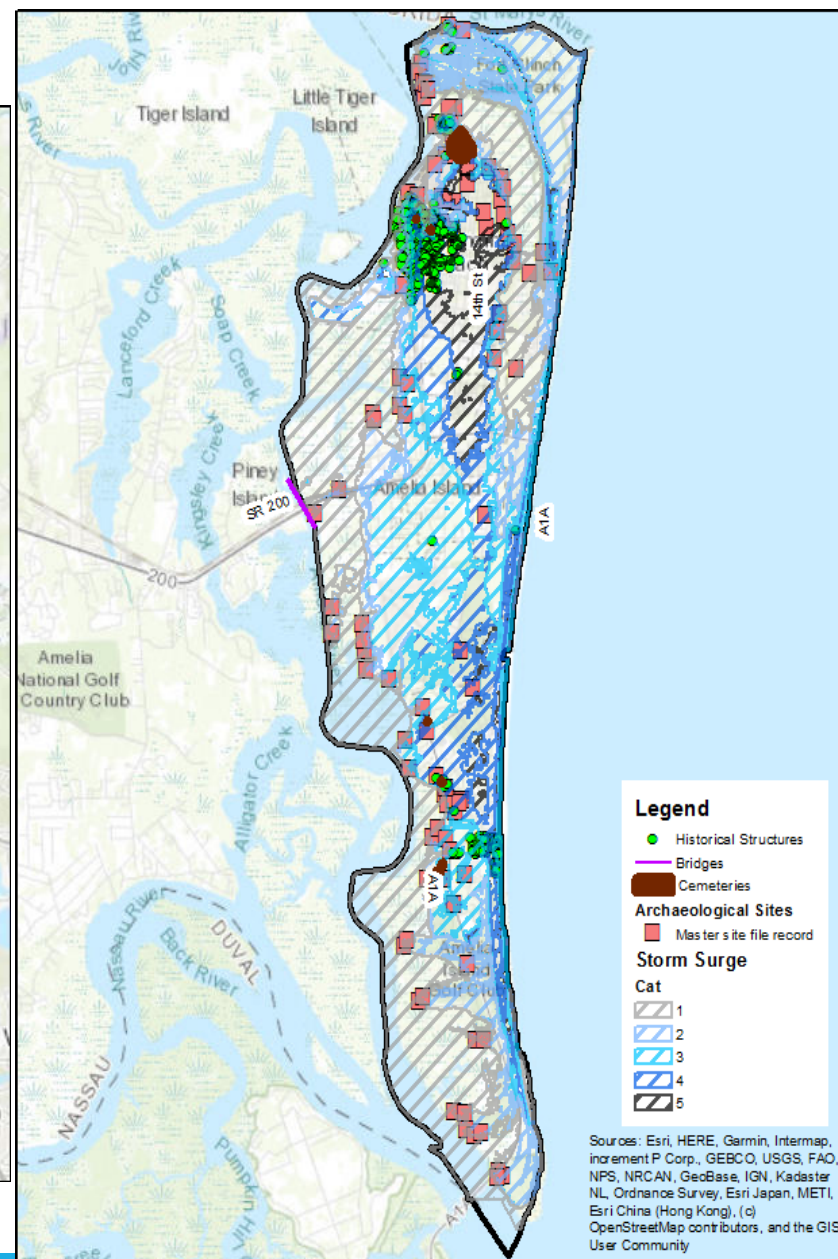
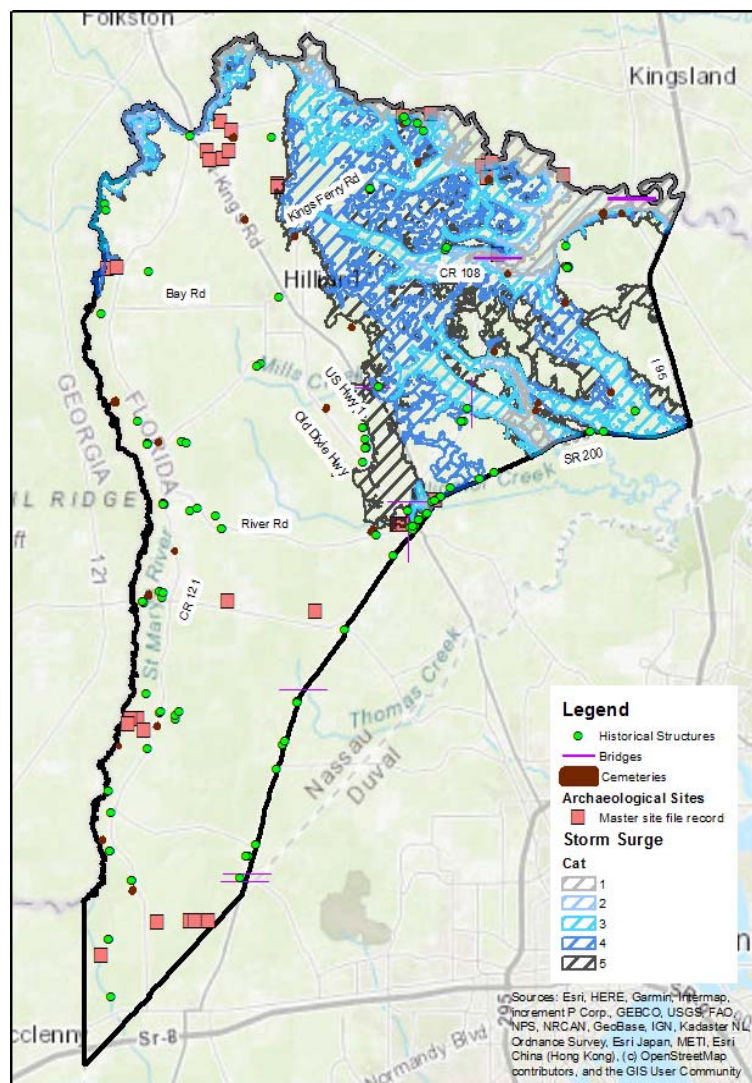


Sources: TBG Work Product; DOR; NOAA

Cultural Resources and Storm Surge

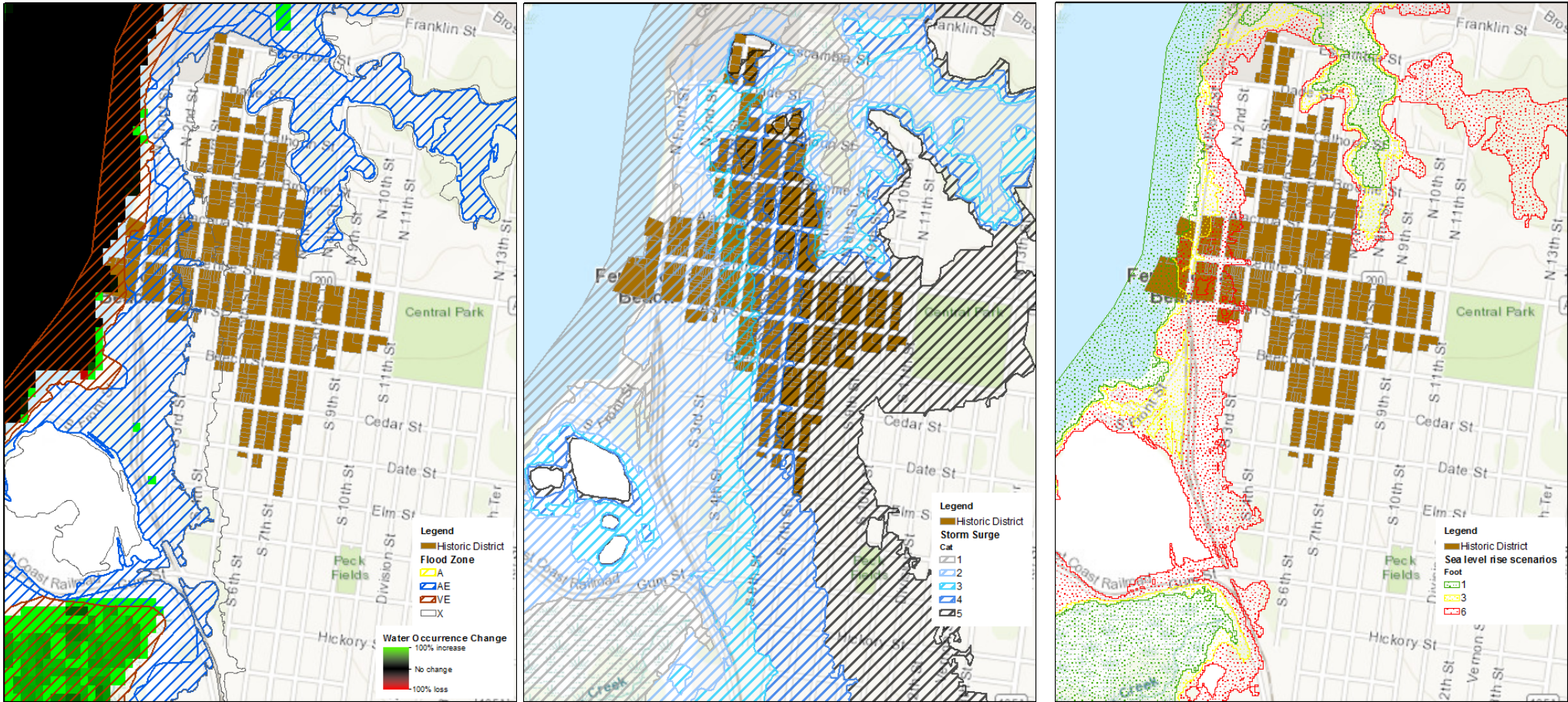
On the left, 15% of archaeological sites and 2% of historical structures are at risk under a Cat 3 or lower storm surge. This increases to 30% and 16% respectively under a Cat 5 storm surge.

On Amelia Island, two-thirds of the archaeological sites and 35% of historical structures would be subject to a Cat 3 or lower storm surge. Approximately 90% of these resources would be at risk under a Cat 5 storm surge.



Sources: TBG Work Product; Florida Division of Historical Resources; NOAA

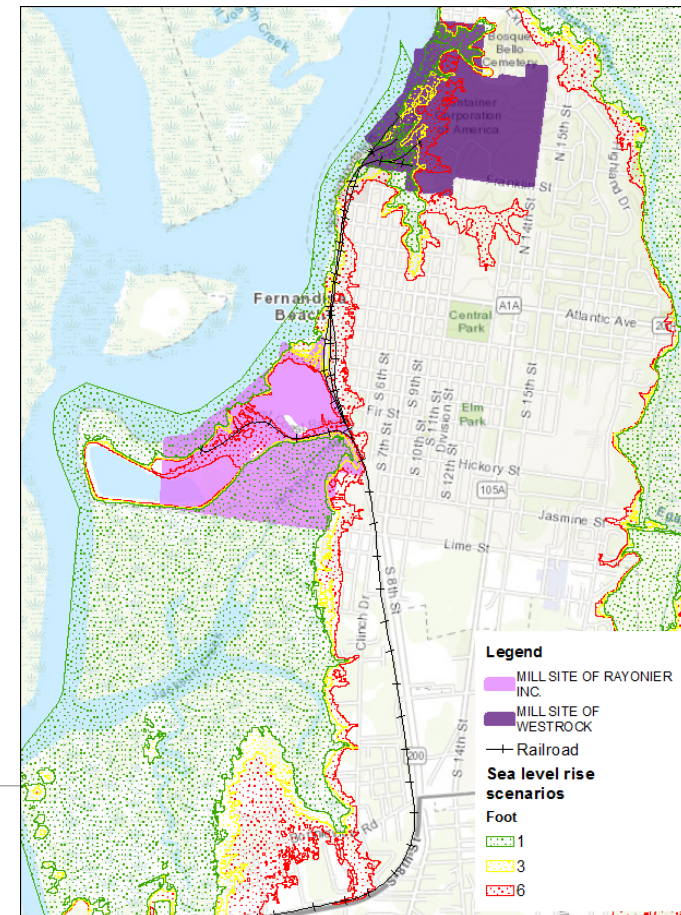
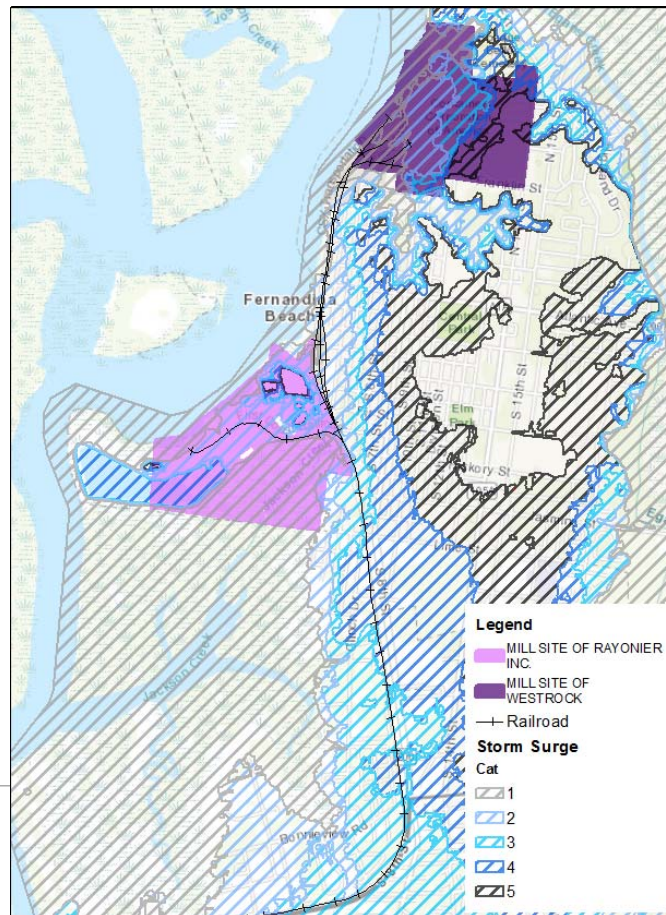
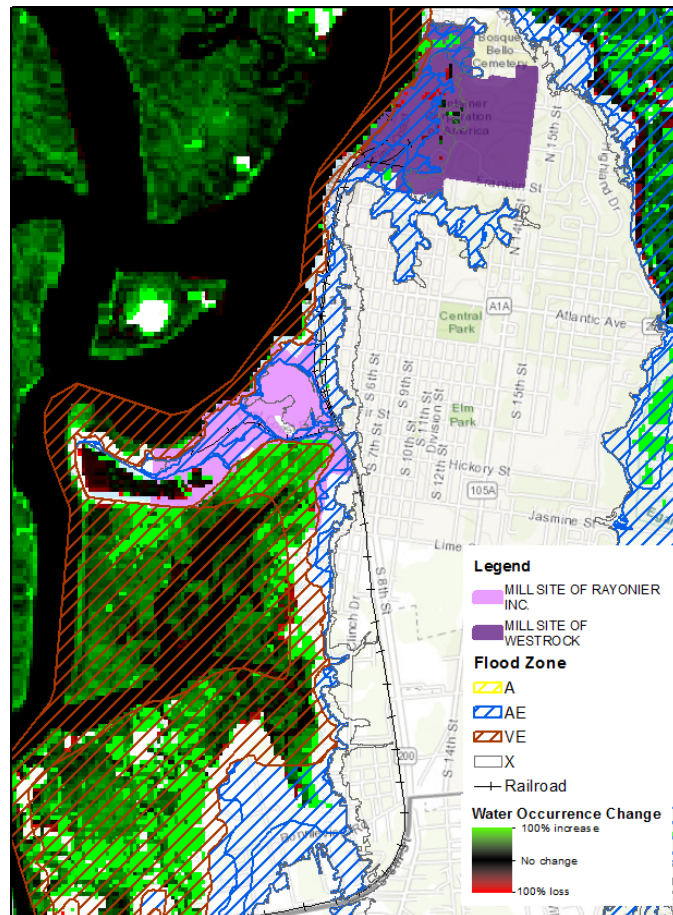
Fernandina Historic District



Sources: TBG Work Product; DOR; EC JRC/Google; NOAA

FEMA Flood zones shown on the left. 2% of parcels within the District are within the area subject to a Cat 1 storm surge, 38% are within a Cat 3, and 99% within a Cat 5 storm surge. 2% and 14% of the parcels are within a 1 ft. and 6 ft. sea level rise, respectively.

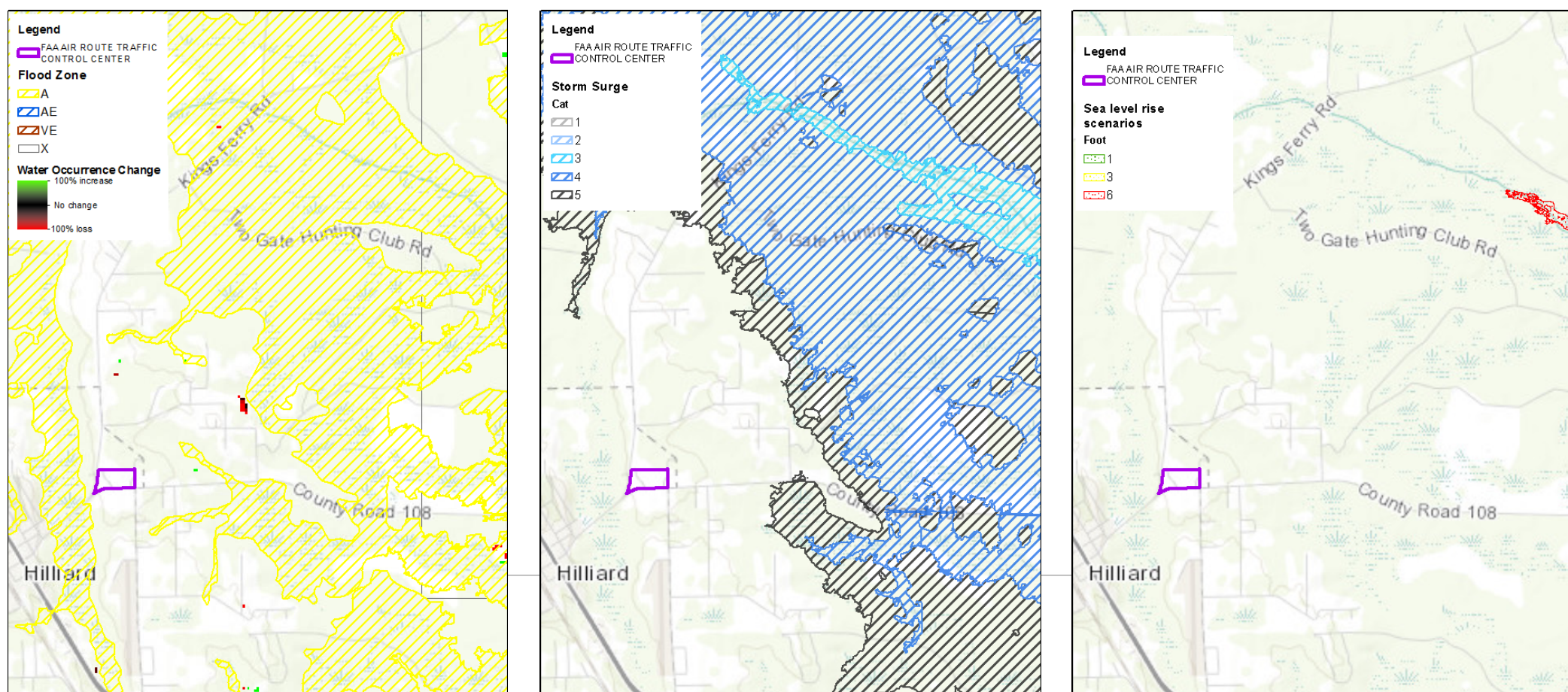
Paper Mills



Sources: TBG Work Product; DOR; EC JRC/Google; NOAA

Paper comprises more than 91% and 95% of Nassau County's manufacturing employment and wages, respectively. Both mills adjoin the Intracoastal Waterway, where there have been increases in surface water occurrence. These increases are more evident at the Rayonier mill. Both sites are exposed to a Cat 1 storm surge and a 1 ft. sea level rise.

FAA Control Center



Sources: TBG Work Product; DOR; EC JRC/Google; NOAA

The property of the Federal Aviation Administration (FAA) air route traffic control near Hilliard does not overlap with any storm surge or sea level rise projections. There is no evidence of increased surface water occurrence in the surroundings of the facility.

Ron DeSantis
GOVERNOR



Dane Eagle
EXECUTIVE DIRECTOR

November 24, 2020

The Honorable John A. Miller
Mayor, City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

Dear Mayor Miller:

The Department of Economic Opportunity ("Department") has completed its review of the proposed comprehensive plan amendment for the City of Fernandina Beach (Amendment No. 20-01ER), which was received and determined complete on September 25, 2020. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. The Department does not identify any objections or comments to the proposed amendment and this letter serves as the Objections, Recommendations and Comments Report. Review comments received by the Department from the appropriate reviewing agencies, if any, are enclosed.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment. **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of the Department's attached report, or the amendment will be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(4)(e)1., F.S.

If you have any questions related to this review, please contact Joseph Addae-Mensa, Planning Analyst, by telephone at (850) 717-8476 or by email at joseph.addae-mensa@deo.myflorida.com.

Sincerely,

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/jam

Enclosure: Procedures for Adoption
Agency Comments

cc: Kelly N. Gibson, AICP, Planning Director, City of Fernandina Beach
Margo Moehring, Policy and Planning Director, Northeast Florida Regional Council

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

From: [Plan Review](#)
To: [Eubanks, Ray](#); [DCPexternalagencycomments](#)
Cc: [Plan Review](#)
Subject: [EXTERNAL] - Fernandina Beach 20-01ER Proposed
Date: Friday, October 23, 2020 4:08:39 PM
Attachments: [image002.png](#)

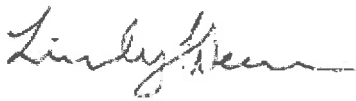
To: Ray Eubanks, DEO Plan Review Administrator

Re: Fernandina Beach 20-01ER – State Coordinated Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to plan.review@floridadep.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.





Florida Department of Transportation

RON DESANTIS
GOVERNOR

2198 Edison Avenue MS 2806
Jacksonville, FL 32204-2730

KEVIN J. THIBAUT, P.E.
SECRETARY

October 20, 2020

Mr. D. Ray Eubanks, Plan Review and Processing Administrator
Florida Department of Economic Opportunity
Bureau of Community Planning
107 East Madison Street MSC 160
Tallahassee, FL 32399-4120

**SUBJECT: City of Fernandina Beach Proposed Comprehensive Plan Amendment
(20-1ER)**

Dear Mr. Eubanks,

Pursuant to Section 163.3184(4), Florida Statutes, (F.S.) in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed the proposed amendment, City of Fernandina Beach 20-1ER.

City of Fernandina Beach has transmitted a Comprehensive Plan update based upon evaluation according to section 163.3191 of the Florida Statutes to include revisions to comply with changes in Florida Statutes and extends the Planning Horizon to 2040. The required updates relate to providing a balance of uses while allowing for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and businesses and accommodating the minimum amount of land needed to achieve these goals. The City's "Peril of Flood" goals, objectives and policies will be added as appropriate to address the new requirements of Section 163.3178 regarding flood risk. The amendment also adopts a Water Supply Facility Work Plan and comprehensive plan amendments related to it as required by Chapter 163.3177(6)(c) Florida Statutes. The City is also transmitting its proposed 2020-2021 Capital Improvements Plan as directed by Chapter 163.3177(3)(a).

FDOT has determined the proposed amendment has no significant impact on important state transportation resources or facilities within its jurisdiction. We appreciate the opportunity to review the proposed comprehensive plan amendment and request that a copy of the adopted amendment, along with the supporting data and analysis be transmitted within ten working days after the second public hearing for FDOT review.

If you have any questions, please do not hesitate to contact me by email:
scott.clem@dot.state.fl.us or call: (904) 360-5681.

Sincerely,

A handwritten signature in blue ink that reads "Scott A. Clem". The signature is written in a cursive, slightly stylized font.

Scott A. Clem, AICP
FDOT D2 Growth Management Coordinator

cc: Jennifer Carver, FDOT Central Office, Office of Policy Planning

From: [Steve Fitzgibbons](#)
To: [DCPexternalagencycomments](#)
Cc: kgibson@fbfi.org
Subject: [EXTERNAL] - City of Fernandina Beach proposed comprehensive plan amendment 20-1ER
Date: Monday, October 19, 2020 11:02:23 AM

Dear Mr. Eubanks,

St. Johns River Water Management District (District) staff have reviewed City of Fernandina Beach proposed comprehensive plan amendment 20-1ER in accordance with the provisions of Chapter 163, Florida Statutes. The amendment contains the City's water supply facilities work plan. District staff have no comments on the proposed amendment.

District staff appreciated the opportunity to coordinate with City staff prior to transmittal of the proposed amendment and to provide feedback on the City's efforts to develop its water supply facilities work plan.

If you have any questions or need additional information, please contact me. Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at sfitzgibbons@sjrwmd.com.

Sincerely,
Steve Fitzgibbons

Steven Fitzgibbons, AICP
Intergovernmental Planner
Division of Strategic Planning and Initiatives
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
Office (386) 312-2369
E-mail: sfitzgibbons@sjrwmd.com
Website: www.sjrwmd.com
Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



www.sjrwmd.com/epermitting

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at

<http://www.sjrwmnd.com/lobbyist/>

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity to the ORC report from the Department of Economic Opportunity.

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, January 5, 2021, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2020-30

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, STATING ITS INTENT TO AMEND ORDINANCE 2003-36 IN ACCORDANCE WITH THE RECOMMENDATIONS CONTAINED IN THE ADOPTED EVALUATION AND APPRAISAL REPORT BY RESOLUTION 2020-37; AND APPROVING THE TRANSMITTAL OF SUCH PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR REVIEW IN ACCORDANCE WITH SECTION 163.3184(3), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

Note:

Please run as a DISPLAY in the December 23, 2020 edition of the News Leader.

Please send proof of publication to:

*City Clerk's Office
City Hall, 204 Ash Street
Fernandina Beach, FL 32034
904-310-3115*

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Board Appointment
Board of Trustees of the Firefighters' and Police Officers' Pension Plan

ITEM TYPE: Board Appointment

REQUESTED ACTION: Approve reappointment.

SYNOPSIS: In accordance with the Operating Rules and Procedures for the City of Fernandina Beach Firefighters' and Police Officers' Pension Plan Section 1.8: vacancies among the Resident Trustees shall be filled by the City Commission.

5th Trustee Member Water Sturges' term expires December 2020. Mr. Sturges expressed interest in serving an additional term. The Board of Trustees of the Firefighters' and Police Officers' Pension Plan, at their November 12, 2020 Regular Meeting, voted to reappoint Mr. Walter Sturges as the 5th member for a two year term ending December 2022. This re-appointment request is hereby submitted to the Honorable City Commission for consideration.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission reappoint Mr. Walter Sturges to a two-year term ending December 2022.

Caroline Best, City Clerk 12/1/2020
Dale L. Martin, City Manager 12/21/2020

Caroline Best

Date: December 01, 2020

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION: Approve

Kim Briley

From: Teresa Bryan
Sent: Tuesday, December 1, 2020 11:38 AM
To: Kim Briley
Cc: Denise Matson
Subject: RE: FPPP Member Sturges' Term

Hi Kim,

My apologies, Walter is the 5th member and the board reappointed him at the November meeting so he is ready to move forward to the commission.

Thanks,

Teresa Bryan
Senior HR Generalist
City of Fernandina Beach
204 Ash St.
Fernandina Beach, FL 32034
(904) 310-3127 | tbryan@fbfl.org
www.fbfl.us



If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.

Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempted by the Public Records Law. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Kim Briley <kelliott@fbfl.org>
Sent: Tuesday, December 1, 2020 11:12 AM
To: Teresa Bryan <tbryan@fbfl.org>
Cc: Denise Matson <dmatson@fbfl.org>
Subject: FPPP Member Sturges' Term

Hey Teresa,

I noticed that Mr. Walter Sturges' term is set to expire on 12/31/20 and didn't know if he was seeking reappointment? Please advise as soon as you can and we can prepare for an upcoming CC meeting.

Thanks,

Kim Briley, MMC
Deputy City Clerk
City of Fernandina Beach
204 Ash St.
Fernandina Beach, FL 32034
(904) 310-3117 | kelliott@fbfl.org
www.fbfl.us



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Board of Trustees of the Fire and Police Pension Plan

Position	Term	Name & Address	Phone
1	02-01-2017	Karl Ashley 1630 Park AVenue, Fernandina Beach, FL 32034 kcashley@bellsouth.net	(904) 206-4367
2	01-01-2016	Rusty Burke 204 Ash Street, Fernandina Beach, FL 32034 rburke@fbfl.org	(904) 277-7331
3	12-01-2012	Jim Norman 204 Ash Street, Fernandina Beach, FL 32034 jjnorman@fbfl.org	(904) 277-7342
4	02-01-2013	Walter Sturges 204 Ash Street, Fernandina Beach, FL 32034 wsturges@fbfl.org	(904) 277-7342
5	10-20-2020	David Samson 1866 1st Avenue, Fernandina Beach, FL 32034 dhsamso@yahoo.com	(904) 410-7271 (904) 206-3254

Board of Trustees of the Fire and Police Pension Plan

Term Length: 24 Months

Max Terms: No Limit

Number of Members: 5

Meeting Schedule: Third Thursday of the 2nd month following the end of each quarter

Meeting Time: 1:00 PM

Meeting Location:

Meeting Address:

Type: Advisory Board

Description:

Council Liaison:

Staff Liaison:

Teresa Bryan

tbryan@fbfl.org

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
1	Karl Ashley	02/01/2017	1	12/01/2021
2	Rusty Burke	01/01/2016	1	12/01/2022
3	Jim Norman	12/01/2012	1	12/01/2022
4	Walter Sturges	02/01/2013	1	12/01/2020
5	David Samson	10/20/2020	1	11/01/2022

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Board Appointment
Fernandina Beach Housing Authority

ITEM TYPE: Board Appointment

REQUESTED ACTION: Consider board appointment.

SYNOPSIS: In accordance with 421.05(1) Florida Statute; the Mayor, with the approval of the governing board, shall appoint members to the Fernandina Beach Housing Authority.

The Fernandina Beach Housing Authority, at their December 16, 2020 meeting, approved the appointment of Ms. Regina Moore who's application is attached hereto for the Honorable City Commissions' consideration.

Ms. Moore resides within the jurisdictional boundaries of the City of Fernandina Beach in accordance with City Charter, Section 69.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission appoint Ms. Regina Moore to the Housing Authority for a three year term ending December 2024.

Dale L. Martin, City Manager 12/21/2020

Monica Benischeck, Administrative Services Manager 12/21/2020

Date: December 17, 2020

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION: Approve

Caroline Best

From: Caroline Best
Sent: Thursday, December 17, 2020 12:01 PM
To: thomas morris
Cc: kbriley@fbfl.org
Subject: RE: new boardmember

Good afternoon, Chairman Morris:

Thank you for providing the Fernandina Beach Housing Authority board member appointment information for Ms. Regina Moore. She is on the 1/05 City Commission Regular Meeting agenda for Commissioner consideration/approval.

Happy holidays to you and yours.

From: thomas morris <thomasmorris83@yahoo.com>
Sent: Thursday, December 17, 2020 10:29 AM
To: Caroline Best <cbest@fbfl.org>
Subject: new boardmember

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

Good Morning Madam Clerk hope all is fine with you and your family.

our board met yesterday evening via conference call, and the board selected Ms Regina More to fill the vacancy on our board. We will be meeting again in January 2021. Thank you so much for you help. Have a Mary Christmas, and a blessed new Year.

thomas morris
1204 fir street

Housing Authority of Fernandina Beach

Position	Term	Name & Address	Phone
1	03-01-2017	Elaine Roberts 512 South 13th Terrace, Fernandina Beach, FL 32034 eroberts8034@gmail.com	(904) 261-8034
2	09-01-2014	Colleen Espersen 2716 Long Boat Drive, Fernandina Beach, FL 32034 colleenespersen72@gmail.com	(904) 432-3312
3		<i>Vacant</i>	
4	12-01-2008	Thomas Morris 1204 Fir Street, Fernandina Beach, FL 32034 thomasmorris83@yahoo.com	(904) 261-0473 (904) 267-9168
5	04-01-2007	Kimberly Richo 1028 South 11th Street, Fernandina Beach, FL 32034	(904) 261-9309

Housing Authority of Fernandina Beach

Term Length: 4 Months

Max Terms: 1 Term(s)

Number of Members: 5

Meeting Schedule: Third Wednesday of each month

Meeting Time: 4:00 PM

Meeting Location: Fernandina Beach Housing Authority

Meeting Address: 1300 Hickory Street

Type: Advisory Board

Description:

Council Liaison:

Staff Liaison:

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
1	Elaine Roberts	03/01/2017	1	03/01/2021
2	Colleen Espersen	09/01/2014	1	05/01/2022
4	Thomas Morris	12/01/2008	1	05/01/2022
5	Kimberly Richo	04/01/2007	1	02/01/2021

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Board Appointment
Public, Educational, and Government (PEG) Channel Committee

ITEM TYPE: Board Appointment

REQUESTED ACTION: Consider appointments.

SYNOPSIS: In accordance with Resolution 97-123, the PEG Channel Committee (also known as the Cable Television/Public Access Advisory Committee) is to consist of five members appointed by the City Commission.

The City Clerk's Office is in receipt of Advisory Board/Committee applications from Ms. Julie Ferreira, Mr. Taylor Owenby, Ms. Judie Mackie, and Ms. Megan Stewart expressing interest in serving on the PEG Channel Committee. Their applications are attached for Commission consideration.

In accordance with City Charter Section 69, each applicant resides within the jurisdictional boundaries of the incorporated City limits.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission appoint Ms. Julie Ferreira, Mr. Taylor Owenby, Ms. Judie Mackie, and Ms. Megan Stewart to the PEG Channel Committee for one three year term each, ending December 2023.

Caroline Best, City Clerk	12/17/2020
Monica Benischeck, Administrative Services Manager	12/18/2020
Dale L. Martin, City Manager	12/21/2020

Date: December 17, 2020

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION: Approve

Caroline Best

From: Kim Briley
Sent: Thursday, December 17, 2020 2:48 PM
To: bordersofheaven@hotmail.com
Cc: Caroline Best
Subject: FW: Online Form Submittal: Advisory Board/Committee Application

Hi Ms. Ferreira,

The City Clerk's Office is in receipt of your Board Application for the PEG Channel Committee and this will be placed on the January 5, 2021 City Commission Regular Meeting Agenda for the Commission's consideration. If you have any questions, please don't hesitate to contact our office.

Thank you,

Kim Briley, MMC
Deputy City Clerk
City of Fernandina Beach
204 Ash St.
Fernandina Beach, FL 32034
(904) 310-3117 | kelliott@fbfl.org
www.fbfl.us



If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.

Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempted by the Public Records Law. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, December 15, 2020 11:08 AM
To: Caroline Best <cbest@fbfl.org>; Kim Briley <kelliott@fbfl.org>
Subject: Online Form Submittal: Advisory Board/Committee Application

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

Advisory Board/Committee Application

This application is intended to provide information that will enable the City Commission to select the most qualified Board/Committee members. Please complete all applicable sections and return the form along with your current résumé to the City Clerk's Office.

City of Fernandina Beach
City Clerk's Office
204 Ash Street

Fernandina Beach, FL 32034
(904) 310-3115

Name	Julie Ferreira
Home Mailing Street Address	501 Date St
City	Fernandina Beach
Zip Code	32034
Primary Phone	904-583-4388
Secondary Phone	<i>Field not completed.</i>

Please note that board materials are distributed electronically.

Email to receive board materials	bordersofheaven@hotmail.com
Employer	retired
Position Title	<i>Field not completed.</i>
Business Address	501 Date St
City	Fernandina Beach
Zip	32034

Select the advisory board/committee you are applying for:	PEG Channel Committee
---	-----------------------

Additional board that you are applying for:	PEG Channel Committee
---	-----------------------

Why are you interested in serving on this Board? Please explain.	I was on the PEG Channel Committee in the past. I think its a valuable resource for the City that should be developed further.
---	--

Eligibility

Are you a resident of the City?	Yes
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Length of time:	20 years
Do you hold a public office?	No
Office name:	<i>Field not completed.</i>
Are you employed by the City?	No
Position:	<i>Field not completed.</i>
Are you currently serving on a Board?	No
Board Name:	<i>Field not completed.</i>
Potential Conflict of Interest:	
Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Fernandina Beach?	No
	<i>Field not completed.</i>
If yes, please provide details:	
Major Affiliations:	
List community, professional, or other applicable policy-making Boards on which you have served. Note the length of service and office held (if any):	Egan's Creek Greenway Committee, PEG Committee, Nassau County Sierra Club
Qualifications:	
Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended:	film classes/ video experience

Organization or Commissioner sponsoring nomination (if applicable):	Sierra Club
---	-------------

Educational Background: (Check all that apply)	<i>Field not completed.</i>
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Other:	high school, University of Missouri, Emerson College, Boston School of Shiatsu, Kripalu Certified Yoga Teacher
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Major areas of study:	sociology, landscape design, organic biodynamic farming, natural healing, yoga teacher
-----------------------	---

Florida's Public Records Law, Chapter 119, Florida Statutes, states:

"It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

I understand that any false, incomplete or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Commission when vacancies occur and are effective for two years from date of completion.

Do you understand the duties and responsibilities of the Board/Committee that you are applying for?	Yes
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By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Date	12/15/20
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Applicant's Signature

Julie Ferreira

Email not displaying correctly? [View it in your browser.](#)

Caroline Best

From: noreply@civicplus.com
Sent: Monday, December 28, 2020 2:28 PM
To: Caroline Best; Kim Briley
Subject: Online Form Submittal: Advisory Board/Committee Application

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

Advisory Board/Committee Application

This application is intended to provide information that will enable the City Commission to select the most qualified Board/Committee members. Please complete all applicable sections and return the form along with your current résumé to the City Clerk's Office.

City of Fernandina Beach
City Clerk's Office
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3115

Name	Taylor Owenby
Home Mailing Street Address	15 Vintage Way #1532
City	Fernandina Beach
Zip Code	32034
Primary Phone	4242832828
Secondary Phone	<i>Field not completed.</i>

Please note that board materials are distributed electronically.

Email to receive board materials	pegboardgto@gmail.com
Employer	Imperial Savage Productions
Position Title	Producer
Business Address	195 13th St. NE 312

City	Atlanta
Zip	30309
Select the advisory board/committee you are applying for:	PEG Channel Committee
Additional board that you are applying for:	None
Why are you interested in serving on this Board? Please explain.	I see an opportunity to showcase the diverse beauty of Fernadina Beach, empower aspiring creatives through film production education and provide a service to the community as a committee member of the PEG Channel.
Eligibility	
Are you a resident of the City?	Yes
Length of time:	>1 Year
Do you hold a public office?	No
Office name:	<i>Field not completed.</i>
Are you employed by the City?	No
Position:	<i>Field not completed.</i>
Are you currently serving on a Board?	No
Board Name:	<i>Field not completed.</i>
Potential Conflict of Interest:	
Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Fernandina Beach?	No

Field not completed.

If yes, please provide details:

Major Affiliations:

List community, professional, or other applicable policy-making Boards on which you have served. Note the length of service and office held (if any):	Georgia Production Partnership, National Association of Television Arts & Sciences Southeast (EMMYS), Executive Director of Film Atlanta, Executive Director, Clocktower Institute - Newton County, Covington and Newton County Tourism Council, Kennesaw State University Gold Circle, Student Government Association Executive Board. All 1 year terms. EMMY member 2 years. GPP Member 8 years
--	---

Qualifications:

Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended:	Film and television producer. Non-profit and business leader, entertainment industry educator. Frequent panelist and guest speaker at film festival, colleges and special events. Experience with governance and Roberts Rules of Order.
---	--

Organization or Commissioner sponsoring nomination (if applicable):	<i>Field not completed.</i>
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Educational Background: (Check all that apply)	High School
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Other:	College - Savannah College of Art and Design (Advertising & Media) Emory University (Non-profit Development and Grant Readiness Certification)
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Major areas of study:	Film, Media, Entrepreneurship, Advertising Design, Copywriting, Non-profit Development
-----------------------	--

Florida's Public Records Law, Chapter 119, Florida Statutes, states:

"It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

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I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Commission when vacancies occur and are effective for two years from date of completion.

Do you understand the duties and responsibilities of the Board/Committee that you are applying for?	Yes
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By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Date	12/28/2020
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Applicant's Signature	Taylor Owenby
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Email not displaying correctly? [View it in your browser.](#)

Caroline Best

From: noreply@civicplus.com
Sent: Tuesday, December 15, 2020 10:13 AM
To: Caroline Best; Kim Briley
Subject: Online Form Submittal: Advisory Board/Committee Application

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

Advisory Board/Committee Application

This application is intended to provide information that will enable the City Commission to select the most qualified Board/Committee members. Please complete all applicable sections and return the form along with your current résumé to the City Clerk's Office.

City of Fernandina Beach
City Clerk's Office
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3115

Name	Judie Mackie
Home Mailing Street Address	1011 Broome Street
City	Fernandina Beach
Zip Code	32034
Primary Phone	9045830659
Secondary Phone	<i>Field not completed.</i>

Please note that board materials are distributed electronically.

Email to receive board materials	judie@piratecommunications.com
Employer	Student
Position Title	<i>Field not completed.</i>
Business Address	<i>Field not completed.</i>

City	Fernandina Beach
Zip	32034
Select the advisory board/committee you are applying for:	PEG Channel Committee
Additional board that you are applying for:	PEG Channel Committee
Why are you interested in serving on this Board? Please explain.	To see groups within our community utilize this avenue of communication to share history, current events, and relay the missions of our many non profits.
Eligibility	
Are you a resident of the City?	Yes
Length of time:	1990
Do you hold a public office?	No
Office name:	<i>Field not completed.</i>
Are you employed by the City?	No
Position:	<i>Field not completed.</i>
Are you currently serving on a Board?	No
Board Name:	<i>Field not completed.</i>
Potential Conflict of Interest:	
Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Fernandina Beach?	No

Field not completed.

If yes, please provide details:

Major Affiliations:

List community, professional, or other applicable policy-making Boards on which you have served. Note the length of service and office held (if any):	Fernandina Pirates Club (1991-current, have held all board positions), Historic Fernandina Business Association (2020 President), Nassau County Writers and Poets Society, FBHS Band Parent Society (1996-1999, Treasurer)
--	--

Qualifications:

Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended:	Associates Degree in Information Technology, experienced in IT, media and communications.
---	---

Organization or Commissioner sponsoring nomination (if applicable):	<i>Field not completed.</i>
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Educational Background: (Check all that apply)	AA
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Other:	Currently working on BS in Communications
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Major areas of study:	IT, Writing, Editing
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Florida's Public Records Law, Chapter 119, Florida Statutes, states:

"It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

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I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Commission when vacancies occur and are effective for two years from date of completion.

Do you understand the duties and responsibilities of the Board/Committee that you are applying for?	Yes
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By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Date	12/15/2020
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Applicant's Signature	Judith Mackie
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Email not displaying correctly? [View it in your browser.](#)

Caroline Best

From: noreply@civicplus.com
Sent: Saturday, December 26, 2020 2:36 PM
To: Caroline Best; Kim Briley
Subject: Online Form Submittal: Advisory Board/Committee Application

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

Advisory Board/Committee Application

This application is intended to provide information that will enable the City Commission to select the most qualified Board/Committee members. Please complete all applicable sections and return the form along with your current résumé to the City Clerk's Office.

City of Fernandina Beach
City Clerk's Office
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3115

Name	Megan Stewart
Home Mailing Street Address	15 Vintage Way Apt 1532
City	Fernandina Beach
Zip Code	32034
Primary Phone	470-454-5247
Secondary Phone	N/A

Please note that board materials are distributed electronically.

Email to receive board materials	mstewartPEG@gmail.com
Employer	<i>Field not completed.</i>
Position Title	<i>Field not completed.</i>
Business Address	<i>Field not completed.</i>

City	<i>Field not completed.</i>
Zip	<i>Field not completed.</i>
Select the advisory board/committee you are applying for:	PEG Channel Committee
Additional board that you are applying for:	None
Why are you interested in serving on this Board? Please explain.	Megan Stewart is interested in serving on the PEG Channel Board to leverage her skills in marketing, film and education to engage the local community. She will act as a conduit to provide educational, informational, entertainment and public service content that showcases the history and current events at Fernandina Beach, Florida.
Eligibility	
Are you a resident of the City?	Yes
Length of time:	<i>Field not completed.</i>
Do you hold a public office?	No
Office name:	N/A
Are you employed by the City?	No
Position:	N/A
Are you currently serving on a Board?	No
Board Name:	N/A
Potential Conflict of Interest:	
Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Fernandina Beach?	No

If yes, please provide details:	N/A
Major Affiliations:	
List community, professional, or other applicable policy-making Boards on which you have served. Note the length of service and office held (if any):	Megan Stewart currently serves on the Legal Marketing Association for over 3 years. Megan also serves on the editorial board of Strategies magazine for 1 year. She has been an active member of the Junior League, acting as a catalyst for community change by focusing on philanthropic and charitable efforts to promote health, education, and welfare of women and children.
Qualifications:	
Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended:	Megan Stewart is a marketing professional, thought leader and editor. She is known for her engaging insights, her innovative strategies, and her ability to bring people together to bridge the gap of diversity, equity and inclusion. Megan has over 10 years of professional experience in marketing, education and entertainment media and has worked for a film studio in Atlanta, GA. Megan holds a Bachelors of Science and a Masters of Education.
Organization or Commissioner sponsoring nomination (if applicable):	N/A
Educational Background: (Check all that apply)	BS/A, MS/A
Other:	N/A
Major areas of study:	Marketing; Education
Florida's Public Records Law, Chapter 119, Florida Statutes, states:	
"It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes	

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

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I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Commission when vacancies occur and are effective for two years from date of completion.

Do you understand the duties and responsibilities of the Board/Committee that you are applying for?	Yes
---	-----

By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Date	12/18/2020
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Applicant's Signature	Megan Stewart
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RESOLUTION NO. 97-123

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FERNANDINA BEACH, FLORIDA,
ESTABLISHING THE CABLE TELEVISION/PUBLIC
ACCESS ADVISORY COMMITTEE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF
FERNANDINA BEACH, FLORIDA, THAT:

Section One. The Cable Television/Public Access Advisory
Committee is hereby established. The Committee is to consist of
five (5) members appointed by the City Commission. The purpose of
the Committee is to advise the City Commission on matters dealing
with cable television. To the extent possible, the Committee is to
serve as a liaison and facilitator of communications among the
public access groups.

Section Two. The Committee will sunset with an affirmative
vote of the City Commission.

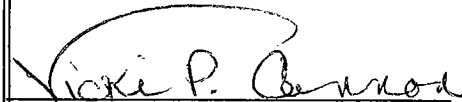
ADOPTED this 5th day of August, 1997.

CITY OF FERNANDINA BEACH



AARON P. BEAN
Mayor-Commissioner

ATTEST:



VICKI P. CANNON
City Clerk