



AGENDA
FERNANDINA BEACH CITY COMMISSION
REGULAR MEETING
JULY 19, 2022
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 Noel Roberts of North 14th Street Baptist Church.

4. PRESENTATIONS

4.1 **BUDGET SUMMARY** - *Comptroller Pauline Testagrose will answer any questions regarding the budget summary for June 2022.*

4.2 **PROPOSED FY 2022/2023 BUDGET** – *City Manager Martin will provide a presentation regarding the proposed FY 2022/2023 budget.*

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

6. VARIANCE HEARING

6.1 **(Quasi-Judicial) ROADWAY STANDARDS VARIANCE REQUEST - 1920, 1924, 1944, AND 1952 1ST AVENUE** - RESOLUTION 2022-123 APPROVING/DENYING VARIANCE REQUESTS TO DEVIATE FROM ROADWAY STANDARDS REFERENCED IN SECTION 7.01.02(B)(2) OF THE CITY LAND DEVELOPMENT CODE, FILED BY 1920-1944 FIRST AVENUE, LLC, DANIEL I. MCCRANIE, JR., PE; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approving/denying variance requests to deviate from roadway standards referenced in Section 7.01.02(B)(2) of the City Land Development Code.*

7. CONSENT AGENDA

7.1 **APPROVAL OF MINUTES** - *City Commission/Community Redevelopment Agency - April 19, 2022; City Commission Regular Meeting - April 19, 2022; City Commission Workshop - May 3, 2022; City Commission Regular Meeting - May 3, 2022; City Commission Workshop - May 17, 2022; City Commission Regular Meeting - May 17, 2022; City Commission Workshop - June 7, 2022; and City Commission Regular Meeting - June 7, 2022.*

7.2 **AWARD OF ITB 22-14 - GATE FUEL SERVICE, INC.** - RESOLUTION 2022-124 AWARDING INVITATION TO BID 22-14 FOR MARINA GASOLINE AND DIESEL FUEL TO GATE FUEL

SERVICE, INC. IN FISCAL YEAR 2022/2023; AND PROVIDING FOR AN EFFECTIVE DATE.
Synopsis: Awards ITB 22-14 to Gate Fuel Service, Inc. for fiscal year 2022/2023.

- 7.3 **GRANT AGREEMENT AMENDMENT - FLORIDA DEPARTMENT OF TRANSPORTATION** - RESOLUTION 2022-125 AUTHORIZING AMENDMENT TO PUBLIC TRANSPORTATION GRANT AGREEMENT (PTGA) #436769-1-94 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE REHABILITATION OF A PORTION OF THE TRANSIENT AIRCRAFT PARKING APRON AT THE FERNANDINA BEACH MUNICIPAL AIRPORT; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes Amendment to FDOT Public Transportation Grant Agreement #436769-1-94 increasing the total FDOT grant obligation to \$98,334.00 for the rehabilitation of a portion of the transient aircraft parking apron at the Fernandina Beach Municipal Airport.*
- 7.4 **GRANT AGREEMENT - FLORIDA DEPARTMENT OF TRANSPORTATION** - RESOLUTION 2022-126 AUTHORIZING APPROVAL AND EXECUTION OF PUBLIC TRANSPORTATION GRANT AGREEMENT (PTGA) #440024-1-94-23 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE DESIGN AND CONSTRUCTION OF NEW HANGARS AT THE FERNANDINA BEACH MUNICIPAL AIRPORT; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes Approval and Execution of FDOT Public Transportation Grant Agreement #440024-1-94-23 providing grant funding for a total allowable project cost of \$1,820,000.00 with a 50% grant match requirement for the design and construction of new hangars at the Fernandina Beach Municipal Airport.*
- 7.5 **BUDGET TRANSFER - WASTEWATER DEPARTMENT** - RESOLUTION 2022-127 APPROVING A WASTEWATER DEPARTMENT BUDGET TRANSFER FOR FISCAL YEAR 2021/2022; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves a Budget Transfer for FY2021/2022 in the Wastewater Department to accommodate an increase in cost associated with handling and disposal of biosolids from the Wastewater treatment process.*

8. RESOLUTIONS

- 8.1 **VOLUNTARY ANNEXATION AGREEMENT - 414 CASHEN ROAD** - RESOLUTION 2022-128 APPROVING THE EXTENSION OF WATER AND WASTEWATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 0.57 ACRES OF LAND LOCATED AT 414 CASHEN ROAD; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the extension of water and wastewater services to the property owners identified whose property is located at 414 Cashen Road, Parcel Number: 00-00-30-044B-0082-0070, which is experience a failing septic system, and also approves the Voluntary Annexation Petition.*
- 8.2 **VOLUNTARY ANNEXATION AGREEMENT - 847 OAK LANE** - RESOLUTION 2022-129 APPROVING THE EXTENSION OF WATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 0.26 ACRES OF LAND LOCATED AT 847 OAK LANE; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the extension of water services to the property owners identified whose property is located at 847 Oak Lane, Parcel Number: 00-00-30-0430-0064-0000, and also approves the Voluntary Annexation Petition.*
- 8.3 **AGREEMENT APPROVAL - VARIANCE** - RESOLUTION 2022-130 APPROVING AN AGREEMENT OF SETTLEMENT WITH JAMES KIRCHMEYER AND CAROLINE KIRCHMEYER FOR A VARIANCE APPEAL; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approval of an agreement of settlement for a variance appeal for James and Caroline Kirchmeyer.*

- 8.4 **AMERICAN RESCUE PLAN PROJECTS - RESOLUTION 2022-131** ALLOCATING \$6,595,742 FROM AMERICAN RESCUE PLAN FUNDS TO SUPPORT PRIORITIES AS DETERMINED BY THE CITY COMMISSION; AUTHORIZING THE CITY MANAGER TO PROCEED WITH PLANNING, DESIGN, PERMITTING, AND CONSTRUCTION OF THE PRIORITIZED PROJECTS; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Allocating \$6,595,742 from the American Rescue Plan Funds to support prioritized projects as determined by the City Commission and authorizing the City Manager to proceed with the planning and design of those projects.*
- 8.5 **CHANGE ORDER #4 - BLACKWATER CONSTRUCTION SERVICES - RESOLUTION 2022-132** APPROVING CHANGE ORDER #4 WITH BLACKWATER CONSTRUCTION SERVICES FOR THE CONSTRUCTION OF THE FIRE STATION AT THE AIRPORT; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the Change Order in the amount of \$12,371.00 for construction of the Fire Station at the Airport.*

9. ORDINANCE - FIRST READING

- 9.1 **(Legislative) FUTURE LAND USE MAP ASSIGNMENTS - 604 N. 14TH STREET / 1425 FRANKLIN STREET - ORDINANCE 2022-17** TO REASSIGNING A FUTURE LAND USE MAP CATEGORY OF MIXED-USE (MU) FROM GENERAL COMMERCIAL (GC) FOR APPROXIMATELY 0.91 ACRES OF LAND LOCATED AT 604 NORTH 14TH STREET AND 1425 FRANKLIN STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Reassigns the Future Land Use Map category of Mixed-Use (MU) from General Commercial (GC) for the property located at 604 N. 14th Street/1425 Franklin Street totaling 0.91 acres of land.*
- 9.2 **(Quasi-Judicial) ZONING MAP CHANGE - 604 N. 14TH STREET / 1425 FRANKLIN STREET - ORDINANCE 2022-18** REASSIGNING A ZONING DISTRICT OF MU-1 (MIXED-USE) FROM COMMUNITY COMMERCIAL (C-1) FOR 0.91 ACRES OF LAND LOCATED AT 604 NORTH 14TH STREET AND 1425 FRANKLIN STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Requests Zoning Map change for properties located at 604 N. 14th Street / 1425 Franklin Street and assigning the Mixed-Use (MU-1) zoning district for property totaling 0.91 acres of land.*
- 9.3 **(Quasi-judicial) VOLUNTARY ANNEXATION - 1411 S. 14TH STREET - ORDINANCE 2022-19** ANNEXING APPROXIMATELY 1.63 ACRES OF LAND LOCATED AT 1411 SOUTH 14TH STREET CONTIGUOUS TO THE CITY LIMITS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Requests voluntary annexation of properties located at 1411 S. 14th Street totaling 1.63 acres of land.*
- 9.4 **(Legislative) FUTURE LAND USE ASSIGNMENT - 1411 S. 14TH ST- ORDINANCE 2022-20** ASSIGNING A FUTURE LAND USE MAP CATEGORY OF GENERAL COMMERCIAL (GC) FOR 1.63 ACRES OF LAND LOCATED AT 1411 S. 14TH STREET. *Synopsis: Requests for Future Land Use Map assignment of General Commercial (GC) for property located at 1411 S. 14th Street, totaling 1.63 acres of land.*
- 9.5 **(Quasi-judicial) ZONING MAP ASSIGNMENT - 1411 S. 14TH STREET - ORDINANCE 2022-21** ASSIGNING A ZONING CATEGORY OF GENERAL COMMERCIAL (C-2) FOR 1.63 ACRES OF LAND LOCATED AT 1411 S. 14TH STREET. *Synopsis: Requests Zoning Map change for property located at 1411 S. 14th Street, assigning the General Commercial (C-2) zoning district for properties totaling 1.63 acres of land.*

- 9.6 **LAND DEVELOPMENT CODE TEXT AMENDMENTS (VARIOUS AND MINOR CHANGES)**
- ORDINANCE 2022-22 AMENDING THE LAND DEVELOPMENT CODE (LDC) WITH MINOR AMENDMENTS TO ADDRESS ERRORS, OMISSIONS AND CORRECTIONS INCLUDING SECTION 1.07.00 TO AMEND DEFINITIONS FOR BALCONY, PORCH, AND SHADE TREE; AND TO MODIFY STANDARDS FOR LOT DESIGN BY STRIKING WATER BODIES AS IMPERVIOUS SURFACES IN SECTION 4.02.01(D); AND AMENDING TABLE 4.02.01(J) DESIGN STANDARDS FOR LOTS TO ADD NOTE 4.02.01(J)(7) REQUIREMENT OF A PERMIT FOR CONCRETE OR ASPHALT INSTALLATION MORE THAN 150 SQUARE FEET; AND AMENDING SECTION 4.02.03(A)(5) STANDARDS FOR BUILDINGS AND BUILDING PLACEMENT TO ADD SUBSECTION 4.02.03(A)(5)(A) TO ADDRESS SIDE AND FRONT YARD SETBACK REQUIREMENTS FOR BALCONIES; AND AMENDING SECTION 4.02.03 (A)(7) DECK SETBACK REQUIREMENTS FOR SIDE AND REAR YARDS; AND AMENDING SECTION 4.03.03(6)(A) 8TH STREET SMALL AREA DESIGN STANDARDS TO ADDRESS FENCE MATERIAL REQUIREMENT FOR PROPERTIES FRONTING 8TH STREET AND TO ADD SUBSECTION 4.02.03(A)(I) PROVIDING WOOD AND VINYL FENCE MATERIAL ALLOWANCE FOR ALL OTHER PROPERTIES NOT FRONTING 8TH STREET, WITHIN MU-8 ZONING; AND AMENDING SECTION 5.01.11(F)(2) AND 5.01.11(F)(3) SWIMMING POOLS AND POOL ENCLOSURES TO MODIFY MINIMUM SIDE AND REAR SETBACK REQUIREMENTS; AND AMENDING SECTION 6.02.24 MOBILE FOOD VENDING “FOOD TRUCK” PARKS TO ADD SUBSECTION 6.02.24(A)(1) DIRECTING FOOD TRUCK COMPLIANCE WITH ALL PROVISIONS OF APPLICABLE FLORIDA STATUTES AND FLORIDA ADMINISTRATIVE CODE, AND AMENDING SECTION 6.02.24 TO INCLUDE REFERENCES TO FLORIDA STATUTES AND FLORIDA ADMINISTRATIVE CODE; AND AMENDING SECTION 7.01.01(E) ACCESS AND DRIVEWAY DESIGN REQUIREMENTS; AND MODIFYING SECTION 7.01.02(C) STREETS AND RIGHTS-OF-WAY TO INCLUDE AMENDED STREET NUMBER SIGN REQUIREMENTS, AND BY AMENDING SECTION 7.01.02(C) TO STRIKE SUBSECTION 7.01.02(C)(2); AND MODIFYING TABLE 7.01.04(A) PARKING SPACE REQUIREMENTS BY STRIKING ERRONEOUS REFERENCE TO SECTION 4.03.03 IN FOOTNOTE 2; AND AMENDING SECTION 7.01.08(B) VISIBILITY AT INTERSECTIONS DIRECTING CONSISTENCY WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) DESIGN MANUAL AND BY STRIKING SUBSECTION 7.01.08(B)(1); AND MODIFYING STANDARDS FOR AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA BY STRIKING ERRONEOUS REFERENCE TO SECTION 3.01.03(J) AS CONTAINED IN SECTION 8.01.02(D)(1); AND AMENDING SECTION 8.01.01.02 (H). SPECIFIC REQUIREMENTS WITHIN THE OT-1 AND OT-2 ZONING DISTRICTS TO ADDRESS INCONSISTENCY IN HEIGHT REQUIREMENTS FOR ACCESSORY DWELLINGS WITHIN THE OT-1 AND OT-2 ZONING DISTRICTS; AND AMENDING SECTION 9.01.01 APPOINTMENT, TERM OF OFFICE, AND GENERAL MEMBERSHIPS REQUIREMENTS AND SECTION 9.01.02 ATTENDANCE AND AMENDING SECTION 9.01.03 OFFICERS AND COMMITTEES AMENDING SECTION 9.01.04 REMOVALS AND VACANCIES TO PROVIDE CONSISTENCY WITH MUNICIPAL CODE STANDARDS AS AMENDED IN AUGUST 2021 AND MODIFYING SECTION 10.02.01 VARIANCES GENERALLY TO ALIGN WITH THE CURRENT BUILDING HEIGHT RESTRICTION LANGUAGE IN SECTION 4.02.03; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
Synopsis: Amend the Land Development Code for various minor and minor changes to address errors, omissions and corrections.

10. ORDINANCE - SECOND READING

- 10.1 **CODE AMENDMENT - PENSION** - ORDINANCE 2022-15 AMENDING CHAPTER 62, ARTICLE III, GENERAL EMPLOYEE’S PENSION PLAN, SECTION 62-99 BY PROHIBITING RECEIPT OF BENEFITS BY RETIREES WHILE REEMPLOYED BY THE CITY AND BY ELIMINATING A

SUBSEQUENT PENSION BENEFIT TO ACCRUE WHILE REEMPLOYED; AMENDING ARTICLE IV, FIREFIGHTERS' AND POLICE OFFICERS' PENSION PLAN, SECTION 62-111, BY AMENDING DEFINITIONS TO PROVIDE THAT THE POLICE CHIEF AND FIRE CHIEF HAVE THE OPTION OF PARTICIPATING IN THE CITY FIREFIGHTERS' AND POLICE OFFICERS' AND PENSION PLAN; AMENDING SECTION 62-139 BY PROHIBITING RECEIPT OF BENEFITS BY POLICE AND FIRE PENSION PLAN RETIREES WHILE REEMPLOYED BY THE CITY AS A GENERAL EMPLOYEE (NOT POLICE OFFICER OR FIREFIGHTER) AND BY ELIMINATING A SUBSEQUENT PENSION BENEFIT TO ACCRUE WHILE REEMPLOYED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Changes the municipal code to allow the police and fire chiefs the option of participating in the City pension plan, and prohibits City retirees from receiving pension benefits if reemployed by the City.*

- 10.2 **CODE AMENDMENT - NO SMOKING IN PUBLIC PARKS AND BEACHES - ORDINANCE 2022-16** AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 42, ENVIRONMENT, ARTICLE II, NUISANCES, DIVISION 2, HEALTH NUISANCES, AMENDING SECTION 42-61 BY INCLUDING SMOKING ON CITY BEACHES AND IN CITY PARKS AS PUBLIC HEALTH NUISANCES; CREATING SECTION 42-63 DEFINITIONS; CREATING SECTION 42-64 PROHIBITING SMOKING ON CITY BEACHES AND IN CITY PARKS; CREATING SECTION 42-65 PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the municipal code to prohibit smoking on public beaches and at public parks.*

11. CITY MANAGER REPORTS

12. CITY ATTORNEY REPORTS

13. CITY CLERK REPORTS

14. MAYOR/COMMISSIONER COMMENTS

15. 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).