



**AGENDA
GOLF COURSE ADVISORY BOARD
REGULAR MEETING
FEBRUARY 10, 2021
9:00 AM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
 - 4.1 *Regular Meeting - December 9, 2020 and the Special Meeting - December 16, 2020.*
- 5. OLD BUSINESS**
 - 5.1 **GENERAL MANAGER UPDATE** - *Golf Course, Food and Beverage, Grounds/Maintenance - to include previous months improvements, associated costs and profit/loss statements.*
 - 5.2 **TOPTRACER AND DRIVING RANGE UPDATE** - *Anticipated opening, anticipated revenue, and maintenance plan with associated costs.*
- 6. NEW BUSINESS**
 - 6.1 **SUNSHINE, PUBLIC RECORDS, AND ETHICS LAWS** - *City Clerk Caroline Best will provide a presentation.*
 - 6.2 **OCALA GOLF CLUB AND PALATKA GOLF CLUB** - *Secretary Mr. Lee Murray will provide information regarding his recent visits to each course.*
 - 6.3 **GOLF COURSE MANAGEMENT** - *Management contract status and General Manager appointment status.*
 - 6.4 **JUNIOR GOLF ASSOCIATION** - *Discuss organizing a competitive junior golf association for area youth.*
 - 6.5 **GOLF COURSE MEMBER LETTER OF CONCERN** - *Mr. Carlos J. Bustabad submitted the attached letter of concern related to the North Course, rate increases, play flow, putting area benches, and range beautification.*
 - 6.6 **AGENDA ITEMS** - *Board members will discuss matters to be placed on the next Golf Course Advisory Board Regular Meeting agenda.*

7. **MGA UPDATE**
8. **WGA UPDATE**
9. **MARKETING UPDATE**
10. **AGRONOMY UPDATE**
11. **PUBLIC COMMENT**
12. **SUMMATION**

12.1 *Chairman Ricky Robbins Jr. will provide a meeting summation.*

13. **ADJOURNMENT**

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Golf Course Manager.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT:

ITEM TYPE: Approval of Minutes

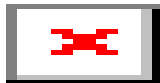
REQUESTED ACTION:

SYNOPSIS:

FISCAL IMPACT:

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):



Date: January 14, 2021

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION:

MINUTES

Golf Course Advisory Board

December 9, 2020

Page 1 of 2

The Golf Course Advisory Board of the City of Fernandina Beach met in a regular meeting on Wednesday, December 9, 2020 at the Fernandina Beach City Hall Commission Chambers. The meeting was called to order at 9:00 AM by Steve Murphy, General Manager of the FBGC.

2. ROLL CALL

Present were: Lee Murray, GCAB Member; Ricky Robbins, GCAB Member; Jane Paige, GCAB Member; John Pelican, GCAB Member; Sue Simpson, GCAB Member; Steve Murphy, FBGC General Manager; David Younger, FBGC Superintendent; Chip Ross, Fernandina Beach City Commissioner; Mike Lednovich, Fernandina Beach City Commissioner; Jon Berk, former President of the Fernandina Beach Men's Golf Association; Harry Kegler, former Chairperson GCAB; Mike Meadows and Scott Bryan, Editor, FB News Leader.

3. PLEDGE OF ALLEGIANCE

All present stood and looked at the flag of the United States and recited the Pledge of Allegiance.

4. ELECTION OF OFFICERS

Ricky Robbins was elected Chairperson and Lee Murray was elected Secretary

5. Ricky Robbins proposed moving Public Comment to #5 on the agenda and the GCAB voted in unanimous agreement. Mike Lednovich spoke to the new GCAB about their responsibilities and reviewed Resolution 2017-82. He spoke of the four options for future management of the FBGC. He mentioned his conversations with Eric Larson of Larson Golf and former golf course manager and Mike Pazakis about the overall management of the FBGC including a Junior Golf program and other ways to make the FBGC the best it could be in the future. Mr. Lednovitch reviewed how the FBGC in the past returned \$1.7 million to the City, but now was losing approximately \$200,000 per year. John Pelican stated it was a bad time for a major decision regarding the FBGC and that the GCAB lacked the data to make a good decision. Mr. Lednovitch agreed that the best way to proceed regarding the FBGC management was by Requests for Proposals from possible interested parties.

Chip Ross spoke to the GCAB about the "interesting times we were living in," and that he had not received one complaint from FB citizens while over 39,000 rounds had been completed over the last 12 months. He asked the GCAB to figure out how the FBGC could make

money. Steve Murphy was asked of his plans for improvement and announced that he had submitted his letter of resignation to Casper Management and to Dale Martin, FB City Manager on Tuesday, December 8 and that his last day of work would be Sunday, December 20. There was further discussion about the future of the FBGC among the GCAB members and the City Commissioners. FB City Commissioner Len Kreger discussed the overall health of golf in general and instructed the GCAB to review what Seattle was doing with their Municipal golf courses.

6. NEW BUSINESS

1. FINANCIALS

Steve Murphy asked what type of financial reports the GCAB would like. Ricky Robbins asked for standard Profit and Loss statements. Steve also reported that Top Tracer would be up and running January 18 for a week of complimentary participation that would calibrate the computers.

Due to time constraints, Ricky Robbins proposed that a special meeting of the GCAB be held. By mutual agreement, Wednesday, December 16 at 9:00 was determined to be the GCAB Special Meeting.

7. ADJOURNMENT

Lee Murray made a motion to adjourn. It was seconded by John Pelican. The motion passed unanimously.

ATTEST:

Ricky Robbins, GCAB Chairperson

Lee Murray, GCAB Secretary

MINUTES

GCAB Special Meeting

December 16, 2020

Page 1 of 2

1. CALL TO ORDER

Ricky Robbins, chairperson of the GCAB called the roll: Present: Ricky Robbins; Lee Murray, Secretary; Jane Paige, GCAB Member, John Pelican, GCAB Member and Sue Simpson, GCAB Member (by phone connection). Also in attendance: FB City Mayor, Mike Lednovich; FB City Commissioner, Chip Ross; FB City Commissioner, Len Kreger; Jon Berk, former President, FBMGA; Mike Meadows, Member, FBMGA and Nathan Powell, Member, FBMGA and Chris Cydan, Regional Manager, Indigo Golf Partners (formerly Casper Golf Management) by video conferencing.

2. PLEDGE OF ALLEGIANCE

Everyone stood and recited the Pledge of Allegiance.

3. OPEN DISCUSSION

Ricky Robbins reviewed his analysis of why this meeting had been called and discussed the need for action caused by the City's non-renewal of the lease with Indigo Golf Partners. Lee Murray submitted a written statement of his views regarding the future of the FBGC. Jane Paige submitted a statement from the FB Women's Golf Association. There was general discussion of the Why's, What's, If's, How's and When regarding the FBGC. Chris Cydan remarked how Indigo Golf Partners wanted to continue their involvement with the FBGC. He remarked that a five year lease is the shortest they would accept, but would accept certain performance clauses that could shorten the lease to three years if the clauses were not met. There was further discussion about the finances of the FBGC among the GCAB.

4. PUBLIC DISCUSSION

Jon Berk asked questions about the FBGC operations and stated the golf course was the largest recreational area in the City. Mike Meadows stated that the GCAB

does not have enough data to make a good decision regarding the future of the FBGC and was critical of the FB City management that they would take six- and one-half acres of golf property without payment for a City run park on Simmons road. Nathan Powell asked questions about leasing the FBGC to a private venture like the Amelia River Golf Course management arrangement.

5. FINAL DISCUSSION

Ricky Robbins summed up the consensus among the GCAB was to have the GCAB work with the FB City Commissioners in an active way looking at alternative management opportunities for the FBGC. He summed up the GCAB's recommendation to the FB City Commission: In light of the time constraints and the inability to do the necessary research regarding a different management system for the FBGC, we the GCAB recommend to the FB City Commission that they sign a five-year agreement with Indigo Golf Partners with specific performance clauses, that not being met could end the agreement within three years. There should be annual reviews by the FB City Commissioners and any non-performance issues will have to be fixed within 120 days. There should be specific incentive clauses to help promote the well-being and future of the FBGC.

6. ADJOURNEMENT

A motion to adjourn was made by Lee Murray and seconded by John Pelican. The motion passed unanimously.

ATTEST:

Ricky Robbins, GCAB Chairperson

Lee Murray, GCAB Secretary

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT:

ITEM TYPE: Old Business

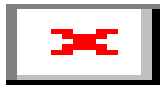
REQUESTED ACTION:

SYNOPSIS:

FISCAL IMPACT:

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):



Date: January 14, 2021

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: City Attorney Bach will review Sunshine, Public Records, and Ethics Laws.

ITEM TYPE: New Business

REQUESTED ACTION:

SYNOPSIS:

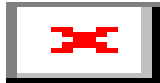
FISCAL IMPACT:

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):

Katie Newton, Legal Assistant 1/14/2021

Tammi E. Bach, City Attorney



Date: January 14, 2021

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION:

CITY OF FERNANDINA BEACH
SUNSHINE, PUBLIC RECORDS, AND ETHICS LAWS
TRAINING
December 10, 2020

I. SUNSHINE LAW

The purpose of the Sunshine Law is to provide a right of access to government proceedings. All public agencies are subject to the Sunshine Law.

The Sunshine Law is set forth in Florida Statutes § 286.011 and Article 1, Section 24 of the Florida Constitution. **The Sunshine Law extends to discussions and deliberations taken by a public board and is applicable to any gathering (formal or casual) of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the board or commission.**

THREE BASIC REQUIREMENTS OF THE SUNSHINE LAW AS SET FORTH IN FLORIDA STATUTES § 286.011:

1. Meetings of the public must be open to the public;
2. Reasonable notice of such meetings must be provided; and
3. Minutes of the meeting must be taken.

MEETINGS:

1. The Sunshine Law applies to meetings between individuals who are members of the same board.
2. Meetings with agency staff are not ordinarily subject to the Sunshine Law unless staff ceases to function in a staff capacity and is delegated authority normally within the public agencies discretion.
3. Discussions between a public board and its attorney are subject to the Sunshine Law, except in limited circumstances.
4. Members of the same board or commission may meet socially provided that matters which are coming before the board, or may come before the board, are not discussed.
5. The Sunshine Law applies to subcommittees, unless they are solely fact-finding or information gathering.

MEETINGS OPEN TO THE PUBLIC:

1. Meetings must occur in a location that is easily accessible to the public.
2. The public must be provided “reasonable opportunity” to be heard on a matters prior to a board taking official action. Any violations of this provision may result in the recovery of attorney’s fees by the affected party.

REASONABLE NOTICE:

1. Reasonable notice of all meetings must be provided. According to the Florida Attorney General, the definition of “reasonable” depends on the facts of the situation and board involved.
2. The Sunshine Law does not mandate that an agency provide notice of each item to be discussed through a published agenda. A public body may add additional items to the agenda at regularly noticed meetings and take action on the added item.

MINUTES:

1. Written minutes of all meetings and workshops must be recorded and open to the public for inspection. Verbatim minutes are not required.

CONSEQUENCES OF SUNSHINE VIOLATIONS:

1. Any member of a board or commission who knowingly violates the Sunshine Law may be subject to criminal penalties of a misdemeanor of the second degree. Fla. Stat. § 286.011(3)(b).
2. Sunshine Law provides that a fine not exceeding \$500.00 may be imposed for noncriminal infractions.
3. In civil actions to enforce the Sunshine Law, reasonable attorney’s fees will be assessed against any board or commission found to have violated the Sunshine Laws.

NOTE:

Lorenzo v. City of Venice, Case No. 2008 CA 8108 SC (Fla. 12th Cir. Ct. Oct. 7, 2009) –The City of Venice was ordered to pay \$777,114.42 in attorney’s fees and costs to the Plaintiff’s attorney. This judgment is one of the highest and most costly judgments entered against a local government for violations of the Public Records and Sunshine Laws.

II. PUBLIC RECORDS LAWS

Chapter 119, Florida Statutes, and Article I, Section 24 of the Florida Constitution set forth Florida's Public Records laws. These laws apply to the City Commission.

Article I, Section 24 of the Florida Constitution states:

Every person has the right to inspect or copy **any public record made or received in connection with the official business** of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution.

Florida Statutes § 119.011(12) defines public records as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

PUBLIC RECORDS:

1. **Public records include all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge no matter the form.**
2. There is no “unfinished business” exception to the public inspection and copying requirement of Chapter 119, Florida Statutes; i.e., draft documents are public record.
3. Social networking site communications (Facebook, Twitter, YouTube, LinkedIn, etc.) and text messages (even on your personal devices) are considered a public record if related to official City business. The content of the communication is the determining factor.
4. There are a number of statutory exemptions to disclosure.

RIGHT TO INSPECT/COPY:

1. **Any person is authorized to inspect and receive copies of public records. Individuals are not required to have a special or legitimate interest. Requests do not have to be made in writing.**
2. The records custodian or his/her designee, is responsible for making public records available for inspection and/or copying “at any reasonable time, under reasonable conditions”. Fla. Stat. § 119.07.

3. Any exemption from the public records laws must be stated in writing. Fla. Stat. § 119.07(1)(e). **The public records laws are construed in favor of open government**, so exemptions are strictly construed.

CONSEQUENCES OF PUBLIC RECORD VIOLATIONS:

1. Any member of a board or commission who knowingly violates the Public Records Act may be subject to criminal penalties of a misdemeanor of the first degree (one year in prison or \$1,000 fine, or both). Fla. Stat. § 119.10(1)(b).
2. The Public Records Act provides that a fine not exceeding \$500 may be imposed for noncriminal infractions by a public officer. Fla. Stat. § 119.10(1)(a).
3. If a civil action is filed against an agency and the court determines that the agency unlawfully refused to permit a public record to be inspected or copied and the complainant provided written notice identifying the public record request to the agency's custodian of public records at least 5 business days before filing the civil action, the court shall assess and award attorney's fees against the agency responsible. If the court determines the complainant request to inspect or copy a public record for an improper purpose, the court may not assess and award the reasonable costs of enforcement, including reasonable attorney fees, to the complainant, and shall assess and award against the complainant and to the agency the reasonable costs, including reasonable attorney fees, incurred by the agency in responding to the civil action.
4. Further, any person who willfully and knowingly violates any provision of the Public Records Act commits a misdemeanor of the first degree punishable by one year in prison or \$1,000 fine, or both. Fla. Stat. § 119.10(2)(a).

III. FLORIDA'S ETHICS CODE

Florida's Ethics Code is found in Part III of Chapter 112, Florida Constitution and Article II, Sec. 8 of the Florida Constitution.

1. Premised upon maintaining public trust and prohibiting public officials from using their office for "private gain". Private gain references a public official's ***financial interest*** which is directly affected as result of a vote.
2. Voting Restrictions: You must abstain from voting and refrain from participating in discussion on any measure that would inure to your special private gain or loss, or that of any employer, principal, or relative. Fla. Stat. § 112.3143

- a. If conflict is known, publicly state to the assembly the nature of the conflict and abstain from voting.
- b. The Memorandum of Voting Conflict form must be filed with the City Clerk within 15 days.

Also note that Fla. Stat. § 286.012 provides that a member of a municipal governmental board, commission, or agency who is present at a meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, unless, with respect to any such member, there is, or appears to be, a possible conflict of interest under s. 112.311, s. 112.313, s. 112.3143. If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.

January 18, 2021

Michael A. Lednovich, Mayor
204 Ash Street
Fernandina Beach, FL 32034
904-277-7300

Happy New Years! Congratulations on your nomination as mayor of Fernandina Beach. I voted for you twice during your candidacy for commissioner.

I enjoy communicating with you on Facebook and have always enjoyed meeting you at chamber events and around town. I have been wanting to write to you for several weeks yet I have not found the time to sit down and put my words to paper. I will do my best to explain the reason for my letter. This letter is not political in nature but more of an observation and a few comments.

Mike, I have lived in the city for close to 18 years and I have seen many changes along the way. The focus of my letter is to address the issue around the city golf course. I have been a member off and on for many years. Currently, I average around 2-3 rounds of golf a week, ranging from playing 18 holes once a week to walking 9 holes late in the afternoon. I have a personal interest in maintaining our course in the best possible condition as well as ensuring that everyone that plays has a good time and displays proper golf etiquette.

As you are well aware of, the city golf course has had some setbacks the last few years. Starting with Hurricane Matthew followed by Irma and other storms along the coast. The pandemic closed the golf course for many weeks and I am sure this was very costly to the city. All these events were unplanned and very inconvenient to the residents of the city and the county. Myself and several friends that are city course members were of the opinion that during the pandemic the golf course should have stayed open. Being outside and observing social distancing doesn't get any better than being on a golf course. I know that the city lost much revenue during that shut-down.

As a long time member, I am very concerned about the delay in opening up the North course. We were told that the North would open on October 1st, 2020. When that date came and went I saw no progress in the North opening any time soon. What seems to be the delay? I have heard many reasons but haven't really received a satisfactory answer. Also, while the greens are waiting to be repaired back to playing conditions, why not create some temporary greens in the meantime. The amount of revenue that the city is losing by not having an extra nine holes open has to be a liability. Why can't there be temporary greens in the meantime? Why not? These are not only my questions but questions that other golfer friends of mine are asking. Another question that we had is, why did this work take so long and bleed into the busy "snowbird, winter season"? This is the time of year that the course brings in the most revenue in a short period of time. Just wondering on the reasons for the delay.

As a PDP member for many years, our rates went up by 20 dollars a month in September, yet we don't have a range and one less 9 holes to play. That doesn't seem fair does it? There was a time not that long ago that when the range was closed due to flooding that we could walk the North course for free as a member. But now, we have no range and one less course to play. Also, I don't see how the range is going to keep from flooding in the future. I hope this issue has been corrected because the closing of the range cost the city much needed revenue. Years ago I made a request to look into having the range available for night time use. To have light if possible to bring in night time use of the range, I never heard back about this request. That was years ago.

Mike, another issue that I want to address is that of having some rangers on the course keeping the flow of play steady. There is no one out there to monitor and to greet people in the afternoon. I know there is more activity in the morning yet in the afternoon there is no one around to keep golfers from skipping holes or speeding around other slower golfers. I have seen so many instances where golfers leave their carts in places that are not allowed yet there is no monitoring of what is happening out on the course. Years ago I asked if I can help the city course by arranging some afternoon volunteer time to act as a ranger or monitor. I never heard back from the director at that time, this was over 7 years, before Steve Murphy arrived. I was told indirectly that I would have to be approved by those in charge because of city liability regulations. I never heard back in any official capacity. The city course is the only course that I know where you can play a round of golf and hardly ever experience a staff person welcoming one or engaging with visiting golfers, mainly in the afternoon. I not only play as a member but I am also entering my 10th years as a volunteer coach for the FBHS Boy and girls Golf Team. I notice how engaging and customer service oriented Amelia River Golf staff are from the minute one drives into the parking area until they leave the course at the end of play. There is little customer engagement once someone pays their fee and is off to the first hole. There needs to be more volunteer opportunities available to help make our wonderful jewel of a course more attractive and exciting. I truly believe that we can make our city course once again the place to play on the island if we had more volunteer opportunities to create a fun atmosphere where people feel welcome beyond the club house.

Let me give you an example, last year I asked Steve Murphy if I could find benches that were located in odd places around the golf course and bring them in and around the old putting area so that patrons have a place to sit and relax. Many golf courses have areas outside to sit and enjoy their experience. So with his permission, I gathered 3 benches that were not being used and I cleaned and moved them with the help of one of the cart staff. They were there for over a year and often used by many golfers. Having benches for people to sit around our new putting green can allow people to hang around more and be a part of the atmosphere. Have you noticed at Amelia River GC how people will congregate by the sitting areas around the range? Why can't we have volunteers organize the building, constructing or fundraising to have benches around the new driving range and putting areas. Maybe even beautify the area around the first tee with shrubs or bushes that are climate resistant. I have spoken about this for years to have it fall on deaf ears. These items that I am proposing require little money if any at all. We have many opportunities to volunteer and to tackle some of these issues.

So in summary, here are the issues that my friends and I see at the city golf course that could be addressed and would bear no additional financial costs.

- Open up the North course with temporary greens until all greens are repaired.
- Why the extra 20 dollars a month increase for membership when we are not getting the benefit of an additional 9 holes and no range service yet.
- Volunteers needed for monitoring or acting as rangers to engage with golfers in a friendly manner to keep good order and to give customers a pleasant and welcoming experience.
- Beautify the range and putting areas with the help of volunteers.

Thank you Mike for your time and consideration,

Carlos J. Bustabad, MA, CHt.

