



AGENDA
FERNANDINA BEACH CITY COMMISSION
REGULAR MEETING
JANUARY 19, 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 by Reverend Granardo Felix of Trinity United Methodist Church

4. PROCLAMATION / PRESENTATIONS

4.1 **PROCLAMATION - RETIREMENT OF MR. BENJAMIN FOREHAND** - *Recognizes Mr. Benjamin Forehand upon his retirement after thirty-two years of dedicated service to the City of Fernandina Beach. Mr. Forehand retired on December 31, 2020.*

4.2 **PASSERO ASSOCIATES - AMELIA RIVER WATERFRONT RESILIENCY DESIGN** - *Mr. Andrew Holesko (Passero Associates) will present design elements of the waterfront resiliency project.*

4.3 **MARQUIS LATIMER + HALBECK, INC. - AMELIA RIVER WATERFRONT PARK** - *Mr. Jeremy Marquis (Marquis Latimer + Halbeck) will present revised concepts for the Amelia River Waterfront Park.*

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

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

6. CITY COMMISSION DISCUSSION

6.1 **SUSTAINABILITY PRACTICES** - *This item is placed on the agenda at the request of Vice Mayor Kreger.*

6.2 **VISIONING WORKSHOP - JANUARY 27, 2021** - *This item is placed on the agenda at the request of Mayor Lednovich.*

6.3 **CAPITAL IMPROVEMENT FUNDING** - *This item is placed on the agenda at the request of Vice Mayor Kreger.*

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

6.5 **COVID-19**

6.6 **AGENDA FORMAT** - *This item is placed on the agenda at the request of Mayor Lednovich.*

6.7 **TOPTRACER** - *This item is placed on the agenda at the request of Mayor Lednovich.*

7. **CONSENT AGENDA**

7.1 **APPROVAL OF MINUTES** - *City Commission Regular Meeting - December 1, 2020; City Commission Organizational Meeting - December 15, 2020; and the City Commission Regular Meeting - December 15, 2020.*

7.2 **AGREEMENT APPROVAL - NASSAU COUNTY SUPERVISOR OF ELECTIONS OFFICE - RESOLUTION 2021-05** APPROVING A MUNICIPAL SPECIAL MAIL BALLOT ELECTION AGREEMENT FOR ELECTION SERVICES BY AND BETWEEN THE CITY OF FERNANDINA BEACH AND THE NASSAU COUNTY SUPERVISOR OF ELECTIONS; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the Municipal Election Agreement by and between the Nassau County Supervisor of Elections Office and the City of Fernandina Beach.*

7.3 **JANUARY AND FEBRUARY SPECIAL EVENT APPROVAL - RESOLUTION 2021-06** APPROVING WITH CONDITIONS CERTAIN SPECIAL EVENTS SCHEDULED FOR JANUARY AND FEBRUARY 2021; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Memorializes for the record the vote to approve certain special events scheduled to occur in January and February.*

7.4 **SPECIAL EVENT SPONSORSHIP APPROVAL - RESOLUTION 2021-07** APPROVING CITY CO-SPONSORSHIP OF FIVE EVENTS SELECTED BY THE SPECIAL EVENTS COMMITTEE AND FOUR ADDITIONAL EVENTS SELECTED BY THE FERNANDINA BEACH MAIN STREET PROGRAM; PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves five City co-sponsored events and four Fernandina Beach Main Street co-sponsored events.*

8. **RESOLUTIONS**

8.1 **SOLE SOURCE VENDOR APPROVAL - TYLER TECHNOLOGIES - RESOLUTION 2021-08** APPROVING TYLER TECHNOLOGIES AS A SOLE SOURCE VENDOR IN FISCAL YEAR 2020/2021; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves Tyler Technologies as a sole source vendor for Fiscal Year 2020/2021 in an amount not to exceed \$150,000.*

8.2 **AWARD OF RFP #2021-01- CONSTANGY, BROOKS, SMITH & PROPHETE, LLP - RESOLUTION 2021-09** AWARDED RFP #2020-01 TO CONSTANGY, BROOKS, SMITH & PROPHETE, LLP, FOR LABOR ATTORNEY SERVICES, AUTHORIZING THE CITY ATTORNEY AND CITY MANAGER TO EXECUTE AN AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Accepts the proposal from Constangy, Brooks, Smith, and Prophete, LLP, for the Labor Attorney Services RFP #2021-01.*

- 8.3 **COMMISSION RULES OF PROCEDURE - RESOLUTION 2021-10 AMENDING THE RULES OF PROCEDURE FOR THE CITY COMMISSION BY ADDING PROVISIONS FOR PUBLIC HEALTH AND SAFETY, CHANGING PROVISIONS FOR ORDER OF BUSINESS, CLARIFYING SECTIONS ON VOTING, ATTENDANCE, AND MOBILE DEVICES, CHANGING PROVISIONS RELATING TO AGENDA SUBMISSION AND INFORMATION PROVIDED BY COMMISSIONERS, AND MODIFYING PROVISIONS RELATED TO RULES OF PROCEDURE AND INCORPORATION OF ROBERTS RULES OF ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.** *Synopsis: Amends the Commission Rules of Procedure.*

9. ORDINANCE - FIRST READING

- 9.1 **PROHIBITION OF E-BIKES - ORDINANCE 2021-02 AMENDING THE CODE OF ORDINANCES OF THE CITY OF FERNANDINA BEACH, FLORIDA BY AMENDING CHAPTER 78, TRAFFIC AND VEHICLES, ARTICLE I, IN GENERAL, BY AMENDING SECTION 1, DEFINITIONS TO INCLUDE ELECTRIC BICYCLES; BY AMENDING ARTICLE II, OPERATION OF VEHICLES, BY AMENDING SECTION 41 TO INCLUDE A SPEED LIMIT ON SIDEWALKS; AND BY AMENDING SECTION 43 TO PROHIBIT ELECTRIC BICYCLES ON EGANS CREEK GREENWAY AND CITY BEACHES; AND AMENDING SECTIONS 1, 3, 4, 5, 6, 7, 8, 41, 42, 43, 44, AND 45 TO EDIT FOR CLARITY WITHOUT CHANGING THEIR MEANING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** *Synopsis: Prohibits the use of electric bikes on Egans Creek Greenway and on beaches.*
- 9.2 **LAND DEVELOPMENT CODE AMENDMENT - AFFECTED PARTIES AND APPEALS OF HISTORIC DISTRICT COUNCIL DECISIONS - ORDINANCE 2021-03 AMENDING THE LAND DEVELOPMENT CODE (LDC) TO ADD DEFINITION OF AGGRIEVED OR ADVERSELY AFFECTED PARTY/PERSON IN SECTION 1.00.07 AND AMENDING SECTION 8.03.09 APPEALS OF HISTORIC DISTRICT COUNCIL (HDC) DECISIONS PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EFFECTIVE DATE.** *Synopsis: Amends the Land Development Code with various changes as directed by the City Commission.*

10. ORDINANCE - THIRD READING

- 10.1 **PROPOSED CHARTER AMENDMENTS - ORDINANCE 2020-21 SUBMITTING TO THE CITY ELECTORS PROPOSED AMENDMENTS TO THE CHARTER; AMENDING SECTION 1 TO REFLECT ACCURATE HISTORY OF THE CREATION OF THE CITY OF FERNANDINA BEACH; AMENDING SECTION 9 TO CHANGE "GROUP" TO "SEAT" FOR CITY COMMISSIONERS; AMENDING SECTION 10 TO REQUIRE CITY COMMISSIONERS TO COMPLETE ANNUAL PERFORMANCE EVALUATIONS FOR CHARTER OFFICERS AND TO INCLUDE PENALTIES FOR COMMISSIONERS INTERFERING WITH ADMINISTRATIVE SERVICE; AMENDING SECTION 11 BY ADDRESSING COMMISSIONER ABSENCES AND VACANCIES, INCORPORATING STATE CODE OF ETHICS FOR COMMISSIONERS AND PROVIDING DUE PROCESS PRIOR TO FORFEITURE OF COMMISSION SEAT FOR VIOLATIONS OF RULES; AMENDING SECTION 16 BY CHANGING STRAW BALLOT VOTE FOR MAYOR TO BINDING VOTE OF THE PEOPLE FOR MAYOR, REQUIRING THAT MAYORAL CANDIDATE WITH SECOND HIGHEST VOTES BE ELECTED AS VICE MAYOR; AMENDING SECTION 17 BY MAKING MAYOR RESPONSIBLE FOR COMMISSIONERS' COMPLETION OF CHARTER OFFICER EVALUATIONS; AMENDING SECTION 21 BY INCLUDING A PROVISION TO ALLOW COMMISSIONERS TO ATTEND MEETINGS USING COMMUNICATION TECHNOLOGY DUE TO A SERIOUS MEDICAL CONDITION IN COMPLIANCE WITH STATE LAW; AMENDING SECTION 25 BY INCLUDING MINIMUM PROFESSIONAL QUALIFICATIONS FOR CITY MANAGER, INCREASING THE TIME FOR NEW CITY MANAGER TO BECOME CITY RESIDENT FROM THIRTY TO NINETY DAYS AND REQUIRING DESIGNATION OF CITY MANAGER PRO TEM; AMENDING SECTION 31 BY INCLUDING MINIMUM PROFESSIONAL QUALIFICATIONS FOR CITY ATTORNEY AND REQUIRING THAT THE CITY ATTORNEY PROVIDE A LIST OF QUALIFIED ATTORNEYS FOR CONSIDERATION BY THE CITY COMMISSION FOR CITY ATTORNEY PRO TEM; AMENDING SECTION 41 BY PROVIDING THAT A REFERENDUM VOTE OF THE PEOPLE IS REQUIRED BEFORE THE POLICE DEPARTMENT CAN BE DISSOLVED; AMENDING SECTION 44 BY PROVIDING THAT A REFERENDUM VOTE OF THE PEOPLE IS REQUIRED BEFORE THE FIRE DEPARTMENT CAN BE DISSOLVED; AMENDING SECTION 47 BY INCLUDING MINIMUM PROFESSIONAL QUALIFICATIONS FOR CITY CLERK AND REQUIRING DESIGNATION OF CITY CLERK PRO TEM; AMENDING SECTIONS 58 AND 60 BY PROVIDING MINIMUM PROFESSIONAL QUALIFICATIONS FOR COMPTROLLER AND REQUIRING COMPTROLLER TO PROPOSE SOUND, WRITTEN INVESTMENT POLICIES FOR APPROVAL BY COMMISSION; AMENDING SECTION 64 BY REQUIRING COMPTROLLER TO SCHEDULED ANNUAL FINANCIAL AUDIT BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT; AMENDING SECTIONS 74 AND 75 BY PROHIBITING TRANSFER OF FUNDS OUT OF CONSERVATION TRUST FUND TO BE USED FOR ANY OTHER PURPOSE BESIDES CONSERVATION; REPEALING SECTION 107A TO REMOVE RESTRICTIONS ON COMMUNITY REDEVELOPMENT AREAS (CRA's); AMENDING SECTION 121 BY PROVIDING AN OATH OF OFFICE IN COMPLIANCE WITH STATE LAW INCLUDING FLORIDA CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES; AMENDING SECTION 136 PROVIDING THAT BY MAJORITY VOTE, CITY COMMISSIONERS, CHARTER OFFICERS AND MEMBERS OF APPOINTED CITY BOARDS MAY REQUEST THAT THE CITY COMMISSION INVESTIGATE A DEPARTMENT, OFFICER OR EMPLOYEE; CREATING SECTION 141 PROVIDING FOR CITIZEN INITIATIVES TO PROPOSE OR AMEND CITY ORDINANCES AND PROVIDING FOR AN INITIATIVE PROCESS; AMENDING RESERVED SECTION 142 TO REQUIRE THE CHARTER TO BE REVIEWED EVERY EIGHT YEARS BY A CHARTER REVIEW COMMITTEE MADE UP OF CITY RESIDENTS; AMENDING SECTIONS 6-8, 12-13, 22, 29-30, 59, 62, 71, 79, 137, 143, AND 144 TO CLARIFY CERTAIN PROVISIONS WITHOUT CHANGING THEIR MEANING; REPEALING SECTIONS 10b, 14-15, 20, 32-33, 45, 61, 69, 72, 78, 120, 122 AND 125 TO BE CONSISTENT WITH STATE LAW AND/OR INCORPORATING SECTIONS INTO OTHER EXISTING SECTIONS; SCHEDULING A REFERENDUM MAIL BALLOT ELECTION ON OR BEFORE JUNE 15, 2021; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN**

11. BOARD APPOINTMENTS

11.1 AIRPORT ADVISORY COMMISSION - *one appointment.*

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).